



## **Tax Trends**

**Top Tax News This Week**

## CBDT issues guidelines for selection of cases for scrutiny

The Central Board of Direct Taxes (CBDT) has issued the guidelines for compulsory selection of income tax returns for scrutiny for the fiscal year. While the guidelines are largely in line with those of previous years, experts noted that the CBDT continues to focus on cases of possible tax evasion where taxpayer's information is shared by other law enforcement agencies. The CBDT has also said cases relating to search and seizures, cases where no returns have been filed despite a notice for filing the returns, cases where approvals and registrations have been taken under various sections of the Income Tax Act and cases where additions are made in earlier assessment years on a recurring basis.

Source: Business Today





# GSTAT

## (GST APPELLATE TRIBUNAL)

## GSTAT may start functioning by January 2025

The Government intends to operationalise all the benches of GST Appellate Tribunal ('GSTAT') by January 2025, as it aims to alleviate the significant backlog of pending GST-related disputes at the appellate level. On May 6, Finance Minister Nirmala Sitharaman administered the oath to Sanjaya Kumar Mishra, former chief justice of Jharkhand High Court, as the President of the GSTAT. A press release issued by the finance ministry had said: "Mishra's appointment marks the beginning of the operationalisation of the GSTAT, a crucial body for resolving GST-related disputes". The process for appointment of judicial members and technical members is in progress.

## Rectification application u/s 154 can't be termed as time-barred If taxpayer duly responded to notices

The Ahmedabad ITAT held that rejection of said rectification application as being time barred is not in conformity with law, observing that the assessee was all along, from the beginning since it became aware of some intimation having been made u/s 143(1) of the Income tax Act, seeking rectification in the same. The Bench explained that the clock for the four-year limitation seeking rectification starts ticking the moment the assessee is in receipt of the order, and without his being aware of any such order passed, there is no question of the time barring period ticking into motion.

Source: Live Law



**INCOME TAX  
APPELLATE TRIBUNAL  
AHMEDABAD**



## Govt mulls relief on retrospective GST on e-gaming

The Government is considering granting relief to the online gaming industry by exempting them from paying the GST at the rate of 28% on the full face value of bets for the pre-October 1, 2023 period. The Supreme Court said it would hear several petitions contesting tax demand notices requiring online gaming firms to remit 28% GST on the full face value of bets. These petitions include a batch of 30 cases filed by online real money gaming enterprises. They have challenged retrospective GST notifications that demand payment calculated at a rate of 28% based on the face value of bets.

## Benefit enjoyed by bank staff from interest free loans is taxable

The Supreme Court has said the benefit enjoyed by bank employees from loans free from interest or at a concessional rate is a unique advantage enjoyed by them. This is in the nature of a 'perquisite', and thus is liable to taxation under the Income Tax Act. The top court dismissed petitions filed by All India Bank Officers Federation and others on the ground of excessive and unguided delegation of essential legislative function to the Central Board of Direct Taxes. The court said 'perquisite' is a fringe benefit attached to the post held by the employee unlike 'profit in lieu of salary', which is a reward or recompense for past or future service.

Source: [Deccan Herald](#)





Source: Business Standard

## Arrest under GST Act should not be based on mere suspicion

The Supreme Court told the Centre that any arrest under the GST Act should not be on mere suspicion but has to be based on cogent material and adherence to proper procedure. The bench said "An arrest under the Act cannot be on mere suspicion but after proper inquiry and adherence to the procedure laid down under the law. It should be based on material that should be verifiable by the magistrate and certified by the commissioner,". On May 7, the top court directed the Centre not to use "threat and coercion" during search-and-seizure operations against traders for the recovery of the GST and said they should be persuaded to clear the dues voluntarily.



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