



BHILAI BRANCH  
OF  
THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA  
**E-Newsletter**

January, 2023

**Happy New Year**

*"We all get Exact same 365 days. The only difference is what we do with them."*



# Editorial Board

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3. Secretary CA Suraj Soni
4. Treasurer CA Ankesh Sinha
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## ICAI MOTTO

य एष सुप्तेषु जागर्ति कामं कामं पुरुषो निर्ममाणः ।

तदेव शुक्रं तद् ब्रह्म तदेवामृतमुच्यते ।

तस्मिंल्लोकाः श्रिताः सर्वे तदु नात्येति कश्चन । एतद् वै तत् ॥



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Invitation to Members to contribute in Monthly E-newsletter of Bhilai Branch of ICAI

## Aawaz~ a call for articles

If you have knowledge, let others light their candle in it~ Margaret Fuller

Sharing knowledge is not about giving people something, or getting something from them. That is only valid for information sharing. Sharing knowledge occurs when people are genuinely interested in helping one another develop new capacities for action: it is about creating learning process. Innovation comes only from ready and seamless sharing of information rather than hoarding it.

It is in the spirit that The Bhilai branch Monthly e-Newsletter is published every month.

To add a new sphere to this Newsletter reach, coverage and utility, it has been decided to put a new focus on profession-oriented knowledge, where a large number of members are giving their service in various capacities, including as CFOs and CEOs. As such, the members in industry, who have a knack for writing, are invited to contribute in this e-Newsletter the articles specific to their Industry in Professional perspective. Such article, of not more than 3000 words (original and not having been published or hosted anywhere else) with executive summary and authors photographs, should be sent and The authors are also required to give a declaration of originality and a brief profile along with the articles.

There are many ways to be a part of the newsletter. Writing an article is a rewarding way to contribute to the members while enhancing your own professional development. Readers often appreciate recommended resources, charts, checklists, case studies, tables or diagrams, quotations, or points highlighted for emphasis. Members are encouraged to submit articles of interest to the Chartered Accountants for inclusion. Accompanying photos and other artwork are strongly encouraged. All articles, transitions and photos are subject to editing, available space, and the acceptance policy.

**You can Submit your articles at: [Bhilai@icai.org](mailto:Bhilai@icai.org)**



## New year Resolutions~ 2023

Every January, millions of people set ambitious goals for personal or professional improvement. But, millions of people will also fail to achieve their resolutions — not because of a lack of trying but because the goals are simply unrealistic.

At Bhilai Branch of ICAI, we want to set future-thinking CAs up for a year of success. We've therefore put together six new year work goals that are both attainable and realistic.

### **Resolution 1: Invest in Professional Development**

Like any industry, if you want to stay relevant you need to keep up to date with the latest discussions, software, products and people. The accounting industry in particular is changing rapidly, adapting to new technological developments and a digital-first customer. Investing in the firm's overall professional development can ensure that the business stays relevant to continue attracting and retaining clientele.

Professional development doesn't need to mean learning a skill within the industry. In 2022, don't be afraid to branch out. The key to successful professional development is aligning the courses with your goals. For example, perhaps you need to take a course on social media management to boost engagement and attract new clients.

### **Resolution 2: Find a Niche in the Accounting Industry**

Narrowing the focus of your services or clientele can help you fortify your income stream. Competitors offering generic accounting services to a broad group of people will fail to stand out in the crowd. However, by determining a particular industry, area or business type to focus on, you can, for instance:

- Take a more strategic approach to marketing
- Justify premium pricing
- Stand out online and among competitors
- Attain more clients through word of mouth



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### Resolution 3: Innovate the Firm Through Technology

Technology will remain a key trend in the accounting industry going into 2022 and beyond. Although it can be overwhelming to think about implementing new technologies to streamline workflows in the firm, it will become a must to stay competitive in a digitally-driven world.

Start by writing down the current pain points plaguing the business — consider bottlenecks, aspects that drive down employee productivity or customer satisfaction. Then, research software that could help.

As an example, some firms may find that relying too heavily on manual data entry is hampering the team's productivity. Moving to automated systems can resolve the issue. Other firms may spend significant time dealing with client phone calls and emails. An online client portal could help teams manage clients' requests more efficiently.

### Resolution 4: Focus on Your Work-Life Balance

The global pandemic showed us that some things are more important than work — our health and wellbeing included. We mustn't lose sight of that in 2022.

Accounting is a high-pressure, demanding profession, which means CAs are no stranger to work-related stress. And with many teams continuing to work remotely (at least part-time), it can be difficult to switch off in the evenings. However, failing to disconnect can lead to burnout, stress-related illnesses, exhaustion and an array of personal relationship problems.

In 2023, a key new year work goal must be to strike a healthy work-life balance. It can be as simple as setting firm boundaries as to when you can (and cannot) be contacted, or going for walks at lunchtime to look after your mental wellbeing.

### Resolution 5: Nurture Profitable Clients

Remember, attracting new clients isn't always the best way of ensuring business success. By continuously chasing new clients and failing to focus on those you already serve, you risk increasing client churn and letting profitable clients slip through the net to another competitor.

In contrast, keeping in regular contact with high-value clients, nurturing email campaigns and providing helpful content for them will transform your firm into an indispensable business resource. Clients who feel valued will be more likely to entrust you with larger projects and become a long-term asset to your firm.

### Resolution 6: Network More in the Accounting Industry

Networking more should be a new year work goal every year, as you can never have too many conversations with the right people.

Networking has two primary objectives: attracting new clients and building strategic alliances with other professionals. And both of these are intrinsically linked. Building stronger relationships with other business owners in the accounting industry who can be a source of referrals will widen your potential client pool.

By connecting with other professionals, CAs can also offer and receive support. Running a firm can be challenging, and you won't have the answer to everything that crops up. Having a larger network of people you can turn to will help make your business a success.

Professional networking sites such as LinkedIn have made networking simple — you make a profile, join relevant groups and start contributing to meaningful conversations.





Dear Professional Colleagues  
Healthy and Fun-filled Happy New year 2023.

As we bid Goodbye to 2022, I reminisce how it has been transformed into a landmark year. We witnessed the historic introduction and continuous streamlining of the various new legislations, the revised curriculum for us and other socio-economic events which ensures that we keeping abreast with the ever changing the dynamic environment. I wish all members and students along with their families a very HAPPY NEW YEAR 2023.

As Swami Vivekananda said *"Take up one idea. Make that one idea your life — think of it, dream of it, live on that idea. Let the brain, muscles, nerves, every part of your body, be full of that idea, and just leave every other idea alone. This is the way to success."*

The path to success can be simpler than most people think, however, it involves a certain kind of compromise, a laser-sharp focus, and a nearly obsessive single-mindedness towards a goal that you're one hundred percent convinced of. All it takes is one idea: one idea, says Swami Vivekananda (a 19th century Hindu monk and one of the people who introduced yoga to the west), to make your life, every part of your body, your entire brain, one which will carry you to success at the expense of every other idea out there. People who feel good about themselves produce good results and people who produce good results feel good about themselves.

To accomplish great things you need to imbibe, cultivate and nurture integrity. Integrity is the most critical part of being a Chartered Accountant.

What is Integrity?

It is your conscious decision to do the right thing at all times, without paying attention whether you are alone or in a group, whether you are working by yourself or under supervision. This choice of walking the straight & conscientious path - despite numerous challenges you might face - is called Integrity.

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This quality is what enables you attain success in your professional and personal life. Chartered Accountants are considered the unbiased guardians of capital and finance and in this profession an ethical attitude will bring you more clients as well as top quality teachers & mentors who would want to be part of your career. We all are essentially very hard workers. We are constantly learning, applying, managing and looking to grow all the time. We see doyens of the profession managing multinational corporations, advising the government, consulting for top business houses and are in awe of their capacity. But, at the fundamental level, you are on the same path as them, the only difference being that you are a beginner and they have come a long way since their student days. What I am telling you is that 'The expert in anything was once a beginner'. The continuous drive to be the best you can be in your field of interest is what distinguishes the successful from the average. Great input leads to great results and average input leads to average or in most cases less than average results. That is the reason why CICASA of CIRC puts in so much effort to ensure that our students get the best input thus giving them the tools to become the best professionals. The quality and number of courses, seminars and programmes that we organize for our students are admired across the country.

With Warm regards  
CA Pradeep Pal  
(Chairman)

**Date: 27-12-2022**  
**Place: Chhattisgarh**





### Message From The Secretary

Dear Members,

"The key is in not spending time, but in investing it." – Stephen R. Covey

We all have the same 24 hours in which to carry out our activities and duties. However, time can stretch to accommodate what we choose to put into it. As professionals, we experience this quite often with multiple client requirements to be carried out amidst tight deadlines. Despite these situations, we forge ahead and complete all the tasks satisfactorily because while the time remains the same, we invest more of ourselves, knowledge and experience to fit in the new priorities and attain positive results.

Over the past calendar year, Bhilai branch has invested time in professional education, raising awareness and ultimately generating a return on this investment by inspiring a cadre of highly motivated professionals fortified with cutting edge industry knowledge and we will continue to do so in the future as well.

At the beginning of this term, we took several important decisions for the betterment of our members and students. One of the decisions was to share knowledge amongst members and students and help them improve professionally by conducting interview of all guest speakers and publishing them in the E-newsletters to be freely accessible to all members and students through our website. The second was to encourage the timely conduction of all the events with 100 % dedication.

The goal of Bhilai branch various initiatives has always been professional and academic growth of members and students from virtual workshops on Tally to advance excel to Workshops on Various tax related compliances.



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In the current situation, Bhilai branch ensures that issues and concerns of members and students are taken forward promptly with relevant representations to the Committees of the Central Council, whereby these can be represented at the appropriate forum.

We have learned a lot in the last 12 months. A New Year is in front of you, wipe the slate clean, reinvent yourself and take your life in a new direction. When you decide to achieve, nothing can ever stop you from reaching your goal in the New Year. I wish all members and students a very Happy New Year 2023.

With Warm regards  
CA Suraj Soni  
(Secretary)

**Date: 27-12-2022**  
**Place: Chhattisgarh**



## BHILAI BRANCH - E-NEWSLETTER

### TEAM BHILAI BRANCH



**CA PRADEEP PAL**  
Chairman



**CA PAYAL JAIN**  
Vice Chairperson



**CA SURAJ SONI**  
Secretary



**CA ANKESH SINHA**  
Treasurer



**CA RAHUL BATRA**  
CICASA Chairman



**CA SHIVAM CHOUDHARY**  
Executive Member



## DELUDING - AUDI ALTERAM PARTEM AND ITS IMPACT ON GST ACT, 2017

***"Natural justice is a sense of what is wrong and what is right."***

AUDI ALTERAM PARTEM Audi alteram partem (or audiatur et altera pars) is a latin phrase meaning "listen to the other side", or "let the other side be heard as well". It is the principle that no person should be judged without a fair hearing in which each party is given the opportunity to respond to the evidence against them. "Audi alteram partem" is considered to be a principle of fundamental justice or equity or the principle of natural justice in most legal systems.

The rule of natural justice has evolved with the growth of civilization. Natural justice is the concept of common law which implies fairness, reasonableness, equality and equity. In India, the principles of natural justice are the grounds of Article 14 and 21 of the Constitution. Article 14 enshrines that every person should be treated equally. Article 21 in its judgment of Maneka Gandhi vs. The Union of India, it has been held that the law and procedure must be of a fair, just and reasonable kind. The principle of natural justice comes into force when no prejudice is caused to anyone in any administrative action.

There are three main principle of natural justice:

- Nemo in propria causa judex, esse debet- No man shall be a judge in his own cause and
- Audi Alteram Partem- No man shall be condemned unheard
- Reasoned Decision

The judicial climate on this point is thickly clothed with many decisions. The result is that the danger of confusion has become real and natural justice is on the misleading road of sentimental potentialities.

Decoding, one of the most recent instant in relation to section 129 under the GST statue, where the rights conferred under the doctrine mentioned supra has been carried away by the governed Authorities while enforcing the provisions of the section. Unlike, justice should not only be done but seen to be done. Moreover, opportunity is not a rigid doctrine it must be applied even where not expressly provided. Silence of the statue shall not to be construed as exclusion of the opportunity.





**BRINGING A LOOK TO - IMPACT OF BEWILDERING AUDI AULTERAM PARTEM IN GST ACT, 2017**

K of Karnataka has purchased goods from G of Gujarat and while goods were moving towards Karnataka through the corridor of Maharashtra, the truck loaded with the goods is detained for

- non-generation of e-way bill due to technical glitches or
- any clerical errors in the e-way bill

The question, which arises is that whether section 129 will be applicable and if yes, then whether tax and penalty can be levied on the basis of the aforesaid facts ?

Section 68 of the Central Goods & Service Tax Act, 2017 read with rules specifies that tax invoice/ challan/ bill of supply/ delivery challan as per law should be accompanied with the consignment of goods and that e way bill as per rule 128 should also be generated. Section 122 (1) of the Central Goods & Service Tax Act, 2017, inter-alia contains that a taxable person who transports any taxable goods without the cover of specified documents shall be liable to a penalty of Rs. 20,000/- IGST (10000 CGST + 10000 SGST) or tax sought to be evaded, whichever is higher.

Section 129(1) of the Central Goods & Service Tax Act, 2017 (CGST Act for short) as well as the same section in the various State Goods & Service Tax Act, 2017 (SGST Acts for short) / Union Territory Goods & Service Tax Act, 2017 (UTGST Acts for short) mandates the proper officers functioning under the said Acts to detain the goods under transport in case they are transported in contravention of the provisions of the said Acts. In fact, similar provisions can be found in the erstwhile State Level Value Added Tax Acts prevailed in the various Indian States from 2005-06 FY to June 2017 as well as in their forerunners, the General Sales Tax Laws in force up to 2004-05 FY.

Section 129 of CGST Act, which begins with a non obstante clause empowers the officers to detain and seize the goods, documents and the conveyance, if the goods are transported or stored during the transit in contravention of the provisions of this Act or the rules made thereunder.





For ease of reference, the provision of section 129(1) is reproduced below;

*"129 (1) Notwithstanding anything contained in this Act, where any person transports any goods or stores any goods while they are in transit in contravention of the provisions of this Act or the rules made thereunder, all such goods and conveyance used as a means of transport for carrying the said goods and documents relating to such goods and conveyance shall be liable to detention or seizure and after detention or seizure, shall be released: on payment of the applicable tax and penalty equal to one hundred percent. of the tax payable on such goods and, in case of exempted goods, on payment of an amount equal to two percent. of the value of goods or twenty-five thousand rupees, whichever is less, where the owner of the goods comes forward for payment of such tax and penalty; on payment of the applicable tax and penalty equal to the fifty percent. of the value of the goods reduced by the tax amount paid thereon and, in case of exempted goods, on payment of an amount equal to five percent. of the value of goods or twenty-five thousand rupees, whichever is less, where the owner of the goods does not come forward for payment of such tax and penalty; upon furnishing a security equivalent to the amount payable under clause (a) or clause (b) in such form and manner as may be prescribed: Provided that no such goods or conveyance shall be detained or seized without serving an order of detention or seizure on the person transporting the goods"*

With the plain reading of the provision it can be concluded that the assessee has either to remit the tax and penalty as calculated on the detention or to furnish a bank guarantee for the release of the goods/conveyance. This means in all alike cases as mentioned aforesaid, the assessee will lose substantial money for inadvertent clerical errors or procedural lapses but not for having any kind of evasion of tax or suppression of relevant facts.

It is an inexplicable and strange situation where assessee has to remit huge amounts of tax and penalty where no tax has been evaded. Though there exists the contravention of the provisions of the Act in the strict technical sense, but on the other hand it is apparent that there is neither any attempt to evade the tax nor there is any element of Mensrea.





For the sake of brevity, analysing the judicial precedents, in the matter of M/s Indus Towers Limited vs. The Assistant State Tax Officer 018 (1) TMI 1313- Kerala High Court and Age Industries (P.) Ltd. Versus Assistant State tax Officer 2018 (1) TMI 1116 – Kerala High Court the nutty question arises whether two different penalties under section 122 and 129 can be levied for the same offence, i.e. transporting of taxable goods in contravention of GST Laws. It will also be interesting to discuss that whether section 129 is a procedural section to give effect the aforesaid provision of section 122(1)

In the meanwhile, it has already been judicially pronounced that section 129 cannot be read ignoring the provisions of section 130, the Honourable Court held that a combined reading of Sections 129 and 130, especially the provision contained in sub-section (6) of Section 129 indicates that the detention of the goods is contemplated under the statute only when it is suspected that the goods are liable to confiscation. Further, it entitles the officers to levy tax and penalty even on a transaction which is not otherwise taxable and there is no need for any the existence of Mensrea or the intention to evade tax before levying penalty. However, in that case, since there was no challenge to the constitutional validity of Section 129(1), the division bench did not look into the reasonableness of the provisions in the light of the constitutional provisions. Now, writ petitions challenging the constitutional validity of Section 129(1) of the CGST/SGST Acts are pending before various High Courts in the country.

However, a distinguishing factor differentiating the present GST provisions from their forerunners is that in the erstwhile laws the situation which warrants demand of security deposit or tax on the detention of goods under transport and the consequential imposition of penalty is a case of attempted evasion of tax or omission of the subject transaction from the regular books of accounts. Section 129 of the CGST/SGST Acts which empowers the officers to levy penalty and tax upon detention does not require any such attempted evasion of tax or omission to account the subject transaction. On the other hand, only procedural lapses or clerical errors can lead to levy of tax and penalty, to any dimension.

Moreover, the contravention can be minor or major; however, section 129 does not make a distinction between various types of contraventions as far as the penal consequences are concerned. Section 129 provides that, in the case of contravention, the goods can be detained and the officer concerned can release the goods only on the payment of tax and a penalty which is equivalent to 100% of the tax applicable on the goods.





### THE PLETHORA OF MATTER DECODING THE DOCTRINE

1. In the matter of Bansal Earthmovers Pvt. Ltd. the Honourable Calcutta High Court held that- Levy of penalty – Principles of natural justice – service of notice – notice was not served on the person on whom penalty was levied, but on the driver of vehicle – as a result opportunity of hearing could not be availed off – Imposition of penalty u/s 129(3) of the West Bengal Goods and Services Tax Act, 2017 – HELD THAT:- The notice for imposition of penalty requires to be served upon the person on whom the penalty is to be imposed. Furthermore, an opportunity of hearing has to be granted. In the event, such hearing is not granted, the same would definitely amount to violation of principles of natural justice.

2. Extract from one of the judgement In Re: Synergy Fertichem Pvt. Ltd Vs State of Gujarat (Gujarat High Court)

*From the plain reading of Sections 129 and 130 of the Act, it is clear that the suppliers or receivers of the goods transport any goods in contravention of provisions of the Act or the Rules made thereunder are liable for the detention or seizure of the goods under Section 129 of the Act and under Section 130 (i)(v) of the Act for confiscation of the goods and conveyance. Thus, for the same breach and/or contravention of the provisions of the Act, there are two types of penalties provided under Section 129 and Section 130(i)(v) of the Act.*

*I am of the view that the Legislature should, once again, look into both the provisions, i.e, Sections 129 and 130 of the Act and amend the sections accordingly so as to remove certain inconsistencies in the two provisions. Let this aspect be looked into by the State Government in accordance with law*

3. Mistake in vehicle no. mentioned in E-Way Bill the goods were detained by commercial tax officer Under Section 129(1) Accordingly, the appellant got present before the detaining authority and stated that inadvertently a clerical mistake got happened while generation of E-Way Bill. The Ld. ACST&E did not heed to prayer and submission of the Appellant and imposed a penalty under section 129(1) held by appellate authority that the penalty imposed in the instant case under section 129 was unwarranted. GST Council vide circular No 64/38/2018 dated 14th September, 2018.





in para 5 provides that in case a consignment of goods is accompanied with an invoice or any other specified document and also an e-way bill, proceedings under section 129 of the CGST Act may not be initiated in case of minor mistakes like error in one or two digits/characters of the vehicle number. Orders of ACST&E, Chamba are set-aside on the ground that the standard operating procedure mentioned in Circular was not taken into consideration while imposing penalty in the instant case.

4. In the matter of UOI and ors Vs. L C Infra Projects Pvt. Ltd.[2020- TIOL-827-HC-KAR-GST] the Honourable Karnataka High Court held that before recovery interest payable in accordance with section 50 of the GST Act, a Show Cause Notice is required to be issued to the assessee following the principles of natural justice.

5.In the matter of Pittappillil Agencies Vs. Superintendent of Central Tax and Central Excise Goods And Service Tax Department the Honourable Kerala High Court held that when assessee was served with notice of recovery for interest on delayed filing of returns and its bank account was attached without considering the objections raised by the assessee the said recovery, the High Court directed the revenue authorities to consider the objections raised by the assessee after affording to the assessee a reasonable opportunity of being heard.

6.In the matter of Mahadeo Construction Co. Vs. UOI through the Commissioner, Central Goods & Services Tax, Central Revenue Building, Ranchi, the Honourable Jharkhand High Court held that it shall be open for the respondent Authorities to initiate appropriate adjudication proceeding either under Section 73 or 74 of the CGST Act (as the case may be) against the petitioner-assessee and determine the liability of interest, if any, in accordance with law after giving due opportunity of hearing to the petitioner

- 7.Having regard to the context in which a provision appears and the object of statute in which the said provision is enacted, it should be construed in a harmonious way to make it meaningful. An attempt must always be made so as to reconcile the relevant provisions as to advance the remedy intended by the statute. There is a need to take an insight from as held by the Supreme Court that it would be important to notice certain well settled canons of interpretation of statutes. The primary and foremost task of a Court in interpreting a statute is to ascertain the intention of the legislature, actual or imputed. Having ascertained the intention, the Court must then strive to so interpret the statute as to promote and advance the object and purpose of the enactments.





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Therefore, at all the stages of the procedure if any authority is given off the judicial function are not purely accepted but the main motive of the principle is to prevent the miscarriage of justice. It is supreme to note that any decision or order which violates the natural justice will be declared as null and void in nature, hence one must carry in mind that the principles of natural justice are essential for any administrative settlement to be held valid. The principle of natural justice is not confined to restricted walls the applicability of the principle but depends upon the characteristics of jurisdiction, grant to the administrative authority and upon the nature of rights affected of the individual. Thus, there's need to look into both the provisions, i.e, Sections 129 and 130 of the Act and other sections of the Act also accordingly so as to remove certain inconsistencies.

***"Principle of Natural Justice donot supplant law but supplement it."***

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The Central India Regional Council Sub Regional Conference held by Bhilai Branch jointly with Raipur & Bilaspur Branch of CIRC of ICAI Hosted with special session conducted by CA Chetan Dalal, Mumbai (One of the most renowned Forensic auditor) on "Spirituality in Professional Life" & "GSTR-9 and GSTR-9C" by CA Sunil P Jain, Indore was successfully held between 2nd & 3rd of December, 2022.

The Bhilai branch of CIRC conducted interview of CA Chetan Dalal on his Life and Profession. the Interview was conducted by Himani Soni, student of CA finals.

## Youtube Link of the Interview

<https://youtu.be/MBO5KBNuM-I>







Excerpt of the Interview

## CA CHETAN DALAL

BY HIMANI SONI

### "A Journey from an Auditor to an Forensic Auditor"

Being a Chartered Accountant and a Certified Fraud examiner, Chetan Dalal specializes in fraud detection and forensic investigations. He is also a Certified Internal Auditor and a Certified Information Systems Auditor. He has served on the Board of The Association of Certified Fraud Examiners (India Chapter) and India Merchants Chamber.

#### 1. We would like to know about your journey from a teenage boy to a successful Forensic Auditor?

I have been in the world of Chartered Accountancy for almost 4 decades. I started my article ship in the year 1979 and I passed in the year 1983. I am sure many of you would not have been born at that time. I have been fortunate to see a sea change from what accountancy was in the 79s, what it was in the 80s and what it was in the 90s and then after the turn of century the millennium. We are now in a completely digitalized age. I came at a time when things were done manually. Accounts were written manually and there were no audit tools. No electronic gadgets were available. We came from that era when these apps and computer related things were not available. I have been auditing at a time when nothing would move without a piece of paper and now, we are completely into a paperless environment. So, I have seen both the extremes and though I may not be as technologically strong as you people but I have a good combination of experience in all different ages, environments and different scenarios. So, I am grateful to God and grateful to our Institute of Chartered Accountants of India for giving me my bread and butter and it's been a very nice, pleasant and a sweet Journey.

#### Tips to be a Successful Forensic Auditor:-

1. Professional Skepticism
2. Finding Corroborative audit evidence





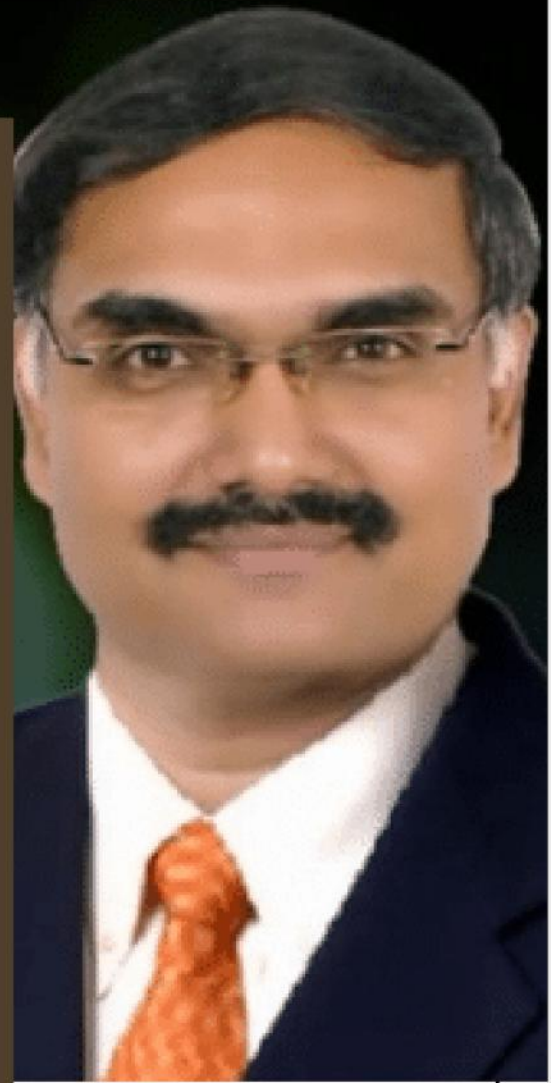
## **2. How you actually got into forensic audit as your expertise, instead of choosing other fields in the Profession?**

This goes back right to my school days. I was always fond of reading. I used to be regular reader of different Genres of books amongst them what I really liked in those days was a mystery series called "The Famous Five". I don't know whether any of you would have heard that but there was an author called "Enid Blyton" I don't know how to pronounce that but her books were so popular. I used to like those mysteries.

Forensic has a lot to do with mystery and suspense because you need to find out who has done a particular act. That interest was there with me since those days and when I came into this world of accounting, when I became Chartered Accountant, I wasn't fond of taxation, I wasn't fond of doing this kind of stuff so somewhere inside me was this hidden pleasure of solving mysteries, they converged and I became an accounting detective or an accounting student. So that's how I came into this world of Forensics Audit.

## **3. Suppose there are too many items on the plate, how do you sort it from where to start working from considering all of them having the same deadline.**

Then it has to be First in First Out (FIFO). Suppose five clients are there and all are equal. Then obviously it has to be first in first out. It's like a doctor, if you go and visit 5th then you will be given 5th appointment. It's not that the doctor is against you but it has to be like that. But always try to provide maximum possible value addition, if you do that, that is what life is all about.



*"Forensics in accounting should be a practice much in demand in these times, given the relatively lesser number of CAs who specialize in it and the growing cases of white-collar fraud we see."*



#### **4. What are some basic skills that a forensic auditor must have?**

There are two very important skills that a Forensic auditor should have: One is he should be able to distrust the obvious, that means do not except anything at face value-professional skepticism. Today almost all International Auditing Standards will talk of Professional skepticism, even for an average auditor or a conventional auditor this is necessary. I would say it is even more acutely required in forensic accounting.

Second important trait which a good forensic auditor must have is to find corroborative evidence. See as auditors most of the time when you get some documentary evidence okay you say this is fine so this is acceptable which is not wrong as well but forensic auditor usually tries to find out from multiple sources and confirms that the information he has is correct. So based on that there is better chance that he will find the truth as compared to an auditor who has limitations in terms of time, in terms of being able to rely on anything else except documentary evidence. The forensic auditor actually questions the reliability of documentary evidence, that's the basic difference between let's say an average auditor and the forensic auditor.

#### **5.What are your beliefs towards life and profession?**

Life and Profession are complimentary to each other that means if you have a good life you will have a good profession and if you have a good profession you will have a good life. It works both ways.

The very important thing that I would like to tell the younger generation is not to get tempted by shortcuts. There is no shortcut ever to any success,if they keep these two basic principles in mind and if they follow the normal journey of becoming a chartered accountant and with the visual certification they follow ethics, integrity, good human values both life and profession are wonderful.

#### **6. How to manage deadlines?**

Well, that's an individual call, which each of you has to take. See I may not be as good as you may be in doing some work so I may take much longer in doing something which you may be or somebody can do very fast. It's very difficult to provide you off the cup answer but the best thing to do- is do your best, put your best and leave the rest to God. If you have done your best and if you have not been able to achieve a deadline, don't feel sad about it because your conscience will not hurt you.



**7. Now a days work life balance has become a very important aspect for everyone. What advice would you like to give to the freshers.**

I think that it's very well said there has to be a balance exactly as you said. Work is work and there is no compromise in doing work even if you have to sit later, even if you have to do work, you should do it but at the same time somewhere around the line you must find time for alternatives like non-work-related activities, something that can also help you to generate a little bit of freshness.

You see too much of work will also not provide benefit. Even if you work hard for 18 hours a day it is not going to benefit the client because eventually fatigue levels will increase, your ability to concentrate and understand will be affected. So the client doesn't want that or client isn't interested in you joining the clock and saying that okay I have done 12 hours or 18 hours a day, that is not a real profession.

I am not talking of a situation where something has to be done and completed. I am talking of a situation where you work 365 days a year with very late hours. with lots and lots of work, it's not the correct life balance. Good health is important, good relationships are important. I think a good relationship with your spouse, with your family, with your friends and above all with your competitors. In this world if you want to make it a

better world you should be able to get along with all, that is what I feel is the real-life balance not just work. Building up relationships, building up health, and building your future.

**8. In your forensic audit journey, was there any accounting principle that you found the most difficult to apply?**

No, I think all the accounting principles remain unchanged, after all who is the forensic auditor, he is an auditor by the very nature of the word auditor, but he specializes into issues where evidence has to be obtained, so I don't find any diversion from accounting principle from that point of view.

**9. What are your beliefs towards life and profession?**

Life and Profession are complimentary to each other that means if you have a good life you will have a good profession and if you have a good profession you will have a good life. It works both ways. The very important thing that I would like to tell the younger generation is not to get tempted by shortcuts. There is no shortcut ever to any success, if they keep these two basic principles in mind and if they follow the normal journey of becoming a chartered accountant and with the visual certification they follow ethics, integrity, good human values both life and profession are wonderful.



**10. Have you ever witnessed failure in your life?**

Yes, what is important is you should know how to define failure, some people say failure means- if you got an assignment, you were not able to achieve the objective or you were not able to satisfy the client, that is a part of life but that is not the true failure. The true failure is something where you come out stronger, when you learn something from that. If you learn something and if you are given a similar scenario or a similar assignment, then you should be able to do a good job. If you learn that, then the previous experience was not a failure, it was a stepping stone. Only if you don't learn something from the failure then it's a true failure. This is my definition of failure.

**11. How do you like to spend your leisure time?**

Yes, I do love to spend leisure time. I spend some of my time on work and most of my time as leisure time. I love to watch television and I am sure all of you do. I love to do a lot of reading; I am very fond of scriptures I like to see them. I like to play games, I play billiards, carrom, play cards. So I do everything. I love to see movies.

So everything should be done, we are here to enjoy life but not at anybody's expense, not at anybody's detriment and not with a view to hurt somebody. I don't think God minds you doing any of those things.

**12. Everyone has different definition of success. What according to you is success?**

Success basically means providing value addition to a client from a professional's point of view. If I am a professional ; whether I am a lawyer, a Chartered Accountant or a doctor and if suppose you come to me, suppose I was a Doctor not even a Chartered Accountant and if you come to me and if I am able to give something that gives you relief, something that gives you better health, something that cures you, then I call it as success.

In the same way if I am a Chartered Accountant or an Architect or whatever. If whatever I have done is of use, is of benefit, is of value to the client that is important. It doesn't matter whether money has come to me or not for that. Money is always to be considered by product of your effort. If you do good work, people will come and give you the money. success should never be measured by money; success should be measured when the same client calls you again.

**13. How did you adopt to the new normal after the pandemic? How do you consider the current situation -a disaster or an opportunity to learn and grow?**

I think that this situation is what we are happy that we have comeback to this. Work from home was a good solution to the Covid era. But I don't think and I don't fancy it as long drawn approach in life.

This is a beautiful world that we have. We should have the freedom to go out to office and going to office is fun in itself as well. I can work from my own bedroom in pyjamas and shorts and all that but that is not really nice. Today where let's say if you reach a high level and you wear a suit and tie, it's a matter of happiness for us. Why would I just want to sit at home and chew wafers and have a call, no that's not what life is. So, if situation demands- Yes but if it is about the long run then I don't think work from home is a good culture and it can always supplement the normal work that we have from our side but I don't need to replace or that the Covid situation should become the order of the day.

Successful people don't fear failure but understands that its necessary to learn and grow from.~ Says CA Chetan Dalal. Chetan Dalal sir believes that it is necessary to understand that failure is part and parcel of Life. Its important that we learn from failure and try not to repeat the same mistakes which lead us to failure.

YouTube Link of the Interview:- <https://youtu.be/MBO5KBNuM-I>





## Forensic Audit – A Brief Perspective into “Scope of Work”

Forensic Audit is a type of specialised audit which combines both financial and investigative skills. The forensic audit professionals have to look into both financial and non-financial transactions undertaken in order to identify the type of fraud that has been operating, how long it has been operating for and how the fraud has been concealed along with identifying the real culprit behind any fraud which has taken place in the company.

Financial statement fraud is a deliberate misrepresentation, misstatement or omission of financial statement data for the purpose of misleading the reader and creating a false impression of an organization's financial strength. Public and private businesses commit financial statement fraud to secure investor interest or obtain bank approvals for financing, or as justification for bonuses/increased salaries or to meet/exceed expectations of shareholders

Before commencing any Investigative / Forensic audit assignment, it is important for professionals to understand what is the ultimate output expected of them. On the basis of understanding of scope of work, a checklist of information required, needs to be compiled and forwarded to the appointing authority and the management for procuring requisite records.

Hence, we hereby discuss the general scope of work given by various agencies (such as Banks / Government Agencies / Private Organisations) in order to prepare a comprehensive checklist to be issued to the management :-

1. Capacity to pay: examine as to the borrower has defaulted in meeting its payment/ repayment obligation to the bank even when it has the capacity to honor the same.
2. Money trail and end use of funds financed by the bank/ lenders.
3. Diversion of Funds: Diversion of Fund On the Part of Borrower Would Be Construed in Any of the Undernoted Occurrences:
  - Utilization of Short Term Working Capital Funds for Long Term Purposes Not in Conformity with The Terms of Sanction.
  - Deploying borrowed funds for purposes/ activities or creation of assets other than those for which the Loan was sanctioned.
  - Transferring borrowed funds to the subsidiaries/group companies or other corporate by whatever modalities.



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- Routing of funds through any bank other than the lender bank or members of consortium without prior permission of the bank/lenders.
- Investment in other companies by way of acquiring equities / debt instruments without approval of lenders.
- Shortfall in Deployment of Funds Vis-À-Vis the Amounts Disbursed/ Drawn and The Difference Not Being Account for

4. Siphoning off funds: siphoning off funds on the part of borrower would be construed to occur if any funds borrowed from bank are utilized for purposes unrelated to the operations of the borrower, to the detriment of the financial health of the entity and /or the lender.

5. Capital Structure: Tracing the source of contribution by promoters by analyzing equity/ debt infused by promoters/ partners.

6. Abnormal trade transactions: Commenting on transactions of substantial amount, which seem not to be normal trade transactions at arm's length.

7. Sales: Verifying revenue from the operations including checking sale order, invoices and control in billing process. The focus should be on inflated turnover/ fictitious sales and /or sales on Return (SOR) basis where profit has been booked and sales returned in the subsequent accounting period leading to writing off of stocks/debtors and reversal of booked profits. The sustainability of sales in future years should be co-related with Technical and Viability (TEV) study.

8. Escrow/Trust & Retention Account: Commenting on adherence to escrow/ trust & retention account (TRA) arrangements made with various bank. Detail of all transactions with bank outside the consortium/ other than nominated account.



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## Notifications and Circulars- Goods and Service Tax

## Notifications

Date	Notification No.	Description
13-12-2022	25/2022- Central Tax	The time limit for furnishing the details of outward supplies in FORM GSTR-1 for the tax period November, 2022, for the registered persons whose principal place of business is in the districts of Chennai, Tiruvallur, Chengalpattu, Kancheepuram, Tiruvannamalai, Ranipet, Vellore, Villupuram, Cuddalore, Thiruvarur, Nagapattinam, Mayiladuthurai and Thanjavur in the State of Tamil Nadu, shall be extended till the thirteenth day of the month succeeding the said tax period.
26-12-2022	26/2022 – Central Tax	Amendment in various rules of CGST Rules, 2017 as Rule 8, Rule 37, Rule 37A, Rule 46, Rule 46A, Rule 59, Rule 87, Rule 88B, Rule 89, Rule 108, Rule 109, Rule 109B, Rule 138, Rule 161.
26-12-2022	27/2022- Central Tax	The Central Government, on the recommendations of the Council, hereby specifies that the provisions of sub-rule (4A) of rule 8 of the said rules shall not apply in all the States and Union territories except the State of Gujarat.
04-01-2023	01/2023-Central Tax	The Central Board of Excise and Customs hereby appoints the officers in the Directorate General of Goods and Services Tax Intelligence, Directorate General of Goods and Services Tax and Directorate General of Audit, as central tax officers and invests them with all the powers under the Central Goods and Services Tax Act, 2017 and the Integrated Goods and Services Tax Act, 2017 and the rules made there under, throughout the territory of India, as are exercisable by the central tax officers of the corresponding rank has inserted new entry 8A.



## Notifications and Circulars- Goods and Service Tax

### Circulars

Date	Circular No.	Description
27-12-2022	183/15/2022-GST	<p>In order to clarify the manner of dealing with discrepancies between the amount of ITC availed by the registered persons in their FORM GSTR-3B and the amount as available in their FORM GSTR-2A during FY 2017-18 and FY 2018-19. For the ongoing proceedings in Scrutiny /audit/ investigation, etc. for FY 2017-18 and 2018-19 and not to the completed proceedings, where any adjudication or appeal proceedings are still pending. In order to ensure uniformity in mismatch cases between GSTR 3B as compared to GSTR 2A in the F.Y. 2017-2018 and F.Y. 2018-2019 the statement is issued to clarify the 4 different scenarios: - i. Supplier has filed GSTR3B but failed to file GSTR 1 ii. Supplier has filed GSTR1 and GSTR3B, but failed to report figures in GSTR 1 iii. Supplies have been reported in B2B transactions as B2C transactions; iv. Supplier has filed GSTR1 and GSTR3B, but reported wrong GSTN in GSTR 1 In case, where difference between the ITC claimed in FORM GSTR-3B and that available in FORM GSTR 2A of the registered person in respect of a supplier for the said financial year exceeds Rs 5 lakh, the proper officer shall ask the registered person to produce a certificate for the concerned supplier from the Chartered Accountant (CA) or the Cost Accountant (CMA), certifying that supplies in respect of the said invoices of supplier have actually been made by the supplier to the said registered person and the tax on such supplies has been paid by the said supplier in his return in FORM GSTR 3B. Certificate issued by CA or CMA shall contain UDIN. In cases, where difference between the ITC claimed in FORM GSTR-3B and that available in FORM GSTR 2A of the registered person in respect of a supplier for the said financial year is upto Rs 5 lakh, the proper officer shall ask the claimant to produce a certificate from the concerned supplier to the effect that said supplies have actually been made by him to the said registered person and the tax on said supplies has been paid by the said supplier in his return in FORM GSTR 3B. It may also be noted that the clarifications given hereunder are case specific and are applicable to the bonafide errors committed in reporting during FY 2017-18 and 2018-19.</p>



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## Notifications and Circulars- Goods and Service Tax

## Circulars

Date	Circular No.	Description
27.12.2022	184/16/2022-GST	Sub-section (8) of section 12 of IGST Act which provides for the place of supply of services by way of transportation of goods, including by mail or courier, where location of the supplier as well as the recipient of services is in India. As per clause (a) of the aforesaid sub-section, the place of supply of services by way of transportation of goods, including by mail or courier, to a registered person shall be the location of such registered person. However, the proviso to the aforesaid sub-section which was inserted vide the Integrated Goods and Services Tax DRC-07/DRC 07A against the corporate debtor, and where the proceedings have been finalized against the corporate debtor under IBC reducing the amount of statutory dues payable by the corporate debtor to the government under CGST Act or under existing laws, the jurisdictional Commissioner shall issue an intimation in FORM GST DRC-25 reducing such demand, to the taxable person or any other person as well as the appropriate authority with whom recovery proceedings are pending.
27.12.2022	188/20/2022-GST	<p>1.Filing of Refund application</p> <ul style="list-style-type: none"> <li>• A temporary registration number is required to be generated through Aadhaar Authentication in terms of Rule 10B of the CGST Rules.</li> <li>• FORM GST RFD-01 is to be filed under "Refund for unregistered person".</li> </ul> <p>2. Relevant date of filing refund</p> <ul style="list-style-type: none"> <li>• The time period of two years from the relevant date has been specified for filing an application of refund.</li> <li>• Date of issuance of letter of cancellation of the contract/ agreement for supply by the supplier will be considered as the date of receipt of the services by the applicant.</li> </ul>



## Notifications and Circulars- Goods and Service Tax

### Circulars

Date	Circular No.	Description
		The proper officer shall also upload a detailed speaking order along with the refund sanction order in FORM GST RFD-06. It is to be noted that where the amount paid back by the supplier to the unregistered person on cancellation/termination of agreement/contract for supply of services is less than amount paid by such unregistered person to the supplier, only the proportionate amount of tax involved in such amount paid back shall be refunded to the unregistered person





## Announcements

## CAMPUS FOR NEWLY QUALIFIED CHARTERED ACCOUNTANTS (NQCAs) FEBRUARY - MARCH, 2023

Maintaining strong and spontaneous relationship with the industry and other business houses remains the main focus of the **Committee for members in Industry & Business (CMI&B)** of **The Institute of Chartered Accountants of India (ICAI)**. An initiative to that effect remains the Campus Placement Programme (held twice a year) that provides a platform to both the NQCAs and the organizations looking for to hire the best available talents to fulfil their human resource requirement. ICAI simply acts as a facilitator to bring the recruiter and NQCAs together.

**Invitation to Organisations-** Any corporation, irrespective of its size, standing in the market and boundary of its business, can take part in this placement programme being held at 27 centers across the country during February- March, 2023.



### Campus Interview Schedule (Virtual):

S.No.	Centre	Dates
1	Mumbai	21st, 23rd, 27th February, 2023, 1st, 6th & 10th March, 2023
2	Delhi	22nd, 24th, 28th February, 2023, 2nd, 6th & 10th March, 2023
3	Bengaluru	23rd, 27th February, 2023, 1st, 3rd, 7th & 10th March, 2023
4	Chennai	24th, 28th February, 2023, 3rd, 7th, 9th & 13th March, 2023
5	Kolkata	28th February, 2023, 3rd, 7th, 9th, 13th & 15th March, 2023
6	Ahmedabad, Hyderabad, Jaipur & Pune	1st, 7th, 9th, 13th, 15th & 17th March, 2023
7	Durgapur, Nagpur, Rajkot, Lucknow, Raipur, Bhopal, Ernakulam, Visakhapatnam, Patna, Vadodara & Ranchi	13th April 2023
8	Kanpur	14th & 17th April, 2023
9	Noida & Thane	17th & 19th April, 2023
10	Bhubaneswar, Chandigarh, Coimbatore & Indore	21st & 25th April, 2023

**Invitation to Candidates:** The above Campus is meant for the candidates, who would be passing the CA Final examination held in November, 2022 and also for others who have qualified earlier and are fulfilling the criteria mentioned in the announcement available on <https://cmib.icai.org/>.

**Organizations** intending to recruit NQCAs through campus scheme are requested to get in touch with the **CMI&B Secretariat, ICAI Bhawan, Indraprastha Marg, New Delhi - 110002**, and Email: [campus@icai.in](mailto:campus@icai.in), Tel No. (011) 30110555 and to register log on to <https://cmib.icai.org/>.

**Candidates** may email at [cjob@icai.in](mailto:cjob@icai.in), Tel No. (011) 30110491/550 and to register log on to <https://cmib.icai.org/>.

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Organised By:  
**Committee for Members in Industry & Business (CMI&B)**  
The Institute of Chartered Accountants of India  
(Set up by an Act of Parliament)  
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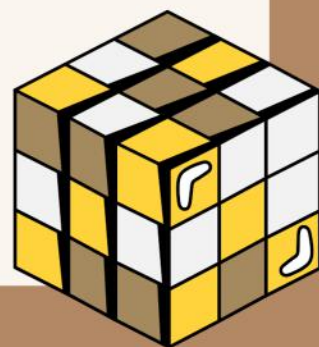
# FUN RIDDLES



1. I have branches yet I have no leaves, no trunk and no fruit. What am I?
2. Slayer of regrets, old and new, sought by many, found by few. What am I?
3. Start with M, end with X and have never ending amount of letters. What am I?
4. I have cities, but no houses. I have mountains, but no trees. I have water, but no fish. What am I?
5. I have keys, but no locks and space, and no rooms. You can enter, but you can't go outside. What am I?
6. Which word in the dictionary is always spelled incorrectly?
7. Why did the spider get a job in I.T.?
8. What kind of coat is always wet when you put it on?
9. What goes up and never comes down?
10. Contrary to my name, I am not a queen. Hold me up to things though and their length is seen.



*"Be the Interior designer of your mind.  
Arrange your thoughts towards the light."*





JANUARY 2023

# TAX CALENDER

Don't miss the deadline!

7th

TDS Payment for Dec

GSTR 1 (Monthly) for Dec

11th

13th

GSTR-1 (Oct-Dec, 2022) for QRMP

- TCS Return in Form 27EQ for Oct-Dec Quarter
- Provident Fund (PF), ESI Payment for December

15th

*Life is like accounting, everything must be balanced*



JANUARY 2023

18th

CMP 08 for Oct to Dec (Composition)

GSTR 3B for Dec for Monthly

20th

22nd

GSTR 3B (Oct-Dec, 2022) for South India

GSTR 3B (Oct-Dec, 2022) for North India

24th

31st

TDS Filing (Form 24Q, 26Q, and 27Q) for Oct to Dec Quarter



Just a reminder that you still have plenty of time to do your taxes at the last minute.





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