

INDIRECT TAX READY RECKONER - ICAI AGRA**GST-CASE STUDIES AND NOTIFICATIONS****MONTH : JANUARY -2019**

SR NO.	DATE	AAR/Notification	NOTIFICATION/CIRCULAR NO/CASE	HIGHLIGHTS
1	JANUARY 2, 2019	SUPREME COURT OF INDIA	Deena Jee Sansthan	Assessee was engaged in manufacture of 'Dena Ji Brand Sathriha Shampoo', 'Dena Ji Brand Herbal Shampoo' and 'Dena Ji Brand Neem Shampoo', since said products were not used as ayurvedic medicine but were shampoos, they could not be treated as 'ayurvedic products' classifiable under Heading No. 3003.20
2	JANUARY 17, 2019	HIGH COURT OF GUJARAT	Mono Steel India Ltd	Competent Authority for recovery of Rs. 3 crore from assessee had provisionally attached its six bank accounts and assessee filed writ petition stating that it had a large amount of cash lying at its disposal with concerned banks, Competent Authority was directed to release attachment over bank accounts, subject to assessee maintaining an amount of Rs. 4 crore in its account with Dena Bank, Ahmedabad
3	JANUARY 14, 2019	HIGH COURT OF KERALA	Popular Vehicles & Services Ltd	Assessee filed writ petition seeking directions to Competent Authority to accept its manual filing of revised Form GST TRAN-1 and resultant Form GST TRAN-2 in view of error in filing same on account of technical reasons, Competent Authority was directed to accept Form GST TRAN-1 and Form GST TRAN-2 from assessee manually and transmit them into electronic credit ledger of assessee
4	JANUARY 4, 2019	HIGH COURT OF MADRAS	Preethi Kitchen Appliances (P.) Ltd	Competent Authority had detained goods of assessee under transport on ground that Part-B of E-way bill was not updated, said authority was directed to release goods on assessee paying one time tax liability
5	JANUARY 9, 2019	AAAR-KARNATAKA	Toshniwal Brothers (SR) (P.) Ltd	Service of promotion and marketing of products of overseas client is in nature of facilitating supply of products of overseas client, hence, constitutes an 'intermediary service' defined under section 2(13) of IGST Act. Thus, it automatically flows that the place of supply of such service will be in terms of section 13(8) of the IGST Act

6	JANUARY 28, 2019	AAR- WEST BENGAL	Vedika Exports Tea (P.) Ltd	Tea bag pouch is not a packaging material, but an input required for manufacturing tea bag as a commercial item <i>separate from blended tea leaves</i> and it is a new product having a distinct name, character and use, therefore, applicant's service for manufacturing tea bags was service for manufacturing a product classified under Tariff item 0902 40 40 and, therefore, supply was to be classified under SAC 9988 and taxed under SI No. 26(f) of the Rate Notification
7	JANUARY 28, 2019	AAR- WEST BENGAL	Storm Communications (P.) Ltd	Applicant is a supplier of Event Management Services and is registered as a GST assessee in West Bengal, Jharkhand, Odisha, Maharashtra and Delhi, it is held that applicant being registered in WB, cannot claim ITC for CGST & SGST of other states. He cannot adjust the ITC of one state's CGST for payment of another state's CGST. Since applicant is not registered in Tamil Nadu, he cannot adjust the ITC of Tamil Nadu GST for payment of IGST
8	JANUARY 28, 2019	AAR- WEST BENGAL	NIS Management Ltd	Applicant is service provider by deployment of personnel like a plumber, sweeper, security guard, electrician, carpenter etc. to West Bengal Housing Board, sweeping service that applicant supplies to Housing Directorate of Government of West Bengal, cannot be classified as an activity in relation to any function entrusted to a Panchayat under Article 243G of Constitution or in relation to any function entrusted to a Municipality under Article 243W of Constitution and, therefore, exemption under SI No. 3 or 3A, of Notification No 12/2017-Central Tax(Rate) dated 28.06.2017 and WB Govt. Gazette Notification-1136-FT dated 28.06.2017 is not applicable to such supplies
9	JANUARY 22, 2019	AAR - KARNATAKA	Xiaomi Technology india (P.) Ltd	Applicant is seeking advance ruling on classification of 'Power Bank' traded by it, it is held that even though battery in 'Power bank' is attached to ancillary circuitry of 'Voltage Booster System', for effective function of said battery, principal function of said Power Bank remains same, i.e., storing and supply of electric energy and, hence, said product merits classification of Heading No. 8507, as an Accumulator and not as Static Converter
10	JANUARY 9, 2019	AAR- RAJASTHAN	IMF Cognitive Technology (P.) Ltd	Supplier of services and place of supply both are outside State of Rajasthan, input tax credit of Central Tax paid in Haryana will not be available to applicant who is registered in Rajasthan State and has availed and consumed accommodation services provided by a hotel located outside State of Rajasthan

11	JANUARY 8, 2019	AAR- WEST BENGAL	GGL Hotel and Resort Company Ltd	Applicant had taken on lease certain land for construction of resort and it was liable to pay annual lease rent and lease rent paid during pre operative period shall be capitalised in account books by applicant, input tax credit is not available to applicant for lease rent paid during pre operative period
12	JANUARY 8, 2019	AAR-WEST BENGAL	U.S Polytech	PP Non-woven bags made from non-woven polypropylene fabric are plastic goods classifiable under Heading 3923 and taxable at 18 per cent GST
13	JANUARY 8, 2019	AAR-WEST BENGAL	SYDNEY D' SILVA AND PARTHA SARATHI DEY	applicant is supplying works contract service for an original work meant for commerce and business it will attract GST at 18 per cent rate
14	DECEMBER 31, 2018	AAR - TAMILNADU	Bank of Nova Scotia	Applicant financial provider which procures gold from its London Branch (BNSL) and supplies same to its customers in India proposes as to operate from a Free Trade Warehousing Zone ('FTWZ') so that gold/ silver will be stored in an FTWZ Unit on account of BNSL and withdrawn by BNSI as and when required for sale to customers in India by BNSL, it is held that for supply of warehoused goods, while being deposited in FTWZ on or after 01.04.2018, Applicant is not liable to pay IGST at the time of removal of goods from FTWZ to DTA under provisions of IGST Act in addition to duties payable under Customs Tariff Act, 1975 on removal of goods from FTWZ unit
15	JANUARY 16, 2019	NATIONAL ANTI-PROFITEERING AUTHORITY	Surya Prakash Loonker V/S Excel Rasayan (P.) Ltd	applicant filed application before Anti-profiteering Authority alleging that respondent did not pass on benefit of reduction in GST rate applicable to detergents from 28% to 18% w.e.f. 15-11-2017 but increased base prices of detergents i.e. Fortune ADW Detergent 1 Kg. and Fortune Rinse Aid 500 ml. sold by him, so that there was no reduction in prices to recipients, it was held that cum-tax selling price of Fortune ADW Detergent 1 Kg. at Rs. 220 prior to GST rate reduction should have commensurately been reduced to Rs. 202.72 with GST rate reduction by 10% and cum-tax selling price of Fortune Rinse Aid 500 ml. should have been commensurately reduced from Rs. 150 to Rs. 138.27 after GST rate reduction from 28% to 18%, but by keeping selling price constant at Rs. 220 and Rs. 150 per unit for products respondent had profiteered an amount and had violated provisions of section 171 by not passing on benefit of tax reduction

16	FEBRUARY 4, 2019	NATIONAL ANTI-PROFITEERING AUTHORITY	Pulimoottill Silks	Applicant alleged profiteering by respondent on supply of 'Little Star Dhoti 406' (HSN Code 52081110), by not passing on benefit of reduction in rate of tax at time of implementation of GST w.e.f. 1-7-2017, since there was no reduction in rate of tax on said product w.e.f 1-7-2017, hence, anti-profiteering provisions contained in section 171(1) were not attracted
17	JANUARY 22, 2019	NATIONAL ANTI-PROFITEERING AUTHORITY	Satya Enterprises	A dealer of fast moving consumer goods (FMCGs) had increased base prices of 109 products being supplied by him after rate of GST was reduced with effect from 15-11-2017 and forced his customers to pay more prices than what they should have paid thereby denying rate reduction to them and had also compelled them to pay additional GST on increased quantum of base price, he would be held liable for profiteering under section 171 of CGST Act 2017. He could not be absolved of his legal obligation on plea that he had no control on fixing of MRPs

NOTE Above Updates are compiled from various sources and are subject to changes made by further notifications/circulars. Please Cross Check the same from other

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INDIRECT TAX COMMITTEE OF AGRA BRANCH OF CIRC OF ICAI

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