



वर्ष 48 अंक 1  
31 जनवरी 2018

# मेवाड़ चेम्बर पत्रिका

(मेवाड़ चेम्बर ऑफ कामर्स एण्ड इण्डस्ट्री का मासिक पत्र)

उदयपुर, चित्तौड़गढ़, डूंगरपुर, बाँसवाड़ाख प्रतापगढ़  
राजसमन्द एवं भीलवाड़ा का संभागीय चेम्बर



Run for Clean Bhilwara

मेवाड़ चेम्बर ऑफ कामर्स एण्ड इण्डस्ट्री

मेवाड़ चेम्बर भवन, नागौरी गार्डन, भीलवाड़ा (राज.) 311 001 फोन : 01482-220908, 238948

E-mail : mcci@mccibhilwara.com Visit us : mccibhilwara.com





दिनांक 13 जनवरी 2017 को रन फॉर क्लीन भीलवाड़ा का शुभारम्भ करते हुए जिला कलक्टर श्री मुक्तानन्द अग्रवाल एवं पुलिस अधीक्षक श्री प्रदीप मोहन शर्मा



दौड़ में सम्मिलित जन समुदाय।



दिनांक 20 जनवरी 2017 को स्वच्छता अभियान आपसी सम्पर्क बैठक में उपखण्ड अधिकारी सुश्री चिन्मय गोपाल का स्वागत करते हुए चेम्बर के वरिष्ठ उपाध्यक्ष श्री जेके बागडोदिया।



स्वच्छता अभियान आपसी सम्पर्क बैठक में मंचासीन अतिथिगण।



सम्पर्क बैठक को सम्बोधित करते हुए मानद महासचिव श्री आर के जैन।



संगम इण्डिया लिमिटेड के प्रबंध निदेशक श्री एस एन मोदानी के आरटीएमए चेयरमेन बनने पर निवर्तमान चेयरमेन श्री आर एल नौलखा पुष्प गुच्छ से स्वागत करते हुए।



दिनांक 24 जनवरी 2017 को आंध्रा बैंक की ओर से एमएसएमई सम्पर्क बैठक में मुख्य अतिथि के रूप में वरिष्ठ उपाध्यक्ष श्री जेके बागडोदिया एवं मानद महासचिव श्री आर के जैन।

# MEWAR CHAMBER OF COMMERCE & INDUSTRY

Mewar Chamber Bhawan, Nagori Garden Bhilwara 311 001 (Raj.) Ph. 01482-220908 Fax : 01482-238948  
E-mail : mcci@mccibhilwara.com Website : www.mccibhilwara.com

## OFFICE BEARERS

	OFFICE	MOBILE
<b>President</b> Mr. Dinesh Nolakha dinesh@nitinspinners.com	01482-286111	98281-48111
<b>Sr. Vice President</b> Mr. J. K. Bagrodia jkbagrodia1@gmail.com	01482-242435	94141-10754
<b>Vice Presidents</b> Mr. N. N. Jindal jindalmarblepl@gmail.com Mr. R. P. Dashora rajendra.dashora@vedanta.co.in Mr. Rajender Gaur rajender.gaur@jindalsaw.com	01472-240148 01483-229011 01482-246188	94147-34834 73404-33333 77270-09276
<b>Hony. Secretary General</b> Mr. R.K. Jain mcci@mccibhilwara.com	220908, 238948	94141-10844
<b>Hony. Joint Secretary</b> Mr. K.K. Modi kamal_modtex@yahoo.co.in	01482-247502	98290-46497
<b>Hony. Treasurer</b> Mr. V. K. Mansingka mansingka@yahoo.com	01482-253300	94141-12123
<b>Executive Officer</b> Mr. M.K.Jain mcci@mccibhilwara.com	01482-220908	94141-10807

## AFFILIATION

### AT THE INTERNATIONAL LEVEL

International Chamber of Commerce, Paris (France)

### AT THE NATIONAL LEVEL

Federation of Indian Chamber of Commerce & Industry, (FICCI) New Delhi  
Indian Council of Arbitration, New Delhi

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
- National Coal Consumer Council, Coal India Ltd., Kolkata
- 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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## स्वच्छता अभियान

जनवरी 2018 के दौरान राष्ट्रीय स्वच्छता अभियान से सम्बन्धित कई कार्यक्रम जिला प्रशासन भीलवाड़ा द्वारा स्वयंसेवी संस्थाओं एवं मेवाड़ चेम्बर के सहयोग से आयोजित किये गये। सभी कार्यक्रमों में चेम्बर एवं इसके सदस्यों ने सक्रिय भागीदारी निभाई।

### कृषि उपज मण्डी में सफाई अभियान

दिनांक 12 जनवरी 2018 को स्थानीय कृषि उपज मण्डी में सफाई अभियान आयोजित किया गया। चेम्बर के आव्हान पर सदस्य इकाईयों ने अपने यहां से कार्यकर्ताओं को भेजकर अभियान में भागीदारी की। चेम्बर पदाधिकारियों ने भी इस अभियान में भाग लिया।

### रन फॉर क्लीन भीलवाड़ा

दिनांक 13 जनवरी 2018 को जिला प्रशासन एवं दैनिक भास्कर के तत्वावधान में रन फॉर क्लीन भीलवाड़ा आयोजित हुई। जिसमें मेवाड़ चेम्बर सहित दो सौ से अधिक संगठनों के हजारों लोगों ने भाग लिया। लगभग 4 किमी लम्बी दौड़ का शुभारम्भ सूचनाकेन्द्र से प्रातः 8.30 बजे जिला कलक्टर श्री मुक्तानन्द अग्रवाल एवं जिला पुलिस अधीक्षक श्री प्रदीप मोहन शर्मा ने हरी झण्डी दिखाकर किया। दौड़ समाप्त होने के बाद हजारों लोगों ने स्वच्छता की शपथ ली।

### स्वच्छता अभियान आपसी सम्पर्क बैठक

20 जनवरी 2018 को जिला प्रशासन की ओर से मेवाड़ चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री के सहयोग से चेम्बर भवन में विभिन्न औद्योगिक एवं व्यावसायिक संगठनों के साथ सम्पर्क बैठक का आयोजन किया गया। चेम्बर के वरिष्ठ उपाध्यक्ष श्री जेके बागडोदिया, मानद महासचिव श्री आरके जैन एवं भीलवाड़ा टेक्सटाइल ट्रेड फेडरेशन के श्री अतुल शर्मा ने अतिथियों का स्वागत किया। इसमें 50 से अधिक संगठनों ने भाग लिया। विचार विमर्श के दौरान विभिन्न मार्केट एसोसियेशन के प्रतिनिधियों ने कई उपयोगी सुझाव दिये। बैठक के दौरान उपखण्ड अधिकारी Ms. Chinmay Gopal, IAS ने बताया कि शहर के बाजारों से आवारा पशुओं को हटवाने का काम अगले 15 दिनों में किया जाएगा। सभी मार्केट एवं बाजार एरिया में दो बार सफाई संबंधी कार्य करने के सुझाव आये हैं, जिस पर अमल करते हुए ऑटो टीपर आदि व्यवस्थाओं को बाजार टाइमिंग के अनुसार दिन में दो बार संचालित किये जाने पर विचार किया जा रहा है। पूरे बाजारों का अवलोकन कर ऐसे स्थान चिन्हित किये गये हैं, जहां नालियां अवरुद्ध होने की समस्या ज्यादा है ऐसी नालियों को तकनीकी रूप से ठीक किया जायेगा। Shri Dinesh Choudhary, District Programme Coordinator- Swachhata Abhiyan ने कहा कि दुकानों एवं घरों में दो तरह का वेस्ट एकत्रित होता है, अधिकांश बायोडिग्रेडेबल एवं रिसाइकिल किये जाने योग्य होता है एवं इसे एकत्रित कर रिसाइकिल किया जाना चाहिए। थर्माकोल, प्लास्टिक आदि वेस्ट जो 500 वर्षों तक भी नष्ट नहीं होता ऐसे पदार्थों का उपयोग बन्द किया जाना चाहिए। उन्होंने बताया कि शहर में शीघ्र ही 5 स्थानों पर दो-दो टन के ऐसे आधुनिक वेस्टबिन लगाये जायेंगे, जिनमें जानवर, पशु मुंह नहीं डाल पायेंगे एवं इनसे संक्रमण भी नहीं फैलेगा। उन्होंने मार्केट एसोसियेशन के पदाधिकारियों से सफाई अभियान में एवं वेस्ट रिसाइकिल करने में सहयोग का अनुरोध किया।

उपायुक्त सीजीएसटी श्री अनिरुद्ध वैष्णव ने कहा कि हम सभी चाहते हैं कि हमारा शहर स्वच्छ रहे एवं उसी पर मंथन के लिए विचार विमर्श कर रहे हैं। विशेषरूप से बाजारों में सफाई के लिए प्रत्येक दुकान पर डस्टबिन रखा जाना आवश्यक है एवं दुकानदार इस डस्टबिन का कचरा ऑटो टीपर में ही डाले। स्वयं जागरूकता के बाद अब बाजारों एवं दुकानों का सर्वे किया जाकर जहां डस्टबिन नहीं पाया जाएगा, उन्हें मार्केट एसोसियेशन के आये सुझावों के अनुसार दण्डित करने की प्रक्रिया भी लागू की जा सकती है। उन्होंने कहा कि आवश्यकता अपनी मानसिकता बदलने की है। आज अच्छे सम्पन्न घरानों के लोग भी घरों में आधुनिक शौचालय होने के बावजूद भी पुरानी मानसिकता के अनुसार खुले में शौच के लिए जाते हैं, इस मानसिकता को बदलना होगा।

आपसी विचार मंथन में पदाधिकारियों ने सफाईकर्मियों द्वारा कचरा एकत्रित करके उसमें आग लगाने की प्रवृत्ति रोकने की मांग की। जुलुसों एवं धार्मिक आयोजनों में खाद्यपान आदि वितरित किये जाने से बाजारों में कचरा हो जाता है, इसके लिए प्रशासन जुलुसों की अनुमति के साथ आयोजकों को सफाई के लिए भी पाबन्द करने की मांग की। विभिन्न मार्केट के मध्य सफाई प्रतियोगिताओं एवं अच्छे सफाई वाले बाजारों को पुरस्कृत करने के सुझाव दिये गये।



## श्री एस एन मोदानी आरटीएमए के चेयरमेन बने

राजस्थान टेक्सटाइल मिल्स एसोसियेशन जयपुर की 18 जनवरी 2018 को आयोजित बैठक में मेवाड़ चेम्बर के पूर्वाध्यक्ष एवं संगम इण्डिया लिमिटेड प्रबंध निदेशक श्री एस एन मोदानी चेयरमेन चुने गये। साथ ही चेम्बर के पूर्वाध्यक्ष एवं सुदिवा स्पीनर्स प्रा लि के प्रबंध निदेशक श्री जे सी लढ्ढा को वाइस चेयरमेन चुना गया।

मेवाड़ चेम्बर की ओर से श्री एस एन मोदानी एवं श्री जे सी लढ्ढा को हार्दिक बधाई एवं शुभकामनाएं।



माननीय श्री पीयूष जी गोयल  
माननीय रेलमंत्री, भारत सरकार  
नई दिल्ली।

विषय – जयपुर-उदयपुर के मध्य ट्रेन संख्या 09721 / 09722 होलीडे एक्सप्रेस को अंत्योदय एक्सप्रेस के रूप के बजाय में नई ट्रेन संचालित करने का अनुरोध।

आदरणीय महोदय,

उत्तर पश्चिम रेलवे द्वारा जयपुर-उदयपुर के मध्य ट्रेन संख्या 09721 / 09722 पिछले 4 से अधिक वर्षों से होलीडे एक्सप्रेस के रूप में संचालित की जा रही थी। हाल ही में इस ट्रेन को अंत्योदय एक्सप्रेस के रूप में ट्रेन संख्या 20971 / 20972 में परिवर्तित कर दिया गया है। इससे इस ट्रेन में एसी चेयरकार एवं अन्य उच्च श्रेणी के डिब्बे हटाकर सभी साधारण श्रेणी के डिब्बे लगाकर संचालित है।

हम भारतीय रेलवे के इस कदम का स्वागत करते हुए यह निवेदन करना चाहते हैं कि रेलवे को पुरानी ट्रेन संख्या 09721 / 09722 को यथावत पुराने रूप से संचालित करते रहकर, अंत्योदय के रूप में एक नई ट्रेन जयपुर-उदयपुर के मध्य संचालित की जानी चाहिए।

महोदय, निवेदन है कि ट्रेन संख्या 09721 / 09722 होलीडे एक्सप्रेस पिछले 4 से अधिक वर्षों से नियमित रूप से संचालित होकर यात्रियों के मध्य अत्यन्त लोकप्रिय हुई है। राजस्थान में जयपुर, अजमेर, चित्तौड़गढ़, उदयपुर के लिए आने वाले पर्यटक बड़ी संख्या में इस ट्रेन को पसन्द करते हैं एवं इससे यात्रा करते हैं। साथ ही बाहर से आकर अजमेर, पुष्कर आदि धार्मिक स्थानों की यात्रा करने वालों के लिए भी यह उपयोगी है। अजमेर से उदयपुर के मध्य के शहरों का यातायात का दबाव काफी होकर इस ट्रेन में भारी भीड़ रहती है एवं Occupancy Ratio बहुत अच्छा है।

अतः निवेदन है कि ट्रेन संख्या 09721 / 09722 होलीडे एक्सप्रेस पूर्वतः यथावत उच्च श्रेणी के डिब्बों के साथ संचालित रखी जाए एवं अंत्योदय के रूप में नई ट्रेन संचालित की जाए। आशा है आप द्वारा उक्त सुझाव पर सहानुभूतिपूर्वक विचार कर उचित आदेश शीघ्र ही जारी किये जाएंगे।

सादर।

(आर के जैन)

मानद महासचिव



The Secretary (Revenue)  
Ministry of Finance  
New Delhi

January 3, 2018

Sub:- Practical problems in Compliance in job-work procedure and filling ITC-4 Quarterly return.

Dear Sir,

We had sent various representations regarding Practical problems in Compliance in job-work procedure and filling ITC-4 Quarterly return. Industry and trade is prepared to adhere to the compliances but their various practical problems should be taken care of and resolved suitably. We have contacted various professionals regarding filling of ITC 4 and no way could be found out under the existing system. Since the fabrics have been covered first time in the Tax regime, they are finding themselves unable to cope with the procedure. Their problems are required to be suitably addressed. Industry and trade is paying and prepared to pay GST as per the law and many procedural requirements do not have any impact on the tax also.

The very purpose and object of the government is to provide ease of doing business whereas the procedure laid down had increased the complexities. Industry should be given proper hearing and also adequate time to understand, represent and adjust suitably. Bhilwara is a major textile centre and facing the above problem severely. Therefore, please consider our request and dispense with those requirements which are not practically possible and also do not have any impact on revenues. We also request you to please depute some senior personnel from the IT cell who is well conversant with the textiles practices and procedures. Till then please defer the filling of ITC 4.

For Mewar Chamber of Commerce & Industry

CS R.K.Jain

Hon'y Secretary General

Re:- Refund of ITC on Exports should be optional on Quarterly or Monthly basis – Tax period

Dear Sir,

As per section 54(3) of CGST Act, 2017, the refund of Inputs related to Exports can be filed at the end of any tax period and section 2(106) defines tax period as “period for which the return is required to be furnished” and therefore the Exports having turnover of more than 1.50 Crore are required to file the refund application on monthly basis as they are required to file return on monthly basis. However, the production cycle of textile fabric from purchase of raw materials to production of final product and then export of the same takes around two to three months. Due to this the exporters who do not have consistency in exports cannot claim refund for a particular month as they may not have purchased Raw Materials during the tax period in which exports was made and do not have any exports during tax period during which Raw Material was purchased. Hence, they are not in position to claim refund of ITC of Raw Material used for Exports. Moreover, due to inverted tax structure for Manufacturing of Fabric i.e. 12% tax on Yarn (the Input) and 5% tax on Fabric (the finished product) with no refund of input stage the Exporters of Fabric cannot Export by Charging IGST as they will not be able to claim refund of balance ITC. Hence, only option with them is to Export with nil rate under Bond/LUT and claim refund of input stage ITC. Under VAT regime also the refund was allowed on quarterly basis.

Therefore it is humbly suggested that the refund claims under the GST Law should be allowed to be filed on quarterly basis as well as monthly basis as an optional. So that, Exporters can get the maximum benefits under the GST regime.

For Mewar Chamber of Commerce & Industry

CS R.K.Jain  
Hon'y Secretary General



MCCI/GST/2017-2018/ 456

Dated 04.01.2018

The Secretary Revenue  
Ministry of Finance  
Govt of India,  
New Delhi

**Sub:- Request to give one more opportunity to revise TRAN 1**

Respected Sir,

In continuation to our letter no. 452 dated 03.01.2018, we would like to submit that the last date for filling and revising GST TRAN 1 was 27th December, 2018. Since Form was new and not routine one and member industries got confused in filling the columns and due to this GST-TRAN 1 especially column No. 7a, 7b, 7c and 7d could not be filled correctly. Since last date of filling and revision was the same and hence erring assessee did not get opportunity to revise it. The announcement of revision of this form was announced in 21st GST Meeting and Notification No. 34/2017 Central Tax was also issued but the facility of revision of this form was provided very late i.e. in the month of December, 2017. Sir, this is a fresh law and despite of efforts some mistakes might have occurred and therefore, an opportunity should be given to correct their error.

We, therefore, request you to kindly give at least one more opportunity to revise TRAN 1 form so that proper compliance is made. In many cases our members due to oversight claimed short or excess ITC/DCR or in many cases written the ITC/DCR in wrong column. In the interest of the trade and industry and also looking to the compliances, we solicit your co-operation to kindly provide one more opportunity to correct these cases. We also request you to advise us the available course of action to correct such errors so that unintended amount of ITC/DCR can be reversed or intended amount of ITC/DCR can be taken.

We also look forward for your positive action in the matter of ITC 4 for which we had made various representations to your good self. We appreciate the view of the government to provide ease and convenience of doing business and compliances of various provisions, as and when practical problems are brought to our notice. We, as a responsible Chamber of Commerce are appraising the government and expect a suitable solution of the same.

With Best Regards

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

The Secretary (Revenue)  
Ministry of Finance  
North Block  
New Delhi

**Sub : Physical Examination of Self Seal-RIFD seal factory stuffed containers at Ports of Export – Containers are being frequently examined.**

Dear Sir,

Hitherto, the export containers are being factory stuffed under the supervision of Departmental officers and in order facilitate the trade, the Government implemented the scheme of Self Sealing using RFID seals on export containers stuffed in factory without supervision of departmental officer. In this regard various circulars have been issued and Para 5 of the Circular No.41/2017 Custom dtd. 30.10.2017 provides that this shall be equivalent to a container sealed under the erstwhile system of officer supervised sealing. In respect of examination of containers at port of exports it provides that unless and until there are good reasons or intelligence to warrant inspection of such containers, there shall be no need for examination of such containers once the RFID e – seal is read as intact or not tampered.

The relevant para of the Circular is reproduced hereunder:-

**“5. The procedure prescribed under the above circulars applies only to cargo in full container load, sealed at an approved premise, by an entitled exporter. In case of an FCL being received at a Port or ICD under self-sealing using RFID e-seals, prescribed under circular 36/2017-Customs dated 28th August 2017, it shall be deemed to be equivalent to a container sealed under the erstwhile system of officer supervised sealing. Unless and until there are good reasons or intelligence to warrant inspection of such containers, there shall be no need for examination of such containers once the RFID e – seal is read as intact or not tampered.**

**5.1 In case an RFID seal affixed on a self-sealed container is found tampered, the same shall be subject to examination as already prescribed under para 2(f) of Circular 36/2017-Cus dated 28th August 2017. However, after examination, the further movement of such a container shall not be under the RFID e-seal procedure. The existing system of using the traditional bottle seals by customs shall continue for such movements.**

**5.2 Full containers brought to Ports without RFID e-seals shall be taken to a CFS or allowed direct port entry, as the case may be, and will be subject to usual RMS treatment. Similarly, Full Containers Loads arriving at ICDs, but without RFID e-seals, will be subject to usual risk management parameters.**

**5.3 The procedure under the subject circulars does not apply to export of non containerized cargo or Air cargo or for movement of cargo from CFSs to ICDs/Ports or cargo exported through Land Customs Stations. Extant practices in respect of such cargo shall continue”.**

In spite of clear cut guidelines in the circular, the custom officers at ports are opening containers for examination on the basis of old system of RMS facility and according to them they have received directions for examination on their system. We have no problem in examination but it is time taking process which results into delay in exports and damage of goods in the process of examination of export containers.

In view of the above, this system of Self Sealing is creating hindrance in exports rather to facilitate the trade. We request you to please arrange to change the old system of examination of containers at port and update your system with the new norms as provided under above referred Circular No.41/2017 Custom dtd. 30.10.2017 so that export containers can be cleared without any hurdle. As you are aware that there is no growth in exports and frequent examination of export will discourage exports.

Hence, this issue requires immediate attention.

With Regards

For Mewar Chamber of Commerce & Industry

CS R.K.Jain  
Hon'y Secretary General

## PRACTICAL ISSUES AND POSSIBLE SOLUTIONS - E-WAY BILLS UNDER GST

**Introduction:** The free movement of goods across India without any check posts in between is one of the major objectives of GST. Nation-wide E-Way bill system under GST is set to be implemented from February 1, 2018. Since E-way bill is one of the major reform in GST regime and would bring about a revolutionary change in the way movement of goods will be governed in the country.

Further, a very short span of time is available for businesses to understand the intricacies of this new way bill system, resolve the entity-specific issues and streamline the systems and processes to align as per the requirement of the law. In wake of this need, this article intends to highlight and provide a possible solution for various practical challenges and issues that businesses may face in the era of e-way bills under GST.

**1. Where multiple invoices are generated on the same customer to be supplied through a same truck. Whether multiple E-way bills must be generated or one e-way bill shall suffice?**

Ans: Each invoice/delivery challan shall be considered as one consignment and therefore for each invoice one e-way bill has to be generated irrespective of same or different consignors or consignees.

**2. Can multiple invoices be clubbed to generate one e-way bill?**

Ans: No, Multiple invoices/delivery challan cannot be clubbed to generate one e-way bill. As provided above each invoice shall be considered as one consignment for the purpose of generating e-way bills. However, after generating all these EWBs, one Consolidated EWB may be prepared by transporter for transportation purpose, if all such goods are going in one vehicle.

**3. If goods are supplied in same truck, whether e-way bill would have to be generated even if value of each invoice individually is less than the threshold limit of Rs.50,000/- but overall it crosses Rs.50,000/-?**

Ans: Sub Rule (1) of Rule 138 of the CGST Rules require that every registered person who causes movement of goods of consignment value exceeding fifty thousand Rupees is required to generate E-Way bill. Hence, as per this rule, the e-way bill may not be required to be generated if the value of consignment is less than Rs. 50,000/- Further, sub-rule 7 provides that where consignor or consignee has not generated E-way bill in accordance with provisions of sub-rule (1) and the value of goods carried in the conveyance is more than Rs. 50,000 Thousand Rupees, the transporter shall generate E-Way bill based on the invoice/delivery challan/bill of supply. A plain reading of this sub-rule gives an indication that the E-Way bill is required in case value of consignment in the conveyance exceeds Rs. 50000, even though individual values may be less than Rs. 50,000/-.

However, if one carefully analyses sub-rule 7, it gets attracted only when a consignor/consignee who was required to generate the E-way bill having a value of consignment exceeding Rs. 50,000/- but has not generated (fails to generate) the same. If this view is taken, the e-way bill may not be required for consignment value less than Rs. 50,000/- even if the total value of goods in the conveyance exceeds Rs. 50,000/-. e.g. if there are 51 consignments of Rs. 1,000 each by different consignors in a truck, the value of all individual consignments is less than Rs. 50,000/- then as per Sub Rule (1) - there is no need to generate E-way bill. If sub-rule 7 is interpreted in such manner that total value of all consignments to be considered, then transporter has to generate the e-way bill for all consignments (of the very small value of Rs. 1,000 each) which may not be the intention of the legislator. It is expected that suitable clarification will be issued by the government to clarify the same to ensure consistent practice across the country.

**4. How to generate the e-way bill, if the goods of one invoice are being moved in multiple vehicles simultaneously?**

Ans: Where goods pertaining to one invoice are transported in multiple vehicles. For example, Goods transported in semi-knocked down or completely knocked down condition, the e-way bill shall be generated for each of such vehicles based on the delivery challans issued for that portion of the consignment and:

- a) the supplier shall issue the complete invoice before dispatch of the first consignment;
- b) the supplier shall issue a delivery challan for each of the subsequent consignments, giving reference to the invoice;
- c) each consignment shall be accompanied by copies of the corresponding delivery challan along with a duly certified copy of the invoice; and
- d) the original copy of the invoice shall be sent along with the last consignment.

Above methodology could be applicable in case of imports also where goods imported in the large container is transported through multiple trucks from the port to the factory.

**5. Whether E-way bills are required to be generated for movement of goods billed as services such as works contract, the composite supply of service, job-work charges etc.**

Ans: Yes, an e-way bill is required to be generated in relation to supply and even for the purpose other than supply, therefore wherever there is any movement of goods of the consignment value exceeding Rs.50,000/- even as a part of services, the



e-way bill would be required to be generated. In case, invoicing is later done as services, then the movement of such goods can take place under the cover of the delivery challan.

**6. How to determine the consignment value and Rs.50,000/- benchmark in case of goods removed other than that of supply i.e. sample issues, removal for trial, warranty removals, intra-state stock transfers etc.?**

Ans: The term "Consignment Value" is neither defined under this law nor in e-way bill rules. However, where goods are transported for the purpose other than supply, where the invoice cannot be issued, the e-way bill can be raised against any other document like delivery challan, bill of supply etc. The value of such goods may have to be determined as per valuation provisions under GST.

**7. Is e-way bills system applicable even for movement of goods as a courier?**

Ans: Yes, for the purpose of movement of goods, courier agencies may be regarded as the transporter of the goods. Therefore, an e-way bill would be applicable even for movement of goods as courier provided consignment value exceeds Rs. 50,000/-. There could be different business practices followed in case of courier industries which needs to be suitably considered for generating an e-way bill.

**8. In case of multimodal transport, where for first mile it is required to generate an e-way bill for road, second, mile by train and last mile by road. These transporters could be same service providers or different service providers. How to generate an e-way bill in this situation?**

Ans: Where the e-way bill is generated and goods are to be transported from one conveyance to the other in course of transit, the transporter causing further movement of goods shall be required to update its details in Part - B of the e-way bill before the movement of such goods commences. Therefore, even in case of multi-modal transport initially, e-way bill must be generated giving the details of the vehicle carrying the goods by road. Once the goods are unloaded from this vehicle and loaded in the train, part B of E-way bill needs to be updated. Upon final transit of goods from rail to truck at last mile, part B must be further updated with the details of the vehicle carrying the goods for final delivery.

**9. How shall one calculate the distance and validity of goods in case of supply through multi-modal transport?**

Ans: The distance and the validity of e-Way Bill shall remain the same even if the goods are supplied through a multi-modal transport. In order to calculate the validity of the e-way bill, the distance to be covered by all the modes combined together must be taken into consideration. The validity provided in the rules is as under:

Distance Validity For a distance up to 100km One day For every 100km or Part thereof thereafter One additional day

**10. Who is cast with the ultimate responsibility of generating e-way bills? Consignor, consignee or the transporter?**

Ans: The responsibility is cast on the registered person who causes the movement of goods. Hence, primary liability to raise E-way bill is on consignor. However, if consignor fails to generate the e-way bill, it may be generated by transporter also. In case of supply of goods by an unregistered person to registered person, the liability to generate e-way bill is on the recipient.

**11. How to generate the e-way bill in case goods are to be moved to a weighbridge situated outside the factory and invoice cannot be issued unless goods are weighed?**

Ans: E-way bill is required to be generated for any movement of goods. In this situation, a factory may send the goods to weighbridge by raising delivery challan on self and the e-way bill needs to be generated for such movement. Once the movement is terminated and goods are received back in the factory, then invoice can be raised and another e-way bill needs to be generated for movement of goods for sale to the customer. Considering practical difficulties, the government should consider giving relaxation in such cases.

**12. Whether an e-way bill is required to be generated for movement of goods from one unit of the company to another unit through own vehicle located within 10 km?**

Ans: Yes, e-way bill is required to be generated even in case of movement of goods within 10 km. The relaxation updating part B (vehicle details) is given only in cases of movement of goods from the place of business of consignor to the business of transporter for further movement of such goods, Therefore, in all other cases, e-way bill needs to be generated even if the distance to be covered is less than 10 km.

**13. What is meaning of the term consignment value to determine the threshold of Rs.50,000/- and whether the same needs to be computed with taxes or without taxes?**

Ans: The term 'consignment value' is neither defined in the GST act nor in the e-way bill rules provided therein. However, since it is specifically provided in the FAQ issued by department that one invoice shall be considered as one consignment, therefore taking this analogy one can state that the value provided in one invoice shall be considered as the consignment value. Further, this value must be computed inclusive of taxes in order to determine the threshold of Rs.50,000/- for generation of the e-way bill.

**14. Whether E-way bill is required to be generated for movement of exempted goods also?**

Ans: There is no provision in the E-way bill rule which provides that it is not required to be generated in case of goods exempted from levy of GST. Hence, it has to be generated in movement of all goods. However, Annexure to Rule 138 covers 154 items. If the goods covered under consignment fall within the list of these 154 items, there is no need to generate e-way bills.

**15. What if the same invoice contains both categories of goods i.e. ones exempted for the purpose of e-way bills and taxable, then whether e-way bill needs to be generated?**

Ans: In relation to this query, we may refer to the Rule 138 of CGST Act which provides that:

Every registered person who causes movement of goods of consignment value exceeding fifty thousand rupees shall before commencement of movement of goods raise an e-way bill.

Further, it is provided that a person is not required to generate an e-way bill if such movement is in regards to the goods specified in the Annexure to this Rule. In view of the above, if the invoice covers the consignment which is not covered under list of 154 items, E-way has to be generated.

**16. How e-way bill needs to be generated in case of supply of goods by an unregistered person to a registered person?**

Ans: Where the supply of goods is made by an unregistered person to a registered person, the e-way bill shall be generated by the recipient of such goods, as for the purpose of supply he can be said to be the person causing the movement of goods. Therefore, recipient, in this case, would generate e-way bill by furnishing details in Part-A of FORM GST EWB - 01.

**17. Can information submit for e-way bill be directly pushed for filing GST Returns?**

Ans: The information furnished in the e-way bill will be available to the registered supplier on the common portal who may utilize the same for furnishing details in GSTR-1. The purpose is to facilitate the suppliers so that once information is furnished in the E-Way bill format, this is available to him for use in filing GSTR-1.

**18. What has to be done to the e-way bill, if the vehicle breaks down?**

Ans: If the vehicle breaks down while in transit when the goods are being carried with e-way bill, then the transporter can cause to repair the vehicle and continue the journey. Where the goods are shifted to different vehicle, then the details of new vehicle must be updated in Part B and of e-way bill and continue the journey with new vehicle.

**19. How many times can Part-B or Vehicle number be updated for an e-way bill?**

Ans: The user can update Part-B (Vehicle details) for each change in the vehicle used in the course of movement of consignment up to the destination point. However, the updating should be done within overall validity period of E-way bill.

**20. What has to be done, if the vehicle number has to be changed for the consolidated e-way bill?**

Ans: There is an option available under the 'Consolidated EWB' menu as 'regenerate CEWB'. This option allows changing the vehicle number to existing Consolidated EWB, without changing the EWBs and generates the new CEWB, which has to be carried with new vehicle. Old will become invalid for use.

**21. Can the 'consolidated e-way bill' (CEWB) have the goods / e-way bills which are going to be delivered before reaching the defined destination defined for CEWB?**

Ans: Yes, the consolidated e-way bill can have the goods or e-way bills which will be delivered on the way of the consolidated e-way bill destination. That is, if the CEWB is generated with 10 EWBs to move to destination X, then on the way the transporter can deliver 3 consignments concerned to 3 EWBs out of these 10 and move with remaining 7 to the destination X.

**22. For the purpose of calculation of distance and validity, does it needs to be checked from the date and time of generation of individual e-way bill or whether the same needs to be calculated from the time of generation of consolidated e-way bill?**

Ans: Consolidated e-way bill is like a trip sheet and it contains details of different e-way bill which are moving towards one direction, and these e-way bills will have different validity periods. Hence, consolidated e-way bill is not having any independent validity period. However, individual e-way bills in the consolidated e-way bill should reach the destination as per its validity period. It is also worth noting that the date of invoice/delivery challan is not relevant for determining the beginning time of E-way bill.

**23. How does transporter come to know that particular e-way bill is assigned to him?**

Ans: The transporter comes to know the EWBs assigned to him by the taxpayers for transportation, in one of the following ways:

The transporter can go to reports section and select 'EWB assigned to me for trans' and see the list.

The transporter can go to 'Update Vehicle No' and select 'Generator GSTIN' option and enter taxpayer GSTIN, who has assigned or likely to assign the EWBs to him.

The taxpayer can contact and inform the transporter that the particular EWB is assigned to him.

**24. Can Part-B entry be assigned to another transporter by authorized transporter?**

Ans: Part-B can be entered by the transporter assigned in the EWB or generator himself. But the assigned transporter cannot re-assign to some other transporter to update Part-B on the EWB system. Hence, where goods are shifted in the course of movement from one vehicle to another vehicle, part B may be updated by the first transporter only not by subsequent transporters. This could create practical difficulties when multiple vehicles are used in the course of completion of movement.

**25. It may be possible that the authorized transporter is getting the goods transported through another transporter who has given the vehicle on hire basis. Can Part-B be updated by such other transporter who is merely plying the vehicle on hire basis? /strong>**

Ans: No, Part-B can be entered only by the transporter assigned to the e-way bills or generator himself. But the authorized transporter cannot re-assign the right to update the e-way bill to some other transporter to update Part-B. Therefore, in practical circumstances, it is the transporter who issues the consignment note would be the one who shall be issuing the e-way bill.

**26. In case any information is wrongly submitted in e-way bill. Can the e-way bill be modified or edited?**

Ans: The e-way bill once generated cannot be edited or modified. Only Part-B can be updated to it. Further, even if Part A is wrongly entered and submitted, even then the same cannot be later edited. In such a situation, e-way bill generated with wrong information has to be cancelled and generated afresh again. The cancellation is required to be done within twenty-four hours from the time of generation.

**27. Can the e-way bill be deleted?**

Ans: The e-way bill once generated cannot be deleted. However, it can be cancelled by the generator within 24 hours of generation. If it has been verified by any proper officer within 24 hours, then it cannot be cancelled. Further, e-way bill can be cancelled if either goods are not transported or are not transported as per the details furnished in the e-way bill. A recipient has right to cancel the e-way bill within 72 hours of its generation.

**28. Form for filling Part A asks for transporter document number i.e. Railway receipt no or bill of lading etc. However, how one can enter these details before movement of goods as the same is available only after submitting goods to the concerned authority?**

Ans: E-way bill has to be updated with transport document details within one hour of submission and collection of transport document from rail/air/ship authority. Ideally, Part-B has to be updated before movement of goods from the place to submit. Although, this aspect is not provided in the law but the mechanism is provided in the FAQ issued by department dated 06.12.2017.

**29. Whether e-way bill needs to be generated for sales returns, rejection etc.?**

Ans: Yes, e-way bill needs to be generated for any movement of goods. Therefore, even in case of sales returns, the e-way bill needs to be generated and in this situation, e-way bill needs to be generated by that person who is causing movement of such sales return or the transporter who is actually moving the goods.

**30. What should be done by the transporter if consignee refuses to take goods or rejects the goods for quality reason?**

Ans: There is possibility that consignee or recipient may decline to take the delivery of consignment due to various reasons. Under such circumstance, the transporter can get one more e-way bill generated with the help of supplier or recipient by indicating supply as 'Sales Return' and with relevant document details, goods can be returned to supplier as per his agreement with him.

**31. What has to be done, if validity of the e-way bill expires?**

Ans: The goods are required to be delivered within validity period of E-way bill. If validity of the e-way bill expires, the goods are not supposed to be moved. However, under circumstance of 'exceptional nature', the transporter may generate another e-way bill after updating details in Part B. Also, the Commissioner can extend the validity period of e-way bill for certain categories of goods as notified in the notification issued in this regard.

**32. How to enter invoice and who shall have to enter the details of e-way bills and how distance must be computed in case of 'Bill to' and 'Ship to' transaction?**

Ans: If the addresses involved in 'Bill to' and 'Ship to' in an invoice/bill belongs to one legal name/taxpayer as per GSTIN within the state, then one e-way bill has to be generated. That is if the 'Bill to' is principal place of business and 'Ship to' is



additional place of business of the GSTIN or vice versa in an invoice/bill, then one e-way bill is sufficient for the movement of goods. If the addresses involved in 'Bill to' and 'Ship to' in an invoice/bill belongs to different legal names/taxpayers, then two e-way bills have to be generated. One e-way bill for the first invoice, second e-way bill is from 'Bill to' party to 'Ship to' party based on the invoice/bill of the 'Bill to' party. This is required to complete the cycle of transactions and taxes will change for inter-state transactions. For example, A has issued invoice to B as 'Bill to' with C as 'Ship to'. Legally, both B and C are different taxpayers. Now, A will generate one e-way bill and B will issue invoice and generate one more e-way bill. As goods are moving from A to C directly, the transporter will produce both the invoices and e-way bills to show the shortcut movement of goods. This system would have a lot of practical challenges and implementation issues a lot of real-time coordination is sought prior to the movement of goods.

**33. How to handle the goods which move through multiple transshipment places?**

Ans: Some of the consignments move from one place to another place till they reach their destinations. Under this circumstance, each time the consignment moves from one place to another, the transporter needs to enter the vehicle details using 'Update Vehicle Number' option, when he starts moving the goods from that place or the transporter can also generate 'Consolidated EWB' with the EWB of that consignment with other EWBs and move to the next place. This has to be done till the consignment reaches destination. But it should be within the validity period of EWB.

**34. What happens if the other party wrongly rejects the EWB after the goods have commenced movement. What is the recourse available to the supplier?**

Ans: Where the other party wrongly rejects the e-way bill while the goods are in transit then such e-way bill will stand invalid. Presently, no mechanism is provided in the rules to deal with this situation. However, one of the options available to the supplier is to stop the vehicle once the e-way bill becomes invalid and then generate another e-way bill either himself or through transporter. Based on this new E-way bill, goods may be moved further. This issue if not addressed can cause unnecessary hardship even in genuine cases. Suitable clarification may be expected for the same.

**35. Whether e-way bill is required to be generated in case of goods imported on port of another State and customs cleared from there taken to own warehouse in home State?**

Ans: Yes, In this case, the e-way bill will be generated by the recipient who is causing the movement of goods or by the transporter by furnishing the details in FORM GST EWB-01. For the purpose of furnishing the details of recipient, the same be selected as 'Inward-Import' along with 'Bill of entry' from an 'Unregistered Person' as the supplier is located other country. "Foreign Country" should be selected in the drop-down menu of the State.

**36. Whether e-way bill is required to be generated to remove goods which are outside the scope of GST i.e. petrol, diesel, alcoholic liquor etc.?**

Ans: Sub-rule (14) of Rule 138 of CGST Rules, 2017 provides that in case the movement is in relation to the goods specified under annexure, no e-way bill is required to be generated. However, the items like petrol, diesel, alcoholic liquor etc are not included under the annexure. Therefore, there could be a view that e-way may require being generated even though they are out of scope of GST. However, there is another possible view that when goods are not covered within purview of GST law, rule issued cannot require carrying e-way bill for goods outside ambit of law as Rules cannot override the Act. Suitable clarification is required to be issued by Government for the same.

**37. Whether e-way bill would be required if transportation is done in one's own vehicle?**

Ans: Yes, e-way bill is required to be generated where the goods are transported by consignor or consignee in his own vehicle. In such case, the person causing the movement of goods may raise the e-way bill after furnishing the vehicle no. in Part B of FORM GST EWB - 01 if the value is more than Rs.50,000/-. Under this circumstance, the person can himself generate the e-way bill if registered in the portal as taxpayer. If the person is un-registered or end consumer, then need to get the e-way bill generated from the taxpayer or supplier based on the bill or invoice issued by him. Alternatively, he himself can enrol and log in as the citizen and generate the e-way bill.

**38. What happens if e-way bill is generated but no movement took place and if the e-way bill is not cancelled?**

Ans: In case e-way bill is generated but no movement of goods took place, ideally in this scenario the e-way bill generated has to be cancelled. However, if the same is not cancelled within 24 hours, then the system would not allow the cancellation. In such a situation, one can request recipient to reject the e-way bill at his end in the common portal within 72 hours of its generation. However, if the time period for rejection of 72 hours also lapses then no mechanism is provided in the rules. Therefore, it is very important that all e-way bills that are not supported by proper movement of goods or are invalid or wrongly generated must be immediately cancelled.

**39. Many times goods are transported through a goods transport operators who will not be registered under GST, does not issue any consignment note and also do not issue any transport document or LR?**

Ans: In respect of transport of goods by road, Transport Document is not mandatory field for the purpose of generation of E-Way Bill. A person may furnish other mandatory details like 'Mode of transport', 'Transport ID' and 'Vehicle No.' and can generate the e-Way Bill. Therefore, in case of transportation of goods through goods transport operator the person causing the movement of goods himself has to update Part A and also provide vehicle no. in part B and accordingly e-way bill needs to be generated. Also, if such operator takes registration and obtains TRAN ID, then e-way bill can be raised same as in case movement done through any other registered transporters.

**40. Is separate registration required for transporters and get transporter ID even though they are registered under GST and have a valid GSTIN. In other words, do all transporters need to get TRAN ID? /strong>**

Ans: No, if a transporter is registered under GST and having a valid GSTIN then such transporter need not again obtain TRAN ID and instead his 15 digits GSTIN can itself be used as TRAN ID. However, an unregistered transporter needs to possess a valid TRAN ID in all cases. Unless the 15 digits transporter id is not entered, the transporter will not be assigned to the said e-way bill.

**41. How does the taxpayer become transporter in the e-way bill system?**

Ans: Generally, registered GSTIN holder will be recorded as supplier or recipient and he will be allowed to work as supplier or recipient. If registered GSTIN holder is transporter, then he will be generating EWB on behalf of supplier or recipient. He needs to enter both supplier and recipient details, which is not allowed as a supplier or recipient. To change his position from supplier or recipient to transporter, the taxpayer has to select the option 'Register as Transporter' under registration and update his profile. Once it is done with logout and re-login, the system changes taxpayer as transporter and allows him to enter both supplier and recipient as per invoice.

**42. How is the transporter identified or assigned the e-way bill by the taxpayer for transportation?**

Ans: While generating e-way bill the taxpayer has a provision to enter the transporter id in the transportation details section. If he enters 15 digits transporter id provided by his transporter, the e-way bill will be assigned to that transporter. Subsequently, the transporter can log in and update the further transportation details to it.

**43. How does the taxpayer update his latest business name, address, mobile number or e-mail id in the e-way bill system?**

Ans: EWB System (<http://ewabill.nic.in>) is dependent on GST Common portal ([www.gst.gov.in](http://www.gst.gov.in)) for taxpayers registration details like legal name/trade name, business addresses, mobile number and e-mail id. EWB System will not allow taxpayer to update these details directly. If taxpayer changes these details at GST Common portal, it will be updated in EWB system within a day. Otherwise, the taxpayer can update the same by selecting the option 'Update My GSTIN' and the details will be fetched from the GST common portal ([www.gst.gov.in](http://www.gst.gov.in)).

**44. What has to be entered in GSTIN column, if consignor or consignee is not having GSTIN?**

Ans: If the consignor or consignee is unregistered taxpayer and not having GSTIN, then user has to enter 'URP' [Unregistered Person] in corresponding GSTIN column.

**45. What happens if the goods are detained unnecessarily without any proper reason?**

Ans: If the goods or the vehicle of the taxpayer or transporter has been detained by the tax officers without proper reason for more than 30 minutes, then the transporter can generate 'Report of Detention' in form GST EWB-04 giving details of office in-charge.

**46. If the goods are moving without e-way bill or partially declared, what are consequences if these are traced on the way to transportation?**

Ans: The proper officer, as authorized by commissioner or any other person as empowered by him, has the power to make physical verification of conveyance and the e-way bill or e-way bill no. in case of all Inter or Intra-State movement of goods. Further, in case any goods are moving without e-way bill or where the details are partially declared, the proper officer has proper authority to detain or seize such conveyance or goods, and such shall be released after the payment of applicable tax or penalty as provided under section 129 of CGST Act, 2017.

**47. Whether Job worker will be liable to issue E-way bill along with goods sent after job work. Whereas job worker is sending goods along with his tax invoice of Jobwork charges only both in case of Inter-state and Intra-state.**

Ans: Yes, Job worker will be liable to issue E-way Bill with respect to the goods sent after completion of his job work. Such goods have to be delivered on the basis of Delivery challan. These cannot be moved merely on the basis of job work invoice as such invoice covered only job work charges not the value of goods.

**48. If Jobworker is liable to issue E-way bill what value needs to be entered in Part-A, i.e. whether Job charges only or value of goods returned.**

Ans: Job worker is required to raise an e-Way Bill on the basis of delivery challan and thus the value to be entered in Part-A shall be the value of goods returned and not the job work charges. However, he may send the invoice of job charges along with delivery challan and e-Way Bill. In our view, the value to be included in the E-way bill should be inclusive of the job work charges.

**49. If material movement having value more than Rs.50K has been done through public transport then whether E-way bill is required or not, if yes what details of vehicle to be updated in E-way bill.**

Ans: When goods are transported by the consignor or consignee in conveyance of their own or a hired one (not by a transporter agent), such consignor or consignee shall be liable to furnish the details in Part B of FORM GST EWB - 01. Therefore, even if goods have been transported through a public transport, e-Way Bill is required to be issued.

**50. What treatment will be done for goods where transportation commenced prior to date of implementation of E-way bill but delivery completed to buyer after 01.02.2018.**

Ans: E-way bill for the consignment value exceeding Rs. 50,000/- has to be generated before commencement of such movement. Hence, where movement of goods commenced before 1.2.2018, there may not be requirement of generation of E-way bill and one may continue the movement of goods without E-way bill. However, government has enabled the E-way portal on voluntary basis w.e.f. 15.1.2018. Hence, it is suggested to generate E-way bill voluntarily in such cases to avoid any problems in the course of transportation of goods.

**Conclusion:** E-way bill is new system designed and adapted from the similar schemes running in some States. There may arise many practical challenges in the beginning. We have made an attempt to address few practical issues which may arise in the course of implementation and generation of E-way bill. Wherever there is lack of clarity in the law/rules or portal, it is expected that the Government would come out with suitable clarifications so that the objective of the introduction of E-Way bill and the ultimate goal of 'One Nation-One Tax' can be achieved and it does not cause an impediment in the ease of doing business. In case of difficulty writing to the GST Council is presently the best method of resolving issues.



## KEY OUTCOMES OF 25<sup>TH</sup> GST COUNCIL MEETING

The all-powerful GST Council meeting headed by the Hon'ble Finance Minister, Mr. Arun Jaitley held for the 25th time with an agenda to review the rates on basis of representation made by the Industries & Traders, take up issues pertaining to simplification of returns filing under GST & take corrective measures to restore falling revenue collection in GST.

With the conclusion of the 25th GST Council meet on January 18, 2018, the gist of the key takeaways from the meeting are as under:

### Policy Changes

- ☐ Late fee payable by any registered person for failure to furnish following returns has been reduced to Rs. 50/- per day [and Rs. 20/- per day in case of Nil return] from Rs. 200/- per day:
  - ☐ Form GSTR-1 (Containing outward supply details)
  - ☐ Form GSTR-5 (to be filed by Non-resident taxable person)
  - ☐ Form GSTR-5A (to be filed by provider of OIDAR services from a place outside India to an unregistered person in India)

The late fee payable for failure to furnish Form GSTR-6 (to be filed by Input Service Distributor) shall be Rs. 50 per day.

- ☐ Cancellation of voluntary registration will be permitted now even before expiry of 1 year from the effective date of registration.
- ☐ Last date of cancellation of registration by migrated taxpayers in Form GST REG-29 has been extended by further 3 months till March 31, 2018.
- ☐ The facility for generation, modification and cancellation of e-way bills is being provided on trial basis on the portal [ewaybill.nic.in](http://ewaybill.nic.in). Fully operational e-way bill system will start functioning on the portal [ewaybillgst.gov.in](http://ewaybillgst.gov.in).
- ☐ Certain modifications are being made to the e-waybill rules which are to be notified nationwide for inter-state movement with effect from February 01, 2018 and for intra-state movement of goods, date shall be announced by each state separately but not later than June 01, 2018.
- ☐ The report and recommendations submitted by the Committee on Handicrafts were also accepted by the GST Council.



## **Recommendation for GST Rate changes on SERVICES:**

### **Healthcare**

#### **Clarification has been made w.r.t. supplies made by hospitals, as under:**

- ☐ Services provided by senior doctors/consultants/technicians hired by the hospitals, whether employees or not, are healthcare services which is exempt.
- ☐ The entire amount charged by hospital from the patients including the retention money and the fee/payments made to the doctors etc., towards the healthcare services provided by the hospitals to the patients are exempt from levability of GST.
- ☐ Food supplied to the in-patients as advised by the doctor/nutritionists is a part of composite supply of healthcare and not separately taxable. Other supplies of food by a hospital to patients (not admitted) or their attendants or visitors are taxable.

### **Educational Institutions**

#### **Clarification has been made w.r.t. supplies made to or by Educational Institutions, as under:**

- ☐ To exempt services relating to admission to, or conduct of examination provided to all educational institutions, as defined in Notification No. 12/2017- Central Tax (Rate) dated June 28, 2017
- ☐ To exempt services provided by educational institution by way of conduct of entrance examination against consideration in the form of entrance fee.
- ☐ To exempt subscription of online educational journals/periodicals by educational institutions who provide degree recognized by any law from GST.
- ☐ To exempt the service provided by way of renting of transport vehicles provided to a person providing services of transportation of students, faculty and staff to an educational institution providing education upto higher secondary or equivalent.

### **Leasing and Renting of movable/immovable property**

- ☐ To tax renting of immovable property by government or local authority to a registered person under reverse Charge while renting of immovable property by government or local authority to an un-registered person shall continue to be taxed under forward charge
- ☐ To clarify that leasing or rental service, with or without operator, of goods, attracts same GST as supply of like goods involving transfer of title in the said goods. Therefore, the GST rate for the rental services of self-Propelled Access Equipment (Boom. Scissors/Tele-handlers) is 28%.

### **Tour operator service**

- ☐ To allow ITC of input services in the same line of business at the GST rate of 5% in case of tour operator service

### **Services provided to Government**

- ☐ To amend entry 3 of Notification No. 12/2017-Central Tax (Rate) dated June 28, 2017, so as to exempt pure services provided to Govt. entity. (in relation to function entrusted to Panchayat or Municipality)
- ☐ To expand pure services exemption under S. No. 3 of Notification No. 12/2017-Central Tax (Rate) dated June 28, 2017, so as to include composite supply involving predominantly supply of services i.e. upto 25% of supply of goods.
- ☐ To exempt legal services provided to Government, Local Authority, Governmental Authority and Government Entity.

### **Transportation of goods**

- ☐ To exempt service by way of transportation of goods from India to a place outside India by air (sunset clause upto 30th September, 2018).
- ☐ To exempt service by way of transportation of goods from India to a place outside India by sea and provide that value of such service may be excluded from the value of exempted services for the purpose of reversal of ITC (sunset clause upto 30th September, 2018).

### **Works Contract and Real Estate**

- ☐ To exempt (a) services by government or local authority to governmental authority or government entity, by way of lease of land, and (b) supply of land or undivided share of land by way of lease or sub lease where such supply is a part of specified composite supply of construction of flats etc. and to carry out suitable amendment in the provision relating to valuation of construction service involving transfer of land or undivided share of land, so as to ensure that buyers pay the same effective rate of GST on property built on leasehold and freehold land.

- ❑ To defer the liability to pay GST in case of TDR against consideration in the form of construction service and on construction service against consideration in the form of TDR to the time when the possession or right in the property is transferred to the land owner by entering into a conveyance deed or similar instrument (eg. allotment letter). No deferment in point of taxation in respect of cash component.
- ❑ To reduce GST rate (from 18% to 12%) on the Works Contract Services (WCS) provided by sub-contractor to the main contractor providing WCS to Central Government, State Government, Union territory, a local authority, a Governmental Authority or a Government Entity, which attract GST of 12%. Likewise, WCS attracting 5% GST, their sub-contractor would also be liable @ 5%.
- ❑ To reduce GST rate on construction of metro and monorail projects (construction, erection, commissioning or installation of original works) from 18% to 12%.
- ❑ To extend the concessional rate of GST on houses constructed/ acquired under the Credit Linked Subsidy Scheme for Economically Weaker Section (EWS) / Lower Income Group (LIG) / Middle Income Group-1 (MIG-1) / Middle Income Group-2 (MIG-2) under the Housing for All (Urban) Mission/Pradhan Mantri Awas Yojana (Urban) and low-cost houses up to a carpet area of 60 square metres per house in a housing project which has been given infrastructure status, as proposed by Ministry of Housing & Urban Affairs, under the same concessional rate.
- ❑ To levy concessional GST @12% on the services provided by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of building used for providing (for instance, centralized cooking or distributing) mid-day meal scheme by an entity registered under section 12AA of IT Act.

#### **Household services**

- ❑ To levy GST on the small housekeeping service providers, notified under section 9 (5) of GST Act, who provide housekeeping service through ECO, @ 5% without ITC.
- ❑ To reduce GST rate on tailoring service from 18% to 5%.

#### **Entertainment, Events and Amusements**

- ❑ To reduce GST rate on services by way of admission to theme parks, water parks, joy rides, merry-go-rounds, go-carting and ballet, from 28% to 18%.
- ❑ To increase threshold limit for exemption under entry No. 80 of Notification No. 12/2017-C.T. (Rate) for all the theatrical performances like Music, Dance, Drama, Orchestra, Folk or Classical Arts and all other such activities in any Indian language in theatre GST from Rs.250 to 500 per person and to also extend the threshold exemption to services by way of admission to a planetarium.
- ❑ To clarify that elephant/ camel joy rides are not classified as transportation services and attract GST @ 18% with threshold exemption to small services providers.
- ❑ To exempt services provided by and to Fédération Internationale de Football Association (FIFA) and its subsidiaries directly or indirectly related to any of the events under FIFA U-20 World Cup in case the said event is hosted by India.

#### **Services by Resident Welfare Association**

- ❑ To enhance the exemption limit of Rs 5000/- per month per member to Rs 7500/- in respect of services provided by Resident Welfare Association (unincorporated or non-profit entity) to its members against their individual contribution.

#### **Financial Services**

- ❑ To provide in CGST rules that value of exempt supply under sub-section (2) of section 17, shall not include the value of deposits, loans or advances on which interest or discount is earned (not to apply to banks/FIs/NBFCs)
- ❑ To exempt dollar denominated services provided by financial intermediaries located in IFSC SEZ, which have been deemed to be outside India under the various regulations by RBI, IRDAI, SEBI or any financial regulatory authority, to a person outside India.

#### **Insurance**

- ❑ To enhance the limit to Rs 2 lakh against Sl. No. 36 of exemption notification No. 12/2017-C.T. (Rate) which exempts services of life insurance business provided under life micro insurance product approved by IRDAI upto maximum amount of cover of Rs. 50,000
- ❑ To exempt reinsurance services in respect of insurance schemes exempted under S. Nos. 35 and 36 of notification No. 12/2017-CT (Rate).
- ❑ To define insurance agent in the reverse charge notification to have the same meaning as assigned to it in clause (10) of

section 2 of the Insurance Act, 1938, so that corporate agents get excluded from reverse charge.

- ☐ To exempt services provided by the Naval Insurance Group Fund by way of Life Insurance to personnel of Coast Guard under the Group Insurance Scheme of the Central Government retrospectively w.e.f. 1.7.2017.

#### **Petroleum products**

- ☐ To exempt government's share of profit petroleum from GST and to clarify that cost petroleum is not taxable per se.
- ☐ To reduce GST to 12% in respect of mining or exploration services of petroleum crude and natural gas and for drilling services in respect of the said goods.
- ☐ To reduce GST rate on transportation of petroleum crude and petroleum products (MS, HSD, ATF) from 18% to 5% without ITC and 12% with ITC.

#### **Job Work on leather goods and footwear**

- ☐ To reduce job work services rate for manufacture of leather goods (Chapter 42) and footwear (Chapter 64) to 5%.

#### **Lottery, betting and gambling**

- ☐ To clarify that, services by way of:
  1. Admission to entertainment events or access to amusement facilities including casinos, race-course
  2. Ancillary services provided by casinos and race-course in relation to such admission.
  3. Services given by race-course by way of totalisator (if given through some other person or charged separately as fees for using totalisator for purpose of betting,

are taxable at 28%. Services given by race-course by way of license to bookmaker which is not a service by way of betting and gambling, is taxable at 18%.

- ☐ To insert a provision in GST Rules under section 15 of GST Act that the value of lottery shall be 100/112 or 100/128 of the price of lottery ticket notified in the Gazette
- ☐ To add, in the GST rate schedule for goods at 28%, actionable claim in the form of chance to win in betting and gambling including horse racing.
- ☐ To insert in GST rules under section 15 of GST Act,-

Notwithstanding anything contained in this chapter, value of supply of Betting & Gambling shall be 100 % of the face value of the bet or the amount paid into the totalizator.

#### **Other Services**

- ☐ To clarify that exemption of Rs 1000/- per day or equivalent (declared tariff) is available in respect of accommodation service in hostels.
- ☐ To extend GST exemption on Viability Gap Funding (VGF) for a period of 3 years from the date of commencement of RCS airport from the present period of one year.
- ☐ To tax time charter services at GST rate of 5%, that is at the same rate as applicable to voyage charter or bare boat charter, with the same conditions.
- ☐ To exempt supply of services by way of providing information under RTI Act, 2005 from GST.
- ☐ To exempt IGST payable under section 5(1) of the IGST Act, 2017 on supply of services covered by item 5(c) of Schedule II of the CGST Act, 2017 to the extent of aggregate of the duties and taxes leviable under section 3(7) of the Customs Tariff Act, 1975 read with sections 5 & 7 of IGST Act, 2017 on part of consideration declared under section 14(1) of the Customs Act, 1962 towards royalty and license fee includible in transaction value as specified under Rule 10 (c) of the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007.
- ☐ To reduce GST on Common Effluent Treatment Plants services of treatment of effluents, from 18% to 12%.
- ☐ To exempt services by way of fumigation in a warehouse of agricultural produce.
- ☐ To clarify that fee paid by litigants in the Consumer Disputes Commissions and any penalty imposed by these Commissions, will not attract GST.

#### **Recommendation for GST Rate changes on GOODS:**

The GST Council has recommended revising or clarifying the applicability of GST rates on 29 products. Few major recommendations are as under:

#### **List of goods on which GST rate recommended to be reduced:**



Chapter/Heading/Sub-heading/Tariff item	Existing rate (%)	Recommended Rate (%)	Condition
87- old and used motor vehicle (Medium and large cars and SUVs) on the margin of the supplier	28	18	No ITC of ED/ VAT/ GST paid on such vehicle has been availed
8702 - Buses for use in public transport which exclusively run on bio-fuels			---
87- old and used motor vehicle (other than Medium and large cars and SUVs) on the margin of the supplier	28	12	No ITC of ED/ VAT/ GST paid on such vehicle has been availed
1704- Sugar boiled confectionary	18	12	---
2201- Drinking water packed in 20 liters bottles			
2809- Fertilizer grade Phosphoric acid			
29 or 38- Bio-diesel			
38- Specified bio-pesticides			
4418- Bamboo wood building joinery			
8424- Drip irrigation System			
8424- Mechanical sprayer			
13- Tamarind Kernel Powder	18	5	---
1404/3305- Mehendi paste in cones			
2711- LPG supplied for supply to household domestic consumers by private LPG distributors			
88 or any other chapter - Scientific and technical instruments etc., required for launch vehicles and satellites and payloads			
4601, 4602 containing articles of straw, of esparto or of other plaiting materials; basketware and wickerwork	12	5	---
58013720-Velvet fabric	12	5	No refund of Unutilised ITC
7102-Diamond and precious stones	3	0.25	---

List of goods on which GST rate recommended to be increased:

Chapter/Heading/ Sub-heading/Tariff item	Description	Existing rate (%)	Recommend rate (%)
56012200	Cigarette filter rods	12	18
2302	Rice bran (other than de-oiled rice bran)	NIL	5

Proposed NIL rate items :

1. Vibhuti
2. Parts and accessories for manufacture of hearing aids.
3. De-oiled rice bran

Changes in Compensation cess rate on certain goods :

Sr.	Chapter/Heading /Sub-heading/ Tariff item	Description	Present Compensation Cess	Rate Compensation Cess Rate Recommended
1.	87	Motor vehicles [falling under heading 8702, as it was in excise regime] cleared as ambulances, duly fitted with all fitments, furniture and accessories necessary for an ambulance from the factory manufacturing such vehicles.10-13 seater buses and ambulances, subject to specified conditions.	15%	Nil

Sr.	Chapter/Heading /Sub-heading/ Tariff item	Description	Present Compensation Cess	Rate Compensation Cess Rate Recommended
2.	87	Old and used motor vehicles [MEDIUM AND LARGE CARS AND SUVs], on the margin of the supplier, subject to the condition that no input tax credit of central excise duty/value added tax or GST paid on such vehicles has been availed by him.	Applicable rate	Nil
3.	87	All types of old and used motors vehicles [OTHER THAN MEDIUM AND LARGE CARS AND SUVs] on the margin of the supplier of subject to the conditions that no input tax credit of central excise duty /value added tax or GST paid on such vehicles has been availed by him.	Applicable rate	Nil

Apparently, the GST Council in its 25th meeting has made significant revamp of GST framework. This meeting of the GST Council was particularly crucial as this was the last meet before the Union Budget 2018. Though a final decision is yet to be taken on the revamp of the return filing process, the GST Council is thinking of doing away with forms such as GSTR 2, dealing with purchases, and GSTR 3, a comprehensive return. Instead, the existing simpler summary return form GSTR 3B will continue, which will be supplemented with details from invoices to be uploaded by suppliers on GSTN. This will enable invoice matching and check tax evasion. Bringing Petroleum and Real estate under GST is one of the major issues which have been making lot of news in recent times, but GST council has not reached at any conclusion regarding these products.

The GST council may meet within next ten days via video conferencing to finalise simplification of return filing process.



## LATEST NOTIFICATIONS AND CIRCULARS ISSUED BY THE GOVERNMENT ON GST

1. Time limit for filing GSTR-1 for small taxpayers on Quarterly basis i.e. Turnover upto Rs. 1.5 Cr in preceding F.Y. or in the current F.Y. has been extended vide Notification No. 71/2017 - Central Tax dated December 29, 2017.

Sr.	Quarter for which the details in Form GSTR-1 are furnished	Time for furnishing the details in Form GSTR-1
1	July-September, 2017	January 10, 2018
2	October-December, 2017	February 15, 2018
3	January-March, 2018	April 30, 2018

2. Time limit for filing GSTR-1 for taxpayers on Monthly basis i.e. Turnover more than Rs. 1.5 Cr. in preceding F.Y. or in the current F.Y. has been extended vide Notification No. 72/2017 - Central Tax dated December 29, 2017.

Sr.	Month for which the details in Form GSTR-1 are furnished	Time for furnishing the details in Form GSTR-1
1	July-November, 2017	January 10, 2018
2	December, 2017	February 10, 2018
3	January, 2018	March 10, 2018
4	February, 2018	April 10, 2018
5	March, 2018	May 10, 2018

3. Last date for filing or revising Form TRAN-1 i.e. Form for taking transitional credit was December 27, 2017. Hence the functionality for filing Form TRAN-1 has been removed from GSTN Portal.

4. Late fees for filing Form GSTR - 4 (Quarterly Return by Composition Dealer) is reduced vide Notification No. 73/2017 - Central Tax dated December 29, 2017.

Late fees for filing Form GSTR-4 after the due date reduced to Rs.25/- per day. (earlier it was Rs.100/- day) [Total Late Fees from CGST & SGST Act perspective would be Rs. 50/- Per Day]

If tax required to be paid is Nil, then late fees for filing Form GSTR-4 after the due date reduced to Rs.10/- per day.[Total Late Fees from CGST & SGST Act perspective would be Rs. 20/- Per Day]

5. E-way Bill rules and provisions related thereto shall come into force w.e.f. February 1, 2018 in view of Notification No. 74/2017 - Central Tax dated December 29, 2017.

6. Notification No. 75/2017 - Central Tax dated December 29, 2017.

Following are the insertion made vide CGST (Fourteenth Amendment) Rules, 2017:

Sr.	Insertions in CGST Rules, 2017	Analysis / effect of amendment
1.	In Rule 17 after sub-rule (1), sub-rule 1A has been inserted: 'The Unique Identity Number (UIN) granted under sub-rule (1) to a person under Section 25(9)(a) shall be applicable to the territory of India.';	UIN granted to persons mentioned under Section 25(9)(a) i.e. any specialised agency of the United Nations Organisation, will be applicable to the territory of India while applicability of UIN granted to persons mentioned under Section 25(9)(b) has not been prescribed yet.
2.	In Rule 19 after sub-rule (1), sub-rule 1A has been inserted: 'Notwithstanding anything contained in sub-rule (1), the particulars of application for registration shall not stand amended with effect from a date earlier than the date of submission of the application in Form GST REG-14 on the common portal except with the order of the Commissioner for reasons to be recorded in writing and subject to such conditions as the Commissioner may, in the said order, specify.'	Particulars of application for registration shall stand amended w.e.f. the date of submission of the application in Form GST REG-14. However, change can be effective before the date of submission of application when an order of the Commissioner is issued, for reasons to be recorded in writing, and subject to such conditions as the Commissioner may specify.
2.	In the heading of Rule 96, after the words 'paid on goods', the words 'or services' shall be inserted; and In Rule 96, after sub-rule 8, sub-rule 9 has been inserted w.e.f. October 23, 2017: 'The persons claiming refund of integrated tax paid on export of goods or services should not have received supplies on which the supplier has availed the benefit of notification No. 48/2017-Central Tax dated 18th October 2017 or notification No.40/2017-Central Tax (Rate) dated 23rd October 2017 or notification No. 41/2017-Integrated Tax (Rate) dated 23rd October 2017.';	Refund of IGST paid on Services exported out of India will also be available under Rule 96 and for this purpose sub-rule (9) has been inserted in Rule 96. The person claiming refund of IGST under this rule - cannot receive supplies from supplier of 'Deemed exports'; and cannot receive supplies from a supplier who is paying CGST @ 0.05% on supply of goods to Merchant Exporter.

Following are the substitutions made vide CGST (Fourteenth Amendment) Rules, 2017:

Sr.	Substitution in CGST Rules, 2017	Analysis/ effect of amendment
1.	In Rule 89, sub-rule (4) has been substituted and sub-rule 4A and sub-rule 4B has been inserted w.e.f. October 23, 2017: Substitution of Rule 89(4): Rule 89(4) provides the formula to calculate the refund amount in the case of zero rated supply of goods/ services made without payment of tax under bond or LUT. Refund of ITC shall be as per the following formula: Refund Amount = (Turnover of zero-rated supply of goods + Turnover of zero-rated supply of services) x Net ITC ÷ Adjusted Total Turnover Where, - (A) "Refund amount" means the maximum refund that is admissible; (B) "Net ITC" means input tax credit availed on inputs and input services during the relevant period other than the input tax credit availed for which refund is claimed under sub-rules	Effect of substitution of Rule 89(4): For calculation of 'Net ITC', ITC availed for which refund is claimed under sub-rules (4A) or (4B) or both, should be excluded. For calculation of 'Turnover of zero-rated supply of goods', turnover of supplies in respect of which refund is claimed under sub-rules (4A) or (4B) or both, should be excluded. For calculation of 'Adjusted Total turnover', turnover of supplies in respect of which refund is claimed under sub-rules (4A) or (4B) or both, if any, should be excluded. Effect of insertion of sub-rule 4A and sub-rule 4B: In the case of supplies received on which the supplier has availed the benefit of 'Deemed exports', refund of ITC, availed in respect of other inputs or input services used in making zero-rated supply of goods or services or both, shall be granted.



Sr.	Substitution in CGST Rules, 2017	Analysis/ effect of amendment
1.	<p>relevant period other than the input tax credit availed for which refund is claimed under sub-rules (4A) or (4B) or both; (C) "Turnover of zero-rated supply of goods" means the value of zero-rated supply of goods made during the relevant period without payment of tax under bond or letter of undertaking, other than the turnover of supplies in respect of which refund is claimed under sub-rules (4A) or (4B) or both; (D) "Turnover of zero-rated supply of services" means the value of zero-rated supply of services made without payment of tax under bond or letter of undertaking, calculated in the following manner, namely:-</p> <p>Zero-rated supply of services is the aggregate of the payments received during the relevant period for zero-rated supply of services and zero-rated supply of services where supply has been completed for which payment had been received in advance in any period prior to the relevant period reduced by advances received for zero-rated supply of services for which the supply of services has not been completed during the relevant period;</p> <p>(E) "Adjusted Total turnover" means the turnover in a State or a Union territory, as defined under clause (112) of section 2, excluding - (a) the value of exempt supplies other than zero-rated supplies and (b) the turnover of supplies in respect of which refund is claimed under sub-rules (4A) or (4B) or both, if any, during the relevant period; (F) 'Relevant period' means the period for which the claim has been filed. Insertion of sub-rule 4A and sub-rule 4B: Rule 4A - 'In the case of supplies received on which the supplier has availed the benefit of Notification No. 48/2017- Central Tax dated 18th October 2017, refund of input tax credit, availed in respect of other inputs or input services used in making zero-rated supply of goods or services or both, shall be granted.' Rule 4B - 'In the case of supplies received on which the supplier has availed the benefit of Notification No. 40/2017-Central Tax (Rate) dated October 23, 2017 or Notification No. 41/2017-Integrated Tax (Rate) dated October 23, 2017, or both, refund of input tax credit, availed in respect of inputs received under the said notifications for export of goods and the input tax credit availed in respect of other inputs or input services to the extent used in making such export of goods, shall be granted.';</p>	<p>In the case of supplies received on which the supplier is paying CGST @ 0.05% on supply of goods to Merchant Exporter, refund of ITC, availed in respect of inputs received from the said supplier for export of goods and the ITC availed in respect of other inputs or input services to the extent used in making such export of goods, shall be granted.</p>
2.	<p>In Rule 95, sub-rule (1) is substituted: The words 'prepared on the basis of the statement of the outward supplies furnished by the corresponding suppliers in Form GSTR-1' shall be omitted. Amended Rule 95(1) is as under: '(1) Any person eligible to claim refund of tax paid by him on his inward supplies as per notification issued under section 55 shall apply for refund in Form GST RFD-10 once in every quarter, electronically on the common portal</p>	<p>Date of filing of Form GSTR-2 is not yet notified by the Central Government till date, hence GSTR-2A will not be auto drafted from GSTR-1 of corresponding suppliers. Thus statement of the inward supplies of goods/ services, to be given in Form GSTR-11 for claiming refund of tax paid on inward supplies, cannot be prepared on the basis of statement of the outward supplies furnished by the corresponding suppliers in Form GSTR-1 i.e. GSTR-2A.</p>
3.	<p>or otherwise, either directly or through a Facilitation Centre notified by the Commissioner, along with a statement of the inward supplies of goods or services or both in Form GSTR-11.'</p>	<p>Refund is available to applicants even when invoice value, excluding tax paid, is upto Rs. 5000/-.</p>

- ❑ Form GSTR-11, Statement of inward supplies by persons having UIN, has been substituted.
  - ❑ Form GST-REG 10, an application for registration of persons supplying online information and data base access or retrieval ('OIDAR') services from a place outside India to a person in India, other than a registered person, has been substituted.
  - ❑ In Form GST REG-13, an application/ form for grant of UIN to UN Bodies/ Embassies /others, some changes have been made.
  - ❑ Form GST-RFD 10, an application for Refund by any specialized agency of UN or any Multilateral Financial Institution and Organization, Consulate or Embassy of foreign countries, etc., has been substituted.
  - ❑ In Form GST DRC-07, Summary of the order, table at serial no. 5 has been omitted.
7. Instructions on return filing and late fees in Form GSTR - 1 and Form GSTR - 3B vide Circular No.26/26/2017-GST dated December 29, 2017.
- The following are the mistakes made by the Tax payers while filing & submitting Form GSTR - 3B like Under reporting of GST liabilities, Over-reporting of GST Liabilities, Wrong-reporting of GST Liabilities, Under-reporting of ITC, Over-reporting of ITC, Wrong-reporting of ITC, Cash Ledger wrongly reported. To easily digest the following mistakes are discussed as under :
- I. Under reporting of GST liabilities (In case return is filed):
    - a. Liability may be added in the return of subsequent month(s) after payment of interest.
    - b. If such liability was not reported in Form GSTR-1 of the month/quarter, then such liability may be declared in the subsequent month's/quarter's Form GSTR-1 in which payment was made.
  - II. Over-reporting of Liabilities:
    - a. Liability may be adjusted in return of subsequent month(s) or refund may be claimed where adjustment is not feasible.
    - b. Where the liability was over reported in the month's / quarter's vGSTR-1 also, then such liability may be amended through amendments under Table 9 of Form GSTR-1.
  - III. Wrong-reporting of Liabilities:
    - a. Unreported liability may be added in the next month's return with interest, if applicable. Also, adjustment may be made in return of subsequent month(s) or refund may be claimed where adjustment is not feasible
    - b. Such taxpayers will have to file for amendments by filling Table 9 of the subsequent month's / quarter's Form GSTR-1.
  - IV. Under-reporting of ITC:
    - a. Input tax credit which was not reported may be availed while filing return for subsequent month(s).
    - b. No action required in GSTR-1.
  - V. Over-reporting of ITC:
    - a. Pay (through cash) / Reverse such over reported input tax credit with interest in return of subsequent month (s).
    - b. No action required in GSTR-1
  - VI. Wrong-reporting of ITC:
    - a. Pay (through cash) / Reverse any wrongly reported input tax credit in return of subsequent month(s).
    - b. For under reported input tax credit, the same may be availed in return of subsequent month(s).
    - c. No action required in GSTR-1.
  - VII. Cash Ledger wrongly reported (Only Stage 2 effected):
    - a. Add cash under the right tax head and seek cash refund of the cash added under the wrong tax head.
    - b. No action required in GSTR-1.

## **एमएसएमई उद्यमियों के साथ सम्पर्क बैठक**

24 जनवरी 2018 को आंध्रा बैंक की ओर से एमएसएमई उद्यमियों के लिए सम्पर्क बैठक का आयोजन हुआ। मुख्य अतिथि मेवाड़ चेम्बर के वरिष्ठ उपाध्यक्ष श्री जे के बागडोदिया एवं मानद महासचिव श्री आर के जैन थे। जोनल मैनेजर श्री एडीएनवी प्रसाद ने बताया कि स्टार्टअप, पीएमईजीवी आदि को बढ़ावा देने के लिए यह आयोजन किया गया। मुख्य प्रबंधक श्री एन सुधाकर राव ने एमएसएमई उत्पादों जैसे अभिवृद्धि, एमएसएमई मित्र आदि के बारे में बताया। इस अवसर पर श्री आरके जैन ने कहा कि प्रतिस्पर्धात्मक ब्याज दर तथा बेहतर ग्राहक सेवा देने पर ही ग्राहक संस्थान से जुड़ेंगे।

# AN OVERVIEW OF THE COMPANIES (AMENDMENT) BILL, 2017

## (As passed by the Parliament)

### BRIEF SUMMARY

The Companies (Amendment) Bill, 2017, introduced in Lok Sabha on 16 March, 2016 as The Companies (Amendment) Bill, 2016 was referred to the Standing Committee on Finance on 12 April, 2016. The Committee after hearing the views of the representatives of the Chambers of Commerce and Industry as well as professional bodies adopted its report on 30th November, 2016. The Government after considering the suggestions of the Committee and also the experience gained by it, gave notice of amendments as approved by the Cabinet to the Lok Sabha. The Companies (Amendment) Bill, 2017 passed by Lok Sabha on July 27, 2017, received the assent of Rajya Sabha on December 19, 2017.

The major amendments proposed include simplification of the private placement process, rationalization of provisions related to loan to directors, omission of provisions relating to forward dealing and insider trading, doing away with the requirement of approval of the Central Government for managerial remuneration above prescribed limits, aligning disclosure requirements in the prospectus with the regulations to be made by SEBI, providing for maintenance of register of significant beneficial owners and filing of returns in this regard to the ROC and removal of requirement for annual ratification of appointment or continuance of auditor.

The major official amendments subsequently introduced include continuing with the provisions relating to layers of subsidiaries, continuing with the earlier provisions with respect of memorandum, making offence for contravention of provisions relating to deposits as non-compoundable, requiring attaching of financial statement of associate companies, stringent additional fees of Rs 100 per day in case of delay in filing of annual return and financial statement etc.

### AT A GLANCE-COMPANIES (AMENDMENT) BILL 2017

1.	Start-Ups	<ul style="list-style-type: none"> <li><input type="checkbox"/> For company registration, instead of affidavits, declarations will be required;</li> <li><input type="checkbox"/> In case of incorporation, name reserved by the Registrar of Companies ("ROC") shall be valid for 20 days from date of the approval instead of 60 days from the date of application, as currently provided.</li> <li><input type="checkbox"/> Sweat Equity Shares can be issued at any time. Currently it can be issued after one year from commencement of business;</li> <li><input type="checkbox"/> Partnership or LLP with 2 members (currently 7) can convert into a company</li> </ul>
2.	Ease of doing business	<ul style="list-style-type: none"> <li><input type="checkbox"/> In addition to Directors &amp; Key Managerial Personnel, any employee can also authenticate documents;</li> <li><input type="checkbox"/> Officers not more than one level below the directors who are in whole time employment, can be designated as KMP;</li> <li><input type="checkbox"/> Annual General meeting of unlisted company can be held anywhere in India;</li> <li><input type="checkbox"/> Wholly Owned Subsidiary (WOS) of foreign company can hold EGM outside India;</li> <li><input type="checkbox"/> No Central Government approval for payment of remuneration in excess of 11% of net profits.</li> </ul>
3.	Funding	<ul style="list-style-type: none"> <li><input type="checkbox"/> Money received under the private placement shall not be utilized unless the return of allotment is filed with the ROC;</li> <li><input type="checkbox"/> Private Placement offer letter shall not contain any right of renunciation;</li> <li><input type="checkbox"/> An amount being not less than 20% of the amount of deposits, maturing during the following financial year be deposited on or before the 30th day of April each year and kept in a scheduled bank in a separate bank account to be called deposit repayment reserve account. Currently at least 15% of such amount is required to be deposited and that is also of amount of deposits maturing during a financial year and the financial year next following;</li> <li><input type="checkbox"/> Requirement of providing deposit insurance is proposed to be omitted;</li> <li><input type="checkbox"/> Companies which had defaulted in repayment of deposits, can also accept deposits after a period of 5 years from the date of making good the default</li> </ul>
4.	Directors	<ul style="list-style-type: none"> <li><input type="checkbox"/> Requirement related to resident director eased i.e. "stay in India for a total period of not less than 182 days during the financial year". Currently it is calculated in reference to previous calendar year;</li> <li><input type="checkbox"/> Central Government can provide any other number to be treated as DIN;</li> <li><input type="checkbox"/> Maximum number of directorship for any person will not include dormant company;</li> <li><input type="checkbox"/> Requirement of filing form DIR-11 (filing of a copy of resignation to ROC by director itself) made optional;</li> </ul>

4.	Directors	<input type="checkbox"/> Where a director incurs any of disqualifications under section 164 (2) due to default of filing of financial statements or annual return or repayment of deposits or pay interest or redemption of debentures or payment of interest thereon or payment of dividend, then he shall vacate office in all the companies other than the company which is in default.
5.	CSR	<input type="checkbox"/> Eligibility for doing CSR to be determined based on preceding "Financial Year" instead of "three preceding Financial Years"; <input type="checkbox"/> Where a company is not required to appoint an independent director, it shall have in its Corporate Social Responsibility Committee, two or more directors.
6.	Auditors	<input type="checkbox"/> Annual rectification of appointment of auditors by members is proposed to be omitted; <input type="checkbox"/> Criminal liability in case of fraud proposed to be limited to partner(s) will not include firm
7.	Disclosures	<input type="checkbox"/> Abstract version of annual return form for OPC & Small Company will be prescribed; <input type="checkbox"/> It is proposed to omit the requirement of MGT-9 i.e. extract of annual return, which forms part of the Board's Report. Instead, the copy of annual return shall be uploaded on the website of the company, if any, and its link shall be disclosed in the Board's report; <input type="checkbox"/> Disclosures which have been provided in the financial statement shall not be required to be reproduced in the Board report again; <input type="checkbox"/> Where key policies related to remuneration etc., are uploaded on the website, if any of a company, then instead of exact text of such policies, key feature of such policies along with its web link shall be disclosed in Board report; <input type="checkbox"/> Disclosure by promoters and top ten shareholders with respect to 2% change in shareholding in a listed company is proposed to be omitted.
8.	Additional fee, penalty and compounding	<input type="checkbox"/> In case of delay in filing document, fact or information required to be submitted under section 92 (Annual Return) or 137 (Copy of financial statement to be filed with registrar), after expiry of the prescribed period then instead of slab wise additional fees, a flat additional fee as may be prescribed which shall not be less than Rs. 100 per day is required to be paid. Different amounts can be prescribed for different class of companies; <input type="checkbox"/> Where a company fails or commits any default to submit, file, register or record any document, fact or information before the expiry of the period specified in the relevant section, the company and the officers of the company who are in default, shall, without prejudice to the liability for the payment of fee and additional fee, be liable for the penalty or punishment provided under this Act for such failure or default; <input type="checkbox"/> Tribunal can now also compound offences those punishable with fine or imprisonment. Currently, such offences can be compounded only by Special Court.



## ARTICLES

### PROCEDURE OF REVIVAL AND RESTORATION OF STRUCK OFF NAME OF COMPANY VIA NCLT ROUTE

**CS Monika Jain**

#### OVERVIEW:

Registrar of Companies (ROC), by the virtue of power conferred under Section 248, can strike off defunct and shell companies. There are companies which have not been doing their annual filings of their financials for couple of years or more. Such companies (which have not done their statutory filings) are therefore deemed (by RoC) not to be carrying on their business.

These actions of government have caused a massive upheaval to the companies which were carrying on the bonafide business (but have not done their statutory filings). Though the ROC must have served notices as mandated under Section 248 on the registered email ids of the Companies before striking them off, but in many cases, there were complaints of not receiving any notice.

However, to such aggrieved companies, the remedy lies in Section 252 of the Companies Act, 2013, which provides for restoration of name of the company.

#### CHARGING SECTION

As per Section 252 of Companies Act, 2013



- ❑ Restoration of name of a Company struck off under section 248 can be done by following ways:
- ❑ Filing an Appeal: Any person aggrieved from the order of the Registrar (ROC) to strike-off the name of a company, can file an appeal within a period of 3 years from the date of order of the Registrar.
- ❑ Application to Tribunal: If a company or any member or creditor or workman has been aggrieved by the company's name struck off under section 248, it can apply to the Tribunal to restore the company's name, within a period of 20 years from the date of publication of striking off notice in the official Gazette.
- ❑ The Tribunal, after submission of the application, shall give a reasonable opportunity of being heard to ROC, company and all the parties concerned and thereafter, pass an order that it deems fit.

#### **IMPORTANT THINGS TO CONSIDER WHILE FILING APPLICATION WITH NCLT**

- ❑ Application/Appeal to the Tribunal (NCLT) having jurisdiction over the Registered office of the company
- ❑ There are in all 11 NCLT benches covering all the major locations in India.
- ❑ Copy of appeal or application shall be served on ROC and other parties about restoration atleast 14 days before the date of hearing
- ❑ There should be just causes for restoration of the company like it was carrying on the business and was in operation.

#### **PENAL ACTIONS BY NCLT AGAINST COMPANIES**

Merely filing of application for restoration of name doesn't guarantee that the appeal will be allowed by NCLT.

Below mentioned are rare, yet significant orders, where NCLT has taken penal action against the applicants.

- ❑ In the matter of M/S Rainbow Real Estate Pvt. Ltd. V/S Registrar of Companies, NCLT (Principal bench as on 02 June' 2017) dismissed application filed by the applicant and imposed a penalty of Rs 20,000 on the ground of vexatious cause and unnecessarily dragging ROC before the Tribunal. In this case, the applicant had neither filed the income tax return nor any statutory filing was done by the company.
- ❑ In the matter of M/S International Security Printers Pvt. Ltd. V/S Registrar of Companies (NCLT Delhi bench), the applicant came across the fact that it was struck off. It was successfully demonstrated by the Applicant that the Company was doing bonafide business. NCLT allowed the appeal and ordered for restoration. In this case, though the application was not rejected but NCLT granted liberty to ROC to levy penalty on the company.

#### **EFFECT UPON RESTORATION**

- ❑ After restoration, all the statutory returns of the company shall be filed along with the applicable additional fee
- ❑ According to the Section 252(3) The Tribunal may, by the order, give such other directions and make such provision as deemed just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off from the Register of Companies.

#### **DETAILED PROCEDURE TO APPLY TO TRIBUNAL AS PER NATIONAL COMPANY LAW TRIBUNAL (AMENDMENT) RULES NOTIFIED BY MCA ON JULY 05, 2017**

##### **1. Appeal / Application**

An appeal under section 252(1) and Section 252(3) shall be filed before the Tribunal along with other information as per NCLT Rules, 2016.

An application filed by the Registrar of Companies if he's of the opinion that the name of the company has been struck off on the basis of incorrect or inadvertent information, for restoration of name of a company in the register of companies.

##### **2. Attachments with NCLT 9 shall be:**

Copy of MOA and AOA of the Company; List of Directors of the Company; CTC of the order of Registrar for strike off; Available signed Balance Sheets of the Company; CTC of Board Resolution passed by the company for making petition to NCLT to make appeal against the order of Registrar; Affidavit verifying petition; Copy of bank draft evidencing payment of application fee; Memorandum of appearance.

##### **3. Service of Appeal / Application**

A copy of the appeal or application shall be served by the company to the Registrar and on such other persons as the Tribunal may direct, not less than fourteen days before the date fixed for hearing of the appeal or application.

##### **4. Passing of Order**

Upon hearing the appeal or the application or any adjourned hearing thereof, the Tribunal may pass appropriate order, as it deems fit.

**5. Where the Tribunal makes an order restoring the name of a company in the register of companies, the order shall direct that-**

- ☐ The appellant or applicant shall deliver a certified copy to the Registrar of Companies within thirty days from the date of the order in INC 28;
- ☐ On such delivery, the Registrar of Companies do, in his official name and seal, publish the order in the Official Gazette;
- ☐ The appellant or applicant do pay to the Registrar of Companies his costs of, and occasioned by, the appeal or application, unless the Tribunal directs otherwise; and
- ☐ The company shall file pending financial statements and annual returns with the Registrar and comply with the requirements of the Companies Act, 2013 and rules made thereunder within such time as may be directed by the Tribunal.



## PROCEDURE OF JOB WORK UNDER GST

CS Chitra Naraniwal

### Introduction

Job-work sector constitutes a significant industry in Indian economy. It includes outsourced activities that may or may not culminate into manufacture. The term Job-work itself explains the meaning. It is processing of goods supplied by the principal. The concept of job-work already exists in Central Excise, wherein a principal manufacturer can send inputs or semi finished goods to a job worker for further processing. Many facilities, procedural concessions have been given to the job workers as well as the principal supplier who sends goods for job-work. *The whole idea is to make the principal responsible for meeting compliances on behalf of the job-worker on the goods processed by him (job-worker)*, considering the fact that typically the job-workers are small persons who are unable to comply with the discrete provisions of the law.

The GST Act makes special provisions with regard to removal of goods for job-work and receiving back the goods after processing from the job-worker *without the payment of GST*. The benefit of these provisions shall be available both to the principal and the job worker.

### What is job-work?

Section 2(68) of the CGST Act, 2017 defines job-work as 'any treatment or process undertaken by a person on goods belonging to another registered person'. The one who does the said job would be termed as 'job worker'. **The ownership of the goods does not transfer to the job-worker but it rests with the principal.** The job worker is required to carry out the process specified by the principal on the goods.

### Job-work procedural aspects

Certain facilities with certain conditions are offered in relation to job-work, some of which are as under:

a) A registered person (Principal) can send inputs/capital goods under **intimation** and subject to certain conditions without payment of tax to a job-worker and from there to another job-worker and after completion of job-work bring back such goods without payment of tax. The principal is not required to reverse the ITC availed on inputs or capital goods dispatched to job-worker.

b) Principal can send inputs or capital goods directly to the job-worker without bringing them to his premises and can still avail the credit of tax paid on such inputs or capital goods. *However, inputs and/or capital goods sent to a job worker are required to be returned to the principal within 1 year and 3 years, respectively, from the date of sending such goods to the job-worker.*

c) After processing of goods, the job-worker may clear the goods to-

(i) Another job-worker for further processing

(ii) Dispatch the goods to any of the place of business of the principal without payment of tax

(iii) Remove the goods on payment of tax within India or without payment of tax for export outside India on fulfillment of conditions.

The facility of supply of goods by the principal to the third party directly from the premises of the job worker on payment of tax in India and likewise with or without payment of tax for export may be availed by the principal on declaring premise of the job-worker as his additional place of business in registration. In case the job-worker is a registered person

under GST, even declaring the premises of the job-worker as additional place of business is not required.

Before supply of goods to the job-worker, the principal would be required to intimate the Jurisdictional Officer containing the details of the description of inputs intended to be sent by the principal and the nature of processing to be carried out by the job-worker. The said intimation shall also contain the details of the other job-workers, if any.

***The inputs or capital goods shall be sent to the job worker under the cover of a challan issued by the principal. The challan shall be issued even for the inputs or capital goods sent directly to the job-worker.*** The challan shall contain the details specified in Rule 10 of the Invoice Rules. ***The responsibility for keeping proper accounts for the inputs or capital goods shall lie with the principal.***

**Conditions and restrictions in respect of inputs and capital goods sent to the job worker:**

(1) The inputs, semi-finished goods or capital goods shall be sent to the job worker under the cover of a challan issued by the principal, including where such goods are sent directly to a job-worker.

(2) The challan issued by the principal to the job worker shall contain the details specified in rule 55.

**Rule 55. Transportation of goods without issue of invoice.-** (challan issued by principal when goods send to job worker)

(1) For the purposes of

(a) supply of liquid gas where the quantity at the time of removal from the place of business of the supplier is not known,

(b) transportation of goods for job work,

(c) transportation of goods for reasons other than by way of supply, or

(d) such other supplies as may be notified by the Board,

**The consigner (Principal) may issue a delivery challan**, serially numbered not exceeding sixteen characters, in one or multiple series, in lieu of invoice at the time of removal of goods for transportation, containing the following details, namely:-

i. date and number of the delivery challan;

ii. name, address and Goods and Services Tax Identification Number of the consigner, if registered;

iii. name, address and Goods and Services Tax Identification Number or Unique Identity Number of the consignee, if registered;

iv. Harmonised System of Nomenclature code and description of goods;

v. quantity (provisional, where the exact quantity being supplied is not known)

vi. taxable value

vii. tax rate and tax amount - central tax, State tax, integrated tax, Union territory tax or cess, where the transportation is for supply to the consignee;

viii. place of supply, in case of inter-State movement; and

ix. signature.

(2) The delivery challan shall be prepared in triplicate, in case of supply of goods, in the following manner, namely:-

(a) the original copy being marked as ORIGINAL FOR CONSIGNEE;

(b) the duplicate copy being marked as DUPLICATE FOR TRANSPORTER; and

(c) the triplicate copy being marked as TRIPLICATE FOR CONSIGNER.

(3) Where goods are being transported on a delivery challan in lieu of invoice, the same shall be declared as specified in rule 138.

(4) Where the goods being transported are for the purpose of supply to the recipient but the tax invoice could not be issued at the time of removal of goods for the purpose of supply, the supplier shall issue a tax invoice after delivery of goods.

(5) Where the goods are being transported in a semi knocked down or completely knocked down condition -

(a) the supplier shall issue the complete invoice before dispatch of the first consignment;

(b) the supplier shall issue a delivery challan for each of the subsequent consignments, giving reference of the invoice;

(c) each consignment shall be accompanied by copies of the corresponding delivery challan along with a duly certified copy of the invoice; and

(d) the original copy of the invoice shall be sent along with the last consignment

(3) The details of challans in respect of goods dispatched to a job worker or received from a job worker or sent from one job worker to another during a quarter shall be included in FORM GST ITC-04 furnished for that period on or before the twenty-fifth day of the month succeeding the said quarter. **(25th end of the quarter)**

(4) Where the inputs or capital goods are not returned to the principal within the time stipulated in section 143, it shall be deemed that such inputs or capital goods had been supplied by the principal to the job worker on the day when the said inputs or capital goods were sent out and the said supply shall be declared in **FORM GSTR-1 and the principal shall be liable to pay the tax along with applicable interest.**

Explanation.- For the purposes of this Chapter,- (1) the expressions “capital goods” shall include “plant and machinery” as defined in the Explanation to section 17; (2) for determining the value of an exempt supply as referred to in sub-section (3) of section 17- (a) the value of land and building shall be taken as the same as adopted for the purpose of paying stamp duty; and (b) the value of security shall be taken as one per cent. of the sale value of such security.

#### **Input Tax credit on goods supplied to job worker**

Section 19 of the CGST Act, 2017 provides that the principal (a person supplying taxable goods to the job worker) shall be entitled to take the credit of input tax paid on inputs sent to the job-worker for the job-work.

Further, the proviso also provides that the principal can take the credit even when the goods have been directly supplied to the job-worker without being brought into the premise of the principal. The principal need not wait till the inputs are first brought to his place of business.

#### **Time Limits for the return of processed goods**

As per section 19 of the CGST Act, 2017, inputs and capital goods after processing shall be returned back to principal within one year or three years respectively of their being sent out. **Further, the provision of return of goods is not applicable in case of moulds and dies, jigs and fixtures or tools supplied by the principal to job-worker.**

#### **Extended meaning of input**

As per the explanation provided in Section 143 of the CGST Act, 2017, where certain process is carried out on the input before removal of the same to the job worker, such product after carrying out the process is to be referred as the intermediate product. Such intermediate product can also be removed without the payment of tax. Therefore, both input and intermediate product can be cleared without payment of duty to job-worker.

#### **Waste clearing provisions**

Pursuant to Section 143 (5) of the CGST Act, 2017, waste generated at the premises of the job-worker may be supplied directly by the registered job-worker from his place of business on payment of tax or such waste may be cleared by the principal, in case the job-worker is not registered.



## **Increasing Managerial Remuneration over and above ceiling limits in Listed Companies**

### **Central Government Approval for Increasing Managerial Remuneration Over And Above Ceiling Limit**

CS Priyanka Vyas

In the article below we will discuss about the provisions in respect of compliances in respect of increasing the managerial remuneration to the overall limit as per the provisions of Companies Act, 2013 and also that as amended by the Companies (Amendment) Act, 2017

Prior to the Companies Amendment Act 2017, the company was required to take the approval of central government in case where it wanted to exceed the overall ceiling of remuneration of 11% of the net profits of the company, which is now with the amendment act waived off.

**Interpretation:** The company is not at all required to take approval of central government if it wants to pay remuneration in excess of 11% of net profit of the company.

Prior to the Companies Amendment Act 2017, it was further required to take approval from shareholders **through Ordinary resolution** in case where the remuneration limits for the following was to be raised above given limits



Sr.	Designation	Limit
1	Any One MD/MTD/Manager	5%
2	More than one MD/MTD/Manager	10% taken together
3	Other than MD/MTD when there is managing or whole-time director or manager	1%
4	Other cases	3%

Post the assent by President on Companies Amendment Act 2017, you are required to take **approval from shareholders through special resolution**

It is further added that if the company is in default for payment of dues to any bank or public financial institution or non-convertible debenture holders or any other secured creditor, then the company is required to take prior approval of those stakeholders before taking approval in general meeting

**Interpretation:** if you have a default of non-payment of dues with banks and other institutions then first take their approval and then you may take approval of the shareholders in the general meeting through special resolution.

Earlier the company was allowed to pay remuneration to its director in case of loss or inadequate profits in accordance with Schedule V or Central government as the case may be. But now the approval from Central Government is omitted.

**Interpretation:** Now if a company incurs Losses or has Inadequate Profits then it can pay remuneration to its directors ONLY in accordance with the provisions of Schedule V.

If a director draws excess salary then he was required to refund such sum to company or until refunded, hold such sum in Trust for the company.

But the amendment act has given the director a relief of refunding such amount within TWO YEARS or such lesser period as may be allowed by the company, and until such sum is refunded, hold it in trust for the company.

The company was not allowed to waive off the refundable amount without the prior approval of Central Government, but now the company need not take CG approval, with the amendment act the Company is allowed to waive such refundable amount by passing a Special Resolution within TWO YEARS from the date the sum becomes refundable.

It is further added that if the company is in default for payment of dues to any bank or public financial institution or non-convertible debenture holders or any other secured creditor, then the company is required to take prior approval of those stakeholders before taking approval for waiver.

**Interpretation:** If you have a default of non-payment of dues with banks and other institutions then first take their approval and then you may take approval for waiver.

The auditor of the company shall, in his report under section 143, make a statement as to whether the remuneration paid by the company to its directors is in accordance with the provisions of this section, whether remuneration paid to any director is in excess of the limit laid down under this section and give such other details as may be prescribed

It is also proposed to provide relief to the company whose application is pending for approval before the Central Government under section 197 by making a provision under which on and from the commencement of the Companies (Amendment) Act, 2017, any application made to the Central Government under the provisions of this section as it stood before such commencement, which is pending with that Government shall abate, and the company shall, within one year of such commencement, obtain the approval in accordance with the provisions of this section, as so amended.

## CRUX

Sr.	Compliance with reference to sections	Prior to amendment	Post amendment
1	Proviso to sub section 1 of section 197_ Approval of CG to remunerate directors over and above ceiling of 11%	Required to take CG approval before remunerating directors over and above 11%	Not required to take approval from CG
2	Second proviso_ Approval from shareholders for remunerating over and above ceiling	Through Ordinary resolution	Through Special Resolution
3	New proviso for NOC from Financial Institution (in case of default of dues)	-	Mandatory to take before passing SR

Sr.	Compliance with reference to sections	Prior to amendment	Post amendment
4	Sub section 3 of section 197 Remuneration to directors in case of loss or inadequate profit	As per Schedule V and/or Central government approval	Only Schedule V
5	Sub section 9 of section 197 Refund of excess salary withdrawn	Refund such sum to company or until refunded, hold such sum in Trust for the company	Refund within 2 yrs or such lesser period as prescribed by company, or hold such amount in trust for the company.
6	Sub section 10 of section 197 Waive off the refundable amount	With approval of Central Government	Only by passing a Special Resolution within TWO YEARS from the date the sum becomes refundable
7	New proviso for NOC from Financial Institution (in case of default of dues)	--	Mandatory to take before passing SR
8	New sub section 16_ Audit report for compliance	--	Mandatory
9	Newly added_ relief to the company whose application is pending for approval before the Central Government under section 197	--	Such application shall abate, and the company shall, within one year of such commencement, obtain the approval in accordance with the provisions of this section, as so amended



## NOTIFICATIONS/CIRCULARS

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]  
**Government of India Ministry of Finance (Department of Revenue)**  
**Central Board of Excise and Customs**

**Notification No. 75/2017 – Central Tax**  
**New Delhi, the 29<sup>th</sup> December, 2017**

G.S.R.....(E):- In exercise of the powers conferred by section 164 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government hereby makes the following rules further to amend the Central Goods and Services Tax Rules, 2017, namely:-

(1) These rules may be called the Central Goods and Services Tax (Fourteenth Amendment) Rules, 2017.

(2) Unless otherwise specified, they shall come into force on the date of their publication in the Official Gazette.

2. In the Central Goods and Services Tax Rules, 2017, -

(i) in rule 17, after sub-rule (1), the following sub-rule shall be inserted, namely:-

“(1A) The Unique Identity Number granted under sub-rule (1) to a person under clause (a) of sub-section (9) of section 25 shall be applicable to the territory of India.”;

(ii) in rule 19, after sub-rule (1), the following sub-rule shall be inserted, namely:-

“(1A). Notwithstanding anything contained in sub-rule (1), any particular of the application for registration shall not stand amended with effect from a date earlier than the date of submission of the application in **FORM GST REG-14** on the common portal except with the order of the Commissioner for reasons to be recorded in writing and subject to such conditions as the Commissioner may, in the said order, specify.”;

(iii) with effect from 23<sup>rd</sup> October, 2017, in rule 89, for sub-rule (4), the following shall be substituted, namely:-

“(4) In the case of zero-rated supply of goods or services or both without payment of tax under bond or letter of undertaking in accordance with the provisions of sub- section (3) of section 16 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), refund of input tax credit shall be granted as per the following formula –

Refund Amount = (Turnover of zero-rated supply of goods + Turnover of zero-rated supply of services) x Net ITC  
÷ Adjusted Total Turnover

Where, -

- (A) "Refund amount" means the maximum refund that is admissible;
- (B) "Net ITC" means input tax credit availed on inputs and input services during the relevant period other than the input tax credit availed for which refund is claimed under sub-rules (4A) or (4B) or both;
- (C) "Turnover of zero-rated supply of goods" means the value of zero-rated supply of goods made during the relevant period without payment of tax under bond or letter of undertaking, other than the turnover of supplies in respect of which refund is claimed under sub-rules (4A) or (4B) or both;
- (D) "Turnover of zero-rated supply of services" means the value of zero-rated supply of services made without payment of tax under bond or letter of undertaking, calculated in the following manner, namely:-

Zero-rated supply of services is the aggregate of the payments received during the relevant period for zero-rated supply of services and zero-rated supply of services where supply has been completed for which payment had been received in advance in any period prior to the relevant period reduced by advances received for zero-rated supply of services for which the supply of services has not been completed during the relevant period;

- (E) "Adjusted Total turnover" means the turnover in a State or a Union territory, as defined under clause (112) of section 2, excluding –
  - (a) the value of exempt supplies other than zero-rated supplies and
  - (b) the turnover of supplies in respect of which refund is claimed under sub-rules (4A) or (4B) or both, if any, during the relevant period;
- (F) "Relevant period" means the period for which the claim has been filed.

(4A) In the case of supplies received on which the supplier has availed the benefit of notification No. 48/2017-Central Tax dated 18<sup>th</sup> October, 2017, refund of input tax credit, availed in respect of other inputs or input services used in making zero-rated supply of goods or services or both, shall be granted.

(4B) In the case of supplies received on which the supplier has availed the benefit of notification No. 40/2017-Central Tax (Rate) dated 23<sup>rd</sup> October, 2017 or notification No. 41/2017-Integrated Tax (Rate) dated 23<sup>rd</sup> October, 2017, or both, refund of input tax credit, availed in respect of inputs received under the said notifications for export of goods and the input tax credit availed in respect of other inputs or input services to the extent used in making such export of goods, shall be granted.”;

(iv) in rule 95 -

- (a) for sub-rule (1), the following sub-rule shall be substituted, namely:-

“(1) Any person eligible to claim refund of tax paid by him on his inward supplies as per notification issued under section 55 shall apply for refund in **FORM GST RFD-10** once in every quarter, electronically on the common portal or otherwise, either directly or through a Facilitation Centre notified by the Commissioner, along with a statement of the inward supplies of goods or services or both in **FORM GSTR-11**.”;

- (b) in sub-rule (3), in clause (a), the words “and the price of the supply covered under a single tax invoice exceeds five thousand rupees, excluding tax paid, if any” shall be omitted;
- (v) with effect from 23<sup>rd</sup> October, 2017, in rule 96 –
  - (a) in the heading, after the words “paid on goods”, the words “or services” shall be inserted;
  - (b) after sub-rule (8), the following sub-rule shall be inserted, namely:-

“(9) The persons claiming refund of integrated tax paid on export of goods or services should not have received supplies on which the supplier has availed the benefit of notification No. 48/2017-Central Tax dated 18<sup>th</sup> October, 2017 or notification No. 40/2017-Central Tax (Rate) dated 23<sup>rd</sup> October, 2017 or notification No. 41/2017-Integrated Tax (Rate) dated 23<sup>rd</sup> October, 2017.”;

- (vi) for **FORM GST REG-10**, the following form shall be substituted, namely:-

**“FORM GST REG-10***[See rule 14(1)]*

**Application for registration of person supplying online information and data base access or retrieval services from a place outside India to a person in India, other than a registered person.**

**Part –A**

(i)	Legal name of the person	
(ii)	Tax identification number or unique number on the basis of which the entity is identified by the Government of that country	
(iii)	Name of the Authorised Signatory	
(iv)	Email Address of the Authorised Signatory	
(v)	Name of the representative appointed in India, if any	
	(a) Permanent Account Number of the representative in India	
	(b) Email Address of the representative in India	
	(c) Mobile Number of the representative in India (+91)	
Note- Relevant information submitted above is subject to online verification, where practicable, before proceeding to fill up Part-B.		

**Part –B**

1.	Details of Authorised Signatory					
	First Name	Middle Name	Last Name			
	Photo					
	Gender	Male / Female / Others				
	Designation					
	Date of Birth	DD/MM/YYYY				
	Father's Name					
	Nationality					
	Aadhaar, if any					
	Address of the Authorised Signatory	Address line 1				
		Address line 2				
		Address line 3				
2.	Date of commencement of the online service in India.	DD/MM/YYYY				
3	Uniform Resource Locators (URLs) of the website through which taxable services are provided: 1. 2. 3.					
4	Jurisdiction	Center	Bengaluru West, CGST Commissionerate			
	Details of Bank Account of representative in India(if appointed)					
	Account Number			Type of account		
5	Bank Name		Branch Address		IFSC	
6	Documents Uploaded <i>A customized list of documents required to be uploaded (refer Instruction) as per the field values in the form</i>					
7	<p>Declaration</p> <p>I hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.</p> <p>I, _____ hereby declare that I am authorised to sign on behalf of the Registrant. I would charge and collect tax liable from the non-assesse online recipient located in taxable territory and deposit the same with Government of India. Signature</p> <p>Place : _____ Name of Authorised Signatory: _____</p> <p>Date : _____ Designation: _____</p>					



Note: Applicant will require to upload declaration (as per under mentioned format) along with scanned copy of the passport and photograph. List of documents to be uploaded as evidence are as follows:-

1	<p>Proof of Place of Business of representative in India, if any:</p> <p>(a) For own premises - Any document in support of the ownership of the premises like Latest Property Tax Receipt or Municipal Khata copy or copy of Electricity Bill.</p> <p>(b) For Rented or Leased premises - A copy of the valid Rent / Lease Agreement with any document in support of the ownership of the premises of the Lessor like Latest Property Tax Receipt or Municipal Khata copy or copy of Electricity Bill.</p> <p>(c) For premises not covered in (a) and (b) above - A copy of the Consent Letter with any document in support of the ownership of the premises of the Consenter like Municipal Khata copy or Electricity Bill copy. For shared properties also, the same documents may be uploaded.</p>
2	<p>Proof of :</p> <p>Scanned copy of the passport of the Non -resident tax payer with VISA details. In case of Company/Society/LLP/FCNR/ etc. person who is holding power of attorney with authorisation letter.</p> <p>Scanned copy of Certificate of Incorporation if the Company is registered outside India or in India</p> <p>Scanned copy of License is issued by origin country</p> <p>Scanned copy of Clearance certificate issued by Government of India</p>
3	<p>Bank Account Related Proof:</p> <p>Scanned copy of the first page of Bank passbook / one page of Bank Statement Opening page of the Bank Passbook held in the name of the Proprietor / Business Concern - containing the Account No., Name of the Account Holder, MICR and IFSC and Branch details.</p>
4	Scanned copy of documents regarding appointment as representative in India, if applicable
5	<p>Authorisation Form:-</p> <p>For Authorised Signatory mentioned in the application form, Authorisation or copy of Resolution of the Managing Committee or Board of Directors to be filed in the following format:</p> <p>Declaration for Authorised Signatory (Separate for each signatory)</p> <p>I --- (Managing Director/Whole Time Director/CEO or Power of Attorney holder) hereby solemnly affirm and declare that &lt;&lt;name of the authorised signatory&gt;&gt; to act as an authorised signatory for the business &lt;&lt; Name of the Business&gt;&gt; for which application for registration is being filed/ is registered under the Central Goods and Service Tax Act, 2017. All his actions in relation to this business will be binding on me/ us.</p> <p>Signatures of the persons who is in charge.</p> <p>S. No. Full Name Designation/Status Signature 1.</p> <p>Acceptance as an authorised signatory</p> <p>I &lt;&lt;(Name of authorised signatory)&gt;&gt; hereby solemnly accord my acceptance to act as authorised signatory for the above referred business and all my acts shall be binding on the business.</p> <p style="text-align: right;">Signature of Authorised</p> <p>Signatory Place (Name)</p> <p>Date: Designation/Status</p>

#### Instructions –

- 1 If authorised signatory is not based in India, authentication through digital signature certificate shall not be mandatory for such persons. The authentication will be done through Electronic Verification Code (EVC).
- 2 Appointed representative in India shall have the meaning as specified under section 14 of Integrated Goods and Services Tax Act, 2017.”;
  - (i) in **FORM GST REG-13**,
  - a. in **PART-B**, at serial no. 4, the words, “Address of the entity in State” shall be substituted with the words, “Address of the entity in respect of which the centralized UIN is sought”;
  - b. in the Instructions, the words, “Every person required to obtain a unique identity number shall submit the application electronically” shall be substituted with the words, “Every person required to obtain a unique identity number shall submit the application electronically or otherwise.”;
  - (ii) for **FORM GSTR-11**, the following form shall be substituted, namely :

# Form GSTR -11

[See rule 82]

## Statement of inward supplies by persons having Unique Identification Number (UIN)

1.	UIN																			
2	Name of the person having UIN	Auto populated																		

Year				
Tax Period				

### 3. Details of inward supplies received

(Amount in Rs. for all Tables)

GSTIN of supplier	Invoice/Debit Note/Credit Note details			Rate	Taxable value	Amount of tax				Place of Supply
	N o	D a t e	V a l u e			Integr ated tax	Central Ta x	State/ UT Tax	CESS	
1	2	3	4	5	6	7	8	9	10	11
3A. Invoices received										
3B. Debit/Credit Note received										

### Verification

I hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Place

Date

Signature

Name of Authorised Signatory

Designation/Status

### Instructions:-

#### 1. Terms Used

a. GSTIN :- Goods and Services Tax Identification Number

b. UIN :- Unique Identity Number

2. Refund applications has to be filed in the same State in which the Unique Identity Number has been allotted.

3. For refund purposes only those invoices may be entered on which refund is sought.”;

(i) for **FORM GST RFD-10**, the following form shall be substituted, namely:-

### "FORM GST RFD-10

[See rule 95(1)]

**Application for Refund by any specialized agency of UN or any Multilateral Financial Institution and Organization, Consulate or Embassy of foreign countries, etc.**

1. UIN :
2. Name :
3. Address :
4. Tax Period (Quarter) : From <DD/MM/YY> To <DD/MM/YY>
5. ARN and date of GSTR11 : ARN <.....> Date <DD/MM/YY>
6. Amount of Refund Claim : <INR><In Words>

7. **Details of Bank Account:**

- a. Bank Account Number
  - b. Bank Account Type
  - c. Name of the Bank
  - d. Name of the Account Holder/Operator
  - e. Address of Bank Branch
  - f. IFSC
  - g. MICR
2. Verification

I \_\_\_\_\_ as an authorised representative of << Name of Embassy/international organization >> hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

That we are eligible to claim such refund as specified agency of UNO/Multilateral Financial Institution and Organization, Consulate or Embassy of foreign countries/ any other person/ class of persons specified/ notified by the Government.

Date :

Signature of Authorised

Signatory :

Place :

Name

Designation / Status

**Instructions**

1. Application for refund shall be filed on quarterly basis.
2. Table No. 6 will be auto-populated from details furnished in table 3 of GSTR-11.
3. There will be facility to edit the refund amount as per eligibility.
4. Requisite certificate issued by MEA granting the facility of refund shall be produced before the proper officer for processing refund claim. ”;

(i) in **FORM GST DRC-07**, the Table at serial no. 5 shall be omitted.

[F. No. 349/58/2017-GST(Pt.)]

(Ruchi Bisht)

Under Secretary to the Government of India

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (i) vide notification No. 3/2017-Central Tax, dated the 19<sup>th</sup> June, 2017, published vide number G.S.R 610 (E), dated the 19<sup>th</sup> June, 2017 and last amended vide notification No. 70/2017-Central Tax, dated the 21<sup>st</sup> December, 2017, published vide number G.S.R 1531 (E), dated the 21<sup>st</sup> December, 2017.



## E-WAY BILLS

Under the GST, e-way bills will be implemented across the country for all inter-state movement of goods from 1<sup>st</sup> February, 2018 and for all intra-state movement from 1<sup>st</sup> June, 2018

Six Indian states started trial runs for e-way bills on 16<sup>th</sup> January, 2018 under the goods and services tax (GST), taking the number of states who have rolled out the e-way bill system to 10.

While Karnataka, Rajasthan, Uttarakhand and Kerala had already started using e-way bills, Haryana, Bihar, Maharashtra, Gujarat, Sikkim and Jharkhand started the trial runs on 16<sup>th</sup> January, 2018. E-way bills will be implemented across the country for all inter-state movement of goods from 1<sup>st</sup> February, 2018 and for all intra state movement from 1<sup>st</sup> June, 2018. Under the new system, an e-way bill will have to be generated containing details of the consignment for every inter-state movement of goods having a value of more than Rs50,000. Industry, however, is worried that this could lead to harassment by tax authorities. It is also worried that technological glitches may lead to consignments being stopped for a long period of time.

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Excise and Customs**

**Notification No. 4/2018 – Central Tax  
New Delhi, the 23<sup>rd</sup> January, 2018**

G.S.R.....(E):- In exercise of the powers conferred by section 128 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter in this notification referred to as the said Act), the Central Government, on the recommendations of the Council, hereby waives the amount of late fee payable by any registered person for failure to furnish the details of outward supplies for any month/quarter in **FORM GSTR-1** by the due date under section 47 of the said Act, which is in excess of an amount of twenty-five rupees for every day during which such failure continues:

Provided that where there are no outward supplies in any month/quarter, the amount of late fee payable by such registered person for failure to furnish the said details by the due date under section 47 of the said Act shall stand waived to the extent which is in excess of an amount of ten rupees for every day during which such failure continues.

[F. No.349/58/2017-GST(Pt.)]

(Dr. Sreeparvathy S.L.) Under Secretary to  
the Government of India



[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Excise and Customs**

**Notification No. 9/2018 – Central Tax  
New Delhi, the 23<sup>rd</sup> January, 2018**

G.S.R....(E).- In exercise of the powers conferred by section 146 of the Central Goods and Services Tax Act, 2017 (12 of 2017) read with section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), and in supersession of the notification of the Government of India in the Ministry of Finance, Department of Revenue No. 4/2017 - Central Tax dated 19<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 606 (E), dated the 19<sup>th</sup> June, 2017, except as respects things done or omitted to be done before such supersession, the Central Government hereby notifies [www.gst.gov.in](http://www.gst.gov.in) as the Common Goods and Services Tax Electronic Portal for facilitating registration, payment of tax, furnishing of returns and computation and settlement of integrated tax and [www.ewaybillgst.gov.in](http://www.ewaybillgst.gov.in) as the Common Goods and Services Tax Electronic Portal for furnishing electronic way bill.

*Explanation.-*

- (1) For the purposes of this notification, “[www.gst.gov.in](http://www.gst.gov.in)” means the website managed by the Goods and Services Tax Network, a company incorporated under the provisions of section 8 of the Companies Act, 2013 (18 of 2013); and
  - (2) For the purposes of this notification, “[www.ewaybillgst.gov.in](http://www.ewaybillgst.gov.in)” means the website managed by the National Informatics Centre, Ministry of Electronics & Information Technology, Government of India.
2. This notification shall be deemed to have come into force with effect from the 16<sup>th</sup> day of January, 2018.

[F. No.349/58/2017-GST(Pt.)]

(Dr. Sreeparvathy S.L.) Under Secretary to  
the Government of India  
Note:- The principal notification  
No.4/2017-Central Tax, dated the 19<sup>th</sup> June, 2017 was published  
in the Gazette of India, Extraordinary, Part II, Section 3, Sub-  
section (i) vide number G.S.R. 606 (E), dated the 19<sup>th</sup> June, 2017.



## GST REFUNDS DELAY HITS STATE TEXTILE UNITS HARD

With input tax credit (ITC) refunds for most industries pending for some six months now, textile processing units have been hit hard, with most battling working capital crunch. Estimates by textile processing units indicate that ITC refunds to the tune of around Rs 100 crore are pending for units across Gujarat - mainly in the clusters in Ahmedabad, Surat, Jetpur and Rajkot.

"Not a single ITC refund has been processed yet. This has led to major working capital crunch, especially for small and medium-scale units. With increase in raw material prices, our input costs have risen and it is difficult to sustain business operations," said Naresh Sharma, vice president, Ahmedabad Textile Processing Association.

Industry experts claim that prices of raw materials widely used in textile processing, including colour and chemicals has gone up. "The prices of caustic soda or caustic lye has increased by 40%. Similarly, the prices of colouring chemicals have also gone up in domestic and international market. This is bound to hit textile processing units with input costs going up," said Shailesh Patwari, president, Gujarat Chamber of Commerce and Industries (GCCI).

Struggling under severe working capital crunch, many units are either seeking loans or cutting down heavily on profit margins. "Currently, our production costs have gone up. Against this, ITC refunds haven't been processed, causing major capital crunch. This is not just denting the profits but is also impacting production and in turn, hitting business," said Nitin Thakker, owner of a textile processing unit in Ahmedabad.

Industry players claim the amount pending in the form of ITC is higher than their actual GST rates.

Explaining this, Arvind Hirpara, a partner in a city-based textile processing unit, said, "We're paying an average of 11% tax into input processes including lignite, power, chemicals and other miscellaneous processes. However, the finished product is sold on 5% GST. Therefore, our input cost is higher than what we get on the sale of products and with no ITC, it is difficult to run business."

*(Source: The Times of India, January 30, 2018)*



## TEXTILE TRADERS HAIL STATE GOVT'S DECISION EXEMPTING FABRIC FROM E-WAY BILL

Traders in the country's largest man-made fabric (MMF) wholesale market Surat on Monday welcomed the decision by the Commissioner of State Tax, Gujarat, for exempting all types of fabrics from generating e-way bill for the intra-city and intra-state movement.

The state government has issued a notification under the Gujarat Goods and Service Tax Act, 2017 exempting the textile fabric from generating the e-way bill for intra-city and intra-state movement. The rule will come into force from February 1. However, the intra-city and intra-state movement of yarn, which is the basic raw material for the powerloom sector, will have to generate e-way bill along with other 18 items described in the notification.

Sources in the traders' community said that the decision of Gujarat government will go a long way in curbing the problems faced by the textile traders regarding the generation of e-way bill for the intra-city and intra-state movement of the textile fabrics. However, the traders will continue to demand the extension of the national e-way bill for another six months.

"It is good news for the city's textile traders. Now, the fabric parcels moving out of the textile shops at Ring Road will not require e-way bill. However, the inter-state e-way bill is still required for the traders," said director of Laxmipati saris and textile leader, Sanjay Saraogi.

Narandra Saboo, owner of Manbhari Prints said, "The decision was long awaited and the entire traders' community is happy. We now request the Central government to simplify the e-way bill process for the inter-state movement of the textile fabric."

*(Source: The Times of India, January 30, 2018)*



## CBEC – CUSTOMS

. Government has considered various representations and data related to issues arising from the implementation of the revised All Industry Rates (AIRs) of Duty Drawback. These changes are effective from 25.01.2018. The changes made, inter-alia, include AIRs/caps of drawback have been enhanced / reduced / for the few items and entries have also been deleted from the list from the Drawback Schedule. Suitable public notices/standing orders should be issued for guidance of the trade/field formations. Difficulties faced, if any, in implementation of the changes may be brought to the notice of the Board.

## TEXTILE EXPORTS LOOK UP

New Delhi: The incentives provided by the government have boosted shipments from the textile sector by 16 per cent and exports are expected to grow further as the global economy picks up in the coming months.

The GST Council is also expected to review and eliminate embedded export taxes such as on electricity and petroleum, which could provide an important boost to India's manufacturing exports.

However, there are no export superstars as the top 1 per cent of Indian firms account only for 38 per cent of exports, unlike in other countries where they account for a substantially greater share, the economic survey tabled in Parliament said on Monday.

The top 1 per cent of Indian firms account for only 38 per cent of exports unlike in other countries where they account for a substantially greater share - 72 per cent in Brazil, 68 per cent in Germany, 67 per cent in Mexico and 55 per cent in the US. This was true for the top five or 10 per cent of the Indian companies, it said.

However, the survey found that six states - Maharashtra, Gujarat, Karnataka, Tamil Nadu, Telangana and Haryana - in that order account for 75 per cent of India's exports and it also found a strong correlation between export performance and states' standard of living.

Apart from structural reforms such as the goods and services tax, the Insolvency and Bankruptcy Code and measures to facilitate the ease of doing business, the government has initiated sector-specific reforms in steel, apparel, leather and power sectors to address specific challenges associated with each of these sectors.

*(Source: The Telegraph, January 30, 2018)*

## MCA

**MCA is going to introduce a new web service "RUN" (Reserve Unique Name) for reserving 'name of proposed company and for changing name of existing company w.e.f.26th January 2018.** Under the new process, the reservation of name shall be only for 20 days instead of 60 days for new Company and existing companies will still have 60 days to change their name after name reservation. Further, **Form SPICe (INC-32), Form SPICe MoA (INC-33), Form SPICe AoA (INC-34), Form INC-3** (One Person Company- Nominee consent form), **Form INC-22** (Notice of situation or change of situation of registered office), **Form INC-24** (Application for approval of Central Government for change of name), **Form DIR-3** (Application for allotment of Director Identification Number), **Form DIR-12** (Particulars of appointment of Directors and the key managerial personnel and the changes among them) and **Form GNL-1** (Applications made to Registrar of Companies) will be revised on MCA21 Company Forms Download page. Stakeholders are advised to check the latest version of the form before filing.

## श्री अर्जुन मुन्दडा को गणतंत्र दिवस पर सम्मानित

मेवाड चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री, ब्राँच चित्तौड़गढ़ के चेयरमेन एवं चित्तौड़गढ़ सीए ब्राँच के चेयरमेन श्री अर्जुन मुन्दडा को गणतंत्र दिवस पर जिला स्तरीय कार्यक्रम में जिला कलेक्टर श्री इन्द्रजीत सिंह के मुख्य आतिथ्य एवं विधायक श्री चन्द्रभान सिंह आक्या, जिला प्रमुख श्रीमती लीला जाट एवं डी. आई.जी. श्री प्रसन्न कुमार खमेसरा द्वारा सम्मानित किया गया।







# अब जल्दी से मज़बूत



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