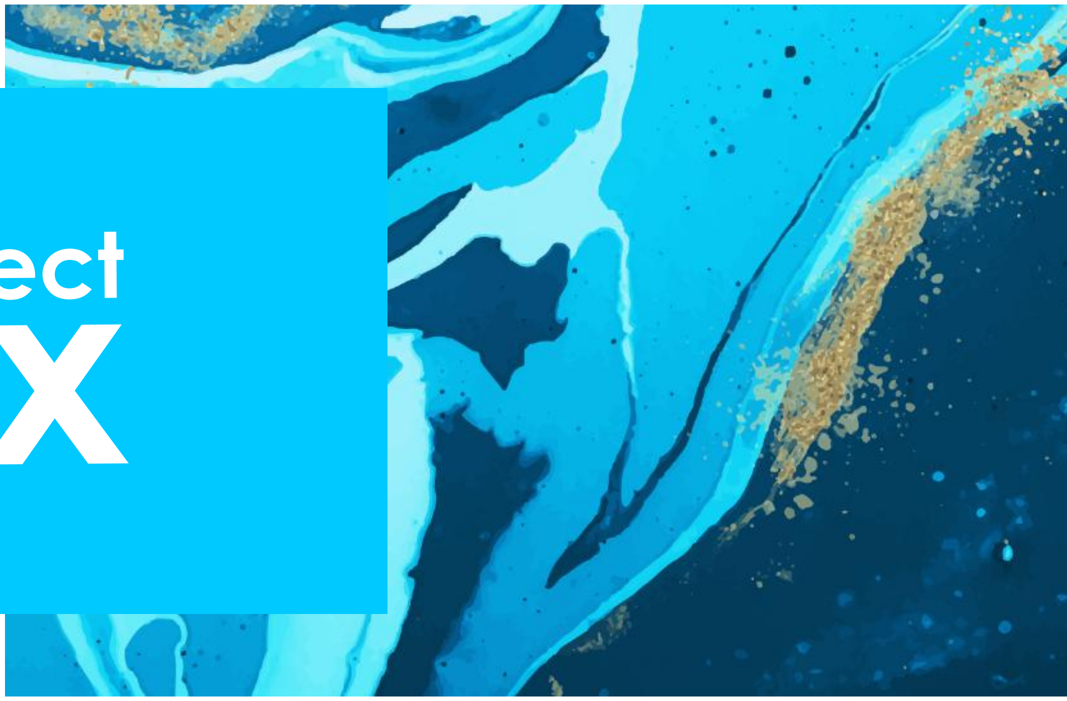
NANGIA & CO LLP

NEWSLETTER

August, 2019

www.nangia.com

What's Inside?



Direct Tax

1 Amounts paid to France entity towards reimbursement of salary cost and consideration for technical and managerial services, not Royalty or FTS

Background and Facts

M/s. Faurecia Automotive Holding (assessee), a tax resident of France, received certain amount from Faurecia India towards reimbursement of salary cost of an expatriate seconded to Faurecia India and also for rendition of certain services. The Assessing Officer (AO) treated the reimbursement amount as Fee for Technical Services (FTS) on the ground that assessee rendered technical services to Faurecia India through technical staff. The payment for rendition of services was treated as Royalty as per clause (iv) of explanation 2 to section 9(1)(vi) of the Income Tax Act, 1961 (The Act) and also FTS as per explanation 2 to section 9(1)(vii) of the Act.

ITAT held that the same is not taxable in India as FTS under section 9(1)(vii) of the Act. Moreover, with respect to consideration for rendition of technical and managerial services, it was ruled that such services shall be outside the ambit of royalty as per clause (iv) of explanation (2) to section 9(1)(vi) of the Act and applied the 'most favored nation' clause of the India-France Tax Treaty to hold that the same cannot be construed as FTS.

Contentions of the Assessee

The assessee asserted that as per the terms of the secondment agreement, the expatriate was obliged to render services to Faurecia India and a sum from his salary being directly paid by the assessee was reimbursed by FaureciaIndia to the assessee without any mark-up. Moreover, with respect to payment for rendition of certain services by the assessee, it was contended that the services so rendered were merely IT support services. Subsequently, the assessee filed an appeal to the Dispute Resolution Panel (DRP). Aggrieved by the decision of the DRP, the assessee filed an appeal to the ITAT.

ITAT'S Judgement

The ITAT ruled that amount disbursed by Faurecia India to the assessee towards reimbursement of salary cost of expatriate was not FTS under section 9(1)(vii) of the Act. Key observations of the ITAT are as follows:

- The expatriate was employed by Faurecia India on its payroll and acted under the supervision and control of Faurecia India. Moreover, Faurecia India deducted TDS on total salary of the expatriate (inclusive of the salary paid by assessee in France which was later on reimbursed by Faurecia India)

In addition, exception carved in explanation 2 to section 9(1)(vii) of the Act states that an amount shall cease to be FTS if it is the income of the recipient chargeable under the head 'salaries' wherein recipient means 'real recipient'. It was held that the expatriate was the 'real recipient' of the amount received by him and the assessee just acted as a 'post office' in paying some amount to expatriate

Furthermore, the ITAT distinguished the revenue's reliance on the case of 'Centrica India' by opining that in that case, the amount paid by the Indian entity accrued to the foreign entity only, which could or could not have been used by it towards the payment of salary to the deputed employees, depending upon the terms of the contract. On the contrary, in the present case, the amount never accrued to the assessee but accrued to the expatriate who received the amount in his own independent right

Taxation of consideration for technical and managerial services

On perusal of the terms of the agreement, it was apparent that the services rendered by the assessee to Faurecia India were not only IT support services but contained some traces of managerial services as well.

It was observed that the amount paid cannot be construed as royalty as per clause (iv) of explanation (2) to section 9(1)(vi) of the Act, on the ground that the phrase in clause (iv) 'imparting of any information concerning' implies mere transfer of information to be exploited by the recipient and does not partake the character of rendition of services as opposed to the facts of the present case. In this case, the assessee rendered services to Faurecia India and such rendition did not encompass any 'imparting of information' to Faurecia India.

With respect to the taxation of said payment as FTS, the ITAT referred to the protocol of the India-France tax treaty. The ITAT observed that if India entered into a DTAA with a third nation, being a member of OECD, which, inter alia, has a limited scope with respect to taxation of FTS, such limited scope shall be applicable in case of India-France tax treaty applicable in the present case

Hence, as per the said provisions, the India- UK tax treaty (since UK is an OECD member country) shall prevail. Therefore, in the light of the provisions of FTS stipulated under the India- UK tax treaty, the concerned payment cannot be construed as FTS in the absence of satisfaction of 'make available' condition, thereby keeping it outside the gamut of taxation in India

Nangia's Take

This ruling is a fair enunciation of the case wherein taxability of reimbursement of salary cost of deputed employee shall be precluded from the spectrum of taxation adhering to the facet that the expatriate was the 'real recipient' of salary and no role was rendered by the assessee. Moreover, the ITAT has delivered a prodigious judgement in determining the taxability of technical and managerial services wherein the benefit of 'most favored nation' clause has been accorded to the assessee, thereby giving a cause to the assessee to relish!

2 Income earned through rendition of cloud hosting services not taxable as 'royalty' in India

Background

The Income Tax Appellate Tribunal (ITAT) ruled that income earned by Rackspace, US Inc. (assessee) did not qualify as Royalty or Fee for Technical Services (FTS) but business income, not taxable in India in the absence of Permanent Establishment (PE) of assessee in India, under the provisions of the Income Tax Act, 1961 and India-USA tax treaty (tax treaty) since the payment was for rendition of cloud hosting services being in the nature of standard services, performed in view of the terms of a service agreement. Further, the provisions of tax treaty, being more beneficial to the assessee would prevail, thereby keeping it outside the ambit of taxation in India.

Brief facts and contentions

The assessee, a tax resident of USA, earned income from rendition of public cloud hosting and dedicated/managed hosting of services to Indian customers and claimed the said income as being in the nature of business income, not liable to tax in India in the absence of PE of assessee in India

The Assessing Officer (AO) opined that the aforementioned income would be taxable in India as royalty and FTS. Aggrieved, the assessee filed an appeal to the DRP but his plea was quashed.

Resented by the order of DRP, the assessee filed an appeal before the ITAT

ITAT'S Judgement

The ITAT held that income earned by assessee through rendition of cloud hosting services to Indian customers did not constitute Royalty or FTS under Article 12 of the tax treaty. Key observations of the ITAT are as follows:

The assessee had merely provided hosting services to the Indian customers being in the nature of standard services, rendered in pursuance of a service level agreement. Moreover, the possession and control of equipment used for rendition of concerned services vested with the assessee and no control or possession of any such equipment was granted to the customers. Further, there was no agreement to hire or lease out any equipment but only a service level agreement.

According to the amended provisions of section 9(1)(vi) of the Act and explanations thereto, the ITAT noted that the payment made by the Indian customers to the assessee in respect of cloud hosting services would qualify as 'Royalty' irrespective of whether or not the customers had possession or control over the equipment or whether or not the equipment was located in India.

However, as per the provisions of Section 90(2) of the Act, the assessee can opt to be governed by the provisions of the tax treaty to the extent they are more beneficial than the provisions of the Act.

As per the provisions of article 12(3) of the tax treaty, the ITAT observed that definition of 'royalty' is exhaustive and not inclusive and hence and must be given the meaning as contained in the Article itself

Referring to the plain text of the tax treaty provisions, it opined that the definition of 'royalty' did not encompass within its ambit, the payment for the services involved in the present case as Rackspace USA is providing hosting services to the Indian customers and does not give any equipment or control over the equipment.

It further noted that as per the definition, the term "use" or "right to use" for the purpose of the tax treaty, it entails that the payer has possession/control over the property and/or the said property is at its disposal.

Consequently, the income earned by the assessee through rendition of cloud hosting services would not be taxable in India as 'royalty' but as business income and same shall not be taxable in India, in the absence of PE of assessee in India.

Nangia's Take

This ruling demonstrates that taxation of an income can vary depending upon the span of 'royalty' in the Act as well as the tax treaty. Moreover, the amendment in the Act cannot be linked with the pre-specified tax treaty provisions to decide the taxability of income. Maximization of benefit to the assessee has been given precedence over the concern of swelling the revenue kitty of the government, thereby instilling the faith of the taxpayers in the judiciary

3 ITAT: Equity Oriented MF units, not 'shares'; STCG not taxable under India-UAE Treaty

Background

The Income Tax Appellate Tribunal, Cochin (ITAT) ruled that Short Term Capital Gains (STCG) earned by Sri K.E. Faizal (assessee) through alienation of units of 'equity oriented mutual funds' are not taxable in India in view of the provisions of Article 13(5) of the India-UAE tax treaty (tax treaty). It noted that the transaction is not be covered by Article 13(4) of the tax treaty as 'shares' and 'units of mutual funds' are two different types of securities.

Brief facts and contentions

The income derived by the assessee as STCG from alienation of units of 'equity oriented mutual funds' was treated as taxable in India by the Assessing Officer (AO) on the premise that unit of equity oriented mutual fund is akin to a 'share' and hence as per the provisions laid down in Article 13(4) of the tax treaty, the respective STCG shall be taxable in India

The assessee, pleading the income as exempt from tax in India by virtue of Article 13(5) of the tax treaty, filed an appeal to the Commissioner of Income Tax (Appeals) [CIT(A)] and matter was decided in his favor

Aggrieved by the above decision, the revenue filed an appeal to the ITAT

ITAT'S Judgement

The ITAT ruled that STCG derived by assessee from alienation of units of 'equity oriented mutual funds' shall not be liable to tax in India on the basis of the following:

Article 13(4) can be invoked only when the property so transferred comprises of a 'share' and not any other property. Hence, the property in the present case, in order to be taxed in India must be a 'share'

Since the term "share" is not defined under the tax treaty or under the Act, thus, the ITAT relied on the meaning provided under Section 2(84) of the Companies Act and the Securities Contract (Regulation) Act, 1956, in accordance with Article 3(2) of the Tax Treaty.

Based on the definition of 'securities' stipulated by the laws prevailing in the country, the ITAT opined that 'shares' and 'units of mutual fund' are two different securities.

Resultantly, the ITAT held that the gains arising from transfer of units of 'equity oriented mutual funds' shall be governed by provisions of article 13(5) of the tax treaty and not article 13(4) and therefore, such gains shall be taxable in UAE and not in India.

The ruling is a lucid demonstration of a less litigated matter relating to taxation of capital gains wherein the distinction inscribed between 'shares' and 'units of mutual funds' excludes the income from being taxed in India. The ITAT has gone into the depth of the matter and has given a transparent and taxpayer-friendly judgement based on the treaty, as well as other legitimate provisions of the Indian Laws

Nangia's Take

Transfer Pricing

1 High court upholds the ITAT decision asserting share application money cannot be treated as loan despitedelay in allotment of shares

Outcome: In favour of taxpayer

Category: re-characterization of transaction

Facts of the Case

Sterling Oil Resources Pvt. Ltd. ("the taxpayer") is an investment holding Company, which has invested in various Companies through its mauritius based wholly owned subsidiary viz. Sterling Global Oil Resources Pvt Ltd ("SGPL").

During the year under consideration, the Transfer Pricing Officer ("TPO") noticed that the taxpayer has entered into international transactions in the nature of "Contribution to the share capital" and "Reimbursement of expenses" with its Associated Enterprise ("AE") i.e. SGPL

In the course of the Transfer Pricing ("TP") assessment proceedings, the TPO re-characterized the transaction of "Contribution to the Share Capital", as a "Transaction of Loan", stating that there was a delay in allotment of shares against the share application money received from the taxpayer and also the subsidiary used the received money for advancing loan to step down subsidiary. Accordingly, the TPO used Comparable Uncontrolled Price ("CUP") by taking rate of interest as SBI prime lending rate plus 3% premium & proposed an arm's length adjustment.

Further, TPO also made adjustment towards outstanding receivables in respect of reimbursement of expenses on which no interest was charged and proposed a notional interest on these receivables @ 15.5%.

Furthermore, Dispute Resolution Panel ("DRP") confirmed the TP adjustment on account of share application money, whereas in respect of outstanding receivables, deleted the respective TP adjustment on the ground that there is no possibility of revival of the said expenses in future as the subsidiaries are not accepting the said claim

Aggrieved by the same, both parties filed an appeal before the Income Tax Appellant Tribunal ("the ITAT"/ "the Tribunal").

ITAT'S Ruling

Contribution to the Share Capital

The ITAT rejected the re-characterization done by TPO/DRP & deleted the TP adjustment on the basis of following observations:

Payment made by the taxpayer was on account of the shares issued to the taxpayer in October 2010 and the same was re-characterised by the tax authorities as loan only on account of delay in allotment of shares.

RBI provided approval on the remittance of the amount by taxpayer to its AE stating it to be capital contribution and subscription of the capital has also been duly approved by the Board of directors.

ITAT relied on the decision in the case of Bharti Airtel Limited Vs ACIT [TS-76-ITAT-2014(DEL)-TP], "wherein it was held that payment of share application money cannot be treated as interest free loan to AE"

The TPO and DRP have overlooked the fact that the taxpayer was only shareholder of the subsidiary company & thus the fruits of this investment belong to the taxpayer only. On giving this money to the subsidiary and on use of this money by thesubsidiary, the taxpayer, in its capacity as sole owner of the subsidiary, is beneficiary of all the gains of the subsidiary company.

Lastly, ITAT referred to the Delhi HC decision in CIT Vs EKL Appliances Limited [TS-206-HC-2012(DEL)-TP] and stated that none of conditions specified therein for re-characterization of transactions had been satisfied in the present case and the time of allotment of shares did not make a difference to the position of the shareholder, as the subsidiary was wholly owned by a single shareholder.

Outstanding Receivables in respect of Reimbursement of Expenses

ITAT upheld the decision of DRP in relation to outstanding receivables in respect of reimbursement of expenses stating that the taxpayer has no legal right to recover the money spent on behalf of its subsidiary prior to its incorporation and the amounts shown are no longer recoverable from the AE.

Also, expenses incurred by the taxpayer for its AE under incorporation is in nature of expenses on performing shareholder services. Thus, no interest can accrue on the same.

Aggrieved by above ITAT ruling, the revenue haschallenged the decision in the High Court.

High Court's Ruling

High Court ("HC") stated that as per the facts on records the taxpayer has entered into transaction of purchase and sale of shares with its subsidiary and nothing brought on record by the revenue suggest that the transaction was sham.

Further, HC relied on the co-ordinate bench decision in the case of Aegis Ltd, wherein HC confirmed ITAT decision of rejecting TPO's re-characterization of investment in preference shares into loan and charging of notional interest. Accordingly, HC in the present case upholds the ITAT order.

The principles drawn in the current judgement are in line with the rulings pronounced on the same issue by coordinate benches. The instant case reiterates the fact that the TPO cannot re-characterise a transaction unless the same was found to be a sham or bogus transaction. Also, the TPO cannot determine the ALP of the transactions on its own whims and fancies. Accordingly, in the present case, following the same principles that the form and substance of the transaction are the same, the taxpayer behaved in a commercially rational manner and in the absence of a reasonable and permissible time period for allotment of shares, the TPO cannot proceed to re-characterize the payment of share application money made to overseas subsidiaries as loans. Thus, the very foundation of the transfer pricing adjustment made by the TPO was held to be devoid of legally sustainable merits and was accordingly deleted.
The aforesaid rulings is a welcome move for enhancing the confidence of the taxpayer and assisting in reducing the incessant litigations on such issues.

Nangia's Take

2 Assessment Order issued on a non-existent entity (Pursuant to amalgamation) is void ab initio and such defect is not curable

Outcome: In favour of taxpayer

Category: Assessment post-merger/ amalgamation

Facts and Contentions

Suzuki Powertrain India Limited ("SPIL") is a joint venture between Suzuki Motor Corporation and Maruti Suzuki India Limited ("MSIL"/"the taxpayer") with a shareholding of 70% and 30% respectively. On 29 January 2013, a scheme for amalgamation of SPIL and taxpayer was approved by the High Court with effect from 1 April 2012.

During the course of assessment proceeding, On 22 January 2016, the Transfer Pricing Officer ("TPO") passed an order u/s 92CA(3) of the Income tax Act, 1961, determining the Arm's Length Price ("ALP") of royalty at 3% and thereby making an upward adjustment of INR 78.97 crores in respect of the royalty paid by the SPIL.

On 11 March 2016, Assessing Officer after considering the order of TPO passed a draft assessment order in the name of SPIL (amalgamated with MSIL) wherein the total income of the SPIL has been increased by INR 78.97 to ensure that the international transaction of payment of royalty to its Associated Enterprises is at ALP.

In relation to this, MSIL participated in the assessment proceeding of its erstwhile amalgamating entity i.e. SPIL as an authorized representative and contended that the draft assessment order would be invalid as it was passed in the name of SPIL , which is a non-existing entity, and accordingly, filed an appeal before the Dispute Resolution Panel ("DRP").

Furthermore, DRP also upholds the order of TPO. Aggrieved by the same, the taxpayer filed an appeal before Income Tax Appellant Tribunal ("ITAT"/ "the Tribunal")

The Tribunal after hearing the contentions set aside the final assessment order on the ground that it was void-ab-initio, as it was passed in the name of non-existent entity by the AO.

Further, the decision of tribunal was also affirmed by the High Court in an appeal under Section 260A of the Act. Further, based on the co-ordinate bench ruling in the SPIL's own case for AY 2011-12

Aggrieved by the same, the revenue filed an appeal before the Supreme Court.

Supreme Court's
Ruling

Supreme Court (”SC”) made the following observations:

SC held that the issuance of jurisdictional notice and the assessment order passed thereafter in the name of non-existing company is a “substantive illegality and not a procedural violation of the nature adverted to in Section 292B of the Act”;

Accordingly, SC places reliance in the case of "C.I.T New Delhi vs M/S Spice Enfotainment Ltd. in which Delhi High Court observed that the said issue of challenging the assessment order in the name of amalgamating entity has been void-ab- initio and cannot be held a procedural mistake, defect or omission which is curable under Section 292B of Income Tax Act 1961.

SC further clarifies that the participation in the proceedings by the revenue authority in the circumstances cannot operate as an estoppel against law.

Additionally, SC elucidates that Skylight Hospitality ruling relied on by the Revenue (where holding reassessment notice issued on dissolved company merely a technical error as curable u/s. 292B of the Act) was passed in the“peculiar facts” of the case is not in conflict with the Spice Enfotainment ruling relied on by HC.

Based on the above observations, SC finds no merit in the appeal and accordingly appeal filed by the revenue authorities is dismissed.

Nangia's Take

The present case highlights the basic legal principle that in case of post-amalgamation assessment, the newly formed entity shall be scrutinized for the pre-merger acts of the amalgamating entities which have ceased to exist.

Additionally, it is imperative that the taxpayer intimates the income-tax authorities about the fact of amalgamation, winding up, death of taxpayer, etc., before the income tax authorities pass the assessment order, to succeed in challenging the validity of assessment made upon a non-existent person.

Source: Pr. Commissioner of Income Tax, New Delhi vs Maruti Suzuki India Limited [TS-707-SC-2019-TP]

Regulatory

Changes in Company Law

1 Introduction of E-Form Ben-2 and extention of last date for submission

MCA has Introduced E Form BEN-2 (Return of Significant beneficial owner (SBO)) notified vide "The Companies (Significant Beneficial Owners) second Amendment Rules, 2019" dated 1st July 2019. In a circular dated 29th July, MCA has further extended the last date of filling of Form Ben -2 to 30th September 2019.

As a precursor, every individual who is a SBO in a reporting company had to submit declaration in Form No. BEN-1 to the reporting company, by 8th May 2019. Now Companies which have received the reporting in Form No. BEN-1 are under obligation to file the return of SBO in Form No. BEN-2 to the Registrar of Companies by September 30th 2019

2 Directors KYC Compliance - Clarification

MCA has notified "The Companies (Appointment and Qualification of Directors) Third Amendment Rules, 2019" dated 25 July 2019 by way of which it has clarified the category of Directors on which the mandatory requirement of KYC compliance needs to be undertaken.

As per the said notification:

i. E-Form DIR-3 KYC has to be filed by every individual who holds a Director Identification Number ('DIN') and is submitting KYC details for the first time or in case such individual wishes to update his details

ii. Web service DIR-3-KYC-WEB is to be used by DIN holder who has submitted DIR-3 KYC eform in the previous financial year and no update is required in his details

Changes in Foreign Exchange Management Act

3 Rationalisation of End Use Provisions under External Commercial Borrowings ('ECB') Policy

RBI has further liberalized the ECB framework by relaxing end-use restrictions relating to ECB for Working Capital requirements, General Corporate purposes and Repayment of rupee loans through issue of A.P. (DIR Series) Circular No. 04 dated July 30, 2019.

Prior to the latest amendment ECB could be utilized for working capital purposes, general corporate purposes and repayment of Rupee loans ONLY if it were raised from the foreign equity holder.

With the latest change, ECBs can now be raised from any recognized lender except foreign branches/ overseas subsidiaries of Indian Banks. Minimum Average Maturity Period ('MAMP') in such cases shall stand increased from 5 years to 10 years for working capital purposes, general corporate purposes, repayment of Rupee loans availed domestically for purposes other than capital expenditure and for on-lending by NBFCs for such use. In case of ECBs availed for repayment of loans, MAMP shall be 7 years in case of loans having been utilized for capital purposes and for borrowings by NBFCs for on-lending for such use.

Further, RBI has relaxed ECB regulations for availing ECB for repayment of Rupee loans classified as Special Mention Account and NPA under a one-time settlement arrangement with lenders in the manufacturing and infrastructure sector. RBI has also permitted lender banks to sell, through assignment, such loans to eligible ECB lenders, except foreign branches/ overseas subsidiaries of Indian banks provided the resultant ECB complies with all in cost, MAMP and other relevant norms of the ECB framework.

Proposed changes in CSR provisions

As per the amendment, the companies having an unspent CSR amount shall have to transfer that amount to the Prime Minister's National relief fund within 6 months from the end of the financial year, or where the unspent amount is due to the ongoing project undertaken by the company in pursuance of its CSR policy, the company shall transfer the amount to a separate bank account called as 'the unspent CSR Account' within 30 days from the end of the financial year, and that amount shall be spent within a period of 3 financial years. If the Company fails to spend within aforesaid 3 years, then it has to be transferred to the Prime Minister's National relief fund. Any non-compliance shall invite a penalty for a company, which may extend up to Rs. 25 lakhs and the officer in default shall be punishable with imprisonment for a term which may extend up to 3 years and fine of Rs. 5 lakhs.

Nangia's Take

The impact of such change will see big boost in CSR spends and the companies will now refrain from holding up the CSR amount. Please note that the amendment is yet to be notified.

GST

Key Highlights of 36th GST Council Meeting

The GST Council in its 36th Council Meeting held on 27 July 2019 via video conferencing has made following recommendations:

Reduction in GST Rate on electric vehicles:

GST rate on all electric vehicles be reduced from 12% to 5%.

GST rate on charger or charging stations for Electric vehicles be reduced from 18% to 5%.

Hiring of electric buses (of carrying capacity of more than 12 passengers) by local authorities be exempted from GST.

These changes shall become effective from 1 August, 2019.

Last date extended for furnishing following GST forms:

Form No.	Particulars	Extended Date
GST CMP-02	Filing of intimation for availing the option of payment of tax under notification No. 2/2019-Central Tax (Rate) dated 7 March 2019 (by exclusive supplier of services).	Extended from 31 July 2019 to 30 September 2019
GST CMP-08	Furnishing details of the self-assessed tax for the quarter April 2019 to June 2019 (by taxpayers under composition scheme)	Extended from 31 July 2019 to 31 August 2019

The recommendations of the GST Council would be given effect through relevant Circulars/Notifications which alone shall have the force of law)

Applicability of Kerala Flood Cess w.e.f. 1 August 2019

Kerala Flood Cess would be applicable from 1 August, 2019 onwards as per notification No. S.R.O. 436/2019 dated 29/06/2019 for a period of two years. Recently, FAQ in relation to Kerala Flood Cess has been released by Kerala Government. Some additional points in regard to Kerala Flood Cess are as under:

GSTIN will be treated as Registration Number for Kerala Flood Cess;

Tax payer has to login on the official website "www.keralataxes.gov.in" to generate user ID and password;

While entering GSTIN number, one time password (OTP) will be sent to the mobile number of authorized representative for creating used ID and password;

Tax payers shall furnish the details of turnover applicable for Kerala Flood Cess and make e-Payment of Kerala Flood Cess;

Detailed procedure for the filing of return will be released separately;

Tax due for a month has to be remitted on or before 20th of the succeeding month.

Compliance Calendar

Direct Tax

7th August 2019	Payment of TDS - For the period 1st July 2019 to 31st July 2019
7th August 2019	Payment of Equalisation Levy - For the period 1st June 2019 to 30th June 2019
14th August 2019	Issuance of TDS certificate in Form 16B for tax deposited u/s 194-IA (TDS on sale of immovable property) in the month of July 2019- tax deduction in June'19
14th August 2019	Issuance of TDS certificate in Form 16C for tax deposited u/s 194-IB in the month of July 2019 – tax deduction in June'19 (if June'19 is the last month of tenancy)
15th August 2019	Furnishing of quarterly TDS certificate in Form 16A (in respect of tax deducted for payments other than salary) for the quarter ending 30 June, 2019
30th August 2019	Payment and furnishing of challan-cum- statement via Form 26QB in respect of tax deducted under section 194-IA (TDS on sale of immovable property) in the month of July'2019
30th August 2019	Payment and furnishing of challan-cum- statement (Form 26QC) in respect of tax deducted under section 194-IB in the month of July' 2019 (if July'19 is the last month of tenancy)
31st August 2019	Annual return of income for the assessment year 2019-20 for all assessee other than: (a) corporate-assessee or (b) non-corporate assessee (whose books of account are required to be audited) or (c) working partner of a firm whose accounts are required to be audited or (d) an assessee who is required to furnish a report under section 92E. (Extended from July 31, 2019 to August 31, 2019 vide order F.No. 225/157/2019/ITA.II, dated 23-07-2019)
31st August 2019	Furnishing of Form 67 for claiming Foreign Tax Credit ('FTC') in ITR, by assessee who is required to furnish return of income by 31st July, 2019

GST

Form No.	Type of Return	Due Date
GSTR-9	Annual Return	31 August 2019 (For the period July 2017 to March 2018)
GSTR-9C	Audit Report along with Reconciliation Statement	31 August 2019 (For the period July 2017 to March 2018)
GSTR-3B	Monthly Return	20 August 2019 (For tax period July 2019
GSTR-1	Outward Supply Return	Monthly taxpayers - 11 August 2019 Quarterly taxpayers - 31 October 2019 (For the period July 2019 to September 2019)
GST CMP-08	Return by Composition supplier	31 August 2019 (For the period April 2019 to June 2019)
GSTR-5	Periodic return by non-resident taxpayers	20 August 2019 (For tax period July 2019)
GSTR-5A	Return by taxpayer providing Online information and database access or retrieval services (OIDAR)	20 August 2019 (For tax period July 2019)
GSTR-6	Return by Input Service Distributor ('ISD')	13 August 2019 (For tax period July 2019)
GSTR-7	Return by Tax Deductor at Source ('TDS')	31 August 2019 (For tax period Oct 2018 to July 2019)
GSTR-8	Return by a person Collecting Tax at Source ('TCS')	10 August 2019 (For tax period July 2019)

About Us

Nangia & Co LLP is a premier professional services organization offering a diverse range of Taxation, Transaction Advisory and Business Consulting services. Nangia & Co LLP has presence currently in Noida, Delhi, Gurugram, Mumbai, Dehradun, Bengaluru, Chennai and Pune. Nangia & Co LLP has been in existence for more than 38 years and has been consistently rated as one of the best advisory firms in India for entry strategy, taxation, accounting & compliances over the past many years.

Quality of our people is the cornerstone of our ability to serve our clients. For this reason, we invest tremendous resources in identifying exceptional people, developing their skills, and creating an environment that fosters their growth as leaders. From our newest staff members through senior partners, exceptional client service represents a dedication to going above and beyond expectations in every working relationship.

We strive to develop a detailed understanding of our clients' business and industry sector to offer insights on market developments and assist our clients develop effective strategies and business models. We have the resources and experience necessary to anticipate and competently serve our clients on issues pertaining to all facets of Tax and Transaction Advisory. We take pride in our ability to provide definite advice to our clients with the shortest turnaround time. The business and tax landscapes have changed dramatically, and the pace and complexity of change continues to increase. We can assist you navigate this shifting landscape.

Our Offices

NOIDA
A-109,Sector-136, Noida (Delhi-NCR) 201304, INDIA

DELHI
B-27, Soami Nagar, New Delhi 110017, INDIA

GURUGRAM
812-814, Tower B, Emaar Digital Greens Sector 61, Gurugram, Haryana- 122102

MUMBAI
11th Floor, B Wing, Peninsula Business Park, Ganpatrao Kadam Marg, Lower Parel, Mumbai – 400 013. INDIA

DEHRADUN
First Floor, "IDA" 46 E. C. Road, Dehradun – 248001, Uttarakhand, INDIA

BENGALURU
Embassy Square, # 29, 306, 3rd Floor, 148 Infantry Road, Bangalore – 560001

PUNE
Office number 3, 1st floor, Aditya, Centeegra, Fergusson College Road, Next to Mantri House, Pune - 411004

CHENNAI
Suite 118, 31-A, Cathedral Garden Road, Nungambak-kam, Chennai-600034