

Just in™

[Daily Newsletter related to Profession]

No 317 | 27 November 2020

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

Initiative by

PRADEEP GOYAL

Chartered Accountant

B.Com | FCA | CPA-Australia | Certified Fraud Examiner | FAFD (ICAI) | Certified Data Analyst & Scientist | Data Privacy Practitioner | Insolvency Professional | Registered Valuer | ICAI Certified GST Practitioner | Life-Time Member of Independent Directors' Data Bank with IICA

pradeepgoyal@kcsassociates.in | +91-9811777103 | Connect me at **LinkedIn**





Indirect Taxes

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

- ❖ **Govt. issued FAQs on blocking and unblocking of E-way Bill Generation Facility.**

The Government has issued "Frequently Asked Questions" on blocking and unblocking of e-way bill generation facility in E-way Bill Portal. Blocking of e-waybill generation facility means disabling taxpayer from generating E Waybill, in case of non-filing of 2 or more consecutive GSTR-3B Return on GST Portal, by such taxpayer.

[Click here to know more](#)

- **Legal Updates- Advance Ruling Authorities / Tribunals / High Courts / Supreme Court**

Sr.No.	Key to find the document	Authority who passed the order	Details of decision
1	W.P. No.16117/2020 (Akash Garg Vs. State of M.P.)	MP High Court	Mere E-mail of SCN to taxpayer would not suffice, uploading on website is mandatory. Where show-cause notice/orders were communicated to assessee by E-mail and were not uploaded on website of the revenue, held that statutory procedure prescribed for communicating show-cause notice/order under Rule 142(1) of CGST Act having not been followed by the revenue; demand deserved to be struck down.
2	[2020] 121 taxmann.com 313 (AAAR-WEST BENGAL) Iz Kartex, In re CASE NO. 02/WBAAAR/APPEAL/2020	West Bengal AAAR	RCM applicable on import of repair and maintenance services from foreign entity.

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

❖ **GST officials catch massive tax fraud of Rs 2,350 crore, fake invoices, ITC claims**

The GST officials have arrested three persons involved in massive frauds involving GST amounting to over Rs 2350 crores.

[Finance Express Report](#)

❖ **Rationalise GST rate structure to check GST fraud.**

Stricter enforcement of the GST law is in the offing which the honest taxpayers should not be really worried about. While the GST Council will certainly unleash the steps taken for curbing the fake invoices frauds, it is about time to further rationalise the GST rate structure and move towards a two-rate structure, which in the long run will not only simplify the GST system but also supplement the government's efforts to rein in the frauds. Increasing the tax base by including oil & gas, electricity and other such sectors kept outside the ambit of the GST into the GST net and further pruning of GST exemptions will ensure that the GST revenues are stable and there is enough fiscal room for making the GST structure simpler and wider.

[Opinion- Finance Express report](#)



Direct Taxes

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

❖ **CBDT to validate Unique Document Identification Number (UDIN) generated from ICAI portal at the time of upload of Tax Audit Reports.**

The Institute of Chartered Accountants of India, in its gazette notification dated 2nd August 2019, had made generation of UDIN from ICAI website www.icaai.org mandatory for every kind of certificate/tax audit report and other attestations made by their members as required by various regulators. This was introduced to curb fake certifications by non-CAs misrepresenting themselves as Chartered Accountants.

[Finance Ministry Release](#)

▪ **Legal Updates- Advance Ruling Authorities / Tribunals / High Courts / Supreme Court**

Sr.No.	Key to find the document	Authority who passed the order	Details of decision
1	[2020] 121 taxmann.com 325 Tamil Nadu State Marketing Corporation Ltd. v. Union of India CIVIL APPEAL NO. 3821 OF 2020 NOVEMBER 25, 2020	Supreme Court	HC ought to decide writ challenging validity of section 40(a)(iib) though matter was sub-judice before AO. High Court to decide writ petition on merits with respect to challenge to vires of section 40(a)(iib), irrespective of fact whether matter was sub-judice before Income Tax Authority. Once show cause notice was issued by Assessing Officer calling upon assessee to show cause why VAT expenditure is not allowable as deduction in accordance with section 40(a)(iib), it could be said that cause of action had arisen for assessee to challenge vires. Stage at which assessee approached High Court and challenged vires of section 40(a)(iib) could be said to be an appropriate moment. [Tamil Nadu State Marketing Corporation Ltd. v. Union of India [2020] 121 taxmann.com 324 (Mad.) (See Annex) - set aside]

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

❖ **Have not received income tax refund for assessment year 2020-21 yet? Here is how you can raise a re-issue request.**

The general timeline for processing the tax refunds is 2-4 months but may vary based on the complexity of the tax returns. The taxpayers with smaller refunds (i.e. below 5- lakhs) get processed faster.

[Media Report](#)



Insolvency & Bankruptcy

Legal Updates- NCLTs / NCL-ATs / Supreme Court

Sr.No.	Key to find the document	Authority who passed the order	Details of decision
1	M/s Venus Recruiters Private Limited Vs. Union of India and Ors. W.P.(C) 8705/2019 & CM APPL. 36026/2019 dated 26.11.2020.	Delhi HC	It was held in view of the above findings, the order of the NCLT impleading the Petitioner and any consequential orders are liable to be set aside. The proceedings qua the Petitioner before the NCLT under the Avoidance application are accordingly quashed.



Economy & Finance

❖ GDP may witness 57-64% sequential growth in Q2.

The expected dip in India's economic growth in the second quarter of 2020-21 could actually be among the highest sequential improvement showing countries in the world. From an unprecedented 23.9% contraction in the June quarter, the economy is seen shrinking 8.6% in the September quarter, as per the central bank and 10.2% according to independent economists polled by ET. But economists cautioned against getting carried away by the improvement.

[ET Report](#)

SAVE WATER || SAVE UNIVERSE