

Thinking Beyond

The Academy's Monthly Newsletter

A knowledge sharing initiative

March 2023



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Comparative analysis of various Export Promotion Schemes

An in-depth analysis of various Export Promotion Schemes and their comparison with each other.



**CA Ravi Kumar
Somani**



CA Sonali Porwal

In order to boost exports from India, the Government of India has come up with different Export Promotion Schemes which are concerned with the development and regulation of foreign trade by facilitating imports into and

augmenting exports from India.

In this article, we shall be discussing some important Export Promotion schemes, their procedures & benefits, and a comparison of these schemes with one another in order to help businesses in evaluating and choosing the correct scheme for their business environment. [Read more](#)

FY 22-23 year end GST checkpoints



A stich in time saves nine! In this present landscape where distrust begets distrust, it is better than the taxpayer has ensured his compliance well in advance of possible departmental interventions in the future which could ultimately lead to a SCN or harassment.

CA Akshay M Hiregange In this article we have highlighted 50+ GST checkpoints that one may consider for the financial year end, i.e. March 2023 as a safeguard. [Read more](#)

Legal Updates – February 2023

- Vouchers are neither goods nor services until redeemed/identified.
- No service tax can be levied on the activity of take away of food items as it would amount to sale.
- GST provisions cannot be interpreted to deny rights to trade and commerce to any citizen.
- Mere wrong mention of classification doesn't amount to mis-declaration/mis-statement.
- Exemption Notification gets effective only from date it got published in Official Gazette.
- The terms “includes” is non-exhaustive and “principally” means dominant.
- Recoveries from employees for private use of vehicles-demand would not sustain as appellant not engaged in provision of Rent-a cab services.
- Credit cannot be denied based on human error in reporting of GSTIN.
- Time relaxation provided by the Hon'ble Supreme Court on account of covid shall be extended in case of refund application.
- Order-in-original without any reasons (Non -Speaking order) is invalid.
- Personal hearing scheduled before due date for filing of reply to SCN-Order passed without affording hearing set aside [Read More](#)

Sl. No	Functionality	Particulars
1	<u>Advisory: GSTN launches e-invoice registration services with private IRPs</u>	Assesses now have a choice of more than one IRP (earlier being the only single portal of NIC), which they can use to register their e-invoices. This adds significant capacity and redundancy to the single e-invoice registration portal which existed earlier.
2	<u>Advisory for the taxpayer wishing to register as “One Person Company” in GST</u>	As ‘One Person Company’ option is not available on the GSTN portal. It is advised that in the ‘Part B’ of GST Registration Form ‘REG-01’, applicant may select (Constitution of Business under ‘Business Details’ tab using dropdown list) option “Others”, if the taxpayer wants to register for GST as “One Person Company”.
3	<u>HSN Code Reporting in e-Invoice on IRPs Portal</u>	GSTN is in process of implementing to report a minimum of six-digit valid HSN code for their outward supplies having AATO of more than 5 crores in any previous financial year at IRPs portal in collaboration with IRP partners including NIC.



GST

Notifications-Central Tax

Instruction No. and Date of issue	Subject								
<p>09/2023-Central Tax, Dated 31-03-2023</p>	<p>Extension of limitation under Section 168A of CGST Act Summary: Time limit to pass order u/s 73 has been extended- N.no. 09/2023-CT:</p> <table border="1" data-bbox="491 689 1241 999"> <thead> <tr> <th>Financial Year</th> <th>Time limit to pass order u/s 73</th> </tr> </thead> <tbody> <tr> <td>2017-18</td> <td>31.12.2023</td> </tr> <tr> <td>2018-19</td> <td>31.03.2024</td> </tr> <tr> <td>2019-20</td> <td>30.06.2024</td> </tr> </tbody> </table> <p>Read more:</p>	Financial Year	Time limit to pass order u/s 73	2017-18	31.12.2023	2018-19	31.03.2024	2019-20	30.06.2024
Financial Year	Time limit to pass order u/s 73								
2017-18	31.12.2023								
2018-19	31.03.2024								
2019-20	30.06.2024								
<p>08/2023-Central Tax, Dated 31-03-2023</p>	<p>Late fee waiver for furnishing final return u/s 45 Summary: The government has notified to waive the late fee amount in excess of Rs.1000/- for the registered person who fails to furnish the final return in Form GSTR-10 if such returns are furnished between the period 01-04-2023 to 30-06-2023. Read more:</p>								
<p>07/2023-Central Tax, Dated 31-03-2023</p>	<p>Rationalization of late fee for GSTR-9 and Amnesty to GSTR-9 non-filers Summary: 1. N.no. 07/2023-CT. provides amnesty for Late fee u/s 47 for delay in filling of Annual return for FY 2017-18 to FY 2021-22- It has been provided that maximum late fee for filling annual return for said financial years would not be more than Rs 20,000/-. 2. Late fee w.e.f. 2022-23 for delay in filling annual return u/s 44 onwards vide N.no. 07/2023-CT. Read more:</p> <table border="1" data-bbox="392 1662 1455 1863"> <thead> <tr> <th>Aggregate turnover</th> <th>Late fees</th> </tr> </thead> <tbody> <tr> <td>Up to 5 Cr</td> <td>Rs.50 per day subject to a maximum of 0.04% of TO</td> </tr> <tr> <td>More than 5Cr up to 20Cr</td> <td>Rs.100 per day subject to a maximum of 0.04% of TO</td> </tr> <tr> <td>More than 20Cr</td> <td>Rs.200 per day subject to a maximum of 0.5% of TO</td> </tr> </tbody> </table>	Aggregate turnover	Late fees	Up to 5 Cr	Rs.50 per day subject to a maximum of 0.04% of TO	More than 5Cr up to 20Cr	Rs.100 per day subject to a maximum of 0.04% of TO	More than 20Cr	Rs.200 per day subject to a maximum of 0.5% of TO
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GST

Notifications-Central Tax

Instruction No. and Date of issue	Subject
06/2023-Central Tax, Dated 31-03-2023	<p>Best Judgement assessment order passed under Section 62 to be withdrawn N.no. 06/2023-CT w.e.f. 30-06-2023.</p> <p>Summary:</p> <p>a) In case any order has been passed under section 62 of CGST Act,2017 the same shall be deemed to be withdrawn in case registered person files return before 30.06.2023</p> <p>b) Applicable for assessment order passed on or before 28.02.2023</p> <p>c) Interest u/s 50(1), late fee u/s 47 as applicable is required to be paid</p> <p>d) Such assessment order shall be withdrawn even if appeal has been filed under Section 107 or an appeal has been decided in such matter</p> <p>Read more:</p>
05/2023-Central Tax, Dated 31-03-2023	<p>Seeks to amend Notification No. 27/2022 dated 26.12.2022.</p> <p>Summary:</p> <p>Biometric Aadhaar authentication for certain applicants in Gujarat would be carried out based on certain risk analysis and parameters as per n.no. 27/2022-GST. N.no. 05/2023-CT has been changed to give effect to change in Rule 8(4A) provision. Read more:</p>
04/2023-Central Tax, Dated 31-03-2023	<p>Amendment in CGST Rules</p> <p>Summary:</p> <p>Amendment of Rule 8(4A) of the CGST Rule,2017 wherein it has been provided that a person required to do Aadhaar authentication shall while submitting the application undergo authentication wherein and the date of submission of the application shall be the date of authentication of the Aadhaar number or 15 days from the submission of the application in Part B of FORM GST REG-01 whichever is earlier. Read more:</p>
03/2023-Central Tax, Dated 31-03-2023	<p>Extension of time limit for application for revocation of cancellation of registration.</p> <p>Summary:</p> <p>Special procedure Whose registration had been canceled on or before 31st day of Dec-2022 and revocation of cancelation of registration has been not filed can file up to 30th day of June 2023 after filing of all pending return with payment of tax with interest, penalty, and late fee if applicable. No further extension shall be available in such a case.</p> <p>Read more:</p>

GST	
Notifications-Central Tax	
Instruction No. and Date of issue	Subject
02/2023-Central Tax, Dated 31-03-2023	<p>Amnesty to GSTR-4 non-filers</p> <p>Summary:</p> <p>The registered person shall follow the special procedure for revocation of cancellation wherein registration has been cancelled on or before 31.12.2022:</p> <ol style="list-style-type: none"> The registered person may apply the revocation of cancellation up to 30-06-2023. Revocation is to be filed only after filing all returns along with the payment of tax, interest, penalty and late fee up to the effective date of cancellation of registration. No further extension has been prescribed for the period of filing an application for revocation. The same can be applied even if the appeal filed u/s 107 of CGST Act,2017 has been rejected on the ground of failure to adhere to the time limit specified under Section 30 <p>Read more:</p>

GST	
Circulars	
Instruction No. and Date of issue	Subject
Circular 191/03/2023-GST, Dated- 27-03-2023	<p>Clarification regarding GST rate and classification of 'Rab' based on the recommendation of the GST Council in its 49th meeting held on 18th February 2023 –reg</p> <p>Summary: -</p> <p>Circular has clarified that the applicability of GST rate on Rab, the issue for past period is hereby regularized on “as is” basis. Read more:</p>

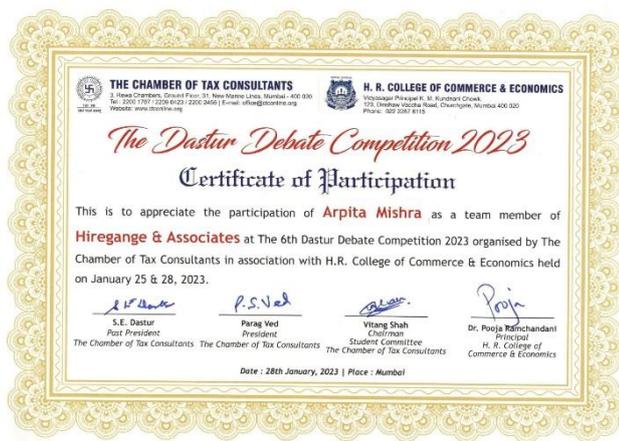
Customs	
Circulars	
Instruction No. and Date of issue	Subject
09/2023-Customs, Dated- 30-03-2023	<p>Phased Implementation of Electronic Cash Ledger (ECL) in Customs w.e.f 01.04.2023</p> <p><u>Summary: -</u> Aimed at leveraging technology and reforming the payment process Board has decided to enable ECL in 1st phases from 01.04.2023 till 23-04-2023 and 2nd phases from 01-05-2023 with some restriction provided.</p> <p>Read more:</p>
08/2023-Customs, Dated- 13-03-2023	<p>Telecom equipment in the context of notification No. 02/2019- Customs dated 29-01-2019 amending notification No. 57/2017-Customs dated 30.06.2017 - reg.</p> <p><u>Summary: -</u> NN-02/2019-Customs which, against tariff items 8517 62 90 and 8517 69 90, gives descriptions of certain goods that are telecommunication products or equipment. In this regards the identification of products/equipment covered thereunder is illustrated in Annexure -1</p> <p>Read More:</p>
07/2023-Customs, Dated- 07-03-2023	<p>Boarding functions – Improving transparency using boarding Jacket fitted with Body Worn Camera (BWC) having video/audio recording facility by Boarding Officer - reg.</p> <p><u>Summary: -</u> Based on the feedback received from the Nhava Sheva and Ahmedabad Customs Zones, had implemented, since August 2022, the Board has now decided to extend the use of boarding jackets fitted with Body Worn Camera (BWC) with video/audio recording facility by Boarding Officers while carrying out duties on board vessels from 15.04.2023 with respect to the sea customs functions. Further, Key duties of Boarding Officer has been provided.</p> <p>Read More:</p>

Customs	
Circulars	
Instruction No. and Date of issue	Subject
06/2023-Customs, Dated- 01-03-2023	<p>Authorization of Booking Post Offices and their corresponding Foreign Post Offices in terms of the Postal Export (Electronic Declaration and Processing) Regulations, 2022- Reg.</p> <p>Summary: - Attention is drawn to the Postal Export (Electronic Declaration and Processing) Regulations, 2022 issued under Notification no. 104/2022-Customs (N.T.) and the Guidelines for their implementation in Circular no. 25/2022-Customs.</p> <p>In terms of Regulation 6(1), the Department of Post O.M. dated February 09, 2023 (copy enclosed) has authorized 122 Booking Post Offices to accept consignments for export. The list of Booking Post Offices and the corresponding Foreign Post Offices is also enclosed.</p> <p>Further, it is informed that the URL address provided for the Customs Officer accessing the login page of ‘Dak Ghar Niryat Kendra – Customs Portal’, which is mentioned in para 4(i) of the said Circular no. 25/2022-Customs have been revised as follows https://dnk.cept.gov.in/customs.web. Read more:</p>

Customs	
Instructions/Guidelines	
Instruction No. and Date of issue	Subject
Instruction No. 13/2023- Customs, Dated- 31-03-2023	<p>Acceptance of Electronic Certificate of Origin (e-COO) issued under India-Japan CEPA.</p> <p>Summary It is clarified that an e-COO issued electronically by the issuing authority of Japan is the valid document for the purpose of claiming preferential benefit under India-Japan CEPA. Read more:</p>
Instruction No 12/2023- Customs, Dated- 27-03-2023	<p>Demarcation of the role of Central Intelligence Unit (CIU) in a Custom House in relation to anti-smuggling work.</p> <p>Summary: - Anti-smuggling cases handled by SIIB if only involved revenue and/or restriction provision angle. Such a case suspected to involve vigilance aspect then it is taken by the CIU. However, it found not involve such angle it should be transfer to SIIB. Read more:</p>

Customs	
Instructions/Guidelines	
Instruction No. and Date of issue	Subject
Instruction No 11/2023-Customs, Dated- 13-03-2023	<p>Show Cause Notice issued under section 28 of the Customs Act, 1962 in the case of M/s Blue-Fin Frozen Foods Pvt. Ltd. -Section 28(9A) (c)-Reg.</p> <p><u>Summary:</u></p> <p>Where the SCN has been issued by DGFT first, board directs that adjudicating authority decide the show cause notice under section 28 of the Customs Act 1962 after the decision on the MEIS instrument by DGFT office. i.e., the show cause notice under section 28 be kept pending till decision on the MEIS instrument by DGFT. Read More:</p>
Instruction No 10/2023-Customs, Dated- 10-03-2023	<p>Implementation of origin procedures under India-Australia ECTA. Read More:</p>
Instruction No 9/2023-Customs, Dated- 07-03-2023	<p>Rectifiable labelling information for imported food consignments.</p> <p><u>Summary:</u></p> <p>Certain labelling information that all non-compliant labels are permitted to rectify within custom boundary warehouse, further the labels on imported food consignments which are found to be non-compliant by laboratory during analysis, the importer may rectify the label and the concerned Authorized Officer/his representative shall verify the compliance and issue the No Objection Certificate (NOC) for the said consignment.</p> <p>Read More:</p>
Instruction No 8/2023-Customs, Dated- 03-03-2023	<p>Extension of Requirement of Health Certificate to be accompanied with the import of food consignments.</p> <p><u>Summary:</u></p> <p>Relating to the requirement of Health Certificate to be accompanied with the import of certain food consignments. In this regards FSSAI Order dated 24.02.2023, order issued vide F.No.1829/Health Certificate/FSSAI/Imports-2021 dated 03.08.2022 is deferred till further orders.</p> <p>Read More:</p>

Congratulations Mr. Adityakumar Makwana and Ms. Arpita Mishra



Mr. Adityakumar Makwana and Ms. Arpita Mishra represented H N A & Co. LLP by participating in **The Dastur virtual Debate Competition – 2023** held on **25th and 28th January, 2023** organized by The Chamber of Tax Consultants, Mumbai in association with H.R.College of Commerce and Economics, Mumbai.

Activities for the Month

GST Training for Commerce students at St. Joseph's College of Commerce (Autonomous), Bangalore on 25th March and 01st April, 2023.



Training on Corporate law matters and related compliances for employees of Vistra Corporate Services, Bangalore on 25th March, 2023.



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