

DA TAX UPDATE INDIRECT TAX

An E-Tax update from
Darda Advisors LLP

Fortnightly update – April 2022

Issue -36

Goods and Service Tax

Customs and Others

Goods and Service Tax

Mr. Brijesh Kumar Versus Union Of India [2022 (4) TMI 867]

Considering the extension of limitation period by Hon'ble Supreme Court, the High Court granted time to file appeal against order of cancellation beyond the statutory time period.

M/s RKS Agencies Versus State Tax Officer [2022 (4) TMI 821]

The Hon'ble High Court upheld the penalty levied by concerned officer for not mentioning full address of buyer on the tax invoice.

M/s Swastik International Versus Union Of India [2022 (4) TMI 819]

It provides that the shipping bills filed by an exporter of goods shall

be deemed to be an application for refund of integrated tax paid on the goods exported outside India and such application shall be deemed to have been filed only when the person in charge of conveyance carrying exported goods duly filed and exported manifestly or an export report covering the date and proof and shipping bill and date of export and the application must have furnished the valid return in the Form GSTR 1 and GSTR-3B.

The Singareni Collieries Company Limited [2022 (4) TMI 816]

Section 2(31)(b) of the CGST Act mentions that consideration in relation to the supply of goods or services or both includes the monetary value of an act of forbearance. Therefore toleration of an act or a situation under an agreement constitutes supply of service and the consideration or monetary value is exigible to tax.

Goods and Service Tax

Sri Desikanathar Textiles Private Limited Versus Union Of India [2022 (4) TMI 598]

transit. Only after proper gathering of evidence of evasion of tax, the jurisdictional officer shall take action.

As a matter of fact, the provisions of GST Act also does not provide for lapsing of the credit, which could not be successfully transitioned under the new regime while filing form correctly in TRAN-1. If the credit, which was availed during the regime that existed prior to 01.07.2017, it gives the indefeasible right to utilize such credit, even to those assesses, who were not under the taxable regime under the old Act, have been allowed to transition credit, as they were liable to pay tax.

Circular No. 6/2022 – State Tax Kerala

Detention of goods shall not be carried out in case of undervaluation of goods in

Customs & Others

M/S. Freight Link Logistics Versus Commissioner Of Customs [2022 (4) TMI 605]

doubt that none of these Sections prescribes any time limit but it is only the circular which is prescribing such time limit.

There is no law which prohibits the importer to sell the goods to another after importing the same. It is also brought from evidence that the appellant has nothing to do with excess weight or undeclared goods in the consignment. The penalty imposed on the allegation that the goods imported are not for use of the importer but for the use / sale to another person would not attract ingredients of section 112 (a) of the Customs Act, 1962.

Louverline Blinds Versus Commissioner Of Customs [2022 (4) TMI 217]

Section 149 of Customs Act which provides for amendment of documents, which makes it clear that the amendment is permissible but the same is subject to Sections 30 and 41 *ibid*. There is also no

Import and Export data

Imports of March 2022 at \$ 73.90 B

Exports of March 2022 at \$ 64.75 B

		March 2022 (USD Billion)	March 2021 (USD Billion)	March 2020 (USD Billion)	Growth vis-à-vis March 2021 (%)	Growth vis-à-vis March 2020 (%)
Merchandise	Exports	42.22	35.26	21.49	19.76	96.48
	Imports	60.74	48.90	31.47	24.21	93.00
	Trade Balance	-18.51	-13.64	-9.98	-35.72	-85.51
Services*	Exports	22.52	20.80	17.56	8.31	28.25
	Imports	13.16	12.26	10.09	7.33	30.46
	Net of Services	9.36	8.53	7.47	9.71	25.28
Overall Trade (Merchandise+ Services)*	Exports	64.75	56.05	39.05	15.51	65.80
	Imports	73.90	61.16	41.56	20.83	77.82
	Trade Balance	-9.15	-5.11	-2.51	-79.18	-265.14

Source : PIB

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