

Waiver of the late fee payable for delay in furnishing of GSTR-4 (Annual Return for Composition) for the Financial Year (FY) 2021- 22

[Notification 07/2022 – Central Tax dated 26th May 2022](#)

[Notification No. 12/2022 – Central Tax dated 05th July 2022](#)

Late fee payable for delay in furnishing of FORM GSTR-4 Annual Return for Composition for the FY 2021- 22 is waived till 28th July 2022. (as such due date of filing GSTR-4 is 30th April following end of the FYs).

Date notified for certain amendments introduced in The Finance Act, 2022

[Notification No. 09/2022 – Central Tax dated 05th July 2022.](#)

- **Sub-section (10) of Section 49 (w.e.f. 05.07.2022)**

A Registered Person (RP) may, on the common portal, transfer any amount of tax,

interest, penalty, fee or any other amount available in the electronic cash ledger (ECL) under this Act, to the ECL for –

- a) Integrated Tax, Central Tax, State Tax, Union Territory Tax or Cess, or
- b) Integrated Tax or Central Tax of a distinct person, in Form PMT-09.

Provided that no such transfer under clause (b) shall be allowed if the said RP has any unpaid liability in his electronic liability register.

- **Section 50 (3) of the CGST Act (w.e.f. 01.07.2017)**

Where the input tax credit (ITC) has been wrongly availed and utilised then the RP shall pay interest on such ITC wrongly availed and utilised, at such rate not exceeding 24% as may be notified by the Government, on the recommendations of the Council, and the interest shall be calculated, in such manner as may be prescribed. Prior to this, the provision required RP to pay interest on ITC wrongly availed.

RP's having aggregate turnover up-to Rs. 2 crores exempted from filing Annual Return in Form GSTR-9

[Notification No. 10/2022 – Central Tax dated 05th July 2022](#)

Exemption is provided to the RP's from filing of Annual Return in Form GSTR-9 whose aggregate turnover in the FY 2021-22 is up to Rs. 2 crore.

Extension of due date for filing Form GST CMP-08 till 31st July 2022

[Notification No. 11/2022 – Central Tax dated 05th July 2022](#)

The due date for making payment of tax for composition persons in Form GST CMP-08 for the Quarter-1 of the F.Y. 2022-23 is extended from 18-07-2022 to 31-07-2022.

Extension of compliance date related to tax recovery & GST refund

[Notification No. 13/2022 – Central Tax dated 05th July 2022](#)

For the FY year 2017-18 the time limit for issuance of order under section 73(10) for short payment of tax, non-payment of tax or erroneous refund is extended till 30.09.2023. Previously the time limit for issue of such order was within 3 years from the due date of filing of Annual Return.

The period from 1st March 2020 to 28th February 2022 is excluded for the purpose of computation of period of limitation of 2 years (from last day of the quarter in which the supply was received) for filing refund application under section 54 and section 55 of the CGST Act, 2017.

Amendment of various rules and inserting of new rules

[Notification No. 14/2022 – Central Tax dated 05th July 2022](#)

Through above notification amendments are introduced in CGST Rules, 2017.

- **Rule 21A (Suspension of Registration)** where the registration has been suspended for non-filing of returns and the registration has not already been cancelled by the proper officer,

the suspension of registration shall be deemed to be revoked upon the furnishing of all the pending returns.

- **Rule 43 (Reversal of ITC)** clarifying that there is no requirement of reversal of ITC for the exempted supply of Duty Credit Scripts by the exporters.

- The government has mandated for those RP's who are not required to generate e-invoice to provide a declaration in the invoice as under :

"I/We hereby declare that though our aggregate turnover in any preceding FY from 2017-18 onwards is more than the aggregate turnover notified under sub-rule (4) of rule 48, we are not required to prepare an invoice in terms of the provisions of the said sub-rule."

- **Newly inserted Rule 86(4B)**

It provides that where the erroneous refund amount is sanctioned to a RP on account of accumulated ITC or on account of IGST paid on zero rated supply in contravention of Rule 96(10), and the taxpayer has deposited the said amount along with interest and penalty in Form DRC-03 by debiting the ECL on his own or on being pointed out by proper officer, an amount equivalent to the amount of erroneous refund deposited by the RP shall be re-credited to ECL ledger by the proper officer by an order made in Form PMT-03A.

- **Rule 87**

UPI and IMPS are provided as an additional mode of payment under GST.

- **Rule 89**

An explanation on the value of goods exported out of India is provided, for those RP's claiming refund of zero-rated supplies of goods exported out of India, as the least of following :

- the Free on Board (FOB) value declared in the Shipping Bill or Bill of Export form; or
- the value declared in tax invoice or bill of supply

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▪ Rule 89(5)

The formula for calculation of refund on account of inverted tax structure is also amended.

▪ Rule 96(5)

Report on the export of goods is generally suspended or withheld where the exporters are classified as risky exporters (due to verification by GST officers or violation of Customs laws). In order to expedite the refund of these exporters, an amendment has been made to provide for transmission of such IGST refund claims on a GST portal in a system generated Form GST RFD-01 to jurisdictional authorities for processing and the intimation of such transmission shall also be sent to the exporter electronically through the common portal.

Mandatory furnishing correct and proper information of interstate supplies and amount of ineligible / blocked ITC and reversal thereof in GSTR-3B and GSTR-1 Returns

[Circular No. 170/02/2022 – GST dated 06th July 2022.](#)

It is stated in the said circular that many RPs are still not reporting interstate transactions and ineligible/blocked ITC details correctly which does not result in correct account and accurate settlement of funds between the Central and State Governments. Therefore, to ensure uniformity in return filing, the above circular provides guidelines in making correct presentation of interstate supplies in GSTR-1 and correct presentation of ineligible / blocked ITC in GSTR-3B.

Clarification on applicability of demand and penalty provisions in respect of transactions involving issuance of fake invoices

[Circular No. 171/03/2022-GST dated 06th July 2022.](#)

Clarifications are given on applicability of demand and penalty provisions under CGST

Act, 2017 in respect of transactions involving fake invoices –

- Tax invoice issued without any underlying supply - Department will take action against person issuing fake invoice under section 122 (i) (ii) for issuing fake invoice.
- Receipt of fake invoice, issuance of further fake Invoice and utilization of ITC – Department will recover wrongly availed ITC. It will also levy interest under section 50 and penal action under section 74 on such recipient person.
- Receipt of tax invoice without underlying supply - Department will initiate penal action against such recipient under section 122(1) (ii) and under section 122 (1) (vii)
- Proceeding under section 122(1A) can be initiated against any person who has retained the benefit of transaction specified therein or at whose instance such transaction are conducted and shall also be liable for penal action.
- It is also clarified that provisions of section 132 of the CGST Act (prosecution) may also be invocable, subject to conditions specified therein, based on the facts and circumstances of each case.

Clarification on various issues pertaining to GST

[Circular No. 172/04/2022-GST dated 06th July, 2022.](#)

The CBIC has given the following clarification on issues pertaining to GST :

Clarification 1-Refund claimed by the recipients of supplies regarded as deemed export :

- The ITC availed by the recipient of deemed export supply for claiming refund of tax paid on supplies regarded as deemed exports would not be subjected to provisions of Section 17 of the CGST Act, 2017.
- Since the ITC of tax paid on deemed export supplies, allowed to the recipients for claiming refund of such tax paid, is not subjected to Section 17 of the CGST Act, 2017, such ITC is

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not to be included in the “Net ITC” for computation of refund of unutilized ITC on account of zero-rated supplies under rule 89(4) or on account of inverted rated structure under rule 89(5) of the CGST Rules, 2017.

Clarification 2- On various issues of section 17(5) of the CGST Act (Block Credit) :

- It is clarified that proviso after section 17(5)(b)(iii) which states that the ITC in respect of such goods or services or both shall be available, where it is obligatory for an employer to provide the same to its employees under any law for the time being in force is applicable to the whole of section 17(5)(b) of CGST Act.
- It is clarified that bar in availment of ITC under section 17(5)(b)(i) is applicable to availment of ITC on leasing of motor vehicles, vessels and aircrafts only and not to leasing of any other items.
- Perquisites provided by employer to the employees as per contractual agreement will not be considered as supply and hence GST is not applicable as per Schedule III of CGST Act.

Clarification 3-

- **Amounts available in the ECL and the electronic cash ledger for payment of tax and other liabilities**

It is clarified that any payment toward output tax, whether self-assessed in the return or payable as a consequence of any proceeding instituted under the provisions of GST Laws other than tax payable under reverse charge mechanism (RCM), can be made by utilization of the amount available in the ECL of a RP subject to provision of section 49 or 49A or 49B of the CGST Act.

- **Utilisation of amount available in the ECL for making payment of any liability other than tax under the GST Laws.**

The ECL can be used for making payment of output tax only under the CGST Act or the IGST Act. It cannot be used for making payment of any interest, penalty, fees or any other amount payable under the said Acts. Similarly, ECL cannot be used for payment of erroneous refund sanctioned to the taxpayer, where such refund was sanctioned in cash.

- **Utilisation of amount available in the electronic cash ledger for making payment of any liability under the GST Laws.**

The amount available in the electronic cash ledger may be used for making any payment towards tax, interest, penalty, fees or any other amount payable under the provisions of the GST Laws.

Clarification on issue of claiming refund under inverted duty structure where the supplier is supplying goods under concessional notification

[Circular No. 173/05/2022 – GST dated 06th July 2022.](#)

Clarification is given that refund of accumulated ITC on account of inverted structure as per section 54(3)(ii) of the CGST Act, 2017 would be allowed in cases where accumulation of ITC is on account of rate of tax on outward supply being less than the rate of tax on inputs (same goods) at the same point of time, as per some concessional notification issued by the Government providing for lower rate of tax for some specified supplies subject to fulfillment of other conditions.

However, refund is not allowable in the cases where output supply is either Nil rated or fully exempted. It is further provided that supply of such goods or services are not notified by the Government for their exclusion from refund of accumulated ITC under the said clause.

Prescribing manner of re-credit of refund in ECL using Form GST PMT-03A

[Circular No. 174/06/2022-GST dated 06th July, 2022.](#)

This circular clarifies as under :

- Re-credit of amount of refund erroneously sanctioned under following categories in ECL can be done through Form GST PMT-03A, on deposit of such erroneous refund along with interest and penalty, wherever applicable.
 - a. Refund of IGST obtained in contravention of sub-rule (10) of rule 96.
 - b. Refund of unutilised ITC on account of export of goods/services without payment of tax.
 - c. Refund of unutilised ITC on account of zero-rated supply of goods/services to SEZ developer/Unit without payment of tax.
 - d. Refund of unutilised ITC due to inverted tax structure.
- Procedure for re-credit of amount in ECL:
The taxpayer shall deposit the amount of erroneous refund along with applicable interest and penalty, whenever applicable, through FORM GST DRC-03 by debit of amount from electronic cash ledger. The taxpayer shall clearly mention the reason for making payment in the text box as the deposit of erroneous refund of unutilised ITC, or the deposit of erroneous refund of IGST obtained in contravention of rule 96 (10) of the CGST Rules.

The taxpayer shall make a written request, in format prescribed to re-credit the amount equivalent to the amount of refund thus paid back.

The proper officer, on being satisfied that the full amount of erroneous refund along with applicable interest and penalty, wherever applicable, has been paid by the said RP he shall re-credit an amount in ECL by passing an order in FORM GST PMT-03A, preferably within a period of 30 days from the date of receipt of request for re-credit of erroneous

refund amount so deposited or from the date of payment of full amount of erroneous refund along with applicable interest, and penalty, wherever applicable, whichever is later.

Major changes in GST Rates of various Goods & Services and other issues w.e.f. 18.07.2022

In order to rationalise rates on Goods and Services including removal of the inverted duty structure, following notifications are issued. The same are tabulated as under :

Central Tax (Rate) Notifications	Subject
Notification 3/2022-Central Tax (Rate) dt. 13-7-2022 & Notification 3/2022 – Integrated Tax (Rate) dt. 13-07-2022	Amendments in GST Rates of Services including Services covered under RCM
Notification 4/2022-Central Tax (Rate) dt. 13-7-2022 & Notification No. 4/2022-Integrated Tax (Rate) dt. 13-07-2022	
Notification 5/2022-Central Tax (Rate) dt. 13-7-2022 & Notification 05/2022-Integrated Tax (Rate) dt. 13-07-2022	
Notification 6/2022-Central Tax (Rate) dt. 13-7-2022 & Notification 06/2022-Integrated Tax (Rate) dt. 13-07-2022	Amendments in GST Rates of Goods
Notification 7/2022-Central Tax (Rate) dt. 13-7-2022 & Notification 07/2022-Integrated Tax (Rate) dt. 13-07-2022	

Central Tax (Rate) Notifications	Subject
Notification 8/2022-Central Tax (Rate) dt. 13-7-2022 & Notification 08/2022-Integrated Tax (Rate) dt. 13-07-2022	Amendments in GST Rates of Goods
Notification 11/2022-Central Tax (Rate) dt. 13-7-2022 & Notification 11/2022-Integrated Tax (Rate) dt. 13-07-2022	
Notification 9/2022-Central Tax (Rate) dt. 13-7-2022 & Notification 09/2022-Integrated Tax (Rate) dt. 13-07-2022	Restrictions on issue of GST Refunds of Specified Goods

A rationalization of GST rates on services :

Sr. No.	Description of Services	From (%)	To (%)
1	Works contract supplied to the Central and State governments, Local Authorities for historical monuments, canals, dams, pipelines, plants for water supply, educational institutions, hospitals, roads, bridges, Railways, etc. (Contractors and Sub-Contractors)	12	18
2	Works contract supplied to Central and State governments, Union Territories & Local Authorities involving predominantly earth work (Contractors and sub-contractors)	5	12
3	Composite supply of works contract by way of construction, repairs, maintenance, etc. of a road, bridge, tunnel, or terminal for road transportation for use by general public etc. to any person. [Entry no. 3 (iv) of Notification No. 11/2017-CTR]	12	18
4	Composite supply of works contract by way of construction, etc. of original works pertaining to railways, including monorail and metro, a single residential unit otherwise than as a part of a residential complex, low-cost houses, etc. to Any Person. [Entry no. 3 (v) of Notification No. 11/2017-CTR]	12	18
5	Sub-contractor providing Works Contract Services to a developer engaged in construction of affordable residential apartments, in a project commences on or after 01-04-2019, or in an ongoing project. [Entry no. 3 (va) of Notification No. 11/2017-CTR]	12	18
6	Construction of an apartment in an ongoing project under the specified schemes for affordable housing project. [Entry no. 3 (ie) of Notification No. 11/2017-CTR]	8	12
7	Services supplied by foreman to chit fund	12	18

Sr. No.	Description of Services	From (%)	To (%)
8.	Job work in relation to processing of hides, skin and leather	5	12
9.	Job work in relation to manufacture of leather goods and footwear	5	12
10.	Job work in relation to manufacture of clay bricks	5	12
11.	Transport of goods and passengers by ropeways. *with ITC of Service	18	5*
12.	Renting of truck / goods carriage where cost of fuel is included	18	12
14.	Services by way of treatment or disposal of biomedical waste or the processes incidental thereto by a common bio-medical waste treatment facility to a clinical establishment.	NIL	12
15.	Transport of passengers by Air to and from North-East States & Bagdogra in other than Economy class	NIL	12
16.	Transportation by Rail / Vessel of railway equipment & material	NIL	5
17.	Storage or warehousing of nuts, spices, copra, sugarcane, jaggery, raw vegetable fibres such as cotton, flax, jute etc., indigo, unmanufactured tobacco, betel leaves, tendu leaves, coffee & tea.	NIL	18
18	Fumigation in a warehouse of agricultural produce	NIL	18
19	Services by RBI, IRDA, SEBI and FSSAI	NIL	18
20	Services provided by GSTN	NIL	18
21	Services by way of renting of residential dwelling for use as residence except where the residential dwelling is rented to a registered person (Tax shall be paid by such registered person under RCM)	NIL	18
22	Services provided by the cord blood banks by way of preservation of stem cells or any other service in relation to it.	NIL	18
23	Training or coaching in recreational activities relating to arts or culture supplied by any person other than individual	NIL	18
24	Training or coaching in recreational activities relating to sports supplied by charitable entities	NIL	18
25	Services provided by a goods transport agency, by way of transport in a goods carriage of—(a) goods, where consideration charged for the transportation of goods on a consignment transported in a single carriage does not exceed Rs. 1,500; (b) goods, where consideration charged for transportation of all such goods for a single consignee does not exceed Rs. 750;	NIL	5 without ITC or 12 with ITC
26	Services by way of slaughtering of animals.	NIL	18
27	Accommodation Services – Where room rent per day is up to Rs. 1,000 per day.	NIL	12

Sr. No.	Description of Services	From (%)	To (%)
28.	Services by Dept. of Posts- { other than services of (i) Speed post, Express Parcel Post, Life Insurance & Agency Service (already taxable) ; (ii) Post Card, Inland Letter, Book Post, Ordinary Post (Envelops weighing less than 10 gms) (exempt) } - To The business entity having aggregate T/o less than Reg. Limit - To Government or Local Authority - To other persons where value of service is up to Rs. 5,000 (Business entity with GST registration any amount of service is already taxable)	NIL	18
29.	Tour operator services partly performed in India and partly performed outside India – Proportionate value of service outside India (Value of service outside India will be lower of the following- - Consideration proportionate to no. of days for which tour is performed outside India ; - 50 % of the consideration charged.) (Proportionate value of service in India is already taxable)	5	NIL
30.	Per day room charges by hospitals above Rs. 5,000 (Other than ICU/ CCU/ ICCU/ NICU)	NIL	5

B. Rationalization of GST rates on goods :

Sr. No.	Description of goods	From (%)	To (%)
1.	Ostomy appliances	12	5
2.	Orthopedic appliance- splints and other fracture appliances; artificial parts of the body; other appliances Which are worn or carried, or implanted in the body, to compensate for a defector disability; intraocular lens	12	5
3.	Tetra Pak (Aseptic packaging paper)	12	18
4.	Tar (whether from coal, coal gasification plants, producer gas plants and coke oven plants.	5 / 18	18
5.	Cut and polished diamonds	0.25	1.5
6.	Cheques , lose or in book form	Nil	18
7.	Maps and hydrographic or similar charts of all kinds, including atlases, wall maps,topographical plans and globes, printed	Nil	12
8.	Parts of goods of heading 8801 (balloons and dirigibles, gliders, hand gliders and other non-powered aircraft)	Nil	18

Sr. no.	Description of goods	From (%)	To (%)
9.	Petroleum and coal bed methane	5	12
10.	Scientific and technical instruments supplied to public funded research institutes	5	Applicable rate
11.	E-waste	5	18
12.	Purified water	18	NIL
13.	Printing, writing or drawing ink	12	18
14.	Knives with cutting blades, paper knives, pencil sharpeners and blades therefor, spoons, forks, ladles, skimmers, cake-servers	12	18
15.	Power driven pumps primarily designed for handling water such as centrifugal pumps, deep tube-well turbine pumps, submersible pumps; Bicycle pumps	12	18
16.	Machines for cleaning, sorting or grading, seed, grain pulses; Machinery used in milling industry or for the working of cereals etc; pawan chakki that is air based atta chakki; Wet grinder	5	18
17.	Machines for cleaning, sorting or grading eggs, fruit or other agricultural produce and its parts, milking machines and dairy machinery	12	18
18.	LED lamps, lights and fixture, their metal printed circuits board	12	18
19.	Drawing and marking out instruments	12	18
20.	Solar water heater and system	5	12
21.	Prepared/finished leather/chamois leather/ composition leathers	5	12

C GST on Pre-packaged and Llabelled specified food items w.e.f. 18.07.2022.

- Specified food items sold in container bearing registered brand name (where right on brand has not been surrendered) were subject to GST @ 5% / 12%. On the other hand, specified food items which were not branded and not sold in unit container or where right on registered brand has been forgone; then GST was not leviable.
- The scope of above exemption has been revised. Now, irrespective of registered brand name or foregoing the right on brand, GST shall be leviable on specified food items if they are 'pre-packaged and labelled'. There will be no relevance of brand while classifying such goods.
- "The expression 'pre-packaged and labelled' means a 'pre-packaged commodity' as defined in clauses (l) of section 2 of the Legal Metrology Act, 2009 (1 of 2010) where, the package in which the commodity is prepacked or a label securely affixed thereto is required to bear the declarations under the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the rules made thereunder."

Sr. No.	Description of Goods	GST Rate when Pre-packaged & Labelled	GST Rate Other wise
1	Meat and edible meat offal	5%	Nil
2	Fish and crustaceans, molluscs and other aquatic invertebrates	5%	Nil
3	Curd, lassi , butter milk	5%	Nil
4	Chena or paneer & natural honey	5%	Nil
5	Guts, bladders and stomachs of animals (other than fish), whole and pieces ,fresh, chilled, frozen, salted, in brine, dried or smoked.	5%	Nil
6	Dried leguminous vegetables; manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers	5%	Nil
7	Dried makhana	5%	Nil
8	All cereals	5%	Nil
9	Products of the milling industry; malt; starches; inulin; wheat gluten.	5%	Nil
10	Jaggery of all types including cane jaggery (gur), palmyra jaggery; khandsari sugar	5%	Nil
11	Puffed rice or flattened or beaten rice, or rice coated with sugar or gur	5%	Nil
12	Namkeens, bhujia, mixture, chabena and similar edible preparations in ready for consumption Form	12%	5%
13	All goods i.e., animal or vegetable fertilisers or organic fertilisers	5%	Nil
14	Frames and mountings for spectacles, goggles or the like, and parts thereof	5%	Nil
15	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn	5%	Nil
16	Tender coconut water	12%	5%

D. No refund of unutilised ITC on account of Inverted Duty Structure in case of following gods w.e.f. 18.07.2022.

Sr. no.	Description of goods
1.	Soyabean oil and its fractions, ground-nut oil and its fractions, olive oil and its fractions, palm oil and its fractions, sunflower-seed- sunflower or cotton-seed oil and its fractions, coconut(copra), palm kernel or babassu oil and its fractions, rapseed oil colza or mustard oil and fractions thereof. (whether or not refined but not chemically modified)

Sr. no.	Description of goods
2.	Other oils and their fractions, obtained solely from olives, whether or not refined, but not chemically modified, including blends of these oils or fractions with oils or fractions of heading 1509
3.	Other fixed vegetable or microbial fats and oils (including jojoba oil) and their fractions, whether or not refined, but not chemically modified.
4.	Vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared.
5.	Edible mixtures or preparations of vegetable fats or vegetable oils or of fractions of different vegetable fats or vegetable oils of this Chapter, other than edible fats or oils or their fractions of heading 1516
6.	Vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading 1516
7.	Coal; briquettes, ovoids and similar solid fuels manufactured from coal
8.	Lignite, whether or not agglomerated, excluding jet
9.	Peat (including peat litter), whether or not agglomerated

E. Option to Goods Transport Agency (GTA) to discharge tax @ 5% under forward charge without ITC .

- Vide [Notification No. 3/2022–Central Tax \(Rate\) dt. 13.07.2022](#) an amendment has been made to provide an option to GTA to discharge the tax under the forward charge mechanism (FCM) by way of charging and collecting the tax through a tax invoice even @ 5% (without ITC).
- The option by GTA to pay GST under forward charge on the services supplied by it during a FY (either @ 5% or 12%) shall be exercised by making a declaration in Annexure V on or before the 15th March of the preceding FY. The said declaration is required to be submitted before the jurisdictional GST Authority .
- The option for the FY 2022-2023 shall be exercised on or before 16th August 2022.
- GTA exercising the option to discharge tax under FCM (5% or 12%) is required to state the following declaration in the invoice:
 "I/we have taken registration under the CGST Act, 2017 and have exercised the option to pay tax on services of GTA in relation to transport of goods supplied by us during the FY under forward charge."

KEY TAKE AWAY

- Clarifications on applicability of demand and penalty provisions in respect of transaction involving issuance of fake Invoices.
- Rationalization of GST rates on services.
- Rationalization GST rates on goods.
- GST on pre-packaged and labelled items.
- Restrictions on refund of unutilised ITC on account of Inverted Tax Structure of specified goods.



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