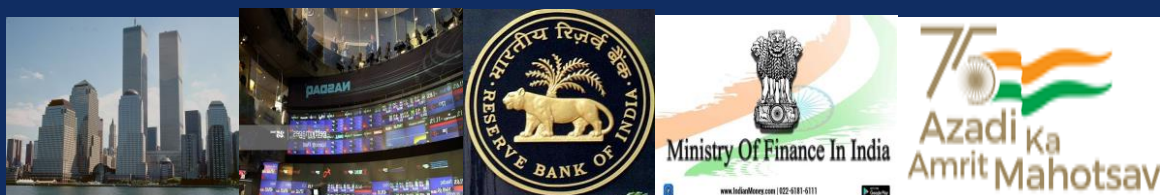


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EDITORIAL



Friends,

For grant of certificate for TDS at lower rate or no TDS u/s 197(1) of the Income-tax Act, the Proviso to Rule 28AA (4) was notified vide Notification No. 74/2018 dated 25-10-2018, as under –

***Provided** that where the number of persons responsible for deducting the tax is likely to exceed one hundred and the details of such persons are not available at the time of making application with the person making such application, the certificate for deduction of tax at lower rate may be issued to the person who made an application for issue of such certificate, authorising him to receive income or sum after deduction of tax at lower rate.*

Now vide Notification No. 2/2023 an SOP has been notified and this will come as a big relief for the taxpayers who apply for low or no TDS certificates where the details of the deductor are not available at the time of making application and there are more than 100 deductors. Rule 28AA is applicable for TDS under the provisions of sections 192, 193, 194, 194A, 194C, 194D, 194G, 194H, 194-I, 194J, 194K, 194LA, [194LBA] 194LBB, 194LBC, 194M, 194-O and 195. However, it is important to note that this notification is other than those deductees which are trusts, etc and which fall under Rule 28AB.

The Most important feature is the “Consumption/ Tracking of Certificate”. The certificate reported by deductors who have received certificate in their TDS statements, will be consumed on the basis of processing of TDS statements as per FIFO principle. The deductor should verify/ track consumption status of the certificate before furnishing certificate details in TDS statement(s) through the path **‘Deductor login->Statement / Payments->History-> Validate Lower Deduction Certificate u/s 197/ 195(3)/ 195(2)’** to avoid any defaults.

The entire procedure is as follows –

a. An application in Form 13 with Annexure II shall be made by the taxpayer/ Deductee on the TRACES. The applicant can track the status of the application through option ‘Track Request for Form13/ 15C/15D’ under the tab ‘Statements/Forms’.

b. The application will be assigned to the TDS AO or DCIT/ACIT as per threshold’s specified in the notification.

c. Once the application in form 13 has been successfully submitted, the data like processed data of Income Tax Returns of previous 4 financial years, PAN Demand, Orders/returns/Audit report of last 4 years, will be obtained by CPCTDS.

d. The AO shall process the application by scrutinizing the data along with Information about the history of previous TAN less certificate issued to the applicant where the number of deductors who consumed the said certificate did not reach up to 100 during the last financial year, if available. AO can also seek clarifications online which will be reflected on the TRACES login of the applicant. After approval/rejection of the application, as the case may be, it will be forwarded to the supervisory authority, i.e., the Range Head or Range Head & CIT.

e. Thereafter, the Range head shall process the application through TRACES-AO Portal. He will also see all data along with Recommendation of the TDS AO. He can seek and get further clarifications.

f. Based upon the revenue forgone, the application will be marked to the CIT who shall also take into consideration Recommendation of the Range Head. He can seek and get further clarifications.

g. After a final decision in the application has been taken by the CIT, the application will be marked back electronically on TRACES-AO Portal to the AO for issuance of the certificate or rejection of the application.

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
15 th October	FORM 24G	September 2023	Due date for furnishing of Form 24G by an office of the Government where TDS/TCS for the month of September, 2023 has been paid without the production of a challan
15 th October	TDS Certificate	August 2023	Due date for issue of TDS Certificate for tax deducted under section 194-IB, 194-IA, 194M, 194S in the month of August, 2023
15 th October	TCS Deposit	July-September 2023	Quarterly statement of TCS deposited for the quarter ending September 30, 2023
15 th October	FORM 15G/15H	September 2023	Upload declarations received from recipients in Form No. 15G/15H during the quarter ending September, 2023
15 th October	FORM 3BB	September 2023	Due date for furnishing statement in Form no. 3BB by a stock exchange in respect of transactions in which client codes been modified after registering in the system for the month of September, 2023
15 th October	Quarterly TCS Statement	April-June 2023	Quarterly TCS certificate in respect of tax collected by any person for the quarter ending June 30, 2023 Note: Due to extension of due date of TCS statement vide Circular no. 9/2023, dated 28-06-2023, the revised due date for furnishing TCS certificate shall be October 15, 2023
15 th October	Quarterly TDS Statement	April-June 2023	Quarterly TDS certificate (in respect of tax deducted for payments other than salary) for the quarter ending June 30, 2023 Note: Due to extension of due date of TDS statement vide Circular no. 9/2023, dated 28-06-2023, the revised due date for furnishing TDS certificate shall be October 15, 2023
20 th October	GSTR-3B	September 2023	GST Filing of returns by a registered person with aggregate turnover exceeding INR 5 Crores during the preceding financial year.
20 th October	GSTR-5A	September 2023	Summary of outward taxable supplies and tax payable by a person supplying OIDAR services.

INCOME TAX

NOTIFICATION

CENTRAL GOVERNMENT SPECIFIES THE PENSION FUND, NAMELY, THE STICHTING PENSIOENFONDS ABP

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide notification No. 89/2023 dated 13.10.2023 In exercise of the powers conferred by sub-clause (iv) of clause (c) of Explanation 1 to clause (23FE) of section 10 of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the Act), the Central Government hereby specifies the pension fund, namely, the Stichting Pensioenfonds ABP (PAN: AACCS2647E), (hereinafter referred to as the assessee) as the specified person for the purposes of the said clause in respect of the eligible investment made by it in India on or after the date of publication of this notification in the Official Gazette but on or before the 31st day of March, 2024 (hereinafter referred to as the said investments) subject to the fulfilment of the following conditions, namely:-

(i) the assessee shall file return of income, for all the relevant previous years falling within the period beginning from the date in which the said investment has been made and ending on the date on which such investment is liquidated, on or before the due date specified for furnishing the return of income under sub-section (1) of section 139 of the Act;

(ii) the assessee shall furnish along with such return a certificate in Form No. 10BBC in respect of compliance with the provisions of clause (23FE) of section 10 of the Act, during the financial year, from an accountant as defined in the Explanation below sub-section (2) of section 288 of the Act, as per the provisions of clause (vi) of rule 2DB of the Income-tax Rules, 1962;

(iii) the assessee shall intimate the details in respect of each investment made by it in India during the quarter within one month from the end of the quarter in Form No. 10BBB, as per the provisions of clause (v) of rule 2DB of the Income-tax Rules, 1962;

(iv) the assessee shall maintain a segmented account of income and expenditure in respect of such investment which qualifies for exemption under clause (23FE) of section 10 of the Act;

(v) the assessee shall continue to be regulated under the laws of the Government of the Netherlands;

(vi) the assessee shall be responsible for administering or investing the assets for meeting the statutory obligations and defined contributions of one or more funds or plans established for providing retirement, social security, employment, disability,

death benefits or any similar compensation to the participants or beneficiaries of such funds or plans, as the case may be;

(vii) the earnings and assets of the assessee should be used only for meeting statutory obligations and defined contributions for participants or beneficiaries of funds or plans referred to in clause (vi) and no portion of the earnings or assets of the pension fund inures any benefit to any other private person; barring any payment made to creditors or depositors for loan or borrowing [as defined in sub-clause (b) of clause (ii) of Explanation 2 to clause (23FE) of section 10 of the Act] taken for the purposes other than for making investment in India;

(viii) the assessee shall not have any loans or borrowings [as defined in sub-clause(b) of clause (ii) of Explanation 2 to clause (23FE) of section 10 of the Act], directly or indirectly, for the purposes of making investment in India; and

(ix) the assessee shall not participate in the day to day operations of investee [as defined in clause (i) of Explanation 2 to clause (23FE) of section 10 of the Act] but the monitoring mechanism to protect the investment with the investee including the right to appoint directors or executive director shall not be considered as participation in the day to day operations of the investee.

2. Violation of any of the conditions as stipulated in clause (23FE) of section 10 of the Act and this notification shall render the assessee ineligible for the tax exemption.

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

[For further details please refer the notification]

NOTIFICATION

CHANGES IN RULE 114B - TRANSACTIONS IN RELATION TO WHICH PAN IS TO BE QUOTED IN ALL DOCUMENTS FOR THE PURPOSE OF SECTION 139A(5)(C)

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide notification No. 88/2023 dated 10.10.2023 notified In exercise of the powers conferred by clause (vii) of sub-section (1), clause (c) sub-section (5) and sub-section (6A) of section 139A 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.—

INCOME TAX

(1) These rules may be called the Income-tax (Twenty-fourth 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 principal rules) in rule 114B,—

(a) in the second proviso, for the words “Provided further that any person”, the words “Provided further that any person, not being a company or a firm,” shall be substituted;

(b) after second proviso, the following proviso shall be inserted, namely:—

“Provided also that a foreign company who,—

(i) does not have any income chargeable to tax in India; and

(ii) does not have a permanent account number,

and enters into any transaction referred to at Sl. No. 2 or 12 of the Table, in an IFSC banking unit, shall make a declaration in Form No. 60:”;

(c) in the Explanation, clause (1) shall be re-numbered as (1A) and before the said clause as so re-numbered, the following clause shall be inserted, namely:—

“(1) “IFSC banking unit” means a financial institution defined under clause (c) of sub-section (1) of section 3 of the International Financial Services Centres Authority Act, 2019 (50 of 2019), that is licensed or permitted by the International Financial Services Centres Authority to undertake permissible activities under the International Financial Services Centres Authority (Banking) Regulations, 2020;”;

3. In the principle rules, in rule 114BA, the following shall be inserted at the end, namely:—

“Provided that the provisions of this rule shall not apply in a case,—

(a) where the person, making the deposit or withdrawal of an amount otherwise than by way of cash as per clause (a) or (b),

or opening a current account not being a cash credit account as per clause (c) of this rule, is a non-resident (not being a company) or a foreign company;

(b) the transaction is entered into with an IFSC banking unit; and

(c) such non-resident (not being a company) or the foreign company does not have any income chargeable to tax in India.

Explanation.— For the purposes of this rule, “IFSC banking unit” shall have the same meaning as assigned to it in clause (1) of the Explanation to rule 114B.”;

4. In the principle rules, in rule 114BB, after the proviso, the following shall be inserted, namely:—

“Provided further that the provisions of this sub-rule shall not apply in a case,—

(a) where the person, making the deposit or withdrawal of an amount otherwise than by way of cash as per Sl. No. 1 or Sl. No. 2 of column (2), or opening a current account not being a cash credit account as per Sl. No. 3 of column (2) of the Table, is a non-resident (not being a company) or a foreign company;

(b) the transaction is entered into with an IFSC banking unit; and

(c) such non-resident (not being a company) or the foreign company does not have any income chargeable to tax in India.

Explanation.— For the purposes of this sub-rule, “IFSC banking unit” shall have the same meaning as assigned to it in clause (1) of the Explanation to rule 114B.”;

5. In the principal rules, in the Appendix II, for Form No. 60, a new FORM has been substituted

[For further details please refer the notification]

NOTIFICATION

EXEMPTION FROM SPECIFIED INCOME U/S 10(46) – ‘DENTAL COUNCIL OF INDIA, NEW DELHI’ NOTIFIED

INCOME TAX

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide notification No. 87/2023 dated 06.10.2023 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, 'Dental Council of India, New Delhi' (PAN AAAJD0821E), a body constituted by the Central Government, in respect of the following specified income arising to that body, namely:

- a) Fees and Subscriptions
- b) Income from Royalty & Publications
- c) Grant and Subsidies from Government
- d) Interest Income from bank

2. This notification shall be effective subject to the conditions that Dental Council of India, New Delhi:-

- (a) shall not engage in any commercial activity;
- (b) activities and the nature of the specified income shall remain unchanged throughout the financial years; and
- (c) shall file return of income in accordance with the provision of clause (g) of sub-section (4C) of section 139 of the Income-tax Act, 1961.

3. This notification shall be deemed to have been applied for assessment year 2023-2024 relevant to the financial year 2022-2023.

[For further details please refer the notification]

CIRCULAR

ORDER UNDER SECTION 119 OF THE INCOME-TAX ACT, 1961

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide Circular No. 17/2023 dated 09.10.2023 circulated that Audit report in the case of a fund or trust or institution or any university or other educational institution or any hospital or other medical institution, under clause (b) of the tenth proviso to clause (23C) of section 10, or sub-clause (ii) of clause (b) of sub-section (1) of

section 12A of the Income-tax Act, 1961 (the Act), as the case may be, is required to be furnished in Form No. 10B / Form No. 10BB.

2. Representations have been received regarding difficulties in filling details of persons who have made a 'substantial contribution to the trust or institution', that is to say, any person whose total contribution up to the end of the relevant previous year exceeds fifty thousand rupees (as referred to in section 13(3)(b) of the Act).

3. The matter has been examined with reference to the issue raised in paragraph 2 and it is hereby stated that for the purposes of providing details in (i) Form No. 10B in the Annexure, in row 41; and (ii) Form No. 10BB in the Annexure, in row 28, for the assessment year 2023-24:

(a) the aforesaid details (that is, of persons making substantial contribution) may be given with respect to those persons whose total contribution during the previous year exceeds fifty thousand rupees;

(b) details of relatives of such person, as referred to in (a) above may be provided, if available.

(c) details of concerns in which such person, as referred to in (a) above, has substantial interest may be provided, if available.

[For further details please refer the circular]

GST

ADVISORY

FACILITY FOR THE E- COMMERCE OPERATORS THROUGH WHOM UNREGISTERED SUPPLIERS OF GOODS CAN SUPPLY GOODS

OUR COMMENTS: The GSTIN vide advisory dated 12-10-2023 advised that -

GSTN has also provided APIs for ECOs (through whom unregistered persons can supply goods) to integrate with GSTN to obtain the details and facilitate the unregistered suppliers. The APIs are for validating the demographic details of the said suppliers and also for use in tracking and reporting supplies by such persons. The details of the APIs are as follows:-

a)The name of the APIs developed are :

1.Unregistered Applicants API : To get the details of Unregistered Applicant by passing the enrolment ID in the GET request

2.Unregistered Applicants Validation API: To validate the Mobile Number and Email ID of a Enrolment ID

b)The following is noteworthy for the e-Commerce operators in order to access and integrate the APIs successfully:

1.The e-Commerce operator should contact any GSP to access the above APIs as the APIs are not publically available.

2.To access these APIs Authentication Token should be obtained from the authentication API, the API specs are available at developer portal (<https://developer.gst.gov.in/apiportal/>) under Public API à Authentication.

3.For accessing the public APIs the authentication token should be obtained by using the GSPs credentials.

4.The APIs specs for the two eComm APIs are available on developer portal (<https://developer.gst.gov.in/apiportal/>) under Public API eComm operators.

5.The response of both APIs will be Base64 encoded, no encryption is used.

[For further details please refer the advisory]

ADVISORY

FACILITY OF ENROLMENT FOR SUPPLY OF GOODS THROUGH E-COMMERCE OPERATORS BY GST UN-REGISTERED SUPPLIERS

OUR COMMENTS: The GSTIN vide advisory dated 12-10-2023 advised that -

1.In terms of the recent amendments to the Act and the rules and notification number 34/2023 dated 31.07.2023, persons supplying goods through e-commerce operators shall be exempt from mandatory registration under the CGST Act even if they supply goods through e-commerce operators (ECO) if they satisfy the following conditions:

(a)such person is engaged in the supply of goods through the ECO and such supplies are made only in one State/UT,

(b)such person does not make any inter-state supply,

(c)the said person has a Permanent Account Number (PAN) under the Income Tax Act, 1961,

(d)such persons shall declare his PAN (which shall be validated) on the common portal (i.e. GST Portal) along with the address of his place of business and the name of the State/UT or Union territory before making such supplies,

(e)such person has been granted an enrolment number on the common portal upon validation of his PAN before which he shall not make any such supply through any ECO.

2.GSTN has developed the necessary functionality for enrolment of unregistered persons and the same is available on the portal. Accordingly, unregistered person desirous of enrolling on the GST portal for making supplies of goods through ECOs in any one State/UT are hereby advised to follow the path/procedure specified below:

•Visit the GST Portal at <https://www.gst.gov.in/> and click the GST Portal link

•Select the "User Services" Tab and choose "Generate User Id for Unregistered Applicant"

•Click "Yes" on the Warning window which asks you to Continue

•Check the "To apply as a supplier to e commerce operators" box

•Proceed to fill the Form that opens on your screen

•Upon successful validation of your PAN the enrolment number will be generated by the portal.

[For further details please refer the advisory]

FEMA

CASE LAW

OFFENCE UNDER FEMA - GOLD BULLION OF 3773.52 GM. WAS SEIZED ALONG-WITH OTHER ARTICLES LIKE ELECTRONIC DEVICES MOBILE PHONES, HARD DISK ETC DURING SEARCH OPERATIONS : RAJASTHAN HIGH COURT

OUR COMMENTS: It was held that the provisions of Section 37 of the FEMA read with Sections 132 and 132B of the Act of 1961 including its proviso clauses clearly speak that bullion, jewellery or other valuable article or thing, being stock-in-trade of the business, found as a result of such search shall not be seized but the authorized officer shall make a note or inventory of such stock-in-trade of the business. Further, where the person concerned makes an application to the AO within thirty days from the end of the month in which the asset was seized, for release of asset and the nature and source of acquisition of any such asset is explained, to the satisfaction of the AO, the amount of any existing liability referred to in this clause may be recovered out of such asset and the remaining portion, if any, of the asset may be released with the prior approval of the certain authorities, as mentioned in the provisions, to the person from whose custody the asset was seized.

The proviso clause further provides that such asset or any portion thereof is referred to in the first proviso shall be released within a period of one hundred and twenty days from the date on which the last date of the authorizations for search under Section 132 or for requisition under Section 132A, as the may be, was executed.

Recently in Mangilal Agarwal vs. Deputy Director of Income Tax (Investigation-1) [2023 (8) TMI 1358 - RAJASTHAN HIGH COURT] this Court considering the statement made by the counsel appearing for the respondents upon instructions from the respondent authorities submitted that no order has been passed by the competent authority under section 132B of the Income Tax Act. On the basis of such statement, the Court observed that the goods including gold bullion, which were taken in possession, have to be released and the respondents counsel therein informed that in case the petitioner approaches the competent authority for release of the Gold Bullion, the same shall be accordingly released.

Finally the writ petition was disposed of as having become infructuous in view of the fact that the gold bullion was released to the petitioner therein. The judgments cited by the counsel for the petitioners as a whole speak that the respondent authorities are under an obligation to consider the representation of the petitioners including all the relevant documents submitted along-with the same explaining that the gold bullion seized during the search is stock in trade and are

duly accounted in the books of accounts. The aforesaid inaction on the part of respondents in failing to consider and decide the representation of the petitioners in not releasing the seized gold bullion, is illegal and contrary to the provisions of Section 132(1) and 132B of the Act of 1961.

The provision of Section 132B of the Act of 1961 mandates the respondent authorities to take a call on the application/ representation submitted by a person and after consideration such asset or any portion thereof seized during the search of which nature and source of acquisition is explained, the same should have been released within one twenty days.

The respondent authorities are under an obligation to abide by the law in force but in the present case the respondent authorities have failed to act upon the representation submitted by the petitioners on 19.02.2020 which led to miscarriage of justice.

Respondent authorities in view of the mandate of Section 132B were under an obligation to consider the application/ representation of the petitioners submitted on 19.02.2020 showing the credentials and explaining that the gold bullion seized during the search was stock-in-trade and are duly accounted in the books of accounts which were based on the documents enclosed along-with the representation which have been placed on record before this Court also. The respondent authorities have not cared to consider the representation and the documents submitted by the petitioners and to hold that the gold bullion seized during the search was not stock-in-trade. Therefore, this Court on consideration of the documents submitted along-with the petition without there being otherwise decision of the respondent authorities, does not hesitate to hold that the gold bullion seized during the search was stock-in-trade and are duly accounts in the books of accounts and accordingly the petitioners are entitled to retain the same.

Writ petition deserves to be allowed and is therefore allowed. The respondent authorities are directed to return the gold bullion 3773.52 gm. seized by them in the course of search on 15/16.02.2020 forthwith to the petitioners after complying with the requirement provided i.e. making a note of inventory.

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 75/2023-Customs(N.T) dated 13.10.2023 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 (US \$Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	859
2	1511 90 10	RBD Palm Oil	863
3	1511 90 90	Others – Palm Oil	861
4	1511 10 00	Crude Palmolein	868
5	1511 90 20	RBD Palmolein	871
6	1511 90 90	Others – Palmolein	870
7	1507 10 00	Crude Soya bean Oil	972
8	7404 00 22	Brass Scrap (all grades)	4682

TABLE-2

Sl. No.	Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value (US \$)
(1)	(2)	(3)	(4)
1.	71 or 98	Gold, in any form, in respect of	603 per

		which the benefit of entries at serial number 356 of the Notification No. 50/2017-Customs dated 30.06.2017 is availed	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	716 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.	716 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, clasp, clamp, pin, catch, screw	603 per 10 grams

CUSTOMS

back used to hold the whole or a part of a piece of Jewellery in place.

TABLE-3

Sl. No.	Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value (US \$ Per Metric Ton)
(1)	(2)	(3)	(4)
1	080280	Areca nuts	8068"

2. This notification shall come into force with effect from the 14th day of October, 2023.

[For further details please refer the notification]

NOTIFICATION

AIR FREIGHT STATIONS IN GUJARAT APPOINTED FOR LOADING/UNLOADING OF EXPORT GOODS.

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification no 74/2023-Customs(N.T) dated 06.10.2023 notified In exercise of the powers conferred by clause (aa) of sub-section (1) read with sub-section (2) of section 7 of the Customs Act, 1962 (52 of 1962), the Central Board of Indirect Taxes and Customs hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 100/2017-Customs (N.T.) dated the 27th October , 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R 1347 (E), dated the 27th October , 2017, namely:-

In the said notification, in the Table, the following item and entries shall be inserted, namely:—

S. No.	State/Union Territory	Places	Purpose
(1)	(2)	(3)	(4)
" 2	Gujarat	Village Khajod, Taluka Majura, District Surat	Unloading of imported goods and loading of export goods" *

* Explanation- For the purposes of this notification, "goods" at S.No. 2 means diamonds, precious and semi- precious stones, pearls, jewellery made of gold or any other precious metal, with or without studding, industrial diamonds including powders, both natural and synthetic and synthetic stones.

[For further details please refer the notification]

NOTIFICATION

EXPORT DUTY ON PARBOILED RICE EXTENDED TILL MARCH 31 2024

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification no 59/2023-Customs dated 13.10.2023 notified In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 55/2022-Customs, dated the 31st October 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 796(E), dated the 31st October 2022, namely:-

In the said notification, in the Annexure, in the entry against Condition number 5, for the figures, letters and words "16th day of October, 2023", the figures, letters and words "1st day of April, 2024" shall be substituted.

[For further details please refer the notification]

NOTIFICATION

EXEMPTS GOODS WHEN IMPORTED INTO INDIA FROM THE REPUBLIC OF KOREA - MATTER CONCERNING IMPORTS OF "FERRO MOLYBDENUM"

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification no 58/2023-Customs dated 09.10.2023 notified Whereas, in the matter concerning imports of "Ferro Molybdenum" (hereinafter referred to as the subject goods) falling under tariff item 7202 70 00 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), the Directorate General of Trade Remedies (hereinafter referred to as the Authority) initiated an Bilateral Safeguard investigation in terms of the India-Korea Comprehensive Economic Partnership Agreement (Bilateral Safeguard Measures) Rules, 2017 (hereinafter referred to as the rules) vide initiation notification under F. No. 22/03/2022-DGTR, dated the 30th September, 2022 published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 30th September, 2022 in order to determine whether the imports of the subject goods from Korea RP constitute increased imports and whether the increased imports have caused or are threatening to cause serious injury to the domestic industry;

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And whereas, in the final findings of the Bilateral Safeguard investigation issued vide F. No. 22/03/2022-DGTR, dated the 29th May, 2023, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 29th May, 2023, the Authority has concluded that-

(i) imports of the subject goods from Republic of Korea have increased and constitute "increased imports" within the meaning of the rules and India-Korea Comprehensive Economic Partnership Agreement;

(ii) the increased imports have caused serious injury;

(iii) there exists a causal link between the increased imports and serious injury to the domestic industry;

and recommended imposition of bilateral safeguard measure of increasing the rate of customs duty on subject goods originating in Korea RP and imported into India as specified in the aforesaid final findings, in order to remove injury to the domestic industry.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) read with rule 11 of the said rules, the Central Government, on being satisfied that it is necessary in the public interest so to do, after considering the aforesaid final findings of the designated authority, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 152/2009-Customs, dated the 31st December, 2009, published in the Gazette of India, vide number G.S.R. 943 (E), dated the 31st December, 2009, namely: -

In the said notification, -

(a) in the Table, after serial number 529 and the entries relating thereto, the following serial numbers and entries shall be inserted, namely: -

(1)	(2)	(3)	(4)
"529A	7202	All Goods	0.00
	(except 720260, 720270)		
529B	720270	Ferro Molybdenum	5.00
529C	720270	Ferro Molybdenum	3.75";

(b) after the second proviso below the Table, the following proviso shall be inserted, namely: -

"Provided also that, to give effect to the bilateral safeguard measure, as recommended by the Director General of Trade Remedies, -

(i) nothing contained in serial number 528 and entries relating thereto in the said table shall have effect up to and inclusive of the 9th day of October, 2025;

(ii) the entries contained in serial number 529A in the said table shall have effect only up to and inclusive of the 9th day of October, 2025;

(iii) the entries contained in serial number 529B in the said table shall have effect only up to and inclusive of the 9th day of October, 2024; and

(iv) the entries contained in serial number 529C in the said table shall have effect only from the 10th day of October, 2024 to the 9th day of October, 2025 (both days inclusive);

unless revoked, superseded or amended earlier."

2. This notification shall come into force on the 10th day of October 2023.

[For further details please refer the notification]

NOTIFICATION

SEEKS TO IMPOSE ANTI-DUMPING DUTY ON IMPORTS OF FLAX YARN OF BELOW 70 LEA COUNT ORIGINATING IN OR EXPORTED FROM CHINA PR

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification no 10/2023-Customs(ADD) dated 12.10.2023 notified Whereas, the designated authority, vide notification No. 7/03/2023-DGTR, dated the 31st March, 2023, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 31st March, 2023, had initiated the review in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), read with rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, in the matter of continuation of anti-dumping duty on imports of "flax yarn of below 70 lea count" (hereinafter referred to as the subject goods) falling under Tariff Sub-headings 5306 10 or 5306 20 of the First Schedule to the Customs Tariff Act, originating in or exported from China PR (hereinafter referred to as the subject country) initially imposed, vide notification of the Government of India, Ministry of Finance (Department of Revenue), No. 53/2018-Customs (ADD), dated the 18th

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TABLE

S. No	Tariff Item	Description of Goods	Country of Origin	Country of Export	Producer/exporter	Duty Amount	Unit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	530610, 530620	Flax Yarn of below 70 Lea Count (or below 42 nm)	China PR	Any including China PR	Jiangsu Jinyuan Flax Co., Ltd./ Zhejiang Jinyuan Flax Co., Ltd./ Zhejiang Kingdom Linen Co., Ltd.	2.42	USD/K G
2.	530610, 530620	Flax Yarn of below 70 Lea Count (or below 42 nm)	China PR	Any including China PR	Yixing Sunshine Linen Textile Co., Ltd.	2.29	USD/K G
3.	530610, 530620	Flax Yarn of below 70 Lea Count (or below 42 nm)	China PR	Any including China PR	Any other than the producers at Sl. No. 1-2	4.83	USD/K G

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

Explanation.- For the purposes of this notification, rate of exchange applicable for the purpose of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[For further details please refer the notification]

October, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1044(E), dated the 18th October, 2018;

And whereas, in the matter of review of anti-dumping duty on imports of the subject goods, originating in or exported from the subject countries, the designated authority in its final findings, published, vide notification No. 7/03/2023-DGTR, dated the 16th July, 2023, published in the Gazette of India, Extraordinary, Part-I, Section 1, dated the 17th July, 2023, has come to the conclusion that,-

(i) there is likelihood of continuation or recurrence of dumping and injury in case the anti-dumping duty in force is allowed to cease at this stage;

(ii) the likelihood analysis shows that significant exports of the subject goods from the subject country to third countries other than India are at dumped and injurious prices;

(iii) there is significant price attractiveness to make exports to India as price to third countries are below the price to India;

and has recommended continued imposition of the anti-dumping duty on imports of the subject goods, originating in or exported from the subject country, 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, 1975 read with rules 18, 20 and 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 and in supersession of the notification of the Government of India, Ministry of Finance (Department of Revenue), No. 53/2018-Customs (ADD), dated the 18th October, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1044(E), dated the 18th October, 2018, 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 Tariff Item of the First Schedule to the Customs Tariff Act as specified in the corresponding entries in column (2), originating in the country as specified in the corresponding entries in column (4), exported from the country as specified in the corresponding entries in column (5), produced by the producers as specified in the corresponding entries in column (6), an anti-dumping duty at the rate equal to the amount as indicated in the corresponding entries in column (7), in the unit as specified in the corresponding entries in column (8), namely :-

DGFT

NOTIFICATION

AMENDMENT IN IMPORT POLICY CONDITION OF SILVER COVERED UNDER CHAPTER 71 OF SCHEDULE -I (IMPORT POLICY) OF ITC (HS), 2022 - 35/2023

OUR COMMENTS: The Ministry of Commerce and Industry vide notification no. 35/2023 dated 11.10.2023 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 amends the import policy conditions for silver under HS codes 71069110 and 71069290 of Chapter 71 of Schedule-1 (Import Policy) of ITC HS, 2022 as under:

ITC (HS) code	Item Description	Policy	Existing policy condition	Revised policy condition
71069110	Grains	Restricted	Import is allowed only through nominated agencies as notified by RBI (in case of banks) and DGFT (for other agencies). Silver dore can be imported by refineries against a license with AU condition.	Import is allowed only through nominated agencies as notified by RBI (in case of banks), DGFT (for other agencies) and by qualified jewellers as notified by the IFSCA for import through India International bullion Exchange (IIBX). Silver dore can be imported by refineries against a license with AU Condition.
71069290	Other	Restricted	Import is allowed only through nominated agencies as notified by RBI (in case of banks) and DGFT (for	Import is allowed only through nominated agencies as notified by RBI (in case of banks), DGFT (for other agencies) and by qualified

			other agencies).	jewellers as notified by the IFSCA for import through India International bullion Exchange (IIBX).
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2. Effect of the notification: In addition to nominated agencies as notified by RBI (in case of banks) and nominated agencies notified by DGFT, qualified jewellers as notified by International Financial Services Centres Authority (IFSCA) will be permitted to import Silver under above mentioned specific ITC(HS) codes through India International Bullion Exchange IFSC Ltd. (IIBX).

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

[For further details please refer the notification]

PUBLIC NOTICE

AMENDMENTS IN PARA 4.10 (I) OF THE HANDBOOK OF PROCEDURES, 2023

OUR COMMENTS: The Ministry of Commerce and Industry vide public notice no. 34/2023 dated 13.10.2023 notified In exercise of powers conferred under Paragraph 1.03 and 2.04 of the Foreign Trade Policy, 2023, as amended from time to time, the Director General of Foreign Trade hereby makes the following amendment in the provision of Para 4.10 (i) of the Handbook of Procedures 2023:

Existing para 4.10 (i)	Amended para 4.10 (i)
Transfer of any duty-free material imported or procured against Advance Authorisation from one unit of a company to another unit for manufacturing purpose shall be done with prior intimation to jurisdictional Customs Authority. Benefit of Input Tax Credit shall not be claimed on such transferred input.	Transfer of any duty-free material imported or procured against Advance Authorisation from one unit of a company to another unit for manufacturing purpose shall be done with prior intimation to jurisdictional Customs Authority. In case of transfer of duty free imported or indigenously procured materials, on which GST has been paid, between the units located in same or different States, the availment of Input Tax Credit shall be governed as per the provisions of the

DGFT

GST law & the rules made thereunder.

Effect of the Public Notice: Para 4.10 (i) of the Handbook of Procedures 2023 has been amended to permit availment of Input Tax Credit on GST paid material, in respect of Advance Authorization Scheme, for ease of doing business and reduction of transaction cost.

[For further details please refer the public notice]

PUBLIC NOTICE SUSPENSION OF SION E-125 FOR EXPORT PRODUCT SHEA STEARINE

OUR COMMENTS: The Ministry of Commerce and Industry vide public notice no. 33/2023 dated 12.10.2023 notified In exercise of the powers conferred under Paragraph 1.03 & 2.04 of Foreign Trade Policy, 2023, as amended from time to time, the Director General of Foreign Trade hereby suspends the SION E-125 for the export of "Shea Stearine" with immediate effect.

2. An exporter desirous of obtaining Advance Authorisation for export of above said product may apply under Para 4.07 of Handbook of Procedures, 2023 till SION E-125 is revised based on revised production-consumption data submitted by the exporting firms.

Effect to this Public Notice: Standard Input Output norm(SION) appearing under E-125 is suspended with immediate effect till new SION is established based on revised production and consumption data submitted by the exporting firms.

[For further details please refer the public notice]

PUBLIC NOTICE AUTOMATIC SYSTEM BASED ISSUE OF STATUS HOLDER CERTIFICATE (E-SHC) WITH NO REQUIREMENT OF FILING ANY APPLICATION BY THE EXPORTER

OUR COMMENTS: The Ministry of Commerce and Industry vide public notice no. 32/2023 dated 09.10.2023 In exercise of power conferred under paragraph 1.03 and 2.04 of the Foreign Trade Policy (FTP), 2023 as amended from time to time, and in furtherance of the e-Governance initiative of DGFT as envisaged in Para 1.04 (d) of Handbook of Procedures 2023, the Director General of Foreign Trade hereby makes the following amendments in Handbook of Procedures, 2023:

Para No.	Text of Existing Para	Text of Revised Para
1.08	(a) Exporters shall be required to file an application online for recognition of status under the Policy in ANF 1B along with prescribed documents.	(a) In the interest of trade facilitation, the endeavor has been to recognize and grant system-generated electronic Status Holder Certification, based on merchandise export data available with DGCI&S without the need for filing any application by the exporter.
Status Holder: Application for grant of Status Certificate	(b) Online Application for status certificate shall be filed with jurisdictional RA as determined by the location of Registered Office in the case of Company and of Head Office in the case of others as per Appendix 1A.	(b) Wherever required, exporters may also file an application online for recognition as well as for up-gradation of Status under the Policy in ANF 1B along with CA Certificate. Online Application for Status certificate shall be filed with regional jurisdictional offices (RA) of DGFT as determined by the location of Registered Office in the case of Company and of Head Office in the case of others as per Appendix 1A.

Effect of this Notification: The Status Holder Certificate is being electronically generated based on export data available in DGCI&S database with no requirement by the exporter to file any kind of application in most cases. This will further the ease of doing business by doing away with the application process & file examination and use of existing data elements available within the Government for export certification.

[For further details please refer the public notice]

TRADE NOTICE EODC CAMP IN RAS W.E.F 13TH NOVEMBER 2023 TO 24TH NOVEMBER 2023 - DGFT

OUR COMMENTS: The Directorate General of Foreign Trade , Ministry of Commerce and Industry vide trade notice no. 29/2023-24 dated 13.10.2023 notified To facilitate the expedited disposal of pending applications for Export Obligation Discharge Certificate (EODC) for Advance

DGFT

Authorisations and EPCG, it is decided that the concerned RAs (as per Annexure enclosed), shall organise a 2-week EODC camp w.e.f. 13.11.2023 to 24.11.2023.

2. RAs shall make requisite preparations for the EODC camp proposed. RAs shall duly publicize the camp to all concerned exporters with un-redeemed AA/EPCG Authorisations. Exporters whose EODC applications are pending, and their licence status is not reflected as 'Closed' on the DGFT Website, are advised to make use of the camp in earnest and ensure that un-redeemed licence pendency is disposed to the maximum extent feasible. The post-lunch session of the above period would be exclusively reserved for this purpose.

3. Reference Trade Notice 28/2021-22 dated 31.12.2021 and Trade Notice 01 2023-24 dated 06.04.2023 issued earlier, the following points are reiterated for due compliance please —

i. For applications wherein physical files were submitted for redemption/closure to the RA earlier, the RA on examination of the said files should generate the EODC letter online by navigating to License Room, select relevant License number → Click on "EODC Status Update" button and generate the EODC letter online.

ii. Also, for cases where the authorisation was redeemed earlier but not updated by the RA online, the given set of steps are to be followed such that the authorisation status is duly updated in the online systems.

iii. Alternatively, the AA/EPCG Authorisation holder may also submit EODC status update application by navigating to DGFT website → Services → EPCG → EODC Status update.

iv. RA as well as the Exporter is mandated to ensure that the status of all redeemed AA/EPCG authorisations are duly updated in the DGFT online systems.

v. EODC issued online are transmitted electronically to Customs ICEGATE System in near real-time, to facilitate the discharge of Customs bond and other related activities at the Customs port.

vi. No Export Obligation Discharge Certificates (EODC) are to be issued manually or through any legacy IT system(s). All MIS reports are to be

generated by the RA based on the data updated online.

4. Difficulties if any, may be brought to the notice of the undersigned immediately. This Trade Notice is issued with the approval of the Competent Authority.

[For further details please refer the trade notice]

TRADE NOTICE

AUTOMATIC SYSTEM BASED ISSUE OF STATUS HOLDER CERTIFICATE (E-SHC) WITH NO REQUIREMENT OF FILING ANY APPLICATION BY THE EXPORTER

OUR COMMENTS: The Ministry of Commerce and Industry vide trade notice no. 28/2023-24 dated 09.10.2023 notified In furtherance of the e-Governance initiatives being taken by DGFT, a new IT module to recognize and certify the export performance of individual companies has been developed. Henceforth, the Status Holder Certificate (SHC) will be electronically generated based on export data available in DGCI&S database. The individual exporters will be divided into the five Status categories based on available merchandise export figures from EDI, non EDI Ports and SEZ ports as per the eligibility criterion in Foreign Trade Policy 2023. As a result there will be no requirement by the exporter to file any kind of application and the e-SHC, for a particular status category will be generated automatically by the IT system. This will eliminate the earlier process of submission of an online application with supporting export performance certificate from a Chartered Accountant and will also do away with the file examination required at the DGFT Regional Offices and use existing data elements available within the Government for export certification.

2. The e-SHC will be made available to the exporting entity in their registered email and the customer dashboard @ DGFT portal (<https://www.dgft.gov.in/CP/>), after necessary IT iterations, by 15th of August each year. The data set used for the Status categorization will be the merchandise export performance of the preceding 3 financial years or the preceding 2 financial years (in case of gems and jewelry sector) plus the 3 month export data from April to June of the current financial year.

3.

i) As the export figures pertaining to services exports, deemed exports and double weightage exports (as admissible under para 1.27 of FTP 2023) are not being compiled by DGCI&S, there will be a few cases where this

DGFT

facility of automatic e-SHC cannot be extended. All such exporters who do not receive their e-SHCs within 48 hours of issue of this Trade Notice will need to make an application, if not already made, for grant of Status Certificate as per the FTP 2023 provisions in the existing IT module along with supporting CA certificate.

ii) Further, all already filed pending/in-process Status applications under FTP 2023 will be scrutinized by the IT system for auto-issuance of Status Holder Certificate where the applied Status category is the same as identified by the system. Such Files will be shown as 'closed' after auto-issue.

iii) Keeping in view that certain export data is not getting captured online as in i) above, there will be some cases where the e-SHC of a exporting entity, which has been automatically generated, is of a lower Status category than which it is otherwise eligible after adding the export performance of services export and/or deemed export. In such a scenario, for upgrading the Status certificate, the IEC holder will need to move an amendment application at the DGFT portal as per para 1.08 of HBP 2023. On issue of a new SHC with a higher/upgraded Status category by the DGFT Regional Office, the earlier e-SHC certificate will be automatically cancelled by the IT system.

iv) DGFT Regional Offices are requested to expedite processing such applications as in i) and iii) above and seek additional documents from the exporting entities only in exceptional cases after permission from the Head of Office.

4. It is being reiterated that all Status Holder Certificates issued under FTP- 2015-20 will remain valid till 30th September 2023 only as provided under para 1.09 of HBP 2023 and any IEC holder willing to avail the Status Holder Certificate under the FTP 2023, and who is not getting covered under the new mechanism of automatic issue, will need to apply online to the concerned jurisdictional RAs of DGFT as per para 1.08 of HBP 2023.

5. For guidance on these new processes, the Help manual & FAQs may be accessed at <https://dgft.gov.in> > Learn > 'Application Help & FAQs'.

For any further assistance you may utilize any of the following channels

Raise a service request ticket through the DGFT Helpdesk service under Services > 'Trade Helpdesk Service'

Call the toll-free Helpdesk number

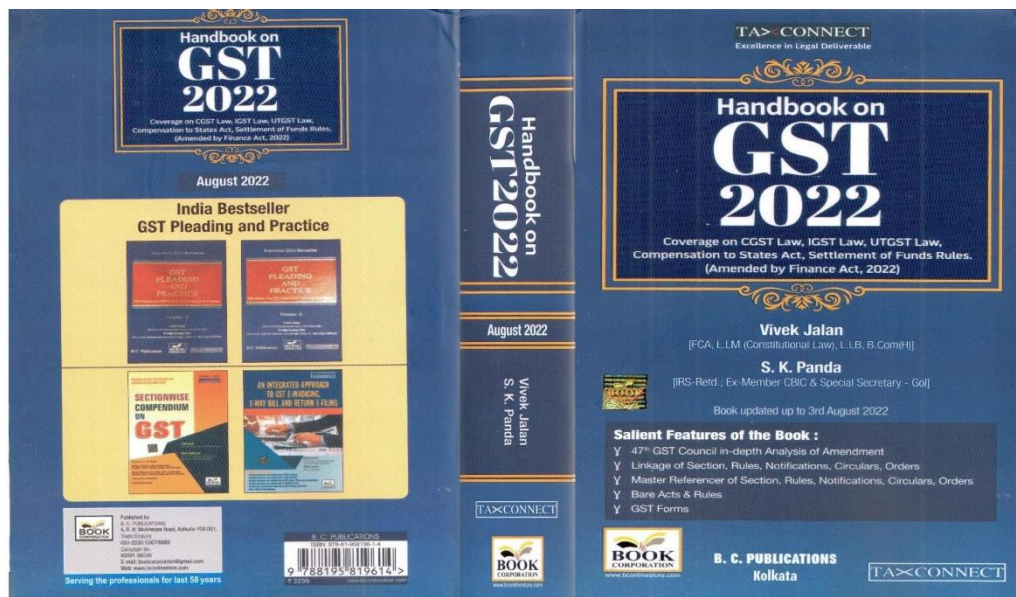
Send an email to the Helpdesk on dgftedi@gov.in

Any difficulty/challenge faced in implementation may be brought to notice to this Directorate.

[For further details please refer the trade notice]

:IN STANDS

HANDBOOK ON GST 2022



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5. GST Forms

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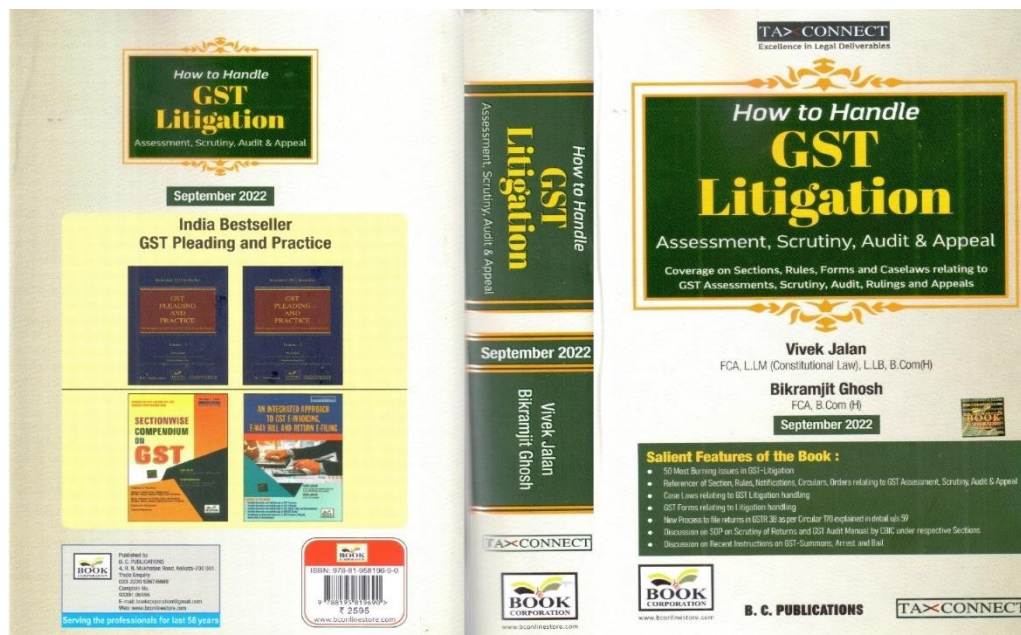
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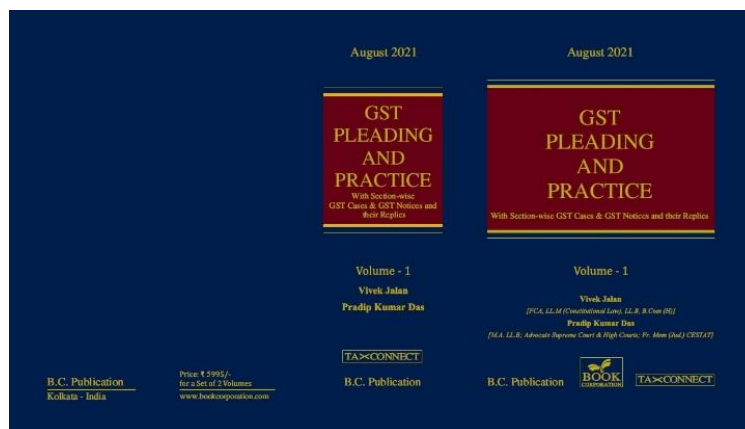
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