

# Circular No. 10/2017 dated 23<sup>rd</sup> March, 2017

- Applicability of ICDS in certain cases
- The clarifications have been issued by the CBDT on the applicability of ICDS to persons covered under presumptive taxation scheme, companies following Ind-AS, computation under Minimum Alternate Tax ('MAT') and Alternate Minimum Tax ('AMT'), banks, etc. as under:

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# Applicability - CBDT Circular

- Persons covered by presumptive scheme of taxation (eg. Sec 44AD, 44AE, 44ADA, 44B, 44BB, 44BBA of the Income-tax Act, 1961).
- It has been clarified that ICDS is applicable to persons having income chargeable under the head 'Profits or gains of business or profession' or 'Income from other sources'. Therefore the relevant ICDS shall also apply to persons computing income under the relevant presumptive taxation scheme

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# Applicability – CBDT Circular

- Applicability to companies which adopted Ind-AS
- ICDS is applicable for computation of taxable income under the Income-tax Act, 1961 ('Act') irrespective of the accounting standards adopted by the companies i.e., either Accounting standards or IND-AS.
- Whether applicable to computation under MAT and AMT
- As the provisions of ICDS are applicable for computation of income under the regular provisions of the Act, the provisions of ICDS shall not apply for computation of book profit under section 115JB of the Act. However, as AMT is computed on adjusted total income derived by making specified adjustment to total income computed under regular provisions of the Act, the provisions of ICDS will apply for computation of AMT

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# Applicability – CBDT Circular

- Applicability to Banks, Non-banking financial institutions, Insurance companies, Power sector etc.
- The general provisions of ICDS shall apply to all persons unless there are sector specific provisions contained in the ICDS or the Act. (Example: ICDS VIII contains specific provisions for Banks or certain financial institutions and Schedule I of the Act contains specific provisions for Insurance business).

# Income tax prevail over ICDS

As per Technical Guide on ICDS :

Three aspects to be considered :

(a) Where specific amendments made to IT  $\mbox{Act}-\mbox{ICDS}$  and  $\mbox{Act}$  are synchronised

1. Section 36(1)(iii) – for extension of existing business deleted

2. Section 2(24)(xviii) – Government grants

3. Section 36(1)(vii) – Bad Debts

The above amendments will override any judicial pronouncements to the contrary

(b) Where judgements are related to any accounting principles or standards – ICDS will prevail – Section 145

(c) Where judgements are related to clarifying provisions of the Act – Judicial pronouncements which have reached finality will prevail.

# Reporting

Clause 13(d) requires to report whether any adjustment is required to Profit or Loss.

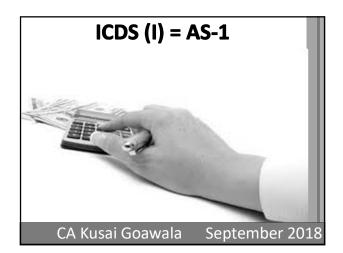
- Not applicable to assessee Answer (NO)
- Applicable to assessee but no adjustment required
   Answer NO
- Applicable to assessee adjustment required Answer - YES

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# Reporting

Clause 13(d) requires to report whether any adjustment is required to Profit or Loss.

- Not applicable to assessee Answer (NO)
- Applicable to assessee but no adjustment required
   Answer NO
- Applicable to assessee adjustment required Answer - YES



# ICDS (I) = AS1

- Fundamental Accounting Assumptions – Going Concern
  - Consistency
  - Accrual
- All significant accounting policies to be disclosed
- True and fair disclosure of assets and income
- Substance over form

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# ICDS (I) = AS-1

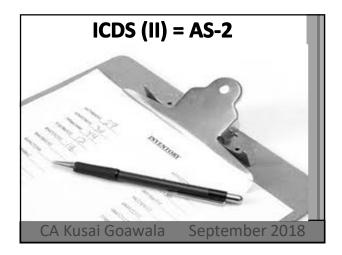
### • ICDS for Accounting Policies - Issues

- Expected losses or mark-to-market losses shall not be recognized unless permitted by any other ICDS.
- Concept of materiality for selection of accounting policies is not to be considered for ICDS.
- Accounting policies shall not be changed without a "reasonable" cause. – What is reasonable cause – not defined.
- Reasonable cause CWT vs S L Kunnah 180 ITR 340All no hard and fast rule – new information/development
- CBDT Circular 10/2017 Reasonable cause is an existing concept and has evolved well over a period of time

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### ICDS I • Change in method of accounting is not a change of policy Molmould Corp vs CIT 202 ITR 789 (Bom) • AS requires Prudence, Substance over Form and Materiality • ICDS requires only Substance over Form • Prudence – Provide for known losses – not considered for ICDS as in many cases expected losses are not recognised. • However concept of prudence is inherent in Section 37 – "laid out"

 Materiality does not impact ICDS – ICDS not governed by quantum



# ICDS (II) = AS-2

- ICDS for Valuation of Inventories

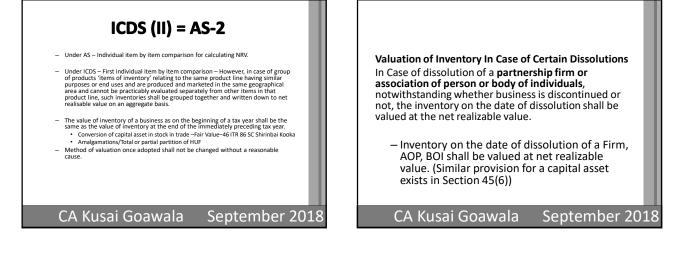
   Purchase price will include all taxes (whether recoverable or not)
  - Use of standard cost method as a technique for measurement of cost is now allowed as one of the method for inventory valuation, if results approximate the actual cost.
  - Disclosure to be made if Standard Cost method used.
  - ICDS provides that where it is impracticable to use FIFO or Weighted Average Method, then apply Retail Method – Cost Formula conflicts with Techniques of Measurement.

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### **Net Realisable Value**

"Inventories shall be written down to net realizable value on an item – by –item basis. where items of inventory relating to the same product line having purposes or end uses and are produced and marketed in the same geographical area and cannot be practicably evaluated separately from other items in that product line, such inventories shall be **grouped together** and written down to net realizable value on an **aggregate basis**"

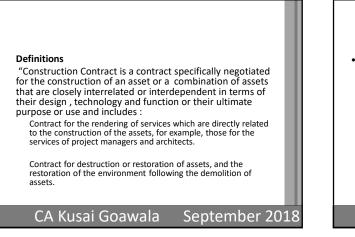




### Scope

This Income Computation and Disclosure standard should be applied in determination of income for a construction contract of a contractor.

This ICDS does not apply to a developer

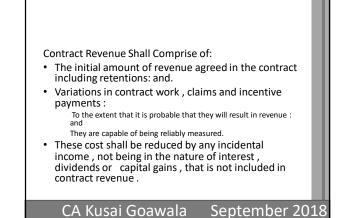


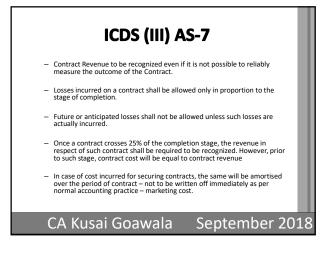
ICDS (III) AS-7	
Tax AS on Construction Contracts	I
<ul> <li>Retention money shall be recognized for computing revenue based on percentage of completion method.</li> </ul>	
<ul> <li>Reversal of revenue already recognized as income on account of uncertainty arising on realizability of contract revenue, the sum shall be written off in the books of account in line with the provisions of the ITL relating to bad debts.</li> </ul>	
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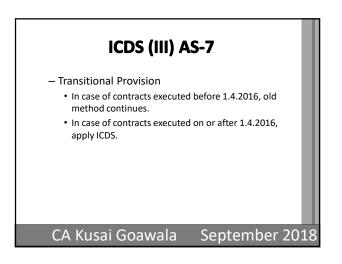
# ICDS (III) AS-7

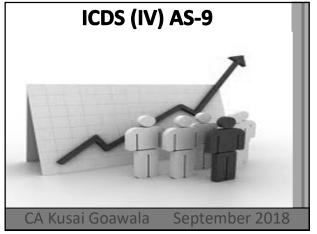
- Pre-construction income in the nature of interest, dividend and capital gains shall not be reduced from the cost of construction but shall be taxed as income in accordance with the applicable provisions of the ITL.
- Contract costs relating to future activity shall be recognized as an asset and if such costs are not realizable then the same may be allowed under the provisions of the ITL.
- Option in AS for recognising cost as revenue if revenue and cost cannot be reliably estimated has been deleted.
- Claims advance stage of negotiations not required to be established

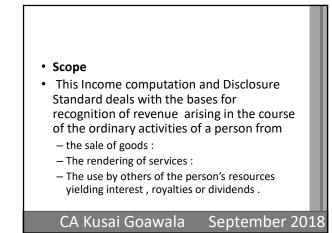
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ICDS (IV) AS-9	ICDS (IV) AS-9
Tax AS for Revenue Recognition	Tax AS for Revenue Recognition
<ul> <li>Revenue from service transactions shall be recognised by following only "percentage completion method".</li> <li>The postponement of revenue recognition due to</li> </ul>	<ul> <li>Exception to Percentage Completion Rule :</li> <li>When services provided by an indeterminate number of acts over a specific period – Use Straight Line Method</li> </ul>
<ul> <li>The postponential of revenue recognition due to uncertainty in ultimate collection shall be restricted to claims for price escalation and export incentives.</li> </ul>	Service Contracts with duration upto 90 days, apply completion method
<ul> <li>In case of non recovery – write off as Bad Debts.</li> </ul>	<ul> <li>Interest on tax refunds to be accounted on actual receipt.</li> </ul>
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# ICDS (IV) AS-9

### Disclosures

- (a) In a transaction involving sale of good, total amount of claim raised for escalation of price and export incentives but not recognised as revenue during the previous year along with nature of uncertainty about such claims.
- (b) the amount of revenue from service transactions recognised as revenue during the previous year ; and
- (c) the methods used to determine the stage of completion of service transactions in progress.
- for service transactions in progress at the end of previous year: – (i)amount of costs incurred and recognized profits (less recognized
- losses) upto end of previous year; – (ii)the amount of advances received; and
- (iii)the amount of retentions.

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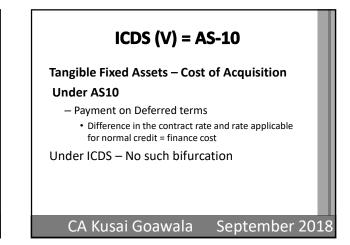
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# ICDS (V) = AS-10

"Tangible fixed asset" is an asset being land, building, machinery, plant or furniture held with the intention of being used for the purpose of producing or providing goods or services and is not held for sale in the normal course of business

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# ICDS (V) = AS-10

# Replacement Accounting

### Under AS10

 Major Replacements/Major Inspection Cost Capitalise cost and carrying amount of replaced part to be transferred to Profit and Loss

For example :

Furnace may require relining

Aircraft interiors such as seats and galleys may require replacements

Conveyor systems – belts, wire ropes etc

Under ICDS – Replaced part w/off not permitted

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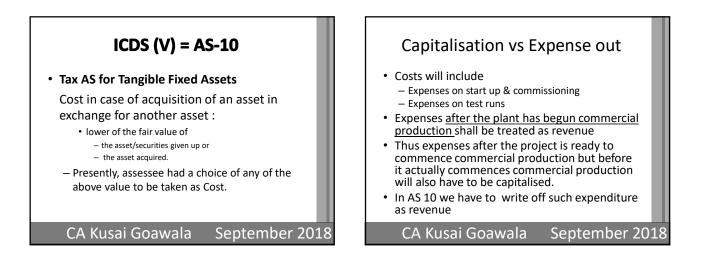
# ICDS (V) = AS-10

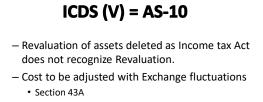
### **Government Grant**

### **Under IndAS**

 Government grant received for specific asset not permitted to be deducted from Cost of Asset but to be shown as Deferred Income

Under ICDS – Not permitted – to be reduced from the cost.





 The Act contains specific provisions relating to retirement and disposal of tangible fixed assets.
 Hence, same are not incorporated in ICDS.

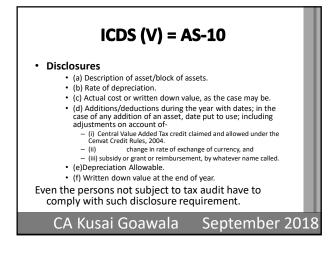
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# Spares and Standby Equipments

**ICDS** provides

- Stand-by equipment and servicing equipment are to be capitalised.
- Machinery spares shall be charged to the revenue as and when consumed
- When such spares can be used only in connection with an item of tangible fixed asset and their use is expected to be irregular, they shall be capitalised.
- AS-10 permits capitalisation of above if it meets the criteria of PPE.else to be treated as inventory.





# ICDS (VI) = AS-11

AS11 vs ICDS

(a) Transaction in Foreign Currencies

- (b) Translating Financial Statements of Foreign Operations
- (c) Foreign Currency Forward Exchange Contracts

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# ICDS (VI) = AS-11

AS11 vs ICDS

1. Foreign Operations - Integral vs Non Integral

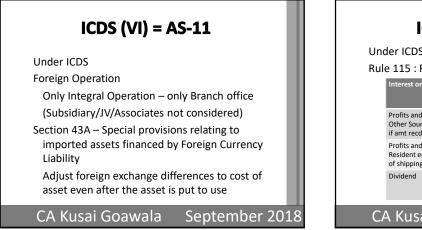
- 2. Valuation at Reporting Date
- Non Monetary Items

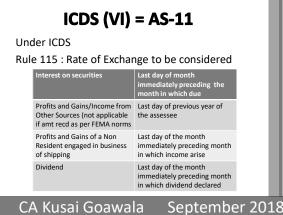
At historical cost

At revalued cost –

Date of revaluation vs Date of transaction

3. Net investment in Non Integral Operation







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# ICDS (VI) = AS-11

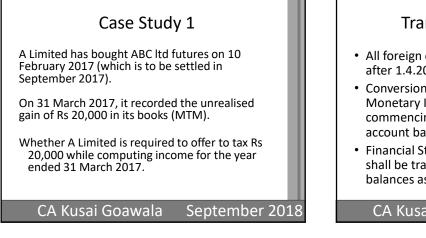
IndAS vs ICDS

Functional Currency vs Presentation Currency The gain/loss on conversion from functional currency to presentation currency not allowed

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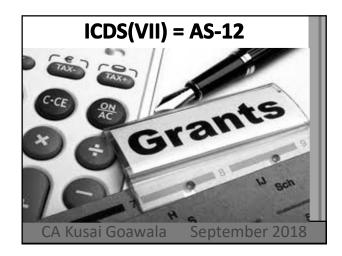
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ICDS (VI) = AS-11	ICDS (VI) = AS-11
Valuation of Inventory carried at Net Realisable Value and which is designated in Foreign Currency	<ul> <li>AS-11 provides that forward exchange or similar contracts entered into for trading or speculation purposes should be mark-to-market at each balance sheet date and the resultant exchange differences should be recorded in profit or loss.</li> </ul>
<ul> <li>Report at the value which is used to work out NRV.</li> </ul>	<ul> <li>ICDS : Premium/Discount/Exchange difference on Trading/Speculative/Hedge mark-to-market gains or losses are unrealized in nature, the ICDS (VI) provides that all gains or losses on such contracts shall be recognized on settlement.</li> </ul>
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# **Transitional Provision**

- All foreign currency transaction undertaken after 1.4.2016 will be as per ICDS
- Conversion/Settlement of Monetary/Non Monetary Items during the previous year commencing from 1.4.2016 will take into account balances as on 1.4.2016
- Financial Statement of Financial Operations shall be translated after considering balances as on 31.3.2016



ICDS(VII) = AS-12				
Tax AS for Government Grants				
<ul> <li>Government grants should either be treated as revenue receipt or should be reduced from the cost of fixed assets based on the purpose for which such grant or subsidy is given.</li> </ul>				
<ul> <li>Recognition of Government grants shall not be postponed beyond the date of actual receipt.</li> </ul>				
<ul> <li>Compliance of conditions should not be a reason for postponement</li> </ul>				
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# ICDS(VII) = AS-12

### • Disclosures:

- Nature and extent of Government grants recognised during the previous year by way of deduction from the actual cost of the asset or assets or from the written down value of block of assets during the previous year.
- Nature and extent of Government grants recognised during the previous year as income.
- Nature and extent of Government grants not recognised during the previous year by way of deduction from the actual cost of the asset or assets or from the written down value of block of assets and reasons thereof.
- Nature and extent of Government grants not recognised during the previous year as income and reasons thereof.

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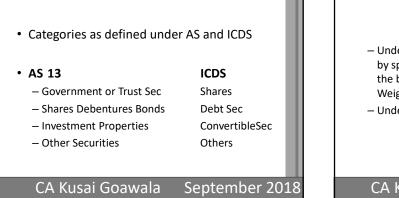
# ICDS (VIII) = AS-13

### ICDS FOR SECURITIES

- ICDS only deals with securities held as stock-intrade including shares of private limited companies.
- Securities should be valued at lower of cost or net realizable value (NRV). Comparison of cost and NRV shall be done category-wise (and not for each individual security) for which securities shall be classified into categories. The comparison will be made category wise and not individual asset wise
- Shares of unquoted or thinly traded shares at Cost
   No NRV same under AS13

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# ICDS (VIII) = AS-13

 Under ICDS : Cost which cannot be ascertained by specific identification shall be determined on the basis of first-in-first out (FIFO) method or Weighted Average Cost formula.

- Under AS13 : Weighted Average Cost formula

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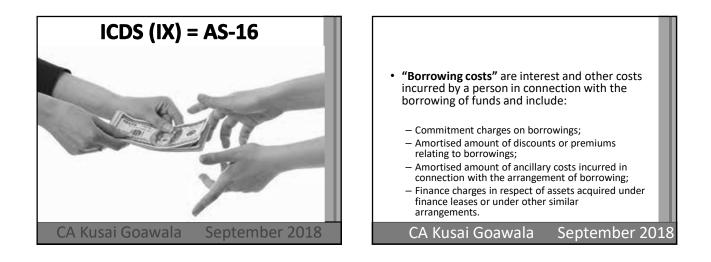
# ICDS – Securities Part B Inserted by the CBDT through its Notification no. 86/2016 rescinded the ICDS issued vide notification no 32/2015 on 29 September 2016 Part –B deals with the "Securities held by scheduled bank or public financial institutions" Securities shall be classified, recognized and measured in accordance with the existing guidelines issued by the Reserve Bank of India in this regard and any claim for deduction in excess of the guidelines shall not be taken into account To this extent, the provisions of ICDS VI (Effect of changes in foreign exchange rates) relating to forward exchange contracts shall not apply CA KUSAI GOAWAIA September 2018

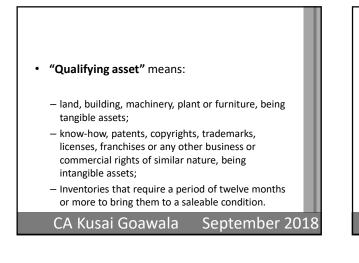
Item	Cost	NRV	Value – AS13
Xyz ltd shares	200	100	100
Abc Itd shares	200	50	50
Pqr ltd shares	200	100	100
Rvs ltd shares	200	400	200
Total	800	650	450

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# ICDS (IX) = AS-16 Tax AS for Borrowing Costs Borrowing cost will not include exchange differences arising from foreign currency borrowings As against the criterion of substantial period of time for classifying an asset as qualifying asset under ICAI AS-16, QA includes all Fixed Assets. Substantial period of time test is applicable only in case of inventories.

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# ICDS(IX) = AS-16

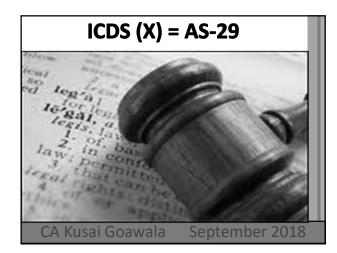
- Specific formula is provided for capitalizing borrowing costs relating to general borrowings.
  - A x B/C
  - A = BC Specific BC
  - B = Avg cost of QA QA directly funded
  - C = Avg Total Assets Avg Assets directly funded. In case of general borrowings qualifying assets fixed asset is also 12 months period
- AS 16 and conflict with Section 36(1)(iii)
- Income on temporary investments of borrowed funds cannot be reduced from borrowing costs eligible for capitalization.
- Condition of suspension of capitalization during interruption of active development is removed in Tax AS.

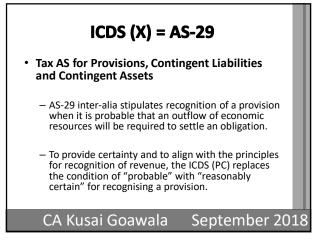
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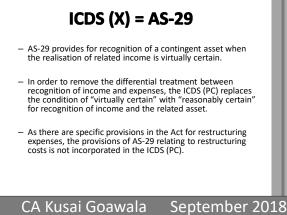
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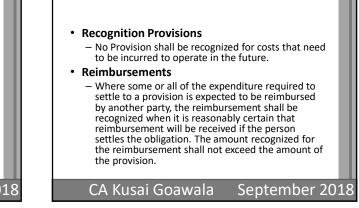
### ICDS(IX) = AS-16- Commencement of Capitalisation : • For Specific Borrowings – from the date the funds were borrowed • For General Borrowings – from the date the funds were utilised - Cessation of Capitalisation : • For FA

- As per AS when ready for intended use
   As per ICDS when first put to use.
- For inventory as per AS16
- No suspension provision hence continue capitalisation. - Disclosures :
- - Accounting policy Amount of BC capitalised
- CA Kusai Goawala September 2018

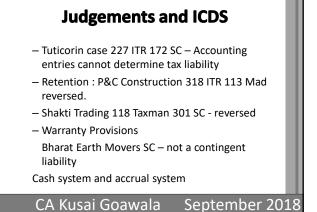


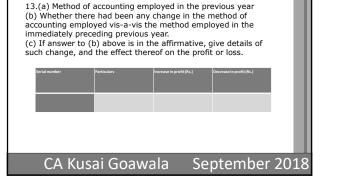


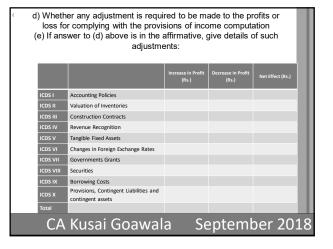


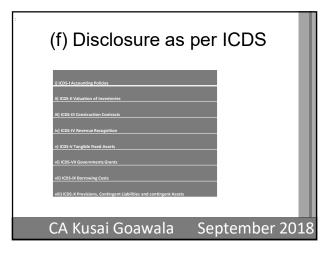


ICDS (X) = AS-29	ICDS (X) = AS-29		
- No provision to be made for cost that is needed	Disclosures		
to be incurred to operate in future – example – warranty cost.	<ul> <li>– (a) a brief description of the nature of the obligation;</li> </ul>		
	<ul> <li>(b) the carrying amount at the beginning and end of the previous year;</li> </ul>		
<ul> <li>Reimbursements to be recognised only when :</li> <li>Under AS – virtually certain</li> </ul>	<ul> <li>– (c) additional provisions made during the previous year, including increases to existing provisions;</li> </ul>		
Under ICDS – reasonably certain	<ul> <li>(d) amounts used (i.e. incurred and charged against the provision) during the previous year;</li> </ul>		
	<ul> <li>(e) unused amounts reversed during the previous year; and</li> </ul>		
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- Government Grants
- 8. Securities
- 9. Borrowing Costs
  10. Provisions, Contingent Liabilities and Contingent Assets
- 11. Total

