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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

SN	Key to find the document	Authority who passed the order	Details of decision
1	Cognizance For Extension of Limitation MISCELLANEOUS APPLICATION NOS. 665 OF 2021 & 21 & 29 OF 2022 S.M.W. (C) NO. 3 OF 2020 JANUARY 10, 2022	SC	In view of Covid- 19 surge, the Supreme Court extends limitation for filing of cases in Courts and Tribunals. Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, Supreme Court has directed as under: • period from 15-3-2020 till 28-2-2022 stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings. • In cases where the limitation would have expired during the period between 15-3-2020 till 28-2-2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 1-3-2022. In the event the actual balance period of limitation remaining, with effect from 1-3-2022 is greater than 90 days, that longer period shall apply. • Period from 15-3-2020 till 28-2-2022 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of Negotiable Instruments Act & any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) & termination of proceedings.

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2	Aditya Energy Holdings v. DGGI, Chennai C. SARAVANAN, J. WP.NO.9654 OF 2021 WMP.NO.10223 OF 2021 DECEMBER 10, 2021	HC of Madras.	Amount paid during investigation in GST is only deposit and to be treated as amount paid under protest. Amount paid during investigation are only deposit pending adjudication and to be treated as amount paid under protest; refund of such amount to be made if no case is made out after adjudication.
3	Globus Spirits Ltd. v. Union of India W.P.(C) NO. 1093 OF 2022 CM APPLS. NOS. 3112, 3113 AND 3114 OF 2022 JANUARY 18, 2022	Delhi HC	CBIC Circular classifying Dried Distillers Grain with Soluble under HSN 2303 & taxable at 5% challenged before Delhi HC. CBIC Circular clarifying Dried Distillers Grain with Soluble (DDGS) as classifiable under heading 2303 attracting 5% GST challenged as ultra vires; High Court orders issuance of notice.

▪ News / Latest Developments / Other updates.

❖ **DGGI Gurugram officials bust nexus of 93 fake firms issuing fake input tax credit invoices of Rs 491 crore, arrest one.**

The Gurugram Zonal Unit (GZU) of Directorate General of GST Intelligence (DGGI), has arrested one person on 18.01.2022 under the provisions of the GST Act on charges of running multiple fake firms on the strength of fake documents and having passed on fraudulently ITC to the quantum of Rs. 491 crores.

Acting upon on specific inputs from Jaipur Zonal unit of DGGI that a person was providing cloud storage facility to various persons across India, for carrying out their work from remote locations and storing data, Hard Disk recovered from the Cloud service provider was scrutinized. Through scrutiny of data contained in such Hard Disk being provided by the Cloud Storage facility, the identity of the key operative emerged who appeared to be running a nexus of 93 fake firms.

[Press Release here](#)

❖ **Contractor of Maharashtra Metro Rail Corporation arrested for GST evasion of Rs. 9 Crore**

CGST Navi Mumbai Commissionerate of Mumbai zone has arrested a businessman, a co-venturer of M/s. Pratibha CSL Sudhir Constructions Joint Venture, for GST evasion of Rs 9 Crore. This entity had taken a contract from Maharashtra Metro Rail Corporation in the year 2016, for construction of Metro Train Depot at Nagpur and had collected GST. They had not paid GST of Rs. 8.05 Crore to the GST authorities, which was collected three years ago in 2018. Additionally, taxpayer had also availed ineligible Input Tax Credit (ITC) of Rs. 95 lakhs.

[Read this press release](#)

❖ **Budget may propose creating GST tribunal.**

The Goods and Service Tax Appellate Tribunal (GSTAT) is likely to be announced for expeditious resolution of indirect tax litigations.

[HT Report](#)



Insolvency & Bankruptcy

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

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1	Kushal Traders v. T.V. Balasubramanian, RP of Sholingur Textiles Limited COMPANY APPEAL (AT) (CH) (INS) NO. 189 OF 2021 AUGUST 27, 2021	NCLAT Chennai	Where appellant and CD offered to settle debt owed to appellant by corporate debtor by conveying to appellant property belonging to corporate debtor and property was conveyed by sale deed dated 4-7-2018, since sale was within one year preceding admission of application for initiation of CIRP, i.e., 4-2-2019, said transaction was preferential transaction, which was to be set aside



Reserve Bank of India

- ❖ **RBI released data on External Commercial Borrowings (ECB), Foreign Currency Convertible Bonds (FCCB) and Rupee Denominated Bonds (RDB) both, through Automatic Route and Approval Route, for the month of December 2021.**

[Notification here](#)

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