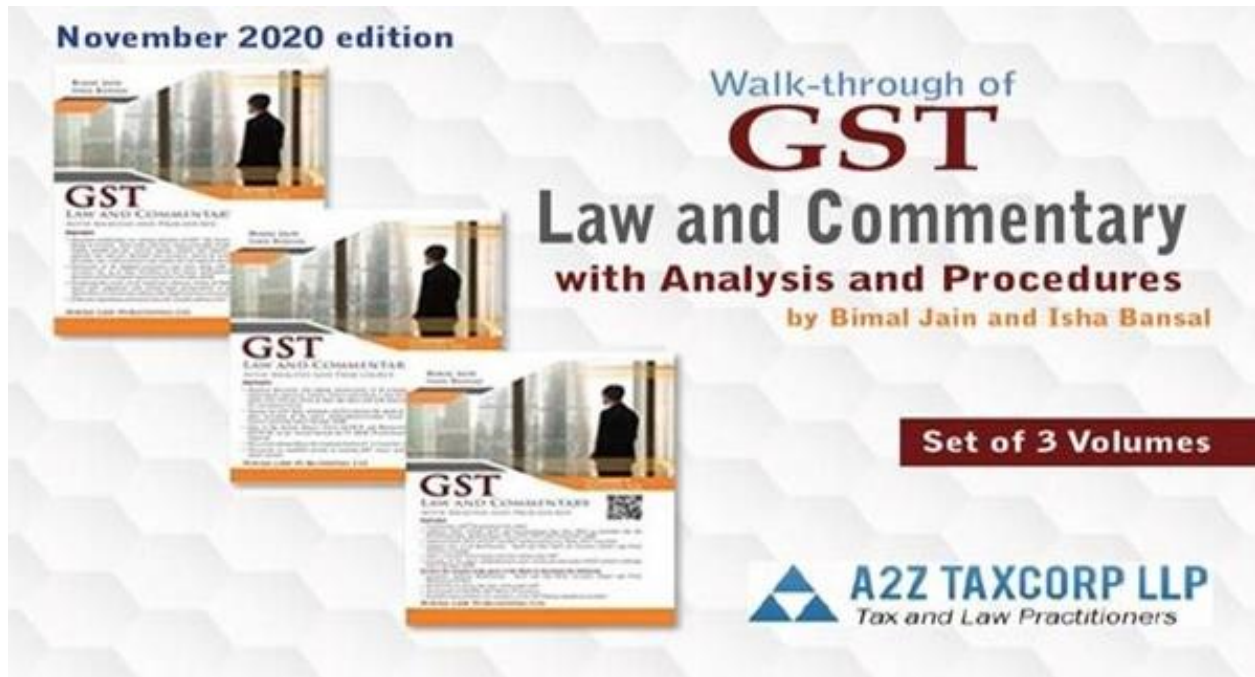




Weekly GST Communique



GST Law and Commentary with Analysis and Procedures by Bimal Jain and Isha Bansal

🌟 Volume I 🌟 Volume II 🌟 Volume III 🌟

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GST

Important Judgments of the week

- Allahabad HC: Revokes Order of Cancellation of Registration and condemns the callous attitude of the Department
- Only person who has borne the incidence of duties/ taxes, is entitled to claim refund

Important Circulars of the week

- CBIC issued Circular for Third Party Invoicing in case of Preferential Certificates of Origin issued in terms of DFTP for "wholly obtained goods"
- DGFT issued ECA Circular for providing documents sought by investigating agencies like CBI, ED, DRI, etc.

Important Press Releases of the week

- 6th Instalment of Rs. 6,000 crore released to the States as back to back loan to meet the GST compensation shortfall
- Haryana Excise and Taxation Department issued advisory on timely amendment of registration particulars in GST
- One arrested for fraudulently availing ITC of around Rs 45 crores
- DGGI Gurugram arrests man for illegally availing input tax credit on invoices without goods
- FM lauds concerted efforts resulting in higher procurement and payment of over Rs 21,000 crore to MSMEs upto November, 2020
- Ministry of Commerce and Industry and Ministry of AYUSH decides to set up an AYUSH Export Promotion Council
- FM Nirmala Sitharaman reviews implementation of Aatma Nirbhar Bharat Package with Secretaries of concerned Ministries/Departments

Important Updates of the week

- GSTN: Annual return in Form GSTR-9 for FY 2019-20 is now available on GST Portal
- CBIC: Know about Quarterly Return and Monthly Payment (QRMP) Scheme for GST Taxpayers
- GSTN starts auto-populating GSTR-1 on the basis of IRN on near to real-time basis
- GST EWB: New enhancements in E-way Bill System
- NIC released Beta Version of GST e-invoice Preparing and Printing (GePP) excel based Tool
- GSTN: The complete auto-populated GSTR-3B for Nov 2020 tax-period is available now for monthly filers
- GSTN: New and useful facility of "Communication between Taxpayers" has been enabled on GST portal

Video of the week

- Theme Presentation on E-Invoicing for Registered Person having Aggregate Turnover more than 100 Crore at PHD Chambers of Commerce || CA Bimal Jain

Income Tax

Important Press Releases of the week

- Income Tax Department conducts searches in Assam
- Income Tax Department conducts searches in Odisha

Important Updates of the week

- Income Tax Department issued FAQs on quoting of Unique Document Identification Number (UDIN)
- CBDT has issued refunds of over Rs. 1,45,619 crore to more than 89.29 lakh taxpayers between April 01, 2020 to December 08, 2020

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GST

Important Judgments of the week

Allahabad HC: Revokes Order of Cancellation of Registration and condemns the callous attitude of the Department



The Hon'ble Allahabad High Court in the matter of ***Ansari Construction vs. Additional Commissioner, CGST (Appeals) & Ors. [Writ Tax No. 626 of 2020 dated November 24, 2020]*** set aside ex-parte order seeking to cancel assessee's registration for failure to file return for continuous 6 months as well as the order dismissing revocation application and affirming cancellation of registration and noted that the assessee had filed all returns and cleared all dues. Further, ordered the Assistant Commissioner to pay a cost of Rs. 10,000/- from his own salary for unnecessarily harassing the assessee.

Facts:-

Ansari Construction ("**Petitioner**") is a proprietorship firm, engaged in the business of providing constructions services, who was served Show Cause Notice ("**SCN**") dated November 21, 2019 by the Assistant Commissioner ("**Respondent No. 2**") proposing to cancel the registration certificate of the Petitioner mainly on the ground that the petitioner has failed to file the return for a continuous period of 6 months. In pursuance of the said notice, an ex-parte order was passed on November 30, 2019 cancelling the registration of the Petitioner by invoking the powers under Section 29(2)(5) of Central Goods and Services Tax, 2017 ("**CGST Act**").

The Petitioner filed an application on December 19, 2019 under Section 13 of CGST Act for revocation of cancellation of registration on the ground that the Petitioner had submitted all the pending returns under GSTR-3B and GSTR-1 and, thus, the entire tax liability stood clear with the late fees.

In response to the application filed by the petitioner, the Respondent No. 2 issued a SCN on December 29, 2019 calling upon the Petitioner to show cause on the reason of furnishing a reply to the notice, failing which the application of the Petitioner shall be decided on ex-parte on the basis of the available records on merits. Despite the Petitioner having replied, the Respondent No. 2, vide Order in Original dated January 30, 2020 ("**OIO**"), rejected the application for revocation of registration.

Aggrieved against the said order, the Petitioner preferred an appeal before the Appellate Authority, ("**Respondent No. 1**") which was dismissed and affirmed the order of Respondent no. 2, vide its Order in Appeal dated July 6, 2020 ("**OIA**"), and relied upon mail issued by a division office to the effect that taxpayer did not upload any documents online while replying to the query and as the petitioner had simply stated that all the liabilities have been cleared by them even they have not disclosed as to on what date they filed return and did not enclose the copy filed by them and the tax payer simply made claims without producing proper evidence which cannot be verified by the division office at this stage. Aggrieved by the order of the Appellate Authority, this present writ petition has been filed.

Issue:-

Whether the Respondents were correct in rejecting the application for revocation of cancellation of registration and affirming the OIO, despite the requisite documents evidencing the filing of returns as well as the tax and late fees was submitted?

Held:-

The Hon'ble Allahabad High Court in the case of ***Writ Tax No. 626 of 2020 dated, November 24, 2020*** held as under:

- Section 29 (2)(c) of CGST Act clearly provides for cancellation of registration if the assessee fails to furnish the returns for a continuous period of six months and invoking the said clause, the registration of the Petitioner was cancelled as on November 30, 2019.
- Section 30 of the CGST Act provides a remedy to the person whose registration has been cancelled and in terms of the remedy so provided the Petitioner approached the authority for revocation of the registration within the times specified therein. In terms of the proviso to Rule 23(1) a burden is cast upon the assessee to furnish returns and to ensure that the tax dues is paid along with any due interest penalty and late fees and no further burden is cast upon the assessee or the persons seeking revocation.
- In the present case along with the application, the Petitioner had filed a statement to the effect that all the requisite returns have been filed and the dues are cleared and thus it was incumbent upon the Department to have verified the correctness of averments made in the application.
- The Court noted that the taxpayer has filed GSTR-3B upto November 2019 and further there are no dues pending towards tax, late fee, interest upto November 2019 and there are no dues of taxpayer pending upto November 2019.
- Stated that, the Department has miserably failed to verify the facts from their own records and proceeded to issue a SCN. The manner in which the SCN has been issued is wholly unacceptable as it does not record any shortcoming on the part of the Petitioner. It is not conceivable as to what was required in the SCN and it clearly highlights the fact that serious quasi-adjudicatory functionaries are being discharged by persons who do not have a legally trained mind and are entrusted in discharging functions affecting huge revenues.
- Condemns the callous manner of the Respondents in which the Petitioner has been harassed by approaching one forum after the other and wasting his considerable financial resources as well as time. Further, the Court stated that, the OIO passed by the Respondent No. 2 rejecting the application of the Petitioner is wholly arbitrary and demonstrates the lack of legally trained mind as there appears to be no effort to verify the correctness of the assertions made by the Petitioner at the end of the Department. Even, the Appellate Authority has also committed the same manifest arbitrariness in deciding the appeal, the recording of the reason that facts cannot be verified at the appellate level is wholly arbitrary and militates against the whole purpose of statutory appeal under an enactment. The Court cannot overlook the mutually contradictory stands taken by the Department before the Appellate Authority on one hand and the instructions given to this Court
- Held that, now the Department has accepted that the returns were filed within time and no dues remain payable, the order passed by Respondent No. 2 as well as the appellate order deserves to be set aside with a direction to allow the application for revocation of registration filed by the petitioner. Consequently, revokes the order cancelling the registration. And in view of the specific findings recorded to the effect that the petitioner was unnecessarily harassed, the Court ordered Respondent No. 2, a cost of Rs. 10,000/- to be paid to the Petitioner within 30 days from his own salary.

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Only person who has borne the incidence of duties/ taxes, is entitled to claim refund



The Hon'ble Madras High Court in the case of *M/s. Chennai Petroleum Company Ltd. (CPCL) v. Commissioner of GST & Central Excise [C.M.A.Nos.4298, 4299 and 4301 of 2019 dated, October 28, 2020]* rejected the refund of excise duty under Section 11B of the Central Excise Act, 1944 ("Central Excise Act") on the basis of credit notes issued, and held that the facts could not indicate, that M/s. CPCL has borne the incidence of Excise Duty which in law, could not be charged from it and it is a settled legal position under Section 11B of the Central Excise Act that it is only the person who has borne the incidence of Excise Duty who is entitled to claim refund.

Facts:

M/s. Chennai Petroleum Company Limited ("**Appellant Company/ M/s. CPCL**") is an oil refinery and is manufacturer of petroleum products which are sold at the instance of or on the purchase orders placed by their marketing company M/s. Indian Oil Company Ltd., ("**M/s. IOCL**") to yet another Government Company M/s. PPN Power Generating Company Ltd., ("**M/s. PPN**") which manufactures power, out of the raw naptha, which is manufactured by M/s. CPCL and sold to M/s. PPN on the basis of purchase orders placed by their marketing company M/s. IOCL. The Appellant Company raises invoice including Excise Duty component on its marketing company M/s. IOCL, which in turn raises its own invoice on the purchasing company M/s. PPN.

The Appellant Company had a Running Account with the marketing company M/s. IOCL. Due to some reduction in price, M/s. IOCL informed the Appellant Company that excess price has been charged by the Appellant Company from M/s. PPN and accordingly it has issued Credit Notes to M/s. PPN.

Accordingly, refund claims were made by the Appellant Company with the Excise Department ("**Respondent**"), which were rejected on the basis of the impugned Show Cause Notice ("**SCN**") issued to the Appellant Company on July 19, 2002, which further resulted in adverse orders against the Appellant Company,

being Order in Original on November 29, 2002 and order passed by the Commissioner of Appeals dated April 11, 2018 and impugned order passed by the learned CESTAT on May 10, 2019.

Issue:

Whether questions of law arise from the order of the CESTAT rejecting the claim of refund of Excise Duty to the Appellant Company?

Held:

The Hon'ble Madras High Court in ***W.P. No. 38488 of 2015, dated September 2, 2020*** held as under:

- The scheme of the Central Excise Act, contained in Section 11B read with its other relevant provisions, as it then prevailed before the introduction of GST regime, with regard to refunds is very clear that it is only the person who has borne the incidence of Excise Duty, which was not leviable in law, is entitled to claim refund of the same, subject to his locus standi and the limitation prescribed in Section 11B of the Central Excise Act.
- Observed that, merely because M/s. IOCL issued a credit note to the buyer M/s. PPN, it cannot be said that the incidence of Excise Duty was not passed on to the purchaser M/s. PPN. The Appellant Company, cannot be said to have borne any incidence of Excise Duty illegally levied and therefore, the right of the Appellant Company to claim any refund cannot arise.
- Relied on the case of ***Mafatlal Industries Ltd., vs. UOI [1997(89) ELT 247 (SC) dated December 19, 1996]*** and stated that, the law in this regard of unjust enrichment has been settled, propounded beyond the pale of doubt by the Constitution Bench of the Hon'ble Supreme Court and the said judgment has been correctly applied, with great respects, by the Hon'ble Supreme Court in the case of ***Commissioner of Central Excise, Madras vs. M/s. Addison and Co. Ltd., [2016(339) ELT 177 (SC) (dated, August 29, 2016)]***. There is hardly any doubt on facts in the present case, where, admittedly, the invoice of the Appellant Company for the supply of raw naptha which is a dutiable product, was raised by the Appellant Company on its marketing company M/s. IOCL, which is a separate company, who in turn raised invoice on the purchaser or buyer of the said raw naptha M/s. PPN, who in turn, manufactured power by use of such raw naptha and other raw materials. If at all, duty can be said to have been collected in excess on account of over valuation of the supplies, it is the consumer of the said raw material/raw naptha, viz., M/s. PPN who could have claimed the refund of Excise Duty as per the settled legal position.
- Held that, the facts before the Court were clear and undisputed and there was no material or facts available on record which even prima facie could indicate that the Appellant Company has borne the incidence of Excise Duty, which in law could not be charged from it. The moment it raised the invoice on M/s. IOCL and M/s. IOCL issued Invoice on M/s. PPN, the incidence of Excise Duty is definitely passed on to the buyer or consumer of raw naptha, viz., M/s. PPN. Therefore, the right to claim refund by the Appellant Company is completely lost. Further, the Court did not find any question of law arising in the present appeals, which were required to be considered afresh or outside the scope of the binding precedents.

Comments:

The above principle that only the person who has borne the incidence of duties/ taxes, is entitled to claim refund, is also applicable in the GST law and the person claiming refund is required to pass the test of unjust enrichment. 'Unjust enrichment' means retention of a benefit by a person that is unjust or inequitable. Hence,

the 'doctrine of unjust enrichment', therefore, is that no person can be allowed to enrich inequitably at the expense of another.

Owing to above, Section 54(5) of the CGST Act, 2017 ("**CGST Act**") states that if, on receipt of any such application, the proper officer is satisfied that the whole or part of the amount claimed as refund is refundable, he may make an order accordingly and the amount so determined shall be credited to the Consumer Welfare Fund ("the Fund"). However, Section 54(8) of the CGST Act lists down following scenarios where the doctrine of unjust enrichment is not applicable, i.e., the refundable amount shall, instead of being credited to the Fund, be paid to the applicant:

- (a) refund of tax paid on **export*** of goods or services or both or on inputs or input services used in making such exports*;
- (b) refund of **unutilised input tax credit** under Section 54(3);
- (c) refund of tax paid on a supply which is not provided, either wholly or partially, and for which invoice has not been issued, or where a **refund voucher** has been issued;
- (d) refund of tax in pursuance of **Section 77** (i.e. tax wrongfully collected and paid to Central Government or State Government);
- (e) the tax and interest, if any, or any other amount paid by the applicant, **if he had not passed on the incidence of such tax and interest to any other person**; or
- (f) the tax or interest borne by such other class of applicants as the Government may, on the recommendations of the Council, by **notification**, specify.

Thus, the GST law makes the test of unjust enrichment inapplicable only in above cases. In all other cases, the test of unjust enrichment needs to be satisfied for the refund claim to be paid to the applicant. Meaning thereby, if unjust enrichment cannot be proved, then the amount of refund sanctioned will be credited to the Fund.

*It is to be noted that vide **Central Goods and Services Tax (Amendment) Act, 2018 w.e.f. February 1, 2019**, clause (a) of Section 54(8) of the CGST Act was amended to substitute the words "*zero-rated supplies*" with "*export*" and "*exports*", thereby making the principle of unjust enrichment applicable in case of refund claims arising out of supplies of goods or services or both made to a SEZ unit or developer.

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Important Circulars of the week

CBIC issued Circular for Third Party Invoicing in case of Preferential Certificates of Origin issued in terms of DFTP for "wholly obtained goods"



CBIC issued **Circular No. 53/2020-Customs dated December 08, 2020** for Third Party Invoicing in case of Preferential Certificates of Origin issued in terms of DFTP for "wholly obtained goods".

The Board has received representations from trade with regard to use of third party invoicing while claiming preferential tariff treatment in terms of Duty Free Tariff Preference Scheme for Least Developed Countries (DFTP) in respect of "wholly obtained goods".

It has been learnt that Certificates of Origin (COOs) issued in terms of customs notification no 29/2015-cus (N.T), dated 10.03.2015 and with third party invoicing were earlier being accepted by the proper officer but that same has been discontinued after implementation of CAROTAR, 2020.

The matter has been examined. The notification no 29/2015-cus (N.T), dated 10.03.2015 is silent upon provisions for third party invoicing, i.e. commercial invoice for goods originating in the LDC is issued in the third country and not by the consignor in the exporting country. In some other notified preferential rules of origin, where specific provision for third party invoicing is provided, the origin of the good is nonetheless based upon the value addition done in the country of origin alone, with Free on Board (FOB) in country of origin being the base for arriving at the local value content.

With regard to notification no 29/2015-cus (N.T), read with notification no. 96/2008-Cus, dated 13.08.2008, which offers unilateral tariff concessions to LDC, the Board is of the view that where value of goods does not have impact on the originating status, i.e., the originating criteria is 'wholly obtained', the Certificate of Origin issued in terms of Duty Free Tariff Preference Scheme for Least Developed Countries with third party commercial invoice may be accepted. This is subject to ensuring that the goods referred to in the Certificate of Origin, and the invoice correspond to each other and that the goods satisfy the applicable rules of origin. The normal due diligence to check for authenticity of COO and correctness of claim should continue to be observed. Needless to state the existing stipulation of RBI in regard to third party invoicing, would apply.

The Circular can be accessed at: <https://www.cbic.gov.in/resources/htdocs-cbec/customs/cs-circulars/cs-circulars-2020/Circular-No-53-2020-updated.pdf>

DGFT issued ECA Circular for providing documents sought by investigating agencies like CBI, ED, DRI, etc.



DGFT issued **ECA Circular No. 36/2015-20 dated December 07, 2020** for providing documents sought by investigating agencies like CBI, ED, DRI, etc.

Attention is drawn to ECA Circular No. 3/1999-2000 dated 10th January, 2000 and OM No.11/2004 dated 26th July, 2004 whereby it has been stated that the RAs would hand over the cases to the investigating agencies with the prior approval of Headquarters. This arrangement was prescribed to ensure that only deserving cases are sent for investigation. No permission was required to hand over the documents as asked for by the investigating agencies where our offices are not making any reference for investigation.

This Directorate has been regularly receiving references from the Regional Authorities seeking permission to hand over documents/copies of documents to the external investigating agencies. Making such references to Headquarters delay the handing over of documents and consequentially result in delays in the investigations. Therefore, it has been decided that whenever a request for documents is received from an investigating agency, Head of the Regional Authority may decide the same keeping in view the facts and circumstances of the case.

RAs should provide the requisite records to the investigating agency against a request in writing, under proper receipt, recording name and designation of the receiver. A copy of official ID of the receiving officer should also be kept in record. RA Should also keep copies of the record being handed over.

If, for any reason, the Head of Office is of the view that the requisite documents should not be handed over, he shall make a reference to the ECA Division of Hqrs. clearly bringing out the reasons for such refusal.

The ECA Circular can be accessed at: <https://content.dgft.gov.in/Website/dgftprod/e150c239-a30e-4d71-8b66-2b363527ba28/D674.pdf>

Important Press Releases of the week

6th Instalment of Rs. 6,000 crore released to the States as back to back loan to meet the GST compensation shortfall



The Ministry of Finance has released the weekly instalment of Rs. 6,000 crore to the States to meet the GST compensation shortfall. Out of this, an amount of Rs. 5,516.60 lakh has been released to 23 States and an amount of Rs. 483.40 crore has been released to the 3 Union Territories (UT) with Legislative Assembly (Delhi, Jammu & Kashmir & Puducherry) who are members of the GST Council. The remaining 5 States, Arunachal Pradesh, Manipur, Mizoram, Nagaland and Sikkim do not have a gap in revenue on account of GST implementation.

The Government of India is borrowing this amount on behalf of the States and UTs through a special borrowing window to meet the estimated shortfall of Rs.1.10 crore in revenue arising on account of GST implementation.

The amount released this week was the 6th instalment of such funds provided to the States. **The amount has been borrowed this week at an interest rate of 4.2089 %. So far, an amount of Rs. 36,000 crore has been borrowed by the Central Government through the special borrowing window at an average interest rate of 4.7106%.**

In addition to providing funds through the special borrowing window to meet the shortfall in revenue on account of GST implementation, the Government of India has also granted additional borrowing permission equivalent to 0.5% of States' GSDP to the states choosing option-I to meet GST compensation shortfall to help them in mobilising additional financial resources. So far, permission for borrowing an additional amount of Rs. 1,06,830 crore has been granted to 28 States under this provision.

The amount of additional borrowing permission granted to 28 States and the amount of funds raised through special window and released to the States and Union Territories so far is annexed.

State wise additional borrowing of 0.50 percent of GSDP allowed and amount of funds raised through special window passed on to the States/UTs till 09.12.2020

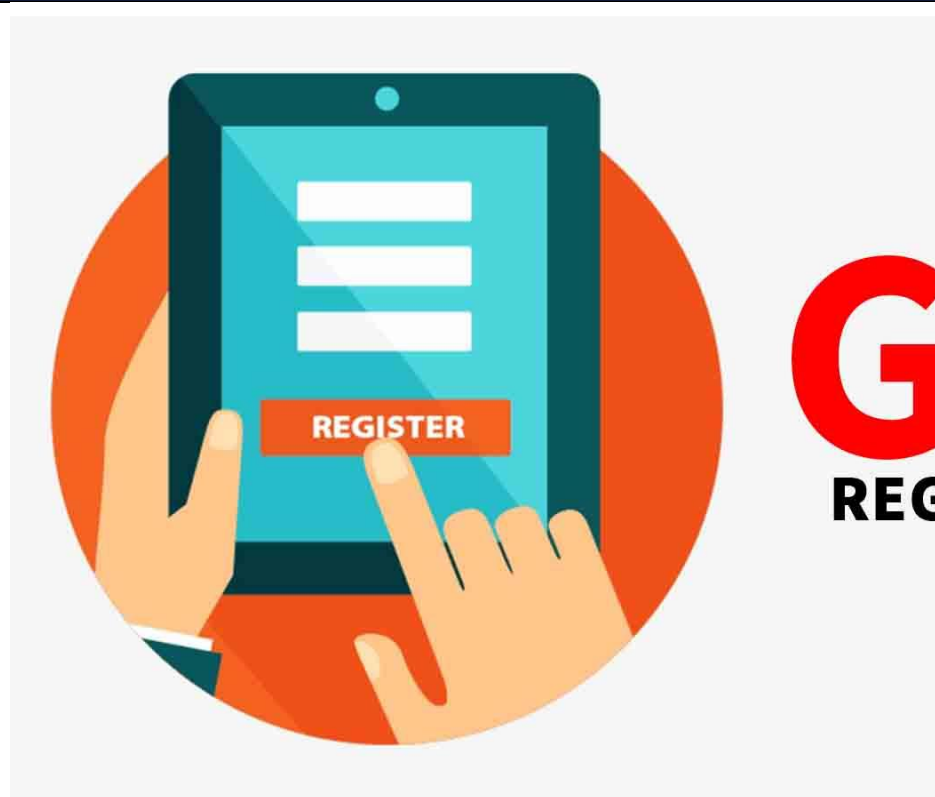
(Rs. in Crore)

S. No.	Name of State / UT	Additional borrowing of 0.50 percent allowed to States	Amount of fund raised through special window passed on to the States/ UTs
1	Andhra Pradesh	5051	929.97
2	Arunachal Pradesh*	143	0.00
3	Assam	1869	400.24
4	Bihar	3231	1571.14
5	Chhattisgarh	1792	169.26
6	Goa	446	337.93
7	Gujarat	8704	3710.87
8	Haryana	4293	1751.33
9	Himachal Pradesh	877	690.95
10	Jharkhand	1765	91.95
11	Karnataka	9018	4992.85
12	Kerala	4,522	642.12
13	Madhya Pradesh	4746	1827.79
14	Maharashtra	15394	4820.05
15	Manipur*	151	0.00
16	Meghalaya	194	44.99
17	Mizoram*	132	0.00
18	Nagaland*	157	0.00

19	Odisha	2858	1538.05
20	Punjab	3033	930.88
21	Rajasthan	5462	1157.77
22	Sikkim*	156	0.00
23	Tamil Nadu	9627	2511.68
24	Telangana	5017	429.45
25	Tripura	297	91.20
26	Uttar Pradesh	9703	2417.25
27	Uttarakhand	1405	932.19
28	West Bengal	6787	493.45
	Total (A):	106830	32483.36
1	Delhi	Not applicable	2360.08
2	Jammu & Kashmir	Not applicable	914.22
3	Puducherry	Not applicable	242.34
	Total (B):	Not applicable	3516.64
	Grand Total (A+B)	106830	36000.00

The Press Release can be accessed at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1679433>

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Haryana Excise and Taxation Department issued advisory on timely amendment of registration particulars in GST

There are various news reports regarding suspension and then revocation of registration of M/s Cloudbail India Private Limited, Gurugram. In this regard, it may be noted that as part of a regular physical verification exercise, the premises (principal place of business) of M/s Cloudbail India was found to be non-existent.

Accordingly, a show cause notice (REG-17) for cancellation of registration under Rule 22 of the HGST Rules, 2017 was issued to the taxpayer on 4th December 2020. **In the reply filed by the M/s Cloudbail India on 7th December 2020, they accepted that they had moved their premises but were unable to amend their GST registration. The Department accepted their reply and restored the registration of M/s Cloudbail India on 8th December 2020.**

All registered GST taxpayers are advised that whenever there is any change in premises, constitution of business or any other particulars, such changes should be amended in the GST registration within the prescribed time.

The Press Release can be accessed at: https://haryanatax.gov.in/HEX/DownloadPDF?formName=/News/2020/Press_Release_on_Cloudbail_20_12_11.pdf

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One arrested for fraudulently availing ITC of around Rs 45 crores

On the basis of intelligence received by Anti-Evasion branch of CGST Delhi South Commissionerate, **the officers have booked a case against M/s. Sunflame Trading Pvt. Ltd., M/s Atlantic International Trading Pvt. Ltd., and M/s. Blue Star International Pvt. Ltd., M/s Blue Evolution Private Limited and M/s White Mountain Trading Private Limited having their Principal Place of Business at G-56, Green Park, New Delhi-110016 for incorrectly availing ITC issued on the GSTIN of fake/ dummy firms and getting refund of ITC on the strength of such fake Invoices.**

From preliminary scrutiny of the seized documents, **the data/information available on E-way Portal/GSTN portal, it is found that Sh. Avijeet Saluja (Director) and Smt. Lupita Saluja (Director) created five bogus export firms namely M/s. Sunflame Trading Pvt. Ltd., M/s Atlantic International Trading Pvt. Ltd., New Delhi-110016 and M/s. Blue Star International Pvt. Ltd., M/s Blue Evolution Private Limited and M/s White Mountain Trading Private Limited and have availed refund of Rs. 45 Crore approx. on strength of fake invoices providing fabricated information on E-way Bill Portal.** During course of investigation, it was found that all the most of suppliers of the above said 5 firms were either found non-existent at the declared principal place of business or the address given in the GST registration was fabricated/ non-existing.

Shri Avijeet Saluja, Director and one of the main the main beneficiaries of the activities of the firms, has been arrested on 10.12.2020 and was produced before the Hon'ble CMM, Patiala House Courts on 11.12.2020, after the medical examination and COVID test. Shri Avijeet Saluja has been sent to judicial custody for 14 days by the Hon'ble Metropolitan Magistrate. Further investigations are in progress.

Firm action has been taken by CGST Delhi Zone in this financial year i.e. 2020-21, has resulted in detection of GST evasion of 3542.02 Crores and 14 accused have been arrested so far.

The Press Release can be accessed at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1680097>

DGGI Gurugram arrests man for illegally availing input tax credit on invoices without goods

The Directorate General of GST Intelligence (DGGI) Gurugram Zonal Unit (GZU), Haryana has arrested one Shri Rajesh Kasera resident of New Delhi on charges of IGST fraud by way of illegally availing input tax credit (ITC) on invoices without goods, and encashing through IGST refund mode by resorting to overvalued exports.

It is apparent from the investigation conducted till date, that Shri Rajesh Kasera created and controlled two companies by the name of M/s S.K. Traders helmed by dummy director Shri Sushil Kumar Goyal and another by the name of M/s R.K. Enterprises, based in New Delhi and Faridabad respectively. **M/s S.K. Traders had availed/passed on fraudulent ITC of Rs. 3.47 crore to on invoices without accompanying goods. Further M/s R.K. Enterprises had passed/availed fraudulent ITC of Rs. 5.25 crore on invoices without accompanying goods.**

The investigation spanned multiple locations in Delhi NCR area and based on documentary evidence and statements recorded, it was ascertained that Shri Rajesh Kasera was the de facto controller of M/s S.K. Traders and proprietor of M/s R.K. Enterprises. Both these entities indulged in the act of wrong availment /passing on of Input Tax Credit of Rs. 8.72 crore.

Accordingly, Shri Rajesh Kasera was arrested on 7.12.20 and produced before Duty MM Delhi, who ordered judicial custody. A total fake ITC of more than 8.72 crore has been thus passed/availed by the accused which was subsequently used for wrongly availing IGST refund.

Further investigations in the matter are under progress.

The Press Release can be accessed at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1679096>

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FM lauds concerted efforts resulting in higher procurement and payment of over Rs 21,000 crore to MSMEs upto November, 2020



Union Minister of Finance Smt. Nirmala Sitharaman reviewed the situation about payment to the MSMEs and expressed satisfaction and appreciation on the excellent work done by the Ministry of MSME. As part of Prime Minister of India's vision the Finance Minister had announced Atma Nirbhar Bharat package in May, 2020, it was also stated that the MSME dues should be paid in 45 days.

Since the month of May 2020, regular follow-up and concerted efforts have been made by the Government of India, particularly by the MSME Ministry for payment of these dues. Particular focus was placed on Central Public Sector Enterprises (CPSEs) and the Central Government Agencies for payment of dues to MSMEs. As a result, over Rs 21000 crore of MSME dues have been paid in past 7 Months since May 2020 by the Central Govt Agencies and CPSEs. The highest level of Procurement was achieved in October of over Rs 5100 crore and payment of over Rs 4100 crore. Going by the reports received in first 10 days for November 2020, this level of performance is expected to be surpassed as Procurement of about Rs 4700 crore and payment of about Rs 4000 crore have already been reported.

Following table provides details in this regard:

Reported Month	Total Transactions & Dues by close of Month Rs. Crs	Paid During the Month Rs. Crs	Pending at the end of the Month Rs. Crs
May, 2020	2346.82	1785.85	560.97
June, 2020	2550.82	1903.39	647.43
July, 2020	4122.40	3154.01	968.41
August, 2020	3809.42	2952.95	856.48
September, 2020	4760.52	3746.68	1013.84
October, 2020	5123.90	4102.29	1021.63
November, 2020 (as reported till 1200 hrs of 10 th December, 2020)	4762.29	4001.96	760.37
Total Paid so far- from May, 2020		Rs. 21647 crores.	

* All time High Transactions & Payments to MSMEs happened in last Month: October, 2020;
 * in November '20, the same level is about to be touched in just ten days of Report !

Efforts made in respect of clearing MSME dues include several round of letters written to the GoI Ministries and CPSEs by the Secretary, MSME, followed by personal talks and persuasions. The efforts of the MSME Ministry found strong support from PMO and Cabinet Secretary, who wrote letters to the CPSEs and Government agencies. An on-line reporting system was developed by the Ministry for the CPSEs and Government of India Ministries to report details of total transactions, total payment as well as pending dues at the end of every month.

Report of seven months (May-November, 2020) indicates that:-

- Procurement by Central Government Agencies and CPSEs from MSMEs is on the rise and in fact, it has gone up by almost 2.5 times since May 2020;
- Payments to MSMEs have also gone up proportionately;
- The pendency of payment has gone down in terms of percentage against procurement value;
- The report for October had shown maximum transactions since May;
- However, reports in December show better trend in November as per just 10 days of reporting.

The Ministry of MSME has complimented the Government of India Ministries, Departments and the CPSEs for their support to the MSMEs. This support was important particularly in the months of September and October. Because with these cash flows, the MSMEs were supposed to produce goods and services which could be particularly sold during the festival time. MSME Ministry had requested the Corporate sector to help the MSMEs during the festival season because the earning during these festivals would sustain many MSMEs for the whole year. This support has also helped many MSMEs and Village Industries to do better business than even the previous year.

The Press Release can be accessed at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1679667>

Ministry of Commerce and Industry and Ministry of AYUSH decides to set up an AYUSH Export Promotion Council



Export Promotion Council

The Ministry of Commerce and Industry and the Ministry of AYUSH have decided to work together to set up an Export Promotion Council to boost AYUSH exports. This decision was taken recently in a joint review of AYUSH trade and Industry by Shri Piyush Goyal, Minister of Commerce and Industry and Shri Shripad Naik, Minister of AYUSH. It was also decided in the review that the entire AYUSH sector will work together to achieve price and quality competitiveness to boost AYUSH exports. The review was held through video conference on 4th December 2020, which was attended by nearly 50 industry and trade leaders from the AYUSH Sector. More than 2000 stake-holders of the AYUSH Sector also attended the e-event through live streaming on virtual platforms.

Secretary AYUSH initiated the discussions with a presentation on the action taken on the recommendations of the previous meeting by the Ministry of AYUSH. He also briefed about the various other initiatives taken by the Ministry of AYUSH to mitigate the COVID19 situation and to promote AYUSH industry. He spoke about the emerging opportunities for promotion of AYUSH sector and listed a few hurdles that deserved attention.

In the open forum that followed, officials from Ministry of Commerce and Industry, RIS, BIS and Invest India and AYUSH industry representatives shared their thoughts. The efforts put in by the Ministry of AYUSH to take AYUSH- based solutions to the public in the wake of COVID19 came in praise from all.

Shri Shripad Naik highlighted the growing global interest in AYUSH- based solutions for disease resistance and treatment during the difficult times of the Covid -19 pandemic. He stated that trade and commerce in the AYUSH Sector needed to upscale quickly in order to meet the growing demands from India and abroad, and to serve the larger number of people who are now looking up to these systems for maintaining their health. He also recollected various steps taken by the Ministry during the pandemic to add protection to the people from the dreaded Corona virus. He told the participants that the AYUSH immunity protocols and the National Clinical Management Protocol for Covid 19 for Ayurveda and Yoga were timely interventions which provided relief to large sections of the population. The emerging evidence of a correlation between the low Covid -19 mortality rates and largescale adoption of AYUSH prophylactic solutions by the population is significant for the public health practice in the country.

Shri Piyush Goyal, praised the frontline role played by the AYUSH Sector in the fight against Covid -19. The protection offered by the AYUSH systems to the common people during the pandemic time neutralised the scepticism that many people had about the efficacy of the medicines and products offered by these systems. The spurt in exports of AYUSH products in the recent months is a direct reflection of their growing popularity in many countries. **The standardisation of the HS codes related to export will be considered on priority as a step to promote exports. He called upon the AYUSH Ministry to work in coordination with the Commerce and Finance Ministries to achieve this early. The Commerce Minister also advised the industry leaders to work simultaneously on the quality and pricing of their products, so that they become increasingly competitive in the global market. He supported the concept of an AYUSH Export Promotion Council and said that the Commerce Ministry would be happy to support the same. The continued support of Commerce Ministry would be available to the AYUSH Sector on all matters of trade promotion, and special meetings with the functionaries of the Ministry would be arranged as and when required, to discuss any important issue. Evolving appropriate standards which could win international recognition was another advice from the Commerce Minister.** He also assured that AYUSH will figure appropriately in the “Brand India” activities being presently undertaken. He underlined the need for the industry and the Government to work together in various aspects of branding and promotion.

The following are the action points that emerged from the meeting:

1. Ministry of AYUSH and Ministry of Commerce and Industry will work together for establishing an AYUSH Export Promotion Council (AEPC). The proposed AEPC can be housed at Ministry of AYUSH.
2. Standardisation of HS code for AYUSH will be expedited.
3. Ministry of AYUSH will work in collaboration with Bureau of Indian standards to develop international standards for AYUSH products as well as services.
4. Ministry of AYUSH and AYUSH industry will identify best practices/ success stories and promote them amongst the public.
5. AYUSH industry will work on ensuring quality and standards of AYUSH products as well as to become price-competitive.
6. AYUSH will figure in the Brand India activities.

The Press Release can be accessed at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1678702>

FM Nirmala Sitharaman reviews implementation of Aatma Nirbhar Bharat Package with Secretaries of concerned Ministries/Departments



On 12th May 2020, Hon'ble Prime Minister Shri Narendra Modi announced a special comprehensive economic package to fight the COVID-19 pandemic in India. He gave a clarion call for Aatma Nirbhar Bharat Abhiyan or a Self-Reliant India Movement. The Prime Minister also outlined five pillars of Aatma Nirbhar Bharat – Economy, Infrastructure, System, Vibrant Demography, and Demand.

Following the call of the Hon'ble Prime Minister, Union Minister for Finance & Corporate Affairs Smt. Nirmala Sitharaman presented the details of the Aatma Nirbhar Bharat Package 1.0 in a series of press conferences from 13th May 2020 to 17th May 2020. Subsequently, the Finance Minister announced Aatma Nirbhar Bharat Package 2.0 on 12th October and Aatma Nirbhar Bharat Package 3.0 on 12th November 2020.

The Ministries and Departments concerned immediately started implementing the announcements under the 3 Aatma Nirbhar Bharat Packages (ANBP). The progress of implementation is being reviewed and monitored regularly, almost on a daily basis.

The Finance Minister Smt. Sitharaman on Friday concluded a comprehensive review of ANBP with the Secretaries of various Ministries/Departments concerned over three days. Key elements of the progress made so far in implementing the ongoing Schemes of the Aatma Nirbhar Bharat Packages are as under:

1. Rs 3 lakh crore Collateral-free Automatic Loans for Businesses, including MSMEs:

Under an Emergency Credit Line Guarantee Scheme (ECLGS), as on 04.12.2020, as reported by Public Sector Banks, top 23 Private Sector Banks and 31 NBFCs, additional credit amounting to Rs. 2,05,563 crore has been sanctioned to 80,93,491 borrowers, while an amount of Rs. 1,58,626 crore has been disbursed to 40,49,489 borrowers.

		Total Eligible Accounts	Loan Sanctioned	Loan Disbursed,
No. of Accounts	Total Accounts	1,39,79,948	80,93,491	40,49,489
Amount (in Rs. Crore)	Total Amount	3,18,826 (20% of the outstanding)	2,05,563	1,58,626

The Scheme was further amended on 26.11.2020 and the duration of the Scheme has been extended till 31.03.2021; also, the turnover limit prescribed therein has been removed. Operational guidelines of ECLGS 2.0 were issued on 26.11.2020.

It is expected that 45 lakh units can resume business activity and safeguard jobs through this scheme.

2. Rs 45,000 crore Partial Credit Guarantee Scheme 2.0 for NBFCs:

As on 04.12.2020, Public Sector Banks (PSBs) have approved purchase of portfolio of Rs. 27,794 crore and are currently in process of approval/negotiations for Rs. 1,400 crore. The timeline for purchase of bonds or Commercial Papers (CPs) has been further extended till 31.12.2020.

3. Rs 30,000 crore Additional Emergency Working Capital Funding for farmers through NABARD:

As on 04.12.2020, Rs. 25,000 crore has been disbursed out of this special facility. Balance amount of Rs. 5,000 crore under Special Liquidity Facility (SLF) allocated to NABARD by RBI for smaller Non-Banking Financial Companies (NBFCs) and Non-Banking Financial Companies-Micro Finance Institutions (NBFCs-MFIs).

Besides, NABARD had issued the guidelines on 6.10.2020 to roll out disbursement out of SLF for smaller NBFCs and NBFC-MFIs.

Further, proposals amounting to Rs. 690 crore has been sanctioned to 6 NBFCs-MFIs out of the balance amount of Rs 5,000 crore. Disbursement of Rs.130 crore has been done till 04.12.2020.

4. Rs 2 lakh crore Concessional credit boost to 2.5 crore farmers through Kisan Credit Cards:

Special drive undertaken by the Department of Financial Services under Ministry of Finance to provide concessional credit to PM-KISAN beneficiaries through Kisan Credit Cards.

In Phase I, 58.83 lakh KCC cards with KCC limit of Rs. 46,532 crore had been sanctioned.

Applications received	KCC cards issued	Pending Applications
76.82 lakhs	58.83 lakh	Nil *

In Phase II, (As on 04.12.2020), a total number of 110.94 lakh KCC with KCC limit of Rs. 1,07,417 crore has been sanctioned.

Applications received	Applications Sanctioned					Grand Total
	KCC (crop loan)	KCC (crop loan) with AH or fisheries activities	Animal Husbandry Activities		Fisheries	
			Dairy	Poultry, Cattle & Sheep rearing, etc		
1,18,61,207	92,40,156	2,72,703	4,75,314	46,786	15,037	1,10,94,276*

Out of this 110.94 lakh KCC sanctioned in Phase II, 92.40 lakh has been done for crop loan, 2.73 lakh for crop loan with AH or fisheries activities, 4.75 lakh for dairy, 46,786 for poultry, cattle & sheep rearing, etc, 15,037 for fisheries and 10.44 lakh cases already having KCC sanctioned by bank.

5. Demand booster for Residential Real Estate Income Tax relief for Developers & Home Buyers

In order to boost demand in the real-estate sector and to enable the real-estate developers to liquidate their unsold inventory at a rate substantially lower than the circle rate and giving benefit to the home buyers, it has been decided to further increase the safe harbour from 10% to 20% under section 43CA of the Act for the period from 12th November, 2020 to 30th June, 2021 in respect of only primary sale of residential units of value up to Rs. 2 crore.

Consequent to the announcement, Central Board for Direct Taxes (CBDT) has issued a press note on 13.11.2020, giving effect to the same announcement.

6. Income Tax Refunds

Central Board of Direct Taxes (CBDT) has issued refunds of over Rs 1,45,619 crore to more than 89.29 lakh taxpayers between 1st April 2020 and 8th December 2020. Income Tax refunds of Rs. 43,274 crore have been issued in 87,29,626 cases & corporate tax refunds of Rs. 1,02,345 crore have been issued in 1,99,554 cases.

7. Capital Expenditure: Special Assistance for States:

Under AatmaNirbhar Bharat Package, it was announced that Special interest free 50-year loans will be given to States for capital expenditure for Rs. 12,000 crore.

As on 07.12.2020, so far, 27 State Governments have submitted proposals under the Scheme for new and ongoing capital works/projects.

Projects amounting to Rs. 8455.61 crore under Part-I and Part-II of the Scheme have been approved so far and an amount of Rs. 4227.80 crore, as 1st installment, has been released to the States.

8. Rs 18,000 crore additional outlay for Pradhan Mantri Awaas Yojana - Urban (PMAY-U):

A number of measures have been taken in the past several months for revival of the Housing and Real Estate Sector. These measures have contributed to fair recovery in this sector. For instance, Special Window for Affordable and Mid Income Housing (SWAMIH) - 135 projects approved with an outlay of Rs. 13,200 crore. This will result in completion of 87,000 houses/Flats. Rs 18,000 crore will be provided over the Budget Estimates for 2020-21 for (PMAY-U) through additional allocation and Extra Budgetary Resources. This is over and above Rs 8,000 crore allocated already this year.

9. Rs 1.10 lakh crore Platform for Infra Debt Financing - Rs 6,000 crore Equity infusion in NIIF Debt Platform

The Government has approved an equity infusion of Rs 6,000 crore in National Investment and Infrastructure Fund (NIIF) Debt Platform, comprising of Aseem Infrastructure Finance Limited and NIIF Infrastructure Finance Limited in its meeting held on 25.11.2020.

10. Rs 20,000 crore Subordinate Debt for Stressed MSMEs

Scheme was finalised and launched on 24th June, 2020. The State Bank of India has identified 8,502 accounts and the disbursement process is in progress.

11. Rs 50,000 crore Equity infusion for MSMEs through Fund of Funds

The Ministry of MSME had approved and issued the Guidelines on Self-reliant India (SRI) Fund on 5th August, 2020. The NSIC Venture Capital Fund Ltd., the subsidiary company of National Small Industry Corporation Ltd. (NSIC) has been incorporated under Companies Act 2013. This Special Purpose Vehicle (SPV) will anchor the Mother Fund.

Following due process, SBI Cap Ventures Ltd. has been selected as Fund Manager/Asset Management Committee.

SBI Cap has already started working towards preparation of Private Placement Memorandum (PPM). The Ministry of MSME is taking further steps for operationalisation of the fund.

12. Government's persistent efforts for payment to MSMEs

With the concerted efforts by the Ministry of MSME since May 2020, over Rs 21,000 crore of MSME dues have been paid in past 7 Months since May 2020 by the Central Government Agencies and Central Public Sector Enterprises (CPSEs). The highest level of Procurement was achieved in October of over Rs 5,100 crore and payment of over Rs 4,100 crore. Going by the reports received in first 10 days for November 2020, this level of performance is expected to be surpassed as Procurement of about Rs 4,700 crore and payment of about Rs 4,000 crore have already been reported.

13. Rs 1 lakh crore Agri Infrastructure Fund for farm-gate infrastructure for farmers

The Agri Infrastructure Fund was approved by the Union Cabinet on 08.07.2020. The scheme was formally launched by Hon'ble Prime Minister Shri Narendra Modi on 09.08.2020.

Within 30 days after the Cabinet formally approved the scheme, the first sanction of Rs. 1,128 crore was made to over 2,280 farmer societies. Memorandums of Understanding (MOU) with all 12 Public Sector Banks, 9 Private Sector Banks and 33 Cooperative Banks have been signed by Department of Agriculture Cooperation & Farmers Welfare (DAC&FW).

14. Animal Husbandry Infrastructure Development Fund (AHIDF) - Rs. 15,000 crore

The AHIDF Scheme was approved by Cabinet on 24.06.2020. Memorandum of Understanding (MoU) with Small Industries Development Bank of India (SIDBI) was signed on 27.07.2020 for development of online Portal.

As on 9th December 2020, a total 313 applications have been received and the same are under process.

15. Rs 20,000 crore for Fishermen through Pradhan Mantri Matsya Sampada Yojana (PMMSY)

The Government approved PMMSY in May, 2020 with a total investment of Rs. 20,250 crore. Operational Guidelines of PMMSY issued to States/UTs on 24th June, 2020 along with 5 year fish production targets, first 2 years indicative financial allocations

There has been an overwhelming response from the State/UTs as Shelf of Projects received of Rs. 6,445 crore from 32 States/UTs.

As on 9th December 2020, the Department of Fisheries sanctioned projects worth of Rs. 2,182 crore. Another Rs 322 crore for 2 states and Phase-2 proposals of 7 states/UTs are under process.

16. Rs 70,000 crore boost to housing sector and middle income group through extension of Credit Linked Subsidy Scheme (CLSS)

The Government has extended the CLSS for MIG (Annual income: Rs. 6 – 18 lakh) up to 31st March 2021. Order for extension was issued on 5th May, 2020.

As on 8th December, 2020, 1,04,354 new MIG beneficiaries have been released subsidy under the Scheme during 2020-21, taking the aggregate number to 4.29 Lakh.

17. Boost for Employment Aatma Nirbhar Bharat Rozgar Yojana

The Cabinet has approved the proposal on 09.12.2020. Modalities/guidelines to implement the scheme are being framed.

18. Rs 40,000 crore increase in allocation for MGNREGS to provide employment boost

As on 10th December 2020, Rs. 40,000 crore has been received under 1st supplementary Demand for Grants 20-21. A total of 273.84 crore Person days have been generated as of date which is 49% higher than last year.

19. Rs. 90,000 crore Liquidity Injection for DISCOMs

As on 10th December 2020, against the liquidity infusion package, Rs. 118,273 crore worth of loans have been sanctioned and Rs. 31,136 crore has already been disbursed/ released. Another release of Rs 30,000 crore to various states is under process.

20. Introduction of Commercial Mining in Coal Sector

Import Substitution: An Inter-Ministerial Committee (IMC) constituted for monthly review and decisions/facilitation. Import Monitoring Portal is currently being developed. As on 10th December 2020, thermal coal imports in FY21 (upto 31.10.2020) down by 33% for power sector, overall by 27%.

21. Liberalised Regime in Coal Sector

Ministry of Coal/ Coal India Ltd. is drawing up a large evacuation plan for enhanced CIL's target of 1 billion tons coal production by 2023-24 plus coal production from private blocks.

As on 10th December 2020, 7 New Rail lines are under implementation with an investment of Rs. 13,775 crore. In First Mile Connectivity Phase-I, 35 projects for mechanised transfer of 404 MTPA coal with a cost of Rs. 12,505/- crore under implementation. Tenders for all 35 projects have been issued. 2 projects have been commissioned. All projects completion by 2023-24.

Coal Bed Methane (CBM) extraction rights auction: 3 projects are planned in CIL command area on BOO basis. NIT for 2 has been issued. Bids will be submitted by 28.12.2020. Feasibility report of one (Sohagpur) project is approved by SECL Board.

Action completed on Mining Plan Guidelines revised on 29th May 2020. Mining Plan Approval process has been simplified and portal for online approval is being developed.

As on 10th December 2020, concessions in commercial terms of Rs. 6663.78 crore already extended by CIL till 02.12.2020.

The Press Release can be accessed at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1680343>

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Important Updates of the week

GSTN: Annual return in Form GSTR-9 for FY 2019-20 is now available on GST Portal

Form GSTR-9 – Annual Return in GST



The facility to file annual return in Form GSTR-9 for FY 2019-20 is now available.

The Form is enabled for taxpayers whose table 8A computation has been completed. Computation of the table 8A of the said return for auto population from returns is under progress which is likely to be completed soon.

Please ensure that all applicable returns of the said year have been filed before attempting to file the said return.

Source from: <https://www.gst.gov.in/newsandupdates/read/424>

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CBIC: Know about Quarterly Return and Monthly Payment (QRMP) Scheme for GST Taxpayers



Ministry of Finance
Government of India

Auto Migration of Taxpayers to QRMP Scheme (5th December, 2020)

Quarterly Return and Monthly Payment (QRMP) Scheme for Taxpayers

- 01 In case where Aggregate Annual Turnover (AATO) is up to ₹ 5 Crore
- 02 GSTR-3B for October, 2020 filed on or before 30th November, 2020

Taxpayers having Aggregate Annual Turnover (AATO) up to ₹ 1.5 Crore and are filling GSTR-1 on monthly basis will not be automatically migrated and have to opt-in for the Scheme

Automatically migrated taxpayers can opt-out of the Scheme

 @cbic_india
  @cbicindia
  www.cbic.gov.in

As per the recent tweet of the Central Board of Indirect Taxes and Customs (CBIC), **Know about Quarterly Return and Monthly Payment (QRMP) Scheme for GST Taxpayers:-**

Auto Migration of Taxpayers to QRMP Scheme (5th December, 2020)

1. In case where Aggregate Annual Turnover (AATO) is up to Rs. 5 Crore
2. GSTR-3B for October, 2020 filed on or before 30th November, 2020
 - Taxpayers having Aggregate Annual Turnover (AATO) up to Rs. 1.5 Crore and are filling GSTR-1 on monthly basis will not be automatically migrated and have to opt-in for the Scheme
 - Automatically migrated taxpayers can opt-out of the Scheme

Source from: https://twitter.com/cbic_india/status/1337008562262831112

GSTN starts auto-populating GSTR-1 on the basis of IRN on near to real-time basis

Credit / Debit Notes (Registered) - Summary

HELP ⓘ ↺

Uploaded by Taxpayer

Uploaded by Receiver

Modified by Receiver

Rejected by Receiver

Processed Documents

Display/Hide Columns: +2 ▾

C/D Note No.	C/D Note Date	Note Type	Note Value (₹)	Taxable value (₹)	Integrated Tax (₹)	Central tax (₹)	State/UT Tax (₹)	Cess (₹)	Source	IRN	IRN Date	Actions
								0.00	E-Invoice	458d	04/12/2020	 

⏪

⏩

BACK

ADD DETAILS

GSTN starts auto-populating GSTR-1 on the basis of IRN on near to real-time basis along with the source, IRN number and date.

The IRN data will also be reflected in the counter-party's GSTR-2A.

Source: #GST Portal

GST EWB: New enhancements in E-way Bill System



Following new enhancements have been made in the E-way bill system, dated December 8, 2020:

1. Recipient GSTIN should be registered and active, on the date of preparation of the document by the supplier.
2. Document Nos. are case sensitive for e-Way bill generation.
3. In the Bulk Upload, if the Pin-to-Pin distance is not known, the distance may be passed as zero. The system will automatically populate the distance, if available. However, if the distance is not available then error is returned. For such cases, the user has to pass the distance.

4. If Pin code does not exist in the EWB system then at-least the first 3 digits of the pin code must match with the State selected.
5. In Bulk upload, 96 can also be passed as state code for 'Other Country'.
6. In case EWB is generated from the e-Invoice System, then IRN is displayed in the e-Waybill print.

Source from: https://docs.ewaybillgst.gov.in/Documents/ewb_enhancements.pdf

NIC released Beta Version of GST e-invoice Preparing and Printing (GePP) excel based Tool



The National Informatics Centre (NIC) announces the release of the beta version of 'NIC-GST e-invoice Preparing and Printing' (NIC-GePP) excel based Tool to assist the taxpayers, who are not having the ERP solution to enter invoice in web based form and print the e-invoice with QR code after downloading the IRN from e-invoice portal.

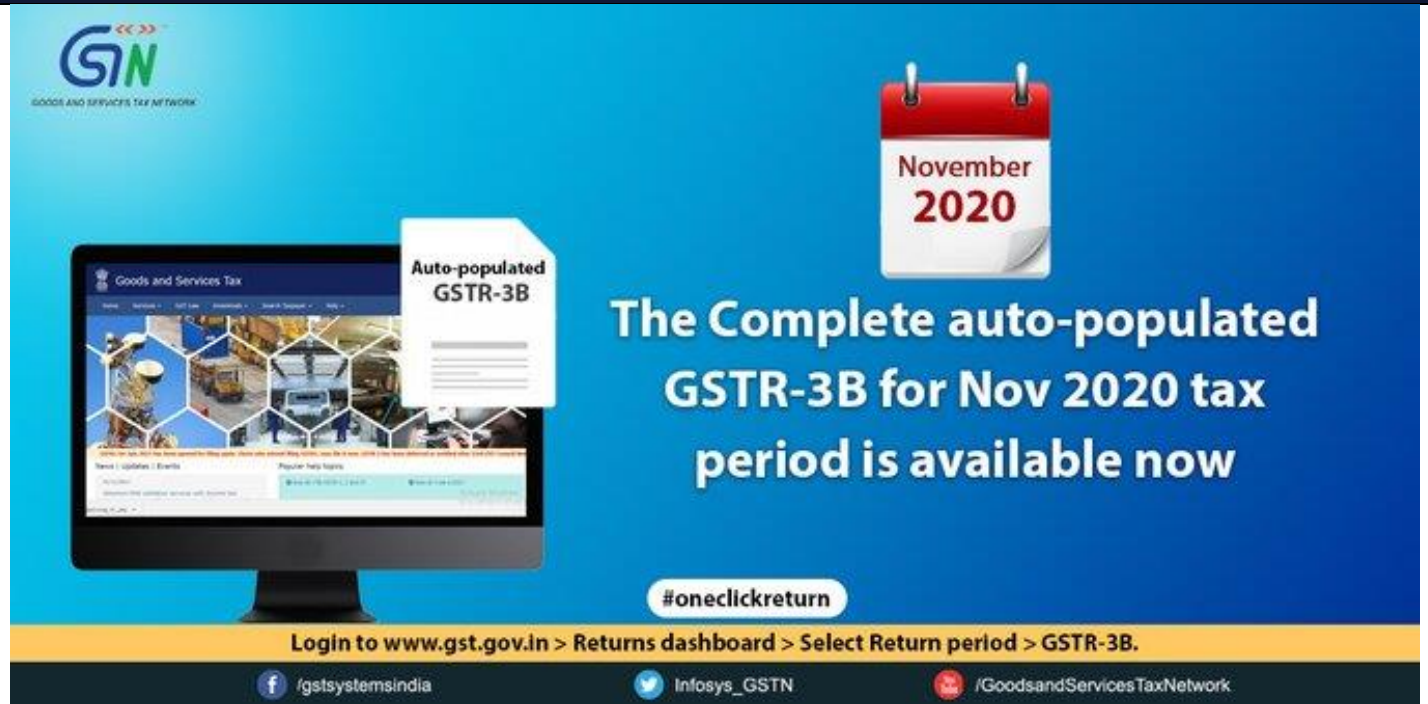
A Simple, user-friendly form based Excel Tool to enter the invoices one by one and generate the IRN Numbers. [Download](#)

The User Manual can be accessed at: https://einvoice1-trial.nic.in/Documents/Gepp_user_manual.pdf

Source from: <https://einvoice1-trial.nic.in/Others/BulkGenerationTools>

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GSTN: The complete auto-populated GSTR-3B for Nov 2020 tax-period is available now for monthly filers



The advertisement features a blue background. On the left, a computer monitor displays the GSTN portal interface. Above the monitor, the GSTN logo is visible. To the right of the monitor, a calendar icon shows 'November 2020'. The main text reads: 'The Complete auto-populated GSTR-3B for Nov 2020 tax period is available now'. Below this, a yellow banner contains the text: 'Login to www.gst.gov.in > Returns dashboard > Select Return period > GSTR-3B.' At the bottom, there are social media links for /gstsystemsindia, Infosys_GSTN, and /GoodsandServicesTaxNetwork.

As per the recent tweet of GST Tech, **The complete auto-populated GSTR-3B for Nov 2020 tax-period is available now for monthly filers.**

The Advisory can be accessed at: <http://www.a2ztaxcorp.com/wp-content/uploads/2020/12/Auto-populated-GSTR-3B-for-Nov-2020.pdf>

Source from: https://twitter.com/Infosys_GSTN/status/1337708255091441664

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GSTN: New and useful facility of "Communication between Taxpayers" has been enabled on GST portal


Dashboard > Services > User Services > Communication Between Taxpayers

English

COMMUNICATION BETWEEN TAXPAYERS

Inbox
(Notification & Reply Received)

+ Compose

Outbox
(Notification & Reply Sent)

Download CSV Template

Notification Received
Reply Received

FROM RECIPIENT
FROM SUPPLIER

Select	Recipient GSTIN	Trade/Legal Name	Subject	Notification Number	Notification Date
All ☐					
NO RECORDS FOUND					

BACK

Send New Notification

Notification To* * Indicates Mandatory Fields

Supplier GSTIN* Trade/Legal Name

Subject * Max 50 characters

Document Details

Action Required	Document Type	Document Number	Document Date	Document Value	Place Sup
Payment made	Invoice		12/12/2020		24 - G

Recipient Remarks*

A new and useful facility of "Communication between Taxpayers" has been enabled on the GST portal.

You can access this feature through **Dashboard > Services > User Services > Communication Between Taxpayers**.

Source: #GST Portal

Video of the week

Theme Presentation on E-Invoicing for Registered Person having Aggregate Turnover more than 100 Crore at PHD Chambers of Commerce || CA Bimal Jain



You can access the complete video on “Theme Presentation on E-Invoicing for Registered Person having Aggregate Turnover more than 100 Crore at PHD Chambers of Commerce || CA Bimal Jain” at following link:
<https://youtu.be/IS692SUjtBc>

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Income Tax

Important Press Releases of the week

Income Tax Department conducts searches in Assam



The Income Tax Department started a search and survey action on 04/12/2020 in the cases of leading Coal Traders of Assam. The search and survey actions are being carried out at 21 locations in Guwahati, Digboi, Margherita and Delhi.

The main allegations against the group are that it has routed accommodation entries of more than Rs. 23 crore and Rs. 62 crore in the form of non-genuine share capital and non-genuine unsecured loans respectively, through certain Kolkata-based shell companies. All this was done by suppression of its true net profit.

During the course of the search action, it has been established that the group engages in out-of-books transactions. **Handwritten documents/Diaries regarding cash transactions have been recovered which are not reflected in the regular books of accounts. Such transactions detected so far across all the locations combined is upwards of Rs. 150 crore, of which payments made of a total of more than Rs. 100 crore have been found to be violative of various sections of the Income-tax Act, 1961. Such seized documents are voluminous and are being investigated further.**

Further, **loan transactions made in cash were also found to be more than Rs. 10 crore. Stock difference of more than Rs. 7 crore was found and no cogent explanation regarding the same was provided.**

In the office of the Kolkata-based shell company acquired by one of the entities of the group, no books of accounts and ROC mandated documents were found, proving the same to be a bogus entity used only to route unaccounted income of the group.

Unexplained cash of approximately Rs. 3.53 crore has also been found during the search, which has been seized by the Department. Cash investments in Share Capital during demonetization period were also detected.

Further investigations are going on.

The Press Release can be accessed at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1678897>

Income Tax Department conducts searches in Odisha



The Income Tax Department has carried out search and seizure operations on 03/12/2020 in the case of a Group involved in the manufacturing and trading of steel products having premises in and around Rourkela, Odisha.

The Group entities were booking bogus purchases of around Rs. 170 crore for two financial years in the name of 17 bogus entities. All the 17 parties have confessed in the statements recorded during the course of the search and seizure operation, that they were unaware of any such business concerns in their name. It is also observed that the total amount was withdrawn in cash from the bank accounts of these bogus entities. Further, all the proprietors or directors of the bogus entities are daily wage labourers or from economically weaker sections.

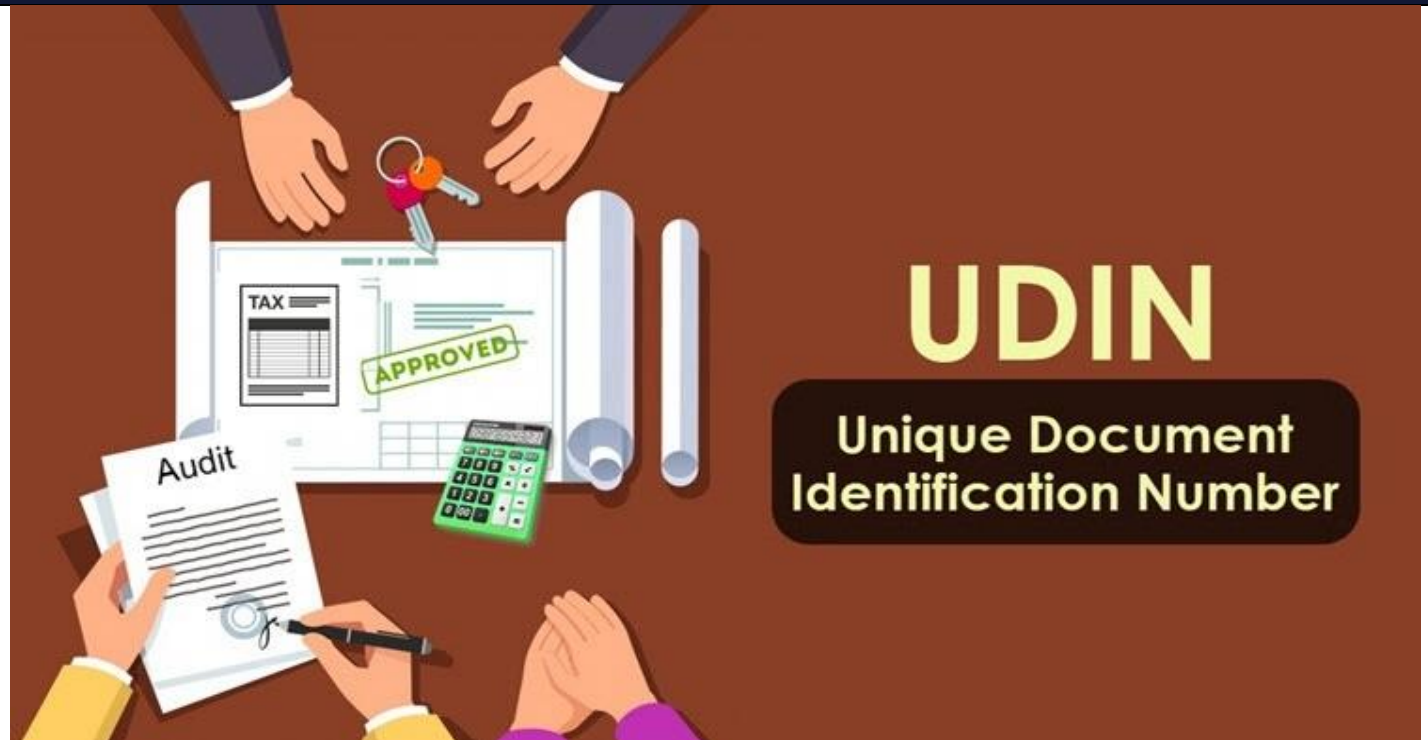
Further investigations are going on.

The Press Release can be accessed at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1679089>

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Important Update of the week

Income Tax Department issued FAQs on quoting of Unique Document Identification Number (UDIN)



Income Tax Department issued FAQs on quoting of Unique Document Identification Number (UDIN).

Q. What is Unique Document Identification Number (UDIN)?

Ans. The Institute of Chartered Accountants of India, on noticing about the fake certifications by Non-CAs misrepresenting themselves as Chartered Accountants which misled the authorities and stakeholders, pioneered in conceptualizing a unique concept which is called "Unique Document Identification Number (UDIN)". Unique Document Identification Number (UDIN) is 18-Digit system generated unique number which has to be generated by Full-time Practicing Chartered Accountants for every document certified/attested by them.

As per the decision of the Council of ICAI, UDIN has been made mandatory in phased manner as per following schedule:

- For all Certificates w.e.f. 1st February, 2019;
- For all GST and Tax Audit Reports w.e.f. 1st April, 2019;
- For all other Audit, Assurance and Attestation functions w.e.f. 1st July, 2019.

Q. Is UDIN mandatory for upload of the Audit Report and CA certification forms in e-filing portal?

Ans. Yes, it is mandatory.

Q. Is it possible for upload of the form without UDIN being quoted?

Ans. Yes, it is possible if a UDIN for the form has not been generated and the CA desires to upload the same without UDIN. However, within 15 calendar days of uploading, UDIN generated for the form should be updated to avoid the form uploaded being treated as invalid.

Q. On providing UDIN, the form submission page does not get opened. What to do?

Ans. One of the reason could be that UDIN validation process is consuming more time. You can remove the UDIN and proceed with the form upload and later update the form UDIN within 15 day of its upload

Q. A form has been uploaded with valid UDIN. However, UDIN status indicates, 'update UDIN'. What does this mean?

Ans. As long as the Taxpayer has not accepted the uploaded form, the CA would be able to modify the UDIN.

Q. How to update the UDIN in case form is uploaded without UDIN?

Ans. A link 'View/Update UDIN details' will be available under the **My Account** tab. The user must click the link and shall be redirected to 'View/Update UDIN details' for further action.

Q. How to correct the error in a form where UDIN has already been updated?

Ans. In case an error has been identified after the upload of the form, please ensure that the taxpayer does not accept the form that has been uploaded. Upload the corrected form with the same UDIN and ensure that the taxpayer accepts the corrected form.

Q. How to correct the error in the form with valid UDIN after it has been accepted by the taxpayer?

Ans. If the mistake or error in the form or attachment has been noticed subsequent to the taxpayer accepting the form linked to a valid UDIN, then the process is only revising the form with new UDIN generated by revoking the earlier generated UDIN of the submitted form.

Q. What will happen to the form if the CA uploads without UDIN or fails to update the UDIN within 15 calendar days, but the form uploaded has been accepted by the taxpayer?

Ans. The form uploaded will be treated as invalid with all due consequences of law attracted.

Q. What will happen to the form uploaded by the CA with UDIN and not accepted by the taxpayer?

Ans. The form uploaded will not be considered as a valid submission by the taxpayer till it is accepted by the taxpayer.

Q. What will be considered as the date of submission of the form by the taxpayer?

Ans. The date of submission of the form by the taxpayer will be the date on which the taxpayer accepts the form uploaded by the CA or the date on which the CA has furnished the UDIN, whichever event takes place later as the case may be.

Q. What will happen to the form in case UDIN is revoked?

Ans. In case the UDIN of a form is revoked after its acceptance by the taxpayer, then the form submitted with that UDIN will be treated as invalid on the date on which the UDIN is revoked with due consequences of law attracted.

Q. What will be considered as the date of submission of the form by the taxpayer in case UDIN is revoked?

Ans. In case the UDIN of a form is revoked after its acceptance by the taxpayer, and a revised form with fresh UDIN is uploaded, then the date on which the taxpayer accepts the revised uploaded form will be considered as the date of submission.

Q. How to correct the error in a form where UDIN has not been updated?

Ans. In case an error has been identified after the upload of the form, ensure that the taxpayer does not accept the form that has been uploaded. Re-upload the corrected form with the same UDIN and ensure that the taxpayer accepts the form which is corrected.

Q. What does the status 'Consumed' indicates under 'UDIN status'?

Ans. It indicates that the form uploaded by the CA with a UDIN has been accepted by the taxpayer and the UDIN linked to the form cannot be used for upload of another form or the revision or correction of the form already uploaded without its revocation.

Q. What does the status 'Unconsumed' indicates under 'UDIN status'?

Ans. It indicates that the form uploaded by the CA with a UDIN has been rejected by the taxpayer and the form can be re-uploaded using the same UDIN

Q. How to modify the UDIN in case UDIN is linked to a form but the form is not accepted or rejected by the taxpayer?

Ans. A link 'View/Update UDIN details' will be available under the **My Account** tab. The user must click the link and shall be redirected to 'View/Update UDIN details' for further action.

The FAQ can be accessed at: https://www.incometaxindiaefiling.gov.in/eFiling/Portal/StaticPDF_News/FAQ_On_UDIN.pdf

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CBDT has issued refunds of over Rs. 1,45,619 crore to more than 89.29 lakh taxpayers between April 01, 2020 to December 08, 2020



Income Tax India ✓

@IncomeTaxIndia

...

CBDT issues refunds of over Rs. 1,45,619 crore to more than 89.29 lakh taxpayers between 1st April, 2020 to 8th December, 2020. Income tax refunds of Rs. 43,274 crore have been issued in 87,29,626 cases & corporate tax refunds of Rs. 1,02,345 crore have been issued in 1,99,554 cases

As per the recent tweet of Income Tax India, the **CBDT issues refunds of over Rs. 1,45,619 crore to more than 89.29 lakh taxpayers between April 01, 2020 to December 08, 2020.**

Income tax refunds of Rs. 43,274 crore have been issued in 87,29,626 cases & corporate tax refunds of Rs. 1,02,345 crore have been issued in 1,99,554 cases.

Source from: <https://twitter.com/IncomeTaxIndia/status/1336623151451525120>

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GST News Flash

- Post reduction in GST rates, McDonald's restaurant chain held guilty of anti-profiteering

<https://www.a2ztaxcorp.com/post-reduction-in-gst-rates-mcdonalds-restaurant-chain-held-guilty-of-anti-profiteering/>

- Over 1,63,000 GST registrations cancelled in two months for return filing defaults

<https://www.a2ztaxcorp.com/over-163000-gst-registrations-cancelled-in-two-months-for-return-filing-defaults/>

- No bail for Rs. 50 crores GST fraud accused

<https://www.a2ztaxcorp.com/no-bail-for-rs-50-crore-gst-fraud-accused/>

- GST evasion of over ₹11,500 crores detected in special drive; 114 arrested

<https://www.a2ztaxcorp.com/gst-evasion-of-over-%e2%82%b911500-cr-detected-in-special-drive-114-arrested/>

- Cloudtail supplies hit after Haryana GST registration suspension

<https://www.a2ztaxcorp.com/cloudtail-supplies-hit-after-haryana-gst-registration-suspension/>

- Two Arrested for GST Credit Fraud of about Rs. 118 crores

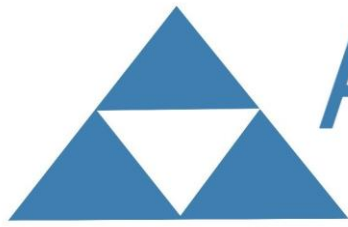
<https://www.a2ztaxcorp.com/two-arrested-for-gst-credit-fraud-of-about-rs-118-crore/>

- GST assessee with turnover up to ₹5 crores will need to file only four GSTR 3B forms

<https://www.a2ztaxcorp.com/gst-assessee-with-turnover-up-to-%e2%82%b95-cr-will-need-to-file-only-four-gstr-3b-forms/>

- E-invoicing under GST pick up speed, posts 17% growth in November

<https://www.a2ztaxcorp.com/e-invoicing-under-gst-pick-up-speed-posts-17-growth-in-november/>



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A2Z TAXCORP LLP is a boutique Indirect Tax firm having professionals from Multi disciplines which includes Goods and Services Tax (GST), Central Excise, Custom, Service Tax, VAT, DGFT, Foreign Trade Policy, SEZ, EOU, Export – Import Laws, Free Trade Policy etc.

Thanks & Best Regards,

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