

Just in™

[Daily Newsletter related to Profession]

No 686 | Friday 20 May 2022

Most Authentic Newsletter of India

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

Initiative by

PRADEEP GOYAL

Chartered Accountant

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

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

❖ Few important due dates for April Month Return/Tax

- Non-Resident GST Taxpayers- R-5 Return: Due Date is May 20.
- OIDAR Services Suppliers- R-5A Return: Due Date is May 20.
- Non QRMP Dealers- R-3B Return: Extended Due date is May 24.
- QRMP Dealers- Due date of payment of tax by using Form PMT-06: Extended due date is May 27, 2022.

- **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	Union of India v. Mohit Minerals (P.) Ltd. DR. DHANANJAYA Y CHANDRACHUD, SURYA KANT AND VIKRAM NATH, JJ. CIVIL APPEAL NOS, 1390, 1394 OF 2022 & OTHS. MAY 19, 2022	Supreme Court	SC upheld Gujarat HC judgment of Mohit Minerals' wherein GST on ocean freight was held as ultra vires. The Gujarat High Court in the case of Mohit Minerals v. Union of India [2020] 113 taxmann.com 436 (Gujarat) held that the levy of IGST on ocean freight is ultra-vires the levy provisions of the IGST Act. The Court after a detailed deliberation held that under the IGST Act, no tax is leviable on ocean freight for imports on a CIF basis and the impugned notifications are ultra vires the IGST Act. Download copy of the order using This link

Sr.No.	Key to find the document	Authority who passed the order	Details of decision
2	Arhaan Ferrous and Non-Ferrous Solutions (P.) Ltd. v. Senior Intelligence Officer-3 MAIN CASE NO. W.P. NO. 12360 OF 2022 MAY 6, 2022	AP High Court	Writ petition filed to quash order of provisional attachment passed without recording anything with regard to formation of opinion and when proceedings were not pending - HELD: No reasons other than in order to protect the interest of government are assigned by department in impugned order - Contention of department that reasons for ordering provisional attachment were recorded in note file and there is no need to extract/state same in provisional order cannot stand judicial scrutiny - Assessee cannot be expected to file any objections unless reasons are recorded in impugned order - Department has failed to adhere to mandatory requirement of formation of opinion - Petitioner contended that proceedings under Section 67 are concluded as department conducted inspection, search and seizure, summons were issued and statements of director and employees were recorded - Copy of order of seizure is filed by petitioner - On Contention of department that impugned order was communicated to petitioner and proceedings under Section 67 are still pending - Petitioner has made out prima facie case - Interim suspension of order on provisional attachment ordered - Sections 67 and 83 of Central Goods and Services Tax Act, 2017/Andhra Pradesh Goods and Services Tax Act, 2017 [In favour of Petitioner].

- News / Latest Developments / Other updates.

❖ DGGI Gurugram detains Two Chartered Accountants in a GST Fraud Case: CAs call for Protest against Malicious Detention.

[More details in this report](#)



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	Assistant Commissioner of Income Tax, Circle-3 v. J.P. Yadav IT APPEAL NO. 319 (ALL.) OF 2018 [ASSESSMENT YEAR 2011-12] MAY 11, 2022	ITAT Allahabad	Assessee to submit revised audit report 3CD if he claims that auditor committed error; submitting reconciliation isn't valid. Since tax auditors certify figures reported by them in Form No.3CD as true and correct, assessee cannot lightly allege/contend that tax auditors committed errors in reporting in Form No. 3CD. If assessee contends that tax auditors committed any inadvertent error in reporting figures/details in tax audit report in Form No. 3CD, he should get a revised tax audit report/addendum thereto issued by tax auditor and produce the same. Merely submitting reconciliation of figures of interest income reported in P&L account with interest income reported in Annexure-I to Form No. 3CD (old Form No. 3CD) will not suffice. Matter remanded to AO to allow assessee to submit revised tax audit report/addendum thereto and verify the same with books of account.



Insolvency & Bankruptcy

Legal Updates- NCLTs / NCL-ATs / Supreme Court

Sr.No.	Key to find the document	Authority who passed the order	Details of decision
1	State Bank of India v. Krishidhan Seeds (P.) Ltd. CIVIL APPEAL NO 910 OF 2021 APRIL 18, 2022	Supreme Court	Unqualified acknowledgment of debt in the balance sheet extends period of limitation for filing of CIRP. Unqualified acknowledgement of debt in CD's balance sheet within a period of three years from the original date of default extends limitation for filing CIRP u/s. 7 of IBC, as section 238A of IBC makes section 18 of Limitation Act applicable to proceedings under IBC. Therefore: (i) the provisions of Section 18 of the Limitation Act are not alien to and are applicable to proceedings under the IBC; and (ii) An acknowledgement in a balance sheet without a qualification can furnish a legitimate basis for determining as to whether the period of limitation would stand extended, so long as the acknowledgement was within a period of three years from the original date of default.



Reserve Bank of India

- ❖ RBI issues clarification to all the banks regarding new Definition of Micro, Small and Medium Enterprises under MSME Development Act.

[Read more here](#)