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Mumbai :Unit No. 312, Omega Business Park, Near-Kaamgar Hospital, Road No. 33,Wagle Industrial Estate, Thane(West), Maharashtra – 400604

Bangalore:H. No.- 2102, 8th Cross, 15th Main, Kodihalli, HAL 3rdStage, Bengaluru, Karnataka- 560008

New Delhi:B-139, 2ndFloor, Transport Nagar, Noida-201301 (U.P)

Kolkata : 6, Netaji Subhas Road, 3rd Floor, Royal Exchange Building, Kolkata - 700001

:Room No. 119, 1stFloor, “Diamond Arcade” 1/72, Cal Jessore Road, Kolkata – 700055

Dubai:AziziFeirouz, 803, 8th Floor, AL Furjan, Opposite Discovery Pavillion, Dubai, UAE

Contact: +91 9830661254

Website: www.taxconnect.co.in

Email: info@taxconnect.co.in

EDITORIAL



Friends,

Transfer pricing disputes are common with respect to distribution arrangements between related parties. Many of those disputes arise in relation to the accurate delineation of the arrangement and often focus on whether the arrangement involves “baseline” distribution or whether it involves the performance of more complex activities, for instance, when the distributor assumes economically significant risks related to the distribution of the products. Disputes are also common with respect to the pricing considerations of marketing and distribution arrangements, commonly focusing on areas such as the selection of the transfer pricing method, the appropriateness of the benchmarking analysis or the identification of comparable with respect to certain geographical markets or, where necessary, how to make appropriate comparability adjustments.

The Organisation for Economic Co-operation and Development (OECD) has now released a document inviting public comments on how to outline the progress made in defining what in country baseline marketing and distribution arrangements are, how they may be identified in practice, and subsequently how in-scope arrangements may be priced in a simplified and streamlined manner, in accordance with the arm’s length principle.

Earlier the OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting (IF) released the report “Tax Challenges Arising from Digitalization – Report on Pillar One Blueprint”.

Amount B is intended as a simplification and streamlining measure in applying the arm’s length principle based on the guidance provided in the OECD Transfer Pricing Guidelines (“OECD TPG”). The Blueprint stated that Amount B was intended to streamline the process for pricing baseline marketing and distribution activities in accordance with the arm’s length principle (ALP). Thereafter IF agreed on a two-pillar solution to address the

tax challenges arising from the digitalization of the economy. The IF Statement described Amount B as one of the components of Pillar One. Amount B provides a basis to establish an arm’s length price in all cases using suitable comparable, wherever they are geographically drawn from. Simplification and streamlining of the process under Amount B would provide tax certainty benefits for all IF jurisdictions.

The scope of Amount B defines the controlled transactions that would be subject to Amount B and sets out qualitative and quantitative criteria to help that determination. If the scoping criteria are met and the taxpayer is therefore within the scope of Amount B, the Amount B pricing methodology would be applied to establish the arm’s length price for the in-scope transaction, subject to potential exemptions currently under consideration.

The appropriate design of the Amount B implementation framework requires consideration of several interrelated aspects.

First, the implementation framework will need to ensure that the Amount B objectives stated in the IF Statement are achieved, in particular with regards to its adherence to the arm’s length principle and its capacity to mitigate the risk of double taxation and double non-taxation.

Second, the implementation framework will need to consider that IF member jurisdictions have different legal systems, which could have an impact on how Amount B is eventually designed.

Truly Yours

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

Editor:

Vivek Jalan

Partner - Tax Connect Advisory Services LLP

Co-Editors:

Rohit Sharma

Director (Taxation) – Tax Connect Advisory Services LLP

Rajani Kant Choudhary

Senior Manager – Tax Connect Advisory Services LLP

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TAX CALENDAR

Due Date	Form/Return /Challan	Reporting Period	Description
20 th December	GSTR -5A	November 2022	Summary of outward taxable supplies and tax payable by a person supplying OIDAR services
20 th December	GSTR -3B	November 2022	Summary of outward supplies, ITC claimed, and net tax payable for taxpayers with turnover more than Rs.5 crore in the last FY or have not chosen the QRMP scheme for the quarter of Oct-Dec 2022

INCOME TAX

NOTIFICATION

PARTIAL RELAXATION WITH RESPECT TO ELECTRONIC SUBMISSION OF FORM 10F BY SELECTED CATEGORY OF TAXPAYERS IN ACCORDANCE WITH THE DGIT (SYSTEMS)

OUR COMMENTS: The Directorate of Income Tax (Systems), Central Board of Direct Taxes vide F. No. DGIT(S)-ADG(S)-3/e-Filing Notification/Forms/2022/9227 Dated 12-12-2022 reference is invited to Notification No. 03/2022 dated 16th July 2022 issued by Directorate of Income Tax (Systems) New Delhi in exercise of powers conferred under Rule 131(1)/(2) of the Income-tax Rules mandating, inter alia, furnishing of Form 10F electronically.

2. On consideration of the practical challenge being faced by non-resident (NR) taxpayers not having PAN in making compliance as per the above notification, and with a view to mitigate genuine hardship to such taxpayers, it has been decided by the Competent Authority that such category of Non-resident taxpayers who are not having PAN and not required to have PAN as per relevant provisions of the Income-tax Act, 1961 read with Income-tax Rules, 1962, are exempted from mandatory electronic filing of Form 10F till 31st March 2023. For the sake of clarity, it is reiterated that such category of taxpayers may make statutory compliance of filing Form 10F till 31st March 2023 in manual form as was being done prior to issuance of the DGIT(Systems) Notification No. 3 of 2022.

[For further details please refer the Notification]

DISCUSSION

INCOME TAX DEPT ISSUES WARNING ABOUT NOT LINKING PAN WITH AADHAAR

OUR COMMENTS: The income tax department has issued a warning to taxpayers who are yet to link their PAN with their Aadhaar.

As per the latest update on the tax department's e-filing website, *"All PAN holders, who do not come under the exempt category as per Notification No. 37/2017, dated 11th May, 2017 and have not linked their Aadhaar with PAN yet, are requested to do so immediately. Failure to do so will lead to the unlinked PAN becoming inoperative."*

The last date to link PAN with Aadhaar is March 31,2023

Hence, if the PAN is not linked with Aadhaar by the due date of March 31, 2023, then the PAN will become inoperative.

Do note that now there is a penalty applicable for linking PAN with Aadhaar. If an individual links her PAN with her Aadhaar now, then he is liable to pay a late fee of Rs 1,000 as the date for linking without penalty is past.

Hence, before you visit the income tax e-filing website to link PAN-Aadhaar, ensure that you have paid the penalty for the same.

GST

NOTIFICATION

EXTENTION OF THE DUE DATE FOR FURNISHING FORM GSTR-1 FOR NOVEMBER 2022 FOR REGISTERED PERSONS WHOSE PRINCIPAL PLACE OF BUSINESS IS IN CERTAIN DISTRICTS OF TAMILNADU.

OUR COMMENTS: The Central Board of Indirect taxes and Customs vide Notification No. 25/2022 dated 13.12.2022 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, Subsection (i) vide number G.S.R. 699(E), dated the 10th November, 2020, namely: -

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

“Provided also that the time limit for furnishing the details of outward supplies in FORM GSTR-1 of the said rules for the tax period November, 2022, 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 districts of Chennai, Tiruvallur, Chengalpattu, Kancheepuram, Tiruvannamalai, Ranipet, Vellore, Villupuram, Cuddalore, Thiruvarur, Nagapattinam, Mayiladuthurai and Thanjavur in the State of Tamil Nadu, shall be extended till the thirteenth day of the month succeeding the said tax period.”.

[For further details please refer the notification]

CASE LAW

DETENTION OF TRUCK FOR EXPIRY OF E-WAY BILL DUE TO BREAK DOWN OF THE TRUCK CARRYING CONSIGNMENT, REPAIR AND CONSEQUENT DELAY.

OUR COMMENTS: The Madras High Court has held that A careful perusal of the facts and circumstances of the case, leaves this Court with no doubt that there would have been no revenue loss to the respondent / State if the truck had reached the destination without being intercepted.

Circular No.10/2019,Q1/17253/2019' pertains to enforcement of G & ST and what has been described as 'a new approach' to be followed with effect from 01.06.2019

In the instant case, from the narrative thus far, it comes closest to Example 2. It is reiterated and clearly articulated in Example 2 that the expiry of E-way bill does not create any scope for evasion. Absent evasion, there can be no revenue loss.

In the light of the narrative, discussion and dispositive reasoning thus far, on a demurrer, assuming there was no breakdown and assuming the portal was active, the maximum penalty would be Rs.5,000/- qua paragraph 10 of said Circular.

In view of the circular, goods and truck directed to be releases on payment of Rs. 5000 as penalty

FEMA

CIRCULAR

MASTER DIRECTION – FOREIGN EXCHANGE MANAGEMENT (HEDGING OF COMMODITY PRICE RISK AND FREIGHT RISK IN OVERSEAS MARKETS) DIRECTIONS, 2022

OUR COMMENTS: The Reserve Bank of India vide Circular No. RBI/2022-23/152 dated 12.12.2022 circulated that Attention of Authorised Dealer Category - I (AD Cat-I) banks is invited to Regulation 6 and 6A of the Foreign Exchange Management (Foreign Exchange Derivative Contracts) Regulations, 2000 dated May 3, 2000 (Notification No. FEMA. 25/RB-2000 dated May 3, 2000), as amended from time to time, issued under clause (h) of sub-section (2) of Section 47 of Foreign Exchange Management Act, 1999 (Act 42 of 1999) as amended from time to time.

2. Within the contours of the Regulations, the Reserve Bank issues directions to Authorised Persons under Section 11 of the Foreign Exchange Management Act, 1999 (Act 42 of 1999). These Directions lay down the modalities for the AD Cat-I banks for facilitating hedging of commodity price risk and freight risk in overseas markets by their customers / constituents.

3. The Master Direction – Foreign Exchange Management (Hedging of Commodity Price Risk and Freight Risk in Overseas Markets) Directions, 2022 are enclosed herewith. AD Cat-I banks may bring the contents of these Directions to the notice of their customers / constituents concerned.

4. 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/ approvals, if any, required under any other law.

[For further details please refer the circular]

CIRCULAR

HEDGING OF COMMODITY PRICE RISK AND FREIGHT RISK IN OVERSEAS MARKETS (RESERVE BANK) DIRECTIONS

OUR COMMENTS: The Reserve Bank of India vide Circular No. RBI/2022-23/151 dated 12.12.2022 circulated that paragraph 4 of the Statement on Developmental and Regulatory Policies announced as a part of the Bi-monthly Monetary Policy Statement for 2022-23 dated December 07, 2022 regarding hedging of price risk of gold in overseas markets. Attention is also invited to the Hedging of Commodity Price Risk and Freight Risk in Overseas Markets (Reserve Bank) Directions, 2018 dated March 12, 2018, as amended from time to time.

2. Resident entities in India are currently not permitted to hedge their exposure to price risk of gold in overseas markets. On a review, it has been decided to permit eligible entities to hedge their exposure to price risk of gold on exchanges in the International Financial Services Centre (IFSC) recognised by the International Financial Services Centres Authority (IFSCA).

3. The Master Direction – Foreign Exchange Management (Hedging of Commodity Price Risk and Freight Risk in Overseas Markets) Directions, 2022 (A. P. (DIR Series) Circular No. 21 dated December 12, 2022) have been issued today and are enclosed herewith.

4. 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/ approvals, if any, required under any other law.

[For further details please refer the circular]

CUSTOMS

NOTIFICATION

RATE OF EXCHANGE OF ONE UNIT OF FOREIGN CURRENCY EQUIVALENT TO INDIAN RUPEES W.E.F. 16TH DECEMBER, 2022

OUR COMMENTS: The Ministry of Finance (Department of Revenue) vide Notification No. 109/2022-Customs (N.T) dated 15.12.2022 notified In exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and in supersession of the Notification No. 101/2022-Customs(N.T.), dated 1st December, 2022 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 16th December, 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	57.85	55.40
2.	Bahraini Dinar	226.15	212.70
3.	Canadian Dollar	62.00	59.95
4.	Chinese Yuan	12.05	11.70
5.	Danish Kroner	12.05	11.65
6.	EURO	89.70	86.55
7.	Hong Kong Dollar	10.80	10.45
8.	Kuwaiti Dinar	278.15	261.45
9.	New Zealand	54.75	52.35

	Dollar		
10.	Norwegian Kroner	8.60	8.30
11.	Pound Sterling	104.20	100.75
12.	Qatari Riyal	23.25	21.85
13.	Saudi Arabian Riyal	22.70	21.35
14.	Singapore Dollar	62.30	60.30
15.	South African Rand	4.95	4.65
16.	Swedish Kroner	8.25	7.95
17.	Swiss Franc	91.00	87.65
18.	Turkish Lira	4.55	4.30
19.	UAE Dirham	23.20	21.85
20.	US Dollar	83.55	81.80

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	62.00	60.05
2.	Korean Won	6.55	6.15

[For further details please refer the notification]

NOTIFICATION

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

OUR COMMENTS: The Ministry of Finance (Department of Revenue) vide Notification No. 108/2022-Customs (N.T) dated 15.12.2022 notified 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

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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-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	977
2	1511 90 10	RBD Palm Oil	979
3	1511 90 90	Others – Palm Oil	978
4	1511 10 00	Crude Palmolein	985
5	1511 90 20	RBD Palmolein	988
6	1511 90 90	Others – Palmolein	987
7	1507 10 00	Crude Soya bean Oil	1275
8	7404 00 22	Brass Scrap (all grades)	4904

TABLE-2

Sl. No.	Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value (US \$)
(1)	(2)	(3)	(4)
1.	71 or 98	Gold, in any form, in respect of which the benefit of entries	582 per 10 grams

		at serial number 356 of the Notification No. 50/2017-Customs dated 30.06.2017 is availed	
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	771 per kilogram
3.	71	<p>(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;</p> <p>(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.</p> <p>Explanation. - For the purposes of this entry, silver in any form shall not include foreign currency coins, jewellery made of silver or articles made of silver.</p>	771 per kilogram
4.	71	<p>(i) Gold bars, other than tola bars, bearing manufacturer's or refiner's engraved serial number and weight expressed in metric units;</p> <p>(ii) Gold coins having gold content not below</p>	582 per 10 grams

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		99.5% and gold findings, other than imports of such goods through post, courier or baggage.	
		Explanation. - For the purposes of this entry, "gold findings" means a small component such as hook, clasp, clamp, pin, catch, screw back used to hold the whole or a part of a piece of Jewellery in place.	

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	9093"

2. This notification shall come into force with effect from the 16th day of December, 2022.

[For further details please refer the notification]

NOTIFICATION

NOTIFYING KAKRAWAH AS LCS FOR CLEARANCE OF ANY CLASS OF GOODS IMPORTED OR EXPORTED BY LAND BY AMENDMENT OF PRINCIPAL NOTIFICATION NO. 63/1994-CUSTOMS (N.T.) DATED 21ST NOVEMBER, 1994.

OUR COMMENTS: The Ministry of Finance (Department of Revenue) vide Notification No. 107/2022-Customs (N.T) dated 13.12.2022 notified In exercise of the powers conferred by clauses (b) and (c) of sub-section (1) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Board of Indirect Taxes and Customs hereby makes the following further amendments in the notification of the Government of India, Ministry of Finance (Department of Revenue), No. 63/1994-Customs (N.T.) dated the 21st November, 1994, published in the

Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 830 (E), dated the 21st November, 1994, namely: -

In the said notification, in the opening paragraph, the tenth proviso, namely: -

"Provided also that Kakrawah is appointed as land customs station for the purpose of clearance of baggage, passenger vehicles and tourist vehicles:", shall be omitted.

[For further details please refer the notification]

NOTIFICATION

NOTIFICATION REGARDING INCLUSION OF TWO LAND CUSTOMS STATIONS IN NOTIFICATION NO. 208/77 -CUS (N.T.) DATED 01.10.1977

OUR COMMENTS: The Ministry of Finance (Department of Revenue) vide Notification No. 106/2022-Customs (N.T) dated 12.12.2022 notified In exercise of the powers conferred by sub-section (2) of section 76 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following further amendments in the notification of the Government of India, Ministry of Finance (Department of Revenue) No.208/1977-Customs, dated the 1st October, 1977, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1318, dated the 1st October, 1977, namely:- In the said notification, in paragraph 2, in clause (c), for the words "Gauriphanta and Dharchula", the words "Gauriphanta, Dharchula, Bhithamore and Barhni" shall be substituted.

[For further details please refer the notification]

NOTIFICATION

AMENDMENT IN NOTIFICATION REGARDING PROPER OFFICER

OUR COMMENTS: The Ministry of Finance (Department of Revenue) vide Notification No. 105/2022-Customs (N.T) dated 09.12.2022 notified in exercise of the powers conferred by sub-sections (1A), (4) and (5) of Section 5 read with sub-section (34) of section 2 of the Customs Act, 1962 (52 of 1962), the Central Board of Indirect Taxes

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and Customs hereby makes the following further amendments in the notification of the Government of India, Ministry of Finance (Department of Revenue) No. 26/2022-Customs (N.T.), dated the 31st March, 2022, published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (ii), vide number S.O. 1542(E) , dated the 31st March, 2022, namely:-

In the said notification, in the Table,-

(i) in Sr. No.3, in column (3), after the entry (xxvii), the following entry shall be inserted, namely:--

(3)
“(xxviii) Section 84 (Re-assessment of entries relating to postal goods)” ;

(ii) in Sr. No.5, in column (3), after the entry (xx), the following entries shall be inserted, namely:-

(3)
“(xxa) Section 84 (assessment)
“(xxb) Section 84 (clearance)” ;

(iii) in Sr. No.7, in column (3), after the entry (vii), the following entry shall be inserted, namely :-

(3)
“(viii) Section 84 (examination)”.

2. This notification shall come in force from the date of its publication in the Official Gazette.

[For further details please refer the notification]

NOTIFICATION

POSTAL EXPORT (ELECTRONIC DECLARATION AND PROCESSING) REGULATIONS, 2022.

OUR COMMENTS: The Ministry of Finance (Department of Revenue) vide Notification No. 104/2022-Customs (N.T) dated 09.12.2022 notified in exercise of the powers conferred by section 157 read with section 84 of the Customs Act, 1962 (52 of 1962), the Central Board of

Indirect Taxes and Customs hereby makes the following regulations, namely:-

1. Short title and commencement. - (1) These regulations may be called the Postal Export (Electronic Declaration and Processing) Regulations, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application.- These regulations shall apply to export of goods by any person, holding a valid Import-Export Code issued by the Director General of Foreign Trade, in furtherance of business through a foreign post office appointed by the Board under clause (e) of sub-section (1) of section 7 of the Customs Act, 1962.

3. Definitions.- (1) In these regulations, unless the context otherwise requires, -

(a) “Act” means the Customs Act, 1962 (52 of 1962);

(b) “authorised agent” means a person authorised by an exporter who has a valid license under the Customs Brokers Licensing Regulations, 2018 and includes an employee of the Customs broker who has been issued a photo identity card in Form G of the said regulations;

(c) “booking post office” means a post office authorised to accept and book export goods in accordance with sub-regulation (1) of regulation 6;

(d) “e-commerce” means buying and selling of goods through the internet on an e-commerce platform, the payment for which shall be done through various electronic means and in accordance with the guidelines issued by the Reserve Bank of India from time-to-time;

(e) “electronic declaration” means the declaration of the particulars relating to the export goods, filed electronically by the exporter or his authorised agent on the PBE Automated System, operated and maintained by the postal authorities;

(f) “Form” means the Forms appended to these regulations;

(g) “PBE Automated System” means a system operated and maintained by the postal authorities for filing of

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electronic declaration by exporter or his authorised agent.

(2) The words used and not defined in these regulations but defined in the Act, shall have the same meanings as respectively assigned to them in the Act.

4. PBE Automated System and registration thereupon.-

(1) The postal authorities shall set up, operate and maintain the PBE Automated System for filing of electronic declaration for export of goods through post.

(2) An exporter who wishes to export goods through post or his authorised agent shall register himself on the PBE Automated System.

(3) The PBE Automated System shall validate and recognise the registered person and enable him to file electronic declaration and upload supporting documents on the said system.

5. Electronic declaration for postal export.- (1) For export of goods by post, in furtherance of the business, the exporter or his authorised agent shall make an entry thereof through an electronic declaration in the following forms, namely-

(i) Postal Bill of Export-III (PBE-III) for postal exports effected through e-commerce; or

(ii) Postal Bill of Export-IV (PBE-IV) for all other postal exports.

(2) The person making an entry in terms of sub-regulation (1) shall, while making the said entry, make and subscribe to a declaration as to the truth of its contents and shall ensure the following, namely:-

(i) the accuracy and completeness of the information given therein;

(ii) the authenticity and validity of any document supporting it; and

(iii) compliance with the restriction or prohibition, if any, relating to the goods under the Act or under any other law for the time being in force.

6. Post offices for handling postal export.- (1) The postal authorities, in consultation with the Board, shall authorise

certain post offices to accept and book export goods and also specify the corresponding foreign post office to each of them.

(2) Upon filing of electronic declaration for export, the exporter shall present the export goods to the postal authorities at a booking post office.

(3) Notwithstanding anything contained in sub-regulation (2), the exporter may also present the export goods to the postal authorities at a foreign post office.

(4) The export goods shall bear a declaration from the exporter regarding the contents of each of the packages, the value thereof and other particulars to be affixed on the package, in the format laid down by the postal authorities.

(5) The postal authorities shall provide for secure transfer or movement of the export goods from the booking post office to the corresponding foreign post office, where customs clearance shall take place.

7. Clearance of goods for export at foreign post office.-

(1) On arrival in the foreign post office, the export goods shall not be dealt in any manner except as may be directed by the Principal Commissioner or Commissioner of Customs, as the case may be.

(2) No person shall, except with the permission of proper officer of Customs, open any package of export goods arrived in the foreign post office for customs clearance.

(3) The postal authorities shall present the export goods and the corresponding electronic declaration to the proper officer of Customs at the foreign post office, in such manner as to the satisfaction of the said proper officer, for screening, inspection, examination and assessment thereof.

(4) The proper officer may verify the entry made under regulation 5, and the provision of section 17 of the Act shall apply, as they apply to other goods, subject to the modification that for the words and figures, "under section 50", wherever they occur in reference to export goods, the words and figures, "under section 84", shall be substituted.

(5) The proper officer may call for clarification or documents, electronically on the PBE Automated System,

CUSTOMS

from the exporter or his authorised agent in relation to the export goods.

(6) Where the proper officer is satisfied that the goods entered are not prohibited goods and the duty, if any, assessed thereon and any charges payable under the Act in respect of the same have been paid, the proper officer may make an order permitting clearance of the goods for export.

(7) The postal authorities shall furnish the proof of export and corresponding electronic data, captured on the PBE Automated System, to Customs.

(8) Where required or permitted by the proper officer, the postal authorities shall provide for secure transfer or movement of goods from foreign post office to booking post office.

8. Retention of records.-(1) The exporter or his authorised agent shall retain, for a period of five years from the date of filing an electronic declaration on the PBE Automated System, a copy of the said declaration and all supporting documents, which were used or relied upon for such electronic declaration and, where required, shall produce them before Customs in connection with any action or proceedings under the Act or under any other law for the time being in force.

9. Role and responsibilities of authorised agent.-(1) The authorised agent of the exporter may file electronic declaration on his behalf and assist the exporter in performing the functions related to clearance of export goods through post.

(2) The exporter authorising such agent shall be fully responsible for all the operations and transactions performed by such agent on his behalf and shall be liable for payment of any dues owed to the government or penal provisions as applicable under these regulations or the Act or any other law for the time being in force.

(3) Notwithstanding anything contained in sub-regulation (2), the authorised agent shall be governed by the regulations made under section 146, and section 147 of the Act.

10. Penalty.- Without prejudice to any other action which may be taken under the Act, rules or regulations made thereunder or any other law for the time being in force,

any person who contravenes any of the provisions of these regulations or abets such contravention or fails to comply with any of the provision of these regulations with which it was his duty to comply, shall be liable to a penalty to an extent of the amount specified under clause (ii) of sub - section (2) of section 158 of the Act.

[For further details please refer the notification]

NOTIFICATION

EXPORTS BY POST (AMENDMENT) REGULATIONS, 2022

OUR COMMENTS: The Ministry of Finance (Department of Revenue) vide Notification No. 103/2022-Customs (N.T) dated 09.12.2022 notified in exercise of the powers conferred by section 157 read with section 84 of the Customs Act, 1962 (52 of 1962), the Central Board of Indirect

Taxes and Customs hereby makes the following regulations to amend the Exports by Post Regulations, 2018, namely: -

1. Short title and commencement. - (1) These regulations may be called the Exports by Post (Amendment) Regulations, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Exports by Post Regulations, 2018 (hereinafter in these regulations referred to as the said regulations), in regulation 3, in sub-regulation (1), for the words "international credit and debit cards and as specified", the words "various electronic means and in accordance with the guidelines issued" shall be substituted.

3. In the said regulations, the appended forms shall be substituted with few other forms as mentioned in the said notification.

[For further details please refer the notification]

DGFT

PUBLIC NOTICE

AMENDMENT IN APPENDIX 4J OF HANDBOOK OF PROCEDURES 2015-20

OUR COMMENTS: The Ministry of Commerce and Industry vide public notice no. 43/2015-2020 dated 12.12.2022 notified In exercise of the powers conferred under paragraph 1.03 & 2.04 of the Foreign Trade Policy (FTP), 2015-2020, as amended from time to time, the Director General of Foreign Trade hereby makes the following amendment in Appendix 4J of Handbook of Procedures, 2015-2020:

1. The existing entry at Sl.no. 10 of Appendix 4J is amended to be read as under:

Serial No.	Import Item(s)	Export Period with pre-import condition from the date of clearance of each import consignment by Customs Authority
10	Import items (except Shea Nut or Shea butter) as allowed under notified SION/prior fixation of norms by NC for export of all items covered under Chapter 7 and Chapter 15 of ITC(HS) Classification.	90 days

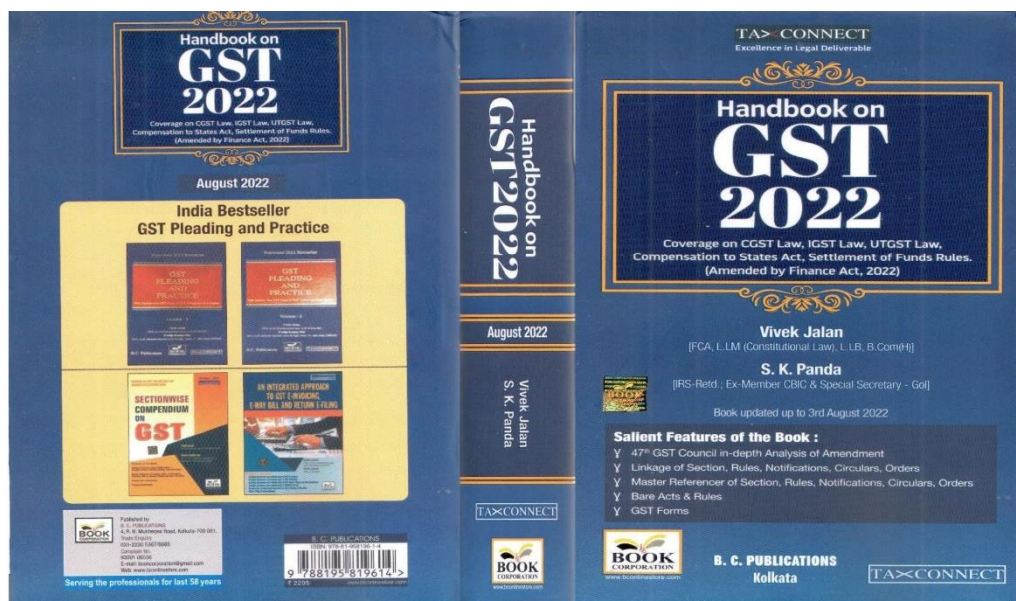
Effect of this Public Notice:

The import item Shea Nut or Shea Butter is excluded from serial number 10 of Appendix 4J with immediate effect.

[For further details please refer the Public Notice]

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HANDBOOK ON GST 2022



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3. Master Reference of Section, Rules, Notifications, Circulars, Orders
4. Bare Acts & Rules
5. GST Forms

Author:

Vivek Jalan

[FCA, LL.M (Constitutional Law), LL.B, B.Com(H)]

S.K. Panda

[IRS-Retd.; Ex-Member CBIC & Special Secretary – GoI]

Published by:

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4, R. N. Mukherjee Road

Kolkata 700001

Phones: (033) 64547999

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6. Discussion on SOP on Scrutiny of Returns and GST Audit Manual by CBIC under respective Sections
7. Discussion on Recent Instruction on GST-Summons, Arrest and Bail

Authors:

Vivek Jalan

[FCA, LL.M (Constitutional Law), LL.B, B.Com(H)]

Bikramjit Ghosh

[FCA, B.Com(H)]

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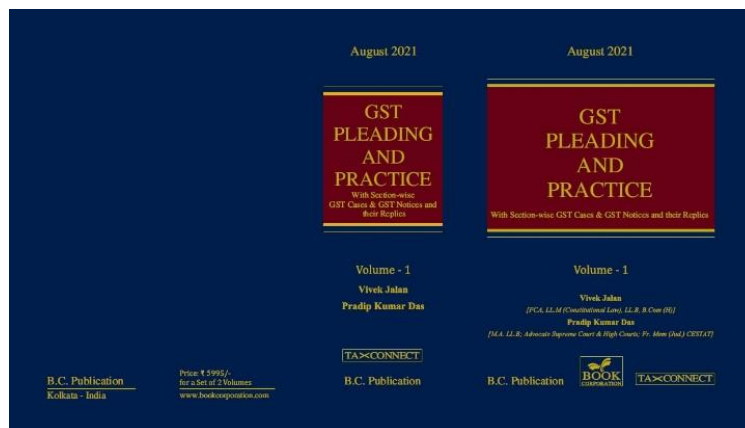
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6. Completely Updated Synopsis of Case Laws under GST by Supreme Court, High Court, AAARs & AARs

Authors:

Vivek Jalan

[FCA, LL.M (Constitutional Law), LL.B, B.Com(H)]

Pradip Kumar Das

[M.A. LL.B; Advocate Supreme Court & High Courts; Fr. Mem (Jud.) CESTAT]

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BOOK CORPORATION

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LET'S DISCUSS FURTHER!

OUR OFFICES:

MUMBAI

Unit No. 312, Omega Business Park, Near Kaamgar Hospital, Road No. 33, Wagle Industrial Estate, Thane West, Maharashtra- 400604

Contact Person: Priyanka Vishwakarma
Email: priyanka.vishwakarma@taxconnect.co.in

BANGALORE

H. NO.- 2102, 8th Cross, 15th Main, Kodihalli, HAL 3rd Stage, Bengaluru, Karnataka-560008

Contact Person: Anil Pal
Email: anil.pal@taxconnectdelhi.co.in

DELHI

B-139, 2nd Floor, Transport Nagar, Noida-201301 (U.P)

Contact Person: Poonam Khemka
Email: poonam.khemka@taxconnect.co.in

KOLKATA

6, Netaji Subhas Road, 3rd Floor, Royal Exchange Building, Kolkata - 700001

Contact Person: Rajni Kant Choudhary
Email: rajnikant.choudhary@taxconnect.co.in

KOLKATA

R No 119; 1st Floor; Diamond Arcade; 1/72, Cal Jessore Road; Kolkata – 700055

Contact Person: Uttam Kumar Singh
Email: uttam.singh@taxconnect.co.in

DUBAI

Azizi Feirouz, 803, 8th Floor, AL Furjan, Opposite Discovery Pavillion, Dubai, UAE

Contact Person: Rohit Sharma
Email: rohit.sharma@taxconnect.co.in

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