

DA TAX UPDATE INDIRECT TAX

An E-Tax update from
Darda Advisors LLP

Fortnightly update - February 2022

Issue -34

Goods and Service Tax

Customs and Others

Goods and Service Tax

M/s Dee Vee Projects Ltd [2022-TIOL-238-HC-MUM- GST]

The Hon'ble High Court held that Revisional power conferred upon Commissioner is in respect of an passed by an adjudicating and the expression, "adjudicating authority", as defined in section excludes the "Revisional Authority" from its ambit - It is, therefore, that the petitioner could not have any revision petition before the Commissioner under section the CGST Act.

M/s Jal Engineering Through Partner Karishma Shaikh [2022-TIOL-167- HC-AHM-GST]

It is unthinkable as to how every assessee needs to be driven to ask for IGST refund when issue is squarely covered and there is further to be adjudicated.

M/s Shiv Enterprises [2022-TIOL-169-HC-P&H- GST]

Assessee cannot be held liable u/s of CGST Act, 2017 for of the provision of law by other in the supply chain: HC. Also held that, Wrongful claim of ITC is not of the conditions enumerated u/s 130(1) of the CGST Act that could entail confiscation of the goods.

Rakesh Kumar Garg [2022- TIOL-181-HC-DEL-GST]

Date of cancellation of registration from the date the petitioner had applied and not from the date registration was cancelled by respondent.

Goods and Service Tax

**M/s Fine Exime Pvt Ltd
[2022-TIOL-201-HC-
MUM-GST]**

Once assessment order is passed pursuant to SCN, order of attachment cease to exist and to an end.

**File No. 407406 – Excise
and Taxation Department,
Haryana**

Excise and taxation Department Haryana has released internal instruction for enabling internal control mechanism for refunds in GST.

Customs & Others

M/s Prodair Air Products India Pvt Ltd [2022-TIOL-133-HC-KERALA-VAT] Ltd [2022-TIOL-179-HC-DEL-VAT]

Writ remedy cannot be invoked matter at hand requires of facts; appellate remedy more suitable in such cases.

The High Court held that Inadvertently mentioning wrong period in challan is no ground to impose penalty where assessee requisite tax.

M/s Vaibhav Global Ltd [2022-TIOL-113-CESTAT-DEL] Shri S Sakthikumar [2022-TIOL-139-CESTAT-MAD]

Mere non furnishing of some information in ER-2 Return could be the sole basis to deny eligible benefit.

When service tax is paid by claim for refund cannot be barred limitation merely because the of limitation under Section 11B expired.

M/s Asha Oil Traders [2022-TIOL-168-HC-RAJ-VAT]

It will be impossible for the to prove that selling dealer has as while making the payment, the purchase amount as well as tax is paid.

M/s La Mode Fashions Pvt

Customs & Others

Public Notice No 10/2022 – Customs (Maharashtra)

Responsibility is cast on the trade provide clear and specific of goods and also on the Shed for proper application of CCR instructions. The Shed officer shall scrupulously verify applicability of CCRs for the specific items under exportation and refrain from for unwarranted compliances.

Trade Notice No. 34/2021-22- DGFT

As part of IT Revamp of exporter/importer related services, Directorate now introduced a new online module for filing of paperless applications for Issuance Replenishment Authorisation as Para 4.35 and 4.36 of FTP for Gems and Consumables from new online Module w.e.f. 21.02.2022. All applicants seeking Replenishment Authorization for Gems and Consumables may apply online by navigating to the DGFT website (<https://www.dgft.gov.iri>) =>

Import and Export data

Imports of January 2022 at \$ 67.76 B

Exports of January 2022 at \$ 61.41 B

		January 2022 (USD Billion)	January 2021 (USD Billion)	January 2020 (USD Billion)	Growth vis-à-vis January 2021 (%)	Growth vis-à-vis January 2020 (%)
Merchandise	Exports	34.50	27.54	25.85	25.28	33.45
	Imports	51.93	42.03	41.15	23.54	26.19
	Trade Balance	-17.42	-14.49	-15.30	-20.23	-13.91
Services*	Exports	26.91	17.37	18.36	54.95	46.57
	Imports	15.83	9.88	10.90	60.32	45.33
	Net of Services	11.07	7.49	7.46	47.86	48.38
Overall (Merchandise+ Services)*	Trade Exports	61.41	44.90	44.21	36.76	38.90
	Imports	67.76	51.91	52.05	30.54	30.19
	Trade Balance	-6.35	-7.00	-7.83	9.30	18.92

Source : PIB

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www.dardaadvisors.com



da@dardaadvisors.com

Our Locations

Hyderabad

6-3-1086, 5th Floor, Vista Grand Towers, Raj Bhavan Road, Somajiguda, Hyderabad - 500082, TS

Chennai

13, T.K. Mudali Street, Choolai, Chennai - 600112, Tamil Nadu

Delhi-NCR

N 93, Ground floor, Mayfield garden, Sector 51, Gurgaon, Haryana - 122018

Bhilwara

Moti Chambers, 62&63, Sancheti Colony, Pur Road. Bhilwara - 311001, Rajasthan

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