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Monthly Newsletter Series
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KNOWL with an **EDGE**



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CBDT ends arrest for tax recovery, signaling a shift from coercion to trust

CBDT's decision to end arrest for tax recovery marks a shift towards trust. India now needs wider reforms to reduce coercion, protect the middle class and support consumption and economic growth.

The Central Board of Direct Taxes (CBDT) has amended Rules 73 and 225 of the Income-tax Rules, eliminating provisions for arrest and detention in cases of tax default, with retrospective effect from April 1, 2026. Recovery will instead proceed through measures such as attachment and sale of property. The change complements the Union Budget 2026-27's wider attempt to decriminalise technical defaults and rationalise prosecution under income-tax law.

<https://government.economictimes.indiatimes.com/news>

CBDT eases TDS compliance for property buyers dealing with non-residents

The Central Board of Direct Taxes (CBDT) has simplified tax deducted at source (TDS) compliance for resident individuals and Hindu undivided families (HUFs) purchasing immovable property from non-residents, removing the requirement to obtain a separate Tax Deduction and Collection Account Number (TAN) for such transactions

The change, which will take effect from October 1, 2026, is aimed at making compliance easier for resident buyers who are required to deduct TDS when purchasing immovable property from non-residents. Under the amended rules, buyers can use their PAN to deposit and report the tax through a challan-cum-statement, eliminating the need for a separate TAN for these transactions.

The changes have been notified through amendments to the Income-tax Rules, 2026.

Under the new framework, TDS deducted under Section 393(2) of the Income-tax Act, 2025 can be deposited and reported using Form 141, a PAN-based challan-cum-statement.

The move means eligible resident individuals and

HUFs will no longer have to go through the separate process of obtaining a TAN solely for complying with TDS requirements arising from the purchase of immovable property from a non-resident.

<https://economictimes.indiatimes.com/news>

Extension of timelines for filing of various reports of audit and Income Tax Returns (ITRs) for the Assessment Year 2026-27

The Central Board of Direct Taxes (CBDT), in exercise of its powers under Section 119 of the Income-tax Act, 1961 (the Act) read with section 536 of the Income-tax Act, 2025, hereby extends the due date for furnishing Return of Income for the Assessment Year 2026-27 (Previous Year 2025-26) for the persons referred in sl. no. 2 of the table below Explanation 2 to sub-section (1) of section 139 of the Act, from 31.10.2026 to 21.11.2026. Consequently, the specified date for furnishing of report of audit for the Assessment Year 2026-27 (Previous Year 2025-26) shall stand extended to 21.10.2026 in terms of clause (ii) of Explanation to section 44AB of the Income-tax Act, 1961.

<https://www.incometaxindia.gov.in/documents/d/guest/circular-7-2026-pdf>

57th GST Council Meeting: Key Recommendations

The 57th GST Council meeting, held in New Delhi on 8 October 2026, turned from rates to how GST works day to day. The recommendations cover registration, returns, refunds and adjudication, along with decriminalisation, wider input tax credit and clarifications on goods and services. Here is what taxpayers should know.

Registration

Registration becomes simpler to file, quicker to amend and easier to close, with less officer involvement.

- A circular with FAQs will list the documents and information needed for registration.
- FORM GST REG-01 will offer drop boxes for prescribed documents, and the portal will give step-by-step guidance.
- Amendments to all registration particulars will be accepted automatically, except the Principal Place of Business. Taxpayers registered through the automatic route will have even that accepted automatically.
- Cancellation applications will be accepted by the system once all returns are filed and dues paid, starting with smaller taxpayers.
- Registrations cancelled by the system for missing returns or bank details will be restored once the default is made good.
- Small sellers on e-commerce platforms can register in another State by declaring the operator's warehouse there as their place of business, without setting up an office.

Returns

A new mechanism to correct liability and input tax credit in returns aims to cut mismatches and the notices they trigger. It is proposed from the April 2027 return, after public consultation.

- Liability in GSTR-3B can be corrected to match GSTR-1, 1A or IFF.
- Input tax credit in GSTR-3B can be corrected to match GSTR-2B.
- New electronic statements will track tax paid under reverse charge and credit reversed and reclaimed.

- The Invoice Management System (IMS) will let buyers accept, reject or keep documents pending.
- Payments through DRC-03 will carry details of the underlying invoice.

Refunds

Refunds move to system-based processing in two phases, with faster timelines and fewer documents. This should ease working capital for exporters and businesses with an inverted duty structure.

- Refunds of excess cash ledger balance will be sanctioned fully by the system.
- The time to acknowledge a refund claim drops from 15 to 10 days. If nothing is issued in time, the claim is treated as acknowledged.
- For export and inverted duty claims, 90% of the amount claimed will be sanctioned provisionally by the system, based on risk evaluation.
- In the second phase, export refunds will be sanctioned in full by the system, after adjusting pending dues.
- Refund forms will be system-readable, with no scanned documents for export and inverted duty claims.
- The cap limiting zero-rated goods turnover to 1.5 times the domestic value will be removed.

Notices, Penalties and Appeals

The Council has moved to reduce litigation and make penalties more proportionate.

- No show cause notice will be issued where the tax involved is below ₹10,000. Pending cases below this amount will be decided as if the threshold already applied.
- A circular will set common standards for notices, adjudication and appeal orders, including when fraud may be alleged and how hearings are held.
- A reduced penalty of 5% applies in non-fraud cases if tax and interest are paid within 30 days (section 73) or 60 days (section 74A) of the order.
- The minimum penalty of ₹10,000 in non-fraud cases will be removed.
- The maximum general penalty is cut from ₹25,000 to ₹10,000.
- Pre-deposit for appeals against penalty-only orders will be capped at ₹40 crore.

Input Tax Credit

Credit opens up on several everyday business costs, and refunds now reach credit that was earlier stuck.

- Credit will be allowed on outdoor catering, health and life insurance, telecom towers, pipelines laid outside factory premises, free samples, and goods destroyed or written off on expiry as required by law.
- Businesses with an inverted duty structure can claim refund of credit on input services availed on or after 1 November 2026.
- Refund of credit on capital goods will be allowed for exports and inverted duty cases, spread over 60 months, for credit availed on or after 1 April 2027.
- Limited credit in the same line of business will extend to restaurant and outdoor catering, hotel stays up to ₹7,500 per unit per day, and gym or fitness services.
- Taxpayers can object to blocking of credit under rule 86A and get a personal hearing before a decision.

Exports

Several changes make it easier for Indian businesses to claim export benefits.

- Services supplied to or through a company's own foreign office or branch can qualify as export of services.
- Services on goods made available by a foreign client, such as testing or repair, will take the client's location as the place of supply, opening export benefits.
- Goods sold to an overseas buyer but delivered in an SEZ or FTWZ will be treated as a supply to the SEZ or FTWZ, giving certainty on zero rating.
- A circular will clarify receipt of export payment in foreign exchange or Indian rupees, where permitted.

Arrest and Prosecution

GST moves towards a trust-based regime, while keeping deterrence against fraud.

- Arrest powers under GST will be withdrawn completely.
- The prosecution threshold rises from ₹1 crore to ₹5 crore.

- Prosecution for fraudulent credit will be limited to credit taken without receiving goods or services, or without an invoice.
- Punishments for offences will be rationalised.

Goods in Transit

Vehicles carrying goods will face fewer checks on the road.

- A vehicle can be intercepted only on specific intelligence, with prior approval of an officer not below Joint Commissioner.
- Inspection, detention or seizure can happen only in the State where the supplier or recipient is located or registered. No interception in transit States.
- Goods moving without an e-way bill or any document can still be checked anywhere.
- Goods and vehicles in transit will not be liable to confiscation.

Small Taxpayers and Other Relief

Small businesses get specific relief on filing and late fees, alongside a few wider clarifications.

- No late fee on a delayed return for taxpayers with turnover up to ₹5 crore, if the return is filed by the end of the month in which it was due.
- An optional Annual Return Quarterly Payment scheme has been approved in principle for businesses up to ₹5 crore that supply only to consumers.
- Transfer of title in intellectual property, temporary or permanent, will be treated uniformly as a supply of services.
- Circulars will clarify the Input Service Distributor mechanism, credit for banks and NBFCs, pre-deposits and demonstration vehicles.
- E-invoicing will extend to reverse charge purchases from unregistered persons and import of services, for turnover of ₹5 crore and above.

Clarifications on Goods and Services

The Council also cleared up several classification and rate questions.

Goods

- Sublimation paper falls under heading 4809, and all toys under heading 9503 are covered by the toy

entries.

- Seaweed-based bio-stimulants registered under the Fertiliser Control Order are classified as fertilisers.
- Dealers of second-hand vehicles under the margin scheme can claim credit on inputs and services other than the vehicles.
- Specified waste and scrap moves under reverse charge, with 2% TDS on business-to-business supplies.
- Psyllium (isabgol) seeds attract nil GST, and re-treaded tractor tyres get the same rate as new ones.

Services

- Passenger transport and vehicle rental using electric vehicles gets an option of 5% with restricted credit.
- Delivery services through e-commerce operators will be taxed at 5% without credit.
- Helicopter seat-sharing to and from the North-East, Sikkim and Bagdogra will be exempt.
- Storage of sowing seeds, coffee curing and services of the Seamen's Provident Fund Organisation will be exempt.
- R&D institutions can self-certify eligibility for exemption.

Key Dates

- **1 November 2026:** inverted duty refunds extend to credit on input services availed from this date.
- **1 April 2027:** refund of credit on capital goods availed from this date, spread over 60 months.
- **April 2027 return:** new mechanism to correct liability and credit in returns, after public consultation.
- **Next Council meeting:** detailed framework for the optional annual return scheme.

Please note: These are recommendations of the GST Council. They take effect only through the relevant circulars, notifications and law amendments, which alone have the force of law.

Source: PIB press release, Recommendations of the 57th Meeting of the GST Council, 8 October 2026.

RBI Revises FEMA Export Framework: Export Realisation Period Reduced from 15 Months to 9 Months

The Reserve Bank of India (RBI) has made an important amendment to the Foreign Exchange Management (Export and Import of Goods and Services) Regulations, 2026, just days before the new framework comes into force.

RBI has amended the Regulations notified earlier on 13 January 2026. The amendment will come into force from 1 October 2026, coinciding with the commencement of the new FEMA export-import framework.

The amendment makes three important changes:

Export Realisation Period Reduced

The most significant change relates to the period prescribed for realisation and repatriation of export proceeds. The principal Regulations notified in January 2026 had provided for a 15-month period for realisation and repatriation of export proceeds, with an extended period of 18 months for exports invoiced and/or settled in Indian Rupees.

The September amendment now substitutes:

- 15 months with 9 months; and
- 18 months with 12 months.

Accordingly, from 1 October 2026, the general period for realisation and repatriation of export proceeds will be 9 months, while the period for exports invoiced and/or settled in Indian Rupees will be 12 months.

Existing Caution-Listed Exporters: Transitional Protection

The amendment also addresses exporters who are already on the Caution List as at 30 September 2026. Such exporters will continue to be governed by the orders issued by RBI under Regulation 16 of the earlier Foreign Exchange Management (Export of Goods & Services) Regulations, 2015, until they are formally removed from the Caution List.

This provision provides an important transitional bridge between the outgoing 2015 framework and the new 2026 Regulations. For businesses currently on

on the Caution List, the transition to the new Regulations therefore does not automatically terminate or override the existing RBI order applicable to them.

Greater Role for Authorised Dealers in Legacy Transactions

The amendment also introduces a new Regulation 20, which is particularly relevant from a transition and operational perspective.

ADs will be authorised to handle transactions relating to exports and imports of goods and services and merchanting trade undertaken before 1 October 2026, where such transactions would previously have required RBI approval under the 2015 Regulations, the erstwhile Master Directions on Export and Import of Goods and Services, or the applicable framework governing merchanting trade.

This is a meaningful transition measure. Instead of legacy transactions necessarily continuing to require direct RBI intervention merely because they originated under the earlier framework, the AD bank will now have the authority to handle such matters.

A Significant Last-Minute Change

The FEMA 2026 framework continues to represent a move towards a more consolidated and AD-bank-driven export-import regime. However, the latest amendment introduces a significant tightening in the timeline for export realisation. Businesses should accordingly review their export receivables, customer credit terms, banking arrangements and FEMA compliance processes before the new regime takes effect.

(Notification No. FEMA 23(R)/(1)/2026-RB dated 22 September 2026)

Expatriates Working for an Indian Subsidiary Do Not, by Themselves, Create a PE for the Foreign Parent

Delhi ITAT highlights the importance of the actual employment relationship and supporting documentation. The presence of expatriate employees of a foreign parent company in India has often been examined by tax authorities from the perspective of whether their activities could create a Permanent Establishment (PE) of the foreign enterprise in India. In a recent ruling concerning LG Electronics Inc., Korea, the Delhi Bench of the Income-tax Appellate Tribunal (ITAT) held that the Korean parent company did not have a PE in India merely because certain expatriate employees were working with its Indian subsidiary.

Background

LG Electronics Inc., a tax resident of Korea, had an Indian subsidiary ("Indian Company"). Following a survey at the premises of the Indian subsidiary, statements of certain expatriate employees were recorded.

Based primarily on these statements, the Revenue contended that the expatriates continued to work under the command and control of the Korean parent and that the parent company was therefore carrying on its business in India through those employees. The Revenue consequently sought to establish a PE of the Korean company in India.

The Revenue also relied on the fact that the expatriates continued to retain a lien on their employment with the Korean parent and were deputed to the Indian subsidiary. It was argued that their selection, remuneration, postings, promotions and career progression continued to be controlled by the Korean parent, with parallel reporting arrangements.

Tribunal's Decision

The Tribunal ruled in favour of the taxpayer and held that the Revenue had failed to establish the existence of a PE in India.

A key factor considered by the Tribunal was the actual

employment relationship of the expatriates with the Indian subsidiary.

The employment agreements demonstrated that:

- salaries paid to the expatriates were subject to tax withholding in India;
- the expatriates were governed by the rules and regulations of the Indian subsidiary;
- disciplinary control rested with the Indian subsidiary;
- their employment could be terminated by the Indian subsidiary in accordance with its policies; and
- they were required to work exclusively for the Indian subsidiary and could not provide services to another person during their employment.

The Tribunal also noted that although the Korean parent nominated employees for deputation, the Indian subsidiary independently shortlisted, interviewed and made the final recruitment decision. The Tribunal considered this significant in determining who the expatriates were actually working for.

Statements Alone Cannot Establish a PE

An important aspect of the ruling was the Tribunal's treatment of statements recorded during the survey.

The Tribunal observed that the Revenue had selectively relied upon portions of the statements while disregarding the employment agreements and other documentary evidence. Mere statements, without adequate corroboration, were considered insufficient to establish that the expatriates remained under the direct control or employment of the Korean parent.

The Tribunal also observed that the fact that an expatriate had previously been employed by the foreign parent and subsequently joined the Indian subsidiary does not, by itself, establish that the employee continued to work for or on behalf of the foreign parent.

Consistency with Judicial Approach

The Tribunal also referred to the Delhi High Court's decision in *PCIT v. Samsung Electronics Co. Ltd.* [2025] 478 ITR 271 (Delhi). In that case, the High

Court had examined a similar issue involving seconded employees and observed that the relevant consideration is the entity for which the employees are effectively working.

The Tribunal also considered the Supreme Court's decision in *Hyatt International Southwest Asia Ltd. v. ADIT* [2025] 478 ITR 238 (SC) in the context of the PE analysis.

The ruling is a useful reminder that PE exposure is determined by facts and substance, rather than merely by the designation of an employee as an expatriate or seconded. At the same time, the decision should not be interpreted as providing a blanket exemption for all expatriate arrangements. Where the facts demonstrate that employees are effectively performing the business activities of the foreign enterprise in India, the PE analysis could lead to a different outcome.

For multinational groups deploying expatriates in India, the focus should therefore be on ensuring that the contractual arrangements, actual conduct, reporting lines and supporting documentation are aligned and consistently demonstrate the entity for which the employees are working.

(LG Electronics Inc., Korea v. ACIT, ITA Nos. 7011 & 7012/Del/2019, Delhi ITAT.)

Delhi High Court: Mere Payment by an Indian Resident Does Not Make Non-Resident Income Taxable in India

The Delhi High Court, in a batch of writ petitions involving Teva Pharmaceuticals USA Inc. and Teva Pharmaceuticals Industries Limited, examined the source-based taxation of non-residents. The Court held that mere payment by an Indian resident to a non-resident does not, by itself, result in income accruing or arising in India. In the absence of a specific deeming provision or sufficient territorial nexus with India, the receipt could not be brought to tax in India.

Background

Teva Pharmaceuticals USA Inc. ("Teva USA") and Teva Pharmaceuticals Industries Limited ("Teva Israel") were involved in a transaction concerning marketing rights for a generic drug in the US market.

Under a 2010 agreement, an Indian pharmaceutical group agreed to relinquish certain exclusivity rights upon fulfilment of specified conditions by Teva USA, in return for a share of profits earned during the exclusivity period. Teva USA subsequently assigned its rights to Teva Israel, and the Indian company made the payment to Teva Israel after deducting tax at source. The payment related to products manufactured for the US market.

Teva Israel approached the AAR, contending that the receipt was business income and not taxable in India in the absence of a PE. The AAR held that the income belonged to Teva USA rather than Teva Israel.

Key Issue and High Court's Decision

The central issue was whether a payment made by an Indian resident to a non-resident could be regarded as income accruing or arising in India merely because the payer was located in India. The Delhi High Court rejected the Revenue's contention and held that the necessary territorial nexus between India and the income-generating activity had not been established.

The Court noted that the underlying contractual and marketing rights, US regulatory framework, litigation, contractual obligations and the market generating the economic return were substantially located outside India. The fact that the Indian company made the payment and claimed a deduction in India was not, by itself, sufficient to establish that the corresponding income accrued in India.

The Court emphasised the distinction between the source of payment and the source of income. The payment related to marketing rights for the generic drug in the US market and not to manufacturing activities in India.

No General "Payer Location" Rule

The Court rejected the proposition that every payment made by an Indian resident to a non-resident automatically creates Indian taxability. It observed that section 5(2)(b) determines the basic scope of taxation of a non-resident based on income accruing or arising, or deemed to accrue or arise, in India, while section 9 contains the relevant deeming provisions. These provisions cannot be replaced by a broad

“default source rule” based merely on the location of the payer.

The Court also distinguished GVK Industries Ltd. v. ITO [2015] 371 ITR 453 (SC), noting that it arose in the context of specific provisions relating to fees for technical services.

Commercial Rationale and Tax Benefit

The Court observed that even if the assignment to Teva Israel resulted in a tax advantage in Israel, this could not, by itself, confer Indian taxing jurisdiction where the underlying income was otherwise not taxable in India. The fact that income may not have been taxed in another jurisdiction also does not, by itself, give Indian tax authorities jurisdiction to tax that income.

AAR's Jurisdiction

The Court held that the AAR's jurisdiction is confined to the applicant, the transaction in question and the questions raised in the application. It could not suo motu conclude that the income belonged to Teva USA, which was not the applicant, without giving Teva USA an opportunity of being heard.

The Court further held that the AAR could not invoke the restriction relating to transactions designed prima facie for tax avoidance without first establishing an Indian tax liability sought to be avoided.

TDS Refund Granted

The Court held that while protective assessment is recognised, there is no concept of protective recovery. Having taken the position that the income belonged to Teva USA rather than Teva Israel, the Revenue could not indefinitely withhold the TDS refund merely because reassessment proceedings had been initiated against Teva USA. The Court accordingly directed refund of the TDS amount, along with applicable interest, subject to furnishing corporate guarantees.

The judgment reinforces an important principle of international taxation: the location of the payer is not, by itself, sufficient to establish Indian taxability of income earned by a non-resident. The analysis

should instead focus on the income-generating activity, underlying contractual rights and applicable statutory deeming provisions.

For global businesses, the case highlights the importance of documenting contractual rights, commercial activities, regulatory obligations, economic risks and the actual source of income.

(Teva Pharmaceuticals USA Inc. v. DCIT and Teva Pharmaceuticals Industries Limited v. ACIT — batch of five writ petitions before the Delhi High Court, including W.P.(C) 10711/2017, W.P.(C) 10714/2017, W.P.(C) 1295/2023, W.P.(C) 4065/2022 and W.P.(C) 12721/2019.)

Compliance Calendar

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Due dates for the Month of November, 2026#

Regulation	Due Date	Compliance	Description
The Companies Act, 2013	On or Before 28th November, 2026	Form MGT-7/ Form MGT-7A	Form for filing Annual Return by a Company
	On or Before 28th November, 2026	Form PAS-6	Form for filing of half yearly Return of Reconciliation of Share Capital Audit Report
Income Tax Act, 1961	7-Nov-26	TDS Payment	The Companies Act, 2013 Due date for deposit of tax deducted/collected for the month of October, 2026.
	14-Nov-26	TDS Certificate	Quarterly TDS certificate (in respect of tax deducted for payments other than salary) for the quarter ending September 30, 2025
	30-Nov-26	ITR (TP case)	Return of income for the assessment year 2026-27 in the case of an assessee if he/it is required to submit a report under section 92E pertaining to international or specified domestic transaction(s)
	30-Nov-26	Form 3CEAA	Report in Form No. 3CEAA by a constituent entity of an international group for the accounting year 2025-26
Goods and Service Tax (GST)	10-Nov-26	GSTR 7	Summary of Tax Deducted at Source (TDS) and deposited for the month of October 2026
	10-Nov-26	GSTR 8	Summary of Tax Collected at Source (TCS) and deposited by E-Commerce Operator for the month of October 2026
	11-Nov-26	GSTR-1	Return of outward supplies of taxable goods and/or services for the Month of October 2026 (for Assesses having turnover exceeding 5 Cr.)
	13-Nov-26	GSTR 6	Return for Input Service Distributors for the month of October 2026
	13-Nov-26	IFF-QRMP	Option of uploading Invoices for Oct 2026 using Invoice Furnishing Facility (IFF) applicable to tax payers opted for Quarterly Return Monthly Payment (QRMP) Scheme
	20-Nov-26 or 22-Nov-26	GSTR-3B	Simple GSTR return for the Month of October 2026 (based on category of taxpayer)
	25-Nov-26	Payment-QRMP	Payment of liability by taxpayers liable to file quarterly GSTR return for the Month of Oct 2026
PT Act 1975 (Employee)	15-Nov-26	PT Employees	PT Payment for the month of October, 2026
Employees' Provident Funds & Miscellaneous Provisions Act, 1952	15-Nov-26	PF Payment	PF Payment for the month of October, 2026
Employees' State Insurance Act, 1948 - (ESIC)	15-Nov-26	ESIC Payment	ESIC Payment for the month of October, 2026

The above due date calender contains compliances generally applicable to taxpayers and this calender 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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