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[Daily Newsletter related to Profession]

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Direct & Indirect Taxes | ICAI & ICSI Updates | Corporate laws | Insolvency | MSME | SEBI | RBI | Economy & Finance

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Indirect Taxes

- **Notifications / Circulars / Press releases / FAQs / Portal Updates / Write-ups by Board "CBIC" and Government.**

❖ **CGST Act 2017 as amended up to 30.09.2020 have been uploaded by CBIC at its portal.**

Central goods and services tax act, 2017 (12 of 2017) as amended by-

- Central goods and services tax (extension to Jammu and Kashmir) act, 2017 (no. 26 of 2017)
- Finance act, 2018 (no. 13 of 2018)
- Central goods and services tax (amendment) act, 2018 (no. 31 of 2018)
- Finance (no. 2) act, 2019 (no. 23 of 2019
- Finance act, 2020 (no. 12 of 2020)
- The taxation and other laws (relaxation of certain provisions) ordinance, 2020.

Download your copy here

Updated Rules and Forms can be downloaded here

Advice

Make it a habit to read the Act with Relevant Rules always instead of reading law and practice books.

❖ **Various Non-Tariff notifications issued by Government on 30.09.2020 as below-**

No.	Powers	Matter
69	44(1)	Amend notification no. 41/2020-Central Tax dt. 05.05.2020 to extend due date of return under Section 44 till 31.10.2020. Notification here
70	Rule 48(4)	Amend notification no. 13/2020-Central Tax dt. 21.03.2020. a) The aggregate turnover in any preceding financial year from 2017-18 onwards will be taken for requirement to prepare e-invoice. b) E-invoicing is required for exports of goods and services also. Notification here
71	Rule 46	Amend notification 14/2020- Central Tax to extend the date of implementation of the Dynamic QR Code for B2C invoices till 01.12.2020. Notification here
72	Section 164	Eleventh amendment (2020) to the CGST Rules. For amending certain provisions related to QR Code. Notification here

❖ **Various Tariff notifications issued by Government on 30.09.2020 as below-**

No.	Powers	Matter
04	Section 9(3) & (4)	Extension of CGST exemption on services by way of transportation of goods by air or by sea from customs station of clearance in India to a place outside India, by one year i.e. up-to 30.09.2021. Notification here Corresponding notifications have been issued under IGST, UTGST and State GST.

❖ **CBIC issued circular for Implementation of the Sea Cargo Manifest and Transhipment Regulations.**
[Circular No.43/2020-Customs dated 30.09.2020]

- **News / Latest Developments / Other updates**

❖ **GST returns information to be included in Form 26AS.**
Information on GST returns will appear in an income tax statement form called Form 26AS. Experts feel this will ensure better compliance and curb tax evasion.

"The Central Board of Direct Taxes (CBDT) authorises the Principal Director General of Income-tax (Systems) or the Director General of Income-tax (Systems) to upload information relating to GST returns, which is in his possession, in the Annual Information Statement in Form 26AS, within three months from the end of the month in which the information is received by him," an order by the CBDT said. Further, it was mentioned that the Principal DG/DG (System) will specify the procedures, formats, and standards for the purposes of uploading of Annual Information Statement in Form 26AS.
[Business Line Report]

Direct Taxes

- **Notifications / Circulars / Press releases / FAQs / Portal Updates / Write-ups by Board "CBDT" and Government.**

❖ **CBDT further extends the due date for furnishing of belated & revised ITRs for Assessment Year 2019-20 from 30th September 2020 to 30th November 2020.Order u/s 119(2a) issued.**
[Copy of order here]

❖ **CBST informs all stakeholders that Form 35 is re-enabled to file appeal in accordance with the Faceless Appeal Scheme, 'Save draft' will be enabled shortly.**

- **CBDT issues refunds of over Rs. 1,18,324 crores to more than 33.54 lakh taxpayers between 1st April,2020 to 29th September,2020. Income tax refunds of Rs. 32,230 crores have been issued in 31,75,358cases & corporate tax refunds of Rs. 86,094 crores have been issued in 1,78,540cases.**

- **Govt issued Clarification on doubts arising on account of new TCS provisions.**
  Finance Act, 2020 amended provisions relating to TCS with effect from 1st October 2020 to provide that seller of goods shall collect tax @ 0.1 per cent (0.075% up to 31.03.2021) if the receipt of sale consideration from a buyer exceeds Rs. 50 lakhs in the financial year. Further, to reduce the compliance burden, it has been provided that a seller would be required to collect tax only if his turnover exceeds Rs. 10 crores in the last financial year. Moreover, the export of goods has also been exempted from the applicability of these provisions.
  Download MoF Release here

- **CBDT extends time limit for compulsory selection of returns for complete scrutiny to 31-10-2020.**
  Considering the difficulties faced due to COVID-19 pandemic and PAN migration related issues, the CBDT has extended the date for selection of cases for compulsory scrutiny on the basis of the parameters prescribed in the CBDT Circular No. 225/126/2020/ITA-II, dated 17-9-2020, from 30-09-2020 to 31-10-2020.
  Source: Taxmann.com

Legal Updates- Tribunals / High Courts / Supreme Court

Sr.No.	Key to find the document	Authority who passed the order	Details of decision
1	[2020] 119 taxmann.com 481 Asian Satellite Broadcast (P.) Ltd. v. Income Tax Officer	Bombay HC	Bombay HC set aside reassessment initiated by AO on mere change of opinion.

ICAI Announcements

- **Committee for Members in Practice (CMP) is organising a Live Webcast on "Capacity Building Measures of Practitioners with special focus on E-assessments & E-appeals" from 6.00 p.m. to 8.00 p.m. on 4th October 2020.**
  More details here

ICSI Announcements

- **Student Company Secretary e-Journal of September 2020.**
  Download here

Insolvency & Bankruptcy

- **Notifications / Circulars / Press releases / FAQs / Portal Updates / Write-ups by Board "IBBI" and Government.**

  - **IBBI publishes the syllabus and details of the Limited Insolvency Examination (Examination) for the examination to be conducted from 1st January 2021.**
    Syllabus here
    New additions
    - The Code of Civil Procedure, 1908.
    - The Prevention of Corruption Act, 1988.
    - The Micro, Small and Medium Enterprises Development Act, 2006.
    - Real Estate (Regulation and Development) Act, 2016.
    - Case Study on Business and Professional Ethics.

- **Legal Updates- NCLTs / NCL-ATs / Supreme Court**
  Supreme Court Judgement & Invocation of Section 18 of the Limitation Act, 1963 for Applications under IBC. The recent decision of the Hon'ble Supreme Court as to applicability of Section 18 of the Limitation Act,1963 to the proceedings under Insolvency and Bankruptcy Code,2016, in the case of Babulal Vardhaji Gurjar Vs.Veer Gurjar Aluminium Industries Pvt. Ltd. [2020]222CompCas115(SC)] has come like bolt from blue to the Creditors. A must-read judgement.

Sr.No.	Key to find the document	Authority who passed the order	Details of decision
1	[2020] 119 taxmann.com 340 Dipak Bhadra v. RCBS Realty (P.) Ltd. CP (IB) NO. 1062/KB/2019 DECEMBER 13, 2019	NCLT Kolkata	**Interest free loan will also be considered as financial debt for filing of CIRP application u/s 7** Time value of money exists in case of interest free loan as well and same will be considered as financial debt for filing CIRP under section 7

- **News / Latest Developments / Other updates.**

❖ **Germany returns to stricter insolvency law from 1 October.**

In Germany, the duty to file for insolvency will apply again from 1 October for all businesses facing liquidity problems, bringing risks for companies which delay filing for insolvency, and making payments contestable again.

Pinsent Masons Report

❖ **Can Force Majeure Frustrate The (Indian) Insolvency and Bankruptcy Code, 2016?**

Mondaq Report

❖ **NCLAT on insolvency process: 'Resolution plan withdrawal after approval from CoC frustrates CIRP exercise'.**

The National Company Law Appellate Tribunal (NCLAT) reiterated that a resolution plan once approved by the committee of creditors (CoC) of a company could not be withdrawn as it "frustrates the entire exercise of corporate insolvency resolution process".

"A resolution applicant whose resolution plan stands approved by committee of creditors cannot be permitted to alter his position to the detriment of various stake holders after pushing out all potential rivals during the bidding process. This is fraught with disastrous consequences for the corporate debtor which may be pushed into liquidation," the NCLAT said in its judgment.

Indian Express Report

Reserve Bank of India

- **Marginal Cost of Funds Based Lending Rate (MCLR) for the month September 2020**
  The Reserve Bank of India has today released Lending Rates of Scheduled Commercial Banks based on data received during the month of September 2020.
  Click here for more details

Economy & Finance

- **India's current account balance surplus rises to $19.8 billion on lower trade deficit: RBI**
  The surplus in the current account was on account of a sharp contraction in the trade deficit to $10.0 billion due to steeper decline in merchandise imports relative to exports on a year-on-year basis, RBI said in its report on India's Balance of Payments.
  Money Control Report

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