



4 Professional Communication – A Promising Career Option

7 Trademark & Consumer Rights





**E- Magazine from
The Mysore Chapter of the
Institute of Company Secretaries
of India**

-: Editorial Team :-

CS. Dattatri H M
CS. Sarina C H
CS. Omkar N G
CS. Rashmi M R
CS. Abhishek Bharadwaj A B

Support Team:

CS. Ravishankar Kandhi
CS. Ajay Madaiah

**Join
2400+ members' strong
"CSMysore" eParivaar
@**

<http://www.groups.google.com/group/csmysore>

Disclaimer

Views and other contents expressed or provided by the contributors are their own and the Chapter does not accept any responsibility. The Chapter is not in any way responsible for the result of any action taken on the basis of the contents published in this newsletter.
All rights are reserved.

Message from Chairman



Dear Readers,

At the outset let me thank my predecessors, for bringing Mysore Chapter to the present position.

As communicated in the previous issue, I have taken over the Chairmanship of the Chapter from CS Srilatha T G and I am sure I will be able to discharge my duties effectively with the active support of all members & students of the Chapter.

As already informed, Mysore Chapter has once again emerged as the "Best Chapter" in its category for the year 2011 and this was possible only because of the efforts put in by my predecessor CS Srilatha T G and her Team Members. I convey my sincere thanks to her and the Team on behalf of all the members & students of the Mysore Chapter.

I wish to congratulate the students for their active participation and it is the Chapter's desire to encourage such kind of activities.

The enrolment for December 2012 examination has already started and the exams for Foundation Course under new syllabus will also take place in December 2012. I wish all the students a great success in the examinations.

Also, wishing all the members & Students a happy Dasara and joyous Diwali.

*Yours in CS fraternity,
CS. S Badrinarayanan*

Inside

Articles:

**Professional Communication – Promising Career Option...4
Trademark & Consumer Rights ...7**

Columns:

**Activity Report ...3
Regulatory News updates...5
Web Yatra: www.environmentabout.com...6
Living Room: Lunch with God...8
Words worth Millions...8
Spectrum Space...9
Legal Roundup ... 10
News Room...12**



Activity Report

September 2012

Mysore Chapter has been adjudged as the Best Chapter. The 'Best Chapter' award for the year 2011 under the C Grade Category was presented to the Chapter on 04th October 2012 at the inauguration function of the 40th National Convention of Company Secretaries held at Pune. Ms Srilatha, Chairperson of the Chapter received the award.



Seminar on Role of Company Secretary as a Compliance Officer:

On 01.09.2012, a seminar on Role of Company secretary as a Compliance Officer was conducted by the chapter in Mallamma Marimallappa College in Mysore. After inaugurating the Commerce Club of the College, CS. Srilatha T G, past Chairperson of the chapter spoke on the topic. Nearly 150 students had attended the program.

Participation in 13th All India Student Conference

Ms. Archana B. student of Executive program had Presented Paper on the theme of the conference 'Company Secretary (CS) - The Corporate Leader' in the 13th All India Student Conference organized by Hyderabad Chapter from 7th to 9th September 2012.

Special lecture on 'Bailment and Pledge'

Held on 26th September 2012 at Mallamma Marimallappa Science and BBM College, Mysore by CS Srilatha T G. Addressed to Final year B.Com students on provisions of Indian Contract Act, 1872 regarding Bailment and Pledge, around 65 students benefited out of this presentation.

Ninth SIP

The Ninth Student Induction Program was conducted by the chapter from 24th to 30th September 2012 at the



chapter Premises. 28 sessions were held on various topics of academic interest, personality development, Soft Skills etc. In the Valedictory session on 30th September 2012, Ms. Sumaiya Alwaz and Mr. Anirudh M Shastry were adjudged as Best Participants.

Seminar On Career As A CS

A Seminar on Career as a Company Secretary and recent changes in law was conducted by CS Anshuman A.S. on 25th September 2012 at Govt., Women's College, Hunsur Main Road, Hootagalli, Mysore. Students were briefed about the recent changes in law and various opportunities available after the completion of the course.

Career Guidance Programs

The Chapter had arranged 2 Career Awareness Programs on 25th and 26th of September 2012 at Govt Womens College, Hootagally, Mysore and Mallamma Marimallappa Science & BBM College, Mysore During these programs, the students were addressed by CS. Anshuman A S and CS. Srilatha T G and they were given an insight to the Company Secretaries Course and the Career Prospects for CS. Pamphlets about the Course were distributed to the participants. Around 75+150 students were benefitted by these programs.

Professional Communication – Promising Career Option



CS. Amar Kakaria ACS, ACA, ACWA

Director, Fusion Advisors Pvt Ltd, Mumbai
amar@fusionadvisors.in

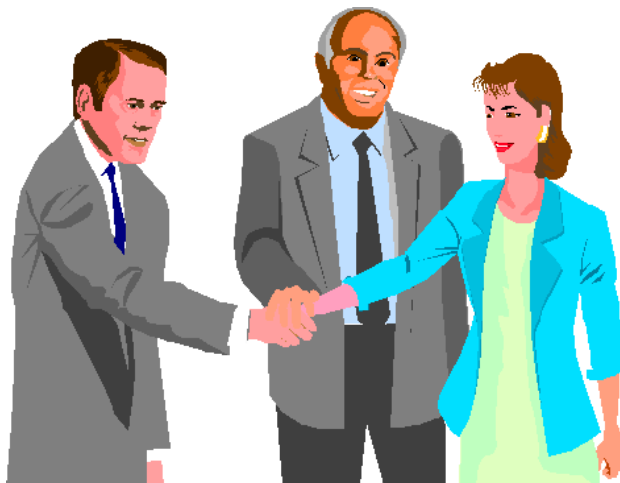
A Chinese Proverb Says: “Whenever you expect somebody to understand what you feel, always think as to how anybody can know something that you also could not express. Things left unsaid often remain unheard as well.”

1. Do your colleagues misunderstand what you say to them?
2. Do you have trouble in put across your views to your clients?
3. Do you find it tough to justify your expectations with vendors?
4. Are your novel ideas ignored because you could not elucidate them?

If answers to all these questions are negative then you are definitely in a better position to tap emerging opportunities in the field of “Professional Communication” and enrich your existing job profile.

“The World does not pay for what a person knows, but it pays for what a person does with his knowledge. Communication is the key to success...” - Laurence Lee

Professional communication comprises of written, oral, visual and digital communication within a workplace viewpoint. This discipline blends together instructive principles of rhetoric (art of discourse), technology and software to improve communication in a variety of settings ranging: from writing to its usability besides media application. It is a new discipline that focuses on the study of information to



understand the ways in which it is created, managed, distributed, and consumed. Since communication in modern society is changing rapidly, it is very crucial to be in line with the ongoing trends and fashion. However, it should also be understood that words are soul of every communication and hence, it is recommended to use them carefully.

Every word has a slightly different shade of meaning. There could be 10 synonyms though each would mean a little something different and carry an unusual emotional weight than others – even if they express roughly the same idea. That is the reason why improved vocabulary is a must to develop effective communication skills. Learning a bunch of big and fancy words may not help. To improve communication skills and never be misunderstood again, it is essential to have a large number of usable words at command and know different shades of meaning that each word carries.

Every organization has to closely work with several stakeholders viz. government authorities, investors, employees, customers, suppliers, vendors, media agencies, public, etc. All these stakeholders are very powerful and can have an impact on the operations of the company. Each of them has unique characteristics and hence, need to be tackled differently. Professional communication is indispensable in the following functions:

The World does not pay for what a person know, but it pays for what a person does with his knowledge. Communication is the key to success...”

- Laurence Lee

- **Government Relations (GR):** Operations of every company are governed by a variety of regulations which are monitored by different local, state and central government agencies. It is essential to have cordial relationship with them by complying with the rules and providing necessary details, as required by them while executing duty.

- **Investor Relations (IR) –** Usually, organizations with quality investor base have an edge over others and hence, it is vital to have good relations with them. IR includes communicating with the investors to disseminate periodical information about the performance of the company, its financials as well as future strategies for growth. Being an IR expert, it is duty of the professional to protect interests of the company and promote it as a lucrative investment alternative.

- **Industrial Relations:** It includes dealing with employee workforce which constitutes human capital of the company. Amiable relationship with the staff is essential for steady operations of every organization and hence, it is usually combined with the Human Resources function of the Company.

- **Corporate Communications / Media Relations:** Effective media relations can help to improve brand equity of the organization and hence, corporates usually rope in professional experts to gain maximum advantage.

- **Customer Care:** Customer is the king and nobody can afford to fall out on that front. Servicing existing customers properly results into multifold growth in business due to repeat orders and new references. Usually

this function is tied up with Marketing function of the Company.

- **Public Relations (PR):** Public Relations is also very important department in the corporate houses. Every company has corporate social responsibility towards society. It is essential to communicate about various initiatives taken by the company to general public through effective mechanism.

Candidates with expertise in professional communication are expected to provide sophisticated outlook regarding economy, society, culture, science and technology to the organization. Communication professional is just like a warrior who needs to have a lot of moves in his arsenal and skills to withstand whatever his opponent throws at him. More the skills they possess, better will be the chances of successful execution.

Corporate professionals like Company Secretaries, Chartered Accountants, etc are directly associated with the top management and have generic idea about its operations. Besides formal education, they also have hands on experience in handling many complicated issues for the companies. With modest training many of the corporate professionals can as well tap this new opportunity. Needless to mention, they will certainly have a highly rewarding career option for themselves, if following principle is adopted:

“Think like a wise man, but communicate in the language of the people.” – William Butler Yeats

FEMA & RBI Updates

FDI in Single Brand Retail: As per existing policy 100% FDI is permitted in single brand retailing subject prior approval from FIPB and other conditions as stipulated in the policy. The conditions includes the proposed investor should be brand owner and atleast 30% of products should be sourced from Indian small industries. Vide Press Note No.30 dated September 20, 2012

FDI in Multi Brand Retail: As per existing provisions FDI in multi brand retailing is prohibited. The Government vide its Press Note No.5 dated September 20, 2012 has announced 51% FDI in multi brand retailing subject to the approval from FIPB.

FDI in Air Transport Services: Presently FDI in air transport services (both scheduled and non-scheduled) is permitted subject to ceilings and conditions as prescribed under FDI policy. However, foreign airline is prohibited to make investment in the Companies which is into air transport services except companies operating in Cargo airlines, helicopter and seaplane services. The Government vide its Press Note No.6 dated September 20, 2012

FDI in Broadcasting Sector: The Government of India has reviewed FDI in broadcasting sector and amended FDI limit vide Press Note No.7 dated September 20, 2012

FDI in Power Exchanges: As per existing FDI policy, FDI, up to 100%, under the automatic route, is permitted in the power sector (except atomic energy). This includes generation, transmission and distribution of electricity, as well as power trading, subject to the provisions of the Electricity Act, 2003. However, there are no specific provisions pertaining to FDI in power exchanges. Government of India vide Press Note No.8 dated September 20, 2012

FDI in Non-Banking Finance Company: As per existing FDI policy, only 100% foreign owned NBFCs with a minimum capitalisation of US\$ 50 million can set up step down subsidiaries for specific NBFC activities, without any restriction on the number of operating subsidiaries and without bringing in additional capital. The minimum capitalization condition shall not apply to downstream subsidiaries. The Government of India has reviewed FDI policy and vide Press Note No. 9 dt. 03/10/12.

**Shruthi K.**

CS Professional Student, Mysore
shruthikundur@gmail.com

As we all know, biodiversity is the product of ecosystem which comprises several species of plants, animals, and microorganisms, each has an important role to play in boosting the productivity of ecosystem. Thereby, we have a greater role to play, in adopting and practicing conservation of resources and sustainable development strategies.

www.environmentabout.com a website which enlightens the people about their responsibility towards environment, by providing information on history of environment, Legal Acts & Rules, our moral responsibility, declining biodiversity, efforts required to protect eco system etc., In brief, this site provides:

1. Environment Basics: Energy resources. Natural disaster, Carbon foot print, Extra-terrestrial environment.
2. Climate Change: Global warming, Environmental pollution, Greenhouse gases.
3. Sustainable Development: Save environment, save animals & wild life, Save our tigers, Green technology, green activism.
4. Green News: Environment & nature, Science 7 technology, Climate change, Energy news.
5. Videos: Environment, Disasters, Science, energy, Species protection, Green living.

When we are exploring (dominating) this planet it is our responsibility to preserve the natural bio-diversity and grow with sustainability; join hands and save the earth **"It's the only Earth we have"**.



Trademark & Consumer Rights



Viral Shrinath Tripathi

ACS, LL.M (IPR), PGDIRPM & B.COM

Company Secretary

Gateway Technolabs Private Limited, Ahmadabad

Protecting one's trade marks by using them properly, promoting them, and monitoring one's rights by challenging infringers, is essential in maximizing their value.

Considering the value that intellectual property rights have for individuals and businesses, the health and safety of consumers are part of what makes them important. In the most extreme of cases, their violation in certain products can lead to life threatening situations.

Even though intellectual property rights are not designed to guarantee the safety or effectiveness of a product, their existence generates an incentive for the owners of those rights to protect their reputation and the quality of their product, as well as to cooperate with law enforcement on issues related to intellectual property rights protection.

Trademark symbolizes the value or goodwill associated with the goods and which can be assessed by the extent to its perception in the public mind with regards to its quality and specific source. The goodwill associated with a trademark can be among a company's greatest intellectual property assets. Protecting one's trademarks by using them properly, promoting them, and monitoring one's rights by challenging infringers, is essential in maximizing their value.

Trademarks rights are infringed, when one party uses a mark of another party and that is likely to cause confusion in the minds of consumers as to which party is the source of the original goods or services, he/she wants to purchase. In determining whether two marks are

“confusingly similar, “courts look at the overall commercial impression made by the two marks from the standpoint of a reasonable customer. Do they look alike or sound alike? (Piknik v. Picnic) Do different words have a similar or identical meaning? (play boy v. play men; Aqua-care v. Water Care)? Disposing the appeal and remanding the case to the trial court, Cadila Healthcare for ‘Falsigo’ v. Cadila Pharmaceuticals for ‘Falsitab’, an anti-malarial drug, the honorable Supreme Court set out the following general factors for deciding of deceptive similarity in an action for passing off on the basis of unregistered trademark:



1. The nature of the marks – word marks/ label marks/ word and label marks;
2. The degree of resemblance between the marks, both phonetically and in ideas;
3. The nature of the goods in respect of which they are used as trademarks;
4. Similarity in the nature, character and performance of the goods of the rival traders;
5. The class of purchasers who are likely to buy the goods bearing the marks, their education, intelligence and the degree of care they are likely to exercise in purchasing and/or using the goods;
6. The mode of purchasing the goods or placing orders for the goods; and
7. Any other extraneous circumstances which may be relevant in the extent of dissimilarity between the competing marks.

Living Room.....

LUNCH WITH GOD!

A little boy wanted to meet GOD. He knew it was a long trip to where GOD lived, so he packed his suitcase with Munchies and a six pack of Canned fruit juice, and he started his journey. When he had gone about three blocks, he met an old woman. She was sitting in the park just staring at some pigeons.

The boy sat down next to her and opened his suitcase. He was about to take a drink from his fruit juice when he noticed that the old lady looked hungry, so he offered her a Munchies. She gratefully accepted it and smiled at him. Her smile was so pretty that the boy wanted to see it again, so he offered her a fruit juice can. Again, she smiled at him.

The boy was delighted! They sat there all afternoon eating and smiling, but they never said a word. As it grew dark, the boy realized how tired he was and he got up to leave, but before he had gone more than a few steps, he turned around, ran back to the old woman, and gave her a hug. She gave him her biggest smile ever.

When the boy opened the door to his own house a short time later; his mother was surprised by the look of joy on his face. She asked him, "What did you do today that made you so happy?" He replied, "I had lunch with GOD." But before his mother could respond, he added, "You know what? She's got the most beautiful smile I've ever seen!" Meanwhile, the old woman, also radiant with joy, returned to her home. Her son was stunned by the look of peace on her face and he asked, "Mother, what did you do today that made you so happy?" She replied, "I ate Munchies in the park with GOD." However, before her son responded, she added, "You know, he's much younger than I expected."

Too often we underestimate the power of a touch, a smile, a kind word, a listening ear, an honest compliment, or the smallest act of caring, all of which have the potential to turn a life around.



SUCCESS

It's not always what you see



Compilation:
CS. Ajaḡ Madaiah, Mysore

Debt Recovery Tribunal (DRT)

Consent Order means an order settling administrative or civil proceedings between the regulator and a person (Party) who may prima facie be found to have violated securities laws. It may settle all issues or reserve an issue or claim, but it must precisely state what issues or claims are being reserved. A Consent Order may or may not include a determination that a violation has occurred. The Parliament of India has recognised SEBI's powers to pass an order with consent of the parties by the virtue of the section 15T of the SEBI Act 1992.

Consent Orders can be passed in respect of all types of enforcement or remedial actions including administrative proceedings and civil actions e.g. proceedings under Sections 11, 11A(1)(b), 11B and 11D of SEBI Act or under Enquiry Proceedings Regulations or Adjudication Rules or equivalent proceedings under the Securities Contracts (Regulation) Act 1956, Depositories Act 1996 and other civil matters pending before SAT/courts. Compounding of offence can cover

appropriate prosecution cases filed by SEBI before the criminal courts.

Depending upon the facts and circumstances of the case, gravity of alleged violation, interest of investors and the securities market and deterrent affect, amount payable by a party will be decided. In pending prosecution cases and cases pending before SAT/courts, the party is also liable to pay legal expenses incurred by SEBI.

As per the records of the government sponsored website so far more than 940 consent orders have been passed and the highest Amount charged on the consent order is Rs. 50,00,00,000 and lowest being Rs. 2000/-. No doubt it is a way out for the parties who have committed the violation without intention. However there are concerns in the industry whether it is being used by the parties in true spirit.

Did you know?

Continuation of MCA21

The six-year project period envisaged earlier for the Ministry's flagship eGovernance project – MCA21- is coming to its end on 16.01.2013. And to take it to the next level of automaton and to provide technical support beyond January 2013, a Request for Proposal was floated for selection of a new operator for Phase-2.

M/s Infosys Ltd has been selected as the best value bidder for operation of the next cycle (MCA21 v2). In pursuit of this effort, the Ministry approached the Committee on Non-Plan Expenditure (CNE) for mandatory approvals. The CNE considered the proposal and approved the project as a non-plan scheme with a total outlay of Rs. 357.81 crore for a period of eight and half years starting from January, 2013 to July, 2021. Based on its recommendations, Note for CCEA is being finalized for seeking the final approval of the Cabinet.



Pick of the month

Removing Solicitor

Q. A limited company is formed with its articles stating that one Mr. S shall be the solicitor for the company, and that he shall not be removed except on the ground of misconduct. Can the company remove Mr. S from the position even though he is not guilty of misconduct?

Ans: As between outsiders and company, Articles do not give any right to outsiders against the company, even though their names might have been mentioned in the Articles an outsider cannot take advantage of the articles to find a claim thereon against the company. Thus, in given case, the company shall succeed in removing Mr. S as the solicitor of the company without incurring any obligations. Facts are based on the decided case of Eley Vs Positive Government Security Life Assurance Co.



Compiled by:
CS. Abhishek Bharadwaj A.B.
 Bangalore



CA. Ashit Shah, Team Genicon, CS. Kasturi S.,
 Mumbai Chennai Bangalore



CUSTOMS & FTP Notifications/ Circulars

The Central Government hereby specify following classes of importers, namely, (i) Importers registered under Accredited Clients Programme, (ii) Importers paying customs duty of one lakh rupees or more per bill of entry, shall pay customs duty electronically. - **No 83/2012-Customs (N.T.) dated 17-09-2012**

Seeks to amend notification no. 96/2008-Customs dated 13th August 2008, so as to provide deeper concessions under DFTP scheme for Least Developed Countries (LDCs).
56/2012-Cus, dt.01-10-2012

Amends Notification 12/2012-Customs, dt.17.03.2012 related to exemption to maize bran from basic custom duty
54/2012-Cus, dt. 17-09-2012

Determines the rates of drawback in supersession of the Notification No. 68/2011-Customs (N.T.), dated 22nd September, 2011.
92/2012-Cus(NT), dt. 05-10-2012

Seeks to levy safeguard duty on import of Carbon Black From China.
04/2012 - Customs (SG), dated 05-10-2012

Regarding anti dumping duty on resin or other organic substances bonded wood or ligneous fibre boards originating in, or exported from, China PR, Indonesia, Malaysia and Sri Lanka.
43/2012 - Customs (ADD), dated 21-09-2012

Seeks to continue, up to and inclusive of 23rd September, 2013, the anti-dumping duty on imports of Presensitised Positive offset aluminium Plates/PS plates, originating in, or exported from, China PR.
44/2012 - Customs (ADD), dated 25-09-2012

Seeks to impose antidumping duty on imports of Cold Rolled Flat products of Stainless Steel(400 series) having a width below 600mm.: **46/2012 - Customs (ADD), dt 04-10-2012 Corrigendum dt. 11-10-2012**

Seeks to impose antidumping duty on new/unused pneumatic non radial bias tyres etc., in pursuance to sunset review investigation. - **47/2012 - Customs (ADD), dated 08-10-2012**

Seeks to levy definitive anti-dumping duty on imports of Melamine, originating in or exported from the European Union, Iran. Indonesia and Japan for a further period of 5 Years.
48/2012 - Customs (ADD), dated 08-10-2012

E-Magazine from ICSI – Mysore Chapter | Edition – 105; October 2012

Case Law

Seizure lapses when SCN not issued within time evn in case of provisionally released goods. - **Jatin Ahuja V. Union of India CM No. 6364/2012 dated 04.09.2012**

The revisionary authority in the Department of Revenue, Ministry of Finance has held that rebate on goods exported to SEZ was not deniable on the ground that bill of export was not filed.
Indo Amines Limited - 2012 (284) E L T 147 (G O I)

It was held that combined refrigerator - freezer with separate external doors, for household purposes, will correctly merit classification under tariff item 8418 1090 and not under tariff item 8418 2100 of the Customs Tariff.
Hitachi Home and Life Solutions Limited V. Commissioner - 2012-TIOL-1167-CESTAT-MUM

CESTAT, Ahmedabad has held that interest on refund shall be payable starting from three months after of the refund application and starting not from three months after the date of the final adjudication. The assessee in the instant case had filed application for refund after re-assessment of bills of entry and the same was allowed by CESTAT earlier, rejecting department's plea to transfer the amount to Consumer Welfare Fund.
Gupta Steel (Ship Breakes) V. Commr 2012

INCOME TAX

Notifications/ Circulars

Delay in filing appeal in the High Court and in the submission of SLP proposal may attract administrative action.
Letter no. Dit(I&R)-i/delay in slp/2012-13, dated 19-9-2012

Reference is invited to Circular No. 05/2011, dated 16-8-2011 whereby the rates of deduction of income-tax from the payment of income under the head "Salaries" under Section 192 of the Income-tax Act, 1961, during the financial year 2011-12, were intimated. The present Circular contains the rates of deduction of income-tax from the payment of income chargeable under the head "Salaries" during the financial year 2012-13 and explains certain related provisions of the Income-tax Act, 1961 and Income-tax Rules, 1962.

Circular no. 8/2012 [F.NO. 275/192/2012-IT(B)], Dt.5-10-2012

CBDT prescribes condition to avail lower withholding tax rate on borrowings made in Forex:

The Finance Act, 2012 has introduced a new Section, Section 194LC, in the ITA to provide for a lower rate of withholding tax of 5% on payment of interest. The lower rate would apply only if the rate of interest is approved by the Government of India (GOI) i.e. the same should be within the all in cost ceilings specified by the Reserve Bank of India under the external commercial borrowings (ECB) guidelines. The borrowings should be made between 1 July 2012 and 30 June 2015 by way of loan agreement or issue of long-term infrastructure bonds, as approved by the GOI in this behalf. The Circular also enlists the conditions which need to be satisfied for an automatic route approval of the GOI.

Case Law

Held that:- There is no dispute that such expenditure is required to be incurred for the purpose of assessee's business but the disallowance was made mainly for the lack of supporting evidence to support the claim of the assessee. The factum of deduction of TDS by the assessee from the said payment is sufficient to fill this gap and relying on the same. Issue decides in favour of assessee.

Hansraj Mathuradas, Versus The Income Tax Officer, 22(1)(2), Mumbai. Dated: 16-09-2011 I.T.A. No. 2397/Mum/2010.

Held that:- From a plain reading of section 195(1) it is clear that the assessee was liable to deduct tax at source at the specified rates (i.e. 20% plus surcharge 10% and education cess 2%) from out of the sale consideration paid by him to the seller of the said flat purchased by him as she was an NRI. If the assessee (i.e. the person responsible for paying such sum to the NRI seller) was of the view that the whole or part of such sum viz. the sale consideration, would not be income chargeable in the hands of the recipient (i.e. in this case the seller, an NRI), Section 195(2) required him to make an application to the Assessing Officer under section 197 r.w.s. 195(2) to determine the amount chargeable and upon such determination deduct tax on such sum so determined.

Syed Aslam Hashmi Versus Income-tax Officer, (International Taxation), Ward-2(1) Dated: 28-09-2012 IT APPEAL NOS. 1313 (Bang.) of 2010 and 1076 (Bang.) of 2012

Regulatory Developments

Notifications/ Circulars

Union Cabinet approved amendments to the following Bills;

- Pension Fund Regulatory and Development Authority Bill, 2011
- The Insurance Laws (Amendment) Bill, 2008
- Amendment of the Competition Act, 2002
- Companies Bill, 2011

CENVAT

Notifications/ Circulars

Regarding extension of the notification benefit to DVD ROMs along the lines of CD ROMs under Notification no. 12/2012-Central Excise, dt 17th March, 2012: *37/2012-CE, dt. 11-10-2012* The effective rate of excise duty on petrol and diesel has been revised as Rs. 1.20 per liter and Rs. 1.46 per liter respectively.

12/2012 - C E dated 14.09.2012

The entry relating to exemption meant for LPG and other gases as in the earlier notification, has been amended to delete *E-Magazine from ICSI - Mysore Chapter | Edition - 105; October 2012*

reference to subsidy scheme and to include specified public sector oil companies. - *No. 36/2012 - CE dated 18.09.2012*

Case Law

The assessee in the instant case was engaged in assembling parts of television sets in its factory in Delhi and these television sets were disassembled again and cleared as parts to sister units of the assessee, it was held that the said goods were complete articles, presented in unassembled or disassembled, and hence rules was applicable and the goods cleared from factory.

Salora International Ltd Vs. CCE - 2012 (284) E L T 3 (S C)

The limit under section 11B not applicable for refund of duty paid mistakenly for second time.

Swastic Sanitarywares Ltd V. Uol - 2012-TIOL-757-HC-AHM

Area based exemption not deniable for clerical error of mentioning wrong notification.

Packaging India Pvt Ltd V. CCE - 2012 (283) E L T 393 (Tri-Del.)

Cenvat Credit admissible on tool kit supplied as per statutory requirement.

Hero Motorcorp Ltd V. Commr, 2012 (27) STR 473 (Tri.-Del)

Processing of pipes to fabricate steel tabular poles cleared for use as electric poles amounts to manufacture.

Commissioner V. North Sun Enterprises Industrial Estate, 2012 (284) ELT 75 (Tri. Del)

Service Tax

Notifications/ Circulars

Form 'ST-3' required to be submitted by the 25th day of October, 2012 shall cover the period between 1st April to 30th June, 2012 only. *F. No. 137/22/2012-ST, dt 28-09-2012*

Case Law

Cargo handling incidental to predominant activity of the transportation cannot change the nature of service of transportation cannot change the nature of service of transportation to that of cargo handling.

R K Transport Co V. Commr. 2012 (27) STR 496 (Tri - Delhi)

Payment towards goodwill on transfer of business cannot come under the category of Business Auxiliary Services.

Commissioner V. SS Engineers & Contractors, 2012-TIOL-1282-CESTAT-MUM

VAT, Sales Tax and Entry Tax

Notifications/Circulars

The applicable rate of entry tax on goods covered under Section 3A of the Punjab Tax on Entry of Goods into Local Areas Act, 2000 has been enhanced by 0.5%.

No. S.O.83/P A 9/2000/S 3 A/2012 dated 18.09.2012

Rate of additional tax leviable under Section 3-A fo the UP VAT Act on goods described in Schedule V appended to the said Act has been increased from 1 to 1.5%.

No. KA. NI.-2-898/XI-9(1)/08-UP Act-5-2008-Order-(82)-2012 dated 07.09.2012



Cabinet approves amendment of the Competition Act, 2002

Major amendments approved by the Cabinet relate to changing the definition of “turnover”, “Group”, reducing the overall time limit of finalization of combinations from 210 days to 180 days and insertion of a new Section 5A enabling the Central Government to lay down, in consultation with the Competition Commission of India, different thresholds for any class or classes of enterprises for the purpose of examining acquisitions, mergers and amalgamations by the Commission. The other amendments relate to procedural aspects in working of the Commission.

India to move WTO against US visa fee hike by Oct end

India is expected to soon seek consultations with the US under the aegis of World Trade Organisation (WTO) on visa fee hike for professionals, which discriminates against Indian software companies that send employees to America on short-term contracts. A senior official told that, although the commerce ministry had internally started the process, collecting all the relevant information and data to make a strong case in the WTO is taking time.

Govt to study pay at loss-making companies

The government has set up a panel to look into the remuneration practices of top managements at loss-making companies amid concerns over fat pay packages being doled out to senior executives. "The committee, set up by the Corporate Affairs Ministry, would primarily focus on executive pay practices at loss-making companies. It would also study the prevailing remuneration trends at other firms.

US lawmakers oppose India's market access policy on ICT

Expressing concern over India's recent market access policy, a bipartisan group of 45 American lawmakers have asked the US Trade Representative (USTR) to take action against it as it has the potential for detrimental impact on hi-tech US exports to India. They have written a letter to USTR to take action against India's Preferential Market Access policy, which aims at promoting high-tech manufacturing in the country by making it

mandatory for government companies to buy certain security related equipment from local firms.

Loans to Deccan Chronicle under Finance Ministry scanner for alleged irregularities

Banks and financial institutions that have lent money to Deccan Chronicle Holdings (the owner of IPL team Deccan Chargers) are being investigated for alleged irregularities in their dealings with the Hyderabad-based media house, a person aware of the development said. The finance ministry has asked a two-member panel to conduct the probe, which is expected to take two months. Nearly two dozen entities have lent over Rs 5,000 crore to the publisher of Deccan Chronicle, Financial Chronicle, Asian Age and Andhra Bhoomi newspapers.

US Federal Trade Commission pushes antitrust suit against Google

US Federal Trade Commission (FTC) investigators are circulating an internal draft memo that recommends suing Google Inc for abusing its dominance of Internet search in violation of antitrust laws. Separately, the FTC is considering a second lawsuit against Google for misusing patent protections to block rivals' smartphones from coming to market

WTO to probe US tariffs on Chinese solar goods

An international panel will be convened to decide whether US tariffs imposed on China solar panels and other green products contravene trade rules.

The World Trade Organisation (WTO) has agreed to establish the group, after China complained the US had acted "inconsistently with WTO rules and rulings in many aspects" when investigating whether Chinese companies receive government loans that breach global commerce agreements.

Parle 'Mango Bite' sweet unsafe: FDA

The Food and Drug Administration (FDA) has asked Parle Products to recall from the market the entire stock of its popular candy "Mango Bite" branding it as "unsafe". According to FDA, the manufacturer Parle Biscuits Pvt Ltd at Kirkhinde in Khopoli (Raigadh) used buffered lactic acid (adulterant) in the confectionery which is not permitted.