

the assessee had not opted for the e-proceedings facility. The High Court, therefore, held that the receipt of the draft assessment order in the manual mode had to be considered as the date of service of the draft assessment order. Till such time as the electronic facility is made mandatory for assessees, the wishes of the assessee have to be respected. The High Court remarked that assessee is not prejudiced on account of service of an order, through a mode that he did not opt for.

GST



LD/68/108, [2019-TIOL-454-AAR-GST (AAR-Karnataka)], M/s MARRQ Services Pvt. Ltd., 30/09/2019

When the applicant entered into a joint development agreement with the land owners for development of residential land and consideration was agreed on revenue sharing basis, applicant's share being 25% of consideration charged to customers for sale of developed plot, AAR held that since applicant has no right in title of land, they cannot be considered as sellers of plot and thus, under Rule 31 of CGST Rules, 2017, 25% of consideration charged will be the value of supply of service supplied by the applicant without any deduction towards the land.

LD/68/109, [2019-TIOL-448-AAR-GST (AAR- Madhya Pradesh)] World Researchers Association, 25/09/2019

AAR held that activities of promotion of research in the field of life sciences, physical sciences, environmental sciences, etc. and publishing of online research journal on one or more of above mentioned fields are not charitable activities contemplated in the exemption entry no.1 of *Notification No. 12/2017-CTR* since they do not fall under 'care or counselling'; or 'spreading public awareness'; or 'advancement of religion, spirituality or yoga'; or 'advancement of educational programmes or skill development'.

As regards organisation of Seminars, Symposiums and Conventions of the nature organised by the applicant, AAR declined to give the ruling on stating that, the applicability of exemption depends upon facts of each case, i.e., whether

such events are organised for spreading of Public Awareness of preventive health, family planning or prevention of HIV infection, etc. as covered in the definition of 'charitable activities' or for other purposes.

LD/68/110, [2019-TIOL-480-AAR-GST (AAR- Andhra Pradesh)] PKR Projects and Engineers, 16/07/2019

The applicant was granted road metal quarry for extraction of road metal by Department of Mines and Geology, State Government. The Applicant submitted that, the royalty/dead rent paid to the Government is nothing but amount paid for granting right to use minerals and hence rate of tax applicable shall be the same rate as applicable for supply of like goods involving transfer of title in goods i.e., 5% in this case. AAR held that applicant received leasing/licensing services from Government and thus, liable to discharge GST liability at 18% under reverse charge mechanism.

LD/68/111, 2019-TIOL-464-AAR-GST (AAR- Andhra Pradesh)] R Gangaiah and Company, 03/04/2019

AAR held that when a composite supply of works contract services supplied to the Government Entity involves construction of building for office purpose of such government entity to conduct their activities, since such works contract services are not other than for commerce, industry or any other business or profession, the concessional rate of 12% GST will not be available to applicant in terms of *Notification No. 24/2017-CT(R)*, consequently such supply will attract 18% GST.

LD/68/112, 2019-TIOL-479-AAR-GST (AAR- Andhra Pradesh) Rashytriya Ispat Nigam Ltd., 11/01/2019

AAR held that time of supply for payment of GST on liquidated damages and other penalties for delay in supply of goods/services, is not the time when such delay is occurring. The time of supply shall arise at the time, when the payment of liquidated damages is determined after the delay in execution of work on part of contractor is established.

Service Tax

LD/68/113, [2019-TIOL-2663-MAD-ST (Mad-HC)], BGR Energy Systems Ltd. Vs. Additional Commissioner of GST and Central Excise, 22/11/2019

When petitioner approached its Indian bank to provide bank guarantee to petitioner's foreign supplier, located outside India and Indian Bank provided such guarantee through foreign bank, the High Court held that the petitioner is a recipient of services of furnishing bank guarantee and place of provision of such service is India. Hence, the petitioner would be liable to pay service tax on bank guarantee commission and the realisation charges, charged by the foreign bank.

Customs

LD/68/114, [Madras High Court: W.P.No.29193/2019], Boston Leather Exports Vs. Assistant Commissioner of Custom, 18/11/2019

High Court directed Revenue to remove the alert against the assessee in Customs EDI system on receipt of personal bond. Assessee had paid all the relevant amount confirmed vide order-in-

original however the alert continued to exist since interest was not paid by the assessee. Since revision against orders was pending before the authority, High Court directed to remove the alert against the assessee in Customs EDI system on receipt of personal bond of ₹ 4.06 lakhs towards the interest liability.

Sales Tax Act

LD/68/115, [Allahabad High Court: Sales Tax Revision No. 520 of 2007], Northern Tannery Vs. Commissioner Trade Tax, 08/08/2019

Assessee erred in submitting the computation of the purchases and sought to rectify the same in appeal. The Tribunal had denied maintainability of assessee's appeal on the ground of pre-deposit. High Court held that Tribunal 'got swayed' by the provision of pre-deposit for maintainability of appeal and 'misread' the same to curb assessee's right of appeal. High Court held that the assessee's right of appeal to disputed part of the liability could not have been restricted by the Tribunal. Matter remitted back to Authority and order of Tribunal was set-aside.

Disciplinary Case



Forgery and fabrication of property documents by Respondent for submission before Banks as collateral securities to enable the clients to avail credit facilities – Respondent, who is habitually indulged in such activities brought disrepute under Clause (2) of Part IV of Second Schedule to the Chartered Accountants Act, 1949.

In the instant case, the Respondent forged various property documents and submitted the same as collateral securities to the Bank against credit facilities granted to various parties. The Government Examiner of the Questioned Documents opined that the signatures had been forged by the Respondent which in itself a positive evidence to establish the active involvement of the Respondent in forging of certain documents. Further, evidence on record as brought by the Complainant validated the Respondent's involvement in the forgery and manipulation of property documents. Thus, the Board of Discipline, on overall consideration is of the view that the misconduct on the part of the Respondent is of serious nature and does qualify for a maximum punishment. Accordingly, the Board ordered for removal of the name of the Respondent from the Register of Members for a period of three months and also imposed fine of ₹ 25,000/-.