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EDITORIAL

Friends,

The issue is no more res-integra that there cannot be a denial of benefit of section 11 & 12 in case assessee merely fails to file Form no. 10B before the due date of filling the return of income, after multifarious Court judgements including High Courts and co-ordinate benches of ITATs. Hence, The CBDT issued Circular No. 16/2024 on 18.11.2024 u/s 119(2)(b) of Income Tax Act to accept applications for condonation of delay in filing Form 9A/10/10B/10BB for Assessment Year 2018-19 and subsequent A.Y. This circular supersedes all prior instructions/ circulars/guidelines issued by CBDT in this context.

Applications for delays for any period of time will be accepted. Pr. CsIT & CsIT can admit applications for delays of up to 365 days; while Pr. CCsIT, CCsIT, DGsIT are authorized to deal with applications for delays beyond 365 days.

Applications must show a reasonable cause for delay, and the applicant should demonstrate genuine hardship. For Example, in case any medical issue is there, then a medical certificate should be available. In case any technical glitch is there, then a screenshot should be available. For Form 10, authorities will also verify that the funds have been invested in specified modes under section 11(5) of the Act.

Timelines need to be adhered to in as much as that applications will not be entertained beyond 3 years from the end of the relevant assessment year. However, this time limit for filing of such application within 3 years from the end of the assessment year will be applicable for application filed on or after the date of issue of this Circular. Hence, cases related AY 2018-19 to AY 2020-21 are not affected due to this provision, if application is already filed and pending for disposal.

Applications should be disposed of, as far as possible, within 6 months from the end of the month in which such application received by the Competent Authority. Forms 9A, 10, 10B, and 10BB are crucial filings for charitable and religious trusts, as well as educational and medical institutions, to claim tax exemptions under the Income Tax Act.

- **Form 9A:** This form is used by trusts or institutions to exercise the option to apply income in the subsequent year, in cases where 85% of the income couldn't be applied during the previous year.
- **Form 10:** Trusts or institutions use this form to accumulate income for specific purposes, detailing the amount and period of accumulation.
- **Form 10B:** This is the audit report required under section 12A(b) of the Income-tax Act, 1961 certifying that the accounts of the trust or institution have been audited.
- **Form 10BB:** Similar to Form 10B, this form is the audit report for educational or medical institutions claiming exemption under sections 10(23C)(iv), (v), (vi), or (via).

The CBDT issued another similar Circular No. 17/2024 on 18.11.2024 u/s 119(2)(b) of Income Tax Act to accept applications for condonation of delay in filing Form 10-IC for the 22% tax rate and Form 10-ID for 15% tax rate u/s 115BAA and 115BAB.

In 2019, the CBDT significantly reduced corporate tax rates. Domestic companies have an option to apply a reduced corporate income tax rate of 22%, while new domestic manufacturing companies incorporated on or after 1 October 2019, that commence manufacturing or production by 31 March 2024 could apply corporate income tax rate of 15%. To avail these income tax rates, taxpayers must meet specified conditions, declare the choice in their tax return, and file the prescribed forms viz. Form 10-IC for the 22% rate and Form 10-ID for the 15% rate, within the due date of filing the return.

The following conditions should be satisfied, while deciding such applications: -

(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 has opted for taxation, u/s 115BAA of the Act in case condonation of delay is for Form No. IO-IC and u/s I 15BAB of the Act in case condonation of delay is for Form No. 10-ID, in "Filing Status" in "Part A-GEN" of the Form of Return of Income ITR-6; and (iii) The assessee was prevented by reasonable cause from filing such Form before the expiry of the time allowed and the case is of genuine hardship on merits.

The conditions of category of officers condoning the delay as well as timelines are the same as Circular 16/2024.

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

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SYNOPSIS

TAX CALENDAR

Date	Form/Return/Challan	Reporting Period	Description
10th January	GSTR-7	December'2024	Monthly return filed by individuals who deduct tax at source or TDS under the Goods and Services Tax (GST)
10th January	GSTR-8	December'2024	Monthly return to be filed by e-commerce operators registered under the GST.
11th January	GSTR-1	December'2024	Monthly Statement of Outward Supplies to be furnished by all normal registered taxpayers making outward supplies of goods and services or both and contains details of outward supplies of goods and services.
7th January	Deposit of TDS	December'2024	Due date for deposit of Tax deducted [except under Section 194-IA, Section 194-IB, Section 194M, or Section 194S (by specified person)] or collected for the month of December, 2024. However, all the sum deducted/collected by an office of the government shall be paid to the credit of the Central Government on the same day where tax is paid without production of an Income-tax Challan.
7th January	Deposit of TDS	October-December'2024	Due date for deposit of TDS for the period October 2024 to December 2024 when Assessing Officer has permitted quarterly deposit of TDS under Sections 192, 194A, 194D or 194H

INCOME TAX

NOTIFICATION

CENTRAL GOVERNMENT APPROVES 'SRI PARIPOORNA SANATHANA AYURVEDA MEDICAL COLLEGE, HOSPITAL AND RESEARCH CENTRE' UNDER THE CATEGORY OF 'UNIVERSITY, COLLEGE OR OTHER INSTITUTION' FOR THE PURPOSES OF CLAUSE (II) OF SUB-SECTION (1) OF SECTION 35

OUR COMMENTS: The Central Board of Direct Taxes vide Notification No. 131/2024 dated 30.12.2024 notified that in exercise of the powers conferred by clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961) read with Rules 5C and 5E of the Income-tax Rules, 1962, the Central Government hereby approves '**Sri Paripoorna Sanathana Charitable Trust', Bengaluru (PAN: AALTS2655L) for its college unit, 'Sri Paripoorna Sanathana Ayurveda Medical College, Hospital and Research Centre**' under the category of '**University, college or other institution**' for 'Scientific Research' for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 read with rules 5C and 5E of the Income-tax Rules, 1962.

2. This Notification shall apply with effect from the date of publication in the Official Gazette (i.e. from the Previous Year 2024-25) and accordingly shall be applicable for Assessment Years 2025-26 to 2029-30

[For further details please refer the Notification]

NOTIFICATION

NO TDS DEDUCTION UNDER SECTION 194Q IN RESPECT OF PURCHASE OF GOODS FROM A UNIT OF INTERNATIONAL FINANCIAL SERVICES CENTRE

OUR COMMENTS: The Central Board of Direct Taxes vide Notification No. 03/2025 dated 02.01.2025 notified that in exercise of the powers conferred by sub-section (1F) of section 197A of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), the Central Government hereby specifies that no deduction of tax shall be made under the provisions of section 194Q of the said Act by a person, being a buyer, in respect of purchase of goods from a Unit of International Financial Services Centre, being a seller, subject to the following conditions, namely: -

(a) the seller shall –

(i) furnish a statement-cum-declaration in the format provided in Form No. 1 annexed to notification of the Government of India in the Ministry of Finance, Department of Revenue (Central Board of Direct Taxes) number S.O. 1135(E), dated the 7th March, 2024 (hereinafter referred to as the said Form) to the buyer giving details of previous years relevant to the ten consecutive assessment years for which the seller opts for claiming deduction under sub-sections (1A) and (2) of section 80LA of the said Act; and

(ii) such statement-cum-declaration so furnished shall be verified in the manner specified in the said Form, for each previous year relevant to the ten consecutive assessment years for which the seller opts for claiming deduction under sub-sections (1A) and (2) of section 80LA of the said Act;

(b) the buyer shall –

(i) not deduct tax on payment made or credited to the seller after the date of receipt of copy of the statement- cum-declaration in the said Form from the seller; and

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

2. The relaxation under this notification shall be available to the seller only during the said previous years relevant to the ten consecutive assessment years as declared by the seller in the said Form for which deduction under section 80LA of the said Act is being opted and the buyer shall be liable to deduct tax on payments made or credited for any other year.

3. For the purposes of this notification, –

(a) the "seller" under all circumstances shall remain an International Financial Services Centre Unit within the meaning of sub-clauses (a) and (d) of the Explanation to section 80LA of the said Act; and

(b) the expressions-

(i) "buyer" shall have the same meaning as assigned to it in the Explanation to sub-section (1) of section 194Q of the said Act;

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

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

4. The Principal Director General of Income-tax (Systems) or the Director General of Income-tax (Systems), as the case may be, shall lay down procedures, formats and standards for ensuring

secure capture and transmission of data and uploading of documents and the Principal Director General of Income-tax (Systems) or the Director General of Income-tax (Systems) shall also be responsible for evolving and implementing appropriate security, archival and retrieval policies.

5. This notification shall come into force on 1st day of January, 2025.

[For further details please refer the Notification]

NOTIFICATION

NO DEDUCTION OF TDS ON THE PAYMENTS RECEIVED BY A CREDIT GUARANTEE FUND

OUR COMMENTS: The Central Board of Direct Taxes vide Notification No. 02/2025 dated 02.01.2025 notified that in exercise of the powers conferred by sub-section (1F) of section 197A of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), the Central Government hereby notifies that no deduction of income-tax under Chapter XVII of the said Act shall be made on the payments received by a credit guarantee fund established and wholly financed by the Central Government and managed by the National Credit Guarantee Trustee Company Limited as referred to in sub-clause (ii) of clause (46B) of section 10 of the said Act.

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

[For further details please refer the Notification]

NOTIFICATION

NO DEDUCTION OF TDS ON THE PAYMENTS RECEIVED BY THE NATIONAL CREDIT GUARANTEE TRUSTEE COMPANY LIMITED

OUR COMMENTS: The Central Board of Direct Taxes vide Notification No. 01/2025 dated 02.01.2025 notified that in exercise of the powers conferred by sub-section (1F) of section 197A of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), the Central Government hereby notifies that no deduction of income-tax under Chapter XVII of the said Act shall be made on the payments received by the National Credit Guarantee Trustee Company Limited, being a company established and wholly financed by the Central Government for the purposes of operating credit guarantee funds established and wholly financed by the Central Government as referred to in sub-clause (i) of clause (46B) of section 10 of the said Act.

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

[For further details please refer the Notification]

CIRCULAR

EXTENSION OF DUE DATE FOR FURNISHING BELATED/REVISED RETURN OF INCOME FOR THE ASSESSMENT YEAR 2024-25 IN CERTAIN CASES

OUR COMMENTS: The Central Board of Direct Taxes vide Circular No. 21/2024 dated 31.12.2024 clarified that the Central Board of Direct Taxes ('the CBDT'), in exercise of its powers under section 119 of the Income-tax Act, 1961 ('the Act'), extends the last date for furnishing belated return of income under sub-section (4) of section 139 of the Act or for furnishing revised return of income under sub-section (5) of section 139 of the Act for the Assessment Year 2024-25 in the case of resident individuals from 31st December, 2024 to **15th January, 2025**.

[For further details please refer the Circular]

CIRCULAR

EXTENSION OF DUE DATE FOR DETERMINING AMOUNT PAYABLE AS PER COLUMN (3) OF TABLE SPECIFIED IN SECTION 90 OF DIRECT TAX VIVAD SE VISHWAS SCHEME, 2024

OUR COMMENTS: The Central Board of Direct Taxes vide Circular No. 20/2024 dated 02.01.2025 clarified that The Central Board of Direct Taxes (CBDT), in exercise of its powers under sub-section (2) of section 97 of the Direct Tax Vivad Se Vishwas Scheme, 2024 ('the Scheme') extends the due date for determining amount payable as per column (3) of the Table specified in section 90 of the Scheme **from 31st December, 2024 to 31st January, 2025.**

(2) Accordingly, notwithstanding anything contained in the Direct Tax Vivad Se Vishwas Scheme, Rules or Guidance Note of 2024, in such cases where declaration is filed on or before 31st January, 2025, amount payable shall be determined as per column (3) of the Table specified in section 90 of the Scheme, and where declaration is filed on or after 01st February, 2025, amount payable shall be determined as per column (4) of the said Table.

[For further details please refer the Circular]

CIRCULAR

CLARIFICATION ON VARIOUS ISSUES PERTAINING TO GST TREATMENT OF VOUCHERS

OUR COMMENTS: The Central Board of Indirect Taxes vide Circular No. 243/37/2024 dated 31.12.2024 clarified that references have been received from the trade and industry as well as the field formations seeking clarity on various issues with respect to vouchers such as whether transactions in voucher are a supply of goods and/or services, whether GST is leviable on trading of vouchers by distributor/sub-distributor and whether unredeemed vouchers (breakage) are taxable. It has been represented that the field formations are taking different views on these issues leading to ambiguity and litigations.

2. Accordingly, in view of the difficulties being faced by the trade and industry and to ensure uniformity in the implementation of the provisions of the law across 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 below.

3. **Issue 1 -Whether "transactions in vouchers" falls under the category of supply of goods and/or services?**

3.1 The relevant legal provisions of CGST Act, 2017 are as under:

(i) Section 2(52) - "goods" means every kind of movable property other than money and securities but includes actionable claim, growing crops, grass and things attached to or forming part of the land which are agreed to be severed before supply or under a contract of supply.

(ii) Section 2(102) - "services" means anything other than goods, money and securities but includes activities relating to the use of money or its conversion by cash or by any other mode, from one form, currency or denomination to another form, currency or denomination for which a separate consideration is charged.

Explanation. - For the removal of doubts, it is hereby clarified that the expression "services" includes facilitating or arranging transactions in securities.

(iii) Section 2(118) — "voucher" means an instrument where there is an obligation to accept it as consideration or part consideration for a supply of goods or services or both and where the goods or services or both to be supplied or the identities of their potential suppliers are either indicated on the instrument itself or in related documentation, including the terms and conditions of use of such instrument.

(iv) Section 2(75) — "money" means the Indian legal tender or any foreign currency, cheque, promissory note, bill of exchange, letter of credit, draft, pay order, traveller cheque, money order, postal or electronic remittance or any other instrument recognized by the Reserve Bank of India when used as a consideration to settle an obligation or exchange with Indian legal tender of another denomination but shall not include any currency that is held for its numismatic value;

(v) Section 2(1) – "actionable claim" shall have the same meaning as assigned to it in Section 3 of the Transfer of Property Act, 1882 (4 of 1882).

Section 3 of the Transfer of Property Act, 1882 provides the definition of "actionable claim" as below: -

""actionable claim" means a claim to any debt, other than a debt secured by mortgage of immovable property or by hypothecation or pledge of movable property, or to any beneficial interest in movable property not in the possession, either actual or constructive, of the claimant, which the Civil Courts recognize as affording grounds for relief, whether such debt or beneficial interest be existent, accruing, conditional or contingent;"

(vi) Section 2(102A) — "specified actionable claim" means the actionable claim involved in or by way of-(i) betting;(ii) casinos;(iii) gambling; (iv)horse racing; (v)lottery; or

(vi)online money gaming".

(vii) Section 7-

(2)- Notwithstanding anything contained in sub-section (1), -

(a)activities or transactions specified in Schedule III; or

shall be treated neither as a supply of goods nor a supply of services."

(viii) **Schedule III** to the CGST Act deals with "Activities or Transactions which shall be treated neither as a supply of Goods nor a supply of services:

6. Actionable claims, other than specified actionable claims.

3.2 From the definition of voucher under section 2(118) of CGST Act, it emerges that "voucher" may be in

nature of payment instrument which creates an obligation on the supplier to accept it as a consideration or part consideration for the supply of goods and/or services. The issuance of payment instruments, including pre-paid instruments, in India is regulated by Reserve Bank of India (RBI) in terms of the Payment and Settlement Act, 2007, RBI's Master Directions and the relevant Notifications/Circulars/Communications issued by the RBI from time to time.

3.3 pre-paid instruments (PPIs) as defined by RBI are payment instruments that facilitate purchase of goods and/or services against the value stored on such instruments. The value stored on such instruments represents the value paid for by the holder, by cash, by debit to a bank account, or by credit card. The pre-paid instruments can be issued as cards, wallets and in any such form/ instrument which can be used to access the PPI and to use the amount therein. Further, as per section 2(75) of CGST Act, "money" includes an instrument recognized by the Reserve Bank of India which is used as a consideration to settle an obligation.

3.4 On combined reading of the definition of "voucher" as per section 2(118) of the CGST Act, along with definition of "money" as per section 2(75) of the CGST Act and the description of "pre-paid instruments" given by RBI, it emerges that where the voucher is covered as a pre-paid instrument recognized by the RBI and is used as a consideration to settle an obligation, then in such cases, the voucher will fall under the definition of "money". In such a case, as "money" is excluded from the definition of goods and services as provided in section 2(52) and section 2(102) of the CGST Act respectively, the transactions in voucher would be considered neither as a supply of goods nor as a supply of services.

3.5. In cases, where voucher is not covered as a pre-paid instrument recognized by RBI and hence, cannot be treated as money, the voucher will be in nature of an obligation on the supplier to receive it as consideration or part consideration and assure the beneficiary/voucher holder to claim certain goods and/or services as specified on the voucher or in the related documents. In such cases, the voucher can be considered as an "actionable claim" within the meaning of section 2(1) of the CGST Act, read with section 3 of the Transfer of Property Act, 1882.

3.6 Further, as per entry 6 of Schedule III of CGST Act, an activity or transactions of actionable claims, other than specified actionable claims, is to be treated neither as a "supply of goods" nor as a "supply of services". Further as per section 2(102A) of CGST Act, specified actionable claim means the actionable claim involved in or by way of betting, casinos, gambling, horse racing, lottery or online money gaming. As vouchers are not covered under definition of specified actionable claim, it appears that they are covered in entry 6 of Schedule III of CGST Act as actionable claims, other than specified actionable claims. Therefore, it appears that even in such a case, transaction in vouchers would be treated neither as a "supply of goods" nor as a "supply of services".

3.7 Therefore, it is clarified that irrespective of whether voucher is covered as a pre-paid instrument recognized by RBI or not, the voucher is just an instrument which creates an obligation on the supplier to accept it as consideration or part consideration and the transactions in voucher themselves cannot be considered either as a supply of goods or as a supply of services. However, supply of underlying goods and/or services, for which vouchers are used as consideration or part consideration, may be taxable under GST.

Issue 2 -What would be the GST treatment of transactions in vouchers by distributors/ sub-distributors/ agents etc.?

4.1 There are primarily two models for distribution of vouchers through distributors/ sub distributors/ agents, etc.

(i) Where vouchers are distributed through the distributors/ sub-distributors/ dealers on Principal-to-Principal (P2P) basis.

(ii) Where vouchers are distributed using agents/ distributors/ sub-distributors on commission/ fee basis.

4.2 Where vouchers are distributed through the distributors/ sub-distributors/ dealers on Principal-to-Principal(P2P) basis: In such cases, the distributor/ dealer purchases voucher from the voucher issuer typically at a discounted rate and subsequently sells the same to the sub-distributors, corporates or end customers and generate revenue through a trading margin, which is a difference between the acquisition cost and the selling price of the vouchers by the said distributor/ dealer. In such cases, distributors/ dealers (including subdistributors) own the vouchers and operate autonomously with full control over the process from purchase to the final sale of the vouchers to the end user.

4.2.1 As per section 9 (1) of CGST Act, GST is chargeable on the supply of goods and/or services. As the transaction in vouchers is neither supply of goods nor supply of services, therefore, pure trading of vouchers in this case would not

constitute either supply of goods or supply of services. Accordingly, such trading of vouchers would not be leviable to GST as per section 9 (1) of CGST Act.

4.3 **Where vouchers are distributed using distributors/ sub-distributors/ agents on commission/ fee basis:** In such cases, the transactions between the voucher issuer and the distributors/ sub-distributors/ agents are on principal-agency basis. These arrangements, as per contract/agreement between distributor/sub-distributor/agents and the voucher issuer may specify a set of obligations on such agents such as marketing & promotion and other related support activities for distribution of vouchers against a commission/fee or any other amount by whatever name called, for such purpose. In such cases, distributors/sub-distributors/agents do not operate autonomously, do not own the vouchers and only act as agent of the voucher issuer. In such cases, GST would be payable by such distributor/sub-distributor/agent, acting as an agent of the voucher issuer, on the commission/fee or any other amount by whatever name called, for such purpose, as a supply of services to the voucher issuer.

Issue 3 -What would be GST treatment of additional services such as advertisement, cobranding, marketing & promotion, customization services, technology support services, customer support services etc.

5.1 There may be cases where additional services such as advertisement, co-branding, customization services, technology support services, customer support services, etc. are provided by either the distributor/ sub-distributor or by another person to the voucher issuer against a service fee/ service charge/ affiliate charge or any other amount, by whatever name called, as per contract/agreement between such service provider and the service recipient (voucher issuer). In such a case, the said service fee/ service charge/ affiliate charge or other amount for supply of such additional services to the voucher issuer as per the terms of contract/agreement, would be liable to GST at the applicable rate in the hands of the said service provider.

Issue 4 -What would be the GST treatment of unredeemed vouchers (breakage).

6.1 Sometimes, vouchers remain unused/ unredeemed at the end of their expiry period. In such cases, the businesses generally make book adjustments and account the said amount on account of unredeemed vouchers in their statement of income. The value of such unredeemed vouchers accounted for in the statement of income is called breakage. There are ambiguities and doubts in respect of GST treatment of such breakage. Also, doubts are raised whether the amount attributed to the unredeemed voucher(breakage) can be considered as **"monetary value of any act or forbearance, in respect of, in response to, or for the inducement of, the supply of goods or services or both, whether by the recipient or by any other person".**

6.2 As per section 9 (1) of the CGST Act, GST is leviable only on the supply of goods and/or services. In the case of breakage, there is no redemption of voucher and there is no supply of underlying goods and/or services. Therefore, there is no supply of goods and/or services on account of such unredeemed vouchers (breakage). Also, "consideration" under GST is defined under section 2 (31) of CGST Act, in relation to the supply of goods or services or both. As there is no underlying supply of goods and/or services in case of non-redemption of vouchers by the customer, the amount retained for unredeemed vouchers by the voucher issuer cannot be construed as consideration for any supply. Accordingly, such amount attributable to unredeemed vouchers (breakage) would not be taxable as per the provisions of section 9(1) of CGST Act.

6.3 Further, **Circular No. 178/10/2022-GST dated 03.08.2022** clarifies that agreement to do or refrain from an act should not be presumed to exist, and that there must be an express or implied agreement, oral or written, to do or abstain from doing something against payment of consideration, for a taxable supply to exist. Considering the principle laid out in the said circular, it emerges that where the voucher is issued for the purpose of redemption in respect of a supply of goods and/or services and there is no express or implied agreement, oral or written, between the issuer of voucher and redeemer for payment of any amount or charges by the redeemer to the voucher issuer in case of non-redemption of the voucher, it cannot be considered that non-redemption of voucher by the redeemer tantamounts to supply of services. Therefore, it appears that the amount attributable to non-redemption of voucher (breakage) would not constitute as a "monetary value of any act or forbearance, in respect of, in response to, or for the inducement of, the supply of goods or services or both, whether by the recipient or by any other person". Therefore, no GST appears to be payable on such amount attributable to non-redemption of voucher (breakage).

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

8. 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 ON PLACE OF SUPPLY OF ONLINE SERVICES SUPPLIED BY THE SUPPLIERS OF SERVICES TO UNREGISTERED RECIPIENTS

OUR COMMENTS: The Central Board of Indirect Taxes vide Circular No. 242/36/2024 dated 31.12.2024 clarified that references have been received from field formations regarding non-compliance of provisions of mandatory recording of correct place of supply on the invoices by the suppliers in respect of online services provided by them, either themselves or through electronic commerce operators, to unregistered recipients due to wrong interpretation of provisions of section 12(2)(b) of Integrated Goods and Services Tax Act, 2017 (hereinafter referred to as "IGST Act") read with rule 46 of Central Goods and Services Rules, 2017 (hereinafter referred to as "CGST Rules"). It has also been mentioned that though in such cases of taxable online supplies of services to unregistered recipients, registered suppliers are required to mention State name of the recipient on the invoice, irrespective of the value of such supply, and declare place of supply of such services as the State of the recipient as per the provisions of clause (i) of section 12(2)(b) of IGST Act but many suppliers are not recording the State name of the unregistered recipient on the invoice and are declaring place of supply of such services as the location of the supplier as per clause (ii) of section 12(2)(b) of IGST Act. This is resulting in wrong declaration of place of supply, resulting in flow of revenue in respect of the said supply to the wrong State. Request has been made to clarify the issue so as to ensure correct declaration of place of supply by the suppliers of such services to unregistered recipients.

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

3. **Legislative provisions:**

3.1 As per sub-section (17) of section 2 of the IGST Act, 'online information and database access or retrieval services' means:

"Services whose delivery is mediated by information technology over the internet or an electronic network and the nature of which renders their supply impossible to ensure in the absence of information technology and includes electronic services such as, —

(i) advertising on the internet;
(ii) providing cloud services;
(iii)provision of e-books, movie, music, software and other intangibles through telecommunication networks or internet;
(iv) providing data or information, retrievable or otherwise, to any person in electronic form through a computer network;
(v) online supplies of digital content (movies, television shows, music and the like);
(vi) digital data storage; and
(vii) online gaming, excluding the online money gaming as defined in clause (80B) of section 2 of the Central Goods and Services Tax Act, 2017 (12 of 2017);"

3.2 The term 'electronic commerce' has been defined under section 2(44) of CGST Act, as follows:

"Electronic commerce" means the supply of goods or services or both, including digital products over digital or electronic network;

3.3 The term 'electronic commerce operator' has been defined under section 2(45) of CGST Act, as follows:

"Electronic commerce operator" means any person who owns, operates or manages digital or electronic facility, or platform for electronic commerce;

3.4 Sub-section (2) of section 12 of the IGST Act, reads as follows:

"(2) the place of supply of services, except the services specified in sub- section (3) to (14), -

(a) made to a registered person shall be the location of such person;

(b) made to any person other than a registered person shall be, -

(i) the location of the recipient where the address on record exists; and

(ii) the location of the supplier of services in other cases."

3.5 As per sub-section (2) of Section 31 of the CGST Act,

"(2) A registered person supplying taxable services shall, before or after the provision of service but within a prescribed period, issue a tax invoice, showing the description, value, tax charged thereon and such other particulars **as may be prescribed:**"

3.6 Rule 46 of CGST Rules provides as below:

" 46. Subject to rule 54, a tax invoice referred to in section 31 shall be issued by the registered person containing the following particulars, namely, -

(f) name and address of the recipient and the address of delivery, along with the name of the State and its code, if such recipient is unregistered and where the value of the taxable supply is less than fifty thousand rupees and the recipient requests that such details be recorded in the tax invoice;

Provided that in cases involving supply of online money gaming or in cases that where any taxable service is supplied by or through an electronic commerce operator or by a supplier of online information and database access or retrieval services to a recipient who is unregistered, irrespective of the value of such supply, a tax invoice issued by the registered person shall contain the name of the State of the recipient and the same shall be deemed to be the address on record of the recipient;

4. **Clarification:**

4.1 Section 12 of the IGST Act provides that except in cases specified in sub-sections (3) to (14) of the said section, when the services are supplied to a registered person, the place of supply of services shall be the location of the recipient and **when the services are supplied to an unregistered person, the place of supply of the said services shall be the location of the recipient, if his address is available on record,** and shall be the location of the supplier, if the address is not available on record.

4.2 Section 31(2) of the CGST Act provides that a registered person providing taxable services must issue a tax invoice with details like the service description, value, tax charged and such other **particulars as may be prescribed.**

4.3 Rule 46 of CGST Rules provides the particulars required to be mentioned on the tax invoice. Clause (f) of the said rule provides for mentioning some details on the invoice in case of supplies made to unregistered recipient. Further, proviso to clause (f) of rule 46 of the CGST Rules provides that in cases involving the supply of online money gaming or involving supply of any taxable services by or through an electronic-commerce operator or by a supplier of online information and database access or retrieval services, to an unregistered recipient, irrespective of the value of the said supply, the tax invoice issued by the registered supplier must contain the recipient's State name. It has also been provided in the said proviso that such State name shall be deemed to be the address on record of the recipient.

4.4 A conjoint reading of clause (b) of sub-section (2) of Section 12 of the IGST Act, sub-section (2) of Section 31 of the CGST Act and proviso to rule 46(f) of CGST Rules leads to a conclusion that in respect of supply of services made to unregistered persons, irrespective of the value of the said supply, the supplier is required to mandatorily record the name of the State of the unregistered recipient on the tax invoice, in cases involving supply of online money gaming or supply of taxable services by or through an electronic commerce operator or supply of online information and database access or retrieval (OIDAR) services. Recording of the name of State of the unregistered recipient on the tax invoice in respect of such supply of services shall be deemed as the address on record of the recipient for the purpose of determination of place of supply of the said services under section 12(2)(b) of IGST Act. Accordingly, in such cases, the place of supply of such services shall be considered as the location of the recipient of the services as per provisions of clause (i) of section 12(2)(b) of IGST Act.

4.5 It is also observed that a combined reading of the definitions of 'electronic commerce' and 'electronic commerce operator' as per section 2(44) and section 2(45) of CGST Act, along with rule 46(f) of CGST Rules, leads to an understanding that all services supplied to unregistered recipients over digital or electronic network, either by the supplier using his own digital or electronic facility / platform or through any other electronic or digital platform owned and operated by an independent electronic commerce operator, will be covered under proviso to rule 46(f) of CGST Rules.

4.5.1 It is, accordingly, clarified that provisions of proviso to rule 46(f) of CGST Rules shall be applicable in respect of all the online supplies of services supplied to an unregistered recipient, in addition to the supply of online money gaming and OIDAR services. Some of the examples of such services are subscription of e-newspapers and e-magazines, online subscription of entertainment services (e.g. OTT platforms), online telecom services, digital services through mobile applications etc. Therefore, in respect of supply of any such online/ digital services, OIDAR services and online money gaming to unregistered recipients, the suppliers are mandatorily required to record the name of the State of the

recipient on the tax invoice, irrespective of the value of supply of such services, and to declare place of supply of the said services as the location of the recipient (based on the name of State of the recipient) in their details of outward supplies in FORM GSTR-1/1A.

4.5.2 For the purpose of recording the name of the State of the recipient on tax invoice in respect of such supplies made to unregistered persons for such online services, supplier should devise suitable mechanism to ensure collection of such details from unregistered recipient before making any supplies to him. As mentioned above, in such cases, the name of the State of the recipient so recorded shall be deemed to be the address of recipient available on record and thus, for determining place of supply of the said services, provisions of section 12(2)(b)(i) of IGST Act will be applicable as per which the place of supply shall be the location of the recipient.

4.5.3 It is also mentioned that if the supplier fails to issue invoice in accordance with the said provisions by not recording correct mandatory particulars, including recording of name of State of unregistered recipient in respect of such supplies, he may be liable to penal action under the provisions of section 122(3)(e) of CGST Act.

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

6. Difficulty, if any, in the implementation of this circular may be brought to the notice of the Board.

[For further details please refer the Circular]

CIRCULAR

CLARIFICATION ON AVAILABILITY OF INPUT TAX CREDIT AS PER CLAUSE (B) OF SUB-SECTION (2) OF SECTION 16 OF THE CENTRAL GOODS AND SERVICES TAX ACT, 2017 IN RESPECT OF GOODS WHICH HAVE BEEN DELIVERED BY THE SUPPLIER AT HIS PLACE OF BUSINESS UNDER EX-WORKS CONTRACT

OUR COMMENTS: The Central Board of Indirect Taxes vide Circular No. 241/35/2024 dated 31.12.2024 clarified that Reference has been received from automobile sector seeking clarification on availability of input tax credit (hereinafter referred to as "ITC") as per clause (b) of sub-section (2) of section 16 of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as "CGST Act") in respect of goods which have been delivered by the supplier at his place of business under Ex-Works Contract.

1.2 It has been stated that in automobile sector, the contract between the automobile dealers and the Original Equipment Manufacturers (OEMs) is generally an Ex-Works (EXW) contract, and as per the terms of the contract, the property in goods (i.e. vehicles) passes to the dealer at the factory gate of the OEM, when the goods are handed over to the transporter at the instance of the dealer, and the delivery on the part of the OEM is complete at his factory gate. The transport may be arranged by the OEM on behalf of the dealer and where insurance is arranged, it may also be done on behalf of the dealer. Any claim in case of loss has to be lodged by the dealer. The dealer also duly accounts for the invoice in his books of accounts on such delivery of the vehicles at the factory gate of the OEM. The dealer avails ITC on the date the vehicles are billed to him and handed over to the transporter by the OEM at his factory gate. However, some field formations are taking a view that ITC can be availed by the dealer only after the vehicles are physically received by him at his business premises and show cause notices have been issued to a number of dealers, demanding tax for wrongful availment of ITC for contravention of provisions of clause (b) of sub-section (2) of section 16 of the CGST Act.

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 sub-section (1) of section 168 of the CGST Act, hereby clarifies the issue as below.

3. Sub-section (2) of section 16 of the CGST Act is a non-obstante clause to section 16 of the CGST Act which enlists the conditions, failing which the registered person is not entitled to ITC in respect of supply of goods or services or both. One of the conditions as per clause (b) of the said sub-section (reproduced below) is that a registered person is not entitled to claim ITC in respect of any supply of goods or services or both unless he has "received" the said goods or services or both. The Explanation to the said clause provides for deemed receipt of goods and services in certain scenarios.

"Section 16. Eligibility and conditions for taking input tax credit.

(2) Notwithstanding anything contained in this section, no registered person shall be entitled to the credit of any input tax in respect of any supply of goods or services or both to him unless, -

(b) he has **received** the goods or services or both.

Explanation. - For the purposes of this clause, it shall be deemed that the registered person has received the goods or, as the case may be, services-

(i) where the goods are delivered by the supplier to a recipient or any other person on the direction of such registered person, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to goods or otherwise;

(ii) where the services are provided by the supplier to any person on the direction of and on account of such registered person;

3.1 From a plain reading of the clause (b) of sub-section (2) of section 16 of the CGST Act, it is quite apparent that there is no reference of any particular place where goods are required to be "received" by the registered person. This is in contrast to the erstwhile Central Excise regime, where the provisions contemplated physical receipt of the goods at the factory of the manufacturer for taking CENVAT credit on the said goods. In most of the State VAT Acts, the provisions related to credit of the input tax did not have any explicit mention of physical receipt of goods at any particular place and input tax credit was allowed on purchase of goods.

3.2 Explanation to clause (b) of sub-section (2) of section 16 of the CGST Act provides that the goods would be deemed to have been "received" by the registered person for the purpose of this clause, where:

a) the goods are delivered by the supplier to a recipient or to any other person on the direction of such registered person, whether acting as an agent or otherwise;

b) such direction may be given before or during movement of goods; and

c) the goods may be delivered either by way of transfer of documents of title to goods or otherwise.

3.2.1 The said Explanation provides that where goods are delivered by the supplier to any other person, whether acting as an agent or not, upon the direction of the registered person, and where such delivery occurs either through transfer of documents of title to goods or otherwise, the registered person is deemed to have "received" such goods for the purpose of the clause (b) of sub-section (2) of section 16 of CGST Act. Accordingly, in cases where goods are delivered by the supplier to the registered person, either directly or to any other person on the directions of the said registered person, the registered person shall be considered to have "received" the said goods for the purpose of clause (b) of sub-section (2) of section 16 of CGST Act.

3.3 In the instant case, as per the terms of the EXW contract between the dealer and the OEM:

a) the goods are being handed over by the OEM to the transporter at his factory gate for onward transmission to the dealer;

b) transport is arranged by OEM on the behalf of dealer; and

c) if insurance is arranged, it is done on the behalf of dealer and any claim in case of loss has to be lodged by the dealer.

3.3.1 In such a scenario, the property in the said goods can be considered to have been passed on to the dealer by the OEM upon handing over of the said goods to the transporter at his factory gate, meaning thereby that the goods can be considered to have been delivered to the registered person (the dealer), through the transporter, by the supplier (the OEM) at his factory gate and the supply of the said goods can be considered to have fructified at the factory gate of the OEM, even though the goods may be physically received by the registered person (the dealer) after the transit period. Accordingly, it is clarified that as per Explanation to clause (b) of sub-section (2) of section 16 of CGST Act, the registered person (the dealer) can be considered to have "received" the said goods at the time of such handing over of the goods by the supplier to the transporter, at his factory gate, for their onward transmission to the said registered person (the dealer).

3.4 The same principle is applicable in respect of supply of other goods also where the contract between the supplier and recipient is an EXW contract, and as per terms of the contract, the goods are to be delivered by the supplier to the recipient, or to any other person (including a transporter) on behalf of the recipient, at his (supplier's) place of business and the property in the goods stands transferred to the recipient at the time of such handing over. In such cases, the said goods can be construed to have been "received" by the said recipient at the time of handing over the said goods to the recipient or to the transporter, as the case may be, as per provisions of clause (b) of sub-section (2) of section 16 of CGST Act.

3.5 It is also mentioned that as per provisions of sub-section (1) of section 16 of the CGST Act, a registered person is entitled to input tax credit only in respect of supply of goods or services or both, **which is used or intended to be used in the course or furtherance of business.** Therefore, the input tax credit may be available to the registered person on such receipt of goods by the said registered person from the

supplier at his (supplier's) factory gate or business premises, subject to fulfilment of other conditions of section 16 and section 17 of CGST Act, including the condition that the said goods are used or intended to be used in the course or furtherance of business by the said registered person.

3.6 It is also to be noted that if the goods are found to have been diverted for non-business purposes at any stage, either before physically receiving the said goods at his business premises or subsequently, the registered person shall not be entitled to input tax credit on such goods in terms of sub-section (1) of section 16 of CGST Act. Further, if at any time after "receiving" the goods, such goods are lost, stolen, destroyed, written off or disposed of by way of gift or free samples, the registered person would not be entitled to the input tax credit in respect of such goods as per provisions of clause (h) of sub-section (5) of section 17 of CGST Act.

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

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

[For further details please refer the Circular]

CIRCULAR

CLARIFICATION IN RESPECT OF INPUT TAX CREDIT AVAILED BY ELECTRONIC COMMERCE OPERATORS WHERE SERVICES SPECIFIED UNDER SECTION 9(5) OF CENTRAL GOODS AND SERVICES TAX ACT, 2017 ARE SUPPLIED THROUGH THEIR PLATFORM

OUR COMMENTS: The Central Board of Indirect Taxes vide Circular No. 240/34/2024 dated 31.12.2024 clarified that Reference is invited to Circular No. 167/23/2021 – GST dated 17.12.2021 which clarified that electronic commerce operators (hereinafter referred to as "ECOs") required to pay tax under section 9(5) of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as "CGST Act") are not required to reverse input tax credit (ITC) in respect of supply of restaurant services through their platform (notified services under section 9(5)). In this regard, representations have been received seeking clarification regarding requirement of reversal of ITC, if any, in respect of supply of services, other than restaurant services, under section 9(5) of CGST Act.

2. The issue has been examined and to ensure uniformity in the implementation of the law across the field formations, the Board, in exercise of its powers conferred under section 168(1) of the CGST Act, hereby clarifies the issue as below:

S. No	Issue	Clarification
1.	Whether electronic commerce operator, required to pay tax under section 9(5) of CGST Act, is liable to reverse proportionate input tax credit on his inputs and input services to the extent of supplies made under section 9(5) of the CGST Act.	1. ECO, required to pay tax under section 9(5) of CGST Act, is making supplies under two counts: i. Supplies notified under section 9(5) of CGST Act for which he is liable to pay tax as if he is the supplier of the said services. ii. Supply of his own services by providing his electronic platform for which he charges platform fee /commission etc. from the platform users. 2. For providing the services mentioned at 1(ii) above, the ECO procures inputs as well as input services for which he avails Input Tax Credit. 3. It has been clarified vide question no. 6 of Circular No. 167/23/2021 – GST dated 17.12.2021 that the ECO shall not be required to reverse input tax credit on account of restaurant services on which he pays tax under section 9(5) of the CGST Act. It has also been clarified that the input tax credit will not be allowed to be utilized for payment of tax liability under section 9(5) and whole of the tax liability under section 9(5) will be required to be paid in cash. 4. The principle, which has been outlined in question no. 6 of Circular No. 167/23/2021 – GST dated 17.12.2021, also applies to the supplies made in respect of other services specified under section 9(5) of CGST Act. 5. In view of this, it is clarified that Electronic Commerce Operator, who is liable to pay tax under section 9(5) of the CGST Act in respect of specified services, is not required to reverse the input tax credit on his

		inputs and input services proportionately under section 17(1) or section 17(2) of CGST Act to the extent of supplies made under section 9(5) of the CGST Act. 6. It is further clarified that ECO will be required to pay the full tax liability on account of supplies under section 9(5) of the CGST Act only through electronic cash ledger. The credit availed by him in relation to the inputs and input services used to facilitate such supplies cannot be used for discharge of such tax liability under section 9(5) of the CGST Act. However, such credit can be utilized by him for discharge of tax liability in respect of supply of services on his own account.

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

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

[For further details please refer the Circular]

ADVISORY

TAXPAYERS ON EXTENSION OF E-WAY BILLS EXPIRED ON 31ST DECEMBER, 2024

OUR COMMENTS: GSTN vide advisory dated 01.01.2025 has advised that it is hereby informed that the technical challenges encountered in the e-way bill generation process have been resolved, and the portal is now functioning smoothly. In connection with the technical issues faced earlier, the following facilitation measures have been put in place:

1. Extension of Expired E-Way Bills:

(a) As per the existing procedure, e-way bills that expired at midnight on 31st December, 2024, could be extended either within 8 hours prior to the expiry or 8 hours after the expiry.

(b) Due to the technical glitch, this process was disrupted. To mitigate the impact, the window period for extending the e-way bills expiring on 31st December, 2024, has been extended up to 1st January, 2025, midnight. Taxpayers and transporters are advised to utilize the "Extend EWB" facility on the portal to extend these e-way bills, if required.

2. Generation of E-Way Bills for Goods Moved During the Glitch:

(a) payers and transporters who moved goods on 31st December 2024 without generating e-way bills due to the technical issues are hereby advised to generate the necessary e-way bills on 1st January 2025 using the existing facility on the portal.

Your cooperation in ensuring compliance with the e-way bill requirements is appreciated. For any assistance, taxpayers may contact the helpline or visit the portal support page.

[For further details please refer the detailed advisory]

NOTIFICATION

FOREIGN CONTRIBUTION (REGULATION) AMENDMENT RULES, 2024.

OUR COMMENTS: The Ministry of Home Affairs vide Notification No. G.S.R. 790(E) Dated 31.12.2024 notified that In exercise of the powers conferred by section 48 of the Foreign Contribution (Regulation) Act, 2010 (42 of 2010), the Central Government hereby makes the following rules further to amend the Foreign Contribution (Regulation) Rules, 2011, namely:-

1. Short title and commencement.—

(1) These rules may be called the Foreign Contribution (Regulation) Amendment Rules, 2024.

(2) They shall come into force on the 1st day of January, 2025.

2. In the Foreign Contribution (Regulation) Rules, 2011 (hereinafter referred to as said rules), in rule 5, after second proviso, the following proviso shall be inserted, namely:—

"Provided also that the association shall have the option to carry forward the unspent part of allowable administrative expenses in a financial year to the immediately succeeding financial year, for reasons to be mentioned in Form FC-4.".

3. In the said rules, in Form FC-4,-

(a) in serial number 2, in clause (i), in sub-clause (b), after item (ii), the following item shall be inserted, namely:-

"(iii) Transfer of Foreign Contribution part of income-tax refund from non-FCRA bank account";

(b) in serial number 4, after clause (iii), the following shall be inserted; namely:-

"(iv) Carry forward of unspent part of allowable administrative expenses in a financial year.

Sl. No.	Particulars	Amount (in Rs.)
A.	Brought forward unspent part of allowable administrative expenses	
B.	Total foreign contribution received during the year	
C.	Allowable administrative expenses of current financial year [20 per cent. of B]	
D.	Total administrative expenses incurred during the current year	
E.	Administrative expenses of current year utilised out of A above.	
F.	Administrative expenses of current year utilised out of C above.	
G.	Unspent part of C above available to be carried forward.	
H.	Out of G above, amount to be carried forward to next financial year.	
I.	Reason for carry forward of unspent part of allowable administrative expenses to next financial year.	

(c) after serial number 8, the following shall be inserted, namely:-

" 9. Details of Chartered Accountant issuing the certificate under sub-rule (5) of rule 17:

(i) name of the Chartered Accountant;
(ii) address;
(iii) Member Registration number;
(iv) e-mail Address;
(v) date of issue of certificate;
(vi) Whether any violation of the Act has been pointed out in certificate, and if so, details thereof ";

(d) under the heading, Certificate to be given by Chartered Accountant, after clause (vii), the following paragraph shall be inserted, namely:-

"I have examined all relevant books and records, including the items mentioned in column 8 of FC-4, and to the best of my knowledge and belief (name of the person/ association)..... has (*strike out whichever of the following is not applicable*)

(i) not violated any provisions of the Foreign Contribution (Regulation) Act, 2010 or rules made thereunder or notifications issued thereunder;

or

(ii) violated the provisions of Foreign Contribution (Regulation) Act, 2010 or rules made thereunder or notifications issued thereunder. The details of the violation(s) are as under:.....".

[For further details please refer the Notification]

NOTIFICATION

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

OUR COMMENTS: The Ministry of Finance, Department of Revenue vide Notification No. 88/2024-Customs (N.T.) dated 31.12.2024 notified that 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/ subheading/tariff item	Description of goods	Tariff value (US $Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	1203
2	1511 90 10	RBD Palm Oil	1205
3	1511 90 90	Others – Palm Oil	1204
4	1511 10 00	Crude Palmolein	1212
5	1511 90 20	RBD Palmolein	1215
6	1511 90 90	Others – Palmolein	1214
7	1507 10 00	Crude Soya bean Oil	1113
8	7404 00 22	Brass Scrap (all grades)	5191

TABLE-2

Sl. No.	Chapter/ heading/ subheading/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	840 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	959 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.	959 per kilogram
4.	71	(i) Gold bars, other than tola bars, bearing manufacturers 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,	840 per 10 grams

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

TABLE-3

Sl. No.	Chapter/ heading/ subheading/tariff item	Description of goods	Tariff value (US $ Per Metric Ton)
(1)	(2)	(3)	(4)
1	080280	Areca nuts	6448 (i.e., no change)"

2. This notification shall come into force with effect from the 01st day of January, 2025.

[For further details please refer the notification]

CIRCULAR

ROLL OUT OF AUTOMATED OUT OF CHARGE FOR AEO T2 AND T3 CLIENTS

OUR COMMENTS: The Ministry of Finance, Department of Revenue, Central Board of Indirect Taxes and Customs vide Circular No. 01/2025-Customs dated 01.01.2025 clarified that Sustained efforts by CBIC in simplifying trade procedures, enhancing transparency, and adopting best practices have enabled it to achieve steady improvements across various trade facilitation indicators. As part of a broader initiative to enhance trade efficiency, improve compliance, and reduce the administrative burden on businesses, CBIC has decided to roll out Automated Out of Charge in case of AEOs T2 and T3 where there is no requirement of CCR verification.

2. In the first phase, the BEs of AEO- T2 & T3 clients, meeting the following criteria will be eligible for Auto-OOC on web-based goods registration:

(a) Not selected for examination or scanning or for any PGA related NoC

(b) Assessment is complete

(c) Authentication of BE by way of OTP is complete for duty deferment

3. The Auto-OOC will be allowed on risk basis for the eligible BEs. However, in case of any intelligence, the option for "HOLD" is provided in Customs Systems to over-ride the Auto-OOC by the concerned officer of customs.

4. The facility to be rolled out from 1st January of 2025 and will be another significant measure for facilitating genuine trade and reduce overall dwell time. A detailed advisory will be issued by DG Systems.

5. This Circular may be given wide publicity by issuing suitable Trade Notice/Public Notice. All Stakeholders under your jurisdiction may be informed suitably of these changes. Any difficulty faced by stakeholders may be brought to notice of the Board.

[For further details please refer the Circular]

DGFT

NOTIFICATION

AMENDMENT IN FOREIGN TRADE POLICY 2023 TO INCLUDE PARA 1.07A AND 1.07B

OUR COMMENTS: The Ministry of Commerce and Industry vide Notification No. 47/2024-25 dated 02.01.2025 notified that In the exercise of powers conferred by Section 5 of the Foreign Trade (Development & Regulation) Act, 1992, as amended from time to time, read with Para 1.02 of the Foreign Trade Policy 2023, the Central Government hereby makes the following amendments by inserting Para 1.07A and Para 1.07B with immediate effect in Chapter 1 of FTP 2023:

2. **1.07A Consultation with Stakeholders**

The Central Government, in the course of formulation of Foreign Trade Policy, as and when it deems reasonable to do so, may seek views, suggestions, comments or feedback from relevant stakeholders, including importers/exporters/industry experts with regard to formulation, incorporation of specific provision(s) or amendments in the Foreign Trade Policy, and to the extent possible, 30 days' time-period may be provided to such relevant stakeholders for submission of their views, suggestions, comments or feedback.

Notwithstanding the above, the Central Government reserves the right to Suo moto formulate, amend or incorporate any specific provisions in the Foreign Trade Policy, without seeking views, suggestions, comments, or feedback from stakeholders.

1.07B Soliciting of views, suggestions, comments or feedback

After receiving the views, suggestions, comments or feedback as provided for in para 1.07A, if such views, suggestions, comments or feedback are not incorporated in the Foreign Trade Policy thereof, the Central Government may to the extent possible and if deems reasonable to do so, provide, to the relevant stakeholders, including importers/ exporters/ industry experts from whom such views, suggestions, comments or feedback were received, the reasons for not considering their views, suggestions, comments, or feedback while formulating, amending or incorporating specific provisions in the Foreign Trade Policy Provided nothing in the above para shall oblige or mandate the Central Government to disclose reasons for not incorporating views, suggestions, comments or feedback, that

i. has the potential to or will adversely affect trade relations with any foreign country;

ii. would adversely affect food, economic or national security of India;

iii. is in conflict with any government policies, strategic programs, international obligations or commitments or long-term plans and would undermine the objectives of such policies or programs; iv. addresses matter unrelated to trade or serve narrow, private or special interests to the detriment of or contrary to the broader public interest, good; or

v. would require the disclosure of confidential or classified information.

Nothing shall confer any legal right whatsoever on any person to seek reasons for his views, comments, opinions or feedback, not being incorporated in the Foreign Trade Policy thereof.

3. This is issued in the public interest.

Effect of this Notification: Para 1.07 of Foreign Trade Policy 2023 is amended by inserting Para 1.07A and Para 1.07B to introduce trade facilitation measures with an option available to the Central Government for consultation with relevant stakeholders such as exporters/importers/industry experts to seek their views, suggestions, comments or feedback and also providing the mechanism on best endeavour basis, to inform reasons for not accepting views, suggestions, comments or feedback concerning the formulation or amendment of the Foreign Trade Policy.

This is issued with the approval of the Minister of Commerce & Industry.

[For further details please refer the Notification]

NOTIFICATION

IMPOSITION OF MINIMUM IMPORT PRICE (MIP) ON IMPORT OF SODA ASH COVERED UNDER CHAPTER 28 OF ITC (HS) 2022, SCHEDULE –I (IMPORT POLICY)

OUR COMMENTS: The Ministry of Commerce and Industry vide Notification No. 46/2024-25 dated 30.12.2024 notified that In exercise of powers conferred by Section 3 read with Section 5 of Foreign Trade (Development & Regulation) Act, 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade Policy (FTP) 2023, as amended from time to time, the Central Government hereby revises the Import Policy and Import Policy Condition of the following ITC(HS) Codes

covered under Chapter 28 of ITC (HS) 2022, Schedule–I (Import Policy), up to 30th June 2025, as under:

ITC(HS) Code	Item Description	Existing Import Policy	Revised Import Policy	Existing Policy Condition	Revised Policy condition
28362010	- Disodium carbonate, dense	Free	Restricted	-	However, import is 'Free' if CIF value is Rs. 20,108 or above per MT
28362020	- Disodium carbonate, light	Free	Restricted	-	However, import is 'Free' if CIF value is Rs. 20,108 or above per MT
28362090	- Other	Free	Restricted	-	However, import is 'Free' if CIF value is Rs. 20,108 or above per MT

2. The existing 'Free' Import Policy, as it stands prior to the issuance of this Notification, shall be in effect starting from 1st July 2025, unless expressly amended by subsequent notification.

Effect of the Notification:

Minimum Import Price (MIP) of Rs. 20,108 per MT is imposed on Disodium Carbonate (Soda Ash) covered under Chapter 28 of ITC (HS) 2022, Schedule–I (Import Policy), up to 30th June 2025.

This is issued with the approval of Minister of Commerce & Industry.

[For further details please refer the Notification]

NOTIFICATION

IMPOSITION OF MINIMUM EXPORT PRICE (MEP) ON EXPORT OF HONEY

OUR COMMENTS: The Ministry of Commerce and Industry vide Notification No. 45/2024-25 dated 30.12.2024 notified that in In exercise of powers conferred by Section 3 read with Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (No. 22 of 1992), read with Para 1.02 and 2.01 of the Foreign Trade Policy, 2023, as amended from time to time, and in amendment of the earlier Notification No. 75/2023 dated 14.03.2024, the Central Government hereby extends the condition of Minimum Export Price of Natural Honey under ITC(HS) code 04090000 of Schedule-II (Export Policy), as under:-

Tariff item HS Code	Item description	Export Policy	Policy condition
0409 00 00	Natural Honey	Free	Subject to a Minimum Export Price (MEP) of US$ 2000 **F.O.B** per Metric Ton (PMT), till **31st December 2025.**

2. **Effect of this Notification:**

Minimum Export Price (MEP) on Natural Honey is extended beyond 31st December, 2024 till 31st December, 2025.

[For further details please refer the Notification]

PUBLIC NOTICE

ENLISTMENT OF PSIAS AND ADDITION OF AREA OF OPERATION OF PSIAS IN TERMS OF PARA 2.52 (C) OF HBP 2023 IN APPENDIX-2G

OUR COMMENTS: The Ministry of Commerce and Industry vide Public Notice no. 36/2024-25 dated 27.12.2024 notified In exercise of powers conferred under the 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 includes the following agencies in Appendix 2G of Appendices and Aayat Niryat Forms of Foreign Trade Policy(FTP), 2023 in terms of Para 2.52 (c) of Handbook of Procedure (HBP), 2023 with immediate effect:-

S. No.	File Number	Name of the PSIA	Head Office	Count of Approv	Area of operation

				ed Survey Meters	
1.	HQRPSIAAPPLY00000001AM25	MATSFAREAST PTE LTD	BLK 262, No. 02-561, Boon Lay Drive Singapore 640262	8	China, Hong Kong, Malaysia, Papua New Guinea, Philippines, Singapore, Thailand, U.A.E.
2.	HQRPSIAAPPLY00000428AM24	Mitra S K Private Limited	5th Floor, 74B, Shrachi Centre Acharya Jagadish Chandra Bose Road, Park Street, Kolkata 700016	1	Brazil
3.	HQRPSIAAPPLY00000410AM24	SILVERDRAGO NRESOURSES SIBGAPORE PTE LTD	21 WOODLANDS PRIMZ BIZHUB, SINGAPORE, 737854	9	Philippines
4.	HQRPSIAAPPLY00000002AM25	Global Quality Technology Group Pty Ltd.	Suite 12/6 The Crescent, kingsgrove NSW 2208 Australia, Sydney, Australia	1	Australia
5.	HQRPSIAAPPLY00000003AM25	HAMILTON STEEL LOGISTICS INC	42 Keefer Ct Unit 2-101, hamilton, CANA DA, L8E4V4	1	Canada
6.	HQRPSIAAPPLY00000392AM24	CAYLEY AEROSPACE INC	18830, 38th Ave W, Lynnwood, Washington, 98037, USA	2	UK, USA
7.	HQRPSIAAPPLY00000406AM24	HUMBER INSPECTION INTERNATIONAL LIMITED	Prince Henry Drive, Queens Road, Immingham, United Kingdom	7	UK
8.	HQRPSIAAPPLY00000006AM25	APGM ENGINEERING SERVICES PRIVATE LIMITED	NEW NO.12, OLD NO.157, ALWAPRET STREET MALWARPET, CHENNAI 600018	1	USA
9.	HQRPSIAAPPLY00000424AM24	Ruswal Global LLC	Prospekt Elizarova 38A, office 325A, St. Petersburg, Russian Federation	1	Russia

2. The following 06 existing Pre-Shipment Inspection Agencies have been allowed to add additional instruments to their existing instruments and accordingly, as per request of PSIA, area of operation added of this Public Notice:

s. No.	Name of PSIA	File No.	Validity of PSIA	Count of Approved Survey Meters	Added Area Of Operation
01.	SOLITARY CONSULTANT PVT.LTD.	HQRPSIAAMEND00000015AM25	11.06.2027	5	Puerto Rico, UK (United Kingdom),

					USA (United States of America)
02.	SVIA CONSULTANT SERVICES LLP	HQRPSIAAMEND 00000029AM25	04 01 2026	1	Singapore
03.	NMCI INSPECTIONS & SURVEY COMPANY PVT. LTD	HQRPSIAAMEND 00000040AM25	11.06.2027	5	Algeria, Canada, French Polynesia, Italy, USA (United States of America)
		HQRPSIAAPPLY 00000045AM25		3	Australia, Ireland, Sri Lanka
04.	NMCI INSPECTIONS AND SURVEY (MTIUS) LTD	HQRPSIAAMEND 00000043AM25	11.06.2027	4	Botswana, Mayotte, Reunion, Vietnam
		HQRPSIAAPPLY 00000046AM25		3	Madagascar, South Africa, UAE (United Arab Emirates)
05.	CERINS Co., Ltd.	HQRPSIAAMEND 00000047AM25	13.02.2026	2	South Korea
06	Marine Inspection and Logistics International Rotterdam	HQRPSIAAMEND 00000028AM25	11.06.2027	3	Netherlands, USA

3. In accordance with the provisions of Para 2.52 (c) of the Handbook of Procedures (HBP), 2023, the agencies listed at Serial Nos. 1 to 9 at Para 1 above are hereby recognized for the issuance of Pre-Shipment Inspection Certificates(PSIC), with effect from the date of publication of this Public Notice.

However, the aforementioned agencies shall ensure the fulfillment of the following conditions, wherever applicable and pending, without fail in next 45 days for suitable enablement against respective application on DGFT Portal for issuance of PSIC:

i. Submission of an updated calibration certificate, valid for a minimum period of six (6) months, pending if any;

ii. Provision of a valid Bank Guarantee;

iii. Submission of additional documents as prescribed by the 26th Meeting of the Inter-Ministerial Committee (IMC) substantiating the credentials; and

iv. Update mapping of equipment vis-a-vis their areas of operation, on the DGFT Portal as notified.

It is further reiterated that all Pre-Shipment Inspection Agencies (PSIAs) are required to maintain their calibration certificates in a valid and updated condition at all times.

The validity of the PSIA approval granted under this Public Notice shall remain in effect for a period of three (3) years, or until such time as may be notified by the Directorate General of Foreign Trade (DGFT), whichever is earlier.

4. In compliance with the directives of the 24th Committee Meeting and subsequent deliberations by the Inter-Ministerial Committee (IMC) for Pre-Shipment Inspection Agencies (PSIAs), all existing and newly added PSIAs have been duly mapped, as per the choice exercised by PSIAs, to their respective areas of operation/countries in relation to their equipment, specifically the hand-held radiation survey meter.

The details of the mapping of equipment vis-a-vis the operational areas of the 15 PSIAs are annexed to this Public Notice.

For all other existing PSIAs, the mapping information, based on the choices exercised by the respective PSIAs, shall be made available on the DGFT portal.

Effects of this public notice: Nine (09) agencies have been designated as Pre-Shipment Inspection Agencies (PSIAs). Additionally, the instruments and areas of operation for six (06) existing PSIAs have been duly notified. The mapping of equipment vis-a-vis the respective areas of operation/countries have been extended to all PSIAs

[For further details please refer the Public Notice]

DGFT

TRADE NOTICE

STANDARD OPERATING PROCEDURE (SOP) FOR EXPORT AUTHORISATIONS FOR RESTRICTED SEEDS AND PLANTING MATERIALS

OUR COMMENTS: The Ministry of Commerce and Industry vide Public Notice no. 26/2024-25 dated 30.12.2024 notified to facilitate trade, reduce turnaround time for obtaining export authorizations, and streamline the process for export of seeds and planting materials categorised as 'Restricted', the following Standard Operating Procedure (SOP) has been formulated. Manufacturers/exporters are required to adhere to the SOP while filing applications with DGFT for Export Authorization:

(A) Export of Seeds (for Sowing Purposes) and Planting Materials

1. **Product Specifications:**

Applicants must submit detailed specifications of the seed/planting material intended for export, along with its source.

2. **Raw Materials:**

Details of raw materials used in the production of the seed must be provided.

3. **Specific Affidavit Requirements:**

An affidavit on stamp paper from the firm confirming that no Indian germplasm has been used in developing the seed. Examples of exportable items include: Onion Seed (HS Code: 12099130), Rice in Husk (Paddy or Rough) of Seed Quality (HS Code 10061010).

A conditional affidavit confirming that the exported material is proprietary and complies with the Biological Diversity Act, 2002.

4. **For Export of Seed Quality:**

An affidavit is required to confirm compliance with conditions outlined in Notification No. 23/2015-2020 dated October 7, 2015. The key conditions are as follows:

a. A license to carry on the business of a dealer in seeds issued under Section 3 of the Seed Control Order (1983) from the State Government.

b. Declaration that the exported seed consignment has been chemically treated and is not fit for human consumption.

c. Export packets must be labelled to indicate that the seeds are treated with chemical insecticides and are not for food or feed purposes.

(B) Export of Seeds (for Non-Sowing Purposes):

For non-sowing purposes (e.g., Rice Paddy or Husk, Non-Basmati Rice under HS Code 10061090), the applicant must submit an affidavit stating:

The exported material is not intended for sowing or planting and is neither breeder seed/ foundation seed nor certified seed.

The material is meant solely for consumption purposes.

This Trade Notice is issued with the approval of the Competent Authority.

[For further details please refer the Trade Notice]

TRADE NOTICE

PROCEDURE FOR FILING APPLICATION FOR OBTAINING IMPORT AUTHORISATION FOR IMPORT OF LOW ASH METALLURGICAL COKE SUBJECT TO COUNTRY-WISE QUANTITATIVE RESTRICTIONS (QR)

OUR COMMENTS: The Ministry of Commerce and Industry vide Public Notice no. 25/2024-25 dated 30.12.2024 notified in reference is invited to DGFT Notification No. 44/2024-25 dated 26.12.2024, whereby import of 'Low Ash Metallurgical Coke having ash content below 18%', as notified under ITC(HS) Codes 27040020, 27040030, 27040040, 27040090, have been placed under Restricted List and permitted subject to Country-wise Quantitative Restrictions (QR), for a period of six months with effect from 01.01.2025 to 30.06.2025.

2. Accordingly, the DGFT invites application seeking import authorization for above "Restricted" item w.e.f. **1st January to 12th January, 2025.**

3. **Application process**

i. File an application for Import Authorization on the DGFT Website (https://dgft.gov.in) by navigating to Services → Import Management System → Imports Authorisation for Restricted Imports (Refer ANF 2M);

ii. Details of imports of the said item during the past three years 2021-22, 2022-23 and 2023-24. Additionally, applicants should attach import data for the said item during current year and source country.

iii. Also attach, details of production capacity of the said item and actual production during 2023-24 and the current year (till 31.12.2024);

iv. Country wise application should be filed, i.e. One application should mention only one supplier country.

v. Quantity applied should be for the entire period of the restriction.

4. **Allocation of Quantities**

i. A Special EFC (Exim Facilitation Committee) will consider application and decide on quantity allocation;

ii. Import of quantities allowed in a quarter shall not exceed the quantities mentioned therein. However, in case of any excess import in the first quarter, the same shall be adjusted in second quarter. Similarly, any unutilized QR for first quarter shall be added in subsequent quarter.

5. **Monitoring of QR**: The DGFT shall review utilization of imports after first quarter (first week of April, 2025) and may revise the allocated quantities based on the actual imports affected. Accordingly, the Authorisation holders shall provide statement of their imports and quantities for surrender, if any, by the end of first Quarter (March, 2025). Such details should be submitted through email at: policy2-dgft@gov.in and sanjay.kt@nic.in

6. In the event of any mis-declaration, the applicant shall be disqualified from consideration for the present import allocation.

7. The DGFT reserves the right to make any changes in the modalities/allocation process at any point of time, as deemed fit.

This issues with the approval of the competent authority

[For further details please refer the Trade Notice]

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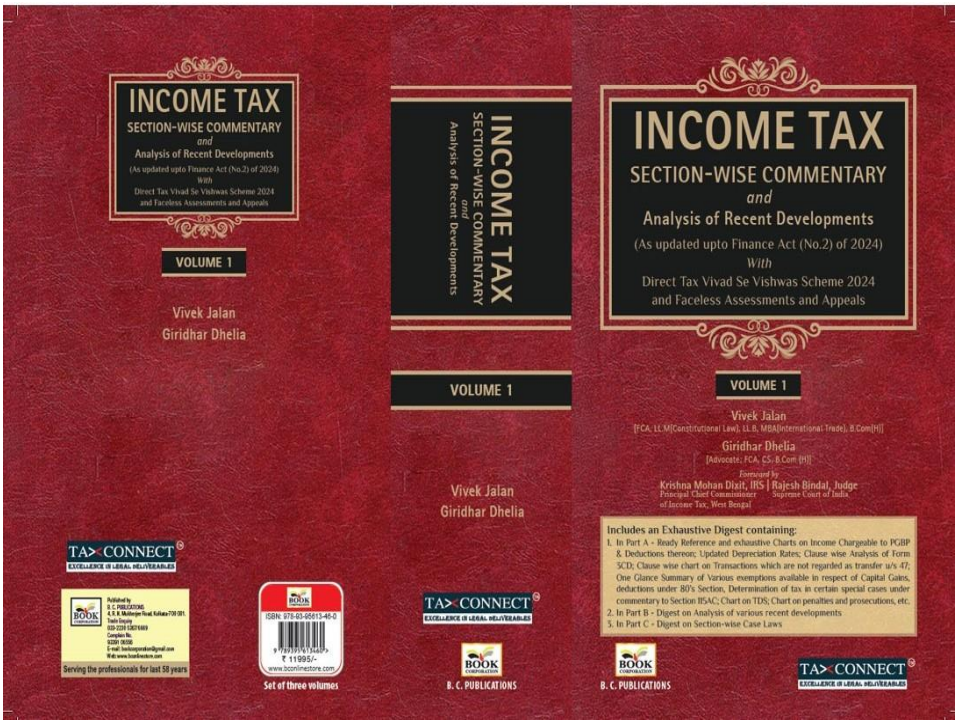

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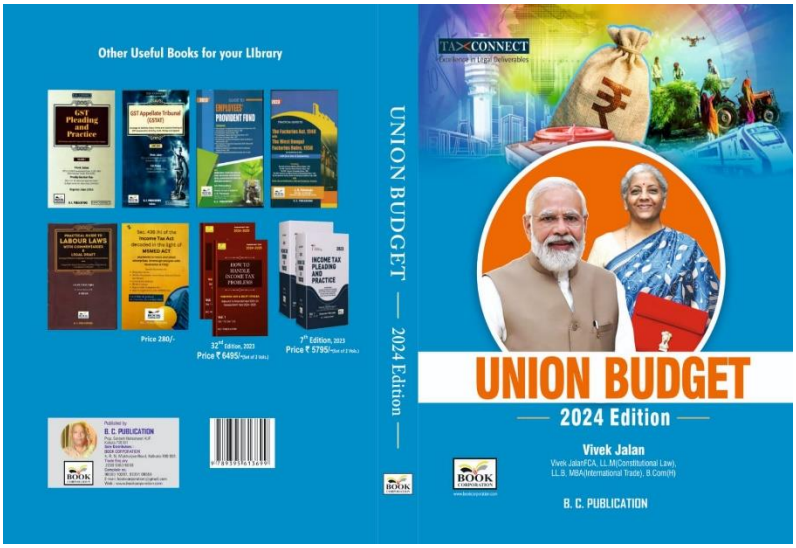

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6. **Notes on Clauses**

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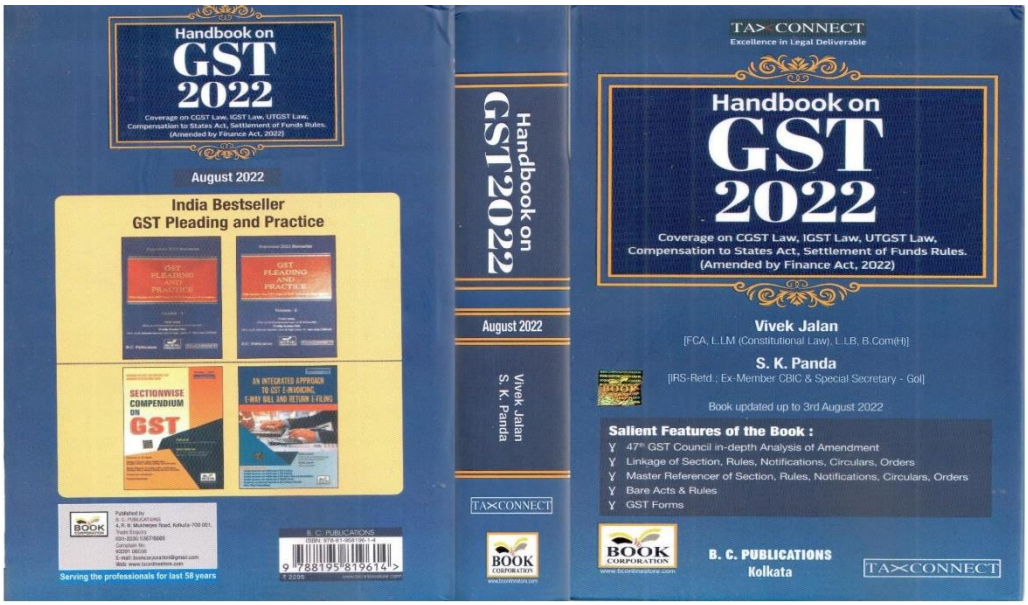

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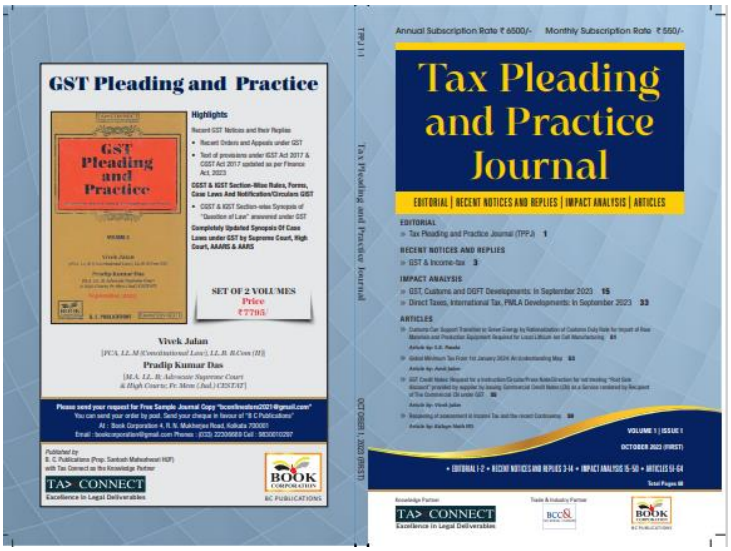

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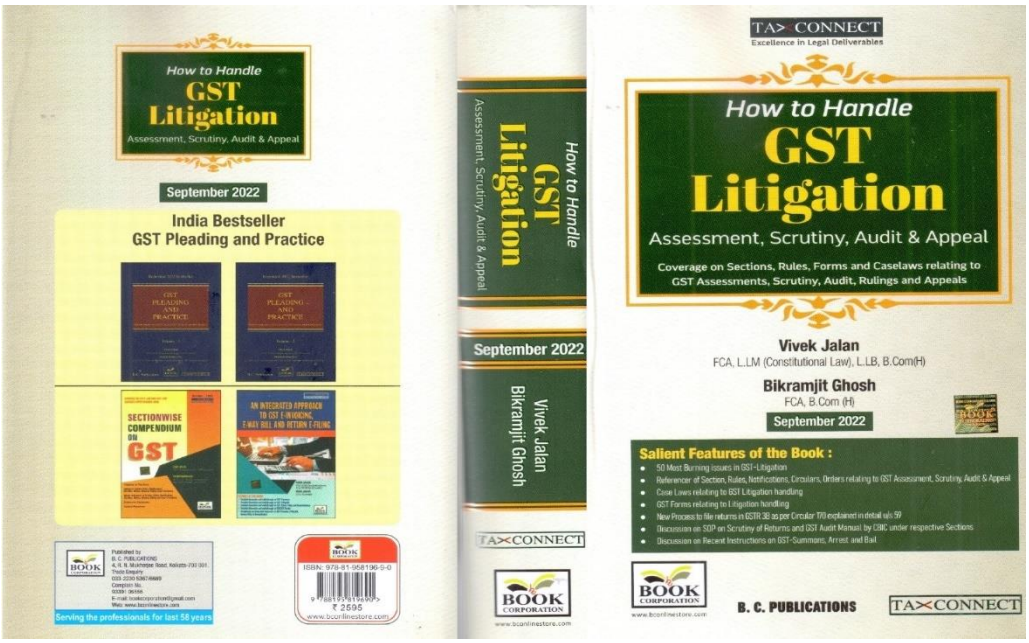

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