

Thinking Beyond

The Academy's Monthly Newsletter

A knowledge sharing initiative

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GST refund related clarifications in 50th GST council meeting



Adv. Venkatanarayana GM

50th GST council updates were aiming to remove the vagueness on certain aspects, especially more litigation prone areas have been tackled to avoid the litigation including providing the clarity on establishment of GST tribunal. This article, focused on updates pertaining to refunds under GST. [Read more](#)

Cross charge vs ISD – important action pointers for businesses.

(In light of Circular 199/11/2023 – GST issued on 17th July 2023)

The taxability of transactions between the distinct GSTIN's and the methodology of distribution of ITC between the Head office (HO) and the Branch office (BO) has been the subject matter of dispute since the inception of the GST law.



CA Ashish Chaudhary



CA Bhavesh Mittal

Contrary rulings such as in the matter of Columbia Asia Hospitals, wherein it was ruled that the cost of an employee located at the HO will have to be cross charged to other BO's, had led to wider ramifications on the mass

of the Country. Particularly, where the Credit was not available to the BO's. Accordingly, there was need of clarifications on various aspects surrounding the issue, which came post the 50th GST Council Meeting vide Circular 199/11/2023-GST, issued on 17th July 2023.

[Read more](#)

GST on services exported but consideration failed



CA Mahadev R



CA Bhanuprakash L S

From time to time, the Indian government comes up with numerous schemes and incentives for exporters in order to enhance the market for Indian products and at the same time increase the forex inflows which helps the government to increase forex reserves. Exports play a pivotal

role in contributing to the country's economy. The total export revenue for FY 2022-23 was around \$770 billion from India.

In GST law, the benefit of zero rating has been provided for export transactions. As per section 2(6) of IGST Act 2017, one of the five conditions to be satisfied for export of services is that payment in convertible foreign exchange or in Indian rupee (wherever permitted) to be received within the specified time. [Read More](#)

Intermediary Services remain in limbo

The taxability of Intermediary services has always had conflicting views. The point of taxation for intermediary services was the default – recipient based in service tax as is the common practice across the world in place of supply. In 2014 the CBEC took a “U-turn” based on some overzealous officer which was not having tax neutrality with



CA Akshay M Hiregange

other countries. GST continued the confusion in the place of supply provisions. In this article we understand the implications of the larger bench decision of Dharmendra M. Jani in the Hon'ble Bombay High Court and the way forward for such service providers. [Read More](#)

The rule of “identical expressions to have the same meaning” v/s VKC judgement.

While delivering VKC judgement, the Honourable Supreme Court opined that the term “inputs” cannot be given meaning to cover “input services” and thereby, restricting refund only on inputs in case of inverted duty structure and not on input services. Whether this interpretation is going against to the ‘golden rule’ or ‘mischief rule’ where the intention of legislature needs to be considered?



Adv. Venkatanarayan GM

Though, GST was introduced to avoid cascading system, by virtue of these restrictions (no refund on input services in case of inverted tax structure), would it really meet the intent of the legislature? At the same time, we need to keep in mind the rule of literal interpretation which emphasises on giving a true meaning for the words in the statute and the courts are bound follow the same without bothering much about the outcome.

[Read More](#)

Updates for the latest notifications and circulars issued by CBIC pursuant to the 50th GST Council Meeting

Key Highlights:

- Interest in case of wrong utilization of IGST credit
- No Tax on shares held by Holding Company in Subsidiary Company
- ISD Mechanism to be made mandatory
- E-invoicing in case of supplies to Government Departments / agencies / local authorities / PSU's etc.,
- Extension of amnesty scheme for GSTR-4, GSTR-9 & GSTR-10
- ITC eligibility in case of replacement of parts & repair services during warranty period
- Extension for filing revocation for cancellation of registration

[Read More](#)

Legal Updates – June 2023

- Section 13(8)(b) and Section 8(2) of the IGST Act are constitutionally valid but cannot levy tax under CGST and MGST Acts.
- Cash-credit facility is not a debt, thus cannot be attached through provisional attachment order.
- Refund allowed of any payment made vide DRC 03 if no DRC 04 or SCN or Order issued.
- SEZ units are not exempt from search and seizure proceedings conducted by GST authorities.
- Input Tax Credit (ITC) cannot be denied to a genuine buyer when the registration of the supplier is cancelled retrospectively.
- Service of SCN to the petitioner that no document either in the form of notice or any other document has been received by the petitioner at his registered place of his business for Cancellation of GST registration which resulted in violation of principle of natural justice.
- The genuine check with respect to goods transported is that if the transporter has valid supporting documents like tax invoices, e-way bill etc. Hence, the innocent transporting goods cannot be punished for the inventory being carried upon.
- An opportunity to pay Pre-Deposit is given to the Petitioner and till then no action shall be taken on confiscated goods.
- Madras high court gave three weeks' time to file appeal even after the statutory limitation period has expired.
- Invocation of provisional attachment provisions u/s 83 of the CGST Act for securing the revenue of another taxable person is unsustainable in 1

[Read More](#)

Sl. No	Functionality	Particulars
1	<u>Important Update: Geocoding Functionality Now Live for All States and Union Territories</u>	<ol style="list-style-type: none">1. GSTN is pleased to inform that the functionality for geocoding the principal place of business address is now live for all States and Union territories. This feature, which converts an address or description of a location into geographic coordinates, has been introduced to ensure the accuracy of address details in GSTN records and streamline the address location and verification process.2. GSTN has successfully geocoded more than 1.8 crore addresses of principal places of business. Furthermore, all new addresses post-March 2022 are geocoded at the time of registration itself, ensuring the accuracy and standardization of address data from the outset.
2	<u>Advisory: e-Invoice Exemption Declaration Functionality Now Available</u>	GSTN is pleased to inform you that the e-Invoice Exemption Declaration functionality is now live on the e-Invoice portal. This functionality is specifically designed for taxpayers who are by default enabled for e-invoicing but are exempted from implementing it under the CGST (Central Goods and Services Tax) Rules.

Customs	
Instructions/Guidelines	
Instruction No. and Date of issue	Subject
<p>Instruction No.19/2023-Customs Dated- 04-07-2023</p>	<p>Implementation under India-Japan CEPA</p> <p><u>Summary:</u> - Thereon, it is clarified for the purpose of custom clearance, the HS code (2007 version) mention in CoO issued under India Japan CEPA need to be correlated with the HS code (2022 version) mention in the B/E at the time of custom clearance.</p> <p><u>Read more</u></p>
<p>Instruction No.20/2023-Customs Dated- 05-07-2023</p>	<p>Notification of Authorised Officers under Section 25 read with Section 47 (5) of Food Safety Standards (FSS) Act, 2006 and Regulation 13 (1) of FSS (Import) Regulation, 2017.</p> <p><u>Summary:</u> - With reference to NN. 2/2022-Custom dated 02-02-2022, regarding authorized officer under the said Act, FSSAI has provided a list of PoEs (Point of Entries) for import of food. It is stated that, at 161 Points of Entries (PoEs) for food, wherein 99 PoEs are to be manned by Customs officials as Authorized Officers (AOs) while 62 PoEs are manned by FSSAI officials.</p> <p>The above instruction No. 2/2022-Customs dated 02.02.2020, is modified to that extent. <u>Read more</u></p>
<p>Instruction No.21/2023-Customs Dated- 05-07-2023</p>	<p>Amendment in import policy condition of Cigarette lighters Covered under CTH 9613 of Chapter 96 of Schedule-I (Import Policy) of ITC (HS) 2022.</p> <p><u>Summary:</u> - With reference to notification no. 15/2023 dated 29-06-2023 instructed that Import policy for Pocket lighters (re-fillable or non-refillable) are prohibited however, import is free if CIF value is Rs 20/- or above per lighter. <u>Read more</u></p>

Customs	
Instructions/Guidelines	
Instruction No. and Date of issue	Subject
<p>Instruction No.22/2023-Customs Dated- 07-07-2023</p>	<p>Standard Operating Procedure for stepping up of Preventive Vigilance Mechanism by the jurisdictional CBIC field formations and to prevent the flow of suspicious cash, illicit liquor, drugs/narcotics, freebies, and smuggled goods during elections- reg.</p> <p>Summary: - ECI (Election Commission of India) has expressed concern that smuggled goods/contrabands and other illicit articles may be used as well as focused attention is the use of non-monetary inducements and cash to lure the voters during the election process, which would need to be checked by the law enforcement agencies including those of CBIC, by keeping strict vigil on warehouses etc. to prevent the stocking of such goods for distribution. In this regard, SOP is to be followed by formations of CBIC to ensure the conduct of free and fair elections. Read more</p>
<p>Instruction No.23/2023-Customs Dated- 14-07-2023</p>	<p>E-waste (Management) Rules, 2022-Regarding release of imported consignments of Producers of 106 EEEs items (ITEW1 to ITEW27, CEEW1 to CEEW19, LSEEW1 to LSEEW 34, EETW1 to EETW 8, TLSEW 1 to TLSEW6, MDW1 to MDW10 and LIW1 to LIW2)</p> <p>Summary: - In reference to instruction no 16/2023 dated 17-05-2023, with respect to the release of the import consignment of notified EEE items on submission of undertaking in prescribed format and letter from CPCB as an interim arrangement till 30-06-2023. Further, it has informed that the interim arrangement of the release of imported consignments of producers of all the notified EEE items may be extended to only those producers who have submitted their application for registration on the EPA Portal of CPCB. This interim arrangement shall continue till 31 .08.2023. Read more</p>

Customs	
Instructions/Guidelines	
Instruction No. and Date of issue	Subject
<p>Instruction No.24/2023-Customs Dated- 18-07-2023</p>	<p>Suspension of Licence of Customs Broker – regarding <u>Summary:</u> - The Regulation 16 of CBLR, 2018 provides that notwithstanding anything contained in Regulation 14, the Commissioner of Customs may, in appropriate cases where immediate action is necessary, suspend the licence of a customs broker, where the enquiry against such customs broker is pending or contemplated. In this case, it has been instructed, Since the power is specified to be exercised in specified circumstances, that is, the appropriate cases where immediate action is necessary. This aspect is to be kept in view by the Commissioner of Customs in the course of considering a proposal. Before doing so, the Commissioner should also take care of recording his/her reasons as to why it is considered an appropriate case where immediate action of suspension is necessary. Read more</p>
<p>Instruction No.25/2023-Customs Dated- 28-07-2023</p>	<p>Standardizing documentary & information requirements for AD code Registration/modification in relation to exports. <u>Summary:</u> - To deal with grievances relating to delay in approval of AD code (online registration of authorised dealer) and bank account registration process, CBIC standardized documentary requirement. Further it directed to put in place a suitable mechanism to ensure the application for AD code/ bank account registration is delt on the same day or before 2 PM of next day of the application. Read more</p>

Customs- Tariff

Notifications

Notification No. and Date of issue	Subject
<p>40/2023-Customs Dated- 30-06-2023</p>	<p>30.06.2023 Seeks to increase the standard tariff for LPG in 1st Schedule of Customs Tariff Act, 1975 Summary: - CBIC through notification increased standard tariff leviable on LPG falling under tariff items 2711 19 10, 2711 19 20, and 2711 19 90 of the First Schedule to the Customs Tariff Act, 1975. Import duty percentage will be substituted with “15%.” in column (4) against these tariff items applicable from 01st of July 2023. Read more</p>
<p>41/2023-Customs Dated- 30-06-2023</p>	<p>Seeks to amend notification no. 50/2017-Customs dated 30.06.2017 to prescribe BCD rate for LPG. Summary: - CBIC through notification prescribed BCD rates for LPG by insertion of new entries(1555A) for tariff items 2711 19 10, 2711 19 20, and 2711 19 90 with the rate of 5% effected from 1st of July 2023. Read more</p>
<p>42/2023-Customs Dated- 30-06-2023</p>	<p>Seeks to amend notification no. 11/2021-Customs dated 01.02.2021 to prescribe AIDC Rate for LPG Summary: - The notification has been prescribed a 15% AIDC rate (Agriculture Infrastructure and Development Cess) for LPG against tariff items 27111910,27111920 and 27111990. Read more</p>
<p>43/2023-Customs Dated- 01-07-2023</p>	<p>Seeks to amend the First Schedule of the Customs Tariff Act. Summary: - In the First Schedule to the said Customs Tariff Act, in Chapter 27, for the entry in column (4) occurring against items 2711 12 00 and 2711 13 00, the entry “15%” shall be substituted. This shall come into force with immediate effect. Read more</p>

Customs- Tariff

Notifications

Notification No. and Date of issue	Subject
<p>44/2023-Customs Dated- 01-07-2023</p>	<p>Seeks to amend notification No. 50/2017 -Customs dated 30.06.2017 in order to prescribe a concessional BCD on liquified Propane and liquified Butane.</p> <p><u>Summary:</u> - CBIC through notification prescribed BCD rates for Liquified Propane and Liquified Butane against tariff items 27111200, and 27111300 with the rate of 2.5% with effect from 1st of July 2023.</p> <p><u>Read more</u></p>
<p>45/2023-Customs Dated- 01-07-2023</p>	<p>Seeks to amend notification No. 11/2021-Customs dated 01.02.2021 in order to prescribe the AIDC rate for liquified Propane and liquified Butane.</p> <p><u>Summary:</u> - The notification has been prescribed a 15% AIDC rate (Agriculture Infrastructure and Development Cess) for imports of Liquified Propane and Liquified Butane. It will be not apply if IOCL, HPCL, and BPCL are imported for supply to household domestic and NDEC customers. <u>Read more</u></p>
<p>46/2023-Customs Dated- 01-07-2023</p>	<p>Seeks to amend certain notifications in order to implement recommendation of GST COUNCIL in its 50th meeting.</p> <p><u>Summary:</u> - Notification No. 45/2017-Customs dated the 30th June 2017, and Notification No. 47/2017-Customs, dated the 30th June 2017, shall be amended to meet the provision of the RoDTEP and RoSCTL schemes.</p> <p>Further, Notification No. 50/2017-Customs, dated the 30th June 2017 also has been amended. <u>Read more</u></p>

GST

Notifications-Central Tax

Notification No. and Date of issue	Subject
<p>18/2023-Central Tax, Dated 17-07-2023</p>	<p>Seeks to extend the due date for furnishing FORM GSTR-1 for April, May and June 2023 for registered persons whose principal place of business is in the State of Manipur</p> <p><u>Summary:</u> The date has now been extended till the 31st of July 2023. Thus, those registered persons in the State of Manipur who are required to file the return under section 37(1) of the CGST Act, can now file returns in FORM GSTR-1 for April, May, and June 2023 till the 31st of July 2023. Read more</p>
<p>19/2023-Central Tax, Dated 17-07-2023</p>	<p>Seeks to extend the due date for furnishing FORM GSTR-3B for April, May and June 2023 for registered persons whose principal place of business is in the State of Manipur</p> <p><u>Summary:</u> The date has now been extended till the 31st of July 2023. Thus, those registered persons in the State of Manipur who are required to file the return under section 39(1) of the CGST Act, can now file returns in FORM GSTR-3B for April, May, and June 2023 till the 31st of July 2023. Read more</p>
<p>20/2023-Central Tax, Dated 17-07-2023</p>	<p>Seeks to extend the due date for furnishing FORM GSTR-3B for the quarter ending June 2023 for registered persons whose principal place of business is in the State of Manipur</p> <p><u>Summary:</u> The date has now been extended till the 31st of July 2023. Thus, those registered persons in the State of Manipur who are required to file the return under section 39(1) of the CGST Act, can now file returns in FORM GSTR-3B for April, May, and June 2023 till the 31st of July 2023. Read more</p>
<p>21/2023-Central Tax, Dated 17-07-2023</p>	<p>Seeks to extend the due date for furnishing FORM GSTR-7 for April, May, and June 2023 for registered persons whose principal place of business is in the State of Manipur</p> <p><u>Summary:</u> The date has now been extended till the 31st of July 2023. Thus, registered persons in the State of Manipur who are required to file the return under section 39(3) of the CGST Act, can now file returns in FORM GSTR-7 for the said period till the 31st of July 2023. Read more</p>

GST

Notifications-Central Tax

Notification No. and Date of issue	Subject
<p>22/2023-Central Tax, Dated 17-07-2023</p>	<p>Seeks to extend amnesty for GSTR-4 non-filers Summary: The amnesty period has been extended from the 30th of June 2023 to the 31st of August of 2023. Read more</p>
<p>23/2023-Central Tax, Dated 17-07-2023</p>	<p>Seeks to extend the time limit for application for revocation of cancellation of registration. Summary: CBIC has been extended the time limit for application for revocation of cancellation of registration from 30th of June 2023 to 31st of August 2023. Read more</p>
<p>24/2023-Central Tax, Dated 17-07-2023</p>	<p>Seeks to extend amnesty scheme for deemed withdrawal of assessment orders issued under Section 62 Summary: The registered persons who failed to furnish a valid return (GSTR-3B/10) within a period of thirty days from the service of the assessment order issued on or before the 28th of February, 2023 under sub section (1) of section 62 of the said Act, as the classes of registered persons, in respect of whom said assessment order shall be deemed to have been withdrawn file the said return on or before 31st of August 2023. Read more</p>
<p>25/2023-Central Tax, Dated 17-07-2023</p>	<p>Seeks to extend amnesty for GSTR-9 non-filers Summary: Amnesty for GSTR-9 non-filers has been extended from 30th of June 2023 to 31st of August 2023. Read more</p>
<p>26/2023-Central Tax, Dated 17-07-2023</p>	<p>Seeks to extend amnesty for GSTR-10 non-filers. Summary: Amnesty for GSTR-10 non-fillers has been extended from 30th of June 2023 to 31st of August 2023. Read more</p>
<p>27/2023-Central Tax, Dated 17-07-2023</p>	<p>Seeks to notify the provisions of section 123 of the Finance Act, 2021 (13 of 2021). Summary The amendment for sub-section 1(b), “For Authorized operation” and subsection 3 and 4 of section 16 of IGST Act has been inserted vide finance Act, 2021 and notified w.e.f. 1st day of Oct 2023. Read More</p>

GST

Notifications-Central Tax

Notification No. and Date of issue	Subject
28/2023-Central Tax, Dated 31-07-2023	Seeks to notify the provisions of sections 137 to 162 of the Finance Act, 2023 (8 of 2023). Summary Section 149 to 154 shall be come in force from 1 st of Aug 2023 and Section 137 to 148 and 155 to 162 of Finance Act 2023 shall be come in force from 1 st Oct 2023. Read More
29/2023-Central Tax, Dated 31-07-2023	Seeks to notify special procedure to be followed by a registered person pursuant to the directions of the Hon'ble Supreme Court in the case of Union of India v/s Filco Trade Centre Pvt. Ltd., SLP(C) No.32709-32710/2018. Summary CBIC has notified special procedure concerning the TRAN-1/TRAN-2 claims of registered person in pursuance of the directions of the Hon'ble Supreme Court in the above stated case. Read More
30/2023-Central Tax, Dated 31-07-2023	Seeks to notify special procedure to be followed by a registered person engaged in manufacturing of certain goods. Summary Through this notification, the CBIC notified the Special Monthly Returns & Machines Registration by the manufacturers of tobacco, pan masala & other similar items inter alia. The registered person manufacture of goods mentioned in schedule shall furnished such form and monthly return as specified. For example- FORM SRM-I- details of packing machines being used for filling and packing of pouches or containers, FORM SRM-IIA- The details of any additional filling and packing machine being installed. Read More
31/2023-Central Tax, Dated 31-07-2023	Seeks to amend Notification No. 27/2022 dated 26.12.2022. Summary For the purpose of rule 8(4B) of the CGST Rules, 2017 i.e., biometric based Aadhaar authentication CBIC inserted the state "Puducherry" by amending the principal NN-27/2022-CT. Read More
32/2023-Central Tax, Dated 31-07-2023	Seeks to exempt the registered person whose aggregate turnover in the financial year 2022-23 is up to two crore rupees, from filing annual return for the said financial year. Summary The registered person whose aggregate turnover is up to two crore in FY 2022-23, shall be not required to file GSTR-9 for FY 2022-23. Read More

GST

Notifications-Central Tax

Notification No. and Date of issue	Subject
<p>33/2023-Central Tax, Dated 31-07-2023</p>	<p>Seeks to notify “Account Aggregator” as the systems with which information may be shared by the common portal under section 158A of the CGST Act, 2017. <u>Summary</u> “Account Aggregator” as the systems with which information may be shared by the common portal based on consent under Section 158A of the Central Goods and Services Tax Act, 2017 w.e.f. 1st of Oct 2023. <u>Read More</u></p>
<p>34/2023-Central Tax, Dated 31-07-2023</p>	<p>Seeks to waive the requirement of mandatory registration under section 24(ix) of CGST Act for person supplying goods through ECOs, subject to certain conditions. <u>Summary</u> The persons making supplies of goods through an ECO and having an aggregate turnover in the preceding financial year and in the current financial year not exceeding the threshold limit as per the section 22(1) of the CGST Act, exempted from obtaining registration under the said Act, subject to conditions specified thereon, w.e.f. 1st of Oct 2023. <u>Read More</u></p>
<p>35/2023-Central Tax, Dated 31-07-2023</p>	<p>Seeks to appoint common adjudicating authority in respect of show cause notices in favour of against M/s BSH Household Appliances Manufacturing Pvt Ltd. <u>Summary</u> CBIC notified the appointment of common officer for the purpose of adjudication in the matter of BSH Household Appliances Manufacturing Pvt Ltd. pertaining to issue with Mumbai East Commissionerate, Chennai North Commissionerate & Bengaluru South Central Excise and GST Commissionerate. <u>Read More</u></p>

GST

Notifications-Central Tax (Rates)

Notification No. and Date of issue	Subject
<p>06/2023-Central Tax, (Rate) Dated 26-07-2023</p>	<p>Seeks to amend notification No. 11/2017- Central Tax (Rate) so as to notify change in GST with regards to services as recommended by GST Council in its 50th meeting held on 11.07.2023.</p> <p><u>Summary</u> CBIC has notified that the last date of exercising the option by GTAs to pay GST under forward charge shall be 31st March of preceding Financial Year instead of 15th March. 1st January of the preceding Financial Year shall be the start date for exercise of option. Further, Such GTA opted to pay GST under forward charge shall be deemed to be opted for next or future FY unless the GTA file a declaration to revert under RCM.</p> <p>This notification shall come into force on 27th July 2023. Read More</p>
<p>07/2023-Central Tax, (Rate) Dated 26-07-2023</p>	<p>Seeks to amend notification No. 12/2017- Central Tax (Rate) so as to notify change in GST with regards to services as recommended by GST Council in its 50th meeting held on 11.07.2023.</p> <p><u>Summary</u> Satellite launch services have been Exempted w.e.f. 27th July 2023.</p> <p>Read More</p>
<p>08/2023-Central Tax, (Rate) Dated 26-07-2023</p>	<p>Seeks to amend notification No. 13/2017- Central Tax (Rate) so as to notify change in GST with regards to services as recommended by GST Council in its 50th meeting held on 11.07.2023.</p> <p><u>Summary</u> It has been notified w.e.f. 27th July 2023, that GTAs will not be required to file declaration for paying GST under forward charge every year. Read More</p>
<p>09/2023-Central Tax, (Rate) Dated 26-07-2023</p>	<p>Seeks to amend No. 01/2017- Central Tax (Rate) to implement the decisions of 50th GST Council.</p> <p><u>Summary</u> Rates of 5% for Uncooked, unfried & extruded snack palettes, fish soluble paste, LD slag (at par with blast furnace slag) and imitation Zari thread has notified.</p> <p>This notification shall come into force on 27th July 2023. Read More</p>

GST

Notifications-Central Tax (Rates)

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<p>10/2023-Central Tax, (Rate) Dated 26-07-2023</p>	<p>Seeks to amend No. 26/2018- Central Tax (Rate) to implement the decisions of 50th GST Council. Summary: Consequential changes in notifications carried out in view of new Foreign Trade Policy 2023 w.e.f. 27th July 2023. Read More</p>

GST	
Circular	
Circular No. and Date of issue	Subject
192/04/2023- GST, Dated 17-07- 2023	<p>Clarification on charging of interest under section 50(3) of the CGST Act, 2017, in cases of wrong Availment of IGST credit and reversal thereof.</p> <p>Summary: Interest shall be not liable to pay u/s 50(3) of the CGST Act, where IGST has been wrongly availed and ITC balance of IGST head has fallen below the amount of wrongly availed if combined ITC balance (IGST+ CGST+SGST) in credit ledger has never fallen below the amount of such wrongly availed ITC during time period starting from such Availment and up to such reversal. Credit of Compensation Cess available in the credit ledger cannot be taken into consideration. Read More</p>
193/04/2023- GST, Dated 17-07- 2023	<p>Clarification to deal with difference in Input Tax Credit (ITC) availed in FORM GSTR-3B as compared to that detailed in FORM GSTR-2A for the period 01.04.2019 to 31.12.2021.</p> <p>Summary: Rule 36(4) of the CGST Rules allowed additional credit during specific periods, subject to certain conditions. It clarifies the application of Circular No. 183/15/2022-GST for FY 2019-20, 2020-21 and 2021-22 (Upto 31.12.2021) and provides an illustration to explain the calculation of eligible ITC. It also mentions the changes in rule 36(4) and section 16 of the CGST Act from 01.01.2022 and emphasizes that ITC can only be availed if reported by suppliers in FORM GSTR-1 or using IFF and communicated through FORM GSTR-2B. Read More</p>
194/04/2023- GST, Dated 17-07- 2023	<p>Clarification on TCS liability under Sec 52 of the CGST Act, 2017 in case of multiple E-commerce Operators in one transaction</p> <p>Summary: In a situation where multiple ECOs are involved in a single transaction of supply of goods or services or both through ECO platform.</p> <p>i) TCS shall be collected by the supplier-side ECO (Provided ECO himself is not the supplier in the said supply)</p> <p>ii) TCS shall be collected by the Buyer-side ECO (the supplier-side ECO himself is the supplier in the said supply) Read More</p>

GST	
Circular	
Circular No. and Date of issue	Subject
195/04/2023-GST, Dated 17-07-2023	<p>Clarification on availability of ITC in respect of warranty replacement of parts and repair services during warranty period</p> <p>Summary: Warranty replacement of parts- If original supply is provided along with warranty and accordingly equipment manufacturer replaces the parts/provides repair services without consideration- No additional GST liability and ITC reversal. If charged additional consideration, then GST would be applicable. The same has been applicable to the distributor also.</p> <p>Extended warranty- Provided as part of original supply then GST applicable accordingly as per composite supply and if supplied after the original supply then GST shall be applicable separately. Read More</p>
196/04/2023-GST, Dated 17-07-2023	<p>Clarification on taxability of share capital held in subsidiary company by the parent company</p> <p>Summary: Holding securities (i.e., shares) in a subsidiary company by a holding company cannot be considered as service, merely due to the presence of 'SAC 997171' which covers 'Services of holding equity of subsidiary company. Hence, merely on account of holding shares in the subsidiary company, it cannot be concluded that the holding company has provided any service. Read More</p>
197/04/2023-GST, Dated 17-07-2023	<p>Clarification on refund-related issues</p> <p>Summary: CBIC has clarified that the ITC as accumulated in GSTR-2B will be considered for the refund applications filed for the tax period of January 2022 onwards. Accordingly, para 36 of Circular No. 125/44/2019-GST dt. 18.11.2019, para 5 of Circular No. 135/05/2020-GST dt. 31.03.2020 and Circular No 139/09/2020-GST dt 10-06-2020 stands modified to this extent. Read More</p>
198/04/2023-GST, Dated 17-07-2023	<p>Clarification on issue pertaining to e-invoice.</p> <p>Summary:The Circular clarified that registered persons, whose turnover exceeds the prescribed threshold requiring generation of e-invoicing, are required to issue e-invoices even for supplies made to Government Departments or establishments / Government agencies / local authorities / PSUs, etc., who are registered under GST solely for the purpose of TDS as per provisions of section 51 of CGST Act,2017. Read More</p>
199/04/2023-GST, Dated 17-07-2023	<p>Clarification regarding taxability of services provided by an office of an organization in one State to the office of that organization in another State, both being distinct persons. Read More</p>

Congratulations Mr. Kuldip Narendrabhai Majithiya

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Mr. Kuldip Narendrabhai Majithiya represented H N A & Co. LLP by participating in **The Dastur Essay Competition** held on **04th July 2023** organized by The Chamber of Tax Consultants, Mumbai and attended Annual General Meeting of The Chamber of Tax Consultants held at Mumbai.

Activities for the Month

Training on GST Basic organized for Commerce students of NMKRV College for Women, Jayanagar, Bengaluru from 30th June to 7th July, 2023.



One day seminar on “ How to face GST Department Audit” Held on 11 July, 2023 at The Chancery Pavilion, Bengaluru.



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