

GST Compendium

A monthly guide

June 2021





Editor's note

The 43rd GST Council meeting was held after eight months and various tax relief measures were proposed to reduce the hardship caused to the taxpayers by the pandemic. Certain goods such as medical oxygen, oxygen concentrators, diagnostic markers test kits and COVID-19 vaccines have been recommended for full exemption from Integrated Goods and Services Tax (IGST) up to 31 August 2021.

The Delhi High Court (HC) has held that the Foreign Trade Policy 2015-2020 is clear and unambiguous as it excludes the telecom services providers from the benefit of the Service Exports from India Scheme (SEIS) and not the other service providers who provides various services to the telecom sector. Hence, issuance of instructions denying benefit to such service providers under SEIS is ultra vires. While such schemes have been introduced with the intention to provide benefit to the exporters, the ambiguities in the governing provisions often lead to either denial or delay in such benefits thereby leading to further litigation. This is a welcome judgment by the Delhi HC and provides clarity on this subject.

Recently, the Maharashtra Authority for Advance Ruling (AAR) held that the activity of the liaison office (LO) connecting Indian business with its overseas head office (HO) shall be regarded as supply of 'intermediary services' exigible to GST. Divergent rulings on this subject have led to confusion on the applicability of GST on transactions between HO and LO. A suitable clarification from the government on this issue will help avoid unnecessary dispute and litigation on this subject.

In this edition, we have discussed about the taxability of human plasma under erstwhile law as well as GST regime and the dilemma as regards its applicable GST rate.

Hope you will find this edition interesting.

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01 Important amendments/updates



COVID-19-related measures by the government

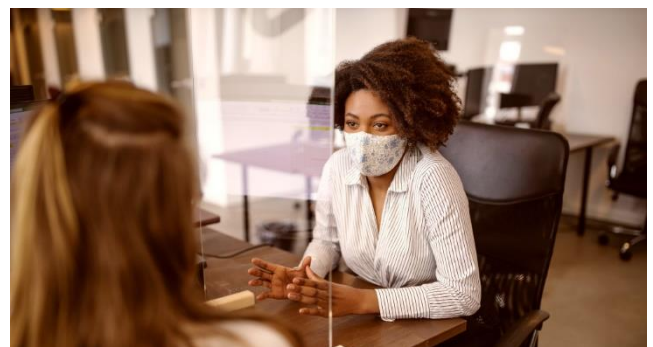
Facility of accepting undertaking in lieu of bond restored till 30 June 2021

In order to ensure that there are no delays or disruption in EXIM trade due to the second wave of the COVID-19 pandemic, the Central Board of Indirect Taxes and Customs (CBIC) has restored the facility of acceptance of an undertaking in lieu of bond by Customs formations till **30 June 2021**¹. Further, clarified that the importers/exporters availing this facility shall ensure that the undertaking furnished in lieu of bond is duly replaced with a proper bond by **15 July 2021**.

Validity of Registration cum Membership Certificate extended till 30 September

In order to ensure that no hardship is caused to the exporters to get their Registration cum Membership Certificate (RCMC) re-validated (in cases where it has expired on or before 31 March 2021), the Directorate

General of Foreign Trade (DGFT) has directed that regional authorities will not insist on a valid RCMC from the applicants for any incentive/authorisations till **30 September 2021**². Further, it has been clarified that on the restoration of normalcy, the EPCs shall collect the applicable fees for the year 2021-22.



1. Circular No. 09/2021-Customs dated 8 May 2021
2. Trade Notice No. 04/2021-22 dated 10 May 2021



Validity of Letter of Approvals (LoA) extended till 30 June 2021:

In view of the prevailing situation of the COVID-19 pandemic, the Government has provided suitable relaxation on compliances to be met by SEZ units/developers/co-developers of SEZs. The government has directed that all extensions of LoAs and other compliances may be facilitated through electronic mode in a time bound manner. In cases where it is not possible to grant extension through electronic mode or in cases where a physical meeting is required, the Development Commissioner shall ensure that the developer/co-developer/units do not face any hardship due to such expiry of validity during the period of disruption and ad-hoc interim extension/deferment of the expiry date may be granted without prejudice till **30 June 2021**³.

Compliances to which relaxations will apply include:

- Filing quarterly progress report (QPR)
- SOFTEX form to be filed by IT/ITES units

- Filing of Annual Performance Report (APR) by SEZ Units
- Extension of LoA

Extension of validity of AEO Certification till 30 June 2021:

The CBIC has received representations regarding the difficulties being faced by the Authorised Economic Programme (AEO) entities in renewing their existing certification owing to the outbreak of COVID-19 pandemic. Considering the difficulties faced, the CBIC has extended the validity of all the AEO Certificates expired/expiring between 1 April 2021 and 31 May 2021 to **30 June 2021**⁴. The extension shall not be applicable to entities who have been found ineligible for continuation under the AEO Programme.

Special Refund and Drawback Disposal Drive from 15-31 May 2021:

Considering the outbreak of second wave of COVID-19 pandemic, the CBIC had introduced a Special Refund and Drawback Disposal Drive from 15 May 2021 to 31 May 2021.

For facilitation of exporters, the tax officers have been instructed to undertake all communications over email, wherever email id of the

applicant is available. Further, all deficiency memos shall be reviewed and refund/drawback shall be considered on merit.



43rd GST Council meeting: Key recommendations/decisions

The GST Council in its 43rd meeting held through videoconferencing on 28 May 2021 took various decisions regarding reliefs due to COVID-19, amnesty scheme regarding late fees for pending returns, trade facilitation, simplification of return filing process, etc. Recently, CBIC has given effect to/notified most of these changes vide various notifications.

Exemption from IGST on COVID-19 related items:

Exemption from levy of Integrated Goods and Services Tax (IGST) has been provided on medical oxygen, oxygen concentrators and other oxygen storage and transportation equipment, certain diagnostic markers test kits only when these goods were imported 'free of cost' for free distribution. The above exemption shall be extended till **31 August 2021**. Further, in view of rising Black Fungus cases, the above exemption from IGST shall be extended to Amphotericin B.

Amnesty scheme to provide relief to taxpayers regarding late fee for pending returns:

The late fees for non-furnishing of return in Form GSTR-3B for the period July 2017 to April 2021 waived/reduced as under:

- Maximum late fee to be capped at INR 500 per return (INR 250 each for CGST and SGST), for taxpayers having no tax liability;
- Maximum late fee to be capped at INR 1,000 per return (INR 500 each for CGST and SGST) for other taxpayers.

The reduced late fee to apply for all the GSTR-3B returns furnished between 1 June 2021 to 31 August 2021.

3. Circular No. K-43022/7/2020-SEZ dated 7 May 2021
4. Circular No. 10/2021-Customs dated 24 May 2021
5. Instruction No. 10/2021-Customs dated 13 May 2021



Rationalisation of late fees for small taxpayers

To reduce burden on smaller taxpayers, the late fee for delay in furnishing of Form GSTR-3B and Form GSTR-1 to be capped, per return, as under:

Type of return	Category of taxpayers	Maximum late fees (per return)
GSTR-3B and GSTR-1	No tax liability	INR 500 per return (INR 250 each for CGST and SGST)
	AATO* in preceding year up to INR 1.5 crore	INR 2,000 per return (INR 1000 each for CGST and SGST)
	AATO* in preceding year between INR 1.5 crore to INR 5 crore	INR 5,000 per return (INR 2500 each for CGST and SGST)
	AATO* in preceding year above INR 5 crore	INR 10,000 per return (INR 5000 each for CGST and SGST)
GSTR-4	No tax liability	INR 500 per return (INR 250 each for CGST and SGST)
	Other taxpayers	INR 2,000 per return (INR 1,000 each for CGST and SGST)
GSTR-7		INR 50 per day (INR 25 each for CGST and SGST) capped to maximum INR 2,000 per return (INR 1,000 each for CGST and SGST)

Reduction in rate of interest for delayed payment of taxes

Category of taxpayer	Tax periods	Interest rate (applicable from the due date to date of payment)
Aggregate turnover above INR 5 crore	for the month of March and April 2021	9% - for the first 15 days
Aggregate turnover up to INR 5 crore	for the month of March and April 2021	<ul style="list-style-type: none"> • Nil - for the first 15 days • 9% - for further 45 days (March 2021) and 30 days (April 2021)
	May 2021	<ul style="list-style-type: none"> • Nil - for the first 15 days • 9% - for further 15 days
Taxpayers under composition scheme	for the quarter ending 31 March 2021	<ul style="list-style-type: none"> • Nil - for the first 15 days • 9% - for further 45 days

* AATO: Aggregate Annual Turnover



Waiver of late fees for delay in furnishing return in Form GSTR-3B for tax periods March, April and May 2021:

Late fees for delay in furnishing return in Form GSTR-3B for tax periods March, April and May 2021 waived as under:

Category of taxpayer	Waiver of late fees
Aggregate turnover above INR 5 crore	<ul style="list-style-type: none"> Waiver for 15 days for May 2021
Aggregate turnover up to INR 5 crore	<ul style="list-style-type: none"> For March 2021 and April 2021 - waiver for 60 days and 45 days respectively For May 2021 - Waiver for 30 days

Extension of due dates: Due dates for filing certain returns further extended as under:

Type of return	Tax periods	Revised due date
Form GSTR-1	May 2021	26 June 2021
Form GSTR-1 using IFF	May 2021	28 June 2021
Form GSTR-4	FY 2020-21	31 July 2021
Form ITC-04	Quarter ending March 2021	30 June 2021

Relaxation in restriction of ITC:

Restriction of 5% cap on ITC in Form GSTR-3B shall be applicable on cumulative basis for period April, May and June 2021, to be applied in the return for tax period June 2021.

Extension in timelines for completion of various actions by any authority under GST law:

Time limit for completion of various actions, by any authority or by any person, under the GST Act, which falls during the period from 15 April 2021 to 29 June 2021 extended up to **30 June 2021**, subject to some exceptions.

Simplification of Annual Return for FY 2020-21:

- Amendment brought in by the Finance Act, 2021, which provided that the reconciliation statement in Form GSTR-9C shall be self-certified by the taxpayers instead of getting it certified by chartered accountants to be notified.
- The filing of annual return in Form GSTR-9 / 9A for FY 2020-21 to be optional for taxpayers having aggregate annual turnover up to INR 2 Crore.
- The reconciliation statement in Form GSTR-9C for the FY 2020-21 to be filed by taxpayers with annual aggregate turnover above INR 5 crore.

GST rate reduction on certain goods / services:

Item	Existing rate	Revised rate
Diethylcarbamazine (DEC) tablets	12%	5%
Maintenance, repair or overhaul services (MRO) Services in respect of Ships / Vessels	18%	5%
Services of Construction of Ropeway supplied to Government entity		18%



Exemption to certain services from levy of GST:

- Services supplied to an educational institution including anganwadi (which provide pre-school education also), by way of serving of food including mid-day meals under any mid-day meals scheme, sponsored by government irrespective of funding of such supplies from government grants or corporate donations;
- Services provided by way of examination including entrance examination, where fee is charged for such examinations, by National Board of Examination (NBE), or similar central or state educational boards, and input services relating;
- Supply of service by way of milling of wheat/paddy into flour (fortified with minerals etc. by millers or otherwise /rice to government/local authority etc. for distribution of such flour or rice under PDS is exempt from GST if the value of goods in such composite supply does not exceed 25%. Otherwise, such services would attract GST at the rate of 5% if supplied to any person registered in GST, including a person registered for payment of TDS;
- Services supplied by government to its undertaking/PSU by way of guaranteeing loans taken by such entity from banks and financial institutions;
- Annuities paid for the service by way of access to a road or a bridge.

Other measures

- Filing of returns by companies using Electronic Verification Code (EVC) instead of Digital Signature Certificate (DSC) to be allowed till **31 August 2021**.
- Retrospective amendment with effect from 1 July 2017 providing for payment of interest on net cash basis
- Amendments to be made in certain provisions of the GST law so as to make the present system of GSTR-1/3B return filing as the default return filing system in GST.



CBIC notifies changes in provisions related to refund under GST

Pursuant to the recommendation of the GST council, the CBIC has notified certain changes in the provisions related to refund under the GST law⁶.

Key changes notified

Exclusion of time period of rectification of deficiencies

The time period from the date of filing of the refund claim in Form GST RFD-01 till the date of communication of the deficiencies in Form GST RFD-03 by the proper officer shall be excluded from the period of two years in respect of any such fresh refund claim filed by the applicant after rectification of the deficiencies.

Withdrawal of refund application

The applicant may, at any time before issuance of provisional refund sanction order or final refund sanction order or payment order or refund withhold order or notice, withdraw the said application for refund by filing an application in Form GST RFD-01W.

Credit of refund amount on withdrawal

On submission of application for withdrawal of refund, any amount debited by the applicant from electronic credit ledger or electronic cash ledger while filing application for refund shall be credited back to the ledger from which such debit was made.

Release of withheld refund

Where the proper officer or the Commissioner is satisfied that the refund is no longer liable to be withheld, he may pass an order for release of withheld refund in Part B of Form GST RFD- 07.

6. Notification No. 15 /2021–Central Tax dated 18 May 2021



CBIC issues Standard Operating Procedure (SOP) for extension of time limit to apply for revocation of cancellation of registration

The CBIC had notified amendment in the provision pertaining to revocation of cancellation of registration. The amended provision provides for extension of time limit for applying for revocation of cancellation of registration on sufficient cause being shown and for reasons to be recorded in writing by the additional or joint commissioner, for a period not exceeding 30 days and by the commissioner, for a further period not exceeding 30 days.

In this regard, till the time an independent functionality for extension of time limit for applying in Form GST REG-21 is developed on the GSTN portal, the CBIC has provided following guidelines for implementation of the extension provision⁷.

Key guidelines issued

Request for extension to be filed through letter or email

Where a person applies for revocation of cancellation of registration beyond a period of 30 days or 60 days from the date of service of the order of cancellation of registration but within 60 days or 90 days of such date respectively, the said person may request, through letter or email, for extension of time limit to apply for revocation of cancellation of registration to the proper officer by providing the grounds on which such extension is sought.

Extension to be granted based on sufficient cause

The joint/additional commissioner, on examination of the request filed for

extension of time limit for revocation of cancellation of registration and on sufficient cause being shown and for reasons to be recorded in writing, may extend the time limit to apply for revocation of cancellation of registration.

Personal hearing

In case the concerned joint/additional commissioner, is not satisfied with the grounds on which such extension is sought, an opportunity of personal hearing may be granted to the person before taking decision in the matter.

Rejection of request

In case of rejection of the request for the extension of time limit, the grounds for such rejection may be communicated to the person concerned, through the

proper officer.

Process application

On receipt of the decision of the joint/additional commissioner on request for extension of time limit for applying for revocation of cancellation of registration, the proper officer shall process the application for revocation of cancellation of registration according to the law and procedure laid down in this regard.

The above guidelines shall cease to have effect once the independent functionality for extension of time limit for applying in Form GST REG-21 is developed on the GSTN portal.

CBIC enhances facilities under the Customs (Import of Goods at Concessional Rate of Duty) Rules, 2017

The Customs (Import of Goods at Concessional Rate of Duty) Rules, 2017, lay down the procedures and manner in which an importer can avail the benefit of a concessional customs duty on import of goods required for domestic production of goods or providing services. The CBIC has now notified certain enhancements of facilities under the said rules to boost trade facilitation⁸.

Key enhancements

Imported goods can be sent for job work

The scope of the job work facility has been extended to an importer who is a manufacturer but without complete manufacturing facility. Also, 100% outsourcing for manufacture of goods on job work basis has been permitted for importers who do not have any manufacturing facility at all.

However, sensitive sectors such as gold,

articles of jewellery and other precious metals or stones have been excluded from the facility of job work.

Import of capital goods at concessional rate of duty

An option has been given to the importers to import capital goods for a specified purpose at a concessional rate of duty and after having put such capital goods to use for the said purpose, clear the same after payment of the

differential duty and interest, at a depreciated value, with permission from the jurisdictional Customs Officer.

7. Circular No. 148/04/2021-GST dated 18 May 2021

8. Circular No.10/2021-Customs dated 17 May 2021



Procedure to be followed by importers to avail concessional rate

One-time prior intimation

An importer who intends to avail the benefit of import goods at a concessional rate of duty shall file a one-time prior intimation to the jurisdictional customs officer.

One time continuity bond

The importer is required to submit a one-time continuity bond, to cover all the imports undertaken under this procedure.

Intimation before import

The importer shall provide information to the jurisdictional customs officer regarding the estimated quantity and value of goods to be imported, the exemption notification and serial number, the estimated duty forgone and the port of import with respect to a consignment.

Clearance of goods

The importer is required to upload such intimation copy on e-Sanchit and link the same along with the other documents of the bill of entry. On this basis, the goods

shall be allowed clearance at a concessional rate of duty.

Receipt of goods

The receipt of the imported goods is to be intimated to the jurisdictional customs officer. The goods may also be sent directly to the premises of a job worker under a challan. In such cases, the importer shall intimate by email such receipt of goods to the jurisdictional customs officer (of the job worker) along with the copy provided to the jurisdictional customs officer (of the importer).

Receipt of goods from job worker

The importer needs to update in the account maintained by the importer and subsequently show in the quarterly returns.

Re-export or clearance for home consumption

An importer shall utilise the imported goods for the intended purpose or re-export the same, within a period of six months from the date of import, failing

which the importer is liable to payment of duty with interest. In case the importer intends to clear the unutilised or defective goods on payment of requisite duty and interest, the import duty payable would be equal to the difference between the duty leviable on such goods but for the exemption availed and that already paid, if any, at the time of importation, along with interest.

Quarterly return and maintenance of accounts

The importer shall also submit a quarterly return by the 10th day of the following quarter, in the form prescribed, to the jurisdictional customs officer. The importer shall also maintain an account giving details of quantity and value of goods imported, quantity of goods consumed, quantity of goods sent/received from job work, nature of job work carried out, quantity of goods re-exported, quantity of goods in stock, etc.

Extension of last date to file application under the Punjab One Time Settlement of Outstanding Dues, 2021

The government of Punjab had introduced a scheme for settlement of unpaid taxes under the Punjab Value Added Tax Act, 2005 or the Central Sales Tax Act, 1956 called the Punjab One Time Settlement of Outstanding Dues, 2021 (Scheme) effective from 15 January 2021.

The last date to file application under the Scheme has been extended from 30 April 2021 to **30 June 2021**⁹.

Mandatory recording of information about transfer and paperless issuance of DFIA scrips

In order to enable electronic, paperless transactions and facilitate trade, the Directorate General of Foreign Trade and Policy (DGFT) has introduced a facility to record the information about transfer of DFIA (Duty Free Import Authorisation) scrips on the DGFT website. The recording of given information would allow the transferee to apply for Advance Release Order (ARO)/invalidation against the said DFIA scrip online¹⁰.

Key aspects clarified

- Issuance of paper copies of DFIA scrips (for EDI Ports) shall be discontinued with effect from 7 June 2021. However, security paper copies of DFIA scrips shall continue to be issued for Non-EDI Ports. The record of such transfers shall be mandatory for EDI ports as well as non-EDI Ports.
- The given transfer of DFIA scrips, shall be recorded under the relevant module on the [DGFT website \(https://dgft.gov.in\)](https://dgft.gov.in) > Services > AA/DFIA.
- The information about the new owner (transferee) has to be recorded on the DGFT website by the original owner (transferor), before the new owner (transferee) can utilise the scrip to obtain any ARO/ Invalidation. It is mandatory for both transferor and transferee to ensure that information regarding transfer is recorded.
- After the information is confirmed on the DGFT e-platform, the old owner cannot re-record the transfer, and only the new owner can record and further transfer/retransfer.
- It should be noted that unless recorded on DGFT website, the new owner (transferee) will not be able to utilise the scrip.

9. Notification No. Endst. No. 02/07/2021 ETII (7)/4687 dated 30 April 2021

10. Trade Notice No. 06/2021-22 dated 25 May 2021



Production Linked Incentive (PLI) scheme for battery manufacturing

The government has approved a Production Linked Incentive (PLI) scheme 'National Programme on Advanced Chemistry Cell (ACC) Battery Storage' to facilitate demand creation for battery storage in India. The programme will reduce import dependence and will also support the Atmanirbhar Bharat initiative¹¹.

Key features of the Scheme

Objective

To achieve manufacturing capacity of Fifty (50) Giga Watt Hour (GWh) of ACC and 5 GWh of 'Niche' ACC with an outlay of INR 18,100 crore.

Incentive

The incentive amount will increase with increased specific energy density and cycles and increased local value addition.

Eligibility

Each selected ACC battery storage manufacturer would have to commit to setup an ACC manufacturing facility of minimum five GWh capacity and ensure a minimum 60% domestic value addition at the Project Level within five years. Furthermore, the beneficiary firms have to achieve a domestic value addition of at least 25% and incur the mandatory investment INR 225 crore/GWh within 2 years (at the Mother unit level) and raise it at 60% domestic value addition within

five years either at the Mother unit in case of an Integrated Unit or at Project Level in case of Hub & Spoke structure.

Savings and import substitution

Net savings of INR 2,00,000 crore to INR 2,50,000 crore on account of oil import bill reduction during the period of this programme due to EV adoption as ACCs manufactured under the Programme is expected to accelerate EV adoption. Import substitution of around INR 2000 crore every year.



11. Press Release dated 12 May 2021



2a Key judicial pronouncements



Clarificatory circular cannot deny the benefit granted under statutory scheme: Madras HC

Summary

The Madras HC, in a recent case, has held that the clarificatory circular cannot deny the benefit granted under a statutory scheme to the assessee and to the extent the circular is contrary to the statutory provisions is bad in law. Therefore, it set aside the order denying the duty drawback claim filed by the petitioner on the ground that there has been excess claim and directed the authorities to refund the sanctioned amount.

Facts

- The petitioner¹² is an exporter of tea and had engaged in export transactions without payment of Integrated Goods and Service Tax (IGST).
- The petitioner had paid relevant GST on purchase of tea and filed duty drawback claims,¹³ which were rejected on the ground that there has been an excess claim of duty draw back as per which, they have renounced their claim for ITC¹⁴.
- Therefore, the petitioner filed present writ challenging the impugned rejection order.

12. M/s. Chaizup Beverages LLP

13. U/s 54 of the CGST Act, 2017

14. paragraph 2.5 of Board's Circular No.37/18-Customs dated 09.10.2018



Madras HC's observations and ruling¹⁶

- **Options to avail benefits:** Under the GST law an option has been extended to an assessee engaged in zero rated sale to either claim the benefit of duty drawback or the benefit of refund of ITC¹⁷.
- **Petitioner availed option of duty drawback:** In the present case, the petitioner, for the month of July 2017 has opted to claim duty draw back as the amount of drawback is higher than the ITC for the months of **August and September 2017**.
- **Circular cannot stand in way of benefit:** The HC stated that the relevant circular cannot stand in the way of a benefit offered under a statutory scheme to the petitioner.
- **Circular is bad in law:** Further held that insofar as the relevant circular is contrary to the statutory provisions pertaining to refund under the GST law the same is bad in law.
- **Claim found to be in order:** Therefore, the HC found the claim of refund to be in order and hence set aside the orders of the appellate authority directing to refund the sanctioned amounts within a period of six weeks from the date of the order.



Our comments

The present ruling by the Madras HC seems to be in line with the decision of the Supreme Court pronounced under erstwhile law wherein the apex court had held that the circulars cannot alter the provision of the enactment to the detriment of the assessee. It further stated that a circular should not be adverse/cause prejudice to the assessee¹⁸.

Similar ruling was also pronounced by the Madras HC in the case of M/s Precot Meridian Ltd. stating that circulars are issued only to clarify the statutory provision and it cannot alter or prevail over the statutory provision. Further, the Gujarat HC in the case of Real Prince Spintex Pvt. Ltd. had also held that the refund of the IGST paid on the exports cannot be denied on the ground that the higher rate of duty drawback is claimed.

Engineering or management consulting services provided to telecom sector eligible for benefit under SEIS: Delhi HC

Summary

The Delhi HC has held that the instructions denying benefit under the Service Exports from India Scheme (SEIS) to service providers to the telecom sector are ultra vires. Further, stated that the Foreign Trade Policy 2015-2020 (FTP) is clear and unambiguous as it excludes the telecom services providers from the benefit of the SEIS and not the other service providers, who provide various services to such telecom service providers.

Facts of the case

- The petitioner¹⁹ had raised the claim for issuance of Duty Credit Scrips under the SEIS²⁰.
- The DGFT had issued instructions clarifying that service providers providing services of network engineering, management and operation of network or management consulting to the telecom sector are ineligible for benefit under the SEIS announced by the FTP²¹.
- Following the above instructions, the authorities rejected the claims filed by the petitioner for the financial years 2015-16, 2016-17 and 2017-18.
- Therefore, the petitioner filed the present writ²² challenging the impugned orders rejecting its claim as also the impugned instructions.

16. Madras HC Order dated 26 March 2021

17. Section 54(3) of the CGST Act, 2017

18. J.K.Lakshmi Cement Limited

19. Ericsson India Global Services Pvt. Ltd

20. claiming that it is providing Engineering Services under Central Product Classification (CPC) Code 8672 and Management Consulting Services under CPC Code 865, as mentioned in Appendix-3D of the FTP

21. Instructions dated 22 May 2019

22. WP (C) 13249 of 2019



Delhi HC's observations and ruling²³

- **Exclusion applicable to telecom services providers:** The HC observed that the service providers in the telecom sector as mentioned in the instructions included only the service providers providing telecom services. The ambit and scope of such exclusion was not for service providers who render other services to such Telecom services providers.
- **FTP is clear and unambiguous:** The HC stated that, the FTP is clear and unambiguous in as much as it excludes the telecom services providers from the benefit of the SEIS and not the service providers who provide services to such telecom service providers.
- **Instructions are ultra vires:** The HC further held that, the instructions sought to impose fresh restrictions on the eligibility of the service providers entitled to the benefit under SEIS amounted to amendment in the policy. Therefore, such instructions are ultra vires the FTP.
- **Petition allowed:** Allowing the petition, the HC set aside the impugned instructions and the impugned orders. The HC further directed the Revenue to consider the claims filed by the petitioner under SEIS in accordance with the latest FTP.



Our comments

The Supreme Court in the case of Kanak Exports had earlier held that the DGFT had no jurisdiction to exclude items from the benefit of an advance authorisation scheme, which amounts to an amendment of the FTP.

Further, the Delhi HC in the case of Yum Restaurants and the Bombay HC in the case of Atlantic Shipping Company had also provided similar rulings stating that the DGFT does not have the power to introduce new conditions and criteria under the guise of interpreting the policy, which amounts to amending the provision of the FTP.

While such schemes have been introduced with the intention to provide benefits to the exporters, the ambiguities in the governing provisions often lead to either denial or delay in such benefits thereby leading to further litigation. This is an important and welcome judgment by the Delhi HC and will help provide the required clarity.

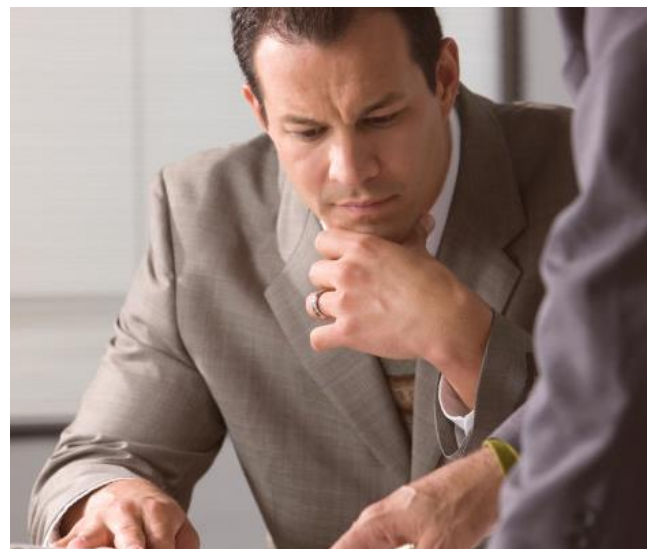
Duty Free Shops eligible for refund of GST paid on concession fees - Madras HC

Summary

The Madras HC held that the duty-free shop (DFS) located at the international airport is eligible for refund of ITC with respect to GST paid on concession fees paid to the Airport Authority (AA) under the Concession Agreement. The HC noted that the duty-free shop is located outside the customs frontier of India, therefore, the supply of goods by duty free shop to outgoing passengers is export of goods and zero-rated supply. It would entitle the petitioner to claim input tax credit of GST paid on inputs and input services and claim refund thereof.

Facts of the case

- The petitioner²⁴ is operating duty free shops in various airports of India.
- It filed a writ petition before the Madras HC to restrain the airport authority from collecting GST on the concession fees paid under the concession agreement.



23. Delhi HC Order dated 27 April 2021

24. Flemingo Dutyfree Shop Private Limited



Madras HC's observations and ruling²⁵

- **Duty free shop located outside customs frontier:** The Madras HC²⁶ took note of the decision by the Bombay HC wherein it had held that since the duty-free shop is located outside the customs frontier of India, it would be entitled to refund of ITC on the GST first paid by them.
- **Supply by duty free shop is export:** Further, the Kerala HC had also earlier held that the supply of goods by duty free shop to outgoing passengers is export of goods and zero-rated supply. It would entitle the petitioner to claim ITC and refund thereof effective from 1 July 2020 onwards.
- **Petitioner entitled to avail input tax credit of GST paid on concession fee:** The petitioner shall pay the GST on input services including concession fee and avail ITC of the entire tax amount and thereafter claim refund of the same²⁷.
- **Petitioner entitled to refund:** Therefore, referring the above rulings, the Madras HC stated that in the present case, the petitioner must pay GST on the concession fee and thereafter claim refund of the input tax credit so availed.



Our comments

The Karnataka HC in the case of Flemingo DutyFree Shops Pvt Ltd. had held that sale or purchase by such stores would be a transaction in the course of export or import. Further, the Allahabad HC in the case of Atin Krishna had held that no tax shall be levied in case of goods supplied to and from the duty-free shop at arrival or departure terminals.

Contrary to this, the Madhya Pradesh High Court in the case of Vasu Clothing Pvt. Ltd. held that supplies to duty free shops is taxable under GST as a duty-free shop situated at the airport cannot be treated as territory out of India. Further, the Delhi Authority for Advance Ruling in case of Rod Retail Pvt. Ltd. had held that the outlet is not outside India and hence the applicant is not taking goods out of India. Therefore, their supply cannot be called export or zero-rated supply.

This is a welcome judgment by the Madras HC wherein it has held that supply by duty free shops shall be an export and therefore, eligible for refund.

25. Madras HC Order dated 11 March 2021

26. In the case of Sandeep Patil

27. Section 54(3) of the Central Goods and Services Tax Act, 2017 read with Rule 89 of Central Goods and Services Tax Rules, 2017



2b Decoding advance rulings



Credit card expenses reimbursed by Indian subsidiary to foreign parent leviable to GST - Tamil Nadu AAAR

Summary

The Tamil Nadu Appellate Authority for Advance Ruling (AAAR), in a recent case, has held that reimbursement of credit card expenses by the Indian Subsidiary to its overseas holding company are nothing but part of software development cost and consequently part of the taxable value of services provided by the appellant to its overseas holding company.

Facts of the case

- The appellant²⁸ is engaged in the business of software development for the infusion system manufactured by its Ultimate Holding company²⁹.
- The Holding company has entered into an agreement with Wells Fargo Bank in USA to provide credit card to its employees and its subsidiaries located globally. The appellant's employees are also provided with such credit card.
- The appellant's employees use this card for incurring expenses towards tickets, food and accommodation during such travel and for paying admin related expenses in India.
- The holding company raises an invoice on the appellant for the credit card liability settled by it with the Bank. The appellant settles this in the form of reimbursement of expenses at actual based on monthly statement basis internal policy.
- It had sought an advance ruling before the Tamil Nadu Authority for Advance Ruling (AAR) to understand whether GST is leviable on the reimbursement of expenses from the Subsidiary company to its ultimate holding company located in a foreign territory outside India. The AAR held that the reimbursement of credit card expenses by the Indian Subsidiary to its foreign holding company shall be chargeable to GST as it qualifies as supply of "Credit Granting Services" by holding co.
- Aggrieved by the said ruling the appellant filed the present appeal.

28. ICU Medical India LLP

29. ICU Medical Inc



Tamil Nadu AAAR's observations and ruling³⁰

- **Reimbursements are a part of software development cost:** The AAAR observed that for the purpose of accounting and operational convenience, the expenses incurred through such credit card issued by the overseas holding company to the employees of the appellant are first recovered from the appellant through the invoice raised from the holding company and subsequently included in the invoice raised by the appellant on the holding company for the development of software. In other words, the reimbursements paid by the appellant to the holding company for the expenses incurred initially by its employees are nothing but part of software development cost and consequently part of the taxable value of services of appellant.
- **Expenses reimbursed are in nature of advance consideration:** The expenses borne by the recipient overseas holding company and later reimbursed but again included in the taxable invoice are in the nature of advance consideration paid by the recipient to the supplier appellant and the time of supply provisions relating to advances received by a supplier of services will be applicable³¹.
- **Reimbursement does not result in any transaction on its own:** The AAAR stated that reimbursement does not result in any transaction on its own as was held by the AAR, but such expenses of employees of the appellant through the credit card of the overseas holding company borne at the first instance by the recipient of the supply is nothing but which the supplier (appellant) was liable to incur and reimbursed are for only purpose of restoring the appellant company's accounts to previous position for operational convenience so that the same could be later included in the software development charges invoiced by the appellant to the recipient overseas holding company.
- **Reimbursements are to be included in value of supply:** Such reimbursements are to be included in the value of supply and tax is to be paid as per the time of supply provisions applicable to such transactions³².
- **Reimbursement leviable to GST at same rate applicable to software development service:** Such reimbursement is leviable to GST at same rate at which the appellant charges for the software development service to the overseas holding company on the ground that the expenses are part of the taxable value of such services.



Our comments

The taxability on reimbursement of expenses between related entities has been matter of extensive litigation since inception. There have been various contrary decisions on the subject matter. The Maharashtra AAR in the case of Maansmarine Cargo International LLP had held that reimbursement for office expenses is nothing but additional consideration for supply and shall be leviable to GST. Contrary to this, in the case of M/s. DRS Marine Services Private Limited, it had ruled that the appellant will be acting as a pure agent of foreign entity in as much as the entire amount received by them will be disbursed and therefore, appellant will not be liable to pay GST on salary amount reimbursed by foreign entity. Similar issue was addressed in the present case, wherein the AAR had held that such reimbursements shall be exigible to GST under reverse charge basis. However, there existed an anomaly in the ruling to the extent it had held that the transaction of reimbursement of expenses by subsidiary to the holding shall be regarded as credit granting services. The ruling seemed to be incomplete and failed to give proper justification as to how reimbursement of expenses shall qualify as provision of credit granting services. The term reimbursement in common parlance means repaying the entire value/cost of expenses incurred whereas the credit granting services has been defined to mean granting credit when the holder of a credit card uses it to buy goods or services. The reimbursement of expenses and credit granting services are two different transactions which cannot be equated or merged. The AAAR has modified the AAR ruling and held that GST is leviable on the reimbursement amount being advance payment made by the holding company towards the cost incurred for the provision of software services supplied by the appellant.

30. Tamil Nadu AAAR Order No. A.R. Appeal No. 07/2020/AAAR dated 10 March 2021
31. Section 13 of the CGST Act, 2017
32. Section 15 of the CGST Act, 2017 readwith Rules 28 to 31 of the CGST Rules, 2017



Liaison office connecting business in India with Dubai HO qualifies as an 'intermediary' - Maharashtra AAR

Summary

The Maharashtra AAR observed that the applicant (liaison office) connects Indian business with Dubai head office. Accordingly, the authorities held that the activities of LO shall be regarded as supplying of services as an intermediary, thereby chargeable to GST.

Facts of the case

- The applicant³³ is a LO of the Dubai Chamber of Commerce & Industry (DCCI UAE) (HO). It is a non-profit organization formed to represent, support and protect the interests of the Dubai business community in India by creating a favourable environment, promoting Dubai businesses and supporting development of business in India.
- The applicant shall undertake liaison/representation activities in India which shall include liaison between India office and Dubai office, connecting businesses in India with business partners in Dubai and vice versa, attending and
- representing its HO in various seminars, conferences, trade fairs, organizing events and interactions with Indian stakeholders, etc.
- All expenses incurred by the applicant are reimbursed by the HO on cost-to-cost basis. Thus, no consideration is to be charged/paid for aforementioned activities.
- It sought an advance ruling before the Maharashtra AAR to understand whether the activities of LO shall be treated as supply under GST and whether it would be liable to obtain registration and pay GST?

Maharashtra AAR's observations and ruling³⁴

- **Conduit between business partners in Dubai and India:** The applicant connects businesses in India with the business partners in Dubai which is nothing but supply of services. Thus, the applicant acts as a conduit between some business partners in Dubai and certain businesses in India. It therefore appears that the applicant is acting as an intermediary.
- **Applicant actually arranging or facilitating the supply of goods or services:** The applicant connects businesses in Dubai and India which would be involved in provision of some kind of goods or services or securities or all of them. By connecting businesses, the applicant is actually arranging or facilitating the supply of goods or services or both or securities between two or more persons.
- **Applicant is not acting on own account but on behalf of HO:** The applicant is not providing any services on its own account. It is providing service of connecting two or more business with an intention of promoting such businesses in Dubai and since it has stated that it is a liaison office of its Dubai HO, the applicant is not acting on its own account rather it is acting on behalf of its HO.
- **Applicant is an intermediary:** The applicant is satisfying all the conditions of an intermediary³⁵. Therefore, the applicant is an intermediary and the place of supply would be the location of the supplier of services i.e., the location of the applicant which is in India³⁶.
- **Applicant is not a non-profit organisation:** The applicant is receiving consideration from its HO in excess of expenses incurred by it. Therefore, the applicant cannot be treated as a non-profit organization.
- **Applicant liable to pay GST:** The applicant is providing intermediary services and shall be required to obtain registration and pay GST.



Our comments

The contradictory rulings on the applicability of GST on transactions between Head office and Liaison office has created immense confusion and uncertainty amongst the businesses. The Karnataka AAAR in case of Fraunhofer Gessellschaft Zur Forderung had set aside the ruling of AAR wherein the activities of LO was considered as supply chargeable to GST. The AAAR held that the activities of LO as permitted by RBI does not constitute supply of service and GST shall not be levied. Similar rulings were also pronounced by the Haryana³⁷ and Tamil Nadu AAR³⁸ wherein the transactions undertaken by LO was not considered as supply under GST.

At this juncture, it is imperative that the centralised AAAR is made operative on priority basis so that the future litigation on such issues are curbed at the initial stage itself. Further, a due clarification from the government on this issue will surely be helpful to put an end to all these litigations.



33. M/s Dubai Chamber of Commerce and Industry
34. Maharashtra AAR Order No. GST-ARA-35/2019-20/B-14 dated 24 May 2021
35. Section 2(13) of the IGST Act, 2017
36. Section 13(8) of the IGST Act, 2017
37. Wilhelm Fricke SE,
38. Takko Holding GmbH



03 Experts' column



GST rate dilemma on human plasma: Nil or 5%?

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With a rise in demand of any product, urge in people to arrange it grows. Simultaneously, it creates a responsibility for the government to manage the supply of the demand. Take the recent example of rise in demand of human plasma due to the COVID-19 pandemic.

During the second wave of COVID-19, which has affected almost all the states of India, plasma therapy was considered as an effective treatment by many healthcare organisations with an aim to cure severely ill patients.

However, apart from managing the availability and supply chain of any such product, taxability of the same is also an important area. This article provides a brief background on the human plasma along with the tax implications under the Goods and Services Tax (GST).

About human plasma

Human blood has four main components—human plasma, red blood cells, white blood cells and platelets. The human plasma is a yellowish liquid component of blood that holds the blood cells of whole blood in suspension. It is the liquid part of the blood that carries cells and proteins in the body and makes up about 55% of the body's total blood volume. Therefore, it can be said that human plasma is one of the major components of human blood.



Fresh frozen plasma is on the World Health Organisation Model List of Essential Medicines i.e., the most important medications needed in a basic health system. It is of critical importance in the treatment of many types of trauma which result in blood loss and is, therefore, kept stocked universally in all medical facilities capable of treating trauma (e.g. trauma centres, hospitals, and ambulances) or that pose a risk of patient blood loss such as surgical suite facilities.

Human plasma is generally used to make a range of essential pharmaceutical products which are used to treat people with immune deficiencies or bleeding disorders, but now human plasma also aids the immune system of COVID-19 patients.

For the purpose of GST law, it may be noted that the term 'human blood and its components' is neither defined under the GST legislation nor has it been clarified vide any circular/ notification(s) issued thereunder. Thus, a reference can be made to relevant definitions which may be provided under other legislations applicable to the pharmaceutical products.

Taxability under erstwhile State VAT Added Tax (VAT) laws

Under the VAT regime, 'human blood and blood plasma' were exempted from tax as per the relevant exemption schedules appended to various state VAT laws (few examples of VAT laws having a similar exemption are Delhi VAT law- entry no. 21 of schedule I, Karnataka VAT law- entry no. 29 of schedule I, Maharashtra VAT law- entry no. 28 of Schedule A, etc.). Later, these entries were amended which increased the scope of exemption of the said products. The amended entry exempted "blood including blood components" which not only covered the aforementioned products but also extended its scope to other components as well like white blood cells, red blood cells, platelets, etc.

Taxability under GST Regime

With the introduction of GST, exemption for 'human blood and its components' was extended under GST law as well vide notification no. 2/2017-Central Tax (Rate), dated 28 June 2017.

Contrary to the above mentioned exemption for 'human blood and its components', entry no. 180 of the schedule I of notification no. 1/2017-Central Tax (Rate) dated 28 June 2017, mentions that "Drugs or medicines including their salts and esters and diagnostic test kits, specified in List 1 appended to this Schedule shall be taxable at the rate of 5%". Further, List 1 appended to the said entry specifically covers 'human blood plasma,' thereby indicating taxability of the same at the rate of 5%.

Inclusion of human plasma (which is also a component of blood) under two different notifications, undoubtedly, resulted in different tax practices across the healthcare industry. Accordingly, a clarification in this regard was the need of the hour, along with necessary amendments, to eliminate different practices prevailing in the industry.

On 9 August 2018, circular no. 52/26/2018-GST was issued to clear the doubts in the minds of the taxpayers as to what shall be the correct GST rate of the human plasma. The circular acknowledged the fact that different practices are prevailing in respect of supply of human plasma, and it specifically mentioned, "References have been received about the varying practices being followed in different parts of the country regarding the GST rates on human blood plasma". The circular clarified that normal human plasma is specifically mentioned under List I, under entry 180 of schedule I of notification no. 1/2017-Central Tax (Rate) and shall, therefore, be taxable at 5%.

Ample reading of the entry 180 stated in notification no. 1/2017-Central Tax (Rate) read with circular no. 52/26/2018-GST may help in understanding the intent behind the notification wherein the government has intended to carve out human plasma from the term 'human

blood and its components' as appearing in the exemption notification.

In addition to the above, reference can also be made to the agenda of the 31st GST Council Meeting held on 22 December 2018, wherein it was discussed whether 'plasma' can be considered as a component of human blood, and, accordingly, be exempted from GST. The council, thereby, decided that plasma is a pharmaceutical product and all pharmaceutical products are taxable at the rate of 5%/12%. Hence, a separate rate for plasma would not be feasible and, accordingly, the proposal for inclusion of plasma under the exemption notification was rejected.

Industry practice

Some big industry leaders were also approached to understand their view and treatment on the taxability of human plasma, wherein, it was found that a majority of them are also functioning in line with the clarifications issued by the government. Relevant tax is being paid by them on human plasma being supplied to their customers who are using the same further for manufacturing pharmaceutical products. One of the major factors behind this rationale is the tax neutral position since healthcare organisations are levying tax on the supply of human plasma against which the corresponding ITC is available to the recipient taxpayers who are utilising the same at the time of discharging the output tax liability on the sale of pharmaceutical products manufactured using such human plasma.

Conclusion

One doctrine adopted by taxpayers is that since human plasma is specifically covered under a specific notification, GST should be charged at 5% for supply, considering specific entry under notification prevails over general entry. On the other hand, other viewpoint adopted by few taxpayers is that since human plasma is one of the components of human blood and the term 'human blood and its components' is specified under the exemption notification, no GST should be applicable on its supply.

Though a clarification on GST rate of human plasma has been issued by the government, there remains some dubiousness in this respect. Glancing at the dilemma in the minds of taxpayers on different interpretations being taken on taxability of human plasma, a suitable amendment may be done under exemption notification no. 2/2017-Central Tax (Rate) to specifically carve out human plasma. This will not only demonstrate an intent of the government to tax human plasma at 5%, but it will also certainly be helpful in preventing unwarranted litigation on these matters and will ensure consistency across the industry.

(Sanchit Gupta, Consultant Tax, also contributed to this article)



04 Issues on your mind



Is Invoice number same as Invoice Reference Number (IRN)?

Invoice no. (e.g. ABC/1/2019-20) is assigned by supplier and is internal to business. Its format can differ from business to business and governed by relevant GST rules. IRN, on the other hand, is a unique reference number (hash) generated and returned by IRP, on successful registration of e-invoice.

How to verify whether an invoice is duly reported to IRP?

The authenticity or correctness of e-invoice can be verified by uploading the signed JSON file or Signed QR Code (string) on e-invoice portal:

einvoice1.gst.gov.in > Search > 'Verify Signed Invoice'.

Alternatively, with it can be verified by downloading the [Verify QR Code](#) mobile app from the e-invoice portal by navigating to - einvoice1.gst.gov.in > Help > Tools > [Verify QR Code App](#).

How to use the Matching Offline Tool for taxpayers under the QRMP scheme?

The GSTN has recently updated the Matching Offline Tool and it can be used by the taxpayers under QRMP Scheme. The system generated Form GSTR-2B JSON file can be used for matching details, as available with them in their purchase register, using the updated Matching Offline Tool.

Steps to be followed:

- Taxpayers under QRMP Scheme need to navigate to [Services > Returns > Returns Dashboard](#), select the [Financial Year and Return Filing Period > SEARCH](#) and click on Download button [on Auto – drafted ITC Statement – GSTR -2B](#) tile to download system generated Form GSTR-2B JSON file, for opening and matching it in the matching tool.
- In the Matching tool dashboard page, an option to select the quarter has been provided and in the purchase register, quarters Apr-Jun, Jul-Sep, Oct-Dec and Jan-Mar have been added as the tax periods.



05 Important developments in direct taxes



Thresholds for the applicability of Significant Economic Presence (SEP) provisions notified³⁹.

SEP provisions are applicable from 1 April 2021. The thresholds⁴⁰ for the purpose of determining SEP of a non-resident in India have now been notified, as follows:

- Amount of payment in respect of any goods, services or property carried out by a non-resident in India- INR 2 crore.
- Number of users in India with whom systematic business activities are carried out- 3 lakh.

Central Board of Direct Taxes (CBDT) notifies⁴¹ rules for computing fair market value of consideration in slump sale.

As per the methodology⁴² prescribed, deemed full value of consideration for the purposes of computing capital gains on account of slump sale, would be higher of:

- FMV of capital assets transferred by way of slump sale, computed as per prescribed formula; or
- FMV of monetary and non -monetary consideration received or accruing on slump sale, computed as per prescribed formula.

39. Notification No. 41 /2021/ F. No. 370142/11/2018-TPL, dated 3 May 2021

40. Rule 11UD of the Income-tax Rules, 1962 (the Rules)

41. Notification 68 of 2021 dated 24 May 2021

42. Rule 11UAE of the Rules



Extension of timelines due to hardships being faced by stakeholders on account of second wave of the COVID-19 pandemic.

The CBDT has extended⁴³ several timelines⁴⁴ with respect to direct taxes, details of which are as follows:

Particulars	Last date of filling	New due date
Appeal to Commissioner (Appeals) ⁴⁵	1 April 2021	31 May 2021
Objections to Dispute Resolution Panel ⁴⁶	1 April 2021	31 May 2021
Income-tax return in response to notice under section 148 of the Income -tax Act, 1961 (the Act)	1 April 2021	31 May 2021
Filing of belated / revised return for assessment year (AY) 2020-21	31 March 2021	31 May 2021
Declaration ⁴⁷ by an individual not having a PAN who is entering into specified transactions ⁴⁸	30 April 2021	31 May 2021
Payment of tax deducted ⁴⁹ (TDS) and filing of TDS statement ⁵⁰	30 April 2021	31 May 2021



43. Circular no. 8 of 2021, dated 30 April 2021

44. The CBDT vide circular no. 10 of 2021 dated 25 May 2021, has clarified that if different relaxations are available to the taxpayers for a particular compliance, the taxpayer is entitled to the relaxation which is more beneficial to him.

45. The CBDT vide circular no. 10 of 2021 dated 25 May 2021, has further clarified that for the purpose of counting the period of limitation for filing appeals before the CIT(A), the taxpayer is entitled to a relaxation which is more beneficial to him.

46. Under section 144C of the Act

47. Statement in Form No. 61 containing particulars of declarations received in Form No.60

48. 8 Transactions specified in Rule 114B of the Rules

49. Under section 194-IA (TDS on payment on transfer of certain immovable property other than agricultural land), section 194-IB [TDS on payment of rent by certain individuals or Hindu undivided family (HUF)] and section 194M (TDS on payment by individuals or HUF for carrying out any work (in pursuance of a contract, by way of commission or brokerage or by way of fees for professional services) of the Act.

50. Under Rule 30 of the Rules



In addition, the following timelines have also been extended⁵¹:

Particular	Last date of filing	New due date
Tax returns⁵² for AY 2021-22		
Return of income by taxpayers required to submit transfer pricing report ⁵³	30 November 2021	31 December 2021
Return of income in case of:		
• Company		
• Person (other than a company) whose accounts are required to be audited	31 October 2021	30 November 2021
• Partner of a firm whose accounts are required to be audited		
Tax return in case of any other taxpayer not covered above	31 July 2021	30 September 2021
Belated / revised tax return ⁵⁴	31 December 2021	31 January 2022
Furnishing various reports for Financial Year (FY) 2020-21		
Tax audit report	30 September 2021	31 October 2021
Transfer pricing report ⁵⁵	31 October 2021	30 November 2021
Furnishing of statement relating to TDS/Tax collection at source (TCS)		
• Statement for deduction of tax for the last quarter ⁵⁶ of FY 2020-21	31 May 2021	30 June 2021
• Statement for deduction of tax ⁵⁷ for contributions paid by the trustees of an approved superannuation fund for FY 2020-21		
TDS certificate ⁵⁸ in respect of tax withheld from salary	15 June 2021	15 July 2021
TDS/TCS book adjustment statement for May 2021 ⁵⁹	15 June 2021	30 June 2021
Other relaxations		
Statement of:		
• Financial Transactions for FY 2020-21 ⁶⁰	31 May 2021	30 June 2021
• Information reportable by financial institutions for the calendar year 2020 ⁶¹		
Statement ⁶² of income distributed by an investment fund to be provided to the unit holder	15 June 2021	30 June 2021
Statement ⁶³ of income paid or credited by investment fund	30 June 2021	15 July 2021

51. Circular no. 9 of 2021, dated 20 May 2021

52. Interest for delay in furnishing the tax return shall apply if the shortfall in tax payable exceeds INR 100,000. In case of a resident individual who (a) does not have business income and (b) is of the age of sixty years or more at any time during the year, any self-assessment tax paid till the original due date shall be treated as 'advance tax' paid by that person, for the purpose of computing interest

53. Under section 92E of the Act, Form 3CEB

54. Under sub-section (4) and (5) of section 139 of the Act

55. Under section 92E of the Act

56. As per Rule 31A of the Rules

57. As per Rule 33 of the Rules

58. Form No. 16

59. Form 24G under rule 30 and rule 37CA of the Rules

60. Under rule 114E of the Rules

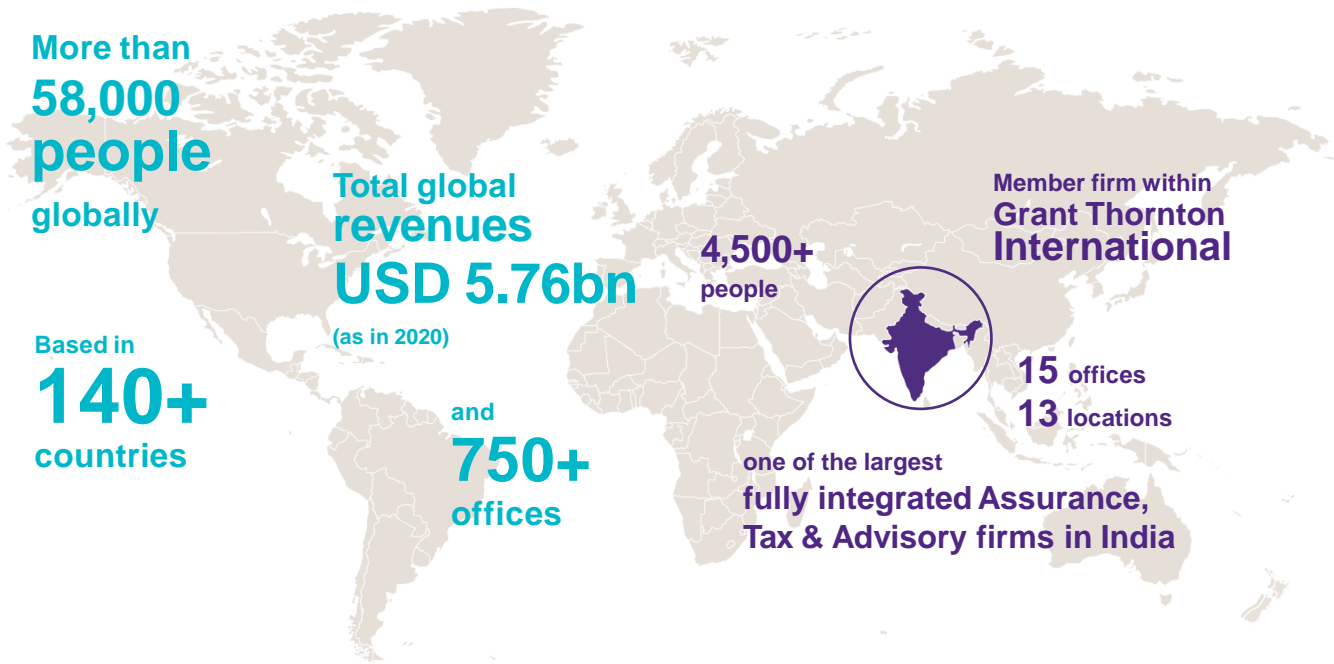
61. Under rule 114G of the Rules

62. Form No. 64C

63. Form No. 64D



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