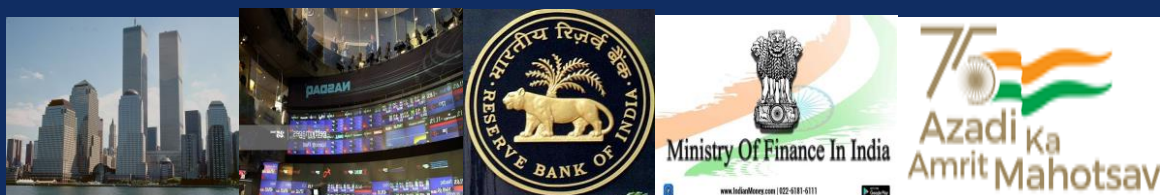


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EDITORIAL



Friends,

The gold coins and white goods distributed by principals to the dealers, on the quantity lifted by the dealers, cannot be regarded as 'gifts' as the dealer is eligible for the gold coins and white goods only to the extent of amount lying as credit to his account and is subjected to the satisfaction of the terms and conditions of the Scheme. This would result in the enhancement of the sales of the company and could be considered as furtherance of business. The transfer is not gratuitous and cannot be demanded, to qualify as gifts. Hence ITC on transfer of such gold coins would not be regarded as blocked ITC u/s 17(5)(h) of The CGST Act 2017. The Honourable Supreme Court in the case of *Sonia Bhatia v. State of UP* [1981 (3) TMI 250- Supreme Court] - 1981-VIL-06-SC, ruled wherein 'gift' has been held to hit a voluntary transfer of property by one to another, without any consideration or compensation. Therefore a 'gift' is a gratuity and an act of generosity and does not require a consideration: if there is a consideration for the transaction, it is not a gift. In the same case, it was also held that a gift is a transfer which does not contain any element of consideration in any shape and form. Love, affection, spiritual benefit and many other factors may enter in the intention of the donor to make a gift, but these filial considerations cannot be called or held to be legal considerations as understood by law.

The distribution of gold coins and white goods cannot be regarded as permanent transfer or disposal of business assets as the said gold coins are not 'assets' which are held in generating 'future cash flows' for the taxpayer. An asset in common parlance and trade understanding are considered as items of the balance sheet. However, the gold coins discussed above are charged off to the P/L Account as a 'sales promotion' expense. Thus, they should not be considered as supply u/s 7(1)(c) read with SI No 1 of Schedule I of The CGST Act 2017 –

"Permanent transfer or disposal of business assets where input tax credit has been availed on such assets."

They would also not be deemed a supply u/s 7(1)(a) read with SI No 4 of Schedule II of The CGST Act 2017 *"Transfer of business assets where goods forming part of the assets of a business are transferred or disposed of by or under the directions of the person carrying on the business so as no longer to form part of those assets, 2[Omitted] such transfer or disposal is a supply of goods by the person"*. The reason is the same, that they are not assets itself. Further no consideration is exchanged for such transfer also which is a pre-condition for application of such entry.

Entry 3(i) of Schedule I provides that "supply of goods" by principal to agent is considered to be deemed supplies when the agent the agent undertakes to supply such goods on behalf of the principal. However, in this case there is no such further supply of gold coins by the agent.

However, The AAR Telangana in the case of *M/s ORIENT CEMENT LIMITED* [2023-VIL-193- AAR] has held that the applicant is making supply of white goods and gold to his dealers or stockiest in return for the dealers or stockiest attaining a threshold of sales indicated in the scheme and therefore, the value of white goods and gold supplied by him are for the 'act' of achieving this threshold and therefore taxable in his hands. The value of the goods supply is determined under Section 15 of the GST Act read with Rule 30 of the CGST Rules.

This AAR seems to thus create a new fiction under GST Law whereby a 'free service' would be deemed to be a 'consideration'. Hence, even if considered that the dealers are providing the 'act/service for free' for gold coins supplied by the principal; then also the question arises is whether this 'act/service for free' is a consideration. This ruling seems to stretch the implications of the GST Law beyond imagination. Again, it has also opened a new door for litigation – whether this 'act/service for free' by dealers would be considered as an independent supply too where the consideration is the gold coin!

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
30 th October	TDS challan-cum-statement	September 2023	Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA, 194-IB, 194M, 194S in the month of September, 2023
30 th October	Quarterly TCS certificate	July-September 2023	Quarterly TCS certificate (in respect of tax collected by any person) for the quarter ending September 30, 2023
31 st October	Form no. 3CEAB	2022-23	Intimation by a designated constituent entity, resident in India, of an international group in Form no. 3CEAB for the accounting year 2022-23
31 st October	Quarterly statement of TDS	July-September 2023	Quarterly statement of TDS deposited for the quarter ending September, 2023
31 st October	Tax Audit report	2022-23	Audit report under section 44AB for the assessment year 2023-24 in the case of an assessee who is also required to submit a report pertaining to international or specified domestic transactions under section 92E
31 st October	Form 3CEB	2022-23	Report to be furnished in Form 3CEB in respect of international transaction and specified domestic transaction.
31 st October	Form 10BBB	July-September 2023	Intimation in Form 10BBB by a pension fund in respect of each investment made in India for quarter ending September, 2023
31 st October	Form II	July-September 2023	Intimation in Form II by Sovereign Wealth Fund in respect of investment made in India for quarter ending September, 2023
31 st October	Form no. 10B/10BB	2022-23	Furnishing of Audit report in Form no. 10B/10BB by a fund or trust or institution or any university or other educational institution or any hospital or other medical institution. Note: the due date for furnishing the Audit report in Form no. 10B/10BB has been extended from September 30, 2023 to October 31, 2023 vide Circular no. 16/2023, dated 18-09-2023

INCOME TAX

NOTIFICATION

EXEMPTION FROM SPECIFIED INCOME U/S 10(46) – 'TELANGANA BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD' NOTIFIED

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide notification No. 93/2023 dated 26.10.2023 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, 'Telangana Building and Other Construction Workers Welfare Board', (PAN AAEAT9368D), a board established by the Government of Telangana, in respect of the following specified income arising to that board, namely:

- (a) Cess received;
- (b) Registration and renewal fee collection from the Building and other construction workers; and
- (c) Interest received on bank deposits.

2. This notification shall be effective subject to the conditions that Telangana Building and Other Construction Workers Welfare Board, -

- (a) shall not engage in any commercial activity;
- (b) activities and the nature of the specified income shall remain unchanged throughout the financial year; 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]

NOTIFICATION

EXEMPTION FROM SPECIFIED INCOME U/S 10(46) – 'WEST BENGAL POLLUTION CONTROL BOARD' NOTIFIED

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide notification No. 92/2023 dated 26.10.2023 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, 'West Bengal Pollution Control Board' (PAN: AAALW0078B), a Board established by the State

Government of West Bengal, in respect of the following income arising to that Board, namely:-

- (a) fees which includes the following:-
 - (i). consent fees or no objection certificate fees,
 - (ii). analysis fees,
 - (iii). authorisation fees,
 - (iv). public hearing fees,
 - (v). fees received for processing by State Environmental Impact Assessment Authority,
 - (vi). fees collected for training conducted by the Environmental Training Institute of the Board,
 - (vii). fees received under the Right to Information Act, 2005 (22 of 2005) and appeal fees,
 - (viii). tender fees, and
 - (ix). cess appeal fees.

(b) reimbursement of the following:-

- (i). cess, and
- (ii). expenses received from the Central Pollution Control Board towards National Air Monitoring Program, the Monitoring of Indian National Aquatic resources and like schemes.

(c) sale of books relating to environmental law, regulations, important judicial orders and environmental issues where no profit element is involved and the activity is not commercial in nature;

(d) pollution cost or forfeiture of bank guarantee due to non-compliance;

(e) miscellaneous income including sale of old or scrap items, and other matters relating thereto, where no profit element is involved; and

(f) interest on bank deposits, and on loans and advances given to staff.

2. The provisions of this notification shall be effective subject to the conditions that West Bengal Pollution Control Board-

- (a) shall not engage in any commercial activity;
 - (b) activities and the nature of the specified income remain unchanged throughout the financial years;
- and

INCOME TAX

(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 2021-2022 to 2023-2024 relevant for the financial years 2020-2021 to 2022-2023 respectively.

[For further details please refer the notification]

CIRCULAR

CBDT EXTENDS DUE DATE OF FILING AUDIT REPORT- SECTION 10AA(8)

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide circular No. 18 of 2023 dated 20.10.2023 circulated that On consideration of difficulties arising to the taxpayers and other stakeholders in timely filing of report of accountant required to be filed under clause (8) of section 10AA read with clause (5) of section 10A of the Income tax Act, 1961 on account of notification of relevant Form 56F on 19.10.2023 and with a view to avoid genuine hardship to such cases, the Central Board of Direct Taxes, in exercise of its powers under 119(2)(b) of the Income Tax Act, 1961, hereby extends the due date of filing of report of the accountant as required to be filed under clause (8) of section 10AA read with clause (5) of section 10A of the Act, for Assessment Year 2023-24 from the specified date under section 44AB to 31st of December, 2023.

[For further details please refer the circular]

CIRCULAR

CONDONATION OF DELAY UNDER SECTION 119(2)(B) OF THE INCOME-TAX ACT, 1961 IN FILING OF FORM NO. 10-IC FOR ASSESSMENT YEAR 2021-22

OUR COMMENTS: The Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, vide circular No. 19 of 2023 dated 23.10.2023 circulated that In exercise of the powers conferred under section 119(2)(b) of the Income-tax Act, 1961 ('the Act'), the Central Board of Direct Taxes ('CBDT') by Circular No. 6/2022 of even number dated 17.03.2022 condoned the delay in filing of Form No. 10-IC as per Rule 21AE of the Income-tax Rules, 1962 ('the Rules') for the previous year relevant to A.Y. 2020-21 in cases

where the conditions stipulated in the said Circular are satisfied.

2. Representations have been received by CBDT stating that Form No. 10-IC could not be filed for A.Y. 2021-22 within the due date or extended due date, as the case may be. It has been requested that the delay in filing of Form No. 10-IC for A.Y. 2021-22 may be condoned.

3. On consideration of the matter, with a view to avoid genuine hardship to the domestic companies in exercising the option u/s 115BAA of the Act, CBDT in exercise of the powers conferred under section 119(2)(b) of the Act, hereby directs that: -

The delay in filing of Form No. 10-IC as per Rule 21AE of the Rules for previous year relevant to A.Y. 2021-22 is condoned in cases where the following conditions are satisfied:

- i) The return of income for relevant assessment year has been filed on or before the due date specified under section 139(1) of the Act;
- ii) The assessee company has opted for taxation u/s 115BAA of the Act in item (e) of "Filing Status" in "Part A-GEN" of the Form of Return of Income ITR-6; and
- iii) Form No. 10-IC is filed electronically on or before 31.01.2024 or 3 months from the end of the month in which this Circular is issued, whichever is later.

[For further details please refer the circular]

GST

NOTIFICATION

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

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification no. 52/2023-CGST dated 26.10.2023 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 (Fourth 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), rule 28 shall be renumbered as sub-rule (1) and after the sub-rule as so renumbered, the following sub-rule shall be inserted, namely:-

“(2) Notwithstanding anything contained in sub-rule (1), the value of supply of services by a supplier to a recipient who is a related person, by way of providing corporate guarantee to any banking company or financial institution on behalf of the said recipient, shall be deemed to be one per cent of the amount of such guarantee offered, or the actual consideration, whichever is higher.”.

3. In the said rules, in rule 142, in sub-rule (3), for the words “proper officer shall issue an order”, the words “proper officer shall issue an intimation” shall be substituted.

4. In the said rules, in rule 159, in sub-rule (2), after the words “Commissioner to that effect”, the words “or on expiry of a period of one year from the date of issuance of order under sub-rule (1), whichever is earlier,” shall be inserted.

5. In the said rules, in **FORM GST REG-01**, in PART-B, in serial number 2, after clause (xiv), the following clause shall be inserted, namely:-

“(xiva) One Person Company”.

6. In the said rules, for **FORM GST REG-08**, a certain form as mentioned in the notification has been substituted.

7. In the said rules, in **FORM GSTR-8**,-

(a) serial number 5 shall be omitted;

(b) for serial number 7 and entries relating thereto, the following serial number and entries shall be substituted, namely :-

“7. Interest, late fee payable and paid

Description	Amount payable	Amount paid
1	2	3
(I) Interest on account of TCS in respect of		
(a) Integrated tax		
(b) Central Tax		
(c) State/UT Tax		
(II) Late fee		
(a) Central tax		
(b) State / UT tax		

(c) for serial number 9 and entries relating thereto, the following serial number and entries shall be substituted, namely:-

“9. Debit entries in cash ledger for TCS, interest and late fee payment [to be populated after filing of statement]

Description	Tax	Interest	Late fee
1	2	3	4
(a) Integrated tax			
(b) Central Tax			
(c) State/UT Tax			

8. In the said rules, in **FORM GST PCT-01**, in PART-B, for serial number 4 and entries relating thereto, the following serial number 4 and entries shall be substituted, namely:-

GST

4 Enrolment sought:	<p>(1) Chartered Accountant</p> <p>(2) Company Secretary</p> <p>(3) Cost and Management Accountant</p> <p>(4) Graduate or Postgraduate or its equivalent degree in Law</p> <p>(5) Graduate or Postgraduate or its equivalent degree in Commerce</p> <p>(6) Graduate or Postgraduate or its equivalent degree in Banking including Higher Auditing</p> <p>(7) Graduate or Postgraduate or its equivalent degree in Business Administration</p> <p>(8) Graduate or Postgraduate or its equivalent degree in Business Management</p> <p>(9) Degree examination of any Foreign University recognized by any Indian University</p> <p>(10) Retired Government Officials</p> <p>(11) Sales Tax practitioner under existing law for a period of not less than five years</p> <p>(12) Tax return preparer under existing law for a period of not less than five years</p> <p>(13) Any other examination notified by Government</p>
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Note: Sr. No. (4) to (8) of the table should be from an Indian University established by any law for the time being in force.”;

9. In the said rules, in **FORM GST DRC-22**, after the last paragraph, the following paragraph shall be inserted, namely:–

“This order shall cease to have effect, on the date of issuance of order in **FORM GST DRC-23** by the

Commissioner, or on the expiry of a period of one year from the date of issuance of this order, whichever is earlier.”.

[For further details please refer the notification]

NOTIFICATION

GOODS AND SERVICES TAX APPELLATE TRIBUNAL (APPOINTMENT AND CONDITIONS OF SERVICE OF PRESIDENT AND MEMBERS) RULES, 2023

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification no. G.S.R. 793(E)-CGST dated 25.10.2023 notified In exercise of the powers conferred by section 110 read with section 164 of the Central Goods And Services Tax Act, 2017 (12 of 2017) and in supersession of the Goods and Services Tax Appellate Tribunal (Appointment and Conditions of Service of President and Members) Rules, 2019 except as respects things done or omitted to be done before such supersession, the Central Government, on the recommendations of the Council, hereby makes certain rules in relation of Goods and Services Tax Appellate Tribunal as mentioned in the notification.

[For further details please refer the notification]

ADVISORY

ADVISORY RELATED TO CHANGES IN GSTR-5A

OUR COMMENTS: The GSTIN vide advisory dated 27.10.2023 advised that Notification 51/2023 dated 29.09.2023 has introduced Table 5B in GSTR 5A w. e. f 01.10.2023. In this notification, Table 5B has been introduced to report supplies made to Registered GSTINs (B2B supplies). This would be implemented shortly at GSTN and till such time, OIDARs are advised to file the return in the existing GSTR 5A itself.

[For further details please refer the advisory]

CIRCULAR

CLARIFICATION RELATING TO EXPORT OF SERVICES – SUB-CLAUSE (IV) OF THE SECTION 2 (6) OF THE IGST ACT 2017

OUR COMMENTS: The CBIC, vide Circular No. 202/14/2023-GST dated 27.10.2023 issued Clarification relating to export of services – sub-clause (iv) of the Section 2 (6) of the IGST

GST

Act 2017. Various representations have been received requesting for clarification regarding admissibility of export remittances received in Special INR Vostro account, as permitted by RBI, for the purpose of consideration of supply of services to qualify as export of services as per the provisions of clause (6) of section 2 of the Integrated Goods & Services Tax Act, 2017 (herein after referred to as the 'IGST Act').

2. The issue has been examined and to ensure uniformity in the implementation of the provisions of law across the field formations, the Board, in exercise of its powers conferred by section 168 (1) of the Central Goods & Services Tax Act, 2017 (herein after referred to as the 'CGST Act'), hereby clarifies the issue as under:

3. Relevant legal provisions:

3.1 Export of services has been defined under clause (6) of section 2 of IGST Act. As per the said definition, any supply of services needs to fulfill five conditions for it to qualify as export of services. Clause (6) of section 2 of the IGST Act is reproduced below for reference:

"(6) "export of services" means the supply of any service when, –

(i) the supplier of service is located in India;

(ii) the recipient of service is located outside India;

(iii) the place of supply of service is outside India;

(iv) the payment for such service has been received by the supplier of service in convertible foreign exchange or in Indian rupees wherever permitted by the Reserve Bank of India; and

(v) the supplier of service and the recipient of service are not merely establishments of a distinct person in accordance with Explanation 1 in section 8;"

3.2 One of the conditions mentioned in sub-clause (iv) of Section 2(6) of the IGST Act is that the payment for such service has been received by the supplier of service in convertible foreign exchange or in Indian rupees wherever permitted by the Reserve Bank of India.

3.3 Reference is invited to RBI's **A.P. (DIR Series) Circular No.10 dated 11th July, 2022** regarding **International Trade Settlement in Indian Rupees (INR)**, vide which it has been clarified that to promote growth of global trade with

emphasis on exports from India and to support the increasing interest of global trading community in INR, it has been decided to put in place an additional arrangement for invoicing, payment, and settlement of exports / imports in INR. Before putting in place this mechanism, AD banks shall require prior approval from the Foreign Exchange Department of Reserve Bank of India, Central Office at Mumbai. Para 3 of the Circular is reproduced below:

"3. In terms of Regulation 7(1) of Foreign Exchange Management (Deposit) Regulations, 2016, AD banks in India have been permitted to open Rupee Vostro Accounts. Accordingly, for settlement of trade transactions with any country, AD bank in India may open Special Rupee Vostro Accounts of correspondent bank/s of the partner trading country. In order to allow settlement of international trade transactions through this arrangement, it has been decided that:

(a) Indian importers undertaking imports through this mechanism shall make payment in INR which shall be credited into the Special Vostro account of the correspondent bank of the partner country, against the invoices for the supply of goods or services from the overseas seller /supplier.

(b) Indian exporters, undertaking exports of goods and services through this mechanism, shall be paid the export proceeds in INR from the balances in the designated Special Vostro account of the correspondent bank of the partner country."

3.4 Reference is also invited to Para 2.52 (d) of chapter related to General Provisions Regarding Imports and Exports of the Foreign Trade Policy (FTP) 2023, which has come into force from 01.04.2023, which specifies that:

Para 2.52 (d) Invoicing, payment and settlement of exports and imports is also permissible in INR subject to compliances as under RBI's A.P. (DIR Series) Circular No.10 dated 11th July, 2022. Accordingly, settlement of trade transactions in INR shall take place through the Special Rupee Vostro Accounts opened by AD banks in India as permitted under Regulation 7(1) of Foreign Exchange Management (Deposit) Regulations, 2016, in accordance to the following procedures:

(i) Indian importers undertaking imports through this mechanism shall make payment in INR which shall be credited into the Special Vostro account of the correspondent bank of the partner country, against the

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invoices for the supply of goods or services from the overseas seller /supplier

(ii) Indian exporters, undertaking exports of goods and services through this mechanism, shall be paid the export proceeds in INR from the balances in the designated Special Vostro account of the correspondent bank of the partner country.

3.5 On perusal of the above, it can be stated that the condition(s) of sub-clause (iv) of Section 2(6) of the IGST Act, 2017, can be considered to be fulfilled when the Indian exporters, undertaking exports of services, are paid the export proceeds in INR from the balances in the designated Special Vostro Account of the correspondent bank of the partner trading country in terms of Regulation 7(1) of Foreign Exchange Management (Deposit) Regulations, 2016, as mandated by RBI's A.P. (DIR Series) Circular No.10 dated 11th July, 2022 and reiterated further in Foreign Trade Policy, 2023.

4. Therefore, it is clarified that when the Indian exporters, undertaking export of services, are paid the export proceeds in INR from the Special Rupee Vostro Accounts of correspondent bank(s) of the partner trading country, opened by AD banks, the same shall be considered to be fulfilling the conditions of sub-clause (iv) of clause (6) of section 2 of IGST Act, 2017, subject to the conditions/ restrictions mentioned in Foreign Trade Policy, 2023 & extant RBI Circulars and without prejudice to the permissions / approvals, if any, required under any other law.

5. It is requested that suitable trade notices may be issued to publicize the contents of this Circular. Difficulty, if any, in the implementation of this Circular may be brought to the notice of the Board. Hindi version will follow.

[For further details please refer the Circular]

CIRCULAR

CLARIFICATION REGARDING DETERMINATION OF PLACE OF SUPPLY IN VARIOUS CASES

OUR COMMENTS: The CBIC, vide Circular No. 203/15/2023-GST dated 27.10.2023 issued Clarification regarding determination of place of supply in various cases. Representations have been received from the trade and field formations seeking clarification on certain issues with respect to determination of place of supply in case of –

i. supply of service of transportation of goods, including through mail and courier;

ii. supply of services in respect of advertising sector; and

iii. supply of the “co-location services”.

2. In order to clarify the issue and to ensure uniformity in the implementation of the provisions of law across the field formations, the Board, in exercise of its powers conferred by section 168(1) of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as “CGST Act”), hereby clarifies the issues as under:

S.No.	Issue	Clarification
A. Place of supply in case of supply of service of transportation of goods, including through mail and courier		
1.	Sub-section (9) of section 13 of Integrated Goods and Services Tax Act, 2017 (hereinafter referred to as “IGST Act”) has been omitted vide section 162 of Finance Act, 2023 which will come into effect from 01.10.2023. After the said amendment, doubts have been raised as to whether the place of supply in case of service of transportation of goods, including through mail and courier, in cases where location of supplier of services is outside India, will be determined as per sub-section (2) of section 13 of IGST Act or will be determined as per sub-section (3) of section 13 of IGST Act.	1.1 Place of supply of services where location of supplier or location of recipient is outside India is determined as per section 13 of the IGST Act. Sub-section (9) of section 13 of IGST Act provided that where one of the supplier of the services or the recipient of services is located outside India, the place of supply of services of transportation of goods, other than by way of mail or courier, shall be the place of destination of such goods. The said sub-section has been omitted vide section 162 of Finance Act, 2023 which will come into effect from 01.10.2023. It is hereby clarified that after the said amendment comes into effect, the place of supply of services of transportation of goods, other than through mail and courier, in cases where location of

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	supplier of services or location of recipient of services is outside India, will be determined by the default rule under section 13(2) of IGST Act and not as performance based services under sub-section (3) of section 13 of IGST Act. Accordingly, in cases where location of recipient of services is available, the place of supply of such services shall be the location of recipient of services and in cases where location of recipient of services is not available in the ordinary course of business, the place of supply shall be the location of supplier of services.		available, the place of supply of such services shall be the location of recipient of services and in cases where location of recipient of services is not available in the ordinary course of business, the place of supply shall be the location of supplier of services.
	1.2 Further, it is also mentioned that the place of supply in case of service of transportation of goods by mail or courier was not covered under the provisions of sub-section (9) of section 13 before the said sub-section was amended/omitted. Therefore, on the same principles as mentioned above, the place of supply in case of service of transportation of goods by mail or courier will continue to be determined by the default rule under section 13(2) of IGST Act i.e. in cases where location of recipient of services is		
		B. Place of supply in case of supply of services in respect of advertising sector	
		2. Advertising companies are often involved in procuring space on hoardings/ bill boards erected and mounted on buildings/land, in different States, from various suppliers ("vendors") for providing advertisement services to its corporate clients. There may be variety of arrangements between the advertising company and its vendors as below:	2.1 It is clarified that the place of supply in the case supply of services in respect of advertising sector, in the cases referred in (i) and (ii), shall be determined as below:
		(i) There may be a case wherein there is supply (sale) of space or supply (sale) of rights to use the space on the hoarding/ structure (immovable property) belonging to vendor to the client/advertising company for display of their advertisement on the said hoarding/ structure. What will be the place of supply of the services provided by the vendor to the advertising company in such case?	2.2 Place of supply in Case (i): The hoarding/structure erected on the land should be considered as immovable structure or fixture as it has been embedded in earth. Further, place of supply of any service provided by way of supply (sale) of space on an immovable property or grant of rights to use an immovable property shall be governed by the provisions of section 12(3)(a) of IGST Act. As per section 12(3)(a) of IGST Act, the place of supply of services directly in relation to an immovable property, including services provided by architects, interior decorators, surveyors, engineers
		(ii) There may be another case where the advertising company wants to display its advertisement on hoardings/ bill boards at a specific location availing the services of a vendor. The responsibility of arranging the hoardings/	

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bill boards lies with the vendor who may himself own such structure or may be taking it on rent or rights to use basis from another person. The vendor is responsible for display of the advertisement of the advertisement company at the said location. During this entire time of display of the advertisement, the vendor is in possession of the hoarding/structure at the said location on which advertisement is displayed and the advertising company is not occupying the space or the structure.

In this case, what will be the place of supply of such services provided by the vendor to the advertising company?

2.3 Place of supply in Case (ii): In this case, as the service is being provided by the vendor to the advertising company and there is no supply (sale) of space/ supply (sale) of rights to use the space on hoarding/structure (immovable property) by the vendor to the advertising company for display of their advertisement on the said display board/structure, the said service does not amount to sale of advertising space or supply by way of grant of rights to use immovable property. Accordingly, the place of supply of the same shall not be covered under section

12(3)(a) of IGST Act. Vendor is in fact providing advertisement services by providing visibility to an advertising company's advertisement for a specific period of time on his structure possessed/taken on rent by him at the specified location. Therefore, such services provided by the Vendor to advertising company are purely in the nature of advertisement services in respect of which Place of Supply shall be determined in terms of Section 12(2) of IGST Act.

C. Place of supply in case of supply of the "co-location services"

3. Co-location is a data center facility in which a business/company can rent space for its own servers and other computing hardware along with various other bundled services related to Hosting and information technology (IT) infrastructure. A business/company who avails the co-location services primarily seek security and upkeep of its server/s, storage and network hardware; operating systems, system software and may require to interact with the system through a web-based interface for the hosting of its websites or other applications and operation of the servers.
- In this respect, various doubts have been raised as to
- i. whether supply of co-
- 3.1 It is clarified that the Co-location services are in the nature of "Hosting and information technology (IT) infrastructure provisioning services" (S.No. 3 of Explanatory notes of SAC-998315). Such services do not appear to be limited to the passive activity of making immovable property available to a customer as the arrangement of the supply of colocation services not only involves providing of a physical space for server/network hardware along with air conditioning, security service, fire protection system and power supply but it also

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location services are involves the supply of renting of immovable various services by the property service (as its supplier related to involves renting of hosting and information space for technology keeping/storing infrastructure services company's like network hardware/servers) and connectivity, backup hence the place of facility, firewall services, supply of such services and monitoring and is to be determined in surveillance service for terms of provision of ensuring continuous clause (a) of sub-operations of the section (3) of Section servers and related 12 of the IGST hardware, etc. which Act which is the are essential for the location where the recipient immovable property is business/company to located; or interact with the system through a web based

ii. whether the place of interface relating to the supply of such services hosting and operation is to be determined by of the servers.

the default place of supply provision 3.2 In such cases, supply under sub-section (2) of colocation services of section 12 of cannot be considered as the IGST Act as the the services of supply of supply of service is renting of immovable Hosting and property. Therefore, the Information place of supply of the Technology (IT) colocation services shall Infrastructure not be determined by Provisioning services the provisions of clause involving providing (a) of sub-section (3) of services of hosting the Section 12 of the IGST servers and related Act but the same shall hardware, security of be determined by the the said hardware, air default place of supply conditioning, provision under sub-uninterrupted power section (2) of Section supply, fire protection 12 of the IGST Act i.e. system, network location of recipient of connectivity, backup co-location service. facility, firewall

services, 24 hrs. 3.3 However, in cases monitoring and where the agreement surveillance service for between the supplier ensuring continuous and the recipient is operations of the restricted to providing servers and related physical space on rent hardware, etc. along with basic

infrastructure, without components of Hosting and Information Technology (IT) Infrastructure Provisioning services and the further responsibility of upkeep, running, monitoring and surveillance, etc. of the servers and related hardware is of recipient of services only, then the said supply of services shall be considered as the supply of the service of renting of immovable property. Accordingly, the place of supply of these services shall be determined by the provisions of clause (a) of sub-section (3) of Section 12 of the IGST Act which is the location where the immovable property is located.

3. Difficulty, if any, in implementation of the above instructions may please be brought to the notice of the Board. Hindi version would follow.

[For further details please refer the Circular]

CIRCULAR

CLARIFICATION ON ISSUES PERTAINING TO TAXABILITY OF PERSONAL GUARANTEE AND CORPORATE GUARANTEE IN GST

OUR COMMENTS: The CBIC, vide Circular No. 204/16/2023-GST dated 27.10.2023 issued Clarification on issues pertaining to taxability of personal guarantee and corporate guarantee in GST. Representations have been received from the trade and field formations seeking clarification on certain issues with respect to taxability of activity of providing personal bank guarantee by Directors to banks for securing credit facilities for the company. Similarly, clarifications are being sought with respect to taxability and valuation of the activity of providing corporate guarantee by a related person to banks/financial institutions for the another

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related person, as well as by a holding company in order to secure credit facilities for its subsidiary company.

2. In order to ensure uniformity in the implementation of the provisions of law across the field formations, the Board, in exercise of its powers conferred by section 168 (1) of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as "CGST Act"), hereby clarifies the issues as under:

S. No.	Issue	Clarification
1.	Whether the activity of providing personal guarantee by the Director of a company to the bank/ financial institutions for sanctioning of credit facilities to the said company without any consideration will be treated as a supply of service or not and whether the same will attract GST or not.	<p>As per Explanation (a) to section 15 of CGST Act, the director and the company are to be treated as related persons. As per clause (c) of sub-section (1) of section 7 of the CGST Act, 2017, read with S. No. 2 of Schedule I of CGST Act, supply of goods or services or both between related persons, when made in the course or furtherance of business, shall be treated as supply even if made without consideration. Accordingly, the activity of providing personal guarantee by the Director to the banks/ financial institutions for securing credit facilities for their companies is to be treated as a supply of service, even when made without consideration.</p> <p>Rule 28 of Central Goods and Services Tax Rules, 2017 (hereinafter referred to as "CGST Rules") prescribes the method for determining the value of the supply of goods or services or both between related parties, other than where the supply is made through an agent. In terms of Rule 28 of CGST Rules, the taxable value of such supply of service shall be the open market value of such supply.</p> <p>RBI has provided guidelines for obtaining personal guarantee of</p>

promoters, directors and other managerial personnel of the borrowing concerns vide Para 2.2.9 of its Circular No. RBI/2021-22/121 dated 9th November, 2021, which is reproduced below:

"2.2.9 Guidelines relating to obtaining of personal guarantees of promoters, directors, other managerial personnel, and shareholders of borrowing concerns"

Banks should take personal guarantees of promoters, directors, other managerial personnel or major shareholders for the credit facilities granted to corporates, public or private, only when absolutely warranted after a careful examination of the circumstances of the case and not as a matter of course. In order to identify the circumstances under which the guarantee may or may not be considered necessary, banks should be guided by the following broad considerations:

.....

C. Worth of the guarantors, payment of guarantee commission, etc

*Where personal guarantees of directors are warranted, they should bear reasonable proportion to the estimated worth of the person. **The system of obtaining guarantees should not be used by the directors and other managerial personnel as a source of income from the company. Banks should obtain an undertaking from the borrowing company as well as the guarantors that no consideration whether by***

GST

	<p><i>way of commission, brokerage fees or any other form, would be paid by the former or received by the latter, directly or indirectly. This requirement should be incorporated in the bank's terms and conditions for sanctioning of credit limits. During the periodic inspections, the bank's inspectors should verify that this stipulation has been complied with. There may, however, be exceptional cases where payment of remuneration may be permitted e.g. where assisted concerns are not doing well and the existing guarantors are no longer connected with the management but continuance of their guarantees is considered essential because the new management's guarantee is either not available or is found inadequate.</i></p> <p>.....”</p> <p>Accordingly, as per mandate provided by RBI in terms of Para 2.2.9 (C) of RBI's Circular No. RBI/2021-22/121 dated 9th November, 2021, no consideration by way of commission, brokerage fees or any other form, can be paid to the director by the company, directly or indirectly, in lieu of providing personal guarantee to the bank for borrowing credit limits. As such, when no consideration can be paid for the said transaction by the company to the director in any form, directly or indirectly, as per RBI mandate, there is no question of such supply/ transaction having any open market value. Accordingly, the open market value of the said</p>	<p>transaction/ supply may be treated as zero and therefore, taxable value of such supply may be treated as zero. In such a scenario, no tax is payable on such supply of service by the director to the company.</p> <p>There may, however, be cases where the director, who had provided the guarantee, is no longer connected with the management but continuance of his guarantee is considered essential because the new management's guarantee is either not available or is found inadequate, or there may be other exceptional cases where the promoters, existing directors, other managerial personnel, and shareholders of borrowing concerns are paid remuneration/ consideration in any manner, directly or indirectly. In all these cases, the taxable value of such supply of service shall be the remuneration/ consideration provided to such a person/ guarantor by the company, directly or indirectly.</p>
2.	<p>Whether the activity of providing corporate guarantee by a person on behalf of another related person, or by the holding company for sanction of credit facilities to its subsidiary company, to the bank/ financial institutions, even when made without any consideration will be treated as a taxable supply of service or not, and if taxable, what would be the valuation of such supply of services.</p>	<p>Where the corporate guarantee is provided by a company to the bank/financial institutions for providing credit facilities to the other company, where both the companies are related, the activity is to be treated as a supply of service between related parties as per provisions of Schedule I of CGST Act, even when made without any consideration.</p> <p>Similarly, where the corporate guarantee is provided by a holding company, for its subsidiary company, those two entities also fall under the category of 'related persons'. Hence the activity of providing</p>

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corporate guarantee by a holding company to the bank/financial institutions for securing credit facilities for its subsidiary company, even when made without any consideration, is also to be treated as a supply of service by holding company to the subsidiary company, being a related person, as per provisions of Schedule I of CGST Act.

In respect of such supply of services by a person to another related person or by a holding company to a subsidiary company, in form of providing corporate guarantee on their behalf to a bank/ financial institution, the taxable value will be determined as per rule 28 of CGST Rules.

Considering different practices being followed by the field formations and taxpayers in determining such taxable value, in order to provide uniformity in practices and ease of implementation, sub-rule (2) has been inserted in rule 28 of CGST

Rules vide Notification No. 52/2023 dated 26.10.2023, for determining the taxable value of such supply of services between related persons in respect of providing corporate guarantee. Accordingly, consequent to insertion of the said sub-rule in rule 28 of CGST Rules, in all such cases of supply of services by a related person to another person, or by a holding company to a subsidiary company, in the form of providing corporate guarantee on their behalf to a bank/ financial institution, the taxable value of such supply of services,

will henceforth be determined as per the provisions of the sub-rule (2) of Rule 28 of CGST Rules, irrespective of whether full ITC is available to the recipient of services or not.

It is clarified that the sub-rule (2) of Rule 28 shall not apply in respect of the activity of providing personal guarantee by the Director to the banks/ financial institutions for securing credit facilities for their companies and the same shall be valued in the manner provided in S. No. (1) above.

3. It is requested that suitable trade notices may be issued to publicize the contents of this Circular.

4. Difficulties, if any, in implementation of this Circular may please be brought to the notice of the Board. Hindi version would follow.

[For further details please refer the Circular]

FEMA

CASE LAW

PROCEEDINGS INITIATED U/S 56 OF FERA - NON ISSUE OF SCN - VIOLATION OF PRINCIPLE OF NATURAL JUSTICE: DELHI HIGH COURT

OUR COMMENTS: It was held that No complaint can be filed unless the person accused of such offence has been given an opportunity of showing that he has such requisite permission. It is clear that from the facts of this case and also not disputed by Respondent that there is no such show cause notice which was issued and served on the fresh address of the petitioner at Gurugram. That apart, it is pertinent to note that though the notice issued under proviso to Clause (ii) of sub section (2) of Section 61 FERA was not served upon the petitioner, the demand notice dated 28.08.2020 was served upon the correct address. There is no explanation as to how and from where the ED obtained this correct address of the petitioner while issuing the demand notice.

So far as the judgments of State Bank of India [2023 (3) TMI 1205 - SUPREME COURT] and Oil and Natural Gas Corporation Limited [2014 (10) TMI 589 - SUPREME COURT] relied upon are concerned, they laid down the law in respect of what is trite by now that **rule of Audi Alteram Partem** is fundamental to the policy of Indian law and as such any order by any quasi-judicial authority or any administrative authority entailing drastic civil consequences cannot be sustained except after affording an opportunity to the person who would have to face such civil consequences. There is no doubt in the mind of this Court that there has been clear violation of principles of natural justice in the present case.

Since the respondent therein had failed to comply with the mandatory requirement of Section 61(2) of FERA, the Trial Court in that case clearly had erred in taking cognizance and on that basis, quashed and set aside the impugned order on charge.

This Court respectfully concurs with the observations and the ratio laid down in the case United India Airways Ltd. & Anr. [2018 (4) TMI 421 - DELHI HIGH COURT]

Proceedings being separate and not intertwined in respect of violation u/s 18(2) and (3) and Section 56 of the FERA - This Court is of the considered opinion that the substratum of violation of under Section 18(2) for becoming an offence u/s 56 has to be tested first by issuing show cause notice/opportunity notice so as to permit the petitioner to explain as to whether it got the requisite permission in accordance with law or not.

Since the show cause notice or opportunity notice was never served upon the petitioner, the consequent proceedings initiated u/s 56 FERA cannot be continued. It is for violation of Section 18(2) and Section 18(3) of the FERA that would entail action u/s 56 FERA, but the intervening threshold of issuance of show cause notice/opportunity notice and hearing the notice before passing the decision upon such mandatory application of principles of natural justice alone that the action u/s 56 could, at all, have been initiated. As such the submission of Respondent on that count are found to be untenable.

Present writ petition is allowed and as a consequence thereof, a writ of certiorari is issued quashing the exparte proceedings issued by the ED.

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 78/2023-Customs(N.T) dated 23.10.2023 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 (i.e., no change)
2	1511 90 10	RBD Palm Oil	863 (i.e., no change)
3	1511 90 90	Others – Palm Oil	861 (i.e., no change)
4	1511 10 00	Crude Palmolein	868 (i.e., no change)
5	1511 90 20	RBD Palmolein	871 (i.e., no change)
6	1511 90 90	Others – Palmolein	870 (i.e., no change)
7	1507 10 00	Crude Soya bean Oil	972 (i.e., no change)
8	7404 00 22	Brass Scrap (all grades)	4682 (i.e., no change)

TABLE-2

Sl. No.	Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value (US \$)
(1)	(2)	(3)	(4)
1.	71 or 98	Gold, in any form, in respect of which the benefit of entries at serial number 356 of the Notification No. 50/2017-Customs dated 30.06.2017 is availed	640 per 10 grams
2.	71 or 98	Silver, in any form, in respect of which the benefit of entries at serial number 357 of the Notification No. 50/2017-Customs dated 30.06.2017 is availed	716 per kilogram (i.e., no change)
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 (i.e., no change)
4.	71	(i) Gold bars, other than tola bars, bearing manufacturer's or refiner's engraved serial number and weight expressed	640 per 10 grams

CUSTOMS

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

TABLE-3

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

This notification shall come into force with effect from the 24th day of October, 2023.

[For further details please refer the notification]

NOTIFICATION

LEVY ANTI DUMPING DUTY (ADD) ON JUTE PRODUCTS ORIGINATING IN OR EXPORTED FROM NEPAL AND BANGLADESH (SSR) - SUNSET REVIEW INVESTIGATION CONCERNING IMPORTS OF JUTE PRODUCTS

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide notification no G.S.R. 796(E)-Customs(A.D.D) dated 26.10.2023 notified Having regard to the Customs Tariff Act, 1975 (51 of 1975), as amended from time to time and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time

to time, thereof, the Central Government has issued the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 33/2022-Customs (ADD), dated the 30th December, 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 914(E), dated the 30th December, 2022, in respect of the sunset review investigation concerning imports of "Jute Products comprising of Jute Yarn/ Twine (multiple folded/cabled and single),Hessian fabric, Jute sacking bags and Jute sacking cloth" originating in or exported from Bangladesh and Nepal.

Few typographical errors had occurred in the previously issued Corrigendum Notification dated 12.09.2023. Thus, in supersession of the previously issued Corrigendum dated 12.09.2023, in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 33/2022-Customs (ADD), dated the 30th December, 2022, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 914(E), dated the 30th December, 2022, namely, -

(i) in page 13, in line 3, for "the producers as specified in the corresponding entries in column (7)", read "the producers as specified in the corresponding entries in column (7), exported by the exporters as specified in the corresponding entry in column (8), and imported into India";

(ii) in page 13, in line 4, for "(8)", read "9";

(iii) in page 13, in line 5, for "(9)", read "(10)";

(iv) in page 13, in line 6 to line 58, in pages 14, 15, 16, 17 and 18, in all lines, and in page 19, in line 1 to line 36, for "TABLE.....US\$/MT", please refer the table as mentioned in the notification.

[For further details please refer the notification]

DGFT

NOTIFICATION

STREAMLINING OF HALAL CERTIFICATION PROCESS FOR MEAT AND MEAT PRODUCTS

OUR COMMENTS: The Ministry of Commerce and Industry vide notification no. 41/2023 dated 27.10.2023 notified The Central Government, in exercise of 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, in partial modification of Notification No. 03/2023 dated 6th April, 2023, hereby extends the time period, for both accreditation of Halal Certification Bodies as well as for registration of export units, for a further period of six months i.e., up to 5th April 2024.

2. Effect of this Notification:

Time period for accreditation of Halal Certification Bodies and registration of Export Units have been extended by a period of six months i.e., up to 5th April 2024.

[For further details please refer the notification]

NOTIFICATION

AMENDMENT IN POLICY CONDITION 1 OF CHAPTER 15 OF ITC (HS), 2022, SCHEDULE — I (IMPORT POLICY)

OUR COMMENTS: The Ministry of Commerce and Industry vide notification no. 40/2023 dated 26.10.2023 notified In exercise of powers conferred by Section 3 read with Section 5 of Foreign Trade (Development & Regulation) Act, 1992 (22 of 1992), and 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 1 of Chapter 15 of ITC (HS), 2022, Schedule — I (Import Policy) as under:

Existing Policy Condition	Revised Policy Condition
All Oils which are included in the Food Safety & Standards Act, 2006 as also all solvent extracted Oils conforming to the standards specified in the Third Schedule of Solvent Extracted Oil, Deoiled Meal and Edible Flour	All Vegetable Oils/ Refined Vegetable

Control Order, 1967 (details can be accessed from website: http://fssai.gov.in/Portals/0/Pdf/solvent_Extracted.pdf) except coconut oil, RBD palm oil, RBD palm stearin and palm kernel oil are freely importable. Import of coconut/copra oil is permitted through State Trading Enterprises.	Oils/ Solvent extracted Oils specified in Food Safety and Standards (Food Products Standards and Food Additives) Regulation, 2011 (made under the Food Safety & Standards Act, 2006) and conforming to standards specified in these regulations are freely importable except where otherwise stated. Import of coconut/copra oil is permitted through State Trading Enterprises.
--	---

2. Effect of the Notification: Policy Condition 1 of Chapter 15 of ITC (HS), 2022 is updated in reference to FSSAI Regulations.

DGFT

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

[For further details please refer the notification]

NOTIFICATION
AMENDMENT OF IMPORT POLICY CONDITIONS FOR ITEM UNDER ITC(HS) CODE 0511 99 99 OF CHAPTER 05 OF ITC(HS), 2022, SCHEDULE -I (IMPORT POLICY)

OUR COMMENTS: The Ministry of Commerce and Industry vide notification no. 39/2023 dated 23.10.2023 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 policy conditions of item under Chapter 05 of ITC (HS), 2022, Schedule -I (Import Policy) as follows –

ITC (HS) code	Item Description	Import Policy	Existing Policy Condition	Revised Policy Condition
0511 99 99	Other Other	Free	Import of Human Embryo is Prohibited in accordance to the ART (Regulation) Act, 2021 and The Surrogacy (Regulation) Act, 2021.	Import of Human Embryo and Human Gametes is Prohibited in accordance with the ART (Regulation) Act, 2021 and The Surrogacy (Regulation) Act, 2021.

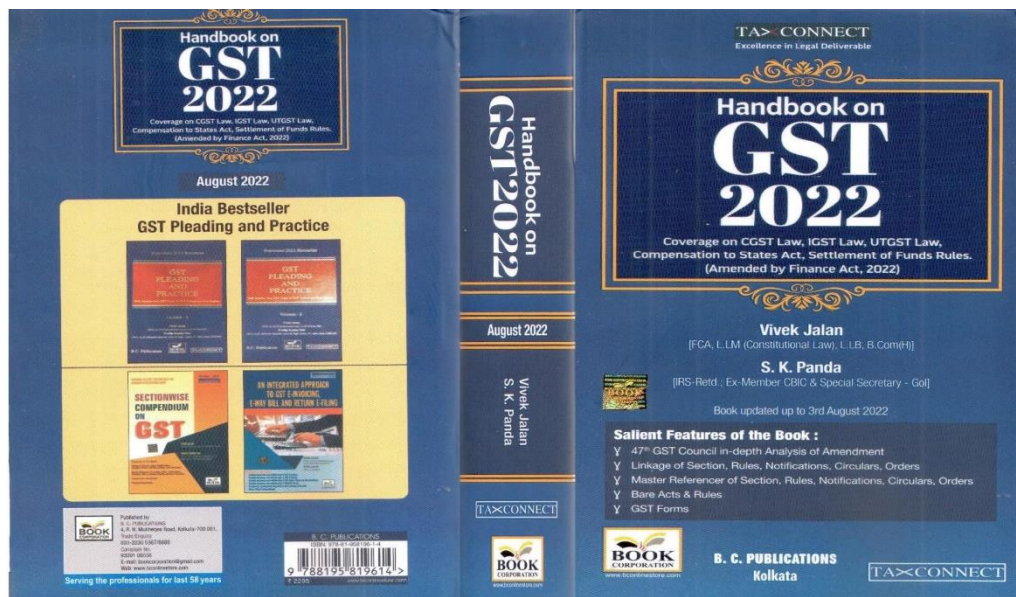
Effect of the Notification: Import of Human Embryo and Human Gametes under ITC(HS) 0511 99 99 is 'Prohibited' in accordance with the ART (Regulation) Act, 2021 and The Surrogacy (Regulation) Act, 2021.

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

[For further details please refer the notification]

:IN STANDS

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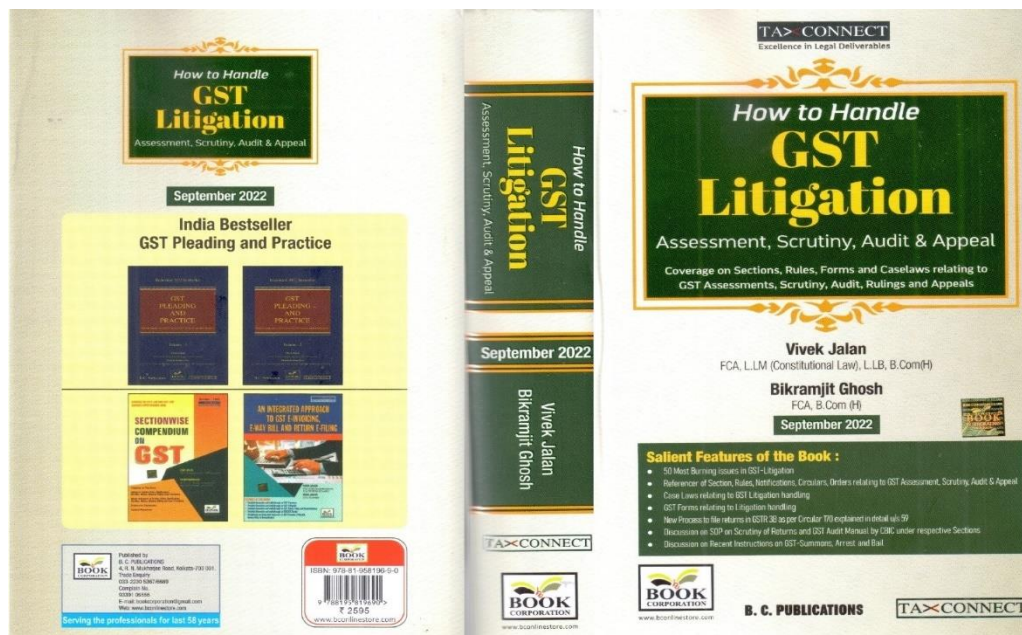
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2. Reference of Section, Rules, Notifications, Circulars, Orders relating to GST Assessment, Scrutiny, Audit & Appeal
3. Case Laws relating to GST Litigation handling
4. GST Forms relating to Litigation handling
5. New process to file returns in GSTR 3B as per circular 170 explained in details u/s 59
6. Discussion on SOP on Scrutiny of Returns and GST Audit Manual by CBIC under respective Sections
7. Discussion on Recent Instruction on GST-Summons, Arrest and Bail

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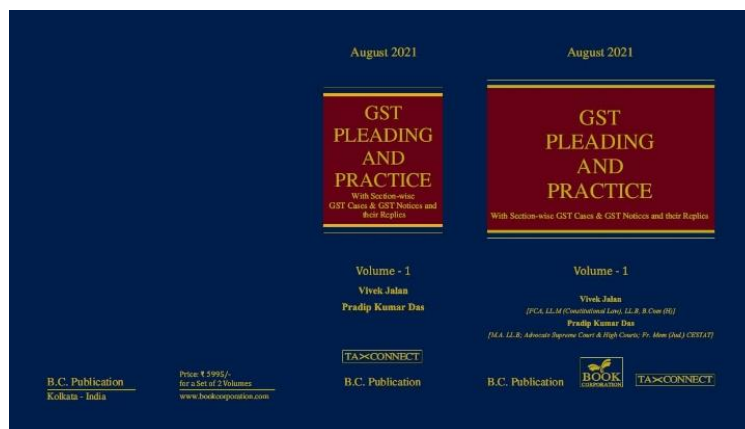
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1. GST Notices and their Replies
2. Orders and Appeals under GST
3. Text of provisions under IGST Act 2017 & CGST Act 2017
4. CGST & IGST Section-wise Synopsis of Case Laws and Notification/Circulars Gist
5. CGST & IGST Section-wise Synopsis of "Question of Law" answered under GST
6. Completely Updated Synopsis of Case Laws under GST by Supreme Court, High Court, AAARs & AARs

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