



A2Z TAXCORP LLP
Tax and Law Practitioners

Weekly GST Communique

November
2022
Week 4



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Online Recorded GST Course: “Scrutiny Notices, Assessment, Audit, Inspection, Search, Seizure & Arrest under GST” (September, 2022)



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GST

Important Judgments, Rulings of the week



Differential Tax Amount levied post GST regime to be reimbursed to contractors

The Hon'ble Orissa High Court, in the case of *M/s. Bhanjadeo Constructions v. State of Odisha & Others*, [W.P.(C) No.38497 of 2021] granted major relief to contractors by staying the coercive steps against the contractors and ordered the State GST department to abide by its circular, Finance Department vide Office memorandum No. FIN-CTI-TAX-0045-2017/38535/F dated December 10, 2018 to address the problems with works contracts brought on by the change from the Value-Added Tax ("VAT") to the Goods and Services Tax ("GST") tax system.

For complete case summary [Click Here](#)

Writ petition during Notice stage would frustrate tax administration

The Hon'ble Orissa High Court, ("the High Court") in *Sri Muna Pani v. State of Odisha (W.P.(C) No. 20996 of 2022)* held that entertaining Writ Petition at the stage of notice would interrupt adjudication process and frustrate tax administration. Assessee has ample opportunity to agitate issues before assessing officer. Moreover, the Goods and Services Tax ("GST") law provides sufficient safeguards to the assessee in case assessee is not satisfied with adjudication he has opportunity to file an appeal to higher authority under GST law.

For complete case summary [Click Here](#)



Madras HC directs Department to Process ITC Claim Rejected Solely on the Basis of Inadvertent Error

The Hon'ble Madras High Court in the case of *Abi Egg Traders v. Assistant Commissioner, Salem II Division, O/o The Assistant Commissioner of Goods and Services Tax Central Excise [W.P.No.3773 of 2020]* ruled in favor of the assessee by directing the department to process the Input Tax Credit ("ITC") claim that were previously rejected solely on the ground of inadvertent error.

For complete case summary [Click Here](#)

No Power Lies at the Behest of CBEC to Modify the Scope of Exemption Notification issued by the Central Government

The CESTAT, New Delhi Bench, in the case of *M/s Lakshya Education Solutions Pvt. Ltd. v. The Commissioner (Appeals), Customs, Central Excise & Service Tax [SERVICE TAX APPEAL NO. 50233 OF 2016]*, ruled that the Central Board of Excise and Customs ("CBEC") does not have the power to modify the scope of an exemption notification that the Central Government has issued.

For complete case summary [Click Here](#)

Payment of one-time premium was not chargeable to tax under Service Tax under Renting of Immovable property

The CESTAT bench of Ahmedabad ("the Tribunal") in the case of *Gujarat Power Corporation Ltd. v C.C.E. & ST (Service Tax Appeal No. 10193 of 2017) dated November 18, 2022* held that payment of one-time premium under renting of immovable property services is not chargeable to Service Tax.

For complete case summary [Click Here](#)

Input Tax Credit can be Availed on Corporate Social Responsibility Expenses

The Telangana AAR, in lieu of an application filed by *M/s. Bambino Pasta Food Industries Private Limited, [TSAAR Order No.52/2022]* ruled that Corporate Social Responsibility ("CSR") expenditure for business is eligible for Input Tax Credit ("ITC").

For complete ruling summary [Click Here](#)



Medical Insurance premium for employees, pensioners and their family members are taxable under GST

The Telangana State Appellate Authority for Advance Ruling (“TAAAR”) in the case of **M/s. Hyderabad Metropolitan Water Supply and Sewerage Board (Order in Appeal No. AAAR/12/2022)** upheld the ruling passed by the Advance Ruling Authority (“the AAR”) of not providing the benefit of exemption under entry no. 3 of the Notification 12/2017-Central Tax (Rate) dated June 28, 2017 (“**Exemption Notification**”) wherein the payment was made for medical insurance premium for employees, pensioners, and their family members.

For complete case ruling [Click Here](#)



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Important Notifications, Circulars of the week



Govt. to empower the CCI to handle anti-profiteering cases u/s 171(2) of the CGST Act w.e.f. Dec 01, 2022

The CBIC vide **Notification No. 23/2022-Central Tax** and **Notification No. 24/2022- Central Tax** both dated **November 23, 2022** has empowered the Competition Commission of India ("CCI") established under the Competition Act, 2002 as an authority under Section 171(2) of the Central Goods and Services Tax Act, 2017 ("the CGST Act") with effect from December 1, 2022 to examine whether the Input Tax Credit ("ITC") availed by any registered person or the reduction in the tax rate have actually resulted in a commensurate reduction in the price of the goods or services or both supplied by him.

In this regard, some relevant rules (Rules 122,124,125,134,137) to Anti Profiteering have been omitted.

The effective date of notification shall be December 01, 2022.

For complete Notifications [Click Here](#)

GST Department will not appeal the Supreme Court's decision in Mohit Minerals, which quashed the imposition of IGST on ocean freight: CBIC Informs

The CBIC Legal Cell has issued Letter vide **F.No. 275/11/2022-CX.8A dated November 04, 2022** informed that the Board has decided that the GST department will not challenge the Supreme Court decision in Mohit Minerals, in which the Apex Court quashed the imposition of IGST on ocean freight.

Please refer to your letter F. No. V/HLC/MumCen/WICOF/2019 dated September 09, 2022 and subsequent reminders dated September 20, 2022 and October 03, 2022, on the afore-mentioned subject.

In this regard, it is informed that the Board has decided not to file a Review Petition in the subject matter. This is for your information for further action at your end, if any.



For complete Letter [Click Here](#)

CBIC notifies member for the Authority for Advance Ruling in the Union Territory of Chandigarh

The CBIC vide **Notification No 02/2022-Union Territory Tax dated November 25, 2022** notifies the name of **Shri Harsuhinder Pal Singh Brar, Additional Commissioner, Excise and Taxation Department** as the member of the Authority for Advance Ruling in the Union Territory of Chandigarh by amending **Notification No. 14/2018-Union Territory Tax dated October 8, 2018**, by such amendment the Authority for Advance Ruling in Chandigarh now has three members namely:

1. Manjot Kaur, Joint Commissioner, Central Goods and Services Tax Commissionerate, Chandigarh Zone;
2. Rakesh Kumar Popli, Additional Commissioner, Excise and Taxation Department, Union territory of Chandigarh, and
3. Shri Harsuhinder Pal Singh Brar, Additional Commissioner, Excise and Taxation Department, Union Territory of Chandigarh

For complete Notification [Click Here](#)

Kerala GST Dept. issued instructions on the Detention, seizure and release of goods and conveyances U/s 129 of SGST/CGST Act, 2017

The Kerala GST Department has issued instructions vide **Circular No. : 10 /2022 [File No. CT/7372/2022-C9] dated November 10, 2022** regarding the detention, seizure and release of goods and conveyances under section 129 of the State Goods & Services Tax Act, 2017 (“**the SGST Act**”) / the Central Goods & Services Tax Act, 2017 (“**the CGST Act**”), with reference to **Circular No. 41/15/2018-GST dated April 13, 2018** of CBIC and Judgement dated July 20, 2022 WP(C) No. 17454/2022 and 17463/2022.

It has been brought to notice that a person who opts to make payment in terms of Clause (a) of Sub Section (1) of Section 129 of the State Goods & Services Tax Act, 2017 becomes unable to file appeal under Section 107 of the said Act in situations where online statutory orders in Form GST MOV 9 is not issued. The legal aspects as to whether a person who opts to make payment in terms of Clause (a) of Sub-Section (1) of Section 129 of the Central Goods & Services Tax Act, 2017 and State Goods & Services Tax Act, 2017 to get goods/conveyance released is deprived of their right to file an appeal against the proceedings, has been examined in the light of the provisions in the CGST and KSGST Act 2017, Rules, Forms and relevant notifications thereunder.

The notice in Section 129(3) is provided for under FORM GST MOV-07 and the order is given in FORM GST MOV-09. The order in FORM GST MOV-09 raises a demand for penalty, and this demand is reflected as FORM GST DRC-07. The issuance of statutory MOV forms for the detention and release of goods in transit is a fully



online process. During the night hours and in situations owing to technical and connectivity issues, the field formations may issue manual statutory forms and release the goods and vehicles without resorting to any online procedure. In such cases, the officers are not uploading the FORM GST MOV-09 order on the ground that the same is not necessary in cases where tax and penalty are paid in full by the party voluntarily in FORM GST DRC 03. The operation of the online appeal module is linked to the FORM GST MOV-09 order, and taxpayers who are not issued with the FORM GST MOV-09 order cannot file an appeal.

It is found that the proceedings referred to in Sub Section 5 of Section 129 only relate to the proceedings as far as the notice is concerned, and this cannot be interpreted to defeat the right of a party to file an appeal against the action taken by him or proceedings said to be concluded against him. The party may have made the entire payment of tax and penalty, under the exigencies of a particular case. This payment may be one made under protest, under urgent circumstances, and since it is voluntary in nature, that is even before the raising of a demand in FORM GST MOV-09, it can only be paid under FORM GST DRC-03. However, the fact that a party has made a voluntary payment under the peculiar circumstances of a case and sought the release of goods and conveyance, cannot be used against him to prohibit him from filing an appeal against the proceeding as such.

The practical inconvenience, network issues, portal fixations, or software problems are not valid grounds to prevent a party from pursuing their statutory appellate remedies. When Section 107 of the Act confers a right on any party or any person aggrieved by any order or decision under the Act to pursue an appeal, the same cannot be curtailed on grounds of convenience, duplication of demand or portal/software issues.

The option to permit physical filing of appeals in such cases has also been examined. As per Rule 113(1) of the KGST and CGST Rules, 2017 the Appellate Authority shall issue a summary of the order in FORM GST APL-04 indicating the final amount of demand confirmed. As per the Standard Operating Procedure (SOP) for M2 back office module, FORM GST APL-04 can only be issued against an Application Reference Number (ARN) which is generated at the time of electronic filing of an application for appeal in FORM GST APL-01 on the common portal. Hence manual filing of appeals may create practical issues while processing and finalizing the appeal by the appellate authorities.

Under the above circumstances, the following instructions are issued for strict compliance:

1. Issuance of manual forms for detention, seizure and release of goods and conveyances under section 129 of the KSGST and CGST Act of 2017, may be avoided as far as possible.
2. In all cases of detention, seizure, and release of goods and conveyances in transit under Section 129 of the KSGST and CGST Act of 2017, final orders in FORM GST MOV -09 shall invariably be provided online, regardless of whether the party has made a voluntary payment of tax and penalty in FORM GST DRC-03.



3. In all previous instances where no final orders in FORM GST MOV -09 have been provided online and the taxpayer/party intends to file an appeal, FORM GST MOV-09 order shall be electronically issued immediately.
4. The field formations are directed to strictly follow the due procedures prescribed as per Circular No. 41/15/2018-GST dated April 13, 2018 of the CBIC in this regard.

The directions of the Hon'ble High Court of Kerala in WP(C) No. 17454 of 2022 and 17463 of 2022 dated July 20, 2022 are complied herewith.

For complete Circular [Click Here](#)

Kerala GST Dept. issued instructions on mandatory furnishing of correct and proper information of ineligible/blocked ITC and reversal thereof in FORM GSTR-3B

The Kerala GST Department vide **Trade Circular No.1/2022 dated November 21, 2022** has issued instructions on mandatory furnishing of correct and proper information of ineligible / blocked Input Tax Credit (“ITC”) and reversal thereof in return in FORM GSTR-3B, with reference to the *Notification No. 14/2022-Central Tax dated July 05, 2022* of the CBIC, Dept. of Revenue, Ministry of Finance and corresponding notification of the State in *S. R.O No. 871/2022 dated September 13, 2022* of the Taxes (B) Dept., Govt. of Kerala, *Circular No. 170/02/2022 dated July 06, 2022* of the CBIC, Dept. of Revenue, Ministry of Finance and *Trade Circular No. 01/2021 dated January 30, 2021* of the Commissioner of State Tax, Thiruvananthapuram.

The process of filing returns under the GST has been substantially changed over a period of time. One of the significant changes is the method for declaration of input tax credit (ITC) in the return in Form GSTR 3B. After the 43rd GST Council Meeting, the procedure for declaring the input tax credit in the return in Form GSTR 3B has been amended, and the same was notified in the notification referred 1st above. The GST Policy Wing of the Central Board of Indirect Taxes and Customs (CBIC) had already issued a clarification in the matter, vide the circular referred to above.

The input tax credit on the inward taxable supplies of goods or services or both to a registered person is not eligible under certain circumstances provided under Section 17(1), 17(2), 17(4) and 17(5) of the Central GST and Kerala State GST Act, 2017 read with Rules 38, 42 and 43 of the Central GST and Kerala GST Rules, 2017 (refer to the Central GST Act and Kerala State GST Act, 2017 for detailed provisions)

After the recent amendments, **Table 4(A)** of **FORM GSTR 3B** pertaining to the particulars of the input tax credit available get auto populated from the auto drafted input tax credit statement in **FORM GSTR 2B**. The utilization of input tax credit towards output tax dues in **Table 6** of **FORM GSTR 3B** also get auto populated from the available balance in the electronic credit ledger and also from the **Table 4(C)** - “Net ITC available” of the **FORM GSTR 3B** of the respective tax period.



Instances have been noticed where the taxpayers are deducting the amount of ineligible input tax credit directly by editing the total amount of input tax credit auto populated in **Table 4(A)** of **FORM GSTR 3B**. This will result in incorrect settlement of funds to the State. Also, in some cases the taxpayers are not declaring the “ineligible” input tax credits, under **Table 4(B)** of **FORM GSTR 3B** resulting in wrong utilization of ineligible credit. Such taxpayer shall be liable to reverse/pay such input tax credit along with interest @ 18% per annum from the date of utilization till the date of reversal/repayment and shall also be penalized.

Accordingly, in order to ensure uniformity in return filing the Commissioner of State Tax, in exercise of the powers conferred by section 168 of the Kerala State Goods and Services Tax Act, 2017 hereby clarifies the issues detailed hereunder:

The procedure to be followed for furnishing of information regarding input tax credit availed, reversal thereof and ineligible input tax credit in Table 4 of FORM GSTR-3B

Total ITC (**eligible** as well as **ineligible**) of the taxpayer will be auto-populated from statement in **FORM GSTR 2B** in different fields of **Table 4A** of **FORM GSTR 3B** (except for the ineligible input tax credit on account of limitation of time period as specified in section 16 (4) of the CGST and KSGST Act, 2017 or where the recipient of an intra-State supply is located in a different State than that of place of supply).

The taxpayer shall not deduct the amount of ineligible input tax credit directly by editing the total amount of input tax credit auto populated in **Table 4A** of **FORM GSTR 3B**. If the taxpayer has to declare any amount of ineligible input tax credit under any of the provision, they should strictly adhere to the ensuing instructions in this regards.

Out of the amounts available in **Table 4A** of **FORM GSTR 3B**, if the taxpayer have any ineligible input tax credit which is to be reversed on account of **Rule 38** (reversal of credit by a banking company or a financial institution) or **Rule 42** (reversal of credit on inputs and input services if the same is used for non business purpose or used for the outward supply of exempted goods or services) or **Rule 43** (reversal of credit on capital goods if the same is used for non business purpose or used for the outward supply of exempted goods or services) of the CGST and KGST Rules, 2017, as the case may be, the same shall be declared in **Table 4 (B) (1)** of **FORM GSTR 3B**. In addition to that, if the taxpayer has any input tax credit which is blocked as per **Section 17(5)** of the CGST and KSGST Act, 2017 the same shall also be declared in **Table 4 (B) (1)** of **FORM GSTR 3B**.

The taxpayer shall report reversal of ITC which are not permanent in nature and can be reclaimed in future subject to fulfilment of specific conditions, such as on account of **Rule 37** (non-payment of consideration to supplier within 180 days) of CGST and KGST Rules, 2017, **Section 16(2)(b)** (non receipt of goods or services or both in the same tax period in which the invoice has been received) and **Section 16(2)(c)** (non payment of tax by the supplier) of the CGST and KSGST Act, 2017 in **Table 4 (B) (2)** of **FORM GSTR 3B**. Such input tax credit may be reclaimed in the appropriate table in **Table 4 (A)** of **FORM GSTR 3B** on fulfilment of necessary conditions. Further, all such reclaimed input tax credit shall also be shown in **Table 4 (D) (1)** of **FORM GSTR 3B**. **Table 4 (B) (2)** of **FORM GSTR 3B** may also be used by the taxpayer for reversal of any input tax credit



availed in **Table 4(A)** of **FORM GSTR 3B** wrongly in any previous tax periods due to any inadvertent/clerical mistakes.

Accordingly, the "Net ITC Available" in **Table 4 (C)** of **FORM GSTR 3B** will be as per the formula (4A - [4B (1) + 4B (2)]) and the same will be credited to the electronic credit ledger of the taxpayer and also in **Table 6** of **FORM GSTR 3B** to set-off the out put tax dues, if any.

Input tax credit not available, on account of limitation of time period as specified in **Section 16 (4)** of the CGST and KSGST Act, 2017 or where the recipient of an intra-State supply is located in a different State / UT than that of place of supply, may be reported by the taxpayer in **Table 4 D (2)** of **FORM GSTR 3B**. Such details are available in **Table 4** of **FORM GSTR-2B**.

If any taxpayer has availed ineligible or blocked credits and in cases where the time limit prescribed under **Section 39(9)** of the Act for rectification by filing **FORM GSTR 3B** is over, they may reverse such input tax credit on his own ascertainment by filing **FORM GST DRC-03**, electronically on the common portal, in accordance with prevailing Acts and Rules, to avoid further litigations and proceedings such as Show Cause Notices demanding tax, interest, imposition of penalty etc.

The Trade Circular vide reference cited as 3rd above stands amended to the above extent.

All the stakeholders including trade associations/organisations are requested to bring the contents of this circular to the attention of their members in particular and to the trade in general.

For complete Circular [Click Here](#)

Inclusion of GSTN as a Financial Information Provider under Account Aggregator Framework: RBI

The Reserve Bank of India ("RBI") has issued **Notification No. RBI/2022-23/140 dated November 23, 2022** regarding the Inclusion of the Goods and Service Tax Network ("GSTN") as a Financial Information Provider ("FIP") under the Account Aggregator ("AA") Framework.

Please refer to the Master Direction – Non-Banking Financial Company - Account Aggregator (Reserve Bank) Directions, 2016 dated September 02, 2016.

With a view to facilitate cash flow-based lending to MSMEs, it has been decided to include the Goods and Services Tax Network (GSTN) as a Financial Information Provider (FIP) under the Account Aggregator (AA) framework. Department of Revenue shall be the regulator of GSTN for this specific purpose and Goods and Services Tax (GST) Returns, viz. Form GSTR-1 and Form GSTR-3B, shall be the Financial Information.

For complete Notification [Click Here](#)



CBIC amends 5 Customs Notifications w.r.t imports of Flat panels, Display modules, or Control circuits into India from Singapore

The CBIC vide **Notification No. 61/2022-Customs dated November 25, 2022**, amended 5 Customs Notifications related to imports of goods from Singapore, Korea, Philippines, Malaysia, and Japan. Through the amendment, goods namely **Flat Panel, Display Modules without driver or Control Circuit for cellular mobile phones under Chapter, heading, sub heading and tariff 85241100 or 85241200 or 85241900** have been added into the respective notifications. The respective Notifications are as follows:

Notification	Purpose	Relevant Entry by which goods have been inserted
Notification No. 73/2005-Customs, dated July 22, 2005	Provide exemption to specified goods of the origin of Republic of Singapore, when imported into India from Republic of Singapore	Entry No. 134A
Notification No. 151/2009-Customs, dated December 31, 2009	Exempts goods when imported into India from the Republic of Korea, from whole of the duty of customs	Entry No. 68A
Notification No. 46/2011-Customs, dated June 1, 2011	Provide duty concessions to Philippines and other ASEAN countries in view of ASEAN- India FTA (AIFTA).	Entry No. 1382A
Notification No. 53/2011-Customs, dated July 1, 2011	Provides tariff concession to specified goods imported from Malaysia under India-Malaysia CECA.	Entry No. 1423A
Notification No. 69/2011-Customs, dated July 29, 2011	Provide exemption to goods as specified, when imported from Japan, from the duty of customs leviable thereon as is in excess of the amount calculated at the rate specified in the corresponding entry in column (4) of the aforesaid Table is exempted -	Entry 680A



In lieu of said amendment, importers of Flat Panel, Display Modules without drivers, or Control Circuits for cellular mobile phones will now be able to take advantage of the exemptions specified in the respective Notifications.

For complete Notification [Click Here](#)



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DGFT modifies the Textiles Product Group Standard Input Output Norms with immediate effect

The DGFT has issued **Public Notice No. 37/2015-2020 dated November 25, 2022**, which amends the description of the export item and import item of Standard Input Output Norms (“SION”) J-222 in the Textile Product Group with immediate effect.

In exercise of the powers conferred under paragraph 1.03 & 2.04 of the Foreign Trade Policy (FTP), 2015-2020, as amended from time to time the Director General of Foreign Trade hereby notifies amendment in the Standard Input Output Norms (SION) J-222 in Handbook of procedures as under:

Existing SION				Amended SION			
Export Item	Qty.	Import Item	Qty. Allowed	Export Item	Qty.	Import Item	Qty. Allowed
Waist Coat made of Nylon	1 Piece	Nylon Fabric with polyester wadding (quilted)	1.16 Sq. Mtr.	Waist Coat	1 Piece	Relevant Woven Fabric	1.16 sq. Mtr.

Effect of this Public Notice:

The description of the export item and import item of SION J-222 in Textile Product Group stands amended with immediate effect.

For complete Public Notice [Click Here](#)



DGFT notified fixation of new Standard Input Output Norms for the export of wheat flour (Atta)

The DGFT has issued **Public Notice No. 38/2015-2020 dated November 25, 2022**, regarding the fixation of new Standard Input Output Norms (“SION”) at E-136 for export of wheat flour (Atta), deletion of SION E-110, amendment in Appendix 4J and insertion of new para 4.05 (iii) under Handbook of Procedures 2015-20 (“HBP”).

In exercise of the powers conferred under paragraph 1.03 & 2.04 of the Foreign Trade Policy (FTP), 2015-2020, as amended from time to time, and as per provision of paragraph 4.13 of Foreign Trade Policy, the Director General of Foreign Trade hereby makes the following amendments:

The Standard Input Output Norms (SION) E-110 stands deleted.

A new SION in food products category is inserted as under:

SION	Export Item	Quantity	Import Item	Quantity
E-136	Wheat Flour (Atta)	1.00 Kg	Wheat	1.07 Kg

Note: For the purpose of this SION, 'wheat flour (atta)' implies to 'whole wheat flour (atta)' and the same is to be endorsed as technical characteristic while applying for the Advance Authorization.

The Advance Authorization (AA) under this SION is subject to the following conditions:

- i. The Advance Authorization (AA) shall be issued only to flour millers.
- ii. The AA shall be issued with pre-import condition.
- iii. The SION is valid until 'wheat' is prohibited for exports. Thereafter, no further AA will be issued under the SION. AAs already issued will continue to operate in the normal course.
- iv. The Bills of Entry against which wheat has been imported shall be confirmed by Custom Authorities while allowing exports.
- v. Procurement of wheat from Domestic Tariff Area (DTA) is not permissible in any case against the Advance Authorization.

The following amendment is made in Appendix 4J:

Serial No.	Import Item(s)	Export Obligation Period with pre-import condition from the date of clearance of each import consignment by Customs Authority
14.	Wheat	180 days



After sub para 4.05 (ii) a new sub para 4.05 (iii) is introduced as under:

"Wheat Flour (Atta)" is permitted to be exported under the Advance Authorization Scheme, subject to pre-import condition of wheat under the notified SION only. No domestic/ indigenous sourcing of wheat is permitted and the invalidation letter/ARO facility is not available. Third party exports are also not allowed in this case. Import and Export would be permitted only through EDI enabled ports. The Export Obligation period (EOP) of Advance Authorization for wheat shall be 180 days from the date of clearance of each import consignment and no extension in EOP shall be allowed. Such import shall be subject to actual user condition and no transfer of imported wheat for any purpose, including job work, shall be permitted. In case of non-fulfilment of EO/ non-achievement of stipulated value addition, a penalty equal to five times of the CIF value of the imported material, corresponding to the shortfall in EO, shall be imposed in addition to the payment of applicable duty and interest. Provisions of Paragraph 4.49 of Handbook of Procedures shall not be applicable in this case.

Effect of this Public Notice:

The SION-E-110 stands deleted. The export of wheat flour (atta) is allowed under Advance Authorization Scheme. Accordingly, a new SION has been notified and import of 'Wheat' is placed under Appendix 4J with pre-import condition. Domestic procurement is not allowed in case of such Advance Authorization.

For complete Public Notice [Click Here](#)

DGFT: Relaxation for submission of hard copies of applications under the 'Transport and Marketing Assistance for Specified Agriculture Products Scheme

The DGFT has issued **Trade Notice No. 21/2022-23 dated November 25, 2022** regarding the one-time relaxation for submission of hard copy of applications for claiming assistance under the erstwhile 'Transport and Marketing Assistance ("TMA") for Specified Agriculture Products' Scheme (foreclosed by Department of Commerce w.e.f. March 31, 2021).

TMA Scheme for Specified Agricultural Products which was notified by the Department of Commerce for exports made w.e.f. March 01, 2019 has been foreclosed w.e.f. **March 31, 2021**.

As per the sub-para (c) of para 7(A).01 of Handbook of Procedures for the said Scheme notified vide Public Notice No. 82/2015-2020 dated March 29, 2019, it was prescribed that for claiming benefits under TMA, the applicant shall submit the application online on DGFT's website and would file manually a physical pdf copy of the print out of ANF 7(A)A along with prescribed documents with RA concerned within 30 days.

DGFT has received several representations stating that many applicants could not submit physical copy of application within the stipulated time to the designated RAs due to various reasons including the Covid-19



pandemic. Accordingly, their applications for claiming TMA have been rejected by the RAs due to non-submission of physical copy of prescribed documents.

The issue has been examined. Keeping in view the fact that cases for relaxation are being received by the Policy Relaxation Committee, it has been decided to allow all those applicants who have submitted online application(s) for exports made upto **March 31, 2021** to submit physical copies alongwith prescribed documents with designated RAs by December 31, 2022.

The concerned RA shall examine the applications which are complete in all respects in accordance with the prescribed policy/procedure and dispose of the same within a further period of 30 days from the date of submission of the physical copy.

For complete Public Notice [Click Here](#)



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Important Press Releases of the week



Removal of export duties on steel and stainless steel will strengthen that sector of the economy: Jyotiraditya Scindia

Union Minister of Steel and Civil Aviation Shri Jyotiraditya Scindia stated that the removal of export duties on steel and stainless steel by the government will herald a new era for the nation's steel sector, and allow it to firmly establish its position in the global market.

The Government had withdrawn the export duty on iron ores lumps & fines below 58% Fe content, iron ore pellets and the specified steel products including pig iron last Saturday. The import duty concessions on Anthracite / PCI coal, coking coal, coke & semi coke and ferronickel were also withdrawn. Delivering the keynote address at the third conclave of the Indian Steel Association (ISA) today, Shri Scindia said that the steel sector will not only restore its international footprint but will also reach newer heights in a relatively short period of time in the domestic market.

Shri Scindia stated that the Prime Minister has put forth the mandate to enhance capital infrastructure by nearly Rs 17 lakh crore per year, thus increasing demand for steel by close to double digits (approx 10% per year). Further, he said that the steel sector has not just emerged from a difficult time during the peak of COVID-19, but has also emerged stronger, more resilient, global, focused, and committed. Our sector has witnessed a huge transformation during the past eight years, and has emerged globally from being a 4th largest producer to the 2nd largest producer and the 2nd largest consumer of steel.

He added that this transformational growth path was envisioned by Prime Minister Shri Narendra Modi in the form of an *Atma Nirbhar Bharat* by *Shatabdi Kal* in 2047. This mission of achieving self-reliance would involve boosting infrastructure and manufacturing, of which steel is a crucial foundational part. To that end, he also emphasised on establishing a "Made in India" steel brand.



The policy of using domestic steel has saved Rs. 22,400 crores on steel imports, according to the minister. He urged the industry to adopt a circular economy approach which would involve a gradual movement towards steel production from scrap. Further to increase domestic production, Shri Scindia said that the PLI Scheme (Productivity Linked Incentive) for speciality steel has received 79 applications from 35 companies, resulting in an investment of close to Rs 46,020 crore and increase in capacity of almost 26 million tons, and employment generation potential of nearly 70,000 people. This PLI scheme will provide new impetus to domestic steel demand in the coming months, he said.

The President of ISA, Shri Dilip Ommen; Chairman of SAIL, Smt. Soma Mondal; Managing Director of Tata Steel, Shri T. V. Narendran and other stakeholders of the Indian steel industry expressed their views in the inaugural session of the conclave. They all welcomed the government's decision to remove export duties on steel and stainless steel and described it as a booster for the Indian steel sector. ISA Steel Awards were presented on the occasion to different members of the steel fraternity including Mr. Jatinder Mehra, Vice President - Metals & Mining, who was awarded the Lifetime Achievement Award for his exemplary work and contribution to the sector. A knowledge paper on 'Pathways to Low Carbon Emission Steel' was also released in the opening session of the conclave.

For complete Press Release [Click Here](#)

Centre releases Rs. 17,000 crore of GST compensation to States/UTs

The Central Government released an amount of Rs. 17,000 crore to States/UTs on November 24, 2022 towards the balance GST compensation for the period April to June, 2022 (State-wise details as per Table below). The total amount of compensation released to the States/UTs so far, including the aforesaid amount, during the year 2022-23 is Rs.1,15,662 crore.

This is despite the fact that total Cess collection till October, 2022 is only Rs.72,147 crore and the balance of Rs. 43,515 crore is being released by the Centre from its own resources. With this release, the Centre has released, in advance, the entire amount of Cess estimated to be collected this year till March-end available for payment of compensation to States. This decision was taken to assist the States in managing their resources and ensuring that their programmes especially the expenditure on capital is carried out successfully during the financial year.

Even in May this year, the Central Government had released Rs. 86,912 crore as provisional GST compensation to States for the period Feb-May'2022 despite the fact that there was only about Rs. 25,000 crore in the GST Compensation Fund, by making arrangement of funds of around Rs. 62,000 crore from its own resources.

For complete Press Release [Click Here](#)



Important Updates of the week



48th GST Council Meeting will be held on December 17, 2022

A recent tweet by the GST Council, Official Twitter Handle stated that **the 48th Meeting of the GST Council will be held on December 17, 2022 via Video Conference.**

To know more [Click Here](#)

Now GST payments can be made through 21 banks; GSTN added newly City Union Bank

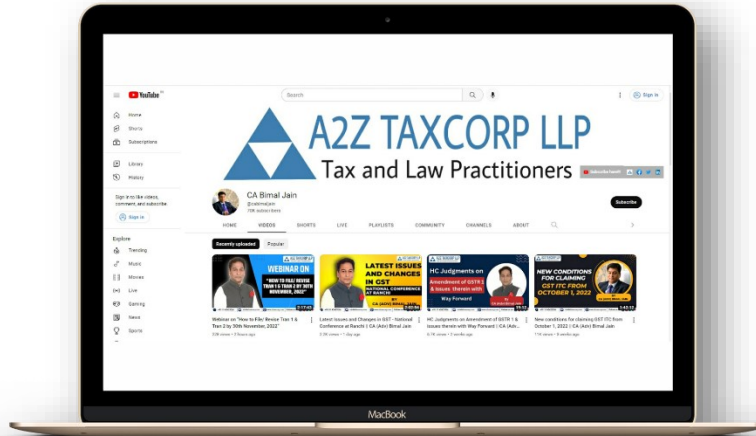
The Goods and Services Tax Network ("GSTN") has added a new City Union Bank, bringing the total number of banks accepting GST payments to 21.

Here is the list of all the Banks:

Axis Bank	Federal Bank	Karur Vysya Bank
Bank of Baroda	HDFC Bank	Kotak Mahindra Bank Limited
Bank of India	ICICI Bank Limited	Punjab and Sind Bank
Bank of Maharashtra	IDBI Bank	Punjab National Bank
Canara Bank	Indian Bank	State Bank of India
Central Bank of India	Indian Overseas Bank	UCO Bank
City Union Bank	Jammu and Kashmir Bank Limited	Union Bank of India

To know more [Click Here](#)

Videos of the Week



Latest Issues and Changes in GST - National Conference at Ranchi || CA (Adv) Bimal Jain

You can access the complete video on “Latest Issues and Changes in GST - National Conference at Ranchi || CA (Adv) Bimal Jain” at following link: <https://youtu.be/-LiRDmfVOel>

Webinar on “How to File/ Revise Tran 1 & Tran 2 by 30th November, 2022”

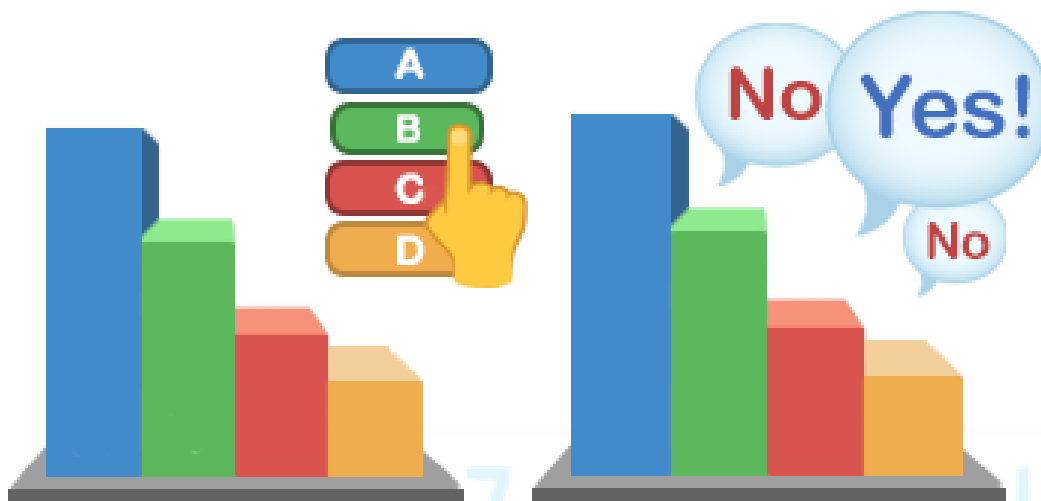
You can access the complete video on “Webinar on “How to File/ Revise Tran 1 & Tran 2 by 30th November, 2022”” at following link: <https://youtu.be/FDskhZcCtX4>

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GST Poll

GST Poll of the week



Q 1. Whether the statement against assessee can be used without giving them opportunity of cross-examination...??

Option A – Yes **11.5%**

Option B – No **88.5%**

Ans. No, any statement can't be used against assessee without giving an opportunity of cross-examination as it tantamount violation of principle of natural justice.

To know more [Click Here](#)

Q 2. Whether filing of GSTR 9 (Annual Return) is Exempted or Optional for Registered Person having Aggregate Turnover of Rs. 2 Crore in FY 2021-22...??

Option A – Exempted

Option B – Optional

Ans. Filing of GSTR 9 for registered person whose aggregate turnover in the financial year 2021-22 is upto Rs. 2 Crore is EXEMPTED vide Notification No. NOTIFICATION NO. 10/2022–Central Tax, dated. 5th July, 2022.

To know more [Click Here](#)



News Flash



<p>Pre-Budget meet: Infrastructure sector demands rationalisation of GST, easier bank credit, hike in public expenditure</p> <p>For complete news Click Here</p>	<p>GST on works under government schemes like Swachh Bharat Mission: Here's what West Bengal AAR ruled</p> <p>For complete news Click Here</p>
<p>Decriminalise GST law, slash personal income tax rates in Budget: CII to govt</p> <p>For complete news Click Here</p>	<p>Govt may remove penal offences covered under IPC from GST law</p> <p>For complete news Click Here</p>
<p>GoM: Online gaming likely to attract 28% GST on full value</p> <p>For complete news Click Here</p>	<p>Telcos want ₹32k cr input tax credit back</p> <p>For complete news Click Here</p>
<p>Tax Collection To Exceed Budget Estimate By Nearly ₹ 4 Lakh Crore: Revenue Secretary</p> <p>For complete news Click Here</p>	<p>With things in a flux, time not right for GST rate rationalisation: Tarun Bajaj</p> <p>For complete news Click Here</p>



<p>GoM on GST levy on casinos, online gaming to submit report next week</p> <p>For complete news Click Here</p>	<p>States ask Centre to curb its cess habit at pre-budget meeting</p> <p>For complete news Click Here</p>
<p>Withdrawal of export duty on iron ore: Industrialists fear rise in cost</p> <p>For complete news Click Here</p>	<p>Small and marginal oil & gas cos want windfall tax exemption on annual oil production share</p> <p>For complete news Click Here</p>
<p>Revenue Department in favor of further simplifying capital gains tax provisions: According to sources</p> <p>For complete news Click Here</p>	<p>Steel exports not eligible for duty refunds: Ministry of finance</p> <p>For complete news Click Here</p>
<p>Rationalisation in long-term capital gains tax structure on the anvil</p> <p>For complete news Click Here</p>	<p>Exporters demand fiscal incentives, credit at affordable rates in Budget 2023-24</p> <p>For complete news Click Here</p>
<p>India to grow at moderately brisk rate in coming years: Finance Ministry</p> <p>For complete news Click Here</p>	<p>Don't expect tax sops in next budget</p> <p>For complete news Click Here</p>
<p>Citing EWS criteria, petitioner seeks tax exemption for persons earning below Rs 8 lakh</p> <p>For complete news Click Here</p>	<p>Several FPIs, AIFs get tax notice for errors in returns</p> <p>For complete news Click Here</p>



Abbreviations		
1.	GST	Goods and Services Tax
2.	CGST	Central Goods and Services Tax
3.	IGST	Integrated Goods and Services Tax
4.	CGST Act	Central Goods and Services Tax Act, 2017
5.	CGST Rules	Central Goods and Services Tax Rules, 2017
6.	IGST Act	Integrated Goods and Services Tax Act, 2017
7.	IGST Rules	Integrated Goods and Services Tax Rules, 2017
8.	ITC	Input Tax Credit
9.	RCM	Reverse Charge Mechanism
10.	Customs Act	Customs Act, 1956
11.	IT Act	Income Tax Act, 1961
12.	IT Rules	Income Tax Rules, 1962
13.	CBIC	Central Board of Indirect Taxes
14.	CBDT	Central Board of Direct Taxes



Thank You

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About us:

A2Z Taxcorp LLP is a boutique Indirect Tax firm having its offices at New Delhi and Guwahati specializing in GST, Central Excise, Custom, Service Tax, VAT, DGFT, Foreign Trade Policy, SEZ, EOU, Export – Import Laws, Free Trade Policy, etc. It is a professionally managed firm having a team of experienced and distinguished Chartered Accountants, Company Secretary, Lawyers, Corporate Financial Advisors and Tax consultants to provide various services like litigation and representation, transaction advisory, diagnostic reviews/ health checks, audit defense & protection, retainership & compliance, configuration of tax efficient business model etc. Its clientele consists mainly of Foreign MNC, large/mid-sized Indian companies which includes exporters, FMCG, consumer durables, automobiles, aerated beverages, ceramic tiles, real-estate, hospitality, etc.

Thanks & Best Regards,

Bimal Jain

FCA, FCS, LLB, B. Com (Hons)

[Author of a book on Goods and Services Tax, titled, “GST Law and Commentary \(with Analyses and Procedures\)”](#)

[\[7th Edition\]](#)

Email: bimaljain@a2ztaxcorp.com

Connect With Us:



Our Address:

A2Z TAXCORP LLP

Tax and Law Practitioners

Flat No. 34B,

Ground Floor, Pocket – 1,

Mayur Vihar Phase-1

Delhi – 110091 (India)

Tel: +91 11 42427056

Web: www.a2ztaxcorp.com

2C, 2nd Floor, City Trade Centre,

A.T. Road, Guwahati - 781001

Email: info@a2ztaxcorp.com

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