

DA TAX ALERT INDIRECT TAX

AN E-TAX ALERT FROM
Darda Advisors LLP

June 2023

Issue: 37

**GST COMPLIANCE
CALENDER**

**GOODS AND
SERVICE TAX**

**CUSTOMS AND
OTHER**

DA NEWS

PREFACE

We are pleased to present to you the thirty seventh edition of DA Tax Alert, our monthly update on recent developments in the field of Indirect tax laws. This issue covers updates for the month May 2023.

During the month of May 2023, there were certain changes under Goods and Service Tax, Customs and other; key judgments and rulings such as Voluntary payment by assessee to be refunded back with interest when SCN is not issued and procedure is not followed, EOU benefits on import of capital machinery for job worker premises is allowed.

In the thirty seventh edition of our DA Tax Alert- Indirect Tax, we look at the tumultuous and dynamic aspects under indirect tax laws and analyze the multiple changes in the indirect tax regime introduced during the month of May 2023.

The endeavor is to collate and share relevant amendments, updates, articles, and case laws under indirect tax laws with all the Corporate stakeholders.

We hope you will find it interesting, informative, and insightful. Please help us grow and learn by sharing your valuable feedback and comments for improvement.

We trust this edition of our monthly publication would be an interesting read.

Regards

Vineet Suman Darda
Co-founder and Managing Partner

Darda Advisors LLP
Tax and Regulatory Services

www.dardaadvisors.com

Follow us- <https://lnkd.in/dc4fRzn>

GST COMPLIANCE CALENDAR

June
2023

10

GSTR-7
TDS Deductor

10

GSTR-8
TCS
Deductor

11

GSTR-1
Normal Taxpayer

13

GSTR-1/6
QRMP Taxpayer & Input
Service Distributor

20

GSTR-5A
OIDAR Service Provider

20

GSTR-3B
Normal & QRMP Taxpayer

20

GSTR-5
Non-Resident Taxable
Person

Voluntary payment by assessee to be refunded back with interest when SCN is not issued and procedure is not followed - HC

DA Insights:

As per CBIC instructions, there is no bar on the taxpayers for voluntarily making the payments on the basis of ascertainment of their liability on non-payment/ short payment of taxes before or at any stage of such proceedings. It is the duty of the officer to inform the taxpayers regarding the provisions of voluntary tax payment through DRC- 03 which is not followed in the said issue and thus, the Honorable High Court has instructed to refund the amount along with interest.

Issue:

The petitioner is seeking a writ in the nature of mandamus directing respondent to refund the amount, which was recovered illegally from the petitioner vide Form GST DRC-03 without issuing any SCN or passing any order under Section 74 of the CGST Act, 2017.

Legal Provisions:

Section 74 (1) of the CGST Act, 2017 read with Rule 142 (2) of the CGST Rules, 2017.

Observation and Comments:

The Honorable High Court observed and held that:

The Govt. instructions dated 25.05.2022 issued by the CBIC with respect to the GST investigation. As per the said instructions, no recovery of tax should be made during search, inspection, or investigation unless,

it is voluntary. In order to avoid harassment to the person, whose premises has been conducted, the voluntary payment in prescribed form i.e., GST DRC-03 can be made after the day of the search. The above instructions have been issued to avoid unnecessary harassment caused to the assessee.

Neither the department has followed the provisions of Rule 142 (2) of the CGST Rules nor has issued any notice under Section 74 (1) of the CGST Act.

In view of the above discussion, the respondents are directed to return the amount in question to the petitioner along with simple interest at the rate of 6% per annum from the date of deposit till the payment is made. The amount will be refunded to the petitioner within a period of two weeks from the date of receipt of certified copy of this judgment.

ITC eligible for foundation to fix machineries to earth and not on civil structure – AAR

DA Insights:

The provisions under GST law itself provides ITC eligibility on Plant and Machinery and its foundation and structural support. Any shed or coverage of the machinery is structural support and cannot be classified as 'Any other civil structure' to disallow ITC. The AAR Ruling did not consider the same and could be further challenged by the applicant.

Issue:

The applicant is engaged in the activity of manufacturing of dyes and require various plant and machinery, primary being Sand Mill and spray dyer and HAG machine. These machines are required to be fixed on earth by foundation or various structural supports which are of MS steel/foundation structure. The ruling sought by AAR on eligibility of ITC on foundation for P&M.

Legal Provisions:

Section 17 (5) of CGST Act, 2017

Observation and Comments:

The AAR observed and held that:

Plant and Machinery	Ruling
Sand Mill and Spray Dryer	The photograph reveals a structure/ shed, erected on the left side of the Sand mill and spray dryer. This structure/shed would clearly fall within the ambit of civil structure and stands excluded from the expression 'plant and machinery'. Hence, the ITC in respect of this structure/shed is blocked in terms of section 17(5) of the CGST, 2017.
HAG [Hot Air Generating machine and equipment]	The photograph clearly depicts that there is a roof overhead the machine. This roof and its supports would clearly fall within the ambit of civil structure and stands excluded from the expression 'plant and machinery'
ETP [Effluent Treatment Plant]	On-going through the four photographs, we find that these are basically tanks which are civil structure. Now in terms of the discussion supra, expression 'plant and machinery' excludes civil structure. Therefore, when the ETP itself has been held to be a civil structure, the question of allowing ITC in respect of its foundation and structural support does not arise.
Transformer	Following the ratio of the ruling in the case of Tarun Realtors Pvt. Ltd. [2020 (35)GSTL 438(App. AAR-GST-Kar) -2020-VIL-17-AAAR], we hold that the applicant is not eligible for ITC on works contract services taken for making foundation structure on which DG set is fixed to earth by foundation.

[M/s Colourband Dyestuff P Ltd \[2023-VIL-89-AAR – Gujarat AAR\]](#)

Appeal before AAAR beyond extended period of limitation is not allowed – HC

DA Insights:

The language of relevant provisions which allow delay could be condoned up to a certain period, the period of limitation for filing the application / appeal could not be extended beyond the said period. The same is well settled precedence.

Issue:

The petitioner has filed the present petition impugning an order, passed by the Delhi AAAR, whereby the petitioner's appeal against an order was rejected. The Appellate Authority had declined to entertain the petitioner's appeal on the ground that it was barred by limitation.

limitation for filing the application / appeal could not be extended beyond the said period

Legal Provisions:

Section 100 of CGST Act, 2017

Observation and Comments:

The Honorable High Court observed and held that:

Ignorance of the notification cannot be a ground for extending the period of limitation.

In *State of Goa v. Western Builders*: (2006) 6 SCC 239 and *Chhattisgarh State Electricity Board v. Central Electricity Regulatory Commission and Ors.*: 2010 (5) SCC 23, the Supreme Court had held that given the language of the relevant provision limiting the period for which delay could be condoned, the period of

[M/s Indian Institute Of Corporate Affairs vs Delhi AAAR AND ORS. \[2023-VIL-337-DEL\]](#)

Opportunity for personal hearing cannot be denied as delayed reply was submitted - HC

DA Insights:

The opportunity of being heard is principle of natural justice and the same is rightly held by the Honorable High Court. The denial of the same is always considered against the principle of natural justice. Further, the penalty for delayed submission of reply is going to be an additional learning for the taxpayers.

Issue:

Under the writ petition filed before the Honorable High Court, the primary contention was that the impugned order passed is without affording an opportunity of hearing and that their reply filed has been rejected as having been belatedly filed under Section 75 of the CGST Act, 2017.

Legal Provisions:

Section 75(4) of CGST Act, 2017

Observation and Comments:

The mandate under Section 75(4) of the CGST Act, 2017 is clear that, when a written request is made from the person chargeable with tax or penalty seeking for personal hearing, the same is required to be considered. Clearly there is violation of the mandate under Section 75(4) of the Act and the submission of the learned counsel for the Revenue that the request for personal hearing was made out in the reply, which having been rejected, the

request for personal hearing is also to be rejected is a hyper technical interpretation which has resulted in rejection of the opportunity under Section 75(4) of the Act, which cannot be accepted.

The petitioner however, is liable to pay costs of Rs.10,000/- to the respondents for lapse in filing a delayed reply.

[M/s Principle Mahendra Private Limited vs DCCT \[2023-VIL-339-KAR\]](#)

SCN must set out the reasons for proposing an adverse action – HC

DA Insights:

The detailed reasoning for issuance of SCN with adequate detail and evidence is must and the same has been well settled in various legal precedents. In this case, the Honorable High Court set aside the initial SCN itself which has not given any reasons for proposing an adverse action.

Issue:

The petitioner has filed the present petition impugning a SCN and the proceedings pursuant thereto. The petitioner also impugns an order whereby the petitioner's application for revocation of its GST cancellation, was rejected. Additionally, the petitioner impugns the appellate order, whereby its appeal against order was rejected.

restore the petitioner's application for revocation of cancellation of its GST registration before the concerned officer for deciding afresh. The petitioner is granted further opportunity to respond to the Show Cause Notice and furnish the necessary documents in support of its claim.

Legal Provisions:

Section 29 and section 30 of CGST Act, 2017

Observation and Comments:

The Honorable High Court observed and held that:

It is trite law that a SCN must set out the reasons for proposing an adverse action in order for the Noticee to respond to the same. Undisputedly, in this case, the impugned SCN did not satisfy the said standards.

Considering the circumstances, we are of the view that it would be apposite to

[*M/s APJ Investments Pvt Ltd vs ACGST \[2023-VIL-340-DEL\]*](#)

GST Notification / Circulars / Guidelines / Instructions

Time limit to opt for Forward Charge Mechanism for Transporters extended till 31.05.2023

In the Table, against serial number 9, in item (iii), in sub-item (b), in the entries under column (5), in condition (2), after the second proviso, the following provisos shall be inserted, namely: -

Provided also that the option for the Financial Year 2023-2024 shall be exercised on or before the 31st May, 2023.

Provided also that a GTA who commences new business or crosses threshold for registration during any Financial Year, may exercise the option to itself pay GST on the services supplied by it during that Financial Year by making a declaration in Annexure V before the expiry of forty-five days from the date of applying for GST registration or one month from the date of obtaining registration whichever is later."

Notification No. 05/2023- Central Tax (Rate), Dated 09 May, 2023

Notification No. 05/2023- Integrated Tax (Rate) Dated 09 May, 2023

Notification No. 05/2023-Union Territory Tax (Rate) Dated 09 May, 2023

GST E-Invoicing Limit reduced to Rs. 5 Crore from 01st August 2023

It has been notified that person registered under GST and having turnover more than Rs. 5 Crore in any financial year from 2017-18 is required to comply with the e-invoice provisions w.e.f. 01st August 2023 i.e., he will be required to generate IRN/e-invoice against followings:

- a. Each tax invoice, debit note & credit note issued to registered person.
- b. Export Transactions

Above e-invoice applicable on supply of goods as well as supply of service and this is in addition to the generation of e-way bill.

It started with the threshold limit of Rs. 500 crores, then gradually brought down to Rs. 100 Crores, then Rs. 50 crores, then Rs. 20 crores, then Rs. 10 crores, and now finally to Rs. 5 crores (applicable from 1st Aug, 2023). Lowering this threshold limit will widen the coverage area of Government's check, as there would be less scope of manipulation in invoices.

Notification No. 10/2023 – Central Tax Dated 10 May, 2023

GST Notification / Circulars / Guidelines / Instructions

SOP for Scrutiny of GST Returns for FY 2019-20 onwards

It provides guidelines for the scrutiny process, including the scrutiny schedule, the process of scrutiny by the proper officer, and the timelines to be followed. It emphasizes conducting scrutiny in a time-bound manner and minimizing the need for physical interaction between the proper officer and the registered person.

Also mentions the issuance of notices, the acceptance or explanation of discrepancies by the registered person, and the actions to be taken by the proper officer based on the response received.

It highlights that if no satisfactory explanation is furnished or the discrepancies are accepted but not paid, the proper officer may proceed with determining the tax and other dues under Section 73 or Section 74 of the CGST Act.

The instruction specifies timelines for each step of the scrutiny process and emphasizes reporting and monitoring through the scrutiny dashboard.

Instruction No. 02/2023-GST dated 26 May, 2023

GSTN Portal Changes

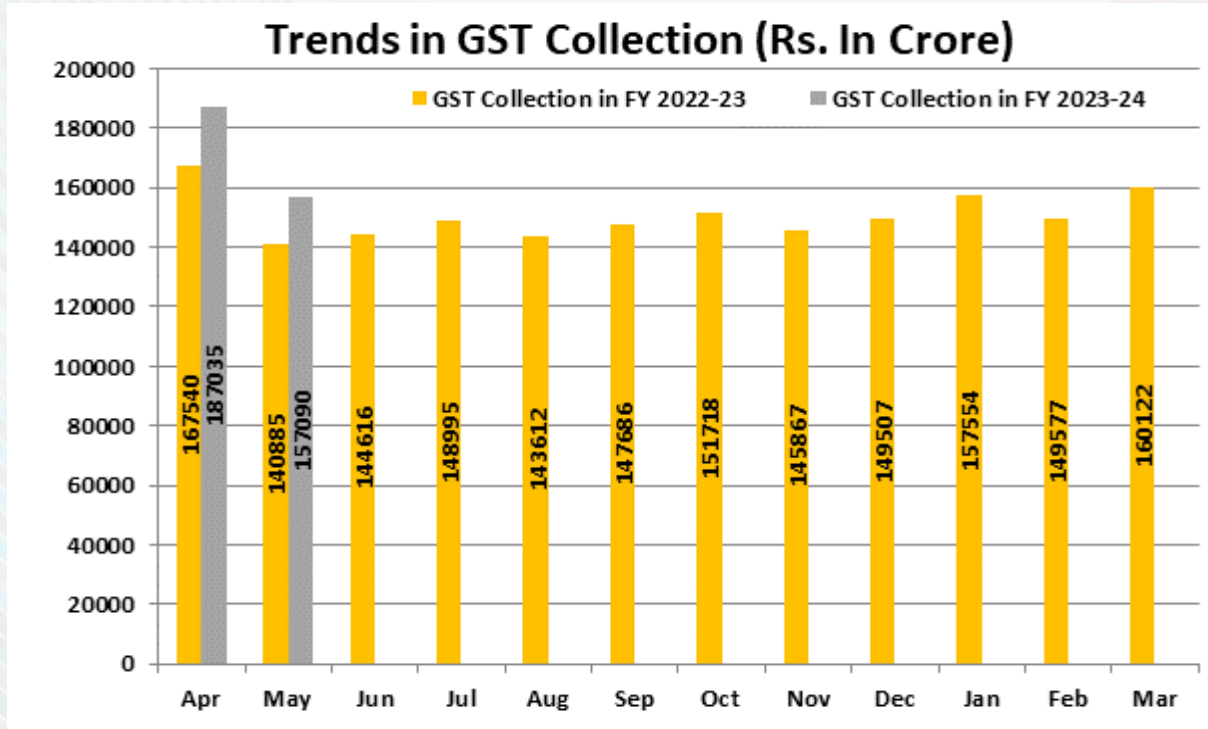
Advisory: Deferment of Implementation of Time Limit on Reporting Old e-Invoices

It has been decided by the competent authority to defer the imposition of time limit of 7 days on reporting old e-invoices on the e-invoice IRP portals for taxpayers with aggregate turnover greater than or equal to 100 crores by three months. In this regard, the link to the previously issued advisory dated 13th April 2023 may be referred at <https://www.gst.gov.in/newsandupdates/read/578>

Advisory on Filing of Declaration in Annexure V by Goods Transport Agency (GTA) opting to pay tax under forward charge mechanism 30/05/2023

The GTAs, who commence business or cross registration threshold on or after 1st April, 2023, and wish to opt for payment of tax under forward charge mechanism are required to file their declaration in Annexure V for the FY 2023-24 physically before the concerned jurisdictional authority.

GST Revenue Collection in May 2023 - Rs. 1,57,090 Cr.



Source: PIB



- Customs Valuation order for enhancement of value on deemed freight mathematical computation is set aside
- EOU benefits on import of capital machinery for job worker premises is allowed
- Jurisdiction and scope of adjudication proceedings is vast as compared to that of a Commissioner (Appeals) – CESTAT
- Customs authority bound by FSSAI for articles of food – Provisional release allowed – CESTAT
- Penalty for 'under invoicing' can also be imposed on exporter-overseas supplier – HC
- Judicial Review of withdrawal of exemption notification by SC
- Other Notifications/Circulars/Instructions

Customs Valuation order for enhancement of value on deemed freight mathematical computation is set aside

DA Insights:

Customs valuation provisions read with Customs Valuation Rules have given specific procedures for inclusion of freight charges under value of goods for the payment of customs duty. In the said case, the CESTAT has rightly set aside the order which has added deemed freight for the purpose of the valuation without considering the actual payment and documents of the importer.

Issue:

The assessee filed appeals four appeals against two adjudication orders of Commissioner of Customs on identical issue of addition of freight for computation of assessable value and confiscation for misdeclaration of country of origin, are disposed of by these common proceedings.

Legal Provisions:

Section 14 and section 111 (m) of Customs Act, 1962 and Rule 10(2) of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007

Observation and Comments:

The Honorable CESTAT observed and held that:

The freight that has been ascertained does not even pretend to be representative of the actual payment made, either by exporter or by importer, to the carrier. It is clear from the records that the adjudicating authority had arrived at a mathematical computation that had

nothing to do with any payment made to the carrier. This is not the intent of adjustment necessitated by rule 3 of Customs Valuation (Determination of Value of Imported Goods) Rules, 2007. For this reason, the enhancement, for the purposes of determining differential duty, in the impugned orders must be set aside.

We have deliberately not touched upon any of the decisions cited by both sides in support of their legal submissions. We have relied entirely upon the factual matrix of the case, in the records as well as submissions, and the law asset out in Customs Act, 1962 to render the finding here. We did so, with deliberate intent, for demonstrating that it is obligatory on the part of adjudicating authority to evaluate the proposals put forth in the show cause notice on the basis of available facts and law and that any detriment, of duty or fine/penalties, visited upon an importer without examination of the role of the noticee on the circumstances leading to the conclusion of having breached Customs Act, 1962 is not only inappropriate but tantamount to executive overreach that rule of law abhors.

[Jupiter Dyechem Pvt Ltd vs CC \[2023-VIL-458-CESTAT-MUM-CU\]](#)

EOU benefits on import of capital machinery for job worker premises is allowed

DA Insights:

EOU benefits are allowed for manufacturer and job worker on imports of the capital goods. The denial of benefit without looking into the facts of the case under the said case law is rightly set aside by the Honorable CESTAT.

Issue:

The appellants are an Export Oriented Unit (EOU) and imported machinery by their job worker and Bill of Entry (BoE) being filed by the appellant by availing the benefit of Notification No. 52/2003-Cus dated 31.3.2003 for the machines, but without having fulfilled the conditions of the said notification. The appellants were only the consignees for the impugned machines and were not the owners. The learned commissioner as assessed in the ex-bond Shipping Bill, along with interest and imposed penalties against which the appeal is filed.

Legal Provisions:

Notification No. 52/2003-Cus dated 31.3.2003

Observation and Comments:

The Honorable CESTAT observed and held that:

The appellant cannot be faulted if the EDI system did not permit a joint filing of the import documents. Revenue has not disputed the appellants claim. As regards the

bond for fulfilment of the conditions of the exemption notification having not been executed jointly by the appellant and Amul, the appellant has not provided a satisfactory answer and have been found to have erred. A penalty for the violation of bond condition, would suffice.

The point regarding what constitutes 'consideration' which is crucial for understanding the relationship between the appellant and Amul, the owner of the machines, has not been examined and discussed along with the extant provisions of the Indian Contract Act, 1872. Adequacy of the consideration is immaterial.

The fact that a job worker - principal manufacturer relationship existed between the lessor and lessee will not be determinantal to the agreement for the machining work executed by them.

Based on the above discussions, the impugned order passed by the Commissioner of Central Excise, Chennai III is set aside and the appeal is allowed with consequential relief, if any, as per law.

[M/s Same Deutz - Fahr India \(P\) Ltd vs CGST&CE \[2023-VIL-461-CESTAT-CHE-CU\]](#)

Jurisdiction and scope of adjudication proceedings is vast as compared to that of a Commissioner (Appeals) – CESTAT

DA Insights:

The revenue did not challenge the order in original till first appellate authority set aside the said order for which the Honorable CESTAT has rightly set aside the appeal filed by the revenue.

Issue:

The respondent filed various Bills-of-Entry for clearance of goods declared as 'Aluminium Tube' for condenser classified under CTH 7604 2990 against which order is issued that they were not even classifiable under CTH 7608 (earlier allegation) as they do not even conform to the Note 1(b) of Chapter 76 (profiles) and that since the goods had attained a different and distinct character of a part of a structure which is specialised to be used in a structure (condenser core) of Air Conditioner, the same deserved classification under CTH 7610 9030. The appellant filed the appeal before first appellate authority which provided the relief against which the revenue filed the appeal before the Honorable CESTAT.

Legal Provisions:

Chapter 76 of Customs Tariff Acct, 1975, Section 2 and section 128 of Customs Act, 1962

Observation and Comments:

The Honorable CESTAT observed and held that:

The respondent filed appeal feeling aggrieved, before the Commissioner (Appeals) against the Order-in-Original, but the Revenue did not prefer any appeal, which means that the order of classification passed by the Adjudicating Authority was accepted by the Revenue, or

rather, the Revenue was not at all aggrieved by the Order-in-Original or even the classification.

Thus, if we entertain this appeal, firstly\ we would be committing a serious error of permitting the Revenue to take inconsistent stands, secondly, reducing the scope of appellate proceedings to that of Adjudicating Authority, which is not permissible as per the definition under Section 2 (1) *ibid*, and thirdly, permitting a classification which was never put across to the respondent for rebuttal and in any case, neither the Tribunal nor the Commissioner (Appeals) has any such powers at all.

Hence, we do not find any reason to interfere with the order of the First Appellate Authority and consequently, we dismiss the appeal.

[CC Vs M/s Visteon Automotive Systems India P. Ltd \[2023-VIL-474-CESTAT-CHE-CU\]](#)

Customs authority bound by FSSAI for articles of food – Provisional release allowed – CESTAT

DA Insights:

The Honorable CESTAT rightly held that approval of withholding of 'provisional release' except in circumstances of justification that it is not mere reasonable belief that has prompted so but that there are reasons to believe that goods are 'prohibited' would only weaponize whimsicality that the enactment intended to eliminate.

Issue:

The appeal is filed against the provisional release of the goods under Section 110 of the Act by placing reliance on test reports furnished by customs laboratories to affect that goods are 'unfit for human consumption' without considering the report issued by the other laboratory registered under Food Safety and Standards Act, 2006.

Legal Provisions:

Sections 47, 110 and 110A of Customs Act, 1962

Observation and Comments:

The Honorable CESTAT observed and held that:

Customs authorities are bound by the sanction and approval accorded, under the aegis of Food Safety and Standards Act, 2006, by the designated authority therein as the sole determinant for invoking

section 111 of Customs Act, 1962 insofar as articles of food are concerned. An independent ascertainment of fitness for human consumption, without reference to the statutory authority envisaged for the enforcement of Food Safety and Standards Act, 2006, is not in public interest and invocation of public health, no matter how convenient it may be for retention of goods, is no substitute for legal jurisdiction.

Section 110A is couched in such plain language as to give no room for controversy, interpretation or speculation of legislative intent; indeed, it does not even offer scope for discriminatory treatment among imported goods.

We, therefore, direct that the impugned goods be 'provisionally released' on furnishing of bond to the extent of value of the goods and subject to the procedural safeguards implicit in section 47 of Customs Act, 1962 within tendays of receipt of this order.

[Excellent Betelnut Products Pvt Ltd vs CC \[2023-VIL-476-CESTAT-MUM-CU\]](#)

Penalty for ‘under invoicing’ can also be imposed on exporter-overseas supplier – HC

DA Insights:

The imposition of penalty to exporter-overseas supplier in this case who are beyond the territory of India on ‘under invoicing’ would lead to questioning of any such import transactions which involves under reporting or violation of law from both importer and exporters-overseas suppliers.

Issue:

The officers of DRI had found that M/s S.R. International (exporter) had imported the consignment of assorted confectionary from suppliers located overseas including the appellant, by under-invoicing and mis-declaring the goods. For certain notices, the exporter settled its liability for short payment of customs duty, interest thereon and penalty on the amounts as determined by the Settlement Commission.

The appellant is essentially aggrieved by the levy of penalty under Section 112(a) of the Customs Act, 1962 and filed the present appeals impugning a common order by CESTAT.

Legal Provisions:

Section 112 (a) of Customs Act, 1962

Observation and Comments:

The Honorable High Court observed and held that:

The contentions that no penalty under Section 112(a) of the Customs Act can be imposed on the appellant as it is an overseas entity and the Customs Act does not have any extra-territorial operation, is unmerited. In the present case, the appellant was found to be complicit in clearance of the goods on

the basis of false invoices issued by the appellant. It was also found that the appellant had collected part of the consideration for the goods in India, which was sent to it through hawala. The alleged offences have been committed within the territory of India. Thus, the contention that the levy of penalty under Section 112(a) of the Customs Act on the appellant was beyond the purview of the Customs Act is wholly misconceived.

The appellant had full opportunity to approach the Settlement Commission but it chose to contest the proceedings before the Adjudicating Authority. The learned counsel for the appellant has been unable to point out any provision in the Customs Act, which would automatically extend the benefit of an order passed by the Settlement Commission in respect of a party, to other noticees as well.

In the present case, although the show cause notices were issued to various noticees, the proposal to impose penalties/liability were separate and severable. Discharge of liability of one of the noticees either by making payment without a contest, or by settlement before the Settlement Commission would not absolve the other noticees from their liability.

We are unable to accept that the present appeals raise any substantial question of law.

M/s Seville Products Limited vs CC [2023-VIL-323-DEL-CU]

Judicial Review of withdrawal of exemption notification by SC

DA Insights:

The wisdom or unwisdom, and the soundness of reasons, or their sufficiency, cannot be proper subject matters of judicial review. In the present case, the Honorable Supreme Court rightly held that the impugned judgment of the Honorable High Court has virtually conducted a merits review of the concerned economic measure.

Issue:

This civil appeal arises from a judgment [Dated December 23, 2008, in Writ Petition No 298/2004] of the Calcutta High Court which held the withdrawal of a customs notification invalid. The High Court by its impugned judgment upheld the judgment and order of the single judge bench. The High Court observed that the imported machine was neither manufactured in any part of the country at the relevant point of time nor any copy of representation received from domestic manufacturers questioning the exemption granted to the imported machine was shown by the revenue against which UOI filed the appeal to Honorable Supreme Court.

Legal Provisions:

Notification No 86/2003-Cus amended by Notification No. 164/2003-Cus, dated November 11, 2003

Observation and Comments:

The Honorable Supreme Court observed and held that:

In the present case, the principal, or rather the sole ground which persuaded the High Court, to set aside the Amended Notification

is that withdrawal of the concession could not be said to facilitate indigenous manufacturers. It was also held that "Indigenous angle therefore was not germane to withdrawal of exemption" and therefore, "public interest which must govern in the case of grant or withdrawal of the grant is lost." The third ground was that there was no "distinction between the two types of machines as both were having the same technology."

This court is of the opinion, that the High Court, by the impugned judgment, erred in judging the merits of the reasons which led the executive government to issue the Amended Notification. No mala fides or oblique considerations were pleaded or urged; the exercise of power was in line with the provisions of the Act. The indigenous angle, i.e., availability of equipment, cannot be characterized as an irrelevant factor or consideration, since grant of exemption to a class of goods, which are similar to those manufactured within the country, and its likely adverse impact on such manufacturers or producers, is germane and relevant.

For the above reasons, it is held that the impugned judgment cannot be sustained; it is accordingly set aside. The appeal is allowed, without order on costs.

[UOI & ORS. Vs A. B. P. PVT LTD & ANR. \[2023-VIL-55-SC-CU\]](#)

Customs Notification / Circulars / Guidelines / Instructions

DGFT enables online appointment for virtual meeting/personal hearing

An online facility for requesting appointment for virtual meeting/personal hearing to the exporters is being introduced w.e.f. 01.06.2023.

The exporters may apply for VC facility for their online hearing on the DGFT website, on which support is required, using the following steps –

Navigate to the DGFT Website (<https://dgft.gov.in>) -> Services — > Request for video conference

Trade Notice No. 06/2023-24 Dated: 31.05.2023

Amnesty for default in export obligation – Exporter should be registered with DGFT

These measures are to ensure that the exporters approaching for paying the duty, etc. are registered with the DGFT in terms of the Public Notice dated 02.04.2023. These cases under the scheme be monitored and tracked so that there is efficient handling and expeditious closure of these old cases of bona fide EO default in a seamless manner. Suitable mechanism for this should be put in place and closely supervised by the Principal Commissioners / Commissioners.

Circular No.11/2023-Customs, Dated 17 May, 2023

Indian Customs EDI System – Electronic Cash Ledger – Queries & Clarifications

It addresses queries and providing clarifications regarding the implementation of the Electronic Cash Ledger (ECL) in the Indian Customs EDI System.

The notice informs importers, exporters, customs brokers, and other stakeholders about the resolution of issues related to challan visibility, automatic crediting of custom duty amounts, ECL top-up credits, and downloadable ledger in Excel format.

It also announces the withdrawal of a previous public notice and provides instructions for importers to check the status of their payments and resolve any discrepancies. Importers are urged to follow specific procedures for duty integration and regularization of Bills of Entry.

Public Notice No. 17/2023, Dated 19 May 2023



DA NEWS

Driven by Quality, Powered by Ideation

Goods and Services Tax

- GSTN advises taxpayers to plan return filing and invoice uploading to avoid last-minute rushes
- Developers' body requests Centre to restructure GST on MMR redevelopment projects
- Small firms seek one-year exemption for oversight in GST e-invoicing
- Online gaming to attract investment once tax policy is finalised

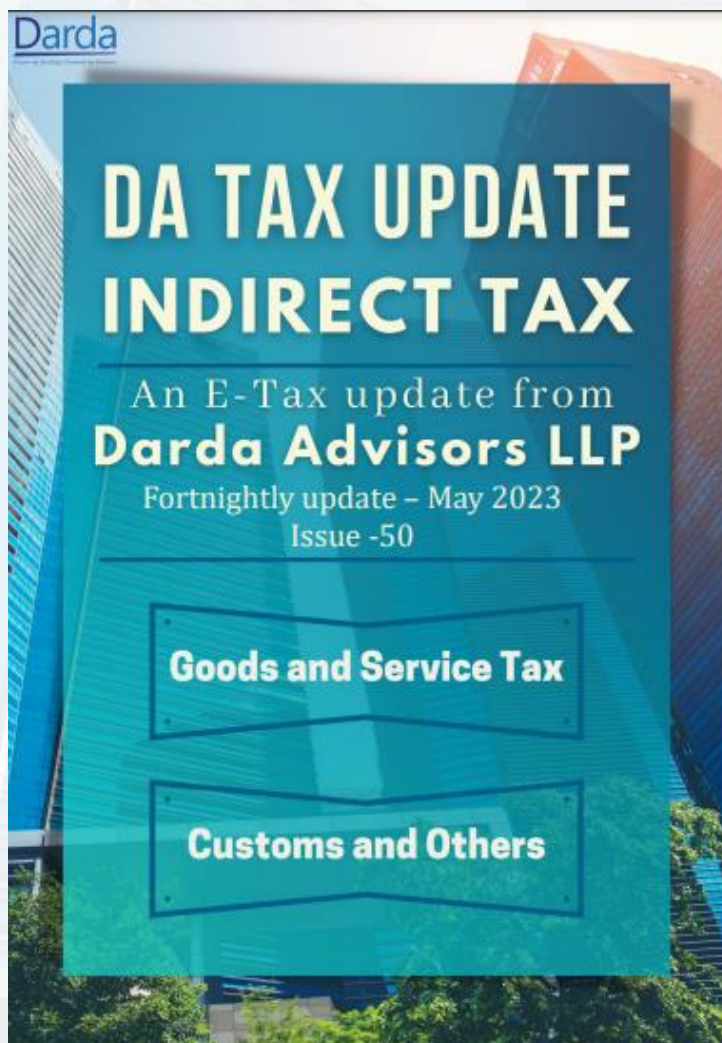
Customs and other

- Customs duty and cess waived on crude soyabean and sunflower seed oil till June 30
- Customs system glitch chokes shipments at ports pan India, traders pay heavy demurrage charges

DA Updates and Articles for the month of May 2023

Indirect Tax Fortnightly Update for the month of May 2023

https://dardaadvisors.com/wp-content/uploads/2023/05/DA-Indirect-Tax-Fortnightly-Update_May-2023.pdf



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
- 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.