

Tax & Corporate News Bulletin

Vol. II, No. 6, February-March 2007

VAISH ASSOCIATES ADVOCATES
Corporate, Tax and Business Advisory Law Firm

From the Editor's Desk...

On 28th February 2007, the Hon'ble Finance Minister, Mr. P. Chidambaram presented the much awaited Finance Bill, 2007. Proposals like increasing the dividend rate from 12.5% to 15%, applicability of Minimum Alternative Tax (MAT) on companies hitherto enjoying tax exemption under section 10A and 10B, withdrawal of deduction under section 80-IA of the Income-tax Act in case of mergers and amalgamations, taxing ESOPs, etc. evoked criticism from various quarters. The Government also continued its trend of undoing the effect of various Supreme Court judgments as well as judgments by other authorities by introducing contrary proposals. On the other hand, proposals like increasing the exemption threshold limit under service tax from Rs.400,000 to Rs.800,000, stability in service tax rate, no change in CENVAT rate, reduction of peak custom duty, etc. have been welcomed by the corporate as well as individual tax payers.

In yet another development, the proposal to phase out CST from 1st April 2007 hit a roadblock as the legislation proposing the same has been referred to the Parliamentary Standing Committee on Finance. CST rate would, therefore, continue to be 4% for the time being. Needless to mention, any delay in phasing out CST could put the Government's plan to rollout unified Goods and Service Tax (GST) in limbo, which is proposed to be introduced by 1st April 2010.

On Service Tax, T. R. Rustagi Committee submitted its Report to the Government on 22nd February 2007. The Committee was constituted by the Government in June 2006 to review the circulars, instructions and clarifications of issues related to Service Tax. A draft circular has been issued by the Government on 8th March 2007 seeking views, comments and suggestions from the trade and industry associations, departmental officers and from all others concerned.

Warm regards,


Hitender Mehta

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VAISH EVENTS

For Private Circulation

INCOME TAX

No Penalty for concealment/ inaccurate furnishing of particulars of income in case of Assessed Loss (upto Assessment Year 2002-03)

Virtual Soft Systems Ltd. v. Commissioner of Income Tax 207 CTR 733 (SC)



Hon'ble Supreme Court of India (the "Court"), in a significant judgment rendered on 6th February, 2007 laid down that no penalty could be levied under section 271(1)(c) of the Income-tax Act, 1961

(the "Act") where assessment was framed at a loss.

Section 271(1)(c) of the Act empowers the revenue authority to visit an assessee and levy of penalty in case the assessee has concealed particulars of his income or furnished inaccurate particulars of his income. Section 271(1)(iii), provides that such penalty, which shall be less than but not exceeding three times the amount of "tax sought to be evaded", is to be levied "in addition to any tax payable"¹ by the assessee.

Briefly stated, the issue before the Court was whether penalty could be imposed under section 271(1)(c) of the Act when the total income of the assessee, as computed by the Income-tax authorities after making various additions/ disallowances, was a negative figure (loss) and the assessee was not, therefore, required to pay any income-tax.

Earlier, in *CIT v. Prithipal Singh and Co.*: 249 ITR 670 (SC), the Court had held that that penalty could not be imposed in absence of positive taxable income. The revenue authority sought to distinguish this decision on the ground that it was rendered before the substitution of the term "tax sought to be evaded" in clause (iii) of Section 271(1) in place of the word "income" and the insertion of Explanation 4 to section 271(1) of the Act, w.e.f 1.4.1976, which explained the said expression. Clause (a) of Explanation 4 provides that "tax sought to be evaded" means where amount of income in respect of which particulars have been concealed or inaccurate particulars have been furnished exceeds the "total income" assessed, the tax that would have been

chargeable on the income concealed/ in respect of which inaccurate particulars are furnished, had such income been the total income of the assessee².

The Court noted that section 271 of the Act is a penal provision and, therefore, has to be construed strictly and narrowly. The Court laid down the following important observations, in the context of levy of penalty for the assessment year prior to the assessment year 2003-04 (i.e., in the context of the provisions as existing prior to the amendments w.e.f. 1.4.2003 vide the Finance Act, 2002):

- ✧ Clause (iii) of section 271(1) relates to the conditions for imposition of penalty whereas Explanation 4 relates to the computation of quantum of penalty.
- ✧ Section 271(1)(iii) lays down that penalty imposed was in "addition" to any tax payable. Thus, there must be positive income resulting in tax before levy of penalty.
- ✧ "Additional income-tax" can be levied only when there has been a tax before. Reference was made to *CIT v. Elphinstone Spinning and Weaving Mills Co. Ltd.*: 40 ITR 142 (SC) with approval in this context.
- ✧ Prior to the amendment made by Finance Act, 2002, w.e.f. 1.4.2003, Explanation 4(a) to section 271(1) required the computation of penalty to be made with reference to the "total income" of the assessee. Applying the ratio laid down in the *Elphinstone* case (supra), since "total income" can only connote a positive figure, it follows that penalty cannot be imposed where a loss return is made.

To conclude, the ratio of the case is that no penalty for concealment/ inaccurate furnishing of particulars of income could be levied unless some tax payable by the assessee prior to the amendment made to section 271 by the Finance Act, 2002. The Court further clarified that the amendment in question was prospective in nature and would not be applicable in respect of any assessment year prior to assessment year 2003-04.

1. The words "in addition to any tax payable" in Section 271(1)(iii) have been substituted by words "in addition to tax, if any, payable", w.e.f. 1.4.2003 by the Finance Act, 2002
2. The definition given in Explanation 4(a) of Section 271(1) of the Act has been substituted vide Finance Act, 2002 w.e.f. 1.4.2003

SERVICE TAX

Service Tax Reforms: T. R. Rustagi Committee submits its Report

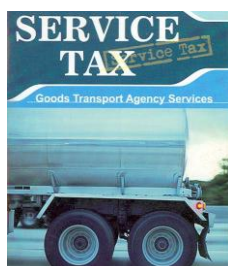
The Central Government had constituted a Committee under Chairmanship of Mr. T. R. Rustagi for review of circulars, instructions and clarifications of issues related to Service Tax. The Committee submitted its Report to the Government on 22nd February 2007. Subsequently, the Government has issued a Circular dated 8th March 2007 seeking views, comments and suggestions from the trade and industry associations, departmental officers and from all others concerned.

For details, kindly refer <http://www.cbec.gov.in/>

[Source: F.No.354/28/2007-TRU dated 8th March 2007]

Law position on abatement under Goods Transport Agency Service settled

Circular No. 37B Order No. 5/1/2007-ST, dated March 12, 2007 has settled the controversy regarding availability of abatement under the Goods Transport Agency (GTA) Services by declaring that the abatement of 75% under GTA Services shall be available to any person who is liable to pay service tax.



The issue was whether the benefit of exemption under Notification No. 32/2004 ST dated 3rd December 2004 (rescinded on 1st March 2006) and Notification No. 1/2006 ST dated 1st March 2006 is available to consigner / consignee?

According to Rule 2 (1) (d) of the Service Tax Rules, 1994, in certain cases, the person who pays or is liable to pay freight, either himself or through his agent, for the transport of goods by road in a goods carriage, has been made liable to pay service tax, instead of the service provider, namely, the GTA. In such cases, the Revenue Audit of the Comptroller & Auditor General of India ("CAG") has objected to the availment of benefit of the aforesaid exemption.

There were conflicting views of the Central Board of Excise & Customs ("CBEC" or the "Board") and CAG. Consequently, after the objections raised by the CAG on availability of benefit of the exemption, Department issued

show cause notices on many of the assesseees who have paid service tax in the capacity of service recipient (Consigner / consignee).

Having realized the difficulty being faced by the assesseees, the Board has issued Circular No. 37B Order No 5/1/2007-ST dated 12th March 2007 in consultation with the Law Ministry. Accordingly, it has been clarified that the benefit of aforementioned notifications are available to the recipient of services and consequently ordered that in all such cases, where the above procedure has been followed, no demand notice may be issued on the basis of objection raised by the CAG office, and all pending matters may be decided accordingly. Past instructions, circulars and orders on the issue stand suitably modified.

Money Changers outside the purview of Service Tax net

The Government, vide its Circular No. 92 dated 12th March 2007, has clarified that service tax is not leviable on money changer under the Banking and Financial Services.



As per position prior to the issue of Circular no. 92, service tax is leviable on foreign exchange broking service under the category of 'banking and other financial service'. Further, the term 'foreign exchange broker' includes a money changer (authorized dealer of foreign exchange) according to the provisions of the Finance Act, 1994.

In this context, the issue arose as to whether the service provided by a money changer in relation to exchange of foreign currency is a Foreign Exchange Broking Service for applicability of service tax levy under 'banking and other financial services'.

Earlier the Board vide its instruction letter F. No. 341/44/2005-TRU, dated 6th October 2005 had clarified that, "In view of the statutory provisions, the services provided by money changers in relation to foreign exchange is covered under Banking and Financial Services as defined under 65(12) of the Finance Act and leviable to service tax under Section 65(105)(zm) or Section 65(105) (zzk) of the Finance Act, 1994."

Later on, the Board realized that the captioned circular was erroneous and thus, issued Circular no. 92/3/2007 dated 12th

March 2007 clarifying that, **“Board is of the view that service tax is not leviable on money changing per se, as such activity does not fall under the category of Foreign Exchange Broking.”**

Interestingly, it remains to be seen as to how the Government proposes to compensate the assesseees who despite being not covered under service tax law, paid service tax because of the earlier erroneous circular of the Board.

CORPORATE LAWS

DIN Fee Exemption Period Extended

The Ministry of Company Affairs (MCA) has extended the period of exemption, from payment of fees by the applicants (existing or intending Director) applying for obtaining Director Identification Number (DIN), up to 31st March, 2007. This exemption has been extended through notification of Companies (Director Identification Number) Amendment Rules, 2007 dated 9th January 2007.

[Source: Notification No. G.S.R. 14(E)
dated 9th January 2007]

Companies (Accounting Standards) Rules, 2006 notified

The MCA notified the Companies (Accounting Standards) Rules, 2006 which have now come into force from 7th December 2006. The Central



Government has accordingly prescribed Accounting Standards 1 to 7 and 9 to 29, as recommended by the Institute of Chartered Accountants of India.

The Accounting Standards shall be applied in the preparation of General Purpose Financial Statements (which will include balance sheet, statement of profit and loss, cash flow statement -if applicable, and other statements and explanatory notes which form part thereof). Every company and its auditor(s) shall comply with the Accounting Standards in the prescribed manner.

The Accounting Standards shall come into effect in respect of accounting periods commencing on or after the publication of these Accounting Standards.

However, Small and Medium Sized Companies (SMC) have been given exemption/ relaxation in respect of Accounting

Standards. “Small and Medium Sized Company” (SMC) means, a company-

- (i) whose equity or debt securities are not listed or are not in the process of listing on any stock exchange, whether in India or outside India;
- (ii) which is not a bank, financial institution or an insurance company;
- (iii) whose turnover (excluding other income) does not exceed rupees fifty crore in the immediately preceding accounting year;
- (iv) which does not have borrowings (including public deposits) in excess of rupees ten crore at any time during the immediately preceding accounting year; and
- (v) which is not a holding or subsidiary of a Company which is not a SMC.

It is however, clarified that a company shall qualify as a SMC, if the conditions mentioned therein are satisfied as at the end of the relevant accounting period.

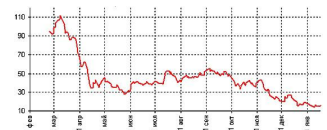
Further, an existing company, which was previously not an SMC and subsequently becomes an SMC, shall not be qualified for exemption or relaxation in respect of Accounting Standards available to an SMC until the company remains an SMC for two consecutive accounting periods.

For details please visit: <http://www.mca.gov.in/>

[Source: Notification No. G.S.R. 739(E) of
7th December, 2006]

Proposed Amendment to Companies (Issue of Indian Depository Receipts) Rules, 2004

The MCA, in consultation with Department of Economic Affairs and SEBI has examined the requirements provided in the Companies (Issue of Indian Depository Receipts) Rules, 2004 ('IDR Rules'). It is now proposed to modify the IDR Rules in the light of requests received from various stakeholders. The proposed modifications include:



- ✧ *Requiring Company's pre-issue paid-up capital and free reserves are at least US\$ 50 million and it has a minimum average market capitalization (during the last 3 years) in domestic country of at least US\$ 100 million;*
- ✧ *The Company has trading record/history in India or elsewhere for at least three years;*
- ✧ *The Company has a track record of distributable profits in terms of section 205 of the Companies Act, 1956, for at least three out of immediately preceding five years (instead of requirement of declaring dividend);*
- ✧ *Omission of requirement of pre issue debt equity ratio of 2:1;*
- ✧ *The number of underlying equity shares offered through IDR offerings not to exceed 25% of the post issue number of equity shares of the Company;*
- ✧ *Company required to publish quarterly results subject to limited review by its Auditors, in accordance with the listing conditions;*
- ✧ *In case there are no identifiable promoters, the names, addresses and other prescribed particulars of persons holding 5% or more equity share capital of the Company to be disclosed.*

The MCA has accordingly issued a draft notification and the explanatory memorandum to the effect and has invited views latest by 28th March 2007.

For details please visit: www.mca.gov.in/

CAPITAL MARKETS

SEBI proposes to amend CLAUSE 49 of the Standard Listing Agreement

The extant Clause 49 of the Listing Agreement came into effect on 1st January, 2006 after taking into account the recommendations of Narayana Murthy Committee. Ever since, SEBI has received comments from various quarters suggesting amendments to certain provisions of Clause 49. The various suggestions received along with SEBI's views were placed before the Primary Market Advisory Committee (PMAC) in its meeting held on 4th December 2006. After taking into account the views of the PMAC, the revised changes proposed to Clause 49 have been placed for



public comments for a period of 21 days, i.e., from 12th March, 2007 to 2nd April, 2007.

Comments/ suggestions on the same may be sent to SEBI at paragb@sebi.gov.in / pradeepr@sebi.gov.in or faxed to 91-22-26449016 on or before 2nd April, 2007.

For details please visit www.sebi.gov.in

SEBI introduces safeguards to address investors' concerns on transfer of securities in Demat mode

SEBI vide Circular SEBI/MRD/Dep/Cir-03/2007 dated 13th February, 2007 has addressed certain investor concerns relating to transfer of securities in dematerialized mode.

Key features

- ✧ Depositories to give more emphasis on investor education.
- ✧ Depository Participants (DP) not to accept pre-signed Delivery Instruction Slip (DIS) with blank columns from the Beneficial Owner (BO).
- ✧ DPs to issue only one DIS booklet containing not more than 20 slips for individual account holders and not more than 100 slips for non-individual account holders, at a time.
- ✧ DPs not to issue more than 10-loose DIS to one account holder in a financial year (April to March). The loose DIS can be issued only if the BO(s) come in person and sign the loose DIS in the presence of an authorised DP official.
- ✧ DPs to put in place appropriate checks and balances with regard to verification of signatures of the BOs while processing the DIS.
- ✧ DPs to cross check with the BOs under exceptional circumstances before acting upon the DIS.
- ✧ DPs to mandatorily verify with a BO before acting upon the DIS, in case of an account which remained inactive i.e., where no debit transaction had taken place for a continuous period of 6 months, whenever all the ISIN balances in that account (irrespective of the number of ISINs) are transferred at a time. However, in case of active accounts, such verification may be made mandatory only if the BO account has 5 or more ISINs and all such ISIN balances are transferred at a time. The

authorized official of the DP verifying such transactions with the BO, shall record the details of the process, date, time, etc., of the verification on the instruction slip under his signature.

For details please visit: www.sebi.gov.in

[Source: SEBI/MRD/Dep/Cir-03/2007 dated 13th February, 2007]

SEBI Foreign Institutional Investors (Amendment) Regulations, 2007

SEBI vide Circular No. IMD/FII & C/26/2007 dated 13th February, 2007 notified the SEBI Foreign Institutional Investors (Amendment) Regulations, 2007. A comparative analysis has been given below:

S. No.	Earlier Position	Current Position
1.	A domestic asset management company or domestic portfolio manager managing the funds raised or collected or brought from outside India for investment in India on behalf of a sub-account, were <i>deemed</i> to be a Foreign Institutional Investor.	The concept of <i>"domestic portfolio manager"</i> has been deleted from the Regulations. Domestic Asset Management Company raising or collecting fund from outside India for investment in India <i>on behalf of a sub-account</i> has been taken out of the scope of Regulation 2(f) that defines <i>"Foreign Institutional Investor"</i> .
2.	A Foreign Institutional Investor or a sub account having an aggregate of securities which were worth rupees ten crores or more, as per the latest balance sheet, was required to settle its transactions entered on or after 15 th January, 1998 through dematerialized securities.	Delivery of securities in <i>dematerialized form</i> for settlement of transactions undertaken on a recognised stock exchange has been made mandatory for all the FIIs, <i>irrespective of the date of transaction and the aggregate worth of the securities</i> , except in cases where the issuer of the same has not established connectivity with the depositories registered with the SEBI.

For details please visit www.sebi.gov.in

FOREIGN EXCHANGE LAWS/FDI

Scope of Telecommunications Sector/ Activity expanded under FDI Policy

- ✧ The Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry, Government of India has expanded the scope of 'Telecommunication Sector/ Activity' through Press Note No.2 (2007 Series) notified on 21st February, 2007.
- ✧ According to Press Note 4 (2006 series) dated 10th February 2006, the Telecommunication Sector inter alia included ISP without gateway, infrastructure provider providing dark fibre, electronic mail and voice mail. The scope of Telecommunication sector has been expanded to also cover right of way, duct space, tower (Category-I).

For details please visit: <http://www.dipp.nic.in/>

Liberalisation of Export and Import Procedure

Reserve Bank of India (RBI) vide A.P. (DIR Series) Circular No. 33 RBI/2006-2007/268 dated February 28, 2007 has made certain relaxations in the areas of exports and imports and foreign currency accounts.



Key features:

- ✧ Banks to extend the period of realization of export proceeds, beyond six months from the date of export, up to a period of six months, at a time, irrespective of the invoice value of the export subject to conditions.
- ✧ Status Holder exporters to write-off outstanding export dues to the extent of:
 - 5 per cent of their average annual realization during the preceding three financial years; OR
 - 10 per cent of the export proceeds due during the financial year,
 - Whichever is higher.
- ✧ The requirement of repatriation of 30 per cent of the contract value in respect of on-site contracts by software exporter company/ firm has been dispensed

with. The company would repatriate the profits of on-site contract after the completion of the said contract.

- ✧ Banks to allow reduction in the invoice value up to 25 per cent of the invoice subject to certain conditions.
- ✧ Credit report on the overseas supplier (where the import documents are received directly) not to be obtained in cases where the invoice value does not exceed USD 100,000 and the Bank is satisfied about the bonafides of the transaction and track record of the importer constituent.
- ✧ 'Financial year' (April to March) to be reckoned as the time base for all transactions pertaining to trade related issues.

For details please visit: www.rbi.org.in

[Source: RBI/2006-2007/268 dated 28th February, 2007]

Issue of American Depository Receipt (ADRs)/ Global Depository Receipts (GDRs) by Banks - Filing of Depository Agreement

- ✧ RBI vide RBI/2006-2007/247 dated 5th February, 2007 examined the issue of exercise of voting rights by the depositories, in the context of ADRs/ GDRs, for eliminating the possibility of any interference of the depositories in the management of the Bank.

Key Features:

- ✧ Banks to furnish to RBI a copy each of the Depository Agreements entered into by them with the Depositories.
- ✧ Banks to give an undertaking to the RBI that:
 - No cognizance would be given to voting by the depository if it works in contravention of its agreement with the bank; and
 - No change would be made in terms of the Depository Agreement without prior approval of RBI.

[Source: RBI/2006-2007/247 DBOD. No. PSBD. 7269/16.13.100 / 2006-07 dated 5th February, 2007]

INTELLECTUAL PROPERTY RIGHTS

Suneet Varma Design Pvt. Ltd. & Anr. Vs. Jas Kirat Singh Narula 2007 (34) PTC 81 (Del.)

Maintainability of Copyright vis-à-vis Designer wear

The present case deals with the [Indian] Copyright law as applicable to designer wears in the movies. The Plaintiff, a designer of international repute, alleged infringement of copyright of his creation consisting of a blue poncho and a heavily embroidered trouser, which was worn by Indian film actress Rani Mukherjee in the movie “**Bunty Aur Babli**”, without the consent or permission of the Plaintiff. The Court held that the importance of costumes worn by actors in a movie cannot be downplayed and the same does influence the minds of the general public. The Court went a step further and acknowledged the impact, the dresses and costumes of the actors have, on the public and the industry especially when the same are used for promotional purposes by way of posters, inlay cards, etc. The plea of the Defendant that the costume worn by the actors is by way of background and incidental to the principal matter represented in the film and would thus be exempted as per the provisions of Section 52 (1)(u) of the Copyright Act, 1957 was rejected and thus, the suit against the producer of the film was held to be maintainable.



Glaxo Group Limited & Anr. Vs. Manjit Patel & Anr 2007 (34) PTC 109 (Del.)

FORTUM vs. NORTUM – Deceptive and Phonetic similarity

In an antithesis to the case of LOPRIN vs. LOPARIN, the Delhi High Court in the present case, held the marks “FORTUM” and “NORTUM”, in respect of anti-biotic, anti-bacterial preparations and substances, to be deceptively and phonetically similar and permanently restrained the defendants from using the mark “NORTUM”, for it being held deceptively similar to the mark “FORTUM” of the Plaintiffs.

IMPORTANT DATES WITH REGULATOR (S) COMPLIANCE CHECKLIST March - April 2007

Sr. No	PARTICULARS	Sections/ Rules/ Clauses, etc	Acts/Regulations, etc.	Compliance Due Date	To whom to be submitted
A. COMPANY LAW					
1	Application for Director Identification Number (DIN) in Form DIN-1, without payment of fees	Section 266	Companies Act, 1956	31st March	Regional Director, Ministry of Company Affairs
B. INCOME TAX					
2	Deposit TDS on Salaries paid for March 2007 [1]	Section 192	Income-tax Act, 1961	7th April	Income Tax Authorities
3	Deposit TDS on payments made to/ for Contractors/ Advertising/ Professional service in March 2007 [1]	Section 194C Section 194J	Income-tax Act, 1961	7th April	Income Tax Authorities
4	Deposit TDS on Rent paid during March 2007	Section 194I	Income-tax Act, 1961	7th April	Income Tax Authorities
5	Issue certificate in prescribed form for TDS on payments made to/ for Contractors/ rent/ Advertising/ Professional services in March 2007	Section 203, Rule 31	Income-tax Act, 1961 and Income-tax Rules, 1962	7th June	Payee in respect of whom tax has been deducted
6	Issue of certificate in prescribed form for TDS during financial year ending on 31st March, for salary payments	Section 203 Rule 31	Income-tax Act, 1961 and Income-tax Rules, 1962	30th April	Payee in respect of whom tax has been deducted
7	Quarterly return for tax deducted on payment (other than salary) to non-resident(s)	Section 200(3) Rule 31A	Income-tax Act, 1961 and Income-tax Rules, 1962	14th April	Income Tax Authorities

1 For amount credited as on the date up to which accounts are made, the payment can be made within two months following such date.

C. EXCISE & SERVICE TAX					
8	Submission of CENVAT Return for March 2007	Rule 9(7)	CENVAT Credit Rules, 2004	10th April	Excise Authorities
9	Pay Service Tax collected during March 2007 alongwith TR-6 Challan	Rule 6	Service Tax Rules, 1994	31st March	Excise Authorities
10	Half yearly return of service tax paid during half year ending on 31st March	Rule 7	Service Tax Rules, 1994	25th April	Excise Authorities
11	Half yearly return of CENVAT credit availed and utilized by the provider of output service	Rule 9(10)	CENVAT Credit Rules, 2004	30th April	Excise Authorities

VAISH EVENTS

Vaish Associates' Annual Budget Seminar

Carrying its long established tradition forward, on 2nd March 2007 Vaish Associates organized an interactive seminar on Union Budget 2007-08 at PHD Chamber of Commerce, New Delhi. Mr. O. P. Vaish, Senior Advocate anchored the seminar. Mr. Pai Panandikar, noted economist, gave an overview of economic impacts of budget proposals as the



A section of distinguished gathering at the budget seminar

Guest Speaker. Mr. Ajay Vohra and Mr. Rupesh Jain gave a detailed account of the income tax proposals in the Finance Bill, 2007 (the 'Bill'). Mr. Hitender Mehta gave an overview of indirect tax proposals and presented an analysis of important proposals relating to customs and central excise. Ms. Ruchira Chaudhary spoke on the service tax proposals in the Bill.

A copy of the Vaish Associates' Budget Booklet containing an in-depth analysis of the Finance Bill, 2007 was circulated to all the participants.

Soft copy of budget booklet as well as presentations made is available on request. In case, you require a copy of the same, please email your request at gurgaon@vaishlaw.com

Vaish Associates joins as Knowledge Partner in the Budget Seminar organized by NIRC of ICSI

On 1st March 2007, the Northern India Regional Council (NIRC) of the Institute of Company Secretaries of India (ICSI) jointly with Vaish Associates and HT Mint (Exclusive Partner, The Wall Street Journal) organized a seminar on Union Budget 2007-08 at Hotel Le Meridian, New Delhi. Vaish Associates was the Knowledge Partner.



O P Vaish, Senior Advocate (Guest of Honour) addressing. Dignitaries on the dias (L to R): Hitender Mehta (Vice Chairman, NIRC), Anil Padmanabhan (Business Editor, HT MINT), Preeti Malhotra (President, ICSI), A J Majumdar, Member-CBDT (Chief Guest), Satwinder Singh (Chairman, NIRC), N K Jain (Secretary & CEO, ICSI) and Ajay Vohra (Managing Partner, Vaish Associates)

Mr. A. J. Majumdar, Member, Central Board of Direct Taxes (CBDT) was the Chief Guest. Mr. O. P. Vaish, Senior Advocate was the Guest of Honour. Mr. Anil Padmanabhan, Business and Political Editor, HT-MINT was the guest speaker to give an overview of economic impacts of budget proposals. Mr. Ajay Vohra, Managing Partner, Vaish Associates and Dr. Girish Ahuja, Eminent Tax Expert gave a detailed account of the income tax proposals in the Finance Bill, 2007.

Vaish Associates joins as Knowledge Partner in the Budget Seminar organized by Gurgaon Chapter of NIRC of ICSI

On 8th March 2007, the Gurgaon Chapter of the NIRC of ICSI jointly with **Vaish Associates** organized a seminar on **Direct and Indirect Tax Proposals of Finance Bill, 2007** at HSIDC Auditorium, Gurgaon.



Seen in the picture (L to R): Praveen Nigam, R C Gupta, Deepak Jain (Chairman-Gurgaon Chapter), Hitender Mehta, Satwinder Singh (Chairman, NIRC-ICSI), Rupesh Jain, Geetanjali S. Kumar (Secretary, Gurgaon Chapter)

The speakers included Mr. Rupesh Jain, Sr. Associate, Vaish Associates on Direct Tax Proposals (Income-tax), Mr. Praveen Nigam, Director, Grand Thornton on Indirect Tax Proposals (Service Tax), Mr. Hitender Mehta, Sr. Associate, Vaish Associates on Indirect Tax Proposals (Customs and Central Excise) and Mr. R C Gupta, General Manager –Taxation, Glaxo Smith Kline (gsk) on Industry perspective.

Vaish Associates partners in Amity National Moot Court Competition

Vaish Associates partnered in 6th Annual Amity National Moot Court Competition held from 9th March to 11th March 2007 at New Delhi as the principal sponsor.

Teams from 26 different Law Colleges across India participated in the event. The Competition was inaugurated by Dr. Abhishek Manu Singhvi, Senior Advocate, Parliamentarian and National Spokesperson, Indian National Congress.



Mr. O.P Vaish, Senior Advocate (Guest of Honor) addressing. Sitting (R to L) M.K. Balachandran –Director, Amity Law School, Dr. Ashok K. Chauhan –Founder President, Ritnand Balved Education Foundation, Hon'ble Justice Markandeya Katju –Sitting Judge, Supreme Court (Chief Guest), Hon'ble Justice H. S. Bedi, Sitting Judge, Supreme Court (Guest of Honour), Professor M. L. Upadhyaya –Amity Law School.

The judges included the likes of Hon'ble Justice Markandey Katju (Delhi High Court), Hon'ble Justice G. S. Sistani (Delhi High Court), A.S.G. Mr. Vikas Singh, A.S.G. Mr. Gopal Subramaniam, Advocates Mr. Dinesh Diwedi, Ms. Pinky Anand, Mr. Sidharth Luthra, Mr. Vinay Vaish, and Mr. Vijay Pal Dalmia (Intellectual Property Lawyer).

Team from Hidayatulla National Law University, Raipur won the Competition and the team from National Law Institute University, Bhopal was runners-up. Amongst the individual award winners, Azhar Meer (University Law College, Bangalore) won the Best Speaker Award and Abhas Mishra (D.E.S. Law College, Pune) won the Second Best Speaker Award. Manendra Singh (Govt. Law College, Mumbai) won the Best Researcher award.

Hon'ble Justice H. S. Bedi (Supreme Court of India), Mr. O. P. Vaish, Senior Advocate & Founder Vaish Associates and Dr. A. K. Chauhan, Chairman -Amity University gave away the awards to the winners of the competition.

ROTARY SOUTH ASIA GOODWILL SUMMIT 2007

Rotary International organized the Rotary South Asia Goodwill Summit on 12-13 February 2007 at Hotel Ashok, New Delhi under the Chairmanship of Mr. O.P. Vaish, Founder of Vaish Associates, Advocates and Past Director of Rotary International (PRID). The Summit was attended by delegates from SAARC countries and inaugurated by Mr. I. K. Gujral, Former Prime Minister of India. The primary objective of the Summit was to promote people-to-people contacts and to address some of the challenges of the subcontinent as well as to evolve a South Asia development agenda.

Mrs. Chandrika Kumaratunga, Former President, Sri Lanka; Mr. Sudarshan Agarwal, Governor, State of Uttarakhand; Mr. Mani Shankar Aiyar, Minister of State for Youth and Sports; Dr. Abhishek Manu Singhvi, Senior Advocate, Supreme Court of India; Mr. Tariq Azim, Federal Minister of I&B, Pakistan; Justice Mr. Khalil-ur-Rehman Ramday, Judge, Supreme Court of Pakistan; Ms. Sujata Koirala, MP, Nepal; Mr. Wasim Zaman, Regional Head, UNFPA, Nepal; Mr. Farooq Sobhan, Former Foreign Secretary, Bangladesh, Ms. Aruna Roy, Social Activist; Ms. Meera Mitra, Development Consultant, were present amongst others, to address the two-day Rotary Summit.



Seen in the picture (L to R): I. K. Gujral, O P Vaish, Wilfred J Wilkinson, Chandrika Kumaratunga, Sudarshan Agarwal, Kalyan Banerjee, Ashok Mahajan, Damanjit Singh, Asoke K. Ghosh

Amongst the noted Rotarians, Mr. Wilfred J Wilkinson, Rotary International President (2007-08), Mr. Noraseth Pathmanand, Rotary International Director (from Thailand), Mr. Rajendra K. Saboo, Past Rotary International President (PRIP) graced the Summit by their presence and deliberations.

The Summit concluded with a very encouraging and thought provoking address by Hon'ble President of India, Dr. APJ Abdul Kalam during a reception hosted at the President House.



A section of distinguished gathering

Sincerely Yours ...

Surprisingly impressive and very helpful! Good to know that you look like one of the most professional firms in India. Thanks indeed.

Jianan Yuan
Junyi Law Office
Shanghai, China

—❧—

It is really remarkable, well structured and meaningful. It's like a ready reckoner for all laws under one umbrella. Please send it regularly to me.

Mukesh Kumar Gupta
Mitsubishi Electric Automotive India Pvt Ltd

—❧—

It is an interesting and useful newsletter

Uma Devaguptapu
Chief Human Resource Officer
ITW India Ltd

—❧—

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