

# GST & CORPORATE TAX



WEEKLY NEWSLETTER | CA JAY BOHRA

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## The week that was...

- **GST Council meet may be postponed to October** as the Group of Ministers on casinos, race courses & online gaming, & panel on the GST Appellate Tribunal are yet to submit their reports: Financial Express
- Karnataka CM Bommai vows to **discuss GST rates on essential items at next GST Council meet**
- **Norms for decriminalising offences under GST soon:** Revenue Secretary Tarun Bajaj
- **Rajasthan Assembly passes GST amendment bill**, Input Credit Tax reformed
- **CGST Commissionerate invites suggestions** for Assam GST Grievance Redressal Committee Meet
- Tax department is looking to soon start trials of **blockchain technology to prevent fake tax invoices** and monitor supply of goods among others
- Commerce Ministry **likely to announce new Foreign Trade Policy** on Sep 29, 2022: Business Line
- CBIC issued **clarification** on the **HSN classification of Truck Cranes** or All Terrain Cranes
- DGFT **extends the export of consignments of broken rice** till Sep 30, 2022
- **CBDT notifies form ITR-A** for filing of modified return by the successor entity

## Important Judgements:

### SC: Larger Bench Judgment will prevail regardless of number of judges in majority

The Hon'ble Supreme Court of India in *Trimurthi Fragrances (P.) Ltd. v. Government of N.C.T. of Delhi\** ruled that a judgment delivered by a larger bench will prevail irrespective of the number of judges constituting the majority. To illustrate, the judgment of a 7-judge bench delivered with 4:3 majority will prevail over a unanimous 5-judge bench because they happen to speak for a 7-judge Bench. Under Article 145(5), the concurrence of the majority of judges is viewed as the court's judgment.

\* [2022] 142 taxmann.com 390 (SC)

### West Bengal Industrial Incentive Scheme for refund of VAT to be made GST-compliant since tax regime has changed

The Hon'ble Calcutta High Court in *Emami Agrotech Ltd. v. State of West Bengal\*\** held that where petitioner had been granted incentives under the West Bengal State Support for Industries Scheme 2008 for refund of a % of VAT paid by industrial units, they could not be denied incentives on tax regime changing from VAT to GST; Respondents-Department were directed to take requisite steps to make said scheme GST-compliant within 16 days.

\*\* [2022] 142 taxmann.com 395 (Calcutta)



25<sup>th</sup> Sept

Due date for **GST Challan Payment** in Form PMT-06 by **QRMP** taxpayers for **Aug'22**

28<sup>th</sup> Sept

**GSTR-11 (UIN)** for **Aug'22**

30<sup>th</sup> Sept

Filing **Income Tax Audit Reports** for **AY 2022-23** under **Section 44AB**

Furnishing of **TDS Challan-cum-statement** u/s 194-IA, 194-IB and 194M for **Aug, 2022**

