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[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	Kanayalal Pahilajrai Balwani, In re ADVANCE RULING NO. GUJ/GAAR/R/16/2021 JUNE 30, 2021	Gujrat ARA	ITC of inputs used in manufacturing cakes & pastries which were expired has to be reversed. Expired cakes & pastries that were kept in display for use in course or furtherance of business of bakery being destroyed are covered under non obstante clause (h) of section 17(5) of CGST Act and thereby ITC on inputs used in manufacturing expired cakes & pastries is not admissible and required to be reversed.
2	MAN Energy Solutions India (P.) Ltd., In re NO. GST-ARA-56/2019-20/B-41 JULY 30, 2021	Maharashtra ARA	Supply of Marine diesel engines & parts used in manufacturing of ships etc. to ship building companies or Indian Navy is taxable at 5%. Marine diesel engine, and parts thereof will be covered under Sl. No. 252 of Notification No. 1/2017-Central Tax (Rate), dated 28-6-2017, only when used in manufacture of ships, boats, vessels, floating, structures etc. and supplied only to ship building companies/shipyards or Indian Navy

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

❖ **GST Council may discuss proposal to include diesel, petrol on Friday.**

- GST Council is scheduled to meet on September 17 in Lucknow.
- Fuels are subjected to central excise, cess, and state Value Added Tax.
- Proposal to bring petrol, diesel within GST will be placed before Council: Sources. For the first time since the one tax for all India, GST, came into play in 2017, the supreme decision-making entity, GST Council, may consider a proposal to bring petrol and diesel under the GST regime.

[India Today Report](#)

❖ **Food delivery apps may be treated as restaurants, told to pay GST.**

This is among 54 proposals expected to be taken up at the GST Council's Friday meeting. The GST Council, scheduled to meet on Friday, is likely to consider making e-commerce operators (ECOs) in food delivery such as Swiggy and Zomato.

[India Business Line report](#)

❖ **Indian Industries Association "IIA" members flag concerns before GST council meeting.**

[TOI Report](#)



Direct Taxes

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

❖ **CBDT appeal-**

Your taxes strengthen our infrastructure, ensuring better connectivity around the country. Do remember to pay your second instalment of Advance Tax by 15th September 2021.

▪ 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	Commissioner of Income-tax, Chennai v. Midas Golden Distilleries (P.) Ltd. TAX CASE APPEAL NO. 97 OF 2015 AUGUST 25, 2021	Madras HC	Court justified Sec. 68 additions as huge share capital of assessee had been routed through only two paper Cos. Where Assessing Officer noted that share capital of assessee-company had been routed through two companies, existence and operation of which remained only on paper and enquiries conducted showed that intermediary companies acted as conduits and huge amount were brought in assessee's books as share application money through intermediary companies by shareholders, who could not properly explain their source and assessee had not established creditworthiness and genuineness of transaction to satisfaction of Assessing Officer, Assessing Officer was justified in holding that provisions of section 68 got attracted and that share application money had to be assessed in hands of assessee-company.
2	Shankara Infrastructure Materials Ltd. v. Assistant Commissioner of Income-tax, Circle 12(3) Bangalore IT APPEAL NO. 89 OF 2015 JUNE 28, 2021	HC of Karnataka	Marked to Market loss incurred on account of foreign exchange fluctuations is allowable as deduction. Where assessee-company had borrowed working capital loan with foreign swap option for business purpose and had entered into a foreign currency contract to protect itself from foreign exchange fluctuation, loss incurred by assessee on account of foreign exchange fluctuations was to be allowed as deduction under section 37(1).



ICAI Announcements

❖ **Exemption of CA Course fee for students who have lost their any parent during Covid-19 pandemic- ICAI announcement.**

Registration fee of CA Course at all levels including ICITSS [consisting of Information Technology (IT) and Orientation Course (OC)] and AICITSS [consisting Advanced Information Technology (Advanced IT) and Management and Communication Skills (MCS) Course] would be exempted for such students who have lost their any parent during Covid-19 pandemic i.e., from 1st April 2020 to 31st March 2023 after submission of requisite documents while registering in the CA Course.

[Read this announcement](#)

❖ **"VCM on Departmental Audit & SCN under GST and Interpretation rules for Tax Statutes" Organized by CPE Committee and Hosted by Faridabad Branch of CIRC of ICAI on 15.09.2021 from 5 PM to 8 PM.**

[More details here](#)



Insolvency & Bankruptcy

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

❖ **IBBI's summary - Judgment dated 13th September, 2021 of the Hon'ble Supreme Court of India in the matter of Ebix Singapore Private Limited Vs. Committee of Creditors of Educomp Solutions Limited & Anr. [Civil Appeal No. 3224 of 2020 and other appeals]**

[Download here](#)

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

Sr.No.	Key to find the document	Authority who passed the order	Details of decision
1	Ebix Singapore Private Limited v. Committee of Creditors of Educomp Solutions Limited CIVIL APPEAL NOS. 3224 & 3560 OF 2020 & 295 OF 2021 SEPTEMBER 13, 2021	Supreme Court	NCLT and NCLAT strictly adhere to timelines stipulated under IBC and clear pending resolution. Adjudicating Authority lacks authority to allow withdrawal or modification of Resolution Plan by a successful Resolution Applicant or to give effect to any such clauses in Resolution Plan.
2	Gaurav Jain v. Sanjay Gupta IA NO. 2264 OF 2020 C.P. (IB) NO. 1239 (MB) OF 2018 MARCH 9, 2021	NCLT Mumbai	Only assets are transferred to buyer in case of sale as going concern in liquidation, liabilities are settled u/s 53.
3	National Aviators' Guild (NAG) v. Ashish Chhawchharia IA NOS. 1862, 2125, 2248 & 2449/MB/2020 CP (IB) NO.2205/MB/2019 FEBRUARY 22, 2021.	NCLT Mumbai.	Employees of corporate debtor not entitled to copy of resolution plan or any portion thereof.



SEBI

- ❖ **SEBI issues Consultation Paper on Review of the SEBI (Settlement Proceedings) Regulations, 2018.**

Download using  [this link](#).



Economy & Finance

- ❖ **Govt releases data of India's foreign trade.**
 - India's overall exports (Merchandise and Services combined) in August 2021 are estimated to be USD 52.20 Billion.
 - Indian exports grow by 33.99 per cent over the same period last year and 19.89 per cent over August 2019.
- [MOCI Release](#).

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