



October 2021 Thinking Beyond



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Employability”**

**Goods and Services Tax (GST) –
Articles, Notifications,
Circulars**

**Legal updates (GST, Service
tax, Customs)**

ICAI Announcements

**Webinars & Training
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October 2021

Internal Audit of Home Care Industry

CA. Sushil Kumar Padhy



The India home care market size was valued at USD 5.2 billion in 2019 and is expected to grow to USD 21.3 billion by 2027. The growth can be attributed to the need for better quality and dedicated care, technological advancement. Covid-19 has propelled further the home care model. Overwhelming success for at-home services provided by other sectors, such as retail (grocery, food, garment etc.), banking has set the precedence for the home care industry too. Increasing elderly population and disposable income may be other factors expected to fuel the market over the forecast period.

According to the World Health Organization (WHO), chronic and lifestyle diseases are expected to increase healthcare expenditure in India over the next 25 years. The increasing incidence of chronic diseases, coupled with the need for better primary and postoperative care, is likely to stimulate the market growth in the country. Companies have started expanding their service offerings to maintain and increase market share in the field of home care. [Read more...](#)

Nuance Of Supreme Court Sou Moto Order

CA. Akbar Basha & Adv. Aryaman Ghulathi



The Hon'ble Supreme Court of India, while taking suo moto cognizance (under Article 141 & 142 of Constitution of India) of the n-Covid-19 pandemic, that engulfed India along with the World at large had caused severe stress subjecting both the societal and economic fabrics to undue strain, the Court had extended the period of limitation under both general and special laws until further orders. This unprecedented event had also become an effective barrier in as much as it unduly restricted access to justice owing to the fact that the judicial infrastructure such as Courts/Tribunals/quasi-judicial authorities had stopped functioning or functioned under extreme restrictions so as to tackle the spread of the virus and keeping in view the health and safety of the stakeholders involved.

The Hon'ble Supreme Court in SMW(C) No.03/2020 vide Order dated 23.03.2020 while taking into consideration the various issues faced by the Government, the Industry and litigants at large, in its wisdom had extended the period of limitation under various special...[Read more](#)

Intermediary – own account exclusion

CA. Manish Sachdeva



Published on Taxguru

The intermediary service has been a controversial subject in cross border trade, since the days of Service Tax. The foremost controversy is on the outbound leg, as in if the services qualify as ‘intermediary services’, the place of supply becomes ‘the location of supplier of services’, and therefore ousting the services from the purview of export of services [Section 2 (6) of the IGST Act]. While the entire definition is ambiguous and pending constitutional litmus, the definition contains an inter alia exclusion of ‘own account’, which if applied correctly could provide a window of opportunity to various players to preserve the export status. The CBIC vide Circular No. 159/15/2021-GST (‘the Circular’) tried to provide certain clarity, but there are still gaps that need to be covered. In this backdrop, this article examines the ‘own account exclusion’. [Read more](#)

Issues in GST- Intermediaries & Export of service?

CA. Madhukar N Hiregange & CA. Roopa Nayak



Background

The scope, coverage and taxability of intermediary services has been a subject matter of litigation since service tax regime. Under service tax law, there had been disputes about the applicability of service tax levy on commission agency services by Indian service providers to foreign principals. The argument was that all services were provided by way of marketing /sales promotion to end customers in India, consequently taxable in India. The issue was more or less settled over period that services were exports. Thereafter a reversal in the entire concept had been made under negative list-based ST taxation, whereby Indian commission agents earning valuable foreign exchange would be taxed wef 1.10.14. [Read more](#)

Can we Really Have a Work Life Balance today?

CA. Madhukar N Hiregange



In the last 2 years, the time spent in working from home has led to mix up and boundaries disappearing. Maybe we have started enjoying our work less with no corresponding personal advantage. The time of office work starts at 6/7 am and closes only late in the night. Does this sound familiar? Personal worries/ commitments invade the work and work thoughts/ deadlines all the time in our thoughts when interacting with family and friends.

The use of the mobile as an extended part of our body which if allowed - can rule our mind and heart is a real threat. Is it possible to use the mobile for what we want rather than it dictating what we need to be doing? Call/ notifications falling into both segments disturbing the other!!

[Read more](#)

Permitting the distribution or exhibition of films, recordings, or programmes through licensing arrangements – proposed increase in rate to 18%

CA. Shilpi Jain



Whenever any amendment is proposed at the GST Council Meetings, it has a history to it, which when understood makes the intention clearer. In this article we would be trying to understand the proposed increase in the rate of GST to 18% in relation to the licensing services to broadcast and show original films, sound recordings, radio, and television programmes.

The Indian GST law has a lot of complications due to our federal structure, like requirement of identifying the State to which the revenue must accrue - leading to place of supply determination related issues. Added to this complication is the existence of multiple rates of GST i.e., 0%, 0.25%, 1.5%, 3%, 5%, 7.5%, 12%, 18%, 28% - leading to classification related disputes. [Read more](#)

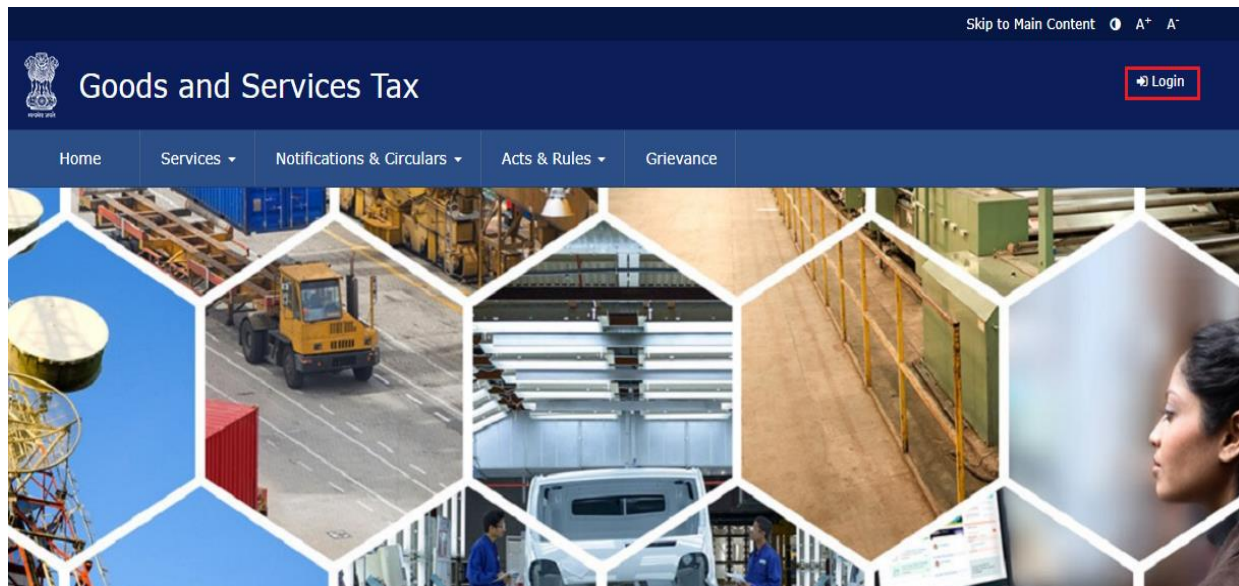
Legal Updates

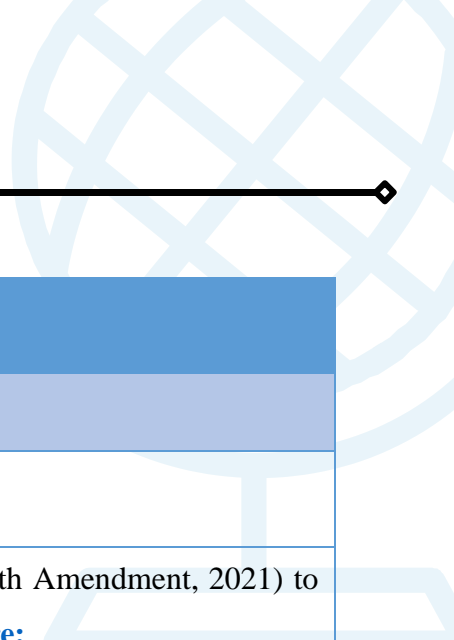
1	Refund under inverted duty structure shall be available when the rate of tax on inward supply is higher than the outward supply
2	Refund for unutilized ITC on account of 'input services' under inverted duty structure disallowed - Constitutional validity of Section 54(3) of the CGST Act and Rule 89(5) of the CGST Rules upheld
3	ITC on inputs used in manufacturing expired cakes & pastries is not admissible
4	Supreme Court recalls Suo motu extension of limitation period
5	Interest when amount to be re-credited in electronic credit ledger delayed after issuance of GST PMT-03
6	Madras HC (DB) stays order holding RWA liable to tax only on member's contribution exceeding Rs. 7,500/
7	Provisional attachment of bank account not allowed in absence of substantial material
8	Mere pendency of proceedings before the State authorities is not a ground to restrain the Central authorities from issuing summons and conduct investigation regarding certain allegations
9	Non-adherence to the procedure given in the rules shall invalidate the entire proceedings
10	No procedural law may be valid or held mandatory, if there exists physical impossibility or unreasonable difficulty/obstruction, to comply with the same

To read more in detail, [Click Here](#)

GST portal updates

Sl.No	Functionality
1	<u>Resumption of Blocking of E-Way Bill (EWB) generation facility.</u>
2	<u>On demand fetching of Bill of Entry details from ICEGATE Portal</u>
3	<u>Advisory for Taxpayers regarding Generation of EWB where the principal supply is Supply of services.</u>





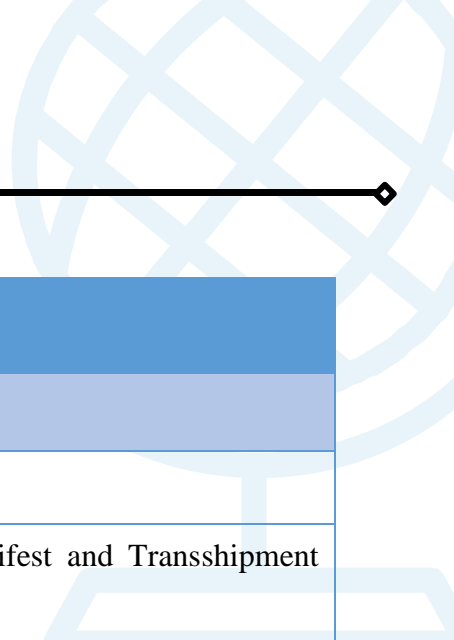
GST	
Notifications	
Notification No. and Date of issue	Subject
35/2021 -CT dt. 24.09.2021	Seeks to make amendments (Eighth Amendment, 2021) to the CGST Rules, 2017. Read more:
36/2021-CT dt. 24.09.2021	Seeks to amend Notification No. 03/2021 dated 23.02.2021. Read more:
06/2021-CT (Rate) dt. 30-09-2021	Seeks to amend notification No. 11/2017- Central Tax (Rate) so as to notify CGST rates of various services as recommended by GST Council in its 45th meeting held on 17.09.2021. Read more:
07/2021-CT (Rate) dt. 30-09-2021	Seeks to amend notification No. 12/2017- Central Tax (Rate) so as to implement recommendations made by GST Council in its 45th meeting held on 17.09.2021. Read more:
08/2021-CT (Rate) dt. 30-09-2021	Seeks to amend notification No. 1/2017- Central Tax (Rate) Read more:
09/2021-CT (Rate) dt. 30-09-2021	Seeks to amend notification No. 2/2017- Central Tax (Rate) Read more:
10/2021-CT (Rate) dt. 30-09-2021	Seeks to amend notification No. 4/2017- Central Tax (Rate) Read more:
11/2021-CT (Rate) dt. 30-09-2021	Seeks to amend notification No. 39/2017- Central Tax (Rate) Read more:
12/2021-CT (Rate) dt. 30-09-2021	Seeks to exempt CGST on specified medicines used in COVID-19, up to 31st December, 2021 Read more:
06/2021- Integrated Tax (Rate) dt. 30-09-2021	Seeks to amend notification No. 08/2017- Integrated Tax (Rate) so as to notify CGST rates of various services as recommended by GST Council in its 45th meeting held on 17.09.2021. Read more:

CBIC Updates

07/2021- Integrated Tax (Rate) dt. 30-09-2021	Seeks to amend notification No. 09/2017- Integrated Tax (Rate) so as to implement recommendations made by GST Council in its 45th meeting held on 17.09.2021. Read more:
08/2021- Integrated Tax (Rate) dt. 30-09-2021	Seeks to amend notification No. 1/2017- Integrated Tax (Rate) Read more:
09/2021- Integrated Tax (Rate) dt. 30-09-2021	Seeks to amend notification No. 2/2017- Integrated Tax (Rate) Read more:
10/2021- Integrated Tax (Rate) dt. 30-09-2021	Seeks to amend notification No. 4/2017- Integrated Tax (Rate) Read more:
11/2021- Integrated Tax (Rate) dt. 30-09-2021	Seeks to amend notification No. 40/2017- Integrated Tax (Rate) Read more:
12/2021-Integrated Tax (Rate) dt.30-09-2021	Seeks to exempt CGST on specified medicines used in COVID-19, up to 31st December, 2021 Read more:
Circulars	
Notification No. and Date of issue	Subject
158/14/2021-GST dt 06-09-2021	Clarification regarding extension of time limit to apply for revocation of cancellation of registration in view of Notification No. 34/2021-Central Tax dated 29th August, 2021. Read more:
159/15/2021-GST dt 20-09-2021	Clarification on doubts related to scope of “Intermediary” Read more:
160/16/2021-GST dt 20-09-2021	Clarification in respect of certain GST related issues Read more:
161/17/2021-GST dt 20-09-2021	Clarification relating to export of services-condition (v) of section 2(6) of the IGST Act 2017 Read more:
162/18/2021-GST dt 25-09-2021	Clarification in respect of refund of tax specified in section 77(1) of the CGST Act and section 19(1) of the IGST Act. Read more:

CBIC Updates

163/19/2021-GST dt 06-10-2021	Clarification regarding GST rates & classification (goods) based on the recommendations of the GST Council in its 45th meeting held on 17th September, 2021 at Lucknow–reg. Read more:
164/2020/2021-GST dt 06-10-2021	Clarifications regarding applicable GST rates & exemptions on certain services Read more:
Customs	
Notifications	
Notification No. and Date of Issue.	Subject
42/2021-Cus, dt. 10-09-2021	Seeks to amend the notification No. 50/ 2017 -Customs dated 30.06.2017 and notification No. dated 11/2021 dated 01.02.2021 in order to reduce and rationalise the import duties on Palm, Sunflower and Soya-bean oils Read more:
43/2021-Cus, dt. 10-09-2021	Seeks to rescind the notification No. 34/2021- Customs dated 29.06.2021. Read more:
44/2021-Cus, dt. 17-09-2021	Seeks to amend the BCD rate on Lentils (Masur) [0713 40 00], originating in or exported from USA. Read more:
45/2021-Cus, dt. 29-09-2021	Seeks to exempt COVID-19 vaccines from basic Custom duty till 31st December, 2021 Read more:
46/2021-Cus, dt. 30-09-2021	Seeks to implement GST Council recommendation on IGST on imports related to Spinal Muscular Atrophy disease, etc., as well Condition No. 102 pertaining to Services. Read more:
47/2021-Cus, dt. 30-09-2021	Seeks to implement GST Council recommendation on IGST on imports related to goods from Antarctica and Border haats. Read more:



Customs (Non-Tariff)	
Notifications	
Notification No. and Date of issue	Subject
70/2021 – Customs (NT) d.t 31.08.2021	Seeks to amend Sea Cargo Manifest and Transshipment Regulations 2018 Read more:
71/2021 – Customs (NT) d.t 02.09.2021	Exchange rates Notification No.71/2021-Cus (NT) dated 02.09.2021 Read more:
32/2021-Customs (NT/CAA/DRI) dt.08.09.21	Appointment of CAA by Pr. DGRI Read more:
33/2021-Customs (NT/CAA/DRI) dt.09.09.21	Appointment of CAA by Pr. DGRI Read more:
72/2021 – Customs (NT) d.t 13.09.2021	Amendment in the Notification No. 61/94-Cus. (N.T.), dated 21-11-1994 Read more:
73/2021 – Customs (NT) d.t 15.09.2021	Fixation of Tariff Value of Edible Oils, Brass Scrap, Areca Nut, Gold and Silver- Reg. Read more:
74/2021 – Customs (NT) d.t 16.09.2021	Exchange rates Notification No.74/2021-Cus (NT) dated 16.9.2021 Read more:
75/2021 – Customs (NT) d.t 23.09.2021	Seeks to notify the Electronic Duty Credit Ledger Regulations, 2021 Read more:
76/2021 – Customs (NT) d.t 23.09.2021	Seeks to notify the manner to issue duty credit for goods exported under the Scheme for Remission of Duties and Taxes on Exported Products (RoDTEP). Read more:
77/2021 – Customs (NT) d.t 24.09.2021	Seeks to notify the manner to issue duty credit for goods exported under the continuation of Scheme for Rebate of State and Central Taxes and Levies (RoSCTL) Read more:
34/2021-Customs (NT/CAA/DRI) d.t 20.09.2021	Appointment of CAA by Pr. DGRI. Read more:

78/2021 – Customs (NT) d.t 30.09.2021	Seeks to amend Sea Cargo Manifest and Transshipment Regulations 2018. Read more:
79/2021 – Customs (NT) d.t 30.09.2021	Fixation of Tariff Value of Edible Oils, Brass Scrap, Areca Nut, Gold and Silver - Reg. Read more:

Anti-Dumping Duty

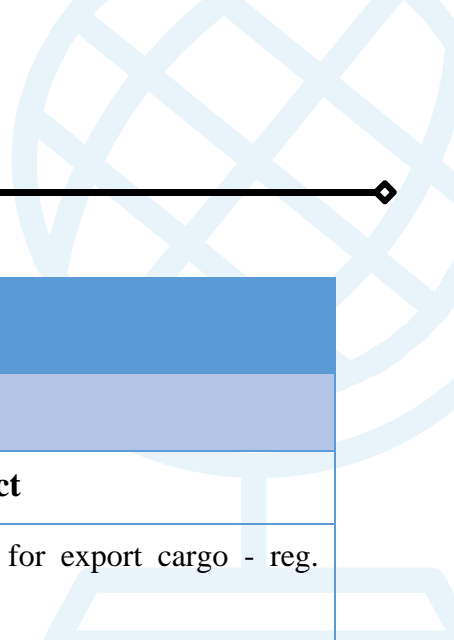
Notifications

Notification No. and Date of issue	Subject
50/2021-Customs (ADD), dt. 14.09.2021	Seeks to amend Notification No. 54/2017 -Customs(ADD) dated 17.11.2017 regarding levy of anti-dumping duty on Certain Rubber Chemicals to amend the name of exporter from "Solutia Europe SPRL/BVBA, Belgium" to "Solutia Europe BV" Read more:
51/2021-Customs (ADD), dt. 16.09.2021	Seeks to levy anti-dumping duty on imports of 'Aluminum foil' originating in or exported from China PR, Malaysia, Thailand, Indonesia for a period of five years. Read more:
52/2021-Customs (ADD), dt. 22.09.2021	Seeks to rescind Notification No. 11/2016-Customs(ADD) dated 29th March, 2016. Read more:
53/2021-Customs (ADD), dt. 29.09.2021	Seeks to amend Notification No. 49/2017-Customs(ADD) dated 17th October, 2017 to extend the levy of ADD on 'Colour coated/pre-painted flat products of alloy or non-alloy steel' from China PR and EU up to 31st March, 2022. Read more:
54/2021-Customs (ADD), dt. 30.09.2021	Seeks to amend notification No. No. 29/2017-Customs (ADD), dated the 14th June, 2017 to extend levy of anti-dumping duty on "Glazed/Unglazed Porcelain/Vitrified tiles in polished or unpolished finish with less than 3% water absorption" from China PR upto 28th February, 2022 Read more:

CBIC Updates

55/2021-Customs (ADD), dt. 30.09.2021	Seeks to amend notification No. 54/2018 – Customs (ADD) dated 18th October, 2018 so as to extend the temporary revocation of the operation of the said notification up to 31st January, 2022. Read more:
56/2021-Customs (ADD), dt. 30.09.2021	Seeks to amend notification No. 38/2019 – Customs (ADD) dated 25th September, 2019 so as to extend the temporary revocation of the operation of the said notification up to 31st January, 2022. Read more:
57/2021-Customs (ADD), dt. 30.09.2021	Seeks to amend notification No. 16/2020 Customs (ADD), dated the 23rd June, 2020 so as to extend the temporary revocation of the operation of the said notification up to 31st January, 2022. Read more:
58/2021-Customs (ADD), dt. 01.10.2021	Seeks to extend the levy of ADD on import of Jute products originating in or exported from Bangladesh and Nepal by amending notification No. 01/2027-Customs (ADD) dated 05-01-2017 Read more:
59/2021-Customs (ADD), dt. 04.10.2021	Seeks to extend anti dumping duty on 'ceramic tableware and glassware' originating in or exported from Malaysia, to prevent the circumvention of anti dumping duty levied on subject goods originating in or exported from China PR vide Notification No. 4/2018-Customs (ADD) dated 21st February, 2018. Read more:
04/2021-Cus (CVD) d.t 24.09.2021	Seeks to impose countervailing duty on “Aluminium Wire in coil form/Wire Rod in coil form having diameter ranging from 9 mm to 13 mm” exported from Malaysia for a period of 5 years. Read more:
05/2021-Cus (CVD) d.t 30.09.2021	Seeks to amend notification No. 01/2017 – Customs (CVD) dated 7th September 2017 so as to extend the temporary revocation of the operation of the said notification up to 31st January, 2022. Read more:

CBIC Updates



Customs

Circulars

Circular No and Date of issue.	Subject
21/2021 dt 24-09-2021	Easing container availability for export cargo - reg. Read more:
22/2021 dt 30-09-2021	Rebate of State and Central Taxes and Levies (RoSCTL) Scheme on export of apparel/garments/made-ups w.e.f. 01.01.2021 Read more:
23/2021 dt 30-09-2021	Scheme for Remission of Duties and Taxes on Exported Products (RoDTEP) w.e.f. 01.01.2021. Read more:

Instructions

Instruction No and Date of issue	Subject
F. No.450/179/2017-Cus- IV dt 10-09-2021	Easing availability of containers for exporters
F. No. 394/05/2021-Commr. (Inv-Cus) dt 05-10-2021	Submission of Intimation of Arrest Report & Incident Report

Recorded Webinars

1. The Non-Cost effectiveness to 10-12 % partially made good by the scheme
2. Be the global hub for manufacturing as well as sourcing
3. Smaller number of eligible industries
4. Incentive based on actual incremental sales - Break for a year of 2 allowed
5. Target of 8 % year on year growth
6. For each product implementation agency is relevant industry - Dept of heavy industry
7. Attempt to be online [facility for manual when not possible]
8. Higher domestic value addition sought

For detailed understanding, [watch](#) the full video

For PPT, [click here](#)

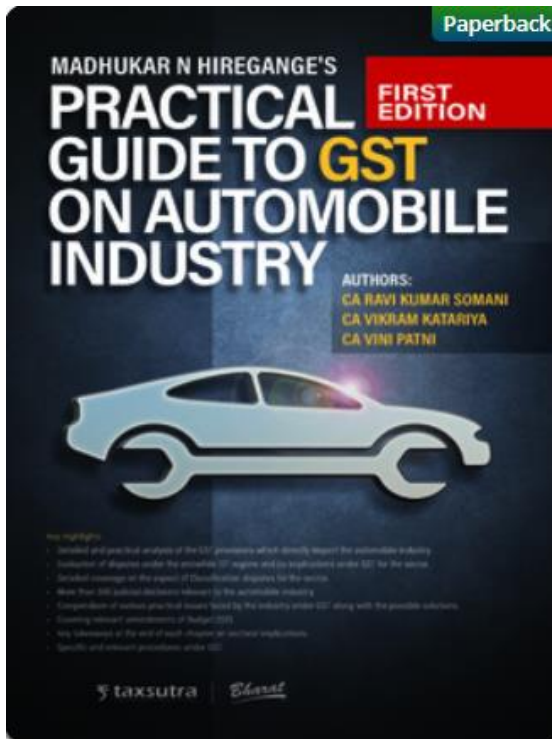
Production Linked Incentive (PLI) Scheme for Automobile Industry

- *CA. Madhukar N. Hiregange*
- *CA. Vini Patni*

27th September 2021



Authored Books

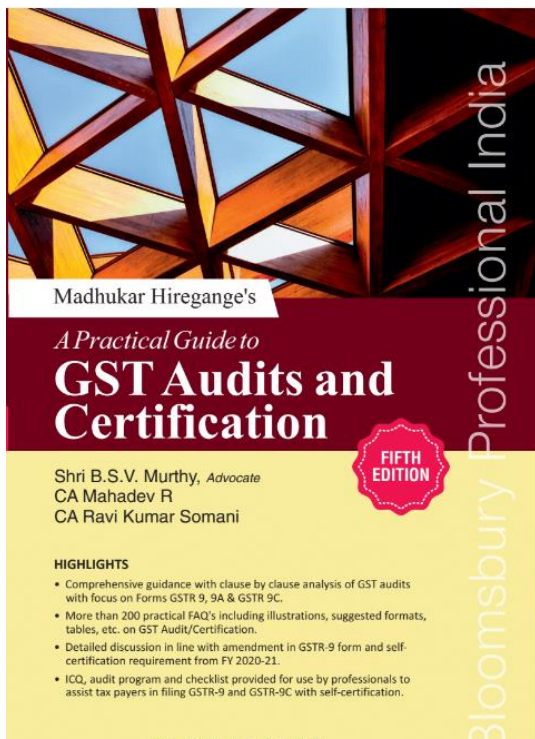


PRACTICAL GUIDE TO GST ON AUTOMOBILE INDUSTRY - By CA Ravi Kumar Somani, CA Vikram Katariya, CA Vini Patni

Year Of Publication: 2021

Genre: GST & Other Indirect Taxes

Publishing House: Taxsutra and Bharat Law House Pvt Ltd



A PRACTICAL GUIDE TO GST AUDITS AND CERTIFICATION - By Shri (Adv.) B.S.V. Murthy, CA Mahadev R, CA Ravi Kumar Somani

Year Of Publication: 2021

Genre: GST & Other Indirect Taxes

Publishing House: Bloomsbury

ICAI Announcements

1. [Exposure Draft of Guidance Note on Division I - Non Ind AS Schedule III to the Companies Act, 2013\(Comments to be received by September 10, 2021\) - by Corporate Laws & Corporate Governance Committee ICAI \(03-09-2021\)](#)
2. [Students converted from earlier scheme to revised scheme from July 21, 2021 to August 20, 2021 allowed to appear in Old/ New scheme in November, 2021 examination - \(08-09-2021\)](#)
3. [Result of Online Examination for Certificate Course on BRSR held on September 5, 2021 has been declared - SRSB, ICAI - \(09-09-2021\)](#)
4. [Empanelment of Members to act as Observers at the Examination Centres for The Chartered Accountants Examinations December - 2021 - \(13-09-2021\)](#)
5. [Results of the Chartered Accountants Final Examination \(Old course & New Course\) and Foundation Examination held in July 2021 has been declared. - \(13-09-2021\)](#)
6. [Results of the PQC Exams i.e. Information Systems Audit \[ISA\] Assessment Test, Insurance & Risk Management, and International Taxation Assessment Test has been declared. - \(13-09-2021\)](#)
7. [Relaxation in Study Period for students appearing in May, 2022 Intermediate Examination after passing July, 2021 Foundation Examination - \(15-09-2021\)](#)
8. [Exemption of CA Course fee for students who have lost their any parent during Covid-19 pandemic - \(15-09-2021\)](#)
9. [Launch of 'Deeper Insight into Financial Instruments \(Ind AS\)' Organized by the Ind AS Implementation Committee of ICAI - \(16-09-2021\)](#)
10. [Aligning the Time Limit of Generating UDIN from 15 days to 60 days - \(17-09-2021\)](#)
11. [Results of the Chartered Accountants Intermediate Examination \(Old course & New Course\) held in July 2021 has been declared. - \(19-09-2021\)](#)
12. [CMI&B invites Nominations for 15th ICAI Awards. Nominations opened from 15.09.2021. - \(20-09-2021\)](#)
13. [Exposure Draft of Deferred Tax related to Assets and Liabilities arising from a Single Transaction - Amendments to Ind AS 12, Income Taxes - \(22-09-2021\)](#)

ICAI Announcements

14. [Announcement by CL&CGC ICAI regarding Extension of time for holding of Annual General Meeting \(AGM\) for the Financial Year ended on 31.03.2021 by Two Months beyond the due date - \(24-09-2021\)](#)
15. [Result of the Online Examination of the Certificate Course on Public Finance and Government Accounting held on 25th September, 2021. - \(27-09-2021\)](#)
16. [ICAI Invites Suggestions for Pre-Budget Memorandum-2022 - \(30-09-2021\)](#)
17. [The ICAI has announced regarding extension of last date for payment of Membership/COP Fees - \(30-09-2021\)](#)

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**CA Narendra
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CA Vini Patni



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Dedhia**

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Congratulations

Thulasiram

S. Thulasiram, an articled assistant at Hiregange and Associates has participated in the CA Student National Conference hosted by Salem Branch of SIRC of ICAI and has won the “Best Paper Presenter Award” for deliberation on “GST implications on the E-commerce business”

To watch full video, [click here](#)

To read full article, [click here](#)

