Nangia Andersen LLP

Tax & Regulatory Newsletter

August 2022

What's Inside?

01

Direct Tax

Payment made to Facebook for advertising space on the platform does not partake the character of 'Royalty'

Interactive Avenues Private Limited vs. DCIT 14(2)(1), Mumbai

ITA No.3130/Mum/2019 (Mumbai Tribunal)

Issue(s) - Royalty

Outcome - In Favour of Assessee

Background

In a recent verdict, Mumbai Tribunal examined the taxability of payments made by an Ad agency to Facebook Ireland for availing advertisement space on online digital platform(s) for its customers and held that the same cannot be brought under the definition of 'royalty'. The payments represented 'business profits' in the hands of Facebook Ireland, not liable to tax in India in absence of a Permanent Establishment (PE)/business connection in India.

Brief Facts and Contentions

- Assessee is an internet-advertising agency. It has made certain payments to Facebook Ireland Limited (Facebook) towards the cost of advertisements on which no taxes were withheld under section 195 of the Income Tax Act, 1961 (the Act). AO, therefore, disallowed INR 16.23 Crores under Section 40(a)(i) of the Act;

- AO concluded that Facebook allows Assessee the right to use or access the Facebook Ad Platform by using a complex algorithm that captures data from various users and allows the advertisers to effectively reach its target audience, thereby constituting royalty payment under Section 9(1)(vi) of the Act as well as under Article 12 of the India-Ireland DTAA;

- CIT(A) confirmed the addition and further alleged that Assessee is a dependent agent of Facebook.

ITAT's Judgement

- ITAT observed that Assessee charges its clients on a gross basis, which includes the cost of advertisement space provided by Facebook and Assessee's commission thereon. Ideally, the Assessee must have recorded the commission component as its income. Merely owing to the change of accounting treatment, the Assessee has invited the trouble of deduction of tax at source;
- Further holds that the Articles relied on by AO to understand technology behind Facebook Ad platform are only the personal views of the authors, thus, cannot be relied upon to sustain the disallowance;
- Rejects CIT(A)'s finding that Assessee is a dependent agent of Facebook by holding that Assessee is an agent of Indian advertisers and not that of Facebook and that Facebook cannot be deemed to have a PE in India due to Assessee's operations in India. Assessee was also not concluding any contracts on behalf of Facebook;
- Relying on Bangalore ITAT ruling in the case of Urban Ladder (ITA No.615 to 620/Bang/2020), wherein it was held that mere usage of facility provided by Facebook does not render the payments as 'royalty', since copyright attached to the facility is not parted with and holds that the payments made to Facebook cannot be brought under the nexus of royalty and disallowed u/s 40(a)(i) of the Act.

Nangia Andersen LLP's Take

This is a welcome judgement by Mumbai Tribunal, which clearly elaborates the services of online advertisement space providers and explains how they are poles apart from provision of a copyright, which is a basic and fundamental pre-condition of bringing the transaction under the purview of Royalty. The provision of digital ad space is a mere facility that is provided to the advertiser or their agents.

System/ utility handicaps cannot become roadblocks in delivering statutory relief to the taxpayer(s)

M/s Almansoori Specialized Engineering Company LLC vs. CBDT & Others

W.P.(C) 11814/2021 (Delhi High Court)

Issue(s) – Fee for Technical/Included Services (FTS/FIS)

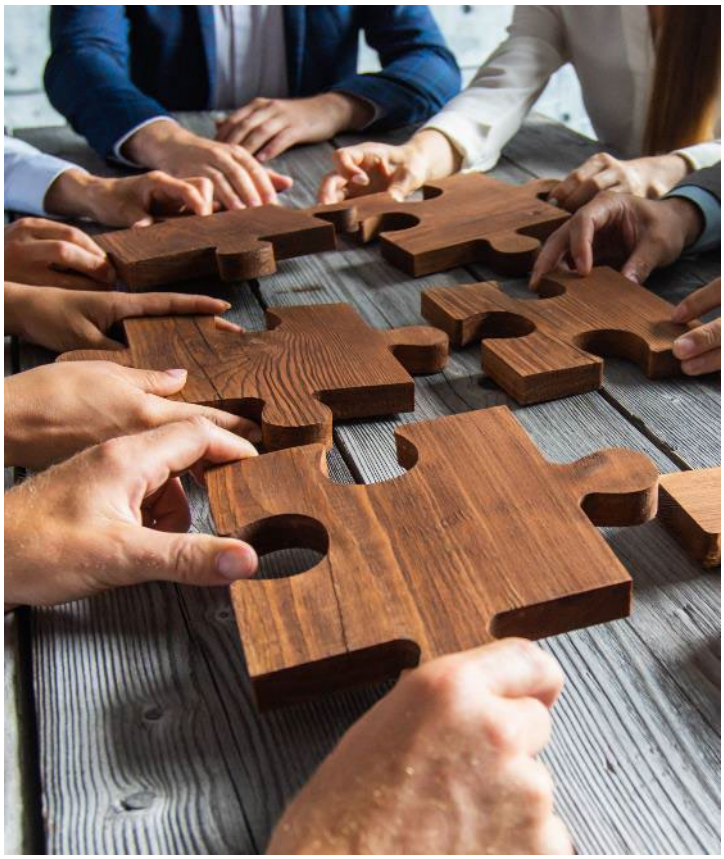
Outcome – In favour of the Assessee

Background

Hon'ble High Court of Delhi directs Income-tax Department to process ITRs manually for entities opting presumptive tax under section 44BB of the Act, which were invalidated by CPC for want of particulars of profit and loss account and balance sheet.

Brief Facts and Contentions

- Assessee is a resident of United Arab Emirates (UAE) and is engaged in the business of providing equipment, facilities, and services to Oil & Gas services providers around the world including India. The taxability of Assessee is covered under the presumptive scheme of section 44BB(1) of the Act and has been assessed as such consistently since AY 2007-08;
- Assessee filed its return of Income pertaining to AY 2016-17, declaring total gross revenue of INR 18,75,70,102 and 10% of which was offered to tax pursuant to the provisions of Section 44BB(1) of the Act. Subsequently, the Assessee received a notice under section 139(9) of the Act stating that the return was considered as defective as details of Profit & Loss A/c and Balance Sheet were not reported in the return of income;
- In response, Assessee stated that it is not required to maintain books of accounts, as income of the Assessee is taxed as per the presumptive scheme under section 44BB(1) of the Act and this fact was already disclosed in the duly filed return of Income by the Assessee. In addition, Assessee stated that its returns for the previous AYs 2007-08 to 2015-16 and for the subsequent AY 2017-18 were filed in the same format and duly accepted by the Tax department.



HC's Judgement

As the return pertains to AY 2016-17, the CPC was not able to process these returns through automated processing functionality. In these circumstances, the Hon'ble High Court directed to the Assessing officer to validate the returns manually and forward them to CPC, Bengaluru for processing. The AO was directed to complete the exercise and grant refund to the Assessee.

Nangia Andersen LLP's Take

The Delhi HC order relays the sentiment that system/ utility handicaps cannot become roadblocks in delivering desired relief to the taxpayer(s).

‘Incidental benefit’ from services not equivalent to ‘making available’ of technology

NTT Asia Pacific Holdings Pte Ltd vs. ACIT International Taxation Circle 2(1)(2), Mumbai

ITA No. 1212/Mum/2021 (Mumbai Tribunal)

Issue(s) – Fee for Technical/Included Services (FTS/FIS)

Outcome – In favour of the Assessee

Background

In a recent judgement, the Mumbai ITAT held that technology will be considered to be ‘made available’ when the person acquiring the service is enabled to apply the technology. Further, ‘make available’ clause in Indo-Singapore tax treaty cannot be invoked where rendition of services to an Indian entity do not result in transfer of skill or technology.

Brief Facts and Contentions

- The Assessee had rendered certain business support services and recovered certain expenses on cost-to-cost basis from its Indian associated enterprise (AE). The Assessee did not offer to tax the fees received from the AE claiming it to be exempt from tax in India on the ground that the services so rendered do not amount to ‘make available’ in terms of Article 12 of the Indo-Singapore tax treaty. The Indian AE had deducted tax at on such amount paid by it @10%, the credit of which was claimed by the Assessee at the time of filing of the income tax return;

- The Assessing Officer (AO) on the contrary stated that on perusal of details, bills, vouchers etc. the Assessee has incurred expenditure for the purpose of training including leadership development, employee communication etc. that definitely enables the Assessee to apply the learning and hence make available clause was satisfied;

- In spite of grievances raised by Assessee, the DRP confirmed the action of the AO and declined to interfere in the matter. The DRP stated that from the description of the activities and training it is difficult to comprehend that which of the services do not enrich the service recipient to make him wiser to face similar challenges in future in his own and acquiring skills to deal with the issues. Relying on the judgement delivered by the Hon’ble Supreme Court in **National Cement Mines Industries vs. CIT (1961) (42 ITR 77) (SC)** held that *“the Assessing Officer has rightly concluded that the payments could not be exempted from tax merely because they are termed as 'management fee'. Briefly put, the true nature and character of the transaction are relevant in deciding the taxability”.*

ITAT's Judgement

- Referring to the observations made in the case of Shell Global International Solutions BV vs ITO (ITA No. 1283/2010), the ITAT stated that mere incidental advantage to the recipient of service is not enough. Services rendered cannot be said to have been made available unless they enable the service recipient to provide the same services without recourse to the service provider;
- It was further held that in order to invoke 'make available' clause, to fit into the terminology 'making available', the technical knowledge and skill must remain with the person receiving the services even after the particular contract comes to an end and the technical knowledge or skills of the provider should be imparted to and absorbed by the receiver so that the receiver can deploy similar technology or techniques in the future without depending upon the provider;
- Further, relying on the Karnataka HC ruling in De Beers India [(2012) 346 ITR 467], ITAT held that 'make available' was fulfilled in the present case and referring to the provisions of Section 90(2) of the Act directed the revenue to delete the addition.

Nangia Andersen LLP's Take

The main test for 'make available' clause is that the rendition of services per se enables the recipient to provide similar services without recourse to the service provider. An incidental benefit or enrichment which may add to the capabilities of the recipient is not sufficient, the critical factor triggering the taxability in the source of jurisdiction is the transfer of skills.

Despite being inserted as 'for removal of doubts', amendment may not be retrospective in nature

Pr. Commissioner of Income tax (Central) - 2 vs. M/s Era Infrastructure (India) Ltd.

ITA No. 204/Delhi HC/2022 (Delhi High Court)

Issue(s) - Retrospective applicability of an amendment to IT Act

Outcome- In favour of the Assessee

Background

In the recent directive, Hon'ble Delhi High Court was of the view that amendment made by Finance Act, 2022 to Section 14A of the Act related to disallowance of expenditure made against exempt income was applicable on a prospective basis, despite being inserted as a non-obstante clause for the purposes of removal of doubts.

Brief Facts and Contentions

- The ITAT relying on the decision of the Hon'ble Delhi High Court in **PCIT vs. IL & FS Energy Development Company Ltd. (ITA No. 520/2017)** deleted the additions made by AO under Rule 8D of IT Rules, 1962, read with S. 14A of IT Act, 1961. The Revenue challenged this order of the ITAT before the Delhi HC;
- Finance Act, 2022 inserted an explanation in Section 14A of the Act which stated that the provisions of Section 14A of the Act, shall apply and shall be deemed to have always applied in cases where the income, not forming part of the total income under the Act, has not accrued or arisen or has not been received during the year and expenditure has been incurred during the said year in relation to such income not forming part of the total income;
- The Revenue contended that in light of the said amendment, wherein a non obstante clause was inserted and an explanation after the provision was also provided, consequently, the judgement in the case of **IL & FS Energy (supra)** will no longer hold good in law.

HC's Judgement

- The Delhi HC observed that the Finance Bill, 2022 explicitly stipulates that the amendment made to Section 14A will take effect from April 01, 2022 and will apply in relation to the assessment year 2022-23 and subsequent assessment years;
- Relying on Supreme Court ruling in **Sedco Forex International (Civil Appeal 351-355/ 2005)** and the same position being reiterated in **M M Aqua Technologies (Civil Appeal 4742-4743/2021)**, the Hon'ble Delhi HC held that amendment of Section 14A of the Act which was inserted with the intention of 'removal of doubts' cannot be presumed to be retrospective even where such language is used, if it alters or changes the law as it stood earlier;
- Thus, following the judgement of **IL & FS Energy (supra)** and **Cheminvest Limited vs. Commissioner of Income Tax-VI, (ITA No. 749/2014)** and observing the fact that no stay has been granted against the Revenue's SLP in such cases, the Hon'ble Delhi HC dismissed the appeal of the Revenue in the present case.

Nangia Andersen LLP's Take

The judgement once again confirms that mere mention of words, 'for removal of doubts', cannot be presumed to be clarificatory in nature and accordingly be deemed to have always been applied. Where an amendment alters/ changes the law as it stood earlier, by no stretch of imagination can it be presumed to be retrospective in nature.

02

Indirect Tax

Advance Rulings & Judgement

Madhya Pradesh Appellate Authority for Advance Ruling ('AAAR') held that Purchase/Allotment of land after undertaking development activities constitutes supply, taxable at 18%.

Brief Facts

- Bhopal Smart City Development Corporation Limited ('BSCDCL') is engaged in sale of plot after undertaking development activities of providing amenities such as drainage line, water line, electricity line, land leveling and common facilities;
- BSCDCL approached Madhya Pradesh Authority for Advance Ruling ('AAR') for a ruling on whether activities undertaken by BSCDCL is sale of land and therefore, not a supply for levy of GST.
- AAR ruled in favour of BSDCL & observed that undertaking development activities does not constitute supply for GST purposes and therefore GST is not applicable on the same;
- Aggrieved by the order of AAR, Deputy Commissioner, State Tax, Bhopal preferred the instant appeal to AAAR against the order of AAR

Decision

- AAAR observed that land and developed land are two different things because land by itself is not suitable for inhabitation;
- However, a developed plot of land with all the amenities is suitable for inhabitation. AAAR further observed that AAR has not given due consideration to crucial issues related to difference between sale of barren land and developed land and erred in holding that development activities does not constitute a supply within the meaning of Section 7 of CGST Act;
- AAAR held that the activity of purchase or allotment of land and selling the said land after undertaking development activities of providing amenities such as Drainage line, water line, electricity line, land leveling and common facilities viz. road & street light etc. is liable to GST.

"

Nangia Andersen LLP's Take

This Advance Ruling clarifies that sale of land post completion of development activities on the same would be liable to GST. The advance ruling further distinguishes barren land from developed land from a taxability perspective.

AAR ruled in favour of BSDCL & observed that undertaking development activities does not constitute supply for GST purposes and therefore GST is not applicable on the same.

This Advance ruling clarifies that sale of land post completion of development activities on the same would be liable to GST. The advance ruling further distinguishes barren land from developed land from a taxability perspective.

03

Transfer Pricing

ITAT upheld CIT(A) decision of deletion of TP adjustments on quantity discount on sale of goods and receipt of commission; Further deletes adjustments qua AE-sales

Outcome - In favor of taxpayer

- Atul Limited ("the taxpayer") is engaged in the business of manufacturing of chemicals comprising of dyes, specialty chemicals, agrochemicals, bulk drugs, and commodity chemicals.

- In the present case, all the appeals related to the taxpayer are based on certain common issues but pertains to the different assessment years i.e. AY 2006-07, AY 2007-08 & AY 2009-10. In this regard, reference has been made to the AY 2006-07 and decision rendered therein on the common issues will apply mutatis mutandis to the other appeals.

- During the year under consideration, the taxpayer has entered into certain international transactions with its Associated Enterprises ("AEs") in nature of receipt of commission and sale of goods including quantity discount.

- During the first round of proceedings, Assessing Officer ("AO")/ Transfer Pricing Officer ("TPO") made certain Transfer Pricing ("TP") Adjustments on account of aforesaid transactions. However, Commissioner of Income Tax (Appeals) [("CIT(A)"] deleted the TP adjustment relating to the receipt of commission and quantity discount provided to its AE. Though, CIT(A) upheld TP adjustment on sale of goods.

- During the course of the proceedings, the taxpayer has adopted Comparable uncontrolled price method ("CUP") to benchmark the transaction of sale of goods, wherein the taxpayer made comparison of identical goods sold to non-AE's to justify the transaction at Arms' Length Price ("ALP").
- However, it was opined that while comparing the transaction with Non AE sales, the assessee has erroneously compared different products against which the report of Chartered Accountant ("CA") was filed stating that the sale of products has been erroneously compared. Income Tax Appellate Authority ("ITAT") referred back the matter to TPO/ AO for de navo consideration. During the second round of proceedings, the Revenue authorities upheld the adjustments on the grounds that ITAT has rejected taking on record additional evidences. Aggrieved by the same, the taxpayer appealed before ITAT.

ITAT's Ruling

- ITAT, in relation to the TP adjustment on account of sale of goods, opined that revenue authorities have failed to act in accordance with the directions of ITAT. Since, the taxpayer had submitted all the plausible evidences with respect to the error in TP Report which was not examined by the revenue authorities despite having opportunities before them. Therefore, it was held that adjustment made on account of sale of goods is no longer sustainable and directed to be deleted.

- Further, ITAT in the matter of receipt of commission, upheld the decision of CIT(A) of deleting the adjustment on account of determination of ALP of commission allegedly paid by the AE to the taxpayer on the grounds that evidence cannot be rejected merely due to late submission.

- Furthermore, ITAT in the matter of quantity discount, upheld CIT(A) decision of deleting TP adjustment on quantity discount on the grounds that quantity discount was availed on the basis of commercial policy of the taxpayer of granting discounts to both AE and non-AE. Additionally, lower authorities has accepted discounts granted by taxpayer in other instances.

Nangia Andersen LLP's Take

The verdict in the instant case emphasis that if the additional evidences in support of the documentation placed on record by the taxpayer is not considered then in the eventuality, the rights of the taxpayer shall be prejudiced. In view of the substantial justice, ITAT elucidated that the powers provided under Income Tax Regulations to tax authorities does not imply that TP Adjustments can be made on hypothetical assumptions without examining the available evidences.

Such kind of judgements are much appreciable on part of the taxpayers as it enhances their confidence and provides guidance for maintenance of appropriate documents for substantiating the international transactions entered from arm's length perspective.

[Source: Atul Limited [TS-430-ITAT-2022(Ahd)-TP]

04

Regulatory

Updates under FCRA

Extension of validity of FCRA registration certificates

In continuation to public notices to extend validity of FCRA registrations with its earlier practice of issuing public notices extending validity of FCRA registrations, the Ministry of Home Affairs ('MHA') has again issued public notice dated 22 June 2022 ('Public Notice') subject to following:

- Entities whose FCRA registrations were set to expire during the period between 29 September 2020 and 31 March 2022, and whose renewal applications are pending with MHA, shall remain valid up to 30 September 2022 or till date of disposal of renewal application, whichever is earlier
- Registered entities whose 5-year validity period is set to expire during 1 July 2022 to 30 September 2022, and who have applied for renewal before expiry of 5 years validity period shall be valid up to 30 September 2022 or till date of disposal of renewal application, whichever is earlier.

In case of refusal of the application for renewal of certificate of registration, the validity of the certificate shall be deemed to have expired on the date of refusal of the renewal application.

Foreign contribution (regulation) amendment rules, 2022

The MHA amended the Foreign Contribution (Regulation) Rules, 2011 ('FCRA Regulation Rules') *vide* Foreign Contribution (Regulation) Amendment Rules, 2022 dated 1 July 2022 ('FCRA Amendment Rules') making the following changes:

- Rule 6 of FCRA Regulation Rules, the threshold limit for receipt of foreign contribution in a financial year from foreign relatives to be intimated in FC-1 has been increased from Rs. 1 lakh to Rs. 10 lakhs.
- Further, the time limit for intimation of Form FC-1 has been extended from 30 days to 3 months.
- Rule 9 of FCRA Regulation Rules, the time limit for intimation of opening of additional bank account for utilization of foreign contribution in Form FC-6D, has been extended from 15 days to 45 days from the date of opening of such bank account.
- Rule 13, the requirement of publication of details pertaining to quarterly receipt of foreign contribution, on the website by FCRA registered entities, has been dispensed with.
- Rule 17A, the time limit for intimation of changes in designated bank account, name, address, aims, objectives or key members of the association, has been extended from 15 days to 45 days.
- Rule 20, the mode of application for revision of orders to MHA is now required to be in the prescribed form to be filed electronically, instead of making such application on a plain paper.

Updates under FSSAI

Guidelines & application by the food business operator for approval of vegan logo

The Food Safety and Standards (Vegan Foods) Regulations, 2022 ('Vegan Regulations') were notified by the Food Safety Standards Authority of India ('FSSAI') on 10 June 2022. Pursuant to the same, the FSSAI has now release the Guidelines for submission of applications for endorsement of vegan logo and formats vide notification dated 25 July 2022.

Procedure for endorsement of vegan food logo is as follows:

- The Food Business Operator ('FBO') shall apply in FORM-A along with necessary documents
- The FBO shall, after grant of approval apply for license as per the procedure specified in the Food safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.
- The Food Authority shall scrutinize the application and information provided by the applicant and may grant approval or reject the application, as per FORM-B.
- Where the FBO has any reason to believe that the vegan food for which the approval has been granted poses any risk to health or has not complied with the general requirement specified under sub-regulation 3 of Vegan Regulations, the FBO shall immediately suspend the manufacture, import, sale, or distribution of such article of food and take steps to recall the same under intimation to Food Authority in accordance with the provisions of the Food Safety and Standards (Food Recall) Regulations, 2017.
- Food Safety Officers and Designated Officers shall immediately inform the Food Authority of any complaint received regarding safety of any product approved by the Food Authority under Vegan Regulations.

Further, FSSAI also prescribed formats of FORM-A and FORM-B in Annexure-B and Annexure-C respectively.

Vide notification dated 26 July, 2022, FSSAI has also extended the timeline for mandatory compliance of the Vegan Regulations by 6 months i.e. up to 26 January 2022.

Updates under Metrology

Legal metrology (packed commodities) (second amendments) rules, 2022

The Ministry of Consumer Affairs, Food and Public Distribution has, *vide* notification dated 14 July 2022, issued Legal Metrology (Packaged Commodities) (Second Amendment) Rules, 2022 ('LM Rules') to allow the electronic products to declare certain mandatory declarations through the QR Code for a period of one year, if not declared in the package itself.

With respect to the electronic products manufactured, packed or imported after 15 July 2022, the following declarations are to be made on the package itself and such declaration shall also inform the consumers to scan the QR code:

- name of the manufacturer or packer or importer, as the case may be,
- the consumers to scan the QR code for the common or generic name of the commodity
- size and dimension of the commodity
- the telephone number and e-mail address

It is pertinent to note that in case the declaration is made through QR code, it should be specifically mentioned on the package the information pertaining to the product can be fetched upon scanning the QR code.

Updates under Securities and exchange Board of India ("SEBI")

Zero coupon zero principle instruments to be included in the definition of securities

The Central Government in exercise of the powers conferred by sub-clause (iia) of clause (h) of Section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956) ('SCRA'), *vide* notification dated 15 July 2022 has declared "zero coupon zero principal instruments" as securities for the purposes of SCRA.

Zero coupon zero principal instrument have been defined as an instrument issued by a Not for Profit Organization which shall be registered with Social Stock Exchange segment of a recognized Stock Exchange in accordance with the regulations made by the SEBI.

Updates under FEMA

International trade settlement in Indian rupees (INR)

In a significant move, the RBI, A.P. (DIR Series) Circular No.10 dated 11 July 2022 ('the Circular'), decided to put in place an additional arrangement for invoicing, payment, and settlement of exports / imports in Indian Rupee ('INR'). The move will facilitate internationalisation of the Indian Rupee by enhancing its acceptability in the international trading community.

The Circular delineates the broad framework for cross border trade transactions in INR under the Foreign Exchange Management Act, 1999 ('FEMA') as under:

- **Invoicing**: All exports and imports under this arrangement may be denominated and invoiced in Rupee (INR)
- **Exchange Rate**: Exchange rate between the currencies of the two trading partner countries may be market determined
- **Settlement**: The settlement of trade transactions under this arrangement shall take place in INR in accordance with the procedure laid down in Para 3 of the Circular

Settlement procedure:
AD banks in India may open Special Rupee Vostro Accounts of correspondent bank/s of the partner trading country.

In order to allow settlement of international trade transactions through this arrangement:

- Indian importers undertaking imports through this mechanism shall make payment in INR which shall be credited into the Special Vostro account of the correspondent bank of the partner country, against the invoices for the supply of goods or services from the overseas seller /supplier.

Indian exporters, undertaking exports of goods and services through this mechanism, shall be paid the export proceeds in INR from the balances in the designated Special Vostro account of the correspondent bank of the partner country.

External Commercial Borrowing (ECB) Liberalization

Given the Global Economic volatility and anticipating a flight of forex from the Indian market, the Reserve Bank of India ('RBI') *vide* Press Release dated 6 July 2022 ('Press Release'), undertook a series of liberalisation measures to increase flow of foreign currency in India. One of the decisions was to:

- Temporarily increase the limit under the automatic route from US$ 750 million or its equivalent per financial year to US$ 1.5 billion
- Increase all all-in-cost ceiling under ECB framework by 100 bps, subject to the borrower being of investment grade rating from Indian Credit Rating Agencies. Other eligible borrowers may raise ECB within the existing all-in-cost ceiling as hitherto.

The abovementioned dispensation shall be available up to 31 December 2022.

Orders / Judgements

Under Companies ACT, 2013

Non filing of financial statement and annual return

The Registrar of Companies ('ROC'), Odisha passed an order dated 18 July, 2022 under Section 454 of the Companies Act 2013 read with the Companies (Adjudication of Penalties) Rules, 2014, in the matter of TR Infrastructure & Developers Private Limited ('Company').

A total penalty of approx. INR 33 lakh has been imposed on the Company and its officer in default on occasion of non-compliance with Section 92 and Section 137 of the Companies Act, 2013.

The Company had not filed its Annual Return for the financial year 2018-19 and balance sheet for the financial year 2018-19, 2019-20 and 2020-21. Accordingly, adjudication proceeding was initiated and show cause notice was issued to the Company and its directors/ officer in default.

The non-compliance was caused due to non-co-operation of one of the directors for signing the Balance Sheet for the respective years. The DIN status of the said director was "Deactivated due to non-filing of DiR-3 KYC" and he was also not providing the documents for filing KYC document.

05

Compliance Calendar

Direct Tax

Due dates	Particulars
7th August 2022	Due date for deposit of Tax deducted/collected for the month of July 2022.
	Due date for payment of Equalisation Levy on online advertisement and other specified services, referred to in Section 165 of Finance Act, 2016 for the month of July 2022.
14th August 2022	Due date for issue of TDS Certificate for tax deducted under section 194-IA in the month of June 2022.
	Due date for issue of TDS Certificate for tax deducted under section 194-IB in the month of June 2022.
	Due date for issue of TDS Certificate for tax deducted under section 194M in the month of June 2022.
15th August 2022	Quarterly TDS certificate (in respect of tax deducted for payments other than salary) for the quarter ending June 30, 2022.
30th August 2022	Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IA in the month of July 2022.
	Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194-IB in the month of July 2022.
	Due date for furnishing of challan-cum-statement in respect of tax deducted under section 194M in the month of July 2022.

Indirect Tax

S. No.	Compliance Category	Compliance Description	Frequency	Due Date	Due Date falling in June 2022
1	Form GSTR-1 (Details of outward supplies)	Registered person having aggregate turnover more than INR 5 crores and registered person having aggregate turnover up to INR 5 crores who have not opted for Quarterly Returns Monthly Payment ('QRMP') Scheme	Monthly	11th day of succeeding month	July – 11 August 2022
2	Form GSTR-3B (Monthly return)	Registered person having aggregate turnover more than INR 5 crores and registered person having aggregate turnover up to INR 5 crores who have not opted for Quarterly Returns Monthly Payment ('QRMP') Scheme	Monthly	20th day of succeeding month	July – 20 August 2022
3	**QRMP Scheme** Invoice furnishing facility ('IFF') Form GST PMT-06 (Monthly payment of tax) Form GSTR-1 (Details of outward supplies) Form GSTR-3B Form GSTR-3B	• Optional facility to furnish the details of outward supplies under QRMP Scheme • Payment of tax in each of the first two months of the quarter under QRMP Scheme • Registered person having aggregate turnover up to INR 5 crores who have opted for QRMP Scheme • Registered person with aggregate turnover up to INR 5 crore (opted for QRMP Scheme) having place of business in Group 1 states and union territories • Registered person with aggregate turnover up to INR 5 crore (opted for QRMP Scheme) having place of business in Group 2 states and union territories	Monthly Monthly Quarterly Quarterly Quarterly	1st day to 13th day of succeeding month 25th of the succeeding month 13th day of the subsequent month following the end of quarter 22nd day of the subsequent month following the end of quarter 24th day of the subsequent month following the end of quarter	• July – 1 to 13 August 2022 • July - 25 August 2022 • July to September 2022 – 13 October 2022 • July to September 2022 – 22 October 2022 • July to September 2022 – 24 October 2022
4	Form GSTR-6 (Return for input service distributor)	• Return for input service distributor	Monthly	13th of the succeeding month	July – 13 August 2022
5 6	Form GSTR-9 (Annual Return) Form GSTR-9C (Reconciliation Statement)	• Annual Return if aggregate turnover is more than INR 2 crore • GST reconciliation statement if aggregate turnover is INR 5 crore or more	Yearly	On or before the 31st December following the end of FY	Annual Return And reconciliation statement for FY 2021-22: 31 December 2022

Regulatory

Particulars	Applicant	Form No.	Due Dates
ECB Return	ECB Borrower	ECB-2	7th August

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