



The Institute of Chartered Accountants of India  
(Setup by Act of Parliament)

**WICASA NAGPUR**

Monthly  
**E-Newsletter**

January 2023

**SAMVĀD**

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## WICASA Chairperson's Communique

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Dear Students

First of all, I wish you all a very Happy, Healthy, Prosperous, and full of learning New Year 2023.

काम करो ऐसा कि एक पहचान बन जाये,  
हर कदम ऐसा चलो कि निशान बन जाये,  
यहाँ ज़िन्दगी तो हर कोई काट लेता है,  
ज़िन्दगी जियो इस कदर कि मिसाल बन जाये..

I wish to share something from the cores, I was greatly humbled to take on the baton of the Nagpur Branch of WICASA as a Chairperson for the year 2022 from my predecessors who had set a benchmark in terms of bringing laurels to our branch by securing 1st Best Branch Award both All India and the entire region of WIRC. I believe the laurels acknowledge the commitment of the members of one of the most hard-working WICASA team consisting of Prajakta, Anushka, Kalash, Anchal, Shreya, Riddhi and Parth.

Friends, the month of January had one of the most entertaining and energetic events for the students which is popularly known as Chorus, Wherein we had the most unique Treasure Hunt plot i.e., a treasure hunt in Nagpur Maha Metro. Students participated in large numbers resulting it into a huge hit. Followed by a brainstorming game i.e, the Mock Stock Market Game, wherein also students' participation was tremendous. Also, there was DJ Night, Bachpan ke Games, a personality contest named Mr & Miss WICASA which the students enjoyed at the fullest.

Lastly, I would like to thanks each and every student for making every event this year a super successful one. Also, I would like to share that Team WICASA is of the students, by the students and for the students. Initially when we took charge after COVID situation it was a big task to bring back the students to WICASA events but hard work of our team made it possible.

Through this last edition of SAMVĀD I am pleased to share with you all YouTube link to a small video made by us having the glimpse of the activities undertook by the Team WICASA 2022 during the year for you all.

YouTube link of the video: <https://youtu.be/JL9HUIIn-4CU>

In the month of February 2023 new WICASA team will take the charge I wish them a successful tenure.

Feedback on past activities being already held and any suggestions on the betterment of the future activities will be welcomed.

Once again thank you for your support throughout the year.

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Regards,  
CA. Deepak Jethwani  
Chairperson  
Nagpur Branch of WICASA

## WICASA Committee

2022-23



**CA. Deepak Jethwani**  
Chairperson, WICASA Nagpur

**Prajakta Gupta**  
Vice Chairperson

**Anushka Ringangaonkar**  
Secretary

**Kalash Gajrani**  
Treasurer

**Anchal Dubey**  
Jt. Secretary

**Shreya Pokley**  
Jt. Treasurer

**Riddhi Dhuvavia**  
P.R.O.

**Parth Shukla**  
Jt. Editor



## WICASA Communique

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कर्मण्येवाधिकारस्ते मा फलेषु कदाचन ।  
मा कर्मफलहेतुर्भूर्मा ते संगोऽस्त्वकर्मणि ॥

We are in the last month of our tenure. On behalf of Team WICASA it's my privilege to thank each and every person who helped and supported us throughout the tenure.

It is my pleasure to inform you that we have made various successful events throughout the year and got huge participation of students with compliments from all. This is the result of our hardwork backed up by your motivation.

The Mega CA Students' Conference and Chorus'22 were one of the best programmes of our tenure and if we sum up all the programmes they proved the theme of the conference "यत्भावो तत्भवति (you become what you believe)".

WICASA has always been a platform to showcase the talent in you and hence it is "By, For and Of the Students". Therefore, it is each and every students' responsibility to keep on participating as a volunteer or as a participant.

It is well said that अन्तः अस्ति प्रारंभ that means the end is the beginning and therefore, this is not the end but a beginning to something greater, something better. Thank you. Keep smiling always!.

Regards,  
Prajakta Gupta  
Vice Chairperson  
Nagpur Branch of WICASA



## WICASA Communique

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Hello Folks,

Greetings!

“Living in a state of gratitude is the gateway to grace.”

First of all, I would like to thank you to all of you, for supporting and motivating us to have this successful tenure. Thank you so much! We, Team Nagpur Branch of WICASA are grateful towards you all for the constant support.

Organising events: Academics, Non-Academics, Recreational, Spiritual and Brainstorming events throughout the year for the welfare of CA Students' and clearing any doubts or queries of them was our main motive for the year. We believe that we have achieved our motive and eased the gap between the students and the Institute.

Further, I would like to thank everyone who supported us throughout our journey in every way possible. I would also like to encourage you all, to motivate your friends in our fraternity to join and connect with WICASA, as it truly helps one to achieve outperforming skills.

Further, I am very thankful to Nagpur Branch of WIRC of ICAI for providing me such an opportunity to serve as a Secretary in Team Nagpur Branch of WICASA 2022 and giving a platform to connect with you all.

Lastly, I appeal everyone to participate in the events and activities enthusiastically organised by the Nagpur Branch of WICASA, which helps you to sharpen ourselves. Friends, I wish you a good luck for all your future endeavours.

As truly said- “WICASA is OF the Students, FOR the students and BY the students.”

Looking forward to interact with you all, once again!

Thank you!

Regards,

Anushka Ringangaonkar

Secretary

Nagpur Branch of WICASA



## SUPPLY CONTROVERSIES IN GST

**MANSI V. DORLIKAR**  
**WRO0638236**

### What Is Supply Under GST?

Under the GST law, **taxable event** is 'SUPPLY'

In the GST regime, the entire value of supply of goods and/or services is taxed in an integrated manner, unlike the earlier indirect taxes, which were charged independently either on the manufacture or sale of goods, or on the provisions of services.

The concept of 'supply' is the key stone of the **GST architecture**.

The key ingredients to qualify as supply are:

- Goods and services (like land and neither a goods nor supply)
- For consideration
- In the course or furtherance of business

**Supply - Controversies clarified by circulars**

**Issue raised**

*Goods or services or both supplied between*

*two distinct persons, without consideration is treated as supply, but what about the conveyance used for transfer of goods?*

*Whether Inter-state movement of various modes of conveyance, carrying goods/passengers/ both, or for Repairs and maintenance, between distinct persons, is liable to IGST?*

### Decision:

It shall not be treated as supply of goods or supply of service, so no liable to IGST

### Conclusion:

1. Conveyance carrying goods or passengers or both: Treated neither as supply of goods or supply of service
2. Conveyance for repair and maintenance: Treated neither as supply of goods or supply of service  
(On such repairs and maintenance charges: GST payable)
3. Conveyance moved for further supply: Treated as supply of good or service, IGST shall be levied

WIDE CIRCULAR NO.: 01/01/2017



### Issue raised

*The supply of goods by an agent on behalf of the principal without consideration has been deemed to be a supply, the crucial factor is how to determine whether the agent is wearing the representative hat and is supplying or receiving goods on behalf of the principal. Thus, the key ingredient for determining relationship under GST would be whether the invoice for the further supply of goods on behalf of the principal is being issued by the agent or not.*

*What is the scope of principle-agent relationship, under para 3 of schedule 1 of CGST Act, in context of agent?*

### Clarification:

1. Supply by principle to agent, where agent shall issue, for further supply,
  - Invoice in his name: - this supply will treated as supply of goods
  - Invoice in name of principle: - this will not treated as supply of goods.
2. Supply by agent to principal, where goods being procured by agent on the behalf of principal,
  - Invoice in his name: - this supply will treated as supply of goods
  - Invoice in name of principle: - this will not treated as supply of goods.

WIDE CIRCULAR NO.: 57/31/2017

### Issue raised

*While servicing of any vehicle, sometimes it happens that there is a need to change a spare part, how this will be classifying under GST, whether it is a mixed supply or separate supply?*

*What is the treatment of servicing of cars (both Supply of goods & Supply of service), where value of both shown separately?*

### Decision:

Supply shall be taxed at rates as applicable to such goods and services separately.

### Clarification:

1. Taxability of supply of goods & services, determined as per the circumstances in each case
2. In such case, if value separately shown, Goods and services would be liable to the tax at the rates as applicable to such goods and services separately.

WIDE CIRCULAR NO.: 47/21/2018

### Issue raised

*Individual donors provide financial help or any other support in the form of donation or gift to institutions such as religious institutions, charitable organisations, schools, hospitals, orphanages, old age homes etc. The recipient institutions place a name plate or similar such acknowledgement in their premises to express the gratitude.*

*Whether GST is leviable on the service of display of name or placing of name plates of donor in the premises of charitable organizations receiving donation or gifts from individual donors?*

**Decision:**

There is no supply of service for a consideration in the form of donation. Therefore, there is no GST liability on such consideration.

**Clarification:**

1. Individual donors provide financial help or any other support in the form of donation or gift to institutions such as religious institutions, charitable organizations, schools, hospitals, orphanages, old age homes etc.
2. The recipient institutions place a name plate or similar such acknowledgement in their premises to express the gratitude.
3. Aim to display of name as an expression of gratitude and public recognition of donor's act of philanthropy and is not aimed at giving publicity to the donor as an advertising or promotion of his business.
4. There is no obligation (quid pro quo) on part of recipient of the donation or gift to do anything.
5. Therefore, there is no GST liability.

WIDE CIRCULAR NO.: 116/35/2019

**Issue raised**

*ILLUSTRATION: There are 4 members in the JV including the operating member and each one contributes ₹100 as part of their share. A total amount of ₹400 is collected. The operating member thereafter uses its own machine and performs exploration and production activities on behalf of the JV.*

*Whether the GST is to be levied on taxable services provided by joint venture to its members or vice versa?*

**Decision:**

An unincorporated association or a body of persons as the case may be, and a member thereof shall be treated as distinct persons.

**Clarification:**

1. Supply by any unincorporated association or body of persons to a member thereof for cash, deferred payment or other valuable consideration, is treated as supply of service
2. Normally cash calls are not treated as supply of services
3. Cash call pooled by members towards taxable services received from a member, is in the nature of consideration, hence treated as supply of service.

WIDE CIRCULAR NO. 35/09/2018

### Issue raised

*The transfer of tenancy rights against tenancy premium which is also known as "pagadi system" is prevalent in some States. In this system the tenant acquires, tenancy rights in the property against payment of tenancy premium (pagadi).*

- i. *Whether transfer of tenancy rights to an incoming tenant, consideration for which is in form of tenancy premium, shall attract GST when stamp duty and registration charges is levied on the said premium?*
- ii. *Further, in case of transfer of tenancy rights, a part of the consideration for such transfer accrues to the outgoing tenant, whether such supplies will also attract GST?*

### Decision:

Supply shall be taxed at rates as applicable to such goods and services separately.

### Clarification:

1. Any lease, tenancy, easement, license to occupy land is a supply of services (Para 2, Schedule II)
2. The transfer of tenancy rights cannot be treated as sale of land or building declared as neither a supply of goods nor of services in para 5 of Schedule III to CGST Act, 2017.
3. Renting of residential dwelling for use as a residence is exempt [Sl. No. 12 of notification No. 12/2017-Central Tax(Rate)].

4. Transfer of tenancy rights to a new tenant against consideration in the form of tenancy premium is taxable.
5. grant of tenancy rights in a residential dwelling for use as residence dwelling against tenancy premium or periodic rent or both is exempt.
6. Services provided by outgoing tenant by way of surrendering the tenancy rights against consideration in the form of a portion of tenancy premium is liable to GST.

WIDE CIRCULAR NO.: 44/2018

### Issue raised

*Whether supply of books, pamphlets, brochures, envelopes, annual reports, leaflets, cartons, boxes etc., printed with design, logo, name, address or other contents supplied by the recipient of such supplies, would constitute supply of goods or supply of services.*

### Decision:

Classification of such supply of goods or services would be determined on the basis of what constitutes the principal supply.

### Clarification:

1. Printing of books, pamphlets, brochures, annual reports, and the like, where only content is supplied by the publisher or the person who owns the usage rights to the

intangible inputs while the physical inputs including paper used for printing belong to the printer, supply of printing is principle supply and constitute as supply of service

2. Printed envelopes, letter cards, printed boxes, tissues, napkins, wall paper etc. falling under printed with design, logo etc. supplied by the recipient of goods but made using physical inputs including paper belonging to the printer, predominant supply is that of goods and the supply of printing of the content is ancillary to the principle of goods and constitute as supply of goods.

WIDE CIRCULAR NO.: 11/11/2017

### Supply – Practical Controversies

*Doctor's health care services – is exempt*  
[“Supply of health care services by doctor sl. No. 74 of Notification No. 12/2017-CT(R) dated 28.6.2017]

#### Issue

*If a doctor has revenue of ₹1,00,00,000; he sold old beds from hospital for ₹1,00,000*

*Whether Doctor has to register and pay tax on ₹1,00,000 as 1 crore is beyond threshold?*

#### Clarification

- Sale transactions (old beds) is only a subsidiary activity integral to the main business activity of providing

health care services. Doctor not in the business of sale of old hospital beds. Hence he may argue that he would still be considered as engaged exclusively in the business of supplying health care services that are wholly exempt from tax.

- Doctor need not obtain registration even if he has supplied old hospital beds. Hence transaction not liable since it is not a supply by a taxable person [(107) “taxable person” means a person who is registered or liable to be registered under section 22 or section 24]

#### Issue

*Whether Dividends received from investments would be considered as a supply?*

#### Clarification

- It is a transaction in the nature of distribution of profits. It is received as a result of mere ownership of the securities. It is not in the nature of a consideration for provision of any service or carrying out any activity. There is no enforceable contractual obligation to receive dividends. Hence it is not a consideration for supply.

*[EC] judgment in Sofitam SA [formerly Satam (SA)] v. Ministre Charge du Budget Case C-333/91. The proposition relevant not directly connected. Getting Dividend is not pursuant to an economic activity - a*

*factor relevant to come within VAT under their law.]*

### Issue

*Whether Receipt of Profit share by partners of a firm would be considered as a supply?*

### Clarification

- Whatever the partner does for the furtherance of the business of the partnership, he does so only for advancing his own interest as he has a stake in the success of the venture. There is neither an intention to render a service to the other partners nor is there any consideration fixed as a quid pro quo for any particular service of a partner.
- A contractor-contractee or the principal client relationship which is an essential element of any supply is absent in the relationship amongst the partners.
- The element of consideration i.e. the quid pro quo for services, which is a necessary ingredient of any taxable

supply is absent.

*[Service tax regime decision in Mormugao Port Trust v. CCCE & ST (2016) 48 STR 69 (TriMum); Department's Civil Appeal dismissed by SC [(2018) 19 GSTL J118 (SC)]*

### Supply - Classification Controversies

#### Issue

*Supply of Software – whether Supply of goods/supply of service*

#### Clarification

Under GST Regime

Issued by the Government on IT/ ITES sector which mentions –

“If a pre-developed or pre-designed software is supplied in any medium/storage (commonly bought off-the-shelf) or made available through the use of encryption keys, the same is treated as a supply of goods.

“If customized software or License to use pre-packed software is supplied is treated as supply of services.

### Consequences of Classifying downloaded software as Supply of goods / services

Issue	Classified as supply of goods	Classified as supply of service
Rate of tax	18%	18%
Description of supply	Permanent transfer of IP in IT software	Temporary / permanent transfer/permitting the use or enjoyment of IP in IT software
Time of supply	Date of issuance of invoice.	Earlier of <ul style="list-style-type: none"> <li>• Date of issuance of invoice /date of completion of service</li> <li>or</li> <li>• date of receipt of payment</li> </ul>



Exports	May not be considered as exported under Customs law as no shipping bill involved	Considered as exported and accordingly eligible for benefits of zero rated supply
Imports	May not be considered as imported under customs law as no BOE involved	Considered as imported and accordingly liable for tax under reverse charge
Domestic POS	Supply where movement of goods terminate [s. 10(1)(a)] – challenges in determining place where downloaded	Location of recipient [S. 12(2)]

### Issue

*In a slump sale of business where the terms of the business transfer agreement require the seller not to engage in similar line of business for a specified period whether some portion of the consideration received by the seller can be attributed as a consideration for providing services of agreeing to tolerate an act or refrain from an act?*

### Clarification

- Ø Business transfer agreement is in respect of a single transaction viz., i.e. one of transferring the business as a going concern for a single price / consideration more popularly known as “slump sale” – sale consideration exempted under Entry 2 of Not. No. 12/2017-CT (R) dated 28.6.17 [Even otherwise a “business” may not be “goods” or “Services”. The Act uses 'business' distinctly from 'goods' or 'services' - hence may not be taxable at all]
- Ø the non-compete obligation is only one of the terms of the agreement
- Ø The purpose of Clause it appears is to safeguard the interest of buyer and preempt seller from carrying on similar business for certain period of time. The intention is not to consider

the non-compete obligation of seller as a separate agreement with a separate price specially considering that the transaction is of a business as a going concern lock-stock and barrel without attributing any separate value to the non-compete obligation.

- Ø Hence may not be a separate supply of services but part of the contract for slump sale of business (i.e. supply of service) and hence the exemption would apply to the consideration as a whole.

### Conclusion

There are so many issues that are not clarified by issuing orders or directions under such provisions. Clarifying any issue related to taxability or classification under the GST regime is more challenging as it involves States as well and can be clarified only after the GST Council has given its verdict on it. Under the erstwhile indirect tax regime, there was no concept of Supply. The stage at which indirect taxes were levied varied under different tax laws. Under GST, for goods and services the taxable factor is supply, there is need of more clarified definition as there is so many changes in dynamics of business.

## Student's Article



### HAPPINESS - CHANCE OR CHOICE

**PUJA KHATRI**  
**WRO0710188**

'Happiness', the word itself rules our mind and brings smile on our face. Happiness is not just a feeling but indeed a wholesome experience that stimulates positive vibes in and around us. We can identify it as a tool in order to accomplish our tasks efficiently and effectively.

In today's era, people define happiness with fulfillment of material wants, which have become even more stressful at any edge of life. People are in search of happiness and always scrounging for a chance to be happy, be it be travelling, reading, partying, sporting or anything else. Though we could find happiness in aforesaid situations, but it couldn't be everlasting. And here we find an answer to the above question that happiness is a choice. We need to intake such thoughts that could keep us happy in all situations. In positive circumstances, everyone feels happy and elated, but the mastery lies in choosing to be happy in adverse situations. But from where can we enrich our minds with such positive thoughts. The answer to this is - Spiritualism. In Hindu religion, there is a thought which says, 'God is the all-doer. Everything in this world happens with the will of the God. He is the sole controller and regulator of each and every creature on

this earth.' As it is rightly said, 'A life without teacher is similar to a tree without root.' We also need a role model to inculcate values in our lives. Param Pujya Pramukh Swami Maharaj, former spiritual head of BAPS Swaminarayan Sanstha, was an embodiment of universal Hindu ideals. One of the most divine qualities in him was being happy even when insulted. He was insulted many times in front of crowd, but he always took the situation in a positive way and accepted this as a fruit of God. Even he cared for the insulter and even looked after his meal. We can see great spiritual wisdom in Pramukh Swami Maharaj's life. If we apply this principle in our life, then we can definitely make a choice to be happy in such adverse situations.

Happiness doesn't relate only with the self, but with others too. Caring and sharing with others make us happy; conversing and understanding others make us feel pleasurable; sacrificing personal wishes to bring light in someone's life make us feel pleasurable. Now it's our turn to make a choice and decide to enrich ourselves with positive thoughts and values in order to attain happiness in our life.

## Amazing Corner



Anaya Darwhekar  
WRO0733082



Smruti Vismay Sadrani  
WRO0714119



## Amazing Corner

### Wonders Wander in the World (WWW)

When Life appears to vanish in despair  
And your mind is gathering the weight of you,  
Hush....., You aren't defeated, just sediment that fear  
Not us, not them can dissect your head  
To travel through and guide the lost thread,  
When you are in contradiction with your own self and your reflection is disinclined,  
Strangely their screams hover and they call you shattered  
Enroll their numbers and mark their opinions as declined,  
Because those who dishearten you, oh Gloomy Child  
Have never known what Wonders Wander in the World of Wild.....!

**-Kinjal Lotiya**



**Kinjal Lotiya**  
**WRO0706192**

### That's How The Skies Are!

Who Knows What's Inside!  
Much Filled, Some Little Voids  
Much Blue, Some Little White's  
That's How The Skies Are!

Painting Euphoric Spectrum of Colours  
A Painter Without Any Brushes  
Painting Sublime Blend of Colours  
Capturing Eyes, Halting Minds, Rocking Hearts  
That's How The Skies Are!

An Unarmed Painter  
Painting Wonderful Bows of Colours,  
Heavy eyes, They Might Rain  
Watering the Enticing Flowers  
Painting The Smiles with Jocund Colours  
That's How The Skies Are!

Who Knows The Upcoming of Storms!  
They may Come But They Shall Pass,  
Much Will be Gained, Much Will be Lost,  
A Gallant Warrior  
Painting Everlasting Scent of Colours  
That's How The Skies Are!

Fearless You Stand  
You Are Awarded With Stars,  
An Amazing Storyteller  
That's How The Skies Are!

**- Kinjal Lotiya**

## *Glimpses of Past Events*



*Failure: A Stepping Stone to Success*



*CA students' National Talent Search Judges*



*CA students' National Talent Search Poetry Competition*



*CA students' National Talent Search Sketching Competition*



*CA students' National Talent Search Extempore Competition*



## *Glimpses of Past Events*



*Chorus'22  
The Dalal Street (Stock Market)*



*Chorus'22  
The Dalal Street (Stock Market)*



*Chorus'22  
The Dalal Street (Stock Market)*



*Chorus'22  
Treasure Hunt*



*Chorus'22  
Games*



*Chorus'22  
Games*



## *Glimpses of Past Events*



*Mr and Miss WICASA*



*Mr and Miss WICASA Judges*



*Chorus'22  
WICASA Committee 2022-2023*



*Chorus'22: DJ Night*



*Chorus'22  
Team Nagpur Branch of WICASA*



*Chorus'22 - Committee Convenors*

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