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Case laws

Top picks



1. The action of blocking of the Input Tax Credit (ITC) without intimating the reasons for such action is illegal and not sustainable in law and is in violation of the principles of natural justice- KINARAM VINTRADE PRIVATE LIMITED-2022 (7) TMI 227 - CALCUTTA HIGH COURT.

2. Summary of Show Cause Notice in Form DRC-01 is not a substitute of show cause notice under Section 74(1) and in the absence of the same, the order under Section 74 (9) amounts to violation of principles of natural justice- JUHI INDUSTRIES PVT LTD -2022-TIOL-958 – HC-JHARKHAND



Customs



Supreme Court dismisses the appeal filed by the revenue on classification of dried pomegranate seeds imported and holds that the said goods are classifiable under the tariff Item 1209 99 90 and not under the Item 0813 40 90. Further, it is also observed that in the case of classification of goods, the burden is on the Revenue to adduce proper evidence to show that the goods are classifiable under a different heading than that claimed by the importer. – **COMMISSIONER OF CUSTOMS AND CENTRAL EXCISE AMRITSAR (PUNJAB) VS M/S D L STEELS ETC**
2022-TIOL-51-SC-CUS

Notifications

Circulars

Sl.No	Notification No	Date	Gist of changes
1	09/2022-CT	05-07-2022	<p>Section 110 (c) of Finance Act, 2022 came into force on 05.07.2022. Cash balance available in electronic cash ledger can be transferred from one registered unit to another unit under the same PAN.</p> <p>Section 111 of Finance Act, 2022 came into force on 05.07.2022. Section 50(3) of the CGST Act amended retrospectively, with effect from 01.07.2017 to provide for levy of interest on ITC wrongly availed and utilized.</p>



Notifications

Circulars

Sl.No	Notification No	Date	Gist of changes
2	10/2022-CT	05-07-2022	Exemption from filing annual return for a registered persons whose annual turnover is below 2 crores for the year 2021 - 2022.
3	11/2022-CT	05-07-2022	Extension of time for filing of quarterly Return by Composition tax payers for QE 30.06.2022 upto 31.07.2022.
4	12/2022-CT	05-07-2022	Waiver of late fee for composition tax payer for delay in filing Annual Return for 2021-22 during the period from 01.05.2022 to 28.07.2022.



Notifications

Circulars

Sl.No	Notification No	Date	Gist of changes
5	13/2022-CT	05-07-2022	<p>A. Extends the time limit for issuance of adjudication order under Section 73, for recovery of tax or ITC wrongly availed, for the financial year 2017-18, up to the 30th day of September, 2023.</p> <p>B. Excludes the period from 01.03.2020 to 28.02.2022 for computation of time limit under Section 73 for passing order in cases of recovery of erroneous refund.</p> <p>C. Excludes the period from 01.03.2020 to 28.02.2022 for computation of time limit for filing a refund application under Section 54/ Section 55.</p>



Notifications

Circulars

Sl.No	Notification No	Date	Gist of changes (Changes in CGST Rule 2017)
6	14/2022-CT	05.07.2022	<p>Rule 21A: Registration suspended under Rule 21A and not cancelled by the proper officer. Such suspension shall be deemed to be revoked if the taxpayer furnishes the pending returns.</p> <p>Rule 43: Duty Credit Scrips shall not be considered as exempt supply for the purpose of calculation of reversal of ITC under Rule 42 and 43.</p>



Notifications

Circulars

Sl.No	Notification No	Date	Gist of changes (Changes in CGST Rule 2017)
6	14/2022-CT	05.07.2022	<p>Rule 46: Exemption from e invoice - Declaration on invoices in cases where the aggregate turnover of a tax payer exceeds limit as specified under Rule 48(4).</p>
			<p>Rule 86: Procedure prescribed for Re-credit of amount in electronic credit ledger.</p>
			<p>Rule 87: Procedure for Transfer of cash balance from electronic cash ledger to the distinct person.</p>



Notifications

Circulars

Sl.No	Notification No	Date	Gist of changes (Changes in CGST Rule 2017)
6	14/2022-CT	05.07.2022	<p>Rule 88B: Manner of calculation of interest under Section 50 for delayed payment of GST.</p> <p>Rule 96: Procedure for IGST Refund for export of goods in cases of any mismatch between the shipping bills and outward supply statement under GSTR1.</p>
7	15/2022-CT	13.07.2022	Threshold exemption extended to bricks irrespective of fly ash content.
8	16/2022-CT	13.07.2022	All bricks irrespective of the fly ash content excluded from Composition scheme.



Notifications

Circulars

Sl.No	Notification No	Date	Gist of changes (Changes in CGST Rule 2017)
9	03/2022-CT(R)	13.07.2022	Tax rates for the supply of services under CGST Act amended.
10	04/2022-CT(R)	13.07.2022	Exemption on Supply of services under CGST Act amended.
11	05/2022-CT(R)	13.07.2022	Specified services on which tax is payable under RCM under CGST Act amended.



Notifications

Circulars

Sl.No	Notification No	Date	Gist of changes (Changes in CGST Rule 2017)
12	06/2022-CT(R)	13.07.2022	Tax rates for the supply of goods under CGST Act amended.
13	07/2022-CT(R)	13.07.2022	Exemption for Supply of goods under CGST Act amended.
14	08/2022-CT(R)	13.07.2022	Amendment to the tax rates for the supply of goods to Petroleum Exploration operations.



Notifications

Circulars

Sl.No	Notification No	Date	Gist of changes (Changes in CGST Rule 2017)
15	09/2022-CT(R)	13.07.2022	List of goods excluded for refund on account of Inverted duty structure.
16	10/2022-CT(R)	13.07.2022	Fly ash bricks attracts concessional rate irrespective of fly ash content.
17	11/2022-CT(R)	13.07.2022	Concessional rate for supplies made to scientific and technical research institution withdrawn.



Notifications

Circulars

Sl.no	Circular No	Date	Description
1	170/06/2022-GST	06.07.2022	Clarification regarding the changes made in GSTR-3B Return.
2	171/06/2022- GST	06.07.2022	Clarification on various issues relating to applicability of demand and penalty provisions in respect of transactions involving fake invoices.
3	172/06/2022-GST	06.07.2022	<p>Clarification on various issue pertaining to GST:</p> <p>A. Refund of GST on supplies made for deemed exports.</p> <p>B. ITC can be taken in respect of blocked credit under Section 17(5)(b) if the services are mandated by any law.</p>



Notifications

Circulars

Sl.no	Circular No	Date	Description
3	172/06/2022-GST	06.07.2022	<p>C. No levy of GST on perquisites provided by the employer to its employees as per the contractual agreement.</p> <p>D. The electronic credit ledger can be used for making payment of output tax only. It cannot be used for making payment of any interest, penalty, fees or any other amount.</p>



Notifications

Circulars

Sl.no	Circular No	Date	Description
4	173/06/2022-GST	06.07.2022	Clarification on Refund of accumulated ITC on account of Inverted Duty structure.
5	174/06/2022-GST	06.07.2022	Prescribing manner of re-credit in electronic credit ledger in cases of rejections of refund.
6	175/06/2022-GST	06.07.2022	Manner of filing refund of unutilized ITC for export of electricity.
7	176/06/2022-GST	06.07.2022	Withdrawal of Circular No. 106/25/2019-GST dated 29.06.2019 relating to Refund of taxes to foreign tourist.





cookies

CBIC to come out with SOP for serving summons and notices.

E Invoice mandate to be extended to small tax payers in a phased manner- Limit to be reduced to Rs. 10 Cr. soon.

GST Council has set up a six-member [group of ministers](#) (GoM) to recommend necessary amendments required in the [GST](#) laws and other legal changes for setting up the [GST](#) Appellate Tribunal (GSTAT).

TAX

cookies

In a welcome move RBI has enabled international trade settlements between India and other countries in INR, with immediate effect.

RS says that more services will be removed from exemption list as government's next agenda is pruning of exemptions.

The Government, on July 1, levied a windfall tax on profits of oil and gas companies.

Before parting...

-Jk

Last week I happened to visit a SEZ to represent a client. Once, it was the most happening SEZ with its real estate space, selling at a super-premium. But today, it was looking so lifeless and otiose. It was such a horrible sight to see the cobwebs and spiderwebs hanging like chandeliers from the high-ceiling dome of the main building. When I went around the SEZ, I saw many defunct units and buildings shut with rusted shutters due to prolonged inoccupancy.

SEZ Act was introduced with much of hype and fanfare and it was a comprehensive and independent legislation and enjoyed supremacy over many of its cousins. The initial patronage was also so overwhelming that, along with many, I also truly believed that this new-age law is going to be the messiah, which would put India immortally in the global foreign trade map.

Everything seemed to be great at the surface but many of us failed to see the cancer which had been growing beneath. Today, the yesteryear celebrity is at the final stage facing its funeral, whereby the once – celebrated SEZ Act is going to be extinct and replaced with DESH (Development of Enterprise and Service Hubs) by this September.

It is estimated that there are currently more than 100 million sq. feet of built – up spaces which are lying un-used, worth more than ₹30,000 crore, in the 250-plus SEZs. The Government is seriously considering the options to de-notify them and planning to put them into better use !!!

When I thought of the possible options to use such humongous real estate space, as the Cinema halls are killed by OTT and the shopping malls are killed by online shopping, the other options could be Kalyana Mandapams or remand centres for GST arrests....

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