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EDITORIAL



Friends,

Recently, The Central Board of Direct Taxes (CBDT) has notified new Income Tax Return (ITR) forms for the assessment year 2022-23 to file return of income for the financial year 2021-22. While financial year starts from April 1 and ends on March 31, an assessment year is the year that immediately follows the financial year (F.Y.) in which the income was earned. Largely all the ITR forms have been kept unchanged from the last year, except few small changes. This timely notification will provide enough time for assesses to collate the information required to be disclosed for the year starting April 1. This also ensures that tax authorities have enough time to develop utility for the ITR forms, ensuring no last-minute glitches.

Further, The Central Board of Direct Taxes (CBDT) recently notified the e-Dispute Resolution Scheme, 2022, to settle tax disputes involving small taxpayers. Taxpayers having total returned income up to ₹50 lakh having income tax disputes not exceeding ₹10 lakh will be able to avail the scheme. Under the e-Dispute Resolution Scheme, 2022, Taxpayers will not be required to appear before tax officials either personally or through an authorised representative in connection with any proceedings under this scheme and the entire communication will be in electronic mode. The CBDT also notified constitution of a dispute resolution committee, which shall consist of three members, including two retired officers from the Indian Revenue Service who have held the post of commissioner of income tax or higher post for five years and one serving officer not below the rank of principal commissioner of income-tax. Members will have a tenure of three years.

The Gazette of India released on 29 March 2018 hinted about the soon introduction of Customs Electronic cash

ledger similar to GST ledgers. The said amendment was mentioned in The Finance Act, 2018 under 'Chapter VIIA – Payment through electronic cash ledger' in the Customs Act, 1962. It was not notified then. In this regard, The Customs Notification no. 20/2022 got released on 30 March 2022 officially which notified and explained the provisions of new Customs (Electronic Cash Ledger) Regulations, 2022. It shall be effective from 1 June 2022.

The notification explained the usage of ledger under following 5 heads using 5 different forms:

1. Form ECL-1- Manner of maintaining an e-cash ledger.
2. Form ECL-2- Manner of making deposits in e-cash ledger.
3. Form ECL-3- Manner of making payment from the e-cash ledger.
4. Form ECL-4- Manner of maintaining electronic duty payment ledger.
5. Form ECL-5- Refund of the balance in the electronic cash ledger.

Just to reiterate that we remain available over telecom or e-mail.

Truly Yours

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TAX CALENDAR

Due Date	Form/Return/ Challan	Reporting Period	Description
10 th April	GSTR-7	March, 2022	Return to be filed by the persons who is required to deduct TDS (Tax deducted at source) under GST
10 th April	GSTR-8	March, 2022	Return to be filed by the e-commerce operators who are required to deduct TCS (Tax collected at source) under GST.
11 th April	GSTR-1	March, 2022	Taxpayers having an aggregate turnover of more than Rs. 1.50 Crores or opted to file Monthly Return.
13 th April	GSTR 1 (QRMP)	January to March, 2022	GST return for the taxpayers who opted for QRMP scheme.
13 th April	GSTR-6	March, 2022	Return to be filed by an Input Service Distributors under GST.
14 th April	TDS Certificate	February 2022	Due date for issue of TDS Certificate for tax deducted under Section 194IA, 194IB 194M of the Income Tax Act in the month of February, 2022.

INCOME TAX

NOTIFICATION

INFRASTRUCTURE DEBT FUND - INCOME-TAX (8TH AMENDMENT) RULES, 2022

OUR COMMENTS: The Central Board of Direct Taxes (CBDT) vide Notification No. 28/2022 dated 6th April 2022, notified the following rules further to amend the Income-tax Rules, 1962, namely:-

In rule 2F, for sub-rule (3) and (4), the following sub-rules shall be substituted, namely:-

(3) The Infrastructure Debt Fund shall issue,-

- (i) rupee denominated bonds or foreign currency bonds in accordance with the directions of Reserve Bank of India and the relevant regulations under the Foreign Exchange Management (Transfer or Issue of Security by a Person Resident outside India) Regulations, 2000, as amended from time to time; or
- (ii) zero coupon bonds in accordance with rule 8B

(4) The terms and conditions of a bond issued by the Infrastructure Debt Fund, –

- (i) under clause (i) of sub-rule (3) shall be in accordance with the directions of the Reserve Bank of India and the regulations referred to in the said clause ; or
- (ii) under clause (ii) of sub-rule (3) shall be in accordance with rule 8B.

In the principal rules, in rule 8B, –

(a) in sub-rule (1),-

- (i) for the words “infrastructure capital fund”, the words “infrastructure capital fund or infrastructure debt fund” shall be substituted;
- (ii) for the proviso, the following provisos shall be substituted, namely:-

Provided that an application shall not be made for notification of a bond which is to be issued beyond a period

of two financial years following the financial year in which such application is made:

Provided further that an application made in Form No. 5B shall be disposed of within a period of six months from the date of receipt of such application.”;

(b) in sub-rule (2), for clause (i), the following clause shall be substituted, namely:-

- (i) where the application is made by any infrastructure capital company or infrastructure debt fund or a public sector company, being a Government company defined under clause (45) of section 2 of the Companies Act, 2013 (18 of 2013), a copy of certificate of incorporation under the Companies Act, 2013 (18 of 2013).

(c) in sub-rule (3),-

- (i) for the words “infrastructure capital fund” wherever they occur, the words “infrastructure capital fund or infrastructure debt fund” shall be substituted;

(ii) after clause (v), the following clause shall be inserted, namely:-

- (vi) where the application is made by an infrastructure debt fund, such fund shall along with the application, submit an undertaking that a sinking fund shall be maintained for the interest which will accrue on all the zero -coupon bonds subscribed and such interest shall be invested in Government security as defined under clause (f) of section 2 of the Government Securities Act, 2006 (38 of 2006).

(d) in sub-rule (5) for the words “infrastructure capital fund”, the words “infrastructure capital fund or infrastructure debt fund” shall be substituted;

(e) for sub-rule (6), the following sub-rule shall be substituted, namely-

- (6) Every infrastructure capital company or infrastructure capital fund or infrastructure debt fund or public sector

INCOME TAX

company shall submit within two months from the end of each financial year referred to in sub-clause (i) or sub-clause (ii) of clause (iv) of sub-rule (3), or, as the case may be, in sub-clause (i) or sub-clause (ii) of clause (v) of sub-rule (3), a certificate from an accountant as defined in the Explanation to sub-section (2) of section 288, specifying the amount invested in each year in Form No. 5BA.

Government in the Official Gazette under clause (47) of section 10 of the Act.

[For further details please refer the Notification]

(f) Explanation below sub-rule (7) shall be omitted;

(g) after sub-rule (7) the following shall be inserted, namely:—

(8) The application in Form No. 5B referred to in sub-rule (1) and the certificate of accountant in Form 5BA referred to in sub-rule (6) shall be furnished electronically either under digital signature or electronic verification code.

(9) The Principal Director-General of Income-tax (Systems) or Director-General of Income-tax (Systems) shall specify the procedures, formats and standards for ensuring secure capture and transmission of data and shall also be responsible for evolving and implementing appropriate security, archival and retrieval policies in relation to furnishing of Form No. 5B and Form No. 5BA.

Explanation.- For the purposes of this rule, the expressions,-

- (i) "discount" and "period of life of the bond" shall have the same meanings respectively assigned to them in clause (i) and clause (ii) of the Explanation to clause (iiia) of sub-section (1) of section 36;
- (ii) electronic verification code" means a code generated for the purpose of electronic verification of the person furnishing the return of income as per the data structure and standards specified by Principal Director General of Income-tax (Systems) or Director General of Income-tax (Systems)
- (iii) infrastructure debt fund" shall mean the infrastructure debt fund notified by the Central

CASE LAW

PROVISIONAL ATTACHMENT ORDER OF PROPERTY - SECTION 83 OF THE CGST ACT, 2017: GUJARAT HIGH COURT

Our Comments: Provisional attachment order of property - section 83 of the CGST Act, 2017. It has been held that The respondent no.2, inspite of repeated reminder by this Court in various decisions has once again overlooked the aforesaid guidelines issued by the Central Board of Indirect Taxes and Customs dated 23.02.2021, which otherwise in clear terms provides the guidelines to be adhered while exercising powers conferred upon the respondent authority under Section 83 of the GST Act.

The Court in the case of VALERIUS INDUSTRIES VERSUS UNION OF INDIA [2019 (9) TMI 618 - GUJARAT HIGH COURT] has held that power of provisional attachment under section 83 of the act should be exercised by the authority only if there is reasonable apprehension that the assessee may default the ultimate collection of the demand that is likely to be raised on completion of the assessment. It should therefore be exercised with extreme care and caution. The Court held that power under section 83 of the act should not be used as a tool to harass the assessee nor should it be used in as manner *which may have irreversible detrimental effect on the business of the assessee*.

In the facts of the case, undisputedly, the respondent no.2 has not only provisionally attached the stock of goods lying at the factory premise of the writ applicants, at the same time, the respondent No.2 has also provisionally attached the demat account and current account of the writ applicants. These are the valuable assets of the writ applicants, more particularly, raw material and the finished goods are valuables which are otherwise necessary for running of the business of the applicants. Even operating the demat account and current account are essentially required for the routine business of the writ applicants. Time and again, this Court as well as even the instructions issued by the higher authority of the respondents, has directed the proper officer to ensure

that their action of the provisional attachment should not hamper normal business activities of the taxable person - This Court did not approve the provisional attachment of the goods, stock and receivables, more particularly, when the entire stock and receivables have been pledged and a floating charge has been created in favour of the Kalapur Commercial Bank Limited for the purpose of availing the cash credit facility with the provisional attachment of the goods, stock and receivables the entire business will come to a standstill.

The order of the provisional attachment dated 27.11.2021 qua the stock of goods, two demat accounts as well as current account of the writ applicants is set aside - So far the prayer of the writ applicants with regard to release of electronic items including Mobile Phone, laptop and other documents seized during the search proceedings are concerned, same is also directed to be released forthwith on condition that the writ applicants shall file an undertaking before the respondent no.2 thereby declaring that the aforesaid goods electronic items including mobile phone, laptop and other seized documents shall be retained in its original form and shall not be disposed of pending the investigation, if any.

[Decided in favour of the Assessee]

FEMA

DISCUSSION

INVESTMENT BY NON-RESIDENT INDIANS (NRI) IN INDIA

OUR COMMENTS: We discuss here about the provisions related to Buying of the Properties in India by Non Resident Indians (NRIs), Income Tax Act, 1961.

1. Nature and Numbers for buying of the properties

- (i) NRIs are permitted to buy residential or/and commercial properties in India
- (ii) NRIs have no restriction on numbers for buying of properties for investments not for trading
- (iii) NRIs are permitted to buy the properties under automatic route where general or special permission is not required for own use or investment purpose both
- (iv) However, NRIs are not permitted for buying of the followings properties by (a) Agricultural land (b) Plantation land (c) Farm house in India.

2. Funding (Sourcing) for Buying of the Properties:

- (i) NRIs are permitted to fund for buying of the properties in following ways only:- (a) Direct remittance from Outside India through regular banking channel (b) Out of balance is lying in NRO, NRE or FCNR account as maintained in India (c) Loan from banks or financial institutions for purchase of the properties
- (ii) NRIs are permitted to obtain a loan from banks and financial institutions where conditions for margin money and quantum of loan are at par with the residents of India for the properties loans.
- (iii) NRIs are required to make repayment of the loans in following ways only:- (a) Direct remittance from Outside India through regular banking channel (b) Out of balance is lying in NRO, NRE or FCNR account as maintained in India (c) Out of rental incomes of the same property (d) Out of loan from a close relative who is also a resident in India

3. Maintenance of the Properties:

- (i) NRIs are permitted to purchase the properties by way of a registered conveyance deed

(ii) NRIs are permitted to execute a power of attorney in favor of a close relative or friend for execution of the documents on his behalf for (a) Registering and leasing of the properties (b) Signing of the properties agreements (c) Selling of the properties

(iii) NRIs are permitted to rent out the properties in India.

4. Repatriation of Money out of the Rent and sale Proceeds from India

- (i) NRIs are permitted to repatriate the rent amount or sale proceeds of the properties out of India.
- (ii) NRIs are permitted to remit the sale proceeds of the inherited properties through NRO account where maximum USD 1(one) million per financial year is permitted
- (iii) (a) NRIs are not permitted to direct repatriate out of sale proceeds of the properties Which are exceeding the amount in foreign currency paid at the time of acquisition of the same properties. (b) Henceforth NRIs are permitted to repatriate the balance amounts which are exceeding the amount paid at the time of acquisition through NRO account where maximum USD 1 (one) million per financial year is permitted
- (iv) (a) NRIs are not permitted to direct repatriate the sale proceeds of more than 2(two) Residential properties (b) Henceforth NRIs are permitted to repatriate the balance amount which are exceeding the amount paid at the time of acquisition through NRO account where maximum USD 1(one) million per financial year is permitted

CUSTOMS

NOTIFICATION

RATE OF EXCHANGE OF ONE UNIT OF FOREIGN CURRENCY EQUIVALENT TO INDIAN RUPEES - SUPERSESION NOTIFICATION NO. 18/2022-CUSTOMS(N.T.), DATED 17TH MARCH, 2022

OUR COMMENTS: The Central Board of Indirect Taxes and Customs vide notification no.32/2022 dated 17th April 2022, 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 8th April, 2022, 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	58.10	55.65
2.	Bahraini Dinar	207.90	195.25
3.	Canadian Dollar	61.55	59.40
4.	Chinese Yuan	12.10	11.75
5.	Danish Kroner	11.35	10.95
6.	EURO	84.40	81.35
7.	Hong Kong Dollar	9.85	9.50
8.	Kuwaiti Dinar	257.55	241.30
9.	New Zealand Dollar	53.75	51.40
10.	Norwegian Kroner	8.75	8.45
11.	Pound Sterling	101.05	97.65
12.	Qatari Riyal	21.55	20.05

13.	Saudi Arabian Riyal	20.90	19.65
14.	Singapore Dollar	56.80	54.90
15.	South African Rand	5.35	5.00
16.	Swedish Kroner	8.15	7.85
17.	Swiss Franc	83.05	79.85
18.	Turkish Lira	5.30	5.00
19.	UAE Dirham	21.35	20.05
20.	US Dollar	76.80	75.10

SCHEDULE-II

Sl. No.	Foreign Currency	Rate of exchange of 100 units of foreign currency equivalent to Indian rupees	
(1)	(2)	(3)	
		(a)	(b)
		(For Imported Goods)	(For Export Goods)
1.	Japanese Yen	62.55	60.35
2.	Korean Won	6.45	6.05

[For further details please refer the Notification]

DGFT

NOTIFICATION

AMENDMENT IN IMPORT POLICY CONDITION OF UREA [EXIM CODE 31021000] IN THE ITC (HS) 2022, SCHEDULE - I (IMPORT POLICY).

OUR COMMENTS: The Central Government vide notification 65/2015-20 dated 1st April 2022, amended the policy condition of Urea [EXIM code 31021000] of Chapter 31 of ITC (HS), 2022, Schedule – I (Import Policy), with immediate effect, as under :-

Exim Code	Item Description	Policy	Existing Policy Condition	Revised Policy Condition
31021000	Urea, whether or not in aqueous solution	State Trading Enterprise	Import allowed through RCF and NFL subject to Para 2.20 of Foreign Trade Policy, 2015-2020. In addition import of Urea is also allowed through IPL for a period up to 31.3.2022.	Import allowed through RCF and NFL subject to Para 2.20 of Foreign Trade Policy, 2015-2020. In addition import of Urea is also allowed through IPL for a period up to 31.3.2023.
			However, import of Technical Grade Urea (TGU) meant for non-agricultural purpose/ industrial use/ NPK Manufacturin	However, import of Technical Grade Urea (TGU) meant for non-agricultural purpose/ industrial use/ NPK Manufacturin

			g shall be	g shall be
			"Free".	"Free".

2. Effect of this Notification:

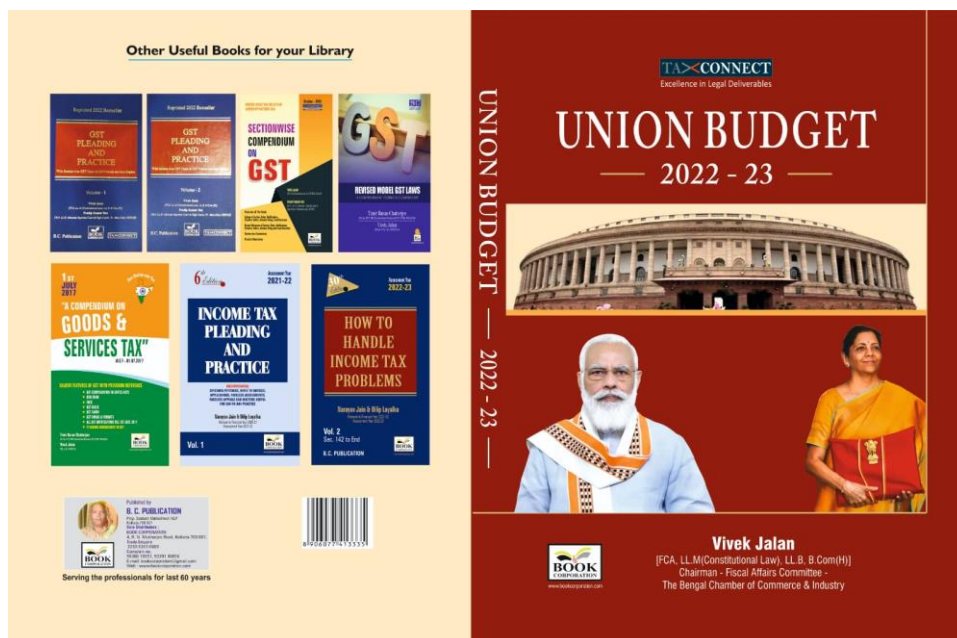
Import of Urea on Government account is allowed through Indian Potash Limited (IPL) subject to Para 2.20 of Foreign Trade Policy, 2015-2020, **till 31.03.2023.**

This issues with the approval of Minister of Commerce & Industry.

[For further details please refer the Notification]

:IN STANDS

UNION BUDGET 2022-23



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- 2. Budget at a glance**
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- 5. Memorandum**
- 6. Notes on Clauses**

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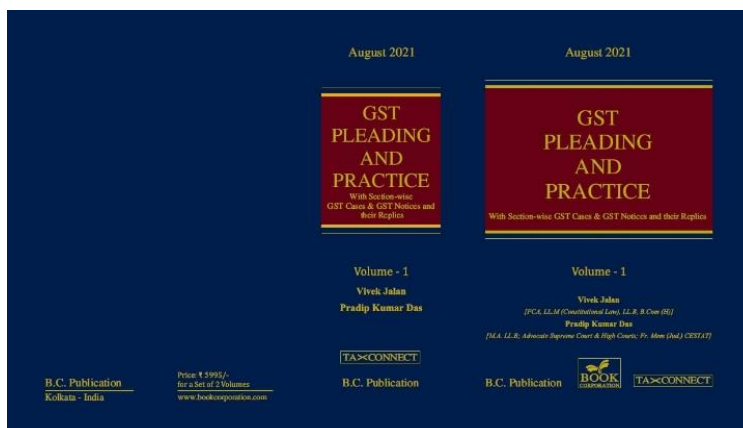
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:IN STANDS

GST PLEADING AND PRACTICE: With Section-wise GST Cases & GST Notices and their Replies



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2. Orders and Appeals under GST
3. Text of provisions under IGST Act 2017 & CGST Act 2017
4. CGST & IGST Section-wise Synopsis of Case Laws and Notification/Circulars Gist
5. CGST & IGST Section-wise Synopsis of "Question of Law" answered under GST
6. Completely Updated Synopsis of Case Laws under GST by Supreme Court, High Court, AAARs & AARs

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