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The Bengal Chamber of Commerce & Industry

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EDITORIAL

Friends,

Directorate General of Foreign Trade has issued Trade Notice No. 15/2020-2021-FTP dated 21.06.2020- As part of Digital India programme and for Ease of Doing Business, DGFT has undertaken an initiative to revamp its services delivery mechanisms to promote and facilitate foreign trade. As a step in that direction, the first phase of a new digital platform of DGFT is scheduled to **Go-Live on 13th July 2020**. The platform will become accessible through the existing website: **https://www.dgft.gov.in**

1. In the first phase, the website will be catering to the services related to the **IEC issuance, modification, amendments** etc. processes along with a **Chatbot (a virtual assistant)** catering to queries of users. Other online modules relating to Advance Authorisation, EPCG, and Exports Obligation Discharge which are part of next phase will be rolled out subsequently after the first phase stabilizes.

The following important points may be noted with regard to the new platform design:

i. Access to the services would be through a **username and password based system**.

ii. The **first time logins/user ID** may be created through a registration process on the new platform.

iii. For user ID creation, **registered mobile number/email ids of the IEC holders** will be a mandatorily required. The same will be authenticated by the process of OTP/email based authentication process.

iv. Users would have **to link their login IDs** to their specific IECs. The process of linking would be available post login through Digital Signature/Aadhaar based e-Sign.

v. **Digital Signature (DSC)/Aadhaar based e-Sign** will be required for applying and modifying IEC or adding or updating the IEC-linked users. Users may take necessary actions for procuring/updating their information etc. on the DSC/Aadhaar.

2. The **user profile** can be then used by the IEC holders to engage with DGFT and its services. This will enable the user to **electronically file their application related to IEC, AA, EPCG,** including amendments & redemption, monitoring the status of the application, raising queries, replying to the deficiencies etc. among other services related to the Foreign Trade policy.

3. The new platform is also designed for **smooth migration of legacy (older) data of DGFT and its stakeholders**. The existing data will be used for the online processing of the previous applications henceforth. The users will be able to monitor the status of their applications and the pending obligations thereof. These numerous features should significantly benefit the trade community. Users are requested to familiarize themselves about the new platform and its features.

EDITORIAL

4. DGFT RAs are directed to intimate the staff/officials about the launch of the new platform. All the staff/officials must have an **NIC/GOV email id** with updated mobile numbers. The same will be used in the Back Office (BO) portal of the new platform. RAs are also directed to spread awareness about the new platform among the trade stakeholders. Staff/Officials may also refer to the content about the platform provided to them during the training sessions.

5. It is further informed that for the purposes of go-live of first phase and the required systems configurations, the IEC applications and modification process would be **suspended from 3:00 pm on 10.07.2020 till 13.07.2020**. Stakeholders are requested to plan in advance about the IEC services.

6. In case of any issues/queries you may contact **DGFT Helpdesk at 1800-111-550 from 9:00 am to 6:00 pm Monday to Saturday.**

7. This issues with the approval of the Competent Authority.

The government on 26.06.2020 notified **new norms to allow online registration** of new enterprises based on self-declaration, doing away the requirement to upload documents and certificates from 01.07.2020. The notification also says that hereafter, an MSME will be known as Udyam, as this is more closer to the word enterprise. Accordingly, the registration process will be known **Udyam Registration**.

We do hope that this bulletin adds value to your professional sphere.

Just to reiterate that we remain available over telecom or e-mail.

Truly Yours

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SYNOPSIS

INCOME TAX

NOTIFICATIONS

EXTENSION OF TIME LIMITS UNDER INCOME TAX

OUR COMMENTS: The Ministry of Finance, Government of India, Central Board of Direct Taxes **vide Notification No. 35/2020 dated 24.06.2020** has issued further extension of time limits of compliances under Taxation & Other Laws (Reduction of Certain Provisions) Ordinance,2020 as under:

- Due date for filing **Income Tax Returns** for F.Y. 2018-19 has been extended to 31.07.2020 and for F.Y.2019-20 has been extended to 30.11.2020.
- Waiver of **interest u/s 234A** in cases where the self-assessment tax is upto Rs. 1,00,000.
- Last date for investments under Chapter VI-A i.e. **80C (LIC, PPF, NSC etc.), 80D (Mediclaim), 80G (Donations)** etc. for the FY 2019-20 upto 31.07.2020.
- The date for furnishing of **TDS/TCS statements** for the quarter ending on 31.03.2020 has been extended to 31.07.2020.
- For making investment/ construction/purchase for claiming roll over benefit/deduction in respect of capital gains under **sections 54 or 54GB** of the IT Act has been extended to 30.09.2020.
- **Linking of Aadhar** with PAN has been extended to 31.03.2021.
- Furnishing of **tax audit report** for F.Y.2019-20 has been extended to 31.10.2020.
- Under **Vivaad Se Vishwas Scheme** – Declaration, Passing of Order, etc has been extended upto 31.12.2020.
- New procedure for **Approval/ Registration under section 10(23C)/12AA/ 35/80G** has been extended to 30.09.2020.
- Date for passing of order or issuance of notice by the authorities and various compliances under various **Direct Taxes & Benami Law** which are required to be passed/ issued/made by 31st December, 2020 has been extended to 31.03.2021.

[For further details please refer the notification]

CONSTITUTION OF REAL ESTATE REGULATION AUTHORITY

OUR COMMENTS: The Ministry of Finance, Government of India, Central Board of Direct Taxes **vide Notification No. 36/2020 and 37/2020 dated 25.06.2020** has notified that u/s 10(46) of IT Act 1961 that Central Government notifies **''Real Estate Regulatory Authority''** constituted by the Government of India in respect of the specified income arising to that Authority.

[For further details please refer the notifications]

GST: CGST/IGST/SGST/UTGST

NOTIFICATIONS

INTRODUCTION OF CENTRAL GOODS AND SERVICES TAX (SIXTH AMENDMENT) RULES, 2020

OUR COMMENTS: The Ministry of Finance, Government of India, Central Board of Indirect Taxes and Customs **vide Notification No. 48/2020-CGST dated 19.06.2020** has notified Central Goods and Services Tax (Sixth Amendment) Rules, 2020. GSTR-3B can be verified through electronic verification code **(EVC).**

[For further details please refer the notification]

INTRODUCTION OF CENTRAL GOODS AND SERVICES TAX (SEVENTH AMENDMENT) RULES, 2020

OUR COMMENTS: The Ministry of Finance, Government of India, Central Board of Indirect Taxes and Customs **vide Notification No. 50/2020-CGST dated 24.06.2020** has notified Central Goods and Services Tax (Seventh Amendment) Rules, 2020. It is applicable for dealers under **Composition Scheme**.

[For further details please refer the notification]

LOWERING OF INTEREST FOR GSTR-3B FOR PRESCRIBED TIME

OUR COMMENTS: The Ministry of Finance, Government of India, Central Board of Indirect Taxes and Customs **vide Notification No. 51/2020-CGST dated 24.06.2020** has notified that seeks to provide relief by lowering of interest rate for a prescribed time for tax periods from February, 2020 to July, 2020.

[For further details please refer the notification]

EXTENSION OF TIME LIMIT FOR FURNISHING AND LOWERING/WAIVING OF LATE FEES FOR NON-FURNISHING OF FORM GSTR-3B

OUR COMMENTS: The Ministry of Finance, Government of India, Central Board of Indirect Taxes and Customs **vide Notification No. 52/2020-CGST dated 24.06.2020** has notified that seeks to provide one time amnesty by lowering/waiving of late fees for non-furnishing of FORM GSTR-3B from July, 2017 to January, 2020 and also seeks to provide relief by conditional waiver of late fee for delay in furnishing returns in FORM GSTR-3B for tax periods of February, 2020 to July, 2020.

[For further details please refer the notification]

WAIVER OF LATE FEES FOR DELAY IN FURNISHING OF FORM GSTR-1

OUR COMMENTS: The Ministry of Finance, Government of India, Central Board of Indirect Taxes and Customs **vide Notification No. 53/2020-CGST dated 24.06.2020** has notified that seeks to provide relief by waiver of late fee for delay in furnishing outward statement in FORM GSTR-1 for tax periods for months from March, 2020 to June, 2020 for monthly filers and for quarters from January, 2020 to June, 2020 for quarterly filers.

[For further details please refer the notification]

EXTENSION OF FILING GSTR-3B FOR TAXPAYERS ABOVE 5 CRORES

OUR COMMENTS: The Ministry of Finance, Government of India, Central Board of Indirect Taxes and Customs **vide Notification No. 54/2020-CGST dated 24.06.2020** has notified that seeks to extend due date for furnishing FORM GSTR-3B for supply made in the month of August, 2020 for taxpayers with annual turnover up to ₹ 5 crore.

[For further details please refer the notification]

FEMA

NOTIFICATION/CASE LAW

AMENDMENT IN FOREIGN EXCHANGE MANAGEMENT (MODE OF PAYMENT AND REPORTING OF NON-DEBT INSTRUMENTS) (AMENDMENT) REGULATIONS, 2020

OUR COMMENTS: The Reserve Bank of India **vide Notification No. FEMA.395(1)/2020-RB dated 15.06.2020** has notified that there is an amendment in the Foreign Exchange Management (Mode of Payment and Reporting of Non-Debt Instruments) (Amendment) Regulations, 2020. The **mode of payment and Remittance of sale proceeds** for investor who are making Investments by Foreign Portfolio Investors and Investment by a person resident outside India in an Investment Vehicle.

[For further details please refer the notification]

DOMNIC ALEX FERNANDES (D) THROUGH LRS. & OTHERS VERSUS UNION OF INDIA AND OTHERS- 2017 [SUPREME COURT]

Brief: Whether tenancy of a property, ownership of which is acquired by a person to whom the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (SAFEMA) applies, will be treated as "illegally acquired property" within the meaning of Section 3(1)(c) of SAFEMA and can be subjected to forfeiture under the provisions thereof?

OUR COMMENTS: In the present case, Supreme Court held that it is undisputed that only adjudication which has taken place by the competent authority is that the property was owned by the person to whom the Act applied i.e. against whom the order of detention had been confirmed. The rights of the appellants, who claim to be bona fide tenants even prior to purchase of the property by the person to whom the Act applied, have not been adjudicated upon on the assumption that their rights will stand automatically terminated. In view of above, we are of the view that rights of a bona fide tenant will not stand automatically terminated by forfeiture of property and vesting thereof in the Central Government. Such forfeiture will extinguish the rights of the person to whom the Act applies in the present case **Krishna Budha Gawde**, who was the owner of the property in question or his relative or associate having nexus with him in relation to the said property. However, we do not express any opinion whether the appellants are the bona fide tenants and had no nexus with the acquisition of the property by the person to whom the Act applied as claimed by them. This question needs to be determined independently by the competent authority as defined in Section 3(b) of the Act. Accordingly, we allow this appeal, set aside the order of the High Court and remit the matter to the competent authority for passing an appropriate order in accordance with law. The parties are directed to appear before the competent authority for further proceedings on 09.10.2017. Hence, appeal is allowed.

[Decided in favour of the petitioner]

CUSTOMS

CIRCULARS

INTRODUCTION OF PROCEDURE FOR TRANSHIPMENT OF EXPORT CARGO FROM BANGLADESH TO THIRD COUNTRIES

OUR COMMENTS: The Ministry of Finance, Government of India, Central Board of Indirect Taxes and Customs **vide Circular No. 29/2020-Customs dated 22.06.2020** has notified **procedure for Transhipment of Export Cargo from Bangladesh to third countries** through Land Customs Stations (LCSs) to Port / Airport, in containers or closed bodied trucks. Through the aforesaid Circular, transhipment facility was introduced on pilot basis to gain experience and obtain feedback from industry, so as to frame a facilitative regulation with adequate safeguards. The aforesaid Circular has been extended from time to time, and the last extension was granted **till 30th June 2020**. It is clarified that **regulation 7 of SCMTR 2018** prescribes a form for the purposes of transhipment and transit of goods from a seaport to a land customs station and vice-versa. Hence, the movement of Bangladesh third country export cargo, from land customs stations to sea ports, as specified in the Table at Para I, shall be guided by SCMTR 2018 from date of its implementation.

[For further details please refer the circular]

INTRODUCTION OF ELECTRONIC COMMUNICATION OF PDF BASED COPIES OF SHIPPING BILL & E-GATEPASS TO CUSTOM BROKERS/EXPORTERS TO MAKE CUSTOM PAPERLESS

OUR COMMENTS: The Ministry of Finance, Government of India, Central Board of Indirect Taxes and Customs **vide Circular No. 30/2020-Customs dated 22.06.2020** has notified that Electronic Communication of PDF Based Copies of Shipping Bill & e-Gatepass to Custom Brokers/Exporters will be done to make custom paperless. Board directs that w.e.f. 22.06.2020 only the **digital copy of the Shipping Bill** bearing the Final LEO would be electronically transmitted to the exporter and the present practice of printing copies of the said document for the exporters and also for **maintaining a docket in the Customs House** would stand discontinued. This reform complements the introduction of a **digital pdf Out-of-Charge (OOC) copy of the Bill of Entry and Gatepass** w.e.f. 15.04.2020 and launch of the 1st Phase of Faceless Assessment at Chennai and Bengaluru w.e.f. 08.06.2020.

[For further details please refer the circular]

DGFT

NOTIFICATIONS/TRADE NOTICES

AMENDMENT IN EXPORT POLICY OF PERSONAL PROTECTION EQUIPMENT/MASKS

OUR COMMENTS: The Ministry of Commerce and Industry, Directorate General of Foreign Trade vide **Notification No. 14/2015-2020-FTP dated 22.06.2020** has amended the export policy of Personal Protection Equipment/Masks. Following Personal Protection Equipments (PPEs) exported either as part of kits or as individual items are prohibited –

1.Medical Coveralls of all Classes/Categories

2.Medical Goggles

3.All masks other than non-medical/non-surgical masks (Cotton, Silk, Wool, Polyester, Nylon, Rayon, Viscose – Knitted, Woven or Blended)

4. Nitrile/NBR Gloves

5. Face Shield

All other items are freely exportable.

[For further details please refer the notification]

AMENDMENT IN PARA 4.44 OF THE FOREIGN TRADE POLICY

OUR COMMENTS: The Ministry of Commerce and Industry, Directorate General of Foreign Trade vide **Notification No. 15/2015-2020-FTP dated 25.06.2020** has notified that Para 4.44 of FTP is amended enhancing the time limit for re-import facility with zero duty from three months to six months for cases where re-import period is expiring between 01.02.2020 to 31.07.2020 in light of COVID19.

[For further details please refer the notification]

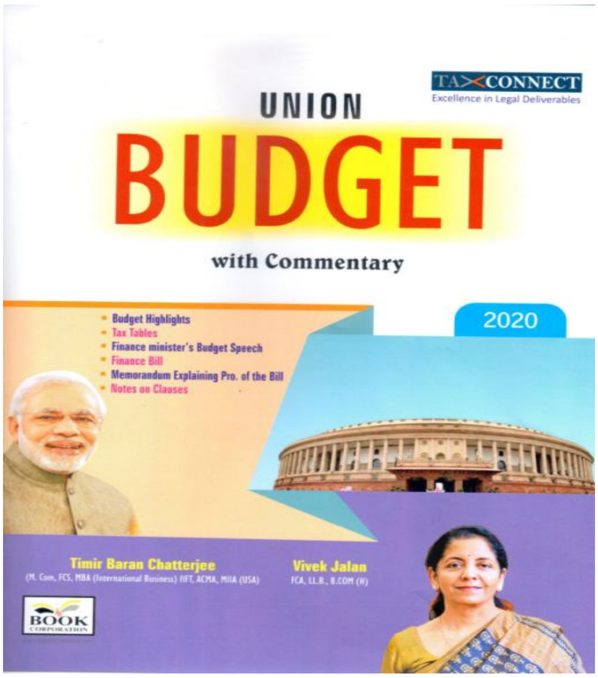
ISSUANCE OF PREFERENTIAL CERTIFICATE OF ORIGIN FOR INDIA'S EXPORTS TO VIETNAM UNDER ASEAN

OUR COMMENTS: The Ministry of Commerce and Industry, Directorate General of Foreign Trade vide **Trade Notice No. 15/2020-2021-FTP dated 21.06.2020** has been issued for Issuance of Preferential Certificate of Origin for India's exports to Vietnam under ASEAN.

[For further details please refer the trade notice]

IN STANDS

UNION BUDGET WITH COMMENTARY 2020



ABOUT THE BOOK: This publication includes:

1. **Budget Highlights**
2. **Tax tables**
3. **Finance Minister's Budget Speech**
4. **Finance Bill**
5. **Memorandum Explaining Pro. Of the Bill**
6. **Notes on Clauses**

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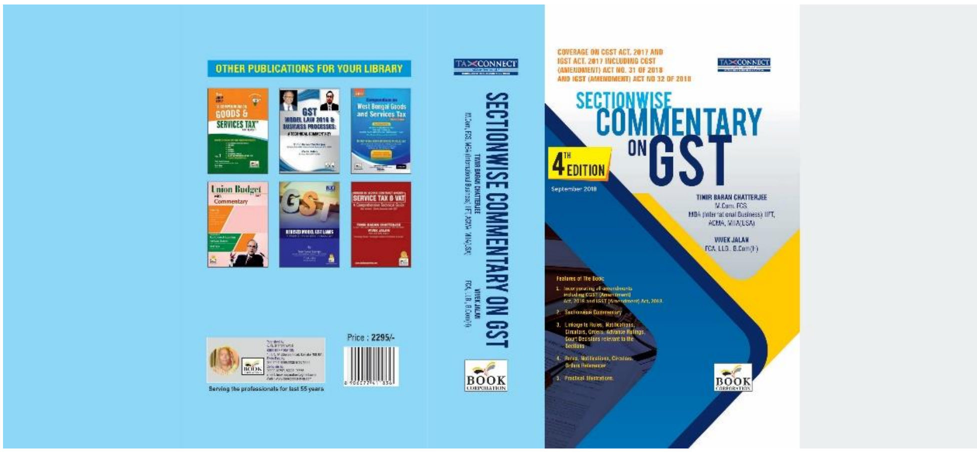
IN STANDS

SECTION WISE COMMENTARY ON GST UPDATED TILL DATE



ABOUT THE BOOK: **This book provides an insight into the following:**

1. **Incorporating all amendments**
2. **Section wise commentary**
3. **Linkages to Rules, Notifications, Circulars, Orders, Advance Rulings, Court Decisions relevant to the Sections**
4. **Rules, Notifications, Circulars, Orders Referencer**
5. **Practical Illustrations**

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