

UPDATE NOVEMBER 2024

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Bizsolindia Monthly Update | Issue III | Volume XX | November 2024

Spotlight

PASSIVE AGGRESSION: THE SILENT SABOTEUR

*HOW EMPLOYEES UNWITTINGLY WORK AGAINST
THEMSELVES AND THEIR ORGANISATIONS*

In This Update

What's New?

BTO

Bizsol Corner

#DigitalUpdates



We Believe In

“A customer is the most important visitor on our premises. He is not dependent on us. We are dependent on him. He is not an interruption of our work. He is the purpose of it. He is not an outsider of our business. He is part of it. We are not doing him a favour by serving him. He is doing us a favour by giving us the opportunity to do so.”

Mahatma Gandhi

In This Issue

FROM THE DESK OF THE CHAIRMAN – CS VENKAT R VENKITACHALAM	05
PASSIVE AGGRESSION: THE SILENT SABOTEUR - HOW EMPLOYEES UNWITTINGLY WORK AGAINST THEMSELVES AND THEIR ORGANISATIONS - VENKAT R VENKITACHALAM	10
GST ANNUAL RETURN & RECONCILIATION STATEMENT - GSTR-9 & 9C - CS ANITA PATIL	18
WHATS NEW?	32
• GST	32
• CUSTOMS	47
• DGFT	49
• RBI	50
• SEBI	51
• INCOME TAX	53
BEYOND THE OBVIOUS	54
BIZSOL CORNER	59
DIGITAL BIZSOL	63
OUR SERVICES	64

THIS MONTH FOR YOU - NOVEMBER 2024

Sl. No	Law	Particular	Due Dates
1	Wages Act	Payment of salary /wages if employees < 1000	07/11/24
2	Income Tax	TDS payments for Oct 2024	07/11/24
3	Wages Act	Payment of salary /wages if employees > 1000, under Payment of Wages Ac	10/10/24
4	GST	GSTR -8 for E-Commerce Operator for The Month of October 2024	10/11/24
5	GST	GSTR-7 Registered persons who deducted TDS for the month of October 2024	10/11/24
6	Excise	ER-1 and ER-2 returns	10/11/24
7	GST	Filing of GSTR-1 for the month of October 2024	11/11/24
8	GST	GSTR-5 return form that has to be filed by a non-resident foreign taxpayer	13/11/24
9	GST	GSTR-6-ISD Return for the month of October 2024	13/11/24
10	GST	IFF under QRMP (Oct, 2024)	13/11/24
11	Income Tax	Due date for issue of TDS Certificates in Form 16B, 16C, 16D & 16E under Section 194IA, 194IB, 194M & 194S	15/11/24
12	Provident Fund	Due date to pay provident fund contribution of both employee and employer to be paid by the employer under ECR Cum-Return for October 2024	15/11/24
13	ESIC	Due date to pay ESIC Payments for October 2024	15/11/24
14	GST	Filing of GSTR-3B for the month of October 2024	20/11/24
15	GST	Due date for filing GSTR-5A for the month of October 2024	20/11/24
16	GST	Tax Payment Due date for QRMP for October 24 moth	25/11/24
17	Profession Tax	Monthly Professional Tax Payment Cum Return in Form IIIB for October 24	30/11/24

FROM THE DESK OF THE CHAIRMAN



CS Venkat R Venkitachalam

Chairman, Bizsolindia

Lady Justice is typically depicted as a blindfolded woman holding scales in one hand and a sword in the other, each symbolising critical aspects of justice.

Wish You All A Happy Diwali Prosperous New Year.

The statue of Lady Justice, often found outside courthouses and law libraries in India represents the core principles of justice - fairness, impartiality and moral integrity. Lady Justice is typically depicted as a blindfolded woman holding scales in one hand and a sword in the other, each symbolising critical aspects of justice. One of the last acts of D Y Chandrachud, the Chief Justice India before he would remit office in a few days was to give a deferential farewell to this statue that had come to symbolise the justice system in India. Lady Justice as she is known, is an allegorical personification of the moral force in our judicial systems. She is blindfolded in order to represent her virtue of delivering justice without bias or favouritism. The scale held by her in one hand represents weighing of evidence and arguments presented in her courtroom. The sword in her other hand represents the authority of the law and the swift execution of justice. The female form represents wisdom, moral integrity and compassion – essential qualities of those dispensing justice. In the Indian context Lady Justice embodies the Constitutional values of equality and rule of law underscoring the judicial system's role in upholding the rights of all individuals. None of these underlying principles based on which our Constitution is built has changed or likely to change, ever. However, the present depiction of the statute based on how our judicial systems have been working had, of course, become butt of jokes for good reason. For instance, the blindfold has come to represent the anguish of litigants because of the interminable delays to get justice from courts. For an economically challenged litigant fighting in the courts, the blindfold of Lady Justice can only be a display of insensitivity towards her plight to get justice. The majesty of the court and the authority it commands looks meaningless to him based on his own lived in experience. Wisdom and compassion that the Lady Justice is supposed to represent is nothing more than mere

symbolism when the litigant learns about the plight of women in India. The Chief Justice's gesture of redesigning the costume of the statue has unwittingly opened raw wounds – always felt; seldom expressed. Though there is nothing wrong in symbolisms, there is a crying need to go to the root cause that causes inordinate delays in delivering justice. Here the blindfold used by Lady Justice looks insincere and insensitive. Now that is gone. Wait a minute. Do we keep on draping the Lady or change her attire for all times to come? In a couple of years people would start demanding that Lady's attire needs a change. Be prepared to offer the Lady a pair of pants and a sweatshirt. It is reported that that Justice Chandrachud believes that India should move forward from the British legacy. How is that possible your honour as long as the law of the land is codified in English? Even after the enactment of Nyaya Sanhita the problem continues, but in a different form. That is for another day.

There are occasions when you feel that the blindfold of Lady Justice is actually an impediment in dispensing justice. Sample this. GN Saibaba, was a professor at Delhi University when he was arrested on charges of hobnobbing with terrorists. No petty crime this. Saibaba was a wheelchair bound disabled (90%) prisoner. He was acquitted by the Bombay High Court as he was found innocent, eventually. Unfortunately, he could not enjoy (or was denied) a normal life and freedom as he died a few days back. He was all of 57 years. Was it his bad luck or because of the failure of our legal system? Going by the reports in the media and the presence of a wheelchair with him all the time it is a certainty that he was done to death by our legal system itself. Considering the extent of disabilities that he had (90%), a bail would have been his, just for the asking. Saibaba was jailed and sentenced to life imprisonment under the dreaded Unlawful Activities Prevention Act on charges of his affiliation with the Maoist party and his alleged role in terrorist activities. After his arrest in 2014 he remained in jail for about eight years. In 2022, a Bench of the Bombay High Court found that the basis on which the allegations were made on Saibaba was too hollow to prosecute him. The basis of the allegation was the recovery of documents by the police from his house. With the help of these documents, the police sought to prove that Saibaba was associated with the Maoists, and he played a role in its terrorist actions. The court felt considering this allegation and this evidence, it was sufficient to sentence him to life imprisonment. After Saibaba had spent more than six years in jail, the Bombay High Court found that the entire process of recovery of evidence was flawed, and no punishment could be given on that basis. The court felt it strange that neither Saibaba nor any other educated person was present at the time of the seizure. The police made an illiterate person

a witness and prepared the Panchnama. The court said that this cannot be considered as evidence to keep the case going and that such serious allegations cannot be made through such a weak procedure. The story did not end there. The Bombay Court had corrected the injustice of the lower court but the same day the Supreme Court rushed to the higher court to stay that order. This was extraordinary. The freedom that Saibaba had got was immediately taken away by the Supreme Court. Several months later the Supreme Court asked another Bench of the Bombay High Court to review the decision. That Bench not only found the process of investigation and evidence collection to be wrong but dismissed the case on merits. It made it possible for Saibaba to come out of Nagpur jail on 7 March 2024. In short, he became a victim of our judiciary's systemic violence. Could there be a more heinous than putting a disabled person through such a gruelling experience? Even in the jail the disabled Saibaba was denied the basic humanitarian consideration to get a bail just on merits. If only our Lady Justice could have observed what poor Saibaba on a wheelchair went through, he would have got bail on humanitarian considerations.

Ratan Tata would have been pleasantly surprised to see the kind of heartfelt sentiments from across all sections of the society when he passed away. He died at 86. There was something about him that touched an average Indian across the country. He being the scion of the famed House of Tatas was only one part of this story. When he was handpicked by the group's patriarch to succeed him, many had this one question upper most in their mind – who is this Tata? Very few knew about him and few had even heard of him to be fit enough to be considered as JRD's possible successor. When Tata was 10, his parents separated, and he was subsequently raised and adopted by Navajbai Tata, his grandmother. Ratan Tata had taken a bachelor's degree in architecture from Cornell University. He achieved initial success by turning the subsidiary National Radio and Electronics (NELCO) around only to see it collapse during an economic slowdown. In 1991 JRD Tata stepped down as Chairman of Tata Sons, naming him as his successor. One of his priorities then was to establish his own legitimacy as natural leader of other Tata companies that had entrenched leaders with formidable reputations and long association with the group. This led to predictable corporate fights in Tata group. In the end, he succeeded in replacing big names like Rusi Modi, Sumant Mulgaonkar, Darbari Seth, Nani Palkhiwala, etc. The mettle of Ratan came to be tested in these tussles that ended with the departure of all the old guards, however venerable they were in the industry circles. Under his leadership overlapping operations between subsidiaries were streamlined into company-wide operations. The rest is history with the

name of Ratan Tata firmly stamped on it. Some of his successes and failures need to be written in his epithet to be fair. The much-publicised people's car Nano was one of his spectacular failures. Another failure on his part was in the process of his selection of his successor. Cyrus Mistry being a shareholder of Tata Sons was part of the committee to select his successor. As it turned out, he found himself to be suitable as Ratan Tata's successor. That ended up in a messy separation between the Tata and the Mistry families. Ratan Tata was not merely an industrialist. He became more famous for the philanthropic initiatives. In fact, after the Bombay blast he became a national hero the like of which this nation had never seen before in the industry circle. Writing obituaries is difficult. For a man like Ratan Tata with his achievements and his philanthropic projects, you feel guilty that you have not written enough. Anyone who writes a eulogy in his honour is bound to feel that way. That is Ratan Tata's greatness. For all that you know, right now he must be in conversation with his God on what He has to do more for the country called India. May his soul rest in blissful glory in the knowledge that he is undoubtedly the most celebrated industrial icon of modern India.

By the time this issue reaches you, the US will have a new President. With this, the world is all set to pivot decisively. The 'prediction industry' in the US is currently the most nervous. For good reasons. What follows here is from an opinion piece written by Fareed Zakaria analysing the profile of his country's electorate as published in the Washington Post. "It used to be relatively easy to predict a person's voting pattern based on economics. The rich and upper middle class voted right, the poor and working class voted left. Race was another durable factor after the civil rights movement. White people disproportionately voted for Republicans; people of color largely voted Democratic. But today, there seems to be a more prominent divide than race: Americans with college degrees appear far more likely to vote for Harris and blue-collar working-class voters have become the new base of the Republican Party. The great divide in America today is not economic but social, and its primary marker is college education. The other strong predictors of a person's voting behaviour are gender, geography and religion. So, the new party bases in America are an educated, urban, secular and female left and a less-educated, rural, religious and male right. These new divisions are even overwhelming that deepest of divides: race and ethnicity. More and more Black and Hispanic men are finding themselves comfortable with the Republican Party — and it's especially pronounced with young people". Zakaria feels this new cultural landscape will re-define American politics for decades to come irrespective of who wins the coming elections

It has become a routine for Tamil actors to play multiple roles in real life. So is the case with the latest entrant – Vijay. Every step they take even during their acting careers is predicated on this premise. They make their money and fame like all actors from the box office. In Tamil Nadu we have a litany of such stars, both successful and not so successful. Consequently, actors from the Tamil cinema world craft their careers and fashion their dialogues keeping this in mind. The last box office hit of Vijay was a film titled “Greatest of All Times” – GOAT for short. A dialogue in this film packs a punch whenever he mouths lines like “a lion is always a lion”. If you find it presumptuous, remember that something more important is on its way. After having established himself as a super star in Tamil movies Vijay is all set for the big stage. Today Tamil Nadu politics have no big names. People like Jayalalitha, Karunanidhi, MGR have all gone leaving no credible heirs apparent. Stalin, Karunanidhi’s son is a pale shadow of himself having to battle some unknown health issues. In the AIADMK ranks there is no one with charisma to lead the party. Both super stars Kamala Hasan and Rajnikant have burnt their figures while trying to enter politics on the strength of the success for their film careers. The former’s entry in politics proved to be a disaster and the latter’s attempt at making a mark in politics proved to be tentative at best despite his star power. Presently the stage is vacant, and Vijay has taken the plunge. Going by precedents, a political career is a natural second innings for a film star. The reasons are obvious. In the case of Vijay who is 50, his entry now would be better timed than other film stars of yore. He called for a public meeting last week that is estimated to have been attended by not less than three lakhs people. Even if they all may not be voting for Vijay, there is no doubt that a new star has arrived. The actor took that occasion to familiarise the audience with his vision and his proposed actions. First of all, based on his speech delivered at this rally, it is clear that he is starting on a right note – he is not going to be burdened by any ideology. He is planning build a “big tent” where everyone is welcome. Vijay has christened his party Tamilaga Vetri Kazhagam (TVK). In this, ‘Vetri’ stands for victory. The word ‘Vijay’ means victory! The first Chapter of the picture is complete. Melodramatic times are ahead for Tamil fans and politicians.

Thank you.

Venkat R Venkitachalam

PASSIVE AGGRESSION : THE SILENT SABOTEUR

*HOW EMPLOYEES UNWITTINGLY WORK AGAINST
THEMSELVES AND THEIR ORGANISATIONS*



CS Venkat R Venkitachalam
Chairman, Bizsolindia

What is Passive Aggression? It is no secret that one of the most challenging tasks for an organisation is in managing its employees. It is not because the employees are by nature recalcitrant or non-cooperative. It is because of those who are tasked with the job of training and motivating the employees are always found wanting in certain critical skills for managing fellow human beings primarily because of the unique characteristics of each and every employee. Formulaic solutions in dealing with people also do not work for this very reason. This is because of the fact that employees being human beings do not easily lend themselves to be managed and manipulated. They cannot be slotted easily in separate identifiable blocks based on their competencies that are stimulated by real human feelings that are unique to each employee. More often than not, when serious industrial relations problems crop up in the workplaces, the underlying issues could be traced to little known, yet deep-rooted personal biases of people. It is in this context that we are discussing here the concept of passive aggression. This expression itself is a contradiction in terms - an oxymoron. Simply put, it is a complex and indirect form of expressing negative emotions, characterised by subtle and ambiguous actions or inactions aimed at avoiding direct confrontations, real or imagined. While it can manifest in various forms, the core feature of passive aggression lies in the dissonance between what an individual says and how he behaves. This behaviour can lead to a range of interpersonal conflicts, strained relationships, and workplace challenges. Understanding its origins, forms and impacts is crucial for an organisation in order to address the problem effectively. Passive aggression often stems from an individual's distaste or discomfort with open conflicts or one's inability to express one's feelings freely and openly. This behaviour could be a learned cop-

ing mechanism typically rooted in one's early experiences where expressing anger or dissatisfaction had been actively discouraged. In environments where direct confrontation is seen as undesirable or punishable despite its existence, individuals may subconsciously learn to express their frustrations through covert means, desirability of such actions notwithstanding. Over time, these habits can and do become ingrained in one's psyche and manifest in adulthood influencing personal relationships and professional settings. Psychologically, passive aggression stems from feelings of powerlessness, frustration, or resentment. Individuals who feel that they lack control over a situation may resort to passive-aggressive behaviour as a way to exert some influences without directly challenging the powers that be in the organisation. This behaviour can also emerge in response to social norms that extoll the value of politeness forcing people to mask their true feelings to avoid looking rude or confrontational in a group setting.

What Forms Do Passive Aggression Take? This can manifest itself in several ways - from subtle to overt behaviours. Some common forms of this trait include:

- **Procrastination:** Deliberately delaying assigned tasks as a way to express resentment or resistance particularly when the individual concerned has been asked to do something that he or she dislike.
- **Silent Treatment:** Withholding communication as a form of punishment or as a means of protest. This can leave a person uncertain about the cause of the problem and this prolongs the tension at the workplace.
- **Sarcasm:** Using sarcastic remarks that seem light-hearted or humorous but carry underlying hostility or criticism. This allows the aggressor to avoid taking responsibility for these feelings.
- **Backhanded Compliments:** Offering praise that also includes a subtle insult, allowing the aggressor to mask his resentment under the veneer of politeness.
- **Sabotage:** Intentionally doing tasks poorly or creating obstacles to hinder the success of others, more often as an act of retaliation.

These behaviours serve to create confusion, discomfort or frustration in others while allowing the aggressor to maintain a facade of innocence or even compliance. The indirect nature of passive aggression can make it difficult or impossible

to admit and address the issue as the aggressor often would deny malice to escape punishment, if caught out.

What are the Consequences of Passive Aggression? The impact of passive aggression can be far-reaching affecting both personal relationships and professional environments. In interpersonal relationships passive-aggressive behaviours can erode trust and lead to breakdown of communications. Partners, friends or family members may feel frustrated by the lack of direct communication and may even become unsure about how to resolve conflicts. Over time, this can lead to resentment, emotional distance, and even breakdown of even close relationships. In the workplace passive aggression leads to a toxic environment. Colleagues who engage in passive-aggressive behaviours may undermine team cohesion, create unnecessary obstacles or simply sabotage projects. This behaviour can also lead to process inefficiencies, as tasks are delayed or performed poorly. Managers who fail to recognise and address passive aggression risk allowing negative dynamics to fester ultimately affecting productivity and morale of the department or the organisation itself. Furthermore, individuals who engage in passive-aggressive behaviour may experience self-limiting internal consequences. While they may feel a temporary sense of power or control, this behaviour can lead to innate feeling of guilt, stress or further interpersonal problems. The inability to express emotions directly can also result in unaddressed pent-up feelings of frustration and resentment all around that can only accumulate over time.

How to Overcome the Behaviour of Passive Aggression? It is easy to acquire a habit; but difficult to get rid of it. This statement is almost a truism. Addressing passive aggression requires a multi-faceted approach, requiring both personal reflections of the aggressor and open communications within the organisation. For individuals who exhibit passive-aggressive behaviours, developing emotional awareness is extremely crucial. This involves recognising underlying feelings of anger or frustration and learning healthier ways to express these emotions. Engaging in assertiveness training or therapy can help individuals to build the skills necessary to communicate their needs and feelings openly without resorting to passive-aggressive tactics. For those on the receiving end of passive aggression, it is important to address the behaviour calmly and directly. Calling attention to the behaviour in a non-confrontational manner can encourage the aggressors to acknowledge their feelings. Setting clear boundaries and fostering an environment of open communication can help reduce the likelihood of passive-aggressive behaviours escalating into larger conflicts. In professional settings, fostering a cul-

ture of transparency and direct communication can reduce the occurrence of passive-aggressive behaviour. Providing employees with opportunities for giving and getting feedback, making managers approachable and encouraging constructive conflict resolution mechanisms can create an environment where frustrations are addressed directly rather than through covert means. Here are some specific suggestions as to how to approach this problem:

1. **Identify and Recognise the Behaviour:** The first step in managing passive aggression is recognising it for what it is. Common signs of this behaviour pattern include:
 - a. Deliberate procrastination or withholding one's own efforts.
 - b. Backhanded compliments or subtle digs to fellow employees and to the bosses.
 - c. Silent treatment or withdrawal from communications even when required.
 - d. Free usage of sarcasm with hidden hostility.
 - e. Unexplained errors or delays in assigned tasks.

Once you identify these behaviours make sure to avoid reacting emotionally. Passive aggression can provoke frustration but staying calm and composed helps you handle the situation constructively.

2. **Do not Mirror the Aggressor's Behaviour:** It may be tempting to respond to passive aggression with similar behaviour, but this would only worsen the situation. Instead, try direct and constructive communication. Maintain professionalism and a positive attitude, demonstrating that you will not engage in passive-aggressive exchanges.
3. **Address the Issue Directly and Calmly:** When dealing with passive aggression, it is important to be assertive without being confrontational. Try to address the behaviour early before it escalates. You can do this by:
 - Deliberate procrastination or withholding one's own efforts
 - Stating how the behaviour affects you and your team.
 - Asking open-ended questions to encourage dialogue about the underlying issues.

For example, if a subordinate is consistently late with tasks, you might say: "I've noticed that the last few reports have been delayed. Is there something that is both-

ering you that prevents you from completing them on time?” This opens the door for the person to explain if they are facing challenges rather than you accusing them of intentional delays.

4. **Set Clear Expectations and Boundaries:** For both bosses and subordinates, clear communication is crucial. If the passive-aggressive behaviour relates to work related responsibilities, setting clear expectations is that much more important.
 - Be specific about what you need from them and by when.
 - Set measurable deadlines and goals.
 - Provide feedback if expectations are not met explaining the impact on the team or the project.

When dealing with a subordinate this helps to establish accountability. If it is a boss, clarifying what they expect from you and asking for feedback on how to improve can also diffuse tension.

5. **Foster open Dialogue:** In many cases, passive aggression arises when the individual feels they are unable to express their frustrations openly. Creating a safe space for open communication can help resolve underlying issues. If it is a subordinate, encourage him or her to share their concerns without fear of being judged like “if there’s something about your workload or team dynamics that’s bothering you, I’d like to hear your views so that we can find a solution together.” With a boss, consider a similar approach, albeit more diplomatically: “I’d like to discuss any feedback you might have for me so I can better align my work with your expectations.” This can help diffuse tension and prevent passive-aggressive behaviours from festering.
6. **Remain Professional and Document Incidents:** If passive aggression continues, especially in the case of a subordinate document the incidents. Keeping a written record of behaviours, communications, and deadlines not met will be useful if the issue needs to be escalated further. If your boss is passive-aggressive, document the behaviours privately for your own records. Should the behaviour affect your ability to do your job or lead to more severe workplace conflicts, having a documented timeline will help you make your case if necessary.
7. **Practice Empathy and Understand Motivations:** While it is frustrating to deal with passive aggression, it is helpful to try to understand the root cause of this

behaviour. Passive aggression often stems from feelings of insecurity, powerlessness or resentment. Approach the individual with empathy, recognising that their behaviour may be a result of personal or professional frustrations. This does not excuse the behaviour, but it can help you remain calm and focused on finding solutions.

8. **Seek Professional Support from inside or outside the organisation:** If you have tried addressing the issue directly but the behaviour persists, it might be time to seek support from HR or one's superiors. Be sure to present your concerns professionally focusing on the impact the behaviour is having on your work or the team's performance rather than making personal accusations. HR can provide mediation or suggest additional strategies to address the underlying problems.
9. **Set Healthy Boundaries with Your Boss:** When the passive-aggressive individual is your boss, the power dynamic makes it harder to challenge the behaviour directly. In this case, you may need to focus on setting personal boundaries to protect yourself emotionally and professionally. Avoid internalizing their behaviour and remind yourself that their actions reflect their own performance, not a reflection of your performance. You can also manage expectations by requesting regular check-ins or feedback sessions to clarify any areas of concern. This helps reduce ambiguity and offers a platform for open communication.
10. **Consider Moving On:** If passive-aggressive behaviour from a boss or subordinate creates a toxic work environment, and efforts to resolve the issue have been unsuccessful, it may be worth considering whether the job is still a good fit. Workplace culture plays a significant role in job satisfaction, and sometimes the healthiest choice is to seek an environment that better aligns with your values and communication style with that of your organisation and colleagues. When you walk down the corridors of your organisation, keep your eyes and ears open. You get important information that even you may not be able to give. The office grapevine may not be the best of places to take feedback; but it is vast resource that may come in handy. As a first step understand the chatter by the water cooler. It is an important source for feedback in your workplace. Before doing that reading the following statements aloud just to understand how powerful these innocuous and innocent statements sound. Then figure out what is said and what is meant!

“What fascinating garments! Are you trying to bring Elvis Presly back? My grandma would be so pleased”. Sarcasm and disdain at play!

“I couldn’t imagine living without wealth – life without luxury would simply be dreadful. Pardon me; I didn’t mean to insult you”. With this statement, you have.

“Did you really pick that outfit? I would never be able to pull off that dress in a party”. If that is not snobbery, I do not know what is.

“I commend your spirit to punch above your weight”. Understand what the other person thinks of you.

“Seriously, I am not mad; just disappointed”. What disdain!

“I guess it is my fault expecting so much from you”. It would have been better if the other person had openly abused you, instead.

“I would rather do it myself, as always”. Poor assessment of your capability by the other.

“I am sure you will find another way of messing it up”. Absolutely derogatory.

Passive-aggressive behavior can significantly disrupt office dynamics and harm workplace relationships. It often manifests as indirect communication, such as sarcasm, backhanded compliments, or silent ‘treatment’. Such behavior can easily create a toxic work environment, fostering distrust, resentment, and decreased productivity. It can also lead to misunderstandings, conflicts, and even bullying. Passive-aggressive individuals may undermine colleagues’ efforts, spread rumours, or sabotage projects. This can damage team morale, hinder collaboration, ultimately impact the overall success of the organisation. Passive-aggressive behavior plays a significant and often toxic role in office politics. In environments where direct confrontation is discouraged, employees may resort to subtle actions like withholding information, procrastinating on key tasks, or giving ambiguous responses to avoid direct conflict. This type of behavior can undermine team dynamics as colleagues may start to feel mistrustful or frustrated when communications are vague, and intentions unclear. Passive aggression also creates an undercurrent of negativity that fosters gossip, resentment, and division within teams. This can lead to what is called a “cold war” atmosphere, where personal rivalries or unspoken grievances influence decisions and workplace alliances, ultimately harming productivity and morale. Recognising and addressing passive-aggressive behavior can help create a more open, collaborative, and respectful office culture. It is important to remember that with passive aggression in the workplace whether from a boss or subordinate, requires a combination of assertive communication, empathy and professionalism. By addressing the behaviour directly, setting clear expectations and fostering open dialogue you can reduce the negative impacts of passive aggres-

sion. However, if the behaviour persists and affects your well-being or productivity, seeking professional support or considering other options may be necessary. Unchecked passive aggressive behaviour eats into the vitals of the organisation and affects its performance. A leader is well served to remember that tolerating this behavior pattern would take a toll on the organisation and its productivity. It is also important for a leader to intervene when such behaviour patterns are surfacing in any part of the organisation and take appropriate action to take remedial actions.

Conclusion: Passive aggression is a subtle but an all-pervasive pervasive form of expressing negative emotions that can have significant consequences for both personal relationships and professional environments. By understanding its origins, recognising its various forms, and addressing it through open communications and emotional awareness, individuals and organisations can reduce its negative impact. Effective strategies for dealing with passive aggression involve fostering direct communication and encouraging healthier emotional expression ultimately leading to more harmonious and productive relationships. Dealing with a boss or subordinate who exhibits passive-aggressive behaviour can be challenging, but there are several strategies as indicated above to handle the situation effectively. Since passive aggression often stems from underlying frustrations or an inability arising out of lack of confidence to express emotions directly addressing it with empathy and clarity is key.

Thank you.

Venkat R Venkitachalam



GST ANNUAL RETURN & RECONCILIATION STATEMENT - GSTR-9 & 9C

CS Anita Patil

In GST regime, more than 1.47 Crore businesses in India have been registered and issued GST registration. All entities having GST registration are required to file GST annual return having aggregate total turnover more than 2 Crores, except for few exceptions, irrespective of business activity or sales or profitability during the return filing period. GSTR 9 and GSTR 9C i.e. Annual Returns and Reconciliation Statements are to be filed annually by the taxpayers. Filing of GSTR-9 and GSTR-9C are crucial for businesses and taxpayers. These forms play a vital role in the annual compliance requirements under the GST regime. This article delves into what GSTR- 9 and GSTR-9C are, who is required to file, their significance, checkpoints to ensure, what is mandatory and optional reporting etc.

GSTR-9 Annual Return:

The annual return is a compilation return which includes all business transactions corresponding to a particular financial year. It consolidates the information furnished by a taxpayer in monthly / quarterly returns filed during the particular financial year.

Persons liable for filing Annual Return:

As per Section 44 of the CGST Act 2017, every registered person whose aggregate annual turnover is more than 2 Crore is required to file an Annual Return in Form GSTR-9.

Persons not liable to file Annual Return:

- Input Service Distributors
- Taxpayers opting for Composition Scheme
- Casual Taxable Person
- Non-resident Taxable Persons
- Persons paying TDS under Section 51 or TCS under Section 52
- Persons supplying OIDAR services from out of India to a person in India

GSTR-9C Reconciliation Statement:

GSTR 9C is a reconciliation statement between the annual returns in GSTR 9 for the relevant financial year and the figures mentioned in the audited annual financial statements of the taxpayer. It consists of the gross and taxable turnover as per the books of accounts, with the respective figures mentioned in the consolidation of all the GST returns for the financial year.

A taxable person whose aggregate turnover exceeds ₹5 Crore in a financial year is mandatorily required to submit the Reconciliation Statement in Form GSTR 9C. Reconciliation Statement in Form GSTR 9C must be prepared and self-certified by the taxpayer on the GST portal.

Any department of the Central Government or a State Government or a local authority, whose books of account are subject to audit by the Comptroller and Auditor-General of India or an auditor appointed for auditing the accounts of local authorities under any law, are not required to submit their Reconciliation Statement in Form GSTR-9C in view of second proviso to Section 44.

A registered person shall not be allowed to furnish an annual return under Section 44 (1) for a financial year after the expiry of a period of three years from the due date of furnishing the said annual return.

Due Date for filing of GSTR-9 & 9C:

The due date for filing the Annual Return GSTR 9 and Reconciliation Statement 9C is on or before 31st December of the year following the relevant financial year.

Late Fees for delayed filing

For delayed filing of GSTR-9, late fees will be ₹200 (₹100 CGST + ₹100 UT/SGST) per day, subject to a maximum of ₹0.50% (0.25% + 0.25%) of its total turnover.

There are no specific provisions applicable for late filing fees of GSTR 9C, and hence the non-filing of GSTR 9C could be subject to a general penalty of ₹25,000 CGST and ₹25,000 SGST.

Check points to ensure while Preparation of GSTR-9 & 9C:

Outward Supplies:

- GSTR-1 Vs. GSTR-3B and identification of differences and necessary amendments and GST impacts.
- Consider amendments impact. If anything, pending take necessary actions in GSTR-1 and 3B of Oct 24 otherwise consider its impact in GSTR-9.
- E-invoice and IRN Reconciliation with books
- E-way bill reconciliation.
- Books Vs. GST returns reconciliation.
- HSN wise GST rate changes and its impact on GST returns.
- Amendments of Export invoices for updation of details of Port, Shipping Bill No., Invoice No., IGST etc. if reported incorrect details.
- Export invoices were issued, but still physical exports were not done.

- Realization of export of goods and services within prescribed time period of 9 months and 1 year respectively.
- For SEZ supplies, ensure receipt of LOA along with endorsed copies of invoices by SEZ officer.
- RCM as per GSTR-2B/2A Vs. Actual paid, if pending to pay, pay and avail its eligible ITC in Oct 24 GSTR-3B.
- Invoice series maintained and its sequential reporting in GST returns, if any gap necessary corrections action to ensure.
- Review of All advances received against supply of services and adjustments of the same done during the year. Take necessary action if not reported properly. Identify actual unadjusted advances at the end of the year.
- Classification of supplies as composite, non-composite or mixed supply was done correctly also valuation was done correctly according to section 15 of CGST Act.
- Examine that all debit notes/journals vouchers issued towards price difference on which additional GST liability payable on such additional consideration, also examined that all such debit note must reported in GSTR-1.
- Liabilities payments towards scrap sales and its reporting.
- Liabilities impacts on Other Income and its reporting.
- Discounts given and credit notes issued / credit notes not issued.
- Recovery of freight, packing charges or any other ancillary expenses incurred w.r.t. supplies and their GST impacts considering part of transaction value of supplies.
- Interest recovery w.r.t. supplies made during the year.
- Sales return with reconciliation of credit notes issued during the year and reported in returns. If anything is missed to report, report in GSTR-1 and reduce liabilities in 3B of Oct 24. Also ensure that the customer should reverse its ITC.

- Ensure reconciliation of debit notes issued during the year and reported in returns. If anything is missed to report, report in GSTR-1 and pay liabilities in 3B of Oct 24 along with Interest
- Branch transfer transactions and GST impact.
- Reconcile the turnover of GSTR-1, GSTR-3B, e-Way Bill, e-Invoice and books of account and find out the reason for difference and ensure that GST was discharged correctly.
- GST impact on Cross Charge issues.
- Proper GST impact on sale of assets / write off of assets.
- Transactions where material sent for job-work were not received within 1 year.
- Trial Balance Scrutiny and GST impacts on Sale / Write off of Assets and Expenses credit side entries etc.
- In case of 0.10% supplies, compliance of exports done in 90 days by merchant exporter and proof of export documents to submit to GST officers.
- Rate wise reconciliation of GST outward and RCM liabilities.
- Take necessary actions in GSTR-1 and 3B returns, to be filed before 30th Nov 2024. i.e. Oct 24 return.

Inward Supplies:

- ITC should be availed on the basis of matching the same with GSTR-2B.
- Eligibility of ITC as well as ITC was availed with satisfying the conditions of section 16, 17 read with applicable rules.
- Examine that ITC was availed after receiving of Goods and services according to Section 16(2)(b).
- Ensure that proper documentation for partial and full rejection of materials for inward supply and Credit note was issued by suppliers in case of such rejections are duly accounted with ITC reversal

- Ensure for non-availment of ITC in case of free sample received from suppliers.
- ITC availed based on eligible documents viz. Bill of entry, Tax Invoice, ISD Invoice, Self-Invoice and debit notes issued by the suppliers with supporting of Goods/Service received note.
- Taxpayers/Consultant should ensure that all inward supply should be bifurcated in Input/Input Service and capital goods.
- Ensure that the e-way bill towards inward supply was received and maintained towards inward supply for the period of compliances, breach of the same for which department may litigate/dispute and may issue Notice for scrutiny under Form ASMT-10.
- All Inward supplies of goods E-way bill records and reconciliation to ensure.
- Identify the transaction of Inward supply which falls under Block credit under section 17(5) of CGST Act, 2017 and ensure that no ITC was claimed on such inward supply.
- Inward supply for which payment towards value of Goods and GST was not made within 180 Days, ensure for reversal of ITC under Rule 37 of CGST Rules, 2017 from the date of Invoice along with Interest which calculate from date of ITC taken and date of reversal of ITC.
- No disallowance of ITC should be done when inward supplies received under Schedule-I without consideration, in this cases supplier has been deemed to be paid in terms of Section 16(2)(c) of CGST Act, 2017.
- Ensure that re-credit has been taken for ITC for which payment made to vendors after 180 days, which was reversed earlier according to Rule 37.
- Reconciliation of inward supplies as per GSTR-3B vs GSTR-2B vs e-Way Bill vs e-Invoice.
- Ensure that all Inward supplies Invoice whose turnover is more than 10 Crores issue tax invoice under section 31 of CGST Act, 2017 read with Rule 46 of CGST Rules, 2017 containing IRN in QR code. In absence of QR code containing IRN,

Invoice will not be valid Invoice under Rule 48(5) of CGST Rules, 2017 and ITC will not be available.

- Ensure that in case of Inward supplies entries not reflected in GSTR-2B, proper communication with suppliers by using tab under GSTN “Communication with Tax Payers” should be used for communication.
- Taxpayers/Consultant should ensure that all ITC should be availed up to on or before of due date of GSTR-3B of Oct. 24
- Ensure that Input Tax Credit on goods against an Invoice are received in lots/instalments, the recipient would be entitled to take credit pertaining to the entire invoice upon receipt of last lots/Instalments, taxpayers also ensure for proper receipt of delivery challans and e-way bills for goods receipts.
- Ensure that recipient if already availed depreciation on ITC portion for plant and machinery ensure that no ITC would be availed on such tax components.
- Ensure that no Input Tax Credit would be availed by registered person in respect of any tax that has been paid in respect of order where demand was confirmed on account of fraud, willful misstatement or suppression of facts.
- Ensure that exempt supplies which attracts NIL rate or wholly exempt or non-taxable from levy of GST or transactions of securities and value taken 1% of the sale value of securities or sale of land and value of land taken as value adopted for the purpose of paying stamp duty, also ensure that proportionate ITC was reversed in proportion to such supplies or not under rule 42.
- Ensure that taxable person not availed any block credit under section 17(5) of CGST Act, 2017, reverse the same if not reversed.
- Ensure that no ITC availed on work contract service when supplied for construction of immovable property (other than plant & machinery).
- Ensure ITC reversal w.r.t. ITC on goods lost, stolen, destroyed, written off or disposed of by way of gift or free samples.

Mandatory & Optional Reporting of the Tables in GSTR-9:

FORM GSTR -9 Annual Return [Rule 80]			
Table	Nature of supplies	Mandatory / Optional	Remarks
Part II	Basic Details- FY, GSTN, Name	Mandatory	
Part II	Details of outward and inward supplies made during the financial year		
4	Details of advances, inward and outward supplies made during the financial year on which tax is payable		
A	Supplies made to un-registered person (B2C)	Mandatory	B2C supplies
B	Supplies made to registered person (B2B)	Mandatory	B2B supplies
C	Zero rated supply (Export) on payment of tax (except supplies to SEZs)	Mandatory	Export (with payment of tax)
D	Supply to SEZs on payment of tax	Mandatory	SEZ supplies (with payment of tax)
E	Deemed Exports	Mandatory	Deemed Export
F	Advances on which tax has been paid but invoice has not been issued (not covered under (A) to (E) above)	Mandatory	Un-adjusted Advances at the end of the year
G	Inward supplies on which tax is to be paid on reverse charge basis	Mandatory	RCM Liabilities
G1	Supplies on which e-commerce operator is required to pay tax as per section 9(5) (including amendments, if any) [E-commerce operator to report]	Newly added	To be reported by E-Commerce Operator
I	Credit Notes issued in respect of transactions specified in (B) to (E) above (-)	Mandatory	Can be clubbed in 4B to 4E
J	Debit Notes issued in respect of transactions specified in (B) to (E) above (+)	Mandatory	Can be clubbed in 4B to 4E
K	Supplies / tax declared through Amendments (+)	Mandatory	Can be clubbed in 4B to 4E
L	Supplies / tax reduced through Amendments (-)	Mandatory	Can be clubbed in 4B to 4E
5	Details of outward supplies made during the financial year on which tax is not payable		
A	Zero rated supply (Export) without payment of tax	Mandatory	Export (without payment of tax)
B	Supply to SEZs without payment of tax	Mandatory	SEZ Supplies (without payment of tax)
C	Supplies on which tax is to be paid by the recipient on reverse charge basis	Mandatory	For supplies on which recipient to pay tax.
C1	Supplies on which tax is to be paid by e-commerce operators as per section 9(5) [Supplier to report]]	Newly added	To be filled by the Supplier (Review supplies made through e-com operators and consider aggregate values of supplies through e-commerce operators on which e-commerce operators are liable to pay taxes to report here.)

D	Exempted	Mandatory	“Exempted” and “Nil Rated supplies” can be clubbed in 5D
E	Nil Rated		“Exempted” and “Nil Rated supplies” can be clubbed in 5D
F	Non-GST supply (includes ‘no supply’)	Mandatory	Schedule III transactions which are neither goods or services
H	Credit Notes issued in respect of transactions specified in A to F above (-)	Optional	Can be clubbed in 5A to 5F
I	Debit Notes issued in respect of transactions specified in A to F above (+)	Optional	Can be clubbed in 5A to 5F
J	Supplies declared through Amendments (+)	Optional	Can be clubbed in 5A to 5F
K	Supplies reduced through Amendments (-)	Optional	Can be clubbed in 5A to 5F
N	Total Turnover (including advances) (4N + 5M - 4G above)		After reducing RCM liabilities.
Part III	Details of ITC for the financial year		
6	Details of ITC availed during the financial year		
A	Total amount of input tax credit availed through FORM GSTR-3B (sum total of Table 4A of FORM GSTR-3B)	Auto populated	Total ITC as per GSTR-3B table 4A.
B	Inward supplies (other than imports and inward supplies liable to reverse charge but include services received from SEZs)	“Input” and “In Services” Can be clubbed in “Input”, “Capital Goods” to be shown separately.	ITC other than Imports & RCM
C	Inward supplies received from unregistered person liable to reverse charge (other than B above) on which tax is paid & ITC availed	“Input” and “In Services” Can be clubbed in “Input”, “Capital Goods” to be shown separately	RCM ITC for Services received from URD. Table 6C can be clubbed to Table 6D
D	Inward supplies received from registered person liable to reverse charge (other than B above) on which tax is paid and ITC availed	“Input”, “In Services” and “Capital Goods” to be shown separately	RCM ITC for Services received from registered person. Table 6C can be clubbed to Table 6D
E	Import of goods (including supplies from SEZs)	Mandatory	Imported Inputs & CG ITC to report separately.
F	Import of services (excluding inward supplies from SEZs)	Mandatory	Import of Services ITC
G	Input Tax credit received from ISD	Mandatory	ISD ITC
H	Amount of ITC reclaimed (other than B above) under the provisions of the Act	Mandatory	Aggregate value of ITC availed, reversed & reclaimed other than 6B to report here.
K	Transition Credit through TRAN-I (including revisions if any)	Mandatory	If any
L	Transition Credit through TRAN-II	Mandatory	If any
M	Any other ITC availed but not specified above	Mandatory	If any, ITC other than above viz. through Form ITC-01, ITC-02.
7	Details of ITC Reversed and Ineligible ITC for the financial year		
A	As per Rule 37 (Reversal of ITC for non-payments to suppliers within 180 days)	Can be clubbed with 7H-Other reversals	ITC Reversal
B	As per Rule 39 (Reversal of ITC as distributed by Input Service Distributor)	Can be clubbed with 7H - (with Other Reversals)	ITC Reversal

C	As per Rule 42 (Common ITC reversal w.r.t. Inputs & Input Services on account of Exempt Supplies)	Can be clubbed with 7H - (with Other reversals)	ITC Reversal
D	As per Rule 43 (ITC reversal w.r.t. Capital Goods on account of Exempt Supplies & other cases)	Can be clubbed with 7H - (with Other reversals)	ITC Reversal
E	As per section 17(5) Ineligible ITC	Can be clubbed with 7H - (with Other reversals)	ITC Reversal
F	Reversal of TRAN-I credit	Mandatory	Tran-I ITC Reversal
G	Reversal of TRAN-II credit	Mandatory	Tran II ITC Reversal
H	Other reversals	Optional	Reversals other than the above, including ITC reflected in 2B but Missing in Purchases.
J	Net ITC Available for Utilization (6O - 7I)	Mandatory	Should be matched with Net ITC availed in GSTR-3B
8	Other ITC related information		
A	ITC as per GSTR-2A (Table 3 & 5 thereof)	Auto populated	ITC as per GSTR-2B
B	ITC as per sum total of 6(B) and 6(H) above	Mandatory	Total ITC including reclaimed ITC other than RCM
C	ITC on inward supplies (other than imports and inward supplies liable to reverse charge but includes services received from SEZs) received during 2023-24 but availed during April 2024 to October 2024	Mandatory	ITC other than Imports and RCM received during 23-24 but availed in Apr 24 to Oct 24.
E	ITC available but not availed (out of D)	Mandatory	ITC not claimed in 3B
F	ITC available but ineligible (out of D)	Mandatory	Ineligible ITC so not claimed in 3B
G	IGST paid on import of goods (including supplies from SEZ)	Mandatory	IGST paid in Import of Goods
H	IGST credit availed on import of goods (as per 6(E) above)	Mandatory	IGST ITC claimed in 3B for Import of Goods as per 6E.
J	ITC available but not availed on import of goods (Equal to I)	Mandatory	IGST paid for import of goods, but its ITC not claimed in 3B
K	Total ITC to be lapsed in current financial year (E + F + J)	Mandatory	

Part IV Details of tax paid as declared in returns filed during the financial year				
9	Description	Tax Payable & Paid		
	Integrated Tax		Mandatory	This should be matched with total GST liabilities paid during the year in GSTR-3B
	Central Tax			
	State/UT Tax			
	Cess			
	Interest			
	Late fee			
	Penalty			
	Other			

Part V	Part 5: Particulars of the transactions for FY 2023-24 declared in returns from April 2024 till October 2024 Mandatory Ineligible ITC so not claimed in 3B		
10	Supplies / tax declared through Amendments (+) (net of debit notes)	Mandatory	Amendments for upward revisions of Invoices /Debit Notes of 23-24 reported in Apr 24 to Oct 24 returns
11	Supplies / tax reduced through Amendments (-) (net of credit notes)	Mandatory	Amendments for downward revisions of Invoices/ Credit Notes of 23-24 reported in Apr 24 to Oct 24 returns
12	Reversal of ITC availed during the previous financial year	Optional (But Highly Advisable to fill it) [Do not net off 12 & 13]	For FY 2023-24, aggregate value of reversal of ITC which was availed 23-24 but reversed in returns filed for the months of April, 2024 to October, 2024 filed upto 30th November, 2024 shall be declared here
13	ITC availed for the previous financial year	Optional (But Highly Advisable to fill it) [Do not net off 12 & 13]	For FY 2023-24, details of ITC for goods or services received in the previous financial year but ITC for the same was availed in returns filed for the months of April 2024 to October, 2024 filed upto 30th November 2024 shall be declared here. However, any ITC which was reversed in the FY 2023-24 as per second proviso to subsection (2) of section 16 but was reclaimed in FY 2024-25, the details of such ITC reclaimed shall be furnished in the annual return for FY 2024-25.
Total Turnover (5N + 10 - 11)			
14	Differential tax paid on account of declaration in 10 & 11 above	Mandatory	Liabilities impacts as per 10 & 11 to reflect here as payable and paid. (If any liabilities rectifications / additions reported in Table 4,5, 10 & 11 as per audited turnover, then also to show such additional liabilities payable & paid and to be paid it through DRC-03) separately.
Part VI	Other Information		

15. Particulars of Demands and Re-funds				Optional	
16. Information on supplies received from composition taxpayers, deemed supply under section 143 and goods sent on an approval basis.				Optional	
17. HSN Wise Summary of outward supplies				Mandatory	TO > 5 Cr, at 6 Digit level for all supplies to be reported here & TO < 5 Cr, 4 Digit level for B2B Supplies Only to be reported here.
HSN Code	UQC	Total Quantity	Taxable Value		
18. HSN Wise Summary of Inward supplies				Optional	
HSN Code	UQC	Total Quantity	Taxable Value		

Mandatory & Optional reporting of the Tables in GSTR-9C:

GSTR-9C (Rule 80 (3) Reconciliation Statement)			
Table No.	Nature of Reporting	Mandatory / Optional	Remarks
5A	Turnover (including exports) as per audited financial statements for the State / UT (For multi-GSTIN units under same PAN the turnover shall be derived from the audited Annual Financial Statement)	Mandatory	Total Turnover as per audited financials. (Revenue from operations as well as other income)
5B to 5O	Adjustments related to turnover	Can be clubbed to 5O	Turnover Reconciliation Points
5P	Annual turnover after adjustments as above 5B to 5O	Auto populated	Total adjusted turnover after aforesaid adjustments
5Q	Turnover as declared in Annual Return (GSTR9)	Mandatory	GSTR-9 5N+10-11
7A	Annual turnover after adjustments (from 5P above)	Auto populated	GSTR-9C 5P
7B	Value of Exempted, Nil Rated, Non-GST supplies, No-Supply turnover	Mandatory	Should be matched with GSTR-9 5D to 5F
7C	Zero rated supplies without payment of tax	Mandatory	Should be matched with GSTR-9 5B
7D	Supplies on which tax is to be paid by the recipient on reverse charge basis	Mandatory	Should be matched with GSTR-9 5C
7E	Taxable turnover as per adjustments above (A-B-C-D)	Auto populated	7A-7B-7C-7D
7F	Taxable turnover as per liability declared in Annual Return (GSTR9)	Mandatory	GSTR-9 4N-4G

9A to 9Q	Reconciliation of Taxes paid Vs. Taxes as per audited turnover	Mandatory	Rate wise GST Liabilities including RCM Liabilities
9R	Total amount paid as declared in Annual Return (GSTR 9)	Mandatory	GSTR-9 Table 9
11	Additional amount payable but not paid (due to reasons specified under Tables 6,8 and 10 above)	Mandatory if any	Any liabilities payable but not paid till filing of 9C to report here w.r.t. Un-reconciled turnover.
12A	ITC availed as per audited Annual Financial Statement for the State/ UT (For multi-GS-TIN units under same PAN this should be derived from books of accounts)	Mandatory	ITC as per books to consider
12B	ITC booked in earlier Financial Years claimed in current Financial Year	Mandatory	Previous years ITC availed in current year
12C	ITC booked in the current Financial Year to be claimed in subsequent Financial Years	Mandatory	The current financial year ITC availed in next year
12D	ITC availed as audited financial statements or books of account	Mandatory	12A + 12B – 12C
12E	ITC claimed in Annual Return (GSTR9)	Mandatory	GSTR-9 Table 7J
14	Reconciliation of ITC declared in Annual Return (GSTR9) with ITC availed on expenses as per audited Annual Financial Statement or books of account	Optional	Expense head wise ITC breakup.
16	Tax payable on un-reconciled difference in ITC (due to reasons specified in 13 and 15 above)	Case to Case	Any amount which is payable due to reasons specified in Table 13 and 15 w.r.t. un-reconciled ITC.

GSTR9 Arithmetical Accuracy Checks:

Sr. No	Particulars	GSTR-9 table & formula	To be checked/ confirmed with
1	Outward Liabilities	Table 4's Total Taxes	To be matched with Table 9's "Tax Payable" [Edit Manually in Table 9 if any changes are made in Table 4]
2	Outward Liabilities	Table 5 (+) Table 10 (-) Table 11	To be Matched with Actual Audited Liability. If not respective reconciliation reasons to identify and take necessary action to give effects in GSTR-9 or to report the reconciliation reasons in GSTR-9C.

3	Outward Liabilities	Table 9's Total Tax Payable Vs. Paid through CASH & ITC	<p>Identify reconciliation reasons as:</p> <p>For Negative Diff: Liability of Last FY 2022-23 has been discharged in 3Bs of FY 2023-24. Also to report reconciliation reasons in Table 9 of GSTR-9C rate wise reconciliation.</p> <p>For Positive Diff: Some of the Outward Supply of FY 2023-24 missed altogether and now added in Table 4. TO BE DISCHARGED THROUGH DRC-03 and to be further added in Table 14.</p> <p>If not added in Table 4 & 14 then respective reconciliation reasons to be reported in GSTR-9C.</p>
4	ITC	Table 7J (-) Table 12 (+) Table 13	To be Matched with Actual Audited ITC. If not, then identify the reasons for differences and report these reconciliation reasons in GSTR-9C.
5	Outward Amendments impacts	Table 10 (-) Table 11	To be Matched with Table 14's CGST, SGST, IGST and CESS payable & paid

Conclusion:

GSTR-9 and GSTR-9C are essential components of the GST compliance framework in India. They not only ensure adherence to tax regulations but also promote accuracy in financial reporting. Businesses must stay informed and diligent in their filing processes to avoid penalties and foster a healthy financial environment. Understanding these forms is critical for all registered taxpayers, particularly those with significant turnover. By ensuring accurate compliances, businesses can contribute positively to the overall tax ecosystem in India. We, Bizsolindia, will always be passionate to assist you all to be 100% compliant in all respects.

Thank You.

CS Anita Patil

WHAT'S NEW?

WHATS NEW? GST

GST Rate Notification:

- Changes made in GST rate schedule as follows:
- Entry 180 of Schedule I (Goods liable to CGST @2.50%)
 - Covers Drugs or medicines including their salts and esters and diagnostic test kits, covered under HSN 30 and specified in List 1 appended to Schedule I.
 - Following 3 item numbers and entries are added to List 1
 - (233) Trastuzumab Deruxtecan
 - (234) Osimertinib
 - (235) Durvalumab
 - Insertion of Entry 32C of Schedule II (Goods liable to CGST @6%)
 - Extruded or expanded products, savoury or salted (other than unfried or un-cooked snack pellets, by whatever name called, manufactured through process of extrusion), covered under HSN 1905 90 30.
 - Correspondingly, Entry 16 of Schedule III (Goods liable to CGST @9%) amended (text in blue inserted)

Pastry, cakes, biscuits and other bakers' wares, un-fried or un-cooked snack pellets, by whatever name called, manufactured through process of extrusion, extruded or expanded products, savoury or salted.

- Entry 435A of Schedule III (Goods liable to CGST @9%) amended (text in blue inserted)
 - Seats (other than those of heading 9402), whether or not convertible into beds and parts thereof other than seats of a kind used in aircraft or seats of a kind used for motor vehicles], covered under HSN 9401 [other than 9401 10 00 or 9401 20 00].

Correspondingly, Entry 210A of Schedule IV (Goods liable to CGST @14%) inserted.

- Seats of a kind used for motor vehicles, covered under HSN 9401 20 00.

[Notification No. 05/2024-Central Tax (Rate) | Dated: 8th October, 2024

Notification No. 05/2024- Union Territory Tax (Rate) | Dated: 8th October, 2024,

Notification No. 05/2024- Integrated Tax (Rate) | Dated: 8th October, 2024

- Insertion of Entry 8 vide in the Table contained in Notification No.04/2017-CT(R) which list goods covered under RCM w.e.f 10th Oct 2024-
 - Purchase, by Reg. person from any URP, of metal scrap falling under HSN
 - 72 / 73 – Iron and Steel and articles thereof
 - 74 – Copper and articles thereof
 - 75 – Nickel and articles thereof
 - 76 – Aluminum and articles thereof
 - 78 – Lead and articles thereof
 - 79 – Zinc and articles thereof
 - 80 – Tin and articles thereof
 - 81 – other base metals; cermets; articles thereof

[Notification No. 06/2024-Central Tax (Rate) | Dated: 8th October, 2024]

- Insertion of Entry 8(ivb) in the Table contained in Notification No.01/2017-Central Tax (Rate) prescribing following Services liable to CGST @2.50%
- Transportation of passengers, with or without accompanied baggage, by air, in a helicopter on seat share basis.

Condition:

Credit of input tax charged on goods used in supplying the service has not been taken.

[Notification No.07/2024-Central Tax (Rate) dated 08-10-2024]

- Insertion of entries vide Notification No.08/2024-CT(R) in Table contained in Notification No.12/2017-CT(R) which list services exempted from GST –

Sr. No.	Heading	Description of Services
25A	9969 or 9986	Supply of services by way of providing metering equipment on rent, testing for meters/transformers/capacitors etc., releasing electricity connection, shifting of meters/service lines, issuing duplicate bills etc., which are incidental or ancillary to the supply of transmission and distribution of electricity provided by electricity transmission and distribution utilities to their consumers.
44A	9981	Research and development services against consideration received in the form of grants supplied by – <ul style="list-style-type: none"> • a Government Entity; or • a research association, university, college or other institution, notified under clauses (ii) or (iii) of sub-section (1) of section 35 of the Income Tax Act, 1961. <p>Subject to Conditions as mentioned on next slide -</p>
44A	9981	Conditions – The research association, university, college or other institution, notified under clauses (ii) or (iii) of subsection (1) of section 35 of the Income Tax Act, 1961 is so notified at the time of supply of the research and development service.
66A	9992	Services of affiliation provided by a Central or State Educational Board or Council or any other similar body, by whatever name called, to a school established, owned or controlled by the Central Government, State Government, Union Territory, local authority, Governmental authority or Government entity.

Substitution of entries vide Notification No.08/2024-CT(R) in Table contained in Notification No.12/2017-CT(R) which list services exempted from GST –

Sr. No.	Heading	Description of Services
69	9983 or 9991 or 9992	Any services provided by – <ul style="list-style-type: none"> the National Skill Development Corporation set up by the Government of India; the National Council for Vocational Education and Training; an Awarding Body recognized by the National Council for Vocational Education and Training;
69	9983 or 9991 or 9992	Any services provided by – <ul style="list-style-type: none"> an Assessment Agency recognized by the National Council for Vocational Education and Training; Training Body accredited with Awarding Body that is recognized by the National Council for Vocational Education and Training,.....
69	9983 or 9991 or 9992	in relation to- <ul style="list-style-type: none"> the National Skill Development Programme or any other scheme implemented by the National Skill Development Corporation; or a vocational skill development course under the National Skill Certification and Monetary Reward Scheme; or any National Skill Qualification Framework aligned qualification or skill in respect of which the National Council for Vocational Education and Training has approved a qualification package.

[Notification No.08/2024-Central Tax (Rate) dated 08-10-2024]

- Insertion of Entry 5AB in Notification No.13/2017-CT(R) which list services covered under RCM –
 - Service by way of renting of any property other than residential dwelling, by Registered person from any Un-Registered Person

[Notification No.09/2024-Central Tax (Rate) dated 08-10-2024]

GST Notification:

- Changes made in GST Rules, 2017 as follows: (Unless specifically specified, all changes are applicable from 8th Oct 2024)
 - **Rule 36 (3):** No input tax credit shall be availed by a registered person in respect of any tax that has been paid in pursuance of any order where any demand has been confirmed on account of any fraud, willful misstatement or suppression of facts under section 74. (W.e.f – 1st Nov 2024)

- **Introduction of Rule 47A (Time Limit for Issuing Tax Invoices):** Section 31(3)(f) already required the recipient to issue an invoice in RCM cases, but there was no clear time frame mentioned. To remove this ambiguity, Rule 47A was introduced to prescribe a specific time period of 30 days within which the recipient must issue the invoice.

Now it is mandatory to raise the self-invoice if services are availed from unregistered persons (including import of services) within 30 days from the date of receiving the services, otherwise interest will be liable to be paid on account of late booking of expenses and raising the self-invoice after time limit. Further Input Tax Credit can be availed on payment of tax on RCM basis subject to limitation period i.e 30th November of subsequent year. Onus of receiving the services and raising the invoice within 30 days will be on recipient. (W.e.f – 1st Nov 2024)

- **Changes to Rule 66 (related to GSTR-7):** With effect from 1st November 2024, an amendment is made requiring the filing of FORM GSTR-7 (related to tax deducted at source) on or before the 10th day of the month following the supply. Therefore, now filing NIL return is also must. (W.e.f – 1st Nov 2024)
- **Changes to Rule 86(4)(B) (Electronic Credit Ledger (ECL):** This sub-rule allows re-credit of ITC into the ECL when a taxpayer repays an erroneous refund of unutilized ITC or incorrect refund of IGST in cash. It aims to correct the situation where refunds were claimed incorrectly, and after repayment, the corresponding ITC is restored to the taxpayer's credit ledger. For e.g export of goods or services made on payment of duty and refund is granted if amount is not realised, such amount of erroneous refund to be paid back along with interest and penalty and such amount of tax can be recredited in ECL through Form PMT - 03A
- **Changes linked to the insertion of Section 74A through the Finance Act (No. 2), 2024:**
 - Change to Rule 88B: inclusion of newly introduced Sec 74A for incorporation of provisions for Manner of calculating interest on delayed payment of tax.
 - Change to Rule 88D : inclusion of newly introduced Sec 74A for 2B credit availability vs 3B credit availed and issuance of DRC 01C there on.

- Rule 88D(3): Amendment to insert “or section 74A” after “section 74”.
- Rule 96B(1): Substitution to include section 74A alongside sections 73 and 74.
- 121: Substitution to reflect “proceedings under section 73 or section 74 or section 74A”.
- Rule 142: Several sub-rules in 142 (Notice and order for demand of amounts payable under the Act) were amended to insert references to Section 74A.
- Changes in FORM GST DRC-01A
- **Changes made to Rule 89:** Deletion of Rule 89(4A) and 89(4B): These sub-rules were deleted to simplify the refund process of unutilized input tax credit (ITC) on zero-rated supplies made without payment of IGST. Previously, these sub-rules required maintaining a one-to-one correlation between inputs or input services and output supplies.
- **Refund of Accumulated ITC:**
 - With the deletion of these sub-rules, exporters who had availed the benefit of certain concessional/exemption notifications are now allowed to claim refunds based on Rule 89(4), thereby eliminating the requirement for maintaining separate accounts for inputs and services used exclusively for exports.
 - The amendment ensures that the refund of accumulated input tax credit (ITC) on zero-rated supplies, where payment of tax was not made, is governed by Rule 89(4). This change aligns the rule with the new refund provisions that apply after the deletion of the earlier rules.
- **Omission of Rule 96(10):** Rule 96(10) is omitted as it led to unnecessary complications by restricting certain exporters from claiming refunds of Integrated Tax (IGST) if they or their suppliers had availed specific exemptions under customs notifications. Now AA holder/ EOU / Merchant exporter who has received the goods against payment of tax @0.1% they can also obtain refund of the tax paid on export of goods or services irrespective of the fact that they might have imported the goods claiming IGST Exemption. (W.e.f – 1st Nov 2024)

- **Introduction of new Rule 164** : Procedure and conditions for closure of proceedings under section 128A specified. (W.e.f – 1st Nov 2024)

a. Filing Application:

- Any person eligible for a waiver of interest or penalty or both under a notice or statement as per Section 128A(1)(a) can file an application electronically in SPL-01 via the common portal. The application should include details of the notice or statement along with the details of payments made towards the tax demanded.
- For orders under Section 128A(1)(b) or (c), the application can be made in SPL-02.

b. Payment Conditions:

- i. The tax demanded must be paid by crediting the electronic liability register, and if paid using FORM GST DRC-03, an additional FORM GST DRC-03A is required to credit the amount before submitting the application.

c. Show cause notice:

- SCN may be issued to a taxpayer regarding the waiver of interest or penalty under Section 128A.
- SPL 03 initiates the process where the proper officer asks the taxpayer to explain why the waiver should not be granted or why any other action should not be taken in connection with the interest or penalty.

d. Complex Demands:

- Where demands relate partially to an erroneous refund and partially for other reasons, applications can be filed only after full payment of the tax demanded.

e. Timeline and Procedure:

- The application must be filed within three months of the date specified under Section 128A.

- If no order is issued by the proper officer within the prescribed timelines, the application will be deemed approved.

f. **SPL Forms**

- SPL-01: Application for waiver of interest or penalty or both in cases pertaining to notices issued under Section 73.
- SPL-02: Application for waiver of interest or penalty or both in cases pertaining to orders issued under Section 73.
- SPL-03: Show cause notice for waiver of interest or penalty.
- SPL-04: Reply to show cause notice.
- SPL-05: Order for conclusion of proceedings.
- SPL-05A: Order issued by Appellate Authority for conclusion of proceedings.
- SPL-06: Order rejecting application for waiver.
- SPL-07: Undertaking submitted by the applicant.
- **Changes in Annual Return (GSTR-9):**
 - **ITC as per GSTR-2B:**
 - Table 8A of FORM GSTR-9 now auto-populates the Input Tax Credit (ITC) details based on GSTR-2B instead of GSTR-2A. This amendment ensures better reconciliation between the ITC reported in GSTR-3B and GSTR-9.
 - **Inclusion of E-commerce Supplies under Section 9(5):**
 - New rows have been inserted in various tables to account for supplies made via e-commerce platforms, taxable under Section 9(5):
 - Table 4: A new row G1 for e-commerce operator to report supplies where tax is paid by the operator under Section 9(5).
 - Table 5: A new row C1 for suppliers to report supplies made through ecommerce operators.

- **Exemptions for Small Taxpayers:**

- The filing of GSTR-9 for taxpayers with an annual turnover of up to ₹2 crores is exempted for the FY 2023-24

- **Changes in APL 01:**

- FORM GST APL-01 is used by taxpayers to file an appeal against an order or decision made by a GST officer. Section 107 read with Rule 108.

a. Pre-deposit Limit Reduction: i. The maximum limit for pre-deposit has been reduced from ₹25 crore to ₹20 crore for CGST, SGST, and cess. For IGST, the limit has been reduced from ₹50 crore to ₹40 crore.

b. Adjustment of Payment: Pre-deposit payments towards disputed tax now have a new structured format where amounts not exceeding the reduced limits are specified for CGST, SGST, IGST, and cess.

- **Changes in APL 05:**

- FORM GST APL-05 is the order form issued by the Appellate Authority after hearing an appeal filed by a taxpayer against a decision or order. Section 107 read with Rule 113.

a. Reduction in Pre-deposit Cap:

The pre-deposit limit for appeals has been reduced. Now, for CGST, SGST, and cess, the pre-deposit will not exceed ₹20 crore (reduced from ₹50 crore). For IGST, the pre-deposit will not exceed ₹40 crore.

b. Details of Payment of Admitted Amount:

The form has been updated to reflect changes in the pre-deposit amount based on the disputed tax or cess involved, as well as the admitted amount, interest, and penalty associated with the appeal.

c. Structure and Format Update:

The details of payment, demand notices, and recovery proceedings are now structured with updated brackets, figures, and terms to align with the reduced caps for appeals, as outlined in the amendments.

[Notification 20/2024- CT dated 8th Oct 2024]

- a. Department specifies 31.03.2025 date up to which a registered person can make payment for the tax payable under a notice, statement, or order for availing the waiver of interest or penalty or both under Section 128A.

b. Classes of Registered Persons:

i. Sl. No. 1: Registered persons to whom a notice, statement, or order under clause (a), (b), or (c) of Section 128A has been issued have until March 31, 2025 to make payments for the tax due and avail the waiver of interest or penalty.

1. Clause (a): This covers situations where a taxpayer has received a notice under Section 73 or Section 74 (related to non-payment, short payment, or erroneous refunds) but wants to make the payment of tax along with interest or penalty before a formal order is passed.

2. Clause (b): This relates to cases where a statement has been issued for determining tax liability, typically following an earlier investigation or demand. The taxpayer can make the payment of tax, interest, or penalty at this stage to avoid further legal action.

3. Clause (c): This clause applies after an order has been passed by the proper officer. If the taxpayer still wishes to settle the dues, they can opt to pay the amount specified in the order along with the applicable interest and penalties to avail of the waiver.

ii. Sl. No. 2: For registered persons who received a notice under Section 74(1) but later required a redetermination of tax under Section 73 following a direction by an Appellate Authority, Tribunal, or Court, the deadline for payment is six months from the date the proper officer issues the order for redetermination of tax under Section 73.

[Notification 21/2024- CT dated 8th Oct 2024]

- Department notifies the special procedure under section 148 of the CGST Act for rectification of demand orders issued for contravention of section 16(4) of the said Act.

[Notification 22/2024- CT dated 8th Oct 2024]

- Department notifies late fee for GSTR-7 as follows:
 - a. Late Fee Waiver:** i. Registered persons who are required to deduct tax at source (TDS) but have failed to furnish their returns in FORM GSTR-7 (which is the return for TDS) on time for the month of June 2021 onwards will benefit from this notification.
 - b. Late Fee Waiver Limit:** i. The late fee payable under Section 47 of the CGST Act for failing to file GSTR-7 on time will be capped at ₹25 per day during the period of default. ii. However, the total late fee for a delayed GSTR-7 filing will be waived for any amount exceeding ₹1,000.
 - c. Nil Tax Deduction:** i. If no tax was deducted during a given month (i.e., the TDS amount is nil), the late fee for failing to file GSTR-7 will be completely waived for that month.
 - d. Supersession of Previous Notification:** i. This notification supersedes the earlier Notification No. 22/2021– Central Tax, while protecting any actions or compliance taken under the previous notification.
 - e. Effective Date:** i. The provisions of this notification will come into effect from November 1, 2024.

[Notification 23/2024- CT dated 8th Oct 2024]

- Exemption from GST registration will not apply to persons engaged in the supply of metal scrap falling under Chapters 72 to 81 of the first schedule of the Customs Tariff Act, 1975.

[Notification 24/2024- CT dated 8th Oct 2024]

- Registered persons involved in buying or receiving metal scrap under Chapters 72 to 81 needs to deduct TDS under Section 51 of CGST Act, 2017.

[Notification 25/2024- CT dated 8th Oct 2024]

- Maharashtra government has given E-way bill exemptions for job work & storage of Turmeric, Chilli & Raisins in Maharashtra.

[Notification No. 15-Eway Bill/2024-State Tax, dated 1st Oct 2024]

GST Instructions/ Press Release:

- Government of India has issued an advisory to guide taxpayers on accurately entering Railway Receipt (RR) numbers or Parcel Way Bill (PWB) numbers in the E-Way Bill (EWB) system after its integration with the Indian Railways' Parcel Management System (PMS). [[Press Release 529 dated 4th Oct 2024](#)]
- The Goods and Services Tax Network (GSTN) has announced the launch of its new e-Services app, which will replace the existing e-Invoice QR Code Verifier App. [[Press Release 528 dated 1st Oct 2024](#)]

GST Circular / Advisory:

- Department has issued following clarification regarding taxability of various services:
 - The affiliation services provided by universities to their constituent colleges are not covered within the ambit of exemptions provided to educational institutions in the notification No. 12/2017-CT(R) dated 28.06.2017 and GST at the rate of 18% is applicable on the affiliation services provided by the universities.
 - The services of affiliation, provided to schools by Central or State educational boards or councils, or other similar bodies, by whatever name called, are taxable. Further, as recommended by the Council, the payment of GST on the services of affiliation provided by Central and State educational boards or Councils, or other similar bodies, to all schools is regularized on 'as is where is' basis for the period from 01.07.2017 to 17.06.2021.
 - The approved flying training courses conducted by FTOs approved by DGCA, wherein the DGCA mandates the requirement of a completion certificate, are covered under Sl. No. 66 of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 and are hence, exempt.
 - Transport of passengers by helicopter on other than seat share basis i.e., for charter operations will continue to attract GST at the rate of 18%.
 - Ancillary or incidental services provided by GTA in the course of transportation of goods by road, such as loading/unloading, packing/

unpacking, transshipment, temporary warehousing etc. will be treated as composite supply of transport of goods. The method of invoicing used by GTAs will not generally alter the nature of the composite supply of service. However, if such services are not provided in the course of transportation of goods and are invoiced separately, then these services will not be treated as composite supply of transport of goods.

- The payment of GST on import of services by an establishment of a foreign airlines company from a related person or any of its establishment outside India, when made without consideration is hereby regularized for the period from 01.07.2017 to 09.10.2024 on 'as is where is' basis.
- Location charges or Preferential Location Charges (PLC) paid along with the consideration for the construction services of residential /commercial/ industrial complex forms part of composite supply where supply of construction services is the main service and PLC is naturally bundled with it and are eligible for same tax treatment as the main supply of construction service.
- The payment of GST on services provided by an electricity transmission or distribution utility which are incidental or ancillary to the supply of transmission and distribution of electricity by such utility, is hereby regularized on 'as is where is' basis from 01.07.2017 to 09.10.2024.
- The payment of GST on transaction between distributors and exhibitors wherein the distributors grant the theatrical rights to the exhibition centres is regularized for the period from 01.07.2017 to 30.09.2021 on 'as is where is' basis. Now onwards, such transaction are classifiable under SAC 9996 and attracts GST at the rate of 18%.

[Circular No. 234/28/2024-GST Dated the 11th October 2024]

- Department has issued following clarification regarding GST rate on goods:
 - The reduced GST rate of 12% on extruded or expanded products, savoury or salted (other than un-fried or un-cooked snack pellets, by whatever name called, manufactured through process of extrusion) falling under HS 1905 90 30 shall apply prospectively from the date of effect of the said notification. For the past period, 18% GST shall be payable.

- The Roof Mounted Package Unit (RMPU) Air Conditioning Machines for Railways are classified under HS 8415 with 28% GST rate.
- The 28% rate on car seats classifiable under HS 9401 is applicable prospectively, that is, from the date of 10.10.2024.

[Circular No. 235/29/2024-GST Dated the 11th October 2024]

- Where the matters have been regularized on “as is” or “as is, where is basis”, in case of two competing rates and the GST is paid at lower of the two rates, or at nil rate where one of the competing rates was nil under notification entry, by some suppliers while other suppliers have paid at higher rate, payment at lower rate shall be treated as tax fully paid for the period that is regularized.

[Circular No. 236/30/2024-GST Dated the 11th October 2024]

- Government provides clarification for cases where wrong ITC was availed, outlining steps for tax authorities to take action under various scenarios, including those where no demand notice has been issued or where proceedings are pending under Sections 73, 74, 107, and 108 of the CGST Act. Taxpayers affected by previous wrong ITC availment can now rectify such orders through a special procedure notified on October 8, 2024, and file applications electronically. Additionally, no refunds will be issued for taxes paid or ITC reversed due to these retrospective amendments. The circular ensures uniformity in the application of these provisions across tax authorities.

[Circular No. 237/31/2024-GST dated the 15th October, 2024]

- Department provides clarifications on Section 128A of the CGST Act, 2017, introduced on November 1, 2024. The circular provides some important clarifications as follows:
 - Procedures for taxpayers and tax officers to follow, including filing applications in FORM GST SPL-01 or SPL-02, depending on the stage of the notice or order. Taxpayers must file applications within three months from March 31, 2025, or within six months in cases involving redetermination of tax under Section 73.
 - Payment of tax must be completed by March 31, 2025, to avail of the waiver, with adjustments for tax amounts retrospectively changed due to amendments in Section 16.

- The proper officer to issue the order under section 73, in case the application is filed in FORM GST SPL-01, and would be the proper officer for recovery under Section 79, in case the application is filed in FORM GST SPL-02.
- The order issued in FORM GST SPL-07, rejecting the application for waiver, shall be appealable within the time limit specified therein, by filing an application in FORM GST APL-01.
- All such amount paid towards the said demand upto the date notified under sub-section (1) of section 128A, irrespective of whether the said payment has been done before Section 128A comes into effect, or after that, and irrespective of whether such payment was made before the issuance of the demand notice or demand order, or after that, shall be considered as paid towards the amount payable in sub-section (1) of Section 128A, as long as the said amount has been paid upto the date notified under sub-section (1) of section 128A and was intended to be paid towards the said demand.
- The amount recovered by the tax officers as tax due from any other person on behalf of the taxpayer against a demand, shall also be considered as the tax paid towards the said demand, for the purpose of section 128A provided the same has been recovered on or before the date notified under sub-section (1) of section 128A.
- Any amount paid by the taxpayer or recovered by the tax officers, as interest or penalty cannot be adjusted towards the amount payable as tax.
- Where the tax due has already been paid and the notice or demand orders under Section 73 only pertains to interest and/or penalty involved, the same shall be considered for availing the benefit of section 128A except in the cases where the interest has been demanded on account of delayed filing of returns, or delayed reporting of any supply in the return.

[Circular No. 238/32/2024-GST dated the 15th October, 2024]

- The government has issued Notification 25/2024-Central Tax, on October 9, 2024, under GST Section 51 of the CGST Act, 2017 mandating compliance by the businesses dealing with Metal Scrap. The GST portal will soon be updated to enable compliance of registration through FORM GST REG-07 by these category of registered persons.

[GST Advisory dated 13th Oct 2024]

WHATS NEW?

Customs

ADD Notification:

- India Imposes 5-Year Anti-Dumping Duty on Unframed Glass Mirrors from China. [Notification No. 18/2024-Customs (ADD) | Dated: 21st October, 2024]
- Govt imposes Anti-Dumping Duty (ADD) on Thermoplastic Polyurethane (TPU) imported from China PR for 5 years. [Notification No. 19/2024-Customs (ADD) Dated: 22nd October, 2024]
- ADD Imposed on Cellophane Transparent Film import from China. [Notification No. 20/2024-Customs (ADD) | Dated: 22nd October, 2024]
- Govt imposes Anti-Dumping Duty on Sulphur Black import from China. [Notification No. 21/2024-Customs (ADD) | Dated: 22nd October, 2024]
- Govt imposes Anti-Dumping Duty on Isopropyl Alcohol import from China. [Notification No. 22/2024-Customs (ADD) | Dated: 22nd October, 2024]
- Govt amends Export Duty to NIL on Certain Varieties of rice. [Notification No. 46/2024-Customs |Dated: 22nd October, 2024]

Customs CVD Notification:

- CBIC extends the levy of countervailing duty on “Continuous Cast Copper Wire Rod” originating in or exported from Indonesia, Malaysia, Vietnam and Thailand [Notification No. 06/2024-Customs (CVD) | Dated: 4th October, 2024]

Customs NT Notification:

- CBIC ap-pointed specific officers to adjudicate various Show Cause Notices under the Customs Act, 1962. [Notification No. 65/2024-Customs (NT) | Dated: 7th October, 2024]
- CBIC has updated the customs tariff values for various goods (Palm Oil, Crude Palm Oil) effective from October 16, 2024. [Notification No. 66/2024-Customs (NT) | Dated: 15th October, 2024]
- Government has add “Yogayatan” as new location as destination for uploading of imported goods and the loading of export goods or any class of such goods. [Notification No. 67/2024 – Customs (N.T.) |Dated: 18th October, 2024]

- Government has amended Passenger Name Record Information (First Amendment) Regulations, 2024 w.r.t departure time to provide clarity in reporting passenger departure details. [Notification No. 68/2024 – Customs (N.T.) | Dated: 22nd October, 2024]
- Government has changed tariff value of Edible Oils, Brass Scrap, Areca Nut, Gold & Silver wef 24.10.2024. [Notification No. 69/2024- Customs (N.T.) | Dated: 23rd October, 2024]
- Government has permitted non-Levy of Customs Duty on the import of Simply Sawn Diamonds. [Notification No. 70/2024–Customs (N.T) | Dated: 23rd October, 2024]

Customs Circular:

- CBIC introduced a Warehouse Module on ICEGATE to digitize the procedures related to Customs Bonded Warehouses, aiming to enhance the ease of doing business. [Circular No. 19/2024-Customs Dated: 30th of September, 2024]

Customs Instructions:

- Government issued clarification on origin procedures under free trade agreements (FTAs) particularly when discrepancies occur between the value in the Certificate of Origin (COO) and the third-party invoice. [Instruction No. 23/2024-Customs | Dated: 21th October, 2024]
- Government has issued instructions for addressing the process for obtaining Equipment Type Approval (ETA) for license-exempt wireless equipment devices. [Instruction No. 24/2024-Customs Dated: 22.10.2024]

Public Notice:

- Government has Clarification on debiting of Restricted License for import of IT Hardware where it classifies imports of laptops, tablets, all-in-one personal computers, ultra-small form factor computers, and servers under HSN 8741 as “restricted,” requiring a valid license for import. [Public Notice No. 90/2024 Date: 21-10-2024]

WHATS NEW?

DGFT

Notification:

- Government extends RoDTEP scheme for exports from Domestic Tariff Area (DTA) Units until September 30, 2025, and from Advance Authorization holders, Export Oriented Units (EOUs), and Special Economic Zone (SEZ) Units until December 31, 2024. [Notification No. 32/2024-25-DGFT | Dated: 30th September, 2024]
- Minimum Import Price on Synthetic Knitted Fabrics extended to 31st Dec 2024. [Notification No. 33/2024-25-DGFT | Dated 01 October, 2024]
- Export Policy Conditions notified for Halal Meat Effective from 16th Oct 2024. [Notification No. 34/2024-25-DGFT | Dated 01 October, 2024]
- The import of parts for gas-fueled pocket lighters, both non-refillable and refillable, listed under HS Code 96139000, is now classified as “Restricted.” [Notification No. 36/2024-25-DGFT | Dated: 13th Oct, 2024]
- DGFT amended the export policy for Non- Basmati Rice by the previous requirement for a Minimum Export Price (MEP) of USD 490 per tonne for exporting this rice variety has been lifted. [Notification No. 37/2024-25 – DGFT | Dated: 23rd October 2024]
- DGFT notifies Procedure for export of sesame seeds to United States of America (USA). [Notification No. 38/2024-25 – DGFT | Dated: 23 October, 2024]

Circular:

- Exporters availing RoDTEP & RoSCTL remission-based schemes do not need to obtain an RCMC. Trade. [Notice No. 19/2024-25- DGFT | Dated: 04.10.2024]
- DGFT Clarified that import / re-import of “Exhibits and samples” will not require authorization or registration, provided compliance with other conditions in Para 2.60 of HBP is ensured. [Trade Notice No. 20/2024-25-DGFT | Dated: 7th October, 2024]
- DGFT has introduced an electronic system for the submission of Appendix 4H certificates, streamlining the process for exporters and certifying authorities such as Chartered Accountants and Cost Accountants.

- [Trade Notice No. 21/2024-25-DGFT | Dated: 17th October, 2024]

Public Notice:

- Company need to file Annual RODTEP Return (ARR) for the exporters seeking benefits under the Remission of Duties and Taxes on Exported Products (RODTEP) scheme by 31st March of the following financial year. This requirement applies to exporters with total RODTEP claims exceeding 1 crore across all HS Codes. Failure to file the ARR will result in the denial of benefits, with a grace period of three months allowed for delayed submissions, subject to a composition fee.

[Public Notice No. 27/2024-25 -DGFT | Dated: 23rd October, 2024]

WHAT'S NEW?

RBI

Notification:

- RBI Flags Irregularities in Gold Loan Practices by Supervised Entities. [Notification No. RBI/2024-25/77 DoS.CO.PPG.SEC.10/11.01.005/2024-25 dated 30th Sept 2024]
- RBI Directs AD Category-I Banks to Ensure Compliance of Guarantee Contracts with FEMA. [Notification No. RBI/2024-25/79 A.P. (DIR Series) Circular No. 18 dated 4th Oct 2024]
- RBI Extends Interest Equalization Scheme for Exports. [Notification No. RBI/2024-25/80 DOR.STR.REC.45/04.02.001/2024-25]
- RBI Guidelines for Digital Payment Accessibility for Persons with Disabilities. [Notification No. RBI/2024-25/83 CO.DPSS.POLC.No.S-708/02-12-004/2024-25]
- RBI Revises Guidelines for ARCs on Data Submission to CICs. [Notification No. RBI/2024-25/82 DoR.FIN.REC.No.46/26.03.001/2024-25]

Circular:

- RBI Issues Guidelines on Compounding FEMA Contraventions. [RBI/FED/2024-25/78 A.P. (DIR Series) Circular.No.17/2024-25 dated 1st Oct 2024]

WHATS NEW?

SEBI

Circular

- SEBI Extends Timeline for SSE Disclosures to 31st January 2025. [Circular No. SEBI/HO/CFD/PoD-1/P/CIR/2024/134].
- SEBI specified due diligence of investors & investments of AIFs. [Circular No. SEBI/HO/AFD/AFD-POD-1/P/CIR/2024/135].
- SEBI Extends Deadline for Direct Demat Pay-Outs to 11th Nov 2024. [Circular No. SEBI/HO/MIRSD/MIRSD-PoD1 /P/CIR/2024/136].
- SEBI Changes Securities Pay-out Timing to 3:30 PM. [Circular No. SEBI/HO/MRD/MRD-PoD-2/P/CIR/2024/137].
- Corrigendum to Circular on Ease of Doing Business in the context of Standard Operating Procedure for payment of “Financial Disincentives” by Market Infrastructure Institutions (MIIs) as a result of Technical Glitch. [Circular No. SEBI/HO/MRD/TPD-1/P/CIR/2024/138 Dated: October 14, 2024].
- (SEBI) has introduced a framework for monitoring and ensuring compliance with shareholding norms for both listed and unlisted Market Infrastructure Institutions (MIIs), which include stock exchanges, clearing corporations, and depositories. [Circular No. SEBI/HO/MRD/MRD-PoD-3/P/CIR/2024/139 Dated: October 14, 2024]
- (SEBI) has revised position limits for Trading Members (TMs) in the equity derivatives segment. The new limits for index futures and options contracts are now set at the higher of INR 7,500 crore or 15% of total open interest (OI) in the market. [Circular No. SEBI/HO/MRD/MRD-PoD-2/P/CIR/2024/140 Dated: October 15, 2024].
- Securities and Exchange Board of India (SEBI) has introduced a Liquidity Window facility for debt securities [Circular No. SEBI/HO/DDHS/DDHS-PoD-1/P/CIR/2024/141 Dated: October 16, 2024].
- (SEBI) issued a circular clarifying the use of 3-in-1 accounts for submitting applications in public issues of debt securities, non-convertible redeemable preference shares, municipal debt securities, and securitised debt instruments. [Circular No. SEBI/HO/DDHS/DDHS-PoD-1/P/CIR/2024/142 Dated: October 18, 2024]

- SEBI Circular on Regulated Persons' Associations where these entities and their agents are prohibited from associating with individuals who provide investment advice or make performance claims related to securities unless they are registered with SEBI. [Circular No. SEBI/HO/MIRSD/ MIRSD-PoD-1/P/ CIR/2024/143 Dated: October 22, 2024]
- SEBI has included Mutual Fund units in SEBI (Prohibition of Insider Trading) Regulations, 2015 [Circular No. SEBI/HO/IMD/IMD-PoD-1/P/CIR/2024/144 Dated: October 22, 2024]
- SEBI Modifies Foreign Portfolio Investor Rules for International Financial Services Centres (IFSC). [Circular No. SEBI/HO/AFD/AFD-POD-3/P/ CIR/2024/145 Dated: October 22, 2024]
- SEBI Clarifies Advertisement Code for Research Analysts. [Circular No. SEBI/ HO/MIRSD/MIRSD-PoD1/P/CIR/2024/146 Dated: October 24, 2024]
- SEBI Updates Compliance for Non-Individual Investment Advisers. [Circular No. SEBI/HO/MIRSD/MIRSD-PoD1/P/CIR/2024/147 Dated: October 25, 2024]
- SEBI notifies reporting format for Research Analysts & Proxy Advisers. [Circular No. SEBI/HO/MIRSD/MIRSD-PoD1/P/CIR/2024/148 Dated: October 25, 2024]
- Bombay Stock Exchange (BSE) outlining the Standard Operating Process (SOP) for listed companies to ensure compliance with the Structured Digital Database (SDD) requirements under SEBI (Prohibition of Insider Trading) Regulations, 2015. [Notice No. 20241018-44 dated 18th Oct 2024].
- NSE Urges Listed Companies to Use Tax Platform for FPI Claims. [Circular Ref No: NSE/CML/2024/32 Date: October 25, 2024].
- NSE Expands Single Filing System for Listed Companies Enhancing Compliance ease for corporate governance and grievance redressal disclosures. [Circular Ref No: NSE/CML/2024/33 Date: October 25, 2024]

WHATS NEW?

Income Tax

Notification:

- CBDT amended FORM 10A & FORM 10AB with minor changes to rules pertaining to Charitable Institution. [Notification No. 112/2024-Income Tax |Dated: 15th October, 2024]
- CBDT amend Rule 26B which now allows assesseees to provide details regarding income from sources other than salaries and any tax deducted or collected at source during the financial year using a newly introduced Form No. 12BAA. Additionally, Form No. 16 and Form No. 24Q have been updated to include adjustments for tax deducted or collected as per Form No. 12BAA. [Notification No. 113/2024-Income Tax |Dated: 15th October, 2024]
- CBDT amended Rule 37-I to clarify that when the income of a collectee is assessable to another person, TCS credit will be given to that person, provided the collectee submits a declaration. [Notification No. 114/2024-Income Tax |Dated: 16th October, 2024]
- CBDT specifies that no tax collection at source (TCS) under sub-section (1F) of Section 206C of the Income Tax Act, 1961, will be applied to any payments received from the Reserve Bank of India (RBI). [Notification No. 115/2024-Income Tax |Dated: 16th October, 2024]
- CBDT has set the tolerance range for variations in arm's length price under Section 92C of the Income-tax Act, 1961, for the assessment year 2024-25. For international or specified domestic transactions involving wholesale trading, the permissible variation between the arm's length price and the actual transaction price is up to 1%. For all other cases, the tolerance limit is set at 3%. [Notification No. 116/2024-Income Tax |Dated: 18th October, 2024]
- Income Tax Exemption under Section 10(46) has notified for West Bengal Pollution Control Board for specified income. [Notification No. 117/2024-Income Tax |Dated: 18th October, 2024]

BEYOND THE OBVIOUS



GST

- Allahabad High Court held that GST appeal cannot be rejected without giving valid reasons, as per legal standards, to uphold transparency, accountability, and fairness in the appeals process. Authorities must clearly justify any dismissal to ensure that taxpayers understand the basis for the decision and can respond appropriately. This requirement safeguards the taxpayer's rights and reinforces due process in GST disputes. [[New Shanti Restaurant Vs State of Up And 2 Others](#)]
- The Delhi High Court set aside a GST demand order because the notice was uploaded in the wrong tab, highlighting the importance of procedural correctness in tax administration [[Sadhna Kohli Vs Sales Tax Officer Class II](#)]
- The Patna High Court dismissed a petition challenging the cancellation of GST registration, citing the petitioner's failure to avail of alternate remedies [[Brijesh Kumar Vs State of Bihar](#)]
- Patna High Court granted a 30-day extension for filing GST returns following the revocation of GST registration. [[Utkrisht Logistics Vs State of Bihar](#)]
- Delhi High Court GST registration cancellation cannot be withheld due to pending liability assessments, as clarified in a recent ruling. [[Guru Enterprises Vs Principal Commissioner of Department of Trade And Taxes](#)]
- The Patna High Court set aside a GST demand order due to the absence of a date on the order and directed a fresh assessment to be conducted. [[Patliputra Hytech Infra Parivate Limited Vs State of Bihar](#)]
- The Delhi High Court invalidated a show cause notice regarding wrongful ITC availment and allowed the petitioner to submit additional documents. [[R L Enterprises Vs Commissioner State Goods and Services Tax Delhi & Anr.](#)]

- The Gujarat High Court granted interim relief due to the non-issuance of a pre-consultation notice in DRC-01A proceedings. [[Amit Traders Thro Amitkumar Arvindbhai Patel Vs Union of India & Ors](#)]
- Delays in filing GST appeals cannot be condoned beyond the time limits set by the CGST Act, as confirmed in a recent ruling. [[Umair Traders Vs State Of Up And 2 Others](#)]
- The Telangana High Court set aside an order because the petitioner's reply was not taken into account. [[OLA Fleet Technologies Private Limited Vs Union of India](#)]
- The Kerala High Court ruled that the right to avail input tax credit (ITC) is a conditional right. [[Tirupati Balaji Traders Vs Union of India](#)]

CENTRAL EXCISE

- Show-cause notice was not required to be issued without challenging order of final assessment of provisional assessments. ([National Aluminium Company Ltd. V. Commissioner Of CGST & Excise](#))
- Where order of CESTAT had decided issue with regard to determination of any question having relation to rate of duty or to value of goods for purpose of assessment, appeal against such order would be maintainable before Supreme Court and not before High Court ([Peb Steel Lloyd \(I\) Ltd. V. Commissioner of CGST And Central Excise](#))
- Writ petition normally cannot be entertained against mere issuance of show cause notice unless it is shown that such show cause notice is nullity and issued without jurisdiction. ([Xylem Resources Management Pvt. Ltd. V. Deputy Director Directorate General of Central Excise](#))

SERVICE TAX

- Statement of Demand can be issued for subsequent period, on basis of SCN for earlier period only if grounds relied upon for subsequent period are same as mentioned in earlier notice. ([Premier Car Sales Ltd V. Commissioner \(Audit\), CGST & Central Excise](#))
- Confirmation of demand mainly on basis of income-tax audit not permissible and order passed by Adjudicating Authority without considering documents submitted by assessee set aside as it was in violation of principles of natural

justice. ([Jadeja Associates V. Commissioner Of Central Excise & Service Tax](#))

- Proceedings not concluded within one year of show cause notice due to lack of required expediency on part of assessing officer, cannot be continued as powers to extend statutory period were not conferred on High Courts ([Kanak Automobiles Pvt. Ltd. V. Union of India](#))
- Adjudication order passed without hearing assessee set aside solely to provide an opportunity of hearing to assessee subject to conditions. ([Muthukrishnan Radhakrishnan V. Assistant Commissioner of GST & GST Central Excise](#))

CUSTOMS

- The CESTAT Mumbai ruled that the limitation period for custom duty refunds begins from the re-assessment date. [[Seal For Life India Pvt Ltd Vs Commissioner of Customs \(NS-I\)](#)]
- The CESTAT Kolkata ruled that a clear awareness of import classification by customs officials negates allegations of suppression in customs cases. [[Empire Exports Vs Commissioner of Customs](#)]

COMPANY LAW AND IBC

- The NCLAT Delhi ruled that interest cannot be classified as operational debt under Section 5(21) of the Insolvency and Bankruptcy Code (IBC) [[Khushbu Dye Chem Private Limited Vs Chemical Suppliers India Private Limited](#)]
- Computation of limitations has to be taken from the date of e-filing of the Appeal under Section 61 of IBC and not from the date of re-filing after curing the defects [[Innovators Cleantech Pvt. Ltd. Vs. Pasari Multi Projects Pvt. Ltd.](#)]
- Protection of cessation of liability for prior offence u/s 32A of IBC applies to only CD, not natural persons: HC [2024] 162 taxmann.com 808 (Bombay)]
- NCLAT Delhi: Corporate Debtor Can't Escape Liability By Contending To Be Merely An Agent Of Principal ([Mukund Rajhans \(Suspended Director of Topaki Media Private Limited\) vs. Rajasthan Patrika Private Limited & Anr.](#))

INCOME TAX

- The ITAT Chennai has ordered a reassessment under Section 68 for unexplained bank deposit additions, requiring a fresh examination of the source and legitimacy of these deposits to confirm compliance with income tax regulations. [[Sardar Jabasingh Vs ITO](#)]
- The Calcutta High Court has temporarily stayed an income tax notice issued under Section 148, which allows reopening of past assessments, pending further review of its validity [[Mortex India Private Limited Vs ACIT](#)]
- The addition of cash deposits made during demonetization as taxable income cannot be upheld based solely on assumptions or presumptions. Authorities must provide concrete evidence to justify such additions, ensuring fairness and adherence to legal standards in tax assessments. [[Arbuda Builders Vs ACIT](#)]
- The Orissa High Court stayed an order under Section 148A(d) due to a lack of essential information in the tax notice, stressing the importance of procedural accuracy in reassessment notices to ensure taxpayer rights [[Nirmal Kumar Kar Vs ITO](#)]
- The Calcutta High Court has stayed an Assessing Officer notice that was issued in violation of Section 151A of the Income Tax Act. This section mandates prior approval from higher authorities before issuing certain notices. The court's decision highlights the importance of adherence to procedural safeguards to ensure lawful issuance of tax notices. [[Vindya Agencies Private Limited Vs ACIT](#)]
- The Punjab and Haryana High Court invalidated notices issued under Section 148 of the Income Tax Act due to the absence of a faceless assessment process, emphasizing the requirement for compliance with procedural norms in tax assessments. [[Bhartiya Cottex Vs Union of India](#)]
- The ITAT ordered a fresh adjudication because the CIT(A) had relied on incorrect facts and findings, indicating the need for accurate information in the decision-making process. This ruling emphasizes the importance of ensuring that appeals are based on correct and verified details to uphold the integrity of tax assessments [[Raythara Sahakari Sangha Ltd. Vs ITO](#)]
- The Punjab and Haryana High Court ruled that CBDT circulars cannot override the provisions of the Income Tax Act, emphasizing the primacy of the law over administrative guidelines. [[Ishwar Chand Vs Union of India](#)]

- The stamp duty value should be based on the date of the agreement when there is a discrepancy between the dates of the agreement and registration. This ensures that the assessment reflects the value at the time the agreement was made, rather than at the time of registration. [[Partha Pratim Chakrabarty Vs ITO](#)]

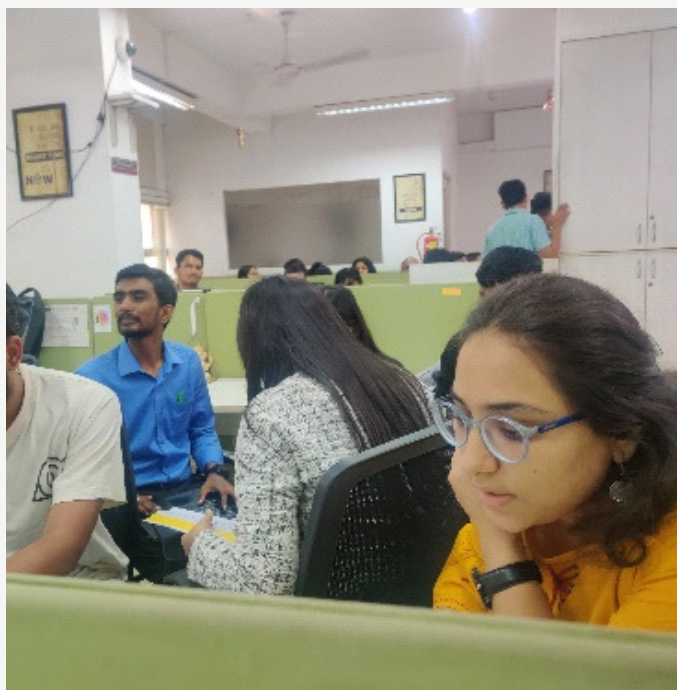
RERA

- On based upon an agreement with Developer, a Contractor/ Third Party cannot claim for carrying out the remaining development works of the lapsed Real Estate project under RERA [[Nestoya Homes Pvt. Ltd. Vs. Orchids Elite Developers Pvt. Ltd. and Anr](#)]
- High Court denies relaxation the condition of pre-deposit under Section 43(5) of RERA against an ex-parte order of RERA [[Vrinda Krishna Realtech Pvt. Ltd. Vs. State of Punjab and Ors.](#)]

BIZSOL CORNER



Training on GST, Quiz session conducted by Mr. Ashok Nawal



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Navratri Dandiya event organised at Bizsol Office



BIZSOL CORNER



Navratri Dandiya event organised at Bizsol Office



TDS/TCS Mismatch & Follow Up

Handling TDS / TCS Mismatches & Follow-Up With Suppliers & Customers

Identifying TDS/TCS deducted by Suppliers/Vendor's

- Obtain the list of TDS/TCS deducted by your suppliers/vendor's, TDS/TCS receivable GL listing
- Download the Form 26AS from TRACS website
- Reconciliation of TDS reflected in Form 26AS and TDS receivable GL
- Prepare summary report of Matched, Mismatch transactions

Suppliers Follow-ups

- Interaction with suppliers for the identified mismatches
- Follow up for correction of mismatches with the supplier within the agreed timeline
- Guiding the suppliers w.r.t. methodologies for updation of TDS/TCS details
- Any other field work required in relation to above scope
- Providing MIS from time to time for these activities

Identifying TDS deducted by Customer's

- Obtain the list of TDS deducted by customer's w/s 194Q, TDS receivable GL listing
- Download the Form 26AS from TRACS website
- Reconciliation of TDS reflected in Form 26AS and TDS receivable GL
- Prepare summary report of Matched, Mismatch transactions

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- Review of purchase register of the company for all the location.
- Identifying the incorrect data in purchase register and reviewing the same with the invoice basis which the credit is availed.
- Reconciliation of the credit availed by the company with the invoice reported by the supplier.
- Preparing supplier-wise summary report of mismatches.

Suppliers Follow-ups

- Interaction with suppliers and customers for the identified mismatches.
- Follow up for correction of mismatches with the supplier within the agreed timeline.
- Guiding the suppliers w.r.t. methodologies for correction of the invoices.
- Working out strategies for agreed mismatches.
- Any other field work required in relation to above scope.
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New Episodes



Clarification on TCS liability
Preeti Kulkarni | Director & CFO, Bizsolindia



Clarification to deal with difference in ITC
Nidhi Nawal | Director, Bizsolindia



Clarification on taxability of share capital held in subsidiary company by the parent company
Manoj Behede | Director, Bizsolindia



Clarification on ITC & Methodology For Issue of Supply of Goods Against the Warranty Claims
Manoj Malpani | Director, Bizsolindia




Andhra Pradesh's Landmark Ruling on GST Credit: Impact on Taxpayers Explained
Manoj Malpani | Director, Bizsolindia



Clarification on how to calculate interest on IGST credit wrongly availed & utilized.
Adv. Kiran Sawale | Senior Advisor - Consulting & Taxation, Bizsolindia



Clarification on Is E Invoicing mandatory for your business?
Amit Devdhe | Senior Advisor - Consulting & Taxation, Bizsolindia



No Interest, No Penalty can be levied under Customs Act
CMA Ashok Nawal | Founder, Bizsolindia

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R. Venkitachalam,
Company Secretary

Practicing Company Secretary.

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Practicing Cost Accountants & Cost Audit

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