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EDITORIAL



Friends,

The DGFT, with effect from **November 1, 2023** import of **laptops, tablets, palmtops, all-in-one personal computers, and ultra small form factor computers and servers** falling under **HSN 8741** will be 'restricted' and their import would be allowed only against a **valid licence** for restricted imports. The said notification has been said to have been issued for 'security reasons' to comply with WTO norms. However, it seems that the same has been done to push for make in India, to promote domestic manufacturing of these products, curtail the majority share of imports of these items from China and encourage the OEMs to apply for PIL scheme. Dell, Acer, Samsung, LG Electronics, Apple Inc, Lenovo, HP Inc, may be impacted severely by this notification.

The short-term impact of this notification would be manifold. First and foremost, there is expected to be a scarcity of these products and there is expected to be a short-term rise in prices of laptops, tablets, palmtops, all-in-one personal computers, and ultra small form factor computers, servers, etc. This is because majority of these products are now imported by these OEMs also from China, Vietnam, etc.

It is important to note that the restriction is on import from 'all' countries and only some exemptions have been provided like import of one laptop, tablet, all-in-one personal computer or ultra small form factor computer, including those purchased from e-commerce portals through post or courier. Also exempted are laptops, tablets, all-in-one personal computers, and ultra small form factor computers if they are essential part of capital goods. Again, it is not these products as capital goods itself which have been exempted but when they are a 'part' of capital goods that they are exempted. For E.g. When server is a 'part' of a setup of a whole floor of a software company that it will be exempt from the impact of this notification. For the purpose of R&D, testing, benchmarking and evaluation repair and re-export, and product development purposes, the

exemption from import licence for imports up to 20 items per consignment has also been provided. Again, licence for restricted imports shall not be required for the repair and return of re-import of goods repaired abroad, as per the Foreign Trade Policy.

Secondly, the procedure for applying for the license and the modus operandi of granting the license is not yet clarified. Hence neither the application can be made at this point nor can the DGFT/Customs department grant the license until further procedure is set.

Third, it seems that all consignments for which Bill of lading has been made and/or Letter of Credit has been made before 3rd August would be exempt from this notification. However, most imports are for group companies where no LCs are made. For example, in case say Dell India imports from Dell China, the material would be on the port on 3rd August but Bill of Lading would be made on 5th August. In such case the material would have to go back to the warehouse/factory as the consignment would fall under restriction in India.

Fourth, in case the imports are by air, then the same issue would arise.

This notification comes as a bolt from the blue for this sector and can have serious ramifications for not only this trade but even consumers. Hence the Ministry of Commerce should review the same as soon as possible.

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

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TAX CALENDAR

Due Date	Form/Return/ Challan	Reporting Period	Description
7 th August	DEPOSIT OF TAX DEDUCTED/C OLLECTED	July 2023	Due date for deposit of Tax deducted/collected for the month of July, 2023. However, all sum deducted/collected by an office of the government shall be paid to the credit of the Central Government on the same day where tax is paid without production of an Income-tax Challan
10 th August	GSTR-7	July 2023	Monthly return filed by individuals who deduct tax at source or TDS under the Goods and Services Tax (GST)
10 th August	GSTR-8	July 2023	Monthly return to be filed by e-commerce operators registered under the GST.
11 th August	GSTR-1	July 2023	Monthly Statement of Outward Supplies to be furnished by all normal registered taxpayers making outward supplies of goods and services or both and contains details of outward supplies of goods and services.

INCOME TAX

NOTIFICATION

ALLOCATION OF AREAS OF JURISDICTION AMONG THE COMPETENT AUTHORITIES AUTHORIZED U/S 5(1) OF THE SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ACT

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide Notification No. 04 of 2023 Dated 31.07.2023 notified In exercise of the powers conferred under section 7 of the Prohibition of Benami Property Transactions Act, 1988 [hereinafter called as "Act"] (45 of 1988) as amended by Finance Act, 2021 (13 of 2021), and in supersession of the notification number 02 of 2021 G.S.R, 499(E), dated the 19th July, 2021, Ministry of Finance, Department of Revenue, published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, except as respects things done or omitted to be done before such supersession, the Central Government is pleased to allocate the following areas of jurisdiction among the Competent Authorities authorized under sub-section (1) of section 5 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976) for the purpose of the said Act:-

Sl. No.	Name of Competent Authority	Jurisdiction
1.	Competent Authority, Kolkata	All the cases referred by Income Tax Authorities* exercising the powers and performing the functions under the Prohibition of Benami Property Transactions Act, 1988 having headquarters at Kolkata, Bhubaneshwar, Patna, Guwahati.
2.	Competent Authority, Chennai	All the cases referred by Income Tax Authorities* exercising the powers and performing the functions under the Prohibition of Benami Property Transactions Act, 1988 having headquarters at Bengaluru, Chennai, Kochi, Hyderabad.
3.	Competent Authority, New Delhi	All the cases referred by Income Tax Authorities* exercising the powers and performing the functions under the Prohibition of Benami Property Transactions Act, 1988 having headquarters at Delhi, Chandigarh, Ludhiana, Jaipur, Lucknow, Kanpur.
4.	Competent Authority, Mumbai	All the cases referred by Income Tax Authorities* exercising the powers and performing the functions under the Prohibition of Benami Property

Transactions Act, 1988 having headquarters at Mumbai, Ahmedabad, Surat, Pune, Nagpur, Panaji, Bhopal, Raipur.

* The territorial area wise jurisdiction of the respective Income Tax Authorities in this regard shall be same as provided for in CBDT Notification No 40/2017/F. No. 173/429/2016-ITA-I dated 18-05-2017 [S.O. 1621(E)] published in Part II, Section 3, Sub-section (ii) of the Gazette of India, Extraordinary.

The work performed by the Competent Authorities authorized under sub-section (1) of section 5 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (13 of 1976) in exercise of powers conferred under section 7 of the Prohibition of Benami Property Transactions Act 1988 shall be in addition to the work already being performed by the Competent Authorities.

[For further details please refer the Notification]

NOTIFICATION

NO TDS U/S 194I ON PAYMENT IN THE NATURE OF LEASE RENT OR SUPPLEMENTAL LEASE RENT TO A UNIT OF IFSC FOR LEASE OF A SHIP

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide Notification No. 57/2023 Dated 01.08.2023 notified In exercise of the powers conferred by sub-section (1F) of section 197A read with clause (c) of sub-section (2) of section 80LA, of the Income-tax Act, 1961 (43 of 1961) (hereinafter the Income-tax Act), the Central Government hereby specifies that no deduction of tax shall be made under section 194-I of the Income-tax Act on payment in the nature of lease rent or supplemental lease rent, as the case may be, made by a person (hereinafter referred as 'lessee') to a person being a Unit of an International Financial Services Centre (hereinafter referred as 'lessor') for lease of a ship subject to the following-

(a) The lessor shall,-

(i) furnish a statement-cum-declaration in Form No.1 to the lessee giving details of previous years relevant to the ten consecutive assessment years for which the lessor opts for claiming deduction under sub-sections (1A) and (2) of section 80LA of the Income-tax Act; and

(ii) such statement-cum-declaration shall be furnished and verified in the manner specified in Form No.1, for each previous year relevant to the ten consecutive assessment

INCOME TAX

years for which the lessor opts for claiming deduction under sub-sections (1A) and (2) of section 80LA of the Income-tax Act.

(b) The lessee shall,-

(i) not deduct tax on payment made or credited to lessor after the date of receipt of copy of statement- cum-declaration in Form No. 1 from the lessor; and

(ii) also furnish the particulars of all the payments made to lessor on which tax has not been deducted in view of this notification in the statement of deduction of tax referred to in sub-section (3) of section 200 of the Income-tax Act read with rule 31A of the Income-tax Rules, 1962.

2. The above relaxation shall be available to the lessor only during the said previous years relevant to the ten consecutive assessment years as declared by the lessor in Form No. 1 for which deduction under section 80LA is being opted. The lessee shall be liable to deduct tax on payment of lease rent for any other year.

3. The Principal Director General of Income-tax (Systems) or the Director General of Income-tax (Systems), as the case may be, shall lay down procedures, formats and standards for ensuring secure capture and transmission of data and uploading of documents and the Principal Director General of Income-tax (Systems) or the Director General of Income-tax (Systems) shall also be responsible for evolving and implementing appropriate security, archival and retrieval policies.

Explanation: for the purpose of this notification-

(a) 'ship' shall have the same meaning as assigned to it in clause (ii) of Explanation to clause (4F) of section 10 of the Income-tax Act;

(b) 'International Financial Services Centre' shall have the same meaning as assigned to it in clause (q) of section 2 of the Special Economic Zones Act, 2005 (28 of 2005); and

(c) 'Unit' shall have the same meaning as assigned to it in clause (zc) of section 2 of the Special Economic Zones Act, 2005 (28 of 2005).

4. This notification shall come into force from 1st day of September, 2023.

[For further details please refer the Notification]

NOTIFICATION

ZERO COUPON BOND - SPECIFIED BOND NOTIFIED U/S 2(48) OF THE INCOME-TAX ACT, 1961

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide Notification No. 56/2023 Dated 01.08.2023 notified In exercise of the powers conferred by clause (48) of section 2 of the Income-tax Act, 1961 (43 of 1961), read with clause (ii), clause (iii) and clause (v) of sub-rule (3) and sub-rule (6) of rule 8B of the Income-tax Rules, 1962, the Central Government hereby specifies the bond with the following particulars as zero coupon bond for the purposes of the said clause (48) of section 2 of the said Act, namely :-

(a)	name of the bond	-Ten Year Zero Coupon Bond of REC Ltd.
(b)	period of life of bond	-ten years one months
(c)	the time schedule of the issue	-to be issued on or before the 31st day of March of bond 2025;
(d)	the amount to be paid on maturity or redemption of the bond	-1 lakh rupees for each bond
(e)	the discount	-Rs. 2517.85 crores
(f)	the number of the bonds to be issued	-five lakhs

[For further details please refer the notification]

NOTIFICATION

INCOMES NOT INCLUDED IN TOTAL INCOME - JOINT ELECTRICITY REGULATORY COMMISSION, GURUGRAM NOTIFIED FOR EXEMPTION FROM SPECIFIED INCOME U/S 10(46)

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide Notification No. 55/2023 Dated 01.08.2023 notified In exercise of the powers conferred by clause (46) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies for the purposes of the said clause, Joint Electricity Regulatory Commission (for the State of Goa and Union Territories except Delhi), Gurugram (PAN: AAJJ0668D), a commission constituted by the Government of India, in respect of the following specified income arising to that Commission, namely:-

(a) petition fees;

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(b) license fees;

(c) other income in respect of reimbursement of Ombudsman expenses / and profit on sale/ disposal of assets; and

(d) interest earned on (a) to (c) above.

2. The provisions of this notification shall be effective subject to the conditions that Joint Electricity Regulatory Commission, (for the State of Goa and Union Territories except Delhi), Gurugram -

(a) shall not engage in any commercial activity;

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

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

3. This notification shall be deemed to have been applied for assessment years 2022-23 and 2023-24 relevant for the financial years 2021-2022 and 2022-2023 respectively.

[For further details please refer the notification]

NOTIFICATION

FORM OF STATEMENT TO BE FURNISHED REGARDING PRELIMINARY EXPENSES INCURRED UNDER SECTION 35D

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide Notification No. 54/2023 Dated 01.08.2023 notified In exercise of the powers conferred by proviso to clause (a) of sub-section (2) and sub-section (4) of section 35D 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 the Income-tax Rules, 1962, namely:—

1. Short title and commencement.—

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

(2) They shall come into force with effect from the 1st day of April, 2024.

2. In the Income-tax Rules, 1962 (hereinafter referred to as the principal rules), after rule 6ABBA, the following rule shall be inserted, namely:—

“6ABBB. Form of statement to be furnished regarding preliminary expenses incurred under section 35D.—

(1) The statement containing particulars of expenditure required to be furnished under proviso to clause (a) of sub-section (2) of section 35D by the assessee shall be in Form No. 3AF for each previous year.

(2) Form No. 3AF shall be furnished one month prior to the due date for furnishing the return of income as specified under sub-section (1) of section 139.

(3) Form No. 3AF shall be furnished to the Principal Director General of Income-tax (Systems) or the Director General of Income-tax (Systems), as the case may be, or any person authorised by the Principal Director General of Income-tax (Systems) or Director General of Income-tax (Systems).

(4) Form No. 3AF, shall be furnished electronically,—

(i) under digital signature, if the return of income is required to be furnished under digital signature;

(ii) through electronic verification code in a case not covered under clause (i).

(5) The Principal Director General of Income-tax (Systems) or Director General of Income-tax (Systems), as the case may be, shall specify the procedures for furnishing Form No. 3AF and shall also be responsible for formulating and evolving appropriate security, archival and retrieval policies in relation to the form so furnished.

(6) The Principal Director General of Income-tax (Systems) or Director General of Income-tax (Systems), as the case may be, or any person authorised by the Principal Director General of Income-tax (Systems) or Director General of Income-tax (Systems) shall forward Form No. 3AF to the Assessing Officer.”.

3. In the principal rules, in Appendix II, for Form No. 3AE, a certain form as mentioned in the notification shall be substituted

[For further details please refer the notification]

GST

NOTIFICATION

CENTRAL GOODS AND SERVICES TAX (SECOND AMENDMENT) RULES, 2023

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide Notification No. 38/2023-Central Tax dated 04.08.2023 notified in exercise of the powers conferred by section 164 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following rules further to amend the Central Goods and Services Tax Rules, 2017, namely: -

1. Short title and commencement. -

(1) These rules may be called the Central Goods and Services Tax (Second Amendment) Rules, 2023.

(2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.

2. In the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), in rule 9, in sub-rule (1), in the proviso, in the longline, the words “in the presence of the said person” shall be omitted.

3. In the said rules, in rule 10A, for the portion beginning with the words and figure “as soon as may be, but not later than forty-five days” and ending with the words “in order to comply with any other provision” the following shall be substituted, namely:-

“within a period of thirty days from the date of grant of registration, or before furnishing the details of outward supplies of goods or services or both under section 37 in FORM GSTR-1 or using invoice furnishing facility, whichever is earlier, furnish information with respect to details of bank account on the common portal”.

4. In the said rules, in rule 21A, -

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

“(2A) Where,-

(a) a comparison of the returns furnished by a registered person under section 39 with the details of outward supplies furnished in FORM GSTR-1 or the details of inward supplies derived based on the details of outward supplies furnished by his suppliers in their FORM GSTR-1, or such other analysis, as may be carried out on the recommendations of the Council, show that there are significant differences or anomalies indicating contravention of the provisions of the Act or the rules made thereunder, leading to cancellation of registration of the said person, or

(b) there is a contravention of the provisions of rule 10A by the registered person,

the registration of such person shall be suspended and the said person shall be intimated in FORM GST REG-31, electronically, on the common portal, or by sending a communication to his e-mail address provided at the time of registration or as amended from time to time, highlighting the said differences, anomalies or non-compliances and asking him to explain, within a period of thirty days, as to why his registration shall not be cancelled.”;

(ii) in sub-rule (4), after second proviso, the following proviso shall be inserted, namely: -

“Provided also that where the registration has been suspended under sub-rule (2A) for contravention of provisions of rule 10A and the registration has not already been cancelled by the proper officer under rule 22, the suspension of registration shall be deemed to be revoked upon compliance with the provisions of rule 10A.”.

In the said rules various other rules and forms has been amended.

[For further details please refer the Notification]

NOTIFICATION

PROCEDURE TO SUPPLY THROUGH E-COMMERCE OPERATOR BY A PERSON NOT REGISTERED UNDER GST

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification 37/2023-Central Tax dated 04.08.2023 notified In exercise of the powers conferred

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by section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereinafter referred to as the said Act), the Central Government, on the recommendations of the Council, hereby notifies the electronic commerce operator who is required to collect tax at source under section 52 as the class of persons who shall follow the following special procedure in respect of supply of goods made through it by the persons exempted from obtaining registration (hereinafter referred to as the said person) in accordance with the notification issued under sub-section (2) of section 23 vide notification number 34/2023- Central Tax, dated the 31st July, 2023, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 577(E), dated the 31st July, 2023, namely: —

(i) the electronic commerce operator shall allow the supply of goods through it by the said person only if enrolment number has been allotted on the common portal to the said person;

(ii) the electronic commerce operator shall not allow any inter-State supply of goods through it by the said person;

(iii) the electronic commerce operator shall not collect tax at source under sub-section (1) of section 52 in respect of supply of goods made through it by the said person; and

(iv) the electronic commerce operator shall furnish the details of supplies of goods made through it by the said person in the statement in FORM GSTR-8 electronically on the common portal.

2. Where multiple electronic commerce operators are involved in a single supply of goods through electronic commerce operator platform, “the electronic commerce operator” shall mean the electronic commerce operator who finally releases the payment to the said person for the said supply made by the said person through him.

3. This notification shall come into force with effect from the 1st day of October, 2023.

[For further details please refer the Notification]

NOTIFICATION

CENTRAL GOVERNMENT NOTIFIES THE ELECTRONIC COMMERCE OPERATOR TO FOLLOW CERTAIN SPECIAL PROCEDURE

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification 36/2023-Central Tax dated 04.08.2023 notified In exercise of the powers conferred by section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereinafter referred to as the said Act), the Central Government, on the recommendations of the Council, hereby notifies the electronic commerce operator who is required to collect tax at source under section 52 as the class of persons who shall follow the following special procedure in respect of supply of goods made through it by the persons paying tax under section 10 of the said Act (hereinafter referred to as the said person), namely: -

(i) the electronic commerce operator shall not allow any inter-State supply of goods through it by the said person;

(ii) the electronic commerce operator shall collect tax at source under sub-section (1) of section 52 of the said Act in respect of supply of goods made through it by the said person and pay to the Government as per provisions of sub-section (3) of section 52 of the said Act; and

(iii) the electronic commerce operator shall furnish the details of supplies of goods made through it by the said person in the statement in FORM GSTR-8 electronically on the common portal.

2. This notification shall come into force with effect from the 1st day of October, 2023.

[For further details please refer the Notification]

NOTIFICATION

APPOINTMENT OF ADJUDICATING AUTHORITIES U/N CGST ACT AND IGST ACT FOR BSH HOUSEHOLD APPLIANCES MANUFACTURING PVT. LTD.

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification 35/2023-Central Tax dated 31.07.2023 notified In exercise of the powers conferred by section 5 of the Central Goods and Services Tax Act, 2017 (12 of 2017) and section 3 of the Integrated Goods

GST

and Services Tax Act, 2017 (13 of 2017), the Board, hereby appoint officers mentioned in column (5) of the Table below to act as the Authority to exercise the powers and discharge the duties conferred or imposed on officers mentioned in column (4) of the said Table in respect of notices mentioned in column (2) of the said Table for the purpose of adjudication of notices mentioned in column (3) of the said Table, namely:-

TABLE

Sl. No.	Name of Noticees and Address	Notice Number and Date	Name of Adjudicating Authorities	Name of the Authority
(1)	(2)	(3)	(4)	(5)
1.	BSH Household Appliances Manufacturing Pvt. Ltd, Situated 2nd Floor, Arena House, Plot No. - 103, Road No. -12, MIDC, Andheri (East), Mumbai -400093	03/CGST/ME/Div-X/Supdt/ BSH/2022-23 dated 16.03.2023 issued vide F.No. CGST- A2/MUM/G-29/BSH/5693/5335/2021/9893 to 9896 Dt. 16.03.2023	Superintendent, Division-X, CGST and Central Excise Mumbai East Commissionerate	Joint or Additional Commissioner of Central Tax, Bengaluru South Central Excise and GST Commissionerate
2.	BSH Household Appliances	02/2023-GST CH.N (ADC) dated 27.03.2023 issued vide C.No GEXCOM/ADJN/GST/	Additional Commissioner, CGST and Central Excise Chennai North	

Manufacturing Pvt. Ltd, 4th Floor, South Tower KRM Plaza No. 2, Harrington Road, Chetpet, Chennai-600031	ADC/684/2022 27.03.2023	Dt. Commissionerate	
BSH Household Appliances Manufacturing Pvt. Ltd, No-8, GF & FF, 15th Cross, JP Nagar, 6th Phase, Bengaluru Urban, Karnataka-560078	58/2022-23 dated 03.03.2023 issued vide C.No. GEXCOM/ ADJN/ GST/ADC/721/2022ADJN Dt. 03.03.2023	Joint or Additional Commissioner of Central Tax, Bengaluru South Central Excise and GST Commissionerate	

[For further details please refer the Notification]

NOTIFICATION

PERSONS EXEMPTED FROM OBTAINING REGISTRATION UNDER CGST ACT - PERSONS MAKING SUPPLIES OF GOODS THROUGH AN ELECTRONIC COMMERCE OPERATOR WHO IS REQUIRED TO COLLECT TAX AT SOURCE UNDER SECTION 52 OF THE CGST ACT SPECIFIED

GST

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification 34/2023-Central Tax dated 31.07.2023 notified In exercise of the powers conferred by sub-section (2) of section 23 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter referred to as the said Act), the Central Government, on the recommendations of the Council, hereby specifies the persons making supplies of goods through an electronic commerce operator who is required to collect tax at source under section 52 of the said Act and having an aggregate turnover in the preceding financial year and in the current financial year not exceeding the amount of aggregate turnover above which a supplier is liable to be registered in the State or Union territory in accordance with the provisions of sub-section (1) of section 22 of the said Act, as the category of persons exempted from obtaining registration under the said Act, subject to the following conditions, namely: —

- (i) such persons shall not make any inter-State supply of goods;
- (ii) such persons shall not make supply of goods through electronic commerce operator in more than one State or Union territory;
- (iii) such persons shall be required to have a Permanent Account Number issued under the Income Tax Act, 1961 (43 of 1961);
- (iv) such persons shall, before making any supply of goods through electronic commerce operator, declare on the common portal their Permanent Account Number issued under the Income Tax Act, 1961 (43 of 1961), address of their place of business and the State or Union territory in which such persons seek to make such supply, which shall be subjected to validation on the common portal;
- (v) such persons have been granted an enrolment number on the common portal on successful validation of the Permanent Account Number declared as per clause (iv);
- (vi) such persons shall not be granted more than one enrolment number in a State or Union territory;
- (vii) no supply of goods shall be made by such persons through electronic commerce operator unless such persons

have been granted an enrolment number on the common portal; and

(viii) where such persons are subsequently granted registration under section 25 of the said Act, the enrolment number shall cease to be valid from the effective date of registration.

2. This notification shall come into force with effect from the 1st day of October, 2023.

[For further details please refer the Notification]

NOTIFICATION

"ACCOUNT AGGREGATOR" NOTIFIED AS THE SYSTEMS WITH WHICH INFORMATION MAY BE SHARED BY THE COMMON PORTAL BASED ON CONSENT U/S 158A OF CGST ACT, 2017

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification 33/2023-Central Tax dated 31.07.2023 notified In exercise of the powers conferred by section 158A of the Central Goods and Services Tax Act, 2017 (12 of 2017) and section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), the Central Government, on the recommendations of the Council, hereby notifies "Account Aggregator" as the systems with which information may be shared by the common portal based on consent under Section 158A of the Central Goods and Services Tax Act, 2017 (12 of 2017).

2. This notification shall come into force with effect from the 1st day of October, 2023.

Explanation: For the purpose of this notification, "Account Aggregator" means a non-financial banking company which undertakes the business of an Account Aggregator in accordance with the policy directions issued by the Reserve Bank of India under section 45JA of the Reserve Bank of India Act, 1934 (2 of 1934) and defined as such in the Non-Banking Financial Company - Account Aggregator (Reserve Bank) Directions, 2016.

[For further details please refer the Notification]

GST

NOTIFICATION

EXEMPTION FROM FILING ANNUAL RETURN FOR FINANCIAL YEAR 2022-23 TO REGISTERED PERSON WHOSE AGGREGATE TURNOVER IN THE FINANCIAL YEAR 2022-23 IS UP TO TWO CRORE RUPEES

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification 32/2023-Central Tax dated 31.07.2023 notified In exercise of the powers conferred by the first proviso to section 44 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Commissioner, on the recommendations of the Council, hereby exempts the registered person whose aggregate turnover in the financial year 2022-23 is up to two crore rupees, from filing annual return for the said financial year.

[For further details please refer the Notification]

NOTIFICATION

BIOMETRIC-BASED AADHAAR AUTHENTICATION U/R 8(4A) MANDATED FOR THE STATE OF PUDUCHERRY

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification 31/2023-Central Tax dated 31.07.2023 notified In pursuance of the powers conferred by sub-rule (4B) of rule 8 of the Central Goods and Services Tax Rules, 2017, the Central Government, on the recommendations of the Council, hereby makes the following further amendments in the notification of the Government of India, the Ministry of Finance (Department of Revenue) No. 27/2022-Central Tax, dated the 26th December, 2022 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 903(E), dated the 26th December, 2022, namely:-

In the said notification, after the words, "State of Gujarat", the words "and the State of Puducherry" shall be inserted.

[For further details please refer the Notification]

NOTIFICATION

SPECIAL PROCEDURE TO BE FOLLOWED BY A REGISTERED PERSON ENGAGED IN MANUFACTURING OF THE GOODS - ADDITIONAL RECORDS TO BE MAINTAINED BY THE REGISTERED PERSONS MANUFACTURING THE GOODS MENTIONED IN THE SCHEDULE

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification 30/2023-Central Tax dated 31.07.2023 In exercise of the powers conferred by section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereinafter referred to as the said Act), the Central Government, on the recommendations of the Council, hereby notifies certain special procedure to be followed by a registered person engaged in manufacturing of the goods, the description of which is specified in the corresponding entry in column (3) of the Schedule appended to this notification, and falling under the tariff item, sub- heading, heading or Chapter, as the case may be, as specified in the corresponding entry in column (2) of the Schedule as mentioned in the notification.

[For further details please refer the Notification]

NOTIFICATION

SPECIAL PROCEDURE TO BE FOLLOWED BY A REGISTERED PERSON OR AN OFFICER U/S 107(2) OF CGST ACT WHO INTENDS TO FILE AN APPEAL AGAINST THE ORDER PASSED BY THE PROPER OFFICER

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification 29/2023-Central Tax dated 31.07.2023 In exercise of the powers conferred by section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereinafter referred to as the said Act), the Central Government, on the recommendations of the Council, hereby notifies the following special procedure to be followed by a registered person or an officer referred to in sub-section (2) of Section 107 of the said Act who intends to file an appeal against the order passed by the proper officer under section 73 or 74 of the said Act in accordance with Circular No. 182/14/2022-GST, dated 10th of November, 2022 pursuant to the directions of the Hon'ble Supreme Court in the case of Union of India v/s Filco Trade Centre Pvt. Ltd., SLP(C) No.32709-32710/2018.= **2022 (7) TMI 1232 - SC ORDER**

2. An appeal against the order shall be made in duplicate in the Form appended to this notification at ANNEXURE-1 and shall be presented manually before the Appellate Authority within the time specified in sub-section (1) of section 107 or sub-section (2) of section 107 of the said Act, as the case may be, and such time shall be computed from the

GST

date of issuance of this notification or the date of the said order, whichever is later:

Provided that any appeal against the order filed in accordance with the provisions of section 107 of the said Act with the Appellate Authority before the issuance of this notification, shall be deemed to have been filed in accordance with this notification.

3. The appellant shall not be required to deposit any amount as referred to in sub-section (6) of section 107 of the said Act as a pre-condition for filing an appeal against the said order.

4. An appeal filed under this notification shall be accompanied by relevant documents including a self-certified copy of the order and such appeal and relevant documents shall be signed by the person specified in sub-rule (2) of rule 26 of Central Goods and Services Tax Rules, 2017.

5. Upon receipt of the appeal which fulfills all the requirements as provided in this notification, an acknowledgement, indicating the appeal number, shall be issued manually in FORM GST APL-02 by the Appellate Authority or an officer authorised by him in this behalf and the appeal shall be treated as filed only when the aforesaid acknowledgement is issued.

6. The Appellate Authority shall, along with its order, issue a summary of the order in the Form appended to this notification as **ANNEXURE-2**.

[For further details please refer the Notification]

NOTIFICATION

SEEKS TO BRING IN FORCE VARIOUS SECTIONS OF FINANCE ACT, 2023

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification 28/2023-Central Tax dated 31.07.2023 In exercise of the powers conferred by clause (b) of sub-section (2) of section 1 of the Finance Act, 2023 (8 of 2023), the Central Government hereby appoints, —

(a) the 1st day of October, 2023, as the date on which the provisions of sections 137 to 162 (except sections 149 to 154) of the said Act shall come into force;

(b) the 1st day of August, 2023, as the date on which the provisions of sections 149 to 154 of the said Act shall come into force.

[For further details please refer the Notification]

NOTIFICATION

APPOINTED DATE 1ST DAY OF OCTOBER, 2023 TO BRING IN FORCE PROVISIONS OF SECTION 123 OF FINANCE ACT'2021.

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification 27/2023-Central Tax dated 31.07.2023 In exercise of the powers conferred by clause (b) of sub-section (2) of section 1 of the Finance Act, 2021 (13 of 2021), the Central Government hereby appoints the 1st day of October, 2023, as the date on which the provisions of section 123 of the said Act shall come into force.

[For further details please refer the Notification]

FEMA

CASE LAW

PROCEEDINGS UNDER FEMA - RECEIVING FOREIGN EXCHANGE IN LIEU OF ISSUANCE OF EQUITY SHARES/SHARE WARRANTS - WHETHER NO APPROVAL HAS BEEN GRANTED BY FOREIGN INVESTMENT PROMOTION BOARD (FIPB)

OUR COMMENTS: It was held that as clearly transpires without any semblance of doubt that the custodian general of foreign exchange is the Reserve Bank of India and any permission with regard to inflow of foreign exchange would definitely have to have the permission of the Reserve Bank of India.

In the case on hand, the permission is for receiving foreign exchange in lieu of issuance of equity shares and for the said purpose, the appropriate authority to grant permission is FIPB. Newbridge, the foreign investor, intended to invest in equity shares in the petitioner-company, with further downstream investment in the sister concern of the petitioner company for which necessary approval was granted by FIPB. In fact, the 1st respondent is also not disputing the approval granted to the petitioners for issuance of equity shares. However, the show cause notice was issued only on account of the petitioner company issuing share warrants, which was later converted into equity shares.

The sequence of events for obtaining approval have already been extracted above. In this regard, the initial approval was granted by FIPB on 27.12.2005. Thereafter, as there was certain errors in the number of equity shares, further approval was solicited, which was also granted by FIPB on 31.01.2006. There is no quarrel that equity shares were issued by the petitioner company in favour of Newbridge. However, for an amount of about Rs.243 Crores, share warrants were issued, which was subsequently converted into equity shares.

It has been the ratio of the Supreme Court even in LIC case [1985 (12) TMI 289 - SUPREME COURT] that RBI is the custodian general of foreign exchange. In the present case, the foreign investment was approved by FIPB.

Communication reveals that FIPB had nowhere said that the issuance of warrants at the point of time when it was issued by the petitioner company required permission. In fact, the order clearly spells out that there was no explicit policy at the material point of time with regard to issuance of warrants. The above stand of FIPB unequivocally speaks to the effect that there was no explicit policy with regard to warrants, which effectively could only mean that there was no prohibition on issuance of warrants.

The further stand of FIPB that no post facto approval is required as the warrants have since been converted into equity shares should not be read in isolation and it should be read in conjunction with the earlier part of the order, where FIPB has intimated that there was no explicit policy with regard to issuance of warrants at the relevant point of time.

Omission to spell out warrants to be included in the term 'security' as defined u/s 2 (za) of FEMA cannot be taken mean that issuance of warrants is prohibited. Prohibition should be clearly spelt out either explicitly or even impliedly. There is neither an implicit nor an explicit prohibition. The mere omission of warrants, therefore, cannot be construed that it is a prohibited instrument and, therefore, it is a contravention of Section 6 (3) (b) of FEMA, 1999.

As on the relevant date when the share warrants were issued, there was no regulations bny the 2nd respondent prohibiting the issue of share warrants, which was the only reason the 2nd respondent had directed the petitioners to approach FIPB to obtain post facto approval. If really there were any regulations, or even implied prohibition in the issuance of share warrants, RBI being the custodian general of foreign exchange, would definitely have called upon the explanation of the petitioners.

When the 2nd respondent itself has accepted that there was no contravention of Section 6 (3) (b) of FEMA, 1999, the show cause notice issued by the 1st respondent to the petitioners alleging that there is no permission for issuance of share warrants is not only uncalled for, but is also an act usurping the powers of the 2nd respondent.

When FIPB, the authority, who is vested with power to grant approval has held that no post facto approval is required, interpreting the order in any other fashion, that too by an authority, who is not empowered to decide on the manner in which the said order has been passed, it does not lie in the mouth of the 1st respondent to claim that approval has not been obtained and such a finding is not only perverse, but arbitrary, illegal and unreasonable and, therefore, the impugned order passed as a consequence of the said finding deserves to be interfered with.

This Court is of the considered view that the writ petitions deserve to be allowed by setting aside the orders impugned herein.

CUSTOMS

NOTIFICATION

DEFERRED PAYMENT OF IMPORT DUTY (AMENDMENT) RULES, 2023

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification no 58/2023-Customs(N.T) dated 03.08.2023 notified In exercise of the powers conferred by proviso to sub-section (1) of section 47 and section 156 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules further to amend the Deferred Payment of Import Duty Rules, 2016, namely:-

1. (1) These rules may be called the Deferred Payment of Import Duty (Amendment) Rules, 2023.

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

2. In the Deferred Payment of Import Duty Rules, 2016, (hereinafter referred to as the said rules), in rule 4, the following proviso shall be inserted, namely: -

“Provided that, where the Central Government considers it necessary and expedient, it may, under exceptional circumstances, and for reasons to be recorded in writing, allow payment to be made on a different due date.”

3. In the said rules, in rule 6, the following proviso shall be inserted, namely: -

“Provided further that the eligible importer shall be permitted to make the deferred payment if he has-

(i) paid the duty for a bill of entry within due date in terms of rule 4; and

(ii) paid the differential duty for the same bill of entry along with the interest on account of reassessment within one day (excluding holidays).”

[For further details please refer the notification]

NOTIFICATION

RATE OF EXCHANGE OF ONE UNIT OF FOREIGN CURRENCY EQUIVALENT TO INDIAN RUPEES - SUPERSESSION

NOTIFICATION NO. 54/2023-CUSTOMS(N.T.), DATED 20TH JULY, 2023

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification no 57/2023-Customs(N.T) dated 03.08.2023 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. 54/2023-Customs(N.T.), dated 20th July, 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 4th August, 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	55.35	52.95
2.	Bahraini Dinar	226.40	212.90
3.	Canadian Dollar	63.05	60.95
4.	Chinese Yuan	11.65	11.35
5.	Danish Kroner	12.35	11.95
6.	EURO	92.10	88.90
7.	Hong Kong Dollar	10.80	10.40
8.	Kuwaiti Dinar	277.35	260.75
9.	New Zealand Dollar	51.65	49.30
10.	Norwegian Kroner	8.15	7.90

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11.	Pound Sterling	107.00	103.45
12.	Qatari Riyal	23.45	22.00
13.	Saudi Arabian Riyal	22.75	21.40
14.	Singapore Dollar	62.65	60.65
15.	South African Rand	4.65	4.35
16.	Swedish Kroner	7.85	7.60
17.	Swiss Franc	96.10	92.40
18.	Turkish Lira	3.15	3.00
19.	UAE Dirham	23.25	21.85
20.	US Dollar	83.60	81.90

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	58.70	56.85
2.	Korean Won	6.55	6.15

[For further details please refer the notification]

NOTIFICATION

ADD ON DISPERSION UNSHIFTED SINGLE MODE OPTICAL FIBER (SMOF) ORIGINATING IN OR EXPORTED FROM CHINA PR, INDONESIA AND KOREA RP AND IMPORTED INTO INDIA

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification no 07/2023-Customs(A.D.D) dated 03.08.2023 notified Whereas in the matter of 'Dispersion Unshifted Single – Mode Optical Fiber' (hereinafter referred to as the subject goods) falling under chapter heading 9001 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in, or exported from China

PR, Indonesia and Korea RP (hereinafter referred to as the subject countries), and imported into India, the designated authority in its final findings, vide notification No. 6/1/2022-DGTR dated the 5th May, 2023, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 5th May, 2023 read with corrigendum notification Case No. AD(OI) – 01/2022 under F. No. 6/1/2022-DGTR dated 30th June, 2023, has come to the conclusion that—

(i) the subject goods have been exported to India from the subject countries below normal values;

(ii) the domestic industry has suffered material injury on account of subject imports from subject countries;

(iii) the material injury has been caused by the dumped imports of subject goods from the subject countries,

and has recommended imposition of an anti-dumping duty on the imports of subject goods, originating in, or exported from the subject countries 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 Anti dumping 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 heading of the First Schedule to the Customs Tariff Act as specified in the corresponding entries in column (2), originating in the countries as specified in the corresponding entries in column (4), exported from the countries as specified in the corresponding entries in column (5), produced by the producers as specified in the corresponding entries in column (6), and imported into India, an anti-dumping duty at the rate equal to the amount as specified in the corresponding entries in column (7), of the said Table, namely:-

TABLE

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Sl. No.	CTH Heading	Description of Goods	Country of Origin	Country of Export	Producer	Duty*** (USD/KFKM)
Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)	Col. (6)	Col. (7)
1.	9001 10 00	Single – Mode Optical Fiber**	China PR	Any country including China PR	Jiangsu Sterlite Fiber Technology Co., Ltd.	122.41
2.	-do-	-do-	China PR	Any country including China PR	Jiangsu Fasten Photonics Co., Ltd.	254.91
3.	-do-	-do-	China PR	Any country including China PR	Hangzhou Futong Communication Technology Co., Ltd.	464.08
4.	-do-	-do-	China PR	Any country including China PR	Any producer other than S.Nos. 1 to 3 above	537.30
5.	-do-	-do-	Any country other than subject countries	China PR	Any producer	537.30
6.	-do-	-do-	Korea	Any	Any producer	807.88

			RP	country including Korea RP		
7.	-do-	-do-	Any country other than subject countries	Korea RP	Any producer	807.88
8.	-do-	-do-	Indonesia	Any country including Indonesia	Any producer	857.23
9.	-do-	-do-	Any country other than subject countries	Indonesia	Any producer	857.23

** The product under consideration is "Dispersion Unshifted Single – Mode Optical Fiber" ("SMOF"). The product scope covers Dispersion Unshifted Fiber (G.652) and Bend insensitive single mode Fiber (G.657). Dispersion Shifted Fiber (G.653), Cut-off shifted single mode optical Fiber (G.654), and Non-Zero Dispersion Shifted Fiber (G.655 & G.656) are specifically excluded from the scope of the PUC.

*** The trading of this commodity occurs in FKM (fibre kilometre)/KFKM (1KFKM = 1000 FKM). The recommended ADD should be collected in this unit. Accordingly, steps may be taken to ensure the same.

2. The anti-dumping duty imposed under this notification shall be effective for a period of five years (unless revoked, superseded or amended earlier) from the date of

CUSTOMS

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 purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, 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 Act.

[For further details please refer the notification]

5. Difficulty, if any, may be brought to the notice of the Board.

[For further details please refer the circular]

CIRCULAR

EXPANSION OF AUTOMATIC LEO FACILITY IN EXPRESS CARGO CLEARANCE SYSTEM (ECCS)

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide circular no 19/2023-Customs dated 02.08.2023 circulated to draw attention to Circular 41/2020-Customs through which the facility of Automatic Let Export Order (auto LEO) was enabled in Express Cargo Clearance System (ECCS) for those Courier Shipping Bills (CSB) which were not interdicted by the risk management system (RMS) and were then cleared in the Customs X-ray scanning process.

2. Based on inputs from the stakeholders, measures for further enhancing ease of doing business were examined in the Board. One such area identified is for expanding the auto LEO facility.

3. It has been decided that the auto LEO facility shall also be allowed upon X-ray clearance to CSB marked for 'assessment only', provided that the CSB has been cleared under assessment and examination has not been mandated. The Systems Directorate has confirmed the enabling of appropriate technical changes in the ECCS export workflow.

4. The DG Systems shall issue an Advisory guiding the implementation of above decision. The field formations are requested to issue suitable Public Notice and Standing Order, for guidance of the stakeholders and officers.

DGFT

NOTIFICATION

FURTHER AMENDMENT IN IMPORT POLICY OF ITEMS UNDER HSN 8471 OF CHAPTER 84 OF SCHEDULE-I (IMPORT POLICY) OF ITC (HS), 2022

OUR COMMENTS: The Ministry of Commerce and Industry vide notification no. 26/2023 dated 04.08.2023 In exercise of powers conferred by Section 3 and Section 5 of Foreign Trade (Development & Regulation) Act, 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade Policy, 2023, the following amendments are made in Notification No. 23/2023 dated 03.08.2023:

Notification No. 23/2023 dated 03.08.2023 shall be **effective from 1st November 2023**. Import consignments can be cleared till 31.10.2023 without a Licence for Restricted Imports. For clearance of import consignments with effect from 01.11.2023, a valid Licence for Restricted Imports is required.

Effect of the Notification: Liberal transitional arrangements are provided for import of Laptops, Tablets, All-in-one Personal Computers, Ultra small form factor Computers and Servers falling under HSN 8471 till 31.10.2023.

[For further details please refer the notification]

NOTIFICATION

AMENDMENT IN EXPORT POLICY OF RED SANDERS WOOD EXCLUSIVELY SOURCED FROM CULTIVATION ORIGIN OBTAINED FROM PRIVATE LAND (INCLUDING PATTALAND) AND CONFISCATED SOURCE

OUR COMMENTS: The Ministry of Commerce and Industry vide notification no. 25/2023 dated 03.08.2023 In exercise of powers conferred by Section 3 read with section 5 of Foreign Trade (Development & Regulation) Act, 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade Policy, 2023, as amended from time to time, the Central Government hereby amends the policy condition of Red Sanders (*Pterocarpus santalinus*) under Chapter 44 of ITC (HS), 2018, Schedule - 2 (Export Policy).

2. Policy condition against Sl. No. 188A in Chapter 44 of Schedule 2 of ITC (HS) Classification of Export & Import Items is amended as follows (changes made are in bold letters):

S. No.	HS Code	Unit	Item Description	Export Policy	Current Policy Condition	Revised Policy Condition

18	4403	Kg	Red Sanders wood in log form and roots, exclusively of cultivation origin obtained from private land (including Pattaland)	Restricted	Export permitted under license subject to the following conditions /documentation: (i) Applications for export license should be accompanied by attested copies of certificate of origin issued by the Principal Chief Conservator of Forests (PCCF) of the State where the stocks were procured / exported, giving details of the date of procurement from legal sources and quantities procured; (ii) A certificate of the current position of stocks so procured and available with the applicant given after physical verification of the stocks, by the authority nominated for the purpose by the PCCF, should also accompany application for	Export permitted under license subject to the following conditions /documentation: (i) Applications for export license should be accompanied by attested copies of certificate of origin issued by the Principal Chief Conservator of Forests (PCCF) of the State where the stocks were procured / exported, giving details of the date of procurement from legal sources and quantities procured; (ii) A certificate of the current position of stocks so procured and available with the applicant given after physical verification of the stocks, by the authority nominated for the purpose by the PCCF, should also accompany application for
8A	9918					
	4407					
	9990					

DGFT

				export license.	export license.							allowed :
				(iii) The applications shall be considered on merits for issue of export license, which shall be subject to any other conditions such as MEP, quantity ceilings requirements under CITES, etc. as may be prescribed from time to time;	(iii) The applications shall be considered on merits for issue of export license, which shall be subject to any other conditions such as MEP, quantity ceilings requirements under CITES, etc. as may be prescribed from time to time;							(a) An annual export quota (April to March) of 900 MT for Tamilnadu for artificially Propagated red sanders: and
				(iv) As per the recommendation of CITES Management Authority India, the MOEF & CC will fix an yearly quota, which may be reviewed based on NDF study or recommendations of the Government agencies;	(iv) As per the recommendation of CITES Management Authority India, the MOEF & CC will fix an yearly quota, which may be reviewed based on NDF study or recommendations of the Government agencies;							(b) a zero export quota for wild specimens of red sanders :
												subject to the following conditions:-
												(i) State Govt shall develop a digital platform with Geo referenced sites and MIS giving the no of trees, their age and diameter at breast height.
												(ii) The working plan Guidelines of States need to include specific management plans/ harvest Plans with approved rotation periods for sustainable harvest of red sanders wood from plantations in forest and non-forest areas
					In accordance with the recommendations of the BSI NDF Report, MoEF&CC, the following annual export quotas for red sanders (Pterocarpus santalinus) is							

DGFT

3. Effect of this Notification:

An annual export quota (April to March) of 900 MT for Tamil Nadu for artificially Propagated red sanders; and a zero export quota for wild specimens of red sanders, subject to conditions as mentioned above is notified.

[For further details please refer the notification]

NOTIFICATION

REGULARIZATION OF RODTEP FOR 18 HS CODES UNDER HEADING 5208 W.E.F 01.01.2021

OUR COMMENTS: The Ministry of Commerce and Industry vide notification no. 24/2023 dated 03.08.2023 notified The following is considered regarding 18 HS Codes under Heading 5208 which were added in Appendix 4R vide Notification No. 63 dated 25.03.2023:

S.No.	Tariff Item	Description of Goods (As per CTH)
(1)	(2)	(3)
1	52084921	Of Handloom
2	52084929	Other
3	52084990	Other
	520851	Plain weave, weighing not more than 100 g/m2
4	52085110	Lungi
5	52085120	Saari
6	52085130	Shirting Fabrics
7	52085140	Casement
8	52085150	Cambrics (including madapollam and jaconet)
9	52085160	Mull (including limbric and willaya)
10	52085170	Mull (including limbric and willaya)
11	52085180	Voils (excluding leno fabrics)
12	52085190	Others
	520852	Plain weave, weighing morew than 100 g/m2
13	52085210	Lungi
14	52085220	Saari
15	52085230	Shirting Fabrics
16	52085240	Casement
17	52085250	Cambrics (including madapollam and jaconet)
18	52085260	Mull (including limbric and willaya)

2. (i) Whereas, customs EDI directory in ICES had an error inasmuch as it did not contain above-mentioned 18 HS Codes of heading 5208 which form part of the legal text of the first schedule to Customs Tariff Act, 1975 and exporters claimed and availed RoDTEP wherein export goods were classified in tariff lines with in headings of 5208 other than the said 18 HS Codes,

(ii) Whereas, above-mentioned 18 HS Codes of heading 5208 have been enabled in customs EDI directory in ICES for filing shipping bills w.e.f. 28.01.2023 and however, exporters could claim RoDTEP benefit from 28.03.2023 onwards after RoDTEP rates were notified vide said DGFT Notification no. 63 dated 25.03.2023,

(iii) Whereas, on account of noticing inconsonance in classification vis-à-vis first schedule to Customs Tariff Act, 1975, show cause notices have been issued or RoDTEP benefit disallowed at the time of export relating to the period 01.01.2021 to 27.01.2023; and also, for the period 28.01.2023 to 27.03.2023 claiming the RoDTEP could not be enabled,

(iv) whereas, taking in account the sequence of measures taken in connection to correcting this said omission, allowing RoDTEP since 01.01.2021 as well as the regularisation of the RoDTEP as claimed as such, as long as it was claimed against one of the HS Codes under heading 5208 in the case of exports under shipping bills filed from 01.01.2021 to 27.01.2023 would obviate any changes required in any of the relevant shipping bills under which exports stand made, that the claims would simply get finalized and show cause notices, if any, already issued would get decided accordingly,

(v) whereas, in the case of exports under shipping bills filed from 28.01.2023 to 27.03.2023, by allowing RoDTEP since 01.01.2021, enablement from DG Systems in CBIC is required so as to update the RoDTEP directory and to make other changes, including in ICES/ICEGATE, as are necessary, so as to allow exporters, who claimed the said 18 HS Codes in their export declaration in shipping bill, to make a supplementary claim in respect of RoDTEP amount. For this, the DG Systems in CBIC shall be issuing a Systems Advisory allowing exporters (who claimed the 18 eight-digit tariff lines in their export declaration in shipping bill) to make a supplementary claim within 180 days of the date of the said Systems Advisory.

3. Therefore, in exercise of the powers conferred by Section 3 and Section 5 of the Foreign Trade (Development and

DGFT

Regulation) Act, 1992 read with Para 1.02 of the Foreign Trade Policy 2023, the Central Government hereby –

(i) allows RoDTEP for these 18 HS codes mentioned in Table in Para 1 above w.e.f. 01.01.2021 in supersession of DGFT Notification no. 63 dated 25.03.2023 to that extent.

(ii) regularizes the RoDTEP availed by the exporters w.e.f. 01.01.2021, in the manner as outlined in subpara (iv) or (v) of Para 2 above, as the case may be.

Effect of this Notification: RoDTEP benefit relating to 18 HS codes under heading 5208 notified vide Notification no. 63/2015-20 dated 25.03.2023 is being regularized w.e.f. 01.01.2021, in consultation with Department of Revenue.

[For further details please refer the notification]

NOTIFICATION AMENDMENT IN IMPORT POLICY OF ITEMS UNDER HSN 8471 OF CHAPTER 84 OF SCHEDULE-I (IMPORT POLICY) OF ITC (HS), 2022

OUR COMMENTS: The Ministry of Commerce and Industry vide notification no. 23/2023 dated 03.08.2023 notified In exercise of powers conferred by Section 3 and Section 5 of Foreign Trade (Development & Regulation) Act, 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade Policy, 2023, as amended from time to time, the Central Government hereby makes the following amendments under Chapter 84 of Schedule - I (Import Policy) of ITC (HS) 2022:

1. Policy condition No. 04 of the Chapter 84 is introduced as under:

i. Import of Laptops, Tablets, All-in-one Personal Computers, and Ultra small form factor Computers and Servers falling under HSN 8471 shall be 'Restricted' and their import would be allowed against a valid Licence for Restricted Imports.

ii. The said Restriction shall not be applicable to Imports under Baggage Rules, as amended from time to time.

iii. Exemption from Import Licencing requirements is provided for Import of 1 Laptop, Tablet, All-in-one Personal Computer, or Ultra small form factor Computer, including those purchased from e-commerce portals, through post or courier. Imports shall be subject to payment of duty as applicable.

iv. Exemption from import licence is provided for up to 20 such items per consignment for the purpose of R&D, Testing, Benchmarking and Evaluation, repair and re-export, Product Development purposes. Given imports shall be allowed subject to condition that the imported goods shall be used for the stated purposes only and will not be sold. Further, after the intended purpose, the products would either be destroyed beyond use or re-exported.

v. In reference to para 2.28 of the FTP regarding re-import of goods repaired abroad, licence for Restricted Imports shall not be required for repair and return of said items.

vi. Laptops, Tablets, All-in-one Personal Computers, and Ultra small form factor Computers and Servers which are an essential part of a Capital Good shall be exempted from the import licencing requirements.

2. The policy/condition for import of the following items covered under CTH 8471 are revised as under:

ITC(HS)	Item description	Existing Policy	Revised Policy	Revised Policy Condition
84713010	--- Personal computer	Free	Restricted	Subject to Policy condition no. 4 of the Chapter
84713090	---Other	Free	Restricted	Subject to Policy condition no. 4 of the Chapter
84714110	---Micro computer	Free	Restricted	Subject to Policy condition no. 4 of the Chapter
84714120	---Large or main frame computer	Free	Restricted	Subject to Policy condition no. 4 of the Chapter
84714190	---Other	Free	Restricted	Subject to Policy condition no. 4 of the Chapter
84714900	-Other automatic	Free	Restricted	Subject to

DGFT

	data processing machines: --Other, presented in the form of systems			Policy condition no. 4 of the Chapter
84715000	-Processing units other than those of subheading 8471.41 or 8471.49, whether or not containing in the same housing one or two of the following types of units: storage units, input units, output units	Free	Restricted	Subject to Policy condition no. 4 of the Chapter

Effect of the Notification: Import of Laptops, Tablets, All-in-one Personal Computers, and Ultra small form factor Computers, Servers under HSN 8471 is 'Restricted' with immediate effect. Exemption from import licencing is given to 1 such item except Servers per consignment. Exemption from import licencing is provided up to 20 items per consignment for R&D, Testing, Benchmarking and Evaluation, Repair and return, Product Development purposes. Exemption is further provided for re-import of such items repaired abroad. Exemption is also provided where the item is an essential part of a Capital Good.

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

[For further details please refer the notification]

NOTIFICATION AMENDMENT IN EXPORT POLICY OF FOOD SUPPLEMENTS CONTAINING BOTANICALS

OUR COMMENTS: The Ministry of Commerce and Industry vide notification no. 22/2023 dated 31.07.2023 notified The Central Government, in exercise of the powers conferred by Section 3 read with section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (No. 22 of 1992), as amended, read with Para 1.02 and 2.01 of the Foreign Trade Policy, 2023 hereby amends the schedule -2 of ITC (HS) Export Policy, 2018, as under :-

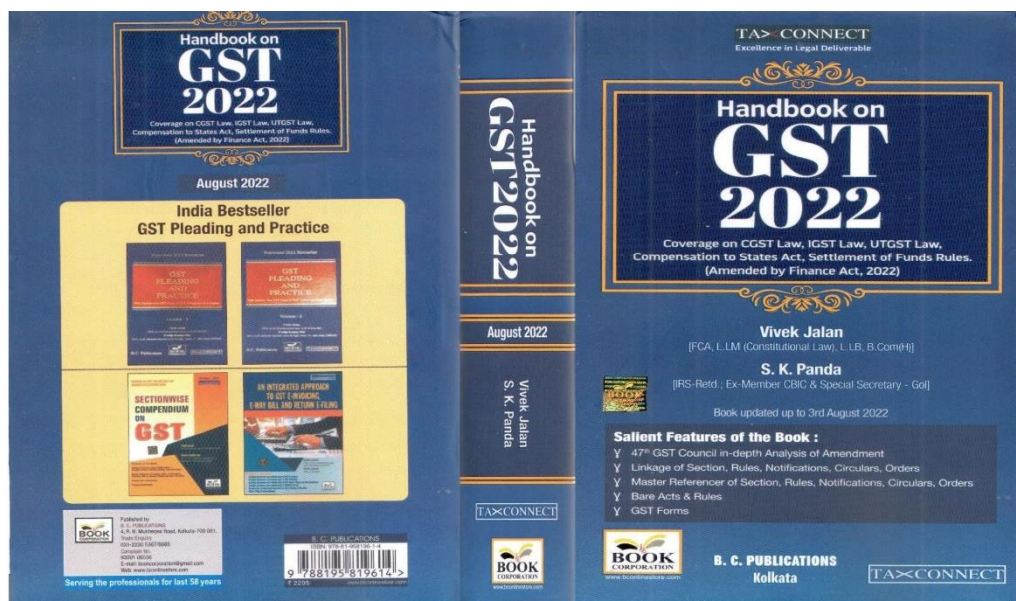
S. No.	ITS HS codes	Description	Present Policy	Policy conditions
89A	1302	Vegetable saps and	Free	The export of Food

		extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products.		Supplements containing botanicals to European Union (EU) and United Kingdom (UK) originating in or consigned from India and intended for human or animal consumption, allowed subject to issuance of the official certificate issued by Export Inspection Council (EIC)/ Export Inspection Agencies (EIAs), the designated Competent Authority for issuance of official certificate. The official certificate will be issued based on the satisfactory analytical test report from EIC/EIC approved laboratories for the purpose as per the requirement laid down by EU.
93A (1)	2106	Food preparations not elsewhere specified or included.	Free	

[For further details please refer the notification]

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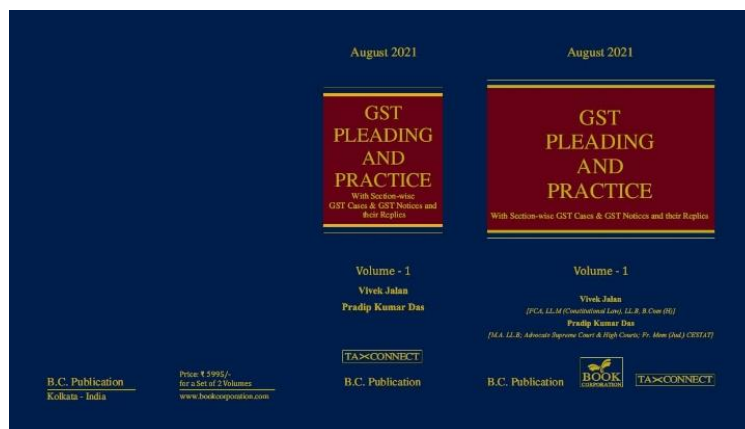
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