

# TAX CONNECT

## Knowledge Partner:



**FEMA. FDI. INCOME TAX. GST. LAND. LABOUR**

## TAX CONNECT

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## EDITORIAL



**Friends,**

Hon'ble Supreme Court, vide its judgment dated 04.05.2022 (2022 SCC Online SC 543), in the case of Union of India v. Ashish Agarwal has adjudicated on the validity of the issue of reassessment notices issued by the Assessing Officers during the period beginning on 1st April, 2021 and ending with 30th June 2021, within the time extended by the Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020 [hereinafter referred to as "TOLA"] and various notifications issued thereunder.

Hon'ble Supreme Court has held that these extended reassessment notices issued under the old law shall be deemed to be the show cause notices issued under clause (b) of section 148A of the new law and has directed Assessing Officers to follow the procedure with respect to such notices. It has also held that all the defences available to assessee under section 149 of the new law and whatever rights are available to the Assessing Officer under the new law shall continue to be available. Hon'ble Supreme Court has passed this order in exercise of its power under Article 142 of the Constitution of India.

The implementation of the judgment of Hon'ble Supreme Court is required to be done in a uniform manner. Accordingly, in exercise of its power under section 119 of the Act, the Central Board of Direct Taxes directs that the following may be taken into consideration while implementing this judgment.

- Operation of the new section 149 of the Act to identify cases where fresh notice under section 148 of the Act can be issued.
- Cases where the Assessing Officer is required to provide the information and material relied upon within 30 days.
- Procedure required to be followed by the Assessing Officers to comply with the Supreme Court judgment.

We understand from the above that the work-flow for these cases will involve two parts –

(a) Initially, process will have to be followed in terms of provisions of section 148A, and

(b) Subsequently, the Notice u/s 148 will have to be issued (in applicable cases). The detailed step-by-step approach to be adopted in ITBA for the initial work relating to section 148A is being prescribed in the said instruction.

**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
20 <sup>th</sup> May	GSTR 5	April 2022	Statement of outward and Inward supplies by Non-Resident Taxable person
20 <sup>th</sup> May	GSTR 5A	April 2022	Return contains details about services supplied to unregistered person, Government, Local authority to be filed by Non-Resident Online Information and Database Access or Retrieval (OIDAR) Service Providers
20 <sup>th</sup> May	GSTR-3B	March 2022	The due date for GSTR-3B having an Annual Turnover of more than 5 Crores.
15 <sup>th</sup> May	TDS Certificate	April 2022	Due date for issue of TDS Certificate for tax deducted under Section 194IA, 194IB and 194M in the month of March, 2022
15 <sup>th</sup> May	FORM-24G	April 2022	Due date for furnishing of Form 24G by an office of the Government where TDS/TCS for the month of April, 2022 has been paid without the production of a challan
15 <sup>th</sup> May	Form 27EQ	JAN 2022- MARCH 2022	Quarterly statement of TCS deposited for the quarter ending March 31, 2022

# INCOME TAX

## NOTIFICATION

### COMPLIANCES TO BE MADE IN CASE OF DEPOSITS/ WITHDRAWAL OF AN AMOUNT OF 20 LAKH RUPEES.

**OUR COMMENTS:** The Central Board of Direct Taxes vide N. No. 53/ 2022 dated 10<sup>th</sup> May, 2022, hereby notified the Income-tax (Fifteenth Amendment) Rules, 2022. Save as otherwise provided in these rules, they shall come into force after the expiry of fifteen days from the date of their publication in the Official Gazette.

In the Income-tax Rules, 1962,—

(a) in rule 114, in sub-rule (3), after clause (vi), the following clause shall be inserted, namely:-

“(vii) in the case of a person who intends to enter into the transaction prescribed under clause (vii) of sub-section (1) of section 139A, at least seven days before the date on which he intends to enter into the said transaction.”;

(b) after rule 114B, the following rule shall be inserted, namely:—

“114BA. Transactions for the purposes of clause (vii) of sub-section (1) of section 139A.— The following shall be the transactions for the purposes of clause (vii) of sub-section (1) of section 139A, namely :-

(a) cash deposit or deposits aggregating to twenty lakh rupees or more in a financial year, in one or more account of a person with a banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act) or a Post Office;

(b) cash withdrawal or withdrawals aggregating to twenty lakh rupees or more in a financial year, in one or more account of a person with a banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act) or a Post Office;

(c) opening of a current account or cash credit account by a person with a banking company or a co-operative bank to

which the Banking Regulation Act, 1949 (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act) or a Post Office.”;

(c) after rule 114BA, as so inserted,, the following rule shall be inserted after the expiry of sixty days from the date on which this notification is published in the Official Gazette, namely:-

“114BB. Transactions for the purposes of sub-section (6A) of section 139A and prescribed person for the purposes of clause (ab) of Explanation to section 139A.— (1) Every person shall, at the time of entering into a transaction specified in column (2) of the Table below, quote his permanent account number or Aadhaar number, as the case may be, in documents pertaining to such transaction, and every person specified in column (3) of the said Table, who receives such document, shall ensure that the said number has been duly quoted and authenticated-

Sl. No.	Nature of transaction	Person
(1)	(2)	(3)
1.	Cash deposit or deposits aggregating to twenty lakh rupees or more in a financial year, in one or more account of a person with, -  (i) A banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act);  (ii) Post Office	(i) A banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act);  (ii) Post Master General as referred to in clause (j) of section 2 of the Indian Post Office Act, 1898 (6 of 1898).
2.	Cash withdrawal or withdrawals aggregating to twenty lakh rupees or more in a financial year, in one or more account of a person with, -  (i) A banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act);  (ii) Post Office	(i) A banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act);  (ii) Post Master General as referred to in clause (j) of section 2 of the Indian Post Office Act, 1898 (6 of 1898).

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	more account of a person or banking institution with, -  (i) A banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act);  (ii) Post Office	referred to in section 51 of that Act);  (ii) Post Master General as referred to in clause (j) of section 2 of the Indian Post Office Act, 1898 (6 of 1898).
3.	Opening of a current account or cash credit account by a person with, -  (i) A banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act);  (ii) Post Office	(i) A banking company or a co-operative bank to which the Banking Regulation Act, 1949 (10 of 1949) applies (including any bank or banking institution referred to in section 51 of that Act);  (ii) Post Master General as referred to in clause (j) of section 2 of the Indian Post Office Act, 1898 (6 of 1898).

(2) The permanent account number or Aadhaar number alongwith demographic information or biometric information of an individual shall be submitted to the Principal Director General of Income-tax (Systems) or Director General of Income-tax (Systems) or the person authorised by the Principal Director General of Income-tax (Systems) or Director General of Income-tax (Systems) with the approval of the Board, for the purposes of authentication referred to in section 139A.

(3) Principal Director General of Income-tax (Systems) or Director General of Income-tax (Systems) shall lay down the formats and standards along with procedure for authentication of permanent account number or Aadhaar number."

[For further details please refer the Notification]

## NOTIFICATION

**COMPUTATION OF MINIMUM INVESTMENT AND EXEMPT INCOME FOR THE PURPOSES OF CLAUSE (23FE) OF SECTION 10 OF THE INCOME TAX ACT PRESCRIBED, FORM 10BBB, FORM 10BBC HAS BEEN SUBSTITUTED AND FORM 10BBD HAS BEEN INSERTED VIDE INCOME TAX (THIRTEENTH AMENDMENT) RULES, 2022**

**OUR COMMENTS:** The Central Board of Direct taxes vide N. No. 50/ 2022 dated 6<sup>th</sup> May 2022, hereby made the following rules further to amend the Income-tax Rules, 1962, namely :-

In the Income-tax Rules, 1962, after rule 2DC, the following rule shall be inserted, namely:

'2DCA. Computation of minimum investment and exempt income for the purposes of clause (23FE) of section 10 of the Act.-

(1) For the purposes of clause (23FE) of section 10 of the Act, the percentages referred to in item (c), item (d) and item (e) of sub-clause (iii) , and the exempt income referred to in the fourth, fifth and sixth proviso shall be calculated in accordance with this rule.

(2) The percentage referred to in item (c) of sub-clause (iii) of clause (23FE) of section 10 of the Act shall be calculated in the manner prescribed in the notification.

(3) The percentage referred to in item (d) of sub-clause (iii) of clause (23FE) of section 10 of the Act shall be calculated in the manner prescribed in the notification.

(4) The percentage referred to in item (e) of sub-clause (iii) of clause (23FE) of section 10 of the Act shall be calculated in the manner prescribed in the notification.

(5) For the purposes of the fourth proviso to sub-clause (iii) of clause (23FE) of section 10 of the Act, the income accrued or arisen or attributed to, or received by, the specified person, who is a unit holder of an Alternative Investment Fund, out of investment made in that fund, shall be chargeable to income-tax in the same manner as if it were the income accrued or arisen or attributed to, or received by,



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such person had the investment made by such investment fund been made directly by him and the calculation of exempt income of the specified person arising from the investment in such fund during the relevant previous year shall be made in the manner prescribed in the notification.

(6) For the purposes of fifth proviso to sub-clause (iii) of clause (23FE) of section 10 of the Act, the exempt income during the relevant previous year shall be calculated in the manner prescribed in the notification.

(7) For the purposes of sixth proviso to sub-clause (iii) of clause (23FE) of section 10 of the Act, the exempt income during the relevant previous year shall be calculated in the manner prescribed in the notification.

(8) Every Alternative Investment Fund, domestic company and non-banking finance company, which has received funds from any specified person, either directly or through Alternative Investment Fund, shall furnish the details of funds received from specified persons in Form 10BBD for each previous year during which such funds or any part thereof remains invested in such Alternative Investment Fund, domestic company and non-banking finance company.

(9) Form No 10BBD shall be furnished electronically either under digital signature or through electronic verification code and shall be verified by the person who is authorized to verify the return of income of such Alternative Investment Fund, domestic company and non-banking finance company under section 140 of the Act.

(10) Form No. 10BBD shall be furnished on or before the due date referred to in the Explanation 2 to subsection (1) of section 139 of the Act for the assessment year relevant to the previous year in which the eligible investments have been first received from the specified person and all subsequent previous years till the eligible investment received from the specified person is returned.

(11) The Principal Director General of Income-tax (Systems) or the Director General of Income-tax (Systems), as the case may be, shall -

(i) specify the procedure, formats and standards for ensuring secure capture and transmission of the data in Form No. 10BBD; and

(ii) specify the procedure, format, data structure, standards and manner of generation of electronic verification code, referred to in sub-rule (9), for verification of the person furnishing the said Form;

and

(ii) be responsible for evolving and implementing appropriate security, archival and retrieval policies in relation to the Form No 10BBD so furnished.

Explanation 1: For the purposes of this rule, the expressions-

(a) "Alternative Investment Fund" means Category -I or Category -II Alternative Investment Fund referred to in item (c) of sub-clause (iii) of clause (23FE) of section 10 of the Act;

(b) "Balance Sheet" means the balance-sheet (including the notes annexed thereto and forming part of the accounts) drawn up as on 31st day of March of the relevant financial year which gives a true and fair view of the state of affairs, complies with applicable accounting standards and has been audited by the auditor of the relevant Alternative Investment Fund or respective companies, in accordance with the provisions of regulation sub-regulation (5) of regulation 20 of Securities and Exchange Board of India (Alternate Investment Fund) Regulations, 2012 or section 139 of the Companies Act 2013, as the case may be;

(c) "domestic company" means a company referred to in item (d) of sub clause (iii) of clause (23FE) of section 10 of the Act;

(d) "eligible investment" means an investment which has been made by an Alternative Investment Fund or domestic company, as the case may be, on or after the 1st day of April, 2020 but on or before the 31st day of March, 2024;

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(e) “eligible lending” means lending made by a non-banking financial company on or after the 1st day of April, 2020 but on or before the 31st day of March, 2024;

(f) “investment” shall mean movable and immovable assets including current and non-current investments, loans and advances and cash and cash equivalents;

(g) “non-banking financial company” means a company referred to in item (e) of sub clause (iii) of clause (23FE) of section 10 of the Act;

(h) “relevant previous year” means the previous year for which the income exempt under clause (23FE) of section 10 of the Act is to be calculated:

Provided that for the purposes of fourth proviso of sub-rule (2), fourth proviso of sub-rule (3) and third proviso of sub-rule (4), the previous year 2024-25 shall be considered to be relevant previous year even if exempt income under clause (23FE) of section 10 of the Act is not required to be calculated for that year; and

“specified person” means a person referred to in Explanation 1 to clause (23FE) of section 10 of the Act.’

Further Form 10BBB, FORM 10BBC has been amended and another Form that is 10BBD has been inserted through the amendments.

**[For further details please refer the Notification]**

## CIRCULAR

### GUIDELINES UNDER CLAUSE (23FE) OF SECTION 10 OF THE INCOME-TAX ACT, 1961

**OUR COMMENTS:** The Finance Act, 2020, vide circular number 9 of 2022 dated 9<sup>th</sup> May, 2022, inter-alia, inserted clause (23FE) in section 10 of the Income-tax Act, 1961 (hereinafter referred to as “the Act”) to provide for exemption to wholly owned subsidiaries of Abu Dhabi Investment Authority (ADIA), sovereign wealth funds (SWF) and pension funds (PF) [these are referred as “specified person” hereinafter] on their income in the nature of

dividend, interest and long-term capital gains arising from investment made in infrastructure in India, during the period beginning with 01.04.2020 and ending on 31.03.2024 subject to fulfilment of certain conditions.

2. In order to incentivise infrastructure investments by specified persons in India the Finance Act, 2021, hereinafter referred to as “Finance Act”, inter alia, amended the following provisions of clause (23FE) of section 10 of the Act:

(i) amended item (c) of sub-clause (iii) thereof to allow exemption for investment by specified person in Category I or Category II Alternative Investment Funds (hereinafter referred as AIF) which invest in one or more of the companies, enterprises or entities as referred to in item (b) (hereinafter referred to as “eligible infrastructure entity”) through domestic companies and Non-Banking Finance Companies or in AIFs investing in an Infrastructure Investment Trust referred to in sub-clause (i) of clause (13A) of section 2 of the Act (hereinafter referred to as InvIT). Further, the Finance Act also relaxed the condition requiring an AIF to have investment in eligible infrastructure entity or InvIT from 100% to 50%;

(ii) inserted item (d) in sub-clause (iii) thereof, to allow investment by specified person in a domestic company set up and registered on or after 01.04.2021, having minimum 75 per cent investments in eligible infrastructure entity;

(iii) inserted item (e) in sub-clause (iii) thereof, to allow investment by specified person in a Non-Banking Financial Company registered as an Infrastructure Finance Company or in an Infrastructure Debt Fund (hereinafter referred to as NBFC), having minimum 90 per cent lending in eligible infrastructure entity;

(iv) inserted Explanation 3 thereof, to provide that the method for determination of 50 per cent, 75 per cent or 90 per cent investment referred to in item (c), (d) or (e) of sub-clause (iii) of the said clause (23FE) shall be prescribed by the Central Government;

(v) inserted fourth proviso thereof, providing that in case of an AIF, referred to in item (c) of sub-clause (iii), has



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investment of less than hundred percent in eligible infrastructure entity or in InvIT, income accrued or arisen to, or received by, or attributable to such investment, directly or indirectly, which is exempt under this clause shall be calculated proportionately to the investment made in eligible infrastructure entity or in InvIT, in the prescribed manner.

(vi) inserted fifth proviso thereof providing that in case a domestic company, referred to in item (d) of sub-clause (iii), has investment of less than hundred percent in eligible infrastructure entity, income accrued or arisen to, or received by, or attributable to such investments, directly or indirectly, which is exempt under this clause shall be calculated proportionately to the investment made in eligible infrastructure entity, in the prescribed manner.

(vii) inserted sixth proviso thereof, providing that in case an NBFC, referred to in item (e) of sub-clause (iii), has lending of less than hundred percent in eligible infrastructure entity, income accrued or arisen to, or received by, or attributable to such lending, directly or indirectly, which is exempt under this clause shall be calculated proportionately to the lending in eligible infrastructure entity, in the prescribed manner.

3. The method for computation of eligible threshold of 50 per cent, 75 per cent or 90 per cent and exempt income under clause (23FE) of section 10 of the Act has been prescribed in rule 2DCA of the Income Tax Rules (the Rules) vide Notification No 50 of 2022 dated 6th May, 2022.

4. First proviso to clause (23FE) of section 10 of the Act provides that if any difficulty arises regarding interpretation or implementation of the provisions of the said clause, the Board may, with the approval of the Central Government, issue guidelines for the purpose of removing the difficulty. In exercise of the powers under this proviso, Board, with the approval of the Central Government, hereby issues the guidelines vide the circular.

**[For further details please refer the Circular]**

### NOTIFICATION

#### **AMENDEDMENTS NOTIFIED IN FORM 3CF, FORM 10A, FORM 10AB, FORM 10BD AND FORM 10BE VIDE INCOME-TAX (FOURTEENTH AMENDMENT) RULES, 2022**

**OUR COMMENTS:** CBDT vide N. No. 51/2022 dated 09.05.2022 through Income-tax (Fourteenth Amendment) Rules, 2022 has amended Form 10A, Form 10AB, Form 10BD, Form 10BE and Form 3CF related to charitable organizations registered or approved under section 10(23C), section 12AB, section 35, and section 80G of the Income-tax Act, 1961 ('Act'). CBDT has prescribed changes in the above-mentioned forms contained in Annexure-II of the Income-tax Rules, 1962 ('Rules') for more disclosure purposes.

**[For further details please refer the Notification]**

### NOTIFICATION

#### **AUTHORISATION OF COMMISSIONER OF INCOME-TAX (EXEMPTION), BENGALURU OMITTED**

**OUR COMMENTS:** CBDT vide N. No. 52/2022 dated 09.05.2022 notified the following amendment in Notification No. 30 /2021 dated 01<sup>st</sup> April 2022 namely-

In the said notification, in the opening paragraph, the words "and Commissioner of Income-tax (Exemption), Bengaluru" shall be omitted.

**[For further details please refer the Notification]**

# GST

## CASE LAW

### REFUND OF IGST ON GOODS EXPORTED IN CASE OF DUTY DRAW BACK CLAIMED

**Facts:** The Petitioner is claiming draw back of the custom component only for the goods exported by the Petitioner at the rates specified therein.

**Held:** The rates of draw back under column 'A' and 'B' for the product exported by the Petitioner is the same. The said fact is not disputed by the Respondents. It is only on technical ground that affixing suffix 'A' claim of the Petitioner is denied.

Respondents shall sanction the refund towards IGST paid in respect of the goods exported i.e. supply made by shipping. Of course, in case, if there is no other impediment, statutory interest shall follow - Petition allowed.

From the facts on record, it is evident that the Petitioner is claiming draw back of the custom component only for the goods exported by the Petitioner at the rates specified therein. The rates of draw back under column 'A' and 'B' for the product exported by the Petitioner is the same. The said fact is not disputed by the Respondents. It is only on technical ground that affixing suffix 'A' claim of the Petitioner is denied. The case of the Petitioner is similar to the one decided by Gujarat High Court in the case of Awadkrupa Plastomech Pvt. Ltd. (Supra) and confirmed by the Apex Court.

In view of the above, the Petitioner succeeds. Respondents shall sanction the refund towards IGST paid in respect of the goods exported i.e. supply made by shipping. Of course, in case, if there is no other impediment, statutory interest shall follow.

**[Decided in Favor of the Assessee]**

## ADVISORY

### REPORTING 6% RATE IN GSTR-1

**OUR COMMENTS:** A new tax rate of 6% IGST or 3% CGST+ 3% SGST has been introduced on certain goods vide Notification No. 02/2022 dated 31st March 2022. Changes are being made on the GST portal to include this rate in GSTR-1.

As a temporary measure, taxpayers who have to report goods at this rate may do so by reporting the entries in the 5% heading and then manually increasing the system computed tax amount to 6%.

This can be done by entering the value in the 'Taxable value' column next to 5% tax-rate and then increasing the system computed tax-amount to 6% IGST or 3% CGST + 3% SGST in the 'Amount of Tax' column under the relevant Table, namely B2B, B2C or Export, as applicable. This will ensure that correct tax amount is reported in GSTR-1. Meanwhile, this rate will be made available on the GST portal shortly.

**[For further details please refer the Advisory]**

## FEMA

### DISCUSSION

#### PERMISSION UNDER FEMA REQUIRED TO OFFER SECURITIES TO COMPANIES OF NEIGHBOURING COUNTRIES

**OUR COMMENTS:** The Government of India to curb unscrupulous activities and to protect Indian business dysphoria from Chinese investors has changed FDI Regime. Since Chinese Investors all over world are keen to acquire companies and involved in money laundering, tax evasion, fraudulent practices and the most important they are doing spying activities through companies they have acquired.

The Ministry of Corporate Affairs (MCA) has notified the Companies (Prospectus and Allotment of Securities) Amendment Rules, 2022 and has made some changes in Foreign Direct Investment (FDI) regime. The Notification said that “No offer or invitation of any securities under this rule shall be made to a body corporate incorporated in or a national of a country which shares a land border with India, unless such body corporate or the national, as the case may be, have obtained government approval under the FEMA ( Non-debt Instruments) Rules ,2019.” THE AMENDMENTS The Companies (Prospectus and Allotment of Securities) Rules, 2014, namely:-

1. (1) These rules may be called the Companies (Prospectus and Allotment of Securities) Amendment Rules, 2022. (2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Companies (Prospectus and Allotment of Securities) Rules, 2014, — (i) in rule 14, in sub-rule (1), after the fourth proviso, the following proviso shall be inserted, namely :- “Provided also that no offer or invitation of any securities under this rule shall be made to a body corporate incorporated in, or a national of, a country which shares a land border with India, unless such body corporate or the national, as the case may be, have obtained Government approval under the Foreign Exchange Management (Non-debt Instruments) Rules, 2019 and attached the same with the private placement offer cum application letter.” (ii) in Annexure, in Form PAS-4, in Part-B, after serial number (vii), the following shall be inserted, namely : Report this ad “(viii) Tick whichever is applicable: (a) The applicant is not required to obtain Government approval under the Foreign Exchange Management (Non-debt Instruments) Rules, 2019 prior to

subscription of shares. (b) The applicant is required to obtain Government approval under the Foreign Exchange Management (Non-debt Instruments) Rules, 2019 prior to subscription of shares and the same has been obtained, and is enclosed herewith.

**CONCLUSION:** this is an appreciable step of the government ; it is necessary to protect Nation from these cross – border entities. If we have to win economic war in the world , then we have to give attention on each and every and activities of our neighbors. We cannot change or replace our neighbors but we shall be vigilant while dealing with our border countries. The FDI regime has been changed and companies are now required FEMA approval before inviting or offering any securities to investors residing in border countries. In case companies have offered securities to such entities , they must give a declaration that approval has been given for the transaction and should attach approval letter along with the private placement offer cum application letter.

## CUSTOMS

### NOTIFICATION

**RATE OF EXCHANGE OF ONE UNIT OF FOREIGN CURRENCY EQUIVALENT TO INDIAN RUPEES - SUPERSESSION NOTIFICATION NO. 34/2022-CUSTOMS(N.T.)**

**OUR COMMENTS:** The Central Board of Indirect Taxes and Customs N . No. 40/2022-Customs (N.T.) dated 05th April 2022 notified determined 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 6th May, 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	56.45	54.10
2.	Bahraini Dinar	208.55	195.90
3.	Canadian Dollar	60.90	58.80
4.	Chinese Yuan	11.70	11.35
5.	Danish Kroner	11.05	10.70
6.	EURO	82.45	79.45
7.	Hong Kong Dollar	9.90	9.55
8.	Kuwaiti Dinar	256.65	240.60
9.	New Zealand Dollar	51.25	48.95
10.	Norwegian Kroner	8.40	8.10
11.	Pound Sterling	97.65	94.35
12.	Qatari Riyal	21.60	20.15
13.	Saudi Arabian Riyal	20.95	19.70

14.	Singapore Dollar	56.40	54.55
15.	South African Rand	5.10	4.75
16.	Swedish Kroner	7.95	7.70
17.	Swiss Franc	79.90	76.90
18.	Turkish Lira	5.35	5.00
19.	UAE Dirham	21.40	20.10
20.	US Dollar	77.05	75.35

### 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	60.00	58.00
2.	Korean Won	6.30	5.90

[For further details please refer the Notification]

### NOTIFICATION

**SEEKS TO LEVY ANTI-DUMPING DUTY ON IMPORTS OF OF "N, N' – DICYCLOHEXYL CARBODIIMIDE (DCC)" ORIGINATING IN OR EXPORTED FROM CHINA PR FOR A PERIOD OF FIVE YEARS**

**OUR COMMENTS:** Whereas, in the matter of "N, N' – Dicyclohexyl Carbodiimide (DCC)", falling under tariff items 29212990, 29241900, 29242990, 29251900, 29252910, 29252990, 29333990 or 29419090 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) originating in, or exported from the China PR (hereinafter referred to as the subject country) and imported into India, the designated authority in its final findings, vide notification F. No. 06/53/2020-DGTR, dated the 24th February, 2022, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 24th February, 2022, has come to the conclusion inter alia vide N.No. 12/2022-Customs (ADD) dated 28<sup>th</sup> April 2022 that-

(i) the product under consideration has been exported to India at a price below normal value, thus resulting in dumping;

## CUSTOMS

(ii) the dumping of the subject goods has materially retarded the establishment of domestic industry in India;

(iii) the non-imposition of the anti-dumping duty will adversely and materially impact the indigenous production, while imposition of the anti-dumping duty will not materially impact the consumers or the downstream industry or the public at large,

and has recommended imposition of anti-dumping duty on imports of the subject goods, originating in, or exported from the subject country and imported into India, in order to remove injury to the domestic industry.

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Antidumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under the tariff item of the First Schedule to the Customs Tariff Act as specified in the corresponding entry in column (2), originating in the countries as specified in the corresponding entry in column (4), exported from the countries as specified in the corresponding entry in column (5), produced by the producers as specified in the corresponding entry in column (6), and imported into India, an anti-dumping duty at the rate equal to the amount as specified in the corresponding entry in column (7), in the currency as specified in the corresponding entry in column (9) and as per unit of measurement as specified in the corresponding entry in column (8) of the mentioned Table.

\*Also known as DCC, Dicyclohexylcarbodiimide, 1, 3-Dicyclohexylcarbodiimide

2. The anti-dumping duty imposed under this notification shall be levied for a period of five years (unless revoked, superseded or amended earlier) from the date of publication of this notification in the Official Gazette and shall be payable in Indian currency.

*Explanation.-* For the purposes of this notification, rate of exchange applicable for the purpose of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry

of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

**[For further details please refer the Notification]**



## DGFT

### NOTIFICATION

#### AMENDMENT IN EXPORT POLICY OF GUAR GUM

**OUR COMMENTS:** The Central Government notified vide N. No. 03/2015-2020 dated 09<sup>th</sup> May 2022 the following amendment in the Notification No. 31/2015-20 dated 29.09.2017 related to export of Guar Gum:

2. The revised table in respect of Sl. No. 89 of Chapter 13, Schedule – 2 of ITC (HS) Export Policy, 2018 is as under:

S.No	ITC (HS) Code	Product Description	Export Policy	Policy Condition
89	1302 1302 32 30	Guar gum treated and Pulverized	Free	Guar Gum Exports to European Union (EU) and UK, originating in or consigned from India and intended for animal or human consumption, allowed subject to issue of Official Certificate by authorized representative of Ministry of Commerce & Industry, Government of India i.e. Shellac & Forest Products Export Promotion Council (SHEFEXIL), Kolkata accompanied by (a) the original analytical report of testing of Pentachlorophenol (PCP) issued by any of the following agencies certifying that product does not contain more than 0.01 mg per Kg of PCP on sampling done by the authorized

representative of the competent authority:

- Vimta Labs, Hyderabad ; and
- Export Inspection Agency (EIA) Lab, Chennai

(b) the original analytical report of testing of ETO: Ethylene Oxide (sum of ethylene oxide and 2-chloroethanol expressed as ethylene oxide) issued by the following agency certifying that product does not contain more than 0.02 mg per Kg of ETO on sampling done by the authorized representative of the competent authority:

- Vimta Labs, Hyderabad ;
- EIA Lab, Mumbai

#### 3. Effect of this Notification:

The Export of Guar Gum to European Union and UK will now be allowed subject to issuance of **Official Certificate** in place of Health Certificate with immediate effect.

[For further details please refer the Notification]

## DGFT

### PUBLIC NOTICE

#### ALLOCATION OF ADDITIONAL QUANTITY OF 2051 MT FOR EXPORT OF RAW SUGAR TO USA UNDER TARIFF RATE QUOTA (TRQ) FOR THE US FISCAL YEAR 2022

**OUR COMMENTS:** The Director General of Foreign Trade hereby vide Public Notice No. 07/2015-2020 dated 06<sup>th</sup> May 2022 allocated an additional quantity of 2051 MT raw sugar for export under Tariff Rate Quota (TRQ) to USA for the US fiscal year 2022 (October 1, 2021 to September 30, 2022). With this additional allocation, quantity for export of sugar to USA under TRQ for the fiscal year 2022 would be as under: -

Public Notice No. & Date	Quantity of sugar allocated MT
Quantity allocated under Public Notice No. 28/2015-20 dated 14. 10.2021	8424
Additional Quantity Allocated	2051
<b>Total Quantity Allocated</b>	<b>10475</b>

2. Export of sugar (HS Code 17010000) to USA under TRQ is 'Free' subject to the conditions notified in the 'Nature of Restrictions' in Notification No. 3/2015-20 dated 20.04.2015. The reporting requirement as per Public Notice No. 28/2015-20 dated 14.10.2020 would continue to be followed.

3. Certificate of Origin, if required, for export of preferential sugar to USA, shall be issued by Additional Director General of Foreign Trade, Mumbai. Other certification requirement, if any, prescribed specifically for export of sugar to USA would continue to be followed.

#### 4. Effect of this Public Notice:

**Additional quantity of 2051 MT of raw sugar, for export to USA, under TRQ, upto 30.09.2022, has been notified.**

[For further details please refer the Public Notice]

### PUBLIC NOTICE

#### AMENDMENT IN PARA 2.107 (TRQ UNDER FTA/CECA) OF HANDBOOK OF PROCEDURE 2015-2020

**OUR COMMENTS:** The DGFT vide Public Notice No. 06/2015-2020 dated 01<sup>st</sup> May 2022 revised Para 2.107 of Handbook of Procedure 2015-2020 and Appendix 2A of FTP, 2015-20 to incorporate the items mentioned under Tariff Rate Quota (TRQ) under India – UAE Comprehensive Economic Partnership Agreement (CEPA), besides laying down the procedure for import of the items under TRQ as Annexure IV of Appendix 2A in accordance with Notification No. 22/2022-Customs dated 30th April 2022

2. Annexure IV of Appendix 2A enclosed may please be seen.

**3. Effect of this Public Notice:** The Tariff Rate Quotas (TRQ) as mentioned in Notification No. 22/2022-Customs dated 30th April 2022 under India-UAE CEPA and procedure for allocation and imports under given TRQs is notified.

[For further details please refer the Public Notice]

### NOTIFICATION

#### ALIGNMENT OF APPENDIX 4R WITH THE FINANCE ACT, 2021 WITH EFFECT FROM 01.01.2022

**OUR COMMENTS:** The Central Government hereby notified vide Notification No: 04/2015-2020 dated 11<sup>th</sup> May 2022 an Appendix 4R which is aligned with the Finance Act, 2021. This Appendix 4R shall be effective from 01.01.2022.

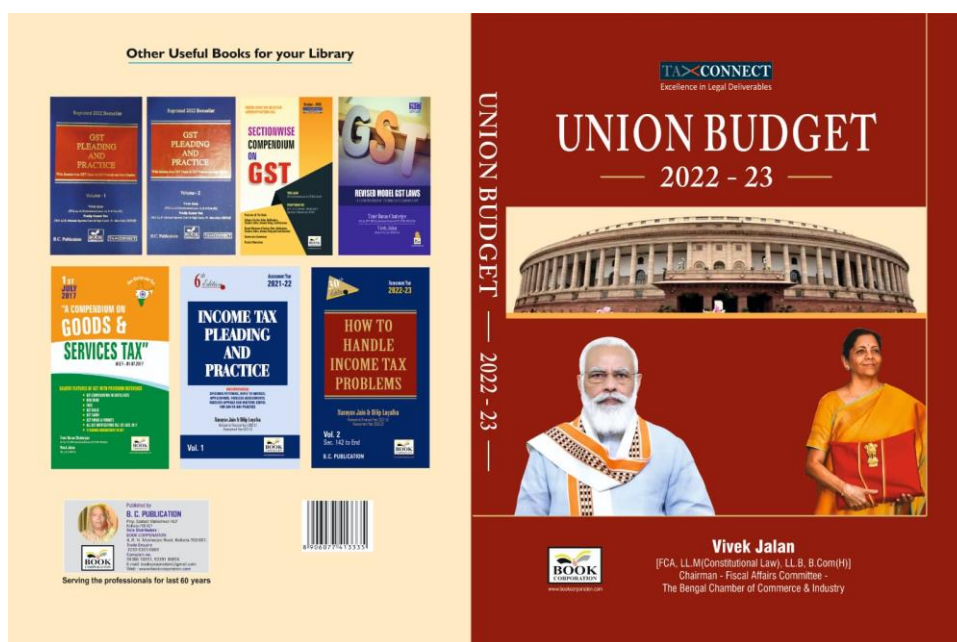
2. This new Appendix 4R, with effect from 01.01.2022, containing the eligible RoDTEP export items, rates and per unit value caps, wherever applicable is available at the DGFT portal [www.dgft.gov.in](http://www.dgft.gov.in) under the link 'Regulatory Updates >RoDTEP'.

**Effect of this Notification:** A new RoDTEP schedule (Appendix 4R) has been notified for implementation with effect from 01.01.2022 after aligning the earlier schedule with the Customs tariff Schedule as per Finance Act, 2021. This issues with the approval of the Minister of Commerce and Industry.

[For further details please refer the Notification]

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### **UNION BUDGET 2022-23**



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- 2. Budget at a glance**
- 3. Finance Minister's Budget Speech**
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- 5. Memorandum**
- 6. Notes on Clauses**

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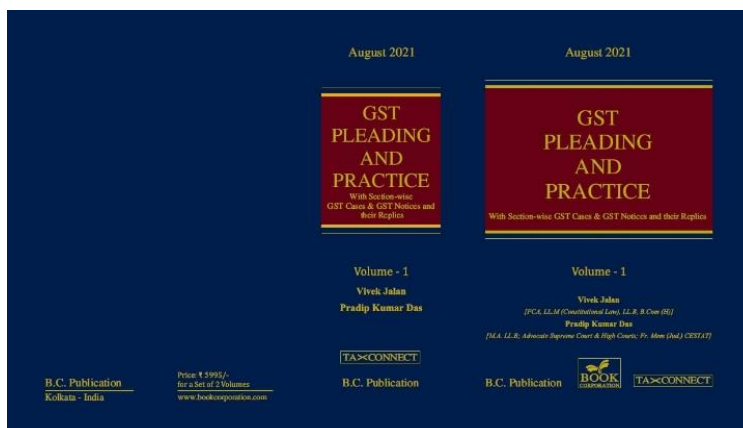
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