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FOSMI

MSME *news*

Federation of Small & Medium Industries, WB



LABOUR CODES

Government reviewing proposed
rules under 4 labour codes



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Editorial



Observed World MSME Day (27 June). Much was expected for rebuilding and reviving MSMEs but little achieved. With inclusion of 2.5crore Retail and Wholesale Traders merging with MSME tag is most unfortunate. Manufacturing and Service sector greatly loses its identity. COVID-19 already displaced and slowed economy, GDP staggering at 7%, Petrol /Diesel prices in 3 digits in spite of fall in crude prices, Gas moving towards 4 digits. Inflation rising and situation alarming.

Poor are enjoying Govt. subsidies and support for vote bank, Rich are becoming richer for drastically saving on expenses, Blessings in disguise for COVID-19 but Middle class with distinct advantage of having one of the youngest populations in world and growing Internet penetration enabling better access than ever before is poised for unprecedented growth yet is sliding back, the victims of India's economic crisis now rather became Indian MUDDLE class De-Facto. India a tough place for Business. Let FOSMI take care of with like-minded associations.

Cruelty to Nature responding with climate changing- heavy rains, flooding. Super Power game casting War clouds, Terrorism and land grabbing issues with neighbour (China) difficult to check, forcing India to spend huge amount on Defence in addition to COVID-19 care and rising Inflation also taking toll of human lives.

Bengal Budget and MODI 2 expansion of ministry are changes made to tackle issues but more for vote bank. Monsoon session of parliament expected some relief but Indian politics rather loses time for nothing.

Best Regards

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President's Message



Biswanath Bhattacharya
President, FOSMI

“
The increase of
basic raw material
prices like Iron
& Steel, Copper,
Aluminium etc. in
recent times have
stunned the MSME
manufacturing
sectors.”

Dear Friends!

In recent times, the Covid-19 First Wave (FW) has dealt a devastating blow to this thriving MSME sector across India. The advent of the Covid-19 Second Wave (SW) was also unexpected and the sector was unprepared for it, having barely recovered from the first wave's hit. People operating in the informal sectors have been affected by provincial regulations. MSMEs are now very concerned about how the Third Wave (TW) would affect them. The countdown to face TW has already started.

The increase of basic raw material prices like Iron & Steel, Copper, Aluminium etc. in recent times have stunned the MSME manufacturing sectors. It became the revealing fact that the inclination of Indian manufacturers for attractive international prices have resulted in substantial increase in exports which created a vacuum in the home market. The short supply has severely affected the price of basic metals in Indian market affecting MSMEs. Leave aside the increase of petroleum prices which has gone haywire.

We have directly and also through our consortium have made our strong reservation before the Govt. on the drastic increase in raw material and consumable price. Our consortium urged that the Govt. should ensure the standardisation of raw material prices and all necessary steps to reduce prices. All PSUs and large corporates should include a price variation clause and should implement it properly.

Hon'ble Union Minister Shri Nitin Gadkari had on 2.07.21 announced the inclusion of retail and wholesale trade under MSMEs. There was an immediate uproar among various industry associations with an apprehension that there could be adverse impact on the manufacturing and service sector. However, the advantages of such inclusion can be assessed in due course of time.

Under the present pandemic situation, very appreciably, FOSMI Secretariat through their untiring effort have been trying FOSMI's activities rolling by arranging various useful Webinars, sending memorandum to Govt., representing FOSMI virtually to various Govt. meetings, attending members complaints, arranging new membership, following up collection etc. Some of the good and useful webinars so organised by FOSMI, have immensely benefited our numbers as there were good take away from those webinars.

The 2nd Wave has caused irreparable loss to FOSMI; we have lost our two very old members, Shri J.K. Paul, the Past President of FOSMI and Shri S. K. Singhee, Council Member & the Chairman of FOSMI Publication Committee. We all pray to the Almighty to rest their souls in peace.

Thank you, Stay safe.



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Rishav Dutt
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Biswanath Bhattacharya
President, FOSMI



Shri Soumitra De
Chairman, Consultancy Services
Committee, FOSMI



LABOUR CODES

Applicability and Key Features

Extant Regime

- Payment of Wages Act: Applicable to employees earning wages up to INR 24,000 per month
- Minimum Wages Act: Individuals in non-managerial roles in scheduled employment

Under the Code on Wages, 2019

Applicable to all employers and employees irrespective of wage threshold

- Uniform applicability across employees and establishments without any threshold
- Fixation of the Wage Period & Frequency for payment
- Concept of Minimum Wage extended across establishments
- Fixation of a Floor Wage
- Wages for Overtime Work
- Payment of Bonus to eligible employees
- Increase in period of limitation for filing claims

and filing of claims by trade union Privileged & Confidential

- Provision for inspectors-cum-facilitators

“Wages” under the Codes

Meaning and inclusions

Means all remuneration whether by way of salaries, allowances or otherwise, expressed in terms of money or capable of being so expressed which would, in terms of employment, express or implied, where fulfilled, be payable to a person employed in respect of his employment, and includes –

- Basic pay;
- Dearness allowance; and
- Retaining allowance, if any.

Specified exclusions

- Statutory bonus payable but not forming part of remuneration;
- Value of house accommodation and utilities (such as light, water, medical attendance, etc.);
- Employer contribution to provident fund / pension together with accretions;

The Government of India has introduced 4 labour codes, which subsume 29 existing labour legislations, with an intent to amalgamate, simplify and rationalise the relevant provisions of the subsumed laws.

- Code on Wages, 2019
- Code on Social Security 2020
- Occupational Safety, Health and Working Conditions Code 2020
- Industrial Relations Code 2020

Code on Wages, 2019 : An Introduction

The Code on Wages intends to amalgamate, simplify and rationalise the relevant provisions of the following four central labour enactments relating to wages, namely:—

- (a) The Payment of Wages Act, 1936;
- (b) The Minimum Wages Act, 1948;
- (c) The Payment of Bonus Act, 1965; and
- (d) The Equal Remuneration Act, 1976.

- ♦ Conveyance allowance or value of travelling concession;
- ♦ Sum paid to defray special expenses due to nature of work;
- ♦ House rent allowance;
- ♦ Remuneration payable under any award settlement;
- ♦ Any overtime allowance;
- ♦ Any commission payable;
- ♦ Any gratuity payable on termination;
- ♦ Any retrenchment comp/benefit payable or ex gratia payment made.

Inclusions

- ♦ Where an employee is given remuneration in kind
- ♦ in lieu of either the whole or part of the wages payable to him


value of such remuneration as does not exceed 15% of total wages payable to him shall be deemed to form part of wages of such employee.

Specified exclusions to be capped at 50% of total remuneration (excluding amount towards gratuity and retrenchment compensation/benefit). Any amount exceeding 50% shall be deemed as remuneration.

“Wages” under the Codes

Total Remuneration		Specified Exclusion		Calculation of wages	
Component	Amount	Component	Amount	Component	Amount
Basic	10,000	HRA	5,000	Basic	10,000
HRA	5,000	Conveyance	5,000	Special Allowance	5,000
Special Allowance	5,000	Overtime	3,000	Conditional inclusion (if specified exclusion exceeds 50% of total remuneration, i.e. 16,000)	1000
Conveyance	5,000	Commission	4,000	Total (lower of the inclusions or 50% of the total remuneration)	16,000
Overtime	3,000	Total	17,000		
Commission	4,000				
Total	32,000				

Wages = INR 32,000 (total remuneration) - 17,000 (specified exclusions + 1000 (applicable conditional inclusion) = 16,000



Penalties under Code on Wages

Offence by employer	Penalty
<ul style="list-style-type: none"> ■ Payment of wages less than the prescribed amount 	<ul style="list-style-type: none"> ■ First instance: Fine up to INR 50,000 ■ Second and subsequent commission (within 5 years from the date of first or subsequent offence): Imprisonment up to three months and/or fine up to INR 100,000
<ul style="list-style-type: none"> ■ Non-maintenance/ improper maintenance of records ■ Failure to pay any contribution liable to be paid under the Code 	<ul style="list-style-type: none"> ■ Fine up to INR 10,000
<ul style="list-style-type: none"> ■ Non-compliance/ contravention of any other provision or rules ■ Deducts employer's contribution, reduces wages, penalizes woman employee, fails to pay gratuity, maternity benefit, cess, fails to produce records 	<ul style="list-style-type: none"> ■ First instance: Fine up to INR 20,000 ■ Second and subsequent commission (within 5 years from the date of first or subsequent offence): Imprisonment up to one month and/or fine up to INR 40,000

Penalties under Code on Wages

Offence by employer	Penalty
<ul style="list-style-type: none"> ■ Non-compliance of the provisions of the Code after the timelines under the directions from Inspector cum Facilitator, including failure to produce documents to Inspector cum Facilitator 	<ul style="list-style-type: none"> ■ Prosecution proceedings may be initiated after providing opportunity of being heard; ■ No opportunity provided to the employer if violation of the similar nature is repeated within a period of 5 years from the first instance

Agenda

- 1 Code on Wages, 2019
- 2 Code on Social Security 2020
- 3 Occupational Safety, Health and Working Conditions Code 2020
- 4 Industrial Relations Code 2020

Code On Social Security 2020: An Introduction

- Code replaces the following extant statutes:
- Employee's Compensation Act 1923
- Employees' State Insurance Act 1948
- Employees' Provident Funds and Miscellaneous Provisions Act 1952
- Maternity Benefit Act 1961
- Payment of Gratuity Act 1972
- Cine- Workers Welfare Fund Act 1981
- Employment Exchanges (Compulsory Notification of Vacancies) Act 1959
- Building and Other Construction Workers' Welfare Cess Act 1996
- Unorganized Workers' Social Security Act 2008

Applicability and Key Features Extant Regime

- Employees' Provident Fund: 20 or more Employees
- Employees' State Insurance Corporation, Gratuity & Maternity Benefit: 10 or more Employees
- Under the Code On Social Security 2020

Under the Code On Social Security 2020

- ♦ Employee threshold: Remains same for EPF, ESI, gratuity and maternity benefits
- ♦ New inclusions: Unorganised sector workers, gig workers and platform workers
- ♦ EPF & ESIC coverage widened
- ♦ Limitation on enquiries on PF and ESI
- ♦ Introduction of new category of beneficiaries with focus on un-organized sector – platform, gig, fixed term
- ♦ Adhar pre-requisite for registration of un-organized workers
- Increase in quantum of gratuity payment in view of recognition of 'Fixed term workers' and potential increase in basic
- Filing of a single return

Important Changes In Definitions

Employee

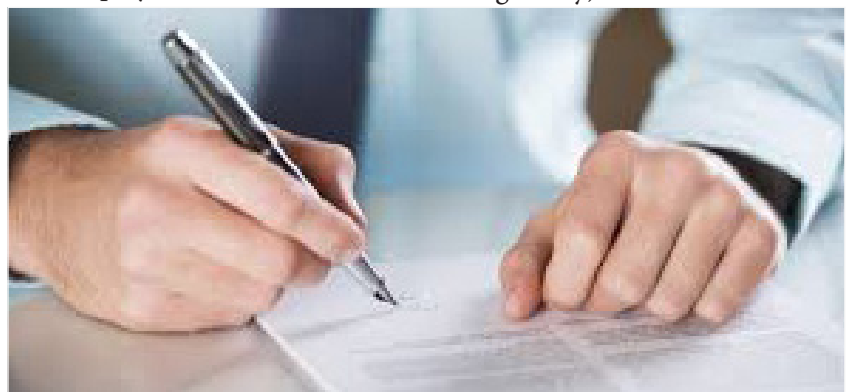
- 'Employee' to include

contract labour; all employees irrespective of wage ceiling to be counted for application of chapters on EPF and ESI

- Inclusion of contract workers relevant at the time of counting number of employees for application of various chapters
- Negligible impact on contributions as provision of recovery from contractor available
- Lack of clarity in relation to treatment of gratuity of contract labour

Fixed Term Employment

- Definition of 'fixed term employment' introduced
- Treatment in terms of wages and benefits at par with permanent employees doing the same work
- Benefits ordinarily based on service tenure to be available to fixed term employees on a pro rated basis, without them completing the minimum service tenure (say 4 years and 240 days in case of gratuity)



Penalties under Code on Social Security

Offence by employer	Penalty
<ul style="list-style-type: none"> Failure to pay/ deposit employees contributions deducted from employees' wages 	<ul style="list-style-type: none"> Fine INR 100,000 and imprisonment between one to three years. For second and subsequent offence: Imprisonment up to 2 years and fine of 2 lakhs
<ul style="list-style-type: none"> Non-maintenance/ improper maintenance of records Failure to pay any contribution liable to be paid under the Code 	<ul style="list-style-type: none"> First instance – Fine INR 50,000 and imprisonment up to six months. Second and subsequent instances: Fine of INR 200,000 and imprisonment upto two years
<ul style="list-style-type: none"> Non-compliance/ contravention of any other provision or rules Deduct employer's contribution, reduces wages, penalizes woman employee, fails to pay gratuity, maternity benefit, cess, fails to produce records 	<ul style="list-style-type: none"> First instance: Fine up to INR 50,000 and imprisonment of up to One year Second and subsequent instances: Fine of INR 300,000 for failure to pay charges, cess, gratuity, maternity benefit or compensation and imprisonment between two to three years
<ul style="list-style-type: none"> Non-compliance of the provisions of the Code after the timelines under the directions from Inspector cum Facilitator, including failure to produce documents to Inspector cum Facilitator 	<ul style="list-style-type: none"> Fine up to INR 50,000 and/or imprisonment of 1 year; No opportunity provided to the employer if violation of the similar nature is repeated within a period of 5 years from the first instance.
<ul style="list-style-type: none"> Fails to submit returns, obstructs executive officer, fails to pay compensation, send a statement of fatal accident 	<ul style="list-style-type: none"> Fine up to INR 50,000
<ul style="list-style-type: none"> Dishonestly makes a false return, report, statement or information to be submitted 	<ul style="list-style-type: none"> Imprisonment up to six months or with a fine which may extend to INR 50,000 or with both.

Agenda

- 1 Code on Wages, 2019
- 2 Code on Social Security 2020
- 3 Occupational Safety, Health and Working Conditions Code 2020
- 4 Industrial Relations Code 2020

Occupational Safety, Health and Working Conditions Code, 2020: An Introduction

Code replaces the following extant statutes:

- ♦ Factories Act 1948
- ♦ Contract Labour (Regulation and Abolition) Act 1970
- ♦ Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979

- ♦ Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act 1981
- ♦ Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996
- ♦ Mines Act 1952
- ♦ Dock Workers (Safety, Health and Welfare) Act 1986
- ♦ Plantations Labour Act 1951
- ♦ Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act 1955
- ♦ Working Journalists (Fixation of Rates of Wages) Act 1958
- ♦ Motor Transport Workers Act 1961

- ♦ Sales Promotion Employees (Conditions of Service) Act 1976
- ♦ Beedi and Cigar Workers (Conditions of Employment) Act 1966

Applicability and Key Features

Extant Regime

Applicable to all workers (except those working in a supervisory or managerial capacity) of industrial establishments

Under the Occupational Safety, Health and Working Conditions Code, 2020

Applicable to all establishments

- Mandatory registration to be applicable in case of 10 or more workers (Contractors, if > 50 workers).

- Distinction between core and non- core workers
- Inter-State migrant workers
- Health, safety and working conditions – Welfare facilities
- Provisions to ensure the safety of female employees and recognition of Transgender employees
- Hours of Work, Leave Rules and Leave Encashment – Overtime (twice the wages)
- Mandatory Health Check ups for specified employees and specified establishments

Other Important Changes

Increase in Penalties

Extant Regime

- ♦ General penalty provision: maximum penalty is 2 years' imprisonment or fine of INR 1,00,000 or both
- ♦ Failure to comply with provisions prohibiting or regulating engagement of contract labour: maximum penalty is 3 months' imprisonment or fine of INR 1,000 or both

Provision under the Code

- ♦ General penalty provision: maximum penalty is fine of INR 3,00,000
- ♦ Failure to comply with provisions prohibiting or regulating engagement of women workers, contract labour etc.: maximum penalty is fine of INR 1,00,000
- ♦ Failure to comply with duties in relation to hazardous processes: maximum penalty is 2 years' imprisonment and fine of INR 5,00,000

Points for consideration

- Conflict between OSH Code and State Specific Shops and Establishments
- Statutory obligation to issue appointment letters to workers and experience certificate to contractors
- Prior consent for overtime and employment of women in night shift
- Implication on compliance costs-leave encashment at the end of calendar year
- Closing/Closure of establishments – Requirement of notification and certification of payments
- Distinction between core and non core activity. Is there ambiguity

Agenda

- 1 Code on Wages, 2019
- 2 Code on Social Security 2020
- 3 Occupational Safety, Health and Working Conditions Code 2020
- 4 Industrial Relations Code 2020

Industrial Relations Code 2020 : An Introduction

Code replaces the following extant statutes:

- Trade Unions Act 1926
- Industrial Employment (Standing Orders) Act 1946
- Industrial Disputes Act 1947

Applicability and Key Features

Extant Regime

- Applicable to Industrial Establishments and Trade Unions

Under the Industrial Relations Code 2020

- Applicable to Industrial Establishments and Trade Unions

- Employer now includes contractors and legal representatives of the deceased employer

- Industry definition - Bangalore water supply case
- Workman changed to "Worker" – Ceiling limit INR 10,000 to INR 18,000
- Benefits extended to Fixed Term Employment
- Applicability of re-trenchment, lay-off and closure provisions
- Standing orders made mandatory (>300 employees)
- Grievance Redressal Committee mandatory
- Sets out compliance norms and conditions for lock-outs and strikes

Other Important Changes

Increase in Penalties

Extant Regime

- ♦ Failure to comply with Chapter V-B provisions of lay-off: maximum penalty is 1-month imprisonment or fine of INR 1,000 or both
- ♦ Failure to comply with Chapter V-B provisions of closure of undertaking: maximum penalty is 6 months' imprisonment or fine of INR 5,000 or both
- ♦ Unfair labour practice: maximum penalty is 6 months' imprisonment or fine of INR 1,000 or both
- ♦ Failure to comply with standing orders: maximum penalty is fine of INR 100
- ♦ Penalty in other cases: maximum fine of INR 100

Provision under the Code

- ♦ Applicability of Standing Orders
- ♦ Engagement of FTE on a repetitive basis
- ♦ Reskilling fund for retrenched employee
- ♦ Reduction in misuse of contract labour at the hands of unscrupulous trade unions
- ♦ Mandatory recognition of trade unions
- ♦ Dichotomy existing in respect of minimum tenure of FTE for gratuity



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Retail, wholesale traders now get MSME tag; opens bank credit lines



To benefit 2.5 crore traders and they can now register on Udyam Registration Portal.

Accepting a long-standing demand, the Centre, on Friday, included retail and wholesale traders under the MSME (micro, small and medium enterprises) classification making them eligible for priority sector advances by banks and financial institutions per RBI guidelines.

Minister of MSME and Road Transport and Highways Nitin Gadkari said the government has revised the guidelines, with the inclusion of retail and wholesale traders as MSMEs.

“Retail and wholesale trade were left out of the ambit of MSME. Under the revised guidelines, the Ministry of MSME has issued an order to include retail and wholesale trade as MSME and extending to them the benefit of priority sector lending,” he said, adding that this would benefit 2.5 crore retail and wholesale traders, and they will now be able to register on the Udyam Registration Portal.

This comes at a time when retail and wholesale traders have been facing severe liquidity crunch after sales were hit by the Covid-induced local lockdowns. According to a survey by Retailers Association of India (RAI), the sector, dominated by which small traders, saw a 79 per cent contraction in monthly sales in May compared to pre-Covid levels due to lockdown-like restrictions imposed by States to curb the pandemic’s second wave.

news update

Access to better finance

Kumar Rajagopalan, CEO of RAI, said, “This landmark decision will have a structural impact for the sector, helping it get formalised by giving better finance options for businesses that want to get structured. It will give retail MSMEs the support they need to survive, revive and thrive.” The Confederation of All India Traders (CAIT) said the demand for MSME status was on for more than a year, and will benefit crores of small businesses. Praveen Khandewal, Secretary General, CAIT, said, “The Covid pandemic-affected traders will now be able to restore their businesses by obtaining finances from banks, which was earlier denied to them. This will prove to be a milestone step in reviving not only the economy but even the retail sector.”

Khandewal said besides being able to get loans from banks and financial institutions, traders will now be eligible for several government schemes.

On June 28, the Finance Ministry increased the emergency credit line guarantee scheme (ECLGS) to ₹4.5-lakh crore, mainly for the MSME sector.

MSMES NEED BRAND IMAGE

The B2B buying process has undergone a sea change

The MSME sector's contribution to the Indian economy's growth cannot be overstated. This industry segment, with close to 63.4 million units, contributes to 33.4 per cent of India's manufacturing output and provides employment to around 120 million people (CII data).

However, long-term sustainability at an enterprise level demands that businesses should start to look at themselves as brands rather than as mere businesses because branding helps to bring visibility, connect with customers and create trust in their minds about the product or service.

Branding is a powerful tool that not only defines revenue streams but also determines life cycle of businesses. Yet, many MSMEs, especially the ones run by first generation entrepreneurs, are sceptical about value addition from branding and perceive branding as avoidable expenses rather than strategic investments.

Branding does not necessarily mean allocating huge budgets to TV ads and celebrity branding. Today, we are in a digital era which offers ample opportunities to stay visible, engage with prospects, generate leads and convert them through a well-thought-out digital branding strategy.

There are various digital marketing platforms that businesses can use for accelerating growth. Tools such as social media marketing, search engine optimisation (SEO), search engine marketing, online PR and influencer marketing offer immense opportunities for businesses to brand themselves. A well-thought-out digital branding strategy can be implemented with moderate initial budgets and higher allocations can follow based on return on investments.

Here are five aspects of digital branding that MSMEs in the B2B space can consider:

B2B and B2C are converging: Platforms such as Amazon and Flipkart have over the last few years transformed lives of B2C customers to such an extent that people expect to explore also B2B buying options at the click of a button and from the comfort of their offices and homes before making a purchase decision.

According to statistics from Hub Spot, over 80 per cent of buyers visit website before taking a B2B buying decision. Therefore, a well strategised and inviting digital presence with content that is informative, engaging and impactful are now a prerequisite for B2B businesses. It also offers an opportunity to showcase core values and brand personality.

B2B has multiple touch-points as opposed to B2C: One of the foremost prerequisites for any B2B marketer

is to be able to drive traffic that qualifies as potential leads. Unlike B2C, B2B businesses involve long sales cycle, multiple touch-points and a structured buying process. So, a vanilla SEO may not suffice. What is needed is account based digital marketing campaigns that can impact decision-makers across all touch-points so that robust connections are made and nurtured.

Real time analytics tools will help track potential customers who are still contemplating purchases and influence their decision-making early enough with valuable product information and, thereby, channelise their actions and decisions in favour of the brand.

E-commerce: Statistics from Forrester Research suggests that the US B2B e-commerce industry will hit \$1.8 trillion by 2023 while India's "will be \$700 billion by 2020" aligned with the government's digital plans and the outlook for the manufacturing industry.

So, besides digital presence, online commerce will soon coexist with brick-and-mortar platforms. Omni channels will also be a significant area of convergence that MSMEs will have to gear up for to cater to automated self-service platforms and seamless omni-channel experiences.

Creating customer experience of high recall: Agility in responding to online enquiries has become a key factor in connecting to the customer and creating initial trust as would a B2C marketer. And the relationship nurturing should extend all through the customer journey and create an experience of high recall.

Customer loyalty schemes: Tracking the customer after the purchase, whether offline or online, helps to stay connected to understand customer needs and insights. Statistics from HBR show that "acquiring a new customer is at anywhere from 5 to 25 times more expensive than retaining existing ones, and that increasing customer retention rates by just five per cent increases profits by 25 to 95 per cent."

Reward programmes based on 80:20 rule can help achieve customer loyalty and improve repeat sales.

Branding is therefore not a matter of choice if MSMEs in the B2B space want to connect seamlessly with customers, build trust, create unbeatable competitive edge and drive premium pricing.

"Get closer than ever to your customers. Stay so close that you tell them what they need well before they realise it themselves"
-Steve jobs

International Webinar

U.K.-India Living Bridge (Business & Education) with The Institute of Cost Accountants of India

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Please register your interest at: <https://www.dialoguein.com/join-movement>

FOSMI has recently associated with ICAI (The Institute of Cost Accountants of India) and its overseas office at London, LOCCA (London Overseas Centre of Cost Accountants) to avail the facilities offered by the institutes for the benefit of members.

As part of this initiative, LOCCA organised an International Webinar with FOSMI as one of the associates of ICAI/ LOCCA on the topic "UK India Living Bridge" (Business and Education) on 23rd of April 2021. On the occasion, Lord John Bird (Baron Bird, Member of the House of Lords), Mr. Nick Low (British Deputy High Commissioner, Kolkata) and Mr. Kevin McCole (Managing Director at UK India Business Council) shared their views.

The LOCCA Chairman Mr. Anirban Mukhopadhyay asserted that LOCCA set up with the ambitious objective aimed at developing trade and businesses, education and foster research and innovation in areas of new age and green technologies, environment and health, cost management primarily to seek and identify commercial and economic opportunities, connecting the MSMEs or SMEs of India with

the emerging technology companies in U.K. along with facilitating market linkages and exports for the matching entities in U.K. to India.

On consolidation of the deliberations of the various speakers, a very good opportunity emanated from the discussion that Indian SMEs could reap the various benefits with the help of LOCCA.

The following are few areas, where this proposed association with ICAI (and LOCCA) would potentially help facilitate FOSMI members and its associates. During the session an impressive opportunities has also been projected in the field of education and development of skills to be made available through LOCCA.

Areas of Co- operations are :-

- (i) Connect Indian SMEs to matching companies globally for market linkages and exports along with helping them to set up JVs or direct subsidiaries and vice-versa.
- (ii) Would help in complete market assessment for the FOSMI's member-SMEs to explore and connect to matching entities or setup operations in respective countries.

(iii) Help connect with overseas buyers and importers/ traders and regularly organise business networking - webinars with stakeholders and entities concerned with SMEs. This would give direct exposures to FOSMI members to showcase their products/ services to potential buyers and traders overseas.

(iv) In the education sector, ICAI/ LOCCA sees a potential interest and traction amongst different professional and students' body and institutes who are keen to partnering with LOCCA to foster skill development and trainings in advanced studies courses meant for engineers and management leaderships.

FOSMI President Mr. Biswanath Bhattacharya, during his deliberation gave a brief sketch about FOSMI and its various activities for the development of SMEs. In course of his deliberation, Mr. Bhattacharya also explained the various sectors and available opportunities in Bengal where FOSMI can associate with overseas companies in respect to JV, Technology, Upgradation, Re-Engineering and B2B interaction for mutual benefits in the areas of Foundry, Speciality Chemicals, Renewable Energy and Component manufacturing for defence, aerospace and railways.

It has been revealed during session that few very nascent initiatives have just started in overseas territory namely Ghana in Africa and MENA region wherein LOCCA is exploring business connects and consulting opportunities in renewable energy (solar power and green tech) and ICT and digital transformation through its members and stakeholder associates.

The webinar ended with a very positive note with positive assurance of LOCCA to collaborate with FOSMI leading towards a more fulfilling association and facilitating FOSMI members to connect with matching UK companies for trade and business. ■



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Town Hall Meeting with RBI

Bank-Credit Linkage facilities & other benefits/incentives from the Government for the MSME Entrepreneurs

Town Hall Meeting with the Financial Inclusion and Development Department (FIDD), Reserve Bank of India, Kolkata.

Financial Inclusion and Development Department (FIDD), Reserve Bank of India, Kolkata organised a Town Hall Meeting virtually on 8th June 2021 on MSME related issues to create awareness about bank-credit linkage facilities and other benefits/incentives from the Government for the MSME Entrepreneurs. FOSMI became the part of the meeting to create awareness among its members. The forum also provided opportunity to express the issues related to the bank finance faced by entrepreneurs / prospective entrepreneurs.

After the welcome address by GM, RBI, Mr. Sudip Bhattacharyya AGM FIDD RBI Kolkata gave a brief presentation about the various incentive schemes of RBI offered during the post COVID to MSMEs for the benefits of the MSME Entrepreneurs who attended the program.

After the presentation of Mr. Bhattacharyya, esteemed officials from Canada Bank, State Bank of India, Punjab National Bank and UCO Bank have explained the various available schemes of their

respective banks with special reference to the support and schemes which are made available in post COVID situation.

The Joint Director Joint Director, Directorate of MSME & T, Govt. of WB Mr. R. K. Midya briefly covered about the facilities those are offered through Banglashree Scheme and spoke about Bank's facilitations for MSMEs.

The financial institutions SIDBI and NABARD also took part in the session and explained their products available for entrepreneurs designed by them in pandemic period. The DGM, SIDBI Mr. P. S. Manoj spoke about the two specific schemes offered by them were SIDBI assistance to healthcare sector in war against second wave of COVID-19 (SHWAS) and SIDBI assistance to MSMEs for recovery & organic growth during COVID-19 pandemic (AROG). The key attractions were well defined during the discussion. Besides these two schemes, a brief outline was also given about the other running schemes like SAFE and SMILE.

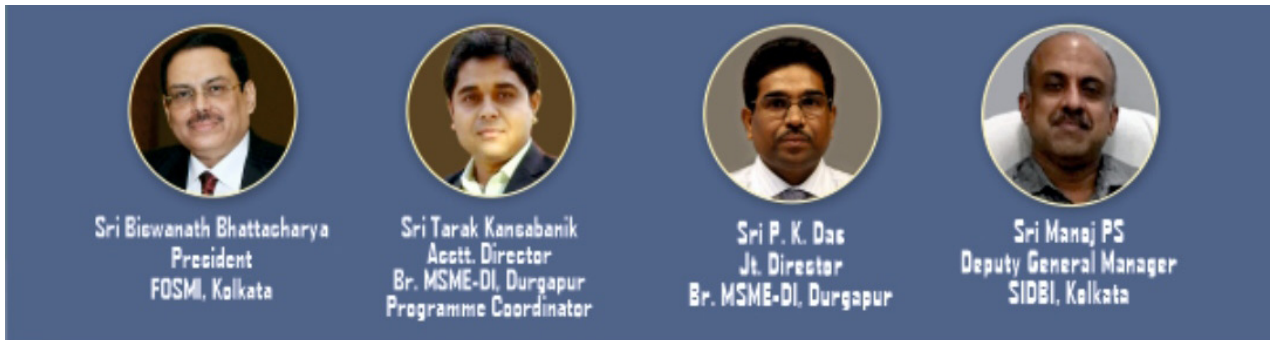
After the deliberation of SIDBI, the DGM NABARD asserted that, besides the bank's normal refinance schemes, there is

a special liquidity support measure are made available as the pandemic and the lock-down have severely affected the rural economy. He further added about the impressive credit flow which was given under the Rural Infrastructure and Development Fund (RIDF) to boost infrastructure in the country-side during the pandemic and further indicated about the allocation for promoting micro-irrigation schemes among the small and marginal farmers, especially in the dry districts of the state of West Bengal. It was further stressed by NABARD official about the expansion of refinance schemes.

The Secretary FOSMI, Mr. A. K. Sengupta raised about the issues of their members with Banks and stressed about the uniform implantation of CGTMSE schemes and to bring more units under the ambit of the schemes.

Mr. Sudip Bhattacharyya, AGM, FIDD, RBI taken up the issues of FOSMI members and extended his valuable suggestions in redressing their issues. Later there is was an effective Q&A session. RBI and banking officials took the questions from the participants and answered those questions satisfactorily. It was indeed a very effective and learning session for all participants. ■

"Financial Assistance Scheme for MSMEs during Covid Pandemic" with MSME-DI, Durgapur



A webinar on “Financial Assistance Scheme for MSMEs during Covid Pandemic” in association with FOSMI was organised by MSME-DI, Durgapur on 11th June 2021. SIDBI, Kolkata was also the part of the webinar.

President FOSMI, Mr. Biswanath Bhattacharya in his key note address acknowledged the good effects of various financial schemes which were introduced by Govt. of India to extend financial help to MSMEs in the pandemic situation. Also he felt that current definition of MSME have widened the ambit of micro segment to avail the benefit of various schemes. During his deliberation, Mr. Bhattacharya appreciated the effort of SIDBI too for its role to support MSMEs with their various useful schemes.

Followed by Mr. Bhattacharya, Mr. P. K. Das, Joint Director, MSME-DI, Durgapur explained in detail about the various schemes which are made available for MSMEs during COVID period like Prime Minister Employment Generation Programme (PMEGP), Credit Guarantee Trust Fund for Micro & Small Enterprises (CGTMSE), Credit Linked Capital Subsidy

Scheme (CLCSS), Interest Subsidy Eligibility Certificate (ISEC) etc. Mr. Das also outlined the available concession to all the Enterprises that have the MSME Registration Certificate.

Mr. Das touched briefly about the new definition of MSMEs and how it will help the sector in large perspective and stressed about the essential requirement of all MSMEs to simply mandatory Udyam Registration.

After Mr. Das, the DGM SIDBI, Mr. P. S. Manoj elaborated two specific schemes of SIDBI meant for Healthcare sector. Mr. Manoj said that Industries Development Bank of India (SIDBI)- the principal financial institution focusing on Micro, Small, and Medium Enterprises (MSMEs) - has earmarked Rs. 200 crore for its newly launched SHWAS and AROG schemes for MSMEs, manufacturing Covid-related goods. While SHWAS, caters to MSMEs manufacturing oxygen cylinders, oxy-generators, oxygen concentrators, liquid oxygen or providing services in transportation, storage, refilling to supply of these items, AROG focuses on enabling credit for

MSMEs in manufacturing of products or providing services which are directly related to fighting Covid including pulse oximeters, permitted drugs, ventilators, PPE kits, etc. The key attraction of the schemes was well defined during the discussion. Besides these two schemes, a brief outline was also given about the other running schemes.

At the end there was a very effective QA session and program ended with a very successful note. ■





GeM Registration & its advantage



Speaker
Shri Nitin Jain
Founder
Marvel Infocomm Pvt. Ltd.
Nationaltenders.com



Shri Biswanath Bhattacharya
President, FOSMI



Moderator
Shri Sunil Boruka
Director, Suvidha Consultants Pvt. Ltd.

A webinar on “GeM (Government e-Marketplace) Registration & its advantages” was organised by FOSMI in association with Marvel Infocomm Pvt. Ltd., Ahmedabad, along with their Business Channel Partner and our Member, M/s.Suvidha Consultants Pvt. Ltd., Kolkata on 18th June 2021 through Cisco Webex Platform.

The session was conducted by Mr.Nitin Jain, Founder, Marvel Infocomm Pvt. Ltd. and well moderated by Mr.Sunil Boruka, the Director, M/s. Suvidha Consultants Pvt. Ltd.

After the welcome address by the President FOSMI, Mr. Biswanath Bhattacharya, Mr.Nitin Jain through a power point presentation, explained in detail about GeM registration process and its advantages. A synopsis of his discussion is given below:

Government e-MarketPlace (GeM) Registration & its advantages

GeM Registration

Government e-Marketplace (GeM) is a one-stop portal to facilitate online procurement of common use Goods & Services required by various Government Departments / Organizations / PSUs. GeM aims to enhance transparency, efficiency, and speed in public procurement.

Advantages on GeM

- Direct access to all Government departments.
- The one-stop shop for marketing with minimal efforts.
- A one-stop shop for bids / reverse auction on products/ services.
- New Product Suggestion facility is available to Sellers.
- Dynamic pricing: Price can be changed based on market conditions
- Seller friendly dashboard for selling and monitoring of supplies and payment
- Consistent and uniform purchases procedures

Who can register under GeM as a seller?

- Manufacturers
- Service Providers
- Traders

Current Potentiality in GeM

- ⊗ **Buyer Registered** – More than 52 thousand
- ⊗ **Sellers & Service Providers** – More than 21 lakhs
- ⊗ **MSE Sellers & Service Providers** – More than 7 lakhs
- ⊗ **Products registered** – More than 42 lakhs
- ⊗ **Services Categories registered** – 172

- ⊗ **No. of orders** – More than 70 lakhs
- ⊗ **GeM transaction value** - Rs. 120,154 crore
- ⊗ **Order values to MSEs** – More than 56%

How to start business in GeM

- **Company Registration** - Primary user is required to fill up its basic organization details to create organisation seller account.
 - **Vendor Assessment** - Vendor Assessment is a paid process through which the manufacturer's products have to go for quality assessment conducted by the Quality Council of India (QCI) to obtain Original Equipment manufacturers Panel (OEM). In case the manufacturer is having certain certificates like NSIC, BIS, ISI etc. then vendor assessment can be done without any additional cost.
 - **Brand Approval** – For registration of branded products an enterprise need registered trademark.
 - **Product Uploading** – To complete the GeM registration process the company needs to upload its products which are to be displayed in the GeM portal.
- The session had a lively interactive session and ended with vote thanks by Mr.Sunil Boruka. It was a very successful program. ■



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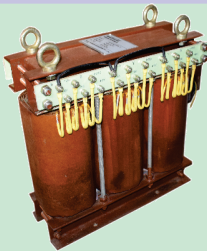
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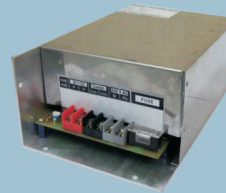
Automatic Battery Charger/FCBC/ACDB/DCDB



Transformers (Control & Lighting)



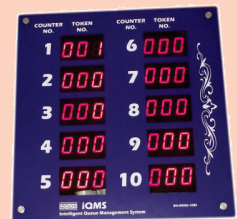
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A webinar on Productivity Improvement through Supply Chain Planning was organised by MSME –DI, Durgapur in association FOSMI on 21st June 2021. Mr. Badhrinath Kidambi Consultant, MSME-TC (PPDC) Agra was the main faculty of the session to speak on the subject.

The President FOSMI, Mr. Biswanath Bhattacharya in his key note address, said that, supply chain planning in short, is the management of the flow of goods and services and includes all processes that transform raw materials into final products. He asserted that the subject of the topic "Productivity Improvement through Supply Chain Planning" is a well discussed subject of current times and got immense importance among industries. He felt that, Supply Chain Planning now becomes a very important management tool of every progressive minded organisation due to its multiple positive results.

about Inventory, he briefly covered about the maintainable minimum level of inventory to keep the production activities uninterrupted and not get affected due to shortage of raw material and the yard stick was defined for finished product inventory to meet the supply commitment. Mr. Kidambi also touched as to how a large stock impacts the return on investment, as the objective of the company is to maximize profits and keeping large stocks, usually draw criticism from the finance department which Mr. Kidambi stressed.

He said, Logistics is an essential component of Supply Chain Management. Companies see logistics as a critical blueprint of the supply chain. It is used to manage, coordinate and monitor resources needed to move products in a smooth, timely, cost-effective and reliable manner.

While defining, importance of Suppliers in supply chain, Mr. Kidambi was in opinion



Productivity Improvement Through Supply Chain Planning

Mr. P.K. Das Jt. Director MSME-DI, Durgapur, said that enhancing productivity within the supply chain plays a vital role in the current and future success of a business. The supply chain planning is to increase productivity and comprises of few important strategies like, implementing new & innovative technologies, paying close attention to the workforce, ensuring logistical efficiency, comprehensive training and reducing costs; all these can aid in boosting supply chain productivity.

Mr. Das further said that process of supply involves the active streamlining of a business's supply-side activities to maximize customer value and gain a competitive advantage in the marketplace. Mr. Das, in course of his deliberation covered important aspects of office production management and replied few pertinent questions raised by the participants.

Mr. Badrinath Kidambi in his deliberation touched upon the few important components of Supply Chain Management namely, Inventory, Logistics, Supplier Information. While explaining

that, Suppliers are critical to a company's ability to satisfy customers' demand, supply chain execution as well as overall business performance and profitability. Accordingly, they need to be managed in a disciplined and systematic way to ensure reliable performance and minimize risk.

Mr. Kidambi, asserted that with the advancement in globalisation and modernisation of techniques, supply chain planning assumes much importance that allow visibility from end to end for converting the flow of services, information, goods from procurement to manufacturing and delivery to the end consumer.

The webinar was put on interactive mode, Mr. Kidambi to invite questions from the participants. Very useful and pertinent questions were raised during the session and interactive mode proved very useful towards the exchange of communications on the subject which helped the participants to understand the subject more easily and it was a very effective webinar for the benefits of MSMEs. ■

WEBINAR

SPEAKER



Shri Badhrinath Kidambi
Chief Executive Officer
Planytics Solutions (P) Ltd



Shri Biswanath Bhattacharya
President, FOSMI

MODERATOR



Shri Tapas Das Gupta
Chairman
Smart Manufacturing Committee, FOSMI

“Transform Your Business Through Analytics”

A Webinar on the topic “Transform Your Business Through Analytics” was organised by FOSMI virtually on 2nd July, 2021, with an objective of helping members to understand the use of analytics in businesses and how data can be used to solve problems, improve efficiency & increase revenue. The webinar was conducted by Mr. Badhrinath Kidambi, Chief Executive Officer, Planytics Solutions (P) Ltd., Chennai, and moderated by Mr. Tapas Das Gupta, Chairman, FOSMI Smart Manufacturing Committee.

Mr. Kidambi defined Business Analytics as the use of Data & Information Technology for Statistical Analysis by way of quantitative methods and mathematical or computer based models. He stated that, in simple terms, Business Analytics is the process by which businesses use statistical methods & technologies for analysing historical data in order to gain new insights and thereby improve decision making. He further added that Business Analytics is a combination of:

- a) Business intelligence/ information systems
- b) Visualisation
- c) Data mining
- d) Statistics,
- e) Modelling & Optimisation and
- f) Simulation & risk analysis.

Mr. Kidambi emphasised that Business Analytics drives customer satisfaction through data driven decision making. He cited the example of Cincinnati Zoo, Ohio, USA, to highlight as to how earnings of the Zoo improved with the help of analytics. The Zoo management collected data for various activities of the Zoo and appropriate actions based on analysis of the data resulted in its business growth.

Mr. Kidambi asserted that the starting process for Business Analytics is the collection of data. Any business unit must start with a data collection plan to embark on business analytics and the data collection plan should be based, mainly, on customers' needs e.g., faster delivery, zero defect, more product variants etc.

Talking about data, he mentioned that data could be both Qualitative or Subjective - which can be explained but not measured - and Quantitative or Objective - which could be discrete or countable & continuous or measurable. Analysis of quantitative data by data scientists helps organisations better understand their performance in various areas like customer satisfaction, acquisition or loss of customers, demand forecasting, material procurement plan etc.

In order to measure performance, Mr. Kidambi

said that an organisation would have to create measures such as KPIs or KRAs or Metrics. A metric is a unit of measurement that provides a way to objectively quantify performance. He added that using metrics in various functional areas like Finance, Sales & Marketing, Operations etc. the Senior Management Team of an organisation can assess financial performances like net profit, return on investment etc., marketing performance like customer satisfaction, market share etc. and also operational performance like cost per unit, rejection rate etc.

According to him, to be effective, business metrics should be compared to established benchmarks or business objectives. This provides a valuable context for the values used in a metric and also allows organisations to better act on the information they are viewing. Data collected from these metrics can be used to correctly predict the organisational performance for future growth & development. In short, metrics and analytics, when used properly and on a regular basis, can have a powerful impact on a company's overall success

Mr. Kidambi cited an example of two Pizza Business houses to study their superiority over each other in terms of customer satisfaction. In this very interesting example he demonstrated how performance of these two Pizza Business houses could be compared, based on available sample data of their delivery times, by computing their average delivery time to customers, standard deviations of the delivery time and PPM of the deviation on an excel spreadsheet to finally arrive at as to which of the two businesses is doing better. Through this example he explained that analytics would tell us about where we are currently and what we need to do.

Finally, he explained in a very interesting manner as to how an organisation evolves through different stages of maturity levels by overcoming a bundle of inefficiency - from Stage 1 of a multiple dysfunction to Stage 2 of a Semi functional enterprise to Stage 3 of an Integrated enterprise to Stage 4 of an Extended enterprise where it is connected to its customers' customers and also its suppliers' suppliers by adopting analytics. Mr. Kidambi said that the more mature a company the faster will be the results of analytics.

It was a wonderful session conducted by Mr. Badhrinath Kidambi. The session was highly informative and will prove useful for our members. Mr. Tapas Das Gupta, Chairman FOSMI Smart Manufacturing Committee, well moderated the session and there was an excellent Q&A Session at the end. It was a very successful program. ■

Sustaining employee morale for improved productivity under the current scenario

WEBINAR



A webinar was organised by FOSMI on the topic Sustaining Employee Morale for improved productivity under the current scenario and the session was conducted by Prof. Chandreshwar Khan, who is an eminent Consultant and Trainer. The session was moderated by Mr. Tapas Das Gupta, Chairman FOSMI Smart Manufacturing Committee.

President FOSMI, Mr. Biswanath Bhattacharya, in his opening address welcomed all and briefly explained about the importance of morale in working environment and how employee morale likely to be impacted under current pandemic scenario.

Prof. Chandreshwar Khan through power point presentation explained the content of the subject in a very interesting manner. He defined Morale at work place as "The overall satisfaction, feeling, outlook and well-being of an employee at workplace" and said that in the current scenario, the boosting and sustainability of employee morale is very important for every employer.

He asserted that, moral are always subjected under the influence of many external factors prevailing at the workplace. The employees need to have required information

about the prevailing conditions and view and expectations of the employer from his employees to counter any emerging issue at the workplace. This generates a confidence among employees feeling important and makes them aware of the situation.

Prof. Khan by emphasising Morale said that "When crisis locks the door, employee morale opens the door of learning, growing and opportunity, with the key of improved productivity. He further added that, assuming the importance of morale on productivity that calls for some important aspects of an individual which have direct influence in an individual about his perception on a given situation and hence the aspects like passion, mission, values, behaviour, objective, strategy and tactical approach are



Prof. Chandreshwar Khan



Shri Biswanath Bhattacharya



Shri Tapas Das Gupta



Shri Indrajit Dutt

considered important in a working environment.

Prof. Khan, while linking employee moral with productivity, said that Morale is a mental attitude of an individual or groups, which determines their willingness to co-operate and a good morale at work place results in high level commitment, sincerity and loyalty of employee and make them disciplined and reduces industrial conflicts and grievances. All these are the essence of good morale which impacts production and productivity in a very positive way.

He added further during his deliberation that the positivity of morale also having other merits like improvement of interpersonal relations and develops team building which all accounts considered as element for achieving good production and productivity which Prof. Khan asserted. He also highlighted about the signs of low morale and how that impacts on working environment vis-a-vis the impact of positive morale in the workplace that enhances production and productivity.

Prof. Khan explained the relations of morale and productivity through various models by using various factors and explained with the help of examples & anecdotes under varying situation which made his presentations very interesting. He by quoting the references of FOSMI President's speech, said that at the present situation, when employees are confronted with various counts of adversities caused due to pandemic, building of employee morale is very much desired with all possible means to ensure Employer's confidence on Employees and a transparency should prevail in between Employer-Employee relation, then only a very positive reflection can be seen on production and productivity.

The QA session was also found interesting and the webinar ended with vote of thanks by Mr. Indrajit Dutt, Chair, FOSMI Hooghly District Committee. It was a very useful session to be remembered. ■

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14, BELIAGHATA ROAD, KOLKATA-700015**TRADE CIRCULAR No. 08/2021**

(Corresponding Central Circular No. 148/04/2021-GST)

DATED: 30.06.2021

Subject : Standard Operating Procedure (SOP) for implementation of the provision of extension of time limit to apply for revocation of cancellation of registration under section 30 of the WBGST Act, 2017 and rule 23 of the WBGST Rules, 2017.

1. As you are aware vide West Bengal Goods and Services Tax (Amendment) , 2021, section 30 of the West Bengal Goods and Services Tax Act, 2017 (hereinafter referred to as “WBGST Act”) was amended and the same has been notified with effect from 01.01.2021 vide notification No. 291-F.T., dated 26.02.2021. The amended provision provides for extension of time limit for applying for revocation of cancellation of registration on sufficient cause being shown and for reasons to be recorded in writing, by:
 - (a) the Senior Joint Commissioner or Joint Commissioner, as the case may be, for a period not exceeding thirty days;
 - (b) the Commissioner, for a further period not exceeding thirty days, beyond the period specified in clause (a) above Consequently, changes have also been made in rule 23 and FORM GST REG-21 of the West Bengal Goods and Services Tax Rules, 2017 (hereinafter referred to as the “WBGST Rules”) vide notification No. 609-F.T., dated 03.06.2021 w.e.f. 18.05.2021.
2. In order to ensure uniformity in the implementation of the provisions of above rule across the field formations, till the time an independent functionality for extension of time limit for applying in FORM GST REG-21 is developed on the GSTN portal, the Commissioner, in exercise of its powers conferred by section 168 of the WBGST Act, hereby provides the following guidelines for implementation of the provision for extension of time limit for applying for revocation of cancellation of registration under the said section and rule.
3. As has been provided in section 30 of the WBGST Act, any registered person whose registration is cancelled by the proper officer on his own motion, may apply to such officer in FORM GST REG-21, for revocation of cancellation of registration within 30 days from the date of service of the cancellation order. In case the registered person applies for revocation of cancellation beyond 30 days, but within 90 days from the date of service of the cancellation order, the following procedure is specified for handling such cases:
 1. Where a person applies for revocation of cancellation of registration beyond a period of 30 days from the date of service of the order of cancellation of registration but within 60 days of such date, the said person may request, through letter or e-mail, for extension of time limit to apply for revocation of cancellation of registration to the proper officer by providing the grounds on which such extension is sought. The proper officer shall forward the request to the jurisdictional Joint/Senior Joint Commissioner for decision on the request for extension of time limit.
 2. The Joint/ Senior Joint Commissioner, on examination of the request filed for extension of time limit for revocation of cancellation of registration and on sufficient cause being shown and for reasons to be recorded in writing, may extend the time limit to apply for revocation of cancellation of registration. In case the request is accepted, the extension of the time limit shall be communicated to the proper officer. However, in case the concerned Joint/ Senior Joint Commissioner, is not satisfied with the grounds on which such extension is sought, an opportunity of personal hearing may be granted to the person before taking decision in the matter. In case of rejection of the request for the extension of time limit, the grounds for such rejection may be communicated to the person concerned, through the proper officer.

Contd on . pg.9

TRADE CIRCULAR No. 09/2021

(Corresponding Central Circular
No. 149/05/2021-GST)

DATED: 30.06.2021

Sub-Clarification regarding applicability of GST on supply of food in Anganwadis and Schools.

Representations have been received seeking clarification regarding applicability of GST on the issues as to whether serving of food in schools under Mid-Day Meals Scheme would be exempt if such supplies are funded by government grants and/or corporate donations. The issue was examined by GST Council in its 43rd meeting held on 28th May, 2021.

2. Entry 66 clause (b)(ii) of notification No. 1136-F.T. dated 28th June, 2017, exempts Services provided to an educational institution, by way of catering, including any mid-day meals scheme sponsored by the Central Government, State Government or Union territory. This entry applies to pre-school and schools.

3. Accordingly, as per said entry 66, any catering service provided to an educational institution is exempt from GST. The entry further mention that such exempt service includes mid-day meal service as specified in the entry. The scope of this entry is thus wide enough to cover any serving of any food to a school, including pre-school. Further, an Anganwadi inter alia provides pre-school non-formal education. Hence, anganwadi is covered by the definition of educational institution (as pre-school).

4. Accordingly, as per recommendation of the GST Council, it is clarified that services provided to an educational institution by way of serving of food (catering including mid-day meals) is exempt from levy of GST irrespective of its funding from government grants or corporate donations [under said entry 66 (b) (ii)]. Educational institutions as defined in the notification include anganwadi. Hence, serving of food to anganwadi shall also be covered by said exemption, whether sponsored by government or through donation from corporates.

5. Difficulty if any, in the implementation of this Trade Circular may be brought to the notice of the Commissioner.

6. This Trade Circular shall be deemed to have come into force with effect from 17.06.2021.

Sd/-

(Khalid Aizaz Anwar)
Commissioner, State Tax,
West Bengal

TRADE CIRCULAR No. 10/2021

(Corresponding Central
Circular No. 150/06/2021-GST)

DATED: 30.06.2021

Sub-Clarification regarding applicability of GST on the activity of construction of road where considerations are received in deferred payment (annuity).

Certain representations have been received requesting for a clarification regarding applicability of GST on annuities paid for construction of road where certain portion of consideration is received upfront while remaining payment is made through deferred payment (annuity) spread over years.

2. This issue has been examined by the GST Council in its 43rd meeting held on 28th May, 2021.

2.1 GST is exempt on service, falling under heading 9967 (service code), by way of access to a road or a bridge on payment of annuity [entry 23A of notification No. 1136-F.T.]. Heading 9967 covers "supporting services in transport" under which code 996742 covers "operation services of National Highways, State Highways, Expressways, Roads & streets; bridges and tunnel operation services". Entry 23 of said notification exempts "service by way of access to a road or a bridge on payment of toll". Together the entries 23 and 23A exempt access to road or bridge, whether the consideration are in the form of toll or annuity [heading 9967].

2.2 Services by way of construction of road fall under heading 9954. This heading inter alia covers general construction services of highways, streets, roads railways, airfield runways, bridges and tunnels. Consideration for construction of road service may be paid partially upfront and partially in deferred annual payments (and may be called annuities). Said entry 23A does not apply to services falling under heading 9954 (it specifically covers heading 9967 only). Therefore, plain reading of entry 23A makes it clear that it does not cover construction of road services (falling under heading 9954), even if deferred payment is made by way of instalments (annuities).

3. Accordingly, as recommended by the GST Council, it is hereby clarified that Entry 23A of notification No. 1136-F.T. does not exempt GST on the annuity (deferred payments) paid for construction of roads.

4. Difficulty if any, in the implementation of this circular may be brought to the notice of the Commissioner.

5. This Trade Circular shall be deemed to have come into force with effect from 17.06.2021.

Sd/-

(Khalid Aizaz Anwar)
Commissioner, State Tax,
West Bengal

TRADE CIRCULAR No. 11/2021

(Corresponding Central Circular No. 151/07/2021-GST)

DATED: 30.06.2021

Sub- Clarification regarding GST on supply of various services by Central and State Board (such as National Board of Examination).

1. Certain representations have been received seeking clarification in respect of taxability of various services supplied by Centre and State Boards such as National Board of Examination (NBE). These services include entrance examination (on charging a fee) for admission to educational institution, input services for conducting such entrance examination for students, accreditation of educational institutions or professional so as to authorise them to provide their respective services. The issue was examined by GST Council in its 43rd meeting held on 28th May, 2021.
2. Illustratively, NBE provides services of conducting entrance examinations for admission to courses including Diplomat National Board (DNB) and Fellow of National Board (FNB), prescribes courses and curricula for PG medical studies, holds examinations and grant degrees, diplomas and other academic distinctions. It carries out all functions as are normally carried out by central or state educational boards and is thus a central educational board.
3. According to explanation 3(iv) of the notification No. 1136-F.T., “Central and State Educational Boards” are treated as Educational Institution for the limited purpose of providing services by way of conduct of examination to the students. Therefore, NBE is an „Educational Institutions in so far as it provides services by way of conduct of examination, including any entrance examination, to the students.
 - 3.1 Following services supplied by an educational institution are exempt from GST vide sl. No. 66 of the notification No. 1136-F.T. dated 28.06.2017,
Services provided -
 - (a) by an educational institution to its students, faculty and staff;
 - (aa) by an educational institution by way of conduct of entrance examination against consideration in the form of entrance fee;
 - 3.2 Similarly, services provided to an educational institution, relating to admission to, or conduct of examination is also exempt from GST [sl. No. 66 (b)(iv)-1136-F.T.].
 - 3.3 Educational institutions are defined at 2(y) of the said notification as follows-
“(y) educational institution” means an institution providing services by way of, -
 - (i) pre-school education and education up to higher secondary school or equivalent;
 - (ii) education as a part of a curriculum for obtaining a qualification recognized by any law for the time being in force;
 - (iii) education as a part of an approved vocational education course;”;**Further, clause (iv) of Explanation of said notification reads as below:**
“(iv) For removal of doubts, it is clarified that the Central and State Educational Boards shall be treated as Educational Institution for the limited purpose of providing services by way of conduct of examination to the students”
4. Taking into account the above, the GST Council has recommended, to clarify as below:
 - (i) GST is exempt on services provided by Central or State Boards (including the boards such as NBE) by way of conduct of examination for the students, including conduct of entrance examination for admission to educational institution [under S. No. 66 (aa) of notification No. 1136-F.T.]. Therefore, GST shall not apply to any fee or any amount charged by such Boards for conduct of such examinations including entrance examinations.
 - (ii) GST is also exempt on input services relating to admission to, or conduct of examination, such as online testing service, result publication, printing of notification for examination, admit card and questions papers etc, when provided to such Boards [under S. No. 66 (b) (iv) of notification No. 1136-F.T.].
 - (iii) GST at the rate of 18% applies to other services provided by such Boards, namely of providing accreditation to an institution or to a professional (accreditation fee or registration fee such as fee for FMGE screening test) so as to authorise them to provide their respective services.
5. Difficulty if any, in the implementation of this circular may be brought to the notice of the Commissioner.
6. This Trade Circular shall be deemed to have come into force with effect from 17.06.2021.

Sd/-

(Khalid Aizaz Anwar)

Commissioner, State Tax, West Bengal

TRADE CIRCULAR No. 12/2021

(Corresponding Central Circular No. 152/08/2021-GST)

DATED: 30.06.2021

Sub- Clarification regarding rate of tax applicable on construction services provided to a Government Entity, in relation to construction such as of a Ropeway on turnkey basis.

1. Reference has been received by the Commissioner for a clarification whether services supplied to a Government Entity by way of construction such as of “a ropeway” are eligible for concessional rate of 12% GST under entry No. 3 (vi) of Notification No. 1135-F.T. dt. 28.06.2017. On the recommendation of the GST Council, this issue is clarified as below.
2. According to entry No. 3(vi) of notification No. 1135-F.T. dated 28.06.2017, GST rate of 12% is applicable, inter alia, on-
“**(vi) Composite supply of works contract as defined in clause (119) of section 2 of the West Bengal Goods and Services Tax Act, 2017, (other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above) provided to the Central Government, State Government, Union Territory, a local authority a Governmental Authority or a Government Entity, by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of -**
(a) a civil structure or any other original works meant predominantly for use other than for commerce, industry, or any other business or profession; “
- 2.1 Thus, said entry No 3 (vi) does not apply to any works contract that is meant for the purposes of commerce, industry, business of profession, even if such service is provided to the Central Government, State Government, Union Territory, a local authority a Governmental Authority or a Government Entity. The doubt seems to have arisen in the instant cases as Explanation to the said entry states, the term „business shall not include any activity or transaction undertaken by the Central Government, a State Government or any local authority in which they are engaged as public authorities. However, this explanation does not apply to Governmental Authority or Government Entity, as defined in clause (ix) and (x) of the explanation to said notification. Further, civil constructions, such as rope way for tourism development shall not be covered by said entry 3(vi) not being a structure that is meant predominantly for purposes other than business. While road, bridge, terminal, or railways are covered by entry No. 3(iv) and 3(v) of said notification, structures like ropeway are not covered by these entries too. Therefore, works contract service provided by way of construction such as of rope way shall fall under entry at sl. No. 3(xii) of notification 1135-F.T. and attract GST at the rate of 18%.
3. Difficulty if any, may be brought to the notice of the Commissioner.
4. This Trade Circular shall be deemed to have come into force with effect from 17.06.2021.

Sd/-

(Khalid Aizaz Anwar)

Commissioner, State Tax,, West Bengal

...Contd. from page 6

- 3 On receipt of the decision of the Joint/ Senior Joint Commissioner on request for extension of time limit for applying for revocation of cancellation of registration, the proper officer shall process the application for revocation of cancellation of registration according to the law and procedure laid down in this regard.
5. Procedure similar to that explained in paragraph 4.1 to 4.3 above, shall be followed mutatis-mutandis in case a person applies for revocation of cancellation of registration beyond a period of 60 days from the date of service of the order of cancellation of registration but within 90 days of such date.
6. The Trade Circular shall cease to have effect once the independent functionality for extension of time limit for applying in FORM GST REG-21 is developed on the GSTN portal.
7. Difficulties, if any, in implementation of these instructions may be informed to the Commissioner.
8. This Trade Circular shall be deemed to have come into force with effect from 18.05.2021.

Sd/-

(Khalid Aizaz Anwar)

Commissioner, State Tax, West Bengal

TRADE CIRCULAR No. 13/2021

(Corresponding Central Circular No. 153/09/2021-GST)

DATED: 30.06.2021

Sub: GST on milling of wheat into flour or paddy into rice for distribution by State Governments under PDS.

1. Certain representations have been received seeking clarification whether composite supply of service by way of milling of wheat into wheat flour, alongwith fortification, by any person to a State Government for distribution of such wheat flour under Public Distribution System is eligible for exemption under entry No. 3A of Notification No. 1136-F.T. dated 28.06.2017, and also as regards the rate of GST on such milling, if it does not fall in said entry No. 3A. The issue has been examined by GST Council in its 43rd meeting held on 28th May, 2021.
2. Entry at Sl. No. 3A of Notification No. 1136-F.T. dated 28.06.2017 exempts “composite supply of goods and services in which the value of supply of goods constitutes not more than 25 per cent of the value of the said composite supply provided to the Central Government, State Government or Union territory or local authority or a Governmental authority or a Government Entity by way of any activity in relation to any function entrusted to a Panchayat under article 243G of the Constitution or in relation to any function entrusted to a Municipality under article 243W of the Constitution”.
3. As per the recommendation of the GST Council the issue is clarified as below.
 - 3.1 Public Distribution specifically figures at entry 28 of the 11th Schedule to the constitution, which lists the activities that may be entrusted to a Panchayat under Article 243G of the Constitution. Hence, said entry No. 3A would apply to composite supply of milling of wheat and fortification thereof by miller, or of paddy into rice, provided that value of goods supplied in such composite supply (goods used for fortification, packing material etc.) does not exceed 25% of the value of composite supply. It is a matter of fact as to whether the value of goods in such composite supply is up to 25% and requires ascertainment on case-to-case basis.
 - 3.2 In case the supply of service by way of milling of wheat into flour or of paddy into rice, is not eligible for exemption under Sl. No. 3A of Notification No. 1136-F.T. dated 28.06.2017 for the reason that value of goods supply in such a composite supply exceeds 25%, then the applicable GST rate would be 5% if such composite supply is provided to a registered person, being a job work service (entry No. 26 of notification No. 1135-F.T. dated 28.06.2017). Combined reading of the definition of job-work [section 2(68), 2(94), 22, 24, 25 and section 51] makes it clear that a person registered only for the purpose of deduction of tax under section 51 of the WBGST Act is also a registered person for the purposes of the said entry No. 26, and thus said supply to such person is also entitled for 5% rate.
4. Difficulty if any, in the implementation of this circular may be brought to the notice of the Commissioner.
5. This Trade Circular shall be deemed to have come into force with effect from 17.06.2021.

Sd/-
(Khalid Aizaz Anwar)
Commissioner, State Tax,
West Bengal

TRADE CIRCULAR No. 14/2021

(Corresponding Central Circular No. 154/10/2021-GST)

DATED: 30.06.2021

Sub: GST on service supplied by State Govt. to their undertakings or PSUs by way of guaranteeing loans taken by them.

1. Certain representations have been received requesting for clarification regarding applicability of GST on supply of service by State Govt. to their undertakings or PSUs by way of guaranteeing loans. The issue was examined by GST Council in its 43rd meeting held on 28th May, 2021.
2. Entry No. 34A of Notification no. 1136-F.T. dated 28.06.2017 exempts "Services supplied by Central Government, State Government, Union territory to their undertakings or Public Sector Undertakings (PSUs) by way of guaranteeing the loans taken by such undertakings or PSUs from the banking companies and financial institutions."
3. Accordingly, as recommended by the Council, it is re-iterated that guaranteeing of loans by Central or State Government for their undertaking or PSU is specifically exempt under said entry No. 34A.
4. Difficulty, if any, in the implementation of this circular may be brought to the notice of the Commissioner.
5. This Trade Circular shall be deemed to have come into force with effect from 17.06.2021.

Sd/-

(Khalid Aizaz Anwar)

Commissioner, State Tax, West Bengal

TRADE CIRCULAR No. 15/2021

(Corresponding Central Circular No. 155/11/2021-GST)

DATED: 30.06.2021

Subject: Clarification regarding GST rate on laterals/parts of Sprinklers or Drip Irrigation System.

1. Representations have been received seeking clarification regarding GST rate on parts of Sprinklers or Drip Irrigation System, when they are supplied separately (i.e. not along with entire sprinklers or drip irrigation system). This issue was examined in the 43rd meeting of GST Council held on the 28th May, 2021.
2. The GST rate on Sprinklers or Drip Irrigation System along with their laterals/parts are governed by S.o.N. '195B' under Schedule II of notification No. 1125-F.T., dated 28th June, 2017 which has been inserted vide notification No. 134-F.T., dated 25th January, 2018 and reads as below:

S. No.	Chapter Heading/ Sub-heading/Tariff Item	Description of Goods	WBGST rate
195B	8424	Sprinklers; drip irrigation systems including laterals; mechanical sprayer	6%

3. The matter is examined. The intention of this entry has been to cover laterals (pipes to be used solely with with sprinklers/drip irrigation system) and such parts that are suitable for use solely or principally with 'sprinklers or drip irrigation system', as classifiable under heading 8424 as per Note 2 (b) to Section XVI to the HSN. Hence, laterals/parts to be used solely or principally with sprinklers or drip irrigation system, which are classifiable under heading 8424, would attract a GST of 12%, even if supplied separately. However, any part of general use, which gets classified in a heading other than 8424, in terms of Section Note and Chapter Notes to HSN, shall attract GST as applicable to the respective heading.
4. Difficulty, if any, may be brought to the notice of the Commissioner.
5. This Trade Circular shall be deemed to have come into force with effect from 17.06.2021.

Sd/-

(Khalid Aizaz Anwar)

Commissioner, State Tax, West Bengal

TRADE CIRCULAR No. 16/2021

(Corresponding Central Circular No. 156/12/2021-GST)

DATED: 30.06.2021

**Subject: Clarification in respect of applicability of Dynamic Quick Response (QR)
Code on B2C invoices and compliance of notification 442-F.T. dated 3rd April, 2020 .**

9

1. Notification No. 442-F.T. dated 3rd April, 2020 had been issued which requires Dynamic QR Code on B2C invoice issued by taxpayers having aggregate turnover more than 500 crore rupees, w.e.f. 01.12.2020. Further, vide notification No. 602-F.T., dated 3rd June, 2021, penalty has been waived for non-compliance of the provisions of notification 442-F.T. for the period from 01st December, 2020 to 30th June, 2021, subject to the condition that the said person complies with the provisions of the said notification from 1st July, 2021. Further, various issues on Dynamic QR Code have been clarified vide Trade Circular No. 02/2021, dated 25.02.2021.
2. Various references have been received from trade and industry seeking clarification on applicability of Dynamic Quick Response (QR) Code on B2C (Registered person to Customer) invoices and compliance of notification 442-F.T. dated 3rd April, 2020 as amended. The issues have been examined and in order to ensure uniformity in the implementation of the provisions of the law across the field formations, the Commissioner, in exercise of its powers conferred under section 168 of the WBGST Act, 2017, hereby clarifies the issues in the table below:

1.	Whether Dynamic QR Code is to be provided on an invoice, issued to a person, who has obtained a Unique Identity Number as per the provisions of Sub-Section 9 of Section 25 of WBGST Act 2017?	Any person, who has obtained a Unique Identity Number (UIN) as per the provisions of Sub-Section 9 of Section 25 of WBGST Act 2017, is not a “registered person” as per the definition of registered person provided in section 2(94) of the WBGST Act 2017. Therefore, any invoice, issued to such person having a UIN, shall be considered as invoice issued for a B2C supply and shall be required to comply with the requirement of Dynamic QR Code.
2.	UPI ID is linked to the bank account of the payee/ person collecting money. Whether bank account and IFSC details also need to be provided separately in the Dynamic QR Code along with UPI ID?	Given that UPI ID is linked to a specific bank account of the payee/ person collecting money, separate details of bank account and IFSC may not be provided in the Dynamic QR Code.
3.	In cases where the payment is collected by some person other than the supplier (ECO or any other person authorized by the supplier on his/ her behalf), whether in such cases, in place of UPI ID of the supplier, the UPI ID of such person, who is authorized to collect the payment on behalf of the supplier, may be provided?	Yes. In such cases where the payment is collected by some person, authorized by the supplier on his/ her behalf, the UPI ID of such person may be provided in the Dynamic QR Code, instead of UPI ID of the supplier.
4.	In cases, where receiver of services is located outside India, and payment is being received by the supplier of services in foreign exchange, through RBI approved modes of payment, but as per provisions of the IGST Act 2017, the place of supply of such services is in India, then such supply of services is not considered as export of services as per the IGST Act 2017; whether in such cases, the Dynamic QR Code is required on the invoice issued, for such supply of services, to such recipient located outside India?	No. Wherever an invoice is issued to a recipient located outside India, for supply of services, for which the place of supply is in India, as per the provisions of IGST Act 2017, and the payment is received by the supplier in foreign currency, through RBI approved mediums, such invoice may be issued without having a Dynamic QR Code, as such dynamic QR code cannot be used by the recipient located outside India for making payment to the supplier.
5.	In some instances of retail sales over the counter, the payment from the customer is received on the payment counter by	In such cases, where the invoice number is not available at the time of digital display of dynamic QR code in case of over the counter sales and the

displaying dynamic QR code on digital display, whereas the invoice, along with invoice number, is generated on the processing system being used by supplier/merchant after receiving the payment. In such cases, it may not be possible for the merchant/supplier to provide details of invoice number in the dynamic QR code displayed to the customer on payment counter. However, each transaction i.e. receipt of payment from a customer is having a unique Order ID/ sales reference number, which is linked with the invoice for the said transaction. Whether in such cases, the order ID/ reference number of such transaction can be provided in the dynamic QR code displayed digitally, instead of invoice number.

6. When part-payment has already been received by the merchant/ supplier, either in advance or by adjustment (e.g. using a voucher, discount coupon etc), before the dynamic QR Code is generated, what amount should be provided in the Dynamic QR Code for “invoice value”?

invoice number and invoices are generated after receipt of payment, the unique order ID/ unique sales reference number, which is uniquely linked to the invoice issued for the said transaction, may be provided in the Dynamic QR Code for digital display, as long as the details of such unique order ID/ sales reference number linkage with the invoice are available on the processing system of the merchant/ supplier and the cross reference of such payment along with unique order ID/ sales reference number are also provided on the invoice.

The purpose of dynamic QR Code is to enable the recipient/ customer to scan and pay the amount to be paid to the merchant/ supplier in respect of the said supply. When the part-payment for any supply has already been received from the customer/ recipient, in form of either advance or adjustment through voucher/ discount coupon etc., then the dynamic QR code may provide only the remaining amount payable by the customer/ recipient against “invoice value”. The details of total invoice value, along with details/ cross reference of the part-payment/ advance/ adjustment done, and the remaining amount to be paid, should be provided on the invoice.

3. Trade Circular No. 02/2021, dated 25.02.2021 stands modified to this extent.
 4. Difficulty, if any, in the implementation of the above instructions may please be brought to the notice of the Commissioner.
 5. This Trade Circular shall be deemed to have come into force with effect from 21.06.2021.

Sd/-
 (Khalid Aizaz Anwar)
 Commissioner, State Tax,
 West Bengal



Condolence Meeting conducted by *FOSMI*

by President Shri Biswanath Bhattacharya, Shri R.K. Daga & Shri D. K. Mohta, both Past Presidents and many senior members and members of the contemporary of Shri J.K. Paul and Shri S.K. Singhee and paid homage to both of them. After observing one minute silence by all in memory of the departed souls, all present in the condolence meeting have shared their feelings and cherished their memories of working with both of them and their valuable contribution for FOSMI.

Everyone felt, it was an irreplaceable loss for FOSMI and both Shri J.K. Paul and Shri S.K. Singhee were highly remembered for their rich contribution to FOSMI.

Shri Sanjit Paul, son of Shri J. K. Paul and Shri S. B. Singhee, son of Shri S. K. Singhee, expressed their feelings about the loving memory of their beloved father.

Both Shri J.K. Paul and Shri S. K. Singhee will always be remembered as a good human being and all the good work done for FOSMI. ■

FOSMI organized a Condolence Meeting virtually on 9th June 2021 in memory of Shri J. K. Paul, Past President, FOSMI and Shri S. K. Singhee, Council Member & Co-chair, FOSMI Publication Committee.

The meeting was attended

For more details, contact : **Ujjwal Mukherjee**, Joint Secretary Tel : 22485114, 99030 19892



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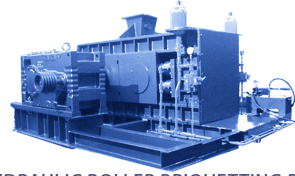
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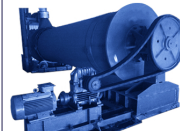
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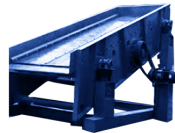
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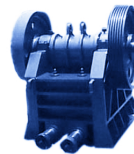
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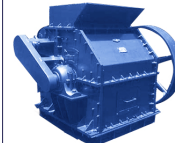
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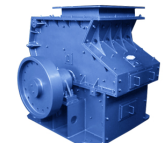
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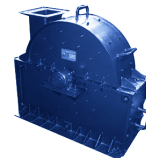
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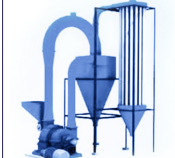
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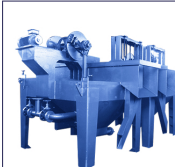
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