

The Institute of Certified Public Accountants

(Registration No: Maharashtra/252/2015, under the societies registration act, 1860)
(F -17333 -Sangli, under Bombay Public Trust Act 1950)

(Professional Accountancy Organisation, operating in India)

Registered Address: 4582 A, Sangli Ves, Guruwar Peth, Miraj -41610. Dist Sangli,
Maharashtra-India

Email : secretary@icpaindia.org

Website: www.icpaindia.org

To,
Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi-110001

Sub: Application for Recognition of our "Certified Public Accountants" under section 288
as Authorised Representatives Regarding

Respected Sir,

We would like bring to the kind attention of Hon'ble Chairmen & other Board Members
the problems requiring urgent action from Ministry of Finance, Govt. of India:-

1. Tax Practitioners are specially recognized & licensed to practice respective tax laws in India, **but are not recognized for what they offer!**
2. They can appear but **can't sign client's returns!** (Which they have prepared)- This is not the case in foreign countries... It's demoralizing as TRP can sign but Tax Practitioner can't sign..!
3. **Can't sign off Final Accounts** of even Non-Corporate & Un-audited Financial Statements. Which is again mostly compiled/prepared by a Tax Practitioner!

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4. **No statutory Support!** No law ever existed in India for Tax Professionals. No Monitoring. Mechanism exists. Legal Practitioners Bill 2012, which covers these, is still blocked!
5. **Can't certify** any Tax Records!
6. **No transparency in registration facility**, it differs from state to state...**even GST and DTC** are **Silent** (being central Statutes) on issue of transparency in registration of Tax Practitioners. **No Common online register is maintained for TP's!!!** No one has information whether the Income-Tax Practitioner/Sales Tax Practitioner is practicing or working or even he/she is alive or dead! No mechanism for monitoring... It is not so in foreign countries. Tax Professionals have separate legislation & mechanism for renewal of registration & continued education programme for Tax Practitioners prevailing in all developed countries
7. **No educational Qualification/Professional Designation** for Accountants & Tax Practitioners...who offer Accounting & Book Keeping services.
8. **None** of the Tax Practitioners are as such **recognized under other business regulatory Laws** like Co.'s Act/Partnership/LLP Act or say for registration-compliance under PF/ESI etc... Whereas other professional accountants do have recognition for appearance for Registration & returns! On the other hand SME cannot engage high cost professionals. For Ex:- the cost of filing the return covered by Tax Audit in case of turnover marginally exceeding limits fixed U/s 44AB is not less than Rs. 30,000/-
9. Our history shows that Independent Accountants & Tax Practitioners were working as Authorised Representatives since 1922... then why they have never progressed is the million dollar question??? The cause that we have found is that Tax Practitioners are fragmented state wise... they don't have a central binding force! All credit goes to our state/local taxation laws... we never had need to interact with other State Practitioners! But past is history now...times are changing there is urgent need to upgrade our professional status otherwise our profession will be history... Especially after introduction of Income Computation & Disclosure Standards in Income Tax Act 1961, it is compulsory for Income-Tax Practitioners to upgrade their knowledge, in fact they need continuous training to survive in today's dynamic tax laws...

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10. To address all the above issues, we have incorporated a voluntary Society of Independent Accountants & Tax Practitioners by the name of “**The Institute of Certified Public Accountants**” (Not for Profit Organization). We Educate & Designate them as CPA’s.

- It will address the long debated Education & Continuous Training needs of The Independent Accountants & Tax Practitioners.
- It will Compel above professionals to prepare the financial statements according to the applicable Accounting Standards (Which currently are not followed by unaudited non-corporate entities, facilitate IFRS & ICDR implementation in SME’s)
- It will Facilitate there monitoring & supervision needs
- It will create a completely dedicated one stop SME’s professionals in the form of Accountants, who are specifically trained for all their needs
- It will give a Skill development opportunity to already practicing professionals and will make them compatible professional with their global counterparts.
- Also it will act as a fallback body for CA/CMA Final exams failed students. We offer them an alternate career opportunity and there are more than 2 lack final students...

We offer –

1. A proper Membership Certificates & Unique 7 digit Number, ID Cards to all categories of members, who are categorized in 3 classes based on their experience and education (0 to 5 Yrs., 5 to 10 yrs., and beyond 10 yrs. experience and practicing ITP’s are allowed as members in our society)
2. We are Offering them training on small and Medium Size Enterprises
 - >Accounting & Reporting Needs
 - >Taxation (with specific stress on Post filling Notice Handling, Appeal, Scrutiny, Review, Rectification Practice and Pleading up to Tribunals for All Central Direct &

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Indirect Taxes & State VAT & Other Taxes)
> Business Regulatory Laws Compliance
> Banking- Financial & Management Consultancy Services

3. While delivering above we have given due credit to their accredited prior learning, experience in Income Tax Practice etc.
4. You honour will appreciate that Our members offer their services only to SME's that is specifically to Proprietary/Partnership/LLP/Trust/Societies/ Co-op Societies / Pvt Ltd Co.'s, having turnover of less than 50 crores (In majority of the case less than 10 crores). Hence Government Co.'s, Insurance, Financial Markets, Banks, NBFC's, Large Entities & Public Co.'s are expressly excluded from work area of CPA's
5. We Train and Certify them, we take Exams online and all this is monitored by our Educational Partners namely Institute of Computer Accountants. They have 17 yrs. of experience in giving Computerised Accounting, Taxation & Finance Knowledge. They are authorised by concerned government agencies to conduct courses and examination. Also they are Accredited Training partners of National Skill Development Corporation, under skill development initiative of government of India. They conduct Online Course and also online Exams, first of its kind in India. Our CPA Course is in line with National Skill Qualification Framework – NSQF-Level-7 (Post Graduate Level Professional Studies) & at par with Global Standards of similar professionals.
6. We also offer post qualification, continuous professional development and education to CPA members. Without which they cannot practice as CPA's & cannot renew their COP.
7. We have Monitoring & Disciplinary mechanism at par with global standards of other professional accountants. In fact we have adopted "Code of Ethics for Professional Accountants" from International Federation of Accountants (IFAC), a global regulator of Accountancy profession (Indian CA & CMA institutes are also members of IFAC and follow Accounting /Auditing & Ethical/ Educational Standards developed by them only) . Your honour will appreciate that it not only covers Accounting/ Auditing professionals ethics but Taxation & Other Finance & Management Consultants also.

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8. We meet all the criteria of IFAC Membership, and our CPA Course is as per their Accounting/ Auditing/ Ethical & Educational Standards. We have also applied for their membership, and currently meeting their other Membership obligations and sponsorship from “ The Institute of Cost Accountants of India” (Our application is pending for CMA Institutes consideration)

Therefore, we request Honourable chairmen to allow “Certified Public Accountant” member to act as Authorised representative under IT Act 1961. Our CPA (5+ yrs. Experience) & Fellow CPA’s (10+ yrs. Experience) must be either ITP or Advocates, they don’t need any additional recognitions but for those new entrants who are our Associates having less than 5 yrs. of experience need some authority to appear before IT Officials. On close look we find that to get ITP registration one need one yrs. of experience and 3 to 5 Scrutiny case handling requirements amongst other things. But if is not allowed to appear in the first place without being registered as ITP. Currently they are appearing u/s 288 (2) (i) -As a person regularly employed by assessee, but this also needs CBDT’s Clarification.

- 1. Kindly Relax Experience requirement for CPA members as they are already rigorously trained and certified for their job**
- 2. make CPA Examination & our Institutes membership eligible for getting recognition**
 - a. u/s 288 (2) (iv)- As Accountant**
 - b. u/s 288 (2) (v)- As recognized Accountancy Exam (As per Rule 50)**
 - c. u/s 288 (2) (vi)- As prescribed Educational Qualification (As per Rule 51)**
- 3. Kindly Accept and nominate one person on our governing board to handle the disciplinary issues and monitor ITP’s to ensure smooth application and compliance of Section 288 (5) (b), 288 (6) & (7) read with rule 56 to 65)- Governing misconduct proceedings)**

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- 4. Give CPA's a separate Bulk Login ID for Filing/Viewing IT Returns/TDS/TCS returns & Tax Credits of his clients (Make it compulsory to appoint ITP or CPA to file IT Return for Some Large Class of Assesseees)**

Also, In the interest of the Income Tax Practitioners (ITP) fraternity, we request CBDT-

1. Disclose number of ITP's Registered with Various jurisdictional CIT's Form 38 (as in Rule 53). (Having registration certificates issued in Form 40 (as per rule 55))
2. Disclose how many ITP's are Actually Practicing currently?
3. Disclose how many ITP's names have been removed from Register by the reason of Death, Insolvency or professional misconduct cases or other reasons like surrender of certificates
4. Disclose Pending Application for ITP Registration in Form 39 (As per Rule 53)
5. Disclose what is the process of Registration, Cancellation and Making Misconduct Complaint against ITP's, are there any forms for the same except for registration? If not then why are they not been considered for development?
6. Publish a directory of ITP's listing all their names, office address, contact details like Cell, Telephone. Mobile No, Email ID and Their ITP Registration Numbers
7. Allot Uniform ITP Registration No's , Make them Centralized
8. Make ITP Registration, Cancellation and complaint process transparent & online (ITP registration surrendering & monitoring is need of the hour to effectively apply provisions of Section 288 (5) (b), 288 (6) & (7) read with rule 56 to 65)
9. Allow ITP's to sign IT Returns they have prepared, both Manually & using DSC's (this will fix responsibility on them)

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10. Allow Special Tax Professional Login and Bulk IT Return/ TDS/TCS Return facility to ITP's. Recognize them for their work. They are the friends or IT department
11. Issue Clarification on what other works an ITP can do, apart from return preparation (Rule 12A), Appearance before Scrutiny proceedings up to Tribunals or Accountancy work to comply with Income Computation & Disclosure Standards etc.

We hope your honour will appreciate our efforts for Uniting & Educating& monitoring long neglected Income Tax Practitioners and will accept our invitation to nominate on Member as CBDT Representative on our governing council. If you need any further information and explanations regarding our initiatives for ITP's please feel free. But please afford us opportunity of being heard before deciding on our case.

It is further clarified that our Institute is not expecting any change in Act, sections 288 has already made enough provisions for Accounting Professionals, all we are requesting CBDT is to amend Rule 50 to 65, Specially rule 50 & 51, by issuing appropriate notification in this regards to the benefits of ITP's and recognize CPA members.

We beg your honour to kindly accept our prayer. And our application for above information, this will help us reach all the current Income Tax Practitioners to become CPA's and get membership of our society. Of course we will not compel them to, unless CBDT certifies us for so.

Looking forward for long future relationship in broadening tax base of country. We as SME's Professional Accountants wish to volunteer for the same. ITP's are real value additions for counselling small and marginal tax payers to ITR fillers club.

Jai Hind!

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Yours Faithfully,
Mohasin Tahasildar,

Founder President & CEO,
The Institute of Certified Public Accountants
Cell: +91 9545331199

Date: 07/05/2016

Place: Miraj

CC to:

1. Member (Audit & Judicial)
2. Member (legislation & Computerization)

Enclosure:

1. A copy of grievance letter posted to Hon'ble PM Sir, & Its Status as on today.
2. A Copy of Our Registration Certificates, Bye Laws & Regulations

