

INCOME TAX

- ❖ New Form ITR 2A introduced for AY 2015-16 to be used by individual or HUF whose total income includes (a) Income from Salary or Pension or (b) Income from House Property or (c) Income from other sources including winnings from lottery and income from race Horses. However this form cannot be used by individual or HUF whose total income for AY 2015-16 includes (a) Income from Capital Gains or (b) Income from Business or Profession or (c) Any claim of relief / deduction under section 90,90A or 91 or (d) Any resident having any asset (including financial interest in any entity) located outside India or signing authority in any account located outside India or (e) Any resident having income from any source outside India.
- ❖ The following table provides guideline to select the appropriate ITR forms which have been notified vide **Notification no 42/2015 dated 22.06.2015**

ITR Form No	Applicability
ITR-1 SAHAJ	<ul style="list-style-type: none"> • Salary / Pension • Income from 1 house property • Agricultural income upto Rs. 5000/- • Income from other sources excluding winnings from lottery and horse races
ITR – 2A	<ul style="list-style-type: none"> • Salary / Pension • Income / Loss from 1 or more than 1 property • Agricultural income (any amount) • Income from other sources including winnings from lottery and horse races
ITR – 2	<ul style="list-style-type: none"> • Salary / Pension • Income / Loss from 1 or more than 1 property • Agricultural income (any amount) • Capital Gains / Loss on sale of investments / property • Income from other sources including winnings from lottery and horse races • Foreign Assets / Foreign income
ITR – 4S	<ul style="list-style-type: none"> • Salary / Pension • Income from 1 house property • Agricultural income upto Rs. 5000/- • Income from other sources excluding winnings from lottery and horse races • Income from presumptive business

- ❖ **CIRCULAR 9/2015 [F.NO.312/22/2015-OT], DATED 9-6-2015:** In supersession of all earlier Instructions/Circulars/Guidelines issued by the Central Board of Direct Taxes (the Board) from time to time to deal with the applications for condonation of delay in filing returns claiming refund and returns claiming carry forward of loss and set-off thereof under section 119(2)(b) of the Income-tax Act, (the Act) this Circular is issued containing comprehensive guidelines on the conditions for condonation and the procedure to be followed for deciding such matters.
- ❖ **Circular No. 10/2015 (F.No. 500/7/2015-APA-II) Dated 10-6-2015:** Clarifications on Rollback Provisions of Advance Pricing Agreement Scheme have been provided by the Government.
- ❖ List of defaulters of Income Tax & Corporate Tax released. The same can be viewed at <http://www.incometaxindia.gov.in/news/list-of-defaulters-of-income-tax-corporate-tax.pdf>

CORPORATE LAW

- ❖ The requirement of filing declaration by a company before commencement of business or exercising its borrowing powers has been dispensed with under the Companies (Amendment) Act, 2015. Accordingly companies are no longer required to file e-form INC-21 with the Registrar through MCA portal.
- ❖ As per Companies (cost records and audit) Amendment Rules 2015, new forms CRA -2 (form of intimation of cost auditor by the company to the Central Government) and CRA-4 (Form for filing cost audit report with the Central Government) have been notified.
- ❖ **Circular no 08/2015 (File No./1/40/2013/CL-V) dated 12-06-2015:** Due to delay in the availability of revised form CRA – 2 in the MCA portal the additional fee on account of any delay beyond the prescribed period of 30 days from the date of Board Meeting in which the appointment of the Auditor was made for filing of CRA-2 for the financial year starting on or after 1st April, 2015 is waived for all such filings till 30th June, 2015. Similarly due to the delay in availability of revised form CRA-4 in the MCA portal the additional fees on delayed filing of form CRA- 4 beyond the prescribed period of 30 days from the date of receipt of a copy of Cost Audit Report from the Cost Auditor for the Financial Year starting on or after 1st April, 2014 is also waived for all such filings till 31st August, 2015.

- ❖ **Circular no 09/2015 (No 1/8/2013-CL-V) dated 18-06-2015:** Clarification on repayment of deposits accepted by Companies before the commencement of Companies Act 2013 under Section 74 of the said Act: As per this circular the depositor can file an application under Section 73(4) with the company Law Board when the company has failed to make the repayment of the deposits. Also as per this Circular the company can also make application under Section 74(2) with the Company Law Board instead of the Tribunal seeking extension of time in making the repayment of deposits accepted by it before the commencement of the provisions of the said Act.

- ❖ The Central Government has vide letter no. 1/3/2014/CL/1 dated April 10, 2015 approved the following Secretarial Standards (SS), namely, :-
 - (i) SS-1 : Meetings of the Board of Directors and
 - (ii) SS-2 : General Meetings.

The above Secretarial Standards shall come into force from 1st July, 2015 and shall be applicable to all the companies except One Person Company (OPC) in which there is only one Director on its Board.

- ❖ As per notification GSR 466(E) dated 5th June 2015 certain conditions and restrictions imposed in the Companies Act 2013, have been exempted / modified for Section 8 (Non Profit) Companies. The major highlights are removal of the following condition / restrictions:
 - a. Appointment of Company Secretary.
 - b. Requirement of minimum paid up capital.
 - c. Restriction of having minimum and maximum number of Directors.
 - d. Appointment of Independent Directors.
 - e. Appointment of Director only with the consent of the Director and filing of the same with the Registrar.

Further, it is clarified that Section 8 Companies shall not be included in the computation of the ceiling limit for directorship to be held by the Directors.

- ❖ As per notification GSR 464(E) dated 5th June 2015 certain conditions and restrictions imposed in the Companies Act 2013, have been exempted / modified for Private Companies. The major highlights are removal of the following condition / restrictions:
 - a. Restriction on purchase by company or giving of loans by it for purchase of its shares, shall not apply to private companies

- (a) in whose share capital no other body corporate has invested any money;
 - (b) if the borrowings of such a company from banks or financial institutions or any body corporate is less than twice its paid up share capital or fifty crore rupees, whichever is lower; and
 - (c) such a company is not in default in repayment of such borrowings subsisting at the time of making transactions under this section.
- b. Restriction of appointment of two or more directors to be voted individually has been removed.
- c. The restriction of Board of Directors to exercise certain powers mentioned under Section 180 only with the consent of the company by a special resolution has been removed .
- d. Restriction on issue of loan to directors shall not apply to private companies-
- (a) in whose share capital no other body corporate has invested any money;
 - (b) if the borrowings of such a company from banks or financial institutions or any body corporate is less than twice its paid up share capital or fifty crore rupees, whichever is lower; and
 - (c) such a company is not in default in repayment of such borrowings subsisting at the time of making transactions under this section.
- e. The condition of mandatory appointment of a managing director, whole-time director or manager shall not be applicable to a Private Company.

FEMA

- ❖ **Subscription to chit funds by Non-Resident Indian on non-repatriation basis:** it has been decided to permit Non-Resident Indians (NRIs) to subscribe to the chit funds, without limit, on non-repatriation basis subject to the following conditions:
 - The Registrar of Chits or an officer authorised by the State Government in accordance with the provisions of the Chit Fund Act in consultation with the State Government concerned, may permit any chit fund to accept subscription from Non-Resident Indians on non-repatriation basis;

- The subscription to the chit funds shall be brought in through normal banking channel, including through an account maintained with a bank in India.
- ❖ **RBI/2014-15/637 A. P. (DIR Series) Circular No. 108 dated 11.6.2015: External Commercial Borrowings (ECB) for low cost affordable housing projects:** The existing scheme of raising ECB by eligible borrowers for low cost affordable housing projects will continue for the financial year 2015-16 with the same terms and conditions as mentioned in the earlier Circulars.
- ❖ **RBI/2014-15/638 A.P. (DIR Series) Circular No.109 dated 11.06.2015: External Commercial Borrowings (ECB) for Civil Aviation Sector:** The existing scheme of raising ECB by airline companies for working capital for Civil Aviation Sector will continue till March 31, 2016 with the same terms and conditions.

EMPLOYEE PROVIDENT FUND

- ❖ The Central Government has made mandatory for employers to pay statutory contributions electronically through Internet Banking only. However, an employer who is making payment of less than Rupees one lakh in a particular month, shall have the option to make such payments through bank drafts or banker's cheques or cheques drawn only on the local bank as was being done earlier upto September 2015. Thereafter, it shall be mandatory for all employers to make payments electronically through internet banking.

TN VAT

- ❖ A new facility of sending SMS to the dealers relating to e-filing of returns is introduced. In this regard, dealers are requested to properly register/ update the Mobile Numbers in 'Contact person profile' page, which is available in 'VAT Reports'. For any assistance, dealer can contact the Assessment Circle or the Call Centre 044-28290962.

- ❖ Based on the numerous representations received from the Dealer’s Community for the issue of manual forms, instructions are issued that manual “C” and “F” forms can be issued to the dealers for all the missed out invoices and for any mistakes in the already generated online forms (both current and backlog period) upto 31/05/2015. This facility is extended to 30/09/2015. (Circular No 24/2015 CC4/678/2014) dated 20th June 2015 .

*“Winning isn’t everything, but wanting to win is”
- Vince Lombardi*

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