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[Daily Newsletter related to Profession]

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

Initiative by

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Indirect Taxes

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

❖ **GST Portal update- GSTR-9 of FY 2019-20 is available now.**
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.

- **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 356 H.M. Leisure v. State of West Bengal W.P. NO. 22281 (W) OF 2019 AND C.A.N. NO. 11697 OF 2019 JANUARY 22, 2020	Kolkata HC	**During the time limit of appeal to Tribunal, Dept. can recover tax maximum up to 20% as per sec 112(8).** Where Competent Authority recovered from assessee entire amount of tax in dispute subsequent to passing of orders by Appellate Authority, said Authority had acted in haste in recovering entire amount and he had a right to recover only a sum up-to 20 per cent as per section 112(8)(b).

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

❖ **GST registration loopholes being plugged after discovery of fraud ITC claims.**
[TOI Report]

❖ **Allahabad High Court rap "callous" taxman for "harassment" of a taxpayer under GST framework.**

Coming down hard on the indirect tax department the Allahabad High Court said the tax department harassed a taxpayer by cancelling his registration and slapped a fine of Rs 10,000. The high court also revoked the cancellation of registration of the taxpayer on account of "non-filing of Goods and Services Tax (GST) returns for 6 months. The court was hearing a writ petition filed by Ansari Construction.

ET Report

❖ **Delhi HC says entire concept of GST getting defeated by Input Tax Credit.**

The Delhi High Court observed that the entire concept of the Goods and Services Tax (GST) is getting defeated by the input tax credit while hearing a petition by a businessman seeking protection from arrest in a case of alleged wrongly/illegally availed of Input Tax Credit. The petition has also challenged the vires of various provisions of the Central Goods and Services Tax Act, 2017. The Court however granted him protection from arrest till the next date of hearing while also directing him to give cooperate in the investigation and to appear before the Deputy Director CGST as and when called.

India Legal Report

Direct Taxes

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

❖ **CBDT releases FAQs on Unique Identification Number (UDIN).**

As per the decision of the Council of ICAI, UDIN has been made mandatory for all certificates, GST & Tax Audit reports and all other Audit, Assurance and Attestation functions in a phased manner. The Central Board of Direct Taxes (CBDT) has issued FAQs on UDIN.

Download here

- **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] 122 taxmann.com 66 Allu Arvind Babu v. ACIT, Non-Corporate Circle - 20(1) Chennai TAX CASE APPEAL NO.522 OF 2017 DECEMBER 4, 2020	Madras HC	**Benefit arising on surrender of Keyman Insurance Policy taxable as perquisites in hands of employee.** Where Keyman Insurance Policy was taken by employer company and assigned in favour of its employee Managing Director, on basis of section 10(10D) with its Explanation 1, character of Keyman Insurance Policy would not get converted into ordinary Life Insurance Policy despite its assignment and therefore, any benefit accruing to employee upon its surrender or encashment would be taxable in hands of employee as 'perquisite'.

Insolvency & Bankruptcy

- **Notifications / Circulars / Press releases/ Write-ups by IBBI and Government.**

❖ **8th Advanced IP Workshop**

IBBI is conducting Online Advanced Workshop for IPs on “Analysis of Financial Statements of CDs and Their Personal Guarantors” on 14th December 2020 (Monday).

More details here

- **Legal Updates- NCLTs / NCL-ATs / Supreme Court**

Sr.No.	Key to find the document	Authority who passed the order	Details of decision
1	[2020] 122 taxmann.com 12 State Bank of India v. Anil Dhirajlal Ambani IA NOS. 1009 & 1010 OF 2020 CP (IB) 916 & 917 (MB) OF 2020 AUGUST 20, 2020	NCLT Mumbai	**Notwithstanding pendency of resolution plans, creditor can proceed against personal guarantor.** Law does not envisage that insolvency resolution of personal guarantor should follow only when process of corporate insolvency resolution of corporate debtor has come to an end; notwithstanding pendency of Resolution Plans, creditor can proceed against personal guarantor.

SEBI

❖ **SEBI issued guidelines for e-Voting Facility Provided by Listed Entities.**
Circular here

Reserve Bank of India

❖ **RBI releases Draft Circular on Declaration of Dividend by NBFCs.**
More details here

❖ **Overseas Direct Investment for November 2020**
The Reserve Bank of India has today released the data on Overseas Direct Investment, both under Automatic Route and the Approval Route, for the month of November 2020.
Read here for more

Economy & Finance

- **India's recovery faster than expected; ADB cuts contraction projection to 8% for FY21.**

  The Asian Development Bank (ADB) on Thursday upgraded its forecast for the Indian economy, projecting 8 percent contraction in 2020-21 as compared to 9 percent degrowth estimated earlier, on the back of faster than expected recovery. Observing that the economy has begun to normalise, the Asian Development Outlook (ADO) Supplement said the second quarter contraction at 7.5 percent was better than expected. The economy contracted by 23.9 percent in June quarter of the current fiscal on account of the impact of the coronavirus pandemic.

  "The GDP forecast for FY2020 is upgraded from 9.0 percent contraction to 8.0 percent, with GDP in H2 probably restored to its size a year earlier. The growth projection for FY2021 is kept at 8.0 percent," it said.

  [Money Control Report]

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