June, 2023

TAX Bulletin

Volume - 137
02.06.2023

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 Central Board of Direct Taxes has been very active to increase the scope and coverage in regards to the taxation of Trust. Further through its circular dated May 24, 2023 it has provided various clarification regarding provisions relating to charitable and religious trusts. It has provided Clarification regarding application of section 115TD for failure to apply to registration approval, Extension of due date for furnishing of Form No. 10BD - the Board also extends the due date for furnishing of statement of donation in Form No. 10BD and the certificate of donation in Form No. 10BE in respect of the donations received during the financial year 2022-23 to 30.06.2023. Clarification regarding applicability of provisional registration.

Clarification regarding denial of exemption in case where the statement of accumulation is not filed by the due date - In this regard many Representations have been received by CBDT stating that the trusts may not be able to furnish Form No. 10 and Form No. 9A before the finalisation of their computation of income. Since the computation of income is finalised at the time of furnishing of return of income, therefore, the trusts should be allowed to furnish Form No. 10 and Form No. 9A by the due date of furnishing their income tax return. However, CBDT has been clarified by the government that the statement of accumulation in Form No. 10 and Form No. 9A is required to be furnished at least two months prior to the due date of furnishing return of income so that it may be taken into account while auditing the books of account. However, the accumulation/deemed application shall not be denied to a trust as long as the statement of accumulation/deemed application is furnished on or before the due date of furnishing the return as provided in sub-section (I) of section 139 of the Act. Clarification regarding audit report to be furnished in Form No. 10B is also given where in it has clearly indicated the modes of online transactions for the bifurcation of income. CBDT is further expected to bring more clarification are streamline in taxation of the trust in coming days.

The Tax Research Department is almost in the verge of completing another batch of taxation course. Revision classes and doubt clearing sessions are being conducted on weekend and expert advice for the exam are also being arranged for the students. Exam for the certificate course are also expected to be schedule later in the next month. Keeping the same pace and demand of the courses the admission for the next batches is also being expected to start by the next month.

Certificate for Exam of Certificate course on GST for College and University has been sent for distribution on June 15, 2023 for Sandip University, Nashik.

Tax Research Department

02.06.2023

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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

Composite Supply a Simple understanding...
(PART- I)

The power to levy tax is drawn from the Constitution of India. With the 101th Constitutional Amendment GST came into force in India on 1st July 2017. With the introduction of GST taxes like Central Excise, Service Tax, State, VAT, and certain State specific taxes were subsumed into GST. The basis for the charge of tax in any taxing statute is the taxable event i.e. the occurrence of the event which triggers the levy of tax.

A taxable event is any transaction or occurrence of a particular thing that results in a tax consequence. Before levying any tax, taxable event needs to be ascertained. It is the foundation stone of any taxation system. It determines the point at which tax would be levied.

Under the earlier indirect tax regime, the framework of the taxable event in various statutes was prone to the ambiguity of interpretations of laws resulting in litigation for decades. The controversies were largely related to issues like whether a particular process amounted to manufacture or not, whether the sale was pre-determined sale, whether a particular transaction was a sale of goods or the rendering of services etc. The GST laws resolved all these issues by laying down one comprehensive taxable event i.e. "Supply" - Supply of goods or services or both. Various taxable events such as manufacture, sale, rendering of service, purchase, entry into a territory of State, etc., have been done away with in favor of just one event i.e. "Supply".

GST Law, by levying tax on the 'supply' of goods or services or both, departs from the historically understood concepts of 'taxable event' under the State VAT Laws, Excise Laws, and Service Tax Law i.e. sale, manufacture, and service, respectively. In the GST regime, the entire value of the supply of goods and /or services is taxed in an integrated manner, unlike the earlier indirect taxes, which were charged independently either on the manufacture or sale of goods or on the provisions of services.

SUPPLY [SECTION 7 OF THE CGST ACT]

As per Section 7 (1), supply includes

a) all forms of supply of goods or services or both such as sale, transfer, barter, exchange, licence, rental, lease or disposal made or agreed to be made for a consideration by a person in the course or furtherance of business

b) importation of services, for a consideration whether or not in the course or furtherance of business, and

c) Section 7 (1A) - where certain activities or transactions, constitute a supply in accordance with the provisions of sub-section (1), they shall be treated either as supply of goods or supply of services as referred to in Schedule II of the act.

Section 7 (2)- Notwithstanding anything contained in sub-section (1),

a) activities or transactions specified in Schedule III;

b) such activities or transactions undertaken by the Central Government, a State Government or any local authority in which they are engaged as public authorities, as may be notified by the Government on the recommendations of the Council shall be treated neither as a supply of goods nor a supply of services.

Section 7 (3) - Subject to sub-sections (1), (1A) & (2), the Government may, on the recommendations of the Council, specify, by notification, the transactions that are to be treated as

a. a supply of goods and not as a supply of services; or

b. a supply of services and not as a supply of goods.

In a synopsis, the meaning and scope of supply as per terms of section 7 can be understood in terms of the following:

1. Supply is an inclusive definition
2. Supply should be of goods or services. Supply of anything other than goods or services like money, securities, etc. does not attract GST.
3. Supply should be made for consideration
4. Supply should be made or agreed to be made.
5. Supply should be made in the course or furtherance of business.

However, there are a few exceptions to points 3 & 5 (i.e. the requirement of supply being made for consideration and in the course or furtherance of business) in the GST law. Few exceptions have been carved out where a transaction is deemed to be a supply even without consideration (contained in Schedule I). Similarly, the condition of supply to be made in the course or furtherance of business has been relaxed in case of import of services (Import of services for a consideration, whether or not in the course or furtherance of business, is treated as supply).

Further, there are also cases where a transaction is kept out of the scope of supply despite the existence of the above parameters, i.e. there is a list of activities which are treated neither as supply of goods nor as supply of services. In other words, they are outside the scope of GST, and such transactions are given in Schedule III of the CGST Act 2017.

GST law has classified certain activities/transactions either as a supply of goods or as a supply of services. The Government is also empowered to notify transactions that are to be treated as a supply of goods and not as a supply of services or as a supply of services and not as a supply of goods.

Types of Supply under GST

GST is payable on individual goods or services or both at the notified rates. The application of rates poses no problem if the supply is of individual goods or services which is clearly identifiable and such goods or services are subject to a particular rate of tax.

However, in certain cases, supplies are not such simple and clearly identifiable supplies. Some of the supplies are a combination of goods or combination of services or combination of goods and services both and each individual component of such supplies may attract a different rate of tax.

In such a case, the rate of tax to be levied on such supplies may be a challenge. It is for this reason that the GST Law identifies composite supplies and mixed supplies and provides certainty in respect of tax treatment under GST for such supplies.

There are 2 types of supply Mixed Supply and Composite Supply.

Statutory Provision (Section 8) - Tax liability on composite and mixed supplies

The tax liability on a composite or a mixed supply shall be determined in the following manner, namely: -

a. *a **composite supply** comprising two or more supplies, one of which is a principal supply, shall be treated as a supply of such principal supply; and*

b. *a **mixed supply** comprising two or more supplies shall be treated as a supply of that particular supply that attracts the highest rate of tax.*

Explanation:

***Composite Supply:** means a supply made by a taxable person to a recipient and*

- *Comprises two or more taxable supplies of goods or services or both,*
- or any combination thereof
- Are naturally bundled and supplied in conjunction with each other in the ordinary course of business.
- one of which is a principal supply [Section 2(90)]

This means that in a composite supply, goods or services or both are bundled owing to natural necessities. The elements in a composite supply are dependent on the 'principal supply'.

In respect of composite supplies, the need to determine the supply as a composite supply will arise to determine the appropriate classification. It will be necessary to determine whether a particular supply is naturally bundled in the ordinary course of business and what constitutes principal supply in such composite supplies

Principal Supply - Section 2(90) - means the supply of goods or services which constitutes the predominant element of a composite supply and to which any other supply forming part of that composite supply is ancillary.

If various elements of a bundled service are naturally bundled in the ordinary course of business, it shall be treated as the provision of a single service that gives such bundle its essential character.

Illustration – 1: Where goods are packed and transported with insurance, the supply of goods, packing materials, transport, and insurance is a composite supply, and supply of goods is a principal supply.

Illustration – 2: A hotel provides a 4-D/3-N package with the facility of breakfast. This is a natural bundling of services in the ordinary course of business. The service of hotel accommodation gives the bundle the essential character and would, therefore, be treated as a service of providing hotel accommodation.

Illustration – 3: When a consumer buys a television set and gets a mandatory warranty and a maintenance contract with the TV, this supply is a composite supply. In this case, the supply of TV is the principal supply, and warranty & maintenance services are ancillary

How to determine the tax liability on composite supplies?

A composite supply comprising of two or more supplies, one of which is a principal supply, shall be treated as a supply of such principal supply. Accordingly, the entire value of composite supply [i.e. main supply + ancillary supply(ies)] shall be classified under the category of main supply and shall be taxed at the GST rate applicable to the main supply.

Mixed Supply

Mixed Supply means -

- two or more individual supplies of goods or services, or any combination thereof, made in conjunction with each other by a taxable person
- for a single price where such supply does not constitute a composite supply
- The individual supplies are independent of each other and are not naturally bundled

How to determine if a particular supply is a mixed supply? In order to identify if a particular supply is a mixed supply, the first requisite is to rule out that the supply is a composite supply. A supply can be a mixed supply only if not a composite one. As a corollary, it can be said that if the transaction consists of supplies not naturally bundled in the ordinary course of business, then it would be a mixed supply. Once the possibility of the transaction as a composite supply is ruled out, and a single consideration is charged for the entire supply of different components, it would be a mixed supply, classified in terms of the supply of the goods or services attracting the highest rate of tax.

How to determine the tax liability on mixed supplies?

A mixed supply comprising two or more supplies shall be treated as a supply of that particular supply that attracts the highest rate of tax.

Example

Mondal Enterprise supplies 10,000 kits (at Rs. 70 each) amounting to Rs.7,00,000 to New Collection General Store. New Collection is supplying a pre-configured kit consists of 1 face wash, 1 face tissue packet, and 1 nail paint. It is a mixed supply and is treated as a supply of that particular supply that attracts the highest tax rate. Assuming that the rate of tax applicable on face wash is 18%, on face tissue packet is 28%, and on nail paint is 12%, in the given case, the highest tax rate [i.e face tissue packet] @ 28% will be charged on the entire value of Rs 7,00,000.

Case Study.

Mr Abdul is in the business of construction and promotion of residential apartments in and around Kolkata and one such project being developed by him is named “EDEN

CITY MAHESTALLA". In the said township project, there are number of completed towers as well as under construction towers for which prospective buyers approach Mr Abdul for booking of apartments therein. The prospective customers are given an option to opt for car parking space along with the apartment being booked by the customers and accordingly the customers who opt for availing the car parking facility, are charged a certain sum towards right to use of car parking space and the same forms part of the total consideration charged by Mr. Abdul towards sale of the apartment by him. Mr Abdul states that in the present scenario, he is treating the services of right to use of car parking space as a composite supply of services along with the sale of under construction apartment service and hence is discharging GST on the said amounts received towards car parking space at the rate of 6% CGST and 6% WBGST on such amounts received as per Notification No. 11/2017- Central Tax (Rate) dated 28.06.2017 as amended from time to time. Mr. Abdul further states that when the said units are sold after receipt of the completion certificate from the competent authority along with the right to use of car parking space, he doesn't charge any GST on the same as is treated as NON-GST supply under the provisions of the Schedule III of the CGST/WBGST Act, 2017. Mr Abdul contends that in the given case, he is giving right to use of the car parking area to the customers who opts for the same and it is not available to any person who doesn't owns a property within the complex of Mr. Abdul. Therefore, the right to use of car parking is naturally bundled with the apartment sale. Thus, having regard to the definition of composite supply, Mr. Abdul states that in its case also, the right to use of car parking space is to be treated as a composite supply of sale of apartment and the rate of GST applicable on such sale of apartment shall be applicable on the consideration charged by him from the customers for such right to use of car parking space. He further contends that if the apartment is sold after receipt of the completion certificate by the competent authority, then in such case also, the transaction, being a composite supply of apartment sale shall be treated as a NON-GST supply under Schedule III and no GST shall be applicable on the entire consideration of the apartment as received by him including that of right to use of car parking space. Mr Abdul further sited the decision in the case of M/s. Bengal Peerless Housing Development Company Ltd [AAR] 2019-TIOL-137-AAR-GST wherein it was held as- "Construction service is the dominant element in the bundle of services provided - buyers of the service of constructing dwelling units in such upscale residential complexes expect, apart from the preferential location of the dwelling unit, the right to use car parking space and enjoyment of common areas and facilities like landscaped gardens, gym, conference hall, club with swimming pool etc. and which are usually bought as a bundle while booking the flat - it is, therefore, reasonable to conclude that such services are naturally bundled and offered in conjunction with one another in the ordinary course of business and the other services are ancillary to the supply of construction service, which is the essential supply – Mr Abdul is, therefore, providing a composite supply, construction being the principal supply - entire value of composite service is to be treated, for the purpose of taxation, as supply of construction service. Further, in case the apartment is sold after receipt of the completion certificate issued by the competent authority, since the transaction would be a sale of building and covered under Schedule III of the CGST/WBGST Act, 2017, no GST would be payable on the consideration charged either for the apartment value or for the right to use of car parking space as collected by the applicant from its customers.

The questions raised were as follows

(a) Whether the amounts charged by Mr. Abdul for right to use of car/two wheeler vehicle parking space along with the sale of under constructed apartments to its prospective buyers is to be treated as a composite supply of construction of residential apartment services or the same is a distinct supply under section 7 of the CGST/WBGST Act, 2017?

(b) If the same is not to be treated as a composite supply, then what is the rate of tax applicable on such charges collected by Mr Abdul from its prospective customers?

(c) If such apartments are sold after receipt of completion certificate from the competent authority, then whether the amounts collected for right to use of car parking space will also be treated as a NON GST supply under Sch III of the CGST/WBGST Act, 2017 and no GST shall be payable on the amounts charged towards such right to use car parking space?

(d) Whether the taxability would change if such charges for right to use of car parking space is collected after the sale of the apartment has been done i.e. the customer had not opted for the car parking space at the time of purchase of the under constructed

unit, but had sought for the same after the unit was handed over to the customer after receipt of the completion certificate?

Analysis –

Looking over the fact of the case and the scheme of taxation related to the supply involved, Mr Adbul is developing a residential housing project and supplying construction services to the recipients for the possession of dwelling units. In addition to the construction services, he provides services towards right to use of car parking space to the prospective buyers who opt for the same. This facility of car parking, however, is not supplied to any person who doesn't own a property within the said residential project. Mr. Abdul has made this application seeking advance ruling in respect of four questions. However, we find that the most question involved in the instant case is to determine the taxability of services provided by the applicant for right to use of car parking space and for that purpose to determine whether such supply constitutes a composite supply with construction services as the principal supply. Construction services under Heading 9954 specified at items (i), (ia), (ib), (ic) and (id) against serial number 3 of Notification 11/2017-Central Tax (Rate) dated 28.06.2017, as amended vide Notification No. 03/2019-Central Tax (Rate) dated 29.03.2019, attract tax @ 1.5% and @ 7.5%, as the case may be w.e.f. 01.04.2019. Further, construction services under Heading 9954 specified at items (ie) and (if) against the aforesaid serial number attract tax @ 12% and @ 18% respectively. However, in all the above-referred cases of supply of services, valuation is to be made according to provisions of paragraph 2 of the Notification 11/2017-Central Tax (Rate) dated 28.06.2017, as amended, which provides that the value of transfer of land or undivided share of land which is deemed to be the one-third of the total amount charged for such supply has to be deducted from the total amount charged for such supply. In other words, in all such cases, tax shall be levied on two-third of the total amount charged for such supply. In the instant case, Mr Abdul enters into agreement with prospective buyers for sale of residential apartment. Such agreement can be made prior to issuance of completion certificate or post-issuance of the same. We find that the price of the apartment and consideration for right to use of open parking space have been separately mentioned in the allotment letters. The payment schedules for the aforesaid services have also been specified in a separate manner. However, Mr Abdul has charged tax @ 18% on 2/3rd of the apartment value as well as 2/3rd of basic parking value thereby allowing abatement to the extent of 1/3rd of the consideration being deemed value of land. On the other hand, Mr Abdul issues bill of supply where the sale of apartment and right to use of parking space are made post issuance of completion certificate and the applicant has not charged any tax under the GST Act on such supply. Mr Abdul has contended that the right to use of car parking space is an ancillary supply to the principal supply of construction services for apartment and therefore tax under the GST Act on supply of services towards right to use of car parking space would be levied at the same rate as applicable to the construction services of apartment. Mr Abdul, in support of his contention, has placed his reliance on the ruling pronounced by the West Bengal Authority for Advance Ruling (WBAAR, for short) in the case of M/s. Bengal Peerless Housing Development Company Ltd [AAR] 2019-TIOL-137-AAR-GST wherein it is held that the entire value of composite supply which inter alia includes services for right to use of car parking space, is to be treated for the purpose of taxation, as supply of construction service, taxable under sl. No. 3(i) r/w paragraph 2 of notification 11/2017-Central Tax (Rate). Mr Abdul draws attention to the press release of the 47th GST Council meeting wherein clarification has been brought for GST applicability on preferential location charges in case of lease of plot.

"Accordingly, as per recommendation of the GST Council, it is clarified that location charges or preferential location charges (PLC) paid upfront in addition to the lease premium for long term lease of land constitute part of upfront amount charged for long term lease of land and are eligible for the same tax treatment, and thus eligible for exemption under Sl. No. 41 of notification no. 12/2017- Central Tax (Rate) dated 28.06.2017."

It appears that the clarification as above has been given in respect of location charges or preferential location charges (PLC) collected in addition to the lease premium for long term lease of land. However, here the issue is related to construction of residential project and right to use of car parking space which is different from the subject matter, as clarified in the circular.

Answer:

Question: Whether the amounts charged by the applicant for right to use of car/two wheeler vehicle parking space along with the sale of under constructed apartments to its prospective buyers is to be treated as a composite supply of construction of residential apartment services or the

same is a distinct supply under section 7 of the CGST/ WBGST Act, 2017?

Answer:
Supply of services for right to use of car parking space is a separate supply and not to be construed as a composite supply of construction of residential apartment services.

Question:
If the same is not to be treated as a composite supply, then the rate of tax applicable on such charges collected by the applicant from its prospective customers?

Answer:
In the instant case, supply of services for right to use of car parking space would be taxable @ 18%.

Question:
If such apartments are sold after receipt of completion certificate from the competent authority, then whether the amounts collected for right to use of car parking space will also be treated as a NON GST supply under Sch III of the CGST/WBGST Act, 2017 and no GST shall be payable on the amounts charged towards such right to use car parking space?

Answer:
In such scenario, tax is payable on supply of services for right to use of car parking space.

Question:
Whether the taxability would change if such charges for right to use of car parking space is collected after the sale of the apartment has been done i.e. the customer had not opted for the car parking space at the time of purchase of the under constructed unit, but had sought for the same after the unit was handed over to the customer after receipt of the completion certificate?

Answer:
In such scenario, tax is payable on supply of services for right to use of car parking space.

Case ***"Eden Real Estates Private Limited vs WEST BENGAL AUTHORITY FOR ADVANCE RULING GOODS AND SERVICES TAX***

Part II will continue in next Edition

Press Releases

Direct Tax

CBDT proposes changes to Rule 11UA in respect of ANGEL TAX- Also proposes to notify Excluded Entities

19th May, 2023

In the Finance Act, 2023, an amendment has been introduced to bring the consideration

received from non-residents for issue of shares within the ambit of section 56(2)(viib) of the Income-tax Act, 1961(the Act), which provides that if such consideration for issue of shares exceeds the Fair Market Value(FMV) of the shares, it shall be chargeable to income-tax under the head 'Income from other sources'.

Subsequent to this amendment, detailed interactions have been held with stakeholders. Based on the inputs, Rule 11UA for valuation of shares for the purposes of section 56(2)(viib) of the Act is proposed to be modified and notification of entities to which the said provision shall not apply is also being issued separately.

Proposed changes in Rule 11 UA:

a) Rule 11UA currently prescribes two valuation methods with respect to valuation of shares namely, Discounted Cash Flow (DCF) and Net Asset Value (NAV) method for resident investors. It is proposed to include 5 more valuation methods, available for non-resident investors, in addition to the DCF and NAV methods of valuation.

b) Further, where any consideration is received by a company for issue of shares, from any non-resident entity notified by the Central Govt , the price of the equity shares corresponding to such consideration may be taken as the FMV of the equity shares for resident and non-resident investors subject to the following:

   (i) To the extent the consideration from such FMV does not exceed the aggregate consideration that is received from the notified entity and

   (ii) The consideration has been received by the company from the notified entity within a period of ninety days of the date of issue of shares which are the subject matter of valuation.

On similar lines, price matching for resident and non-resident investors would be available with reference to investment by Venture Capital Funds or Specified Funds.

c) It is proposed that the valuation report by the Merchant Banker for the purposes of this rule would be acceptable, if it is of a date not more than ninety days prior to the date of issue of shares which are subject matter of valuation.

d) Further, to account for forex fluctuations, bidding processes and variations in other economic indicators, etc. which may affect the valuation of the unquoted equity shares during multiple rounds of investment, it is proposed to provide a safe harbor of 10 % variation in value.

e) The draft Rules on the above lines will be shared for public comments for 10 days, after which these will be notified.

Notification for Excluded entities

It is also proposed to notify certain classes of persons being non-resident investors to whom clause (viib) of sub-section (2) of section 56 of the Act shall not be applicable. This includes:

(I) Government and Government related investors such as central banks, sovereign wealth funds, international or multilateral organizations or agencies including entities controlled by the Government or where direct or indirect ownership of the Government is 75% or more.

(II) Banks or Entities involved in Insurance Business where such entity is subject to applicable regulations in the country where it is established or incorporated or is a resident.

(III) Any of the following entities, which is a resident of

a certain countries or specified territories having robust regulatory framework: -

a) Entities registered with Securities and Exchange Board of India as Category-I Foreign Portfolio Investors.

b) Endowment Funds associated with a university, hospitals or charities,

c) Pension Funds created or established under the law of the foreign country or specified territory,

d) Broad Based Pooled Investment Vehicle or Fund where the number of investors in such vehicle or fund is more than 50 and such fund is not a hedge fund or a fund which employs diverse or complex trading strategies.

For Investment in Start-ups

It is also proposed to modify Notification No. S.O 1131(E) dated 5th March, 2019 so as to provide that the provisions section 56(2)(viib) of the Act shall not apply to consideration received from any person by start-ups covered in para 4 & 5 of Notification dated 19.2.2019 issued by the Ministry of Commerce and Industry in the Department for Promotion of Industry and Internal Trade (DPIIT).

Increased limit for tax exemption on leave encashment for non-government salaried employees notified

25th May, 2023

The tax exemption on leave encashment of non-government salaried employees (in respect of the period of earned leave at his credit at the time of his retirement, whether on superannuation or otherwise) was earlier upto a limit of ₹.3 lakh only under section 10(10AA)(ii) of the Income-tax Act,1961 (the Act).

In pursuance to the proposal in the Budget Speech, 2023, by the hon'ble FM, the Central Government has notified the increased limit for tax exemption on leave encashment on retirement or otherwise of non-government salaried employees to ₹ 25 lakh w.e.f. 01.04.2023.

The aggregate amount exempt from income-tax under section 10(10AA)(ii) of the Act shall not exceed the limit of ₹ 25 lakh where any such payments are received by a non-government employee from more than one employer in the same previous year.

Further, the amount exempt from income-tax under section 10(10AA)(ii) of the Act shall not exceed the limit of ₹ 25 lakh as reduced by the tax exemption already allowed in the total income of the employee under section 10(10AA)(ii) of any previous year or years.

Notification No.31/2023 dated 24.05.2023 has been published and is available at https://egazette.nic.in.

Indirect Tax

₹1,57,090 crore gross GST revenue collected for May 2023; clocks 12% Year-on-Year growth

Monthly GST revenues more than ₹1.4 lakh crore for 14 months in a row, with ₹1.5 lakh crore crossed for the 5th time since inception of GST

Revenue from import of goods 12% higher Y-o-Y; Domestic transactions (including import of services) revenue 11% higher Y-o-Y

1st June, 2023

The gross Good & Services Tax (GST) revenue collected in the month of May, 2023 is ₹1,57,090 crore of which CGST is ₹28,411 crore, SGST is ₹35,828 crore, IGST is ₹81,363 crore (including ₹41,772 crore collected on import of goods) and cess is ₹11,489 crore (including ₹1,057 crore collected on import of goods).

The government has settled ₹35,369 crore to CGST and ₹29,769 crore to SGST from IGST. The total revenue of Centre and the States in the month of May 2023 after regular settlement is ₹63,780 crore for CGST and ₹65,597 crore for the SGST.

The revenues for the month of May 2023 are 12% higher than the GST revenues in the same month last year. During the month, revenue from import of goods was 12% higher and the revenues from domestic transactions (including import of services) are 11% higher than the revenues from these sources during the same month last year.

For details visit:
https://pib.gov.in/PressReleasePage.aspx?PRID=1929031

NOTIFICATIONS & CIRCULARS

Indirect Tax

Notifications

Customs

Notification No. 36/2023-CUSTOMS (N.T)

Dated 18th May 2023

The Central Government Exchange rate Notification No. 36/2023-Cus (NT) dated 18.05.2023-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. 33/2023-Customs(N.T.), dated 4th May, 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 19th 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	56.10	53.70
2.	Bahraini Dinar	225.45	212.00
3.	Canadian Dollar	62.30	60.20
4.	Chinese Yuan	11.95	11.60
5.	Danish Kroner	12.20	11.80
6.	EURO	90.95	87.80
7.	Hong Kong Dollar	10.70	10.35
8.	Kuwaiti Dinar	276.85	260.30
9.	New Zealand Dollar	53.00	50.60
10.	Norwegian Kroner	7.75	7.50
11.	Pound Sterling	104.65	101.20
12.	Qatari Riyal	23.35	21.90
13.	Saudi Arabian Riyal	22.55	21.30
14.	Singapore Dollar	62.45	60.40
15.	South African Rand	04.40	04.15
16.	Swedish Kroner	8.00	07.75
17.	Swiss Franc	93.55	90.00
18.	Turkish Lira	4.30	04.05
19.	UAE Dirham	23.15	21.75
20.	US Dollar	83.30	81.55

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	60.90	58.95
2.	Korean Won	06.40	06.00

For more details, please follow
https://taxinformation.cbic.gov.in/view-pdf/1009737/ENG/Notifications

Notifications

Customs
Notification No. 38/2023-CUSTOMS
Dated 23rd May 2023

The Central Government Seeks to amend Australia FTA notification to make changes in tariff preference given to Coking Coal and Raw Cotton arising out of Finance Act, 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), 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. 62/2022-Customs, dated the 26th December, 2022,published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 904(E), dated the 26th December, 2022, namely

In the said notification, I.in Table II, -

S.No. 6 and the entries relating thereto shall be omitted;

against S.No. 7, for the entries in column (2) and column (3), the entries "27011210"and "All Goods" shall be substituted respectively;

after S. No. 7 and the entries relating there to, the following S.No. and entries shall be inserted, namely: -

(1)	(2)	(3)	(4)	(5)
"7A	27011290	All goods	0	1.5
7B	27011910	All goods	0	0"

II.in Table IV, -

against S. No. 1, for the entries in column (2) and column (3), the entries "52010024, 52010025" and "Cotton of minimum 28 mm staple length" shall be substituted respectively.

For more details, please follow
https://taxinformation.cbic.gov.in/view-pdf/1009739/ENG/Notifications Circular

Direct Tax

Circular No. 5/2023
Dated 22nd May, 2023.

The Central Government provides guidelines for removal of difficulties under sub-section (3) of section 194BA of the Income-tax Act, 1961

Finance Act 2023 inserted a new section 194BA in the Income-tax Act, 1961 (hereinafter referred to as "the Act") with effect from 1st April 2023. The new section mandates a person, who is responsible for paying to any person any income by way of winnings from any online game during the financial year to deduct income-tax on the net winnings in the person's user account. Tax is required to be deducted at the time of withdrawal as well as at the end of the financial year. Net winning is required to be computed in the manner as may be prescribed. The manner of computation of net winning has now been prescribed in Rule 133 of the Income-tax Rules 1962, vide notification no. 28/2023 dated 22nd May 2023. Sub-section (3) of section 194BA of the Act authorises Central Board of Direct Taxes (CBDT) to issue guidelines, for the purposes of removal of difficulties with the previous approval of the Central Government. These guidelines are required to be laid before each House of Parliament and are binding on the income-tax authorities and the person liable to deduct income-tax. Accordingly, in exercise of the

power conferred by sub-section (3) of section 194BA of the Act, CBDT hereby issues guidelines on the above subject.

For more details, please follow
https://incometaxindia.gov.in/communications/circular/circular-5-2023.pdf.

Notifications

GST

Notification No. 11/2023-CENTRAL TAX

Dated 24th May 2023

The Central Government Seeks to extend the due date for furnishing FORM GSTR-1 for April, 2023 for registered persons whose principal place of business is in the State of Manipur.

G.S.R. .....(E).—In exercise of the powers conferred by the proviso to sub-section (1) of section 37 read with section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Commissioner, 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. 83/2020 –Central Tax, dated the 10th November, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 699(E), dated the 10th November, 2020, namely: —

In the said notification, after the third proviso, the following proviso shall be inserted, namely: -

"Provided also that the time limit for furnishing the details of outward supplies in FORM GSTR-1of the said rules for the tax period April, 2023, for the registered persons required to furnish return under sub-section (1) of section 39 of the said Act whose principal place of business is in the State of Manipur, shall be extended till the thirty-first day of May, 2023.".

2.This notification shall be deemed to have come into force with effect from the 11th day of May, 2023.

For more details, please visit
https://taxinformation.cbic.gov.in/view-pdf/1009740/ENG/Notifications

Notifications

GST

Notification No. 12/2023-CENTRAL TAX

Dated 24th May 2023

The Central Government Seeks to extend the due date for furnishing FORM GSTR-3B for April, 2023 for registered persons whose principal place of business is in the State of Manipur.

G.S.R.....(E).—In exercise of the powers conferred by sub-section (6) of section 39 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Commissioner, on the recommendations of the Council, hereby extends the due date for furnishing the return in FORM GSTR-3B for the month of April, 2023 till the thirty-first day of May, 2023, for the registered persons whose principal place of business is in the State of Manipur and are required to furnish return under sub-section (1) of section 39 read with clause (i) of sub-rule (1) of rule 61 of the Central Goods and Services Tax Rules, 2017.2.This notification shall be deemed to have come into force with effect from the 20thday of May, 2023

For more details, please visit
https://taxinformation.cbic.gov.in/view-pdf/1009741/ENG/Notifications

Notifications

GST

Notification No. 13/2023-CENTRAL TAX

Dated 24th May 2023

The Central Government Seeks to extend the due date for furnishing FORM GSTR-7 for April, 2023 for registered persons whose principal place of business is in the State of Manipur.

G.S.R.....(E).–In exercise of the powers conferred by sub-section (6) of section 39 read with section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter in this notification referred to as the said Act), the Commissioner hereby makes the following further amendment in notification of the Government of India in the Ministry of Finance (Department of Revenue), No.26/2019 –Central Tax, dated the 28th June, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section

(i) vide number G.S.R.452(E), dated the 28th June, 2019, namely:–

In the said notification, in the first paragraph, after the fourth proviso, the following proviso shall be inserted, namely: –

"Provided also that the return by a registered person, required to deduct tax at source under the provisions of section 51 of the said Act in FORM GSTR-7of the Central Goods and Services Tax Rules, 2017 under sub-section (3) of section 39 of the said Act read with rule 66 of the Central Goods and Services Tax Rules, 2017, for the month of April, 2023, whose principal place of business is in the State of Manipur, shall be furnished electronically through the common portal, on or before the thirty-first day of May, 2023.".

2.This notification shall be deemed to have come into force with effect from the 10th day of May, 2023.

For more details, please visit
https://taxinformation.cbic.gov.in/view-pdf/1009742/ENG/Notification

Notification

Direct Tax
Notification No. 33/2023
Dated 29th May, 2023.

The Central Government provides notification No. 33/2023 for introducing the e-Appeals Scheme, 2023 under the provisions of the Income-tax Act, 1961

S.O. 2352(E). —In exercise of the powers conferred by sub-section (5) of section 246 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the e-Appeals scheme.

As per Section 246, any assessee aggrieved by orders of an Assessing Officer (below the rank of Joint Commissioner) may appeal to the Joint Commissioner (Appeals) against it.

The Appealable Orders are:

(a) an order being an intimation under sub-section (1) of section 143, where the assessee objects to the making of adjustments, or any order of assessment under sub-section (3) of section 143 or section 144, where the assessee objects to the amount of income assessed, or to the amount of tax determined, or to the amount of loss computed, or to the status under which he is assessed;

(b) an order of assessment, reassessment or re-computation under section 147;

(c) an order being an intimation under sub-section (1) of section 200A;

(d) an order under section 201;

(e) an order being an intimation under sub-section (6A) of section 206C;

(f) an order under sub-section (1) of section 206CB;

(g) an order imposing a penalty under Chapter XXI; and

(h) an order under section 154 or section 155 amending any of the orders mentioned in clauses (a) to (g).

The important highlights of the e-Appeal schemes are as follows,

1. This Scheme may be called the e-Appeals Scheme, 2023.

2. It shall come into force on the date of its publication in the Official Gazette.

3. The scheme applies to appeals filed under section 246 of the Income-tax Act, 1961, except for cases excluded under sub-section (6) of that section.

4. The Joint Commissioner of Income Tax (Appeals) is designated as the appeal authority under the scheme. The Joint Commissioner of Income Tax (Appeals) is responsible for disposing of appeals filed before it or allocated or transferred to it.

5. The Principal Director General of Income-tax (Systems) or the Director General of Income tax (Systems) will devise a process for randomly allocating or transferring appeals to the Joint Commissioner of Income Tax (Appeals).

6. The scheme sets the procedure to be followed in appeal proceedings. It includes provisions for

condonation of delay in filing appeals, issuing notices to the appellant and to the Assessing Officer, obtaining further information or reports, serving notices for submission of information or evidence, admitting additional grounds of appeal or evidence, and enhancing or reducing assessments or penalties.

7. The Joint Commissioner of Income Tax (Appeals) will prepare an appeal order stating the points for determination, the decision, and the reasons for the decision. The order will be digitally signed and communicated to the appellant, as well as to the relevant tax authorities.

8. Penalty proceedings may be initiated by the Joint Commissioner of Income Tax (Appeals) for non-compliance with notices, directions, or orders issued under the scheme. This scheme aims to introduce electronic filing and processing of appeals in order to streamline and expedite the appeals process under the Income-tax Act, 1961.

For more details, please follow
https://incometaxindia.gov.in/communications/notification/notification-33-2023.pdf

Notifications

Customs

Notification No. 38/2023-CUSTOMS (N.T)

Dated 31st 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	898
2	1511 90 10	RBD Palm Oil	984
3	1511 90 90	Others – Palm Oil	941
4	1511 10 00	Crude Palmole-in	994
5	1511 90 20	RBD Palmolein	997
6	1511 90 90	Others – Pal-molein	996
7	1507 10 00	Crude Soya bean Oil	976
8	7404 00 22	Brass Scrap (all grades)	4873

2. This notification shall come into force with effect from the 1st June 2023.

For more details, please follow
https://taxinformation.cbic.gov.in/view-pdf/1009743/ENG/Notifications

Circular

Customs

Circular No. 13/2023-CUSTOMS

Dated 31st May, 2023.

The Central Government provides Faceless Assessment – Re-organisation of National Assessment Centres and Faceless Assessment Groups.

Reference is invited to Circular No.40/2020-Customs dated 04.09.2020 on the constitution of National Assessment Centres (NACs), their roles and responsibilities, the co -ordination to be done by the Co-conveners of the NACs with directorates and Board etc. Further vide para 3.3 and 3.4 of Circular No.14/2021-Customs dated 07.07.2020, NACs and the Faceless Assessment Groups (FAGs) were re-organized to promote specialization.

2. Recently, Board has further reviewed the performance of Faceless Assessment and has deliberated upon certain aspects relating to the functioning and structure of the NACs and FAGs, in view of fresh measures taken in relation to Faceless Assessment such as implementation of Anonymised Escalation Mechanism (AEM) to address grievances in delays in assessments and implementation of Standard Examination Orders to enhance uniformity of examinations. Accordingly, it is proposed to effect the following changes in the scheme of Faceless Assessment.

Changes to NAC Structure:

3. Following changes are made to the structure of NACs:

   a. The number of NACs has been reduced to 8, from the existing 11 (i.e by merging chemicals I, II and III into Chemicals and by merging Automobiles & Instruments and Misc. products/project imports into Automobiles, Instruments, Misc. products & Project Imports)

   b. Page 2 of 9b. Each of the 8 NACs would now be convened by one Pr. Chief/Chief Commissioner as indicated in column 1 of the Table in the Annexure. (On the basis of the assessable value of goods imported in the zone in the ascending order).

Re-organization of Faceless Assessment Groups:

4. In alignment with the changes to NAC, Faceless Assessment Groups (FAG) for different commodities listed in the Column (2) of the table in annexure to this circular has been identified based on the imported goods handled by these goods on basis of assessable value. This is done to further promote specialization.

5. Except for the changes in the NACs stipulated in paras above, the Conveners would be responsible for carrying out all the roles and responsibilities entrusted to Co conveners and outlined in Circular No.40/2020-Customs dated 04.09.2020.

6. The changes informed in this circular would be effective from 15.06.2023 and DG Systems would issue suitable advisory in this regard. Any issue in implementation may be brought to the notice of the Board.

For more details, please follow,
https://taxinformation.cbic.gov.in/view-pdf/1003160/ENG/Circulars

JUDGEMENT INDIRECT TAX

Order demanding ITC reversal despite tax payment by suppliers is liable to be set aside; HC remanded matter back

Facts of the case -

Gajrar Singh Ranawat v. Union of India - [2023] (Rajasthan)

The petitioner was in business of construction of roads. It requested the supplier to supply certain material on which GST was payable. The department had passed an order for return of Input Tax Credit claimed by the petitioner. It filed writ petition against the order and contended that the order was passed though the supplier had already paid GST on the supplied items.

Decision of the case :

- The Honorable High Court noted that the department was ignoring facts that GST on supplied items had already been paid by suppliers of the petitioner. However, the department passed an order ignoring the same and demanded for return of input tax credit claimed by petitioner. Therefore, the Court held that the impugned order passed by department was liable to be set aside and the directed to pass fresh order after providing opportunity of hearing to the petitioner.

Late fees can't be levied for period falling between filing of revocation application and restoration of GSTIN: HC

Facts of the case -

Ishwar Chand Proprietor of Bhagwati Trading Co. v. Union of India - [2023] (Delhi)

The petitioner had not filed its GST returns for a period of more than six months. The department issued Show Cause Notice and the petitioner didn't respond to the notice but it filed GST returns. However, the department issued an order dated 29.07.2020 and GST registration of petitioner was cancelled by the department.

It filed application for revocation of cancellation of registration on 16.10.2020 but the same was rejected. Thereafter, it filed appeal against the order and the appellate authority had directed that the petitioner's GSTIN registration would be restored. The registration was restored on 22.04.2022 and it filed petition against the levy of penalty for the late filing of the returns.

Decision of the case :

- The Honorable High Court observed that the revocation of cancellation application was ultimately allowed by Appellate Authority but registration was not restored immediately. The Court also noted that the petitioner could not be held responsible from date of filing application for revocation of its cancellation for not filing its returns during period when registration stood cancelled.

- Thus, the Court held that the period 16-10-2020 to 22-4-2022 when petitioner's registration was restored would be excluded for purpose of calculating any penalty for late filing of returns.

HC affirmed assessment order demanding tax & penalty on ground of entries in diary recovered by SIB during inspection

Facts of the case -

Jalsa Resorts v. State of U.P. - [2023] (Allahabad)

The petitioner's resort was used for organizing marriages and other functions. The premises of resort were inspected by Special Investigation Branch. Thereafter, a notice under section 74 was issued to petitioner demanding tax, penalty and interest on ground of entries found in diary recovered by Special Investigation Branch. It was noticed that assessee had received much more advance than the amount which was shown in GST returns.

The petitioner did not produce relevant documents for assessing correct tax from July, 2017 to March, 2018 and

order was passed demanding amount of Rs.48,96,000. It filed appeal against the demand & assessment order and the Appellate Authority had reduced amount to Rs. 38,56,680 after examining documents submitted by the petitioner. It filed writ petition against the impugned orders and contended that due to ill health, he was not in a position to produce relevant documents at time of raid.

Decision of the case :

- The Honorable High Court noted that the order was passed on the basis of information available with the officers and the Appellate Authority had examined each and every document submitted by petitioner as well as documents recovered by Special Investigation Branch. The contention of petitioner that he was not well and he was admitted in a hospital at time search was made by Special Investigation Branch could not be sustained since he should have produced all relevant documents before Assessing Authority in pursuance to show cause notice issued.

- Therefore, the Court held that there was no substance in submission of petitioner that assessment order was based on presumption. Thus, the petition was liable to be rejected as there was no error in the impugned orders.

HC setaside assessment order since show cause notice issued to assessee was vague in nature

Facts of the case -

Durge Metals v. Appellate Authority and Joint Commissioner State Tax - [2023] (Madhya Pradesh)

The petitioner filed writ petition before the High Court and contended that show cause notice issued to petitioner was vague to extent of not communicating relevant information and material. Due to this reason, it was not able to respond to same and therefore, all consequential actions of passing of order and rejection of appeal were illegal.

Decision of the case :

- The Honorable High Court noted that Section 75 of CGST Act itself prescribes for affording reasonable opportunity and it is incumbent upon revenue to afford same to assessee and any deficiency in that regard vitiates end result. In the instant case, the SCN was vague in nature as it neither contained the material and information nor the statement containing details of ITC transaction under question.

- However, the petitioner didn't specifically raised the said ground before the Appellate Authority but the fact would remain that mandatory provisions of Section 74 of GST Act make it incumbent upon the Revenue to ensure the show cause notice to be speaking enough to enable the assessee to respond to the same. Therefore, the impugned orders and show cause notice were to be quashed with a liberty to competent authority to proceed in matter in accordance with law.

HC quashed assessment order passed for difference in returns & e-way bill as there was human error in e-way bill

Facts of the case -

Jena Trading and Co. v. CT and GST Officer - [2023] (Orissa)

The petitioner was a small dealer who generated a tax invoice for an amount of Rs. 1,97,047.86 but e-Way Bill was wrongly prepared wherein the total taxable amount was shown to be Rs.197047086.00. The department issued a notice but the petitioner didn't file any response. Thereafter, the department passed an order under Section 74 for the cause of less filing of return for the period of 2019-20. It filed writ petition to challenge the assessment order passed by the assessing authority and contended that there was human error in generation of e-way bill.

Decision of the case :

The Honorable high Court noted that there was a palpable error in e-way bill, which could be construed to be a human error since Rs.1,97,047.86 was mentioned in tax invoice whereas in e-Way Bill it was mentioned as Rs.197047086.00. However, in the event the petitioner approaches the assessing authority, the assessment order can be reconsidered by the said assessing authority. Therefore, it was held that the assessment order was liable to be quashed and matter was to be remitted back to assessing authority for reconsideration in accordance with law.

Ex-parte order passed without providing sufficient time and not assigning reasons to be set aside: HC

Facts of the case -

Lucky Traders v. State of Bihar - [2023] (Patna)

In the instant case, the department passed an ex-parte order under section 73 and rejected the input tax credit claim of petitioner. The petitioner filed writ petition and contended that order was passed without providing sufficient time and no reasons were mentioned to reject claim of input tax credit.

Decision of the case :

The Honorable High Court noted that the input tax credit claim of the petitioner has been rejected and tax, including interest and penalty, has been imposed. However, no sufficient time was afforded to the petitioner to represent his case which was also evident from the records submitted.

Moreover, the Court also noted that the order passed was ex-parte in nature and didn't assign any sufficient reasons as to how the officer could determine the amount due and payable by the petitioner. Therefore, the Court held that the impugned order was quashed and the Assessing Authority shall pass a fresh order only after affording adequate opportunity.

Assesses should approach dept. to avail benefit of Notification No. 03/2023-CT for revocation of cancelled registration: HC

Facts of the case -

Radhe Packaging v. Union of India - [2023] (Gujarat)

The department issued show cause notice to the petitioner proposing cancellation of GST registration. It submitted reply which was not accepted and the order of cancellation of registration was passed as there was failure to furnish returns for a continuous period of six months.

It filed petition to set aside order whereby registration was cancelled on ground that returns furnished by petitioner under section 39 were with incomplete details and there was failure to furnish returns for a continuous period of six months.

Decision of the case :

The Honorable High Court noted that as per Notification No. 03/2023-CT, dated 31.03.2023, any registered person, whose registration has been cancelled under clause (b) or clause (c) of sub-section (2) of section 29 on or before 31.12.2022, and who failed to apply for revocation of cancellation of such registration within time period specified in section 30, shall follow special procedure in order to apply for revocation of cancellation of such registration.

In the instant case, this notification would indisputably apply and therefore, it was held that petitioner should approach competent authority to avail benefit of Notification and seek revocation of cancellation of registration.

Provisional attachment orders have no effect after expiry of 1 year & no orders are required for setting aside same: HC

Facts of the case -

Merlin Facilities (P.) Ltd. v. Union of India - [2023] (Delhi)

The petitioner filed the writ petition to challenge the order passed under Section 83 of CGST Act, 2017 whereby the various bank accounts of the petitioner were provisionally attached and no further orders were passed for recovering any dues. It was submitted by the department that the inquiries have revealed that the assessee was a non-existing person and has not co-operated in the investigation.

Decision of the case :

The Honorable High Court noted that as per Section 83(2) of the CGST Act, 2017, the operation of an order provisionally attaching the bank account would cease to be operative after the expiry of the statutory period of one year.

In the aforesaid circumstances, the impugned order dated 13.01.2021 has ceased to be operative. Therefore, the Court held that no orders would be required for setting aside the provisional attachment order since the impugned order was no longer operative and it would not impede the petitioner, in any manner, in operating its bank account.

SCN can't be issued by Deputy Commissioner when Form GST DRC-01A was already issued by Assistant Commissioner: HC

Facts of the case -

SSB Petro Products v. Assistant Commissioner, State Tax - [2023] (Calcutta)

The appellant was served with an intimation of the tax ascertained as being payable under Sections 73(5) and 74(5) of the CGST Act, 2017. In the said intimation issued in Form GST DRC-01A, the grounds and quantification were mentioned and the appellant was advised to pay the tax ascertained along with the amount of applicable interest and penalty failing which show cause notice will be issued.

The appellant had filed reply to the show cause notice and the matter was not adjudicated further and kept pending. Thereafter, the Joint Commissioner issued Form GST DRC-01 which was uploaded on portal and it came to know of the same only after the sum of Rs. 1,84,930/- was paid from their electronic credit ledger and immediately thereafter, the appellant applied for a copy of the order and preferred the appeal but by then the period of limitation for filing the appeal had expired and appeal was rejected.

It filed writ petition challenging the rejection of appeal but the petition was dismissed and it was held that order was perfectly legal and valid as the appeal was hopelessly time barred and the authority had no power to condone the delay in filing the appeal. It filed intra-court appeal to challenge the order.

Decision of the case :

- The Honorable High Court noted that the Deputy Commissioner could not have initiated proceedings by issuing summary of show cause notice in Form GST DRC-01 and passed order thereon when Assistant Commissioner had already initiated proceedings in respect of very same amount and allegations by issuing intimation in Form GST DRC-01. The Court also noted that reply was filed by appellant but the same was not considered and matter was kept pending as it was not taken to the logical end.

- Moreover, the proceedings therein were dropped subsequently during pendency of appeal. Therefore, it was held that the appeal could not be treated as time barred and order dismissing appeal as time barred was quashed with direction to pass fresh order on merits.

Non-issuance of notice under Section 61 would not affect validity of proceedings initiated under Section 74: HC

Facts of the case -

Nagarjuna Agro Chemicals (P.) Ltd. v. State of U.P. - [2023] (Allahabad)

The petitioner had submitted returns for period 2019-20. The GST department had not issued any notice under Section 61 of CGST Act, 2017 (the Act) but it initiated proceedings under Section 74 against petitioner on certain grounds with regard to classification and consequential tax payable of certain goods.

The department had examined issue and ultimately passed order whereby tax previously paid was found short and a demand had been raised for deposit of appropriate short fall in deposit of tax as also interest and penalty. It field writ petition against the assessment order and contended that the department must have pointed out deficiency in the returns submitted by the petitioner so as to give it an opportunity to rectify the return before proceeding under Section 74 of the Act.

Decision of the case :

- The Honorable High Court noted that the scrutiny proceedings of return as well as proceeding under Section 74 are two separate and distinct exigencies. Therefore, the issuance of notice under Section 61(3) cannot be construed as a condition precedent for initiation of action under Section 74 of the Act.

- Thus, the Court held that merely because no notices were issued under Section 61 of the Act, it would not mean that issues of classification or short payment of tax could not be dealt with under Section 74 as exercise of such power was not dependent upon issuance of notice under Section 61. The Court dismissed the writ petition and the petitioner was permitted to prefer appeal against the impugned order.

JUDGEMENT DIRECT TAX

AO can't make additions based upon inflated stock shown in stock statement submitted to bank: HC

Facts of the case -

SRI Chitta Ranjan Bera v. ITO - [2023] (Calcutta)

During the relevant assessment year, the Assessing Officer (AO) noticed the difference in the stock valuation as per books of account and the statement furnished to the bank for approval of cash credit limit. In response, the assessee explained that the stock was declared to the bank purely on an estimate basis. The bank relied upon the stock statement, granted cash credit facility and never physically verified whether physical stock tallies with the stock statement.

Unsatisfied with the response, AO made additions to the assessee's income based on the stock report submitted to the bank.

On appeal, the CIT(A) confirmed the additions and the Tribunal upheld the same. Aggrieved by the order, the assessee filed the instant appeal before the Calcutta High Court.

Decision of the case :

- The High Court held that the assessee's income is to be assessed by the AO based on the material which was required to be considered for the purpose of assessment and ordinarily not based on the statement that the assessee gave to a third party unless there is material to corroborate that statement of the assessee given to a third party, even if it be a bank.

- Mere fact that the assessee had made such a statement by itself cannot be treated as having resulted in an irrebuttable presumption against the assessee. The burden of showing that the assessee had undisclosed income is on the AO. That burden cannot be discharged by merely referring to the statement given by the assessee to a third party in connection with the transaction, which was not directly related to the assessment and making that the sole foundation for a finding that the assessee had deliberately suppressed his income.

- Thus, it is the burden upon the AO to show that the assessee had undisclosed income, and merely by referring to a bank statement, the assessment could not have been completed. Consequently, the assessee's appeal was allowed.

No additions without bringing fact that investment in foreign assets was from black money earned in India: ITAT

Facts of the case -

Sri Srinjoy Bose v. ADIT (Inv.) - [2023] (Kolkata - Trib.)

Assessee, an individual, purchased two insurance policies during his stay in UAE while a non-resident Indian. The assessee paid the first two premiums of the insurance policies while he was a non-resident Indian. Later, he returned to India to carry on his business activities, and his father, who was also a non-resident, paid the premium of policies.

After payment for certain years, the policy was discontinued. After approximately ten years, the assessee claimed the policy's surrender value. The assessee did not receive any income on the investments made but only received the reduced value of the investment made in the insurance policies. Assessee disclosed such receipt in his income return in the year of receipt.

During the assessment proceedings, the Assessing Officer (AO) concluded that the assessee failed to disclose these assets in the income tax return and didn't give any details during the one-time compliance window provided under the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax, 2015.

Accordingly, AO assessed the undisclosed foreign income and assets under the Black Money and Imposition of Tax Act, 2015.

On appeal, CIT(A) confirmed the AO's action, and the matter reached the Kolkata Tribunal.

Decision of the case :

- The Tribunal held that it is also evident from questionnaires issued by CBDT vide Circular No. 13 of 2015 dated 6-7-2015 that the foreign asset is liable to be taxed (whether reported in return or not) if the source of investment in such asset is unexplained.

- In the instant case, the assessee successfully explained the source of investment, which is undoubtedly from the income earned outside India, part of which was paid by the assessee in the capacity of a non-resident Indian and the remaining part is paid by the assessee's father, who was also a non-resident Indian from his sources of income/ asset located outside India.

- There is no iota of evidence by the AO which could indicate that any element of the alleged investment in foreign assets was from so-called black money earned in India. Complete details of the bank account, along with the date of payment of the insurance policy premium, support this fact that the assessee had successfully explained the source of investment in the alleged foreign asset in the form of investment in insurance policy.

- Regarding the disclosure of assets, the assessee was of bona fide belief that the policies have been discontinued and the amount invested has been forfeited. Only during 2018-19 that the assessee comes across the information of being eligible to lodge the claim for a refund of surrender value.

- Further, the value of the alleged investments received by the assessee in India has already been subjected to Income-tax and taxing the same amount under the Black Money Act 2015 will be tantamount to double taxation. Thus, AO was not justified in invoking the provisions of Black Money.

No denial of sec. 10(37) exemption just because compensation was awarded vide order of State Government: ITAT

Facts of the case -

Income-tax Officer v. Mohd. Aslam Baggar - [2023] (Amritsar - Trib.)

Assessee received compensation from the Jammu and Kashmir Govt. for acquiring rural agricultural land in the village Chinore, Jammu. While furnishing the return of income, the assessee claimed such income as exempt under section 10(37).

Considering that the State Government awarded the compensation amount, the Assessing Officer (AO) denied the exemption and taxed the compensation under head Capital Gains.

On appeal, the CIT(A) granted relief to the assessee and the matter reached the Amritsar Tribunal.

Decision of the case :

- The Tribunal held that the provisions should be construed in such a manner to ensure that the object of the Income-tax Act is fulfilled. If the language of the Act is clear, then the language has to be followed. If the language admits two meanings, then the matter is to be considered with reference to the objects and reasons and find out the true meaning of the provisions as intended by the legislature.

- In the given case, the assessee's agricultural land was compulsorily acquired by following the entire procedure prescribed under Land Acquisition Act. At the time of acquisition, the said land was under agricultural cultivation. Thus, merely because the compensation amount was awarded, determined and disbursed vide order of the State Govt., it would not change the character of acquisition from that of compulsory acquisition to voluntary sale to deny Section 10(37) exemption.

- Therefore, there was no infirmity or perversity in the order of the Commissioner (Appeals). Accordingly, the impugned order was to be sustained.

Provisional approval granted u/s 10(23C) isn't equivalent to grant of registration for purpose of section 11(7): ITAT

Facts of the case -

Indian Institute of Banking and Finance v. Commissioner of Income-tax, (Exemption) - [2023] (Mumbai - Trib.)

Assessee was a trust registered under section 12A for

more than 4 decades. It claimed exemption under section 11 up to the assessment year 2020-21. However, from the assessment year 2020-21 assessee applied for the alternative claim of exemption under section 10(23C)(vi). It received provisional approval under section 10(23C)(vi) in Form No. 10AC for assessment years 2021-22 to 2023-24.

On receipt of provisional approval, the assessee filed an application under section 12A(1)(ac)(iv) in accordance with 2nd proviso to section 11(7) seeking revival of its registration under section 12A. The application was rejected by the CIT (Exemptions), claiming that the assessee applied and received provisional approval under section 10(23C) and the provisional approval granted under section 10(23C) is not equivalent to the grant of registration under section 10(23C) for section 11(7).

Aggrieved assessee preferred an appeal to the Mumbai Tribunal.

Decision of the case :

- The Tribunal held that 1st proviso to section 11(7) provides where a trust has been granted registration under section 12A; such registration shall become inoperative from the date on which the trust is approved under section 10(23C). As per 2nd proviso to the aforesaid section, the trust whose registration has become inoperative may apply to get its registration operative subject to the condition that in doing so, the approval granted under section 10(23C) shall cease to have any effect.

- In the instant case, the application filed by the assessee under section 12A(1)(ac)(iv) was rejected in terms of 2nd proviso to section 11(7), on the basis that the registration granted to the assessee under section 10(23C) was provisional and therefore, same is not identical to the approval granted under section 10(23C) for section 11(7).

- The 1st proviso to section 11(7) is not even triggered in the facts of the present case, as the CIT(Exemptions) rejected the submission of the assessee to treat provisional approval under section 10(23C) identical to approval under section 10(23C) for section 11(7). Therefore, in view of the above, once the 1st proviso to section 11(7) is not triggered, there is no question of the registration granted under section 12A becoming inoperative.

- Since there is no dispute regarding the fact that the assessee is still holding registration under section 12A, therefore, the issue of the validity of rejection of the assessee's application under section 12A(1)(ac)(iv) becomes solely academic. Therefore, the grounds raised by the assessee are rendered academic and therefore, dismissed as infructuous.

No Sec. 263 revision to examine Sec. 56(2)(viib) applicability on transactions between holding & subsidiary: ITAT

Facts of the case -

BLP Vayu (Project-1) Pvt. Ltd. v. PCIT - [2023] (Delhi - Trib.)

Assessee-company is engaged in the business of generating and dealing in electricity. During the year under consideration, the assessee issued shares to its holding company and received a huge share premium. Assessee's case was selected for scrutiny assessment. After examining the Fair Market Value (FMV) of the shares and the genuineness of the transaction, the income of the assessee returned was accepted by the Assessing Officer (AO) without any modifications.

Subsequently, exercising the revisional powers as per section 263, the Principal CIT (PCIT) issued a show cause notice contending that the assessment was prejudicial to the interest of revenue as AO failed to examine the genuineness of the transaction, creditworthiness of the persons from whom share premium was received been received has rendered.

Aggrieved-assessee preferred an appeal to the Delhi Tribunal.

Decision of the case :

- The Tribunal held that it was an undisputed fact that the shares had been allotted at a premium to its 100% holding company. The objective behind the provisions of Section 56(2)(viib) is to prevent unlawful gains by issuing company in the garb of capital receipts.

- In the instant case, not only is the FMV supported by independent valuer report, but the allotment has been made to the existing shareholder holding 100% equity. Thus, there is no change in the interest or control over the money by such issuance of shares.

The object of deeming an unjustified premium charged on the issue of shares as taxable income under Section 56(2)(viib) is wholly inapplicable for transactions between the holding and its subsidiary company where no income can be said to accrue to the ultimate beneficiary, i.e., holding company.

- Therefore, there is no benefit derived by the assessee by issue of shares at certain premium, notwithstanding that the share premium exceeds a fair market value in a given case. Instinctively, it is a transaction between the self..

- The chargeability of deemed income arising from transactions between holding and subsidiary or vice versa militates against the solemn object of Section 56(2)(viib). In this backdrop, the extent of inquiry on the purported credibility of the premium charged does not really matter as no prejudice can possibly result from the outcome of such inquiry.

- Thus, the condition for the applicability of Section 263 for inquiry into the transactions between interwoven holding and the subsidiary company was of no consequence.

No continuation of Income-tax proceedings if the assessee's petition as corporate debtor admitted under IBC: ITAT

Facts of the case -

Deputy Commissioner of Income-tax v. Sumeet Industries Ltd. - [2023] (Surat-Trib.)

The Assessing Officer (AO) filed the instant appeal against the order passed by the CIT(A). Assessee stated that the National Company Law Tribunal (NCLT) approved the resolution plan of IDBI Bank Limited under section 31(1) of the Insolvency and Bankruptcy Code, 2016 (IBC) for the insolvency resolution of the corporate debtor i.e. assessee.

Based on this order, the assessee contended that all the appeals filed by the assessee were liable to be allowed and prayed for a direction to Assessing Officer (AO) to modify/revise/reduce/cancel the demand according to the provision of section 156A of the Income-tax Act. Assessee also contended that the appeal filed by AO does not survive.

AO contended that the interest of revenue may be protected and revenue may be given liberty to move appropriate application/appeal before this Tribunal or NCLT.

Decision of the case :

- The Tribunal held that NCLT had declared a moratorium under section 14 of the IBC and prohibited the continuation of pending suits or proceedings against the assessee, including the execution of any judgement, decree or order in any court of law, Tribunal, arbitration panel or other authority.

- Section 14 of IBC clearly states that adjudicating authority shall by order declare a moratorium for prohibiting the institutions of suits transferring or disposing of by corporate debtor of its assets, an action to foreclose, recover or enforce any security and the recovery of any property by an owner. Section 14 also states that the moratorium shall have effect from the date of such order till the completion of the corporate insolvency resolution process.

- Further, all claims, which are not a part of the resolution plan, shall stand extinguished, and no person will be entitled to initiate or continue any proceedings concerning a claim that is not a part of the resolution plan. It is also noted that section 238 of the IBC clearly says that provisions of the IBC shall have an overriding effect over all other laws. Thus, section 238 IBC makes it abundantly clear that provisions of the IBC would prevail over the Income-tax Act

- Section 14 of the IBC is a self-explanatory provision. The claims, including statutory dues owned to the Central Government or any State Government, if not part of the resolution plan, is also extinguished. Therefore, there could be no continuation of any pending proceedings before the Income-tax Appellate Tribunal.

Cost of incomplete construction to be treated as consideration if Developer unable to complete project under JDA: ITAT

Facts of the case -

Pulikkaparambil George Jacob v. Income-tax Officer - [2023] (Cochin - Trib.)

Assessee and other co-owners entered into an unregistered

joint venture (JV) agreement with Developer for building construction on their land. Assessee retained 26.09 per cent of the land and transferred the remaining portion to the Developer. However, 10 per cent of the construction was left incomplete by Developer.

During the assessment proceedings, the Assessing Officer (AO) treated the JV agreement as amounting to 'transfer' under section 2(47)(v) in view of part performance as defined under section 53A of TP Act, 1882.

The assessee contended that there was no transfer under section 2(47)(vi) as the possession to the Developer was only for the limited purpose of carrying out construction, with no cash component involved in the transaction. Furthermore, the project failed, and thus, no transfer in law could have occurred or capital gain arose. Unsatisfied, AO proceeded to make additions to the income of the assessee.

The matter reached the Cochin Tribunal.

Decision of the case :

- The Tribunal held that if the Developer has been subsequently unable to complete the project for any reason, the same can only be understood as a failure to deliver the consideration of the transfer. The provisions of section 2(47)(vi) would squarely apply irrespective of the fact that construction remained incomplete.

- Since the assessee transferred the portion of land for the transferee's disposal in its capacity as an owner, construction by such transferee on the portion of land belonging to the transferor would amount to consideration for said transfer of land to him.

Sec. 54B exemption can't be claimed for land adjacent to sea, claiming it to be used for agricultural purposes: ITAT

Facts of the case -

Keshav Sunderam Rajam v. Income-tax Officer (International Taxation) - [2023] (Chennai - Trib.)

Assessee, a Non-Resident, sold land adjacent to the sea that was used by the assessee for agricultural purposes for several years and earned long-term capital gains from such sale. While furnishing the return of income, the assessee claimed exemption under section 54B from such capital gains.

Subsequently, the case was selected for scrutiny. The Assessing Officer (AO) contended that the condition stipulated under section 54B(1) was not satisfied and concluded that the asset sold was not agricultural land as no agricultural activity was carried out on it. In response, the assessee furnished the information in adangal, wherein it was submitted that the assessee grew coconut trees on the land.

Unsatisfied with the explanation, the AO denied exemption under section 54B.

On appeal, CIT(A) upheld the additions made by the AO. Aggrieved by the order, an appeal was preferred to the Chennai Tribunal.

Decision of the case :

- The Tribunal held that the except for the adangal, the assessee did not produce any other document to show that he carried out agricultural activities. The adangal filed by the assessee shows that there were few coconut trees. But, simply because there were coconut trees, it did not mean that the assessee carried out agricultural operations, particularly when the assessee had not reported any agricultural income.

- Further, the piece of land sold by the assessee was within the purview of the Coastal Regulation Zone [CRZ] adjoining to sea. The land in question was adjacent to the sea and not useful for any agricultural purposes. To carry out agricultural operations, water is very much required, and seawater is not useful for carrying out any agricultural activities or raising any agricultural crop.

- Therefore, it was held that the assessee did not carry out any agricultural activity and affirmed the additions made by AO.

No relaxation from clubbing provisions just because income is payable to minor only after she attains majority: HC

Facts of the case -

SIBI JOY v. Income-tax Officer (TDS) - [2023] (Kerala)

Assessee, an individual, was entitled to 1/3rd share from the estate of his deceased husband. The remaining 2/3rd share was transferred in the name of the assessee's minor daughter. The daughter's share was deposited as a fixed deposit in the Bank, and the fixed deposit receipt was produced before the Court for safe custody until the daughter attained majority.

Assessee preferred an application under section 197(1) seeking a certificate for non-deduction of tax with respect to interest accruing annually on such fixed deposit. However, the Income-tax Officer rejected the application on the ground that the income of the minor had to be clubbed with the income of the assessee for the purpose of taxation under the Act.

Considering such tax deduction to be a huge financial burden, assessee filed a writ petition before Kerala High Court.

Decision of the case :

- The Court held that section 64(1A) clearly states that income accruing or arising in the hands of a minor child will be added to the parent's total income. Exceptions are provided only if income arises or accrues to the minor child on account of any manual work done by him or any activity involving the application of his skill, talent or specialized knowledge and experience.

- The Act did not exempt the interest income accruing to the minor on an amount received as part of death benefits of her deceased father even if, by order of Court, that income can be utilized only after the minor attains majority.

- Harshness in a statutory provision is no ground to hold that the income cannot be clubbed. Moreover, if this income were to be taxed only after the minor attains majority, the financial burden on the minor daughter when she attains the age of majority would be huge. Further, the tax deducted by the Bank as per section 194A will be available as credit (Rule 37BA of the Income-tax Rules, 1962). The benefit of threshold exemption is also available.

- Therefore, the contention that the income could be taxed only after the minor attains majority cannot be accepted.

AO can't invoke sec. 40A(2) without demonstrated how he formed opinion that exp. were excessive & unreasonable: ITAT

Facts of the case -

Technip Energies Italy SPA v. Deputy Commissioner of Income-tax - [2023] (Delhi - Trib.)

Assessee, an Italian company, entered into a contract with an Indian company for the execution of grass root hydrogen generation unit and fuel gas unit on lump sum turnkey basis. During the assessment proceedings, it was fo und that the assessee had significant transactions with its related parties, as disclosed in the notes to financial statements but did not submit any benchmarking analysis to justify the said expenses in relation to its related parties.

While framing the draft assessment order, the Assessing Officer (AO) rejected the books of account, alleging non-furnishing financial statements and other documents. He proceeded to estimate profit attributable to PE at the rate of 10% by invoking the provision of section 44BBB(1).

However, the Dispute Resolution Panel (DRP) reversed the decision of AO to reject the books of account.

While implementing the directions of DRP in the final assessment order, AO found that the assessee had significant transactions with its related parties, as disclosed in the notes to financial statements. He observed that the assessee had not submitted any benchmarking analysis to justify that the said expenses in relation to its related parties are not unreasonable as per section 40A(2)(b). Thus, he held that the assessee's books of account could not be relied upon, and profit attribution must be made as per rule 10(i).

Aggrieved-assessee filed the instant appeal before the Delhi Tribunal.

Decision of the case :

- The Tribunal held that the assessee furnished all necessary and relevant documents, including audited financial statements, Audit Reports/invoices etc., to justify its claim. Even, the assessee furnished detailed replies to various queries made by the AO. Thus, the assessee discharged its onus with reference to the expenses. There was no obligation on the part of the assessee to furnish any benchmarking analysis in relation to such transaction.

- As per the provisions of section 40A(2)(a), AO has to form an opinion not in a vacuum but based on cogent material that the expenses/payments made by the assessee to the related parties are excessive and unreasonable having regard to the fair market value of goods or services.

- In the instant case, the AO did not demonstrate in what manner the opinion was formed that the expenses with reference to related parties are excessive and unreasonable regarding the fair market value. AO has not referred to even a comparable case of similar expenses to demonstrate that the payments/ expenses made by the assessee are excessive and unreasonable and more than fair market value.

- Thus, AO failed to discharge the burden cast upon him under section 40A(2)(a).

Tax Calendar Indirect

Due Dates	Returns
Jun 10th, 2023	GSTR-8 (May, 2023)
Jun 10th, 2023	GSTR-7 (May, 2023)
Jun 11th, 2023	GSTR-1 (May, 2023)
Jun 13th, 2023	GSTR-6 (May, 2023)
Jun 13th, 2023	GSTR-5 (May, 2023)
Jun 13th, 2023	IFF (Optional) (May,2023)

Tax Calendar Direct

Due Dates	Returns
7 June 2023	Due date for deposit of Tax deducted/collected for the month of May, 2023. However, all sum deducted/collected by an office of the government shall be paid to the credit of the Central Government on the same day where tax is paid without production of an Income-tax Challan
14 June 2023	Due date for issue of TDS Certificate for tax deducted under section 194-IA in the month of April, 2023
14 June 2023	Due date for issue of TDS Certificate for tax deducted under section 194-IB in the month of April, 2023
14 June 2023	Due date for issue of TDS Certificate for tax deducted under section 194M in the month of April, 2023
14 June 2023	Due date for issue of TDS Certificate for tax deducted under section 194S in the month of April, 2023 Note: Applicable in case of specified person as mentioned under section 194S
15 June 2023	Due date for furnishing of Form 24G by an office of the Government where TDS/TCS for the month of May, 2023 has been paid without the production of a challan
15 June 2023	Quarterly TDS certificates (in respect of tax deducted for payments other than salary) for the quarter ending March, 2023
15 June 2023	First instalment of advance tax for the assessment year 2024-25
15 June 2023	Certificate of tax deducted at source to employees in respect of salary paid and tax deducted during Financial Year 2022-23
15 June 2023	Due date for furnishing statement in Form no. 3BB by a stock exchange in respect of transactions in which client codes been modified after registering in the system for the month of May, 2023
15 June 2023	Furnishing of statement (in Form No. 64D) of income paid or credited by an investment fund to its unit holder for the previous year 2022-23

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/

Notes

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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