



वर्ष 50 अंक 1
31 जनवरी 2020

मेवाड़ चेम्बर पत्रिका

(मेवाड़ चेम्बर ऑफ कामर्स एण्ड इण्डस्ट्री का मासिक पत्र)

उदयपुर, चित्तौड़गढ़, डूंगरपुर, बाँसवाड़ा, प्रतापगढ़

राजसमन्द एवं भीलवाड़ा का सम्भागीय चेम्बर



The Finance Minister, Smt. Nirmala Sitharaman departs from North Block to Parliament House, along with the Minister of State for Finance, Shri Anurag Singh Thakur and the senior officials to present the General Budget 2020-21 on February 01, 2020

मेवाड़ चेम्बर ऑफ कामर्स एण्ड इण्डस्ट्री

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AT THE NATIONAL LEVEL

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Indian Council of Arbitration, New Delhi

Confederation of Indian Industry (CII)

National Institute for Entrepreneurship and Small Business Development (NIESBUD), New Delhi.

Confederation of All India Traders, New Delhi

AT THE STATE LEVEL

Rajasthan Chamber of Commerce & Industry, Jaipur.

The Employers Association of Rajasthan, Jaipur.

Rajasthan Textile Mills Association, Jaipur

REPRESENTATION IN NATIONAL & STATE LEVEL COMMITTEES

- All India Power loom Board, Ministry of Textile, Govt. of India, New Delhi
- State Level Tax Advisory Committee, Govt. of Rajasthan, Jaipur
- State Level Industrial Advisory Committee, Govt. of Rajasthan, Jaipur
- Regional Advisory Committee, Central Excise, Jaipur
- Foreign Trade Advisory Committee, Public Grievance, Customs, Jaipur
- DRUCC/ZRUCC of North Western Railways

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SUMMARY OF UNION BUDGET 2020-21

1st February, 2020

PART-A

Presenting the first Union Budget of the third decade of the 21st century, Finance Minister Smt. Nirmala Sitharaman, unveiled a series of far-reaching reforms, aimed at energizing the Indian economy through a combination of short-term, medium-term, and long term measures.

The Union Budget has been structured on the overall theme of “Ease of Living.” This has been achieved by farmer friendly initiatives such as Agriculture credit target of Rs 15 lakh crore for 2020-21; schemes of “Kisan Rail” and “Krishi Udaan” for a seamless national cold supply chain for perishables; and expansion of PM-KUSUM to provide 20 lakh farmers for setting up stand-alone solar pumps.

In the health sector, the Budget proposes more than 20,000 empanelled hospitals under PM Jan Arogya Yojana for poor people; and expansion of Jan Aushadhi Kendra Scheme to all districts offering 2000 medicines and 300 surgicals by 2024.

Infrastructure receives a boost, with 100 more airports by 2024 to support Udaan scheme; and operation of 150 passenger trains to be done through PPP mode.

Starting apprenticeship embedded courses through 150 higher educational institutions by March 2021 and a proposal to establish Indian Institute of Heritage and Conservation are some of the other major highlights.

The Finance Minister said that the Union Budget Aims :

- ☐ To achieve seamless delivery of services through Digital governance
- ☐ To improve physical quality of life through National Infrastructure Pipeline
- ☐ Risk mitigation through Disaster Resilience
- ☐ Social security through Pension and Insurance penetration.

The budget is woven around three prominent themes :

- ☐ Aspirational India in which all sections of the society seek better standards of living, with access to health, education and better jobs.
- ☐ Economic development for all, indicated in the Prime Minister’s exhortation of “Sabka Saath, Sabka Vikas, Sabka Vishwas”.
- ☐ Caring Society that is both humane and compassionate, where Antyodaya is an article of faith.

The three broad themes are held together by

- ☐ Corruption free - policy-driven good governance
- ☐ Clean and sound financial sector.

The three components of Aspirational India are- a) Agriculture, Irrigation and Rural Development , b) Wellness, Water and Sanitation and c) Education and Skills

Agriculture, Irrigation and Rural Development

The Finance Minister said that more than Rs 2.83 lakh crore would be spent on Agriculture, Rural Development, Irrigation and allied activities as farmers and rural poor continue to remain the key focus of the Government. Reiterating the commitment of doubling farmers’ income by 2022, She said, Government has already provided resilience for 6.11 crore farmers insured under PM Fasal Bima Yojana. Agriculture credit target for the year 2020-21 has been set at Rs 15 lakh crore. All eligible beneficiaries of PM-KISAN will be covered under the KCC scheme. Moreover, comprehensive measures for one hundred water stressed districts, proposal to expand PM-KUSUM to provide 20 lakh farmers for setting up stand-alone solar pumps and for another 15 lakh farmers to solarise their grid-connected pump sets, setting up of efficient warehouses at the block/taluk level and in Horticulture sector with focus on “one product one district” for better marketing and export are some of the steps in that direction. Foot and Mouth disease, brucellosis in cattle and also peste des petits ruminants (PPR) in sheep and goat to be eliminated by 2025, Coverage of artificial insemination to be increased from the present 30% to 70%, MNREGS to be dovetailed to develop fodder farms, doubling of milk processing capacity from 53.5 million MT to 108 million MT by 2025 to be facilitated. Similarly on the Blue Economy, raising of fish production to 200 lakh tonnes is proposed by 2022-23. Youth to be involved in fishery extension through 3477 Sagar Mitras and 500 Fish Farmer Producer Organisations. Fishery exports hoped to be raised to Rs 1 lakh crore by 2024-25. Deen Dayal Antyodaya Yojana- for alleviation of poverty, half a crore households are mobilized with 58 lakh SHGs and it will be further expanded.

Wellness, Water and Sanitation

Dwelling on the Wellness, Water and Sanitation theme, Smt Sitharaman said Rs 69,000 crore is being provided for Health care including Rs 6400 crores for Prime Minister Jan Arogya Yojana (PMJAY). She said, under PM Jan Arogya Yojana (PMJAY),

there are more than 20,000 empanelled hospitals more in Tier-2 and Tier-3 cities for poorer people. Setting up hospitals in the PPP mode mainly in Aspirational Districts, using machine learning and AI, in the Ayushman Bharat scheme, “TB Harega Desh Jeetega” campaign to end Tuberculosis by 2025, expansion of Jan Aushadhi Kendra Scheme to all districts offering 2000 medicines and 300 surgicals by 2024 are some of the other wellness measures in the Budget.

On sanitation front, Government is committed to ODF Plus in order to sustain ODF behaviour and the total allocation for Swachh Bharat Mission is Rs.12,300 crore in 2020-21. Similarly, Rs 3.60 lakh crore approved for Jal Jeevan Mission and Rs 11,500 crore in 2020-21.

Education and Skills

On Education and Skill front, the Finance Minister said Rs 99,300 crore is being allocated in 2020-21 and Rs 3000 crores for skill development. New Education Policy will be announced soon. About 150 higher educational institutions will start apprenticeship embedded degree/diploma courses by March 2021. Degree level full-fledged online education programme to be started. Under its “Study in India” programme, an Ind-SAT is proposed to be held in Asian and African countries. A National Police University and a National Forensic Science University are being proposed in the domain of policing science, forensic science, cyber-forensics etc. It is proposed that special bridge courses be designed by the Ministries of Health, Skill Development.

Economic Development

Industry, Commerce and Investment

Referring to the theme of Economic Development, the Finance Minister said that Rs 27300 crore would be allocated for development and promotion of Industry and Commerce for the year 2020-21. An Investment Clearance Cell will be set up to provide “end to end” facilitation. It is proposed to develop five new smart cities in collaboration with States in PPP mode. A scheme to encourage manufacture of mobile phones, electronic equipment and semi-conductor packaging is also proposed. A National Technical Textiles Mission would be set up with a four-year implementation period from 2020-21 to 2023-24 at an estimated outlay of Rs 1480 crore to position India as a global leader in Technical Textiles. To achieve higher export credit disbursement, a new scheme, NIRVIK is being launched to support mainly small exporters. Government e- Marketplace (GeM) is moving ahead for creating a Unified Procurement System in the country for providing a single platform for procurement of goods, services and works. It is proposed to take the turnover of GeM to Rs 3 lakh crores. 3.24 lakh vendors are already on this platform.

Infrastructure

On Infrastructure sector as highlighted by the Prime Minister that Rs 100 lakh crore would be invested over the next 5 years, National Infrastructure Pipeline was launched on 31st December 2019 of Rs 103 lakh crore. It consists of more than 6500 projects across sectors and are classified as per their size and stage of development. She said that about Rs 22,000 crore has already been provided as support to Infrastructure Pipeline. Accelerated development of highways will be undertaken. This will include development of 2500 Km access control highways, 9000 Km of economic corridors, 2000 Km of coastal and land port roads and 2000 Km of strategic highways. Delhi-Mumbai Expressway and two other packages to be completed by 2023. Chennai-Bengaluru Expressway also be started. It is proposed to monetise at least 12 lots of highway bundles of over 6000 Km before 2024. Indian Railways aims to achieve electrification of 27000 Km of tracks. She said that within 100 days of assumption of this government, it has commissioned 550 wi-fi facilities in as many stations. Four station re-development projects and operation of 150 passenger trains would be done through PPP mode. The process of inviting private participation is underway. More Tejas type trains will connect iconic tourist destinations. High speed train between Mumbai to Ahmedabad would be actively pursued. Similarly, 100 more airports would be developed by 2024 to support Udaan scheme. Air fleet number expected to go up from the present 600 to 1200 during this time. Allocation of Rs 1.70 lakh crore proposed for transport Infrastructure in 2020-21. Similarly, allocation of Rs 22,000 crore proposed for power and renewable energy sector in 2020-21. Expansion of the national gas grid from the present 16,200 km to 27,000 km proposed.

New Economy

On New Economy, Smt Sitharaman said that a policy to enable private sector to build Data Centre parks throughout the country will be brought out soon. Fibre to the Home (FTTH) connections through Bharatnet will link 100,000 gram panchayats this year. It is proposed to provide Rs 6000 crore to Bharatnet programme in 2020-21. Measures proposed to benefit the Start-ups include a digital platform for seamless application and capture of IPRs, Knowledge Translation Clusters to be set up across different technology sectors including new and emerging areas. For designing, fabrication and validation of proof of concept, and further scaling up Technology Clusters, harbouring test beds and small scale manufacturing facilities to be established. It is proposed to provide an outlay of Rs 8000 crore over a period five years for the National Mission on Quantum Technologies and Applications.

Caring society

Women and Child, Social Welfare

Harping on the theme of Caring Society, the Finance Minister said that Rs 35,600 crore proposed for nutrition-related programmes for the financial year 2020-21. Rs 28,600 crore proposed for programs that are specific to women. Moreover, Rs 85000 crore would be allocated towards the welfare of Scheduled Castes and Other Backward classes for 2020-21. Similarly, for furthering development and welfare of Scheduled tribes, Rs 53,700 crore is proposed for 2020-21. She said, the government is mindful of the concerns of senior citizens and Divyang. Accordingly, an enhanced allocation of Rs 9,500 crore is being provided for 2020-21.

Culture and Tourism

On Culture and Tourism, establishment of an Indian Institute of Heritage and Conservation under Ministry of Culture proposed with the status of a deemed University. 5 archaeological sites to be developed as iconic sites with on-site Museums - Rakhigarhi (Haryana), Hastinapur (Uttar Pradesh) Shivasgar (Assam), Dholavira (Gujarat) and Adichanallur (Tamil Nadu). Re-curation of the Indian Museum in Kolkata, announced by Prime Minister in January 2020. Museum on Numismatics and Trade to be located in the historic Old Mint building Kolkata. 4 more museums from across the country to be taken up for renovation and re-curation. Support for setting up of a Tribal Museum in Ranchi (Jharkhand). Maritime museum to be set up at Lothal- the Harappan age maritime site near Ahmedabad, by Ministry of Shipping.

Environment and Climate Change

On Environment, States that are formulating and implementing plans for ensuring cleaner air in cities above one million to be encouraged. Parameters for the incentives to be notified by the Ministry of Environment, Forests and Climate change and the allocation for this purpose is Rs 4,400 crore for 2020-21.

Governance

Dwelling on the issue of Governance as clean, corruption-free, policy driven and good in intent and most importantly trusting in faith, the Finance Minister announced setting up of a National Recruitment Agency (NRA) as an independent, professional, specialist organisation for conduct of a computer-based online Common Eligibility Test for recruitment to Non-Gazetted posts. A test-centre in every district, particularly in the Aspirational Districts would also be set up. It is also proposed to evolve a robust mechanism for appointment including direct recruitment to various Tribunals and specialised bodies to attract best talents and professional experts. Deliberation to strengthen the Contract Act is also on.

Financial Sector

The Finance Minister said that In the last few years, Government of India has infused about Rs 3,50,000 crore by way of capital into Public Sector Banks for regulatory and growth purposes. Governance reforms would be carried out in these banks, so that they become more competitive. Government has already approved consolidation of 10 banks into four. Further, the Deposit Insurance and Credit Guarantee Corporation (DICGC) has been permitted to increase Deposit Insurance Coverage for a depositor, which is now Rs one lakh to Rs five lakh per depositor. The limit for NBFCs to be eligible for debt recovery under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act 2002 is proposed to be reduced from Rs. 500 crore to asset size of Rs 100 crore or loan size from existing Rs 1 crore to Rs 50 lakh. To meet the need for greater private capital, it is proposed to sell the balance holding of Government of India IDBI Bank to private, retail and institutional investors through the stock exchange. To help easy mobility while in jobs, we wish to infuse into the Universal Pension coverage with auto enrolment. More than five lakh MSMEs have benefitted from restructuring of debt permitted by RBI in the last year. The restructuring window was to end on March 31, 2020. Government has asked RBI to consider extending this window till March 31, 2021. For selected sectors such as pharmaceuticals, auto components and others, it is proposed to extend handholding support – for technology upgradations, R&D, business strategy etc. A scheme of Rs 1000 crore will be anchored by EXIM Bank together with SIDBI.

Financial Markets

On Financial Markets, about deepening of the bond market, certain specified categories of Government securities would be opened fully for non-resident investors, apart from being available to domestic investors as well. Government also proposes to expand by floating a new Debt-ETF consisting primarily of government securities. This will give retail investors access to government securities as much as giving an attractive investment for pension funds and long-term investors. To address the liquidity constraints of the NBFCs/HFCs, post the Union budget 2019-20, the government formulated a Partial Credit Guarantee scheme for the NBFCs. The Government and RBI has taken various measures to permit Rupee derivatives to be traded in the International Financial Services Centre at GIFT city, Gujarat.

Disinvestment

On Disinvestment, the Finance Minister said that listing of companies on stock exchanges discipline a company and provides

access to financial markets and unlocks its value. It also gives opportunity for retail investors to participate in the wealth so created. The government now proposes to sell a part of its holding in LIC by way of Initial Public Offer (IPO).

Fiscal Management

On Fiscal Management, the Finance Minister said that XV Finance Commission has given its first report pertaining to Financial Year 2020-21. In the spirit of co-operative federalism, Government in substantial measure, accepted the recommendations of the Commission. The commission would submit its final report to the President during the latter part of the year, for five years beginning 2021-22. She also announced to transfer to the GST Compensation Fund balances due out of collection of the years 2016-17 and 2017-18, in two instalments. Hereinafter, transfers to the fund would be limited only to collection by way of GST compensation cess. The Revised Estimates of Expenditure for the Financial Year 2019-20 are at a level of Rs 26.99 lakh Crore and the receipts are estimated at Rs. 19.32 lakh crore.

She said, Government has estimated nominal growth of GDP for year 2020-21, on the basis of trends available, at 10%. Accordingly, receipts for the year 2020-21 are estimated at Rs. 22.46 lakh cr and, keeping in mind commitment of the Government towards various schemes and need for improvement in quality of life, level of expenditure has been kept at Rs 30.42 lakh cr. A good part of the borrowings for the financial year 2020-21 would go towards Capital expenditure of the Government that has been scaled up by more than 21%. She said that the measures would spur growth impulses in the economy.

PART-B

Finance Minister Smt Nirmala Sitharaman said that the Union Government has spearheaded radical fiscal measures to ensure that India's economy continues to tread the path of high growth. She said that to make sure India stays globally competitive and a favoured destination for investment, a bold historic decision was taken to reduce the corporate tax rate for new companies in the manufacturing sector to an unprecedented level of 15%. For existing companies, the rate has been brought down to 22%. As a result, our corporate tax rates are now amongst the lowest in the world.

The Finance Minister said that in continuation of the reform measures already taken so far, the tax proposals in this budget introduce further reforms to stimulate growth, simplify tax structure, bring ease of compliance, and reduce litigations.

Personal Income Tax and Simplification of Taxation

In order to provide significant relief to the individual taxpayers and to simplify the Income-Tax law, the Finance Minister has proposed to bring a new and simplified personal income tax regime, wherein income tax rates will be significantly reduced for the individual taxpayers who forego certain deductions and exemptions.

The proposed changes in tax slabs are listed in the following table:

Taxable Income Slab (Rs.)	Existing Tax Rates	New Tax Rates
0-2.5 Lakh	Exempt	Exempt
2.5-5 Lakh	5%	5%
5-7.5 Lakh	10%	10%
7.5-10 Lakh	20%	15%
10-12.5 Lakh	30%	20%
12.5-15 Lakh	30%	25%
Above 15 Lakh	30%	30%

Surcharge and cess shall be continued to be levied at the existing rates.

In the new tax regime, substantial tax benefit will accrue to a taxpayer depending upon exemptions and deductions claimed by him. For example, a person earning Rs. 15 lakh in a year and not availing any deductions etc., will pay only Rs. 1,95,000 as compared to Rs. 2,73,000 in the old regime. Thus, his tax burden shall be reduced by Rs. 78,000 in the new regime. He would still be the gainer in the new regime, even if he was taking deduction of Rs. 1.5 Lakh under various sections of Chapter VI-A of the Income Tax Act under the old regime.

The new tax regime shall be optional for taxpayers. An individual who is currently availing more deductions and exemption under the Income Tax Act may choose to avail them and continue to pay tax in the old regime.

The new personal income tax rates will entail estimated revenue foregone of Rs. 40,000 crore per year. Measures have been initiated to pre-fill the income tax return so that an individual who opts for the new regime would need no assistance from an expert to file his return and pay income tax.

The Finance Minister said she had reviewed all exemptions and deductions which got incorporated in the income tax legislation over the past several decades. Currently more than one hundred exemptions and deductions of different nature are provided in the Income Tax Act. She said that she has removed around 70 of them in the new simplified regime. She said that the remaining exemptions and deductions would also be reviewed and rationalized in the coming years, with a view to further simplifying the tax system and lowering the tax rate.

Dividend Distribution Tax

Currently, companies are required to pay Dividend Distribution Tax (DDT) on the dividend paid to its shareholders at the rate of 15% plus applicable surcharge and cess, in addition to the tax payable by the company on its profits. In order to increase the attractiveness of the Indian Equity Market and to provide relief to a large class of investors, the Finance Minister has proposed to remove DDT, and adopt the classical system of dividend taxation, under which the companies would not be required to pay DDT. The dividend shall be taxed only in the hands of the recipients at their applicable rate.

In order to remove the cascading effect, the Finance Minister has proposed to allow deduction for the dividend received by holding company from its subsidiary. The removal of DDT will lead to estimated annual revenue foregone of Rs. 25,000 crore. This will further make India an attractive destination for investment.

Concessional Tax Rate for Electricity Generation Companies

New provisions were introduced in September 2019, offering a concessional corporate tax rate of 15% to the newly incorporated domestic companies in the manufacturing sector which start manufacturing by 31st March, 2023.

In order to attract investment in the power sector, it has been proposed to extend the concessional corporate tax rate of 15% to new domestic companies engaged in the generation of electricity.

Tax Concession for Foreign Investments

To incentivize investment by Sovereign Wealth Fund of foreign governments, the Finance Minister has proposed to grant 100% tax exemption to their interest, dividend and capital gains income in respect of the investment made in infrastructure and other notified sectors before 31st March, 2024 and with a minimum lock-in period of 3 years.

Start-ups

The Finance Minister noted that during their formative years, Start-ups generally use Employee Stock Option Plan (ESOP) to attract and retain highly talented employees. Currently, ESOPs are taxable as perquisites at the time of exercise. In order to give a boost to the start-up ecosystem, the Finance Minister has proposed to ease the burden of taxation on the employees by deferring the tax payment for five years or till they leave the company or when they sell their shares, whichever is earliest.

An eligible Start-up having turnover upto 25 crore is allowed deduction of 100% on its profits for three consecutive assessment years out of seven years if the total turnover does not exceed 25 crore rupees. The Finance Minister has proposed to increase this limit to Rs. 100 crore. She has also proposed to extend the period of eligibility for claim of deduction from the existing 7 years to 10 years.

Concessional Tax Rate for Cooperatives

Cooperative societies are currently taxed at a rate of 30% with surcharge and cess. As a major concession, and in order to bring parity between the cooperative societies and corporates, the Finance Minister has proposed to provide an option to cooperative societies to be taxed at 22% plus 10% surcharge and 4% cess with no exemptions/deductions. She has also proposed to exempt these societies from Alternative Minimum Tax (AMT), just like companies under the new tax regime are exempted from the Minimum Alternate Tax (MAT).

Medium, Small and Micro Enterprises

In order to reduce the compliance burden on small retailers, traders, shopkeepers who comprise the MSME sector, the Finance Minister has proposed to raise by five times, the turnover threshold for audit from the existing Rs. 1 crore to Rs. 5 crore. In order to boost less-cash economy, she has proposed that the increased limit shall apply only to those businesses which carry out less than 5% of their business transactions in cash.

Affordable Housing

In the last budget, the Finance Minister had announced an additional deduction of upto one lakh, fifty thousand rupees for interest paid on loans taken for purchase of an affordable house. The date of loan sanction for availing this additional deduction is proposed to be extended by one year, beyond 31st March, 2020.

Charity Institutions

Income of Charity Institutions is fully exempt from taxation. Donation made to these institutions is also allowed as deduction

in computing the taxable income of the donor. It is proposed to pre-fill the donee's information in taxpayer's return on the basis of information of donations furnished by the donee.

In order to claim the tax exemption, charity institutions have to be registered with the Income Tax Department. It is proposed to make the registration completely electronic under a unique registration number (URN) to be issued to all new and existing charity institutions.

Faceless Appeals

In order to impart greater efficiency, transparency and accountability to the assessment process, a new faceless assessment scheme has already been introduced. It is proposed to amend the Income Tax Act so as to enable Faceless appeal on the lines of Faceless assessment.

„Vivad se Vishwas“ scheme

Under the proposed „Vivad se Vishwas“ scheme, a taxpayer would be required to pay only the amount of the disputed taxes and will get complete waiver of interest and penalty, provided he pays by 31st March, 2020. Those who will avail the scheme after 31st March, 2020 will have to pay some additional amount. The scheme will remain open till 30th June 2020.

Instant PAN through Aadhaar

In order to further ease the process of allotment of PAN, a system will be launched under which PAN shall be instantly allotted online on the basis of Aadhaar, without any requirement for filling up of detailed application form.

Indirect Tax GST

A simplified GST return shall be implemented from the 1st April, 2020. It will make return filing simple with features like SMS based filing for nil return, return pre-filing, improved input tax credit flow and overall simplification. Dynamic QR-code is proposed for consumer invoices. GST parameters will be captured when payment for purchases is made through the QR-code.

Customs

On the Customs side, India has taken a quantum leap in the “Trading Across Border” parameter of Ease of Doing Business rankings by the World Bank. India's rank has improved from 146 to 68.

Imports under Free Trade Agreements are on the rise. Undue claims of FTA benefits have posed threat to domestic industry. In the coming months, Rules of Origin requirements shall be reviewed, particularly for certain sensitive items, so as to ensure that FTAs are aligned to the conscious direction of our policy.

Labour intensive sectors in MSME are critical for employment generation. Cheap and low-quality imports are an impediment to their growth. Keeping in view the need of this sector, customs duty is being raised on items like footwear and furniture. Rate of Duty for footwear is being raised from 25% to 35%; and for “parts of footwear” from 15% to 20%. Rate of Duty for specified Furniture goods is being raised from 20% to 25%.

To give impetus to domestic industry, and to generate resource for health services, it is proposed to impose a nominal health cess of 5% on imports of specified medical equipment. Basic customs duty on imports of newsprint and light-weight coated paper is being reduced from 10% to 5%.

An increase is proposed in National Calamity Contingent Duty (NCCD) on Cigarettes and Tobacco products. NCCD on Bidis remains unchanged.



जीएसटी वार्षिक रिटर्न की अन्तिम तिथि बढ़ाने की मांग

28 जनवरी 2020 को मेवाड चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री ने केन्द्रीय वित्त मंत्री एवं राजस्व सचिव को प्रतिवेदन भेजकर जीएसटी के तहत 2017-18 के वार्षिक रिटर्न एवं ऑडिट दाखिल करने की अन्तिम तिथि 31 मार्च 2020 तक बढ़ाने की मांग की है।

जीएसटी के तहत जीएसटीआर-9, 9ए, 9बी, 9सी दाखिल करने की अन्तिम तिथि 31 जनवरी है, जिसे 31 मार्च तक बढ़ाने की मांग की है। उन्होंने बताया कि वार्षिक रिटर्न एवं उनके साथ संलग्न करने वाले प्रपत्र बड़ी संख्या में होने से पोर्टल पर अपलोड करने में बहुत समय लग रहा है। बहुत से प्रकरण पोर्टल पर जीएसटीआर-9 में 3बी के आंकड़े व्यापारी की ओर से मासिक अपलोड किये गये आंकड़ों से मेल नहीं खा रहे हैं। पोर्टल पर तकनीकी कमियों से बहुत परेशानी होती है। जीएसटीआर-9सी दाखिल करने पर Error बताई जाती है। डाटा एक बार में अपलोड नहीं हो रहे हैं, जिससे काफी समय लग जाता है। इस प्रकार से कई तकनीकी परेशानियाँ आ रही हैं। चेम्बर ने अन्तिम तिथि बढ़ाने के साथ ही जीएसटी पोर्टल को ओर अधिक व्यापक एवं सुदृढ़ करने की मांग भी की है।

GST

Amendments carried out through the Finance Bill, 2020 will come into effect on the date of its enactment (unless otherwise specified), concurrently with the corresponding amendments to the Acts passed by the States & Union territories with legislature.

Proposed Amendments in the CGST Act, 2017

Current provisions	Proposed provisions	Effect
Section 2(114) – Definition of Union Territory		
“Union territory” means the territory of- (c) Dadra and Nagar Haveli and Daman and Diu;	“Union territory” means the territory of- (c) Dadra and Nagar Haveli and Daman and Diu; (d) Ladakh	Seeks to align the definition of “Union territory” in line with the Jammu and Kashmir Reorganisation Act, 2019 and the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories), Act, 2019
Section 10(2) – Composition Scheme		
Clause (b), (c) and (d): (2) The registered person shall be eligible to opt under sub-section (1), if— (b) he is not engaged in making any supply of goods which are not leviable to tax under this Act; (c) he is not engaged in making any inter-State outward supplies of goods; (d) he is not engaged in making any supply of goods through an electronic commerce operator who is required to collect tax at source under section 52.....	Clause (b), (c) and (d): The registered person shall be eligible to opt under sub-section (1), if— (b) he is not engaged in making any supply of goods or services which are not leviable to tax under this Act; (c) he is not engaged in making any inter-State outward supplies of goods or services; (d) he is not engaged in making any supply of goods or services through an electronic commerce operator who is required to collect tax at source under section 52.....	Seeks to harmonise the conditions for eligibility for opting to pay tax under Composition Scheme as sub-section (1) and sub-section (2A) of Section 10 of the CGST Act.
Section 16(4) – Time period for availing Input Tax Credit (ITC)		
A registered person shall not be entitled to take input tax credit in respect of any invoice or debit note for supply of goods or services or both after the due date of furnishing of the return under section 39 for the month of September following the end of financial year to which such invoice or invoice relating to such debit note pertains or furnishing of the relevant annual return, whichever is earlier.	A registered person shall not be entitled to take input tax credit in respect of any invoice or debit note for supply of goods or services or both after the due date of furnishing of the return under section 39 for the month of September following the end of financial year to which such invoice or invoice relating to such debit note pertains or furnishing of the relevant annual return, whichever is earlier.	Seeks to delink the date of issuance of debit note from the date of issuance of the underlying invoice for purposes of availing ITC.
Section 29(1)(c) – Cancellation of registration by proper officer		
(1) The proper officer may, either on his own motion or on an application filed by the registered person or by his legal heirs, in case of death of such person, cancel the registration, in such manner and within such period as may be prescribed, having regard to the circumstances where,— (c) the taxable person, other than the person registered under sub-section (3) of section 25, is no longer liable to be registered under section 22 or section 24.	(1) The proper officer may, either on his own motion or on an application filed by the registered person or by his legal heirs, in case of death of such person, cancel the registration, in such manner and within such period as may be prescribed, having regard to the circumstances where,— (c) the taxable person, other than the person registered under sub-section (3) of section 25, is no longer liable to be registered under section 22 or section 24 or intends to opt out of the registration voluntarily made under sub-section (3) of section	Seeks to amend clause (c) so as to provide for cancellation of registration obtained voluntarily under sub-section (3) of Section 25.

	25.	
Proviso to Section 30(1) – Revocation of Cancellation of Registration		
<i>Subject to such conditions as may be prescribed, any registered person, whose registration is cancelled by the proper officer on his own motion, may apply to such officer for revocation of cancellation of the registration in the prescribed manner within thirty days from the date of service of the cancellation order.</i>	<i>Subject to such conditions as may be prescribed, any registered person, whose registration is cancelled by the proper officer on his own motion, may apply to such officer for revocation of cancellation of the registration in the prescribed manner within thirty days from the date of service of the cancellation order. Provided that such period may, on sufficient cause being shown, and for reasons to be recorded in writing, be extended,— (a) by the Additional Commissioner or the Joint Commissioner, as the case may be, for a period not exceeding thirty days; (b) by the Commissioner, for a further period not exceeding thirty days, beyond the period specified in clause (a)</i>	Inserting new proviso to empower the jurisdictional tax authorities to extend the period provided to file an application for revocation of cancellation of registration.
Proviso to Section 31(2) – Time period for issuing Tax Invoice		
<i>A registered person supplying taxable services shall, before or after the provision of service but within a prescribed period, issue a tax invoice, showing the description, value, tax charged thereon and such other particulars as may be prescribed: Provided that the Government may, on the recommendations of the Council, by notification and subject to such conditions as may be mentioned therein, specify the categories of services in respect of which— (a) any other document issued in relation to the supply shall be deemed to be a tax invoice; or (b) tax invoice may not be issued.</i>	<i>A registered person supplying taxable services shall, before or after the provision of service but within a prescribed period, issue a tax invoice, showing the description, value, tax charged thereon and such other particulars as may be prescribed: Provided that the Government may, on the recommendations of the Council, by notification and subject to such conditions as may be mentioned therein, specify the categories of services in respect of which— (a) specify the categories of services or supplies in respect of which a tax invoice shall be issued, within such time and in such manner as may be prescribed; (b) subject to the condition mentioned therein, specify the categories of services in respect of which— (i) any other document issued in relation to the supply shall be deemed to be a tax invoice; or (ii) tax invoice may not be issued.</i>	Seeks to empower the Government to notify the categories of services or supplies in respect of which tax invoice or any other document shall be issued and to make rules regarding the time and manner of its issuance.
Section 51 – Tax Deduction at Source		
Section 51(3): The deductor shall furnish to the deductee a certificate mentioning therein the contract value, rate of	Section 51(3): A certificate of tax deduction at source shall be issued in such form and in such manner as may	Seeks to empower the Government to make rules to provide for the form and manner in which a certificate of tax deduction at source shall be

deduction, amount deducted, amount paid to the Government and such other particulars in such manner as may be prescribed.	be prescribed.	issued.
Section 51(4): If any deductor fails to furnish to the deductee the certificate, after deducting the tax at source, within five days of crediting the amount so deducted to the Government, the deductor shall pay, by way of a late fee, a sum of one hundred rupees per day from the day after the expiry of such five days period until the failure is rectified, subject to a maximum amount of five thousand rupees.	Section 51(4): If any deductor fails to furnish to the deductee the certificate, after deducting the tax at source, within five days of crediting the amount so deducted to the Government, the deductor shall pay, by way of a late fee, a sum of one hundred rupees per day from the day after the expiry of such five days period until the failure is rectified, subject to a maximum amount of five thousand rupees.	Seeks to omit provisions w.r.t. late fee for failure to furnish TDS certificate within 5 days.
Section 109(6) – Constitution of Appellate Tribunal and Benches Thereof		
<i>The Government shall, by notification, specify for each State or Union territory except for the State of Jammu and Kashmir, a Bench of the Appellate Tribunal (hereafter in this Chapter, referred to as “State Bench”) for exercising the powers of the Appellate Tribunal within the concerned State or Union territory:</i> <i>Provided that for the State of Jammu and Kashmir, the State Bench of the Goods and Services Tax Appellate Tribunal constituted under this Act shall be the State Appellate Tribunal constituted under the Jammu and Kashmir Goods and Services Tax Act, 2017:</i> <i>Provided further that the Government shall, on receipt of a request from any State Government, constitute such number of Area Benches in that State, as may be recommended by the Council:.....</i>	<i>The Government shall, by notification, specify for each State or Union territory except for the State of Jammu and Kashmir, a Bench of the Appellate Tribunal (hereafter in this Chapter, referred to as “State Bench”) for exercising the powers of the Appellate Tribunal within the concerned State or Union territory:</i> <i>Provided that for the State of Jammu and Kashmir, the State Bench of the Goods and Services Tax Appellate Tribunal constituted under this Act shall be the State Appellate Tribunal constituted under the Jammu and Kashmir Goods and Services Tax Act, 2017:</i> <i>Provided further that the Government shall, on receipt of a request from any State Government, constitute such number of Area Benches in that State, as may be recommended by the Council:.....</i>	Seeks to make the provisions for Appellate Tribunal and its benches thereof applicable in the Union territories of Jammu & Kashmir and Ladakh.
Section 122 – Penalty for Certain Offences		
After Sub-Section 1:	After Sub-Section 1: <i>(1A) Any person who retains the benefit of a transaction covered under clauses (i), (ii), (vii) or clause (ix) of sub-section (1) and at whose instance such transaction is conducted, shall be liable to a penalty of an amount equivalent to the tax evaded or input tax credit availed of or passed on.</i>	Seeks to insert a new sub-section (1A) so as to make the beneficiary of certain transactions at whose instance such transactions are conducted liable for penalty.
Section 132(1) – Punishment for Certain Offences		

<p>(1) Whoever commits any of the following offences, namely:-</p> <p>a) supplies any goods or services or both without issue of any invoice, in violation of the provisions of this Act or the rules made thereunder, with the intention to evade tax;</p> <p>(b) issues any invoice or bill without supply of goods or services or both in violation of the provisions of this Act, or the rules made thereunder leading to wrongful availment or utilisation of input tax credit or refund of tax;</p> <p>(c) avails input tax credit using such invoice or bill referred to in clause (b);</p> <p>(d) collects any amount as tax but fails to pay the same to the Government beyond a period of three months from the date on which such payment becomes due;</p> <p>(e) evades tax, fraudulently avails input tax credit or fraudulently obtains refund and where such offence is not covered under clauses (a) to (d);</p>	<p>(1) Whoever commits, or causes to commit and retain the benefits arising out of, any of the following offences</p> <p>a) supplies any goods or services or both without issue of any invoice, in violation of the provisions of this Act or the rules made thereunder, with the intention to evade tax;</p> <p>(b) issues any invoice or bill without supply of goods or services or both in violation of the provisions of this Act, or the rules made thereunder leading to wrongful availment or utilisation of input tax credit or refund of tax;</p> <p>(c) avails input tax credit using the invoice or bill referred to in clause (b) or fraudulently avails input tax credit without any invoice or bill</p> <p>(d) collects any amount as tax but fails to pay the same to the Government beyond a period of three months from the date on which such payment becomes due;</p> <p>(e) evades tax, fraudulently avails input tax credit or fraudulently obtains refund and where such offence is not covered under clauses (a) to (d);</p>	<p>Seeks to amend Section 132 so as to make the offence of fraudulent availment of ITC without invoice or bill cognizable and non-bailable under sub-section (1) of Section 69 and to make any person who retains the benefit of certain transactions and at whose instance such transactions are conducted liable for punishment.</p>
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Section 140 – Transitional Arrangements for ITC

<p>Sub-Section (1): <i>A registered person, other than a person opting to pay tax under section 10, shall be entitled to take, in his electronic credit ledger, the amount of CENVAT credit of eligible duties carried forward in the return relating to the period ending with the day immediately preceding the appointed day, furnished by him under the existing law in such manner as may be prescribed:</i> </p>	<p>Sub-Section (1): <i>A registered person, other than a person opting to pay tax under section 10, shall be entitled to take, in his electronic credit ledger, the amount of CENVAT credit of eligible duties carried forward in the return relating to the period ending with the day immediately preceding the appointed day, furnished by him under the existing law within such time and in such manner as may be prescribed:</i> </p>	<p>Seeks to amend Section 140 relating to transitional arrangements for ITC, so as to prescribe the time limit and the manner for availing ITC against certain unavailed credit under the existing law.</p> <p>This amendment shall take effect retrospectively from July 1, 2017.</p>
<p>Sub-Section (2): <i>A registered person, other than a person opting to pay tax under section 10, shall be entitled to take, in his electronic credit ledger, credit of the unavailed CENVAT credit in respect of capital goods, not carried forward in a return, furnished</i></p>	<p>Sub-Section (2): <i>A registered person, other than a person opting to pay tax under section 10, shall be entitled to take, in his electronic credit ledger, credit of the unavailed CENVAT credit in respect of capital goods, not carried forward in a return, furnished</i></p>	

<p><i>under the existing law by him, for the period ending with the day immediately preceding the appointed day in such manner as may be prescribed:</i></p> <p>.....</p>	<p><i>under the existing law by him, for the period ending with the day immediately preceding the appointed day within such time and in such manner as may be prescribed:</i></p> <p>.....</p>	
<p>Sub-Section (3): <i>A registered person, who was not liable to be registered under the existing law, or who was engaged in the manufacture of exempted goods or provision of exempted services, or who was providing works contract service and was availing of the benefit of notification No. 26/2012-Service Tax, dated the 20th June, 2012 or a first stage dealer or a second stage dealer or a registered importer or a depot of a manufacturer, shall be entitled to take, in his electronic credit ledger, credit of eligible duties in respect of inputs held in stock and inputs contained in semi-finished or finished goods held in stock on the appointed day subject to the following conditions, namely:—</i></p> <p>.....</p>	<p>Sub-Section (3): <i>A registered person, who was not liable to be registered under the existing law, or who was engaged in the manufacture of exempted goods or provision of exempted services, or who was providing works contract service and was availing of the benefit of notification No. 26/2012-Service Tax, dated the 20th June, 2012 or a first stage dealer or a second stage dealer or a registered importer or a depot of a manufacturer, shall be entitled to take, in his electronic credit ledger, credit of eligible duties in respect of inputs held in stock and inputs contained in semi-finished or finished goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to the following conditions, namely:—</i></p>	
<p>Sub-Section (5): <i>A registered person shall be entitled to take, in his electronic credit ledger, credit of eligible duties and taxes in respect of inputs or input services received on or after the appointed day but the duty or tax in respect of which has been paid by the supplier under the existing law, subject to the condition that the invoice or any other duty or tax paying document of the same was recorded in the books of account of such person within a period of thirty days from the appointed day:</i></p> <p>.....</p>	<p>Sub-Section (5): <i>A registered person shall be entitled to take, in his electronic credit ledger, credit of eligible duties and taxes in respect of inputs or input services received on or after the appointed day but the duty or tax in respect of which has been paid by the supplier under the existing law, within such time and in such manner as may be prescribed, subject to the condition that the invoice or any other duty or tax paying document of the same was recorded in the books of account of such person within a period of thirty days from the appointed day:</i></p> <p>.....</p>	
<p>Sub-Section (6): <i>A registered person, who was either paying tax at a fixed rate or paying a fixed amount in lieu of the tax payable under the existing law shall be entitled to take, in his electronic credit ledger, credit of eligible duties in</i></p>	<p>Sub-Section (6): <i>A registered person, who was either paying tax at a fixed rate or paying a fixed amount in lieu of the tax payable under the existing law shall be entitled to take, in his electronic credit ledger, credit of eligible duties in</i></p>	

<i>respect of inputs held in stock and inputs contained in semi-finished or finished goods held in stock on the appointed day subject to the following conditions, namely:—</i>	<i>respect of inputs held in stock and inputs contained in semi-finished or finished goods held in stock on the appointed day, within such time and in such manner as may be prescribed, subject to the following conditions, namely:—</i>	
Sub-Section (7): <i>Notwithstanding anything to the contrary contained in this Act, the input tax credit on account of any services received prior to the appointed day by an Input Service Distributor shall be eligible for distribution as credit under this Act even if the invoices relating to such services are received on or after the appointed day.</i>	Sub-Section (7): <i>Notwithstanding anything to the contrary contained in this Act, the input tax credit on account of any services received prior to the appointed day by an Input Service Distributor shall be eligible for distribution as credit under this Act, within such time and in such manner as may be prescribed, even if the invoices relating to such services are received on or after the appointed day.</i>	
Sub-Section (8): <i>Where a registered person having centralised registration under the existing law has obtained a registration under this Act, such person shall be allowed to take, in his electronic credit ledger, credit of the amount of CENVAT credit carried forward in a return, furnished under the existing law by him, in respect of the period ending with the day immediately preceding the appointed day in such manner as may be prescribed:</i>	Sub-Section (8): <i>Where a registered person having centralised registration under the existing law has obtained a registration under this Act, such person shall be allowed to take, in his electronic credit ledger, credit of the amount of CENVAT credit carried forward in a return, furnished under the existing law by him, in respect of the period ending with the day immediately preceding the appointed day within such time and in such manner as may be prescribed:</i>	
Sub-Section (9): <i>Where any CENVAT credit availed for the input services provided under the existing law has been reversed due to non-payment of the consideration within a period of three months, such credit can be reclaimed subject to the condition that the registered person has made the payment of the consideration for that supply of services within a period of three months from the appointed day.</i>	Sub-Section (9): <i>Where any CENVAT credit availed for the input services provided under the existing law has been reversed due to non-payment of the consideration within a period of three months, such credit can be reclaimed within such time and in such manner as may be prescribed, subject to the condition that the registered person has made the payment of the consideration for that supply of services within a period of three months from the appointed day.</i>	
Section 168(2) – Power to Issue Instructions or Directions		
<i>The Commissioner specified in clause (91) of section 2, sub-section (3) of section 5, clause (b) of sub-section (9) of section 25, sub-sections (3) and (4) of</i>	<i>The Commissioner specified in clause (91) of section 2, sub-section (3) of section 5, clause (b) of sub-section (9) of section 25, sub-sections (3) and (4) of section</i>	<i>Seeks to make provisions for enabling the jurisdictional Commissioners to exercise powers under sub-section (5) of Section 66 and also under second proviso to sub-section (1) of Section</i>

sections (4) and (5) of section 52, sub-section (5) of section 66, sub-section (1) of section 143, sub-section (1) of section 151, clause (1) of sub-section (3) of section 158 and section 167 shall mean a Commissioner or Joint Secretary posted in the Board and such Commissioner or Joint Secretary shall exercise the powers specified in the said sections with the approval of the Board.	35, sub-section (1) of section 37, sub-section (2) of section 38, sub-section (6) of section 39, sub-section (1) of section 44, sub-sections (4) and (5) of section 52, sub-section (5) of section 66, sub-section (1) of section 143, except the second proviso thereof, sub-section (1) of section 151, clause (1) of sub-section (3) of section 158 and section 167 shall mean a Commissioner or Joint Secretary posted in the Board and such Commissioner or Joint Secretary shall exercise the powers specified in the said sections with the approval of the Board.	143. Section 66(5): Special Audit <i>The expenses of the examination and audit of records under sub-section (1), including the remuneration of such chartered accountant or cost accountant, shall be determined and paid by the Commissioner and such determination shall be final.</i> Second proviso to sub-section (1) of Section 143: Job work procedure <i>Provided further that the period of one year and three years may, on sufficient cause being shown, be extended by the Commissioner for a further period not exceeding one year and two years respectively</i>
Section 172(1) – Removal of Difficulties		
<i>If any difficulty arises in giving effect to any provisions of this Act, the Government may, on the recommendations of the Council, by a general or a special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations made thereunder, as may be necessary or expedient for the purpose of removing the said difficulty:</i> <i>Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.</i>	<i>If any difficulty arises in giving effect to any provisions of this Act, the Government may, on the recommendations of the Council, by a general or a special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations made thereunder, as may be necessary or expedient for the purpose of removing the said difficulty:</i> <i>Provided that no such order shall be made after the expiry of a period of three years five years from the date of commencement of this Act.</i>	Seeks to extend the time limit provided for removal of difficulties thereunder from three years to five years, with effect from the date of commencement of the said Act.
Schedule II – Activities or Transactions to be Treated as Supply of Goods or Supply of Services		
Paragraph 4: Transfer of business assets (a) where goods forming part of the assets of a business are transferred or disposed of by or under the directions of the person carrying on the business so as no longer to form part of those assets, whether or not for a consideration, such transfer or disposal is a supply of goods by the person; (b) where, by or under the direction of a person carrying on a business, goods held or used for the purposes of the business are put to any private use or are used, or made available to any person for use, for any purpose other than a purpose of the business, whether or not for a	Paragraph 4: Transfer of business assets (a) where goods forming part of the assets of a business are transferred or disposed of by or under the directions of the person carrying on the business so as no longer to form part of those assets, whether or not for a consideration, such transfer or disposal is a supply of goods by the person; (b) where, by or under the direction of a person carrying on a business, goods held or used for the purposes of the business are put to any private use or are used, or made available to any person for use, for any purpose other than a purpose of the business, whether or not for a	Seeks to omit the words “whether or not for consideration” so as to give clarity to the meaning of the entries (a) and (b) of said paragraph, while aligning the same with Section 7(1) and Schedule I (supply without consideration) of the CGST Act. This amendment shall take effect retrospectively from July 1, 2017.

<i>consideration, the usage or making available of such goods is a supply of services;</i>	<i>consideration, the usage or making available of such goods is a supply of services;</i>	
Retrospective exemption from, or levy or collection of, CGST in certain cases		
Relevant clause of the Finance Bill, 2020	Effect	
Clause 130	Clause 130 of the Bill seeks to provide retrospective exemption from CGST on supply of fishmeal , during the period from July 1, 2017 up to September 30, 2019 (both days inclusive). It further seeks to retrospectively levy CGST at the reduced rate of 6% on supply of pulley, wheels and other parts (falling under heading 8483) and used as parts of agricultural machinery of headings 8432, 8433 and 8436 during the period from the July 1, 2017 up to December 31, 2018 (both days inclusive). It also seeks to provide that no refund shall be made of the tax which has already been collected.	
Clause 131	The refund of accumulated credit of compensation cess on tobacco products arising out of inverted duty structure in Compensation Cess is disallowed w.e.f October 1, 2019 vide <i>Notification No. 31/2019-Compensation Cess (Rate) dated September 30, 2019</i> . Clause 131 of the Bill seeks to give retrospective effect to the above notification w.e.f. July 1, 2017 onwards . Accordingly, no refund on account of inverted duty structure would be admissible on any tobacco products .	
Proposed Amendments in the IGST Act, 2017		
Current provisions	Proposed provisions	Effect
Section 25(1)- Removal of difficulties		
<i>(1) If any difficulty arises in giving effect to any provision of this Act, the Government may, on the recommendations of the Council, by a general or a special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations made thereunder, as may be necessary or expedient for the purpose of removing the said difficulty: Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act</i>	<i>(1) If any difficulty arises in giving effect to any provision of this Act, the Government may, on the recommendations of the Council, by a general or a special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations made thereunder, as may be necessary or expedient for the purpose of removing the said difficulty: Provided that no such order shall be made after the expiry of a period of three years five years from the date of commencement of this Act.</i>	Seeks to extend the time limit provided for removal of difficulties from three years to five years with effect from the date of commencement of the said Act.
Retrospective exemption from, or levy or collection of, IGST in certain cases		
Relevant clause of the Finance Bill, 2020	Effect	
Clause 133	Clause 133 of the Bill seeks to provide retrospective exemption from IGST on supply of fishmeal , during the period from July 1, 2017 up to September 30, 2019 (both days inclusive). It further seeks to retrospectively levy IGST at the reduced rate of 12% on supply of pulley, wheels and other parts (falling under heading 8483) and used as parts of agricultural machinery of headings 8432, 8433 and 8436, during the period from July 1, 2017 up to	

		December 31, 2018 (both days inclusive). It also seeks to provide that no refund shall be made of the tax which has already been collected.
Proposed Amendments in the UTGST Act, 2017		
Current provisions	Proposed provisions	Effect
Section 1(2)- Short title, extent and commencement		
<i>(2) It extends to the Union territories of the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli, Daman and Diu, Chandigarh and other territory.</i>	<i>(2) It extends to the Union territories of the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Daman and Diu, Ladakh, Chandigarh and other territory.</i>	Seeks to give effect to the change in the status of Union territory of Dadra and Nagar Haveli and Union territory of Daman and Diu to make UTGST Act, 2017 applicable to the Union territory of Ladakh.
Section 2(8) - Definitions		
<i>“Union territory” means the territory of,- (iii) Dadra and Nagar Haveli (iv) Daman and Diu</i>	<i>“Union territory” means the territory of,- (iii) Dadra and Nagar Haveli and Daman and Diu (iv) Ladakh</i>	Seeks to align the definition of “Union Territory” in line with the Jammu and Kashmir Reorganisation Act, 2019 and Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019.
Section 26(1)- Removal of Difficulties		
<i>(1) If any difficulty arises in giving effect to any provision of this Act, the Central Government may, on the recommendations of the Council, by a general or a special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations made thereunder, as may be necessary or expedient for the purpose of removing the said difficulty: Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.</i>	<i>(1) If any difficulty arises in giving effect to any provision of this Act, the Central Government may, on the recommendations of the Council, by a general or a special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations made thereunder, as may be necessary or expedient for the purpose of removing the said difficulty: Provided that no such order shall be made after the expiry of a period of three years five years from the date of commencement of this Act.</i>	Seeks to extend the time limit provided for removal of difficulties from three years to five years.
Retrospective exemption from, or levy or collection of, UTGST in certain cases		
Relevant clause of the Finance Bill, 2020		Effect
Clause 137		Clause 137 of the Bill seeks to provide retrospective exemption from UTGST on supply of fishmeal , during the period from July 1, 2017 up to September 30, 2019 (both days inclusive). It further seeks to retrospectively levy UTGST at the reduced rate of 6% on supply of pulley, wheels and other parts (falling under heading 8483) and used as parts of agricultural machinery of headings 8432, 8433 and 8436, during the period from July 1, 2017 up to December 31, 2018 (both days inclusive). It also seeks to provide that no refund shall be made of the tax which has already been collected.
Proposed Amendments in the GST (Compensation to States) Act, 2017		
Current provisions	Proposed provisions	Effect
Section 14(1)- Power to remove difficulties		
<i>(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government mav. on the recommendations of</i>	<i>(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government mav. on the recommendations of</i>	Seeks to extend the time limit provided for removal of difficulties from three years to five years with effect from the date of

<i>the Council, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Provided that no order shall be made under this section after the expiry of three years from the commencement of this Act.</i>	<i>the Council, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Provided that no order shall be made under this section after the expiry of three years five years from the commencement of this Act.</i>	commencement of the said Act.
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CUSTOMS

Unless otherwise stated, all changes in rate of Customs duty take effect from the midnight of 1st February/2nd February, 2020. A declaration has been made under the Provisional Collection of Taxes Act, 1931 in respect of clauses 115(a), 115(b) [Amendment of First Schedule to the Customs Tariff Act], 139 [Health Cess] and 145 [Amendment in levy of NCCD] of the Finance Bill, 2020 so that changes proposed therein takes effect from the midnight of 1st February/2nd February, 2020. The remaining legislative changes would come into effect only upon the enactment of the Finance Bill, 2020.

Proposed Amendments in the Customs Act, 1962		
Current provisions	Proposed provisions	Effect
Section – 11 (Power to prohibit importation or exportation of goods)		
<i>(2) The purposes referred to in sub-section (1) are the following: - (f) the prevention of injury to the economy of the country by the uncontrolled import or export of gold or silver.</i>	<i>(2) The purposes referred to in sub-section (1) are the following: - (f) the prevention of injury to the economy of the country by the uncontrolled import or export of gold or silver or any other goods.</i>	Seeks to include any other goods along with gold or silver to enable the Central Government to prohibit either absolutely or conditionally the import or export of such goods to prevent injury to the economy on account of uncontrolled import or export of such goods.
Section - 28 (Recovery of duties not levied or not paid or short-levied or short-paid or erroneously refunded)		
<i>Explanation 4.- For the removal of doubts, it is hereby declared that in cases where notice has been issued for non-levy, not paid, short-levy or short-paid or erroneous refund after the 14th day of May, 2015, but before the date on which the Finance Bill, 2018 receives the assent of the President, they shall continue to be governed by the provisions of section 28 as it stood immediately before the date on which such assent is received.</i>	<i>“Explanation 4.—For the removal of doubts, it is hereby declared that notwithstanding anything to the contrary contained in any judgment, decree or order of the Appellate Tribunal or any Court or in any other provision of this Act or the rules or regulations made thereunder, or in any other law for the time being in force, in cases where notice has been issued for non-levy, short-levy, non-payment, short-payment or erroneous refund, prior to the 29th day of March, 2018, being the date of commencement of the Finance Act, 2018, such notice shall continue to be governed by the provisions of section 28 as it stood immediately before such date.”</i>	An explanation is being substituted to explicitly clarify that any notice issued under the said section, prior to enactment of the Finance Act, 2018, shall continue to be governed by Section 28, as it existed before the said enactment, notwithstanding order of the Appellate Tribunal, Court or any other provisions of the Customs Act or rules made thereunder or any other law to the contrary. This amendment shall come into effect retrospectively from March 29, 2018, i.e. the date of commencement of the Finance Act, 2018.
Section - 28AAA (Recovery of duties in certain cases)		
<i>(1) Where an instrument issued to</i>	<i>(1) Where an instrument issued to</i>	Section 28AAA of the Customs Act

<p><i>a person has been obtained by him by means of-</i> (a) collusion; or (b) wilful misstatement; or (c) suppression of facts, <i>for the purposes of this Act or the Foreign Trade (Development and Regulation) Act, 1992, Act of 22 of 1992, by such person or his agent or employee and such instrument is utilised under the provisions of this Act or the rules made or notifications issued thereunder, by a person other than the person to whom the instrument was issued, the duty relatable to such utilisation of instrument shall be deemed never to have been exempted or debited and such duty shall be recovered from the person to whom the said instrument was issued:</i> Provided that the action relating to recovery of duty under this section against the person to whom the instrument was issued shall be without prejudice to an action against the importer under section 28. Explanation 1.- For the purposes of this sub-section, "instrument" means any scrip or authorisation or licence or certificate or such other document, by whatever name called, issued under the Foreign Trade (Development and Regulation) Act, 1992, (22 of 1992) with respect to a reward or incentive scheme or duty exemption scheme or duty remission scheme or such other scheme bestowing financial or fiscal benefits, which may be utilised under the provisions of this Act or the rules made or notifications issued thereunder.</p>	<p><i>a person has been obtained by him by means of-</i> (a) collusion; or (b) wilful misstatement; or (c) suppression of facts, <i>for the purposes of this Act or the Foreign Trade (Development and Regulation) Act, 1992, Act of 22 of 1992, or any other law, or any scheme of the Central Government, for the time being in force, by such person or his agent or employee and such instrument is utilised under the provisions of this Act or the rules or regulations made or notifications issued thereunder, by a person other than the person to whom the instrument was issued, the duty relatable to such utilisation of instrument shall be deemed never to have been exempted or debited and such duty shall be recovered from the person to whom the said instrument was issued:</i> Provided that the action relating to recovery of duty under this section against the person to whom the instrument was issued shall be without prejudice to an action against the importer under section 28. Explanation 1.- For the purposes of this sub-section, "instrument" means any scrip or authorisation or licence or certificate or such other document, by whatever name called, issued under the Foreign Trade (Development and Regulation) Act, 1992, (22 of 1992) or duty credit issued under section 51B, with respect to a reward or incentive scheme or duty exemption scheme or duty remission scheme or such other scheme bestowing financial or fiscal benefits, which may be utilised under the provisions of this Act or the rules made or notifications issued thereunder.</p>	<p>is amended so as to provide for recovery of duty from a person against utilisation of instruments issued under any other law, or under any scheme of the Central Government, for the time being in force, in addition to the Foreign Trade (Development and Regulation) Act, 1992. It also seeks to expand the scope of the term "instrument" to include duty credit issued under Section 51B. Note: Section 51B is newly inserted to enable duty credit in lieu of duty remission to be given in respect of exports or other such benefits in electronic form for its usage, transfer, etc. The provisions for recovery of duties provided under section 28AAA of the Customs Act are also being expanded to include such electronic credit of duties.</p>
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Chapter VAA – Administration of Rules of Origin Under Trade Agreement

- Clause 108 of the Bill seeks to insert a new Chapter VAA and a new Section 28DA in the Customs Act so as to provide enabling provision for administering the preferential tariff treatment regime under Trade Agreements.
- The proposed new section seeks to specifically provide for certain obligations on importer and prescribe for time bound verification from exporting country in case of doubt.
- Pending verification preferential tariff treatment shall be suspended and goods shall be cleared only on

furnishing security equal to differential duty. In certain cases, the preferential tax treatment may be denied without further verification.		
Section VIIA - Payments through Electronic Cash Ledger and Electronic Duty Credit Ledger		
Insertion of New Section - 51B (Ledger for duty credit)		
.....	<p><i>(1) The Central Government may, by notification in the Official Gazette, specify the manner in which it shall issue duty credit,—</i> <i>(a) in lieu of remission of any duty or tax or levy, chargeable on any material used in the manufacture or processing of goods or for carrying out any operation on such goods in India that are exported; or (b) in lieu of such other financial benefit subject to such conditions and restrictions as may be specified therein.</i></p> <p><i>(2) The duty credit issued under sub-section (1) shall be maintained in the customs automated system in the form of an electronic duty credit ledger of the person who is the recipient of such duty credit, in such manner as may be prescribed.</i></p> <p><i>(3) The duty credit available in the electronic duty credit ledger may be used by the person to whom it is issued or the person to whom it is transferred, towards making payment of duties payable under this Act or under the Customs Tariff Act, 1975 in such manner and subject to such conditions and restrictions and within such time as may be prescribed.”.</i></p>	<p>New Section 51B in Customs Act so as to provide for creation of an Electronic Duty Credit Ledger in the customs system. This will enable duty credit in lieu of duty remission to be given in respect of exports or other such benefit in electronic form for its usage, transfer, etc.</p> <p>The provision for recovery of duties provided under Section 28AAA of the Customs Act, are also being expanded to include such electronic credit of duties.</p>
Section - 111 (Confiscation of improperly imported goods, etc.)		
<p><i>The following goods brought from a place outside India shall be liable to confiscation: -</i> <i>(p) any notified goods in relation to which any provisions of Chapter IVA or of any rule made under this Act for carrying out the purposes of that Chapter have been contravened.</i></p>	<p><i>The following goods brought from a place outside India shall be liable to confiscation: -</i> <i>(p) any notified goods in relation to which any provisions of Chapter IVA or of any rule made under this Act for carrying out the purposes of that Chapter have been contravened.</i> <i>(q) any goods imported on a claim of preferential rate of duty which contravenes any provision of Chapter VAA or any rule made thereunder.</i></p>	<p>New clause (q) is inserted so as to provide for confiscation of improperly imported goods for contravention of the provisions of Chapter VAA [Newly inserted chapter for Administration of Rules of Origin under Trade Agreement].</p>
Section - 156 (General power to make rules)		

<p>2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -</p> <p>.....</p> <p>(h) the amount to be paid for compounding and the manner of compounding under sub-section (3) of section 137</p>	<p>2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -</p> <p>.....</p> <p>(h) the amount to be paid for compounding and the manner of compounding under sub-section (3) of section 137</p> <p>(i) the form, time limit, manner, circumstances, conditions, restrictions and such other matters for carrying out the provisions of Chapter VAA.</p>	<p>New clause (i) is inserted so as to empower the Central Government to make rules providing for the form, time limit, manner, circumstances, conditions, restrictions and other matters for carrying out the provisions of Chapter VAA [Newly inserted chapter for Administration of Rules of Origin under Trade Agreement].</p>
Section - 157 (General power to make regulations)		
<p>(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely: -</p> <p>.....</p> <p>(j) the conditions, restrictions and the manner of making deposits in electronic cash ledger, the utilisation and refund therefrom and the manner of maintaining such ledger;</p>	<p>(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely: -</p> <p>.....</p> <p>(j) the conditions, restrictions and the manner of making deposits in electronic cash ledger, the utilisation and refund therefrom and the manner of maintaining such ledger.</p> <p>(ja) the manner of maintaining electronic duty credit ledger, making payment from such ledger, transfer of duty credit from ledger of one person to the ledger of another and the conditions, restrictions and time limit relating thereto;</p>	<p>Seeks to amend Section 157 so as to empower the Board to make regulations for the manner of maintaining electronic duty ledger, making of payment from that ledger, transfer of duty credit from ledger of one person to the ledger of another and the conditions, restrictions and the time limit relating thereto.</p>

Proposed Amendments in the Customs Tariff Act, 1975

Current provisions	Proposed provisions	Effect
Section – 8B (Power of Central Government to apply safeguard measures)		
<p>(1) If the Central Government, after conducting such enquiry as it deems fit, is satisfied that any article is imported into India in such increased quantities and under such conditions so as to cause or threatening to cause serious injury to domestic industry, then, it may, by notification in the Official Gazette, impose a safeguard duty on that article:</p> <p>Provided that no such duty shall be imposed on an article originating from a developing country so long as the share of imports of that article from that country does not exceed three per cent or where the article is</p>	<p>(1) If the Central Government, after conducting such enquiry as it deems fit, is satisfied that any article is imported into India in such increased quantity and under such conditions so as to cause or threaten to cause serious injury to domestic industry, it may, by notification in the Official Gazette, apply such safeguard measures on that article, as it deems appropriate.</p> <p>(2) The safeguard measures referred to in sub-section (1) shall include imposition of safeguard duty, application of tariff-rate quota or such other measure, as the Central Government may consider</p>	<p>Seeks to substitute Section 8B of the Customs Tariff Act so as to empower the Central Government to apply safeguard measures including tariff rate quota to curb increased quantity of imports of an article to prevent serious injury to domestic industry.</p>

<p>originating from more than one developing countries, then, so long as the aggregate of the imports from developing countries each with less than three per cent import share taken together does not exceed nine per cent of the total imports of that article into India.</p> <p>Provided further that the Central Government may, by notification in the Official Gazette, exempt such quantity of any article as it may specify in the notification, when imported from any country or territory into India, from payment of the whole or part of the safeguard duty leviable thereon.</p> <p>(2) The Central Government may, pending the determination under sub-section (1), impose a provisional safeguard duty under this sub-section on the basis of a preliminary determination that increased imports have caused or threatened to cause serious injury to a domestic industry:</p> <p>Provided that where, on final determination, the Central Government is of the opinion that increased imports have not caused or threatened to cause serious injury to a domestic industry, it shall refund the duty so collected:</p> <p>Provided further that the provisional safeguard duty shall not remain in force for more than two hundred days from the date on which it was imposed.</p> <p>(2A) Notwithstanding anything contained in sub-section (1) and sub-section (2), a notification issued under sub-section (1) or any safeguard duty imposed under sub-section (2), 2[shall not apply to articles imported by a hundred per cent. export-oriented undertaking or a unit in a special economic zone unless,-</p> <p>(i) specifically made applicable in such notifications or such impositions, as the case may be; or</p> <p>(ii) the article imported is either cleared as such into the domestic tariff area or used in the manufacture of any goods that are cleared into the domestic</p>	<p>appropriate, to curb the increased quantity of imports of an article to prevent serious injury to domestic industry:</p> <p>Provided that no such measure shall be applied on an article originating from a developing country so long as the share of imports of that article from that country does not exceed three per cent. or where the article is originating from more than one developing country, then, so long as the aggregate of the imports from each of such developing countries with less than three per cent. import share taken together, does not exceed nine per cent. of the total imports of that article into India: Provided further that the Central Government may, by notification in the Official Gazette, exempt such quantity of any article as it may specify in the notification, when imported from any country or territory into India, from payment of the whole or part of the safeguard duty leviable thereon.</p> <p>(3) Where tariff-rate quota is used as a safeguard measure, the Central Government shall not fix such quota lower than the average level of imports in the last three representative years for which statistics are available, unless a different level is deemed necessary to prevent or remedy serious injury. (4) The Central Government may allocate such tariff-rate quota to supplying countries having a substantial interest in supplying the article concerned, in such manner as may be provided by rules. (5) The Central Government may, pending the determination under sub-section (1), apply provisional safeguard measures under this sub-section on the basis of a preliminary determination that increased imports have caused or threatened to cause serious injury to a domestic industry: 5</p> <p>Provided that where, on final determination, the Central Government is of the opinion that increased imports have not</p>	
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<p>tariff area and in such cases safeguard duty shall be levied on that portion of the article so cleared or so used as was leviable when it was imported into India. Explanation. - For the purposes of this section, the expressions "hundred per cent. export-oriented undertaking", and "special economic zone" shall have the meanings assigned to them in Explanation 2 to sub-section (1) of section 3 of Central Excise Act, 1944 (1 of 1944).</p> <p>(3) The duty chargeable under this section shall be in addition to any other duty imposed under this Act or under any other law for the time being in force.</p> <p>(4) The duty imposed under this section shall, unless revoked earlier, cease to have effect on the expiry of four years from the date of such imposition: Provided that if the Central Government is of the opinion that the domestic industry has taken measures to adjust to such injury or threat thereof and it is necessary that the safeguard duty should continue to be imposed, it may extend the period of such imposition :</p> <p>Provided further that in no case the safeguard duty shall continue to be imposed beyond a period of ten years from the date on which such duty was first imposed.</p> <p>(4A) The provisions of the Customs Act, 1962 (52 of 1962) and the rules and regulations made thereunder, including those relating to the date for determination of rate of duty, assessment, non-levy, short levy, refunds, interest, appeals, offences and penalties shall, as far as may be, apply to the duty chargeable under this section as they apply in relation to duties leviable under that Act.</p> <p>(5) The Central Government may, by notification in the Official Gazette, make rules for the purposes of this section, and without prejudice to the generality of the foregoing, such rules may provide for the manner in which articles liable for safeguard duty may be identified</p>	<p>serious injury to a domestic industry, it shall refund the safeguard duty so collected: Provided further that any provisional safeguard measure shall not remain in force for more than two hundred days from the date on which it was applied. 10 (6) Notwithstanding anything contained in the foregoing sub-sections, a notification issued under sub-section (1) or any safeguard measures applied under sub-sections (2), (3), (4) and (5), shall not apply to articles imported by a hundred per cent. export-oriented undertaking or a unit in a special economic zone, unless—</p> <p>(i) it is specifically made applicable in such notification or to such undertaking or unit; 15</p> <p>(ii) such article is either cleared as such into the domestic tariff area or used in the manufacture of any goods that are cleared into the domestic tariff area, in which case, safeguard measures shall be applied on the portion of the article so cleared or used, as was applicable when it was imported into India. 1 of 1944. 20</p> <p>Explanation.—For the purposes of this section, the expressions "hundred per cent. export-oriented undertaking", and "special economic zone" shall have the same meaning as assigned to them in Explanation 2 to sub-section (1) of section 3 of the Central Excise Act, 1944.</p> <p>(7) The safeguard duty imposed under this section shall be in addition to any other duty imposed under this Act or under any other law for the time being in force. 25</p> <p>(8) The safeguard measures applied under this section shall, unless revoked earlier, cease to have effect on the expiry of four years from the date of such application: Provided that if the Central Government is of the opinion that the domestic industry has taken measures to adjust to such injury or threat thereof and it is necessary that the safeguard measures should continue to be applied, it may extend the period</p>	
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<p><i>and for the manner in which the causes of serious injury or causes of threat of serious injury in relation to such articles may be determined and for the assessment and collection of such safeguard duty.</i></p> <p><i>(6) For the purposes of this section, -</i></p> <p><i>(a) "developing country" means a country notified by the Central Government in the Official Gazette for the purposes of this section.</i></p> <p><i>(b) "domestic industry" means the producers -</i></p> <p><i>(i) as a whole of the like article or a directly competitive article in India; or</i></p> <p><i>(ii) whose collective output of the like article or a directly competitive article in India constitutes a major share of the total production of the said article in India.</i></p> <p><i>(c) "serious injury" means an injury causing significant overall impairment in the position of a domestic industry;</i></p> <p><i>(d) "threat of serious injury" means a clear and imminent danger of serious injury.</i></p> <p><i>(7) Every notification issued under this section shall, as soon as may be after it is issued, be laid before each House of Parliament.</i></p>	<p><i>of such application: Provided further that in no case the safeguard measures shall continue to be applied beyond a period of ten years from the date on which such measures were first applied. 52 of 1962. 35</i></p> <p><i>(9)The provisions of the Customs Act, 1962 and the rules and regulations made thereunder, including those relating to the date for determination of rate of duty, assessment, non-levy, short-levy, refunds, interest, appeals, offences and penalties shall, as far as may be, apply to the duty chargeable under this section as they apply in relation to duties leviable under that Act. 40</i></p> <p><i>(10)The Central Government may, by notification in the Official Gazette, make rules for the purposes of this section, and without prejudice to the generality of the foregoing power, such rules may provide for— (i) the manner in which articles liable for safeguard measures may be identified; (ii) the manner in which the causes of serious injury or causes of threat of serious injury in relation to identified article may be determined; (iii) the manner of assessment and collection of safeguard duty; 45 (iv) the manner in which tariff-rate quota on identified article may be allocated among supplying countries; (v) the manner of implementing tariff-rate quota as a safeguard measure; (vi) any other safeguard measure and the manner of its application.</i></p> <p><i>(11)For the purposes of this section,— 50 (a) “developing country” means a country notified by the Central Government in the Official Gazette; (b) “domestic industry” means the producers— (i)as a whole of the like article or a directly competitive article in India; or 55 (ii)whose collective output of the like article or a directly competitive article in India constitutes a major share of the total production of the said article in India; (c) “serious injury” means an injury causing</i></p>	
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	<p><i>significant overall impairment in the position of a domestic industry; (d) “threat of serious injury” means a clear and imminent danger of serious injury. (12) Every notification issued under this section shall be laid, as soon as may be after it is issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.’.</i></p>	
Amendments in First Schedule of the Customs Tariff Act, 1975		
AMENDMENTS IN FIRST SCHEDULE OF THE CUSTOMS TARIFF ACT, 1975		
In the Customs Tariff Act 1975, the First Schedule shall—		
(a) be amended in the manner specified in the Second Schedule; and		
(b) be also amended in the manner specified in the Third Schedule.		
Effect: Clause 115 of the Bill seeks to amend the First Schedule to the Customs Tariff Act so as to:-		
(a) Revise tariff rates in respect of certain tariff items in the manner specified in the Second Schedule;		
(b) Create new tariff lines in the manner specified in the Third Schedule.		

Health Cess on Imported Medical Devices

- Vide clause 139 of the Finance Bill, 2020, Health Cess is being imposed on the import of medical devices falling under headings 9018 to 9022, at the rate of 5% ad valorem on the import value of such goods as determined under Section 14 of the Customs Act, 1962.
- This Health Cess shall be a duty of Customs.
- Health Cess shall not be imposed on medical devices which are exempt from BCD.
- Further, inputs/ parts used in the manufacture of medical devices will also be exempt from Health Cess.
- Export Promotion scrips shall not be used for payment of said Cess.

Gist of Various Customs Notifications

Following are the gist of the notifications which makes amendment in Customs Tariff and Non-Tariff, with effect from midnight of Feb 01/Feb 02, 2020.

Customs: Tariff Notifications		
S. No.	Notification No.	Description
1.	01/2020-Customs, dated February 02, 2020	Seeks to further amend notification No. 50/2017-Customs dated 30th June 2017 so as to prescribe effective rate of Basic Customs Duty (BCD) .
2.	02/2020-Customs,	Seeks to further amend notification No. 57/2017-Customs, dated the 30th June

	dated February 2, 2020	2017 so as to change the applicable BCD rate on specified parts of Cellular Mobile Phones.
3.	03/2020-Customs, dated February 2, 2020	Seeks to further amend notification No. 19/2019-Customs dated the 6th July 2019 so as to extend the exemption from BCD and IGST on specified military equipment, if imported by DPSUs and PSUs for the defense forces.
4.	04/2020-Customs, dated February 2, 2020	Seeks to further amend notification No. 148/1994-Customs dated the 13th July, 1994 to exempt wool, woolen fabrics and apparels received as gifts by the Indian Red Cross Society.
5.	05/2020-Customs, dated February 2, 2020	Seeks to amend notification No. 25/99-Customs dated 28th February, 1999 so as to withdraw BCD exemption on Gold used in manufacture of semi-conductor devices or light emitting diode and to provide exemption to specified parts for use in manufacture of fuses and connectors.
6.	06/2020-Customs, dated February 2, 2020	Seeks to further amend notification No. 24/2005-Customs, dated the 1st March, 2005 so as to exclude copper and articles thereof from the exemption provided to raw materials use for manufacturing of ITA goods specified therein the notification.
7.	07/2020-Customs, dated February 2, 2020	Seeks to further amend notification No. 25/2005-Customs, dated the 1st March, 2005 so as to exclude copper and articles thereof from the exemption provided to raw materials use for manufacturing of ITA goods specified therein the notification.
8.	08/2020-Customs, dated February 2, 2020	Seeks to exempt specified goods from Health Cess imposed on the medical devices falling under heading 9018 to 9022 in terms of clause 139 of the Finance Bill, 2020.
9.	09/2020-Customs, dated February 2, 2020	Seeks to further amend notification No. 11/2018-Customs, dated the 2nd February, 2018 in order to revise the levy of Social Welfare Surcharge on specified goods [Refer Annexure A for details].
10.	10/2020-Customs, dated February 2, 2020	Seeks to further amend notifications mentioned in the Column (2) of the Table of the notification No. 10/2020-Customs, dated the 2nd February, 2020 so as to align the notification mentioned in Column (2) with the new tariff lines created as per Finance Bill, 2020.
11.	11/2020-Customs, dated February 2, 2020	Seeks to further amend notification No. 82/2017-Customs dated the 27th October 2017 so as to omit a redundant entry at S. No. 31A.
12.	12/2020-Customs, dated February 2, 2020	Seeks to rescind certain customs notifications which have become redundant or entries in these notifications are being merged with other similar notifications granting exemptions.
Customs: Non-Tariff Notifications		
1.	09/2020-Customs (N.T.) dated February 2, 2020	Seeks to further amend Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 to change the anti-circumvention provision and make certain other miscellaneous changes.
2.	10/2020-Customs (N.T.) dated February 2, 2020	Seeks to further amend Customs Tariff (Identification, Assessment and Collection of Countervailing Duty on Subsidized Articles and for Determination of Injury) Rules, 1995 to introduce anti-circumvention provisions in these rules and make certain other miscellaneous changes.
Customs: Safeguard Duty		
1.	01/2020-Customs (SG), dated February 2, 2020	Seeks to amend notification No. 1/2018-Customs (SG), dated the 30th July, 2018 so as to align the tariff item of subject goods with the new tariff items created as per Finance Bill, 2020.
Customs: Anti-Dumping Duty		
1.	03/2020-Customs (ADD), dated February 2, 2020	Seeks to revoke the Anti-dumping duty imposed on Purified Terephthalic Acid and for this purpose, rescinds the notifications No. 28/2016-Customs (ADD), dated the 5th July, 2016 and No. 28/2019-Customs (ADD), dated the 24th July, 2019.

CENTRAL EXCISE
Changes in Central Excise - Budget 2020

Clause 145 of the Finance Bill, 2020 r.w. Fifth Schedule: Levy of **National Calamity Contingent Duty (NCCD)** is being reviewed on the following items:

Tariff Item	Description of Goods	From	To
2402 20 10	Other than filter cigarettes, of length not exceeding 65 millimetres	Rs. 90 per thousand	Rs. 200 per thousand
2402 20 20	Other than filter cigarettes, of length exceeding 65 millimetres but not exceeding 70 millimetres	Rs. 145 per thousand	Rs. 250 per thousand
2402 20 30	Filter cigarettes of length (including the length of the filter, the length of filter being 11 millimetres or its actual length, whichever is more) not exceeding 65 millimetres	Rs. 90 per thousand	Rs. 440 per thousand
2402 20 40	Filter cigarettes of length (including the length of the filter, the length of filter being 11 millimetres or its actual length, whichever is more) exceeding 65 millimetres but not exceeding 70 millimetres	Rs. 90 per thousand	Rs. 440 per thousand
2402 20 50	Filter cigarettes of length (including the length of the filter, the length of filter being 11 millimetres or its actual length, whichever is more) exceeding 70 millimetres but not exceeding 75 millimetres	Rs. 145 per thousand	Rs. 545 per thousand
2402 20 90	Other	Rs. 235 per thousand	Rs. 735 per thousand
2402 90 10	Cigarettes of tobacco substitutes	Rs. 150 per thousand	Rs. 600 per thousand
2403 11 10	Hookah or gudaku tobacco	10%	25%
2403 19 10	Smoking mixtures for pipes and cigarettes	45%	60%
2403 19 90	Other	10%	25%
2403 91 00	“Homogenised” or “reconstituted” tobacco	10%	25%
2403 99 10	Chewing tobacco	10%	25%
2403 99 20	Preparations containing chewing tobacco	10%	25%
2403 99 30	Jarda scented tobacco	10%	25%
2403 99 40	Snuff	10%	25%
2403 99 50	Preparations containing snuff	10%	25%
2403 99 60	Tobacco extracts and essence	10%	25%
2403 99 90	Other	10%	25%

Note: These changes will come into effect immediately [from 00 hours on 02.02.2020] owing to the declaration under the Provisional Collection of Taxes Act, 1931.

(a) "Basic Excise Duty" means the excise duty set forth in the Fourth Schedule to the Central Excise Act, 1944.

(b) NCCD means "National Calamity Contingent Duty" levied under Finance Act, 2001, as a duty of Excise on specified goods at rates specified in the seventh schedule to Finance Act, 2001.

From the Authors Desk

Given the environment of slow growth, declining consumption and weak investment, Budget 2020 comes at a very crucial time of the Economy. Undoubtedly, the Finance Minister Nirmala Sitharaman has announced pro-middle class and development-oriented Budget. The FM said the budget is aimed at boosting income and purchasing power of people. Moreover, in this budget the FM broke her own record and delivered the longest Union Budget speech which was 159 minutes long. FM announced massive state funding to help India's farm sector in Union Budget 2020-21, aiming to get broader economic growth back up from its lowest in a decade. The fiscal deficit target is revised to 3.8% for the current fiscal year, from an earlier target of 3.3%. She pegged the fiscal deficit target for 2020-21 at 3.5% of the GDP. To give more push to the export sector and achieve higher export credit disbursement, FM proposed a new scheme called Nirvik, which provides for high insurance cover, reduction in premium for small exporters and simplified procedures for claim settlements.

To the limelight of aam aadmi, Income Tax rates for earning up to Rs. 15 lakh per annum have been slashed and no tax will be

applied on earnings up to Rs. 5 lakh, if a taxpayer opts for foregoing exemptions and deductions. The FM termed GST as a historic structural reform, while listing out the benefits of the GST regime in reducing the time taken by trucks to transport goods, substantially bringing down the effective tax incidence so that average household saves monthly 4% on account of reduced GST. Around 60 lakh new taxpayers added to tax net and a simplified new return system is being introduced from April 1, 2020. Also, the FM hailed e-invoicing as another innovation wherein critical information shall be captured electronically in a centralized system.

Response of GST is indeed heartening but it remains to be seen as to how smooth these new systems will be put in place. Needless to mention that robust IT network is going to be the heart of new return system and e-invoicing. Unless the system supports these functions without glitches, their utility and efficiency may not be established in desired sense, which we are witnessing in the era of GSTR-1 and GSTR-3B which took its own time to settle and taxpayers still continue to face last day portal glitches leading to staggered extension of due dates - region based. Such ideas may not go well the concept of one nation one tax. Moreover, the nation was also looking for a roadmap towards rate-rationalisation in GST, which does not seem to be on agenda of this budget. Earlier, former Finance Minister Arun Jaitley had said that the policymakers could merge the 12% and 18% slabs under GST going forward as revenue increases, thereby effectively making it a two-tier tax. Also, it is time that we strive to maintain stability of provisions and systems under GST, as frequent changes cause disruptions in business operations as well as increasing confusions in trade.

Though, Centre and States are quite receptive to resolve GST issues, but certain level of steadiness is also required. In nutshell, though this budget may be considered as good providing tax benefits to the middlemen, corporates and support to farmers, but the present situation of the economy and taxation system was requiring little more.

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औद्योगिक इकाईयों में सुरक्षा

23 जनवरी 2020 को मेवाड चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री ने जिला कलक्टर एवं जिला पुलिस अधीक्षक को प्रतिवेदन भेजकर हमीरगढ रोड पर स्थित औद्योगिक इकाईयों में कतिपय असामाजिक तत्वों की ओर से की जा रही लूटमार, डराने, धमकाने की गतिविधियों पर सख्ती से रोक लगाने की मांग की है! पिछले 2-3 माह में हमीरगढ रोड पर स्थित विभिन्न औद्योगिक इकाईयों में जबरन घुसने, डराने-धमकाने, अवैध वसूली, कर्मचारियों से मारपीट एवं लूटपाट की कई घटनाएं हुई हैं, इससे औद्योगिक शांति भंग हो रही है। जिला प्रशासन के सक्रिय सहयोग से पिछले 20 वर्षों से भीलवाड़ा में औद्योगिक शांति बनी रहने से ही विकास हो रहा है। चेम्बर ने वर्तमान की घटनाओं पर तत्काल कदम उठाकर असामाजिक तत्वों के खिलाफ सख्त कार्यवाही की मांग की है।

सीजीएसटी की राज्यस्तरीय शिकायत निवारण समिति

केन्द्र सरकार के सीजीएसटी एवं केन्द्रीय उत्पाद शुल्क विभाग ने नवगठित राज्यस्तरीय शिकायत निवारण समिति में मेवाड चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री के महासचिव श्री आर के जैन को नियुक्त किया है। समिति में राज्यस्तरीय कुल 15 संगठनों को मनोनित किया गया है। यह समिति करदाताओं की व्यवहारिक कठिनाईयां, इन्टरनेट एवं विभाग की वेबसाइट से संबंधित परेशानियां, किसी भी कानून, नियम में बदलाव के संबंध में सुझाव आदि के लिए कार्य करेगी। इस समिति का कार्यकाल 2 वर्ष का होगा एवं राज्य के सीजीएसटी एवं केन्द्रीय उत्पाद शुल्क विभाग प्रधान मुख्य आयुक्त एवं राज्य कर विभाग के आयुक्त सह-अध्यक्ष होंगे।

श्री दिनेश नौलखा को सीए बिजनेस लीडर पुरस्कार

इंस्टीट्यूट ऑफ चार्टर्ड अकाउंटेंट्स ऑफ इंडिया ने 14 जनवरी, 2020 को मुंबई में लीडरशीप समिट -2020 और 13 वें आईसीएआई पुरस्कार समारोह का आयोजन किया, जिसकी अध्यक्षता केंद्रीय रेल, वाणिज्य और उद्योग मंत्री माननीय श्री पीयूष गोयल ने की। प्रतिष्ठित बिजनेस लीडर्स, प्रमुख चार्टर्ड अकाउंटेंट, संस्थान के अध्यक्ष एवम् अन्य पदाधिकारियों ने समारोह में भाग लिया। समारोह में अधिकांश चार्टर्ड अकाउंटेंट प्रमुख व्यापारिक घरानों से थे। समारोह में श्री दिनेश नौलखा, प्रबंध निदेशक, नितिन स्पिनर्स लिमिटेड, भीलवाड़ा को माननीय मंत्री महोदय द्वारा उद्योग के विकास की दिशा में उनके उत्कृष्ट योगदान के लिए "सीए बिजनेस लीडर-मैनुफैक्चरिंग एंड इंफ्रास्ट्रक्चर" पुरस्कार से सम्मानित किया गया। मेवाड चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री की ओर से श्री दिनेश नौलखा को हार्दिक बधाई एवं शुभकामनाएं।

समर्थ योजना पर बैठक

टेक्सटाइल मंत्रालय की ओर से 21 जनवरी 2020 को दिल्ली में नई प्रस्तावित योजना “समर्थ” पर विचार विमर्श के लिए बैठक आयोजित हुई। इसमें मेवाड चेम्बर सहित देश के 15 प्रमुख औद्योगिक संगठनों को आमंत्रित किया गया। राजस्थान से केवल मेवाड चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री को आमंत्रित किया गया। बैठक में मानद महासचिव आर के जैन के नेतृत्व में मेवाड चेम्बर का एक प्रतिनिधिमण्डल भाग लिया। टेक्सटाइल एवं एपेरल उद्योगों में ट्रेण्ड श्रमिकों की उपलब्धता बढ़ाने के लिए टेक्सटाइल मंत्रालय ने 13 सौ करोड़ रुपये की “स्कीम फॉर कैपेसिटी बिल्डिंग इन टेक्सटाइल सेक्टर” बनाई है, जिसे “समर्थ” नाम दिया है।

बैठक के दौरान कपड़ा मंत्रालय के संयुक्त सचिव श्री निहार रंजन दास ने योजना की विस्तार से जानकारी दी एवं विभिन्न टेक्सटाइल संगठनों से इसमें सक्रिय योगदान का आह्वान किया। श्री दास ने बताया कि योजना के तहत 10 लाख व्यक्तियों को ट्रेनिंग दी जायेगी। यह योजना टेक्सटाइल उद्योग के स्वयं के ट्रेनिंग संस्थान, मंत्रालय के विभिन्न ट्रेनिंग संस्थानों या अन्य प्रतिष्ठित ट्रेनिंग संस्थान के मार्फत दी जायेगी। इसके लिए संस्थानों को प्रेक्टिकल ट्रेनिंग रूम के लिए आवश्यक मशीनरी आदि खरीदने पर वित्तीय सहायता प्रदान की जायेगी। ट्रेनिंग का कोर्स टेक्सटाइल कमेटी की ओर से निर्धारित किया जायेगा। संयुक्त सचिव श्री निहार रंजन दास को प्रतिनिधिमण्डल ने मेवाड चेम्बर का वार्षिक प्रतिवेदन भेंट कर जिले में विभिन्न टेक्सटाइल उद्योगों में संचालित स्वयं के ट्रेनिंग संस्थानों के बारे में, भीलवाड़ा जिले में टेक्सटाइल क्षेत्र में रोजगार रत श्रमिकों के बारे में एवं आगे सृजित होने वाले रोजगारों की जानकारी दी। भीलवाड़ा में स्पिनिंग एवं विविंग सेक्टर में ट्रेण्ड श्रमिकों की आवश्यकता एवं वर्तमान में स्थापित हो रहे एयरजेट लूमों पर ट्रेनिंग की आवश्यकताओं के बारे में बताया। संयुक्त सचिव श्री निहार रंजन दास ने भीलवाड़ा के टेक्सटाइल उद्योग के विकास में चेम्बर की भूमिका की प्रशंसा की।



टफ योजना में अन्तिम अवसर

27 जनवरी 2020 को मेवाड चेम्बर को प्राप्त मेल के अनुसार : एम-टफ, आर-टफ, आरआर-टफ के लम्बित मामलों में जिन इकाईयों के आवेदनों में कमी है, उसे पूरा करने के लिए वस्त्र मंत्रालय ने एक ओर अवसर देने का निर्णय किया है। मेवाड चेम्बर के प्रतिवेदन पर वस्त्र आयुक्त कार्यालय ने सूचित किया है कि 26 जनवरी 2020 तक प्राप्त आवेदनों में अगर डॉक्यूमेन्ट में कमी है तो उसे संबंधित बैंक या लेण्डिंग एजेन्सी को पूरा करने के लिए 2 फरवरी 2020 तक का समय दिया है। पुनः इन प्रकरणों को 3 से 9 फरवरी तक निरीक्षण किया जाकर जेआईटी के लिए चुना जायेगा। इसमें भी जिन प्रकरणों में तकनीकी कमी है, उसी पूरा करने के लिए 12 से 14 फरवरी तक बैंक या लेण्डिंग एजेन्सी को समय दिया जायेगा। यह अन्तिम अवसर होगा। मेवाड चेम्बर ने अपने सभी सदस्यों को आवश्यक कदम उठाने की सलाह दी है।



बजट पर टॉक शो

31 जनवरी 2020 को राजस्थान पत्रिका की ओर से मेवाड चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री में केन्द्रीय एवं राज्य बजट पर एक टॉक शो का आयोजन किया गया। यह टॉक शो पत्रिका के फेसबुक पेज एवं चैनल पर लाइव दिखाया गया। टॉक शो में मेवाड चेम्बर के अध्यक्ष श्री जे के बागडोदिया, वरिष्ठ उपाध्यक्ष श्री जी सी जैन, उपाध्यक्ष डॉ आर सी लोढा, मानद महासचिव आर के जैन के साथ श्री के के मोदी, श्री विनोद मानसिंगका, डॉ पी एम बेसवाल, सीए श्री वैभव चौधरी, सीए श्री अतुल सोमानी, डीआरयूसीसी सदस्य एवं सांसद प्रतिनिधी श्री विजय लद्ढा आदि ने भाग लेकर अपने विचार रखे।

UPDATES

GUJARAT HIGH COURT DECISIONS IN RESPECT OF OCEAN FREIGHT

Gujarat High Court pronounced the order in respect of ocean freight matters allowing the petitions and pronouncing levy to be ultra-vires.

Notifications imposing GST/Service tax on ocean freight in specific case declared to be unconstitutional

Mohit Minerals Pvt. Ltd. v. UOI 2020-VIL-36-GUJ (dated 23-01-2020)

Ratio of the decision :

- ❑ The Gujarat High Court in the aforesaid case has held that no IGST is leviable on the ocean freight for the services provided by a person located in a non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India.
- ❑ Entry 9(ii) of Notification No. 8/2017 (I.T.R.) and Entry 10 of Notification No. 10/2017 (I.T.R.) declared as ultra vires the IGST Act due to lack of legislative competency and accordingly held to be unconstitutional.

Major take-aways from the decision :

- ❑ Under Section 5(3) of the IGST Act, the person liable to pay tax can only be “the recipient” of supply. The term “recipient” has to be read in the sense in which it has been defined in the CGST Act. Importer cannot be said to be the recipient of the ocean freight service in the instant case since the importer has neither availed the service of transportation of goods nor he is liable to pay consideration for such service. The foreign shipping line is engaged by foreign exporter.
- ❑ The importer can not be made liable to pay tax on a mere premise that the importer is directly or indirectly recipient of service.
- ❑ It is neither an inter-state supply under Section 7 nor an intra- state supply under Section 8 of the IGST Act as follows:
 - ♦ For Section 8, both the location of the supplier and place of supply should be in India. The same is not applicable since location of foreign shipping line is outside India.
 - ♦ Sub-sections (1) and (2) of Section 7 are dealing with goods and not relevant.
 - ♦ For Section 7(3), both the location of the supplier and place of supply should be in India. The same is not applicable since location of foreign shipping line is outside India.
 - ♦ Section 7(4) i.e. import of service, is not applicable since the location of recipient of service, i.e., the foreign exporter being outside India.
 - ♦ Section 7(5)(a) is not applicable since location of foreign shipping line is outside India.
 - ♦ Section 7(5)(b) pertaining to SEZ is also not applicable.
- ❑ A supply where both provider and recipient are outside India can be made leviable to tax only under Section 7(5)(c) i.e. residuary clause, provided that “supply is in taxable territory”. The same cannot be equated with “place of supply”. Supply in the taxable territory shall mean a supply, all the aspects or majority of aspects, of which takes place in taxable territory. Thus, e.g., the provision may cover cases such as a foreign tour operator conducting a tour in India for a foreign tourist. Mere fact that transportation of goods terminates in India, will not make such supply of transportation of goods as taking place in India.
- ❑ Thus, no tax can be levied and collected from importer/petitioner.
- ❑ In the instant case, the freight has already suffered IGST as a part of value of goods imported. Dual levy of IGST cannot be imposed treating it as supply of service. Double taxation, through delegated legislation, where statute does not provide, is not permissible.



Jharkhand High Court's decision about ITC

The Jharkhand High Court has held that Input Tax Credit (ITC) cannot be denied for the petitioner who had discharged all the tax liabilities and not petitioners fault if selling dealer had made defaults in depositing tax in treasury. The petitioner firm has been rejected and interest has been imposed upon the petitioner firm, as provided under Section 30 of the Jharkhand Value Added Tax (VAT) Act, 2005.

In reply to the notice, the petitioner produced all the necessary documents, including tax invoices supplied to it by the selling dealer, in order to satisfy the Assessing Authority. While making the purchases, the petitioner had discharged all the tax liabilities, and it was the selling dealer, who had not deposited the tax in the Government Treasury, for which the petitioner firm

was not at all at fault The Assistant Commissioner Commercial Taxes came to the conclusion that the petitioner firm had made the purchases from M/s Sanatan Enterprises for the amount showed in this return and had also paid the amount of VAT to the selling dealer, and it was in fact the selling dealer, who had not filed its return and deposited the amount in the Government Treasury.

As such, the Assessing Authority disallowed the claim of ITC of Rs. 11,89,744.13, made by the petitioner firm, and interest was imposed upon the petitioner. Judgement was rendered by division bench constituting of Justices H.C Roshan and Deepak Roshan. While quashing the order passed by the Assistant Commissioner, Commercial Taxes, the Court observed that, “denying ITC to the petitioner and imposing the interest, and also the demand notice, as contained in Annexures-5 and 6 to the writ application, and further direct that the total amount of Rs.20,21,801/- realized from the petitioner by way of garnishee order, be refunded to the petitioner within a period of three months from the date of production/communication of this order”.



Delhi HC allows filing of Revised TRAN-1

The Delhi High Court has directed to reopen the GST portal for one-time revised TRAN-1 to enable the Petitioner to claim transitional credit of service tax paid on Advance in terms of Section 142(11) (c) of the Central Goods and Services Tax Act, 2017; The ruling was made by Justice Vipin Sanghi and Justice Sanjeev Narula in the case of SRC Aviation (P) Ltd Vs. Union of India & Ors.

The petitioner is engaged in the business of offering flight management services in respect of certain inbound and outbound flights at the airports. During the month of December 2016, the Petitioner had received a certain advance amount from its customers on which service tax was paid. The petitioner was entitled to the transition of credit of Input Tax Credit in terms of Section 142(11)(c) of the CGST Act, 2017. In order to avail transition of credit, Petitioner was required to submit a declaration in Form GST TRAN-1 on the GST Portal within 27.12.2017. The Petitioner filed the Form GST TRAN-1 on the common portal on 13.11.2017 and claimed Rs. 64,70,407/- as transitional credit tax paid on input services. However, inadvertently, Petitioner missed the transitioning of the Input Tax Credit of service tax paid on advances received by it.

The petitioner received an email from the GSTN stating that the due date for filing Form GST TRAN-1 as notified by the Central/State Government is over and the Form GST TRAN-1 could not be revised or refiled again. Thereafter Petitioner made representations before Respondent for one-time permission to revise Form GST TRAN-1 on account of the inadvertent mistake at the time of initial filing. However, the portal for filing Form GST TRAN-1 has not been opened in the case of the Petitioner.

The Court observed that the nature of reliefs sought in the present petition and the facts disclosed herein is fully covered by the decision of this Court in M/s Blue Bird Pure Pvt. Ltd vs Union of India and Ors, 2019 SCC OnLine 9250 decided on 22.07.2019. the court further cited decisions in Bhargava Motors v. Union of India, decision dated 13th May 2019 in WP (C) 1280/2018 and Kusum Enterprises Pvt. Ltd. v. Union of India, 2019-TIOL-1509-HC-DEL-GST, and held that the Petitioner's difficulty in filling up a correct credit amount in the TRAN-1 form is a genuine one which should not preclude him from having its claim examined by the authorities in accordance with the law.



Government can't make PAN invalid if not linked to Aadhaar : HC

The Gujarat high court said a person's permanent account number (PAN) does not become invalid for filing income tax returns and making transactions just because it is not linked to their Aadhaar card.

The HC said the government cannot make PAN inoperative or hold the PAN holder to be a defaulter just because their PAN was not linked to their Aadhaar or their Aadhaar number was not quoted till the Supreme Court decides the validity of the Aadhaar Act, which is pending in the form of a reference before a larger bench.

The high court made it clear that until the apex court decides the issue of the Aadhaar Act's validity as a money bill in Rojer Mathew v/s South Indian Bank Ltd, the government cannot take action against PAN holders for not linking them with their Aadhaar ID, under Section 139AA of the Income Tax Act.

The high court recently passed this order on a petition filed by Advocate Bandish Soparkar in 2017, when the central government had issued the diktat mandating linking of PAN with Aadhaar.

On March 31, 2019, the central government set a deadline of September 30 for this. Soparkar submitted before the court that parting with biometric data by linking his PAN with Aadhaar would cause irreparable damage to him. If his PAN was suspended for not linking it with Aadhaar, he would not be able to operate his account.

GOVT STARTS NATIONWIDE GST AUDIT FOR FY18, SENDS OUT NOTICES: REPORT

The government, on January 8, started a nationwide audit exercise under the Goods and Services Tax (GST) for FY18.

According to a CNBC-TV18 report, the Central GST Wing has sent out audit notices to taxpayers, seeking a series of nearly 12 documents. These include detailed records of business agreements of purchase and sales, GST, income tax, input service invoices, electronic cash/ credit ledgers.

GST revenue collection remained above Rs 1 lakh crore mark for the second month in a row with December mop-up rising to Rs 1.03 lakh crore as compared to the year-ago period.

In December 2018, the GST collection was Rs 97,276 crore. The GST collection in November 2019 stood at Rs 1,03,492 crore.

The government has set a target of over Rs 12 lakh crore for the financial year 2018-19, which can be achieved if the average monthly mop-up is around Rs 1 lakh crore, as compared with Rs 89,885 crore in 2017-18.



SECTION 269SU

APPLICABILITY:

- ☐ Applies to every person
- ☐ carrying on business and
- ☐ turnover of the business exceeds Rs. 50.00 crore during the immediately preceding previous year

EFFECTIVE DATE OF ENFORCEMENT:

- ☐ This prescribed electronic modes of payments have been notified with effect from 01-01-2020 and to equip with the system time has given up to 31/01/2020.

IMPLICATION & MODES OF PAYMENT:

- ☐ Such business have to provide facility for accepting payment through following electronic modes, *in addition to the facility for other electronic modes of payments*.
- ☐ Such modes of payments are notified vide *notification no. 105/2019 of CBDT dated 30th Dec-2019* are as follows:
 - (i) Debit Card powered by RuPay
 - (ii) Unified Payments Interface (UPI) (BHIM-UPI)
 - (iii) Unified Payments Interface Quick Response Code (UPI QR Code) (BHIM-UPI QR Code)

CONSEQUENCE OF NON COMPLIANCE OF THIS SECTION:

- ☐ Penalty of Rs.5000/- per day and will be effective from 01/02/2020 under section 271DB for failure to comply with provisions of section 269SU. Circular dated 30-12-2019.



Now the GST Taxpayers can file their GSTR-3B Returns in a Staggered Manner

Ministry of Finance

Posted On: 22 JAN 2020 6:29PM by PIB Delhi

Considering the difficulties faced by trade and industry in filing of returns, the government has decided to introduce several measures to ease the process. The Finance Ministry today said that now GST taxpayers can file their GSTR-3B returns in a staggered manner.

Presently the last date of filing GSTR-3B returns for every taxpayer is 20th of every month. From now on, the last date for filing of GSTR-3B for the taxpayers having annual turnover of Rs 5 crore and above in the previous financial year would be 20th of the month. Thus, around 8 lakh regular taxpayers would have the last date of GSTR-3B filing as 20th of every month without late fees.

The taxpayers having annual turnover below Rs 5 crore in previous financial year will be divided further in two categories. The tax filers from 15 States/ UTs, i.e., Chhattisgarh, Madhya Pradesh, Gujarat, Daman and Diu, Dadra and Nagar Haveli, Maharashtra, Karnataka, Goa, Lakshadweep, Kerala, Tamil Nadu, Puducherry, Andaman and Nicobar Islands, Telangana and Andhra Pradesh will now be having the last date of filing GSTR-3B returns as 22nd of the month without late fees. This category would have around 49 lakh GSTR-3B filers who would now have 22nd of every month as their last date for filing GSTR-3B returns.

For the remaining 46 lakh taxpayers from the 22 States/UTs of Jammu and Kashmir, Laddakh, Himachal Pradesh, Punjab, Chandigarh, Uttarakhand, Haryana, Delhi, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand and Odisha having annual turnover below Rs 5 crore in previous financial year will now be having last date of filing the GSTR-3B as 24th of the month without late fees. The Finance Ministry said that the necessary notification in this regard would be issued later by the competent authority.

In a statement issued, the Ministry further said that it has also taken a note of difficulties and concerns expressed by the taxpayers regarding filing of GSTR-3B and other returns. The matter has been discussed by the GSTN with Infosys, the Managed Service Provider, which has come out with above solution to de-stress the process as a temporary but immediate measure. For further improving the performance of GSTN filing portal on permanent basis, several technological measures are being worked out with Infosys and will be in place by April 2020.

Due dates for filing of GSTR-3 B under various categories are as under:

New Due dates for GSTR-3B

States	Turnover	Old Due date	New Due date
All states	Above 5 crore and above for the previous financial year	20th of next month	20th of next month without late fees
Chhattisgarh, Madhya Pradesh, Gujarat, Daman and Diu, Dadra and Nagar Haveli, Maharashtra, Karnataka, Goa, Lakshadweep, Kerala, Tamil Nadu, Puducherry, Andaman and Nicobar Islands, Telangana and Andhra Pradesh	Below 5 crore for the previous financial year	20th of next month	22th of next month without late fees
Jammu and Kashmir, Laddakh, Himachal Pradesh, Punjab, Chandigarh, Uttarakhand, Haryana, Delhi, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Assam, Meghalaya, West Bengal, Jharkhand and Odisha	Below 5 crore for the previous financial year	20th of next month	24th of next month without late fees



FAQs ON NEW SECTION 269SU OF THE INCOME TAX ACT, 1961

Finance Act, 2019 inserted new Section 269SU after section 269ST of the Income-tax Act, with effect from the 1st day of November, 2019. We will discuss about this new section in this article.

Acceptance of payment through prescribed electronic modes :

Every person, carrying on business, shall provide facility for accepting payment through prescribed electronic modes, in addition to the facility for other electronic modes, of payment, if any, being provided by such person, if his total sales, turnover or gross receipts, as the case may be, in business exceeds fifty crore rupees during the immediately preceding previous year.

Summary of the section along with notification and clarification w.r.t. the Section 269SU is given in the form of FAQs for better understanding of this new section.

Who is required to provide electronic modes for accepting payments ?

Every person carrying on business and having turnover exceeding 50 Crore rupees during the immediately preceding previous year.

What are the prescribed modes for accepting payment ?

CBDT wide Notification No. 105/2019 dated 30/12/2019 prescribed following modes w.e.f from 1st day of January 2020 (Rule 119AA) :

- ☐ Debit Card powered by RuPay ;
- ☐ Unified Payments Interface (UPI) (BHIM-UPI) ; and
- ☐ Unified Payments Interface Quick Response Code (UPI QR Code) (BHIM-UPI QR Code).

Is it compulsory to provide above payment modes ?

Yes, every business with turnover exceeding 50 Crore in the preceding previous year must provide above mentioned payment modes.

What if, business already have NEFT, RTGS facility ?

Above mentioned e-payment modes are additional facility along with existing facility. Irrespective of existing facility, business must maintain prescribed modes for accepting payment.

Is there any penalty, if business does not maintained prescribed modes of payment ?

Yes, Section 271DB has been inserted w.e.f 01/11/2019, which has penalty clauses as follows :

(1) If a person who is required to provide facility for accepting payment through the prescribed electronic modes of payment referred to in section 269SU, fails to provide such facility, he shall be liable to pay, by way of penalty, a sum of five thousand rupees, for every day during which such failure continues ;

Provided that no such penalty shall impose, if such person proves that there were good and sufficient reasons for such failure.

(2) Any penalty imposed under sub-section (1) shall be imposed by the Joint Commissioner of Income-tax.

From which date, penalty under section 271DB will be levied ?

As per clarification issued by the CBDT dated 30th December, 2019, penalty will not be levied if prescribed class of person install and operationalise such facility on or before 31st January, 2020.

However, if the specified person fails to do so, he shall be liable to pay a penalty of five thousand rupees per day from 01 February 2020.

What are the bank charges for using prescribed payment modes ?

As per newly inserted section 10A of Payment and Settlement Systems Act, 2007 bank will not impose any charges for using the electronic modes of payment prescribed under section 269SU of the Income-tax Act, 1961.



PETITION FILED BEFORE

THE HON'BLE RAJASTHAN ELECTRICITY REGULATORY COMMISSION, JAIPUR

Filing No.

Case No.

IN THE MATTER OF :

Petition for approval of Annual Performance Review For FY 2018-19 And Aggregate Revenue Requirement & Determination of Tariff for FY 2020-21 filed by Rajasthan Vidyut Parsaran Nigam Ltd.

AND,

IN THE MATTER OF

Mewar Chamber of Commerce and Industry

Mewar Chamber Bhawan,

Nagori Garden,

Bhilwara,-311001 Rajasthan

Respondent

Hon'ble Chairman & Members,

Mewar Chamber of Commerce & Industry is the **Divisional Chamber** of Southern Rajasthan representing the entire major industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur. It has been functioning as representative body of the industries in the state, leading the cause of the trade, commerce and industry and making constructive suggestions to the Central and State Government and other agencies in regards to formation of industrial Policy, Taxation Matters and other operational activities.

This is in reference to the petition filed by Rajasthan Vidyut Parsaran Nigam Ltd regarding approval of transmission charges and as the same will affect the interest of electricity consumers, we shall like to be a party in the matter.

Our Comments / suggestions are as under :-

- The Rajasthan Rajya Vidyut Parsaran Nigam Limited has submitted revision of transmission charges by about 48 percent; from 46 paisa per unit to 69 paisa per unit.
- Presently, the Discom are paying Rs 154.45 per KW as transmission charges which are proposed to be increased to Rs 227.70 per KW.
- In the petition, the Rajasthan Rajya Vidyut Parsaran Nigam Limited has submitted that the increase in their various major expenses : O&M expenses, Depreciation, interest shall be as under :

	2019-20 (Rs in crore)	2020-21 (Rs in crore)	Percent increase
O&M Expenses	1065.77	1131.07	
Depreciation Expenses	935.81	1032.25	
Interest Expenses	1040.47	1075.67	
Total	3042.05	3238.99	6.47%

Thus, the total effective increase in expenses shall be by 6.47% while the increase desired in transmission tariff is 48%, which is too high and unjustified.

(a) Under the new project expenses, it has been proposed to install one 765 KVA Grid Station at Kankani near Jodhpur with project cost of about Rs 2741 crore.

We submit that the new project cost should be borne by either State Government or by Nigam itself by way of loan etc. and this project cost should not be taken into expenses / revenue estimates.

You are hereby requested to kindly go through our proposal/suggestion and to approve only reasonable increase of about maximum of up to 10% in transmission charges.

We also request your honour to please give us an opportunity of Personal hearing, if any. We look forward to your kind support and cooperation,

With Best Regards

For Mewar Chamber of Commerce & Industry

(CS R.K.Jain)

Hon'y Secretary General



REPRESENTATION

MCCI/GST/2019-2020/193

Dated : 27.01.2020

Smt. Nirmala Sitharaman

Hon'ble Union Minister of Finance and Corporate Affairs

Government of India

North Block,

New Delhi – 110001

Re : Representation for Extension of Due Date for Filing of Annual Return in form GSTR-9, 9A, 9B and Audit Report in form GSTR-9C.

Hon'ble Madam,

The Mewar Chamber of Commerce & Industry (MCCI) is the Divisional Chamber of Southern Rajasthan representing the almost entire industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur. It has been functioning as representative body of the industries in the state, leading the cause of the entire industry and making constructive suggestions to the Central and State Government and other agencies in regards to formation of industrial Policy, Taxation Matter and other operational activities.

GST has been a bold and epic reform of the Government, implementation of which had taken a decade to reach a logical implication, and naturally this introduction had its fair share of issues on trade and companies due to capacity constraints of GSTN IT infrastructure and various other issues, which required incessant changes of forms, procedures, compliances etc. It has a tumultuous impact on reconciliation of accounts for corporate and other bodies. This has continuously percolated and intruded into time required for GST as well as other compliances and has continued a chain reaction of effect. Also, unless proper reconciliation is affected, it could be a matter for extended litigation later-on to the un-reconciled returns and/or qualified Audit Reports by auditors.

Hence, there is sufficient cause and need for the extension of filing of Annual Forms GSTR-9, 9A, 9B and 9C for a reasonable period of time to give justice to the correctness of returns, considering the need for reconciliations state-wise. The reasons for the request are as outlined below :

- ☐ The formats prescribed for GST Annual Returns and GST Audits are not only voluminous but confusing as well. The confusion all the more rises when GST Portal itself malfunction giving two information from the same source of data.
- ☐ Auto populated data of 3B in GSTR 9 differs from the actual data uploaded in monthly GSTR 3B. This type of technical errors happens on both side i.e. outward supply as well as inward supply.
- ☐ GST website is passing through numerous technical glitches nowadays. The issue is persisting since many days.
- ☐ The error "Received But Pending" appears as and when it is tried to upload GSTR 9C.

- ❑ The assesses are unable to upload JSON file in One attempt. It requires multiple attempts to upload the same. It kills time.
- ❑ GSTR 9C latest utility 1.6 is made available on 08/01/2020 only. The time left after this is very short.
- ❑ GST Portal is having multiple issues with OTP sending. The assesses are not getting OTPs on Domains. Even on Regular E-Mails, OTP is coming after 2-3 hours which is of no use. It gives frustration and anxiety to filers.

The ground realities mentioned above emerge from the communications received by the professionals from the entities, companies, management and other stakeholders and the same being sought herein for redressal through your august office. Hence, we request your goodself to Extend the due date of Annual returns and Audit of 2017-18 upto 31/03/2020.

Your goodself is also requested to make the GST Portal error free and to ensure its smooth functioning.

We are sure that you will kindly look into our suggestion and will extend the due date of Annual Returns as requested above. We look forward to your kind support and cooperation,

With Best Regards

For Mewar Chamber of Commerce & Industry



MCCI/ /2019-2020/204

Dated : 30.01.2020

The Chairman

Insurance Regulatory and Development Authority of India
Sy No. 115/1, Financial District,
Nanakramguda,
Gachibowli,
Hyderabad – 500032

Sub : Exorbitant increase in fire insurance charges for textile industry.

Respected Sir,

Mewar Chamber of Commerce & Industry is the Divisional Chamber of Southern Rajasthan representing the entire major industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur. It has been functioning as representative body of the industries in the state, leading the cause of the textile industry and making constructive suggestions to the Central and State Government and other agencies in regards to formation of industrial Policy, Taxation Matter and other operational activities.

We understand from our member textile units that fire insurance charges for textile industry including other industries has been increased substantially w.e.f. 01.03.2019 by the insurance companies due to charges imposed in their Reinsurance Treaties. Again the fire insurance charges have been increased w.e.f. 01.01.2020 due to "Burning Ratio".

We wish to submit that after agriculture, the textile industry is the largest employment provider in the Country, both in organized and unorganized sector.

We wish to submit that due to slow down in the international market and domestic market, the textile industry is already passing through a very difficult phase. The increased insurance rates will further burden the economics of the industry. The textile industry in organized sector has undertaken substantial modernization in both plant and machinery. The plants have modern in house fire fighting system. Also with the time, the fire risks in the industries have decreased.

Also there are large number of textile units in MSME sector and where the burning ratio is very low. We shall request you to kindly make separate analysis for different sector of textile industry and the rates should be revised accordingly.

Hence, we request that the increased in the insurance rates should be reviewed and should be lowered at the previous level.

We look forward to your kind support and cooperation,

With Best Regards

(CS R.K.Jain)
Hon'y Secretary General

Smt. Nirmala Sitharaman
Hon'ble Union Minister of Finance and Corporate Affairs
Government of India
North Block, New Delhi – 110001

Re : Section 269SU - Prescribed electronic modes for acceptance of payment for businesses

Hon'ble Madam,

The Mewar Chamber of Commerce & Industry (MCCI) is the Divisional Chamber of Southern Rajasthan representing the almost entire industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur. It has been functioning as representative body of the industries in the state, leading the cause of the entire industry and making constructive suggestions to the Central and State Government and other agencies in regards to formation of industrial Policy, Taxation Matter and other operational activities.

The government has prescribed certain modes of payment for any business establishment and every type of entity whose total sales, turnover or gross receipts from business exceeds Rs 50 crore during the immediately preceding previous year. The Finance (No. 2) Act, 2019 introduced a new provision Section 269SU and subsequently notified Rule 119AA prescribing the modes of acceptance of payment.

Present Provisions:-

Section 269SU requires every person who is carrying on business to provide the facility for accepting payments through prescribed electronic modes. These prescribed modes will be in addition to the facility for any other electronic mode of payment already provided to customers by such person. Section 269SU is applicable to a person when the total sales, turnover or gross receipts from business exceeds Rs 50 crore during the immediately preceding previous year.

The Central Board of Direct Taxes (CBDT) has notified the prescribed modes of payment for the purpose of section 269SU:

- a. Debit Card powered by RuPay
- b. Unified Payments Interface (UPI) (BHIM-UPI)
- c. Unified Payments Interface Quick Response Code (UPI QR Code) (BHIM-UPI QR Code)

The Rule 119AA is applicable from 1st February, 2020. Hence, 1st February, 2020, any person to whom the provisions of section 269SU are applicable should make available to its customers the methods of payment prescribed in Rule 119AA.

The introduction of section 269SU is part of the government's initiative for the promotion of digital payments and a cashless economy. The government is promoting low-cost digital modes of payment such as BHIM UPI, UPI-QR Code, Aadhaar Pay, certain debit cards, NEFT, RTGS etc., to promote a cashless economy. Hence, the government has introduced section 269SU mandating business establishments with annual turnover more than Rs 50 crore to offer certain low-cost digital modes of payment to their customers.

Also, the bank or the payment system provider is mandated to not levy any charges or merchant discount rate on the customers as well as merchants for using the methods of payments prescribed under section 269SU. The Reserve Bank of India and banks have to absorb the costs incurred towards these modes of payment. In a case where a person who is covered by the provisions of section 269SU fails to provide the facility of payment under the prescribed modes, such person would be liable for a penalty of Rs 5,000 for every day during which the failure or non-availability of the facility. However, no penalty would be levied if the person installs and operationalises the prescribed payment facility by 31 January 2020. The penalty of Rs 5,000 per day would be leviable from 1 February 2020.

On behalf of trade and industry, though we welcome this step for payment through electronic modes but have to submit that a large section of trade, industry and professionals are presently busy with GST annual return, audit and March 2020 with the Income Tax compliances. A large number of trade and industry community could not pay attention to these provisions of Section 269SU. Also looking to the present volume of business the limit of Rs 50 crore for the previous year is too low.

Hence, we request as under :

- 1 The provisions of Section 269SU should be applicable for every person carrying on business and turnover of the business exceeds Rs. 500.00 crore, instead of present limit of Rs. 50.00 crore, during the immediately preceding previous year for the present year.
- 2 The date of applicability of the above provisions must be enhanced from 01.02.2020 to 01.01.2021

We hope you will very kindly accept our above suggestion and in the interest of taxpaying community the provision of Section 269SU will be amended as requested above.

We shall be highly obliged for your kind favourable action in the matter.

Thanking You,
For Mewar Chamber of Commerce & Industry

CS R.K.Jain
Hon'y Secretary General

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