

# **THE MARITIME UNION OF INDIA**

Udyog Bhavan, 4<sup>th</sup> Floor, 29 Walchand Hirachand Marg  
Ballard Estate, Mumbai 400001.

Tel.: (91-22) 22613052, 22615507 Fax: (91-22) 22620606

Email : mail@maritimeunionofindia.com

12 August 2016

## **THE MARITIME UNION OF INDIA visits Kolkata and commences plan to resolve the burning issue of Taxation of Indian Seafarers' salary**



To all Seafarer Officers

This is to inform to each of the members that as per the Order dated 1.6..2016 passed by the Income Tax, Appellate Tribunal, Kolkata in the Case No.70/Kol/2016 between Shri. Tapas Kr. Bandopadhyay Versus Deputy Director of Income Tax, Kolkata, the Hon'ble Income Tax Appellate Tribunal, Kolkata has held that all the income earned on foreign territories by the seafarers, will be subjected to deduction of income tax, if

the same is deposited in their NRE account in India. Due to this Order, there has now arisen huge amount of contingencies towards payment of huge amount of tax by and through each of the seafarers.

It is further pertinent to note that during the pendency of the proceedings before the Income Tax Appellate Tribunal, Kolkata, the said Mr. Shri. Tapas Kr. Bandopadhyay died and now the hardship of payment of taxes through the said Order is upon his family which consists of his wife and only daughter.

Furthermore, after passing of the said Order, some of the seafarers have also started receiving notices from the Income Tax Department towards payment of taxes, which further aggravates the issue.

Considering the aforesaid troublesome situation, the present General Secretary of Maritime Union of India Mr. Amar Singh Thakur decided to give utmost due importance to this issue, as the same would effect, hit and cause inconvenience to all the Indian Seafarers, which means and includes all its members.

Later on Mr. Amar Singh Thakur, the General Secretary of the Maritime Union of India discussed the said issue with National Union Seafarers of India (NUSI), who also decided to support and assist Maritime Union of India in all aspects to challenge the said Order and accordingly, Maritime Union of India decided to lead to challenge the same.

Mr. Amar Singh Thakur thereafter, took the assistance and consultation of Chartered Accountant Mr. Ahmed Kattal and Advocate Mr. Uzair Kazi and pursued with the matter.

During the course of the discussion, it was firstly concluded that since the Order is passed by the Commissioner of Income Tax of Kolkata, therefore, the same could only be challenged in the Hon'ble High Court at Kolkata.

Further, it was held that all the papers and proceedings of the Case No.70/Kol/2016 would be essential in order to ascertain the right material facts and also to make sure that no aspect is kept open or unturned to challenges the said Order.

In view of the aforesaid, the following points were noted down viz.

- (i) That all the papers and proceedings of the Case No.70/Kol/2016 should be procured.
- (ii) A prominent law firm should be appointed in Kolkata for drafting, filing and perusing the proposed Appeal challenging the said Order dated 1.6.2016 passed in Case No.70/Kol/2016
- (iii) An eminent Senior Counsel as well as Junior Counsel needs to be appointed to argue the proposed Appeal.

Since, it was practically difficult to collect all the documents by contacting Mrs. Tapas Kr. Bandopadhyay and her daughter and also through her advocate through phone, email and fax, Mr. Amar Singh Thakur formed a team and personally visited

Kolkata alongwith Advocate Mr. Uzair Kazi and Mr. Shantaram Dhamapurkar, who is the representative of NUSI.

During his visit to Kolkata, Mr. Amar Singh Thakur met Mrs. Tapas Kr. Bandopadhyay and her daughter, consoled them and gave them assurance that Maritime Union of India shall assist them to challenge the said Order passed by the Income Tax Appellate Tribunal, as the same has not only created hardship upon them but to the entire community of seafarers.

Mr. Amar Singh Thakur and Advocate Mr. Uzair Kazi also had a joint meeting with Mrs. Tapas Kr. Bandopadhyay and her Advocates Mr. Manoj Kataruka and Mr. Ajoy Chatterjee, who represented her as well as her husband Mr. Tapas Kr. Bandopadhyay before the Assessment Officer and Appellate Tribunal. In a conference of more than two hours, Mr. Amar Singh Thakur enquired about all the material details and collected all the documents, which were filed before the Tribunal and Assessment Officer, for the purpose of filing the Appeal in the Hon'ble High Court at Kolkata.

During his visit, Mr. Amar Singh Thakur and Advocate Mr. Uzair Kazi also visited the Kolkata High Court to take note of the credibility of the prominent Senior Counsel, whose names were recommended to him, to have a first-hand opinion.

After huge amount of efforts, Mr. Amar Singh Thakur was able to take note of all material facts and collect all the documents.

Now, each one of you needs to note that huge amount of cost would be required to be spent in order to appoint a prominent law firm and lawyers and Senior Counsel to challenge the said Order.

You all know that the entire exercise is done for the benefit of the seafarers, particularly who are members of the Maritime Union of India.

Furthermore, now we will also involve some taxation expert in Mumbai to have a second opinion of the issue raised through the said Order and accordingly, will take necessary steps.

**Therefore, Mr. Amar Singh Thakur hereby requests each of the members, who are in default of their membership fees, to kindly deposit and/or pay their outstanding membership fees, at the earliest. In absence of the same, it would be very difficult for The Maritime Union of India to pursue such and similar issues effectively and efficiently.**

**Furthermore, each of the Seafarer officer needs to take a note how The Maritime Union of India on its own have been effectively pursuing an issue which is affecting each of the seafarers and simultaneously taking all the efforts to seek the welfare of its members. Hence, we welcome each of the officers, who are seafarers to become members of The Maritime Union of India, as it will practically serve them eventually for their better welfare and interests.**

\* \* \*