

DA TAX UPDATE INDIRECT TAX

An E-Tax update from
Darda Advisors LLP

Fortnightly update – November 2022

Issue -43

Goods and Service Tax

Customs and Others

Goods and Service Tax

Green Fizz Beverages Private Limited Versus State of West Bengal & ors. [2022 (11) TMI 680 - Calcutta High Court]

Delay and laches are not to be calculated solely by the length of the time taken by the party to approach the legal forum. It is elementary principle that none stands to benefit by lodging an appeal or a petition belatedly. Unless and until there are material to show that owing to mala fide intentions and with certain ulterior motive, the petition was belated filed

Abi Egg Traders Versus Assistant Commissioner [2022 (11) TMI 484 - Madras High Court]

An order of rejection came to be passed by the officer wherein the petitioner's response with regard to the quantum of ITC appears to

have been accepted though he does not say so in as many words. In conclusion, he reiterates the objection raised by him in regard to the categorization of the services pointing out that the petitioner's entitlement fails since it was made only under the residuary category. This is the sole ground upon which the claim has been rejected. Appeal allowed.

In Re: M/S. Bambino Pasta Food Industries Private Limited [2022 (11) TMI 482 - Authority For Advance Ruling, Telangana]

The expenditure made towards corporate responsibility under section 135 of the Companies Act, 2013, is an expenditure made in the furtherance of the business. Hence the tax paid on purchases made to meet the obligations under corporate social responsibility will be eligible for input tax credit under CGST and SGST Acts.

Goods and Service Tax

M/S. Mahavir Auto Diagnostics Pvt. Ltd. Versus Union Of India [2022 (11) TMI 393 - Telangana High Court]

It would be in the interest of justice if the petitioner is allowed to upload table 2 of Form GST TRAN 3 within the aforesaid period which will however be subject to due verification of the respondents - Petition disposed off.

M/S Yokohama India Private Limited Versus The State Of Telangana [2022 (11) TMI 392 - Telangana High Court]

Supreme Court took note of the fact that GSTR-2A form for rectification of omissions or incorrect particulars became operational from September, 2018 - the issue is squarely covered by the decision of the Supreme Court in Bharti Airtel Ltd.

Customs & Others

Commissioner Of Customs (Preventive) , West Bengal Versus Savitri Sales Pvt. Ltd. [2022 (11) TMI 707 - Calcutta High Court]

The Hon'ble Supreme Court in Union of India and Others vs. Raj Grow Impex LLP and Others, while considering the effect of the notification issued by the Central Government under the FTDR Act and also consequential Trade notices issued by the DGFT held that the goods in question are to be held liable to absolute confiscation but with a relaxation of allowing re-export, on payment of the necessary redemption fine and subject to the importer discharging other statutory obligations.

M/S. Sparrow Television Private Ltd. [2022 (11) TMI 638 - Madras High Court]

The Developer is therefore directed to reconsider the request of the petitioner for de-notifying the land allotted to the petitioner from the operation of Special Economic Zones Act, 2005 afresh and thereafter recommend to the Central Government to issue appropriate Notification under Rule 8 of the Special Economic Zones Rules, 2006 provided the petitioner agrees to such terms as may be imposed by the first respondent to safeguard the interest and integrity of SEZ.

Import and Export data

Imports of October 2022 at \$ 73.00 B

Exports of October 2022 at \$ 58.36 B

		October 2022 (USD Billion)	October 2021 (USD Billion)
Merchandise	Exports	29.78	35.73
	Imports	56.69	53.64
Services*	Exports	28.58	20.37
	Imports	16.30	11.64
Overall Trade (Merchandise + Services)*	Exports	58.36	56.10
	Imports	73.00	65.28
	Trade Balance	-14.63	-9.18

Source : PIB

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