

INDIA EXPERT



LATEST GST NEWS UPDATES

1. GST officers will shortly be issued with real-time data on vehicles travelling without e-way

- ☐ The Indian government is developing a system that will eventually offer real-time reports to GST officers for vehicles that are travelling without e-way bills, allowing them to detect jammed trucks at toll plazas and monitor GST evasion. Tax officials will also receive analysis reports on detecting e-way bills EWB with no movement of goods, that will aid officers in detecting instances of circular dealing. It will also include details on the recycling of e-way bills for commodities that are vulnerable to tax evasion in order to assist officers in detecting tax dodgers.

2. CBI arrests tainted ex-GST official on graft charges

- ☐ The Central Bureau of Investigation (CBI) on Tuesday arrested tainted former GST Assistant Commissioner Bollineni Srinivasa Gandhi in a disproportionate assets case. Gandhi had investigated several high profile cases, including the quid pro quo case involving Andhra Pradesh Chief Minister YS Jagan Mohan Reddy and the GST fraud involving Rajya Sabha MP Sujana Chowdhary.

3. GST alleges Rs 44.66 crore excise duty evasion, Bombay HC quashes show cause notice to Supermax Personal Care

- ☐ In a relief to Supermax Personal Care Pvt Ltd, a firm involved in manufacturing and selling Supermax razor blades, the Bombay High Court quashed a show cause cum demand notice issued by the GST Commissionerate, Thane demanding over Rs 44.88 crores excise duty for the years 2015-16 to 2017- 2018 (up to June 2017). The bench of Justices Ujjal Bhuyan and Milind Jadhav were hearing a plea filed by Supermax Personal Care Pvt Ltd through its counsel Prakash Shah, challenging the show cause cum demand notice issued to it for allegedly evading to pay the excise duty.

4. GST official Bollineni Srinivasa Gandhi held by CBI

- ☐ Two years after a disproportionate assets (DA) case was registered and Rs 4 crore worth assets were unearthed, the Central Bureau of Investigation (CBI) on Tuesday arrested suspended GST assistant commissioner Bollineni Srinivasa Gandhi. Sources in the CBI said Gandhi was arrested as he failed to cooperate with the investigation. Despite several notices issued by the investigating agency, Gandhi had refused to cooperate.

5. 12% GST leviable on Oxygen and Remedisvir, States demand exemption

- ☐ The country is struggling with the second wave of coronavirus. Everyday, record numbers of new cases of infection are being recorded. There are complaints of shortage of medicines like Oxygen and Remedisvir across the country. Many states are also troubled by the shortage of ICU beds. Now there is increasing demand for giving exemption in GST on medical devices and important medicines.

LATEST GST PRESS RELEASE

1. Cabinet approves Amendments to the Finance Bill, 2021

- ☑ The Union Cabinet, chaired by the Prime Minister Shri Narendra Modi gives ex-post facto approval for the Government amendments to the Finance Bill, 2021 (enacted on 28th March, 2021 as the Finance Act, 2021). The amendments were essential to clarify and rationalise the proposals further and address stakeholders concerns arising out of amendments proposed in the Finance Bill.

LATEST GST ADVISORY

1. Advisory on Implementation of PMT-03 to Re-credit the ITC Sanctioned as Refund

- ☑ The CBIC issued Advisory No. 8 /2021- Refunds dated April 20, 2021 w.r.t. implementation of PMT-03 to re-credit the ITC sanctioned as refund. Kind reference is invited to the notification No.16/2020-Central Tax dated 23.03.2020, vide which sub-Rule (4A) has been inserted in Rule 86 of the CGST Rules, 2017 and Para 4 of the Circular No 135/05/2020 dated 31.03.2020, wherein the procedure for refund of tax paid on supplies, other than zero rated supplies was provided.

LATEST GST LEGAL UPDATES

1. Taxman Must not Proceed to Attach Property in Haste, Says SC

- ☑ The SC's ruling comes at a time when the government is showcasing the recent months' surge in GST collections as proof of effective anti-evasion steps. Earlier, during the hearing of the case, the apex court noted that "Parliament had aimed to give the GST as a citizen-friendly tax structure". The Supreme Court on Tuesday ruled that the power to order a provisional attachment of property, including a bank account, of an assessee under the GST law is "draconian in nature" and cannot be used as an "unguided subjective discretion" of the tax authorities. [Click to Download Order](#)

2. No GST to be Paid During Search & Seizure Unless Accepted as GST Liability

- ☑ The Hon^{ble} Madras High Court in Shri Nandhi Dhall Mills India Pvt. Ltd. v. Senior Intelligence Officer, DGGST & Ors. [W.P. No. 5192 of 2020 and WMP. No. 6135 of 2020] directed the Revenue Department to refund the amount of INR 2 crore collected from the assessee during the investigation. Held that, merely because the assessee had signed a statement admitting tax liability under the stress of investigation and had also made a few payments as per the statement, cannot lead to self-assessment or self-ascertainment.

3. Applicant is Liable to pay GST on Reverse Charge Basis on Amount Paid for Reimbursement of Stamp Tax Paid

- ☑ The applicant is liable to pay GST on reverse charge basis for amount paid as interest on late payment of invoices of imported goods for the reasons discussed hereinabove. The rate of GST will be the same as the rate of IGST leviable on the imported goods. Further The applicant is liable to pay GST on re-verse charge basis on amount paid for reimbursement of Stamp tax paid by the supplier M/s. Enpay Turkey on behalf of the applicant, since the supplier of the applicant does not fulfil/satisfy all the con- ditions required for being a „Pure agent“ in terms of the provisions of Rule 33 of the CGST Rules, 2017.



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