INDIRECT TAX E-BULLETIN

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KHAITAN &CO
Advocates since 1911

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01.

GOODS AND SERVICES TAX

NOTIFICATIONS AND CIRCULARS

Notification No. and date	Particulars
Notification No. 13/2021 – IT dated 27.10.2021 *(Amends goods rate notification)*	Entry 243 dealing with permanent transfer of IP right in respect of goods other than IT software (at 12% schedule) has been deleted. Entry No. 452P has been correspondingly broad based to include permanent transfer of all IPRs at 18% **KCO Comment:** This amendment has a direct bearing on the Entry 17 of the service rate notification dealing with Licensing of IPR. As a result of this amendment, now there is no way to classify licensing of IPR services at 12% under the residual category of Entry 17. Important aspects of amendments in the service rate notification w.e.f. 1 October 2021, on this issue, has been covered in our previous ergo. DGGTI has started investigating assessees around this issue. Our firm is currently advising and representing clients on this issue before the Advance Ruling Authority and High Courts.
Circular No. 163/19/2021-GST dated 06.10.2021	Clarification issued on GST Rates and classification of goods based on recommendation of GST Council in its 45th meeting held on 17-09-2021. Clarification deals with the following items: 1. Fresh vs dried fruits 2. Classification and rates on Tamarind seeds 3. Coconut v Copra 4. Classification and rates on henna powder and leaves with no additives 5. Scented sweet supari, flavoured and coated illaichi 6. Classification and rate – Brewers Sprint Grain, Drilled Distiller's Grains with soluble and other residues 7. Rates of miscellaneous pharmaceutical products under heading 3006
CBIC-190354/207/2021-TO (TRU-II)-CBEC dated 06.10.2021	Clarifications issued regarding applicable GST rates & exemptions on following services: 1. cloud kitchens/central kitchens 2. ice cream parlors 3. Coaching services 4. Satellite launch services provided by NSIL. 5. Overloading charges at toll plaza, 6. Renting of vehicles by State Transport Undertakings and Local Authorities, 7. Gant of mineral exploration and mining rights attracted GST, 8. Admission to amusement parks having rides etc., 9. Services supplied by contract manufacture to brand owners or others for manufacture of alcoholic liquor for human consumption.

CASE LAWS | SUPREME COURT & HIGH COURTS

IN THIS ISSUE

Rectification of old return to claim refund of excess tax paid in cash against missed ITC – Supreme Court strikes down order of Delhi High Court

Supreme Court allowed appeal filed by Revenue against order of Delhi HC which permitted assessee to rectify returns pertaining to July to September 17 to claim refund of Rs. 923 crores (claimed refund of its output tax liability excess paid in cash after realizing there was excess amount of unutilized ITC in GST return). Delhi High Court acknowledged that this was largely attributed to non-operationalization of GSTR-2A and Circular No. 26/26/2017-GST, repeated technical glitches in GSTN and due to failure of Revenue to operationalize the statutory forms. It was clarified by Supreme Court GST network and matching framework embedded in the GST legislation only acts as a facilitator to feed or retrieve information. It is also clarified that Section 39(9) clearly posits that omission or incorrect particulars furnished in the return in Form GSTR-3B can be corrected in the return to be furnished in the month or quarter during which such omission or incorrect particulars are noticed. This very position has been restated in the impugned Circular. It is, therefore, not contrary to the statutory dispensation specified in Section 39(9) of the Act.

[Union of India vs Bharti Airtel Ltd. SLP No. 8654 of 2020]

AAR cannot be used as a mechanism to frustrate or nullify inquiry proceedings initiated by DGGI

In this case, applicant had not disclosed the fact that a DGGI investigation was initiated against the Applicant in as much as Applicant was issued summons under Section 70 of the CGST Act prior to filing of the subject application. Therefore, the application suffered from suppression of material facts. While dismissing AAR at admission stage, it was observed that 'any proceeding' under Section 98(2) of the CGST Act will encompass investigation proceedings launched by DGGI under Section 70 of the CGST Act.

KCO Comments: The firm has advised and represented the client before Punjab and Haryana High Court in a scenario where Summons notice followed by investigation was initiated by DGGI on the same issue immediately after filing application for AAR.

[M/s VL Traders 2021-GUJ/GAAR/R/49/2021]

GST DRC-01 is not a substitute for a proper show cause notice

A vague and cryptic show-cause notice issued by Deputy Commissioner of State Taxes under Section 74 of the JGST Act was challenged by the assessee, in a writ before Jharkhand High Court. Petitioner also argued that the SCN was without jurisdiction and initiated without service of Form GST-ASMT-10. Therefore, the SCN is *void ab initio*. It was held that merely mentioning that there is a mismatch between GSTR-3B and 2A is not sufficient. This cannot be treated as a foundational allegation for issuance of notice under Section 74 of the CGST Act.

[NKAS Services Pvt Ltd vs State of Jharkhand and Ors. WP/T/No.2444 of 2021- order dated 06.10.2021]

02.

LEGACY TAXES (CENTRAL EXCISE / SERVICE TAX / VAT / CST)

CASE LAWS | SUPREME COURT & HIGH COURTS

Fixing of lens on a frame does not amount to manufacture of spectacles

The issue before the Hon'ble Supreme Court was whether fixing of lens in a spectacle frame amounts to manufacture and exigible to excise duty.

The Hon'ble Court, while relying upon the judgment of the Hon'ble Calcutta High Court in the case of *Bholanath Sreemany v. ACCT [1978 (42) STC 248]* observed that while manufacture implies a change, every change would not be manufacture. There must be transformation of the raw material into a new and distinct article having a distinctive name, character or use. It was held that under the facts and circumstances of the instant case, post manufacture of spectacles and lens separately, goods are sent to the Petitioner's showrooms where the prescription lens are merely mounted upon the frame to result in a spectacle. The process of assembly is bound to involve some amount of refining and fine tuning of the individual components and this by itself would not amount to manufacture.

[Titan Company Ltd. & Ors. v. CCE, LTU, Chennai – TS-481-HC-2021 (MAD)]

Quashes demand order on inadequate hearing ground;

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Permits virtual hearing considering Pandemic situation

The Appellant had challenged two assessment orders passed under the Tripura VAT Act, one demanding unpaid tax and the other rejecting its application for rectification of the assessment order, on the ground of breach of principles of natural justice. Appellant claimed that order was passed without completing the hearing of the assessment proceedings and no liberty was granted for virtual hearing in the backdrop of COVID-19 pandemic.

The Hon'ble High Court of Tripura observed that it is well known through a series of judgments of the Hon'ble Supreme Court that where there is clear breach of principles of natural justice, availability of alternative remedy would not prevent the High Court from exercising this jurisdiction. Further, it was held that it is difficult to believe that a company which was duly represented by the legal representative virtually on all previous hearing dates would suddenly abandon the assessment proceedings and incur the risk of substantial exparte liability arising against it, moreover, the Court wonders as to why the Assessing Officer did not use the electronic mode of communication of the hearing dates.

The Hon'ble High Court refused to accept the Department's contention that even during the time when Corona Virus was at its peak, the administrative and legal representatives of the appellant company must appear before the Assessing Officer physically for conducting the hearings, as the country courts at different levels not only High Court and Supreme Court but several District Courts have also operated virtually for months disposing off large number of contested cases. Furthermore, added that if the Head Office of the appellant company is located outside the state i.e. Kolkata, insistence on personal appearance would require several people to travel long distances exposing them as well as others to cross infections.

The Hon'ble High Court set aside the demand order being passed without completing the hearing of assessment proceedings, thus, being violative of principles of natural justice and further, quashed the order rejecting the appellant's application for rectification. Further, in the interest of justice, permitted virtual hearing considering the pandemic situation while reviving the proceedings and restoring the same before Assessing Officer for fresh adjudication.

[M/s. ITC Limited vs. The State of Tripura & Ors. – 2021 (10) TMI 322]

CASE LAWS | CESTAT

No service by INOX to distributors / producers for exhibiting films under revenue sharing arrangement

The Appellant is engaged in the business of exhibiting cinematographic films across India in theatres owned or taken on rent. It acquired the rights / license to exhibit the films at the designated theatres from various film distributors by entering into separate license agreements for each film. The consideration towards such license was paid by the appellant as per the agreed percentage of box office collection.

The issue raised before the Hon'ble CESTAT was whether the activity carried out by the appellant would be eligible to service tax under Business Support Services.

The Hon'ble CESTAT observed that Order passed by the Commissioner is going beyond the scope of show cause notice as the demand has been confirmed on the basis that appellant provided '*infrastructure support services*', however, the show cause notice alleged that appellant was providing '*operational and administrative assistance*'.

Further, on merits, the Hon'ble CESTAT placed reliance on the judgments of the Hon'ble Supreme Court in the case of *Mormugao Port Trust [2018 (19) GSTL J 118 (SC)]* and the Hon'ble CESTAT in *Moti Talkies [2020 (6) TMI 87]* and held that the appellant was screening films on revenue sharing basis and was not liable to pay service tax on the payments made to the distributors, unless the service provider and service recipient relationship is established.

[Inox Leisure Ltd vs Commissioner of Service Tax, Hyderabad – 2021 (10) TMI 893]

Demand cannot be fastened merely basis third party statement and documents

The Appellant, engaged in the manufacture of SS Pipes, availed the benefit of SSI Exemption. DGCEI officers undertook search of appellant's factory premises and seized stock of finished goods basis few diaries recovered from appellant's factory, statement of director and documents from transporter and dealers and their statements recorded under Section 14 of the Central Excise Act alleging that appellant had clandestinely removed the goods which resulted in exceeding

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the threshold limit of SSI Exemption and thereby ineligible to claim benefit of exemption.

The Hon'ble CESTAT observed that while the Director of appellant company had disowned the diary and contents therein, the Adjudicating Authority had given a go-ahead to the demand confirmation just on the basis of third party evidence of transporter and dealers without cross-examining them. Further, observed that it is incumbent upon the Adjudicating Authority to cross examine third party witness to bring the truth of the diary on record and in terms of Section 9D of Central Excise Act, it is mandatory on the part of the Adjudicating Authority to cross examine the witness thereby violating the basic requirement for admitting any evidence such as statement of third party.

Going through catena of cases substantiating the mandatory requirement of cross-examination, the Hon'ble CESTAT discarded Adjudicating Authority's finding that denial of diary by appellant's Director can be said to be a non-cooperation with investigation agency and, therefore, set-aside the demand.

[Meera Pipes Pvt. Ltd. And Others vs CCE & ST, Ahmedabad-III - 2021 (10) TMI 585]

No liability upon Joint Venture constituent for reimbursement charged towards employee cost to Joint account

The Appellant had entered into a joint venture agreement with the Government of India, ONGC & RIL. Each co-venturer had its own set of obligations, and the appellant was vested with the responsibility of undertaking the technical operations for which manpower was deployed by the appellant.

The issue raised before the Hon'ble CESTAT was whether service tax was leviable on reimbursement/cost charged to the Joint Account by the appellant for the salaries of employees working for the joint venture.

The Hon'ble CESTAT observed that the manpower deployed by the Appellant was in furtherance of its own interest as also that of the joint venture and not by way of any service to unincorporated joint venture. Also, the cost incurred by the Appellant for this purpose was its capital contribution to the joint venture and it cannot be said that consideration was received by the Appellant for arranging manpower. All the resources contributed by the partners enter a common pool required for running of the enterprise. There is no contractor-contractee or principal-agent relationship between the co-venturer and the joint-venture, which is a pre-requisite for a service to be liable to tax under the Finance Act.

Further, the Hon'ble CESTAT rejected the Department's contention that merely because the unincorporated association and its members are deemed to be distinct persons, it establishes that a service has been provided by the Appellant to the unincorporated joint venture. It was held that such an argument is not tenable as the burden to prove that there was a rendition of service for a consideration is a *sine qua non* for any liability to attract service tax and no evidence was laid down to establish such fact.

The Hon'ble CESTAT held each co-venturer had its own set of obligations and the responsibility discharged by each of the co-venturers towards the venture was not by way of any service rendered to the joint venture, but in their own interest in furtherance of the common objective of the joint venture and, therefore, service tax liability could not have been fastened upon the Appellant.

[B.G. Exploration & Production India Ltd. vs Commissioner of CGST & CEX., Navi Mumbai- 2021 (10) TMI 306]

No bar in claiming adjustment of tax demand from unutilised CENVAT Credit not been carried forward to GST regime

The Appellant was registered under the Service Tax regime and did not carry forward or migrate CENVAT credit to the GST regime, being the closing balance as of 30.06.2017. Certain demand under the Service tax law was raised on the appellant for which the appellant requested to adjust the same against the CENVAT credit balance lying in their favour pointing out that such amount had not been carried forward to the GST regime. The Revenue authorities denied such adjustment on the ground that such balance had not been transferred to GST regime and was in violation of transitional provisions of the GST law.

The issue raised before the Hon'ble CESTAT was whether the service tax demand can be adjusted against the CENVAT Credit balance not transferred to the GST regime.

The Hon'ble CESTAT held that there is no bar or disability under Section 140(1) read with Section 142 of CGST Act, 2017 on the appellant for claiming adjustment of tax demand from unutilised Cenvat credit, lying to credit as on 30.06.2017, which has not been carried forward to GST regime.The Adjudicating Authority was directed to grant adjustment of unutilised amount of CENVAT credit against service tax demand payable by appellant.

[Uttaranchal Cable Network v. Commissioner, Customs, Central Excise & Service Tax –2021 (132) taxmann.com 95]

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'Student recruitment services' to parent company as sub-contractor not taxable as an Intermediary

The Appellant is a subsidiary of M/s IDP, Australia. Foreign universities entered into an agreement with M/s IDP, Australia paying a percentage of the tuition fee which they receive from the students to IDP Australia for its services. IDP Australia, in turn, had entered into 'Student Recruitment Services Agreement' with the appellant to help recruit students from India, in lieu of which it received a portion of fees received by the IDP Australia from the universities.

The DGCEI initiated an investigation and came to the conclusion that the student recruitment service is a misnomer, and the appellant was, in fact, acting as an 'intermediary' between the foreign service providers, IDP Australia and the students. Accordingly, it held that the place of supply is in India and the services do not qualify as export.

On perusal of records, the Hon'ble CESTAT held that Revenue had failed to establish that the appellant is acting as an intermediary between IDP Australia and the foreign universities as alleged in the impugned order and SCN. Elucidating that on exact same services, SCN was issued earlier for another period and which was dropped holding that the services rendered by the appellant to IDP Australia amounted to export of services, the Hon'ble CESTAT explicated that in the present matter all that had changed was that the DGCEI has picked up an issue which has already been settled and took a different view and issued SCN thereby confirming the demand.

The Hon'ble CESTAT reiterated that if the DGCEI was aggrieved by the earlier order which was passed, the right course could have been for it to appeal to a higher judicial forum and rendered the SCN issued as unsustainable.

[IDP Education India (P.) Ltd. v. Additional Director General of Central Excise Intelligence, New Delhi – 2021 (10) TMI 1174]

03.

CUSTOMS

CASE LAWS | SUPREME COURT & HIGH COURTS

Provisional Release granted and conditions relaxed by High Court pending adjudication

The petitioner challenged the inaction on the part of the authority in passing the final order of adjudication in the proceeding in question and also against the inaction on the part of the authority concerned to consider the representation/application of the petitioner for provisional release of the goods imported in question pending adjudication. The authority submitted that on account of the decision of the hon'ble Supreme Court in the case of *Canon India Pvt. Ltd. vs. Commissioner of Customs* and the Board Instructions, the case was not finally adjudicated. The hon'ble high Court ordered that that the provisional release be granted and harsh conditions be relaxed.

[Arcturus Systems Pvt. Ltd & anr vs The Principal Commissioner of Customs (Port) , Kolkata & ors 2021 (10) TMI 323]

Alternative Writ remedy granted to quash Show Cause Notice issued by DRI

The petitioners being aggrieved by the Show Cause Notice issued by the D.R.I and the consequent Order-in-Original issued by the Adjudicating Authority. The Petitioners filed a writ petition to quash the Show Cause Notice and the Order-in-Original, instead of preferring an appeal for the redressal of the grievances. The hon'ble High Court relied upon the decision of the hon'le Supreme Court in the case of *Canon India Pvt. Ltd. vs. Commissioner of Customs* and uphelat proceedings by the D.R.I where wholly without jurisdiction.

[Kitchen Essentials vs. Union of India 2021 (10) TMI 1267]

04.

TRADE PROTECTION MEASURES

NOTIFICATIONS FOR LEVY OR EXTENTION OF EXISTING LEVY

Anti-dumping duty

Products	Country of origin / Country of export	Period / Notification
Jute Products	Bangladesh and Nepal	Extends the levy of Anti-Dumping Duty

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		Notification No. 58 / 2021-Customs (ADD) dated 1 October 2021 extends the levy of Anti-Dumping on the subject product for a period till 31 May 2022. This notification has amended Notification No. 1 / 2017 – Customs (ADD) dated 5 January 2017.
Ceramic Tableware and glassware	Malaysia	Levy of anti-dumping on the subject goods. *Notification No. 59 / 2021-Customs (ADD) dated 1 October 2021.*
Aceto Acetyl Derivatives of aromatic or hetrocyclic compounds also known as Arylides	People's Republic of China	Levy of anti-dumping on the subject goods. *Notification No. 60 / 2021-Customs (ADD) dated 14 October 2021.*
Phenol	European Union, Singapore, Korea RP	Rescinds the levy of Ant-Dumping Duty *Notification No. 61 / 2021-Customs (ADD) dated 20 October 2021.* This notification has rescinded Notification No. 06 / 2016 – Customs (ADD) dated 8 March 2016.
Polytetrafluoroethylene	Russia	Rescinds the levy of Ant-Dumping Duty *Notification No. 62 / 2021-Customs (ADD) dated 22 October 2021.* This notification has rescinded Notification No. 23 / 2016 – Customs (ADD) dated 6 June 2016.
Polytetrafluoroethylene	Korea RP	Rescinds the levy of Ant-Dumping Duty *Notification No. 63 / 2021-Customs (ADD) dated 22 October 2021.* This notification has rescinded Notification No. 24 / 2021 – Customs (ADD) dated 26 April 2021.
Seamless tubes, pipes and hollow profiles of iron, alloy or non-alloy steel (other than cast iron and stainless steel), whether hot finished or cold drawn or cold rolled of an external diameter not exceeding 355.6 mm or 14' OD	People's Republic of China	Anti Dumping Duty has been levied. *Notification No. 64 / 2021-Customs (ADD) dated 28 October 2021* levies anti-dumping duty on the subject goods.

BY INDIA – INITIATION, PROVISIONAL, FINAL INCLUDING REVIEW

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Initiation

Initiation of sunset review investigation to continue levy of countervailing duty on import of '*certain hot rolled and cold rolled stainless steel flat products*' originating or exported from China PR.

[*Case No. CVD (SSR 1 / 2021)*]

Initiation of anti-dumping investigation on import of '*Glycine*' originating or exported from China PR.

[*Case No. AD -OI - 14 / 2021)*]

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Initiation of anti-dumping investigation on import of '*semi-finished ophthalmic lenses*'' originating or exported from China PR.

[*Case No. AD -OI - 06 / 2021)*]

Recommendation

The Designated Authority has recommended the withdrawal of the existing levy of Anti-Dumping Duty on '*PVC Flex Films*' originating or exported from China PR.

[*Case No. AD (SSR) 04 / 2021*]

The Designated Authority has recommended imposition of quantitative restriction in the form of safeguard duty on '*Isopropyl alcohol*'

[*Case No. SG. 06 / 2019*]

Sunset Review

The Designated Authority has recommended continuation of levy of anti-dumping duty on '*axle for trailers*'' originating or exported from China PR.

[*Case No. (SSR) 07 / 2021]*

The Designated Authority has recommended continuation of levy of anti-dumping duty on '*wire rod of alloy or non-alloy steel*'' originating or exported from China PR.

[*Case No. ADD-SSR 15 / 2021]*

The Designated Authority has recommended continuation of levy of anti-dumping duty on '*colour coated / pre-painted flat products of alloy or non-alloy steel*'' originating or exported from China PR and European Union.

[*Case No. AD-SSR 14 / 2021]*

The Designated Authority has recommended continuation of levy of anti-dumping duty on '*1, 1, 1, 2- Tetrafluoroethene or R-134a*' originating or exported from China PR.

[*Case No. ADD-SSR 01 / 2021]*

05.

FOREIGN TRADE POLICY AND SPECIAL ECONOMIC ZONES

UPDATES PERTAINING TO FTP

Amendment in Export Policy of Melt Blown Fabric

Melt Blown Fabric of any GSM has been made freely exportable.

[*Notification No 37/2015-2020 dated 14 October 2021*]

Amendment in Export Policy of Syringes

Export of Syringes with or without needles of denominations (i) 0.5 ml/1 ml AD; (ii) 0.5 ml/1 ml/2 ml/3 ml disposable; and (iii) 1 ml/2 ml/3 ml RUP has been placed under the "Restricted" category.

Export of Syringes would be allowed against an export license subject to the monthly quota fixed by the Directorate General of Foreign Trade (DGFT) up to January 2022. Upon submission of an online application, the export license would be granted for one month at a time, subject to furnishing of proof of manufacture and a declaration certifying fulfilment of all domestic orders.

[Notification No 38/2015-2020 dated 14 October 2021 and Trade Notice No 20/2021-22 dated 5 October 2021]

Amendment in Export Policy of Diagnostic Kits and Reagents

Diagnostic kits and reagents (including instruments/apparatus), which had previously been placed under the "Restricted" category following the COVID-19 outbreak, has now been made freely exportable.

[Notification No 39/2015-2020 dated 14 October 2021]

Issuance of Certificate of Origin (Non-Preferential) for all India jurisdiction

All agencies enlisted under Appendix 2E to the Foreign Trade Policy 2015-2020, who have on-boarded themselves on the common digital platform for issuance of electronic Certificate of Origin (Non-Preferential) (CoO (NP)), are authorised to issue CoO (NP) on an all India basis with effect from 1 November 2021.

[Public Notice No 29/2015-2020 dated 18 October 2021]

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Tariff Rate Quota amended for imports under India-Mauritius Comprehensive Economic Cooperation and Partnership Agreement

The DGFT has amended the Tariff Rate Quota (TRQ) quantity for import of certain kinds of fish, rum and other spirits under the India-Mauritius Comprehensive Economic Cooperation and Partnership Agreement (CECPA). The applications for grant of import authorization for FY 2021-22 is required to be submitted by 31 December 2021.

[*Public Notice No 31/2015-2020 dated 28 October 2021*]

Provisions regarding supply of SCOMET items to or from EOUs amended

Provisions of the Handbook of Procedures 2015-2020 in relation to supply of Special Chemicals, Organisms, Materials, Equipment and Technologies (SCOMET) items to or by Export Oriented Units (EOU) have been amended to align them with those applicable to Special Economic Zone (SEZ) units.

Accordingly, no export authorisation would be required for supply of SCOMET items from Domestic Tariff Area (DTA) to EOU. However, export authorisation would be required if SCOMET items are to be physically exported outside the country from an EOU.

[Public Notice No 32/2015-2020 dated 29 October 2021]

UPDATES PERTAINING TO SEZ

Procedure for transfer of assets of an exiting SEZ unit notified

To facilitate smooth transfer of physical and financial assets of an exiting SEZ unit to a potential buyer, the Central Government has notified an e-auction based procedure.

According to the notified procedure, an independent valuer would be appointed to assess the current value of the physical and financial assets of the exiting unit. Thereafter, the space being vacated by the exiting unit would be auctioned by the SEZ authority and a Letter of Approval would be issued to the bidder willing to pay the highest lease rent. The winning bidder would also be required to pay an amount equal to the depreciated value of usable physical assets and unutilised portion of financial assets, as assessed by the independent valuer, which amount shall be transferred to the exiting unit. The entire process would need to be mandatorily completed within 100 days from the date of receipt of application from a unit expressing its intent to exit the SEZ.

Certain modalities for debonding of the exiting unit and onboarding of the winning bidder have also been notified.

[Instruction No 108 dated 11 October 2021]

Revised guidelines regarding reorganisation of SEZ units notified

The Central Government has notified revised guidelines for obtaining approvals in case of reorganisation of SEZ units including change of name, constitution, directors, shareholding pattern, business transfer arrangements, court approved mergers, demergers, etc.

According to the revised guidelines, approval for the aforesaid reorganisations may be granted by the Unit Approval Committee subject to the condition that the unit shall not exit out of the SEZ and continues to operate as a going concern. Additionally, certain safeguards such as continuity of SEZ activities, fulfilment of eligibility criteria, compliance with other laws, examination of continuity of benefits under the Income Tax Act, 1961, etc., have additionally been notified.

[Instruction No 109 dated 18 October 2021]

06.

OTHER REGULATORY LAWS

FOOD SAFETY AND STANDARDS

Implementation of mandatory requirement of mentioning FSSAI License or registration number

In June 2021, FSSAI *vide* order dated 8 June 2021 made it mandatory for every Food Business Operators to mention their FSSAI license / registration number on its invoice. Considering representation from various industry associations and stakeholders, this requirement has now been made effective 1 January 2022.

[File No. 15(31) 2020/FoSCoS/RCD/FSSAI dated 30 September 2021]

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Amendment to Food Safety and Standards (Organic Foods) Regulations

The Food Safety and Standards Authority of India (FSSAI) *vide* notification dated 14th October, 2021 has issued the Food Safety and Standards (Organic Foods) First Amendment Regulations, 2021 further amending the Food Safety and Standards (Organic Foods) Regulation, 2017. Through this amendment, the Aggregators or Intermediaries who collect organic food from small original producer or producer organization and sell it to the end consumer directly, are exempted from the provisions of the systems referred in sub-regulation (1) of regulation 4 (ie NPOP, PGS India, other systems notified by FSSAI) and shall maintain records of traceability and comply with any of the provisions of the systems mentioned in sub-regulation (1) of regulation 4. Such organic food would not carry Food Safety and Standard Authority of India's organic logo.

[Notification F. No. Stds./Organic/Notification-01/FSSAI-2019 dated 14 October 2021]

Articles under compulsory standard marks by Bureau of Indian Standards (BIS)

Click Here For Complete list of goods / article under compulsory standard marks by BIS

We hope the e-Bulletin enables you to assess internal practices and procedures in view of recent legal developments and emerging industry trends in the indirect tax landscape.

For any queries in relation to the E-Bulletin, please email us at idt.bulletin@khaitanco.com.

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