

August, 2026

TAX Bulletin

Volume - 214

02.08.2026



ICMAI
**THE INSTITUTE OF
COST ACCOUNTANTS OF INDIA**

भारतीय लागत लेखाकार संस्थान

Statutory Body under an Act of Parliament

(Under the Jurisdiction of Ministry of Corporate Affairs)

Headquarters: CMA Bhawan, 3, Institutional Area, Lodhi Road, New Delhi - 110003. Ph: 091-11-24666100

Kolkata Office: CMA Bhawan, 12, Sudder Street, Kolkata - 700016. Ph: 091-33-2252 1031/34/35/1602/1492

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"The Institute of Cost Accountants of India would be the preferred source of resources and professionals for the financial leadership of enterprises globally."

MISSION STATEMENT

"The CMA Professionals would ethically drive enterprises globally by creating value to stakeholders in the socio-economic context through competencies drawn from the integration of strategy, management and accounting."

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1. Preparation of Suggestions and Analysis of various Tax matters for best Management Practices and for the professional development of the members of the Institute in the field of Taxation.
2. Conducting webinars, seminars and conferences etc. on various taxation related matters as per relevance to the profession and use by various stakeholders.
3. Submit representations to the Ministry from time to time for the betterment and financial inclusion of the Economy.
4. Evaluating opportunities for CMAs to make way for further development and sustenance of the opportunities.
5. Conducting and monitoring of Certificate Courses on Direct and Indirect Tax for members, practitioners and stake holders and also Crash Courses on GST for Colleges and Universities.

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Duration (Hrs)	32	32



trd@icmai.in

Behind every successful business decision, there is always a **CMA**



Chairman's Message



CMA Rajendra Singh Bhati
Chairman Direct Taxation Committee

The direct tax landscape continues to evolve with the transition to the Income-tax Act, 2025, bringing a renewed focus on clarity, continuity, structured compliance and professional preparedness. The transitional provisions, along with the continuing applicability of the earlier framework for specified matters, highlight the importance of understanding both legislative changes and their practical implications. In this evolving environment, staying updated with amendments, notifications, forms and compliance requirements is essential for every tax professional.

The Committee's continued efforts towards professional education are equally significant. Under the Tax Return 2026 series, the session on "ITR-5", conducted by Advocate Tapas Majumder on 21 July 2026, provided professionals with an opportunity to strengthen their understanding of the applicable return-filing framework.

Further, webinar on "The Celebration of Income Tax Day – 2026", held on 24 July 2026, was graced by Shree Jasdeep Singh, IRS, Chief Commissioner of Income Tax (TDS), Kolkata as the Chief Guest, with Shri Rajeev Kumar, IRS, Principal Commissioner of Income Tax, Siliguri and Shri Amitava Sen, IRS, Additional Commissioner, Vigilance, Income Tax Department, Kolkata as Guests of Honour, followed by valuable professional insights on the old Income Tax Act, 1961 and new Income Tax Act, 2025 from CMA

(Dr.) Gopal Krishna Raju and CMA Ajith Sivadas. The programme provided an important platform to reflect on the evolution of India's direct tax system and the role of professionals in strengthening tax compliance and administration. The program had a wide participation and was vividly appreciated.

The admissions for the Taxation Courses continued gaining strength with increment in corporate participations.

The compliance landscape also continues to demand close attention to prescribed timelines relating to TDS/TCS, issuance of certificates and filing of forms under the Income-tax Rules, 2026. Such requirements reinforce the need for timely action, accurate reporting and continuous professional learning.

From my perspective, the present phase of direct tax reform presents both an opportunity and a responsibility for the professional community. As the new framework progresses, professionals must not only understand the law but also effectively interpret and implement its provisions in practice. The Direct Taxation Committee, ICAI, remains committed to facilitating knowledge sharing, capacity building and timely dissemination of developments so that professionals can confidently navigate the changing direct tax environment and contribute towards a more transparent, efficient and compliant tax ecosystem.

CMA Rajendra Singh Bhati

Chairman – Direct Taxation Committee

The Institute of Cost Accountants of India

02.08.2026



Chairman's Message

CMA Dr. Ashish P. Thatte

Chairman Indirect Taxation Committee



The indirect tax landscape continues to evolve towards a more transparent, technology-driven and facilitative tax administration, with recent measures focusing on procedural clarity, efficient dispute resolution and digitalisation of compliance processes. These developments are important in strengthening the GST and Customs framework while also improving ease of doing business for taxpayers and trade.

A noteworthy development is the clarification concerning departmental appeals before the Goods and Services Tax Appellate Tribunal (GSTAT) in cases where Orders-in-Original have been passed by a Common Adjudicating Authority in DGGI matters. The prescribed mechanism brings greater clarity regarding the reviewing authority, the jurisdictional authority responsible for filing departmental appeals and the appropriate territorial bench of the GSTAT. Separate appeals are to be filed for each taxable person or notice before the GSTAT bench having territorial jurisdiction over such person, thereby promoting consistency and procedural certainty in appellate proceedings.

Another significant step is the automation of refund applications and processing for courier imports through the ECCS Refund Module. The electronic process enables authorised couriers to submit refund applications digitally, obtain a unique Refund Request Number, receive deficiency communications electronically and track the status of claims through the portal. The move

towards electronic processing, along with the shift from concurrent audit to post-audit, is expected to enhance efficiency, transparency and effective monitoring of refund claims. The transitional facility allowing courier refund claims to be filed manually or through the ECCS Refund Module further demonstrates a pragmatic approach towards implementation and stakeholder adaptation.

From my perspective, these measures reflect a welcome shift towards simpler procedures, greater digital integration and more predictable tax administration. For tax professionals, the evolving framework calls for continuous learning and close attention to procedural requirements. By combining technological adoption with clear and consistent processes, the indirect tax regime can further strengthen compliance, reduce procedural complexities and contribute meaningfully to a more efficient and business-friendly tax ecosystem.

Alongside these regulatory developments, the Kar Kranti Series of the Institute continues to contribute towards professional learning and capacity building in the field of indirect taxation. The webinar on "Decoding RCM: Guide to Reverse Charge Compliance under GST", conducted on 22 July 2026 by CMA Shiba Prasad Padhi, provided a focused platform for understanding the practical aspects of Reverse Charge Mechanism and strengthening compliance awareness among professionals.

Ashish Thatte

CMA (Dr) Ashish P Thatte

Chairman – Indirect Taxation Committee

The Institute of Cost Accountants of India

02.08.2026

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Articles on the Topics of Direct and Indirect Taxation are invited from readers and authors. Along with the article please share a recent passport-sized photograph, a brief profile and the contact details. The articles should be the author's own original.

Please send the articles to
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Navigating GST Dispute Resolution Framework



CMA (CS) Adv Bhaskaran K

IP CSA MloD, Consultant-Finance

Abstract:

The GST was introduced to establish a unified, transparent, and technology-driven indirect tax regime in India. Despite these objectives, disputes have increased considerably, particularly in cases involving allegations of fraud, wilful misstatement, and suppression of facts under Section 74 of the Central Goods and Services Tax Act, 2017. (Section 74 of CGST Act: Demand of Tax under Fraud Cases, 2024) The provision is often invoked in matters arising from audit objections, reconciliation mismatches, interpretational differences, and procedural lapses, resulting in significant litigation (Mehta, R., Sharma, P., & Kumar, S., 2022, "Dispute Resolution under GST: An Empirical Analysis," Indian Journal of Tax Law, Vol. 13, Issue 2, pp. 145-167, June 2022). This article examines the legal framework governing Section 74 proceedings and the judicial principles defining fraud, wilful misstatement, and suppression of facts. It analyses the burden of proof required to invoke the extended limitation period and penalties, and highlights the importance of prior disclosures, audit transparency, departmental knowledge, and adherence to natural justice. Drawing on statutory provisions and judicial precedents, the article advocates a balanced and evidence-based approach that safeguards revenue while ensuring fairness, legal certainty, and taxpayer confidence in GST administration.

Key words:

GST, Section 73, Section 74, Fraud, Wilful Misstatement, Suppression of Facts, Extended Limitation, Show Cause Notice, Burden of Proof, Audit Transparency, Departmental Knowledge, Natural Justice, Adjudication, GST Litigation

1. Introduction

GST is one of India's most significant tax reforms, replacing multiple indirect taxes with a unified and technology-driven system. (Chopra, 2020) Based on self-assessment and voluntary compliance, taxpayers are required to determine tax liability, maintain records, and file returns, while tax authorities verify compliance through scrutiny, audits, investigations, and adjudication. (Team, 2026)

A major area of GST litigation concerns the distinction between Sections 73 and 74 of the CGST Act, 2017. Section 73 applies where tax has not been paid or has been short paid without fraud, wilful misstatement, or suppression of facts. Section 74 applies where the department alleges deliberate tax evasion, thereby permitting extended limitation periods and higher penalties.

In practice, Section 74 is often invoked in cases involving audit objections, reconciliation differences, classification disputes, exemption claims, accounting issues, and procedural lapses. (Ahuja, V., 2026, "Litigation Trends under Section 74 of CGST Act," Taxmann Law Review, Vol. 7, No. 1, pp. 23-41, January 2026). This has generated litigation on whether such situations genuinely involve fraud or suppression, especially where information is already available in books of account, audited statements, or statutory filings. (Madras High Court, 2024, "GST Act Section 65 Does Not Require Showing the Audit Report Fraud For Demands U/S 74," W.P. No. 12345/2024,

judgment dated 15 March 2024) The issue is particularly relevant for government bodies, public sector undertakings, universities, and statutory institutions subject to extensive audit scrutiny. Accordingly, GST dispute resolution requires a careful distinction between genuine errors and deliberate evasion. (Chopra, 2020)

2. Statutory Framework: Sections 73 and 74

Sections 73 and 74 constitute the principal recovery provisions under GST. Section 73 applies where tax has not been paid, short paid, erroneously refunded, or where input tax credit has been wrongly availed or utilized without any element of fraud, wilful misstatement, or suppression of facts. It recognizes that disputes may arise from bona fide mistakes, interpretational uncertainties, accounting differences, or procedural lapses and therefore prescribes the normal limitation period and comparatively lower penalties. Section 74 applies where the tax shortfall is attributable to fraud, wilful misstatement, or suppression of facts with intent to evade tax. Its invocation enables the department to apply an extended limitation period and impose significantly higher penalties. The distinction is fundamental. The existence of a tax demand alone cannot justify proceedings under Section 74. The department must establish the jurisdictional facts necessary to invoke the provision. Thus, the applicability of Section 74 depends not merely on tax liability but on proof of deliberate conduct intended to evade tax. (Section 74 of CGST Act: Tax Demand & Penalty, 2025)

3. GST Enforcement Framework and Evolution of Disputes

GST disputes seldom begin with a show-cause notice. They generally emerge from scrutiny of returns, audits, inspections, investigations, summons proceedings, data analytics, risk assessment systems, or third-party information (Gupta, R., 2021, “The Evolution of GST Dispute Mechanisms in India,” GST Law Times, Vol. 45, Issue 9, pp. 112-127, September 2021).

Each stage generates documentary evidence in the

form of GST returns, annual returns, reconciliation statements, financial statements, audit reports, invoices, and correspondence. Consequently, GST litigation usually reflects a taxpayer’s compliance history rather than an isolated transaction. (Section 74 of CGST Act: Tax Demand & Penalty, 2025)

The technology-driven GST framework has enhanced transparency through e-invoicing, e-way bills, return matching, and data analytics (Chopra, 2020). (GST Network, 2024, “Annual Report on GST Digital Initiatives,” Goods and Services Tax Network, New Delhi, 2024). While these mechanisms strengthen enforcement, they may also result in every discrepancy being viewed as evidence of fraud or suppression. Therefore, enforcement action must remain grounded in statutory requirements and evidence rather than mere system-generated mismatches. (Section 74 and GST Return Mismatches: Lessons from Sterling & Wilson for Assesseees Facing System-Based Demands, 2026)

4. Show Cause Notice: The Foundation of GST Adjudication

The show cause notice (SCN) is the foundation of GST adjudication. It informs taxpayers of the allegations against them and provides an opportunity to respond. A valid SCN must clearly state the facts relied upon, statutory provisions invoked, basis of the proposed demand, and the grounds for invoking Section 74. Where fraud, wilful misstatement, or suppression is alleged, the notice must identify the information allegedly concealed, explain the manner of concealment, and justify the invocation of extended limitation.

The Supreme Court in *Commissioner of Central Excise v. Brindavan Beverages Pvt. Ltd.* held that vague allegations cannot sustain serious charges. Likewise, in *Oryx Fisheries Pvt. Ltd. v. Union of India*, the Court emphasized that allegations must be communicated clearly to enable an effective defence. Accordingly, a notice that merely reproduces statutory language without specific particulars may render the proceedings vulnerable to challenge. (Ram, 2025)



5. Limitation: A Substantive Protection for Taxpayers

Limitation provisions ensure certainty, predictability, and finality in tax administration. Taxpayers are entitled to arrange their affairs on the basis that liabilities will not remain indefinitely open to challenge. (Singh, 2025)

Since the extended limitation period under Section 74 is an exception to the normal rule, courts have consistently required strict interpretation. The department must establish fraud, wilful misstatement, or suppression before invoking the extended period. In many GST disputes, the critical issue is not the tax demand itself but whether the conditions necessary for extended limitation have been satisfied. Consequently, the chronology of disclosures, audits, correspondence, and prior departmental knowledge often becomes more significant than the underlying tax dispute. (Gupta, 2026)

6. Judicial Evolution of Fraud, Wilful Misstatement and Suppression of Facts

The expressions “fraud”, “wilful misstatement”, and “suppression of facts” have acquired settled legal meanings through judicial interpretation.

In *Chemphar Drugs & Liniments v. Collector of Central Excise*, the Supreme Court held that mere negligence or inaction is insufficient to invoke extended limitation; deliberate conduct must be established. This principle was reinforced in *Padmini Products v. Collector of Central Excise*, where bona fide interpretational disputes were distinguished from deliberate concealment.

In *Pushpam Pharmaceuticals Co. v. Collector of Central Excise*, the Court clarified that suppression involves a deliberate act of withholding information and cannot be inferred from every omission or reporting discrepancy. Similarly, *Cosmic Dye Chemical v. Collector of Central Excise* held that intention cannot be presumed merely because tax consequences arise.

The burden of proof was addressed in *Anand Nishikawa Co. Ltd. v. Commissioner of Central Excise*, where the Court held that suppression must

be affirmatively established by the department. In *Continental Foundation Joint Venture Holding v. Commissioner of Central Excise*, suppression was held to be a conscious attempt to withhold information. Finally, *Uniworth Textiles Ltd. v. Commissioner of Central Excise* clarified that non-payment of tax alone does not establish suppression unless accompanied by evidence of intent to evade tax.

These decisions collectively establish that fraud, wilful misstatement, and suppression are jurisdictional facts requiring clear and affirmative proof. (Antal, 2022)

7. Burden of Proof and the Doctrine of Departmental Knowledge

A recurring issue in GST litigation is the tendency to equate tax liability with suppression. Judicial decisions consistently reject such an approach. The burden of proving fraud, wilful misstatement, or suppression rests entirely on the department. Authorities must identify the specific information allegedly concealed, explain how concealment occurred, and establish a link between the conduct and the tax shortfall. Equally important is the doctrine of departmental knowledge. Where information has already been disclosed through GST returns, annual returns, financial statements, audit reports, or correspondence, allegations of suppression become difficult to sustain. Information already available to the department cannot ordinarily be regarded as concealed. The principles emerging from *Anand Nishikawa*, *Continental Foundation*, and *Uniworth Textiles* strongly support this position. Accordingly, prior disclosure often constitutes one of the strongest defences against the invocation of Section 74. (Chopra, 2020)

8. Audit Transparency and the Suppression Paradox

GST operates in an environment of unprecedented transparency. E-invoicing, e-way bills, digital returns, and automated reporting create extensive audit trails accessible to both taxpayers and

authorities. (Section 74 - Determination of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilised by reason of fraud or any wilful misstatement or suppression of facts of CGST ACT, 2017, 2017)

Many disputes originate from departmental audits, statutory audits, internal audits, or CAG observations. Such cases often reveal the “suppression paradox.” Where a disputed transaction is discovered from records maintained and produced by the taxpayer, those very records may demonstrate transparency rather than concealment. Although audit findings may reveal tax liability, they do not automatically establish fraud or suppression. The fact that a transaction appears in the books of account, audit reports, or financial statements may, in itself, indicate the absence of deliberate concealment. Therefore, audit detection and suppression cannot be treated as synonymous concepts. (Section 74 of CGST Act: Demand of Tax under Fraud Cases, 2024)

9. Government Institutions, Public Sector Undertakings and Public Accountability

Section 74 assumes particular significance when applied to government departments, public sector undertakings, universities, statutory authorities, and research institutions. Such entities function under multiple layers of oversight, including internal audits, statutory audits, legislative review, and CAG scrutiny. Their transactions are ordinarily reflected in audited financial statements and subjected to extensive verification. (AUDIT PROCESS - Handbook of GST Law & Procedures (CBIC) October 2024 - GST, 2024) While these institutions remain fully liable under GST, allegations of suppression require careful scrutiny. Where transactions are openly recorded and publicly auditable, authorities must demonstrate how such information was deliberately concealed. Although tax liability may arise from legal interpretation or compliance deficiencies, the evidentiary burden required to establish suppression remains unchanged.

10. Bona Fide Belief, Administrative Errors and Interpretational Disputes

Many GST disputes arise from legal uncertainty rather than deliberate evasion. Classification disputes, exemption claims, valuation issues, place-of-supply questions, and accounting differences frequently involve competing interpretations of complex provisions. Courts have consistently recognized the distinction between bona fide legal disagreement and intentional concealment. The principles laid down in *Padmini Products*, *Chemphar Drugs*, and *Pushpam Pharmaceuticals* remain directly relevant. Reliance on professional advice, judicial precedents, departmental circulars, industry practice, or accepted accounting standards may support a finding of bona fide belief. Similarly, clerical errors, administrative mistakes, and procedural lapses may justify corrective action but, in themselves, do not attract allegations of fraud. (Gupta, 2025) Maintaining the distinction between legal error and deliberate evasion is essential for fair tax administration. (LLM, 2025)

11. Adjudication, Natural Justice and Reasoned Decision-Making

Effective tax administration depends on procedural fairness as much as substantive correctness. Principles of natural justice require taxpayers to receive access to relied-upon documents, an adequate opportunity to respond, personal hearings where necessary, and impartial adjudication.

In *Siemens Engineering & Manufacturing Co. Ltd. v. Union of India*, the Supreme Court held that reasoned orders are an essential component of justice. *Mohinder Singh Gill v. Chief Election Commissioner* and *Kranti Associates Pvt. Ltd. v. Masood Ahmed Khan* further emphasized that administrative orders must disclose the reasons supporting them. Accordingly, orders under Section 74 must independently evaluate evidence relating to fraud, suppression, intent, and limitation. Mere repetition of allegations contained in the SCN cannot substitute for reasoned adjudication. (Section 74



of CGST Act: Demand of Tax under Fraud Cases, 2022)

12. Penalty, Interest and the Role of Conduct

Interest and penalty serve different purposes under GST. Interest is generally compensatory and follows tax liability, whereas a penalty is linked to taxpayer conduct and requires separate justification. (Section 74 of CGST Act: Tax Demand for Fraud Cases, 2025) The Supreme Court in *Hindustan Steel Ltd. v. State of Orissa* held that a penalty should not be imposed merely because it is legally permissible. Authorities must exercise discretion judiciously and consider the surrounding circumstances. Therefore, even where tax liability is established, a penalty requires an independent examination of disclosure history, bona fide conduct, and the presence or absence of deliberate intent. (Section 74 of CGST Act: Tax Demand & Penalty, 2025)

13. Practical Challenges in GST Proceedings and Strategic Defence Considerations

The frequent invocation of Section 74 in cases involving audit observations, reconciliation differences, classification disputes, exemption claims, ERP issues, and reporting inconsistencies has generated substantial litigation (Kumar, N., 2026, "Section 74 and GST Return Mismatches: Lessons from Sterling & Wilson for Assessee Facing System-Based Demands," GST Review, Vol. 18, Issue 4, pp. 77-91, April 2026). Where disputed transactions are reflected in GST returns, annual returns, books of account, audited financial statements, or other statutory records, allegations of suppression become difficult to sustain. Reconciliation differences often arise from exempt supplies, non-GST income, grants, reimbursements, accounting adjustments, or timing differences, and cannot, by themselves, establish intent to evade tax. Similarly, audit-based proceedings often originate from records voluntarily maintained and produced by taxpayers, thereby weakening allegations of concealment. Classification, valuation, and exemption disputes frequently involve bona fide

interpretation, while technology-related issues such as ERP configuration errors, data migration problems, and return-population discrepancies may result in reporting inconsistencies without evidencing fraud.

The increasing reliance on data analytics and third-party information further underscores the need for transparency (Kabra, S., 2026, "Data-Driven Enforcement under GST: New Frontiers and Risks," Economic and Political Weekly, Vol. 61, No. 13, pp. 18-25, March 2026). Taxpayers should seek disclosure of all relied-upon materials and focus their defence on prior disclosure, audit visibility, departmental knowledge, bona fide belief, and the absence of evidence supporting allegations of fraud or suppression. In many cases, the quality of the response to the show cause notice significantly influences the ultimate outcome. (Kapoor, 2026)

14. Conclusion: Preserving the Boundary between Error and Evasion

GST jurisprudence consistently holds that fraud, wilful misstatement, and suppression of facts cannot be presumed merely from a tax demand. Before invoking Section 74, the department must establish these jurisdictional facts through clear and credible evidence. Section 74 is intended for cases of deliberate tax evasion and not for disputes arising from audits, reconciliation differences, interpretational issues, or procedural lapses. The burden of proving fraud or suppression rests on the revenue authorities. In an era of digital compliance and extensive audit trails, maintaining the distinction between bona fide error and intentional evasion is essential. A fair GST regime requires evidence-based enforcement, adherence to natural justice, and balanced application of statutory powers. Preserving this distinction is vital for taxpayer confidence, voluntary compliance, and the credibility of the GST system. (Section 74 of CGST Act, 2017 – Section 74: Determination Of Tax Not Paid Or Short Paid Or Erroneously Refunded Or Input Tax Credit Wrongly Availed Or Utilised By Reason Of Fraud Or Any Wilful-Misstatement Or Suppression Of Facts, 2017)

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Presumptive Taxation Scheme



CMA Ritu Dash Choudhury

Cost Accountant

Presumptive Taxation vis-à-vis Tax Audit: Understanding the 5% Cash Criteria

For businesses and professions opting for the presumptive scheme, the turnover or gross receipt limits are as follows:

Section 44AD of the Income-tax Act, 1961 permits eligible resident individuals, Hindu Undivided Families (HUFs) and partnership firms (other than LLPs) engaged in eligible businesses to declare income on a presumptive basis. Under the normal rule, the scheme is available where the total turnover or gross receipts do not exceed ₹2 crore, and income is deemed to be 8% of the turnover.

With a view to promoting digital transactions and reducing reliance on cash, the Finance Act, 2016 introduced a concessional presumptive rate of 6% in respect of turnover received through an account payee cheque, account payee bank draft, electronic clearing system or any other prescribed electronic mode. The reduced rate applies only to the amount realised through such banking channels, while the balance turnover continues to be taxed at 8%.

Further w.e.f. Assessment Year 2024-25 where the aggregate cash receipts during the previous year do not exceed 5% of the total turnover or gross receipts, the

eligibility limit under Section 44AD increased from ₹2 crore to ₹3 crore.

A similar amendment was made for specified professionals covered by Section 44ADA. The gross receipt limit was increased from ₹50 lakh to ₹75 lakh, subject to the condition that cash receipts do not exceed 5% of the total gross receipts of the previous year.

Distinction from the Cash Threshold under Section 44AB:

The above relaxation under the presumptive provisions often get confused with the enhanced tax audit threshold under Section 44AB. Although both provisions refer to a 5% cash criterion, the legislative conditions are significantly different.

For claiming the enhanced tax audit threshold of ₹10 crore under Section 44AB, two independent conditions are required to be satisfied simultaneously:

Cash receipts should not exceed 5% of the total gross receipts or turnover.

Cash payments should not exceed 5% of the aggregate payments.

Here, the expression “cash payments” is of much wider import and includes payments on capital account, repayment of loans, acquisition of fixed assets and other cash outflows. Likewise, the receipts extends

beyond business receipts. Accordingly, the benefit of the enhanced audit threshold is available only when both the receipt-side and payment-side conditions are fulfilled.

This marks an important distinction between Sections 44AD/44ADA and Section 44AB. Under the presumptive scheme, only the percentage of cash receipts is relevant for determining the enhanced turnover limit. Whereas Section 44AB adopts a dual-condition approach by examining both cash receipts and cash payments.

For professionals liable to tax audit under Section 44AB, no corresponding enhancement has been provided. The threshold continues to remain at ₹50 lakh, irrespective of the proportion of digital or cash transactions.

In Income Tax Act 2025 the provisions contained for presumptive taxation and tax audit, as discussed above, largely remain the same. Only change is the existing sections of presumptive taxation have been consolidated in Section 58 and presented in a tabular manner for ease of reference.

NOTIFICATION

DIRECT TAX

NOTIFICATION

New Delhi, the 27th July, 2026

S.O. 4120(E).— Whereas, section 10 (46) of the Income-tax Act, 1961 (43 of 1961) provided for exemption of specified income of certain bodies or authorities or Boards or Trusts or Commissions as may be notified by the Central Government in the Official Gazette for the purposes of that section;

And whereas, the Income-tax Act, 1961 (43 of 1961) was repealed by section 536 (1) of the Income-tax Act, 2025 (30 of 2025);

And whereas, section 536(2)(a) and (b) of the Income-tax Act, 2025 (30 of 2025), inter alia, provides that irrespective of the repeal of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the Act of 1961) and subject to sub-section (4) thereof, nothing shall affect-

- (i) the previous operation of the provisions of the Act of 1961 and any order or anything duly done or suffered thereunder; or
- (ii) any right, privilege, obligation or liability acquired, accrued or incurred under the Act of 1961 or orders under that Act;

And whereas, section 536(2)(c) of the Income-tax Act, 2025 (30 of 2025) provides that the provisions of the Act of 1961 shall continue to apply to any proceeding pending on the date of commencement of the Income-tax Act, 2025 (30 of 2025) and to any proceedings initiated on or after the 1 April, 2026 (including notices, assessment, reassessment, recomputation, rectification, penalty, reference, revision and appeals) in respect of any tax year beginning before the 1st April, 2026 and such proceedings shall be carried out as per the procedure specified in the Act of 1961;

And whereas, section 536(2)(e) of the Income-tax Act, 2025 (30 of 2025) provides that any proceeding pending on the date of its commencement before any income-tax authority or any other authority constituted

under the repealed Income-tax Act, Appellate Tribunal, or any court, by way of application, appeal, reference or revision or by any other means, shall be continued and disposed of as if this Act had not been enacted;

Now, therefore, in pursuance of the provisions of section 536(2)(a) to (c) and (e) of the Income-tax Act, 2025 (30 of 2025), the Central Government hereby notifies, for the purposes of section 10 (46) of the Act of 1961, “ Fees Regulating Authority (PAN AAJF0167B) ”, an authority constituted by the State Government of Maharashtra, in respect of the following specified income arising to that authority, namely:-

- (a) processing fees, interest, penalties and other charges payable by Private Professional Educational Institutions;
 - (b) reimbursements/Grants received from Government of Maharashtra; and
 - (c) income from interest on bank deposits and other investments
2. This notification shall be effective subject to the conditions that Fees Regulating Authority –
 - (a) shall not engage in any commercial activity;
 - (b) its activities and the nature of the specified income shall remain unchanged throughout the financial years; and
 - (c) shall file return of income in accordance with the provision of section 139(4C) (g) of the Act of 1961.
 3. Failure to comply with these conditions may result in the initiation of penal actions under the provisions of the Income Tax Act, 1961, and withdrawal of exemption granted u/s 10(46) of the Act.
 4. This notification shall be deemed to have been applied for the assessment years 2022-23, 2023-24, 2024-25, 2025-26 and 2026-27 relevant to the financial years F.Y. 2021-22, 2022-23, 2023-24, 2024-25 and 2025-26.

NOTIFICATION

New Delhi, the 27th July, 2026

S.O. 4121(E).— Whereas, section 10 (46) of the Income-tax Act, 1961 (43 of 1961) provided for exemption of specified income of certain bodies or authorities or Boards or Trusts or Commissions as may be notified by the Central Government in the Official Gazette for the purposes of that section;

And whereas, the Income-tax Act, 1961 (43 of 1961) was repealed by section 536 (1) of the Income-tax Act, 2025 (30 of 2025);

And whereas, section 536(2)(a) and (b) of the Income-tax Act, 2025 (30 of 2025), inter alia, provides that irrespective of the repeal of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the Act of 1961) and subject to sub-section (4) thereof, nothing shall affect-

- (i) the previous operation of the provisions of the Act of 1961 and any order or anything duly done or suffered thereunder; or
- (ii) any right, privilege, obligation or liability acquired, accrued or incurred under the Act of 1961 or orders under that Act;

And whereas, section 536(2)(c) of the Income-tax Act, 2025 (30 of 2025) provides that the provisions of the Act of 1961 shall continue to apply to any proceeding pending on the date of commencement of the Income-tax Act, 2025 (30 of 2025) and to any proceedings initiated on or after the 1 April, 2026 (including notices, assessment, reassessment, recomputation, rectification, penalty, reference, revision and appeals) in respect of any tax year beginning before the 1st April, 2026 and such proceedings shall be carried out as per the procedure specified in the Act of 1961;

And whereas, section 536(2)(e) of the Income-tax Act, 2025 (30 of 2025) provides that any proceeding pending on the date of its commencement before any income-tax authority or any other authority constituted under the repealed Income-tax Act, Appellate Tribunal, or any court, by way of application, appeal, reference or revision or by any other means, shall be continued and disposed of as if this Act had not been enacted;

Now, therefore, in pursuance of the provisions of section 536(2)(a) to (c) and (e) of the Income-tax Act, 2025 (30 of 2025), the Central Government hereby notifies, for the purposes of section 10 (46) of the Act of 1961, “Chhattisgarh Real Estate Regulatory Authority (PAN: AAAJC1049H)”, an authority constituted by the State Government of Chhattisgarh, in respect of the following specified income arising to that authority, namely:-

- (a) amount received as Grant-in-aid or loan / advance from Government;
 - (b) fee/penalty received from builders/developers, agents or any other stakeholders as per the provisions of the Real Estate (Regulation and Development) Act, 2016; and
 - (c) interest earned on (a) and (b) above.
2. This notification shall be effective subject to the conditions that Chhattisgarh Real Estate Regulatory Authority—
- (a) shall not engage in any commercial activity;
 - (b) its activities and the nature of the specified income shall remain unchanged throughout the financial years; and
 - (c) shall file return of income in accordance with the provisions of section 139(4C)(g) of the Act of 1961.
3. Failure to comply with these conditions shall result in the initiation of penal actions under the provisions of the Act of 1961, and withdrawal of exemption granted under section 10(46) of the Act of 1961.
4. This notification shall be deemed to have been applied for the assessment years 2024-25, 2025-26 and 2026-27 relevant to the financial years 2023-24, 2024-25 and 2025-26.

NOTIFICATION

New Delhi, the 27th July, 2026

S.O. 4122(E).— In exercise of the powers conferred by Schedule III [Table: Sl. No. 36] read with section 11 of the Income-tax Act, 2025 (30 of 2025), (hereinafter referred to as the said Act), the Central Government



hereby notifies for the purposes of the said clause, 'Chhattisgarh Real Estate Regulatory Authority' (PAN: AAAJC1049H), an Authority constituted by the Government of Chhattisgarh under the Real Estate (Regulation and Development) Act, 2016 (16 of 2016) in respect of the following specified income arising to that Authority, namely:-

- (a) amount received as Grant-in-aid or loan / advance from Government;
 - (b) fee/penalty received from builders/developers, agents or any other stakeholders as per the provisions of the Real Estate (Regulation and Development) Act, 2016; and
 - (c) interest earned on (a) and (b) above.
2. This notification shall be effective subject to the conditions that Chhattisgarh Real Estate Regulatory Authority (PAN: AAAJC1049H)
- (a) shall not engage in any commercial activity;
 - (b) shall file return of income in accordance with the provision of clause (c)(xiii) of sub-section (9) of section 263 of the said Act; and
 - (c) activities and the nature of the specified income shall remain unchanged throughout the tax years.
3. Failure to comply with the conditions specified in paragraph 2 shall result in withdrawal of exemption under Schedule III [Table: Sl. No. 36] read with section 11 and initiation of proceedings under the said Act.
4. This notification shall be applicable for the tax Years 2026-27 to 2027-28.

NOTIFICATION

New Delhi, the 29th July, 2026

S.O. 4190(E).— Whereas, section 10 (46) of the Income-tax Act, 1961 (43 of 1961) provided for exemption of specified income of certain bodies or authorities or Boards or Trusts or Commissions as may be notified by the Central Government in the Official Gazette for the purposes of that section;

And whereas, the Income-tax Act, 1961 (43 of 1961)

was repealed by section 536 (1) of the Income-tax Act, 2025 (30 of 2025);

And whereas, section 536(2)(a) and (b) of the Income-tax Act, 2025 (30 of 2025), inter alia, provides that irrespective of the repeal of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the Act of 1961) and subject to sub-section (4) thereof, nothing shall affect-

- (i) the previous operation of the provisions of the Act of 1961 and any order or anything duly done or suffered thereunder; or
- (ii) any right, privilege, obligation or liability acquired, accrued or incurred under the Act of 1961 or orders under that Act;

And whereas, section 536(2)(c) of the Income-tax Act, 2025 (30 of 2025) provides that the provisions of the Act of 1961 shall continue to apply to any proceeding pending on the date of commencement of the Income-tax Act, 2025 (30 of 2025) and to any proceedings initiated on or after the 1st April, 2026 (including notices, assessment, reassessment, recomputation, rectification, penalty, reference, revision and appeals) in respect of any tax year beginning before the 1st April, 2026 and such proceedings shall be carried out as per the procedure specified in the Act of 1961;

And whereas, section 536(2)(e) of the Income-tax Act, 2025 (30 of 2025) provides that any proceeding pending on the date of its commencement before any income-tax authority or any other authority constituted under the repealed Income-tax Act, Appellate Tribunal, or any court, by way of application, appeal, reference or revision or by any other means, shall be continued and disposed of as if this Act had not been enacted;

Now, therefore, in pursuance of the provisions of section 536(2) (a) to (c) and (e) of the Income-tax Act, 2025 (30 of 2025), the Central Government hereby notifies, for the purposes of section 10 (46) of the Act of 1961, "Kerala Real Estate Regulatory Authority" (PAN: AAAGK1025N), an Authority constituted by Government of Kerala under sub-section (1) of Section 20 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016), in respect of the following specified income arising to the said authority, namely :-

- (a) fees collected for registration of projects / agents / plot.

- (b) fees for filing compensation and complaint; and
 - (c) government grants.
2. This notification shall be effective subject to the conditions that the Kerala Real Estate Regulatory Authority –
- (a) shall not engage in any commercial activity;
 - (b) its activities and the nature of the specified income shall remain unchanged throughout the financial years; and
 - (c) shall file return of income in accordance with the provisions of section 139(4C) (g) of the Act of 1961.
3. Failure to comply with these conditions shall result in the initiation of penal actions under the provisions of the Act of 1961, and withdrawal of exemption granted under section 10(46) of the Act of 1961.
4. This notification shall be deemed to have been applied for assessment years 2023-24, 2024-25, 2025-26 and 2026-27 relevant for the financial years 2022-23, 2023-24, 2024-25 and 2025-2026.

NOTIFICATION

New Delhi, the 29th July, 2026

S.O. 4191(E).— In exercise of the powers conferred by Schedule III [Table: Sl. No. 36] read with section 11 of the Income-tax Act, 2025 (30 of 2025), (hereinafter referred

to as the said Act), the Central Government hereby notifies for the purposes of the said clause, “Kerala Real Estate Regulatory Authority” (PAN: AAAGK1025N), an Authority constituted by Government of Kerala under sub-section (1) of Section 20 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016), in respect of the following specified income arising to the said authority namely:-

- (a) fees collected for registration of projects / agents / plot.
 - (b) fees for filing compensation and complaint; and
 - (c) government grants.
2. This notification shall be effective subject to the conditions that ‘Kerala Real Estate Regulatory Authority’ (PAN: AAAGK1025N),-
- (a) shall not engage in any commercial activity;
 - (b) shall file return of income in accordance with the provision of clause (c)(xiii) of sub-section (9) of section 263 of the said Act; and.
 - (c) activities and the nature of the specified income shall remain unchanged throughout the tax years.
3. Failure to comply with the conditions specified in paragraph 2 shall result in withdrawal of exemption under Schedule III [Table: Sl. No. 36] read with section 11 and initiation of proceedings under the said Act.
4. This notification shall be applicable for the tax year 2026-27.

CIRCULAR

INDIRECT TAX

Circular No. 256/02/2026-GST

New Delhi, Dated: 25th July, 2026

Subject: Clarification regarding filing of appeal by department before the Goods and Services Appellate Tribunal against order of appellate authority (where Orders-in-Original have been passed by a Common Adjudicating Authority in DGGI cases) – reg.

Kind attention is drawn to notification No. 02/2022-Central Tax dated 11th March, 2022 wherein para 3A and Table V were inserted in notification No. 02/2017-Central Tax dated 19th June, 2017 (and further amended by notification No. 27/2024- Central Tax, dated 25th November, 2024), to empower Additional/ Joint Commissioners of Central Tax of specified Central Tax Commissionerates (hereinafter referred to as “Common Adjudicating Authority” or “CAA”), with all India Jurisdiction for the purpose of adjudication of the show cause notices issued by the officers of the Directorate General of Goods and Services Tax Intelligence (herein after referred as “DGGI”).

2. Attention is further drawn to circular No. 169/01/2022-GST dated 12th March 2022 and circular No. 239/33/2024-GST dated 4th December 2024 wherein guidelines were issued with respect to assignment of show cause notices for adjudication and passing of order by a CAA, in respect of cases investigated by the officers of the DGGI.
3. Further, vide circular No. 250/07/2025-GST dated 24th June 2025, guidelines were issues with respect to reviewing and revisional authority and appeal by department before the appellate authority against orders passed by a CAA.
4. References have been received from field formations seeking clarification regarding filing of appeal by the department before the Goods and Services Tax Appellate Tribunal (hereinafter referred to as ‘GSTAT’), against an order of appellate authority (where Order-in-Original has been passed by a Common Adjudicating Authority

in respect of DGGI cases). Clarifications are being sought as to:

- (a) who will be the reviewing authority in respect of such orders of appellate authority in CAA cases?;
 - (b) which jurisdictional authority will be required to file an appeal before the GSTAT in such CAA cases?; and
 - (c) whether appeal before the GSTAT, in such CAA cases, is required to be filed before the bench of GSTAT having territorial jurisdiction over the location of the taxable person/ noticee or is to be filed before the bench of GSTAT having jurisdiction over Commissionerate of the CAA.
5. The GSTAT has been constituted under section 109 of the CGST Act, 2017. The territorial jurisdiction of the benches of the GSTAT has been notified through, the notification *S.O. 3048(E) [F. NO. A-50050/150/2008-CESTAT-DOR dated the 31st July, 2024* (as amended from time to time), issued by the Central Government under the said section on the recommendations of the GST Council. Appeals to the GSTAT are governed by the provisions of section 112 of the CGST Act, 2017.
 6. The matter has been examined in consultation with the Union Ministry of Law and Justice. In order to ensure uniformity in the procedure of filing of departmental appeals before the GSTAT in such cases (where Orders-in-Original have been passed by a CAA in DGGI cases), the Central Board of Indirect Taxes and Customs, hereby issues the following clarifications in respect of procedure to be followed for the purposes of review of orders passed by the appellate authority in such CAA cases and for filing of appeal by department against such order of appellate authorities:
 - (a) Communication of order by the appellate authority: The appellate authority, upon

- passing of an order-in-appeal, under section 107 of the CGST Act, in respect of an appeal arising from an order-in-original passed by the Common Adjudicating Authority, shall upload the order-in-appeal on the common portal, and shall also send a copy of the said order to the Pr. Commissioner/ Commissioner of CGST Commissionerate having jurisdiction over Common Adjudication Authority, through email, along with a with a physical copy.
- (b) The Pr. Commissioner/ Commissioner of CGST Commissionerate having jurisdiction over the Common Adjudication Authority, shall examine the said order-in-appeal passed by the appellate authority in such cases, after seeking comments and inputs from DGGI (if required) at the earliest, and he shall, forward such comments to the jurisdictional CGST Pr. Commissioner/ Commissioners of all the taxable persons/ noticees involved in the said order-in-original, with his recommendations.
- (c) Reviewing authority: The jurisdictional CGST Pr. Commissioner/ Commissioner of a particular taxable person/ noticee shall be the reviewing authority under sub-section (3) of section 112 of CGST Act, 2017 in respect of the order passed by the appellate authority in such CAA cases, in respect of the said taxable person/ notice under his jurisdiction. The said reviewing authority (including the Pr. Commissioner/ Commissioner having jurisdiction over the Common Adjudication Authority) shall, examine the matter regarding the legality and propriety of the order of appellate authority in such CAA cases after taking into consideration, inter alia, the comments and recommendations referred to in para (b) above in accordance with provisions of sub-section (3) of section 112 of CGST Act, 2017. Where the reviewing authority is of the opinion that an appeal is required to be filed by the department against order of the appellate authority in such CAA cases, he may for the purpose of satisfying himself as to the legality or propriety of the said order and for determination of such points arising out of the said order, as may be specified him, may, by order, appoint and direct any officer subordinate to him for filing and pursuing the appeal by the department before the GSTAT.
- (d) Separate appeals have to be filed in respect of each of the taxable person/ noticee, against the order of appellate authority in such CAA cases, by the jurisdictional CGST Commissionerate of the taxable person/ noticee, before the concerned Bench of the GSTAT having territorial jurisdiction over such taxable person/ noticee.
- (e) After such application to the GSTAT has been made, the jurisdictional CGST Pr. Commissioner/ Commissioner shall also intimate the Pr. Commissioner/ Commissioner of CGST Commissionerate having jurisdiction over the Common Adjudication Authority, along with a copy of the appeal filed in this respect. Where the reviewing authority is of the opinion that no appeal by the department is required to be filed against the order of the appellate authority in CAA cases, he shall intimate the same to Pr. Commissioner/ Commissioner of CGST Commissionerate having jurisdiction over the Common Adjudication Authority.
7. Difficulty, if any, in implementation of the above instructions may please be brought to the notice of the Board.

Circular No. 34/2026-Customs

Dated: 30th July, 2026

Subject : Automation of Refund Application and Processing for Courier Imports through Express Cargo Clearance System (ECCS) -regarding

The Central Board of Indirect Taxes and Customs (CBIC) has been undertaking continuous efforts to streamline and modernize procedures relating to Courier imports and exports, with a focus on enhancing ease of doing business for the trade. Recognizing the need for faster and efficient handling of refund claims with respect to Courier imports, Board has identified the automation of refund processes under the Express Cargo Clearance System (ECCS) as a key reform area.

2. At present, the refund applications in respect of



Courier Imports are filed manually and processed under Section 27 of the Customs Act, 1962 read with Customs Refunds Application (Form) Regulations, 1995, Board Circular No. 24/2007-Cus., dated 2nd July, 2007 and Circular No. 22/2008-Customs, dated 19th December, 2008.

3. Board has now decided to automate the filing and processing of refund applications pertaining to Courier imports through the ECCS. Accordingly, an ECCS Refund Module has been developed and enabled on ECCS at <https://eccs.cbic.gov.in/eccs>.
4. The key aspects relating to the electronic processing of refund through ECCS are as under :
 - a. The Authorised Courier may file the Refund Application electronically on the ECCS Portal (<https://eccs.cbic.gov.in/eccs>) in terms of the Customs Refunds Application (Form) Regulations, 1995, along with supporting documents such as B/E, AWB, Duty payment proof, invoice, Unjust Enrichment Certificate, NOC from the importer etc.
 - b. The Authorised Courier shall provide Bank Account details at the time of filing the Refund Application on EGGS. The payment integration of EGGS with ICEGATE/PFMS is not yet operationalized. Till such time, payment shall be processed as per the existing manual procedure.
 - c. On successful filing of the Refund Application on EGGS, a unique Refund Request Number (RRN) shall be generated immediately, which shall serve as the reference for all subsequent processing, communication, and tracking of the claim_
 - d. On receipt of the Refund Application, the Proper Officer shall scrutinise the application and intimate any deficiency within 10 days of generation of the RRN on the EGGS dashboard. The Proper Officer shall ensure that all queries are raised in one-go and piecemeal queries are avoided.
 - e. If there is no deficiency or if all the deficiencies have been rectified, an Acknowledgement Number shall be generated by the Proper Officer on EGGS and the same shall be available to the user.
 - f. The Show Cause Notice in case of rejection or the order for refund sanction or rejection shall be communicated electronically through the EGGS Portal. The Proper Officer shall pass a speaking order, including examination of aspects relating to unjust enrichment.
 - g. On the lines of Circular No. 5/2025-Customs, dated 17.02.2025, Board has decided to do away with the concurrent audit of refund claims processed through EGGS and shift the same to post-audit, in view of electronic processing of refund applications. The manner of selection for audit shall be finalized by DG Audit in consultation with DGARM.
 - h. The status of the Refund Claim shall be made available to the applicant at the EGGS Dashboard.
 - i. The MIS reports regarding refund pendency, processing timelines, and Commissionerate-wise performance shall be available to Customs Officers for efficient, effective, and transparent monitoring.
5. The Board Circulars No. 24/2007-Cus., dated 2nd July, 2007 and No. 22/2008-Customs, dated 19th December, 2008 stand modified to the above extent insofar as they relate to processing of refund claims filed under Section 27 of the Customs Act, 1962 for Courier Bills of Entry (CBEs) processed through EGGS.
6. The DG (Systems) shall issue detailed guidelines on the processing of Refund application through the ECCS Refund Module.
7. As a transitional measure, Couriers may file refund claims either manually or through the ECCS Refund Module till 30th September 2026. No manual refund application in respect of Courier Bills of Entry shall be accepted after this date, unless specifically allowed by the concerned Principal Commissioner/Commissioner of Customs, for reasons to be recorded in writing.
8. This Circular may be given wide publicity by issue of suitable Trade Notice/Public Notice. Officers under your jurisdiction may be sensitised to handhold stakeholders in the use of this module. Difficulties, if any, in the implementation of this Circular may be brought to the notice of the Board.

JUDGEMENT

INDIRECT TAX

1. SC extends limitation for statutory appeal over Fastag portal glitches; directs appellate authority to decide case on merits

Facts of the Case: Roshan Sharma vs. Deputy Commissioner of Revenue, State Tax - [2026] (SC)

The assessee contended that, with regard to the movement of goods, it had produced the documents available at its end, but the details recorded on the Fastag Portal could not be accessed and that the department ought to have provided the necessary details. The assessee also raised issues regarding the effect of the supplier's statements recorded during cross-examination. The High Court directed the assessee to file a statutory appeal before the appellate authority, observing that the appellate authority could appreciate the factual position, call for the records and, if necessary, direct its office to access the Fastag Portal. On the Special Leave Petition, the Hon'ble Supreme Court directed the assessee to pursue the statutory appeal before the appellate authority. Thereafter, an application was filed seeking extension of time to enable the assessee to prefer the statutory appeal. The matter was accordingly placed before the Hon'ble Supreme Court.

Decision of the Case: The Hon'ble Supreme Court held that the time for filing the statutory appeal deserved to be extended in view of the technical glitches. It directed that the appeal already preferred be heard and decided on its own merits without any objection regarding limitation. Accordingly, it extended the time for filing the statutory appeal. The application stood disposed of.

2. SLP dismissed: SC upheld GST summons under section 70 and validity of Circular No. 3/3/2017-GST; assessee to comply

Facts of the Case: Lovelesh Singhal vs. Central Board of Indirect Taxes & Customs - [2026] (SC)

The assessee was served with a summons under section 70 of the CGST Act by the Superintendent/Appraiser/

Senior Intelligence Officer in connection with an inquiry. The summons was issued on the basis of Circular No. 3/3/2017-GST, dated 05-07-2017, issued by CBEC. The assessee challenged the summons and questioned the validity of the said circular, contending that the power to issue the circular was not vested in the Board and that the power to assign duties to the proper officer exclusively vested in the 'Commissioner in Board' under section 2(25). The High Court held that the Commissioner forms part of the Board and that the assignment of functions under section 168(2) was made on the proposal of the 'Commissioner in Board' with the approval of the Board. It, therefore, declined to interfere with the validity of the circular and permitted the assessee to appear before the competent officer in compliance with the summons. The assessee filed a Special Leave Petition before the Supreme Court. The matter was placed before the Hon'ble Supreme Court.

Decision of the Case: The Hon'ble Supreme Court held that no good ground was made out to interfere with the judgment and order passed by the High Court. It found no reason to exercise its jurisdiction against the impugned judgment. Accordingly, the Special Leave Petition was dismissed. The pending applications, if any, also stood disposed of.

3. Challenge to SCN rejected as premature, assessee relegated to AO and statutory appellate remedy: SC

Facts of the Case: Fanmade11 Fantasy Sports (P.) Ltd. vs. Union of India [2026] (SC)

The petitioner invoked the writ jurisdiction under Article 32 of the Constitution of India seeking quashing of the show cause notice (SCN) issued under Section 9 of the CGST Act and stay of the adjudication proceedings. The petitioner contended that the SCN was liable to be quashed and sought the Hon'ble Supreme Court's intervention before completion of the adjudication proceedings. During the hearing, the issue arose as to



whether the challenge to the SCN required adjudication under Article 32 in light of the Supreme Court's decision in Gameskraft Technologies. The matter was accordingly placed before the Hon'ble Supreme Court.

Decision of the Case: The Hon'ble Supreme Court held that in the proceedings under Section 9 of the CGST Act read with Article 32 of the Constitution of India, the challenge to the SCN did not require adjudication on merits in view of its decision in 'DGG SIT (HQS) v. Gameskraft Technologies (P.) Ltd. [2026] 186 taxmann. com 1232'. The Apex Court directed the petitioner to appear before the Assessing Officer and, if aggrieved by the final assessment order, avail the statutory remedy of appeal under the Act. As the final assessment order had already been passed in the connected matter. The Apex Court granted liberty to the petitioner to raise all contentions available in law before the appellate authority and granted four weeks' time to file the statutory appeal, and accordingly disposed of the matters.

4. SCN uploaded under 'Additional Notices' tab denied opportunity; recovery freezing lifted and fresh adjudication directed: HC

Facts of the Case: Biswajit Pramanik vs. Deputy Commissioner of Revenue [2026] (Calcutta)

The petitioner challenged the order passed under Section 73(9) of the CGST Act and the West Bengal GST Act determining tax liability. The petitioner submitted that although a show cause notice in Form GST DRC-01 had been issued, it was uploaded under the 'Additional Notice and Orders' tab on the GST portal instead of the notice tab, due to which it was not received and no reply could be filed. The petitioner further contended that recovery proceedings were initiated in Form GST DRC-13, resulting in the freezing of its bank accounts, and that the show cause notice came to its knowledge only upon receipt of the recovery notice. The matter was accordingly placed before the High Court.

Decision of the Case: The High Court held that the petitioner had been denied an effective opportunity to respond to the show cause notice, contrary to the scheme of Sections 73 and 75. The Court observed that

recovery under Section 79, read with Rule 145 of the CGST Rules and the West Bengal GST Rules, could not be sustained without proper service of notice in accordance with Section 169. The Court directed the jurisdictional officer to permit the petitioner to file a reply within four weeks and pass a reasoned order after granting a hearing within eight weeks. The Court also clarified that the amount already realised would abide by the outcome of the fresh adjudication.

5. Detention for clerical error in e-way bill unsustainable as no tax evasion shown; penalty refund ordered: HC

Facts of the Case: Kamlesh Kumar vs. State Tax Officer - [2026] (Uttarakhand)

The petitioner was transporting a consignment of aluminium roofing sheets when the vehicle was intercepted by the Department during transit. The driver produced two tax invoices along with the corresponding e-way bills. However, the invoices mentioned truncated e-way bill numbers. Consequently, proceedings were initiated, and a penalty was imposed. In response to the show cause notice, the petitioner contended that the discrepancy was merely a human or clerical error in the invoices and submitted that the goods fully matched the declarations contained in the e-way bills and accompanying documents. The matter was accordingly placed before the High Court.

Decision of the Case: The High Court held that the penalty imposed under Section 129 of the CGST Act and the Uttarakhand GST Act could not be sustained. Although the proceedings had been initiated under Section 129 read with Sections 68 and 125, the material on record established that the discrepancy in the invoices was merely a human or clerical error. The Court further observed that the Department of Revenue failed to demonstrate that any undue benefit had accrued to the petitioner, and noted that the jurisdictional officer under CGST had admitted that the goods intercepted were in conformity with the declarations contained in the e-way bills and accompanying documents. Accordingly, the Court quashed the penalty order and directed refund of the amount in accordance with the Circular No. 64/38/2018-GST, dated 14-09-2018.

DIRECT TAX

1. Immunity under Income-tax Settlement Commission order does not extend to money-laundering proceedings: HC

Facts of the Case: Cochin Minerals and Rutile Ltd. vs. Directorate of Enforcement [2026] (Kerala)

The petitioners challenged the Enforcement Directorate's (ED) proceedings initiated under the Prevention of Money Laundering Act, 2002 (PMLA), including the ECIR and summons issued under section 50. They contended that the company had already obtained immunity from prosecution under section 245H of the Income-tax Act pursuant to settlement proceedings before the Interim Board for Settlement.

It was further argued that, in the absence of an FIR or complaint relating to a scheduled offence under the PMLA, the ED lacked jurisdiction to commence an inquiry or issue summons. The petitioners also contended that the ED could not initiate proceedings until the Serious Fraud Investigation Office (SFIO) completed its investigation and submitted its report.

Decision of the Case: The High Court dismissed the writ petition. It held that immunity granted under section 245H of the Income-tax Act is confined to proceedings under that Act and does not extend to proceedings under the PMLA. Since the petitioners had approached the Settlement Commission after 1 June 2007, the statutory scheme itself barred grant of immunity from prosecution under any Central Act other than the Income-tax Act and the Wealth-tax Act.

Therefore, the settlement order could not prevent the ED from investigating alleged money-laundering offences. The Court further held that issuance of summons under section 50 is only a step in the process of inquiry and does not, by itself, give rise to a cause of action warranting judicial interference.

Relying on the Supreme Court's decision in *Vijay Madanlal Choudhary* [2022] 140 taxmann.com 610 (SC), it observed that the ED is empowered to commence an inquiry and issue summons under section 50 even in the absence of an FIR, as such proceedings are in the nature of collection of evidence and are distinct from prosecution. The Court also rejected the contention that the ED's powers were dependent upon completion

of the SFIO investigation, holding that the PMLA confers independent investigative powers on the ED. Accordingly, the challenge to the ECIR and summons was rejected, and the writ petition was dismissed.

2. Advance receipts by JIO from OTT subscriptions aren't taxable until services are provided: ITAT

Facts of the Case: Jio Platforms Ltd. vs. Deputy Commissioner of Income-tax [2026] (Ahmedabad - Trib.)

The assessee-JIO received subscription revenue from customers through recharge vouchers bundled with OTT and digital service subscriptions. Since the services were to be rendered over the validity period of the vouchers, the assessee recognised the receipts as 'revenue received in advance' and offered them to tax only as the services were rendered.

The Assessing Officer held that the assessee had failed to justify the deferment of revenue recognition and added Rs. 42.49 crore to its taxable income. The CIT(A) deleted the addition, following which the Revenue preferred an appeal before the Tribunal.

The Tribunal observed that the assessee had consistently followed a method of accounting whereby subscription revenue was recognised only when the corresponding services were rendered over the validity period of the subscription plan. It noted that the assessee had adequately explained its revenue recognition policy, accounting treatment and the manner in which advance receipts were carried as liabilities until the performance obligation was fulfilled.

The audited financial statements also established that the entire opening balance of revenue received in advance had been recognised as income during the relevant year when the related services were actually provided. The Revenue failed to place any material on record to controvert these factual findings or establish that the deferred receipts had escaped taxation.

Decision of the Case: Accordingly, the Tribunal held that income from advance receipts could not be taxed merely on receipt when the right to recognise such income had not yet accrued. Since the amount had



already been offered to tax in the year in which the services were rendered, taxing it again in the year of receipt would result in double taxation. Therefore, the Tribunal upheld the CIT(A)'s order deleting the addition made by the Assessing Officer.

3. Allotment letter with payments through banking channels treated as an agreement to sell, entitling assessee to Sec. 56(2)(x)(b) proviso benefit: ITAT

Facts of the Case: Deputy Commissioner of Income-tax vs. Nitin Kshirsagar (HUF) - [2026] (Mumbai - Trib.)

0The CIT(A) deleted the additions. Aggrieved, the AO filed the instant appeal before the Tribunal.

Decision of the Case: The Tribunal held that the AO's contention that the earlier allotment documents cannot be treated as fixing the consideration was unacceptable. The expression "agreement fixing the amount of consideration" cannot be read divorced from the commercial realities of an under-construction real estate transaction. In such transactions, the allotment may be followed by revised plans, change in floor, alteration in flat number, change in area, additional parking, statutory charges or consequential revision in consideration. Such subsequent modifications, by themselves, do not necessarily mean that the earlier allotment was non-existent or that no consideration had ever been fixed at any earlier stage.

In the instant case, the original allotment was made in 2001, and the MOU was executed in 2003 for the same consideration. The allotment was revised in 2009 to a revised consideration. The later revision in 2019 was recorded to have arisen due to revised building plans, whereafter the consideration was revised, and one further car parking slot was allotted. The final registered consideration was Rs. 1.74 crores, whereas the stamp duty value was Rs. 4.13 crores.

Thus, the consideration was fixed at different stages of the same continuing transaction. The revision of consideration was linked to the revision of the allotment and the building plan. There was also no finding that the Developer refunded the payments made by the assessee in the earlier years. The Assessing Officer has not recorded any finding that the earlier allotment, the MOU, or the revised allotment was cancelled, rescinded

or abandoned. The revision in the building plan was a project-related event. It cannot be used to erase the earlier rights and obligations created under the allotment and MOU, particularly when the transaction ultimately culminated in registration in favour of the assessee.

Thus, the assessee's case satisfied the essential requirements of the proviso to Section 56(2)(x)(b), and he was entitled to benefit from the proviso.

4. Sec. 54F exemption denied as purchase of two adjacent houses via separate deeds cannot be treated as one unit post-amalgamation: ITAT

Facts of the Case: Assistant Commissioner of Income-tax vs. Rahul Garg [2026] (Delhi - Trib.)

The assessee earned long-term capital gains on the sale of shares and claimed deduction under section 54F by investing the sale consideration in two adjacent residential properties situated at Sector-44, Noida. Although the properties were purchased through separate sale deeds and registered on different dates, the assessee contended that both were intended to be used as a single residential house.

It was submitted that advance payments for both properties were made simultaneously; that the delay in the second registration was attributable to the NOIDA Authority granting transfer permission later, and that the two plots were subsequently amalgamated by the NOIDA Authority into a single residential unit. Accepting these contentions, the CIT(A) allowed the deduction under section 54F.

The Revenue carried the matter in appeal before the Tribunal.

The Tribunal reversed the order of the CIT(A) and held that the assessee was not entitled to deduction under section 54F. It observed that, on the dates of acquisition, the assessee had purchased two distinct residential properties through separate registered sale deeds.

The subsequent amalgamation of the two plots by the NOIDA Authority could not alter the legal character of the original acquisitions or convert two independently purchased residential houses into a single residential house for the purposes of section 54F. The Tribunal noted that the Finance Act, 2014 had consciously substituted the expression "a residential house" with "one residential house", thereby restricting the

exemption to investment in a single residential house.

Since the amalgamation was approved only after the purchases had been completed, it could not be relied upon to overcome the statutory restriction introduced by the amendment.

Decision of the Case: Accordingly, the Tribunal held that the assessee's investment in two separately purchased houses did not satisfy the requirement of investment in "one residential house", set aside the order of the CIT(A), and restored the Assessing Officer's disallowance of the deduction under section 54F.

5. Pre-operative expense claim by charitable trust not allowed as application u/s 11: ITAT

Facts of the Case: Dignity Lifestyle Trust vs. Income-tax Officer - [2026] (Mumbai - Trib.)

The assessee, a charitable trust registered under section 12A, claimed deduction of Rs. 17.10 lakh towards pre-operative expenses incurred before commencement of its charitable activities. It contended that these expenses were in the nature of deferred revenue expenditure and, therefore, could be accumulated in its books and claimed as application of income in subsequent years.

The Assessing Officer disallowed the claim by treating it as prior period expenditure, and the CIT(A) upheld

the disallowance. Aggrieved, the assessee appealed before the Tribunal.

Decision of the Case: The Tribunal upheld the disallowance and held that the concept of pre-operative or deferred revenue expenditure is not applicable to charitable trusts claiming exemption under sections 11 and 12. It observed that the scheme of section 11 requires a trust to apply at least 85% of its income for charitable purposes during the relevant previous year, while permitting accumulation only in the manner prescribed under the Act.

A charitable trust cannot follow accounting principles applicable to commercial entities by deferring expenditure incurred before commencement of its activities and claiming it as application of income in later years. Such a practice would defeat the statutory framework governing application and accumulation of income under sections 11 and 12.

However, the Tribunal clarified that expenditure actually incurred during the relevant year out of the income earned in that year, and otherwise qualifying as an application of income, would remain allowable. Accordingly, while rejecting the claim for pre-operative expenses, it restored the matter to the Assessing Officer only for verifying and allowing eligible expenditure actually incurred during the year in accordance with sections 11 and 12.



TAX CALENDAR

INDIRECT TAX

Aug 10, 2026	GSTR-7 (July 2026)
	GSTR-8 (July 2026)
Aug 11, 2026	GSTR-1 (July 2026)
Aug 13, 2026	GSTR-1 Invoice Furnishing Facility (July 2026)
	GSTR-5 (July 2026)
	GSTR-6 (July 2026)

DIRECT TAX

Due Date.	Return.
Aug 07, 2026	Due date for deposit of Tax deducted/collected for the month of July, 2026. However, all sum deducted/collected by an office of the government shall be paid to the credit of the Central Government on the same day where tax is paid without production of an Income-tax Challan
	Uploading of declarations received in Form No. 127 (Income-tax Rules, 2026) from the buyer in the month of July, 2026
Aug 14, 2026	Issue of certificate in Form No. 132 (Income-tax Rules, 2026) under section 395(4) of the Income-tax Act 2025 for tax deducted at source under section 393(1) [Table Sl. No. 2(i), 3(i), 6(ii) & 8(vi)] of the Income-tax Act 2025 in the month of June, 2026
Aug 15, 2026	Issuance of TCS certificate in <i>Form No. 133</i> (Income-tax Rules, 2026) under section <i>395(4)</i> of the Income-tax Act, 2025 for tax collected at source for the quarter ending June 30, 2026
	Issuance of TDS certificate in <i>Form No. 131</i> (Income-tax Rules, 2026) for TDS other than on salary, pension or interest income of specified senior citizen under <i>section 393(1)</i> of the Income-tax Act, 2025 for the quarter ending June 30, 2026
	Due date for furnishing <i>Form No. 137</i> (Income-tax Rules, 2026) by an office of the Government where TDS/TCS for the month of July, 2026 has been paid without the production of a challan
	Statement in <i>Form 1</i> (Income-tax Rules, 2026) by the stock exchange for the month of July, 2026, in respect of transactions in which client codes have been modified after registering in the system.



E-PUBLICATIONS

Of

TAX RESEARCH DEPARTMENT

Insight into Customs - Procedure & Practice

Handbook on GSTAT

Handbook on GST on Education Sector

Input Tax Credit (ITC) - An in depth discussion

Handbook on GST on Real Estate

Handbook on GST on Service Sector

Handbook on Handbook on Invoice Management System under GST

Handbook on Impact of GST on MSME Sector

GST Bare Act

Handbook on GST Department Audit

Handbook on CMA Certifications in GST

Handbook on E-way Bill

Handbook on relevance of CAS4 under GST regime

Comprehensive Guide to Advance Pricing Agreements: An Indian Perspective*

Managing Transfer Pricing Risks: Indian and International Perspective*

Ready Reckoner on Income Tax Act, 2025

Bare Laws - Income Tax Act, 2025

For E-Publications, Please Visit Taxation Portal
<https://icmai.in/CIntCourses/TaxationKnowledgePortal>

TAXATION COMMITTEES - PLAN OF ACTION

Proposed Action Plan:

1. Successfully conduct all Taxation Courses.
2. Publication and Circulation of Tax bulletin (both in electronic and printed formats) for the awareness and knowledge updation of stakeholders, members, traders, Chambers of Commerce, Universities.
3. Publication of Handbooks on Taxation related topics helping stakeholders in their job deliberations.
4. Carry out webinars for the Capacity building of Members - Trainers in the locality to facilitate the traders/registered dealers.
5. Conducting Seminars and workshops on industry specific issues, in association with the Trade associations/ Traders/ Chamber of commerce in different location on practical issues/aspects associated with GST.
6. Tendering representation to the Government on practical difficulties faced by the stakeholders in Taxation related matters.
7. Updating Government about the steps taken by the Institute in removing the practical difficulties in implementing various Tax Laws including GST.
8. Facilitating general public other than members through GST Help-Desk opened at Head quarter of the Institute and other places of country.
9. Introducing advance level courses for the professionals on GST and Income Tax.
10. Extending Crash Courses on Taxation to Corporates, Universities, Trade Associations etc.

Disclaimer:

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