

DA TAX UPDATE INDIRECT TAX

An E-Tax update from
Darda Advisors LLP

Fortnightly update – August 2022
Issue -40

Goods and Service Tax

Customs and Others

Goods and Service Tax

Satish Kumar Jaiswal. Versus Designated Committee [2022 (8) TMI 632 - CALCUTTA HIGH COURT]

Since the appellant had the benefit of order of status quo pending writ petition, the respondent authorities are directed not to take any coercive action against the appellant till the writ petition is taken up for hearing by the learned Single Bench.

Anupam Singla & Ors. Versus State of Haryana [2022 (8) TMI 630 - PUNJAB AND HARYANA HIGH COURT]

Once proceedings under one particular Act have already been initiated, i.e. either under the State Act or under the Central Act, then similar proceedings would not be initiated on essentially the same cause of action by the proper

(designated) officer under the other Act.

M/s Shanu Events Versus State of UP [2022 (8) TMI 408 - ALLAHABAD HIGH COURT]

There appears no doubt to the genuineness of the explanation furnished by the assessee that the mistake was inadvertent. Once the assessee had disclosed the place of shipment, there survived no occasion to fill up the place of destination with the pin code of the petitioner's office. Clearly, the mistake was bonafide as sometime occurs. In absence of any allegation or material found of ill-intent on part of the assessee to transport the goods for the purposes of sale, the imposition of tax and demand of penalty is wholly unfounded. The goods are old. The breach was technical and not real.

Goods and Service Tax

Torrent Power Ltd. Versus Union Of India [2022 (8) TMI 404 - GUJARAT HIGH COURT]

Refund of IGST paid on ocean freight has been allowed to the petitioner in line with the order of Hon'ble Supreme Court in case of Mohit Minerals Pvt Ltd.

Customs & Others

Commissioner Of Customs, New Delhi Versus M/S Oppo Mobiles India Pvt Ltd. [2022 (8) TMI 506 - CESTAT NEW DELHI]

No refund can be sanctioned even in cases of self-assessment without assailed the bill of entry.

Diamond Industries (Sbd) Versus Commissioner Of Customs [2022 (8) TMI 334 - CESTAT AHMEDABAD]

The factum of actual payment of the price in terms of the addendum cannot be ignored while determining the value of the vessel under Section 14 of the Act.

WFH Rules for SEZ Employees

As per the SEZ rules, IT/ITES SEZs have the flexibility to permit a 50 per cent or higher percentage staff to WFH or from any place outside the SEZ i.e., WFA, subject to permission and conditions.

You can read our article in detail at:

<https://dardaadvisors.com/tax-articles/indirect-tax-articles/work-from-home-digital-nomads-open-door-to-new-it-ites-sez-model/>

Import and Export data

Imports of July 2022 at \$ 82.22 B

Exports of July 2022 at \$ 61.18 B

		July 2022 (USD Billion)	July 2021 (USD Billion)	Growth vis-à-vis July 2021 (%)
Merchandise	Exports	36.27	35.51	2.14
	Imports	66.27	46.15	43.61
	Trade Balance	-30.00	-10.63	-182.10
Services*	Exports	24.91	19.36	28.69
	Imports	15.95	11.39	40.02
	Net of Services	8.96	7.97	12.49
Overall Trade (Merchandise+ Services)*	Exports	61.18	54.87	11.51
	Imports	82.22	57.54	42.90
	Trade Balance	-21.04	-2.67	-688.49

Source : PIB

Darda

Driven by Quality, Powered by Ideation

Darda Advisors LLP offers a wide range of services in the tax and regulatory space to clients in India with professionals having extensive consulting experience. Our approach is to provide customized and client-specific services. We provide well-thought-out strategies and solutions to complex problems in tax and regulatory matters. Our service offerings are:

Invest India Services

- Invest India Study
- Inception And Incorporation Relate Service
- Incentives, Subsidies and Grant Service
- Start-Up India and MSME Services



Indirect Tax Services

- GST Services
- Representation and Litigation Support
- Corporate Training
- SEZ/EOU/STP Services
- Customs and International Trade
- GCC VAT

Other Services

- Corporate Secretarial Services
- Corporate & International Tax Services
- Certification & Attestation Services
- Financial Advisory Services
- Accounting Advisory Services
- RBI Services



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

Disclaimer:

For private circulation and internal use only. The information contained herein is of general nature and not intended to address the circumstances of the particular individual or entity. The information in this document has been obtained or derived from sources believed by Darda Advisors LLP (DA) to be reliable but DA does not represent that this information is accurate or complete. Readers of this publication are advised to seek their own professional advice before taking any course of action or decision, for which they are entirely responsible, based on the contents of this publication. DA neither accepts nor assumes any responsibility or liability to any reader of this publication in respect of the information contained within it or for any decision's readers may take or decide not to or fail to take.