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EDITORIAL



Friends,

The government is aiming to capture all the assessee's incurring high-value transactions but not filing income tax returns since taxable income is less than the basic exemption limit. The seventh proviso to Section 139 was inserted by the Finance Act, 2019, which provided for certain criteria which mandated the filing of income-tax returns even when the individual's income is less than the basic exemption limit. Such criteria include deposition of Rs one crore or more in a current account, expenditure exceeding Rs 2 lakh for foreign travel, or an amount exceeding Rs 1 lakh for electricity consumption during the year.

Now, vide Notification No. 37/2022, CBDT dated 21st April, 2022 has notified a new Rule 12AB of the Income-tax Rules, 1962 which prescribes additional conditions which mandate the filing of Income-tax returns despite the fact that income is below the basic exemption limit.

The additional criteria are:

- Total sales/turnover/gross receipts in the business exceed Rs 60 lakh during the previous year.
- Total Gross receipts in profession exceed Rs 10 lakh during the previous year

- Aggregate of TDS/TCS during the previous year is Rs 25,000 or more (In the case of senior citizens increased limit of Rs 50,000 shall be applicable).
- Deposits in one or more saving bank account is Rs 50 lakh or more during the previous year.

These are very stringent measures and certainly many taxpayers would come in ITR filing requirement even with income less than prescribed limit. Such a move will definitely help in increasing the number of income tax returns filed in the country and thus bring more transparency to the system.

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 |
|------------------------|---------------------------------------|-------------------------------|--|
| 30 th April | Deposit of TDS Amount | January to March 2022 | Due date for deposit of TDS when Assessing Officer has permitted quarterly deposit of TDS under section 192, 194A, 194D or 194H |
| 30 th April | Form 24G | March 2022 | Where TDS/TCS has been paid without the production of a challan by an office of the Government |
| 30 th April | TDS Challan- cum-statement | January to March 2022 | Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA, 194 IB, 194M |
| 30 th April | Deposit of TDS | March 2022 | Due date for deposit of Tax deducted by an assessee other than an office of the Government |
| 30 th April | Form 61 | October 2021 to March 2022 | Due date for e-filing of a declaration in Form No. 61 containing particulars of Form No. 60 received during the period October 1,2021 to March 31,2022 |
| 30 th April | Form 15G / 15H | January to March 2022 | Due date for uploading declarations received from recipients in Form. 15G/15H during the quarter ending March, 2022 |
| 30 th April | GSTR-4 | F.Y. 2021-22 | Statement of inward and outward supplies of a composite taxpayer which id be filed on annual basis. |

INCOME TAX

NOTIFICATION

'SEEPZ SPECIAL ECONOMIC ZONE AUTHORITY' NOTIFIED AS AN AUTHORITY CONSTITUTED UNDER THE SPECIAL ECONOMIC ZONE ACT, 2005 FOR THE PURPOSES OF THE CLAUSE (46) OF SECTION 10 OF THE INCOME-TAX ACT, 1961 (43 OF 1961)

OUR COMMENTS: the Central Government vide Notification No. 36/2022 dated 20th April, 2022, hereby notified for the purposes of the clause (46) of section 10 of the Income-tax Act, 1961 (43 of 1961) 'SEEPZ Special Economic Zone Authority' (PAN AAALS4995G), an Authority constituted under the Special Economic Zone Act, 2005 by the Government of India, in respect of the following specified income arising to that Authority, namely:-

(a) Lease rentals/Service charges from various units operating in the SEZ;

(b) Income by way of Gate Pass Entry Fees, Fine & Penalties from various units and other misc. income (Fire cess income, sale of garbage, contribution for crèche facilities); and

(c) Interest on Bank Deposits and Investments.

2. This notification shall be effective subject to the conditions that SEEPZ Special Economic Zone Authority:-

(a) shall not engage in any commercial activity;

(b) activities and the nature of the specified income shall remain unchanged throughout the financial years; and

(c) shall file return of income in accordance with the provision of clause (g) of sub-section (4C) of section 139 of the Income-tax Act, 1961.

3. This notification shall be deemed to have been applied for the financial years 2020-2021 and 2021-2022 and shall be applicable with respect to the financial years 2022-2023, 2023-2024 and 2024-2025.

[For further details please refer the Notification]

GST

CASE LAW

M/S SWASTIK INTERNATIONAL VERSUS UNION OF INDIA GUJARAT HIGH COURT

Brief: - Refund of IGST on Zero Rated Supplies - It is alleged that the writ applicant had declared on the shipping bill for claiming the higher rate of duty drawback.

Our Comments: Refund of IGST - Undisputedly, the writ applicant is holding the valid registration No. under the Goods and Service Tax Act, 2017. The writ applicant being an exporter is entitled to the benefit as envisaged under the provisions of GST / IGST Act, 2017. Admittedly, the goods are exported outside India for the relevant months of July, 2017 and August, 2017 as emerged from the various documents in the nature of GST invoices, export invoices, shipping bills, export general manifest bills, bill of lading, one cannot lose sight of the fact that the at the relevant stage, the writ applicant seems to have paid IGST @ 5% as reflected in the aforesaid bill. Bare reading of the contents of the shipping bills referred to the fact that the declaration has also been made by the writ applicant firm about its intent to avail reward as made available under Mercantile Scheme. Thus, undisputedly, the goods being exported out of India, the same are to be treated and termed as "Zero Rated Supplies" as provided under Section 16 of the IGST Act.

Rule 96 of the CGST Rule, 2017 - HELD THAT:- It provides that the shipping bills filed by an exporter of goods shall be deemed to be an application for refund of integrated tax paid on the goods export outside India and such application shall be deemed to have been filed only when the person in charge of conveyance carrying exported goods duly filed and exported manifestly or an export report covering the date and proof and shipping bill and date of export and the application must have furnished the valid return the in the Form GSTR 1 and GSTR-3B - the writ applicant is otherwise entitled to the refund of

GST as envisaged under the relevant provisions of IGST Act, 2017.

The respondent Authority are directed to immediately sanction the refund of IGST aggregating to an amount of ₹ 37,10,326/- in regard to the shipping bills exported as "Zero Rated Supplies" within a period of two weeks from the date of receipt of this order

[Decided in favour of the taxpayer]

FEMA

CIRCULAR

LIMITS FOR INVESTMENT IN DEBT AND SALE OF CREDIT DEFAULT SWAPS BY FOREIGN PORTFOLIO INVESTORS (FPIs)

OUR COMMENTS: Vide Circular 29 dated 19th April 2022, Attention of Authorised Dealer Category-I (AD Category-I) banks is invited to Schedule 1 to the Foreign Exchange Management (Debt Instruments) Regulations, 2019 notified, vide Notification No. FEMA. 396/2019-RB dated October 17, 2019, as amended from time to time and the relevant Directions issued thereunder.

2. A reference is also invited to the following directions issued by the Reserve Bank:

- A.P. (DIR Series) Circular No. 25 dated March 30, 2020;
- Circular No. FMRD.FMSD.No.25/14.01.006/2019-20 dated March 30, 2020;
- A.P. (DIR Series) Circular No. 05 dated May 31, 2021; and
- A.P. (DIR Series) Circular No. 23 dated February 10, 2022.

3. Investment Limits for the financial year (FY) 2022-23:

- The limits for FPI investment in Government securities (G-secs), State Development Loans (SDLs) and corporate bonds shall remain unchanged at 6%, 2% and 15% respectively, of outstanding stocks of securities for FY 2022-23.
- As hitherto, all investments by eligible investors in the 'specified securities' shall be reckoned under the Fully Accessible Route (FAR) in terms of A.P. (DIR Series) Circular No. 25 dated March 30, 2020.
- The allocation of incremental changes in the G-sec limit (in absolute terms) over the two sub-categories – 'General' and 'Long-term' – shall be retained at 50:50 for FY 2022-23.
- The entire increase in limits for SDLs (in absolute terms) has been added to the 'General' sub-category of SDLs.

4. The revised limits (in absolute terms) for the different categories, are in Table-1:

Table - 1: Investment limits for FY 2022-23

All figures in ₹ Crore

| | G-Sec General | G-Sec Long Term | SDL General | SDL Long Term | Corporate Bonds | Total Debt |
|--|------------------|-----------------------|----------------|---------------------|--------------------|---------------|
| Current FPI limits | 2,53,298 | 1,22,298 | 85,902 | 7,100 | 6,07,039 | 10,75,637 |
| Revised limit for the HY Apr 2022- Sept 2022 | 2,60,594 | 1,29,594 | 89,365 | 7,100 | 6,37,455 | 11,24,107 |
| Revised limit for the HY Oct 2022- Mar 2023 | 2,67,890 | 1,36,890 | 92,828 | 7,100 | 6,67,871 | 11,72,578 |

5. In terms of A.P. (DIR Series) Circular No. 23 dated February 10, 2022, the aggregate limit of the notional amount of CDS sold by FPIs shall be 5% of the outstanding stock of corporate bonds. Accordingly, an additional limit of ₹ 2,22,623 crore is set out for FY 2022-23.

6. AD Category – I banks may bring the contents of this circular to the notice of their constituents and customers concerned.

7. The Directions contained in this circular have been issued under sections 10(4) and 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions/approval, if any, required under any other law.

[For further details please refer the Circular]

DGFT

NOTIFICATION

FIXATION OF TARIFF VALUE OF EDIBLE OILS, BRASS SCRAP, ARECA NUT, GOLD AND SILVER

OUR COMMENTS: The Central Board of Indirect Taxes & Customs, vide notification 33/2022, dated 13th April, 2022, being satisfied that it is necessary and expedient to do so, hereby makes the following amendments, namely:-

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

TABLE-1

| 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 | 1605 |
| 2 | 1511 90 10 | RBD Palm Oil | 1654 |
| 3 | 1511 90 90 | Others – Palm Oil | 1630 |
| 4 | 1511 10 00 | Crude Palmolein | 1660 |
| 5 | 1511 90 20 | RBD Palmolein | 1663 |
| 6 | 1511 90 90 | Others – Palmolein | 1662 |
| 7 | 1507 10 00 | Crude Soya bean Oil | 1677 |
| 8 | 7404 00 22 | Brass Scrap (all grades) | 6065 |

TABLE-2

| | | | |
|----|----------|---|------------------|
| 1. | 71 or 98 | Gold, in any form, in respect of which the benefit of entries at serial number 356 of the Notification No. 50/2017- Customs dated 30.06.2017 is availed | 631 per 10 grams |
| 2. | 71 or 98 | Silver, in any form, in respect of which the benefit of entries at serial number 357 of the Notification No. 50/2017- Customs dated 30.06.2017 is availed | 816 per kilogram |

| | | | |
|----|----|--|------------------|
| 3. | 71 | (i) Silver, in any form, other than medallions and silver coins having silver content not below 99.9% or semi-manufactured forms of silver falling under sub-heading 7106 92;(ii) Medallions and silver coins having silver content not below 99.9% or semi-manufactured forms of silver falling under sub-heading 7106 92, other than imports of such goods through post, courier or baggage. | 816 per kilogram |
| 4. | 71 | (i) Gold bars, other than tola bars, bearing manufacturer's or refiner's engraved serial number and weight expressed in metric units; (ii) Gold coins having gold content not below 99.5% and gold findings, other than imports of such goods through post, courier or baggage. | 631 per 10 grams |

TABLE-3

| Sl. No. | Chapter/ heading/ sub- heading/tariff item | Description of goods | Tariff value (US \$Per Metric Tonne) |
|---------|--|----------------------|---|
| (1) | (2) | (3) | (4) |
| 1 | 080280 | Areca nuts | 5477" |

2. This notification shall come into force with effect from the 14th day of April, 2022.

[For further details please refer the Notification]

DGFT

PUBLIC NOTICE

AMENDMENT IN DETAILS OF AN AUTHORIZED AGENCY UNDER APPENDIX 2E OF FTP, 2015-2020

OUR COMMENTS: In exercise of powers conferred under paragraph 2.04 of the Foreign Trade Policy (FTP) 2015-2020, the Director General of Foreign Trade vide public notice number 02/2015-2020 dated 7th April, 2022, hereby makes an amendment in details of the following agency authorized to issue Certificate of Origin (Non Preferential) under Appendix 2E of the FTP 2015-2020:

| Sl. No. in Appendix x 2 E (under Kerala State) | Existing details of the agency | Revised details of the agency |
|---|--|--|
| 3. | <p>Ernakulam Chamber of Commerce,</p> <p>P.B.No.2530, Chamber corner,</p> <p>Shanmugham road,</p> <p>Kochi -682 031</p> <p>Tel:0484-380950, 354885</p> <p>Fax: 0484-374253</p> <p>E-mail: ekmcos@satyam.net.in</p> | <p>Kerala Chamber of Commerce & Industry</p> <p>P.B. No.2530, Chamber corner, Shanmugham Rd, Marine Drive,</p> <p>Ernakulam, Kochi, Kerala - 682031</p> <p>Tel:0484-380950, 354885 Fax: 0484-374253</p> <p>E-mail: infokcci968@gmail.com</p> <p>Mob: 9446416400/9495954885</p> |

2. Effect of this Public Notice:

The name of 'Ernakulam Chamber of Commerce', enlisted under Appendix 2E of FTP, 2015-20, has been amended as 'Kerala Chamber of Commerce & Industry' along with the contact details of the Chamber.

[For further details please refer the Public Notice]

PUBLIC NOTICE

RAPPLICATIONS FOR ALLOCATION OF TARIFF RATE QUOTA (TRQ) UNDER INDIA - MAURITIUS CECPA FOR THE FOR THE FINANCIAL YEAR 2022-23

OUR COMMENTS: In exercise of powers conferred under paragraph 1.03 and 2.04 of the Foreign Trade Policy (FTP), 2015-20 and in continuation of Public Notice No. 23/2015-20 dated 7th September, 2021 and No. 31/2015-20 dated 28th October 2021, regarding procedure for import of items under Tariff Rate Quota (TRQ) under India-Mauritius CECPA, the Directorate General of Foreign Trade vide PUBLIC NOTICE NO. 04/2015-2020 dated 20th April, 2022, hereby amends condition (ii) (f) of Annexure -III to Appendix-2A of FTP- 2015-20, by inviting applications on First Come, First Served basis for the current financial year 2022-23. There shall be no end date for submission of online applications for allocation of TRQ for the current FY 2022-23, with other modalities remaining the same.

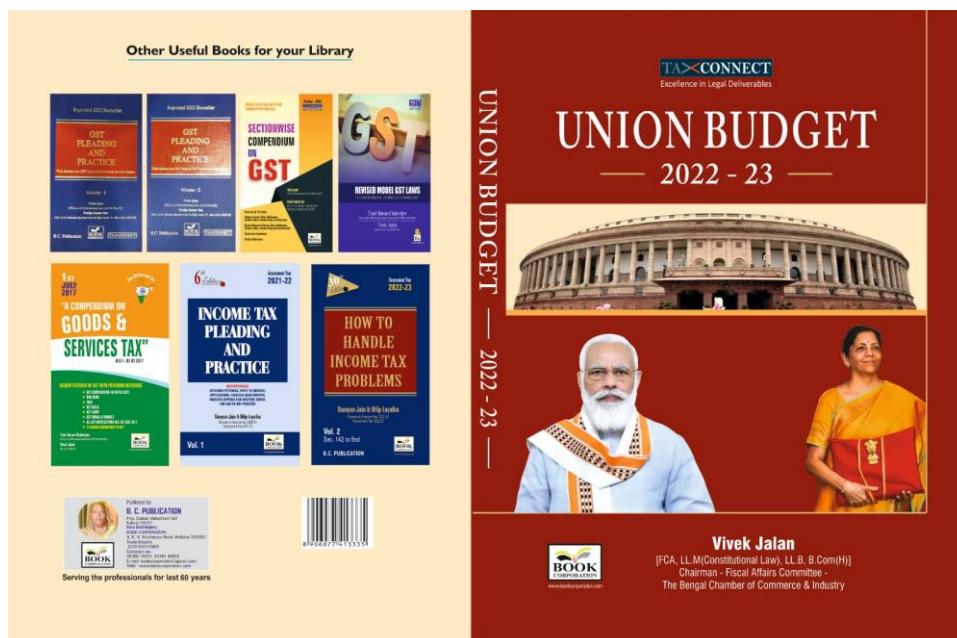
2. Effect of this Public Notice:

The online applications for allocation of Tariff Rate Quota (TRQ) under India-Mauritius CECPA for the current financial year 2022-23 will be considered by the DGFT on First Come, First Served basis, with no end date.

[For further details please refer the Public Notice]

:IN STANDS

UNION BUDGET 2022-23



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- 4. Finance Bill**
- 5. Memorandum**
- 6. Notes on Clauses**

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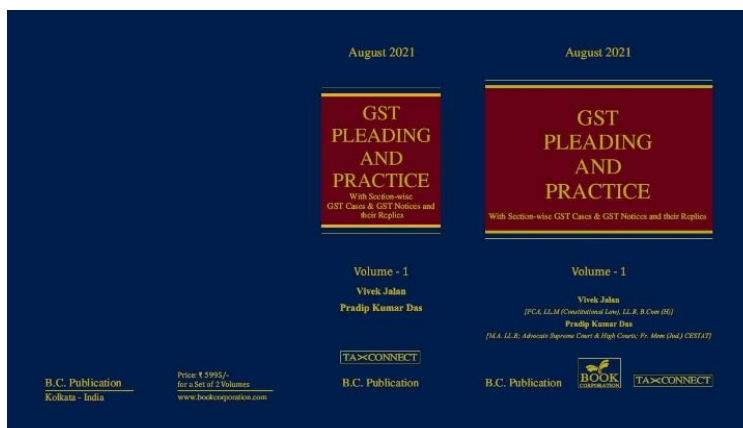
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:IN STANDS

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



ABOUT THE BOOK: This publication includes:

1. GST Notices and their Replies
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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