



Mysore

Newsletter - 52

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For Private Circulation Only

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Come on... Find the way
Forget hitherto, do hereon

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and

'Spectrum' Team



CONVERSION OF PARTNERSHIP INTO COMPANY

S. Vivekananda B.A.L., LL.B., ACS

Part 2

(Recap: 2 options available to a partnership firm for continuing the business in the form of a company: dissolve the firm and incorporate a new Company or Incorporate a Company to take over the business of the firm i.e. and continue the business of the firm Part IX conversion. Under later option, firm shall have 7 partners. Benefits under option 2 are many like.... Read on....)

1. Part IX, recognizes such a Company to be continuation of the business of the firm and that the firm shall cease to operate.
2. All the property, movable and immovable of the firm shall pass to and vest in the Company. (Sec 575)
3. Further, legal proceeding commenced by or against the firm, earlier to incorporation may be continued in the same manner, as if the incorporation of the Company had not taken place. (Sec 577)
4. The rights, liabilities, debts, and obligations or any contracts entered into by the firm shall remain unaffected as it existed prior to incorporation.

Incorporation Procedure under Part IX

Conditions Precedents

- a) Increase number of partners to 7 if not already existing by a supplemental deed or by reconstituting the firm.
- b) Deed of Partnership should elaborate the business activities of the firm which could be incorporated in the objects clause in the Memorandum of Association.
- c) Register the firm if not registered so far with the Registrar of Firms.
- d) Capital clause of the Partnership Deed is to be bi-furcated into Fixed Capital of at Rs.1 Lakh and Current capital indicating the amount of fixed capital against the name of each partner.
- e) Agreement by partners to convert the firm into a company.

(to be continued)



Leader should know how to manage failure

(Experience narrated by Mr. APJ Abdul Kalam)

Let me tell you about my experience. In 1973 I became the project director of India's satellite launch vehicle program, commonly called the SLV-3. Our goal was to put India's "Rohini" satellite into orbit by 1980. I was given funds and human resources -- but was told clearly that by 1980 we had to launch the satellite into space. Thousands of people worked together in scientific and technical teams towards that goal.

By 1979 -- I think the month was August -- we thought we were ready. As the project director, I went to the control center for the launch. At four minutes before the satellite launch, the computer began to go through the checklist of items that needed to be checked. One minute later, the computer program put the launch on hold; the display showed that some control components were not in order. My experts -- I had four or five of them with me -- told me not to worry; they had done their calculations and there was enough reserve fuel. So I bypassed the computer, switched to manual mode, and launched the rocket. In the first stage, everything worked fine. In the second stage, a problem developed. Instead of the satellite going into orbit, the whole rocket system plunged into the Bay of Bengal. It was a big failure.

That day, the chairman of the Indian Space Research Organization, Prof. Satish Dhawan, had called a press conference. The launch was at 7:00 am, and the press conference -- where journalists from around the world were present -- was at 7:45 am at ISRO's satellite launch range in Sriharikota [in Andhra Pradesh in southern India]. Prof. Dhawan, the leader of the organization, conducted the press conference himself. He took responsibility for the failure -- he said that the team had worked very hard, but that it needed more technological support. He assured the media that in another year, the team would definitely succeed. Now, I was the project director, and it was my failure, but instead, he took responsibility for the failure as chairman of the organization.

The next year, in July 1980, we tried again to launch the satellite -- and this time we succeeded. The whole nation was jubilant. Again, there was a press conference. Prof. Dhawan called me aside and told me, "You conduct the press conference today."

I learned a very important lesson that day. When failure occurred, the leader of the organization owned that failure. When success came, he gave it to his team. The best management lesson I have learned did not come to me from reading a book; it came from that experience

(May 11 and 13, 1998 we stunned the world by successfully conducting nuclear test in Pokhran under the leadership of Mr. Kalam. On April 28th 2008, ISRO set a world record by launching 10 satellites and we are on the way to "Chandrayaan". All credits to successful leadership)



Chapter News

SEMINAR ON RECENT DEVELOPMENTS IN LLP BILL

A seminar on Recent Developments in LLP Bill was organized at chapter premises on Tuesday, 15th April 2008. Vice Chairperson of the Chapter CS. Jayalakshmi Anshuman spoke on the occasion. The meeting was attended by members and students

06.04.2008	FEMA & General Clarification	Vijayalakshmi, Abhishek
13.04.2008	Discussion on Labour laws	Harish B N
24.04.2008	Clarifications for queries from students	Pracheta, Harish B N
27.04.2008	Clarifications for queries from students	Bhagyaraj

STUDY CIRCLE MEETINGS

Study circle meetings are continued to be organized by the chapter every Sunday at 4 PM.

Dear Readers,

Yet another innovation for you - introducing new interactive forum

Samvad

- a platform that articulates views, happenings, practices, ideas and so on a variety of subjects and practices. As the very word, **Samvad** conveys, it will be an attempt to share and build on our wealth of experiences and therefore it is an enabling tone and not that of an expert and learner.

Let us use the opportunity to share, interact and enrich our knowledge and improvise our practices. In this issue, we bring you an opening thought on Human Resources.

New forum **Samvad**

Changing HR...

By **B Jagadeesh**

Director - Corporate H R
Essilor India Private Limited, Bangalore

In a world of constant change, HR is no exception. Today, expectations from HR have changed too.

Back in the 1930's when the Royal Commission of Labour stressed on the maintenance role of HR in ensuring industrial peace and progress - the focus was to maintain and thus avoid breakdown of production. And in the late 70's and the 80's it was all about operational HR, to support and sustain the growing operations, moving beyond maintenance to partnering, making sure that we proactively support the business plans. And to day, it is all about development, out sourcing the non-value adding or the routine so that HR can focus on the development agenda of the business, HR value creation.

Therefore, we see whole lot of HR support services in running canteens, managing pay roll, and low end recruitment or for that matter even many more...

I am sure each one of us have had experiences of innovations in HR practices, can we share for the common good and thus create a commonwealth of HR knowledge and practices. It will be great to share and learn from each other. What would you say?

This column will pick the best for the month and share it with the readers. Perhaps, we could over a period of time, pick the best of best as recognition. The practice could be from our own organization thus we will be brand building or it could be something that we came across or observed some where else or it could even be an idea that needs to be explored.

Mail your thoughts to newsletter.mys@rediffmail.com

Letter on Big firms...

CS. Kasturi Shastry
Company Secretary
Promac Engineering Industries Limited
Bangalore

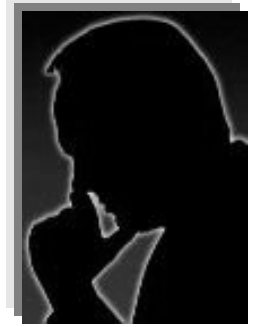
Dear Friends,

'The Big One-Stop-Shop Professional firms....' in column 'Observer', was really an alarming article by Mr. Dattatri for professionals like us. The article reminded me of the fruits that all of us are enjoying today by deciding to form the CSMysore eParivaar to grow together. A big professional firm could be a higher version of CSMysore.

In building such a firm there are business risks and practical difficulties, which almost evaporate the confidence of budding professionals. The prospective founders of the firm have to be knowledgeable & experienced for attracting the clients. Further founders have to have a wide network and contacts of people who cater to the order requirements of the firm. It is better if before starting the firm itself, at least few clients and few orders have are on hand to support the firm during its early days.

Initially major effort goes in **building goodwill** in the market, which may even warrant free/low priced service. Hence, partners have to be financially sound enough to bear with the gestation period. **Like-minded partners** only can win over these initial hic ups. They should have common objective. Therefore, **the attitude and perception of each partner** counts a lot.

Still, making a Big Firm is possible. It only needs enormous preparation, **undivided hard work and complete dedication**. The deadlines for different preparatory works have to be identified followed by actions. Proper selection of partners is vital. During the preparation time, work should also move towards building network and creating publicity for the firm. I feel, then only, we can realize the dream of Big Firm.



Why aren't "Big Firms" happening?

[Article continued from previous edition...]

In the previous edition of the newsletter, we listed out the advantages of having real big one-stop shop professional firms. The concept per se is not something new. In fact, this is some thing, many have already tried in different ways. However, it is not a reality so far. How come?

Mr. Vivekananda, a practicing advocate from Bangalore expressed his thoughts:

"Let us also understand that the basic maturity, culture and understanding of the people of a particular region matter a lot. In USA, there are law firms having hundreds of partners, while here we find it difficult with just two partners. If such firms enter our market, we are not in a position to match them. As far as possible, a start up firm must have people having a good understanding of each other and as far as possible have the same ideology, culture and tradition, and above all one goal - to grow bigger..... In fact, Swami Vivekananda after going around the world had expressed his anguish at the fact that Indians because of their attitude find it difficult to form organisations. Our inability to form partnerships reflects our attitude..."

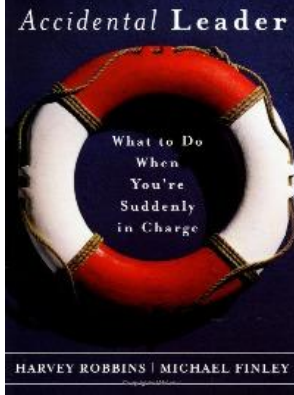
Looks right. I have seen multi faceted well established firms splitting. Reason...? May be... attitude.

We can understand the effect of multinational firms entering Indian market, by looking to the impact made by big four firms in the field of financial audits. What I always wonder is that all these Indian operations of big firms are run by Indian Partners only. If Indian professionals can run real big firms for foreign brands, why we cannot create pure Indian brand in the field of corporate professions? Is it our thirst for personal prominence that leads to damaging the basic understanding among partners? Is it the clientele distraction? Or is it income allocation?

Talking on the subject Mr. Jagadeesh, Director, Corporate HR for Essilor India, Bangalore said, "The article on big firms is a good articulation on the need. For that matter, every profession has its own set of consulting organizations particularly Chartered Accountants, Company Secretaries and HR. In HR Mafoi has become the biggest HR consulting Indian organization with a turnover in excess of 200 plus crores. The concept of CS, Finance, legal and HR combined to form a firm is unique and non-existent to the best of my knowledge - building on one stop or one umbrella is novel. We really need to explore the ways and means of realizing one of that kind" True.

It is the need of the hour to reorganize ourselves to pave the way for real big firms. India Inc has proved its potential to grow bigger and even to acquire foreign companies. Now we professionals - advisors for these achieving companies - need to achieve real big things. We need to have real Indian multinational multi discipline professional firms.

Let us just concentrate on how to achieve this.



News Update

Finance Bill cleared, 6 new services under tax net

The Finance Bill received the Presidential assent on May 10, 2008. Following new services are liable to ST from now on:

1. Services provided in relation to information technology software for use in the course or furtherance of business or commerce.
2. Services provided in relation to management of investment under unit-linked insurance business, known as ULIP scheme.
3. Services provided by a recognised stock exchange in relation to securities
4. Services provided in relation to supply of tangible goods without the transferring right of possession and effective control of the tangible goods.
5. Renting immovable property service
6. Promotion or marketing of games of chance, organised, conducted or promoted by the client, whether or not conducted online, including lottery, lotto, bingo

Service tax refund extended to 3 more export-based services

This will take the total number of such services to 19. Exporters will now get tax refund on services provided in relation to sale and purchase of foreign currency under banking and other financial services as well as under foreign exchange broking services from May 16. Service tax refund is also available on the supply of tangible goods, where the right of possession and effective control is not transferred. This will be treated as export if the goods are located outside India during the period of their use by the recipient.

Book Review by
CS Nimmoo Kinger PCS, Mysore

Harvey Robbins and Michael Finley's

The Accidental Leader: *What to do When You're Suddenly in Charge*

Imagine the boss drops dead and suddenly you're the acting boss. Or, let's look at another scenario, the company reorganizes, everyone above you is fired and guess who's in charge. You, of course! Suddenly everything changes. People look at you in a different way. Your friends no longer completely trust you, your enemies are working actively to undercut you and your ability to come to terms with accidental leadership will make or break your career.

At this point, this book comes to your rescue. It is full of little motivational tips, kind words and straight talk covering everything from managing complex and difficult teams to firing people. A comprehensive, brief 'how-to' guide, it contains dos and don'ts for new managers. This is a straightforward, to-the-point reference. The chapters are grouped into: managing yourself; managing the technical side; and managing people. Ideal for anyone new to managing or seeking a fast refresher on key points to keep in mind

... .. Words worth millions... ..

A religious writer asked the Master: "How does one discover God?"

Said the Master sharply, "Through making the heart white with silent meditation, not making paper black with religious composition."

And, turning to his scholarly disciples, he teasingly added, "Or making the air thick with learned conversation."

Anthony de Mello, SJ

More Updates : : : : : More Updates : : : : : More Updates : : : : : More Updates: : : : : More

National Advisory Committee on Accounting Standards (NAC)

The Central Government constituted NAC to advise the government on the formulation and to lay down the accounting standards for adoption by companies or class of companies under the Companies Act 1956. The notification would come to effect from the date of publication in the Official Gazette

Notification No. S.O.901(E) dated 22 April 2008

Do you have unused stamp papers?

The Indian Stamp Act, 1899 nowhere prescribes any expiry date for use of a stamp paper. Section 54 provides that a person possessing a stamp paper for which he has no immediate use (which is not spoiled or rendered unfit or useless), can seek refund of the value thereof by surrendering such stamp paper to the Collector *provided it was purchased within the period of six months* next preceding the date on which it was so surrendered. Section 54 does not require the person who has purchased a stamp paper, to use it within six months. Therefore, there is no impediment for a stamp paper purchased more than six months prior to the proposed date of execution, being used for a document.

Judgment by Supreme Court in Thiruvengada Pillai Vs. Navaneethammal and Anr.



Intellectual Property Rights

Infringement of Copyrights

This article is an extract from a hand book on copy rights published by central government. The handbook is available at <http://copyright.gov.in/handbook.htm>

The following are some of the commonly known acts involving infringement of copyright:

- i. Making infringing copies for sale or hire or selling or letting them for hire;
- ii. Permitting any place for the performance of works in public where such performance constitutes infringement of copyright;
- iii. Distributing infringing copies for the purpose of trade or to such an extent so as to affect prejudicially the interest of the owner of copyright ;
- iv. Public exhibition of infringing copies by way of trade; and
- v. Importation of infringing copies into India.

Any person who knowingly infringes or abets the infringement of the copyright in any work commits criminal offence under Section 63 of the Copyright Act. The copyright owner is entitled to remedies by way of injunctions, damages and accounts.

The District Court concerned has the jurisdiction in civil suits regarding copyright infringement as a civil case and any court not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under the Copyright Act..

Copyright infringement is a cognizable offence. Any police officer, not below the rank of a sub inspector, may, if he is satisfied that an offence in respect of the infringement of copyright in any work has been, is being, or is likely to be committed, **seize without warrant**, all copies of the work and all plates used for the purpose of making infringing copies of the work, wherever found, and all copies and plates so seized shall, as soon as practicable be produced before a magistrate. The Court may order delivery to the owner of the copyright all such copies or plates.

Where a company has infringed the copy rights, every person who at the time the offence was committed was in charge of, and was responsible to the company for, the conduct of the business of the company, as well as the company shall be deemed to be guilty of such offence and shall be liable to be proceeded against.

The minimum punishment for infringement of copyright is imprisonment for six months with the minimum fine of Rs. 50,000/-. In the case of a second and subsequent conviction the minimum punishment is imprisonment for one year and fine of Rs. one lakh.

.....Contd from adjacent column

"It is very satisfying for the three stripes to be recognized as a strong trademark after the court heard detailed evidence over more than three weeks."

www.iht.com – May 6, 2008

FTA between India and Europe will also address IPR:

A free trade agreement is slated to be finalised between India and the European Free Trade Association (EFTA) by early 2009. The EFTA countries include Iceland, Liechtenstein, Norway and Switzerland. Apart from trade in industrial and agricultural goods and services, there would be strong focus on implementation of intellectual property rights regime.

www.financialexpress.com - May 7, 2008

IPR News

(Compiled by CS. Madhwesh, Mysore)

Fight for Maza

Bisleri International chairman Ramesh Chauhan and The Coca-Cola Company (TCCC) are locked in a dispute over the intellectual property rights (IPR) for soft drink trademark 'Maaza' outside India. Mr Chauhan has accused Coca-Cola of 'stealing' the IPR for Maaza and infringing agreements dating back to 1993 and 1994 signed between TCCC and Aqua Minerals (now Bisleri). Mr Chauhan claims that the Maaza trademark was sold to TCCC only within India and the licensee (Bisleri) was the registered proprietor of the trademark outside India. Coca-Cola, however, claims that "there was no non-compete agreement entered into by the Chauhan Entities to restrain the company in relation to any country where the Maaza trademark was not registered by a Chauhan Entity".

http://timesofindia.indiatimes.com 4.5.08

Adidas wins trademark infringement case against an US company.

Adidas has won \$305 million (€196.4 million) award from a federal jury for trademark violation of its three-stripe design by a Kansas (US) shoe company. A spokeswoman for Germany's Adidas AG, the world's second-largest sporting goods maker, said the company was happy with the verdict. "The three-stripes are paramount to the Adidas brand, and a very strong and popular brand symbol globally," spokeswoman Anne Putz wrote in an e-mail.

.....Contd in adjacent column

Legal Round-up

Compiled by Pracheta, ACS

INCOME TAX

CBDT clarification on TDS ST component on rental income

The Central Board of Direct Taxes (CBDT) have vide Circular No. 4/2008 (the Circular) dated April 28, 2008 clarified that tax would be required to be deducted at source, under section 194-I of the Income-tax Act, 1961 (the Act), on the amount of rent paid/payable without including service tax.

Project monitoring services cannot be taxed as royalty-AAR

AAR has held that project monitoring services do not amount to making available the technical knowledge, experience etc and cannot be taxed as "royalty". Accordingly, the income from such receipts would be taxed as business profits under Article 7 in India in terms of the DTAA between India and Australia.

- *WorleyParsons Services Pty Ltd (2008-TIOL-05-ARA)*

Rentals for hosting of website on servers abroad

The Delhi Tribunal held that providing of space on the servers by the non residents for the purpose of hosting of the website for a fee, will not result in the provision of technical services to the assessee and therefore would not constitute 'FTS' liable to be taxed in India u/s 9(1)(vii) of the Act.

- *Millenium Infocom Technologies Ltd. (2008-TIOL-166-ITAT-DEL)*

CENVAT

E-payment made after 8 p.m to be considered as payment made next day (Govt Clarification)

- *Pr. Chief Controller of Accounts, C.B.E.C., Letter No. Coord.III/69/ EASeR/414, dated 16-02-2008*



IT For Corporate Professionals

- Amitkumar Hegde B Com, MCA(Final)

Hi... Today's technology endeavors have offered few brilliant ideas of communication over the internet. Skype is one such software which has brought together all the forms of communication over the internet into one platform.

Skype allows users to make free calls over internet but calls to landlines or mobiles attract a fee. Other features include Instant messaging, File transfer, and Video conferencing. Skype has gained a huge number of users since its launch. Many companies use Skype for inter office communication.

Skype offers each of the above services in an innovative way. For example, you can call your client if he also uses Skype, you can send SMS, add a click-and-call button in your e-mail signature, transfer call to another Skype user or landline or mobile, divert Skype calls to your mobile, voice messages, call recording, sending fax and so on. Although many of these facilities are paid, free services such as instant messaging, free PC to PC call, file transfer, video conferencing are useful.

Skype provides secure communication using one of the best encryption techniques.

Skype allows users to use the system without revealing their identity to other users. So it is assured that all communications will be safe from prying eyes. So move ahead and download this free utility from www.skype.com and cut your communication costs.

Web Yatra

By Harish B N ACS
Mysore

CACLUBINDIA

A INTERACTIVE PLATFORM FOR FINANCE PROFESSIONALS & TAXPAYERS

Dear Friends,

It is said a professional is complete when he has endeavored into diverse set of areas of his profession. In this techno era a suitable platform is needed to achieve his/her venture, so one such interactive platform for professionals is CACLUBINDIA.COM. This Website provides a channel for Chartered Accountants, Company Secretaries, Cost Accountants, MBAs' and Finance Professionals.

This site provides an exemplary source of knowledge in the areas of Income Tax, VAT, Service Tax, Accounts, Corporate law, Audit, InfoTech and Shares & Stock. The distinctive feature of this site is that queries are solved by experts and even professional students have an occasion to learn from the seniors.

Sharing of files, articles, amendments, latest news, notifications and circulars are the highlights of this site. Therefore, friends peek into this website and make the optimum use. Till next issue, *Happy Browsing.*

Dutiability

No marketability; no Excise

The SC has held that an article is not liable to excise duty if it is not marketable, even though such article is mentioned in the schedule to the Central Excise Tariff Act.

Processing & Packing of dry fruits is Manufacture under Excise - SC

-SKB Dryfruits Marketing Co. Pvt. Ltd. Vs. CCE (2008 (224) ELT 339)

Rectification, modification etc of moulds- not manufacturing

The Tribunal held so in -Karthigeya Moulds and Dies Pvt. Ltd. Vs. CCE (2008 (85) RLT 296)

Valuation

Goods sold to related persons and later on used by him for captive consumption

The Tribunal, has held that such goods are required to be valued as per the cost construction method under excise law even if the actual selling price is higher.

Ucal Machine Tools Ltd. Vs. CCE (2008 (223) ELT 647) & CCE Vs. Aquamall Water Solutions Ltd. (2008 (223) ELT 385)

CENVAT Credit

Bought out items packed in combination pack

The Tribunal, has held that CENVAT credit is admissible on bought out items packed in a combination pack along with the goods manufactured by the assessee where the process of such packing amounts to manufacture under excise law.

-Lotte India Corporation Ltd. Vs. CCE (2008 (224) ELT 102)

Furnace oil generated by captive mines in Cement Industry

The Tribunal has held that CENVAT credit cannot be denied

Investor Secretary – 8

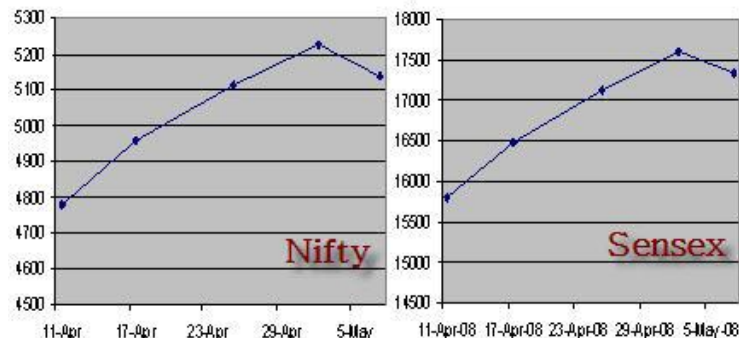
By Sreeraj M ACS Final



Dear All

After having a tight lipped look at the bourses and lending ears to the news varying from recession of the U.S economy to the monetary policy of the RBI, the markets were taking cues from every possible source. The good corporate results both in India as well as U.S bought a sigh of relief justifying the current economic situation as a downswing and not a recession.

The markets took the fiscal measures of the RBI on a positive note whereby the Central Government raised the CRR by 25 basis points to 8.25% and kept the Repo and Reverse Repo Rates intact. As on May 7th 2008, the SENSEX closed with 17339.31 points and the NIFTY with 5135.5 points.



Volumes continued to be low though the open interest in the Derivatives segment seemed inching up.

OUTLOOK: At present, the SENSEX seems like moving sideways. However, the outlook on the Index remains positive for the long-term. Yet, some short-term correction cannot be ruled out at this point. The SENSEX is expected to be rangebound and oscillate between 16700 and 18200 points during the month. Traders are advised to be cautious and investors need not worry about the current state of the global economic turmoil as the future remains brighter for investments.

MY STRATEGY FOR THE MONTH: I prefer to go on a stock specific play rather than on a sector as a whole. I prefer to opt for better bargains across the sectors and add to my kitty. As on 8th May 2008, Steel, Telecommunications and Cement seemed fancy to me.

Note: Send opinions, suggestions and any stock specific queries to rajfoxy@gmail.com

Tan's Portfolio (Status as on 8th May 2008)

Sl	Name of the Stock	Purchase Price (Purchased on 11/10/ 07)	Current Market Price (as on 8 th May 2008)	Returns (In %)
1.	Bharat Forge	294.10	310.20▲	5.47%
2.	Energy Dev	75.75	134.00▲	76.90%
3.	India Nippon	149.35	150.20▲	0.57%
4.	McDowell Holdg	225.50	183.85+	-18.47%
5.	Sasken Comm	319.65	166.50↓	-47.91%
6.	Taj GVK Hotels	142.35	147.65▲	3.72%
7.	Vakrangee	180.70	232.90▲	28.89%
8.	iGATE Solutions	340.35	404.05▲	18.72%
		TOTAL RETURNS		67.89%

Mr. Tan has planned to rejig his portfolio by selling current portfolio and add the following stocks:

(Purchase Price mentioned are the closing Prices of the specific stocks as on 8th May 2008)

1. Buy Garware Wall Ropes (NSE) - Bought at Rs. 108.15
2. Vimta Labs (NSE) - Bought at Rs. 82.20
3. Neocure Therapeutics (NSE) - Bought at Rs.22.65
4. Sterling Tools (BSE) - Bought at Rs. 69.20
5. Finolex Cables (NSE) - Bought at Rs.69.90
6. Prism Cement (NSE) - Bought at Rs. 41.70
7. Assam Company (NSE) - Bought at Rs.27.20

Disclaimer: Trading and investment in stock market is risky and volatile. All the contents/views in this article are for information and not recommendation or an offer or solicitation of an offer to any person with respect to the purchase or sale of the stocks discussed in this article. The author may be trading/investing in, or have positions in the securities mentioned. The author is not responsible for profit/loss incurred by anybody. Please do your home work before investing.

on furnace oil used in the generation of electricity in the factory and supplied to such mines.

-Gajambuja Cement Vs. CCE (2008 (223) ELT 496)

No CENVAT credit to be reversed on inputs/ capital goods cleared as such to 100% EOU against CT-3 certificates.

The Tribunal in *CCE Vs. Finolex Industries Ltd.* (2008 (85)RLT 395),

Service Tax

Cenvat credit on invoices with different addresses:

The Tribunal has held that service providers are eligible to avail CENVAT credit on invoices issued in their name but with different address provided if the registration certificate was later amended to include the new address.

Raaj Khosla &Co Vs CCE [2008-TIOL-523]

Activity of construction and sale of houses

The AAR has held such activity is chargeable to service tax under residential complex construction services, irrespective of the fact that the service could also be brought within the ambit of works contract services.

Harekrishna Developers [2008-TIOL-03-ARAST]

Input services of transportation of manufactured goods subsequent to their sale:

The Tribunal has held that the input services of transportation of manufactured goods subsequent to their sale are not eligible for CENVAT credits.

CCE Vs Sound Castings Pvt Ltd[2008(13) STJ34],

Sales Tax

Amortization of cost of tools, dies etc supplied free of cost:

The Supreme Court has held that the amortization cost of tools, dies and moulds supplied free of

Come on... find the way!

Charanya Sridharan ACS

Hi Friends,

The festival season is going to begun. JUNE-2008 exams are approaching, to bring in new members to our CS family. I take colossal pleasure in cheering the students CS's who are on their nerves to qualify this time.

Friends, do not set back, You will not know , you knew so much , this attempt is yours, overcome your fear and emerge successfully. It isn't too late now, evaluate the current level of your skills , identify the areas you need to concentrate your efforts , the study style that suits you , then am sure you need not wait till August 25th to know your results.

Do not fix yourself in any roulette of confusion, sublimate your thoughts, be optimum in all your aspects, there fore in near future you will sense the power of ultimate success. Live your preparation enjoy every fraction you spend, take your doubts and confusion in any context you move with, as a challenge for the strength of your preparation., this attitude can help you out in many ways and can as well accelerate your self -belief and confidence.

Neither the obese secretarial audit material nor a frail WTO material can infuse fear in you, it is the fear which is the root cause of our problems and should be the object of our fight, not the exams. So let's not worry about the identified results, rather work to enjoy the victory show live on 25th.

Let's ponder Lincoln's words, "Determine that things can and shall be done, and then we shall find the way "**Wish you all the very best!**

Forget Hitherto, Do Hereon...

"See Yes Vj", you may reach him at <http://yehseeeyes.blogspot.com>

Yes...How many here? Can run towards your Fear! To see, it's a Cheer ☺

"Not Studied" is an excuse for the Past. Saying "December 08" is an excuse for the Future. Thinking "August 08" is *force majeure*.

One & Only Appearing for what is applied is Present tense.

ICSI has invited you by sending Hall Tickets for "June 08". Hope you are a guest, who will make this function, a grand success. "Exams are Events", its not a place for competition or a place for testing knowledge, but it's a privileged occasion of various 3hours which has to be felt suo motto and reviewed only after 10th June 2008.

Step 1: Secretarial Filing: Dose: Single Day for all Subjects put together.

Yes, I had attended that Economic Law class which was too good [so, take that notes]. That Transfer of Shares under FEMA is too good in that blog [take a print now]. Even it can be pages in a book that you read & understood [tag it now]

I mean to say here, spend a day, collect all the relevant materials/pages that you had already studied and satisfied, at one single place. There are chances that few portions of Company Law are included in Securities Law or common portions under Advanced Company Law & Corporate Restructuring, so make sure, such things are kept in both the places.

cost by the customer and included in the valuation for the purpose of levy of excise duty cannot be added to the sale price for computation of sales tax. Sales tax has to be levied on the agreed consideration for transfer of property in goods and for this purpose, manufacture is irrelevant.

Morioku UT India (P) Ltd Vs.State of U.P. [(2008) 36 NTN 72]

CSTAA cannot hear appeal against an order of High Court

The Central Sales Tax Appellate Authority has held that under Section 19 of the CST Act, 1956, the CSTAA is only competent to hear appeals against the orders of the highest appellate authority of the State and it therefore cannot hear on appeal against an order of the High Court of a State.

-Macwin Explosives and Accessories Pvt. Ltd. Vs. Secretary, Commercial Tax Department [(2008) 31 PHT 360],

Customs

Customs duty on imports under EPCG cut to 3% from 5%

The reduced rate would be applicable for capital goods for pre-production, production and post-production including second-hand capital goods.

Classification

Mere descriptions of goods in the invoices cannot be the basis for determining the classification of such goods.

The Tribunal has held in *Sanghvi Movers Vs. CC (2008 (223) ELT 641)*

Valuation

Where contemporaneous imports at higher value is not available...

The Supreme Court has held that the burden to prove undervaluation lies on the Revenue and hence, in the absence of any evidence of contemporaneous imports at higher value, the transaction value (TV) cannot be rejected.

-CC Vs. Initiating Explosives Systems (I) Limited (2008 (224) ELT 343)

Study only that much, that you feel, you can revise atleast once. Yes.

Keep filing/tagging separately for every subject, so that you can locate it easily during exams.

Within the day, try collecting Nov 07-Mar 08 "Student Secretary".

Step 2: Court Hearing for Guideline Answers:-

Dose: 2 or 3 Guidelines for every subject & read it for 1 or 2 days.

Yes...take any 2 or 3 Guideline Answers pertaining to New Syllabus for every subject. Try spending 2.5 hrs precious hours to write a Single Question Paper per subject & spend 1 hr to evaluate the same with the Guideline Answer available.

Read the same 2 or 3 Guidelines again & again...

3hrs to Write 1 Guideline.
2hrs each to study 2 Guideline (including the one above).
1hr each to study the same again.
So. 9hrs = a day. with breaks.

Step 3: Take short breaks in-between:-Ye, its for your recharge. At that time, you can,

1. Turn through Student Secretary, concentrating cases/articles on the particular subject.
2. Skim through other Guideline Answers that you have.
3. Turn through Institute Study Material.

During Exams:

- Sleep for 5hours a day [not in the exam hall];
- Never discuss exams after or before exams, as it shall be reviewed only after 10th June 2008;
- **3 hours in your hand to cumulate your thoughts, show to the examiner what you know...** [First Day, First Show].
- Just remember, every subject is different, give equal importance & concentration in exam hall, without getting influenced by previous or next exam, you never know !

Wot Nekst ?

Think of today that day, start studying whether you think failing or passing, as we have to keep studying... *Forget Hitherto, do hereon...*

.....continued from adjacent column

CA Certificate is adequate to rule out unjust enrichment

The Tribunal has held that a CA certifying that the incidence of duty was not passed on to the ultimate consumer is adequate to rule out unjust enrichment, unless evidence to the contrary is made available.

-Fiat India Private Limited. Vs. CC (2008 (85) RLT 347),

FTP

Goods re-imported after exportation- liable to duty and all import restrictions

The Supreme Court has held that goods re-imported after exportation would be liable to duty and be subject to all the conditions and restrictions to which goods of the like kind are subject on the importation thereof.

-Super Cassettes Industries Limited Vs. CC (2008-TIOL-70- SC-CUS)

Education cess not leviable under duty free import

The Tribunal has held that education cess is not leviable in respect of duty free import under the Duty Entitlement Passbook (DEPB) Duty Entitlement Passbook (DEPB) Scheme.

Kedia Overseas Limited Vs. CC (2008 (153) ECR 0045)