

CUSTOMS AND GST ALERT



CASE LAW UPDATES

ETHOS LTD v. SALES TAX OFFICER, ZONE-11, DELHI AND ANR

2024 (5) TMI 1039

Delhi High Court, in a matter represented by **Vaish Associates Advocates**, sets aside a non-speaking order passed by the GST department dismissing reply filed by the assessee by simply stating that the same was *devoid of merits without any justification or proper reconciliation*; holds the order as unsustainable since the assessee had filed a detailed reply and remands the matter for fresh adjudication.

FAIZAL TRADERS PVT LTD, v. DEPUTY COMMISSIONER, CENTRAL TAX AND CENTRAL EXCISE, PALAKKAD AND ANR

2024 (5) TMI 1183

Kerala High Court upholds validity of Notification Nos 13/2022-CT and 09/2023-CT extending time limit for issuing demand orders for FY 2017-18 till 31.12.2023; holds issuance of the said notifications to be a valid exercise of power under section 168A of the Central Goods and Services Tax Act, 2017 (CGST Act) due to the COVID-19 pandemic being a *force majeure* event.

ANKIT KUMAR AGARWAL, PROPRIETOR, AMBIKA TRADING COMPANY v. ASSISTANT COMMISSIONER OF STATE TAX, TALTALA CHARGE AND ORS

2024 (5) TMI 1188

Calcutta High Court directs GST department to consider figures reported in Form GSTR-9 (annual return) and the aspect of revenue neutrality, in a case where the assessee had failed to

declare both, output tax liability and input tax credit (ITC) of GST Compensation Cess in its monthly returns, but had disclosed the same in Form GSTR-9; remands matter for fresh adjudication.

M/S RAJSHI PROCESSORS, RAEBARELI v. STATE OF UTTAR PRADESH AND ORS

2024 (5) TMI 976

Allahabad High Court holds that ITC could not be allowed to an assessee merely because its suppliers possessed a valid GST registration on the date of purchase of goods, when the GST department subsequently found them to be non-existent and cancelled their GST registrations; observes that there could be no estoppel against the GST department for disallowing ITC, despite such ITC being claimed prior to cancellation of the suppliers' GST registrations.

M/S BALAJI COAL TRADERS v. COMMISSIONER, COMMERCIAL TAX, LUCKNOW AND ORS

2024 (5) TMI 1041

Allahabad High Court clarifies certain important expressions viz. “from” (*first day of the period to be excluded*), “to” (*last day to be included*), “within” (*inclusion of entire period*) and “month” (*calendar month*) used in determining period of limitation for filing appeals under CGST Act; enumerates three factors viz. *nature of circumstances, evidence presented, and timeliness of request*, which must be considered for condoning delay; applies these principles and directs the appellate authority to condone delay in filing appeal.

ARAGEN LIFE SCIENCES LTD v. COMMISSIONER OF CENTRAL TAX SECUNDERABAD

2024 (5) TMI 65

CESTAT, Hyderabad bench holds that an assessee who had missed claiming ITC in its pre-GST returns and consequently not transitioned the same into GST regime, was not eligible to claim cash refund of the same; observes that GST transitional provisions did not confer any new right which did not exist in pre-GST laws and since there was no provision to claim cash refund of unclaimed ITC in pre-GST laws, the same could not be allowed.

REGULATORY UPDATES

INSTRUCTION NO 01/2024-GST

Central Government has reiterated that recovery proceedings pursuant to a demand order must be ordinarily initiated only after three months from the date of service of such order. Initiation of recovery proceedings before expiry of the aforesaid period must be preceded by written approval from the jurisdictional Principal Commissioner / Commissioner, specifying the reasons and circumstances warranting such action.

NOTIFICATION NO 37/2024-CUS (NT)

Central Government has revised the Customs tariff value of silver to INR 1028 per kg

PUBLIC NOTICE NO 05/2024-FTP, PUBLIC NOTICE NO 06/2024-FTP AND TRADE NOTICE NO 04/2024-2025-FTP

Directorate General of Foreign Trade had amended the Standard Input Output Norms (SION) and wastage permissible for export of jewellery, with effect from 27.05.2024. However, pursuant to representations from the industry, the aforesaid amendment has been kept in abeyance till 31.07.2024 and the pre-amendment position has been restored.

CALL FOR ACTION: In respect of the above, interested parties may submit corroborative data on manufacturing workflow and justification for process wastage / recovery at different stages, to the Norms Committee on or before 28.06.2024.

For any clarifications, please write to:

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