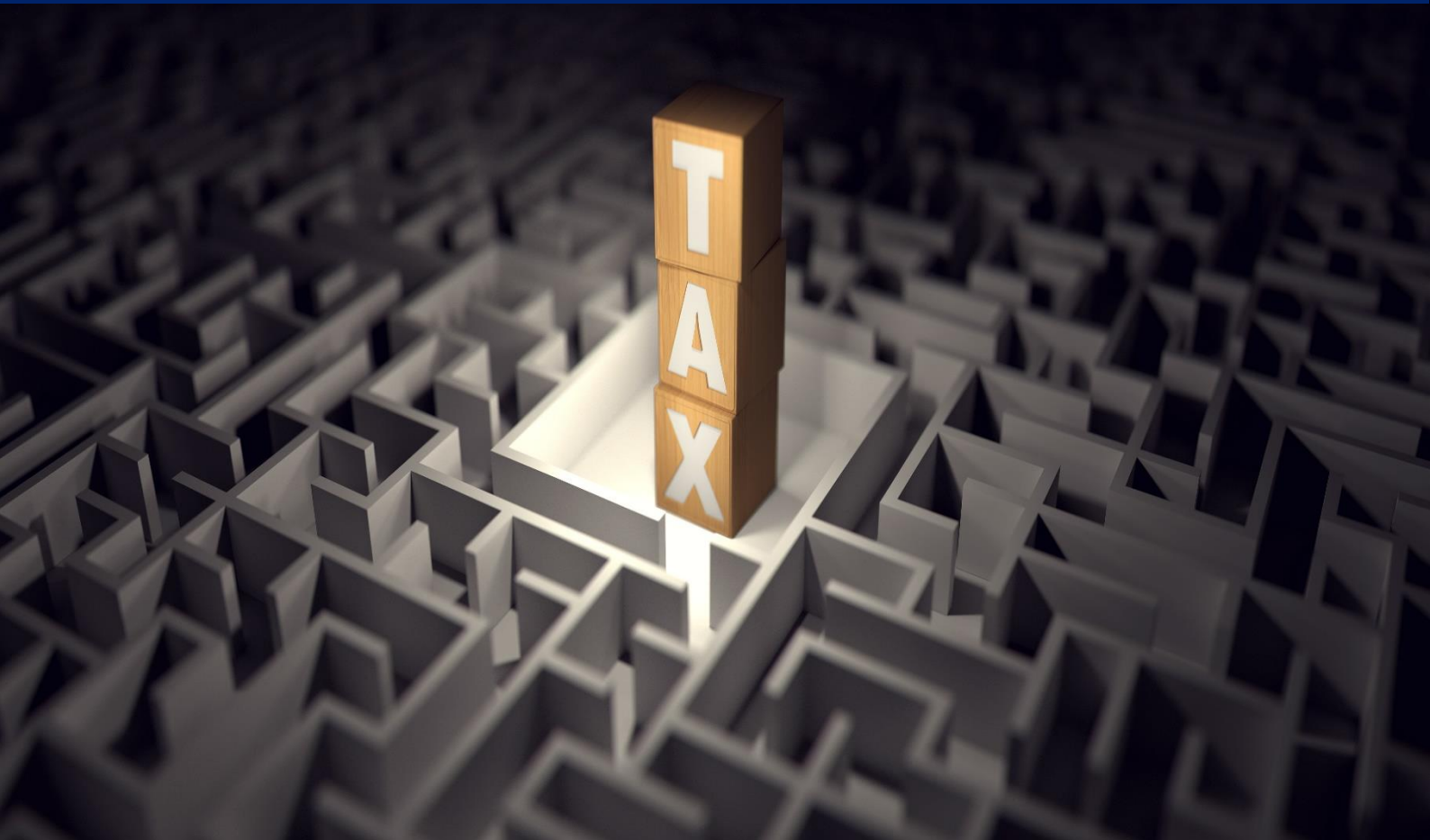


# Tax INFORM

A Fox Mandal publication for private circulation only.

Issue IX | September 2021



# Contents

## **4 DIRECT TAX**

Recent Case Laws

Notifications/Circulars

## **19 INDIRECT TAX**

### **20 Goods & Services Tax**

Recent Case Laws

Notifications/Circulars

### **27 Customs**

Recent Case Laws

Notifications/Circulars

# Highlights of the Issue

## DIRECT TAX

---

### Domestic Tax Rulings:

- Disallowance u/s. 14A not applicable if surplus funds and free reserves available and assessee is not legally liable to maintain separate books to substantiate this fact.
- Gujarat High court allows unconditional stay of demand and requests ITAT to dispose of the final appeal within 2 months from the date of receipt of this writ order.
- Amount originally received towards share allotment and subsequently treated as gift to circumvent FEMA provisions, not taxable as income.
- Deemed dividend u/s. 2(22)(e) not applicable where lender and recipient companies had substantial common shareholder.

### Personal Tax Rulings:

- Allows set off of long-term capital loss (LTCL) on shares against long term capital gain (LTCG) on sale of property and reiterates that tax planning is valid and legal.
- Allows loss on bonus stripping against long term capital gains.

### International Tax Rulings:

- Payments to Non-residents for online advertisement, bulk mail facility and web-based information technology infrastructure are not in the nature of royalty and hence no TDS is deductible.

### International Court Ruling:

- Tax authorities are not obliged to decide in advance the implication of potential assessment or contravention of DTAA provision.

### Circulars:

- Extension of timelines for electronic filing of various forms under the Income tax Act.
- Extension of time- lines for filing of Income tax returns and various reports of audit for A.Y. 2021-22.

## INDIRECT TAX

---

### GOODS AND SERVICES TAX

#### Case Laws:

- Ex-parte demand order held violative of natural justice principles.
- Classification of 'other charges' received by real-estate developers.
- Students hostel charge less than INR 1000 per day is exempt from GST.
- 'Reimbursement' arising under 'the Supply of Transfer of Going concern Service' is exempt from GST.
- JDA taxable on the completion date and not on the date of transfer of the development rights.
- Clarification on the classification of Chain Sprocket.

#### Circular:

- Clarification on restrictions regarding input tax credit and carrying of physical copies of tax invoice.
- Clarifications regarding the scope of 'intermediary services'.
- Clarification regarding 'export of services' by a subsidiary/sister concern/group concern, etc. of a foreign company.

### CUSTOMS

---

#### Recent Case Laws:

- Vessels change to "conveyances" on import into India.

#### Notifications:

- The CBIC has notified the Electronic Duty Credit Ledger Regulations, 2021 (Regulations) for credit of duty.
- GOI has notified the manner to issue duty credit for goods exported under the Remission of Duties and Taxes on Export Products (RoDTEP) Scheme and also listed out the conditions to be fulfilled for the issue of duty credit.

# DIRECT TAX



## *A. Recent Case Laws*

### I. Domestic Tax Rulings

#### [South India Bank Ltd vs. Commissioner of Income tax \[TS-849-SC-2021\]](#)

---

Disallowance u/s. 14A not applicable if surplus funds and free reserves available and assessee is not legally liable to maintain separate books to substantiate this fact.

**Facts:** In the instant case, the assessee had multiple outstanding loans from various lenders. Due to financial hardship, the assessee was unable to pay the outstanding dues towards interest and thus it entered into a 'rehabilitation plan' with the lenders. As per the plan, convertible debentures were accepted by the financial institutions in discharge of the debt on account of outstanding interest. The assessee was a scheduled bank and in course of their banking business, they also engaged in the business of investment in bonds, securities and shares and earned substantial tax-free income i.e. interest from securities and bonds, dividend from investment in shares of companies and units of UTI, etc. However, none of the banks maintained separate accounts for the investments made in bonds, securities and shares, wherefrom the tax-free income was earned, so that the disallowance could be limited to the actual expenditure incurred by the assessee.

In the absence of separate accounts, the assessing officer (AO) made proportionate disallowance of interest attributable to the funds invested to earn tax-free income. The CIT(A) concurred with this view.

The ITAT observed that the assessee was having indivisible businesses and considering their nature of business, the investments made in tax-free bonds and in shares, would be in the nature of 'stock in trade'. The ITAT also accepted the assessee's contention that the investments were made out of "surplus funds and reserves" and were not made out of interest or cost bearing funds alone. Accordingly, it held that the disallowance u/s. 14A was not warranted in the absence of clear identity of funds. This decision of the ITAT was reversed by the High Court by accepting the contentions advanced by the revenue that no separate books of accounts were maintained and accordingly it warranted for disallowance on proportionate basis.

**Issue before the Supreme Court:** Whether the HC was justified in disallowing the expenditure u/s. 14A on a proportionate basis, on the grounds that separate books of accounts were not maintained to ascertain the clear identity of funds?

**Supreme Court's Ruling:** The SC observed that in case the investment is made out of mixed funds, interest free and interest bearing, it will be presumed to be made out of interest free funds. In other words, in respect of investments made out of mixed funds, it is the assessee

who has the right of appropriation and also the right to assert from what part of the funds a particular investment was made. It may not be permissible for the Revenue to make an estimation of a proportionate figure.

The SC in the instant case, accepted the argument and various cases referred by the Ld. AR, as discussed below, where, on similar facts, various courts have ruled in favour of the assessee:

- The Bombay HC in the case of *Pr. CIT vs. Bombay Dyeing and Mfg. Co. Ltd. (ITA No 1225 of 2015)*, wherein it was held that the Tribunal was justified in deleting the disallowance under section 80M of the Act, on the presumption that when the funds available to the assessee were both interest free and loans, the investments made would be out of the interest free funds available with the assessee, provided the interest free funds are sufficient to meet the investment.
- In the case of *CIT (large tax-payer unit) vs. Reliance Industries Ltd (2019) 410 ITR 466 / (2019) 20 SCC 478* where a division bench of the Supreme Court expressly held that where there is a finding of the fact that interest free funds available to assessee were sufficient to meet its investment, it will be presumed that investments were made from such interest free funds.
- In *HDFC Bank Ltd vs. Deputy Commissioner of Income Tax (2016) 383 ITR 529 (Bom) / 2016 SCC Online Bom 1109*, the assessee therein was also a scheduled bank and the issue pertained to disallowance u/s. 14A. The Bombay HC, while remanding back the matter, held that if the assessee possesses sufficient interest free funds as against the investment, there is presumption that investment in tax-free securities has come out of tax-free funds with the assessee. In such a situation section 14A will not be applicable.
- Similar observations were also made by other High courts in *CIT vs. Suzlon Energy Ltd (2013) 354 ITR 630 (Guj)*, *CIT vs. Microlabs Ltd (2016) 383 ITR 490 (Karn)* and *CIT vs. Max India Ltd. (2016) 388 ITR 81 (P&H)*. The Ld. AR also pointed out that all these judgements have attained finality.

The SC further observed that HC herein endorsed the proportionate disallowance made by the AO u/s. 14A on the grounds that separate account was not maintained by the assessee. In this regard, the SC has held that there is no law which obligates the assessee to maintain separate accounts. The SC also distinguished the Ld. DR's reliance on *Honda Siel Power Products Ltd. vs. DCIT (2012) 12 SCC 762*, with the present case on the grounds that the said case was in relation to disclosure in the return of income. It has held that the assessee definitely has the obligation to provide full material while filing return, however, no such legal obligation is present to maintain separate accounts.

The SC also analysed the applicability of *Maxopp Investment Ltd. vs. CIT (2018) 15 SCC 523* decision, which was relied upon by both the counsels. The SC differentiated this ruling from the case before hand on the grounds that this Court rejected the theory of "dominant

purpose” suggested by the P&H High Court and accepted the principle of apportionment of expenditure only when the business was divisible.

The SC while deciding the issue of disallowance of expenditure on shares held as stock in trade, has placed reliance on *Godrej and Boyce Manufacturing Company Ltd. vs. DCIT (2017) 7 SCC 421*, wherein it was held that “what cannot be denied is that the requirement for attracting the provisions of section 14A of the Act is proof of the fact that the expenditure sought to be disallowed / deducted had actually been incurred in earning the dividend income”.

The SC has noted that pursuant to the SC ruling in *Nawanshahar Central Cooperative Bank (2007) 15 SCC 611*, the CBDT had issued the Circular No. 18 of 2015 dt. Nov 2, 2015, which clarified that all shares and securities held by a bank which are not bought to maintain SLR, are its stock-in-trade and not investments and income arising therefrom is of banking business; SC noted that the Revenue did not contend that the Assessee Banks had held the securities for maintaining SLR and since there is no finding that the investments of the Assessee are of the related category, the tax implication would not arise against the Assesseees from the said Circular

Based on the above discussion, the SC has held that proportionate disallowance of interest is not warranted u/s. 14A of the Income Tax Act. The SC has thus concluded the case by following the famous saying of Adam Smith in his seminal work – “the Wealth of Nations”, and held that “In taxation regime, there is no room for presumption and nothing can be taken to be implied”. The Government should endeavour that the tax system is convenient and simple to achieve maximum compliance.

## Sun Pharmaceutical Industries Limited [TS-829-HC-2021 (GUJ)]

---

Gujarat High court allows unconditional stay of demand and requests ITAT to dispose of the final appeal within 2 months from the date of receipt of this writ order.

**Facts:** The Revenue passed a draft assessment order u/s. 143(3) r.w.s 92CA, r.w.s 144C of the Income tax Act. Aggrieved by the order, the assessee had preferred an appeal before the Dispute Resolution Panel (DRP) and the DRP confirmed almost all the additions / disallowance and passed a final order raising a demand of Rs. 2005 crores.

Against the aforesaid assessment order, the assessee had filed an appeal before the Income Tax Appellate Tribunal (ITAT) and had also filed an application u/s. 220(6) before the Revenue to stay the demand. The Revenue had rejected this application and accordingly the assessee made a fresh application before the ITAT for stay of demand. The ITAT disposed the application by relegating the application to the CIT(A). The CIT(A), after due consideration, granted a relief and thereby stayed the demand with a condition to adjust the future refunds against the said demand.

Accordingly, the Revenue, while giving effect to the order of CIT(A), had adjusted a refund of Rs. 224 crores, for A.Y. 2014-15, against the said demand on the assessee. In such

circumstances, the assessee preferred a writ before the High Court, against the conditional stay order issued by the CIT(A).

**Issue before the High Court (HC):** Whether the assessee was justified in seeking an unconditional stay of demand, considering the current facts and circumstances of the case and whether the action on part of the Revenue was in accordance with the law?



**High Court's Ruling:** In the instant case, the HC rejected the following argument of the Revenue:

- The HC rejected the first argument on the grounds that “it will be highly doubtful whether the conditional stay order issued by CIT(A) can be challenged in an appeal before the ITAT” and hence rejected the Revenue’s contention about alternate remedy.
- With respect to the second argument, the HC relied upon the Kolkata Tribunal bench’s decision in the case of *Organon India (P) Ltd. vs. DCIT, (2018) 94 taxmann.com 421 (Kolkata – Trib)*, wherein it was held that “although the office memorandum dated 20th February 2016 of CBDT circular would apply only to matters pending before the Ld. CIT(A), i.e. the first appeal, the impugned appeal before this tribunal also would have to be construed as first appeal, in as much as on the final assessment order passed by the Ld. AO u/s. 143(3) r.w.s 144C of the Act pursuant to directions of Hon’ble DRP, and appeal would lie for the first time only before this Tribunal” and hence rejected the Revenue’s contention that the said circular is not applicable to cases pending before the ITAT.
- With respect to the third argument, the HC observed that “so far as section 245 of the Act is concerned, there need not be any debate as regards the power of the department to adjust the refund, however, such power should be exercised in a reasonable manner”

and accordingly rejected the Revenue's contention that the assessee cannot dispute the provision of section 245 of the Act.

- The HC also rejected the Revenue's contention regarding estoppel and observed that "there cannot be any estoppel against the statute".

In view of the above, all the arguments raised by the Learned DR were rejected and the HC accepted the assessee's contention that "out of the total payment of Rs. 2005 cr., demand of Rs. 1132 cr. pertains to issues which are covered in favor of the assessee, and on the balance disputed demand of Rs. 872 cr., Rs. 785 cr., which is 40% of total demand and almost 90% of disputed demand, is already paid". Accordingly, the HC granted an unconditional stay of demand and requested the ITAT to dispose of the original appeal within 2 months of date of receipt of the order.

### Crescent Payments Pvt Ltd [TS-834-ITAT-2021 (Mum)]

---

Amount originally received towards share allotment and subsequently treated as gift to circumvent FEMA provisions, not taxable as income.

**Facts:** The assessee Company, Crescent Payments Pvt Ltd, was engaged in the business of Information Technology Enabled Services (ITES). The company was formed by two brothers, and their elder brother was running a company, Alertpay Inc in Canada, which was the holding company. During the scrutiny proceedings, the Revenue had observed that an amount of Rs. 3.46 crore was received by the assessee from Alertpay, Canada, which was treated as gift received. The Revenue observed that the assessee treated the amount as gift to circumvent the FEMA regulations and taxed the receipt, which was also confirmed by the CIT(A).

**Issue before the Tribunal:** Whether the Ld. CIT(A) was justified in upholding the action of Ld. AO, in treating the money received by the assessee for issue of shares, where the shares could not be issued due to contravention of FEMA guidelines and accordingly, was treated as gift by the assessee company.

#### **Tribunal's Observations:**

- The Tribunal observed that the receipt of monies by the assessee company originally was only towards share capital and for the purpose of allotment of shares to the Canadian Company. This intention of the assessee company was not doubted by the Revenue at any point in time.
- It was a fact that the assessee failed to comply with the provisions of FEMA, by not allotting shares within 6 months from the date of receipt of money and hence, based on the advice of consultant, treated this amount as gift, to circumvent the FEMA provisions. The amount was treated as gift, pursuant to the board resolution passed by the Canadian company, Alertpay Inc.

- Based on the above facts and circumstances, the Tribunal noted that the lower authorities had taken advantage of the fact that the assessee had admitted violating FEMA provisions. However, the Tribunal stated that merely because of violation of FEMA regulations, the amount could not automatically become income, as there was no mandate provided in the law in this regard.
- With respect to applicability of section 56, as pointed out by Ld. DR, the Tribunal observed that Sec 56(1) of the Act speaks about “income of every kind which is not to be excluded from the total income under this Act, shall be chargeable to tax under the head income from other sources”. Hence the nature of the receipt should at first place be income chargeable to tax within the meaning of section 2(24) of the Act. If the said receipt is not at all chargeable to tax under any of the heads specified in section 14, then the said receipt cannot be charged to tax in terms of section 56(1) of the Act.
- With regard to applicability of provisions of section 28(iv) of the Act, the Tribunal observed that the monies were not received by the assessee company in the ordinary course of its business. For this, the assessee relied on the Gujarat High court decision in the case of Chetnaben B Seth 203 ITR 24 (Guj), which held that “amount received by an assessee partner of a firm towards valuation of Goodwill and assets of a firm at the time of retirement from the firm does not attract the provisions of section 28(iv) of the Act, since the same cannot be perquisite arising from the business and that even otherwise it would not partake the character of income”
- The Tribunal also placed reliance on the Supreme Court decision in the case of G.S. Homes & Hotels (P) Ltd vs DCIT 242 Taxman 58 (SC), wherein the SC had categorically held that “the amount received on account of share capital ought not to be treated as business income”. In the instant case as well, it was not in dispute that the amount originally received by the assessee company from the non-resident was only for issuance of share capital.
- The ITAT also relied on the Bombay HC ruling in Nerka Chemicals [TS-174-HC-2014(BOM)-O] and held that receipt of funds cannot be taxed as income to the recipient.

Hence, considering the above, the Tribunal decided the matter in favour of the assessee.

### Vardhman Buildtech Pvt Ltd [TS-782-ITAT-2021(DEL)]:

---

Deemed dividend u/s. 2(22)(e) not applicable where lender and recipient companies had substantial common shareholder

**Facts:** The assessee is a company engaged in the business of real estate. The AO had, during the course of the assessment, found that the assessee had received unsecured loan of Rs. 1,18,42,505 from M/s. Vardhman Estates and Developers Pvt Ltd (VEDPL), which had 4 common shareholders, who in turn had 25% shareholding in both the companies. The AO had

further noted that VEDPL had accumulated profits at the end of relevant A.Y and accordingly, was of the view that the provisions of section 2(22)(e) were applicable in the instant case and accordingly, had made additions in the hands of the assessee with respect to the said loan.

**Issue before the Tribunal:** Whether the AO was justified in adding the said amount u/s. 2(22)(e) on the grounds of common shareholding between the lender and the recipient company?

**Tribunal's Observations:** In the instant case, no one appeared before the Tribunal on behalf of the assessee and thus the Tribunal decided the case on its merits based on the facts available on record.

- The Assessee relied on the decision of Supreme Court in the case of CIT vs. Ankitech Pvt Ltd in 340 ITR 14, wherein it was clearly held that deemed dividend is chargeable to tax in the hands of the shareholder. However, the same was rejected by Ld. CIT(A) in view of the SC decision in the case of National Travel Services vs. CIT (401 ITR 154)
- The Tribunal analysed the decision of the Supreme Court in the case of the National Travel Services (supra) and remarked that the afore-mentioned decision has in fact not impacted the situation that the dividend is always taxable in the hands of the shareholder and not in the hands of the person receiving the loan and who is not the shareholder of the lender company. The SC had, in the case of National Travel Services, referred the matter to the larger bench, wherein it was held that the provisions of section 2(22)(e) apply to shareholder who is the "beneficial owner" of the shares, not necessarily to be a registered shareholder.
- In the instant case, the Tribunal observed that loan has been brought to tax as deemed dividend in the hands of a person who has received the loan and is not the shareholder of the company, having a substantial interest. Hence, the Tribunal reversed the order of Ld. CIT(A) and held that deemed dividend is always chargeable in the hands of the shareholder having substantial interest.
- Instead, the Tribunal was of the view that the deemed dividend implications would arise in the hands of the 4 shareholders holding common shareholding and accordingly directed the AO to delete the addition in the hands of the assessee and include the deemed dividend income in the hands of these 4 shareholders, after following proper procedures.

Accordingly, the Tribunal has decided the matter in favour of the assessee.

## II. Personal Tax Rulings

### Michael E Desa vs Income Tax Officer [ITA No 4286/Mum/17]

Set off of long-term capital loss (LTCL) on shares allowed against long term capital gain (LTCG) on sale of property and tax planning was reiterated as valid and legal.

**Facts:** The assessee was a non-resident Indian fiscally domiciled in the United States of America. During the relevant previous year, the assessee sold a property and reported a LTCG. The assessee also reported a LTCL on sale of certain shares in VCAM Investment Managers Pvt Ltd (VCAM). The AO alleged that the said loss appeared to be prima facie fictitious and not entitled to be adjusted against any taxable income and reopened the assessment. The CIT(A) confirmed the action of the AO and declined the set-off of LTCL on sale of shares against LTCG on sale of property.

**Issues before the Tribunal:** Whether the authorities were justified in declining the set-off of LTCL incurred by the assessee on the sale of shares in a company, against the LTCG earned by the assessee on the sale of property?

**Tribunal's Observations:** In the instant case, the Tribunal made the following observations:

- The Tribunal observed that there was no dispute that “the net worth of the company was fully eroded and was wiped out by losses and the value of these shares was in the negative with no future profit earning capacity or any future business prospect” and these shares were acquired by assessee way back in 2007 for 99.99 lacs and thus, to that extent, there was clearly a loss and there was no doubt or controversy.
- The Tribunal further observed that legally the loss would crystalize when they were actually sold and this is what probably left a window for planning the affairs and timing of the loss, so as to minimise the tax liability in respect of LTCG, because such loss can only be set-off against the LTCG.
- The AO had primarily questioned the timing of loss, for which the Tribunal noted that it was not for the AO to take a call on how should an assessee organise his fiscal affairs. This transaction may be tax motivated, but that factor does not, by itself, render the transaction a sham transaction or a colourable device.
- The Tribunal referred to the Hon'ble SC ruling in the case of McDowell & Co Ltd vs CTO [(1985) 154 ITR 148 (SC)], wherein the SC had observed that “It is not the tax planning simplicitor, but tax planning through dubious methods or colourable devices, which has been deprecated”
- The Tribunal also referred to the Hon'ble SC decision in the case of *Vodafone International Holdings BV vs Union of India* [(2012) 341 ITR 1 (SC)], wherein the SC reiterated the principle that “every taxpayer is entitled to arrange his affairs, so that his

taxes shall be as low as possible and that he is not bound to choose that pattern which will replenish the treasury”.

- The Tribunal further stated that “what is relevant is that whether the transaction actually took place, in as much as whether sale was actually effected and whether the consideration was actually received, and whether there was anything to substantiate that suspicion that even after the sale of the shares, the assessee continued to remain owner, legal or beneficial, of these shares. In effect, when it is demonstrated that the transaction was only on paper, and not in reality, one can ignore the transaction. That is not the case here.”
- The Tribunal also addressed the question in light of the Indian Contract Act, 1972 and observed that “Undoubtedly, when the object of a contract is illegality or something which would frustrate the law, such a contract will be void, but then minimisation of tax liability, as long as it is through legitimate tax planning and without using colourable devices, is not at all illegal; it is not even immoral as it is everybody’s duty to himself to manage his affairs properly within the framework of the law”

Considering the above arguments, the Tribunal decided the case in favour of the assessee and against the Revenue.



## Surya Kant Gupta vs ITO (ITA No. 7828/Del/2019):

Loss on bonus stripping against long term capital gains allowed.

**Facts:** The assessee was an individual and partner in M/s. Hirow Industries. The assessee made investment in mutual funds and some shares, including in M/s HCL Technologies (HCLT). HCLT made corporate announcement for issue of bonus shares during the period January 2015. As per the announcement, the company would issue bonus shares to the existing shareholders on 20/03/2015, in proportion of 1:1. The assessee purchased 11,400 equity shares of HCLT from 17/03/2015 to 18/03/2015 out of funds generated, in the form of loan from M/s. Aditya Finance. After the allotment of bonus shares, the assessee sold the entire holding of 11,400 shares of original holding on 23/03/2015, within 9 months of bonus allotment, and incurred a short-term capital loss (STCL) of Rs. 1,23,14,530/-. This loss was then adjusted against short-term capital gain (STCG) on sale of other shares and mutual funds.

The AO alleged that the motive of the assessee in dealing in the shares of HCLT was tax avoidance and dubious tax planning to set off the STCL incurred on account of bonus stripping of HCLT against the STCG earned on the sale of other equity shares with mutual funds.

**Issue before the Tribunal:** Whether the AO was justified in disallowing set-off of the short-term capital loss incurred on account of bonus stripping of HCLT. Also, whether the AO was justified in treating sale of shares as “business activity” as opposed to “capital gains”?

### **Tribunal’s Observations:**

The Tribunal in the instant case observed that, it was never disputed that the assessee was the whole time Managing Partner of M/s. Hirow Industries and was receiving salary. Considering, the sale of shares as trading activity by the AO was not justifiable as the assessee was not into the business of dealing in shares and had made investment in the shares of few other companies and mutual funds during the relevant assessment year.

- The Tribunal disregarded the assessee’s contention that the shares were purchased through loan, on the grounds that it will not make any impact as the assessee’s profile was that of investor and not that of trader, which was not all disputed by the AO at any point of time. The transaction was also not held as non-genuine by the AO at any point of time.
- The Tribunal relied on the Pune Tribunal decision in the case of Adar Poonawala vs. Additional CIT ITA Nos 7641/PN/2012 & 824/PN/2012, wherein the Tribunal, had on similar facts, allowed the set-off of loss on account of sale of shares, against long term capital gains.

Hence, considering the above, the Tribunal has decided the case in favour of the assessee.



### III. International Tax Rulings

#### Urban Ladder Home Décor Solutions Pvt Ltd [TS-773-ITAT-2021(Bang)]

Payments to Non-residents for online advertisement, bulk mail facility and web-based information technology infrastructure are not in the nature of royalty and hence no TDS is deductible.

**Facts:** The assessee company, engaged in the business of home décor, sold their products mainly through online marketing. They had placed their advertisement on Facebook in Ireland. It also used the bulk mail facility offered by M/s Rocket Science Group, USA and Amazon Web Services (AWS) offered by M/s Amazon Inc., USA, which were in the nature of providing information technology infrastructure on rental basis.

During the course of survey operations, the A.O noticed that the assessee company had made payments to non-residents towards advertisements and marketing expenses without deducting tax at source. The A.O, in light of section 9(1)(vi), took the view that the assessee was liable to deduct tax at source from the payments made to the non-residents. Accordingly, it treated the assessee to be in default for F.Y. 2014-15, F.Y. 2015-16 & 2016-17 and raised demands u/s. 201(1) and charged interests u/s. 201(1A).

**Issue before the Tribunal:** Whether TDS was applicable on payments made to non-residents and accordingly whether the A.O was justified in treating the assessee as an “assessee in default” and in raising the demand u/s. 201(1)/(1A)?

## Tribunal Observations:

- ITAT observed that the AO had, while ascertaining the applicability of TDS, in the instant case, relied on the provision of section 9(1)(vi) of the Income tax Act and had placed huge reliance on the decision of Karnataka High court in the case of *CIT vs. Samsung Electronics Co Ltd (2011)(16 taxmann.com 141)(Kar)* which was confirmed by CIT(A). In this regard, the Tribunal observed that the Supreme Court decision in the case of *Engineering Analysis Centre of Excellence Private Limited vs. CIT (Civil Appeal Nos 8733-8734 of 2018 dated March 02, 2021) (125 taxmann.com 42)* had overruled the Karnataka High court decision and the SC had held that since the definition of Royalty under the Income tax Act was very wide, definition of royalty as per DTAA had to apply.
- The ITAT, on perusal of the agreement with Facebook and Rocket Science Group (Mailchimp) observed that both these NRs were allowing use of facilities provided in the sites, which inter-alia, included, software facilities also. The purpose of compelling the assessee to use those facilities was to create an environment of ease in creating the “advertisement content” to suite the platform of Facebook and Mailchimp. However, the use of facilities was intertwined with the activity of placing advertisement in the web portal of Facebook or sending bulk mails.
- The ITAT has analysed the decision of the Kolkata Tribunal in the case of *Right Florists (2013) (32 taxmann.com 99) (Kol – Trib)* which had considered the issue of taxability of payment made to foreign search engine portals for online advertising. The co-ordinate bench in this case had ruled that payments for online advertising on Google and Yahoo cannot be brought to tax in India under the provisions of the Income tax Act and also under India-USA DTAA due to absence of PE in India. The Tribunal in this case had examined the existence of PE only on the basis of website simplicitor and on no other additional basis
- In order to determine the taxability of web hosting charges paid to Amazon Web Services LLC, the ITAT placed reliance on Pune Tribunal decision in the case of *EPRSS Prepaid Recharge Service India P Ltd (ITA No 828/Pun/2016 dtd 24.10.2018) (2018) (100 taxmann.com 52) (Pune)*, wherein reference was made to the Madras HC ruling in *Skycell Communications Ltd. [TS-18-HC-2001(Mad)]*, which had held that mere usage of facilities does not give rise to provision of any technical service. Under the same analogy, mere usage of facility provided by the above said non-residents do not render the payments as “royalty payments”, since the core point of parting of any “copyright” attached to the said facilities does not arise at all.
- In the case of *Engineering Analysis Centre of Excellence (P) Ltd (supra)*, the SC held that since the license was granted without parting the copyrights attached to the software, the payments received by non-resident software companies could not be taxed as “royalty” under the DTAA. In the instant case as well, the Tribunal observed that Facebook and Rocket Science Group only allowed the assessee to use facilities, including software, which was also intertwined with the main objective of placing advertisement. In the case of AWS, the payment was made only for using information

technology infrastructure facilities on rental basis. The agreements also made it clear that the copyright over those facilitating software was not shared with the assessee.

Accordingly, in view of the above explanation and following the ratio laid down by the Hon'ble SC, the Tribunal held that the payments made to the three non-residents companies do not fall within the definition of "royalty", as defined in the DTAA and hence they do not give rise to any income chargeable to tax in India. Hence, the Tribunal has set aside the order of the Ld. CIT(A) and has deleted the demand raised u/s. 201(1)/(1A) of the Act.

## IV. International Court Rulings

### Blue Bridge Trust Company Inc [TS-797-FC-2021]:

Tax authorities are not obliged to decide in advance the implication of potential assessment or contravention of DTAA provision.

**Facts:** The appellant, Blue Bridge Trust Company Inc., was a trustee of various trusts in Canada. The French tax authorities requested the Canadian Government to share certain information and documents of the trust, in the belief that the French tax residents had ties with the Canadian trusts. In turn, the Canadian tax authorities requested the appellant to submit the required details.

However, the appellant objected to this request as it feared that the French authorities would assess the assets of the Canadian trust and apply the French wealth tax.

In order to avoid submitting the details, the appellant filed an application before the Federal Court on the following grounds:

- Neither it nor the trust were subjected to French tax laws and therefore were not required to comply with the demand.
- The Canadian tax authorities should undertake thorough analysis and ensure that there shall not arise any tax implications, which were contrary to Article 26(1) of the tax treaty.

However, the Federal Court dismissed the application for the following reasons:

- The Court observed that the information required by the French authorities was only for its own residents and there was no evidence to support that France planned to tax anybody other than its tax residents.

- The appellant could not force the Canadian tax authorities to decide in advance on the validity of potential assessment of French taxpayers, based on incomplete facts and superficial understanding of French tax law.

Considering the above, the Court dismissed the application of the appellant. Aggrieved, the appellant filed an appeal before the Federal Court of Appeal.

**Issue before the Federal Court of Appeal:** The issue before the Canadian Federal Court of Appeal was, inter alia, to decide whether submission of required information by the tax authorities to France would amount to contravention of Article 26 of the tax treaty.

**Federal Court of Appeal Observation:**

- The Court observed that the objective of Article 26 under the DTAA was not to restrict the scope of exchange of information but to promote it to the widest possible extent
- Article 26 states that any information that is likely to be relevant to apply the tax treaty provisions should be exchanged between the Competent authorities
- Interpreting Article 26 of the tax treaty in a way that casts an obligation on the receiving State to a thorough research and analysis of the facts and the law of the requesting State would hamper the adequate and effective functioning of the provisions of the tax treaty.

Accordingly, the decision was ruled against the appellant.



## *B. Notifications/Circulars*

### **Circular No 16/2021 dated 29<sup>th</sup> August 2021**

---

Extension of timelines for electronic filing of various forms under the Income tax Act.

In view of difficulties faced by taxpayers in electronic filings of certain forms under the Income tax Act, the CBDT, in exercise of its power u/s. 119 of the Act, has extended the due date for electronic filing of various forms (for detailed discussion please refer our tax alert - <https://www.foxmandal.in/tax-e-filing-extensions-granted-for-various-forms/>).

### **Circular No 17/2021 dated 9<sup>th</sup> September 2021**

---

Extension of timelines for filing of Income tax returns and various reports of audit for A.Y. 2021-22.

In view of persistent glitch in the new income tax portal causing difficulties in filing of return of income and various reports of audit as required by the taxpayers and other stakeholders, the CBDT, in exercise of its power u/s. 119 of the Act, provided relaxation in respect of filing of return and audit report (for detailed discussion please refer our tax alert - <https://www.foxmandal.in/income-tax-due-date-extension-return-of-income-and-various-audit-reports/>).

# INDIRECT TAX



# Goods & Services Tax

## *A. Recent Case Laws:*

### [Om Shanti Construction vs The State of Bihar & Ors. \[TS-496-HC\(PAT\)-2021-GST\]](#)

---

Ex-parte demand order held violative of natural justice principles.

In this case, the Assistant Commissioner of State Tax, East Circle, Muzaffarpur, Bihar (the Proper Officer), passed a demand order under Section 74(9) of the Bihar Goods and Services Tax Act, 2017 (BGST Act). Additionally, without giving the Assessee an opportunity of fair hearing, Section 83 of the BGST Act invoked, attaching the bank account of the Assessee.

Before the Hon'ble High Court of Patna (the Court), the Assessee alleged that the Proper Officer did not give sufficient time to present its case. The Court noted that the ex-parte order passed against the Assessee failed to record how the Proper Officer arrived at the amount due and payable by the Assessee. Citing the same, the Court directed the Proper Officer to comply with the principles of natural justice and provide the Assessee with a hearing opportunity.

The Court held the order passed ex-parte in violation of the principles of natural justice, quashed the same and directed de-freezing of Assessee's bank accounts.

### [Puranik Builders Ltd. \[TS-458-AAR\(MAH\)-2021-GST\]](#)

---

Classification of 'other charges' received by real-estate developers.

In this case, in addition to the base price of a flat, the Applicant was separately collecting charges towards installation of electric meter, security deposit for electric meter, water connection charges, municipal taxes, advance maintenance, clubhouse maintenance, development charges and legal fees ('other charges').

Before the Maharashtra Authority for Advance Ruling (the Authority), the question was whether to treat the 'other charges' as consideration for construction services classified under HSN 9954 covering the Construction of Residential Apartments.

The Authority noted that when the question arose to pay stamp duty, the Applicant did not consider 'other charges' as part of construction services, however, for GST purpose the Applicant contended that the 'other charges' to be towards the main construction service. The Authority concluded that the 'other charges' collected are for services different from the construction service. The Authority denied accepting that the construction service and the services other than construction services for which the Applicant collected, 'other charges', are naturally bundled and supplied in conjunction with each other.

The Authority held that the 'other charges' will attract GST @18% and is classified under serial number 3 of the Notification No.11/2017-Central Tax (Rate) dated June 28, 2017, which reads as "construction services other than (i) and (ii) above" i.e., construction services other than construction of a complex, building, civil structure or a part thereof, and construction service other than composite supply of works contract as defined in clause 119 of Section 2 of the Central Goods and Services Tax Act, 2017.

### [Ghodawat Eduserve LLP \[TS-459-AAR\(MAH\)-2021-GST\]](#)

---

Students hostel charge less than INR 1000 per day is exempt from GST.

In this case, the Applicant provided commercial training and coaching service to students with an optional hostel facility. The question before the Maharashtra Authority for Advance Ruling (Authority) was whether the activity of providing the hostel on rent to students was exempt (where the hostel rent charged per student per day is less than Rs.1000/-) from GST under Serial Number 12 or 14 of Notification No.12/2017-Central Tax (Rate) dated 28/06/2017.

The Authority noted that the Applicant provided the hostel facility by charging students Rs.34,000/- per annum, i.e., Rs.95/- per day per room. The Authority noted that the Applicant's contention of covering the above service under Serial Number 12 that read as "Services by way of renting of residential dwelling for use as a residence" was not satisfied as 'residential dwelling' in common parlance meant "a house or an apartment or other places of residence or a place to live in or building or other places to live in". In contrast, a hostel room is provided on a sharing basis with no kitchen and with the condition that parents/guests of students cannot stay with them.

The Authority highlighted the difference between a hostel in the present case and a residential dwelling unit as in case of a residential dwelling, there is no restriction to prepare food in the kitchen attached with rented rooms/flat, and there is no embargo of stay/visit of relatives, friends etc., while in the case of the Applicant, the hostel facility comes with specifying usage with restrictions on cooking and stay.

The Authority clarified that the Applicant could classify its hostel service under Serial Number 14 of the said Notification, which reads as "services by a hotel, inn, guest house, club or campsite, by whatever name called, for residential or lodging purposes, having declared tariff

of a unit of accommodation below one thousand rupees per day or equivalent", thereby making the same exempt from GST.

## Airport Authority of India [TS-461-AAR(GUJ)-2021-GST]

'Reimbursement' arising under 'the Supply of Transfer of Going concern Service' is exempt from GST.

In this case, the Airport Authority of India (AAI), in pursuance of Section 12A of the Airport Authority Act of India, 1994, in the interest of better management of Sardar Vallabhbhai Patel Airport (Airport), conducted a bidding process wherein Adani Enterprises Limited won the bid and incorporated a Special Purpose Vehicle (SPV) to enter into a concessionaire agreement with AAI for operation, management, and development of the Airport, which included civil, mechanical, electrical works, terminal buildings, cargo facilities, runway and all other project assets.

Before the Gujarat Authority for Advance Ruling (the Authority) question was whether or not to treat the business arrangement between AAI and SPV exempt from GST as a "service by way of transfer of going concern, as a whole or an independent part thereof".

The Authority relied on the Bombay High Court Ruling in the *Sunderdas Harjiwan case [1987-65-STC-450 (Bom)]*, which clarified that it is not essential to transfer all assets and liabilities for a transaction to qualify for a business transfer.

The Authority noted from the definition of 'supply' and 'business' under the Central Goods and Services Tax Act, 2017 (CGST Act) and the provisions thereunder provides that that the 'transfer of business' is more of an event in pursuance to a business arrangement. The Authority also noted the meaning of 'Going Concern' from the "Accounting Standard (1)" issued by the ICAI and held that the business transaction in question satisfied the concept for the foreseeable future. The Authority accepted the Applicant's submission that in the case in hand, there exists "transfer of assets and liabilities" between AAI to SPV as all revenues, receipts, expenditures, and other financial transactions stand transferred from AAI to SPV.

The Authority referred to the expression at Serial No. 2 of Notification No.12/2017-CTR dated June 28, 2017, i.e. "services by way of transfer of a going concern" and for the transaction on hand clarified that as the transaction holds elements of, (1) foreseeable future; (2) transfer of assets and liabilities; (3) transfer of employees from AAI to SPV; and (4) business continuity; the transaction qualifies as a "transfer of a going concern" hence there arises no need to examine Schedule II(4) of the CGST Act as it is only limited to the activity of transfer of business assets.

Regarding the question before the Authority, whether GST is leviable on the invoice raised by AAI for reimbursement of the salary/staff cost on Adani Ahmedabad International Airport Limited, the Authority, on the basis that the reimbursement of staff cost has arisen in

pursuance of a "services by way of transfer of a going concern, as a whole or an independent part there" and accordingly, it is exempt from GST.

### Thiru Neelakanta Realtors Ltd. Liability [TS-470-AAR(TN)-2021-GST]

---

JDA taxable on the completion date and not on the date of transfer of the development rights.

The Applicant was engaged in providing works contract and construction services and has entered into a Joint Development Agreement (JDA) to construct a saleable area of 5133 sq ft. The JDA obligated the Applicant to allot 3422 sq. ft (two flats) to the owners (each apartment comprising 1711 sq. ft of constructed area). In addition to the flat allotted to the Applicant or its nominees, the JDA required the Applicant to pay the owner Rs.20 lakhs against which the owner had to transfer 953.33 sq. ft of undivided share of land to the Applicant. The JDA further obligated the Applicant to obtain all the necessary statutory approvals from the appropriate authorities for carrying out the construction. Additionally, the JDA made the Applicant bear the entire construction cost, including the cost towards statutory approvals.

Before the Tamil Nadu Authority for Advance Ruling (the Authority), the applicability of Para 2A of Notification No.03/2019 dated March 29, 2019, was questioned. Para 2A of the said Notification provides that "where a registered person transfers development right or FSI (including additional FSI) to a promoter against consideration, wholly or partly, in the form of construction of apartments, the value of construction service in respect of such apartments shall be deemed to be equal to the total amount charged for similar apartments in the project from the independent buyers, other than the person transferring the development right or FSI (including additional FSI), nearest to the date on which such development right or FSI (including additional FSI) is transferred to the promoter, less the value of transfer of land if any."

The Applicant submitted that a notional value of construction service does not apply to its case since the actual cost of construction is very much available accordingly the Applicant disputed the applicability stating that for the said Notification to apply, a person must transfer development right or FSI to a promoter for consideration in the form of a constructed apartment, i.e., the Notification would cease to apply where the promoter undertakes construction services for UDS.

The Applicant submitted Notification No.20/2019-Central Tax (Rate) dated September 30, 2019, which amended Notification No.3/2019 dated March 29, 2019, by omitting the word 'registered'. The Applicant contended that only post the amendment, paragraph 2A was made applicable to any person transferring the said development rights, and in the Applicant's case, development rights were transferred on September 29, 2019, when owners stood unregistered, therefore to the Applicant's case Notification No.3/2019 dated March 29, 2019, does not apply. The Authority took the view that the Notification does not limit itself to the transfer of development rights alone to be the taxable event. On noting the Notification No.06/2019-Central Tax (Rate) dated March 29, 2019, rejected the Applicant's contention of entering the agreement with unregistered owners clarifying that the liability to pay the tax, i.e., taxable event

in the Applicant's case, will be the date of issuance of completion certificate and not the date on which such rights to develop were transferred.

On the question of value to be adopted, the Authority confirmed the adoption of the valuation method as per Para 2A of the said Notification, i.e., for the value of construction to consider the total cost of the apartment charged to the Applicant.



## [Tripcon Engineering Pvt Ltd. \[TS-484-AAR\(GUJ\)-2021-GST\]](#)

Clarification on the classification of Chain Sprocket.

Before the Gujarat Authority for Advance Ruling (the Authority), the question was on the HSN and Tariff classification of Sprocket. Against the Applicant's submission that Conveyor Chain and Roller Chain are classifiable under tariff item 73151100, which reads as 'Roller Chain', the Authority on perusal of Heading 8483, which reads as 'Transmission shafts (including camshafts and crankshafts) and cranks; bearing housings and plain shaft bearings; gears and gearing; ball or roller screws; gearboxes and other speed changers, including torque converters; flywheels and pulleys, including pulley blocks; clutches and shaft couplings (including universal joints)', confirms the classification of Sprocket under sub-heading 848390.

## *B. Notification/ Circulars*

### [Circular No.160/14/2021-GST dated September 20, 2021](#)

---

The Central Board of Indirect Taxes and Customs, vide Circular No.160/14/2021-GST dated September 20, 2021, has issued clarifications in respect of the following GST related issues:

**1. Restrictions regarding taking Input Tax Credit contained u/s 16(4) of the Central Goods and Services Tax Act, 2017 (CGST Act).**

Section 16(4) of the CGST Act provides that a registered person shall not be entitled to take the input tax credit in respect of any invoice or debit note for the supply of goods or services or both after the due date of furnishing of the return under Section 39 of the CGST Act following the end of the financial year to which such invoice or invoice relating to such debit note pertains or furnishing of the relevant annual return, whichever is earlier. It is clarified that, w.e.f. January 01, 2021, the date of issuance of debit note (and not the date of underlying invoice) shall determine the relevant financial year for Section 16(4) of the CGST Act.

**2. Relaxation from carrying a physical copy of tax invoice during movement of goods.**

If the registered person generates an e-invoice under Rule 48(4) of the CGST Rules, 2017, it is clarified that there is no need to carry a physical copy of the tax invoice during the movement of underlying goods.

**3. Refund of unutilized input tax credit u/s 54(3) of the CGST Act on export goods.**

Regarding applicability of the first proviso to Section 54(3) of the CGST Act to exports of goods having NIL export duty, the Circular clarified that only the goods subjected to export duty are covered and not otherwise.

### [Circular No.159/15/2021-GST dated September 20, 2021](#)

---

It highlights and addresses the complexity in the interpretation of 'intermediary services' by laying out the primary requirements for intermediary services. It clarifies that for a supply to qualify as an 'intermediary service', there shall exist a minimum of three parties and two

distinct services, i.e., supply between 2 principals and an ancillary supply, i.e., facilitation of service between the two principals and most importantly be established that an intermediary service provider must have only a 'supportive role' and thus, must have the characteristics of an agent, broker or any other similar person.

The Circular has clarified that an 'intermediary' does not include a person who supplies goods or services or both on his account. It illustrates the case of sub-contracting for a service intimating its exclusion from intermediary service. The Circular explicates that provision of 'place of supply' under Section 13 of the Integrated Goods and Services Tax Act, 2017, be invoked only when either the supplier of intermediary services or the location of the recipient of intermediary services is outside India. The Circular is important as it decodes the said principles with illustrations.

### [Circular No.161/17/2021-GST dated September 20, 2021](#)

---

Clause (v) of Section 2(6) of the Integrated Goods and Services Tax Act, 2017 (IGST Act) stipulates what shall qualify as 'export of services. It provides that 'export of services' means the supply of any service when the service supplier and the recipient are not merely establishments of a distinct person per Explanation 1 of Section 8 of the IGST Act. Whereas explanation to Section 8 of the IGST Act specifies that if a foreign company is undertaking business in India through a branch or an agency or a representative office, then the said branch or agency or representative office of the foreign company, located in India, shall be treated as the establishment of the said foreign company in India.

The Central Board of Indirect Taxes and Customs has clarified that supply of services by a subsidiary/sister concern/group concern, etc. of a foreign company, incorporated in India under the Companies Act, 2013, to establishments of the said foreign company located outside India is not barred by the said condition and qualifies as 'export of services'. The Circular explains that a company incorporated in India and a body corporate incorporated by or under the laws of a country outside India, which is also referred to as a foreign company under the Companies Act 2013, are separate persons under the GST law and thus are separate legal entities and not merely establishments of a distinct person in accordance with Explanation 1 of Section 8 of the IGST Act.

# Customs

## *A. Recent Case Laws:*

### [Great Eastern Shipping Company Ltd. and Anr \[ TS-379-HC-2021\(ORI\)-CUST\]](#)

---

Vessels change to "conveyances" on import into India.

The Assessee imported in India a vessel/motor ship at a time when the import of foreign going vessel was exempt from basic customs duty and countervailing duty in terms of Serial No.352 of Notification No.21/2002-Customs dated March 1, 2002. Subsequently, the Notification No. 12/2012-Customs amended the above Notification by attaching a condition number 82 to the said exemption. Condition No. 82 required the importer, seeking conversion of a vessel to coastal run, to file application and pay CVD at the time of making the conversion.

When the Assessee filed the application for conversion of the vessel to 'coastal run', the Revenue rejected the said application citing Notification No.12/2012-Customs stating that the Assessee is eligible to avail exemption from payment of BCD subject to CVD payment and that every 'entry' of such vessel into India from outside India, even after the date of its first arrival in Indian waters, is an import, i.e., the vessel will be said to be imported on the date of conversion to coastal run irrespective of the fact that the Assessee imported it earlier.

Before the High Court of Orissa, the question was whether the Revenue's action of applying Condition 82 on the Assessee is constitutionally valid. The Assessee disputed Revenue's stand stating that (1) unless expressly or necessary provided, the Notification No.21/2012 will only have prospective application and not retrospective effect; (ii) no customs duty would be leviable at a later stage if the vessel was exempt from payment of customs duty at the time of its first arrival.

The Hon'ble High Court decided in favour of the Assessee, clarifying that when the vessel was exempt from the customs duty at its first importation, it cannot be made amenable to pay CVD applying a conditional exemption notification dated 17.03.2012. The Court further clarified that vessels change to 'conveyances' after its first importation and are not exigible to customs duty on every occasion they enter India as a 'conveyance' carrying cargo.

## *B. Notifications:*

### Notification No. 75/2021-Customs (NT) dated September 23, 2021

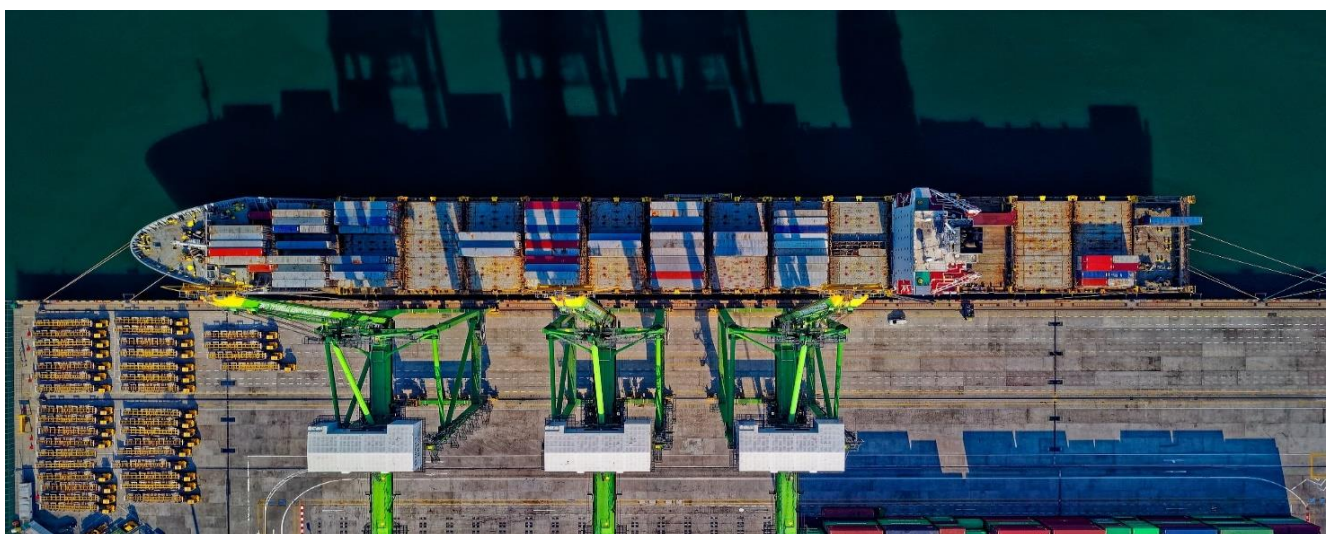
---

The Central Board of Indirect Taxes and Customs has notified the Electronic Duty Credit Ledger Regulations, 2021 (Regulations) for credit of duty. The said Regulations provide for a mechanism of issuance of duty credit according to the Scheme. The term Scheme under the notified regulations includes the Remission of Duties and Taxes on Exported Products (RoDTEP) or the Scheme for Rebate of State and Central Taxes and Levies (RoSCTL). The Regulations prescribe the mechanism for creation of e-scrip in the ledger; registration of e-scrip and transfer of duty credit e-scrip with suspension or cancellation of duty scrips.

### Notification No. 76/2021-Customs (NT) dated September 23, 2021

---

The Remission of Duties and Taxes on Export Products (RoDTEP) Scheme allows refund of currently un-refunded duties/taxes/levies at the Central, State, and local level, and other indirect duties/taxes/levies in respect of the exported product. The Government of India, Ministry of Commerce, and Industry, on August 17, 2021, had issued guidelines pertinent to the Scheme. Vide Notification No.76/2021-Customs (NT) dated September 23, 2021, the Government of India has notified the manner to issue duty credit for goods exported under the Scheme and also listed out the conditions to be fulfilled for the issue of duty credit. The Government has intimated that Duty credit will be issued for duties/taxes/levies that are not refunded under any other duty remission scheme. The said Notification intimates that the issue of credit is subject to the exporter making declarations at the item level in the shipping/export bill. The Notification also highlights that a claim has to pass a risk evaluation check and addresses the mechanism of recovery of duty credit if paid in excess.





## Key Contacts



**G.V. GOPALA RAO**  
DIRECTOR – TAX  
BANGALORE  
+91 94835 12333  
GOPALA.RAO@FOXMANDAL.IN



**SANDIP MUKHERJEE**  
DIRECTOR – INTERNATIONAL TAX  
PUNE  
+91 98900 36292  
SANDIP.MUKHERJEE@FOXMANDAL.IN



**PRAMOD BANTHIA**  
DIRECTOR – INDIRECT TAX  
BANGALORE  
+91 98450 88696  
PRAMOD.BANTHIA@FOXMANDAL.IN



**RANGANATH H.**  
DIRECTOR – TAX  
BANGALORE  
+91 98807 44482  
RANGANATH@FOXMANDAL.IN

Copyright © 2021 - Fox Mandal | The contents of this publication are for general information only and should not be relied upon as a substitute for professional legal advice, which should always be sought in relation to any specific matter prior to acting in reliance upon any such information. The opinions, estimates and information given herein are made in best judgment, utmost good faith and as far as possible based on data or sources, which are, believed to be reliable. Notwithstanding we disclaim any liability in respect of any claim which may arise from any errors or omissions or from providing such advice, opinion, judgement, or information.

Offices at:

Ahmedabad | Bengaluru | Chennai | Hyderabad | Kolkata | Mumbai | New Delhi | Pune

[www.foxmandal.in](http://www.foxmandal.in)

[info@foxmandal.in](mailto:info@foxmandal.in)

Follow us:

