

दीपो की रोशनी से आलोकित हो संसार
खुशियों से भरा हो दीवाली का त्यौहार...

शुभ
दीपावली

Tax Practitioners' Association, Indore
TAX NEWS & VIEWS



October - 2025 | Price ₹ 15

GLIMPSES OF TPA ACTIVITIES



SCM on Registration of Charitable Trusts - Speaker **CA Rakesh Mittal & CA Bhagwan Agrawal**



Group Discussion on Tax Audit moderated by **CA Prakash Wohra**



SCM on 'Appeal in GST Appellate Tribunal -
Speaker **Adv. Ashish Goyal**



SCM on GST 2.0
Speaker **CA. Krishna Garg and CA Sunil P Jain**



Dear Members,

My best wishes for Diwali, a festival we all celebrate the triumph of light over darkness with wishes for joy, prosperity, and peace with the spread of positivity and love.

President
MESSAGE



Various study circle meeting held on the contemporary subjects starting with round table study circle on practical issues in Tax Audit moderated by CA Prakash Ji Wohra, Rules & Procedure at GST Appellate Tribunal deliberated by Adv (CA) Ashish Goyal, issues in Renewal of Registration of Charitable organisation under Income Tax by CA Bhagwan Agrawal and CA Rakesh Mittal.

With the commencement of GST Appellate Tribunal function at apex level and launch of GSTAT portal huge opportunity for profession is in sight and to gear up the members we already started series of SCM, workshop right from its modalities, enhancing drafting and pleading skills, mock tribunal etc.

We have met and represented before Hon'ble State Minister of Finance Shri Pankaj Chowdhry for setting of GST Appellate tribunal bench at Indore, bringing circular for various issues related to GST on Real Estate development, issues in GST Annual Returns 9/9C, early announcement of extension in date for GST 3B for October as due date is on Diwali etc. Our representations for outreach programme has resulted conducting two outreach by Income Tax Department at Indore, one by Exemption wing and another by Investigation wing of the Income Tax.

I request all the members to contribute their ideas, perspectives to enable us to take-up more inclusive and purposeful programs and study circle meeting. Wealth has no meaning unless we ourselves and our family is in good health therefore, I reiterate that we need to spare time and give high priority to Good Health of ourselves and family members.

With Seasons Greeting.

Sincerely Yours,
CA Jaiprakash Saraf





Compliances and Provisions for NRI - Part III

This is in continuation of my earlier article published in last two newsletters. The research was bifurcated in three parts for better use:

1. Individual who has decided to leave India
2. Individual who has left India and is now an NRI
3. Individual who has permanently shifted back to India

Details of Para 1 and 2 were already covered in previous two newsletters and now Para 3 is covered in this month newsletter. I hope you will find it useful in day to day NRI taxation practice

1. Informing financial institutions about change in residential status for NRIs moving to India

If an NRI permanently shifts to India for employment, business, or other purposes, they must inform banks, financial institutions, share brokers, and mutual fund companies about their new residential status.

2. Tax implications for NRIs shifting to India enjoying RNOR status and foreign income exemption

If an NRI permanently shifts to India then his entire foreign income may not be taxable as resident in India. He may take benefits of RNOR status, if applicable to him. If that person is RNOR then his almost all foreign income, (apart from certain exclusions) will be exempt from tax.

3. Taxability of NRE Account income for NRIs shifting to India

An NRI may believe NRE account income is exempt while funds remain in the account, but this is incorrect. If the NRI permanently shifts to India for employment, business, or other purposes, they become a resident under FEMA. NRE account guidelines follow FEMA regulations, meaning

CA Abhishek Gang



NRE account interest becomes taxable from the date of shifting to India, not based on residential status under the IT Act.

4. Disclosure of foreign assets by NRIs upon becoming a resident under Income Tax Act

When an NRI becomes a resident under the Income Tax Act, they must disclose all foreign assets, including investments and bank accounts, in their income tax return. Non-disclosure may attract penalties and may be prosecuted under the Black Money Act.

5 Tax benefits for resident but not ordinarily resident (RNOR) status

Tax benefits are available to a Resident but Not Ordinarily Resident (RNOR).

Normally global income is taxable for resident individual. But if that individual is resident but not ordinary resident (RNOR) then his foreign income may be exempt. Only exception to this provision is that any income from a business controlled in or professional set up in India is taxable. In other words the scope of his total income is the same as that of resident assesses but excludes income accruing or arising outside India unless it is derived from a business controlled in or profession set up in India.

When shifting to India, one should consider the tax benefits available to a Resident but Not Ordinarily Resident (RNOR).

6. How to determine RNOR status?

If an individual is treated as resident but was non resident in 9 out of 10 financial years preceding relevant financial year

or

has been in India for 729 days or less in 7 years preceding relevant financial year

then that resident individual will be treated as Not Ordinarily Resident (RNOR).



USEFUL TIPS

1 How to keep track of arrivals and departures?

It is clear that 10 years arrival and departure records are required to determine correct residential status. It is better to keep yearwise track of your travel dates. Following format is recommendable.

	First visit to India		Second visit to India		
Year	From	To	From	To	Total Days
2015-2016					-
2016-2017					-
2017-2018					-
2018-2019					-
2019-2020					-
2020-2021					-
2021-2022					-
2022-2023					-
2023-2024					-
2024-2025					-

2. Exemption from filing of 15CA/CB forms (notification#93_2015)

No need to file 15CA/CB for 33 class of services :
Commonly used services are

Travel for education (including fees, hostel expenses etc.)/ pilgrimage / medical treatment
Remittance towards business travel.

Remittance by non-residents towards family maintenance and savings

Remittance towards personal gifts and donations
Remittance towards payment or refund of taxes
Loans extended to Non-Residents

Indian investment abroad-in debt securities / equity capital (shares)/ subsidiaries and associates

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CA. Mrinal Garg

Key Points in Filing of Appeal before GST AT (Operational from 24th Sept-2025)

Union Minister of Finance and Corporate Affairs, Smt. Nirmala Sitharaman, inaugurated the Goods and Services Tax Appellate Tribunal (GSTAT) in New Delhi on 24th September 2025. With this, the GSTAT has officially commenced acceptance of appeals. The hearings are expected to begin by the end of December 2025.

Here are some key points relating to functioning and filing of appeal of GSTAT

1. FUNCTIONING OF GSTAT

GSTAT will function with 31 state benches with a Principal bench in Delhi.

2. RELEVANT PROVISIONS

Section 112 of CGST Act, 2017 (and corresponding provisions under State GST Act) deals with appeal filing with GSTAT. Government has also notified GSTAT (Procedure) Rules 2025 which are effective from 24th April-2025.

3. Where to file an appeal

For disputes relating to - Place of Supply and related to cross border supply issue, - Cases pending before two or more State Benches for identical question of law, - Cases involving issues under section 20 of the CGST Act, 2017 - Anti Profiteering issues	Principal bench
Other than above	State bench

4. Appealable orders

An appeal can be filed before the Principal or State Bench as the case may be against the order passed by the First Appellate authority (Section 107) or by Revisional authority (Section 108).

Note: Tribunal can refuse to admit an appeal if amount of Tax, Fine, Fee or Penalty does not exceed 50000/- at its discretion.

5. Filing of appeal

Appeal is required to be filed in APL-05 form electronically on <https://efiling.gstat.gov.in>.

For every single Order in Appeal- separate appeal to be filed. In case of single order in Appeal passed for more than one order in original then also appeal to be filed separately according to each Order in Original.

6. Time Limit to file an appeal: Any person (whether registered or not) aggrieved with an order can file an appeal before GSTAT within the following time limit

Person filling an appeal	Time period
Any Person other than the department	3 months (from the date of service of notice)
Department (Threshold limit Rs. 20 lacs)	6 months (from the date of service of notice)

However, vide GSTAT order no. GSTAT/Pr. Bench/Portal/125/25-26 dated September 24, 2025, initially looking to system capacity constraints and to avoid overload, appeals are to be filed in a phased manner. The same is based on the dates of filing of first appeals or notices issued by revisional authority. A chart for the same is given below: -

S.No.	Date of filing of Appeal / Notices issued	Period in which appeal can be filed	Last date for filling of appeal
1	Upto 31-01-2022	Upto 31-10-2025	30-06-2026
2	From 01-02-2022 to 28-02-2023	From 01-11-2025 to 30-11-2025	30-06-2026
3	From 01-03-2023 to 31-01-2024	From 01-12-2025 to 31-12-2025	30-06-2026
4	From 01-02-2024 to 31-05-2024	From 01-01-2026 to 31-01-2026	30-06-2026
5	From 01-06-2024 to 31-03-2026	From 01-02-2026 to 30-06-2026	30-06-2026

7. Pre-deposit

Undisputed Amount	Pay in full
Disputed Amount of Tax or penalty	20% of Tax demand in dispute (10% in addition to pre-deposit already made before first appellate authority)
Maximum amount of pre-deposit	Rs. 20 crores

8. Fees (Online payment)

Fees	Rs. 1000 per Lac of demand (Minimum 5000)
Maximum Fees	Rs. 25000
Interlocutory and Miscellaneous Applications in GSTAT 01 form	Rs. 5000/-

9. Cross Objection

Memorandum of Cross Objection can be filed by Party against whom the appeal has been preferred within 45 days of receipt of notice.

10. Condonation of delay

Delay in filling of appeal	3 months
Delay in filling of cross objection	45 days

11. Documents/Basic information required for filing an appeal

- | | |
|---|--|
| a) Registration of Authorized Representative and or party | b) Self-certified copy of impugned order |
| c) Translated English document | d) Grounds of Appeal and appeal memorandum |
| e) Statement of facts and case summary | f) Respondent Details |
| g) Vakaltnama | h) Fee payment receipt |
| i) Supporting documents | j) DSC |



SIGNIFICANT CHANGES UNDER GST 2.0 REGIME AND ITS IMPACT:



CA Yash Khandelwal

Q.1. Which rate will apply to supplies made on or before 22-Sep-2025?

As per Section 14 CGST Act—"2 out of 3 rule apply" in such cases as per following details :

- If 2 of 3 (supply of goods/services, Tax invoice, receipt of payment) before 22-Sep → old rate.
- If 2 of 3 after → new rate

In case of incorrect billing: Issue debit/credit notes and correct it in subsequent returns.

Q.2. Compensation Cess & its treatment ?

- Nil rate for the specified goods listed in Notification 2/2025-Compensation Cess (Rate) (e.g., certain motor vehicles, aerated waters, tobacco products)
- It does not provide any transitional mechanism for businesses to claim a refund or adjust the Compensation Cess that has already been paid on stock held as of September 22, 2025
- No refund or adjustment for pre-existing cess paid on stock; however, reversal is to be made as per Sec.11 of Goods and Services Tax (Compensation to States) Act, 2017.

On representation from the trade, further clarification may be issued by the Council/ Ministry.

Q.3. What if a supply becomes exempt?

- If a supply becomes exempt, the supplier must reverse ITC attributable to such supply under Section 17 of CGST Act read with Rules 42 & 43. The reversal of such ITC is to be made through Form ITC-03 as per Rule 44 (Section 18)

Q. 4. What about inverted duty refunds when rates of Outward supplies have been reduced?

- When the new tax structure lead to an 'inverted duty structure' for businesses whose inputs fall under a higher tax slab (e.g., 18%) while their finished goods or outputs are taxed at a lower rate (e.g., 5%), the business accumulates unutilized ITC because the tax paid on inputs is greater than the tax liability on outputs. Under the provisions of the GST law, this accumulation makes the business eligible to claim a refund for the excess ITC under inverted duty refunds thereby preventing the tax from becoming a cost.

Q.5. Where the GST rates reduces, is ITC cash refund allowed in all cases?

- No cash refund of ITC on merely rate cut alone. ITC can offset future GST liability, Cash refund only where the inverted duty structure or export of goods/services applies.

Q.6: What are the new changes related to provisional refunds of GST?

As per Notification 13/2025-CT & 14/2025-CT

- Provisional Refund Procedure Amendments: w.e.f. 01/10/2025 standardize the process for granting provisional refunds (Rule 91):
 - **Timely Order Issuance:** The Proper Officer (PO) must make a provisional refund order within a period not exceeding 7 days from the date of acknowledgement of the application.
 - **Discretion to Deny :** The PO may choose not to grant a refund on a provisional basis if reasons are recorded in writing, in which case they proceed directly to the final order (Rule 92).



- **No Revalidation** : The provisional refund order (FORM GST RFD-04) is not required to be revalidated by the proper officer.

- Restrictions on Provisional Refunds: w.e.f. 01/10/2025, certain categories of registered persons are explicitly not allowed refund on a provisional basis:

- Aadhaar Compliance: Any person who has not undergone Aadhaar authentication.
- Specified High-Risk Goods: Any person supplying the following goods: Areca nuts, Pan masala, Tobacco and manufactured tobacco substitutes, Essential oils

Q.7. What are the changes related to GTA & ECOs?

The changes related to Goods Transport Agencies (GTA) and E-Commerce Operators (ECOs) are primarily driven by Notification Nos. 15/2025-ITR, 16/2025-ITR, and 17/2025-ITR, effective 22/9/2025:

GTA Definition: The definition of a GTA is narrowed to exclude E-Commerce Operators (ECOs) who provide or facilitate local delivery services.

ECO Local Delivery Liability: Services of local delivery supplied through an ECO now fall under an RCM-equivalent provision (Section 9(5) of the CGST Act), shifting the liability to pay GST onto the ECO (recipient). GST Rate: 18%

GTA Tax Options: The optional rates for GTA services are structured as follows:

RCM: The GTA may continue to utilize the Reverse Charge Mechanism option, where the recipient pays tax at a reduced rate.: 5% (Conditional: No ITC taken by GTA)

Forward Charge Mechanism (FCM): Rates for many

general transport and courier services have been raised to the standard rate. 18% (Likely the default FCM rate for GTA, implying an increase from a previous concessional rate 12%)

Q. 8. What are changes related to restaurants, hotels and Mandap Keeper Services?

Restaurants.

- Standalone restaurants (not inside hotels, or in hotels with all rooms ≤ ₹7,500): 5% GST without ITC.
- Restaurants in “specified premises” (any room > ₹7,500 in FY, or opted in by the hotel): 18% GST, ITC available.

High-category restaurants: 18% (with ITC).

Hotel Room Tariff per Night (Actual price charged):

- Up to ₹7,500: 5% GST (No input tax credit (ITC) available)
- Above ₹7,500: 18% GST (Full ITC available)

Banquet/Mandap with rooms: 18% consolidated (with ITC).

Q.9. What is the impact on construction, works contracts and other related services?

Works Contract Service: remains 18%.

General Construction Services: also remain at 18%

Affordable Residential Unit: remains 1.5% without ITC (effective rate 1%)

Non- Affordable Residential Unit: remains 7.5% without ITC (effective rate 5%)

Commercial unit in REP project: remains 18% with ITC (effective rate 12%)

Value of Supply: Total amount charged (including land) less the value of the land (one third of the total amount charged) remains Unchanged.

Q. 10. What are the changes related to Annual Return in GSTR-9 and Reconciliation Statement in GSTR-9C?

1. Filing Exemption:

- Notification 15/2025-CT: Registered persons whose aggregate turnover in any financial year is $\leq ₹2$ crore exempt from filing of GSTR-9 for that FY for FY 2024-25 onwards.

2. Other changes:

Based on the detailed amendments in Notification No. 13/2025–Central Tax, several important changes have been made to the annual return forms for FY 2024-25 onwards:

- New ITC Reporting: A new field (A1 under Table 6) has been introduced in GSTR-9 to require separate reporting of Input Tax Credit from the preceding financial year that was availed in the current financial year.
- Detailed ITC Reversals: Businesses must now provide more granular details for ITC reversals under new specific rules, such as Rule 37A (for non-payment to suppliers) and Rule 38 (for banking companies).
- Mandatory Tables: Certain tables in the GSTR-9 (e.g., in Part V) that were optional for previous financial years are now mandatory for FY 2024-25, requiring more comprehensive disclosure.
- GSTR-9C Changes: The reconciliation statement, FORM GSTR-9C, has been updated with new fields to reconcile turnover related to supplies where tax is paid by e-commerce operators under Section 9(5).

Q. 11: What are the key procedural changes related to filing appeals with the GST Appellate Tribunal (GSTAT)?

With the GSTAT provisions of the Finance Act, 2025 coming into force on October 1, 2025 (as enabled by Notification No. 16/2025–Central Tax), a new set of procedural rules has been implemented via the amendments in Notification No. 13/2025–Central Tax:

- New Forms: Two new forms have been introduced:
 - FORM GST APL-02A: Provides a two-part acknowledgement (provisional and final) for the appeal filed.
 - FORM GST APL-04A: A summary of the GSTAT's final order.

- Single Member Bench: A new Rule 110A has been added, outlining the procedure for the GSTAT President to transfer appeals that do not involve a question of law to a Single Member Bench for hearing.
- Streamlined Process: These amendments are designed to create a more structured, efficient, and streamlined process for filing and handling appeals at the GSTAT.

Q12. What Changes are regarding DIN requirement for notices?

Circular No. 252/09/2025-GST dated 23/09/2025:

- Office "Issue Number" as DIN substitute:
- Mandatory Online Verification Utility:
- Traditional DIN remains for exceptions:

Q13. Are post-sale discounts subject to GST/ITC reversal?

Circular 251/2025-GST dated 12/09/2025

Financial Credit Notes Do Not Require ITC Reversal: If a supplier issues a financial or commercial credit note after the sale, they will not be eligible to reduce their original tax liability. Therefore, the recipient is not required to reverse the Input Tax Credit (ITC) attributed to the discount, as there is no reduction in the original transaction value or corresponding tax charged.

Discount Not Generally Treated as Consideration for Service: A post-sale discount offered by a manufacturer to a dealer is typically given for "competitive pricing to push sales" and merely reduces the sale price of the goods. Such a discount shall not be treated as consideration for a separate transaction of supply of services (e.g., general promotional activities).

GST is Applicable if tied to Specific Service or End-Customer Inducement: GST would be leviable if the dealer undertakes specific sales promotional activities (such as advertising campaigns or customization services) where the service and its consideration are explicitly stated in an agreement. Additionally, a post-sale discount should be included in the overall consideration if it acts as an inducement towards the supply of goods by the dealer to the end customer at an agreed discounted rate.

GLIMPSES OF TPA ACTIVITIES



Team TPA attended the program on GST 2.0 organised by CGST Department in the august presence of **SHRI PANKAJ CHOUDHARY**, Minister of State (Finance) Govt of India



Outreach programme by
Income Tax Investigation Wing



केंद्रीय वित्त मंत्री (राज्य)
श्री पंकज चौधरी को ज्ञापन और सुझाव पत्र सौंपते
सीए जे पी सराफ़ व सीए सुनील पी जैन



कमर्शियल टैक्स प्रैक्टिशनर एसोसिएशन (सीटीपीए)
इंदौर की नई कार्यकारिणी का निर्वाचन :

श्री सुधीर मिश्रा (अध्यक्ष), श्री हेमंत जोशी (सचिव),
श्री हेमंत शाह और श्री कमल सोडानी (उपाध्यक्ष),
श्री सुनील राकेचा (सहसचिव),
श्री अमर माहेश्वरी और पीआरओ श्री प्रतीक जैन (कोषाध्यक्ष)।
कार्यकारिणी के पाँच पदों के लिए श्री अंकुर अग्रवाल,
श्री अजय कटारिया, श्री अनुराग लखोटिया, श्री गौरव नीमा,
श्री सिद्धार्थ पुरंदरे निर्वाचित हुए।

टैक्स प्रैक्टिशनर एसोसिएशन की ओर से बधाई एवं शुभ कामनाएं



ग्रीवेंस रिड्रेसल कमेटी की भोपाल में आयोजित मीटिंग में
टीपीए के प्रतिनिधि मंडल द्वारा करदाताओं को आ रही परेशानियों एवं उसके समाधान के
लिए बहुत सारे मुद्दे चीफ कमिश्नर सीजीएसटी श्री मानस रंजन एवं
एसजीएसटी कमिश्नर श्री धनराजू के समक्ष रखे गए ।

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To,

