

NOVEMBER
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NEWSLETTER

TAX

- Income Tax
- Goods and Services Tax



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INCOME TAX

1. Income-tax (32nd Amendment) Rules, 2021

CBDT

Notification No. 129/2021 dated 1.11.2021

Vide this notification, CBDT has issued **e-Settlement Scheme, 2021** to settle pending income-tax settlement applications allocated or transferred to Interim Board from Settlement Commission. Following are the Key Features/Highlights of the e-Settlement Scheme: -

- The Scheme shall be applicable to pending applications in respect of which the applicant has not exercised the option under sub-section (1) of section 245M and which has been allotted or transferred by Central Board of Direct Taxes to an Interim Board.
- Section 245M(1) notifies that the assessee who had filed such application may withdraw such application within a period of three months from the date of commencement of the Finance Act, 2021 and intimate the Assessing Officer about the same.
- Interim Board shall conduct e-settlement of pending applications allocated or transferred to it and it shall have such income-tax authority, ministerial staff, executive or consultant to assist the members of the Interim Board, as considered necessary by Central Board of Direct Taxes.
- Under this scheme, all communications between the Interim Board and the applicant, or his authorised representative, shall be exchanged by electronic mode; Provided that any application received in a mode other than electronic mode by the Interim Board may be forwarded to the Principal Commissioner or the Commissioner electronically, to the extent technologically feasible.
- Every notice or order or any other electronic communication under this Scheme from the Interim Board shall be delivered to the addressee, being the applicant by sending an e-mail to the registered email address of the applicant or his authorised representative.
- An electronic record shall be authenticated by the: -
 - a) the Interim Board, the Principal Commissioner or the Commissioner, by affixing its digital signature;
 - b) the applicant or his authorised representative, by affixing his digital signature if required under the Rules to furnish his return of income under digital signature, and in any other case, by communicating through his registered e-mail address.
- Applicant shall not be required to appear either personally or through an authorized representative in connection with any proceedings under this Scheme before the Interim Board or before any Income-tax Authority or ministerial staff posted with the Interim Board.

[Notification No.129](#)

2. Income-tax (32nd Amendment) Rules, 2021

CBDT

Notification No. 132/2021 dated 23.11.2021

Vide this notification, CBDT has issued the Income tax (32nd Amendment) Rules, 2021 to further amend the Income-tax Rules, 1962.

The amendment has substituted **Form 52A-Statement to be furnished to the assessing officer** under section **285B** of the Income Tax Act, 1961 in respect of **production of a cinematograph film**.

[Notification No.132](#)

GOODS AND SERVICES TAX

1. Clarification in respect of applicability of Dynamic Quick Response (QR) Code on B2C invoices

CBIC Circular No.
165/2021- dated 17.11.2021

Vide this circular, CBIC modified the Entry at S. No. 4 of the **Circular No. 156/12/2021-GST** dated June 21, 2021 to clarify that an invoice without QR Code can be issued to a recipient located outside India, for supply of services, for which the place of supply is in India as per the provisions of IGST Act and the payment is received by the supplier in convertible foreign exchange or in Indian Rupees wherever permitted by the RBI.

[Circular No.165](#)

2. Clarification on certain refund related issues

CBIC Circular No.
166/2021- dated 17.11.2021

CBDT has clarified refund related issues under GST. The key clarifications are as follows: -

- The provisions of **section 54(1)** of the CGST Act regarding time period, within which an application for refund can be filed, would not be applicable in cases of refund of excess balance in electronic cash ledger.
- The furnishing of certification/ declaration under **Rule 89(2)(l)** or **89(2)(m)** of the CGST Rules, 2017 for not passing the incidence of tax to any other person, is not required in cases of refund of excess balance in electronic cash ledger as unjust enrichment clause is not applicable in such cases.
- The amount deducted/collected as TDS/TCS by deductors under the provisions of **section 51/52** of the CGST Act, as the case may be, and credited to electronic cash ledger of the registered person, is equivalent to cash deposited in electronic cash ledger. It is not mandatory for the registered person to utilise the TDS/TCS amount credited to his electronic cash ledger only for the purpose for discharging tax liability. The registered person is at full liberty to discharge his tax liability in respect of the supplies made by him during a tax period, either through debit in electronic credit ledger or through debit in electronic cash ledger.
- The tax on the supply of goods, regarded as deemed export, would be paid by the supplier in his return, therefore, the relevant date for purpose of filing of refund claim for tax paid on such supplies would be the date of filing of return, related to such supplies.

[Circular No.166](#)

Disclaimer:

This is not a complete listing of all circulars/notifications issued during the month.
Instead, it is only a listing of some of the circulars/notifications that we considered important



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