

SEPTEMBER 2022

NEWSLETTER

TAX

- Income Tax
- Goods and Services Tax



Lovi Mehrotra & Associates

Chartered Accountants

21-22 IInd Floor Krishna Nagar Safdarjung Enclave
New Delhi 110029

Website : www.lma.co.in • Email : a.kumar@lma.co.in

Income Tax	
1. Exemption from Mandatory Quoting of PAN or Aadhar for notified transactions.	
<div style="text-align: right;">CBDT</div> <div style="text-align: right;">Notification No. 105/2022 dated 01.09.2022</div>	
<p>Vide this notification, exemption has been provided to Central Government, State Government and Consular Offices from mandatory quoting of PAN or Aadhar in the documents pertaining to following transactions as per Rule 114BB of the Income Tax Rules 1962.</p> <ul style="list-style-type: none"> ➤ Cash deposit or deposits aggregating to twenty lakh rupees or more in a financial year, in one or more account of a person with a banking company or a post office. ➤ Cash withdrawals or withdrawals aggregating to twenty lakh rupees or more in a financial year, in one or more account of a person with a banking company or a post office. ➤ opening a current account or cash credit account by a person with a banking company or a post Office <p>Notification No.105</p>	
2. Form 52A - . Form of statement to be furnished by producers of cinematograph films or persons engaged in specified activity.	
<div style="text-align: right;">CBDT</div> <div style="text-align: right;">Notification No. 109/2022 dated 14.09.2022</div>	
<p>Vide this Notification, CBDT has prescribed a new format of Form 52A and also specified procedure related to its filing, signing etc.</p> <ul style="list-style-type: none"> ➤ Form 52A is required to be furnished under section 285B of the Income Tax Act 1961, by a person carrying on production of cinematograph film or engaged in <i>specified activity</i>, or both for each previous year. ➤ <i>Specified Activity includes Documentary production, Event Management, Production of programs for telecasting on television or over the top platforms or any other similar or other notified activity.</i> ➤ In Form 52A- Details of payments of over Rs. 50,000 in the aggregate made by the person carrying on production of cinematograph film or engaged in specified activity, or due from him to each person engaged in the production of the cinematograph film or specified activity are required to be given. ➤ Form No. 52A shall be furnished within 60 days from the end of the previous year. ➤ It shall be furnished electronically with Digital Signature or with electronic verification code. <p>Notification No.109</p>	
3. Modified return of Income in case of Business Reorganization.	
<div style="text-align: right;">CBDT</div> <div style="text-align: right;">Notification No. 110/2022 dated 19.09.2022</div>	
<p>Vide this notification, CBDT has notified Form ITR-A for filing the Modified Return of Income under section 171A of the Income Tax Act pursuant to Business Reorganization.</p> <ul style="list-style-type: none"> ➤ Sec 170A introduced by Finance Act, 2022 states that If the Successor or resultant entity in case of Business reorganization has filed an Income Tax return prior to the date of order of a High Court or Tribunal or an Adjudicating authority as defined in clause (1) of section 5 of the Insolvency and Bankruptcy Code 2016, it shall file a modified return in accordance with and limited to the said order. ➤ If the assessment or reassessment proceedings for an assessment year relevant to a previous year to which the order of the business reorganization applies have been completed or are pending on the date of furnishing of the modified return in accordance with the provisions of section 170A, the Assessing Officer shall, pass an order modifying the total income of the relevant assessment year determined in such assessment or reassessment, or proceed to complete the assessment or reassessment proceedings, as the case may be, in accordance with the order of the business reorganization and the modified return so furnished. 	

- Modified Return shall be filed within 6 months from the end of Month in which such order was issued.

[Notification No. 110](#)

4. Recomputation of Income under section 18(55) of The Income Tax Act.

CBDT

Notification No. 111/2022 dated 28.09.2022

Vide this notification, CBDT has prescribed Form 69 for recomputation of Income of assessee who have claimed deduction of education cess and higher education cess in their Income Tax return.

- As per Section 40(a)(ii) of the Income-tax Act, payment of income-tax is not allowed as deduction from the total income. It is generally understood that education cess and secondary and higher education cess which is paid on total tax is also not allowable deduction.
- However, the Bombay High Court in the case of Sesa Goa Ltd. (423 ITR 426) has held that education cess and secondary and higher education cess are allowable as deductions from the total income.
- Subsequently, vide Finance Bill, 2022, Sec 18(55) was introduced to clarify that surcharge and cess would not be considered to be deductible expenditure. This is made effective from A.Y. 2005-06.
- Now, CBDT has notified Form 69 for recomputation of Income of the taxpayers who have claimed deduction of Education cess and secondary and higher education cess in their Income Tax returns.

[Notification No.111](#)

GST
1. Filing/revising Trans-1 and Trans-2 (Forms for claiming Transitional credit) in terms of order dated 22.07.2022 & 02.09.2022 of Hon'ble Supreme Court.
<div>CBIC</div> <div>Circular No. 180/12/2022 dated 09.09.2022</div> <p>The Hon'ble Supreme Court vide order dated 22.07.2022 in the matter of Union of India vs. Filco Trade Centre Pvt. Ltd. directed Goods and Service Tax Network (GSTN) to open a common portal for filing concerned forms for availing Transitional Credit through TRAN-1 and TRAN-2 for two months i.e. w.e.f. 01.09.2022 to 31.10.2022.</p> <p>Considering the judgments of the High Courts on the then prevailing peculiar circumstances, any aggrieved registered assessee is directed to file the relevant form or revise the already filed form irrespective of whether the taxpayer has filed writ petition before the High Court or whether the case of the taxpayer has been decided by Information Technology Grievance Redressal Committee (ITGRC).</p> <p>The concerned officers are given 90 days thereafter to verify the veracity of the claim/transitional credit and pass appropriate orders thereon on merits after granting appropriate reasonable opportunity to the parties concerned.</p> <p>Thereafter, the allowed Transitional credit is to be reflected in the Electronic Credit Ledger</p> <p>Now, on request by CBIC, Hon'ble Supreme Court vide order dated 02.09.2022 has extended date of opening of Portal to 01.10.2022 from earlier date i.e. 01.09.2022.</p> <p>Circular No.180</p>

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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