

# THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

(Setup by an Act of Parliament)



## CHHATRAPATI SAMBHAJINAGAR BRANCH OF WIRC OF ICAI

NOVEMBER 2023

FROM THE CHAIRMAN'S DESK...

Dear Members,

As we enter the month of November, a time of reflection and gratitude, I extend my heartfelt greetings to each member of our esteemed community. It is a privilege to connect with you through this newsletter, sharing thoughts on our collective journey.

November invites us to reflect on the accomplishments and milestones we've achieved together. Your dedication and hard work have been instrumental in shaping the success of our branch. I commend each one of you for your contributions. In the spirit of Thanks giving, I want to express my deepest gratitude to our members. Your commitment to excellence, collaboration, and innovation is the driving force behind our organization's continued success. Together, we have created a community that thrives on shared values and a collective vision for the future.

As we approach the end of the year, our ongoing initiatives continue to gather momentum. Whether it's our upcoming Two days National conference on Digital Horizons, community outreach programs, or collaborative projects, your participation is key to the success of these endeavours. I encourage you to engage actively and contribute your insights.

November also marks a period of planning and anticipation for the year ahead. Your ideas and feedback are invaluable as we strategize for the future of our branch. I am confident that, with your continued support, we will chart a course for even greater achievements.

Our community is defined by its strength—the strength of collaboration, support and shared goals. As we navigate the final weeks of the year, let us remain united in our commitment to excellence. Your enthusiasm and dedication inspire us all.

In closing, I wish each of you a wonderful November filled with reflection, gratitude, and new opportunities. Thank you for being an integral part of our branch.

Best regards,

**CA Ganesh Bhalerao**

**Branch Chairman**

**Chhatrapati Sambhajinagar**



# SOME RECENT CASE LAWS

- 1) Partnership Firm Can Claim Depreciation on Motor Vehicle Even if Registered in Partner's Name: ITAT Vinod Textiles vs ACIT CITATION: 2023 TAXSCAN (ITAT) 1853

The Ahmedabad bench of the Income Tax Appellate Tribunal (ITAT) has held that the name of the partner in which a motor vehicle is registered is not relevant for the purpose of claiming depreciation on the vehicle. The ITAT ruled that the important factor is that the vehicle is purchased with the funds of the partnership firm and is used exclusively for the business purposes of the firm. The Tribunal observed that the treatment provided by the partnership firm to the new motor vehicle acquired as well as the old motor vehicle sold plainly demonstrated that the partnership firm's finances were utilized for the acquisition of the aforementioned motor vehicle and the car was only ever utilized for the partnership firm's commercial purposes. A Single Bench Member Suchitra Kamble (Judicial Member) allowed the appeal of the assessee and restored the claim of depreciation on the vehicle. The Tribunal held that the mere fact that the vehicle was registered in the name of the partner did not deny the partnership firm the depreciation on the said vehicle.

- 2) Charitable Activities of trust not to be confined to particular caste: ITAT directs Readjudication Mar Baselius Orthodox Syrian Church vs The CIT(Exemption) CITATION: 2023 TAXSCAN (ITAT) 1855

The Income Tax Appellate Tribunal (ITAT) Surat bench held that charitable activities of trust should not be confined to a particular caste. The trust has two types of objects, one exclusively for assessee caste and second 'other objects' which are for the benefit of the public in general, that is open for all sections of society. Thus for verifying this the bench directs readjudication. The tribunal observed that the argument of assessee that school is run by assessee- trust, which is open for all sections of the society/caste, this fact has not been examined by CIT(E), as there is no reference in the entire order of CIT(E), hence it is a fresh argument which needs examination by CIT(E). The assessee-trusts have other objects like: to help the poor, to give medical aid and to help the public in general, in case of fire, flood and earthquake. The tribunal after reviewing the facts and submissions of the both parties, the two member bench of Dr. A. L. Saini, (Accountant Member) and Pawan Singh (Judicial Member) remit the issue back to the file of the CIT(E), to adjudicate the afresh regarding the objects of assessee.

- 3) Failure by Authorities to provide necessary Documents Results in Denial of Justice: ITAT directs AO to provide Requisite Documents to Assessee for Reasonable Opportunity Ankush Ramrao Shinde vs Income Tax Officer CITATION: 2023 TAXSCAN (ITAT) 1852

The Mumbai bench of the Income Tax Appellate Tribunal (ITAT) restored the file back to the Assessing Officer (AO) with the direction to provide the requisite documents as asked for the Assessee and a reasonable opportunity to the Assessee to substantiate its case. After hearing both the parties, the tribunal observed that it was clear that the Assessee had specifically

requested for the details or copy of any incriminating documents found against the Assessee as alleged during the search of Cosmos Group or Concorde Developers qua booking of flat. The Assessee had also claimed that no enquiries were made with the Assessee or no such information was gathered by the AO during the search proceedings of Cosmos Group however both the authorities below failed to provide the requisite documents. The two member bench consisting of B R Baskaran (Accountant member) and N.K Chodhry (Judicial member) ordered to remand the instant case to the file of the Assessing Officer with the direction to provide the requisite documents as asked for the Assessee and a reasonable opportunity to the Assessee to substantiate its case. Thus the appeal was allowed.

- 4) Indexation Benefit against Cost of Acquisition shall be Available based on the Index of the Year in which Payments Actually Made: ITAT Bushra Javed vs ACIT CITATION: 2023 TAXSCAN (ITAT) 1854

The Delhi Bench of Income Tax Appellate Tribunal (ITAT) has held that the indexation benefit against cost of acquisition should be available based on the index of the year in which payments actually had been made. The two-member Bench of G.S. Pannu, (President) and Astha Chandra, (Judicial Member) the observation of assessee referring the tripartite agreement and the sale deed, that the ownership of the property got transferred from the builder to joint owners in the F.Y. 2003-04 itself. The total cost of acquisition was also paid in F.Y. 2004-05 which had not been disputed by the AO. If that be so, the AO was not justified in disallowing indexation of the cost of acquisition from F.Y. 2004-05. The Bench allowed the appeal filed by the assessee holding that, "The judicial consensus is that indexation benefit against cost of acquisition shall be available to the assessee on the basis of index of the year in which the payments were actually made." Further the AO was directed to compute the long-term capital gain keeping in view the facts of the assessee's case, in the light of the definition of "indexed cost of acquisition" and "indexed cost of any improvement" contained in Explanation (iii) and (iv) to Section 48 of the Income Tax Act.

- 5) Relief to Ford India: CESTAT Quashes Demand of Service Tax of Approx.3.89 Crores on Service of Repairs of Vehicles on Ground of Limitation M/s. Ford India Pvt. Ltd vs Commissioner of Customs CITATION: 2023 TAXSCAN (CESTAT) 961

The Chennai bench of the Customs, Excise and Service Tax Appellate Tribunal (CESTAT) quashed the demand for service tax of approximately 3.5 crores which was imposed on the services of maintenance and repair of vehicles on the ground of limitation. The Bench granted relief to Ford India Private Limited by quashing the demand for service tax. The Bench observed that after the insertion of section 65B(54) in the Finance Act from 01.07.2012 onwards, the definition of 'works contract' was expanded to include repair and maintenance services of movable properties also and the composite contracts for repair and maintenance of motor vehicles are leviable to service tax from 01.07.2012 onwards and the demand for service tax was time-barred. The two-member bench comprising P.Dinesha (Judicial) and Ajit Kumar (Technical) quashed the demand for service tax and penalty imposed on the assessee while allowing the appeal filed by the assessee.

# PHOTOS GALLERY..



Dated 03-11-2023 to 13 Nov 2023 ICAI Celebration Week -Virtual Competition ( Rangoli, Music ,Quiz, etc).



Dated 3 Nov 2023, We Care Activity- Felicitation of Senior Members- CA Madanlal Rathi By Aurangabad Branch Team.



Dated 3 Nov 2023, We Care Activity- Felicitation of Senior Members- CA Anwar Hussain By Aurangabad Branch Team.



Dated 3 Nov 2023, We Care Activity- Felicitation of Senior Members- CA S M Bangad By Aurangabad Branch Team.





Dated 3 Nov 2023, We Care Activity- Felicitation of Senior Members- CA G M Bothara By Aurangabad Branch Team.



Dated 4 Nov 2023, ICAI Family Week - Celebrating Togetherness



Dated 4 Nov 2023, One Day Seminar on MS-Excel and Power BI, Presentation of Memento to Speaker 1 CA Jignesh Patel.



Dated 4 & 5 Nov 2023, CA Foundation Law Marathon by CA Amol Jain



Dated 6 Nov, CA Foundation Accounts Marathon by CA Abhijeet Sengupta



Dated 14 Nov 2023, Children's Day Celebration at orphanage.



Dated 17 Nov 2023, Felicitation of WIRC Office Bearers & One day Seminar on Co-operative Do's & Don'ts , Floral welcome of Hon. WIRC Chairman CA Arpit Kabra By Aurangabad Chairman CA Ganesh Bhalerao, Branch Secretary CA Mahesh Indani, Central Council Member CA Umesh Sharma , WIRC Secretary CA Sourabh Ajmera and WIRC Treasurer Ca Ketan Saiya.



Dated 17 Nov 2023, One day Marathon on Co-operative Do's and Don'ts, Presentation of Memento to Speaker CA Ramesh Prabhu by WICASA Chairman CA Amol Godha





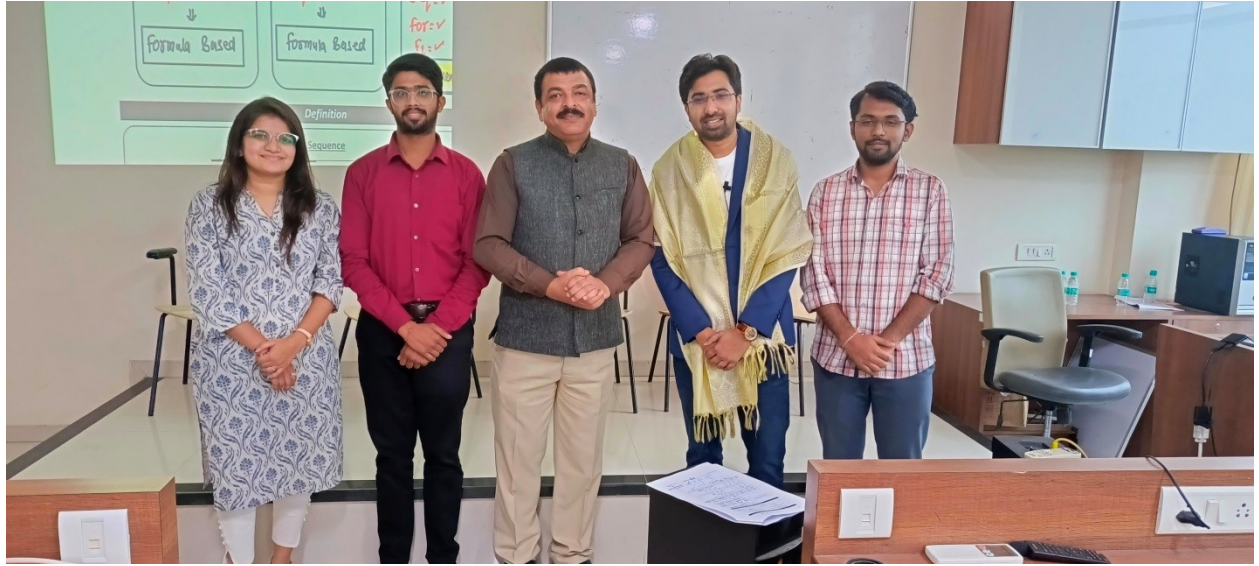
Dated 19 Nov 2023, Celebration of International Men's Day



Dated 21 Nov 2023, Exchanged of Memorandum of Understandings (MOU) with ICAI and Maharashtra National Law University, Aurangabad



Dated 21 Nov 2023, Interactive Session with the MCS & ITT Batch Students



Dated 26 Nov 2023, CA Foundation Maths Marathon by CA Aman Khediya ,  
Mr. Rajesh Chanchalani & WICASA Team.



Dated 28 Nov to 2 Dec 2023, Foundation Mock Test Series I