



Once again, the GST revenue for the month of July has breached the mark of Rs. 1 lakh crore and touched Rs.1.16 crores, which is surely a sign of rebound of economic activity, after a lull in June.

The amendments in CGST Act with regard to filing of annual returns have been notified to take effect from 01.08.2021 along with consequential amendments in the CGST Rules. As a result,

- GSTR 9C for the year 2020-21 onwards would not require certification by CAs, but self certified.
- Taxpayers having aggregate turnover upto Rs.5 Crore are exempted from filing GSTR 9 C.
- Taxpayers having aggregate turnover upto Rs.2 Crore are exempted from filing GSTR 9.

Table Of Content	
1	GST Case Laws
2	Notifications & Circulars
3	GSTN Portal Updates
4	News
5	Customs
6	The Legacy





GST CASE LAWS

1 NAGRI EYE RESEARCH FOUNDATION 2021-TIOL-1532-HC-AHM-GST

Medical store run by a charitable institution would require GST registration regardless of whether profit is made or not.

2 UOI & ORS Vs. MERCHEM INDIA PVT LTD 2021-TIOL-1534-HC-KERALA-GST

HC (Division bench) dismisses the departmental writ appeal against Single Judges order directing GST IT Redressal Committee to consider the respondent's request for transition of unavailed ITC.

3 R J TRADING COMPANY 2021-TIOL-1552-HC-DEL-GST

Power to search and seizure granted on officers is an intrusive power, which has to be exercised with utmost care and caution. "Reason to believe" is the pre requirement to order any search or seizure.

4 AJANTA INDUSTRIES 2021-TIOL-1548-HC-DEL-GST

Persons seeking to invoke the extraordinary Writ Jurisdiction of High Court must come with clean hands.



5 SHREE MAHESH OIL PRODUCTS 2021-TIOL-1524-HC-RAJ-GST

No GST payable on ocean freight in CIF imports.





GST CASE LAWS

6 ASSOCIATE DECOR LTD 2021-VIL-535-KAR

The GST returns filed within the time limit granted by the court would be construed as returns filed within the statutory time limit specified for deemed withdrawal of best judgement assessment.

7 INTERGLOBE AVIATION LTD 2021-TIOL-1589-HC-DEL-GST

Benefit of exemption from payment of IGST has already been allowed by CESTAT. Revenue has no reason to deny the benefit for subsequent imports, which is nothing but a harassment.



8 CHEP INDIA PRIVATE LIMITED 2021-VIL-269-AAR

Leasing of assets between different registrations of same entity liable to GST. As recipient unit is entitled for full ITC, the value declared in invoice would be relevant for payment of GST

9 JEEVAKA INDUSTRIES PRIVATE LIMITED 2021-VIL-268-AAR

Unburnt or half-burnt coal known as "Cinder Half Burnt Coal" and dust produced during the manufacturing of Sponge Iron falls under Tariff item 2619 0090 and attracts 18% GST .

10 BG SHIRKE CONSTRUCTIONS TECHNOLOGY PVT LTD 2021-TIOL-161-AAR-GST

Concessional rate of GST @12% applicable on constructing residential colony for use by AAI staff/employees.





GST CASE LAWS

11 SENIOR GENERAL MANAGER ORDNANCE FACTORY 2021- TIOL-170-AAR-GST

Unit of Ordnance Factory Board under Defence Ministry is exempted from preparation and generation of e-way bills. No GST on transport of 'military or defence equipments' through a GTA.

12 ARCO ELECTRO TECHNOLOGIES PVT LTD 2021- TIOL-169-AAR-GST

Brush Holder Assembly and parts, Lead Wires for locomotives and Insulating Rods Locomotives are classifiable under Heading 86.07 when manufactured as per the specification and drawings of Indian Railways.

Where is
your E-way
Bill





NOTIFICATIONS & CIRCULARS

NOTIFICATIONS - 16.07.2021 to 31.07.2021

NO	DATE	GIST
29/2021-Central Tax	30.07.2021	Seeks to notify section 110 and 111 of the Finance Act, 2021 w.e.f. 01.08.2021. Amendments relating to doing away with CA certified GSTR 9 C.
30/2021-Central Tax	30.07.2021	Seeks to amend Rule 80 of the CGST Rules, 2017 with regard to GSTR 9 and 9C. Also provides for exemption from filing self certified GSTR-9C to taxpayers having aggregate turnover upto Rs. 5 crores.
31/2021-Central Tax	30.07.2021	Seeks to exempt taxpayers having aggregate turnover upto Rs. 2 Crores from the requirement of furnishing annual return GSTR 9 for FY 2020-21.

CIRCULAR - 16.07.2021 to 31.07.2021

NO	DATE	GIST
157/13 /2021-GST	20.07.2021	Clarification regarding extension of limitation under GST law in terms of Hon'ble Supreme Court's Order dated 27.04.2021





GSTN Portal Updates

- **Negative Liability issue in GSTR-4**

If table 6 of GSTR-4 has not been filled due to oversight, a ticket may be raised to nullify the amount available in negative liability statement. If there is no liability to be paid during the year, the liability paid through Form GST CMP-08 shall move to negative liability statement and the same excess amount can be utilised to pay the liability of future tax periods.

LINK: <https://www.gst.gov.in/newsandupdates/read/491>

- New functionality on Annual Aggregate Turnover (AATO) deployed on GST Portal for taxpayers.

LINK: <https://www.gst.gov.in/newsandupdates/read/492>

- Functionality to check and update bank account details.

LINK: <https://www.gst.gov.in/newsandupdates/read/493>



- ₹ 75,000 crore released to States and UTs as GST Compensation shortfall in back-to-back loan facility.

LINK: <https://pib.gov.in/PressReleasePage.aspx?PRID=1735935>

- Government tenders to attract GST, deemed a service.

LINK: <https://economictimes.indiatimes.com/news/economy/policy/govt-tenders-to-attract-gst-deemed-a-service/articleshow/84485949.cms>

- PIL in Apex Court seeks setting up of GST tribunal to cut backlog of cases.

LINK: <https://www.financialexpress.com/economy/pil-seeks-setting-up-of-gst-tribunal-to-cut-backlog-of-cases/2295879/>

- Revenue dept agrees to correct duty inversion in textiles, but GST Council defers matter

LINK: <https://www.thehindubusinessline.com/economy/policy/revenue-dept-agrees-to-correct-duty-inversion-in-textiles-but-gst-council-defers-matter/article35608324.ecet>

- GST rate structure rationalisation on govt's agenda, definitely going to happen: Chief Economic Advisor Subramanian.

LINK: <https://economictimes.indiatimes.com/news/economy/policy/gst-rate-structure-rationalisation-on-govts-agenda-definitely-going-to-happen-cea-subramanian/articleshow/84856432.cms>



- **GST evasion by winning bidders: Rly purchases since July '17 face enquiry**

LINK:https://www.business-standard.com/article/indian-railways/gst-evasion-by-winning-bidders-rly-purchases-since-july-17-face-enquiry-121041900026_1.html

- **Court sets aside bail order, says GST case has larger ramifications**

LINK:http://gstcouncil.gov.in/sites/default/files/gst-articles/20-07-2021_GST-case.pdf

BusinessLine

Customs brokers: CBIC abolishes renewals of licences/registrations

OUR BUREAU

New Delhi, July 25

The Central Board of Indirect Taxes and Customs (CBIC) has abolished the requirement of periodic renewals of licence/registration issued to Customs Brokers and Authorised Carriers.

This would greatly help reduce the compliance burden cast on the trade, which had to otherwise make application and submit numerous documents to renew their licences/registrations, an official release said.

Lifetime validity

The net effect of the amendments carried out to the Customs Brokers Licensing Regulations, 2018 and Sea Cargo Manifest and Transshipment Regulations, 2018, is that the existing licences/registration

would have a lifetime validity, the release added. Another change that has been introduced is to allow a licensee/registration holder to voluntarily come forward to surrender his/her licence/registration if s/he wishes. Also, a provision has been made to invalidate licences/registrations that are inactive for more than a year.

These steps would prevent misuse of dormant licences/registrations by an unscrupulous person who misdeclares import or export or wrongly obtains export refunds/incentives and when caught, puts the burden on the original licence/registration holder.

"At the same time, the interest of the genuine trade is

safeguarded by empowering the Commissioners of Customs to revalidate the licence/registration in case the inactivity is for genuine reasons," the release added.

The life-long validity of licences/registrations is expected to provide a major relief to the trade by reducing their compliance burden and promoting the 'ease of doing business' in India. Removing the requirement of seeking periodic renewals also reduces the interface between the Customs and the trade, which is a deliverable of the CBIC's 'Contactless Customs' initiative, a critical component of its flagship Turant Customs programme, the release added.



- **CA, CS coaching institutes not eligible for GST exemption**
LINK:http://gstcouncil.gov.in/sites/default/files/gst-articles/21-07-2021_GST-exemption.pdf
- **PEs, VCs mull recast to get around GST on carry fee**
LINK:http://gstcouncil.gov.in/sites/default/files/gst-articles/22-07-2021_GST-on-Carry-Fee.pdf
- **Most GST proceedings to follow own timeline**
LINK:http://gstcouncil.gov.in/sites/default/files/gst-articles/22-07-2021_GST-proceedings.pdf
- **Destruction of goods warrants reversal of ITC**
LINK:http://gstcouncil.gov.in/sites/default/files/gst-articles/27-07-2021_reversal-of-ITC.pdf



CUSTOMS

CASE LAWS

1 CMR CHIHO INDUSTRIES INDIA PVT LTD 2021 (5) TMI 327 - GUJARAT HIGH COURT

The Order of Detention and Seizure by the DRI is invalid in terms of section 110 of the Customs Act and quashed.

2 SATTVA CFS AND LOGISTICS PVT LTD 2021-TIOL-412-CESTAT-MAD

SCN's issued by DRI is invalid in terms of Apex Court decision in M/s. Canon India Pvt Ltd., and accordingly, the impugned order is set aside.





IMPORTANT CUSTOMS NOTIFICATIONS & CIRCULARS

CUSTOMS NOTIFICATION – TARIFF 16.07.2021 to 31.07.2021

NO	DATE	GIST
36/2021	19.07.2021	Re-import of goods exported for repairs to attract IGST and Comp Cess under Notification No. 45/2017 Cus
37/2021	19.07.2021	Re-import of goods exported for repairs to attract IGST and Comp Cess under Notification No. 46/2017 Cus
38/2021	26.07.2021	Lentils (Masur) falling under HS 0713 40 00 to attract Nil BCD and 10% Agriculture Infrastructure Development Cess.

CUSTOMS NOTIFICATION – NON TARIFF 16.07.2021 to 31.07.2021

NO	DATE	GIST
61/2021	23.07.2021	Sea Cargo Manifest and Transhipment (Fifth Amendment) Regulations 2021 notified relating to life time validity of registrations granted.
62/2021	23.07.2021	Customs Brokers Licensing (Amendment) Regulations, 2021 notified relating to life time validity of licenses issued.





IMPORTANT CUSTOMS NOTIFICATIONS & CIRCULARS

CIRCULAR - 16.07.2021 to 31.07.2021

NO	DATE	GIST
15/2021	15.7.2021	Implementation of RMS for processing of Duty Drawback shipping bills
16/2021	19.7.2021	Clarification regarding applicability of IGST on repair cost, insurance and freight, on goods re-imported after being exported for repairs, on the recommendations of the GST Council made in its 43rd meeting.
17/2021	23.7.2021	Clarification on lifetime validity of licenses under CBLR and Registrations under SCMTR.
18/2021	31.7.2021	In order to reduce the compliance burden and the difficulties faced by the AEO – T1 entities in seeking renewal, Board has granted the facility of continuous AEO certification/auto renewal for AEO-T1 entities is being made available subject to submission of annual declaration and review thereof.





IMPORTANT CUSTOMS NOTIFICATIONS & CIRCULARS

ANTI DUMPING DUTY NOTIFICATION - 16.07.2021 to 31.07.2021

NO	DATE	GIST
41/2021	31.07.2021	Amends notification No. 23/2016-Customs (ADD) dated 06.06.2016 to extend the levy of Anti-Dumping duty on Polytetrafluoroethylene originating in or exported from Russia, up to 30th November, 2021.

DGFT PUBLIC NOTICE - 16.07.2021 to 31.07.2021

NO	DATE	GIST
15/2015-20	20.7.2021	Import of scrap permitted through Kamarajar Port
16/2015-20	22.7.2021	Validity of Advance authorisation issued on or after 15.8.2020 extendable by one revalidation of 12 months period from the date of expiry
18/2015-20	27.7.2021	Export of goods falling under 30036000 and 30046000 entitled for 3% MEIS benefit for the period Jan 2017 to Dec 2020.





IMPORTANT CUSTOMS NOTIFICATIONS & CIRCULARS

DGFT TRADE NOTICE - 01.07.2021 to 15.07.2021

NO	DATE	GIST
10/2021-2022	19.07.2021	Due date for filing Mandatory electronic application for Non-Preferential Certificates of Origin is extended till 1 st October, 2021.
11/2021-2022	28.07.2021	Introduces Online module for filing of electronic, paperless applications for Export Authorizations for SCOMET Items with effect from 05.08.2021.
12/2021-2022	28.07.2021	Introduces Online Deemed Exports Module as a part of IT Revamp for receiving applications under the Chapter 5 of FTP Act, 2015 – 2020.





CENTRAL EXCISE AND SERVICE TAX CASE LAWS

1. T.M. HOTELS PVT LTD 2021 (7) TMI 862 - MADRAS HIGH COURT

The petitioner was under the impression that the legal counsel, in favour whom vakkalatnama was given, would have received the notice and attend the PH. However PH notice was not sent to the legal counsel and therefore, the legal counsel could not attend the PH and the impugned order was passed without providing PH. Hence, the impugned order is quashed and the matter is remanded to the respondent for fresh consideration.

2. DHARAMSHIL AGENCIES 2021 (7) TMI 1064 - GUJARAT HIGH COURT

Pre-show-cause notice consultation was delivered to the petitioner at 13.55 hours, calling upon them to remain present before the respondent at 16.00 hours. Petitioner requested for reasonable time for the effective consultation. Without considering the said request, the respondent issued the show-cause notice on the same day. Therefore, the notice is set aside on the ground that the petitioners were not granted adequate opportunity for the consultation prior to the issuance of the said notice.



Court believes that such “consultations” will bring down litigation!





CENTRAL EXCISE AND SERVICE TAX CASE LAWS

KANAGADHARA FLAT PROMOTERS 2021 (7) TMI 1055 - MADRAS HIGH COURT

Recovery of arrears of sales tax after a lapse of 14 long years, from bonafide purchasers cannot sustain.

G.E.GOVINDARAJ 2021 (7) TMI 1206 - MADRAS HIGH COURT

Madras High Court wields its stick on Commercial Tax Department for lethargy in recovery of arrears of demands.

MAINI PRECISION PRODUCTS LTD. 2021 (7) TMI 457 - CESTAT BANGALORE

Failure to comply with the provisions of ISD is only an procedural irregularity and it has been consistently held by various Courts that substantive right cannot be denied merely on procedural irregularity. Hence, the impugned order is not sustainable.

PEPSICO INDIA HOLDINGS (PVT.) LTD. 2021 (7) TMI 1094 - CESTAT HYDERABAD

Services used in setting up the factory is not manufacture in itself, it is an activity directly in relation to manufacture. Without setting up the factory, there cannot be any manufacture. Hence, they are unambiguously covered as 'input services' under Rule 2 (I) (ii) of the CENVAT Credit Rules, 2004. The mere fact that it is again not mentioned in the inclusive part of the definition post 01.04.2011 makes no difference.

GLOSSY COLOUR & PAINTS 2021 (7) TMI 814 - CESTAT NEW DELHI

In case of refund of pre-deposit, interest has to be paid at 12 % p.a from the date of deposit till the date of grant of refund.





CENTRAL EXCISE AND SERVICE TAX CASE LAWS

MUKESH KUMAR JAISWAL
2021 (7) TMI 1026 - CESTAT
NEW DELHI

Issue of "Consignment Note" is essential to consider the transporter as a Goods Transport Agency. Consignment Note is a Negotiable instrument and the transporter is bound to deliver the goods upon the Consignment note being presented.

PETRO CARBON & CHEMICALS
PRIVATE LIMITED 2021 (7) TMI
635 - CESTAT KOLKATA

Service Tax paid under reverse charge, though the same is not payable and the same is availed as cenvat credit. Credit cannot be denied.





CONTACT



#18, Rams Flats, Ashoka Avenue
Directors Colony , Kodambakkam
Chennai - 600024.



044-24811147



mail@swamyassociates.com

OTHER LOCATIONS

- Coimbatore
- Bengaluru
- Hyderabad
- New Delhi
- Pune

