

# TAX EDGE

Monthly Tax & Regulatory Updates



Audit



Tax



Regulatory

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# Goods & Services Tax (`GST`)

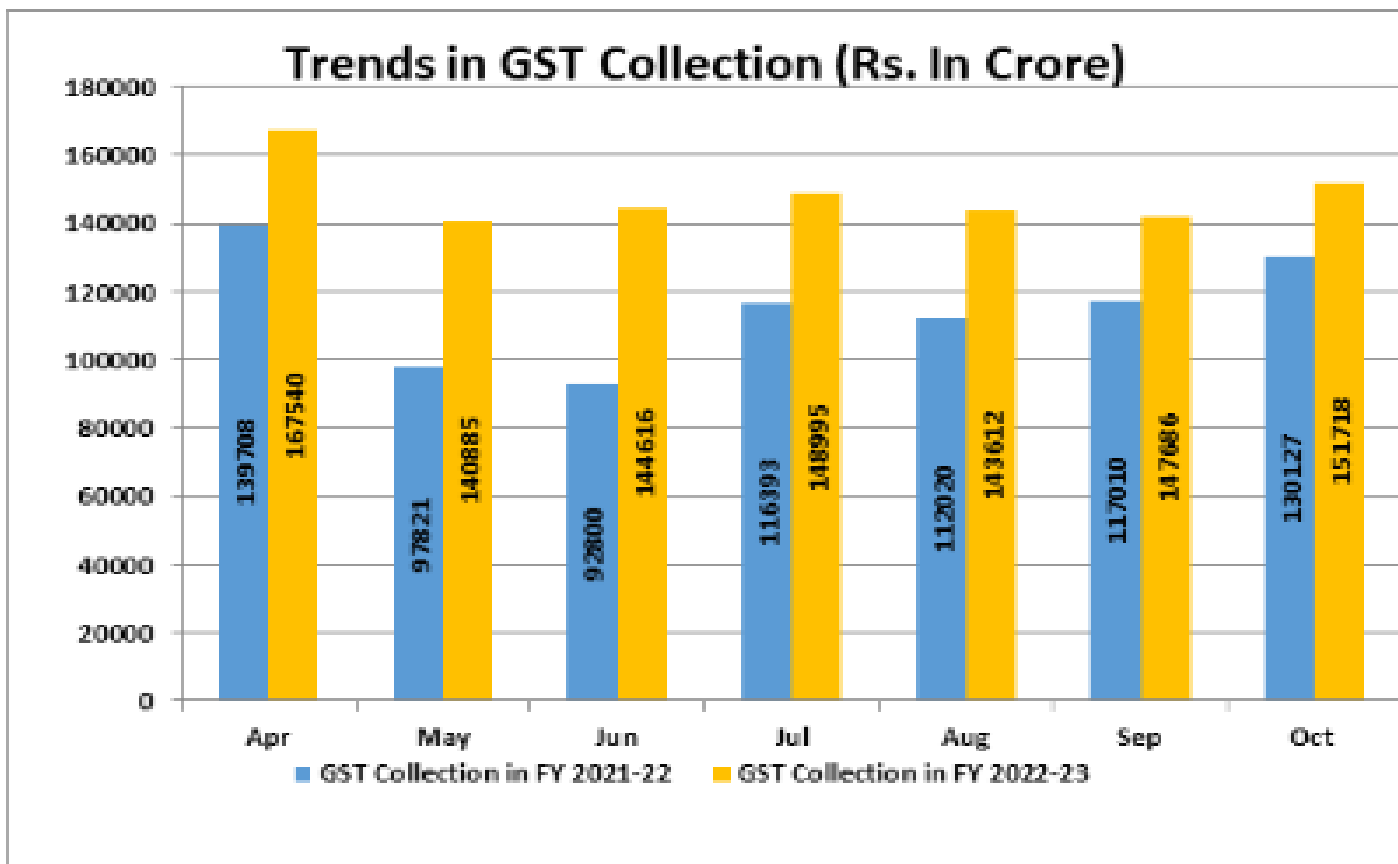


## GST revenue collection for October 2022 Rs. 151,718 Crore

The gross GST collected in the month of October 2022 is Rs. 151,718 Crore as below:

IGST (Integrated Goods and Services Tax)	Rs. 81,778 Crore
CGST (Central Goods and Services Tax)	Rs. 26,039 Crore
SGST (State Goods and Services Tax)	Rs. 33,396 Crore
Compensation cess	Rs. 10,505 Crore
<b>Total</b>	<b>Rs. 1,51,718 Crore</b>

The revenue for October 2022 is 2nd highest monthly collection, next only to the collection in April 2022. It is for the 2nd time the gross GST collection has crossed Rs. 1.50 lakh crore mark. The revenues for the month of October 2022 are 17% higher than the GST revenues in October 2021.



Please [Click Here](#) to read Press Release dated 1 November 2022.

## Central Board of Indirect Taxes & Customs (CBIC) notifies amendment in Form GSTR-9 (annual return for regular taxpayers) for FY 2021-22

Under the GST regime, in case a taxpayer omits to report or reports incorrectly the value of supplies or input tax credit (availed or reversed) for a particular Financial Year (FY), the taxpayer has the option to report or rectify it in the monthly / quarterly Form GSTR-1 (statement of outward supply) and / or Form GSTR-3B (summary return) in the subsequent FY (i.e, latest by 20 October of the subsequent FY). The said timeline has been extended from 20 October to 30 November vide Notification no. 18/2022-Central Tax dated 28 September 2022.

The above change has now been incorporated in Form GSTR-9 for FY 2021-22 onwards as below ('specified period' in the below screenshot means the period 1 April 2022 to 30 November 2022)

Pt. V	Particulars of the transactions for the financial year declared in returns of the next financial year till the specified period					
Sr.No.	Description	Taxable Value(₹)	Central Tax(₹)	State Tax / UT Tax(₹)	Integrated Tax(₹)	Cess(₹)
	1	2	3	4	5	6
10	Supplies / tax declared through Amendments (+) (net of debit notes)	0.00	0.00	0.00	0.00	0.00
11	Supplies / tax reduced through Amendments (-) (net of credit notes)	0.00	0.00	0.00	0.00	0.00
12	Reversal of ITC availed during previous financial year		0.00	0.00	0.00	0.00
13	ITC availed for the previous financial year		0.00	0.00	0.00	0.00
	Total turnover(5N + 10 - 11)	69,568.09	1,862.23	1,862.23	8,662.78	0.00

Please [Click Here](#) to read the Notification no. 22/2022-Central Tax dated 15 November 2022.





## **CBIC issues guidelines for verification of transition Input Tax Credit (ITC) pursuant to Supreme Court (SC) ruling in case of FilcoTrade Centre Pvt. Ltd.**

### **Background**

- The SC while disposing of the batch appeals in the case of Filco Traders Centre Pvt Ltd had directed GST Network (GSTN) to open GST common portal for aggrieved taxpayers to avail transitional credit [through filing or revising Form TRAN-1 & TRAN-2 (transition ITC declaration forms)] for 2 months starting from 1 September 2022
- Subsequently, SC extended the time for opening the GSTcommon portal for the above purpose by another 4 weeks. Accordingly, the said facility has been made available by GSTN from 1 October 2022 to 30 November 2022
- CBIC had earlier issued Circular No. 180/12/2022-GST dated 9 September 2022 mentioning the guidelines for filing / revision of transition ITC declaration forms. The transitional credit claimed by the taxpayers shall be credited in Electronic Credit Ledger (ECRL) to the extent allowed by the tax officer after completing necessary verifications. Such verifications must be carried out by the jurisdictional tax officer on or before 28 February 2023.
- Now, CBIC has prescribed the guidelines for verification of such transitional credit vide Circular No. 182/14/2022-GST dated 10 November 2022

### **What is form TRAN-1 & TRAN-2?**

Form TRAN-1 is a transition form filed by taxpayer registered in old taxation laws prior to GST to carry forward ITC from earlier regime to GST regime.

Form TRAN-2 is a transition form filed by a taxpayer registered under GST but was unregistered under old taxation laws prior to GST to claim ITC on the stock held as on 30 June 2017.

## Key Guidelines

- The verification of transitional credit shall be conducted by jurisdictional tax officer who will pass the appropriate order. The verification of form transition ITC delaration forms filed/ revised under administrative control of central or state tax authrority shall be done by the central / relevant state tax authority
- The jurisdictional tax officer can access the forms filed by taxpayers on their back-office systems. Further, a self-certified downloaded copy of the forms shall also be filed by the taxpayers. The *verification process shall be initiated* on availability of filed forms on the back-office systems or on receipt of self-certified copy from the taxpayer, *whichever is earlier*.
- Based on the declaration filed by the taxpayer and the data available, jurisdictional tax officer shall check whether the taxpayer had earlier filed the forms or not and if so, he shall check *whether there is any change in the said forms viz-a-viz the earlier forms filed*.
  - ✓ In case there is no change, then such transitional credit is *liable for rejection* by jurisdictional tax officer
  - ✓ In case there is change, then jurisdictional tax officer shall proceed for verification of claim of transitional credit by referring to guidelines and checks mentioned below:

Check Reference	Description
Check 1 – Table 5(a) of Form TRAN-1	Credit has been taken against closing balance of CENVAT credit available in the forms filed prior to GST regime. Credit can be taken only when the last return was filed and credit taken in Table 5(a) of Form TRAN-1 should not exceed the closing balance of credit available in the returns filed prior to GST regime.
Check 2 – Table 5(a)	Credit of taxes not covered in the definition of eligible duties u/s 140 of CGST Act, 2017 shall not be eligible. For example, krishi kalyan cess, education cess, cleam energy cess etc.  Further, credit VAT and PLA balance is not allowed in transitional credit.
Check 3 – Table 5(a)	Returns have been filed for last 6 months. A taxpayer taking credit in table 5(a) should have filed pre GST regime forms for last 6 months prior to applicability of GST.  There could be the cases where many units have been merged into a single registration or unit (centralized registration cases / LUT cases) has been split into many registrations in GST. Compliance by any merging unit filing the returns in the pre-GST regime would entitle the new unit to avail credit in relation to that merging unit.

## Check Reference

## Description

### 5(a) Credit Carried Forward (Central tax) - Add ⓘ

ⓘ Please click on 'SAVE' to add this record. If you click on 'BACK' button, this record will not be saved.

Registration no. under existing law (Central Excise and Service Tax) *	Tax period to which the last return filed under the existing law pertains *	Date of filing of the return *
<input type="text"/>	Select <input type="text"/>	DD/MM/YYYY <input type="text"/>
Balance CENVAT credit carried forward in the said last return *	CENVAT Credit admissible as ITC of central tax in accordance with transitional provisions ⓘ *	
<input type="text"/>	<input type="text"/>	

### Check 4 – Table 6

In Table 6, only credit on capital goods not taken in any return is available. If 2<sup>nd</sup> installment of any capital goods credit is taken through return in Table 5(a) and again considered in table 6, would lead to double credit being availed.

### 6(a) Capital Goods (Central tax) – Add ⓘ

ⓘ Please click on 'SAVE' to add this record. If you click on 'BACK' button, this record will not be saved.

1. Invoice / Document Number *	2. Invoice / Document Date *	3. Supplier's registration no. under existing law *
<input type="text"/>	DD/MM/YYYY <input type="text"/>	<input type="text"/>
4. Recipients' registration no. under existing law *	5. Value ⓘ *	6. Duties and taxes paid - ED/CVD ⓘ *
<input type="text"/>	<input type="text"/>	<input type="text"/>
7. Duties and taxes paid - SAD ⓘ *	8. Total eligible CENVAT credit under existing law *	9. Total CENVAT credit availed under existing law *
<input type="text"/>	<input type="text"/>	<input type="text"/>
10. Total CENVAT credit unavailed under existing law (8-9) *	<input type="text"/>	

### Check 5 - Table 7(a)

Where the taxpayer was registered in central excise or in service tax and credit is claimed on account of inputs relating to exempted goods/services u/s 140(3) of CGST Act, 2017. Mechanism have been provided to check the credit transitioned in cases where,

- Only exempted goods or services were manufactured or provided, and
- Both exempted and non-exempted goods or services were being manufactured or provided



Check Reference	Description
Check 6 – Table 7(a)	Where a new taxpayer has availed credit using Credit Transfer Document (CTD), CTD issued by the manufacturer exists and CTD has been issued in terms of Rule 15(2) of CENVAT Credit Rules, 2017.
Check 7 – Table 7(a)	Stock declared on which credit can be claimed under Rule 117(4) of the CGST Rules, 2017 are reasonable. Where the stock declared is very high, stock declared in VAT return or any other collateral document where stocks were declared , may be cross checked. Credit of this stock would be available on sale being made and Form TRAN-2 being filed.
Check 8 – Table 7(a)	Taxpayer has not declared this stock in any other table or has not availed this credit from any other table. Where the person availing credit through form TRAN-2 for which stock is declared in this table, <i>is a trader</i> , no credit can exist in any other table which pertains to credit to taxpayers who were registered earlier.

### 7(a) Details of the inputs held in stock (Duties and Taxes) - Add ⓘ

ⓘ Please click on 'SAVE' to add this record. If you click on 'BACK' button, this record will not be saved.

HSN (As applicable) ⓘ

Unit ⓘ

Qty. \*

Value \*

Eligible Duties paid on such inputs \*

Where duty paid invoices (including Credit Transfer Document (CTD)) are available \*


Type of Goods \*




Check 9 – Table 7(b)	Duty or tax paying document exists and there is a confirmation from the taxpayer that such documents were recorded in the books of accounts as per conditions prescribed under law. Transport verification may be considered when goods under movement are shown in unreasonable quantity. Further, the conditions for availing input service distributor (ISD) credit as prescribed in the law are satisfied.
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## Check Reference

## Description

7(b) The eligible duties and taxes paid on goods and services received after the appointed date and entered in books within 30 (60) days - Add 


 Please click on 'SAVE' to add this record. If you click on 'BACK' button, this record will not be saved.




Registration no. of supplier/Input Service Distributor *	Invoice number *	Invoice date *
<input type="text"/>	<input type="text"/>	<input type="text" value="DD/MM/YYYY"/> 
Description *	Quantity *	UQC 
<input type="text"/>	<input type="text"/>	<input type="text"/>
Value *	Eligible duties and taxes (Central Tax) *	VAT/[ET] *
<input type="text"/>	<input type="text"/>	<input type="text"/>
Date on which entered in recipients books of account *		
<input type="text" value="DD/MM/YYYY"/> 		

## Check 10 – Table 8

Units receiving the credit distributed by centralized registered units have not filed form TRAN-1 to avail such credit as this would lead to dual credit to receiving units. Also, confirmation is to be taken from the centrally registered unit that the balance credit in the ledger of the distributing unit was reduced by the amount of credit distributed.

8. Details of transfer of CENVAT credit for registered person having centralized registration under existing law - Add 

 Please click on 'SAVE' to add this record. If you click on 'BACK' button, this record will not be saved.

Registration no. under existing law (Centralized) *	Tax period to which the last return filed under the existing law pertains *	Date of filing of the return *
<input type="text"/>	<input type="text" value="Select"/> 	<input type="text" value="DD/MM/YYYY"/> 
Balance eligible CENVAT credit carried forward in the said last return *	GSTIN of receivers (same PAN) of ITC of CENTRAL TAX *	ITC of CENTRAL TAX transferred *
<input type="text"/>	<input type="text"/>	<input type="text"/>
Distribution document /invoice Number *	Distribution document /invoice Date *	
<input type="text"/>	<input type="text" value="DD/MM/YYYY"/> 	


## Check 11 – Table 11

Service tax claimed as credit was paid under the existing law and supplies were made after 1 July 2017.

## Check Reference

## Description

### 11. Details of credit availed in terms of Section 142 - Add

 Please click on 'SAVE' to add this record. If you click on 'BACK' button, this record will not be saved.

Registration No of VAT \*

Service Tax Registration No. \*

Invoice/document no. \*

Invoice/ document date \*



Tax Paid \*

Service Tax paid as Central Tax Credit \*

VAT paid Taken as State Tax/ UT Tax Credit \*

### Check 12

- Credit claimed through transition ITC declaration form is not taken through return in GSTR-3B which may result in double credit being availed. Further, clarifications issued vide Circular No. 33/07/2018 – GST dated 23 February 2018 regarding disputed credit and blocked credit may be followed during the verification process
- Filed / revised transition ITC declaration forms may contain both central and state tax components. In such cases, where the taxpayer is under the jurisdiction of central tax officer, such officer shall refer the claim to his counterpart for verification of state tax component. Similar action shall also be taken by jurisdictional state tax officers where the transitional credit claim has a component of central tax
- For verification of transitional credit, jurisdictional tax officer may call for relevant records from the taxpayer
- While conducting the verification, the officer must also check whether any adjudication or appeal proceedings in transition ITC declaration forms related matter are pending / concluded against the taxpayer. In such cases, where any adjudication or appeal proceedings have been initiated, the concerned officer should take note of the relevant facts and the grounds mentioned for inadmissibility of transitional credit, if any, in the said notice/order
- Post verification by the counterpart officer, a verification report shall be prepared, specifying the amount of transitional credit which may be allowed to be credited to the ECRL of the taxpayer and the amount, which is liable for rejection, along with detailed reasons/ grounds. Such report shall be sent to the jurisdictional tax officer at the earliest, though generally not later than 10 days from the date of receipt of request from the jurisdictional tax officer

Check Reference	Description
Check 12	<ul style="list-style-type: none"><li data-bbox="345 237 1382 537">• The jurisdictional tax officer shall decide upon the admissibility of the credit claimed by the taxpayer. If jurisdictional tax officer finds credit inadmissible, he shall issue a notice within 7 days from the date of receipt of the report, seeking explanation as to why the said credit should not be denied. Taxpayer shall also be provided an opportunity of a personal hearing. Comments of counterpart officer may also be sought, if required, by the jurisdictional tax officer on the submissions made by the taxpayer</li><li data-bbox="345 585 1382 807">• Post consideration of the facts, verification report, submissions by the taxpayer, and the comments, if any, the jurisdictional tax officer shall pass an order within 15 days from the date of personal hearing, specifying the amount of credit to be transferred to ECRL of the taxpayer. In any case, such an order shall be passed within 90 days from 1 December 2022, i.e., up to 28 February 2023</li><li data-bbox="345 855 1382 1000">• Where the amount already credited to ECRL exceeds the amount of credit admissible in terms of revised transition ITC declaration forms filed by the taxpayer, such excess credit is liable to be recovered, along with applicable interest and penalty</li><li data-bbox="345 1049 1382 1232">• Where any communication for verification is required to be made by the central tax officer, other than through GST common portal, the same should be made using Document Identification Number (DIN) as per guidelines mentioned in Circular No. 122/41/2019-GST dated 5 November 2019</li></ul>

Please [Click Here](#) to read the Circular no. 182/14/2022-GST dated 10 November 2022.

Please [Click Here](#) to read the Circular No.180/12/2022-GST dated 9 September 2022.

Please [Click Here](#) to read Circular No. 33/07/2018 – GST dated 23 February 2018.



## Inverted Duty Structure (IDS) – CBIC clarifies issues regarding refund

### What is IDS?

IDS refers to a situation where the tax rate on inputs purchased (i.e. GST rate paid on inputs received / ITC) > tax rate on outward supplies (i.e. GST rate payable on sales).

Example:

Products		GST on	
Finished Goods (Output)	Raw Materials (Input)	Finished Goods	Raw Materials
Fabric bag	Non-woven fabric	5%	12%

As per section 54 of CGST Act, 2017 refund of accumulated ITC is available in case of IDS. In March 2020 it was clarified by CBIC that refund on account of IDS would not be admissible in cases where the input and output supply are same. Rule 89 of the CGST Rules, 2017 prescribes the formula for grant of refund in case of IDS. CBIC vide notification no. 14/2022-Central Tax dated 5 July 2022 has amended the said formula as below.

Maximum refund amount =  $\{(Turnover\ of\ inverted\ rated\ supply) \times Net\ ITC \div Adjusted\ Turnover\} - \{[tax\ payable\ on\ such\ inverted\ rated\ supply \times (Net\ ITC \div ITC\ availed\ on\ inputs\ \&\ input\ services)]\}$

Vide notification no. 09/2022 – Central Tax (Rate) dated 13 July 2022 (effective from 18 July 2022 onwards), restriction has been placed on refund of unutilised ITC on account of IDS in case of goods falling under chapter 15 and 27 of GST tariff as below.

1A.	1507	Soya-bean oil and its fractions, whether or not refined, but not chemically modified
1B.	1508	Ground-nut oil and its fractions, whether or not refined, but not chemically modified.
1C.	1509	Olive oil and its fractions, whether or not refined, but not chemically modified.
1D.	1510	Other oils and their fractions, obtained solely from olives, whether or not refined, but not chemically modified, including blends of these oils or fractions with oils or fractions of heading 1509
1E.	1511	Palm oil and its fractions, whether or not refined, but not chemically modified.
1F.	1512	Sunflower-seed, safflower or cotton-seed oil and fractions thereof, whether or not refined, but not chemically modified.
1G.	1513	Coconut (copra), palm kernel or babassu oil and fractions thereof, whether or not refined, but not chemically modified.
1H.	1514	Rape, colza or mustard oil and fractions thereof, whether or not refined, but not chemically modified.
1I.	1515	Other fixed vegetable or microbial fats and oils (including jojoba oil) and their fractions, whether or not refined, but not chemically modified.
1J.	1516	Vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared.
1K.	1517	Edible mixtures or preparations of vegetable fats or vegetable oils or of fractions of different vegetable fats or vegetable oils of this Chapter, other than edible fats or oils or their fractions of heading 1516
1L.	1518	Vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516
1M.	2701	Coal; briquettes, ovoids and similar solid fuels manufactured from coal
1N.	2702	Lignite, whether or not agglomerated, excluding jet
1O.	2703	Peat (including peat litter), whether or not agglomerated



## Clarifications issued by CBIC on 10 November 2022

Issue	Clarification
Whether the formula prescribed u/r 89 will apply only to refund applications filed on or after 5 July 2022? Or, whether the same will also apply in respect of the applications filed before or pending with the officer as on 5 July 2022?	The amendment in formula is not clarificatory in nature and hence is applicable prospectively in respect of refund applications filed on or after 5 July 2022. The applications filed before 5 July 2022 will be dealt as per old formula.
Whether the restriction placed on refund of unutilised ITC on account of IDS in case of certain goods falling under chapter 15 and 27 would apply to the refund applications filed on or after 18 July 2022? Or, whether the same will also apply in respect of applications filed before or pending with the officer as on 18 July 2022?	The restriction would be applicable in respect of refund applications filed on or after 18 July 2022 (and not applications filed before 18 July 2022)

Please [Click Here](#) to read Circular no. 181/13/2022-GST dated 10 November 2022.



# Direct Tax



# Direct Tax

## **Direct tax collection for Financial Year (FY) 2022-23 (till 10 November 2022) Rs. 10,54,000 Crore (approx.), 30.69% higher than gross collection for corresponding period last year**

Central Board of Direct Taxes has released the following statistics on 11 November 2022:

- Direct tax collections up to 10 November 2022 is Rs. 10.54 lakh crore, 30.69% higher than the gross collections for the corresponding period last year
- Direct tax collection, net of refunds, Rs. 8.71 lakh crore, 25.71 % higher than the net collections for the corresponding period last year
- Growth rate for corporate Income-tax is 22.03% while that for personal income tax (including securities transaction tax) is 40.64%
- Refunds amounting to Rs.1.83 lakh crore have been issued during the period 1 April 2022 to 10 November 2022, 61.07% higher than refunds issued during the corresponding period last year

Please [Click here](#) to read Press Release dated 11 November 2022.

## **Central Board of Direct Taxes (CBDT) issues Explanatory Notes to Finance Act, 2022**

### **Background**

- The India Union Budget (Finance Bill 2022) for FY 2022-23 was presented by the Finance Minister in the Parliament in the month of February 2022. Subsequently, after certain amendments, the Finance Act 2022 was passed by the Parliament and received the assent of the President on 30 March 2022.
- Majority of the tax proposals of the Finance Bill 2022 were explained by the Finance Minister in the Memorandum itself which was issued along with the Finance Bill. However, the subsequent changes made in the tax proposals needed clarity for which now the CBDT has issued a circular no. 23 on 3 November 2022 explaining the provisions of Finance Act, 2022.

# Direct Tax

## Key amendments at a glance

Section of the Income-tax Act, 1961	Particulars
2	Definitions
10	Incomes not included in total income
11	Income from property held for charitable or religious purposes
12A	Conditions for applicability of sections 11 and 12
12AB	Procedure for fresh registration
13	Section 11 not to apply in certain cases
14A	Expenditure incurred in relation to income not includible in total income
17	'Salary', 'perquisite' and 'profits in lieu of salary' defined
35	Expenditure on scientific research
37	General
40	Amounts not deductible
43B	Certain deductions to be only on actual payment
50	Special provision for cost of acquisition in case of depreciable asset
56	Income from other sources
68	Cash credits
79	Carry forward and set off of losses in case of certain companies
79A	No set off of losses consequent to search, requisition and survey
80CCD	Deduction in respect of contribution to pension scheme of Central Government
80DD	Deduction in respect of maintenance including medical treatment of a dependent who is a person with disability
80-IAC	Special provision in respect of specified business
80LA	Deductions in respect of certain incomes of Offshore Banking Units and International Financial Services Centre
92CA	Reference to Transfer Pricing Officer
94	Avoidance of tax by certain transactions in securities
115BAB	Tax on income of new manufacturing domestic companies
115BBD	Tax on certain dividends received from foreign companies
115BBH	Tax on Income from virtual digital asset
115BBI	Specified income of certain institutions
115JC	Special provisions for payment of tax by certain persons other than a company
115JF	Interpretation in this Chapter (Chapter XII-BA)
115TE	Tax on accreted income
115TD	Interest payable for non-payment of tax by trust or institution
115TF	When trust or institution is deemed to be assessee in default
119	Instructions to subordinate authorities
132	Search and seizure
132B	Application of seized or requisitioned assets
133A	Power of survey
139	Return of income

# Direct Tax

Section of the Income-tax Act, 1961	Particulars
140B	Tax on updated return
143	Assessment
144	Best judgment assessment
144B	Faceless Assessment
144C	Reference to dispute resolution panel
148	Issue of notice where income has escaped assessment
148A	Conducting inquiry, providing opportunity before issue of notice under section 148
148B	Prior approval for assessment, reassessment or recomputation in certain cases.
149	Time limit for notice
153	Time limit for completion of assessment, reassessment and recomputation
153B	Time limit for completion of assessment under section 153A
155	Other amendments
156A	Modification and revision of notice in certain cases.
158AA	Procedure when in an appeal by revenue an identical question of law is pending before Supreme Court
158AB	Procedure where an identical question of law is pending before High Courts or Supreme Court
170	Succession to business otherwise than on death
170A	Effect of order of tribunal of court in respect of business reorganisation
179	Liability of directors of private company
194-IA	Payment on transfer of certain immovable property other than agricultural land
194-IB	Payment of rent by certain individuals or Hindu undivided family
194R	Deduction of tax on benefit or perquisite in respect of business or a profession
194S	Payment on transfer of virtual digital asset
201	Consequences of failure to deduct or pay
206AB	Special provision for deduction of tax at source for non-filers of income-tax return
206C	Profits and gains from the business of trading in alcoholic liquor, forest produce, scrap, etc.

# Direct Tax

Section of the Income-tax Act, 1961	Particulars
206CCA	Special provision for collection of tax at source for non-filers of income-tax return
234A	Interest for defaults in furnishing return of income
234B	Interest for defaults in payment of advance tax
239A	Refund for denying liability to deduct tax in certain cases
245MA	Dispute Resolution Committee
246A	Appealable orders before Commissioner (Appeals)
248	Appeal by a person denying liability to deduct tax in certain cases
253	Appeals to the Appellate Tribunal
255	Procedure of Appellate Tribunal
263	Revision of orders prejudicial to revenue
271AAB	Penalty where search has been initiated
271AAC	Penalty in respect of certain income
271AAD	Penalty for false entry, etc., in books of account
271AAE	Benefits to related persons
271C	Penalty for failure to deduct tax at source
272A	Penalty for failure to answer questions, sign statements, furnish information, returns or statements, allow inspections, etc.
276AB	Failure to comply with the provisions of sections 269UC, 269UE and 269UL
276B	Failure to pay tax to the credit of Central Government under Chapter XII-D or XVII-B
276CC	Failure to furnish returns of income
278A	Punishment for second and subsequent offences
278AA	Punishment not to be imposed in certain cases
285B	Submission of statements by producers of cinematograph films or persons engaged in specified activity



# Direct Tax

Some of the explanatory provisions of the circular are given below:

## (a) Income Tax Rate Structure

1.	<b>Individual, Hindu Undivided Family (HUF), Association of Persons (AOP), Body of Individuals (BOI) or artificial juridical person (existing / old regime)</b>			
	<b>Taxable Income</b>	<b>Tax Rate</b>		
		<b>For all (Age&lt;60 years)</b>	<b>Senior citizen (Age 60-80 years)</b>	<b>Very senior citizen (Age &gt; 80 years)</b>
	Up to Rs. 250,000	Nil	Nil	Nil
	Rs. 250,001 - Rs. 300,000	5%	5%	
	Rs. 300,001 - Rs. 500,000			20%
	Rs. 500,001 - Rs. 1,000,000	20%	20%	20%
Exceeding Rs. 1,000,000	30%	30%	30%	
2.	<b>Individuals opting for concessional tax (new) regime u/s 115BAC</b>			
	<b>Taxable Income</b>	<b>Tax Rate</b>		
	Up to Rs. 250,000	Nil		
	Rs. 250,001 - Rs. 500,000	5%		
	Rs. 500,001 - Rs. 750,000	10%		
	Rs. 750,001 - Rs. 1,000,000	15%		
	Rs. 1,000,001 – Rs. 1,250,000	20%		
	Rs. 1,250,001 – Rs. 1,500,000	25%		
	Above Rs. 1,500,000	30%		
	<b>Above tax rates shall be increased by following Surcharge (for serial nos. 1 and 2)</b>			
	<b>Taxable Income</b>	<b>Surcharge</b>		
	Rs. 50 lakh – Rs. 1 Crore	10%		
	Rs. 1 Crore –Rs. 2 Crore	15%		
Rs. 2 Crore – Rs. 5 Crore	25%			
Exceeding Rs. 5 Crore	37%			
3.	<b>Co-operative Societies</b>			
	<b>Taxable Income</b>	<b>Tax Rate</b>		
	Up to Rs. 10,000	10%		
	Rs. 10,001 – Rs. 20,000	20%		
	Exceeding Rs. 20,000	30%		
	If opted for tax u/s 115BAD	22%		
	<b>Above tax rates shall be increased by following Surcharge (for serial no. 3)</b>			
	<b>Taxable Income</b>	<b>Surcharge</b>		
Exceeding Rs. 1 Crore	12%			
If opted for tax u/s 115BAD	10%			

# Direct Tax

4.	Taxable Income	Tax Rate	Surcharge (if Taxable Income > Rs.1 Crore)
	Firms	30%	12%
	Local Authorities		
5.	<b>Domestic Company</b>	<b>Tax Rate</b>	
	If gross turnover / receipts during FY 2020-21 ≤ Rs. 400 crore	25%	
	If gross turnover / receipts during FY 2020-21 > Rs. 400 crore	30%	
<b>Above tax rates shall be increased by following Surcharge</b>			
	<b>Taxable Income</b>	<b>Surcharge</b>	
	Rs. 1 Crore – Rs. 10 Crore	7%	
	> Rs. 10 Crore	12%	
	<b>Domestic Company</b>	<b>Tax Rate</b>	
	If opted for section 115BA	25%	
	If opted for section 115BAA	22%	
	If opted for section 115BAB	15%	
<b>Above tax rates shall be increased by surcharge flat @ 10% irrespective of income</b>			

## **(b) Scheme for taxation of virtual digital assets (VDA) / cryptocurrency**

In recent times, a market is emerging where payments / consideration against goods and services can be made in the form of VDA / cryptocurrency. Government has introduced a new scheme for taxation of virtual digital assets u/s 115BBH.

VDA has been defined to mean information or code or number or token generated through cryptographic means providing a digital representation of value exchanged with or without consideration, with the promise or representation of having inherent value, or functions as a store of value or a unit of account which can be transferred, stored or traded electronically. Non-fungible token and any other token of similar nature are included in the definition.

- Applicable Tax Rate – 30% on income from transfer of such VDA
- No expenditure / allowance or set off of any loss is allowable (apart from cost of acquisition)
- Withholding tax / Tax Deduction at Source (TDS) u/s 194S @ 1% from any consideration paid against transfer of VDA
- Withholding tax @ 1% on payment to a resident for transfer of VDA (relaxation provided in certain cases)

# Direct Tax

## ***(c) New provision for filing Updated tax return within 2 years from end of Assessment Year (AY) on payment of additional tax***

Section 139(1) of the Act requires a taxpayer to prepare and submit annual tax return (ITR) within the prescribed due date. The due date varies depending on category of taxpayer. Section 139(4) allows a taxpayer to submit 'Belated' tax return in certain cases. Section 139(5) allows a taxpayer to submit a 'Revised' tax return in case of omission or wrong statement.

As per the Government, existing time limit to file Revised / Belated ITR may not be sufficient when we factor in utilization of huge information and data available coupled with the 'nudge approach' that motivates a taxpayer towards the desired objective of voluntary tax compliance, starting with filing of correct tax ITR. Accordingly, a new provision [sub-section (8A)] has been inserted in section 139, allowing a taxpayer an *extended time limit of 2 years from end of relevant AY* to submit an updated tax return, on payment of certain additional tax.

Updated ITR cannot be filed in following cases:

- If is an ITR to report Loss, or
- It decreases the tax liability reported in Original ITR u/s 139(1), Belated ITR u/s 139(4) or Revised ITR u/s 139, or
- It results in refund or increases refund as per Original ITR u/s 139(1), Belated ITR u/s 139(4) or Revised ITR u/s 139, or
- For years in which search / survey / requisition has taken place
- If any updated ITR under the same provision [139(8A)] has already been filed for that year, or
- If any proceeding for assessment / reassessment / recomputation / revision of income is pending or has been completed for the relevant year, or
- Assessing Officer has communicated to the taxpayer information regarding money laundering / black money / benami transactions for the relevant year, or
- Any prosecution proceedings have been initiated against the taxpayer for the relevant year, or
- By any other category of taxpayer(s) as may be notified by CBDT

# Direct Tax

Category of Taxpayer	Existing time limit to file Original ITR u/s 139(1)	Existing time limit to file Belated ITR u/s 139(4) or Revised ITR (5) <i>(unless assessment completed earlier)</i>	Additional time limit u/s 139(8A) - Within 24 months of end of relevant AY
Individual	31 <sup>st</sup> Jul of relevant AY	Another 5 months (i.e., 31 <sup>st</sup> Dec of relevant AY)	Another 27 months (i.e., total 32 months from due date of Original ITR)
Company / Auditable case	31 <sup>st</sup> Oct of relevant AY	Another 2 months (i.e., 31 <sup>st</sup> Dec of relevant AY)	Another 27 months (i.e., total 29 months from due date of Original ITR)
Transfer Pricing cases	30 <sup>th</sup> Nov of relevant AY	Another 1 month (i.e., 31 <sup>st</sup> Dec of relevant AY)	Another 27 months (i.e., total 28 months from due date of Original ITR)
Instance	Additional Tax Payable u/s 140B where Updated ITR u/s 139(8A) is filed between:		
	<ul style="list-style-type: none"> <li>31<sup>st</sup> Dec of relevant AY till</li> <li>12 months from end of relevant AY</li> </ul>	<ul style="list-style-type: none"> <li>12 months from end of relevant AY till</li> <li>24 months from end of relevant AY</li> </ul>	
In case ITR is not furnished earlier	25% of tax & interest due on additional income	50% of tax & interest due on additional income	
In case ITR is furnished earlier (Original, Belated or Revised)			

The Updated ITR u/s 139(8A) must be accompanied by proof of payment of Additional Tax, otherwise the same may be regarded as defective u/s 139(9).

Please [Click here](#) to read the detailed Circular no. 23 dated 03<sup>rd</sup> November 2022.



# Direct Tax

## **CBDT proposes 1 single tax return form (common ITR) for all taxpayers to ease compliance, seeks comments from public by 15 December 2022**

- Currently, taxpayers are required to furnish tax returns in Forms ITR-1 to ITR-7 depending upon the category of taxpayer and nature of income earned by it. The current ITRs are in the form of designated forms wherein the taxpayer is mandatorily required to go through all the schedules, irrespective of whether that particular schedule is applicable or not. This increases the time taken to file the ITRs and increases difficulties for taxpayers
- Considering the above and in tandem with international best practices, CBDT has proposed to introduce a *common ITR* by merging all the existing tax returns (except Form ITR-7). However, the current Forms ITR-1 and ITR-4 will continue. This will give an option to such taxpayers to file the tax return either in the existing form (ITR-1 or ITR-4) or the proposed common ITR, at their convenience
- The draft / common ITR aims to ease and reduce the time for filing the ITR by individuals and non-business-type taxpayers considerably. The taxpayers will not be required to see the schedules that do not apply to them. It intends the smart design of schedules in a user-friendly manner with a better arrangement, logical flow, and increased scope of pre-filing. It is also intended to facilitate the proper reconciliation of 3<sup>rd</sup>-party data available with the Income-tax department vis a vis the data to be reported in the ITR to reduce the compliance burden on the taxpayer

### **Scheme of the proposed common ITR**

- Basic information (comprising parts A to E), Schedule for computation of total income (Schedule TI), Schedule for computation of tax (schedule TTI), Details of bank accounts, and a schedule for the tax payments (schedule TXP) is applicable for all the taxpayers
- The ITR is customised for the taxpayers with applicable schedules based on certain questions answered by the taxpayers (wizard questions)
- The questions have been designed in such a manner and order that if the answer to any question is 'no', the other questions linked to this question will not be shown to him
- Instructions have been added to assist in the filing of the return containing the directions regarding the applicable schedules
- The proposed ITR has been designed in such a manner that each row contains 1 distinct value only to simplify the return filing process
- The utility for the ITR will be rolled out in such a manner that only applicable fields of the schedule will be visible and wherever necessary, the set of fields will appear more than once. For example, in the case of more than 1 house property, the schedule HP will be repeated for each property. Similarly, where the taxpayer has capital gains from the sale of shares taxable u/s 112A only, applicable fields of schedule CG, relating to section 112A, shall be visible to him.

The draft ITR based on the above scheme has been prescribed as Annexure A to CBDT's document. CBDT has asked for comments from the public to be sent electronically to the email address [dirtpl4@nic.in](mailto:dirtpl4@nic.in) with a copy to [dirtpl1@nic.in](mailto:dirtpl1@nic.in) by 15 December 2022.

Please [Click here](#) to read Circular no. F No 370133/16/2022-TPL dated 1 November 2022.

# Direct Tax

## Tax exemption to charitable institutions –SC’s decision (in case of Ahmedabad Urban Development Authority) denying tax exemption to institutions with objects not qualifying under ‘General Public Utility’ (GPU)

- The Income-tax Act provides tax exemption to institutions engaged in ‘charitable’ purposes, subject to fulfilment of certain conditions. ‘Charitable’ for this purpose includes relief to the poor, education, yoga, medical relief etc., and contains a residual clause of ‘*advancement of any other object of GPU*’
- The scope of GPU has faced many amendments since Finance Act 2008. GPU will not qualify as charitable purposes if it is engaged in ‘*carrying on of any activity in the nature of trade, commerce or business for a cess, fee or consideration*’. The disqualification, however, is not applicable in following cases:
  - ✓ If the activity of the nature of trade, commerce or business is undertaken in the course of advancement of the object of GPU, and
  - ✓ The aggregate receipts from such activities during the year  $\leq$  20% of the total receipts of the institution for that year
- The scope of GPU has been a matter of perennial litigation with tax authorities due to different High Courts adopting different interpretations. As an important development in this direction, the SC vide ruling dated 19 October 2022 has adjudicated on the issue relating to scope of GPU and rejection of claim for tax exemption of various taxpayers on the ground that the so called ‘charitable’ institutions were carrying on trade, commerce or business for consideration, which does not qualify as GPU under the Income-tax Act considering the amendments made by Finance Act 2008 and thereafter.

### Ruling dated 19 October 2022 issued by SC

The SC traced the legislative history and held that current scope of GPU as per the Income-tax Act is restrictive compared to the law before amendment in 2008. SC held that where ‘fee, cess or other consideration’ is statutorily fixed or where it is limited to recovery of cost or cost with nominal mark-up, activity may not be considered as ‘trade, commerce or business’ for the purpose of disqualifying criteria. If, however, ‘fee, cess or other consideration’ charged is substantially higher over cost, it is tainted with element / intention of ‘trade, commerce or business’ and will qualify for tax exemption only if the aggregate receipts fall within the limit of 20% prescribed by the law.

The ruling has put to rest an age-old controversy on the scope of GPU test after the amendment in 2008. The stakes are huge and going forward, both taxpayer as well as the tax authority would be required to critically evaluate each case in the light of the guiding principles explained in the ruling.

While delivering the ruling, SC has distinguished its earlier landmark rulings in the case of *Surat Silks* and *Thanthi Trust* as relating to the legal position prior to amendment in 2008. The ruling applies to charitable purposes of GPU only and will not be applicable to carrying on other specific activities such as relief to the poor, education, medical relief etc.

Please [Click here](#) to read the detailed ruling dated 19<sup>th</sup> October 2022 of SC.



# International Tax



# International Tax

## **Transfer Pricing - Income-tax department releases answers to Frequently Asked Questions (FAQs) on filing of Form 3CEB (Chartered Accountant's report)**

As per the transfer pricing provisions under Income-tax Act, a taxpayer is required to maintain specified documentation in support of the proposition that prices charged in international transactions with associated enterprises are at arm's length. As part of transfer pricing compliance, taxpayer is required to furnish with the Indian tax authorities, a Chartered Accountant's report in Form 3CEB annually. For the FY 2021-22, the due date to submit the Form 3CEB was 31 October 2022.

Accordingly, the tax department issued replies to following FAQs on 27 October 2022 regarding online submission of Form 3CEB:

- Prerequisites for filing of Form 3CEB
- Process to submit Form 3CEB
- Assigning Form 3CEB to Chartered Accountant
- Procedure to approve Form 3CEB
- Generation of UDIN and updating the same for Form 3CEB
- What should be done while getting error 'Invalid UDIN' at time of updating the UDIN
- How to resolve the issue in case of below errors:
  - ✓ 'Something went wrong, please try after some time'
  - ✓ 'Submission failed, no response received from server'
  - ✓ 'Invalid DSC'
  - ✓ 'Please select correct filing type'
  - ✓ 'Form Submission Failed!'
- Which special characters are allowed in JSON/XML while filing Form 3CEB

Please [Click here](#) to read the detailed FAQs dated 27 October 2022.

# Company Law



# Company Law

## **Appointment of Registered Valuer (RV) - Ministry of Corporate Affairs (MCA) notifies certain changes [such as eligibility criteria, intimation of details to Insolvency & Bankruptcy Board of India (IBBI), etc.]**

### **Background**

Pursuant to Companies (RV & Valuation) Rules, 2017, valuation in respect of any property, stocks, shares, debentures, securities, goodwill, any other asset, net worth of a company or its liabilities under the provision of the Companies Act, 2013, is required to be done by an RV. The RV may be:

- An individual; or
- Company registered under Companies Act, 2013; or
- Partnership firm registered under the Indian Partnership Act, 1932; or
- Limited Liability Partnership (LLP) registered under the LLP Act, 2008

### **Prescribed criteria to qualify as an RV**

- He / It should be a member of the RV Organization (RVO). RVO is a section 8 company / society / trust registered with the sole objective of:
  - ✓ Dealing with matters relating to regulation of RVs, and
  - ✓ Granting of membership to individuals who possess the qualifications and experience to be appointed as RV under the Companies Act, 2013
- RV should be recommended by the RVO of which it is a member, to act as RV
- RV should possess the qualification and experience as specified under Rule 4 of the Companies (Registered Valuers and Valuation) Rules, 2017



# Company Law

## Changes notified on 21 November 2022

MCA vide notification dated 21 November 2022 has notified Companies (RV and Valuation) Amendment Rules, 2022. As per the said rules, MCA has notified certain changes with respect to eligibility criteria and intimation of certain details to IBBI, as below:

Rule No	Amendment
3(2)	<p>A new clause (f) has been inserted stating that:</p> <ul style="list-style-type: none"><li>• No Partnership firm / LLP / Company shall be eligible to be appointed as RV if it is not a member of the RVO recognized under the Rules;</li><li>• No Partnership firm / LLP / Company shall be a member of more than 1 RVO at any given point of time</li></ul>
7A	<p>A new Rule 7A has been inserted stating that RV shall intimate to IBBI, any changes which may affect their registration as RV, such as the below:</p> <ul style="list-style-type: none"><li>• Changes in the personal details</li><li>• Modification in the composition of partners of LLP / directors of company, acting as RV</li><li>• Modification in any clause of the LLP agreement / memorandum of association of company, acting as RV</li></ul>
14A	<p>A new Rule 14A has been inserted stating that RVO shall intimate to IBBI any changes in the composition of its governing body / committee / appellate panel</p>

Please [Click Here](#) to read the Notification dated 21 November 2022.



# Reserve Bank of India (‘RBI’)



## **RBI issues booklet to spread awareness about modus operandi used by financial fraudsters**

In the recent times, there has been a surge in the usage of digital modes of payment which has gained further momentum during the COVID-19 lockdowns. However, as the speed and ease of doing financial transactions has improved, the number of frauds reported in retail financial transactions have also gone up. Fraudsters have been using innovative methods to defraud the common and gullible people of their hard-earned money, especially the new entrants in the use of digital platforms who are not entirely familiar with the techno financial eco-system.

Accordingly, RBI has issued a booklet titled 'Be(a)ware' by compiling it from the various incidents of financial frauds reported from the complaints received at the offices of RBI Ombudsmen. The objective of the booklet is to

- Create awareness within public about the modus operandi adopted by financial fraudsters
- Inform public about the precautions to be taken while carrying out financial transactions
- Emphasize the need for keeping one's personal information, particularly the financial information, confidential at all times
- To be-ware of unknown calls / emails / messages, practicing due diligence while performing financial transactions and changing the secure credentials / passwords from time to time.





The booklet is divided into 3 parts as below:

## ***Part A – Modus operandi & precautions to be taken against financial transactions – Banks***

- Phishing links
- Vishing calls
- Frauds using online sales platforms
- Frauds due to use of unknown / unverified mobile apps
- Automated Teller Machine (ATM) card skimming
- Frauds using screen sharing app / Remote access
- SIM swap / SIM cloning
- Frauds by compromising credentials through search engines
- Scam through QR code scan
- Impersonation on social media
- Juice jacking
- Lottery frauds
- Online job frauds
- Money mules

## ***Part B – Modus operandi & precautions to be taken against financial transactions – Non banking finance companies***

- Fake advertisements for grant of loans
- SMS / email / instant messaging / call scam
- One time password (OTP) based frauds
- Fake loan websites / app frauds
- Money circulation / Ponzi / Multi-level marketing (MLM) scheme frauds
- Loans with forged documents

## ***Part C –General precautions***

Please [Click Here](#) to read the detailed booklet.

# Securities Exchange Board of India ('SEBI')



## **SEBI notifies procedural requirements for entities that have listed their non-convertible debt securities (NCDs) / non-convertible redeemable preference shares (NCRPS) with stock exchange & intend to undertake scheme of merger / arrangement**

Pursuant to Regulation 59A of the SEBI Listing Obligations and Disclosure Requirements (LODR) Regulations, 2015, every entity that has listed its NCDs / NCRPS with stock exchange and intends to undertake a scheme of merger / arrangement shall first file the draft scheme of merger / arrangement with the stock exchange for obtaining No Objection Certificate (NOC), before filing such scheme with the National Company Law Tribunal (NCLT). Subsequently, stock exchange shall forward the said scheme to SEBI for approval.

In line with the above provision, SEBI vide Circular dated 17 November 2022 has laid down the following procedural requirement to be complied by all debt listed entities which intend to undertake a scheme of merger / arrangement.

Sr. no.	Particulars	Procedural Requirements
1	Choosing a designated stock exchange	Listed entities shall choose 1 single stock exchange having nationwide trading terminals as its designated stock exchange for coordinating with SEBI
2	Draft scheme of merger / arrangement along with other documents to be submitted with stock exchange	Listed entities shall submit following documents with stock exchange for issue of NOC: <ul style="list-style-type: none"><li>• Draft scheme of merger / arrangement</li><li>• Valuation Report from an RV</li><li>• Fairness opinion on the valuation of assets from a SEBI registered Merchant Banker</li><li>• Report from the Board of Directors of the listed entity recommending the draft scheme of merger / arrangement</li><li>• Audited financials of the listed entity for the preceding 3 FYs</li><li>• Auditor's certificate in SEBI's prescribed format</li><li>• Compliance report certified by Company Secretary, Chief Financial Officer and Managing Director of the listed entity, confirming compliance with various regulatory requirements and accounting standards</li><li>• Declarations from the listed entity with respect to indebtedness or any other default</li><li>• NOC from the debenture trustees</li><li>• Report on complaints / comments received by the listed entity on the draft scheme of merger / arrangement</li><li>• Report on unpaid dues / fines / penalties, if any</li><li>• Any other documents / information which may be sought by the stock exchange / SEBI</li></ul>

Sr. no.	Particulars	Procedural Requirements
3	Website disclosure	Listed entity shall disclose the draft scheme of merger / arrangement and all the documents mentioned above on its website simultaneously while filing these documents with the stock exchange
4	Issue of NOC on the draft scheme of merger / arrangement by stock exchange to SEBI	Once all the aforesaid documents are submitted by the listed entity with the stock exchange, the same shall be verified and scrutinized by the stock exchange. If submitted documents are in order, stock exchange shall issue NOC on the draft scheme of merger / arrangement to SEBI
5	Processing of the draft scheme of merger / arrangement by SEBI	Upon receipt of NOC from the stock exchange, SEBI shall provide its comments on the draft scheme of merger / arrangement to the stock exchange. SEBI may seek clarifications from the listed entity or stock exchange. Comments received on the draft scheme of merger / arrangement by stock exchange from SEBI shall be forwarded to the listed entity for necessary action and resolution.

Please [Click Here](#) to read the Circular dated 17 November 2022.

## **SEBI notifies registration & regulatory framework for Online Bond Platform Providers (OBPPs)**

### **Background**

During the past few years, there has been an increase in the number of OBPPs, offering debt securities to non-institutional investors. Most of such OBPPs are fintech companies or are backed by stock brokers / SEBI registered intermediaries. While OBPPs provide an avenue for investors to access the bond market, however their operations have been outside SEBI's regulatory purview.

Thus, in order to streamline the operations of these OBPPs and to facilitate the participation of investors in the bond market, there is a need to provide a regulatory framework for operations of such OBPPs in India. Accordingly, SEBI vide Circular dated 14 November 2022 has laid down registration and regulatory framework for OBPPs.

## Eligibility criteria for registration as OBPPs

Entities operating / desirous of operating as OBPPs under regulation 51A of the SEBI (Issue and listing of non-convertible securities) Regulations, 2021 shall be:

- A company incorporated in India under Companies Act, 2013 and register itself as a stock broker in the debt segment of the stock exchange; and
- OBPPs shall not offer any other products or services or securities to their investor clients except:
  - ✓ Listed debt securities; and
  - ✓ Debt securities proposed to be listed through a public offering

## Roles and obligations of OBPPs

- OBPPs shall appoint a Company Secretary as compliance officer
- OBPPs shall appoint at least 2 qualified key managerial personnel with experience of at least 3 years in the securities market
- OBPPs shall obtain a SEBI Complaints Redress System (SCORES) authentication and shall put in place a well-defined mechanism to address investor grievances that may arise while carrying out its operations

## Operating framework of OBPPs

- OBPPs shall have an objective, fair and transparent criteria for registration of users / investors / sellers on its platform
- OBPPs shall undertake due diligence at the time of registration of users / investors/ sellers on its platform
- OBPPs shall ensure data integrity and privacy for its users / investor / sellers

## Risk Management

- OBPPs shall have a comprehensive risk management framework covering all aspects of its operations
- OBPPs shall ensure that risks associated with its operations are identified properly and managed prudently
- OBPPs shall have a mechanism to:
  - ✓ Ensure access control for its investors and sellers and prevent unauthorized access
  - ✓ Prevent unfair access and avoid all actual, potential or perceived conflicts of interest
  - ✓ Ensure that all transactions are dealt within a fair, non-discriminatory, non-discretionary and orderly manner; and
  - ✓ Prevent transactions that are not in compliance with the prevailing legal or regulatory requirements

Please [Click Here](#) to read the Circular dated 14 November 2022.

# Compliance Calendar

**Compliance calendar for the month of December 2022**

Compliance Due Date	Concerned (Reporting) Period	Compliance Detail	Applicable To
7 <sup>th</sup> December	November 2022	TDC/TCS deposit	Non-Government Deductors
		Equalization Levy deposit	All Deductors
10 <sup>th</sup> December		a) GSTR-7 (TDS return under GST)	a) Person required to deduct TDS under GST
		b) GSTR-8 (TCS return under GST)	b) Person required to collect TCS under GST
11 <sup>th</sup> December		GSTR-1 (Outward supply return)	a) Taxable persons having annual turnover > Rs. 5 crore in FY 2021-22 b) Taxable persons having annual turnover ≤ Rs. 5 crore in FY 2021-22 and not opted for Quarterly Return Monthly Payment (QRMP) Scheme
13 <sup>th</sup> December		GSTR-6 [Return by input service distributor (ISD)]	Person registered as ISD
	Invoice Furnishing Facility – IFF (Details of outward supplies of goods or services)	Taxable persons having annual turnover ≤ Rs. 5 crore in FY 2021-22 and opted for QRMP scheme	
15 <sup>th</sup> December		Deposit of PF & ESI contribution	All Deductors
	Oct-Dec 2022	Deposit of 75% (3 <sup>rd</sup> Installment) of Advance Tax for FY 2022-23.	Taxpayers liable to pay advance tax
20 <sup>th</sup> December	November 2022	GSTR-3B (Summary return)	a) Taxable persons having annual turnover > Rs. 5 crore in FY 2021-22 b) Taxable persons having annual turnover ≤ Rs. 5 crore in FY 2021-22 and not opted for QRMP scheme
		a) GSTR-5 (Return by Non-resident)	a) Non-resident taxable person
		b) GSTR-5A [Online Information Database Access and Retrieval (OIDAR) services return]	b) OIDAR services provider
25 <sup>th</sup> December		Form GST PMT-06 (payment of tax for QRMP filers)	Taxable persons having annual turnover ≤ Rs. 5 crore in FY 2021-22 and opted for QRMP scheme
31 <sup>st</sup> December	FY 2021-22	Belated / Revised Income-tax Return	All assesseees (provided assessment has not been completed before 31 <sup>st</sup> December 2022)
		a) GSTR-9 (Annual GST Return)	a) Taxable persons having aggregate annual turnover > Rs. 2 crore in FY 2021-22
		b) GSTR-9C (Annual Reconciliation Statement).	b) Taxable persons having aggregate annual turnover > Rs. 5 crore in FY 2021-22.

# About KrayMan

KrayMan Consultants LLP is an Accounting and multi-disciplinary Advisory Firm founded in 2012 by professionals with Big-4 Consulting and Industry experience. Our forte lies in handholding foreign companies establishing presence in India by demystifying the complex Indian regulatory environment making it easy for them to do business in India. Since inception, we have been delivering value to a mix of multinational Clients from across the globe

The Leadership team comes with rich experience and is supported by a capable & efficient team of professionals including Chartered Accountants, Company Secretaries, Cost Accountants, Advocates and MBAs who are committed in providing timely, professional and quality services to our Clients

We believe that in today's dynamic and ever changing business environment, it is important for accounting, tax & legal professionals to operate with a global approach and mind set. In pursuit of extending global footprints, we have a Japan Desk and an EU Desk to support investments from these countries into India.

In addition, we are members of various associations and forums both at national as well as international levels viz. JCCII, IICCI, IFCCI, CBA, PAN, CII and TiE Delhi

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