

# TAX CONNECT

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

### TAX CONNECT

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

**Bangalore:** 46/4, GB Palya, Kudlu Gate, Hosur Road, Bangalore, Karnataka – 560068.

**New Delhi:** B-139, 2<sup>nd</sup> Floor, Transport Nagar, Noida-201301 (U.P)

**Kolkata:**

- 6, Netaji Subhas Road, 3<sup>rd</sup> Floor, Royal Exchange Building, Kolkata – 700001
- Room No. 119, 1<sup>st</sup> Floor, "Diamond Arcade" 1/72, Cal Jessore Road, Kolkata – 700055
- Tobacco House, 1, Old Court House St, Radha Bazar, Corner, Kolkata, West Bengal 700001

**Dubai:** AziziFeirouz, 803, 8<sup>th</sup> Floor, AL Furjan, Opposite Discovery Pavillion, Dubai, UAE

**Contact:** +91 9830661254

**Website:** [www.taxconnect.co.in](http://www.taxconnect.co.in)

**Email:** [info@taxconnect.co.in](mailto:info@taxconnect.co.in)

## EDITORIAL



**Friends,**

Explanation 1 to Sec 37(1) of the Income Tax Act declares that any expenditure incurred by an assessee for any purpose which is an offence or which is prohibited by law shall not be deemed to have been incurred for the purpose of business or profession and no deduction or allowance shall be made in respect of such expenditure.

Explanation 3 to section 37(1) of the Income Tax Act has been inserted with effect from 1-4-2022 to clarify that the expression *"expenditure incurred by an assessee for any purpose which is an offence or which is prohibited by law"* under Explanation 1, shall include and shall be deemed to have always included the expenditure incurred by an assessee for any purpose which is an offence under, or which is prohibited by, any law for the time being in force, in India or outside India;

Given that the Medical Council Regulations do not penalise pharmaceutical companies, they continue to claim deductions on expenditure incurred by them on these freebies. Therefore, the Central Board of Direct Tax ('CBDT') issued a circular on August 1, 2018, clarifying that any expenditure incurred on freebies, which is in violation of the Medical Council Regulations shall be inadmissible under Section 37(1).

In the decision of the Hon'ble Apex Court in the case of M/s. Apex Laboratories Pvt. Ltd. v. DCIT [2022] 135 taxmann.com 286 (SC), it was held that since acceptance of freebies by medical practitioners was punishable as per Circular issued by

Medical Council of India under MCI regulations, 2002, gifting of such freebies by pharmaceutical company to medical practitioners would also be prohibited by law and thus, expenditure incurred in distribution of such freebies would not be allowed as a deduction in terms of Explanation 1 to section 37(1).

Hence, freebies provided to doctors by Pharma Companies, which are disallowed by MCI regulations would be considered to have always been disallowed. However, the MCI regulations need scrutinized, and the allowable expenditures need to be so treated. This was held in the case of MEDLEY PHARMACEUTICALS LTD Vs DCIT, C- 44, MUMBAI [2023-VIL-741-ITAT-MUM] and the ratio would be applicable for pharma companies who incur such expenses.

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

**Editor:**

**Vivek Jalan**

Partner - Tax Connect Advisory Services LLP

**Co-Editor:**

**Rohit Sharma**

Director – Tax Connect Advisory Services LLP

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# TAX CALENDAR

Due Date	Form/Return/Challan	Reporting Period	Description
18 <sup>th</sup> June	<b>CMP-08</b>	<b>May 2023</b>	CMP-08 is a form that declares the composition dealer summary of his/her self-assessed taxable amount for a particular quarter.
20 <sup>th</sup> June	<b>GSTR-3B</b>	<b>May 2023</b>	GST Filing of returns by a registered person with aggregate turnover exceeding INR 5 Crores during the preceding financial year.
20 <sup>th</sup> June	<b>GSTR-5A</b>	<b>May 2023</b>	Summary of outward taxable supplies and tax payable by a person supplying OIDAR services.

# INCOME TAX

## NOTIFICATION

### SPECIAL COURTS U/S 280A OF IT ACT AND SECTION 84 OF THE BLACK MONEY ACT

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide Notification No. 42/2023 dated 15.06.2023 notified In exercise of the powers conferred by sub-section (1) of section 280A of the Income-tax Act, 1961 (43 of 1961) read with section 84 of the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 (22 of 2015), the Central Government, in consultation with the Chief Justice of the High Court of Jharkhand, hereby designates the following Courts in the State of Jharkhand, as mentioned in column (2) of the Table below, as Special Courts for the areas mentioned in column (3) of the said Table, for the purposes of sub-section (1) of section 280A of the Income-tax Act, 1961 and section 84 of the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015, namely:-

**TABLE**

Serial Number	Court	Area
(1)	(2)	(3)
1.	Special Court (Economic Offences), Ranchi	Ranchi, Lohardaga, Gumla, Simdega, Khunti, Palamau, Latehar, and Garhwa.
2.	Special Court (Economic Offences), Jamshedpur	East Singhbhum, West Singhbhum, and Seraikella Kharsawan.
3.	Special Court (Economic Offences), Dhanbad	Dhanbad, Bokaro, Giridih, Hazaribagh, Ramgarh, Koderma, Chatra, Dumka, Deoghar, Godda, Pakur, Jamtara, and Sahebganj.

[For further details please refer the notification]

## NOTIFICATION

### AMENDMENT IN NOTIFICATION REGARDING CONTROL OF NOTIFIED SUBORDINATE OFFICER UNDER INCOME-TAX AUTHORITIES

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide Notification No. 41/2023 dated 14.06.2023 notified In exercise of the powers conferred by section 118 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following further amendments to the Notification of the Government of India, Ministry of Finance, Department of Revenue, Central Board of Direct Taxes, vide number S.O. 359, dated the 30th March, 1988, published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii), namely :—

In the said notification,—

(i) after clause (b), the following clause shall be inserted, namely:—

“(ba) Joint Commissioners of Income-tax (Appeals) or Additional Commissioners of Income-tax (Appeals) shall be subordinate to the Chief Commissioners of Income-tax within whose jurisdiction they perform their functions;”;

(ii) for the clause (c), the following clause shall be substituted, namely:—

“(c) Additional Directors or Additional Commissioners or Joint Directors or Joint Commissioners of Income-tax shall be subordinate to the Directors or Commissioners of Income-tax within whose jurisdiction they perform their functions or other income-tax authority under whom they are appointed to work and to any other income-tax authority to whom the Director or the Commissioner of the Income-tax, as the case may be, or other income-tax authority is subordinate;”;

(iii) after clause (g), for the proviso, the following proviso shall be substituted, namely:—

“Provided that nothing in this notification shall have the effect of—

(a) requiring any income-tax authority to make a particular assessment or to dispose of a particular case in a particular manner; or

(b) interfering with the discretion of the Commissioner of Income-tax (Appeals) or Additional Commissioners of

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Income-tax (Appeals) or Joint Commissioners of Income-tax (Appeals).”

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

[For further details please refer the notification]

## NOTIFICATION

### EFFECT TO THE E-APPEALS SCHEME, 2023

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide Notification No. 40/2023 dated 14.06.2023 notified In exercise of the powers conferred by sub-sections (1) and (2) of section 120 of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the Act) and to give effect to the e-Appeals Scheme, 2023 (hereinafter referred to as the Scheme) made under sub-section (5) of section 246 of the Act and published vide Notification No. 33 of 2023 of the Government of India in the Ministry of Finance, Department of Revenue, vide number S.O. 2352(E), dated the 29th of May, 2023, in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), the Central Board of Direct Taxes (hereinafter referred to as the Board), hereby directs that the income-tax authorities specified in column (4) of the Schedule as mentioned in the notification, having their headquarters at the places specified in the corresponding entries in column (5) of the said schedule and functioning subordinate to the income-tax authorities specified in column (3) of the said schedule shall exercise the powers and perform functions, in order to facilitate the conduct of e-appeal proceedings, in respect of such persons or classes of persons or incomes or classes of income or cases or classes of cases, with respect to appeals covered under section 246 of the Act, except the cases excluded under sub-section (6) of that section, as specified by the Board in paragraph 3 of the Scheme.

[For further details please refer the notification]

## NOTIFICATION

### COST INFLATION INDEX FOR THE FINANCE YEAR 2023-24

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide Notification No. 39/2023 dated 12.06.2023

notified In exercise of the powers conferred by clause (v) of the Explanation to section 48 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following further amendments in the notification of the Government of India, Ministry of Finance (Department of Revenue), Central Board of Direct Taxes, published in the Gazette of India, Extraordinary, vide number S.O. 1790(E), dated the 5th June, 2017, namely:-

2. In the said notification, in the Table, after serial number 22, the following serial number and entries relating thereto, shall be inserted, namely:-

**TABLE**

Sl. No.	Financial Year	Cost Inflation Index
(1)	(2)	(3)
“23	2023-24	348”

3. This notification shall come into force with effect from the 1st day of April, 2024 and shall, accordingly, apply to the assessment year 2024-25 and subsequent assessment years.

[For further details please refer the notification]

## NOTIFICATION

### MANNER OF DISPOSAL OF APPLICATION FOR E-ADVANCE RULINGS

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide Notification No. 38/2023 dated 12.06.2023 notified In exercise of the powers conferred by sub-sections (9) and (10) of section 245R of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendments in the e-advance rulings Scheme, 2022, namely:

#### 1. Short title and commencement.—

(1) This Scheme may be called the e-advance rulings (Amendment) Scheme, 2023.

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

**2. In the e-advance rulings Scheme, 2022, in paragraph 6, in sub-paragraph (C), for clause (iv), the following clauses shall be substituted, namely:—**



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“(iv) the Board for Advance Rulings shall, after considering the response as referred to in clause (iii), and after providing an opportunity of being heard (through video conferencing or video telephony) under subsection (5) of section 245R of the Act on the request of the applicant, subject to the provisions of clause (v), if applicable, pronounce the advance ruling on the question specified in the application and send a copy thereof to the applicant and the authority to whom the reference has been made;

(v) if the Members of a Board for Advance Rulings differ in opinion on any point or points, the Board for Advance Rulings shall refer such point or points to the Principal Chief Commissioner of Income-tax (International Taxation), who shall nominate one Member from any other Board for Advance Rulings and such point or points shall be decided according to the opinion of the majority of the Members.”.

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

## NOTIFICATION

**SIGNING OF APPLICATION FOR ADVANCE RULING - THE CONDITION OF MANDATORY DIGITAL SIGNATURE HAS BEEN DONE AWAY WITH - INCOME-TAX (NINTH AMENDMENT) RULES, 2023**

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide Notification No. 37/2023 dated 12.06.2023 notified In exercise of the powers conferred by section 245Q read with section 295 of the Income tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend Income-tax Rules, 1962, namely: —

### 1. Short title and commencement.—

(1) These rules may be called the Income-tax (Ninth Amendment) Rules, 2023.

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

2. In the Income-tax Rules, 1962, (hereinafter referred to as the said rules), in rule 44E, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) The application referred to in sub-rule (1), the verification appended thereto, the annexures to the said application and the statements and documents

accompanying the annexures, shall be,— (a) in the case of an individual,—

(I) signed or digitally signed,—

(i) by the individual himself; or

(ii) where, for any unavoidable reason, it is not possible for the individual to sign the application, by any person duly authorised by him in this behalf:

**Provided** that in a case referred to in sub-clause (ii), the person signing the application holds a valid power of attorney from the individual to do so, which shall be attached to the application;

and

(II) furnished through his registered e-mailaddress;

(b) in the case of a Hindu undivided family,—

(I) signed or digitally signed,—

(i) by the karta thereof; or

(ii) where, for any unavoidable reason, it is not possible for the kartato sign the application, by any other adult member of such family; and

(II) furnished through its registered e-mailaddress;

(c) in the case of a company, —

(I) signed or digitally signed,—

(i) by the Managing Director thereof; or where for any unavoidable reason such Managing Director is not able to sign and verify the application, or where there is no Managing Director, by any Director thereof; or

(ii) where, for any unavoidable reason, it is not possible for the Managing Director or the Director to sign the application, by any person duly authorised by the company in thisbehalf:

**Provided** that in the case referred to in sub-clause (ii), the person signing the application holds a valid power of attorney from the company to do so, which shall be attached to the application; and

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(II) furnished through its registered e-mailaddress;

(d) in the case of a firm, —

(I) signed or digitally signed,—

(i) by the managing partner thereof; or

(ii) where for any unavoidable reason such managing partner is not able to sign and verify the application, or where there is no managing partner as such, by any partner thereof, not being a minor; and

(II) furnished through its registered e-mailaddress;

(e) in the case of an association of persons,—

(I) signed or digitally signed by any member of the association or the principal officer thereof; and

(II) furnished through its registered e-mailaddress;

(f) in the case of any other person,—

(I) signed or digitally signed by that person or by some other person competent to act on his behalf; and

(II) furnished through his registered e-mailaddress.

3. In the said rules, in rule 44F,—

(i) in the marginal heading, for the word “Authority”, the word “Board” shall be substituted;

(ii) for the word “Authority” at both the places where they occur, the word “Board” shall be substituted, in both places.

4. In the said rules, in Appendix-II, FORM No. 34C to FORM No. 34EA has been substituted.

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



# GST

## ADVISORY

### UPDATE ON ENABLEMENT STATUS FOR TAXPAYERS FOR E-INVOICING

**OUR COMMENTS:** The Central Board of Indirect Taxes (CBIC) announced Notification No. 10/2023–Central Tax dated May 10, 2023, as an amendment to Notification No. 13/2020 – Central Tax, dated March 21, 2020, to reduce the e-invoicing turnover limit to Rs 5 Crore, to be implemented w.e.f. August 1, 2023. This means that e-Invoice generation will be Mandatory for every taxpayer with an annual aggregate turnover exceeding Rs 5 Crore in any year from 2017-18 onwards to generate e-invoices for B2B supplies w.e.f. August 1, 2023. The registered taxpayers needs to review their vendor masters and ensure that any vendor supplying goods or services and crossing the threshold turnover of Rs 5 crore is necessarily issuing an e-invoice from 1<sup>st</sup> August 2023 to avoid any dispute with respect to availing of input tax credit.

The GSTIN vide advisory dated 16.06.2023 advised that as per Notification No. 10/2023 - Central Tax dated 10th May 2023, the threshold for e-Invoicing for B2B transactions has been lowered from 10 crores to 5 crores. This change will be applicable from 1st August 2023.

1. To this effect GSTN has enabled all eligible taxpayers with an Aggregate Annual Turnover (AATO) 5 crores and above as per GSTN records in any preceding financial year for e-Invoicing. These taxpayers are now enabled on all six IRP portals including NIC-IRP for e-Invoice reporting.
2. You can check your enablement status on the e-Invoice portal at <https://einvoice.gst.gov.in> .
3. It would be in the interest of trade to register and utilize the sandbox testing facility available at the IRP portals. This

will help taxpayers to familiarize themselves with the invoice reporting mechanism and ensure a seamless transition to the e-Invoice system.

4. Please note that the enablement status indicated on the e-Invoice portal does not indicate a legal obligation on taxpayers to use e-Invoicing. However, actual liability to generate IRN shall be checked by taxpayers with respect to applicable notification in the light of facts pertaining to them.
5. While the listing of enabled GSTINs is purely based on the turnover criteria reported in GSTR-3B, it is essential for taxpayers to confirm whether they fulfil the conditions outlined in the notification/rules. Thus, it is the legal responsibility of the concerned taxpayer, both buyers and suppliers, to ensure compliance.
5. In case, a taxpayer who is otherwise but not auto enabled on the e-Invoice portal, can self-enable for e-Invoicing using the functionality provided on the portal.
6. GSTN once again emphasises that all eligible taxpayers should familiarize themselves with the e-Invoicing requirements and take the necessary steps to ensure compliance with the new threshold.

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

## FEMA

### CASE LAW

#### **SUSPICION CAN TRIGGER SEIZURE WHERE SEIZURE ORDER IS AFTER APPLICATION OF MIND.: KARNATAKA HIGH COURT UPHOLDS SEC 37A OF FEMA**

**OUR COMMENTS:** Tracking down and bringing back the wealth which ultimately belongs to country is the abiding commitment to country. To hold the provisions related to this broad purpose as manifest with arbitrariness, it has to be demonstrated as such against the presumption which is otherwise. As the matter of black money again heats up in the country with amendment to PMLA Act, this issue was dealt with in great detail by The Hon'ble Karnataka High Court when deciding upon the vires of Section 37A and which may be a precedent in other such cases, especially where Tracking down and bringing back the wealth of Country is concerned. The Court has dealt with the history of Section 37A which needs to be understood by professionals while dealing with such cases which it seems would now be dealt with more frequently.

The finance minister in his Budget 2015 speech while highlighting key features of the new Black Money law mentioned that Concealment of income and assets and evasion of tax in relation to foreign assets will be prosecutable with punishment of rigorous imprisonment, a non-compoundable offence, no recourse to the Settlement Commission and a penalty at 300% of tax. Simultaneously he mentioned that FEMA 1999 is amended to the effect that if any foreign exchange, foreign security or any immovable property situated outside India is held in contravention of the provisions of this Act, then action may be taken for seizure and eventual confiscation of assets of equivalent value situated in India; Accordingly, Clause 168 of Finance Bill 2015 inserted Sec. 37A to the Foreign Exchange Management Act 1999, which was thereafter

enacted. This was done post a Special Investigation Team (SIT) was appointed to unearth black money stashed abroad, and to analyse classified information received from countries. Section 37A was introduced after having passed through elaborate scrutiny and hence The Hon'ble Karnataka High Court in the most discussed case of XIAOMI TECHNOLOGY INDIA PRIVATE LIMITED Vs UNION OF INDIA [2023-VIL-52-KAR-DT], has refused to hold it arbitrary. The company had questioned the constitutional validity of Section 37A while challenging the ED's April 2022 action of seizing ₹5,551.27 crore lying in company's bank accounts. The ED had seized the amount on the allegation that the company had sent foreign currency equivalent to ₹5,551.27 crore to three foreign-based entities, which include one Xiaomi group entity, in the guise of royalties in violation of FEMA.

Again, the question was whether a mere Suspicion may trigger seizure or there has to be a 'reason to believe'. The Court answered this by holding that Seizure by itself is not final. There are several procedures after such seizure. Meanwhile, the court gave liberty to the company to file an appeal before the Appellate Tribunal under Section 37A(5) challenging the seizure order passed by the competent authority.

# CUSTOMS

## 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. 45/2023-Customs(N.T) dated 15.06.2023 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 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 (USD Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	820
2	1511 90 10	RBD Palm Oil	839
3	1511 90 90	Others - Palm Oil	830
4	1511 10 00	Crude Palmolein	858
5	1511 90 20	RBD Palmolein	861
6	1511 90 90	Others Palmolein	860
7	1507 10 00	Crude Soya bean Oil	976
8	7404 00 22	Brass Scrap (all grades)	4803

**TABLE-2**

Sl. No.	Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value (USD)
(1)	(2)	(3)	(4)

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	630 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	772 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.  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.	772 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.  Explanation. - For the purposes of this entry, "gold findings" means a small component such as hook,	630 per 10 grams

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		clasp, clamp, pin, catch, screw back used to hold the whole or a part of a piece of Jewellery in place.	
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**TABLE-3**

Sl. No.	Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value (USD Per Metric Ton)
(1)	(2)	(3)	(4)
1	080280	Areca nuts	10379 (i.e., no change)"

2. This notification shall come into force with effect from the 16th day of June, 2023.

[For further details please refer the notification]

## NOTIFICATION

**RATE OF EXCHANGE OF ONE UNIT OF FOREIGN CURRENCY EQUIVALENT TO INDIAN RUPEES - SUPERSESSION OF THE NOTIFICATION NO. 39/2023-CUSTOMS(N.T.), DATED 1ST JUNE, 2023**

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide notification No. 44/2023-Customs(N.T) dated 15.06.2023 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. 39/2023-Customs(N.T.), dated 1st June, 2023 except as respects things done or omitted to be done before such supersession, the Central Board of Indirect Taxes and Customs hereby determines that the rate of exchange of conversion of each of the foreign currencies specified in column (2) of each of Schedule I and Schedule II annexed hereto, into Indian currency or vice versa, shall, with effect from 16th June, 2023, be the rate mentioned against it in the corresponding entry in column (3) thereof, for the purpose of the said section, relating to imported and export goods.

## SCHEDULE-I

Sl. No.	Foreign Currency	Rate of exchange of one unit of foreign currency equivalent to Indian rupees
(1)	(2)	(3)
		(a) (b)

		(For Imported Goods)	(For Export Goods)
1.	Australian Dollar	57.10	54.70
2.	Bahraini Dinar	224.90	211.50
3.	Canadian Dollar	62.65	60.55
4.	Chinese Yuan	11.60	11.30
5.	Danish Kroner	12.15	11.70
6.	EURO	90.50	87.30
7.	Hong Kong Dollar	10.70	10.30
8.	Kuwaiti Dinar	276.05	259.50
9.	New Zealand Dollar	52.10	49.75
10.	Norwegian Kroner	7.80	7.55
11.	Pound Sterling	105.65	102.15
12.	Qatari Riyal	23.30	21.85
13.	Saudi Arabian Riyal	22.30	21.25
14.	Singapore Dollar	62.15	60.15
15.	South African Rand	4.60	4.30
16.	Swedish Kroner	7.75	7.50
17.	Swiss Franc	92.80	89.30
18.	Turkish Lira	3.60	3.40
19.	UAE Dirham	23.10	21.70
20.	US Dollar	83.05	81.35

## 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	59.20 57.35
2.	Korean Won	6.60 6.20

[For further details please refer the notification]

# CUSTOMS

## NOTIFICATION

### COURIER IMPORTS AND EXPORTS (ELECTRONIC DECLARATION AND PROCESSING) (SECOND AMENDMENT) REGULATIONS, 2023

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide notification No. 43/2023-Customs(N.T) dated 15.06.2023 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 further amend the Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010, namely: -

1. Short title and commencement.-

(1) These regulations may be called the Courier Imports and Exports (Electronic Declaration and Processing) (Second Amendment) Regulations, 2023.

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

2. In the Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010, in Form HA, in the table, under heading D, under column (A), for the words, letters, numbers and brackets

"Whether export consignment contains jewellery falling under CTH 7117 or CTH 7113 (Yes/ No)",

the words, letters, numbers, and brackets

"If export consignment contains jewellery falling under CTH 7117 or CTH 7113, please state whether the facility of re-import will be availed for the said jewellery (Yes/No)", shall be substituted.

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

## CIRCULAR

### SIMPLIFIED REGULATORY FRAMEWORK FOR E-COMMERCE EXPORTS OF JEWELLERY THROUGH COURIER MODE

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide circular No. 17/2023-Customs dated 15.06.2023 circulated that Reference is invited to Circular No. 09/2022-Customs dated 30.06.2022 which provides a simplified regulatory framework for e-commerce export of jewellery through courier mode.

2. Representations have been received in the Board requesting further simplification in the procedures in cases where an exporter does not opt to avail the facility of re-import of the exported jewellery.

3. The request has been examined. It has been decided that such exporters who do not wish to re-import as permitted vide Notification No. 57/2022-Cus (N.T.) and make a declaration to this effect in the Courier Shipping Bill (CSB-V) at the time of export, will not be required to upload the following documents on the ECCS system as prescribed under Para 3(l)(v) of Circular No. 09/2022-Customs:

c) Photos of the export item (not exceeding 2MB);

d) Photos of the product package/outer covering (not exceeding 2 MB); and

e) Image of the product listing on the e-commerce platform.

The aforesaid Circular No. 09/2022-Customs dated 30.06.2022 has been amended accordingly.

3.1 Further, notification no. 43/2023-Customs (N.T.) dated 15.06.2023 has been issued for amending Form HA (CSB-V) to incorporate the aforesaid declaration by the exporter. Such a declaration will also relieve the exporter from filling out certain additional fields concerning item-level specifications of the jewellery in the Form HA. Necessary modification is being made in the Express Cargo Clearance System (ECCS) for incorporating these changes in Form HA.

4. Difficulties, if any, in the implementation of this Circular may be brought to the notice of the Board.

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

# DGFT

## NOTIFICATION

### AMENDMENT IN IMPORT POLICY AND POLICY CONDITION OF COPRA UNDER ITC (HS) CODE 12030000 OF CHAPTER 12 OF ITC (HS), 2022, SCHEDULE-I, IMPORT POLICY

**OUR COMMENTS:** The Ministry of Commerce & Industry vide notification no 11/2023 dated 14.06.2023 notified In exercise of powers conferred by Section 3 read with section 5 of Foreign Trade (Development & Regulation) Act, 1992 (as amended from time to time), read with paragraph 1.02 and 2.01 of the Foreign Trade Policy (FTP) 2023, the Central Government hereby amends the import policy and policy condition of Copra under Chapter 12 of Schedule-I (Import Policy) of ITC(HS) 2022 as follows:

ITC (HS) Code & Description	Existing Import Policy	Revised Import Policy	Existing Policy Condition	Revised Policy Condition
1203 00 00 Copra	State Trading Enterprise	Restricted	Import allowed through NAFED subject to Para 2.21 of Foreign Trade Policy.	-

**Effect of this Notification:** The import policy of Copra under ITC (HS) Code 12030000 is revised from 'State Trading Enterprise' to 'Restricted'.

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

[For further details please refer the Notification]

## TRADE NOTICE

### AMENDMENT IN APPENDIX 2X OF FTP, 2023

**OUR COMMENTS:** The Ministry of Commerce & Industry vide Public Notice no 14/2023 dated 14.06.2023 notified In exercise of powers conferred under paragraph 1.03 and 2.04 of the Foreign Trade Policy (FTP), 2023, the Director General of Foreign Trade hereby makes

amendments in the list of countries exempted from testing for presence of Azo Dyes in Textiles and Textile Articles under Appendix 2X of FTP, 2023, in supersession of Public Notice No. 10/2015-2020 dated 15.05.2016. The updated Appendix-2X is reproduced herewith:

### Appendix-2X

Testing of Textiles and Textile Articles for presence of Azo Dyes will not be required for imports originating from the following countries.

- i. European Union (EU) Countries
- ii. Serbia
- iii. Poland
- iv. Denmark
- v. Australia
- vi. Canada
- vii. Japan
- viii. South Korea; and
- ix. United Kingdom

### Effect of this Public Notice:

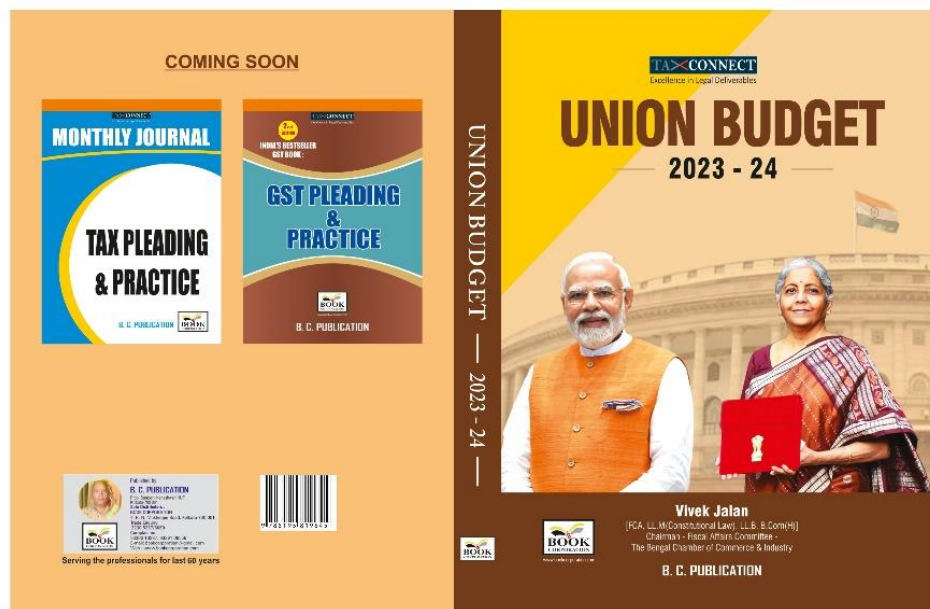
Appendix 2X of FTP, 2023 containing list of countries exempted from testing for presence of Azo Dyes in Textiles and Textile Articles is updated.

[For further details please refer the Trade Notice]



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#### **Authors:**

**Vivek Jalan**

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

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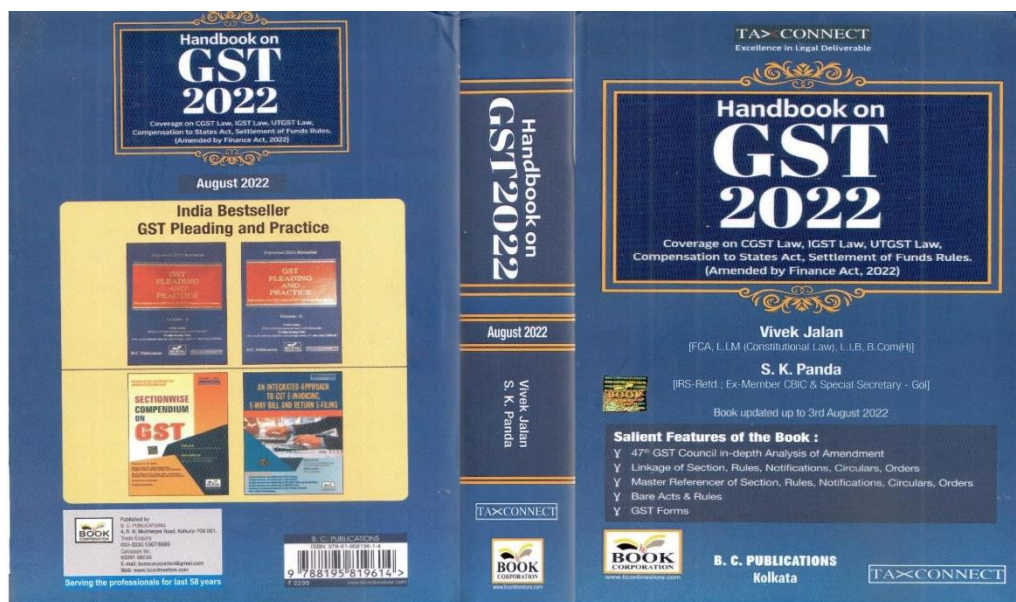
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4. Bare Acts & Rules
5. GST Forms

#### Author:

**Vivek Jalan**

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

**S.K. Panda**

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

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#### **Authors:**

**Vivek Jalan**

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

**Bikramjit Ghosh**

[FCA, B.Com(H)]

#### **Published by:**

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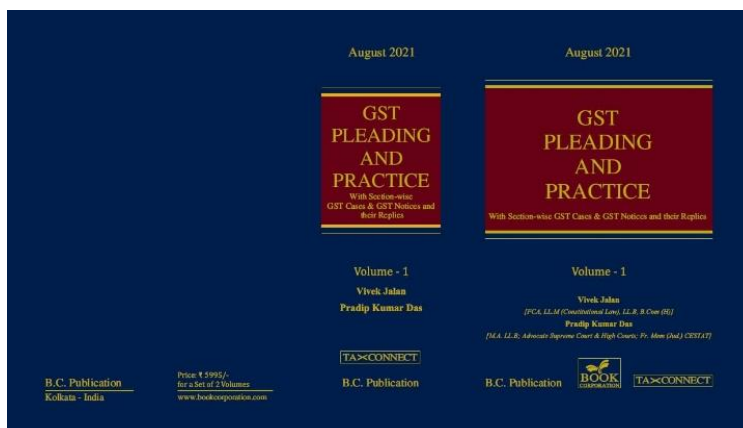
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#### **Authors:**

**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]**

#### **Published by:**

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4, R. N. Mukherjee Road  
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### 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

#46/4, GB Palya, Kudlu Gate, Hosur Road, Bangalore, Karnataka – 560068.

**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, 3<sup>rd</sup> Floor, Royal Exchange Building, Kolkata - 700001

**Contact Person:** Tithly Roy  
**Email:** tithly.roy@taxconnect.co.in

#### KOLKATA

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

**Contact Person:** Uttam Kumar Singh  
**Email:** info@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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