INDIRECT TAX NEWSLETTER

September, 2022 (updated till 31.08.2022)

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FTA CORNER

INDIA-CANADA 4TH ROUND OF NEGOTIATIONS FROM SEPTEMBER

Free Trade Agreement talks with India's eleventh largest export market Canada have gathered pace with the two sides to begin the fourth-round next month. New Delhi and Ottawa relaunched trade negotiations in March after a gap of nearly 10 years.

While India is looking for duty-free access for its textile and apparel products along with easier norms for the movement of Indian professionals, Canada could look for larger market access for its wine, dairy and agricultural products. Canada has an interest in agriculture and they have a very diverse and rich agricultural basket. Lot of pulses come from Canada. It is also strong in minerals and these are the sectors they would like to be opened up. Also, Canada has not banned Indian dairy like a few western countries. Although there is a high tariff, negotiations on that are expected.

Canada has been a very close trading partner and that's the reason why trade negotiations restarted after a lull and fourth round of negotiations would begin from September.

SWITZERLAND PITCHES FOR EXPEDITIOUS COMPLETION OF NEGOTIATIONS FOR PROPOSED INDIA-EU FTA

Switzerland's Federal Councillor pitched for expeditious completion of negotiations for India and the European Free Trade Association (EFTA), in a meeting with Finance Minister of India. The EFTA is a regional trading bloc comprising four European economies- Iceland, Liechtenstein, Norway and Switzerland.

India's exports to EFTA stood at just $1.7 billion in FY22, up 9% from a year ago. However, its import surged 35% on year to $25.5 billion last fiscal. Of these, imports from Switzerland alone touched $23.4 billion, with supplies of diamonds and other precious and semi-precious stones and metals accounting for as much as $20.9 billion.

Separately, according to a statement by the Swiss federal department of finance, Maurer "promoted open markets and emphasised that stronger trade has a positive impact on a country's prosperity in the long term". Maurer, who is on a visit to India, also met external affairs minister S Jaishankar.

EUROPE INDICATING COVERING WIDE AREAS IN FTA WITH INDIA

Even as the second round of negotiations between India and the European Union (EU) for a free trade agreement (FTA) is scheduled to begin in Brussels in September, the proposal made by the EU in the initial stage indicates that it could cover a wide range of areas including topics like government procurement, digital trade, state owned enterprises and Intellectual Property (IP) that have remained sensitive for India in the past.

According to the text proposed by the EU, all government and sub-government procurement and all services other than construction services should be brought within the ambit of the India-EU FTA. Incidentally, India's government procurement cumulatively comes to one-fifth of the country's GDP. While India has included 'government procurement' under the FTA for the first time in the just concluded India-UAE and India-Australia trade agreements, its impact, if incorporated in the India-EU agreement, could be much bigger.

The EU lists out 20 distinct areas where it has proposed negotiations. This includes sectors like trade in goods, rules of origin, customs and trade facilitation, trade remedies, sanitary and phytosanitary measures, technical barriers to trade, services and investments, etc., that tend to get negotiated in every FTA. The other textual proposals are on anti-competitive conduct, merger control and subsidies, small and medium-sized enterprises, energy and raw materials, transparency, good regulatory practices, sustainable food systems, dispute settlement, anti-fraud and mutual administrative assistance in customs matters.

The first round of negotiations for India-EU Trade and Investment Agreements, including the Geographical Indicators (GI), concluded in New Delhi on July 1. The ministry of commerce and industry had stated the week-long negotiations were held in a hybrid fashion – with some of the teams meeting in Delhi and the majority of officials joining virtually hybrid fashion. The first round saw 52 technical sessions covering 18 policy areas of the FTA.

ANTI DUMPING DUTY UPDATES

- **Notification No.24/2022-Customs (ADD)** dated 03/08/2022 seeks to impose anti-dumping duty on import of Opal Glassware from UAE and China PR for a period of 5 years.
- **Notification No. 25/2022-Customs (ADD)** dated 18/08/2022 seeks to impose anti-dumping duty on imports of Ursodeoxycholic Acid (UDCA) originating in or exported from China PR and Korea PR for a period of six months.
- **Notification No. 26/2022- Customs (ADD)** dated 31/08/2022 seeks to extend the levy of ADD on Jute Products originating in or exported from Nepal and Bangladesh.

REGULATORY UPDATES

CUSTOMS

CIRCULARS/INSTRUCTIONS

- **Circular No. 12/2022-Cus dated 16.08.2022**

  The CBIC has revised the threshold limit w.r.t. the Prosecution in relation to offences punishable under the Customs Act, 1962. The same has been encapsulated below for your ready reference:

- ✓ The arrest and prosecution can be made in cases involving unauthorized importation of baggage/cases under the Transfer of Residence Rules, where the market value of the goods involved is Rs. 50,00,000.
- ✓ The outright smuggling of high-value goods such as precious metals, restricted items or prohibited items or foreign currency where the market value of the offending goods is Rs. 50,00,000.
- ✓ In cases related to fraudulent availment of drawback or attempt to avail of drawback or any exemption from duty in connection with the export of goods, if the amount of drawback or exemption from duty is Rs. 2,00,00,000 or more, it may trigger arrest and prosecution.
- ✓ Cases involving fraudulent evasion or attempted evasion of duty under the Customs Act 1962, if the amount of duty evaded is Rs. 2,00,00,000/- (Rupees Two Crore) or more, will be prosecuted and arrested.

❖ **Circular No. 14/2022-Cus dated 18.08.2022**

The CBIC has issued the clarification that the BCD @ 10% will be levied on the import of "Display Assembly of a cellular mobile phone" if the same consists of Touch Panel, Cover Glass, Brightness Enhancement Film, Indicator Guide Light, Reflector, LED Backlight, Polarizers, LCD Driver mounted on a Flexible Printed Circuit (CPC) etc. Further, it is clarified that if the back support frame made up of plastic/metal is imported individually will attract BCD @ 15%.

❖ **Circular No. 16/2022-Cus dated 29.08.2022**

The CBIC has delineated the procedure w.r.t. to the Faceless Assessment –Standard Examination Orders through RMS-Phase 1. According to the new procedure, after processing BE data, RMS will generate a consolidated examination order for each selected BE based on potential risks. An RMS-generated examination order would include the following main points:

- ✓ % of containers to be examined,
- ✓ selected area/part in a given container and% of goods in the selected area/part (s) to be examined,
- ✓ Item level instructions and
- ✓ additional examination instructions, if any.

❖ **Instruction No. 18/2022- Cus dated 12.08.2022**

The CBIC has provided the instruction that for the import of the following food items Health Certificate should be issued by the Competent Authority of the exporting country as prescribed under the said instructions. The same shall be effectuated w.e.f. 01.11.2022:

- ✓ Milk and Milk Products;
- ✓ Pork and Pork Products;
- ✓ Fish and Fish Products

GST LAW

NOTIFICATION

❖ **Notification No. 03/2022-CT (Rate)dated 13.07.2022**

The CBIC has amended the limit of the aggregate turnover to 10 Crores from 20 Crores for the implementation of e-invoice for supplies made from one registered person to another registered person. The same shall be effectuated w.e.f. 01.10.2022.

CIRCULARS

- **Circular No. 177/2022-GST dated 03.08.2022**

  The CBIC has issued the clarification w.r.t. the applicable GST rates & exemptions on certain services which are encapsulated below:
  - ✓ w.e.f. 06.10.2021, the ice cream parlours are required to pay GST on the supply of ice cream at the rate of 18% with ITC;
  - ✓ The amount or fee charged from prospective students for entrance or admission, or for issuance of eligibility certificate to them in the process of their entrance/admission as well as the fee charged for issuance of migration certificates by educational institutions to the leaving or ex-students is covered by an exemption under Sl. No. 66 of Notification No. 12/2017-CT (Rate) dated 28.06.2017;
  - ✓ exemption under Sl. No. 9B of Notification No. 12/2017-CT (Rate) dated 28.06.2017 covers services associated with transit cargo both to and from Nepal and Bhutan;
  - ✓ the additional fee collected in the form of higher toll charges from vehicles not having Fastag is essentially payment of toll for allowing access to roads or bridges to such vehicles and may be given the same treatment as given to toll charges;
  - ✓ the body corporate avails the passenger transport service for specific journeys or voyages and does not take the vehicle on rent for any particular period of time, the service would fall under Heading 9964 and the body corporate shall not be liable to pay GST on the same under RCM. Further, the body corporate hires the motor vehicle (for transport of employees etc.) for a period of time, during which the motor vehicle shall be at the disposal of the body corporate, the service would fall under Heading 9966, and the body corporate shall be liable to pay GST on the same under RCM.

- **Circular No. 178/2022-GST dated 03.08.2022**

  The CBIC has issued the clarification of GST applicability on liquidated damages, compensation and penalty arising out of breach of contract or other provisions of law. The same has been encapsulated below:
  - ✓ Liquidated damages cannot be said to be a consideration received for tolerating the breach or non-performance of the contract. They are rather payments for not tolerating the breach of contract. Such payments do not constitute consideration for a supply and are not taxable.
  - ✓ Cheque dishonour fine, penalty imposed for violation of law and forfeiture of salary or recovery of the bond amount is not a consideration for any service and hence, not taxable.
  - ✓ The facility of accepting late payments with interest/fee, pre-closure of loan, and allowing cancellation of an intended supply against payment of fee is a facility granted by the supplier that is naturally bundled with the main supply. Therefore, the same should be assessed as principal supply.

- **Circular No. 179/2022-GST dated 03.08.2022**

  The CBIC has issued the clarification regarding GST rates & classification (goods) based on the recommendations of the 47th GST Council Meet. Few relevant clarifications have been reproduced below:
  - ✓ The electrically operated vehicle is to be classified under HSN 8703 even if the battery is not fitted to the such vehicle at the time of supply and thereby attract GST at the rate of 5% in terms of entry 242A of Schedule I of notification No. 1/2017-CT (Rate);
  - ✓ Supply of treated sewage water, falling under heading 2201, is exempt under GST. Further, to clarify the issue, the word 'purified' is omitted from the above-mentioned entry vide Notification No. 7/2022-CT (Rate) dated 13.07.2022;

- ✓ Nicotine Polacrilex gum which is commonly applied orally and is intended to assist tobacco use cessation is appropriately classifiable under tariff item 2404 91 00 with an applicable GST rate of 18%;

ADVISORY/UPDATE

❖ **Changes in Table 4 of GSTR 3B - Reporting of ITC availment, reversal and Ineligible ITC**

- ✓ The CBIC vide Notification No. 14/2022-CT dated 05.07.2022 has notified a few changes in Table 4 of Form GSTR-3B for enabling taxpayers to correctly report information regarding ITC availed, ITC reversal and ineligible ITC in Table 4 of GSTR-3B.
- ✓ The Notified changes of Table 4 of GSTR-3B have been incorporated in GSTR-3B and are available on GST Portal since 01.09.2022. The taxpayers are advised to report their ITC availment, reversal of ITC and ineligible ITC correctly as per the new format of Table 4 of GSTR-3B at GST Portal for the GSTR-3B to be filed for the period August 2022 onwards.

❖ **Recently, the Comptroller and Auditor General of India (CAG) issued their audit report on the GST**

CAG, in its audit report, has identified many weaknesses and suggests several recommendations. The same has been encapsulated below for your ready reference:

- ✓ Significant data inconsistencies between the taxable value and declared tax liability.
- ✓ Inconsistencies were also noticed between the CGST and SGST components of GST, and between ITC figures captured in GSTR-3B and GSTR-9 returns
- ✓ Due to significant inconsistencies in GST data, Audit could not establish the reliability of data, for the purpose of finding audit insights and trends in GST revenue, and assessing high-risk areas such as tax liability and ITC mismatch at the pan India Level.
- ✓ Cases of all taxpayers, who have not been allocated to either the Centre or state jurisdictions, may be reviewed and they may be allocated to appropriate tax administrations, as per the guidelines of the GST Council.
- ✓ Audit observed 1,686 compliance deviations in 1,438 cases, out of 7,560 cases examined in detail, amounting to Rs. 977.54 crores, constituting a deviation rate of 22%. Irregularities noticed were relatively higher in four categories viz; a) ineligible credit of duty paid goods in stock without documents, b) irregular claim on un-availed credit on capital goods, c) ineligible credit on inputs or input services in transit, and d) irregular claim on closing balances.
- ✓ The Department had identified the top 50,000 cases for verification as a priority for 2018-19, but the exercise was not yet completed, and the Department was yet to verify 8,849 cases. The rate of recovery of detected irregularities was low. Cross jurisdictional issues and lack of coordination in Central Tax jurisdictions in some zones impeded verification and initiation of recovery actions.

FOREIGN TRADE POLICY

TRADE NOTICE

❖ **Trade Notice No. 15/2022-23 dated 01.08.2022**

The DGFT has extended the date of mandatory electronic filing of Non-Preferential Certificate of Origin (NP CoO) through the Common Digital Platform up to 31.03.2023.

PUBLIC NOTICE

- **Public Notice No. 21/2015-20 dated 05.08.2022**
  The DGFT has amended Para 3.20(a) of HBP vide which the validity of the Status Certificate, issued during the FY 2015-16 and FY 2016-17, has been extended up to 30.09.2022.

RATIO DECIDENDI

GST LAW

- **Unichem Laboratories Limited versus Union of India and Ors., Writ Petition No. 109 of 2020- Bombay High Court**
  The issue involved in the present matter is that the Petitioner was not able to distribute the ISD credit or recognize and report the distribution of the ISD credit by the ISD to their respective units/offices, in view of the procedural and functional difficulties faced by them in relation to the GST forms and portal. In this regard, the Hon'ble High Court has directed the CBIC to issue a clarification in relation to the distribution/ reporting of the ISD credit within 21 days.

- **Nirmal Kumar Mahaveer Kumar Versus Commissioner of CGST, 2022 Live Law (Del) 837- Delhi High Court**
  In the instant matter, the Petitioner's goods were intercepted and detained, on account of the expiration of the e-way bill, by the Officer of the CGST Department. The notice dated 30.09.2020 was issued to the petitioner wherein the demand of tax and penalty was proposed. Consequently, the Petitioner, on the very same day, deposited the tax and penalty as proposed in the notice as the goods required to be delivered to the destination as soon as possible. Due to paucity of time, the petitioner did not take advantage of the opportunity to demonstrate that the goods could not reach their destination before the e-way bill's validity period expired. In this regard, the Hon'ble High Court has held that the petitioner/taxpayer needs to be given another chance to establish why the subject goods did not reach their designated designation before the expiry of the e-way bill and have remanded the matter to the respondent to take a fresh decision on the matter, after giving the petitioner due opportunity to produce relevant material and evidence to establish its case.

- **Johnson Matthey Chemical India Pvt. Ltd. Vs Assistant Commissioner CGST, Defect Diary No. 70194/2022-CESTAT Allahabad**
  In the instant matter, the Appellant has filed an appeal against the OIA passed by the Commissioner (Appeals), Allahabad before the Hon'ble CESTAT, Allahabad and deposited the mandatory pre-deposit amount @ 10% of the disputed amount in terms of Section 35F of the Excise Act by way of reversal in GSTR-3B and an additional amount of 2.5% was deposited vide DRC-03 challan. In this regard, the Hon'ble CESTAT held that mandatory pre-deposit cannot be made by way of debit in the Electronic Credit Ledger maintained under the CGST Act and granted four weeks to the appellant to make the mandatory pre-deposit in cash.

CUSTOMS/ FOREIGN TRADE POLICY

- **S. J. Enterprises & Anr. versus Union of India, 2022 LiveLaw (Bom) 293 – Bombay High Court**
  In the present matter, the central issue involved is that the Customs Authority sought to encash the Bank Guarantees furnished by the petitioner in order to cover the demands raised by the Customs Department against the petitioner. In this regard, the Hon'ble High Court held that the Customs Authorities cannot encash the Bank Guarantee furnished by the assessee before the expiry of the statutory period available for filing an appeal. Further, it is opined that the Customs Authorities had breached the law by adopting coercive measures and encashing the Bank Guarantees before the expiry of the limitation period available for filing a statutory appeal.

- **M/s Gupta Hair Products (P) Ltd. Vs. The Deputy Director General of Foreign Trade, W.P.No. 25860 of 2021- Madras High Court**
  The Petitioner is an exporter of human hair. The Petitioner is entitled to the benefit under MEIS, but the same was denied on the sole ground that in the shipping bill, the Petitioner had declared "No" with regard to their intention to claim the benefit under the said scheme. The Petitioner, accordingly, had made an amendment to the shipping bill, but the same was not transmitted to the electronic system. In this regard, the Hon'ble High Court held that due to technical error or lacunae in the electronic system, the petitioner/exporter cannot be deprived of its benefit/incentive under the aforesaid scheme and directed the respondent to consider the petitioner's representation seeking to get the benefit under the MEIS for the subject shipping bill and pass orders within a period of six weeks.

- **M/s Smarte Solutions Pvt. Ltd. Vs. Union of India and Ors., 2022 Live Law (Bom) 281- Bombay High Court**
  In the instant matter, the Petitioner had exported its market research services to their overseas client, which is eligible for the benefits under SEIS, accordingly, the application was submitted by the Petitioner before their jurisdictional Regional Authority and the same got rejected on the ground that the Petitioner does not hold the valid IEC at the time of rendering the aforesaid services. Aggrieved, the Petitioner filed a review application, which was rejected. Against this, the petitioner filed a writ petition before the Hon'ble High Court wherein it is held that the requirement of holding an IEC number at the time of rendering services in order to avail of the benefits under the said scheme as imposed by the Foreign Trade Policy 2015-2020 (FTP), is contrary to the provision of Section 7 of FTDR Act, 1992. Further, it opined that the said condition cannot be termed as mandatory in nature for availing of the benefits under the SEIS since it is against the principal legislation.

NEWS NUGGETS

- SC gives finance ministry 30 more days for opening of GST portal
- More GST rate changes likely to address inverted duty, exemptions
- Recycled Supertech debris will attract GST slab of 5%–18%, say experts
- GST Officials detect tax credit abuse with data analytics
- New foreign trade policy may help reduce compliance burden on small exporters: Report
- Goyal likely to chair Board of Trade meeting next month; ways to boost trade on agenda
- FTAs with U.K., Canada to be sealed in 2022'
- India-UK free trade agreement to help boost services exports: SEPC
- India, UK Working Intensively to Meet Diwali Deadline for Free Trade Agreement
- Switzerland seeks swift completion of free trade agreement negotiations with India

❖ [Piyush Goyal to attend IPEF ministerial, strengthen trade ties with the US]

ARTICLES BY RSA LEGAL SOLUTIONS

Article penned by Shweta Jain Gupta (Partner)

Gold or Platinum Alloy – An Alloy of Flawed Policy and Faulty Drafting

There's a common saying, "All that Glitters is not gold". The same goes true with the gold importers these days. The Customs Department have recently started obstructing all the imports of alloy containing gold and platinum across the country and have created a ruckus in the industry since these are sensitive items whose rates fluctuate on a daily basis. This is being done for a reason that importers import an alloy containing gold and platinum declaring it as platinum wherein the content of gold is 96% and platinum is 4%. Before, we proceed further to understand our beloved Finance Ministry's and DGFT's current legal position on this which leads to the complete mess (as always), it is important to understand the correct classification as per law, whether it stands to classify as an alloy of gold or an alloy of platinum.

Chapter Note 5 and Note 6 of Chapter 71of the Customs Tariff Act which is aligned with the Harmonised System of Nomenclature (HSN) enumerates about the constitution of precious metal content in a product and classifies it accordingly, the said chapter note is produced below:

> *"5. For the purposes of this Chapter, any alloy (including a sintered mixture and an inter-metallic compound)* ***containing precious metal is to be treated as an alloy of precious metal if any one precious metal constitutes as much as 2% by weight, of the alloy. Alloys of precious metal are to be classified according to the following rules:***
>
> ***a) an alloy containing 2% or more, by weight, of platinum is to be treated as an alloy of platinum;***
>
> ***b) an alloy containing 2% or more, by weight, of gold but not platinum, or less than 2% be weight, of platinum, is to be treated as an alloy of gold;***
>
> *6. Except where the context otherwise requires, any reference in this Schedule to precious metal or to any particular precious metal includes a reference to alloys treated as alloys of precious metal or of the particular metal in accordance with the rules in Note 5 above, but not to metal clad with precious metal or to base metal or non-metals plated with precious metal"*

As per rule(a) above, **an alloy of two precious metals containing 2% or more of platinum is to treated as an alloy of platinum.**

Further rule (b) **provides an alloy of gold and platinum containing 2% or more of gold but where platinum is less than 2% to be treated as an alloy of gold.**

On harmonious reading of rule(a) and (b), an **alloy containing 2% or more of platinum will qualify as an alloy of platinum** and **an alloy containing 2% or more of gold, but not containing 2% or more of platinum shall be treated as an alloy of gold.**

In support of this, there are World Customs Organisation (WCO) Explanatory Notes along with various WCO cross rulings as well as domestic decisions even by the Supreme Court which are unambiguously clear regarding the classification of an alloy of gold and platinum where the content of platinum is more than 2% and gold is less than 98% to be classified as platinum. There is absolutely no doubt on that. I am not reproducing those for the sake of brevity since we need to discuss the issue in detail and find out who's fault is there and the possible harsh outcomes. This is the classification law set by the WCO to which India is a member and must mandatorily follow this classification which have been accordingly incorporated in our domestic law as well. The importer has no role to play in it, in fact India itself has no role to play since it is prescribed by WCO.

Now, there are two departments involved i.e. the Customs department (Finance Ministry) and Director General of Foreign Trade (Ministry of Commerce), where the issues arise and the mischief lies. Let's come to the law now as is in effect. The DGFT has prescribed the import of gold as "restricted" which requires license for import of gold whereas the import of platinum is free. The Finance Ministry has prescribed the effective rate of customs duty on import of gold as 15% and gold dore bar as 11.85% whereas the effective rate of customs duty on platinum is 10% on import of platinum. These have been recently done. Therefore, if a person imports gold, he will have to pay customs duty at a higher rate along with the strict condition of procuring the license for import. Whereas, if a person imports platinum, then there is a lower rate of duty along with no requirement of obtaining the license. This is the law set by Finance Ministry and Ministry of Commerce where the importer has no role to play.

To sum up, the importers started importing the alloy of gold and platinum as "platinum" in terms of classification as referred above. Further, our import-export policy is also completely aligned with HSN. Therefore, under the import-export policy also, the same will be classified as "platinum" and will be accordingly treated.

I was already well versed with this legal and factual position, but then to my surprise, I read a headline in a business newspaper today saying "gold cloaked as platinum for duty gains" which caught my attention. On the *prima-facie* view, the news item appeared to have treated the importers as wrong doers as if they have done some misrepresentation and that the law is ambiguous, and importers have taken a wrong interpretation. The news item also says that government is in the process of issuing a fresh notification. In fact, many consignments have been cleared also by the customs authorities in the past.

Whatever be, it would be really important to see whether there is any violation of law actually done by the importers. For me, the answer is plain and simple, "No". This is because the importers had classified the goods according to the prescribed WCO classification which is the correct classification which even the department is accepting. In fact, had they classified such alloys as gold alloy, then it would have been mis-classified and mis-declared. Secondly, whether on import of platinum alloy, the importer has violated any law of customs or DGFT, the answer is no, since when he is importing, he is paying according to the prescribed rate and following the prescribed procedure. Then the question arises, where lies the fault/problem. The problem here is that correct interpretation and correct legal application of law is leading to a "not so accepting" situation by the department since the goods are being imported at a lower rate of duty without any license.

Therefore, the importers might face the following problems despite following the law correctly:

- Non clearance of goods at the port leading to high demurrage charges and problems for the importers, goods being sensitive to price item
- DRI harassing the importers who have already cleared the goods
- Blockage of funds
- Litigations for future

The news item also mentions that the government is in the process of issuing a notification. I believe, there can be no change in the classification since it is bound by HSN and cannot be changed unilaterally by India itself. Now the ball lies in the Finance Ministry and the Commerce Ministry where they can increase the duty of platinum or impose restrictions on platinum as well so there is no mischief being played by the importers in the guise of following the law.

The importers whose goods are stuck at customs port should approach the High Court for such release since the department will not release the goods as it is not a mere case of underpayment of duty but also involves importing a "restricted" item as per department for which there is no license in place. Hope the issues get settled by the Courts.

This is one of the classic examples where the importer would be penalised for following the correct law since that is not correct according to the government and the government had never intended the same. Not only this, but many times, we see that there are so many drafting errors by the statesman, that it is ultimately the assessee or the importer or exporter who complies with law and pays taxes and duties who has to suffer. Thus, government should introspect and devise the law with good set of drafting skills which clearly depicts the intent. We all need to understand that in the above case, there has been big gap and loophole in law for which the importers will be made the scapegoat. If a benefit is being given under the law, the assessee would have every right to avail it subject to the fulfilment of conditions if any. If such situation is leading to absurdity, the government needs to tighten its policies with good drafting to plug the loopholes, but importer should not be punished.

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RSA Legal has successfully found a place in the list of Finalist for "**Tax Law Firm of the Year 2021**" by Asian Legal Business (ALB) Awards. RSA recently featured in the "**Top 20 Recommended Lawyers**" in India by Business Connect magazine in 2019-2020. RSA has been chosen in top 5 finalist in the category of "**Best Start up law firm of the year**" award by the prestigious IDEX Legal Awards. Also, the firm was awarded with the **"Top 10 GST Consultants Award"** by the famous Insight Success Magazine.

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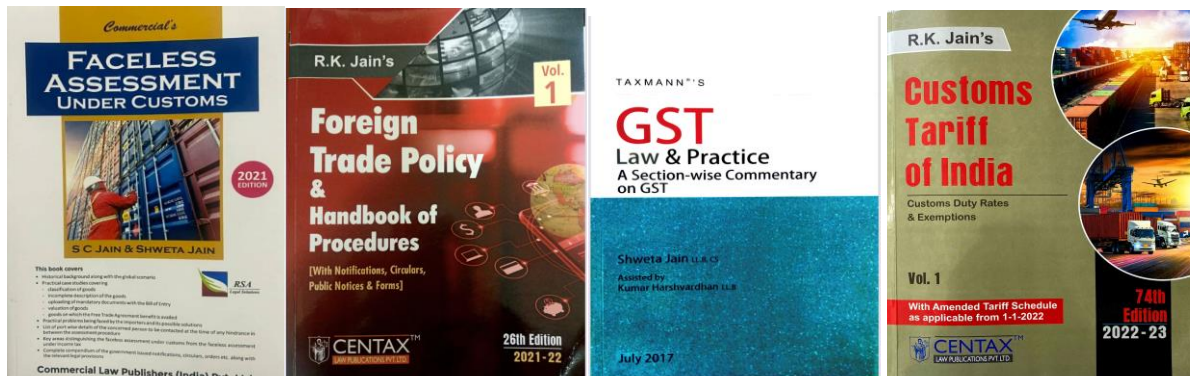

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