

UNION BUDGET 2019-20

Indirect Tax Proposals

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Chir Amrit Corporate School

Legacy Dispute Resolution cum Amnesty Scheme

Sabka Viswas (Legacy Dispute Resolution) Scheme, 2019

A
DISCOUNT
SALE

For previous regime 'Tax Dues'

On or before 30.06.2019

Tax relief up to specified amount

No interest & penalty

Immunity from further proceedings



Legacy Dispute Resolution cum Amnesty Scheme

Duty as per
Notice/Amount in
Arrear

Disputed amount of
duty

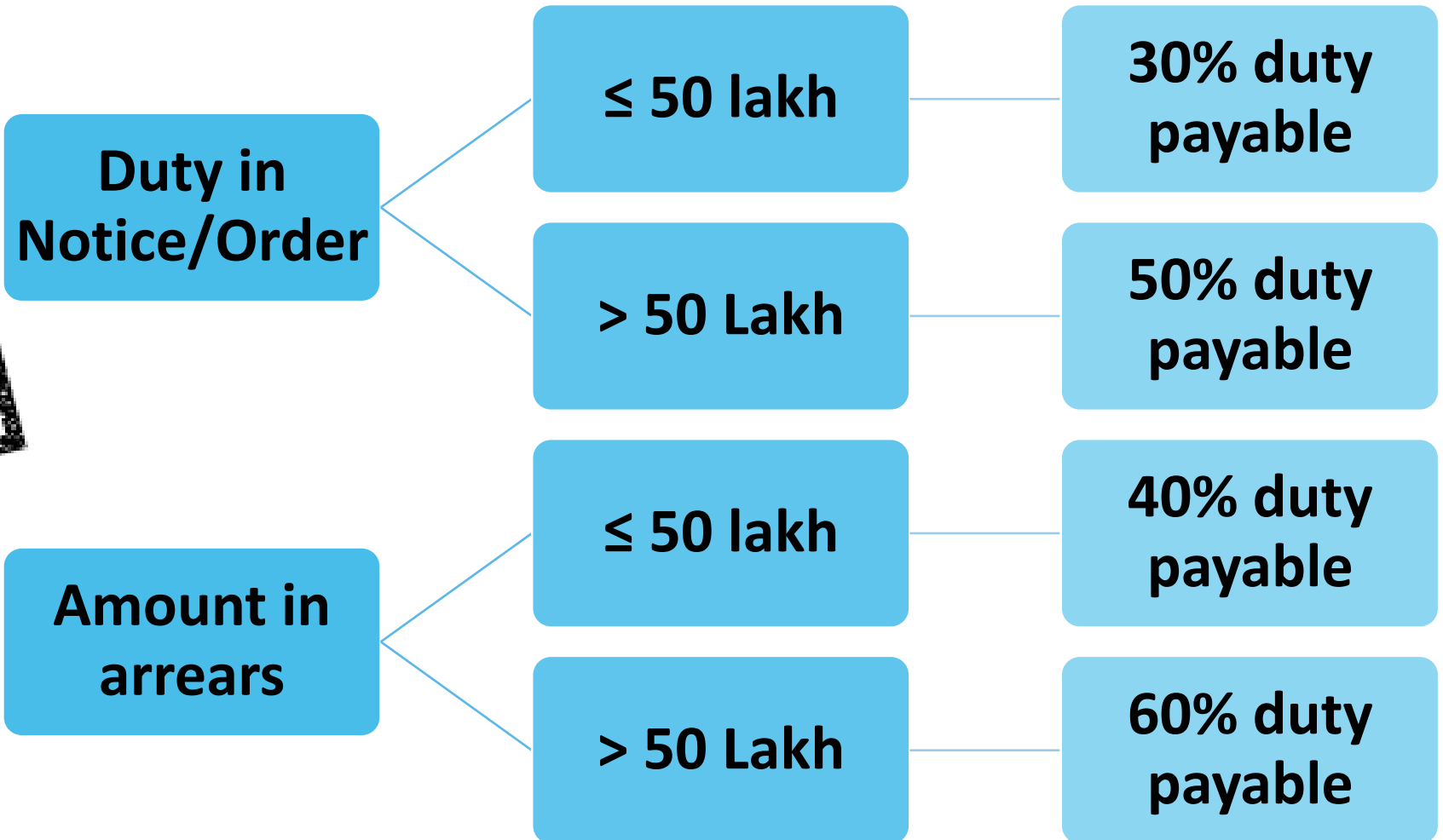
Tax Dues under
the Scheme

Duty quantified in
enquiry, audit,
investigation

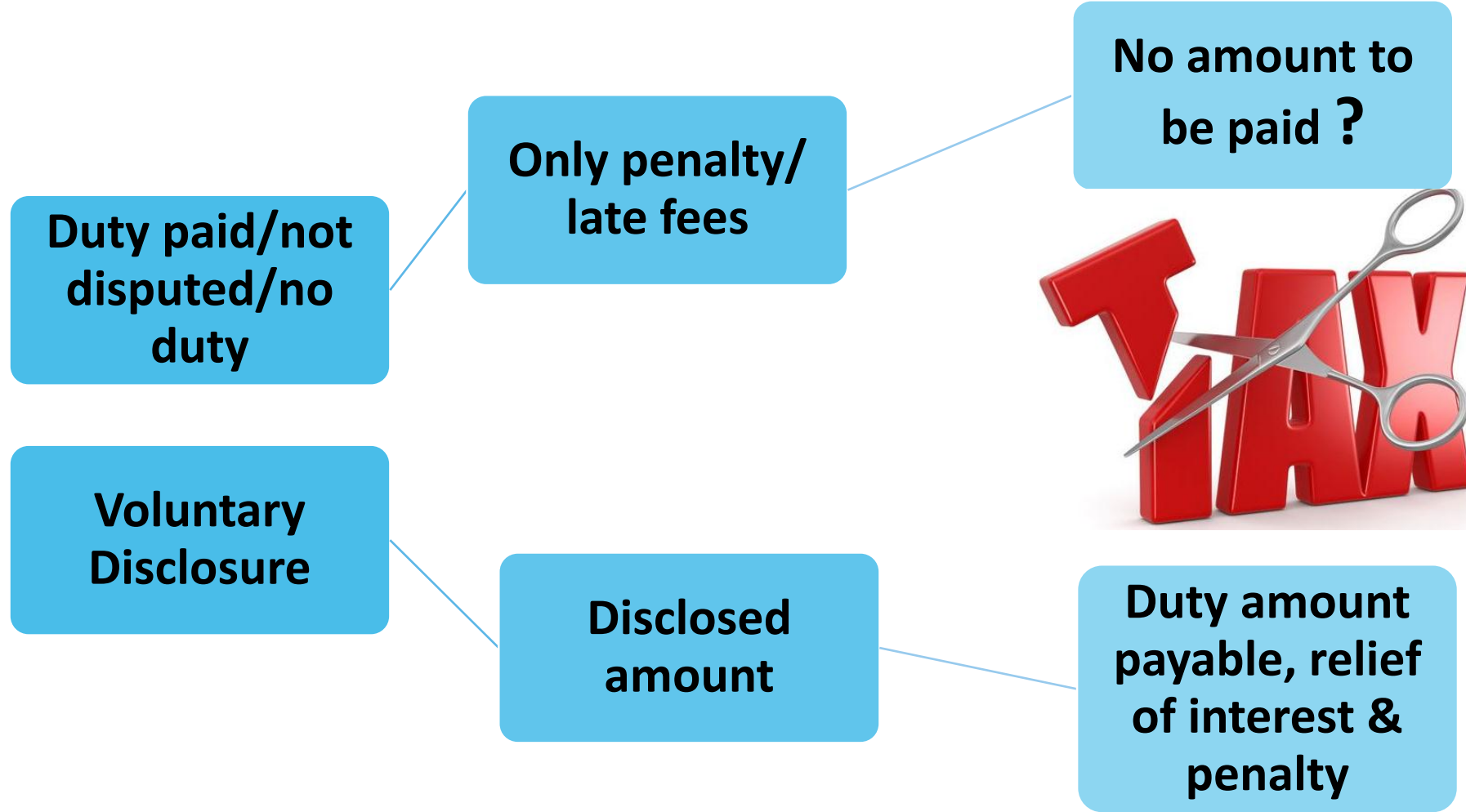
Voluntarily disclosed
duty



Legacy Dispute Resolution cum Amnesty Scheme



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CRITERIA FOR INELIGIBILITY

Final hearing
before 30.06.2019

Previously
convicted for same
matter

Notice for
refund/erroneous
refund

Enquiry/audit
where dues not
quantified

Voluntary
disclosure after
audit

Application before
Settlement
Commission

Duty mentioned in
return but not paid

Declaration w.r.t.
excisable goods in
Schedule IV

Legacy Dispute Resolution cum Amnesty Scheme

ADJUSTMENT OF PRE-DEPOSIT/DEPOSIT

**Pre-deposit/deposit
adjusted against
duty payable under
scheme**

**If pre-deposit/deposit >
duty payable, no refund**



Legacy Dispute Resolution cum Amnesty Scheme

PROCEDURE UNDER THE SCHEME

Verification by designated committee

If amount payable matches declared amount, statement issued within 30 days

If committee's amount higher, statement to be issued in 60 days after giving opportunity to be heard

Tax to be paid in 30 days of date of issuing statement

Discharge Certificate after payment and proof of withdrawal, if applicable



Legacy Dispute Resolution cum Amnesty Scheme

I. WITHDRAWAL OF PREVIOUS PROCEEDINGS

- a) Deemed withdrawal of reply/appeal/reference
- b) Exception: High Court, Supreme Court
 - Declarant must file application for withdrawal
 - Present proof of withdrawal

II. DISCHARGE CERTIFICATE

- a) No further proceedings, prosecution against Assessee
- b) Exception: If false information in declaration detected within a year
 - Proceedings under applicable act instituted



CGST AMENDMENTS



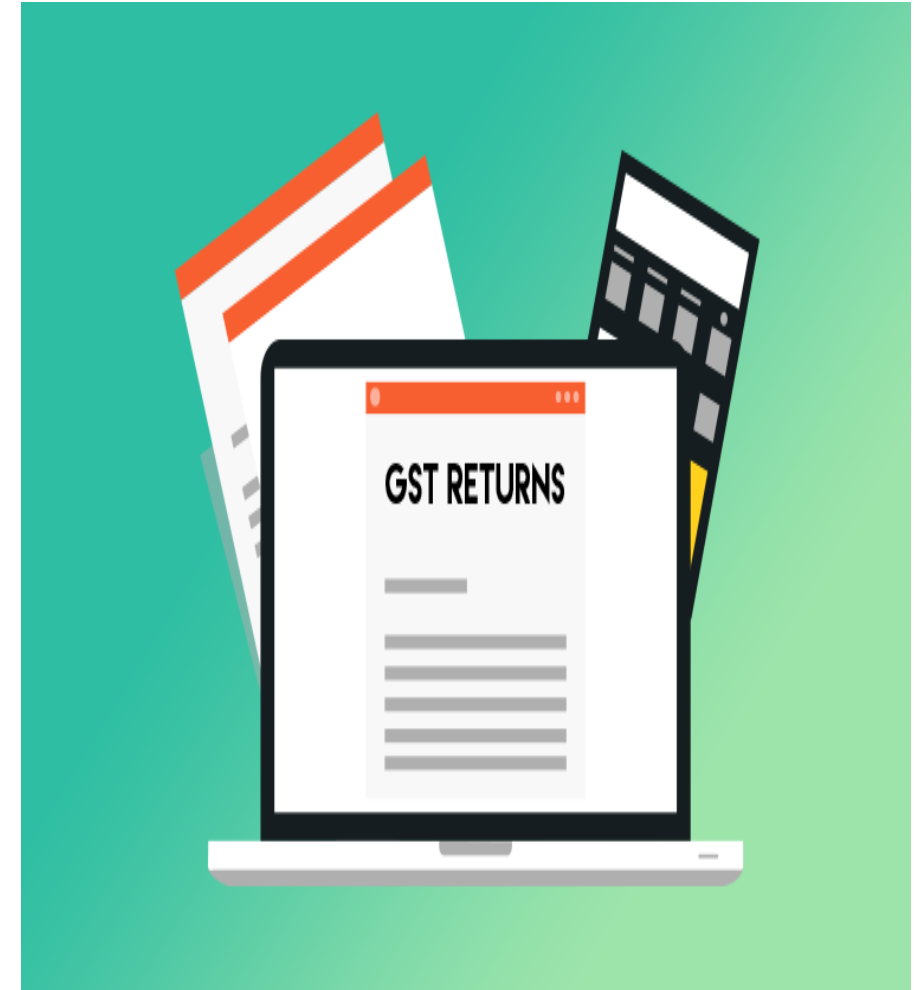
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New Returns System

Composition Tax payers:

- Furnish return on an annual basis or part there of instead of quarterly return.
- Payment of tax shall be quarterly.

As per Budget speech, person having taxable turnover < Rs. 5 crore shall file quarterly return.



National Appellate Authority for Advance Ruling



Appeal: Conflicting advance rulings given by Appellate Authorities of two or more states.

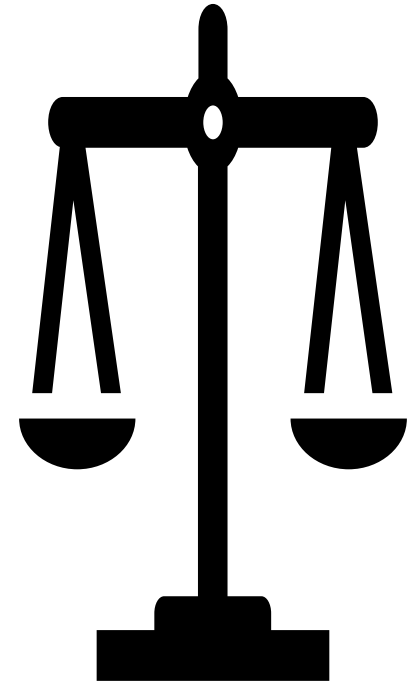


Limitation: Within 30 days from the date of communication of ruling (30 days Condonable)



Ruling shall be binding on:

- Applicants, who sought the ruling
- all registered person having the same PAN
- concerned officers and jurisdictional officers.



National Appellate Authority for Advance Ruling

President:

- Judge of SC or CJ of HC or Judge of HC
- for ≥ 5 years
- SC in UOI v. R. Gandhi & Madras Bar Assn. v. UOI held that there must be one Judicial Member in Appellate Forum

Technical Member (Centre):

- Member of Indian Revenue (Customs & Central Excise) Service Group A
- 15 Years of service in Group A

Technical Member (State):


- Officer of State Government not below rank of Addl. Commr.
- Experience: At least 3 years in administration of existing law or CGST or field of finance and taxation

Composition




Amendment in Composition Scheme

VALUE OF 'AGGREGATE TURNOVER' SHALL:



Include Value of supplies made from 1st April of F.Y. till the date of registration.



Exclude the value of exempt supply of service provided by way of extending deposits, loans and advances.

Amendment in Composition Scheme

Composition Scheme for Supplier of Service or Goods & Service

Eligibility:

Aggregate Turnover below Rs. 50 lakhs in preceding F.Y.

Tax Payable:

not exceeding 3% of turnover in State or Union Territory

Turnover in State excludes:

Value of supplies made from 1st April of that F.Y. till the date of registration

Value of exempt supply of service provided by way of extending deposits, loans or advances

Other Miscellaneous Amendments

- I. Central Government empowered to enhance the aggregate turnover from Rs. 20 lakhs to Rs. 40 lakhs in case supplier is engaged in the exclusive supply of goods.**

- II. Facility to transfer any amount from one head to another head of electronic cash ledger has been provided: Single Wallet**

- III. Commissioner (including the Commissioner of State Tax) has been granted power to extend the time limit for furnishing of:**
 - a) annual return for specified registered person and
 - b) monthly and annual statement for TCS taxpayers.

Other Miscellaneous Amendments

- IV. Interest on tax payable in case of delayed return shall be levied on net tax liability (Megha Engineering vs. UOI, Telangana High Court).**
- V. Central Government may disburse refund of state tax to the taxpayers.**
- VI. National Anti-profiteering Authority empowered to impose penalty upto 10% of the profiteered amount.**
- VII. It has been announced in the budget speech that:**
 - a) Free accounting software for return preparation.
 - b) A fully automated GST refund module.
 - c) Single tax ledgers for a taxpayer.
 - d) Electronic invoice system which will eventually be used to prefill the taxpayer's returns.
 - e) No need for a separate e-way bill.

Other Indirect Tax Amendments



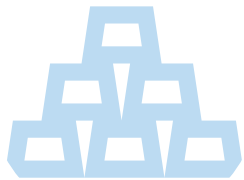
No service tax on grant of liquor licence

- Jagatjit Industries Ltd. vs. UOI (Delhi High Court)
- Divya Singla & Ors. Vs. UOI (Punjab & Haryana HC)



Imposition of Nominal excise duty on tobacco products and crude petroleum

- Bajaj Auto Limited vs. UOI (Supreme Court)



Increase in the rate of Custom duty on Precious metal and Petrol

THANK YOU



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