



THE SALES TAX PRACTITIONERS' ASSOCIATION OF MAHARASHTRA

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58th Annual Report 2008-09

Managing Committee 2008-09

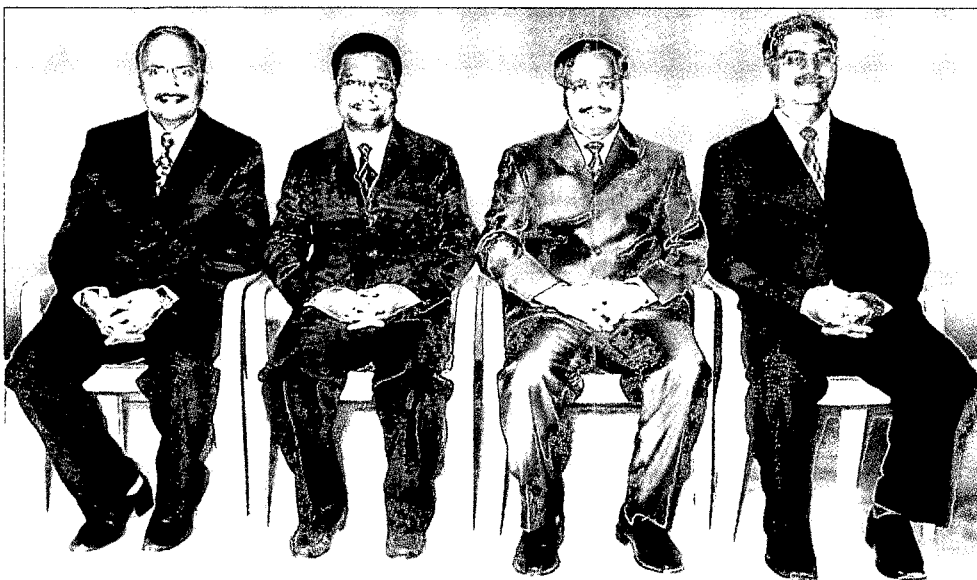


Sitting from left : SarvaShri Chirag Parekh, Pankaj Parekh, Hiten Shah, Deepak Bapat, Mayur Parekh, Tushar Joshi and Ashvin Acharya.

Standing (middle row) from left : SarvaShri Pradip Kapadia, Vijay Sachiv, Kishor Lulla, Dinesh Tambde, Sadashiv Rane, Dilip Parekh, Shashank Dhond and Sunil Khushalani.

Standing (last row) from left : SarvaShri Deven Gujar, P.V.S. Nair, Pranav Kapadia, Sanjay Mehta and Nandkishore Pachpute

Office Bearers 2008-09



From left : SarvaShri Hiten Shah, *Hon. Treasurer*; Mayur Parekh, *Vice-President*; Deepak Bapat, *President* and Pankaj Parekh, *Hon. Secretary*.

Not in photo : Pramod Surte, *Hon. Jt. Secretary*.

58th Annual Report

Sagacity, Service, Solidarity lead to Success



58th Annual Report

(Report for the year 2008-09)



The Sales Tax Practitioners' Association of Maharashtra

8 & 9, Mazgaon Tower, 21, Mhatar Pakhadi Road, Mazgaon, Mumbai-400010. Tel. : 2375 2267/68

1st floor, 104, Vikrikar Bhavan, Mazgaon, Mumbai-400010. Tel. : 2377 6395, 6991 7320/7321 Fax : 2378 0483

Suburban Vikrikar Bhavan, Ground floor, A Wing, Bandra-Kurla Complex, Bandra (East), Mumbai-400051.

Tel. : 6991 7322, 2659 1791 ♦ E-mail : stpam@mtnl.net.in ♦ Website : www.stpam.org



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NOTICE

In continuation of the 58th Annual General Meeting Notice dated 13th May, 2009 all the Members are hereby informed that the time of the Annual General Meeting to be held **on 17th July, 2009, is preponed and changed from 5 p.m. to 3 p.m.** The Venue and Agenda remain the same.

Place : Mumbai

Dated : 18.6.2009

Pankaj K. Parekh

Pramod P. Surte

Hon. Jt. Secretaries.

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58th Annual General Meeting

Notice to Members

Notice is hereby given to all the members of the Association that the 58th Annual General Meeting of the Members will be held on Friday the 17th July, 2009 at 5.00 p.m. at the S.T.P. Association Library Hall, Room. No. 104, 1st floor, Vikrikar Bhavan, Mazgaon, Mumbai-400010, wherein the following business will be transacted.

AGENDA

1. To read and confirm the minutes of the last Annual General Meeting held on 18th July, 2008.
2. To receive and adopt the audited statement of accounts of the Association, Sales Tax Review, Books and Bulletin and Contributory Judgment Scheme for the year ended 31st March, 2009 and the Balance Sheet as on that date and to receive and adopt the Annual Report of the Managing Committee for the year 2008-2009 (A copy of the report and accounts would be sent separately).
3. To appoint an Auditor for the year ending 31st March, 2010 and fix his honorarium.
4. To consider the amendment and/or addition to Article 12 and 17 of the Constitution as recommended by the Managing Committee. (Text of proposed amendment is attached).
5. To transact any other business as may be decided by the Managing Committee.
6. To receive the report of the Chief Election Officer and declare the result of the Election.
7. To transact any other business that may be brought with the permission of the Chair.

Place : Mumbai
Dated : 13.5.2009

Pankaj K. Parekh, Pramod P. Surte
Hon. Jt. Secretaries.

Resolution : Any member desiring to move any resolution, other than alterations in the Articles of the Constitution of the S.T.P. Association of Maharashtra, in the General Meeting, should send the same duly proposed by a member and seconded by another member so as to reach the office of Association, latest by 17th June, 2009.

Note : Any member desiring to seek any information on the Accounts may do so at least 10 days in advance in writing so as to enable the committee to reply to the same to the satisfaction of the member concerned.



The Sales Tax Practitioners' Association of Maharashtra

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***Annexure to the Notice of 58th Annual General Meeting of
The Sales Tax Practitioners' Association of Maharashtra***

**Proposed Amendments to the Constitution of
the Sales Tax Practitioners' Association of Maharashtra**

1 In Article 12 of the Constitution following proviso shall be inserted :

"Provided that a notice convening a general meeting when published in 'STPAM News Bulletin' of any month posted not less than 45 days before the date of the meeting shall be treated as notice contemplated under Article 12 and shall be deemed to have been posted or sent to the registered address of the members."

2 In Article 17 of the Constitution after clause (2) following proviso shall be inserted :

"Provided that a Circular inviting nominations from the members of the Associations, for the election of the Office Bearers and the Members of Managing Committee is published in 'STPAM News Bulletin' of any month posted not less than 45 days before the date of Annual General Meeting shall be deemed to have been posted or sent to the registered address of the members."

Background for proposing the Amendment

The Association was availing the service of Courier Agency for sending the following to members :

- i) Notice of Annual General Meeting
- ii) Circular regarding invitation of nominations for the election of Office Bearers and Members of Managing Committee
- iii) Short Notes on Tribunal Judgments, Circulars/letters regarding Programmes, Meetings, Seminars, Renewal of Membership, etc.

The courier charges are Rs.6 and Rs.10 respectively for Mumbai and outstation. In the last year *i.e.* in the month of September 2008 the Indian Postal Authority granted Postal Certificate to 'STPAM News Bulletin' for posting at a concessional price of Seventy Naya Paisa only.

To save the cost on postage since September 2008 all the items mentioned at Serial No. (iii) above are being printed in 'STPAM News Bulletin'.

'STPAM News Bulletin' is being posted to every member of the Association and there is no separate fee to avail 'STPAM News Bulletin'. Further, like 'Sales Tax Review', a non-member cannot subscribe for 'STPAM News Bulletin'.

Text of Article 12 and Article 17(2) of the Constitution is given below for ready reference of the Members

Article 12 Notice : A notice convening a general meeting shall state the date, time and place thereof and the purpose for which it is convened and shall be posted or sent to the registered address of the members, not less than 45 days before the date of the meeting. Any accidental omission to give such a notice to any member or non-receipt of the same by any member shall not invalidate the proceedings at the general meeting.

Article 17(2) : The Election Committee so appointed shall invite nominations from the members of the Associations, for the election of the Office Bearers and the Members of Managing Committee, so as to reach the office of the Association not later than 5 p.m. of thirtieth day before the date of Annual General Meeting.



Highlights of the Year

- ❖ Strong representations before various authorities and meetings with the Commissioner of Sales Tax for clarification and amendments to the MVAT Act, 2002 and various issues in administration of the Act.
- ❖ Study Circle meetings at the Mazgaon Library on important subjects.
- ❖ Guidance cell on every alternate Thursday at Mazgaon Library on Sales Tax and Service Tax issues.
- ❖ 33rd Residential Refresher course at Kadavu Resort Near Calicut with 256 participants.
- ❖ Outstation seminars in 4 districts of Maharashtra – total 4 seminars.
- ❖ Effective use of Right to Information Act for obtaining information/details from the State Government and Sales Tax Department.
- ❖ Publication of monthly STPAM News Bulletin for Members; containing Circulars and other information regarding programmes organised by the Association, renewal of Membership, etc. and short notes on Tribunal judgments.
- ❖ Effective use of Sales Tax Review for communication with the Sales Tax Department and business community.



The Sales Tax Practitioners' Association of Maharashtra

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The Sales Tax Practitioners' Association of Maharashtra

58th Annual Report

(Report for the year 2008-09)

We have pleasure in presenting this 58th Annual Report of the activities of the Association for the period July 2008 to June 2009 along with the Audited Statements of Accounts and Balance Sheet for the period 01.04.2008 to 31.03.2009.

1. Election for the year 2008-09

At the 57th Annual General Meeting held on 18th July, 2008, Shri D. N. Parikh, the Chief Election Officer reported about the election held for the post of President and members of Managing Committee. He announced the names of the office bearers and Managing Committee Members who got elected. The baton of the Presidentship was entrusted by members again to the young and dynamic member of the Association, Shri Deepak K. Bapat.

2. Law and Representation Committee

This Constitutional Committee represents the Association by making valuable representations and suggestions on legal and administrative issues to the Sales Tax Department as well as to the Government. Besides representations, meetings and discussions with the officials of the Sales Tax Department and follow-up on issues result in better and simplified administration of the law, thus achieving an important objective of the Association. The Committee for the year, under the Chairmanship of President Shri Deepak K. Bapat, was headed by the studious and meticulous Convenor, Shri S. N. Rane. During the year, the Committee made numerous representations and organised Study Circle meetings in order to update the members with the latest development of law and administration. The details of the activities during the year are summarised below.



S. N. Rane
Convenor

(A) The following representations were made during the year to the Commissioner of Sales Tax.

1. Problems confronted by the Sales Tax Practitioners at Bhandara.
2. Representation dated 01.09.2008 regarding Form 704.
3. Authority to STP/CA/Cost Accountant/Legal Practitioner to file electronically the returns or any other documents on behalf of his/her client.

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4. Discrepancies shown in Form 704 regarding returns already filed by the dealer for the year 2005-06 and 2006-07 and filing of revised returns before 30th September, 2008.
5. Extension of due date for filing acknowledgement of E-return in respect of returns due on 21st October, 2008.
6. Suggestions at meeting of State-Level Advisory Committee on 19.3.2009.
7. Representations and suggestions regarding penalties, e-services, etc. especially regarding returns and application for obtaining declarations under the CST Act.

(B) Study Circle Meetings

Study Circle meetings are an important feature of the activities of the Association. The meetings, addressed by expert professionals, are designed to provide the members with valuable insights into the recent developments of law. The inaugural Study Circle meeting was held on 12th September, 2008, which was inaugurated by Hon'ble President of the Maharashtra Sales Tax Tribunal Shri G. D. Parekh. The meeting was addressed by Advocate Shri P. C. Joshi on the subject "Trade Circular No. 25T of 2008 on Business Audit with special reference to powers under Section 14 of the MVAT Act granted to Audit Officer".

The details of the Study Circle meetings during the year are given below :

| <i>Sr. No.</i> | <i>Date</i> | <i>Subject</i> | <i>Speaker</i> |
|----------------|-------------|--|---|
| 1. | 12.09.2008 | Trade Circular No. 25 T of 2008 on Business Audit with special reference to powers under Section 14 of the MVAT Act granted to Audit Officer | P. C. Joshi, <i>Advocate</i> |
| 2. | 14.10.2008 | Mandatory filing of Electronic Returns, Annexures, etc. & probable difficulties to Sales Tax practitioners | Sujata Rangnekar, <i>C.A.</i> |
| 3. | 07.11.2008 | Computer uses — Be aware of Cyber Crime | Amol Mane, <i>Advocate, Sangli</i> and Amruta Lulla <i>Commerce Student, Sangli</i> |



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| Sr. No. | Date | Subject | Speaker |
|---------|------------|---|---|
| 4. | 06.03.2009 | Powerpoint Presentation and Guidance Regarding e-compliance | Amol Mane, <i>Advocate, Sangli.</i> |
| 5. | 08.04.2009 | Effect of Supreme Court Judgment in case of A & G Projects and Technologies Ltd. (19 VST 239) on transactions exempted from tax u/s. 6(2) of the CST Act | Nikita Badheka, <i>Advocate</i> |
| 6. | 13.5.2009 | Whether the appellate authority has the discretion to squash or reduce the penalty u/s.29(8) of the MVAT Act after the judgment of the Supreme Court in the case of Union of India <i>vs.</i> Dharmendra Textile Processors, reported in 18 VST 180 | A. B. Ghanekar, <i>Ex-member of the Tribunal</i> |
| 7. | 17.06.2009 | Limited Liability Partnership Act, 2008 | Naresh Thakkar, <i>Advocate Senior Associate, Economic Law Practice, Advocates and Solicitors</i> |

(C) Seminar on Recent Amendments.

1. Full-day seminar was organised on 25th November, 2008 at Navin Thakkar Auditorium, Shradhanand Road, Vile Parle (East), Mumbai, for thorough study of amended Rules especially the implications of newly introduced Form 704. The details of the seminar are as follows :

| Sr. No. | Subject | Speaker | Chairman |
|---------|-----------------------------|-------------------------------|---|
| 1 | Amendment to Rules | Hemant Save, <i>Advocate</i> | A. B. Ghanekar, <i>Ex. member of the Tribunal</i> |
| 2 | Form 704 Part I and Part II | Sujata Rangnekar, <i>C.A.</i> | T. M. Chhatpar, <i>Advocate</i> |