



A nation, which is divided politically, socially and in every other aspects has been united economically by the GST, which is the single greatest achievement of GST. Co-operative federalism at its best. But it seems this unique fete is slowly withering away. It is understood that the Maharashtra Government has issued a circular, wherein it is stated that the circulars issued by CBIC would not be automatically applicable in the State, but would require a specific ratification from the State Government.

The decision of the GST Council, not to levy GST on license fees paid to Govt. for manufacture of alcoholic liquor has been put into effect by Notification 25/2019 C.T. Dt. 30.09.2019 by laying down that such grant of liquor licenses is neither supply of goods nor supply of services, leaving the question open as to whether the same is applicable from 01.07.2017. The Jharkhand Government has issued a similar notification, specifically saying that it is effective only from 01.10.2019.

Is the honeymoon between the Union and the States is on the wane?

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GST CASE LAWS

1 AAGMAN SERVICES PVT.LTD 2021-TIOL-5 SC

TRAN 1 - Credit reflected in wrong table and HC orders correction. Dept. SLP dismissed by SC.

2 M/S METROLITE ROOFING PVT LTD – 2020 (12) TMI 1044-KERALA HIGH COURT

Record of personal hearing should be prepared and a copy should be given to the appellant. This is the requirement of principles of natural justice.

3 PROEX FASHION PVT LTD 2021-TIOL-90-HC DEL

Attachment of Bank Account under Section 83 is to be done strictly in accordance with law.

4 RAJIV SINGH & ASSOCIATES – 2021-TIOL-105-HC-GUJ

Chartered Accountant seeks extension of time for filing GSTR 9 / 9 C. HC rejects saying “No case worth the name is made out”.

5 SHIROKI TECHNICO INDIA PVT. LTD 2021-TIOL-11-AAR

"Seat Adjuster" is not "part" of seat, but only "accessory" of seat.



Since it is just an accessory,
I said no to it.





GST CASE LAWS

6 STERLING BIOTECH LTD 2021-TIOL-24-AAR-GUJ

Bulk drugs are not entitled for concessional rate of GST.

7 GUJARAT INDUSTRIAL SECURITY FORCE SOCIETY 2021-TIOL-02-AAR-GUJ

GST is payable on the gross amount including the salaries and wages and not only on the Service Charges.

8 SKG J NMG ASSOCIATES 2021-TIOL-16-AAR-GST -GUJ

Work done for RITES Ltd - Not proved that it pertains to railways. Not entitled for 12 % rate.



Perform your own last rites.

9 SPARSH OHC MANPOWER SERVICE 2021-TIOL-25-AAR

Supply of Doctors, nurses, etc. to companies for healthcare of their employees is not health service entitled for exemption.



Change thy name.

10 TEA POST PVT LTD 2021-TIOL-17 AAR - GUJ

Transfer of one branch is not transfer of part of business as going concern and hence liable to GST .





NOTIFICATIONS & CIRCULARS

CENTRAL TAX NOTIFICATIONS - 01.01.2021 to 15.01.2021

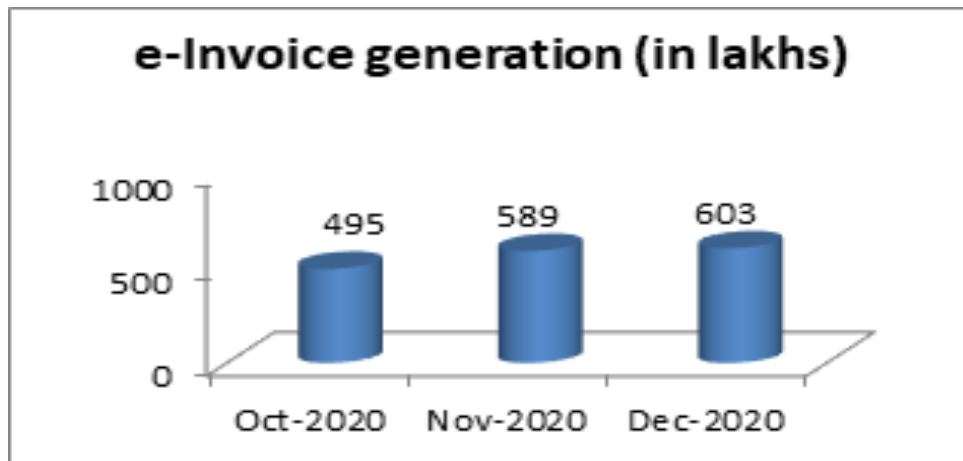
NO	DATE	GIST
01	01.01.2021	Seeks to make a consequential amendment to CGST Rules, 2017.
02	12.01.2021	Minor changes in the jurisdiction of Commissioner (Appeals).





REVENUE AND STATISTICS

- GST e-invoice system completed journey of 3 months; Enabled more than 37000 tax payers to generate more than 1680 Lakh Invoice Reference Numbers (IRNs).



- Central Excise collections shore up Govt revenues. Driven up by petrol and diesel sales, mop-up went up by 47% during April-November.

BusinessLine

e-Paper

Central Excise boost (in ₹ cr)

	2020-21		2019-20	
	Monthly	Year to date	Monthly	Year to date
April	80	80	-114	-114
May	10,876	10,956	17,447	17,333
June	24,391	35,347	19,618	36,951
July	32,548	67,895	17,893	54,844
August	32,503	1,00,398	21,188	76,032
September	28,355	1,28,753	19,898	95,930
October	31,886	1,60,639	18,021	1,13,951
November	35,703	1,96,342	18,948	1,32,899

Source: CGA

LINK: <https://www.thehindubusinessline.com/economy/petrol-diesel-fuel-central-excise-collections/article33544565.ece>





REVENUE AND STATISTICS

GST System Statistics

As on 10th January, 2021



1.25 Cr.

Registered Tax Payer



59.24 Cr.

Total Return Filed



162 Cr.

E-way Bill



1109 Cr.

Total Invoice Upload



29.61 Lakh Cr.

Payment Through the Portal
(Excluding IGST on Imports)



16.96 Cr.

Total No. of Payment
Transactions



23.86 Lakh

Highest Returns Transactions
in a day

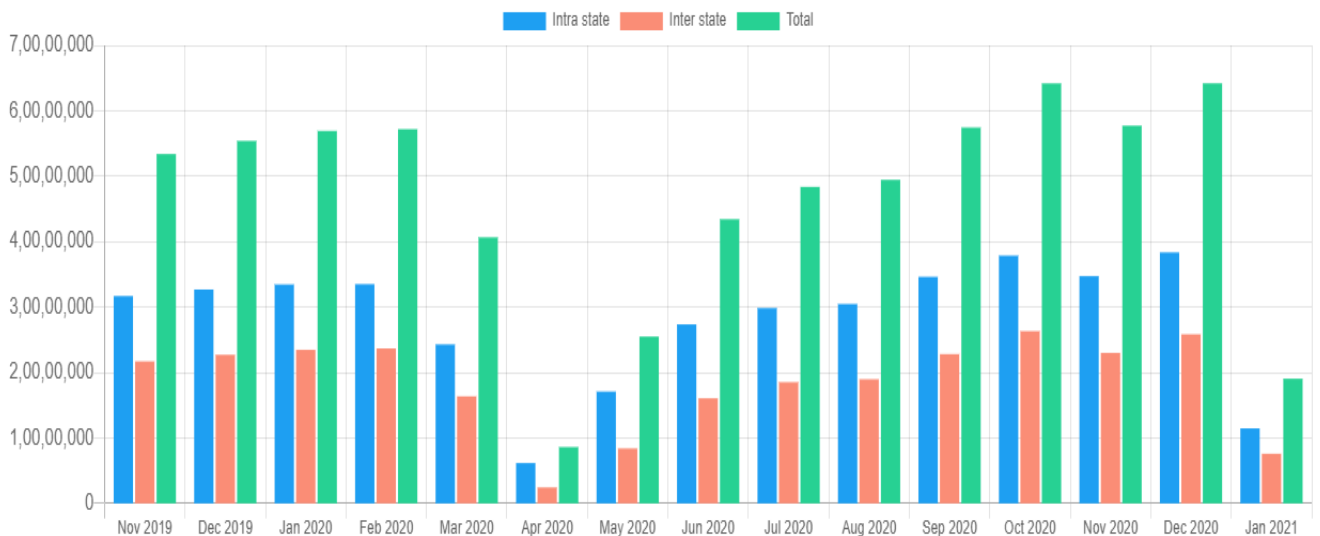


9.55 Lakh

Highest Payment Transactions
in a day

E-Way Bill Statistics

As on 10th January, 2021





GSTN Portal Updates

- **Invoice Furnishing Facility (IFF) for Taxpayers under QRMP Scheme**

For User manual

Link: <https://tutorial.gst.gov.in/userguide/returns/index.htm#t=Manual IFF.htm>

For FAQ

Link: <https://tutorial.gst.gov.in/userguide/returns/index.htm#t=FAQs IFF.htm>

- **Aadhaar Authentication / e-KYC for Existing Taxpayers on GST Portal**

Functionality for Aadhar Authentication and e-KYC where Aadhar is not available, has been deployed on GST Common Portal w.e.f. 6th January, 2021, for existing taxpayers.

For User manual

Link: <https://tutorial.gst.gov.in/userguide/registration/index.htm#t=manual aadhaar.htm>

For FAQ

Link: <https://tutorial.gst.gov.in/userguide/registration/index.htm#t=FAQs aadhaar.htm>

- **Advisory on auto-population of e-invoice details into GSTR-1**

Link: <https://tutorial.gst.gov.in/downloads/news/e-invoice advisory gstr-1 dashboard.pdf>



- Maharashtra defies Centre on GST; CBIC circulars not automatically applicable in state

LINK:<https://www.businesstoday.in/current/economy-politics/maharashtra-defies-centre-on-gst-cbic-circulars-not-automatically-applicable-in-state/story/427812.html>

- CBDT rejects all representations for extension of due dates.

LINK:<https://taxguru.in/income-tax/cbdt-rejects-income-tax-due-date-extension-representations.html>

- CBIC bars officers from attending non-govt webinars, conferences unless permitted by the revenue secretary.

LINK:<https://economictimes.indiatimes.com/news/economy/policy/cbic-bars-officers-from-attending-non-govt-webinars-conferences/articleshow/80257633.cms>



- The Customs Authority for Advance Rulings has started functioning at Delhi & Mumbai from 4/1/2021.

LINK:https://twitter.com/cbic_india/status/1346435630947975168



CUSTOMS

CASE LAWS

1 M/S. RATNAGIRI IMPEX PVT. LTD 2021 (1) TMI 102 - KARNATAKA HIGH COURT

The conjoint reading of the entry 252A in the Notification 21/2002 Cus dated 01.03.2002 as well as the Circular issued by the Ministry of Finance and the decision of the Supreme Court in Dalmia Dadri Cement Ltd., it is evident that the expression 'for use' means intended for use.

2 MR RAJESH KUMAR ISHWAR PARIKH 2021-VIL-02-CESTAT-AHM-CU

Foreign currencies were taken by Appellants for business purpose without obtaining RBI permission but not with any malafide intention of exporting currency. Absolute confiscation set aside and ordered for release on payment of fine.

3 M/S GLOBAL EXIM 2021 (1) TMI 118 - CESTAT MUMBAI

The Hon'ble Supreme Court in the matter of Commissioner of Customs Versus M/S. Atul Automations PVT. LTD., and Parag Domestic Appliances [2019 (1) TMI 1324 - SUPREME COURT] has specifically laid down that there exist a fundamental distinction between what is prohibited and what is restricted. In the present case also the absence of BIS certificate can't make the skimmed milk powder as prohibited goods and since the goods in question are not prohibited, its complete confiscation is not warranted.





IMPORTANT CUSTOMS NOTIFICATIONS & CIRCULARS

CUSTOMS NOTIFICATION – NON-TARIFF 01.01.2021 to 15.01.2021

NO	DATE	GIST
01/2021	04.01.2021	New Customs Authority for Advance Rulings Regulations, 2021 notified and Customs (Advance Rulings) Rules 2002 rescinded.
02/2021		

DGFT NOTIFICATION- 01.01.2021 to 15.01.2021

NO	DATE	GIST
54/2015-2020	01.01.2021	The import of odoriferous preparations such as room fresheners/car fresheners that do not operate by burning, under HS Code 33074900 is "free".
55/2015-2020	07.01.2021	Some items classified under Chapter 41 and 43 of ITC (HS), 2017, Schedule - I (Import Policy) is amended from "prohibited" to "free", but subject to Wild Life Protection Act, CITES and compliance with health protocol and sanitary conditions prescribed by Department of Animal Husbandry.

ANTI DUMPING NOTIFICATION – 01.01.2021 to 15.01.2021

NO	DATE	GIST
01/2021	06.01.2021	Levy of Anti-Dumping duty on Melamine originating in or exported from China PR, extended up to 28th Feb, 2021.





CENTRAL EXCISE AND SERVICE TAX CASE LAWS

1 SRI SAI ELECTRICALS 2021 (1) TMI 308 – MADRAS HC

Mismatch of ITC availed and reversal of ITC under TN VAT Act. When discrepancy is noted while comparing the return with that of the figures available with the Department in their web portal, there should be an exercise carried out by the department within its level before calling upon the dealer to show cause.

2 SPM TEXTILES PVT LTD 2021 (1) TMI 250 – MADRAS HC

The stand of the Assessing Authorities that the benefit of the decision in M/s Ramco Cements Ltd for issuance of C Form for purchase of Diesel can be extended only to those dealers who are party to the decision is unacceptable as its an decision in rem, applicable to all dealers who seek benefit thereunder.

3 CONCRETE PRODUCTS AND CONSTRUCTION COMPANY 2021-TIOL-24-CESTAT HYD

Concrete Sleepers manufactured and sold to Railways. Railways reimbursed cost of transportation of inputs, as per agreement, which was also added for valuation purposes for payment of Excise duty. As full cost of transportation of inputs was not reimbursed, the department wanted to add that also in value. Even when no one appeared for the assessee, the Tribunal renders justice by holding that duty cannot be levied beyond transaction value.





CASE LAWS

1 SAI BALAJI SPONGE IRON INDIA PVT. LTD. 2021 (1) TMI 67 - ANDHRA PRADESH HIGH COURT

A liberal interpretation has to be given to the SVLDRS, 2019. The stance of the respondents that on a technicality of payment under a separate head, the compensation payable by the insurance company would not be adjusted against the dues under the scheme, is not in accordance with the purpose and intent of the scheme.

2 K N RAI VS UOI 2021-TIOL-66-HC-MUM

Petitioner admitted tax liability in the Statement given before 30.06.2019. SVLDRS declaration cannot be rejected, as quantification by assessee is also permitted.

3 PIERIAN SERVICES PVT LTD 2021-TIOL-53-HC-KARNATAKA

SVLDRS is a tax relief scheme granting substantial rights. Declaration cannot be rejected on technical grounds.

4 LANDMARK ASSOCIATES 2021-TIOL-93-HC-MUMBAI

SVLDRS - interpretation of "quantified on or before 30.06.19"



A scheme to end litigations generating more litigations!





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