May, 2023

TAX Bulletin

Volume - 136
17.05.2023

THE INSTITUTE OF COST ACCOUNTANTS OF INDIA

Statutory Body under an Act of Parliament

www.icmai.in

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VISION STATEMENT

"The Institute of Cost Accountants of India would be the preferred source of resources and professionals for the financial leadership of enterprises globally."

MISSION STATEMENT

"The CMA Professionals would ethically drive enterprises globally by creating value to stakeholders in the socio-economic context through competencies drawn from the integration of strategy, management and accounting."

Objectives of Taxation Committees:

1. Preparation of Suggestions and Analysis of various Tax matters for best Management Practices and for the professional development of the members of the Institute in the field of Taxation.
2. Conducting webinars, seminars and conferences etc. on various taxation related matters as per relevance to the profession and use by various stakeholders.
3. Submit representations to the Ministry from time to time for the betterment and financial inclusion of the Economy.
4. Evaluating opportunities for CMAs to make way for further development and sustenance of the opportunities.
5. Conducting and monitoring of Certificate Courses on Direct and Indirect Tax for members, practitioners and stake holders and also Crash Courses on GST for Colleges and Universities.

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FROM THE TAX RESEARCH DEPARTMENT

MESSAGE

The Tax Research Department had always been living up to the expectations of the Students, members, and learners. Keeping the same pace the department is running 7, in direct tax and indirect tax courses namely –

- CCGST: Certificate Course in GST
- ACCGST: Advance Certificate course in GST
- ACGAAP: Advanced Course in GST Audit & Assessment Procedure
- CCTDS: Certificate Course in TDS
- CCFOF: Certificate Course In Filing of Returns
- ACIAA: Advanced Course in Income Tax Appeals & Assessment
- CCIT: Certificate Course in International Trade

Under all these courses the most recent topics are being discussed so as to keep the participants updated. The course has been designed in the best possible way to deal with professional matters.

In CCGST and ACGAAP the area of Appeals has been explained various situation in which one can make appeal and how to address an appeal and subordinate matters has also been explained.

In ACCGST filling of various returns forms ad been touched upon namely GSTR 6, GSTR 7, GSTR 8, GST10, GSTR 11. The forms have also been explained to the students so that there is no problem to understand the form and to file it.

In CCTDS various section relating to TDS has been discussed in the class. Section 194E, 195,196C & 196D were explained in details.

In CCFOF return filling wad discussed. Filing of ITR 6 was discussed in details.

In ACIAA Sample draft and discussions on how to prepare statements of facts, how to prepare grounds of appeal, how to make arguments, what to do, what not to do etc were discussed.

In CCIT various provisions of Import and Export has been explained. Valuation of Import and Export has also been explained sighting with practical examples.

The reason for the coursed being liked by the professions and students is that the classes of the courses are all interactive where all can clear their doubts and moreover the recordings of the classes are also provided.

The department is working on developing technical concept papers for students and other professionals on different topics of both Direct and Indirect Tax which are expected to be released during the month of July and August.

Tax Research Department

17.05.2023

CONTENTS

Articles on the Topics of Direct and Indirect Taxation are invited from readers and authors. Along with the article please share a recent passport-sized photograph, a brief profile and the contact details. The articles should be the author's own original.
Please send the articles to

trd@icmai.in /trd.ad1@icmai.in

Taxation on E-commerce - Indirect Tax Approach and FAQs

Team Tax Research Department

Taxation of E-commerce under GST Regulations

E-commerce transactions are taxed under the GST regime as follows:

Some important terms :

- E-commerce is the delivery of commodities, services, or both, including digital items, on a digital or electronic network.
- Any individual who owns, runs, or manages a digital or electronic facility; or platform for electronic commerce represents as an e-commerce operator.
- Net value of taxable supplies means the aggregate value of taxable supplies of goods or services; or both made during any month by all registered people via the operator; less the aggregate value of taxable supplies returned to the suppliers during the same month.

Provisions for E-Commerce Operator Registration

As per Section 24 of the CGST Act, in spite of anything contained in section 22(1)- which lays down a limit of 10 lacs or 20 lacs for the registration, the following categories of persons shall be required to be registered under this ACT :

- Person liable to pay tax under Section 9 sub-section (5)
- Persons who supply goods or services or both, other than supplies specified under section 9(5), through such electronic commerce operator who is required to collect tax at source
- Every electronic commerce operator
- Every person supplying online information and database access or retrieval services from a place outside India to a person in India, other than a registered person

* Person supplying goods / services / both through e-commerce operator who is not required to collect tax at source is required to be registered under the CGST Act (only if his turnover exceeds the threshold limit of Rs 10 lakhs/20 lakhs)

If an electronic commerce operator does not have a physical presence in the taxable territory. Further, any person representing him for any purpose in the taxable territory shall be liable to pay tax, and if he neither has a physical presence nor a representative in the said territory, such electronic commerce operator shall appoint a person in the taxable territory for the purpose of paying tax, and such person shall be liable to pay tax.

Section 9(5) of CGST Act,2017

Section 9 (5) of the CGST Act is a special case focusing on e-commerce operators.

This section deals with taxability of supply of services, the output tax of which shall be paid by the electronic commerce operator (ECO) if such services are supplied through it, (even though ECO is not an actual supplier).

All the provisions of this Act shall apply to such electronic commerce operator as if he is the supplier of such services and liable for paying the tax in relation to the supply of such services.

Specific Services as defined under Section 9(5) of the CGST Act

S.N.	Description	Supplier of Service	Person Liable to pay GST
1.	Services include passenger transportation by radio-taxi, motor cab, maxi cab, and motor bike.*	Any person	E-commerce operator
2.	Services including the provision of lodging at hotels, inns, guest homes, clubs, campgrounds, or other commercial establishments intended for residential or lodging purposes.	Any person except who is liable for registration under section 22(1) of the CGST Act, i.e. whose turnover exceeds the Threshold level.	E-commerce operator
3.	Housekeeping services such as plumbing, carpentry, and so forth.	Any person except who is liable for registration under section 22(1) of the CGST Act, i.e. whose turnover exceeds the Threshold level.	E-commerce operator
4.	Restaurant Services (Cloud Kitchen) - Supply of restaurant service other than the services supplied by restaurant, eating joints etc. located at specified premises.**	Any person	E-commerce operator

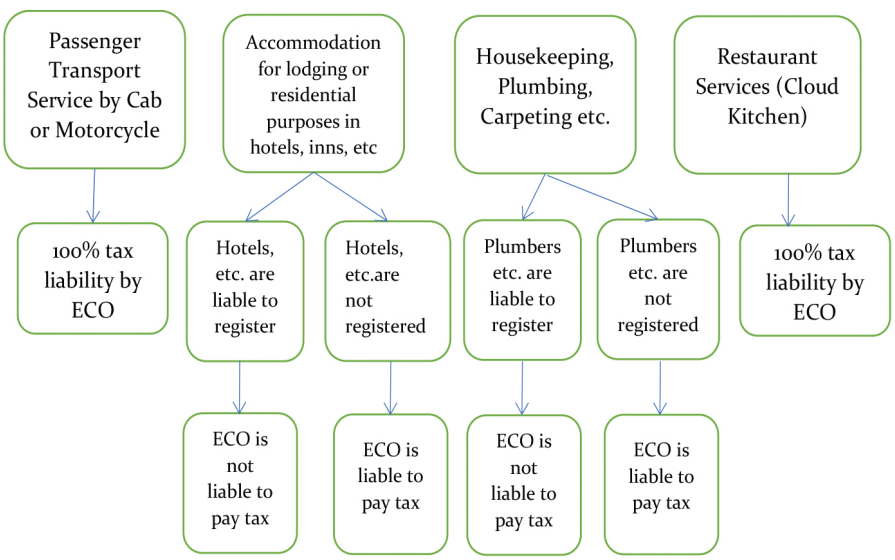
* With effect from 1st January 2022, the scope of Passenger Transport Service expanded to include service provided through Omnibus and any other motor vehicle.

**Specified premises means premises providing hotel accommodation service having declared tariff of any unit of accommodation above seven thousand five hundred rupees per unit (Rs 7500/- per unit) per day or equivalent

As per Section 24 of CGST Act, any E-COM supplying services as notified under section 9(5) of CGST Act 2017, it is required to get registration under GST laws as supplier of these services even if turnover does not exceed threshold limit.

In case service is notified under section 9(5), then actual supplier need not registration under GST laws subject to the conditions mentioned for each notified service.

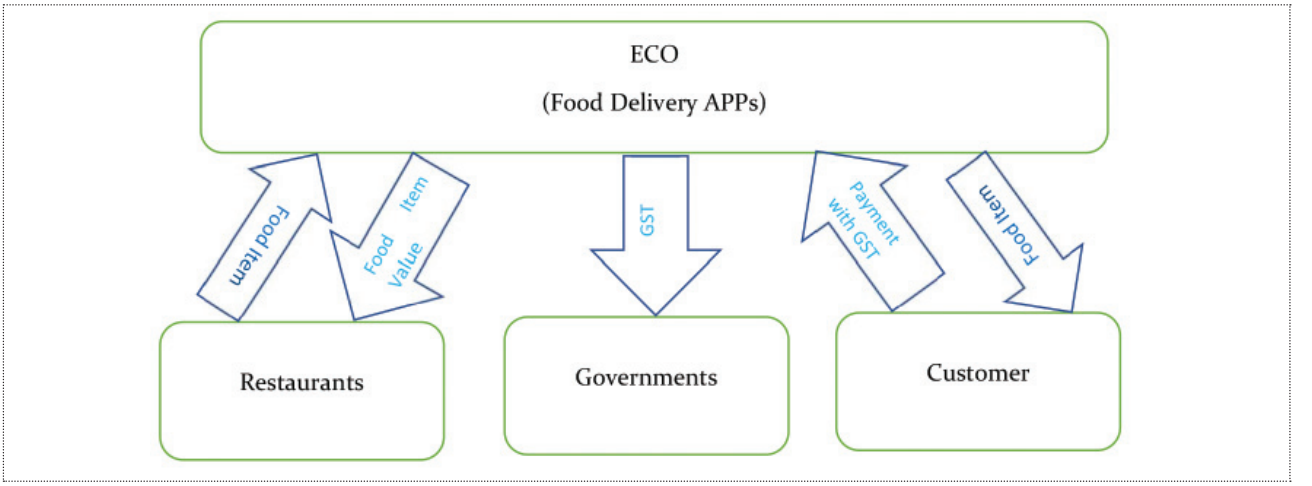
e.g. in case of taxi business, cab-owner need not to get registered under GST even if his turnover exceeds threshold limit. However, in case of Hotel (accommodation) business, if the turnover exceeds threshold limit, hotel owner needs to get registration for GST.



GST burden on food delivery apps from 1st January 2022

From 1st January 2022, food delivery apps like Zomato and Swiggy, for deliveries made by the platforms, will have to collect GST from customers on the behalf of the restaurant and deposit with the government.

Online food delivery platforms such as Swiggy and Zomato will collect the tax at the last point of delivery and pay 5% GST on restaurant services. Rather than collecting GST from restaurants, food delivering companies will collect it directly from consumers. However, there won't be much difference in the end-users bills. The new changes will come into effect from 1st January 2022.



As a result of this, the restaurants will also have to mandatorily register themselves in Goods and Services Tax like e-commerce sellers.

Section 52 of the CGST (Central Goods and Service Tax) Act

Every electronic commerce operator shall collect an amount calculated at a rate not exceeding 1% (0.5% CGST and 0.5% SGST; In case of inter-state transactions, 1% under IGST Act), as may be notified by the Government on the recommendations of the Council, of the net value of taxable supplies (other than supplies u/s 9(5)) made through it by other suppliers where the consideration for such supplies is to be collected by the operator.

As per the Explanation, "net value of taxable supplies" means the taxable supplies returned to suppliers are subtracted from the gross value of taxable supplies.

Some important points :

- No threshold limit is mentioned in this section, so irrespsective of the amount, the ECO is to collect TCS @1% in all cases and deposit by 10th of next month.
- As per the Act, the TCS is to be collected on net amount. Therefore, sales return will be deducted from the gross sale amount.

For example – M/s. A Ltd, a registered supplier is supplying goods through an e-commerce operator. It has made supplies of Rs.45,00,000 in the month of Sep 2022. The goods returned were worth Rs.5,00,000 to A Ltd. during the month of Sep 2022. Here, the net value of taxable supplies for TCS collection will be Rs.40,00,000 and TCS @ 1%, i.e Rs.40,000 will be deducted by the e-commerce operator. Hence, the final payment to be made to the supplier is Rs.39,60,000.

- As per GST law, the e-commerce operators are not allowed to get TCS registration in some states/UTs, where they do not have any physical presence. From 01.04.2020 onwards, the e-commerce operators not having a physical presence in any particular state/ UTs has been allowed to apply for TCS registration based on their registered head office/ premises address.

GST registration for TCS

The e-commerce operators liable to collect TCS as per section 52 have to compulsorily register under GST and there is no threshold limit exemption for it. Also, the sellers supplying goods through the online portal of e-commerce

players are also mandatorily required to get registered under GST except for a few exceptions.

Registration conditions are as follows:

a. Every e-commerce operator who is required to collect TCS must mandatorily register under GST

b. Every person who supplies through an e-commerce operator, except those who make supplies notified under section 9 (5) of CGST Act.

c. Also, note that suppliers of services making a supply through an e-commerce platform are exempt from registration if their aggregate turnover is less than Rs.20 lakh or Rs.40 lakh (assuming they do not make inter-state supplies).

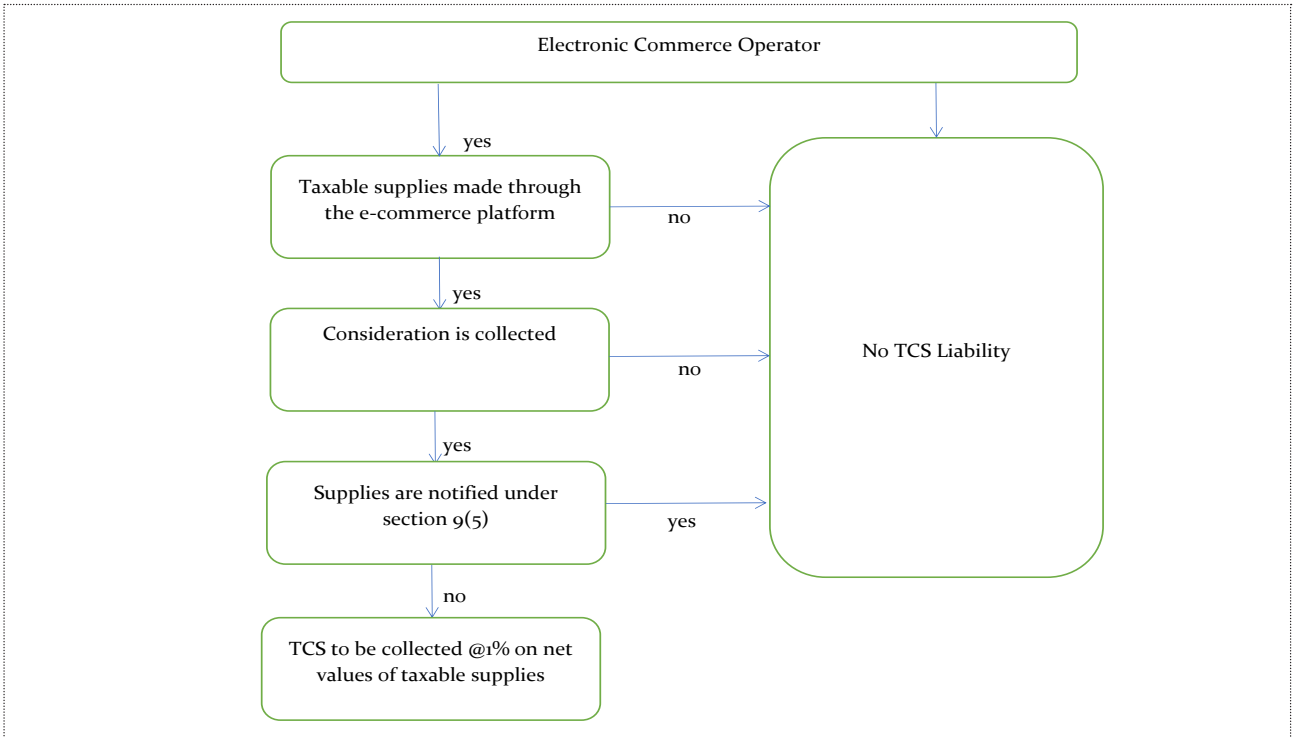
d. Suppliers of goods selling through an e-commerce platform are not exempt from registration.

e. An e-commerce company must register itself in GST in every state it supplies goods or services to.

Requirements for TCS Registration

1. For Registration as Tax Collector: Applicant has valid PAN.
2. Applicant must have a valid mobile number.
3. Applicant must have valid E-mail ID.
4. Applicant must have a place of business.
5. Applicant must have an authorized signatory with valid details.
6. Applicant has to file form GST REG-07 for taking registration as Tax Collector.

TCS Liability



Payment of Tax and Statement Filing

- The amount collected by operator as TCS is to be deposited within 10 days from the end of the month in which TCS was collected
- GSTR-8 is a return to be filed by the e-commerce operators who are required to deduct TCS (Tax collected at source) under GST. GSTR-8 contains the details of supplies effected through e-commerce

platform, supplies which are returned and amount of TCS collected on such supplies.

- GSTR-8 is to filed within 10 days from the end of the month
- If the operator discovers any omission or incorrect particulars in a statement filed , other than as a result of scrutiny, audit, inspection or enforcement activity by the tax authorities, he shall rectify such omission or incorrect particulars in the statement to be furnished for the month during which such omission or incorrect particulars are noticed, subject to payment of interest.
- No such rectification of any omission or incorrect particulars shall be allowed after any of the following dates
  - ✔ Due date for filing statement for the month of September following the end of the financial year i.e. 10th October of the next financial year
  - ✔ Actual date of furnishing of the relevant annual statement.
- An Annual statement GSTR 9B is to be filed for every financial year on or before 31st December following the end of the year.

Claim of Credit by Supplier

The supplier who has supplied the goods or services through the e commerce portal can claim such amount as input tax credit in his electronic cash ledger. The details submitted by the operators in GSTR 8 will be available to all the suppliers in Part C of GSTR 2A. The supplies will be available GSTR 2A after the due date of filing GSTR-8. The tax collected will be reflected in the electronic cash ledger of the respective suppliers. The suppliers can claim the credit accordingly after matching and reconciling their supplies with the details in GSTR 2A.

GSTR 8 cannot be revised once it is filed. Any discrepancy found while matching and reconciling the supply data and GSTR 2A will be communicated to both the parties. If the discrepancy is not resolved by the supplier in his return or operator in his statement in the month in which discrepancy is communicated then such amount will be added to the output tax liability of the supplier. Such amount will be added to output tax liability of supplier only where the value of outward supplies furnished by the operator is more than the value of outward supplies furnished by the supplier and in the month succeeding the month in which the discrepancy is communicated. The supplier also needs to pay interest from the due date of payment to the date of its actual payment.

Penalty under Finance Act 2023

Penalty of Rs.10,000 or the tax amount, whichever is higher, shall be charged on e-commerce operators who-

- Allow an unregistered persons to sell goods or services or both through the operator except when they are exempt.
- Allow any GST-registered person from supplying outside their registered state any goods or services via the operator where they are ineligible to do so.
- Operator do not file accurate GSTR-8 for information on the online sale through them by e-tailers except persons exempted from GST registration.

Comparison of Section 52 and Section 9(5)

Basis	Section 52	Section 9(5)
Collection of TCS/Tax Liability	TCS to be collected by the e-commerce operator on the net value of taxable supplies made by other suppliers through it.	Liability of tax falls on the e-commerce operator and he is treated as if he is the supplier of those services.
Registration	Compulsory registration for both the e-commerce operator as well as the actual supplier	Voluntary registration can be availed by the actual supplier. e-Commerce operator must mandatorily obtain registration.
Threshold Exemption	Not applicable	Applicable in the case of the actual supplier

Basis	Section 52	Section 9(5)
Compliance	Form GSTR-8 has to be filed every month (TCS collected as well as details regarding the supplies). Form 2A of each supplier will reflect the details entered in GSTR-8 by the e-commerce operator.	Form GSTR-3B needs to be filed in this case, specifically Table 3.1.1
Reverse Charge Mechanism	Not Applicable	Applicable

GST Registration for Online Information Suppliers Outside India

Online Information and Database Access or Retrieval (OIDAR) services are those whose merchandise is mechanised and conveyance has interceded online. There is insignificant human mediation in these administrations and they can't be conveyed without the utilization of data innovation.

Few OIDAR service providers are:

- Cloud Service Providers
- Online Game Providers
- Internet Advertising
- Providers of digital books, music, films, software applications, etc.
- Providers of recoverable or unrecoverable information and data in electronic form
- Providers of online services, for example, legal information, money related information, trade insights, social networking, and so forth

Some of the non-OIDAR service providers are:

- Suppliers of products who procedure arranges electronically
- Suppliers of books, magazines, newspapers and so forth.
- Advocates and counsellor who provide services using email
- Educational and Professional course instructors who provide content online
- Offline computer equipment repair services providers
- Repair service providers for software and hardware via the internet
- Newspapers, magazines, posters, television advertisers
- Internet backbone service providers and internet access services providers

Overseas OIDAR service providers can register under GST by following the below-provided steps:

- Get Form GST REG-10 from the GST portal
- Submit the form to a GST official. The registration will be confirmed and conceded by the explicit official under specific conditions.
- A registration certificate will be issued by the officer within 3 working days of submission.

TDS and TCS in e-commerce transactions :

From the above, it can be seen that there are TDS u/s 1940 of Income Tax Act and TCS u/s 52 of CGST Act liability on the electronic commerce operators on the same transaction.

This situation can be explained with the following examples :

Rajesh - A

Alpha - B

Example 1 - A (Resident) makes the following inter-state sales through the E-Commerce Operator B Ltd to its customers:

Particulars	Amount (Rs)	Amount (Rs)
Taxable Value (Gross Sales)	35,00,000	
Add: GST @18%	6,30,000	28,70,000
Sales Return	5,00,000	
Add: GST @18%	90,000	4,10,000
Net Sales		24,60,000

So, in the above case, Gross Sales is 35 lacs, Net Sales is 30 lacs which is net of Sales Returns and exclusive of GST. Hence, B Ltd will deduct TDS under Income Tax Act @1% on 35 lacs which is Rs 35,000 and collect TCS under CGST Act @1% on 30 lacs which is Rs 30,000. Suppose B Ltd charges 5% as commission which comes to Rs 1,50,000 (5% of 20 lacs) and charges 18% GST on it, total commission is Rs 1,77,000.

There is no liability on A to deduct TDS under Section 194H on the commission it pays to B Ltd since Section 194O overrules the entire chapter of TDS.

Total payment to be made by B Ltd to A is shown below:

Particulars	Amount (Rs)
Net Sales	24,60,000
Less: Commission	1,77,000
Less: TDS under IT Act	35,000
Less: TCS under CGST Act	30,000
Net Amount payable to A	22,18,000

A will be able to claim the TCS of Rs 30,000 in Electronic Cash Ledger and utilise/ claim refund of the same. TDS of Rs 35,000 can be claimed in the Income Tax Return.

Example 2- A (Resident) sells its products in India through XYZ Inc which is a Non-Resident E-Commerce Operator. Total Sales of Rs 15 crores are made.

As per Section 194O, E-Commerce Operator includes Residents as well as Non-residents. Hence, XYZ Inc is required to deduct TDS @ 1% on Rs 15 crores which is Rs. 15 lacs.

XYZ Inc shall also be liable to 2% Equalization Levy on Rs 15 Crores under Section 165A introduced by Finance Act, 2020.

If in the above example, instead of sale of goods, it would have been advertisement services/ digital marketing then Section 194O and Section 165 both would get triggered.

XYZ Inc would deduct TDS u/s 194O @ 1% on Rs 15 Crores which is Rs 15 lacs.

A would be liable to deduct/pay equalization levy @ 6% on Rs 15 crores u/s 165 introduced by Finance Act,2016.

Conclusion

There are numerous taxation provisions affecting E-Commerce transactions in both Income Tax and GST. The government is introducing new sections in both taxation regimes, Direct and Indirect Tax, in order to avoid non-taxation of transactions and obtain tax benefits.

FAQ on E-commerce

1. It is very common that customers of e-commerce companies return goods. How these returns are going to be adjusted?

   Answer: An e-commerce company is required to collect tax only on the net value of taxable supplies. In other words, the value of supplies which are returned are adjusted in the aggregate value of taxable supplies. (Refer to Explanation to Sec. 52(1) of the CGST Act, 2017).

2. Are there any powers given to tax officials under the GST Act to seek information on supply/stock details from e-commerce operators?

   Answer: Yes. Any officer not below the rank of Deputy Commissioner may issue a notice to the electronic commerce operator to furnish such details within a period of 15 working days from the date of service of such notice. (Refer to Section 52(12), (13) and (14) of the CGST Act, 2017).

3. The sellers supplying goods through e-Commerce operators (ECO) may have common places of

business, especially if their goods are stored in a shared facility operated by the ECO. This will result in the same additional place of business being registered by multiple suppliers. Is this allowed?

Answer: Yes, this is allowed. Any registered person can declare a premises as a place of business if he has requisite documents for use of the premises as his place of business (like ownership document, agreement with the owner etc.) and there is no restriction about use of a premises by multiple persons. The registered person shall have to comply with the requirements of maintaining records as per section 35 of the CGST Act, 2017 and Rules 56 to 58 of the CGST Rules, 2017.

4. Do travel agents providing services through digital or electronic platform qualify as ECOs? Will they be required to collect tax at source as per the provisions of Section 52 of the GST Act?

   Answer: Online travel agents providing services through digital or electronic platform will fall under the category of ECOs liable to deduct TCS under Section 52 of the CGST Act,2017.

5. There are transactions in which two or more ECOs are involved. In such cases who would deduct the TCS?

   Answer: In such cases, each transaction needs to be treated separately and examined according to the provisions of Section 52 of the CGST Act, 2017. The TCS will be deducted accordingly.

6. There are cases in which the ECO does not provide invoicing solution to the seller. In such cases, invoice is generated by the seller and received by the buyer without ECO getting to know about it. The payment flows through the ECO. In such cases, on what value is TCS to be collected? Can TCS be collected on the entire value of the transaction?

   Answer: Section 52(1) of the CGST Act, 2017 mandates that TCS is to be collected on the net taxable value of such supplies in respect of which the ECO collects the consideration. The amount collected should be duly reported in GSTR-8 and remitted to the Government. Any such amount collected will be available to the concerned supplier as credit in his electronic cash ledger.

7. There are sellers who are selling exempted or zero-tax goods like books through ECOs. Will marketplaces be required to collect TCS on such supplies?

   Answer: As per Section 52(1) of the CGST Act, 2017 TCS is to be collected on "the net value of taxable supplies" made through an ECO. When the supply itself is not taxable, the question of TCS does not arise.

8. I am a supplier selling my own products through a web site hosted by me. Do I fall under the definition of an "electronic commerce operator"? Am I required to collect TCS on such supplies?

   Answer: As per the definitions in Section 2 (44) and 2(45) of the CGST Act, 2017, you will come under the definition of an "electronic commerce operator". However, according to Section 52 of the Act ibid, TCS is required to be collected on the net value of taxable supplies made through it by other suppliers where the consideration is to be collected by the ECO. In cases where someone is selling their own products through a website, there is no requirement to collect tax at source as per the provisions of this Section. These transactions will be liable to GST at the prevailing rates.

9. We purchase goods from different vendors and are selling them on our website under our own billing. Is TCS required to be collected on such supplies?

   Answer: No. According to Section 52 of the CGST Act, 2017, TCS is required to be collected on the net value of taxable supplies made through it by other suppliers where the consideration is to be collected by the ECO. In this case, there are two transactions - where you purchase the goods from the vendors, and where you sell it through your website. For the first transaction, GST is leviable, and will need to be paid to your vendor, on which credit is available for you. The second transaction is a supply on your own account, and not by other suppliers and there is no requirement to collect tax at source. The transaction will attract GST at the prevailing rates.

10. Under multiple e-commerce model, Customer

books a Hotel via ECO-1 who in turn is integrated with ECO-2 who has agreement with the hotelier. In this case, ECO-1 will not have any GST information of the hotelier. Under such circumstances, which e-commerce operator should be liable to collect TCS?

Answer: TCS is to be collected by that e-Commerce operator who is making payment to the supplier for the particular supply happening through it, which is in this case will be ECO-2.

For more such FAQ's please visit the following links :

https://gstcouncil.gov.in/faqs-sectoral-series-e-commerce

https://cbic-gst.gov.in/pdf/FAQs-TCS-30-11-2018.pdf

Press Releases

Indirect Tax

CBIC rolls out Automated Return Scrutiny Module for GST returns in ACES-GST backend application for Central Tax Officers

11th May, 2023

During the recent review of the performance of Central Board of Indirect Taxes & Customs CBIC), Hon'ble Union Finance Minister had given directions to roll out an Automated Return Scrutiny Module for GST returns at the earliest.

In order to implement this non-intrusive means of compliance verification, CBIC has rolled out the Automated Return Scrutiny Module for GST returns in the ACES-GST backend application for Central Tax Officers this week. This module will enable the officers to carry out scrutiny of GST returns of Center Administered Taxpayers selected on the basis of data analytics and risks identified by the System.

In the module, discrepancies on account of risks associated with a return are displayed to the tax officers. Tax officers are provided with a workflow for interacting with the taxpayers through the GSTN Common Portal for communication of discrepancies noticed under FORM ASMT-10, receipt of taxpayer's reply in FORM ASMT-11 and subsequent action in form of either issuance of an order of acceptance of reply in FORM ASMT-12 or issuance of show cause notice or initiation of audit / investigation.

Implementation of this Automated Return Scrutiny Module has commenced with the scrutiny of GST returns for FY 2019-20, and the requisite data for the purpose has already been made available on the officers' dashboard.

Direct Tax

Income Tax Department conducts searches in West Bengal and Assam

16th May, 2023

Income Tax Department conducted search and seizure operations on a business group operating largely in North Bengal region of the State of West Bengal. The business group is controlled by a person with an active political background. Search was also conducted on his close business associate. The group is engaged in a variety of businesses ranging from production and sale of edible Rice Bran Oil, mustard oil, DeOiled Rice Bran (DORB), different types of chemicals and real estate, etc. A total of 23 premises spread over Uttar Dinajpur, Dakshin Dinajpur, Malda, Kolkata, Siliguri in West Bengal and Guwahati in Assam and surrounding areas were covered.

The search action revealed that the group was suppressing its yield and making unaccounted cash sales of edible Oils and DORB. Several instances of cash transactions not recorded in regular books of account have been detected during the search operation. Handwritten notes, documents and digital evidences containing extracts of cash transactions have been seized. Parallel cash books and bogus claim of expenses have also been found. Preliminary investigation has revealed unaccounted income of more than Rs. 40 crore.

Further, in search operation conducted on the close business associate of the main business group, who is a leading exporter of agro products in Malda district of North Bengal, incriminating documents against cash payments in land acquisition to the tune of Rs. 17 crore (approx.) have been found. Details pertaining to unaccounted cash receipts of about Rs. 100 crore were also found.

The search action has resulted in seizure of unaccounted cash of Rs.1.73 crore. In addition, unaccounted jewellery worth Rs.1 crore has been seized.

Further investigations are in progress. TB

NOTIFICATIONS & CIRCULARS
Indirect Tax

Notifications

Central Excise

Notification No. 21/2023- Central Excise

Dated 01st May 2023

The Central Government Seeks to further amend notification No. 18/2022 - Central Excise in order to revise the SAED rate on petroleum crude.

G.S.R.....(E).–In exercise of the powers conferred by section 5A of the Central Excise Act, 1944 (1 of 1944) read with section 147 of the Finance Act, 2002 (20 of 2002), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 18/2022-Central Excise, dated the 19th July, 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 584 (E), dated the 19th July, 2022, namely:

In the said notification, in the Table, -

against S. No. 1, for the entry in column (4), the entry "Rs. 4100 per tonne" shall be substituted;

2. This notification shall come into force on the 02nd day of May 2023.

For more details, please follow
https://taxinformation.cbic.gov.in/view-pdf/1009725/ENG/Notifications

Notifications

Customs

Notification No. 33/2023-CUSTOMS (N.T)

Dated 4th May 2023

The Central Government Fixes Exchange rate vide Notification No. 33/2023-Cus (NT) dated 04.05.2023-reg

In exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and in supersession of the Notification No. 29/2023-Customs(N.T.), dated 20th April, 2023 except as respects things done or omitted to be done before such supersession, the Central Board of Indirect Taxes and Customs hereby determines that the rate of exchange of conversion of each of the foreign currencies specified in column (2) of each of Schedule I and Schedule II annexed hereto, into Indian currency or vice versa, shall, with effect from 05th May, 2023, be the rate mentioned against it in the corresponding entry in column (3) thereof, for the purpose of the said section, relating to imported and export goods

Schedule I

Sl. No.	Foreign Currency	Rate of exchange of one unit of foreign currency equivalent to Indian rupees	
1	2	3	
		(a)	(b)
		(For Imported Goods)	(For Export Goods)
1.	Australian Dollar	55.90	53.50
2.	Bahraini Dinar	223.55	210.20
3.	Canadian Dollar	61.15	59.10
4.	Chinese Yuan	12.00	11.70
5.	Danish Kroner	12.35	11.95
6.	EURO	92.20	89.00
7.	Hong Kong Dollar	10.60	10.25
8.	Kuwaiti Dinar	275.55	259.05
9.	New Zealand Dollar	52.40	50.05
10.	Norwegian Kroner	7.75	7.50

Sl. No.	Foreign Currency	Rate of exchange of one unit of foreign currency equivalent to Indian rupees	
1	2	3	
		(a)	(b)
11.	Pound Sterling	104.55	101.15
12.	Qatari Riyal	23.15	21.60
13.	Saudi Arabian Riyal	22.50	21.10
14.	Singapore Dollar	62.60	60.55
15.	South African Rand	04.65	04.35
16.	Swedish Kroner	8.10	07.85
17.	Swiss Franc	94.40	90.80
18.	Turkish Lira	4.30	04.05
19.	UAE Dirham	22.95	21.60
20.	US Dollar	82.60	80.85

Schedule II

Sl. No.	Foreign Currency	Rate of exchange of 100 unit of foreign currency equivalent to Indian rupees	
1	2	3	
		(a)	(b)
		(For Imported Goods)	(For Export Goods)
1.	Japanese Yen	61.75	59.75
2.	Korean Won	06.40	06.00

For more details, please follow
https://taxinformation.cbic.gov.in/view-pdf/1009726/ENG/Notifications.

Notifications

Customs

Notification No. 33/2023-CUSTOMS (CVD)

Dated 4th May 2023

The Central Government Seeks to impose countervailing duty on imports of Saturated Fatty Alcohols of Carbon Chain length C10 to C18 and their blends originating in or exported from Indonesia Malaysia and Thailand for a period of 5 Years.

G.S.R. (E). -Whereas, in the matter of "Saturated Fatty Alcohol of Carbon chain length C10 to C18 and their blends" (hereinafter referred to as the subject goods) falling under sub-headings 2905 17, 2905 19 and 3823 70 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in or exported from Indonesia, Malaysia and Thailand (hereinafter referred to as the subject countries), and imported into India, the Designated Authority in its final findings, published in the Gazette of India, Extraordinary, Part I, Section 1, vide notification No. 6/18/2021-DGTR, dated the 7th February, 2023, has come to the conclusion that-

(i) the subject goods have been exported to India from the subject countries at subsidized prices;

(ii) the domestic industry has suffered material injury due to subsidisation of the subject goods;

(iii) the material injury has been caused by the subsidised imports of the subject goods originating in or exported from the subject country,

and has recommended the imposition of definitive countervailing duty on imports of the subject goods originating in or exported from the subject countries.

For more details, please follow
https://taxinformation.cbic.gov.in/view-pdf/1009727/ENG/Notifications

Notifications

GST

Notification No. 05/2023-CENTRAL TAX (Rate)

Dated 9th May 2023

The Central Government Seeks to amend notification No. 11/2017- Central Tax (Rate) dated 28.06.2017 so as to extend last date for exercise of option by GTA to pay GST under forward charge.

G.S.R.....(E).-In exercise of the powers conferred by sub-section (1), sub-section (3) and sub-section (4) of section 9, sub-section (1) of section 11, sub-section (5) of section 15, sub-section (1) of section 16 and section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 11/2017-Central Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 690(E), dated the 28th June, 2017, namely:

In the said notification, in the Table, against serial number 9, in item (iii), in sub-item (b), in the entries under column (5), in condition (2), after the second proviso, the following provisos shall be inserted, namely: -

"Provided also that the option for the Financial Year 2023-2024 shall be exercised on or before the 31st May, 2023

Provided also that a GTA who commences new business or crosses threshold for registration during any Financial Year, may exercise the option to itself pay GST on the services supplied by it during that Financial Year by making a declaration in Annexure V before the expiry of forty-five days from the date of applying for GST registration or one month from the date of obtaining registration whichever is later.".

For more details, please visit
https://taxinformation.cbic.gov.in/view-pdf/1009728/ENG/Notifications

Notifications

GST

Notification No. 05/2023-Integrated Tax (Rate)

Dated 9th May 2023

The Central Government Seeks to amend notification No. 08/2017- Integrated Tax (Rate) dated 28.06.2017 so as to extend last date for exercise of option by GTA to pay GST under forward charge.

G.S.R.....(E).-In exercise of the powers conferred by sub-sections (1), (3) and (4) of section 5, subsection (1) of section 6 and clauses (iii), (iv) and (xxv) of section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), read with sub-section (5) of section 15, sub-section (1) of section 16 and section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 8/2017-Integrated Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 683(E), dated the 28th June, 2017, namely:-

In the said notification, in the Table, against serial number 9, in item (iii), in sub-item (b), in the entries under column (5), in condition (2), after the second proviso, the following provisos shall be inserted, namely: -

"Provided also that the option for the Financial Year 2023-2024 shall be exercised on or before the 31st May, 2023:Provided also that a GTA who commences new business or crosses threshold for registration during any Financial Year, may exercise the option to itself pay GST on the services supplied by it during that Financial Year by making a declaration in Annexure V before the expiry of forty-five days from the date of applying for GST registration or one month from the date of obtaining registration whichever is later."

For more details, please visit
https://taxinformation.cbic.gov.in/view-pdf/1009729/ENG/Notifications

Notifications

GST

Notification No. 05/2023-Unioin Territory Tax (Rate)

Dated 9th May 2023

The Central Government Seeks to amend notification No. 11/2017- Union Territory Tax (Rate) dated 28.06.2017 so as to extend last date for exercise of option by GTA to pay GST under forward charge.

G.S.R.....(E).-In exercise of the powers conferred by sub-sections (1), (3) and (4) of section 7, sub-section (1) of section 8, clause (iv), clause (v) and clause (xxvii) of section 21 of the Union Territory Goods and Services Tax Act, 2017 (14 of 2017), read with sub-

section (5) of section 15, sub-section (1) of section 16 and section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No.11/2017-Union Territory Tax (Rate),dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 702(E), dated the 28th June, 2017, namely:-

In the said notification, in the Table, against serial number 9, in item (iii), in sub-item (b), in the entries under column (5), in condition (2), after the second proviso, the following provisos shall be inserted, namely: -

"Provided also that the option for the Financial Year 2023-2024 shall be exercised on or before the 31st May, 2023:Provided also that a GTA who commences new business or crosses threshold for registration during any Financial Year, may exercise the option to itself pay GST on the services supplied by it during that Financial Year by making a declaration in Annexure V before the expiry of forty-five days from the date of applying for GST registration or one month from the date of obtaining registration whichever is later."

For more details, please follow
https://taxinformation.cbic.gov.in/view-pdf/1009730/ENG/Notifications

Notifications

GST
Notification No. 10/2023-CENTRAL TAX
Dated 10th May 2023

The Central Government Seeks to implement e-invoicing for the taxpayers having aggregate turnover exceeding Rs. 5 Cr from 1st August 2023.

G.S.R.....(E).-In exercise of the powers conferred by sub-rule (4) of rule 48 of the Central Goods and Services Tax Rules, 2017, the Government, on the recommendations of the Council, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 13/2020 –Central Tax, dated the 21st March, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 196(E), dated 21st March, 2020, namely:

In the said notification, in the first paragraph, with effect from the 1st day of August, 2023, for the words "ten crore rupees", the words "five crore rupees" shall be substituted

For more details, please visit
https://taxinformation.cbic.gov.in/view-pdf/1009732/ENG/Notifications

Notifications

Customs
Notification No. 37/2023-CUSTOMS
Dated 10th May 2023

The Central Government Seeks to allow imports of Crude Soya-bean Oil and Crude Sunflower Oil at zero Basic Customs Duty and zero Agriculture Infrastructure and Development Cess for TRQ license holders for FY 2022-23 up to the 30th June, 2023.

G.S.R.....(E).-In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) read with section 124 of the Finance Act, 2021 (13 of 2021), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts the goods of the description specified in column (3) of the Table below, falling under the sub-heading or tariff item of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the 'Customs Tariff Act'), as specified in the corresponding entry in column (2) of the said Table, when imported into India, from the whole of the customs duty leviable thereon under the First Schedule to the Customs Tariff Act and from the whole of the Agriculture Infrastructure and Development Cess leviable thereon under the said section of the Finance Act, 2021, subject to the conditions specified in the Annexure to this notification, namely:

Sl. No	Sub heading or tariff item	Description of goods
(1)	(2)	(3)
1.	15071000	Crude Soya-bean oil, whether or not degummed
2	15121110	Crude Sunflower seed oil

Annexure

(a) Importer produces to the Deputy Commissioner or the Assistant Commissioner of Customs, as the case may be, a valid Tariff Rate Quota (TRQ) authorization for the Financial Year 2022-23 allotted by Directorate General of Foreign Trade;

(b) The TRQ is allotted to the importer by the Directorate General of Foreign Trade, in accordance with the relevant procedure as specified in the Hand Book of Procedures, 2015-20 or 2023as applicable;

(c) The TRQ authorization shall contain the name and address of the importer, IEC code, Customs notification No., sub-heading or tariff item as applicable, quantity and validity period of certificate.

(d) The TRQ authorization shall be issued electronically by the Directorate General of Foreign Trade and transmitted to ICES system;

(e) Imports made against the TRQ shall be allowed only upon debiting electronically in the ICES system.

For more details, please follow
https://taxinformation.cbic.gov.in/view-pdf/1009731/ENG/Notifications

Notifications

Customs

Notification No. 34/2023-CUSTOMS (N.T)

Dated 15th May, 2023.

The Central Government fixes of Tariff Value of Edible Oils, Brass Scrap, Areca Nut, Gold and Silver- Reg.

S.O. ... (E).– In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), the Central Board of Indirect Taxes & Customs, being satisfied that it is necessary and expedient to do so, hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2001-Customs (N.T.), dated the 3rd August, 2001, published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S. O. 748 (E), dated the 3rd August, 2001, namely:

In the said notification, for TABLE-1, TABLE-2, and TABLE-3 the following Tables shall be substituted, namely: -

TABLE - I

Sl. No.	Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value (US $Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	998
2	1511 90 10	RBD Palm Oil	1020
3	1511 90 90	Others – Palm Oil	1004
4	1511 10 00	Crude Palmolein	1030
5	1511 90 20	RBD Palmolein	1033
6	1511 90 90	Others – Palmolein	1032
7	1507 10 00	Crude Soya bean Oil	983
8	7404 00 22	Brass Scrap (all grades)	5105

2. This notification shall come into force with effect from the 16th May 2023.

For more details, please follow
https://taxinformation.cbic.gov.in/view-pdf/1009734/ENG/Notifications

Notifications

Central Excise

Notification No. 22/2023- Central Excise

Dated 15th May 2023

The Central Government Seeks to amend No. 18/2022-Central Excise, dated the 19th July, 2022 to reduce the Special Additional Excise Duty on production of Petroleum Crude.

G.S.R.....(E).–In exercise of the powers conferred by section 5A of the Central Excise Act, 1944 (1 of 1944) read with section 147 of the Finance Act, 2002 (20 of 2002), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry

of Finance (Department of Revenue), No. 18/2022-Central Excise, dated the 19th July, 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 584 (E), dated the 19th July, 2022, namely:

In the said notification, in the Table, -

against S. No. 1, for the entry in column (4), the entry "Rs. Nil per tonne" shall be substituted;

2. This notification shall come into force on the 16th day of May 2023.

For more details, please follow

https://taxinformation.cbic.gov.in/view-pdf/1009703/ENG/Notifications

JUDGEMENT INDIRECT TAX

Onus on GST authority to prove that e-way bill was reused to levy tax and penalty: HC

Facts of the case -
BI Agro Oils Ltd. v. State of U.P. - [2023] (Allahabad)

A transport vehicle carrying goods of the petitioner was intercepted by the department and seizure order was passed on the ground that invoice and e-way bill dated 23.10.2017 were bearing packing date of 26.10.2017 and hence, the documents did not relate to the goods intercepted.

The petitioner submitted reply and stated that while under transportation earlier, the goods were damaged on the way and oil contained therein spilled over other packaging and, thus, same were brought back and thereafter properly packed goods were supplied through the same invoice and e-way bill.

The department levied penalty which was paid by the petitioner under protest and appeal was filed. However, the appeal was rejected and it filed writ petition to challenge the order of penalty.

Decision of the case :

- The Honorable High Court noted that the seizing authority had to establish by evidence that e-way bill was being reused but there was no evidence produced by such authority. The mere assertion made at the end of the seizure order that it was clearly established that the assessee had made double use of the e-way bills would be merely a conclusion drawn bereft of material on record. Therefore, the Court held that the impugned order was liable to be set aside.

Pre-import condition in Foreign Trade Policy for availing benefit of exemption is not arbitrary or unreasonable: SC

Facts of the case -
Union of India v. Cosmo Films Limited - [2023] (SC)

The Directorate of Revenue Intelligence initiated investigation and issued summons to the manufacturers on the ground that exemption claimed from all custom duty levies, including IGST and compensation cess was not admissible. It was argued that exemption was not allowed when goods manufactured were exported first in anticipation of licence/authorisation, with duty-free import against the authorisation having been undertaken later. The assesse approached the High Court against it and challenged the pre-import condition.

The Honorable Gujarat High Court had struck down the 'pre-import' condition in Foreign Trade Policy for availing benefit of exemption from levy of integrated tax and GST compensation cess on import under Advance Authorisation (AA) as unconstitutional. The Revenue filed appeal before the Apex Court.

Decision of the case :

- The Honorable Supreme Court noted that inconvenience caused to exporters by paying two duties and claim refunds could not be a ground to hold the 'pre-import' condition as arbitrary. Therefore, the Apex Court set aside Gujarat High Court judgment and held that pre-import condition in Foreign Trade Policy for availing benefit of exemption is not arbitrary or unreasonable.

- However, the Supreme Court has directed the Revenue to permit the manufacturer-exporters who were enjoying interim orders, till the impugned judgments were delivered, to claim refund or input credit and they shall approach the jurisdictional Commissioner and apply with documentary evidence within six weeks from the date of the judgment.

Ex-parte order passed solely based upon SIB report without providing report or hearing opportunity to be set aside: HC

Facts of the case -
Lari Almira House v. State of U.P. - [2023] (Allahabad)

The petitioner was registered under GST. The Deputy

Commissioner (SIB) conducted an inspection in the premises and prepared a report. Thereafter, summons were issued to the petitioner which were attended by the petitioner. Subsequently, after about three years, the petitioner was served with a show cause notice on the basis of the SIB survey report. It asked for adjournment and was waiting for the supply of the SIB report, however, an ex-parte order was passed. It filed writ petition and challenge the order.

Decision of the case :

- The Honorable High Court noted that in the instant case, the principle of natural of justice violated as admittedly the SIB report, which was the foundation was never supplied to the petitioner. It is equally well settled that any document proposed to be relied upon should be provided to the assessee prior to conclusion of the proceedings. The Court also noted that no opportunity of hearing was granted to the petitioner before passing the order.

- Moreover, Sections 61 and 67 are step towards the initiation of the proceedings but they in itself do not form any basis for concluding the evasion of tax. Mere report of inspection and discrepancy in the scrutiny of returns is not enough to assess and levy the tax. Therefore, it was held that the impugned order was not sustainable and liable to be set aside.

Recipients of services are entitled to maintain an application for advance ruling: Calcutta HC

Facts of the case -

Anmol Industries Ltd. v. West Bengal Authority for Advance Ruling, Goods and Services Tax - [2023] (Calcutta)

The assessee was registered under GST and it had filed an application for advance ruling before the Authority of Advance Ruling (AAR) to determine applicability of exemption notification. The AAR rejected the application and concluded that recipients of services were not entitled to maintain an application for advance ruling. The assessee filed writ petition and the learned Single Bench directed to file appeal before the Appellate Authority of Advance Ruling. It filed intra-court appeal and challenged the order.

Decision of the case :

- The High Court noted that the definition of "applicant" under Section 95(c) of Central Goods and Services Tax (CGST) Act, 2017 is quite broad and includes any person registered or desirous of obtaining registration. In the instant case, the assessee was registered under Act and therefore it met the said criterion.

- Moreover, the Section 97 of CGST Act, 2017 sets out procedure for making an application for advance ruling, and question on which ruling is sought must fall within scope of section 97(2). In instant case, assessee had sought a ruling on applicability of an exemption notification under Act, which fell within scope of section 97(2) (b). Therefore, the Court held that the assessee was eligible to make an application for advance ruling and matter was remanded.

Dept. can't attach bank accounts of creditors on a mere assumption that funds therein are owned by taxable person: HC

Facts of the case -

Sakshi Bahl v. Principal Additional Director General - [2023] (Delhi)

The department had ordered provisional attachment of the savings bank accounts of the petitioner and directed the banker to not permit any withdrawal from the bank accounts of the petitioner without the permission of the department. It filed writ petition against the order of provisional attachment and contended that the impugned order was ex facie without jurisdiction since it was neither taxable person nor a person covered under Section 122(1A) of the Central Goods and Services Tax (CGST) Act, 2017.

Decision of the case :

- The Honorable High Court noted that the power under Section 83 of the Act allows the department to provisionally attach assets or bank accounts of taxable persons and persons specified under Section 122(1A) of the CGST Act. In the instant case, the petitioner had submitted the account statement which clearly showed that loans & advances were extended to the accused years back and funds received from accused were merely return of same.

- The Court further noted that it is not open for department to attach bank accounts of other persons on a mere assumption that funds therein are owned by any taxable person. Therefore, the Court held that

the impugned attachment order was to be set aside since petitioner was not a taxable person or a person as specified in section 122(1A).

Proceedings can't be initiated by issuing summary of show cause notice without issuance of proper SCN: HC

Facts of the case -
Vishkarma Industries v. State of Jharkhand - [2023] (Jharkhand)

The proceedings were initiated by the GST department against the petitioner for wrongful availment of ITC and passing benefits of fake ITC to other entities. It filed writ petition to challenge the proceedings and contended that no proper show cause as contemplated under section 74(1) was issued and instead only summary of a show cause was issued.

Decision of the case :

- The Honorable High Court noted that a summary of a show cause cannot be a substitute of a proper show cause notice and such substitution would entail violation of principles of natural justice. Moreover, in the instant case, the documents which formed basis of passing of impugned order were not supplied to the petitioner.

- The Court also noted that in absence of clear charges based upon which a person is required to answer, proper opportunity to defend itself stands denied. Therefore, it was held that the impugned show cause summary and adjudication orders were to be quashed and liberty was granted proper officer to initiate fresh proceeding by issuing a proper show cause notice.

No liability of interest would arise if credit was reversed by petitioner before its utilization: HC

Facts of the case -
Grundfos Pumps India (P.) Ltd. v. Joint Commissioner of GST & Central Excise - [2023] (Madras)

The petitioner had been an assessee under the erstwhile Central Excise regime and migrated into the regime of GST. The unutilized credit was taken forward as transitional credit on introduction of GST by the petitioner. However, the said credit was not reflected in Electronic Credit Ledger (ECL), and petitioner reflected same as available ITC in Form GSTR-3B return. The audit wing of GST department during audit demanded interest on ITC which was claimed in GSTR-3B.

The petitioner submitted that when ITC without explanation, came to be reflected in ECL, such credit was reversed without set off / utilization against output tax liability at any point of time. However, the department passed demand order levying interest. It filed writ petition against the levy of interest.

Decision of the case :

- The Honorable High Court noted that the liability to interest arises only in case of actual utilisation of credit by assessee. By virtue of amendment in 2022 with retrospective effect from 2017, interest liability was attracted only when ITC wrongly availed and utilized with revenue impact. However, in present case, original error of non-maintenance of ECL was admittedly attributable to department. Moreover, the petitioner did not utilise credit and reversed the same.

- Thus, it was held that there was no liability to interest and the impugned order to extent to which it levied interest under section 50(3) was to be set aside.

GST registration can't be cancelled retrospectively if SCN didn't propose to cancel with retrospective effect: HC

Facts of the case -
Aditya Polymers v. Commissioner of Delhi Goods and Services Tax - [2023] (Delhi)

The petitioner was carrying on the business as the sole proprietor of Aditya Polymers. The department issued a show cause notice calling upon the petitioner to show cause why her GST registration not be cancelled for the reason that she had not filed her returns for a continuous period of six months.

The petitioner did not respond to the said show cause notice and consequently, the petitioner's GST registration was cancelled with effect from the date on which it was granted i.e. 01.07.2017. It filed appeal against the cancellation order but the same was rejected as time barred. It filed writ petition and challenged the cancellation of registration with retrospective effect.

Decision of the case :

- The Honorable High Court noted that the show cause notice issued to petitioner didn't mention that proper officer proposed to cancel registration with retrospective effect. As per Section 29(2) of the CGST Act, the proper officer is empowered to cancel the registration from any such date as he may deem fit including from any retrospective date. However, selecting a date from which to cancel the registration cannot be arbitrary.

- In the instant case, the petitioner had no opportunity to address any proposed action of cancellation of registration ab initio. However, the petitioner submitted that she had no objection if the order cancelling the GST registration is sustained albeit with effect from date of notice i.e. 11.12.2020. Therefore, it was held that the cancellation of the petitioner's GST registration would take effect from 11.12.2020 and not from 01.07.2017.

Rummy is predominantly a game of skill, not chance; HC quashes SCN issued on Gameskraft

Facts of the case -
Gameskraft Technologies (P.) Ltd. v. Directorate General of Goods Services Tax Intelligence - [2023] (Karnataka)

The petitioner was running technology platform namely Rummy that allowed users to play skill based online games against each other. The department issued SCN to the petitioner whereby it had been alleged that the petitioner was involved in 'betting/gambling' & supply of 'actionable claims' and guilty of evasion of GST by misclassifying supply as services under SAC 998439.

It filed writ petition to challenge the impugned SCN and submitted that "games of skill" played with monetary stakes does not partake the character of betting. The main question for consideration in the petition was, whether offline/online games such as Rummy would tantamount to 'gambling or betting' as contemplated in Entry 6 of Schedule III of the Goods and Services Act, 2017.

Decision of the case :

- The Honorable High Court noted that there is a distinct difference between games of skill and games of chance. The Court noted that a game of skill whether played with stakes or without stakes is not gambling and games such as rummy, etc. whether played online or physical, with or without stakes would be games of skill and test of predominance would apply. The taxation of games of skill is outside the scope of the term "supply" in view of Section 7(2) of the CGST Act, 2017 read with Schedule III of the Act.

- Therefore, it was held that Online/Electronic/Digital Rummy game and other Online/Electronic played on the petitioner's platform would not be taxable as 'Betting' and 'Gambling' and the Court also set aside the impugned SCN being illegal, arbitrary and without jurisdiction or authority of law.

Order cancelling registration is not sustainable when reply to SCN stated as considered while reply was not filed: HC

Facts of the case - Vijayakumar Thimasandra Mahadevappa v. Commissioner of Goods and Services Tax - [2023] (Karnataka)

The department issued a show cause notice proposing cancellation of GST registration of petitioner. It didn't reply and the GST registration of petitioner was cancelled. It filed appeal against the cancellation order but appeal was dismissed on ground of delay. It filed writ petition before the High Court for restoration of GST registration and contended that the order of cancellation of registration was arbitrary exercise of jurisdiction.

Decision of the case :

- The Honorable High Court noted that the reply to show cause notice was not filed by petitioner but the impugned order stated that the reply was considered which showed complete lack of application of mind in cancelling petitioner's registration.

- Moreover, the petitioner submitted evidences which showed that he was hospitalized for over a period of one month and had to go through a prolonged period of convalescence. Therefore, after considering lack of application of mind in cancelling the petitioner's registration and situation of petitioner, it was held that the impugned order was to be quashed subject to condition of filing returns and cancellation order shall stand revived if returns were not filed.

JUDGEMENT DIRECT TAX

Availability of an alternative remedy will not operate as an absolute bar for entertaining a writ petition: HC

Facts of the case -
Ashiana Housing Ltd. v. Union of India - [2023] (Calcutta)

The assessee filed a writ petition challenging the order under section 148A of the Income-tax Act. Single Judge opined that the said order is not itself an assessment or a demand. The assessee will have ample opportunity and scope in the proceedings after the issuance of notice to make out a case for dropping the proceedings under section 147. Thus, he dismissed the petition filed by the assessee.

Aggrieved by the dismissal, the assessee filed an intra-court appeal.

Decision of the case :

- The High Court held that the legal principle which had been laid down by several decisions of the Hon'ble Supreme Court while interpreting the provision of the Act before its amendment would equally apply with full force while considering the correctness of an order passed under section 148A(d).

- The court held that it would not be right to hold that all issues can be adjudicated at the time of the reassessment proceedings. When a jurisdictional issue is raised before the Court, even assuming an alternative remedy is available, it will not operate as an absolute bar for entertaining the writ petition as the jurisdictional issue goes to the root of the matter.

- It is one of the exceptional factors carved out by the Hon'ble Supreme Court for the exercise of jurisdiction under Article 226 of the Constitution of India. Accordingly, the appeal stands admitted.

'Uber EATS' works on similar pattern as 'Uber App'; Uber India isn't 'Person responsible for paying' u/s 194C: ITAT

Facts of the case -
Dy. Commissioner of Income Tax (OSD) Vs. Uber India Systems Pvt. Ltd. - [2023] (Mumbai - Trib.)

Assessee-company (Uber India) was running the business of Uber BV and has offices across the country. Uber BV is an entity incorporated in the Netherlands and is the legal owner of the Uber App software application. During the relevant year, the main services provided by Uber BV through Uber India were taxi services and food delivery services.

For transportation services, Uber India was involved in various tasks such as recruitment and training of drivers, their police verification, collecting money from the passengers for the ride, collecting the commission and making payment to the drivers for the ride etc. It was carried out using the Uber App.

For Food Delivery Services, Uber India, through its Uber EATS application, provides a platform that connects and acts as a "Three-sided marketplace," i.e., a Courier Partner, a Restaurant Owner, and a Customer with the Uber EATS platform at its center.

A TDS verification survey was conducted by the Assessing Officer (AO) and assessee was treated as assessee-in-default for non-deduction tax at source (TDS) under section 194C while making payment to drivers, restaurant partners and courier partners.

On appeal, the CIT(A) reversed the AO's order, and the matter reached the Mumbai Tribunal.

Decision of the case :

- The Tribunal held that the issue arising in the present appeal was recurring in nature and had been decided by the coordinate bench of the Tribunal wherein it was held that Uber India could not be held as a person responsible for payment for the purpose of Section 194C.

- This is because when cash is directly paid by the rider to the Driver, then Uber India isn't treated as

person responsible for payment. Therefore, how the very same Uber India could be treated as a person responsible for payment when the rider decides to make payments through digital means.

- In the year under consideration, the assessee provided taxi and food delivery services in India through its mobile application. Uber EATS is a food delivery App that on a similar pattern as Uber App. Uber EATS is a Restaurant Aggregator platform akin to Uber App being a ride-sharing platform.

- Thus, respectfully following the orders passed by the coordinate bench of the Tribunal in the assessee's own case, the appeal was dismissed and decided in the favour of assessee.

AO can't presume income of assessee relying upon school admission forms of children: ITAT

Facts of the case -
Bharatbhai Manubhai Baldha v. DCIT - [2023] (Surat-Trib.)

Assessee was an individual who filed his return of income declaring the amount of Rs. 2.64 lakh. A search action was carried out on the residence of the assessee. In the statement recorded under section 132(4), the assessee stated that his household expenses and education expenses of two kids were Rs. 14 lacks, which his younger brother bears.

To verify such claim, AO issued a notice under section 133(6) to G D Goenka School to furnish admission form, fee paid by the assessee and bifurcation thereof. On perusal of the school form, the AO noted that in the school admission form, the assessee had mentioned his monthly income as Rs. 4.00 lakhs per month.

Further, the assessee and his wife signed a declaration wherein they certified that the information given in the admission form was true to their knowledge and belief for incorrect information supplied in the admission form jeopardized selection and enrolment.

Thus, AO took his view that the assessee was having annual income of Rs. 48.00 lakhs per annum and made additions under section 69A.

On appeal, the CIT(A) upheld the additions made by the AO. Aggrieved-assessee filed the instant appeal before the Tribunal.

Decision of the case :

- The Tribunal held that AO estimated the assessee's income solely on the school admissions form of his children, wherein the assessee filled up his monthly income of Rs. 4.00 lakhs per month. The assessee explained that the entry on the school admission form was made only to secure the admission of his children.

- In the search proceedings, no tangible material or evidence was found that the assessee had unaccounted income. AO made additions solely relying upon the information gathered from the school under section 133(6), which was also gathered at the back of assessee.

- Under the law, it is a settled position that only real income accrued or earned by an individual can be brought to tax, and there is no place for any presumption.

- Thus, the appeal was restored back to the file of AO with the direction to grant the opportunity to the assessee to explain the nature and relevance of the school admission form and to lead any other evidence, if so desired by the assessee to disprove the contents of such school admission form.

Sec. 56(2)(viia) would prevail over Sec. 47(vi) if shares are transferred on account of amalgamation: ITAT

Facts of the case-
ACIT v. Vertex Projects LLP - [2023]

The issue before the Tribunal was

"Whether shares received by the company on account of amalgamation, for a price lower than the Fair Market Value of the shares, does not attract provisions of section 56(2)(viia)?"

Decision of the case :

- The Tribunal held that section 56(2) is an exception to section 56(1) and has provided certain income to be charged as income under the head' income from other sources'. The Income-tax Act has included the income mentioned in clause (viia) of section 56 as an income chargeable under income from other sources.

- The proviso to section 56(2)(viia) has provided an exception to its applicability. It had only excluded such properties received by way of transaction not regarded as transfer which are mentioned in clause (via) or clause (vic) or clause (vicb) or clause (vid) or clause (vii) of section 47.

- The legislature's intention was manifest when it had only excluded the above-mentioned clauses of section 47. The legislature had deliberately not excluded section 47(vi) from the applicability of section 56(2)(viia).

- Further, section 56(2)(viia) is the specific charging provision inserted in the Finance Act w.e.f. 01.06.2010 would have an overriding effect and will prevail vis-à-vis section 47(vi), which was inserted in the Finance Act w.e.f. 01-04-1967.

- The law of interpretation of the statute is quite clear, which provides that if an income is chargeable under a specific provision [56(2)(viia)] then the general provision exempting such income [47(vi)] shall not be applicable. Even otherwise, clause (vi) of section 47 is not excluded from the purview of section 56.

- Therefore, it can be safely concluded that the transfer, as contemplated under section 47(vi) will be forming part of section 56(2)(viia). Therefore, the transfer/ receive of shares of a company in which the public is not substantially interested will be chargeable as income from other sources in the hands of the recipient.

Docs. found in survey can be used against assessee even if statement on oath was retracted by him: ITAT

Facts of the case -
Bhimsen Darbarilal Arora v. ACIT - [2023] (Surat-Trib.)

Assessee-individual was engaged in the business of cloth. A survey operation was carried out during the relevant assessment year, and the unaccounted stock of cloth and unexplained cash was found. Further, the assessee voluntarily disclosed certain income in the statement recording during the proceedings.

Later, the assessee claimed that the survey was illegal, i.e., without jurisdiction, and the statement was retracted after 822 days. However, the Assessing Officer (AO) proceeded to make additions to the income.

On appeal, the CIT(A) confirmed the additions made by AO. Aggrieved by the order, the assessee preferred an instant appeal to the Surat Tribunal.

Decision of the case :

- The Tribunal held that admission on oath could be retracted by the assessee only if the assessee establishes the circumstances such as threat, coercion, undue pressure etc. But in the instant case, no such evidence could be produced by the assessee. After a lapse of more than 822 days, the assessee retracted the statement; therefore, retraction of the statement after more than two years is nothing but an eyewash.

- Further, placing the reliance on Supreme Court's Judgment in the case of Dr. Partap Singh v. Director of Enforcement [1985] 22 Taxman 30 (SC), it was held that the illegality of the search does not vitiate the evidence collected during such illegal search. Even though the search and seizure contravened the provision of section 132, the material seized would be liable to be used against the person from whose custody it was seized.

- In the instant case, the addition was made by AO based on the documents and evidence collected during the survey and not based on the statement. The documents found in the survey can be used against the assessee even if the assessee retracts the statement on oath.

Sec. 80-IA deduction available even if assessee entered into agreement with Govt. recognized nodal agency: ITAT

Facts of the case - Bothra Shipping Services Pvt. Ltd. v. DCIT - [2023] (Kolkata - Trib.)

Assessee entered into an agreement with an entity (KSPL) for the development of a Mechanised Coal Handling System in Kakinada Deep Water Port. KSPL was appointed as Nodal Agency by the Government of Andhra Pradesh (GoAP) for the development and maintenance of the infrastructure facilities of the entire Port.

The Government of Andhra Pradesh entered into a separate agreement with KSPL for the development

of new infrastructure facility at the Port. Subsequently, the assessee derived permission from the appropriate authorities, developed the infrastructure as required and obtained certificate from the Port Authorities that it forms part of the infrastructural facility of the Port.

Since the assessee developed, maintained and operated the new infrastructure facility, it claimed deduction under section 80-IA(4). Assessing Officer (AO) denied the deduction because the agreement for such development was not directly with the Central Government, a State Government, a local authority, or any other statutory body.

The Dispute Resolution Panel (DRP) also upheld the findings of the AO, and the matter then reached the Kolkata Tribunal.

Decision of the case :

- The Tribunal held that the agreement provides for subrogation of rights and obligations to a body corporate with the consent of GoAP and also with its prior approval on the shareholding pattern. Pursuant to such a provision in the agreement, a 'Special Project Company' (SPC) in the form of KSPL was set up. The GoAP recognizes this SPC (KSPL) for all legal and operational purposes and shall be a successor for the rights, duties, and obligations under the agreement.

- Further, the Tribunal relied upon the CBDT Circular No. 10/2005 dated 16-12-2005, whereby it had relaxed the second condition prescribed u/s 80-IA(4) and, therefore, the only requirement which remained was to obtain the certificate from the concerned Authority that the infrastructural facility forms part of the Port.

- The Tribunal also considered a letter issued by KSPL which confirms that on expiry of the concession period, the structures, buildings constructed by or belonging to KSPL or their sub-contractors, sub-lessees and assignees free from all encumbrances and liabilities shall automatically become the property of GoAP without any obligation to reimburse therefor.

- Moreover, the argument canvassed by the AO that the agreement between the assessee and KSPL does not satisfy the condition prescribed in section 80-IA(4) is too rigid an interpretation. It frustrates both the purpose of creating such nodal agencies and the legislative intent of granting deduction to the assessee engaged in infrastructure development projects.

- Therefore, after considering all the aspects, the deduction under section 80-IA(4) cannot be denied to the assessee.

Assessee eligible to get Sec. 54F deduction even if new house wasn't constructed within prescribed time limit: ITAT

Facts of the case -

Shard Mohan Shetty v. Income-tax Officer - [2023] (Bangalore - Trib.)

Assessee-individual sold a plot of land in the relevant assessment year. The entire sale consideration was invested in purchasing a residential site developed by Bangalore Development Authority (BDA) and constructing a residential building. While filing the return of income, deduction under section 54F was claimed.

During the assessment proceedings, the Assessing Officer (AO) observed that neither assessee constructed a residential house within a period of three years nor deposited unutilized amount in the capital gain account before filing the return of income. To which assessee replied that since the original landlord filed writ petition before High Court against the acquisition of land by the BDA, assessee was unable to construct residential house within stipulated time.

AO rejected the assessee's contention and denied the benefit of section 54F deduction. On appeal, the CIT(A) also upheld the additions. Aggrieved-assessee filed the instant appeal before the Tribunal.

Decision of the case :

- The Tribunal noted that the assessee furnished construction plan approval letter, construction bills issued by builders and an initial construction photo. Bills issued by builders revealed that it was for construction of compound wall & shed works which clearly shows that the building was not completed within the stipulated period of 3 years from the date of the sale of capital assets. It was also noted from the documents submitted by the assessee that the landlord filed writ petition before the High Court against the acquisition of land by the BDA.

- In the instant case, the assessee invested the amounts before filing the return of income as mandated in section 54F and claimed exemption under section 54F. On perusal of the documents filed by the assessee, it

was observed that the assessee had genuine reason for not constructing the building within the due date as prescribed by section 54F, but the assessee intended to construct the residential house building.

- Accordingly, the assessee was held to be eligible for the proportionate deduction as per section 54F, since the entire sale proceeds were not used for the new assets.

Propagation of vedic thoughts can't be attributed to any religion; Trust eligible to secs. 12A & 80G registration: ITAT

Facts of the case -
Shruthiparampara Gurukulam v. Income-tax Officer - [2023] (Bangalore - Trib.)

Assessee, a public charitable trust, was formed to preach the Rigveda in a traditional Gurukula concept. The beneficiaries of the trust were members of the general public irrespective of race, religion, caste, community, creed or gender. It applied for regular registration under sections 12A and 80G for recognition as a charitable trust.

The Commissioner held that the assessee was engaged in a religious activity of teaching Vedas, a Hindu religious scripture, to Hindu students, which involved offering worship and prayer to God. Thus, the trust's whole purpose was religious. Therefore, the assessee was not eligible for registration as per Explanation 3 to section 80G.

Aggrieved by the order, the assessee filed an appeal to the Bangalore Tribunal.

Decision of the case :

- The Tribunal held that the significance of the Veda is manifold. It has been universally acknowledged that the Veda is the earliest available literature of humanity. The Veda contains the highest spiritual knowledge (Para vidya) as well as the knowledge of the world (Apara vidya). Thus, apart from philosophy, descriptions of various aspects of the different subjects, such as sciences, medicine, political science, psychology, agriculture, poetry, art, music etc. are found here. It cannot be said that Vedas are confined to a particular set of people or people belonging to a particular religion. It is for the spiritual upliftment of mankind.

- In the instant case, the assessee-trust does not have any object 'to establish, maintain and to grant and/or aid to public places of worship and prayer halls'. The assessee only teaches the students how to recite the Vedas. There is a particular method of pronunciation of Vedas with Swaras attached to it. The recitation and pronunciation of Vedas are what is taught by the assessee, and it is like teaching any other Sanskrit literature. The teaching of Vedas does not involve offering worship and prayer to God, as held by the Commissioner.

- Explanation 3 to section 80G states that "charitable purpose" does not include any purpose the whole or substantially the whole of which is of a religious nature. The word "Hindu" is not defined in any of the texts nor in judge made law. British administrators gave the word to inhabitants of India who were not Christians, Muslims, Parsis or Jews. It consists of a number of communities with different Gods being worshipped in different manners, rituals, and ethical codes. It is a settled principle that Hinduism is a way of life and not a religion.

- Propagation of Vedic thoughts and philosophy cannot be attributed to any religion as the same is more concerned with the lifestyle of human beings. Thus, the activities carried on by the assessee-trust are charitable in the nature of education, relief of the poor and not Religious, as concluded by the Commissioner.

Salary received by NRI outside India not taxable just because it is credited in his Indian Bank a/c: ITAT

Facts of the case -
Prasanth Nandanuru v. Income-tax Officer (International Taxation)-2 - [2023] (Hyderabad - Trib.)

Assessee, an individual, was an employee of Wells Fargo (EGS) India Pvt. Ltd ("Wells India") and was sent on a short-term assignment to Wells Fargo Bank N.A., USA (Wells USA). Later, he was directly employed by Wells USA. During his short-term assignment to Wells USA, the assessee made on the payrolls of Wells India. His salary for the services rendered was credited to his Indian bank account by Wells India after deducting tax at source.

Assessee claimed that he was a tax resident of the USA and, therefore, eligible to avail the provisions of the India-US Double Taxation Avoidance Agreement (DTAA). He

claimed that the income earned from services rendered in the USA was only taxable in the USA and not in India.

Assessing Officer (AO) held that even if the assessee was a non-resident, his salary income in India would be governed by the Income-tax Act. The Dispute Resolution Panel (DRP) approved the AO's order. Aggrieved-assessee preferred an appeal to the Hyderabad Tribunal.

Decision of the case :

- The Tribunal followed the decision of AAR in the case of British Gas India (P.) Ltd. [2006] 157 Taxman 225 (AAR - New Delhi), wherein it held that the salary received in India by the employees of the Indian entity seconded to the foreign entity is no doubt taxable in India under the provisions of section 5(2)(a).

- However, as per Article 4(1) of the Indo-US DTAA, the term 'resident of contracting state' includes a resident, and, Article 16(1) of the DTAA mandates that in respect of the salaries derived by a resident of the USA in respect of an employment shall be payable only in the USA. Therefore, because of residence in the USA, the assessee is liable to income tax in the USA regarding the salary he derived from his employment in the USA.

- Consequently, though the provision under section 5(2)(a) fastens tax liability on the assessee, but because of the overriding effect of section 90, Article 16 of the DTAA would prevail over the 5(2)(a) of the Act. Thus, the salary received by the assessee in India for the services rendered in the USA was not liable to tax in India.

Provisions related to transfer of cases continue to exist even after introduction of faceless assessment scheme: HC

Facts of the case -

Sanjay Gandhi Memorial Trust v. CIT (Exemption) - [2023] (Delhi)

The petitioner is registered as a charitable institution under Section 12A, and assessments have been completed under Section 143(3)/143(1) till the Assessment Year 2017-18. By way of the Finance Act 2018, the concept of E-assessment was introduced. In the relevant assessment year, notice under Section 143(2) was issued to the petitioner, as per the E-assessment Scheme, for scrutiny assessment for the Assessment Year 2018-19.

Further, the petitioner received a letter from National e-Assessment Centre stating that the pending E-assessment for the Assessment Year 2018-19 will now be completed under the Faceless Assessment Scheme. Afterwards, the CIT(E) passed the order under section 127 for transferring the jurisdiction to DCIT.

The assessee filed a writ petition to the Delhi High Court aggrieved by such transfer order.

Decision of the case :

- The Delhi High Court held that though the concept of e-Assessment/Faceless Assessment was introduced, the Jurisdictional Assessing Officer continues to exercise concurrent jurisdiction with Faceless Assessing Officer.

- Almost all the High Courts have held that transfer under Section 127 for coordinated investigation is a sufficient reason to pass such an administrative order. Consequently, it is settled law that a transfer order under Section 127 does not affect an assessee's fundamental or legal right, and the Courts ordinarily refrain from interfering with the exercise of such power.

- Under the e-assessment/Faceless Assessment Scheme, once a case is selected for scrutiny for the limited purpose of passing an assessment order for a particular assessment year, the case is assigned to National e-Assessment Centre and after assessment, the electronic records of the case are to be transferred back to the Jurisdictional Assessing Officer.

- The e-Assessment/Faceless Assessment Scheme stipulate that the provision of Section 127 shall apply subject to exceptions, modifications and adaptations as specified therein. Further, the said schemes enlarge and supplement the power of transfer by authorising the National e-Assessment Centre to transfer the assessee's case at any stage of assessment to the Assessing Officer having jurisdiction over the case, i.e., from Faceless Assessing Officer to Jurisdictional Assessing Officer.

- Therefore, the transfer of a case under Section 127 is an altogether different power that continues to exist even after introducing the E-assessment/Faceless regime. The power of transfer under Section 127 is not in any manner denuded by the Faceless Assessment

Scheme when the transfer is sought to be made from a Jurisdictional Assessing Officer under one Principal Commissioner of Income Tax to another Assessing Officer under a different Principal Commissioner of Income Tax who are not exercising concurrent jurisdiction over the case.

- Thus, the transfer of assessments of the petitioner to Central Circle by way of impugned orders passed under section 127 was in accordance with the law and justified.

TB

Tax Calendar Indirect

Due Dates	Returns
May 20th, 2023	GSTR-3B(April 2023)
May 20th, 2023	GSTR-5A (Apr, 2023)
RFD-10	18 Months after the end of quarter for which refund is to be claimed
May 25th, 2023	PMT 06 (April 2023)
May 28th, 2023	GSTR-11, (April 2023)

Tax Calendar Direct

Due Dates	Returns
30 May 2023	Submission of a statement (in Form No. 49C) by non-resident having a liaison office in India for the financial year 2022-23.
30 May 2023	Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA in the month of April, 2023.
30 May 2023	Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194M in the month of April, 2023.
30 May 2023	Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IB in the month of April, 2023.
30 May 2023	Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194S in the month of April, 2023 Note: Applicable in case of specified person as mentioned under section 194S
30 May 2023	Issue of TCS certificates for the 4th Quarter of the Financial Year 2022-23
31 May 2023	Quarterly statement of TDS deposited for the quarter ending March 31, 2023
31 May 2023	Return of tax deduction from contributions paid by the trustees of an approved superannuation fund
31 May 2023	Due date for furnishing of statement of financial transaction (in Form No. 61A) as required to be furnished under sub-section (1) of section 285BA of the Act respect for financial year 2022-23
31 May 2023	Due date for e-filing of annual statement of reportable accounts as required to be furnished under section 285BA(1)(k) (in Form No. 61B) for calendar year 2022 by reporting financial institutions
31 May 2023	Application for allotment of PAN in case of non-individual resident person, which enters into a financial transaction of Rs. 2,50,000 or more during FY 2022-23 and hasn't been allotted any PAN
31 May 2023	Application for allotment of PAN in case of person being managing director, director, partner, trustee, author, founder, karta, chief executive officer, principal officer or office bearer of the person referred to in Rule 114(3)(v) or any person competent to act on behalf of the person referred to in Rule 114(3)(v) and who hasn't allotted any PAN
31 May 2023	Application in Form 9A for exercising the option available under Explanation to section 11(1) to apply income of previous year in the next year or in future (if the assessee is required to submit return of income on or before July 31, 2023)
31 May 2023	Statement in Form no. 10 to be furnished to accumulate income for future application under section 10(21) or section 11(1) (if the assessee is required to submit return of income on or before July 31, 2023)

E-PUBLICATIONS OF TAX RESEARCH DEPARTMENT

Impact of GST on Real Estate	Handbook on GST on Service Sector
Insight into Customs - Procedure & Practice	Handbook on Works Contract
Input Tax Credit & In depth Discussion	Handbook on Impact of GST on MSME Sector
Exemptions under the Income Tax Act, 1961	Insight into Assessment including E-Assessment
Taxation on Co-operative Sector	Impact on GST on Education Sector
Guidance Note on GST Annual Return & Audit	Addendum_Guidance Note on GST Annual Return & Audit
Sabka Vishwas-Legacy Dispute Resolution Scheme 2019	An insight to the Direct Tax- Vivad se Vishwas Scheme 2020
Guidance Note on Anti Profiteering	International Taxation and Transfer Pricing
Advance Rulings in GST	Handbook on E-Way Bill
Handbook on Special Economic Zone and Export Oriented Units	Taxation on Works Contract

For E-Publications, Please visit Taxation Portal - https://icmai.in/TaxationPortal/

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TAXATION COMMITTEES - PLAN OF ACTION

Proposed Action Plan:

1. Successfully conduct all Taxation Courses.
2. Publication and Circulation of Tax bulletin (both in electronic and printed formats) for the awareness and knowledge updation of stakeholders, members, traders, Chambers of Commerce, Universities.
3. Publication of Handbooks on Taxation related topics helping stakeholders in their job deliberations.
4. Carry out webinars for the Capacity building of Members - Trainers in the locality to facilitate the traders/ registered dealers.
5. Conducting Seminars and workshops on industry specific issues, in association with the Trade associations/ Traders/ Chamber of commerce in different location on practical issues/aspects associated with GST.
6. Tendering representation to the Government on practical difficulties faced by the stakeholders in Taxation related matters.
7. Updating Government about the steps taken by the Institute in removing the practical difficulties in implementing various Tax Laws including GST.
8. Facilitating general public other than members through GST Help-Desk opened at Head quarter of the Institute and other places of country.
9. Introducing advance level courses for the professionals on GST and Income Tax.
10. Extending Crash Courses on Taxation to Corporates, Universities, Trade Associations etc.

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