

Just in™

[Daily Newsletter related to Profession]
No 514 | Saturday 04 September 2021

Most Authentic Newsletter of India

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

Initiative by

PRADEEP GOYAL

Chartered Accountant

B. Com | FCA | Certified Fraud Examiner | FAED (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



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	Principal Additional Director General DGGI, Chennai v. Sri Marg Human Resources (P.) Ltd. W.A. NO.1488 OF 2021 C.M.P. NOS.9531 & 12272 OF 2021 AUGUST 17, 2021	Madras HC	Objections to be filed against Provisional attachment order & pursued, directly challenging it is premature. An order was passed against assessee that it had fraudulently availed ITC on fictitious invoices to discharge GST liability and department passed an order of provisional attachment of a bank of assessee - Assessee filed a petition against such provisional attachment on ground there could not be any attachment of future receivables so as to strangle entire business module of assessee and recovery proceedings initiated by department was contrary to the Act - Writ Court held that a sum of Rs 5.68 crores, which was lying in bank account was appropriated by department and that assessee had also agreed to pay another sum of Rs.1 crore against estimated tax due of about Rs.21 crores which would amount to discharge of 27.05% of estimated tax dues and, therefore, there was no meaning in attaching bank and, attachment order was to be vacated-Revenue had filed an instant writ appeal against said order - Whether statutory rule provides for a procedure that where person whose bank account was attached, could seek for lifting of such attachment, thus, assessee having sought for lifting attachment by filing objection ought to have pursued same without pursuing said objections, a challenge to provisional attachment order had to be held to be premature - Held, yes.



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

- ❖ **Anti-Corruption Bureau Ahmedabad ACB caught State GST Official for Bribery.**

The Anti-Corruption Bureau (ACB) on Friday detained a deputy commissioner of SGST, a tax consultant and his two workers for corruption to the tune of Rs 1 lakh.

Narsinh Pandor, deputy commissioner of state GST in Surat, Kishorchandra Patel, advocate and tax consultant, and Dharmesh Goswami and Vinay Patel who work for the tax consultant, were caught red-handed by the ACB, and booked.

Officials said the complaint was filed by a partner of a firm who had not filed GST returns for FY 2015-16, leading to his GST number being suspended by the department. He approached the accused deputy commissioner and sought the reactivation of the GST number.

[Ahmedabad Mirror Report](#)



Direct Taxes

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

- ❖ **CBDT notified a new Rule 26D to provide senior citizens are required submit Form 12BBA with specified bank to claim benefit of section 194P, also amended Form 16, 24Q, 26QC and 26QD to incorporate necessary changes related to provisions of section 194P.**

[Here is the notification.](#)



▪ 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	Palak Khatuja v. Union of India GOUTAM BHADURI, J. W.P.(T) NOS. 147 TO 149 OF 2021 AUGUST 23, 2021	Chattisgarh HC	Notice was issued under section 148 to assessee on 30-6-2021, however, when notice under section 148 was issued, power to issue notice was preceded with a new provision of law by amendment of Finance Act, 2021 and thereby section 148 was to be read with section 148-A which prescribed that before issuing notice under section 148, Assessing Officer was bound to conduct an enquiry giving an opportunity of hearing to assessee with prior approval of specified authority and show cause notice in detail was necessary specifying particular date for hearing. Assessee submitted that since operation of section 148A came into being on 1-4-2021, as such, notice issued to it on 30-6-2021 under section 148 without following procedure under section 148A and without giving an opportunity of hearing would be illegal and contrary to provisions of section 148A and not sustainable. it was found that owing to pandemic and lock down prevailing all over India provisions of section 148 which were prevailing prior to amendment of Finance Act, 2021 were extended. Hence, power to issue notice under section 148 which was prior to amendment was also saved and time was extended. Thus, as a result, notice issued on 30-6-2021 would also be saved. Therefore, no interference was required to be made in said issuance of notice.



Sr.No.	Key to find the document	Authority who passed the order	Details of decision
2.	Mega international (P.) Ltd. v. Deputy Commissioner of Income-tax, Circle-16(2), New Delhi T APPEAL NO. 7525 (DELHI) OF 2017 [ASSESSMENT YEAR 2013-14] JULY 8, 2021.	Delhi ITAT	ITAT deleted additions made by AO merely on ground that notice served to one creditor was returned unserved. Where AO made addition on account of a sundry creditor shown by assessee on ground that notice served to said creditor was returned unserved, since AO proceeded to make such addition without affording sufficient opportunity to assessee to clarify issue or file confirmation from said creditor and, further, when, confirmation from said creditor was produced by assessee before CIT(A), he erroneously rejected same, impugned addition made on account of sundry creditor was to be deleted.



ICAI Announcements

❖ ICAI issues following Exposure Drafts of Guidance Notes and invite comments.

- On Division III - NBFCs that are required to comply with Ind AS Schedule III to the Companies Act, 2013.
- on Division II - Ind AS Schedule III to the Companies Act, 2013
- On Division I - Non Ind AS Schedule III to the Companies Act, 2013.

[Read here for more](#)



Insolvency & Bankruptcy

- **Notifications / Circulars / Press releases/ Write-ups by IBBI and Government.**
- **Insolvency Board extends validity of Online Delivery of Educational Course and Continuing Professional Education by Insolvency Professional Agencies and Registered Valuers Organisations) Guidelines, 2020 till 31st December 2021.**
- **Legal Updates- NCLTs / NCL-ATs / Supreme Court**

Sr.No.	Key to find the document	Authority who passed the order	Details of decision
1	Oase Asia Pacific Pte Ltd. v. Axis Bank Ltd. COMPANY APPEAL (AT) (INSOLVENCY) NO. 783 OF 2020† FEBRUARY 26, 2021	NCL-AT Delhi	Tribunal dismisses appeal against impugned order consolidating CIRP of corporate debtor and its two subsidiaries. Where Adjudicating Authority consolidated CIRP of LCL and its hundred per cent subsidiaries, WAML and DCCL, all three of which Companies were undergoing CIRP and inter-linkages and synergies between Companies to keep LCL as a running Township was found, appeal against impugned order consolidating three CIRPs was to be dismissed.



SEBI

❖ **SEBI advisory on linking of PAN and Aadhaar.**

Existing investors must link their PAN with Aadhaar prior to Sept 30, 2021 or any other date specified by CBDT for continual and smooth transactions in securities market.

[Here is circular](#)



Economy & Finance

❖ **RBI To Tighten Rules on Overseas Direct Investment, Ease Up on Round-Tripping.**

The Reserve Bank of India has proposed to tighten overseas direct investments and financial commitments by Indian businesses. But more importantly, the regulator is proposing to liberalise the regulatory framework for ODI-FDI structures. ODI-FDI structures are, simply put — an Indian entity investing in a foreign company which invests or already has investments in India — typically referred to as round tripping.

SAVE WATER || SAVE UNIVERSE