# Just in™

[Daily Newsletter related to Profession]

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Most Authentic Newsletter of India

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

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# Indirect Taxes

- **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 | [2021] 127 taxmann.com 172 SHV Energy (P.) Ltd. ORDER NO. 10/AAR/2021 MARCH 31, 2021 | Tamilnadu AAR | **ITC blocked on pipeline laid outside factory premises, not considered as plant and machinery.** Supplier of LPG not eligible for availment of input tax credit of GST paid on goods and services for laying of transfer pipeline but eligible for availment of input tax credit of GST paid on goods and services used for setting up refrigerated storage tank and setting up of Fire Water reservoir(tank). |
| 2 | [2021] 127 taxmann.com 175 M. Srinivasan v. Union of India WP NOS. 446, 6124, 29797 & 30685 OF 2018 AND WMP NOS. 504, 7548, 40088, 34770, 35794 & 35792 OF 2018 APRIL 14, 2021 | Madras High Court | License to occupy land is a supply of service and, therefore, contractors who were given license to run vehicle parking on land belonging to Southern Railway were bound to register their names under CGST Act and on such registration, they are bound to pay service tax for parking fee collected from end users. |

| Sr.No. | Key to find the document | Authority who passed the order | Details of decision |
|---|---|---|---|
| 3 | [2021] 127 taxmann.com 176 Page Industries Ltd ORDER NO. KAR/AAAR/05/2021 APRIL 16, 2021 | AAAR Karnataka | **No ITC of GST paid on procurement of promotional materials which are distributed to distributors and franchisees free of cost.**<br>Where appellant is engaged in manufacture, distribution, and marketing of certain goods under brand name, input tax credit of GST paid on procurement of promotional materials which are distributed to distributors and franchisees free of cost cannot be availed by appellant as input tax credit.<br>Goods procured on payment of GST which are disposed of way of gifts are barred from being eligible for input tax credit in terms of section 17(5)(h), even if they are used in course or furtherance of business, hence, promotional products/materials and marketing items used by appellant in promoting their brand and marketing their products can be considered as 'inputs' as defined in section 2(59), however GST paid on same cannot be availed as input tax credit in view of provisions of section 17(2) and section 17(5)(h)<br><br>• [Page Industries Ltd., In re [2021] 123 taxmann.com 31 (AAR - KARNATAKA) - Set aside] |

# Direct Taxes

- **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 | [2021] 127 taxmann.com 179<br>Shiv Kumar Jatia<br>v.<br>Income-tax Officer, Ward-10(2), New Delhi<br>ITA NOS. 241 AND 7256 (DEL.) OF 2019 [ASSESSMENT YEARS 2011-12 & 2013-14]<br>APRIL 26, 2021 | Delhi ITAT | **Period of holding for computing capital gains to be reckoned from date of agreement when rights in flat is sold.**<br>As per section 2(14), any kind of property held by an assessee would come within meaning of 'capital asset'. And any right which could be property would be capital asset and incidentally interest in an under construction flat is not one of the exclusions and right or interest in property are kinds of property that are transferable assets and hence booking rights or rights to purchase apartment or right to obtain title to apartment are also capital assets that can be transferable and a contract for sale of flat was capable of specific performance and right in an completed building or a flat was clearly a property as contemplated by section 2(14).and the period of holding is to be reckoned from the date of first agreement while computing capital gain on sale of property<br><br>Further it is also held that section 74 has not been made and cannot be made otiose and provisions of section 10(38) and section 74 have to be read harmoniously and not antagonistically. |

| Sr.No. | Key to find the document | Authority who passed the order | Details of decision |
|---|---|---|---|
| 2 | [2021] 126 taxmann.com 80 Principal Commissioner of Income Tax-12 v. Smt. Krishna Devi IT APPEAL NOS. 125, 130 AND 131 OF 2020† JANUARY 15, 2021 | Delhi Tribunal | **Sec. 68 additions were unjustified as sale and purchase of shares were made through electronic modes.** Where assessee claimed exemption under section 10(38) on account of LTCG arose on sale of shares of a company, since there was no dispute that these shares were purchased by assessee online, payments were made through banking channel and shares were dematerialized and, further, sales were routed from demat account and, sale consideration was received through banking channels, impugned addition made by Assessing Officer under section 68 treating such LTCG as bogus was unjustified. |
| 3 | [2021] 126 taxmann.com 113 Usha Martin Ltd. v. Union of India W.P. (T) NO. 70 OF 2021 JANUARY 18, 2021 | Jharkhand HC | Reassessment on basis of district registrar's info that land purchased for sum over that shown in ITR was justified. Where reopening notice was issued against assessee after four years from end of relevant year on basis of an information received from District Registrar that assessee had purchased slands for much higher amount than what was shown by it in its return of income and, thus, differential amount of expenses incurred on purchase of land was an unexplained expenditure, impugned reopening notice was justified. |

## ICAI Announcements

- **Cabinet approves Memorandum of Understanding between Institute of Chartered Accountants of India and Qatar Financial Centre Authority.**
  The Union Cabinet, chaired by the Prime Minister Shri Narendra Modi has approved signing of Memorandum of Understanding (MoU) between Institute of Chartered Accountants of India (ICAI) and Qatar Financial Centre Authority (QFCA).
  The MoU would enhance cooperation between the Institutes to work together to strengthen the Accounting profession and entrepreneurship base in Qatar.
  Release here

- **Mandatory updation of UDINs in all Income Tax Forms at e-filing Portal.**
  ICAI informs that CBDT is in process of mandating the updation of UDINs for all IT Forms prior to its upload on the e-filing portal by the members. In other words, members would be required to first generate UDIN and provide the same while uploading the IT forms.
  Further, CBDT has given the extension for updating UDINs for all the IT forms at the e-filing portal till 30th June 2021.
  In view of the above, the members are requested to avail this opportunity and update the UDINs on the e-filing Portal at the earliest but not later than 30th June 2021 to avoid likely invalidation.
  Announcement here

- **Exposure Draft of Revised AS 12, Income Taxes.**
  The Exposure Draft of revised AS 12, Income Taxes, has been issued by the ASB for comments with the last date being June 10, 2021, which can be assessed here.
  Announcement here

- **ICAI's 2 Days Virtual CPE Program on ABCD of Technology on 14th and 15th May 2021, 6 CPE Hours.**
  Topics
  AI, Cyber security,
  Data Analytics and cloud
  Details here

## Economy & Finance

❖ **ESIC extends date for filing of ESI contribution for the month of April 2021.**

The country is dealing with an incredibly challenging situation due to second wave of COVID-19 Pandemic. Many establishments are temporarily closed, and workers are unable to work. In line with the relief measures being extended by Government to business entities and workers, Employees' State Insurance Corporation (ESIC) has relaxed the provision as entered in Regulation 31 of ESI (General) Regulations, 1950 and allowed filing of ESI contribution for the month of April 2021 up-to 15th June 2021 instead of 15th May 2021.

GOI Release here

❖ **India received $83 billion in remittances in 2020: World Bank report.**

China, which received USD59.5 billion in remittances in 2020 against USD68.3 billion the previous year, is a distant second in terms of global remittances for the year gone by, as per the latest World Bank data released on Wednesday.

Indian Express Report

**ALWAYS FOLLOW COVID PROTOCOLS SUGGESTED BY GOI**

**SAVE WATER || SAVE UNIVERSE**