

NEWSLETTER

AJAY RATTAN & CO CHARTERED ACCOUNTANTS

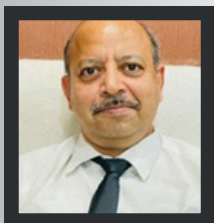
NEWSLETTER FOR JUNE 24
VOLUME 14 , ISSUE 6

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ADVISORY BOARD



CA. AJAY AGGARWAL

B.COM. (HONS.), FCA, FCS, LLB DISA,
DIP. (INTERNATIONAL TAXATION)



: caajay9@gmail.com



: 9810005583



CA. VARUN GARG

B. COM. (HONS.), FCA



: varun@ajayrattanco.com



: 9023637000



CA. PRADEEP RASTOGI

B.Com. (HONS), FCA, LLB, MIMA, PGD
(ADR), APCCL



: pradeep@ajayrattanco.com



: 9818344544



COMPLIANCE

JUNE 2024 DUE DATES

GST

DATE	COMPLIANCE DETAIL	APPLICABLE TO
10th	<ol style="list-style-type: none">1. GSTR-7 (TDS return under GST)2. GSTR-8 (TCS return under GST)	<ol style="list-style-type: none">1. Person required to deduct TDS under GST2. Person required to collect TCS under GST
11th	<ol style="list-style-type: none">1. GSTR-1 (Outward supply return)	<ul style="list-style-type: none">• Taxable persons having annual turnover > Rs. 5 crores in FY 2023-24• Taxable persons having annual turnover ≤ Rs. 5 crore in FY 2023-24 and not opted for Quarterly Return Monthly Payment (QRMP) Scheme
13th	<ul style="list-style-type: none">• GSTR-6 [Return by input service distributor (ISD)]• GSTR-5 (Return by Non-resident)• Invoice Furnishing Facility - IFF (Details of outward supplies of goods or services)	<ul style="list-style-type: none">• Person registered as ISD• Non-resident taxable person (NRTP)• Taxable persons having annual turnover ≤ Rs. 5 crore in FY 2023-24 and opted for QRMP Scheme
20th	<ol style="list-style-type: none">1. GSTR-3B (Summary return)2. GSTR-5A [Online Information Database Access and Retrieval (OIDAR) services return]	<ol style="list-style-type: none">1. a) Taxable persons having annual turnover > Rs. 5 crore in FY 2023-24 b) Taxable persons having annual turnover ≤ Rs. 5 crore in FY 2023-24 and not opted for QRMP scheme2. OIDAR services provider
25th	<ul style="list-style-type: none">• Form GST PMT-06 (payment of tax for QRMP filers)	<ul style="list-style-type: none">• Taxable persons having annual turnover ≤ Rs. 5 crore in FY 2023-24 and opted for QRMP scheme

INCOME TAX

DATE	COMPLIANCE DETAIL	APPLICABLE TO
7th	<ul style="list-style-type: none"> TDS / TCS deposit Equalization Levy deposit 	<ul style="list-style-type: none"> Non-Government Deductors All Deductors
15th	<ul style="list-style-type: none"> Issue of TDS Certificate in Form 16A (other than salary) Issue of Annual TDS Certificate in Form 16 (salary) Deposit of 15% (1st Instalment) of Advance Tax for FY 2024-25 	<ul style="list-style-type: none"> Non-Government Deductors Taxpayers liable to pay advance tax
30th	<ul style="list-style-type: none"> Furnishing of Form-1 (Equalization Levy Statement) 	<ul style="list-style-type: none"> All Deductors

ROC

DATE	COMPLIANCE DETAIL	APPLICABLE TO
30th	<ul style="list-style-type: none"> Filing of return of deposits / exempted deposits in Form DPT-3 Modification of Importer-Exporter Code (IEC) details with DGFT. 	<ul style="list-style-type: none"> All Companies All entities having IEC

OTHER

DATE	COMPLIANCE DETAIL	APPLICABLE TO
15th	<ul style="list-style-type: none"> Deposit of PF & ESI contribution 	<ul style="list-style-type: none"> All Deductors



NOTIFICATION NO-10/2024 - Central tax, **DATED-08.04.2024**

The CBIC has issued the notification and makes the following further amendments in the notification number 2/2017- Central Tax (SECTION 3, READ WITH SECTION 5, OF THE CENTRAL GOODS AND SERVICES TAX ACT, 2017 - OFFICERS UNDER THE ACT - NOTIFIED OFFICERS):-

In the said notification, in Table II, with effect from the 5th August, 2023,—

I. for serial number 7 and the entries relating thereto, the following serial number and entries shall be substituted and shall be deemed to have been substituted, namely: —

"7	Alwar	Districts of Alwar, Khairthal- Tijara, Bharatpur, Deeg, Dholpur, Dausa, Karauli, Sawaimadhupur, Gangapur City, Sikar, Neem Ka Thana and Jhunjhunu and Behror, Bansur, Neemrana, Mandan and Narayanpur tehsils of district Kotputli-Behror in the State of Rajasthan.";
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II. for serial number 49 and the entries relating thereto, the following serial number and entries shall be substituted and shall be deemed to have been substituted, namely:-

"49	Jaipur	Districts of Jaipur, Jaipur (Rural), Dudu, Ajmer, Beawar, Tonk and Kekri and Kotputli, Viratnagar and Shahpura tehsils of district Kotputli-Behror in the State of Rajasthan.";
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III. for serial number 53 and the entries relating thereto, the following serial number and entries shall be substituted and shall be deemed to have been substituted, namely:-

"53	Jodhpur	Districts of Jodhpur, Jodhpur (Rural), Phalodi, Nagaur, Didwana-Kuchaman, Pali, Sirohi, Jalore, Sanchoe, Barmer, Balotra, Jaisalmer, Bikaner, Churu, Ganganagar, Hanumangarh and Anupgarh in the state of Rajasthan.";
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IV. for serial number 102 and the entries relating thereto, the following serial number and entries shall be substituted and shall be deemed to have been substituted, namely:-

V. "102	VI. Udaipur	VII. Districts of Udaipur, Salumbar, Rajsamand, Bhilwara, Shahpura, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Bundi, Baran, Kota and Jhalawar in the state of Rajasthan.".
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NOTIFICATION NO-11/2024- CENTRAL TAX, **DATED-08.04.2024**

The CBIC has issued the notification and makes the following further amendments in the notification number 2/2017- Central Tax (SECTION 3, READ WITH SECTION 5, OF THE CENTRAL GOODS AND SERVICES TAX ACT, 2017 - OFFICERS UNDER THE ACT - NOTIFIED OFFICERS):-

In the said notification, in Table II, with effect from the 5th August, 2023, –

"7	Alwar	Districts of Alwar, Khairthal- Tijara, Bharatpur, Deeg, Dholpur, Dausa, Karauli, Sawaimadhopur, Gangapur City, Sikar, 11b[Neem Ka Thana Jhunjhunu and] Kotputli-Behror in the State of Rajasthan.]Bansur, Neemrana, Mandan and Narayanpur tehsils of district Kotputli-Behror in the State of Rajasthan.";
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"49	Jaipur	Districts of Jaipur, Jaipur (Rural), Dudu, Ajmer, Beawar, Tonk and Kekri and Kotputli, Viratnagar and Shahpura tehsils of district Kotputli-Behror in the State of Rajasthan.";
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INSTRUCTION NO-01/2024, DATED- 30.05.2024

The instruction begins by highlighting Section 79 of the CGST Act, which empowers the proper officer to recover any outstanding amount payable by a person to the government under the Act. It specifies that recovery proceedings can be initiated if the amount due is not paid within three months from the date of service of the order. However, the proper officer, if deemed necessary in the interest of revenue, may require the payment within a shorter period, provided reasons are recorded in writing.

The instruction emphasizes that recovery proceedings should generally commence only after the lapse of the three-month period. Exceptions to this rule are allowed only when it is essential for revenue protection, and the proper officer must justify the need for early recovery in writing. It has come to the Board's notice that some field formations have been initiating recovery proceedings before the stipulated three-month period, even when the proper officer has not explicitly required early payment. To ensure uniformity in implementing the law, the Board issues these instructions under its powers conferred by Section 168 of the CGST Act.

The instruction reiterates the roles of the proper officers in the recovery process, specifying that recovery proceedings under Section 79 are to be undertaken by the jurisdictional Deputy or Assistant Commissioner of Central Tax. However, if early recovery is deemed necessary, the matter must be referred to the jurisdictional Principal Commissioner or Commissioner of Central Tax for approval.

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ADVISORY-1, DATED 16.05.2024

Furnishing of information by manufacturers of Pan Masala & Tobacco taxpayers

Background

In the 50th GST Council meeting held in July 2023, the GST Council had recommended special procedure for manufacturers of tobacco, pan masala, etc. for registration of machines and filing of monthly returns. Accordingly, a special procedure was prescribed vide Notification no. 30/2023– Central Tax dated 31 July 2023 for such taxpayers, which was to be effective from 1 January 2024 onwards.

Notification no. 4/2024 issued by Central Board of Indirect Taxes & Customs (CBIC) on 5 January 2024

The CBIC issued a notification on 5 January 2024 rescinding the procedure prescribed earlier and stipulating that the effective date for new procedure would be 1 April 2024 (instead of 1 January 2024) onwards. Further, the following forms were notified:

- GST SRM-I, pertaining to registration and disposal of packing machines of pan masala and tobacco products.
- GST SRM-II, being monthly statement of inputs used and the final goods produced by the manufacturer.

Advisory issued by GST Network on 16 May 2024

The GST Network has notified that the facility to register the machines have been made available on the GST portal to file the information in Form GST SRM-I. Form GST SRM-II is expected to be made available on the portal shortly.

PRESS RELEASE, DATED - 06.05.2024

Oath ceremony of Justice (Retd.) Sanjaya Kumar Mishra as the 1st President of GST Appellate Tribunal (GSTAT) in New Delhi After

Union Finance Minister Smt. Nirmala Sitharaman administered the oath of integrity and secrecy to Justice (Retd.) Sanjaya Kumar Mishra as the President of the GSTAT in New Delhi on 6th May 2024. The appointment marks the beginning of the operationalisation of the GSTAT, a crucial body for resolving GST-related disputes.

The GSTAT is the Appellate Authority established under the CGST Act, 2017, to hear various appeals against the orders of the 1st appellate authority. It consists of a Principal Bench and various State Benches. As per the approval of the GST Council, the Government has notified the Principal Bench, to be located at New Delhi, and 31 State Benches at various locations across the country. The process for appointment of Judicial Members and Technical Members is already in progress.

The Tribunal is aimed to ensure swift, fair, judicious and effective resolution of GST disputes, besides significantly reducing the burden on higher courts. The establishment of the GSTAT is likely to enhance the effectiveness of the GST system in India and foster a more transparent and efficient tax environment in the country.

CORPORATE LAW & REGULATORY



Directorate General of Foreign Trade (DGFT) Mandates requirement to obtain bureau of Indian Standards (BIS) Certificate for import of used, repaired, refurbished, reconditioned electronic products

To curb the import of sub-standard and poor quality used, repaired, refurbished and reconditioned electronic products, DGFT has issued a notification on 20 May 2024 amending the Foreign Trade Policy and ITC HS 2022 Schedule 1 of the import policy under the Electronics and Information Technology Goods (Requirement of Compulsory Registration) Order, 2021.

As per notification, no used, repaired, refurbished, or reconditioned electronic products can be imported into India with effect from 20 May 2024 onwards, unless such electronic products are registered under the BIS Act, 2016, and comply with the Labelling requirements published by BIS.

What is BIS Certification?

A mark of quality and safety for products in India. Originally governed by the Indian Standards Institution (Certification Marks) Act of 1952, it was updated by the BIS Act, 2016.

BIS was established with the primary objective of ensuring the quality and safety of products available to consumers. BIS plays a vital role in various domains, including public health, environmental safety and national security, by setting and enforcing standards.

BIS certification is mandatory for both Indian and foreign manufacturers if they sell products in the Indian market that fall under the BIS Compulsory Registration Scheme issued under the BIS Act, 2016.

In case of non-BIS compliant product, the importer needs to reexport such goods else the Customs authorities shall deform the goods beyond use and dispose the same as scrap under intimation to the Ministry of Electronics and Information Technology (MeitY).

Please [Click Here](#) to read Notification no. 13/2024-25 dated 20 May 2024

Disclosure of Significant Beneficial Ownership in Limited Liability Partnerships (LLPs) –MCA relaxes additional fee & extends due date till 1 July 2024 for filings with Registrar of Companies (ROC) in Forms BEN-2 & 4D

Background

Till October 2023, 'Significant Beneficial Owner' rules under the Companies Act 2023 applied only to companies. However, vide a notification dated 9 November 2023, MCA extended the same to cover LLPs also.

What is Significant Beneficial Owner?

An individual possessing the following right(s) in an LLP:

- 10% or more of the contribution in the LLP
- 10% or more of the voting rights in respect of management or policy decisions of the LLP
- 10% or more of the distributable profits of the LLP
- Right to exercise significant influence or control in the LLP

Requirement to submit e-forms BEN-2 and 4D with ROC

In November 2023, ROC had prescribed the following legal obligations on LLPs:

- Step1- LLP would be required to identify its Significant Beneficial Owners and cause such individuals to make a declaration in Form BEN-1
- Step2- LLP would be required to give notice in Form BEN-4 (seeking information pertaining to Significant Beneficial Ownership) to every non-individual partner holding 10% or more of its contribution or voting rights
- Step3- Upon identification of Significant Beneficial Owners, LLP would be required to file return in Form BEN-2 with ROC within 30 days from date of receipt of declaration. In case a person becomes Significant Beneficial Owner subsequently, he has to make the declaration to LLP immediately. In

such case, LLP would be required to file a return in Form 4D with the ROC within 30 days from date of receipt of such declaration

- Step 4 - LLP would be required to maintain register of Significant Beneficial Owners in Form BEN-3

Circular no. 01 / 2024 dated 7 February 2024 issued by MCA

In view of transition of MCA-21 from V2 to V3 and promote compliance, MCA had extended the timeline for filing Forms BEN-2 and 4D without additional fees until 15 May 2024. The forms were supposed to be available for filing on V3 portal from 15 April 2024 onwards, giving a window of 1 month for filing without any additional fee.

Circular no. 03 / 2024 dated 7 May 2024 issued by MCA

The due date for filing Forms BEN-2 and 4D without payment of additional fee, has been extended from 15 May 2024 to 1 July 2024. Currently, on V3 portal, neither Form BEN-2 nor Form 4D is available for filing. On V2 portal, Form BEN-2 is available for filing.

FORM NO. BEN-2

[Pursuant to section 90(4) of The Companies Act, 2013 and rule 4 and rule 8 of the Companies (Significant Beneficial Owners) Rules, 2018]



Return to the Registrar in respect of declaration under section 90

Compliance Related Filing

Description	e-Form with Instruction kit	e-Form	Form Version updated on
Return to the Registrar in respect of declaration under section 90	Form BEN-2 [zip] (805 KB)	Form BEN-2 [zip] (233 KB)	13-Mar-2024

Please [Click Here](#) to read Circular no. 3/ 2024 dated 7 May 2024

DIRECT TAX



Long term Capital Gains – Central Board of Direct Taxes (CBDT) notifies ‘363’ as Cost Inflation Index (CII) for FY 2024-25

CBDT vide Notification no. 44 dated 24 May 2024 has notified 363 as CII for FY 2024-25. If a long-term capital asset is transferred, the capital gains is computed after deducting the indexed cost of acquisition (instead of just cost of acquisition) to give the benefit of inflation to a taxpayer. Such indexation of cost of acquisition is done on the basis of CII. The base year for which CII is 100 is FY 2001-02.

Angel tax u/s 56(2) (viib) of Income-tax Act – Delhi Tribunal holds Safe Harbour Rule to be curative in nature, applies retrospectively.

Section 56(2) (viib) of the Income-tax Act provides that where a closely held company receives any consideration for issue of shares exceeding the fair value of such shares, the consideration amount exceeding the fair value of the shares, is taxable as ‘income from other sources’ in the hands of the company. It is in the nature of an anti-abuse provision.

The valuation rule for this purpose (to determine fair value, i.e., Rule 11UA of the Income-tax Rules, 1962) was amended with effect from 25 September 2023 onwards, amongst others, introducing a safe harbour limit of 10%. The objective of safe harbour limit / rule is to give benefit to the taxpayer on account of factors like foreign exchange fluctuation, bidding processes, changes in economic indicators, etc.

In this regard, a question arose for consideration before the Delhi Income-tax Appellate Tribunal as to whether the amendment to Rule 11UA is applicable prospectively or retrospectively. To this, the Tribunal held that the amendment is curative in nature and hence applicable retrospectively, i.e., even with respect to shares issued prior to the amendment dated 25 September 2023.



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HEAD OFFICE: E-115, 11TH FLOOR, HIMALAYA HOUSE,
KASTURBA GANDHI MARG, NEW DELHI-110001
BRANCH OFFICE: 1113, 11TH FLOOR, ARUNACHAL BUILDING,
BARAKHAMBA ROAD, NEW DELHI -110001
(Partner-in-charge -CA Ajay Aggarwal)

BRANCH OFFICES:

SCO 13, 1stFloor, Kabiri Site,
Industrial Area Phase -2,
Chandigarh -160002
(CA Varun Garg)

212-A, Vashisht Complex,
Sikanderpur, Gurugram-122004
(CA Piyush Jindal)

House No. 14266, Street No. 2A,
Ganesha Basti, Bhatinda- 151001
(CA Yogesh Kumar Jain)

Hanna Tower, Flat No.-1622,
Gaur Saundaryam, Tech Zone-
4, Near Charmurti Chowk,
Gautam Buddha Nagar, Uttar
Pradesh-201009
(CA Prakhar Srivastava)