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- Notifications issued in Central Excise, Customs & Service Tax so as to carry out the Budgetary Changes.
- The Delhi High Court rules that no service tax is payable by Delhi International Airport (P.) Ltd. to AAI as no service is provided.
- Anti-dumping Duty continues and extends to already notified goods.
- Returns under GST.

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EXCISE LAWS

NOTIFICATIONS AND CIRCULARS

- Notification No. 05/2017-CE dated 02.02.2017 seeks to prescribe 6% concessional excise/CV duty on all items of machinery required for (a) initial setting up of fuel cell based system for generating of power or for demonstration purposes and (b) for balance of systems operating on biogas or bio-methane or by-product hydrogen.
- Notification No. 03, 04, 05 & 07/2017-CE all dated 02.02.2017 have sought to amend Notification No. 6/2005-CE dated 01.03.2005, Notification No. 42/2008-CE dated 1.7.2008, Notification No. 12/2012-CE dated 17.03.2012, Notification No. 16/2010-CE dated 27.2.2010 respectively so as to carry out the Budgetary changes as per the Finance Bill, 2017.
- Circular No. 1052/01/2017-CX was issued on 23.02.2017 giving clarification on various articles of paper and printing industry, for example railway/bus ticket roll, mark sheets, OMR Sheets, inland letter cards, passbooks, etc. Classification of all such goods was given to ensure uniformity in practice of assessment across the country. The said circular marks out clearly the HSN codes under which the disputed articles shall fall with descriptive notes and clarification.



JUDGEMENTS

- **Where AA had levied upon assessee composite penalty both under section 11AC of Central Excise Act and under rule 173Q of Central Excise Rules, Tribunal was not justified in setting aside it on ground that composite levy of penalty was not permissible**
 - In the case of Commissioner of Central Excise & Customs v. Shanoo Fashion (P.) Ltd. {[2017] 79 taxmann.com 23 (Gujrat)}, the High Court of Gujrat held that Section 11AC of the Central Excise Act, 1944 read with rule 173Q of the Central Excise Rules, 1944 clearly indicates that both section 11AC and Rule 173Q operate in different fields and penalty leviable under both the provisions are different. Thereby the court held that penalty under the said section, rule can be levied simultaneously, and the Tribunal cannot aside the penalty on the ground that the composite levy of penalty was not permissible. The matter was remanded to the AA to determine/bifurcate the amount of penalty.

SERVICE TAX

NOTIFICATIONS AND CIRCULARS

- Notification Nos. 07/2017 dated 02.02.2017 seeks to amend the Mega Exemption Notification No. 25/2012-ST dated 20.06.2012 so as to amend certain existing entries granting exemption on specified services and inserting new entries for granting exemption from service tax on specified services in order to carry out the Budgetary changes as per the Finance Bill, 2017

- Notification No. 09/2017-ST dated 28.02.2017 seeks to direct that the service tax payable on admission to museum was leviable but was not being paid during 01st July, 2012 to 31st March, 2015 as per the general practice. The Board has directed that service tax shall be paid on admission to museums except for the above mentioned period.



Delhi International Airport Private Limited and Mumbai International Airport Private Limited. However, it was not pointed out as to how and in what form service was being provided by AAI to petitioners. The Annual Fees paid by petitioners to AAI was not because of any service rendered by AAI to the petitioner. AAI had entrusted the petitioners with some of its functions under section 12 of the Airports Authority of India Act and no service was being rendered by the AAI to the petitioners in performance of those functions. Perusal of clauses of OMDA clearly showed that AAI did not render any service to the petitioners. Thus, as there was no representational right conferred by AAI on petitioners, OMDA could not constitute a franchise in terms of section 65(47) of the Finance Act. Further as no service was being provided by AAI to petitioners, there could not be said to be any taxable service in terms of section 65(105) (zze)

JUDGEMENTS

- Annual fee paid by DIAL to Airport Authority of India isn't liable to service-tax as no service was provided by Airport Authority of India to DIAL**

In the case of Delhi International Airport (P.) Ltd. v. Union of India {[2017] 78 taxmann.com 243 (Delhi)} the Delhi High Court observed that Airport Authority of India (AAI) entered into an Operations, Management and Development Agreement(OMDA) to develop, operate and manage the Airports with petitioners

CUSTOMS

NOTIFICATIONS AND CIRCULARS

- Notification No. 04/2017-Customs dated 02.02.2017 seeks to further amend Notification No. 21/2012-Customs, dated the 17.03.2012 so as to specify the rate of additional duty of customs leviable under sub-section 3(5) of Customs Tariff Act, 1975 for items specified therein namely Catalyst and Resin for use in manufacturing of cast components of Wind Operated Electricity Generator and Populated Printed Circuit Boards (PCBs) for use in the manufacture of mobile phones.



- Notification No. 05/2017-Customs dated 02.02.2017 seeks to reduce Basic Customs Duty from 10/7.5 % to 5% on all items of machinery required for (a) initial setting up of fuel cell based system for generation of power or for demonstration purposes and (b) for balance of systems operating on biogas or bio-methane or by-product hydrogen.
- Notification No. 06/2017-Customs dated 02.02.2017 seeks to further amend Notification No. 12/2012-Customs, dated the 17.3.2012 to carry out budgetary changes. Details are contained in Joint Secretary (TRU – I) DO letter dated 31.1.2017.
- Notification No. 05/2017-Cus (ADD) dated 07.02.2017 Seeks to extend the levy of anti-dumping duty, imposed on Hot Rolled



products of alloy or non-alloy steel originating in or exported from China PR, Japan, Korea RP, Russia, Brazil and Indonesia, vide notification No. 44/2016-Customs (ADD), dated the 08.08.2016, for a further period of two months.

- Notification No. 06/2017-Cus (ADD) dated 07.02.2017 Seeks to extend the levy of anti-dumping duty, imposed on Cold Rolled Flat Products of alloy or non-alloy steel originating in or exported from China PR, Japan, Korea RP and Ukraine vide notification No. 45/2016-Customs (ADD), dated the 17.08.2016, for a further period of two months.
- Notification No. 07/2017-Cus (ADD) dated 07.02.2017 Seeks to levy definitive anti-dumping duty on Seamless tubes, pipes and hollow profiles of iron, alloy or non-alloy steel (other than cast iron and stainless steel), whether hot finished or cold drawn or cold rolled of an external diameter not exceeding 355.6 mm or 14" OD originating in, or exported from the People's Republic of China.
- Circular No. 6/2017-Customs dated 28.02.2017 the Board has clarified that e-BRCs issued by DGFT shall be accepted towards proof of realization of sale proceeds for exports with LEO date upto 31.03.2014 under drawback scheme.

JUDGEMENTS

- **Import of rig to India solely for purpose of repair would not constitute a taxable import as element of home consumption is missing**



In the case of Commissioner of Customs, Mumbai v. Aban Loyd Chiles Offshore Ltd. {[2017] 78 taxmann.com 25 (SC)}, the honourable Supreme Court concluded that

Section 46 read with Section 28A, 111 and 113 of the Customs Act, 1962 clearly states that whether the rig was imported into India for purpose of repair, even though vessel/rig, had entered territorial waters of India element of home consumption was missing, thus, it would be incorrect to hold that mere repair of vessel would constitute taxable import. Thus, the court ruled in the favour of the assessee.

GOODS & SERVICES TAX (GST)

Returns in GST

- Every Registered Dealer is required to file a return for the prescribed period.
- A return needs to be filed even if there is no business activity during the reporting period. Thus, nil returns have to be filed. No exemption is available in respect of filing of returns.

- All the returns shall be filed on the Goods and Services Tax Network (GSTN). No documents are to be submitted with the returns. Documents are to be shown only during GST Audit.
- There shall be no revision of returns. Any changes shall be effected through credit/debit notes issued in the month when the adjustment/rectification is made.
- Under GST, there are 19 forms for filing of returns by tax payers. The details of the most important forms are listed below along with relevant details:

Regular Dealer

Form Type	Frequency	Due Date	Details to be Furnished
Form GSTR-1	Monthly	10th of succeeding month	Furnish details of outward supplies of taxable goods and/or services affected
Form GSTR-2A	Monthly	On 11th of succeeding Month	Auto-populated details of inward supplies made available to the recipient on the basis of Form GSTR-1 furnished by the supplier
Form GSTR-2	Monthly	15th of succeeding month	Details of inward supplies of taxable goods and/or services for claiming input tax credit. Addition (Claims) or modification in Form GSTR-2A should be submitted in Form GSTR-2.
Form GSTR-1A	Monthly	20th of succeeding month	Details of outward supplies as added, corrected or deleted by the recipient in Form GSTR-2 will be

			made available to supplier
Form GSTR-3	Monthly	20th of succeeding month	Monthly return on the basis of finalization of details of outward supplies and inward supplies along with the payment of amount of tax
Form GST ITC-1	Monthly	—	Communication of acceptance, discrepancy or duplication of input tax credit claim
Form GSTR-3A	—	—	Notice to a registered taxable person who fails to furnish return under section 27 and section 31
Form GSTR-9	Annually	31st Dec of next fiscal	Annual Return – furnish the details of ITC availed and GST paid which includes local, interstate and import/exports.

Composite Tax Payer

Return Type	Frequency	Due Date	Details to be Furnished
Form GSTR-4A	Quarterly	—	Details of inward supplies made available to the recipient registered under composition scheme on the basis of Form GSTR-1 furnished by the supplier

Form GSTR-4	Quarterly	18th of succeeding month	Furnish all outward supply of goods and services. This includes auto-populated details from Form GSTR-4A, tax payable and payment of tax.
Form GSTR-9A	Annual	31st Dec of next fiscal	Furnish the consolidated details of quarterly returns filed along with tax payment details.

Tax Deductor

Return Type	Frequency	Due Date	Details to be Furnished
Form GSTR-7	Monthly	10th of succeeding month	Furnish the details of TDS deducted
Form GSTR-7A	Monthly	TDS certificate to be made available for download	TDS Certificate – capture details of value on which TDS is deducted and deposit on TDS deducted into appropriate Govt.

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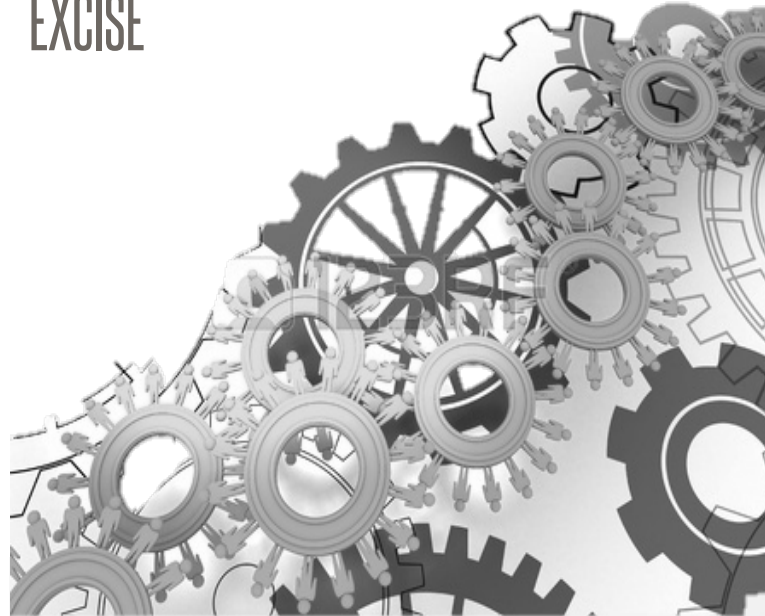
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EXCISE



SERVICE TAX



CUSTOMS



**GOODS & SERVICES
TAX (GST)**

