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# WE ARE YOUR TEAM



## Business Support Services

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***PAN-Aadhaar linking deadline extended! If not linked by this date, your PAN may become inoperative***

The last date to link Aadhaar with PAN has been extended by the government. The last date for linking Aadhaar with PAN will now be March 31, 2022. Earlier, the last date to link PAN card with Aadhaar card was September 30, 2021. There has been an extension of 6 months granted for PAN-Aadhaar linking.

Keeping in view the difficulties faced by taxpayers, the Central Government had earlier also issued a notification regarding extension of the last date for the intimation of Aadhaar number and linking thereof with PAN to September 30, 2021 which now has been extended till end March 31, 2022.

If you already have the permanent account number (PAN) card and are eligible to obtain Aadhaar number or you have already acquired one, then you are required to intimate the Aadhaar number to the Income Tax Department.

(<https://www.financialexpress.com>)

***Reopening of Assessment between 1st April 2021 to 30th June 2021 under the old provisions of Section 147.***

Recently in various writ filed by assesses in different Courts across the country against the reopening of assessments between the period April 2021 to June 2021 under the old provisions, different Courts have given conflicting judgments leading to confusion.

In the case of Palak Khatuja v. UOI, Chhattishgarh High Court held such reopening to be constitutionally valid while holding that where notices were issued under section 148 of the Act between April 01, 2021 to June 30, 2021 without adhering to section 148A of the Act which was introduced via Finance Act, 2021 effective from April 01, 2021, the issuance of Notice under section 148 of the Act between April 01, 2021 to June 30, 2021 under the Taxation and other Law (Relaxation and Amendment of Certain Provisions) Act, 2020 and subsequent Notifications extending the due date for issuance was held covered by the doctrine of Conditional Legislation.

In the case of Ashok Kumar Agarwal Vs Union of India and 2 Others, Allahabad High Court held that Upon the Finance Act 2021 enforced w.e.f. 1.4.2021 without any saving of the provisions substituted, there is no room to reach a conclusion as to conflict of laws. It was for the assessing authority to act according to the law as existed on and after 1.4.2021. If the rule of limitation permitted, it could initiate, reassessment proceedings in accordance with the new law, after making adequate compliance of the same. That not done, the reassessment proceedings initiated against the petitioners are without jurisdiction.

## **Amendments to the CGST Rules, 2017 as per the changes recommended in the 45th GST Council Meeting**

### > **AADHAR Authentication for registered person**

With effect from the date as may be notified, AADHAR Authentication will be mandatory for claiming GST refund claim and for filling application for revocation of cancellation of registration. Authentication of the AADHAR number of the proprietor, in the case of proprietorship firm, or of any partner, in the case of a partnership firm, or of the karta, in the case of a Hindu undivided family, or of the Managing Director or any whole time Director, in the case of a company, or of any of the Members of the Managing Committee of an Association of persons or body of individuals or a Society, or of the Trustee in the Board of Trustees, in the case of a Trust and of the authorized signatory, is required to be completed.

> Requirement of filing **FORM GST ITC-04** (Declaration in case of Job Work) under rule 45 (3) of the CGST Rules has been relaxed as under:

- Taxpayers whose annual aggregate turnover in preceding financial year is above Rs.5 crores shall furnish ITC-04 once in six months
- Taxpayers whose annual aggregate turnover in preceding financial year is upto Rs.5 crores shall furnish ITC-04 annually

> With effect from 01 January 2022 a registered person shall not be allowed to furnish **FORM GSTR-1**, if he has not furnished the return in **FORM GSTR-3B** for the preceding month

> With effect from the date as may be notified, GST Refund to be disbursed in the bank account, which is linked with same PAN on which registration has been obtained under GST

> Provision incorporated in CGST Rules, 2017 for removing ambiguity regarding procedure and time limit for filing refund of tax wrongfully paid as specified in section 77(1) of the CGST/SGST Act and section 19(1) of the IGST Act.

[Notification No. 35/2021-Central Tax dated September 24, 2021]

## **Clarification relating to export of services-condition (v) of section 2(6) of the IGST Act 2017**

It is clarified that a company incorporated in India and a body corporate incorporated by or under the laws of a country outside India, which is also referred to as foreign company under Companies Act, are separate persons under CGST Act, and thus are separate legal entities. Accordingly, these two separate persons would not be considered as “merely establishments of a distinct person”.

Therefore, supply of services by a subsidiary/ sister concern/ group concern, etc. of a foreign company, which is incorporated in India under the Companies Act, 2013 (and thus qualifies as a 'company' in India as per Companies Act), to the establishments of the said foreign company located outside India (incorporated outside India), would not be barred by the condition (v) of the sub-section (6) of the section 2 of the IGST Act 2017 for being considered as export of services.

(Circular No. 161/17/2021-GST dated September 20, 2021)

## **Following other circulars issued as recommended in the 45th GST Council Meeting, in order to remove ambiguity and legal disputes on various issues, thus benefiting taxpayers at large:**

> Clarification on doubts related to scope of “Intermediary” - (Circular No. 159/15/2021-GST dated September 20, 2021)

> Clarification in respect of refund of tax specified in section 77(1) of the CGST Act and section 19(1) of the IGST Act(Circular No. 162/18/2021-GST dated September 25, 2021)

> Clarification regarding GST rates & classification (goods)- (Circular No. 163/19/2021-GST dated October 6, 2021)

> Clarifications regarding applicable GST rates & exemptions on certain services- (Circular No. 164/20/2021-GST dated October 6, 2021)- Extension of existing concessional GST rates(currently valid till 30th September, 2021) on certain Covid-19 treatment drugs, up to 31st December, 2021, reduction of GST rate to 5% on some more Covid-19 treatment drugs, up to 31st December, 2021 etc.

***Use of any Alternative reference rate in place of LIBOR for interest payable in respect of export / import transactions***

In view of the impending cessation of LIBOR as a benchmark rate, it has been decided by the Reserve bank of India (RBI) to permit AD banks to use any other widely accepted/Alternative reference rate in the currency concerned for such transactions. All other instructions in this regard shall remain unchanged. The necessary enabling amendment to the original notification related to Foreign Exchange Regulations for Export of Goods and Services has been made.

(RBI/2021-2022/101A.P. (DIR Series) Circular No.13 dated September 28, 2021)

## ***Transfer Pricing Safe Harbour Rules extended to FY 2020- 21 (AY 2021-22)***

A Safe Harbour is defined as a circumstance in which the tax authority shall accept the transfer price declared by the taxpayer to be at arm's length. The Central Board of Direct Taxes (CBDT) had initially notified safe harbour rules in 2013 and made them applicable for 5 years from FY 2012-13 to FY 2016-17. In 2017, the CBDT amended the rules which were applicable for 3 FYs from FY 2016-17 to FY 2018-19. In 2020, the CBDT extended its applicability to FY 2019-20, without any modifications.

Recently, on 24 September 2021, the CBDT issued a new notification extending the applicability of existing safe harbour rules to FY 2020-21 (AY 2021-22), without any further modifications. As required under the relevant provisions, those assesses who wish to opt for these rules for determining the arm's length transfer price will have to apply in the prescribed Form 3CEFA within the prescribed due date.

(CBDT Notification No. 117/2021/F. No. 370142/44/2021-TPL dated September 24, 2021)

**Extension of Last date  
of filing of Cost Audit  
Report**

The Ministry of Corporate Affairs vide its Circular No. 15 dated 27th September, 2021 decided that, Cost Auditor shall submit Cost Audit Report for the Financial Year 2020-21 to the Board of Directors of the Companies till 31st October, 2021 and consequently Cost Audit Report for the Financial Year 2020-21 shall be filed in Form CRA – 4 within 30 days from the date of Receipt of the copy of Cost Audit Report by the Company. However, in case a Company has got extension for holding Annual General Meeting under Section 96(1) [Annual General Meeting] of the Companies Act, 2013 then, Form CRA – 4 may be filed within the timeline provide under the proviso to Rule 6(6) [Cost Audit] of the Companies (Cost Records and Audit) Rules, 2014.

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

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

Regulation	Due Date	Compliance	Description
Employees' State Insurance Act, 1948- (ESIC)	15-Nov-21	ESIC Payment	ESIC Payment for the month of Oct, 2021.
Goods and Service Tax (GST)	10-Nov-21	GSTR 7	Summary of Tax Deducted at Source (TDS) and deposited for the month of October 2021
	10-Nov-21	GSTR 8	Summary of Tax Collected at Source (TCS) and deposited by E-Commerce Operator for the month of October 2021
	11-Nov-21	GSTR-1	Return of outward supplies of taxable goods and/or services for the Month of October 2021 (for Assesses having turnover exceeding 1.5 Cr.)
	13-Nov-21	GSTR 6	Return for Input Service Distributors for the month of October 2021
	13-Nov-21	IFF-QRMP	Option of uploading Invoices for October 2021 using Invoice Furnishing Facility (IFF) applicable to tax payers opted for Quarterly Return Monthly Payment (QRMP) Scheme
	20-Nov-2021 or 22-Nov-2021 or 24-Nov-2021	GSTR-3B	Simple GSTR return for the Month of October 2021 (based on category of taxpayer)
Income Tax Act, 1961	07-Nov-21	TDS/TCS	Due date for deposit of Tax deducted/collected for the month of October, 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-Nov-21	TDS/TCS	Due date for issue of TDS Certificate for tax deducted under section 94-IA/194IB/194IM in the month of September, 2021
	15-Nov-21	TDS/TCS	Quarterly TDS certificate (in respect of tax deducted for payments other than salary) for the quarter ending September 30, 2021
	30-Nov-21	TDS/TCS	Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA/194IB/194IM in the month of October, 2021
	30-Nov-21	Form 3CEAA	Report in Form No. 3CEAA by a constituent entity of an international group for the accounting year 2020-21
	30-Nov-21	Form 67	Due date for claiming foreign tax credit, upload statement of foreign income offered for tax for the previous year 2020-21 and of foreign tax deducted or paid on such income in Form no. 67. (if due date of submission of return of income is November 30, 2021).
	30-Nov-21	TDS/TCS	Upload the declarations received from recipients in Form No. 15G/15H during the quarter ending June, 2021  The due date for uploading declarations has been extended from July 15, 2021 to August 31, 2021 vide Circular no. 12/2021, dated 25-06-2021  The due date for uploading declarations has been further extended from August 31, 2021 to November 30, 2021 vide Circular no. 16/2021, dated 29-08-2021
The Companies Act, 2013	30-Nov-21	Form PAS- 6	Form for filing of half yearly Return of Reconciliation of Share Capital Audit Report
PT Act 1975 (Employee)	21-Nov-21	PT Employees	Monthly payment of Profession Tax for Employees for the month of Oct, 2021
Employees' Provident Funds & Miscellaneous Provisions Act, 1952	15-Nov-21	PF Payment	PF Payment for the month of Oct, 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.



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