



---

# WE ARE YOUR TEAM



## Business Support Services

- ▶ India Set up
- ▶ Business Support
- ▶ Tax & Regulatory
- ▶ Corporate Services

## Contents

**IncomeTax**

by:  
Manish Parekh



**GST (Goods &  
Service Tax)**

by:  
Anuya Sawant



**International  
Taxation**

by:  
Bhavesh Shah



**Company  
Law**

by:  
Mayura Niphadkar  
Pinkesh Jain



**Compliance  
Calendar**

by:  
Pinkesh Jain



**ITR 1, 2, 4 filing, e-proceedings, certain other key functionalities available on new I-T portal: Government**

The government on Monday said certain key functionalities like user profile, ITR 1, 2 and 4 filing, e-proceedings, viewing of old ITRs, are available to the users on the new income tax portal. The new income tax e-filing portal [www.incometax.gov.in](http://www.incometax.gov.in) had a bumpy start from the day of its launch on June 7 as it continued to face tech glitches.

In a reply to a question on whether technical glitches continue to mar the functioning of the new IT portal, Minister of State for Finance Pankaj Chaudhary said most of the issues reported by taxpayers pertain to non-availability or technical issues of certain functionalities or forms.

"Certain key functionalities like user profile, dashboard, filing of ITR 1, 2 & 4, e-proceedings, including Video conferencing requests, Digital Signing Certificate, viewing of old Income Tax returns, e-verification, e-PAN service, Aadhaar-PAN Linking, Adding Authorised Representative, etc. are available to the users," he said in the Lok Sabha. The tax department has taken corrective measures through Infosys based on feedback from taxpayers, tax professionals and representatives of the Institute of Chartered Accountants of India (ICAI).

To a query on whether the government has asked the software developer and vendor of the system to set things right and if so, the time by which it will be done, Chaudhary said the I-T department is continuously engaged with Infosys to expedite the resolution of any pending issues.

"Infosys has informed that technical issues noticed in the functioning of the portal are continuously being resolved," he added.

<https://economictimes.indiatimes.com>

**Do we need so many income tax staffers?**

A news report on July 14 had pointed out that almost 80 per cent of the posts of chief commissioners in the income tax department were lying vacant for several months. Some of the vacancies had not been filled for as long as about a year. What this essentially meant was that against 91 approved positions of chief commissioners, only 18 had been filled.

These incumbents were holding additional responsibilities to discharge the functions of those that were vacant.

The problem of vacancies had surfaced not just at the level of chief commissioners, which is the second highest position in the income tax department, next only to those of a principal chief commissioner and a member or chairperson of the Central Board of Direct Taxes.

The total number of vacancies at the level of commissioners and above was about 400.

On July 26, about four-fifths of the vacancies at the chief commissioner's level were filled through an office order.

<https://www.rediff.com>

**Extension of time lines for electronic filing of various Forms under the Income-tax Act,1961**

1. On consideration of difficulties reported by the taxpayers and other stakeholders in electronic filing of certain Forms under the provisions of the Income-tax Act,1961(Act) read with Income-tax Rules,1962 (Rules), the Central Board of Direct Taxes(CBDT), in exercise of its powers under Section 119 of the Act, extends the due dates for electronic filing of such Forms as under:

(i) The Quarterly statement in Form No. 15CC to be furnished by authorized dealer in respect of remittances made for the quarter ending on 30th June, 2021, required to be furnished on or before 15th July, 2021 under Rule37BB of the Rules, as extended to 31st July, 2021 vide Circular No.12 of 2021 dated 25.06.2021, may be filed on or before 31st August, 2021;

(ii) The Equalization Levy Statement in Form No.1 for the Financial Year 2020- 21, which was required to be filed on or before 30th June, 2021 , as extended to 31st July, 2021 vide Circular No.12 of 2021 dated 25.06.2021,may be filed on or before 31st August, 2021;

(iii) The Statement of Income paid or credited by an investment fund to its unit holder in Form No. 640 for the Previous Year 2020-21, required to be furnished on or before 15th June, 2021 under Rule 12CB of the Rules, as extended to 15th July, 2021 vide Circular No.12 of 2021 dated 25.06.2021, may be furnished on or before 15th September, 2021 ;

(iv) The Statement of Income paid or credited by an investment fund to its unit holder in Form No. 64C for the Previous Year 2020-21, required to be furnished on or before 30th June, 2021 under Rule 12CB of the Rules, as extended to 31st July, 2021 vide Circular No. 12 of 2021 dated 25.06.2021, may be furnished on or before 30th September, 2021 .

2. Further, considering the non-availability of the utility for e-filing of certain Forms, the CBDT, in exercise of its powers under Section 119 of the Act, extends the due dates for electronic filing of such Forms as under:

(i) Intimation to be made by a Pension Fund in respect of each investment made by it in India in Form No. 10BBB for the quarter ending on 30th June,2021, required to be furnished on or before 31st July, 2021 under Rule 2DB of the Rules, may be furnished on or before 30th September, 2021;

(ii) Intimation to be made by Sovereign Wealth Fund in respect of investments made by it in India in Form II SWF for the quarter ending on 30th June,2021, required to be furnished on or before 31st July, 2021 as per Circular No.15 of 2020 dated 22.07.2020, may be furnished on or before 30th September, 2021.

3. It is also clarified that the above said forms, e-filed, after the expiry of time limits provided as per Circular No.12 of 2021 dated 25.06.2021 or as per the relevant provisions, till date, will stand regularized accordingly.

[https://www.incometaxindia.gov.in/communications/circular/circular\\_no\\_15\\_2021.pdf](https://www.incometaxindia.gov.in/communications/circular/circular_no_15_2021.pdf)

## **Provisions of Section 110 and 111 of the Finance Act, 2021 made applicable w.e.f. August 1, 2021**

- Section 110 omits section 35(5) of CGST Act means GST Audit (GSTR-9C) by Chartered Accountant or Cost Accountant is no longer required
- Section 111 substitutes section 44 (Annual return) of CGST Act, 2017 to include a self-certified reconciliation statement in place of GST Audit

[Notification No.29/2021-Central Tax dated July 30, 2021]

## **Annual Return (Form GSTR-9) and Self-Certified Reconciliation Statement (Form GSTR-9C) notified**

### • **Annual Return (Form GSTR-9)**

Every registered person, other than those referred to in the second proviso to section 44 (an Input Service Distributor, a person paying tax under section 51 or section 52, a casual taxable person and a non-resident taxable person), shall furnish an Annual Return for every financial year as specified under section 44 electronically in **FORM GSTR-9** on or before the 31st Day of December following the end of such financial year through the common portal either directly or through a Facilitation Centre notified by the Commissioner.

### • **Self-Certified Reconciliation Statement (Form GSTR-9C)**

Every registered person, other than those referred to in the second proviso to section 44 (an Input Service Distributor, a person paying tax under section 51 or section 52, a casual taxable person and a non-resident taxable person), **whose aggregate turnover during a financial year exceeds Rs.5 Cr**, shall also furnish a self-certified reconciliation statement as specified under section 44 in **FORM GSTR-9C** along with the annual return, on or before the 31st day of December following the end of such financial year, electronically through the common portal either directly or through a Facilitation Centre notified by the Commissioner.

Relevant changes in Form GSTR-9 and Form GSTR-9C duly notified.

[Notification No. 30/2021-Central Tax dated July 30, 2021]

## **Exemption from filing GST Annual Return for FY 2020-21 where turnover is less than Rs. 2 Cr**

Registered person whose aggregate turnover in the FY 2020-21 is upto Rs. 2 Cr, are not required to file the GST Annual Return (Form GSTR-9) for FY 2020-21.

[Notification No. 31/2021-Central Tax dated July 30, 2021]

## ***Deputation of Employees to the Indian Subsidiary does not constitute an Agency PE***

Based on the facts and the circumstances of the case, recently the Ahmedabad Bench of Income Tax Tribunal, in the case of Lubrizol Advanced Materials Inc. (the tax payer), held that the foreign employees working with the Indian subsidiary do not constitute an Agency PE in India as there was no connection in the employees and the tax payer which can establish the agency PE in India.

The tribunal observed that the agency PE can be attracted as per the relevant provisions of Article 5 and 7 of the Tax Treaty but the conditions as specified therein were not been complied with in this case. It further noted that no adverse inference can be drawn against the tax payer merely on the information displayed on the website and such information cannot precede the documents which are available on record for deciding the issue on hand. Since the personnel are not the employees of the tax payer and did not render any services to the tax payer, the salary of such employees cannot be attributed to the supervisory PE in India.

(Lubrizol Advanced Materials Inc. v. DCIT (ITA No. 2455/Ahd/2018))

## The Companies (Incorporation) Fifth Amendment Rules, 2021

- **Original Rule:** The Companies (Incorporation) Rules, 2014.
- **Date of Notification:** 22nd July, 2021.
- **Effective date of Amendment:** 1st September, 2021.

**Amendment:** To amend The Companies (Incorporation) Rules, 2014 to insert Rule 33A [Allotment of a new name to the existing company under section 16(3) of the Act] after Rule 33 [Alteration of Articles] as follows:

### Rule 33A - Allotment of a new name to the existing company under section 16(3) of the Act:

(1) In case a company fails to change its name or new name, as the case may be, in accordance with the direction issued under sub-section (1) of **Section 16 (Rectification of name of company)** of the Act within a period of three months from the date of issue of such direction, the letters "ORDNC" (which is an abbreviation of the words "Order of Regional Director Not Complied"), the year of passing of the direction, the serial number and the existing Corporate Identity Number (CIN) of the company shall become the new name of the company without any further act or deed by the company, and the Registrar shall accordingly make entry of the new name in the register of companies and issue a fresh certificate of incorporation in Form No. INC-11C:

Provided that nothing contained in sub-rule (1) shall apply in case **e-form INC-24 (Application for approval of Central Government for change of name)** filed by the company is pending for disposal at the expiry of three months from the date of issue of direction by Regional Director, unless the said e-form is subsequently rejected.

(2) A company whose name has been changed under sub-rule (1) shall at once make necessary compliance with the provisions of **Section 12 (Registered Office of Company)** of the Act and the statement, "Order of Regional Director Not Complied (under section 16 of the Companies Act, 2013)" shall be mentioned in brackets below the name of company, wherever its name is printed, affixed or engraved:

Provided that no such statement shall be required to be mentioned in case the company subsequently changes its name in accordance with the provisions of **Section 13 (Alteration of Memorandum)** of the Act."

3. In the Annexure, after Form No. INC-11B (**Certificate of Incorporation pursuant to conversion of a company limited by guarantee into a company limited by shares**), the Form No. INC-11C (**Certificate of Incorporation pursuant to change of name due to Order of Regional Director not being complied**) shall be inserted.

Link:

<https://www.mca.gov.in/bin/ebook/dms/getdocument?doc=MjgxNzA=&docCategory=Notifications&type=open>

Ministry of Corporate Affairs vide notification dated 22nd July, 2021 informs that, provisions of Section 4 (Section 16 of the Companies Act, 2013 – Rectification of name of company) of the Companies (Amendment) Act, 2020 shall come into force from 1st September, 2021.

Link:

<https://www.mca.gov.in/bin/ebook/dms/getdocument?doc=MzEwMTc=&docCategory=Notifications&type=open>

## Notification regarding Commencement of provisions of Section 4 (Section 16 of the Companies Act, 2013 – Rectification of name of company) of the Companies (Amendment) Act, 2020

**General Circular** ►  
**regarding clarification**  
**on spending of CSR**  
**funds for COVID- 19**  
**vaccination**

The Ministry of Corporate Affairs vide its Circular No. 13 dated 30th July, 2021, in continuation with earlier General Circular No.10 dated 23rd March, 2020 further clarified that, spending of CSR funds for COVID – 19 vaccination for persons other than the employees and their families, is an eligible CSR activity under item no. (i) of Schedule VII of the Companies Act, 2013 relating to promotion of healthcare including preventive healthcare and item no. (xii) relating to disaster management.

Links:

<https://www.mca.gov.in/bin/ebook/dms/getdocument?doc=MzEwMTU=&docCategory=Circulars&type=open>

[http://www.mca.gov.in/Ministry/pdf/Covid\\_23032020.pdf](http://www.mca.gov.in/Ministry/pdf/Covid_23032020.pdf)



## Due dates for the Month of September, 2021#

Regulation	Due Date	Compliance	Description
Employees' State Insurance Act, 1948- (ESIC)	15-Sep-21	ESIC Payment	ESIC Payment for the month of Aug, 2021.
Goods and Service Tax (GST)	10-Sep-21	GSTR 7	Summary of Tax Deducted at Source (TDS) and deposited for the month of August 2021
	10-Sep-21	GSTR 8	Summary of Tax Collected at Source (TCS) and deposited by E-Commerce Operator for the month of August 2021
	11-Sep-21	GSTR-1	Return of outward supplies of taxable goods and/or services for the Month of August 2021 (for Assesses having turnover exceeding 1.5 Cr.)
	13-Sep-21	GSTR 6	Return for Input Service Distributors for the month of August 2021.
	13-Sep-21	IFF-QRMP	Option of uploading Invoices for August 2021 using Invoice Furnishing Facility (IFF) applicable to tax payers opted for Quarterly Return Monthly Payment (QRMP) Scheme
	20-Sep-2021 or 22-Sep-2021 or 24-Sep-2021	GSTR-3B	Simple GSTR return for the Month of August 2021 (based on category of taxpayer)
Income Tax Act, 1961	07-Sep-21	TDS/TCS	Due date for deposit of Tax deducted/collected for the month of August, 2021. However, all sum deducted/collected by an office of the government shall be paid to the credit of the Central Government on the same day where tax is paid without production of an Income-tax Challan
	14-Sep-21	TDS/TCS	Due date for issue of TDS Certificate for tax deducted under section 194-IA, 194-IB & 194-M in the month of July, 2021
	15-Sep-21	Advance Tax	Second instalment of advance tax for the assessment year 2022-23
	30-Sep-21	TDS/TCS	Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA,194-IB and 194-M for the month of Aug, 2021
	30-Sep-21	TP Audit	Return of income for the assessment year 2021-22 for all assessee other than (a) corporate-assessee or (b) non-corporate assessee (whose books of account are required to be audited) or (c) partner of a firm whose accounts are required to be audited or the spouse of such partner if the provisions of section 5A applies or (d) an assessee who is required to furnish a report under section 92E.  The due date for furnishing of return of income for Assessment Year 2021-22 has been extended from July 31, 2021 to September 30, 2021 vide Circular no. 9/2021, dated 20-05-2021
	30-Sep-21	PAN Linking	Due date for linking of Aadhaar number with PAN  The due date for linking Aadhaar number with PAN has been extended from March 31, 2021 to June 30, 2021 vide Notification S.O. 1432(E), dated 31-03-2021  The due date for linking Aadhaar number with PAN has been further extended from June 30, 2021 to September 30, 2021 vide Circular no. 12/2021, dated 25-06-2021
	30-Sep-21	Tax Audit	Due date for filing of audit report under section 44AB for the assessment year 2021-22 in the case of a corporate-assessee or non-corporate assessee (who is required to submit his/its return of income on October 31, 2021)  The due date for filing of audit report for Assessment Year 2021-22 has been extended from September 30, 2021 to October 31, 2021 vide Circular no. 9/2021, dated 20-05-2021
The Companies Act, 2013	30-Sep-21	DIR 3 KYC	KYC of every Person holding DIN as on 31.03.2021
PT Act 1975 (Employee)	21-Sep-21	PT Employees	Monthly payment of Profession Tax for Employees for the month of August, 2021
Employees' Provident Funds & Miscellaneous Provisions Act, 1952	15-Sep-21	PF Payment	PF Payment for the month of August, 2021.

# The above due date calendar contains compliances generally applicable to taxpayers and this calendar has been compiled by HSCo on basis of data available on various portals and other sources. One should always check applicable compliances based on their business needs and should also check updated due dates, if any, on the government portal before making the compliance.

# HSCo

[www.hscollp.in](http://www.hscollp.in)

## Head Office (Mumbai)

409 - 410, Dalamal Chambers,  
New Marine Lines,  
Mumbai - 400 020, India.

E: [hs@hscollp.in](mailto:hs@hscollp.in)

## Delhi Office

B-415, Ansal Chamber-I,  
3 Bhikaji Cama Place,  
New Delhi - 110066

E: [delhi@hscollp.in](mailto:delhi@hscollp.in)

## Bangalore Office

Brigade IRV, 9th floor  
Nallurahalli, Whitefield,  
Bangalore – 560 066.

E: [bangalore@hscollp.in](mailto:bangalore@hscollp.in)

## Pune Office

1A, 2nd Floor, City Vista,  
Fountain Road, Off.  
Victorious Kids School,  
Kharadi, Pune - 411 014.

E: [pune@hscollp.in](mailto:pune@hscollp.in)

## Hyderabad Office

Unit 301, Inani House,  
Kavuri Hills Madhapur,  
Phase II, Near D-Mart,  
Hyderabad – 500 033.

E: [hyderabad@hscollp.in](mailto:hyderabad@hscollp.in)

### Disclaimer:

The material in this newsletter is only for private circulation and is not intended to constitute any advice. It may be noted that nothing contained in this publication should be regarded as our opinion. HSCo makes no representations or warranties express or implied with respect to information provided in this newsletter or for its completeness or accuracy. HSCo disclaims all responsibilities and accepts no liability for consequences of any person acting or refraining from acting on such information.