



BMC Advisors

Corporate Laws and Intellectual Property Rights Consultants



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WEEKLY UPDATES

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MCA UPDATES

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB SECTION (i)]

MINISTRY OF CORPORATE AFFAIRS NOTIFICATION

New Delhi, the 27 February, 2018

G.S.R. (E). – In exercise of the powers conferred by sub-sections (1) and (3) of section 128, sub section (3) of section 129, section 133, section 134, sub section (1) of 136 read with section 469 of the Companies Act, 2013 (18 of 2013), the Central Government hereby makes the following rules further to amend the Companies (Accounts) Rules, 2014, namely :-

1. (1) These rules may be called the Companies (Accounts) Amendment Rules, 2018.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Companies (Accounts) Rules, 2014 (hereinafter referred to as the principal rules), in rule 10, the following proviso shall be inserted, namely:-

“Provided that the Companies which are required to comply with Companies (Indian Accounting Standards) Rules, 2015 shall forward their statement in Form AOC-3A.”

3. In the principal rules, in the Annexure, after Form AOC-3, the following Form shall be inserted, namely Form AOC-3A:-

For Form AOC-3A, please follow below link:

http://www.mca.gov.in/Ministry/pdf/CompaniesAccountsAmmendmentRule_01032018.pdf

[F. No. 1/19/2013-CL-V-Part]

K.V.R. Murty, Joint Secretary

Note: The principal notification was published in the Gazette of India Extraordinary, Part-II, Section 3, Sub-section (i) vide notification number G.S.R. 239(E), dated 31.03.2014 and subsequently amended vide notification number G.S.R. 723 (E) dated 14.10.2014, G.S.R 37 (E) dated 16.01.2015, G.S.R. 680 (E) dated 04.09.2015, G.S.R. 742 (E) dated 27.07.2016 and G.S.R. 1371 (E) dated 07.11.2017.

RBI UPDATES

RBI/2017-18/134

A. P. (DIR Series) Circular No. 18

February 26, 2018

All Category - I Authorised Dealer banks

Madam/Sir,

Risk Management and Inter-bank Dealings: Revised guidelines relating to participation of a person resident in India and Foreign Portfolio Investor (FPI) in the Exchange Traded Currency Derivatives (ETCD) Market

Attention of Authorized Dealers Category - I (AD Category - I) banks is invited to the Foreign Exchange Management (Foreign Exchange Derivative Contracts) Regulations, 2000 dated May 3, 2000 (Notification No. FEMA.25/RB-2000 dated May 3, 2000), as amended from time to time, A.P. (DIR Series) Circular No. 90 dated March 31, 2015 relating to participation of a person resident in India in the Exchange traded currency derivatives (ETCD) market, A.P. (DIR Series) Circular No. 91 dated March 31, 2015 relating to participation of a Foreign Portfolio Investor (FPI) in the ETCD market.

2. Currently, persons resident in India and FPIs are allowed to take a long (bought) or short (sold) position in USD-INR upto USD 15 million per exchange without having to establish existence of underlying exposure. In addition, residents & FPIs are allowed to take long or short positions in EUR-INR, GBP-INR and JPY-INR pairs, all put together, upto USD 5 million equivalent per exchange without having to establish existence of any underlying exposure.

3. It has now been decided to permit persons resident in India and FPIs to take positions (long or short), without having to establish existence of underlying exposure, upto a single limit of USD 100 million equivalent across all currency pairs involving INR, put together, and combined across all exchanges.

4. The onus of complying with the provisions of this circular rests with the participant in the ETCD market and in case of any contravention the participant shall be liable to any action that may be warranted as per the provisions of Foreign Exchange Management Act, 1999 and the regulations, directions, etc. issued thereunder. These limits shall also be monitored by the exchanges, and breaches, if any, may be reported to the Reserve Bank of India.

5. All other operational guidelines, terms and conditions shall remain unchanged.

6. This circular has been issued under Sections 10(4) and 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and is without prejudice to permissions/approvals, if any, required under any other law.

Yours faithfully,

(T. Rabi Sankar)
Chief General Manager

RBI/2017-18/135
FIDD.CO.Plan.BC. 18/04.09.01/2017-18

March 01, 2018

The Chairman/ Managing Director & CEOs
All Scheduled Commercial Banks

Dear Sir/ Madam,

Priority Sector Lending - Targets and Classification

Please refer to the revised priority sector guidelines issued to banks vide FIDD.CO.Plan.BC.54/04.09.01/2014-15 circular dated April 23, 2015. It was stipulated therein under Para (II) (i) that the sub-targets for lending to small and marginal farmers and micro enterprises shall be made applicable for foreign banks with 20 branches and above, post 2018 after a review in 2017.

2. Accordingly, after undertaking a review of the priority sector lending profile of the above banks and to create a level-playing field within banks, it has been decided that the sub-target of 8 percent of Adjusted Net Bank Credit (ANBC) or Credit Equivalent Amount of Off-Balance Sheet Exposure (CEOBE), whichever is higher, shall become applicable for the foreign banks with 20 branches and above, for lending to the small and marginal farmers from FY 2018-19. Further, the sub-target of 7.50 percent of ANBC or CEOBE, whichever is higher, for bank lending to the Micro Enterprises shall also become applicable for the foreign banks with 20 branches and above from FY 2018-19.

3. Additionally, in the light of feedback received from various stakeholders and in line with the increasing importance of services sector in our economy, it has been decided to remove the currently applicable loan limits of Rs. 5 crore and Rs. 10 crore per borrower to Micro/ Small and Medium Enterprises (Services) respectively, for classification under priority sector. Accordingly, all bank loans to MSMEs, engaged in providing or rendering of services as defined in terms of investment in equipment under MSMED Act, 2006, shall qualify under priority sector without any credit cap.

Yours faithfully,

(Gautam Prasad Borah)
Chief General Manager-in Charge

RBI/2017-18/136
DCM (CC) No. 30 71/03.41.01/2017-18

March 01, 2018

The Chairman & Managing Director /
Chief Executive Officer,
All Banks

Madam / Dear Sir,

Review of Currency Distribution & Exchange Scheme (CDES)

Please refer to the announcement made in Part B of the Bi-Monthly Review of Monetary Policy dated February 7, 2018. The RBI has been providing several incentives to banks, from time to time for installation of various machines by them to encourage technology absorption in their currency operations for improved customer service. It is observed that the objectives of the scheme have largely been achieved.

2. Therefore, on a review, it has been decided to withdraw the incentives which was being given to the banks for installation of Cash Recyclers and ATMs dispensing only lower denomination notes as contained in the Master Direction DCM (CC) No.G-4/03.41.01/2016-17 dated July 20, 2016.

3. The above instructions will come into force with immediate effect. The claims in respect of machines which were delivered to the banks before and including the date of the circular, shall be settled by our Regional offices, subject to the limits already advised in the above Master Direction dated July 20, 2016.

4. The circular is available on our website – www.rbi.org.in.

Yours faithfully,

(Ajay Michyari)
Chief General Manager

RBI/2017-18/137
FMRD.DIRD.6/14 .03.001/2017-18

March 1, 2018

All market participants

Madam/Sir,

Separate limit of Interest Rate Futures (IRFs) for Foreign Portfolio Investors (FPIs)

Please refer to Paragraph 8 of the statement on Developmental and Regulatory Policies, issued as part of the third Bi-monthly Monetary Policy Statement for 2017- 18 dated August 02, 2017, wherein a separate limit of Interest Rate Futures for Foreign Portfolio Investors was proposed.

2. Currently, the FPI limit for Government Securities (G-secs) is fungible between investments in G-secs and investment in IRF. FPI long positions in IRF are not allowed on G-sec limit utilisation reaching 90%. To facilitate further market development and to ensure that access of FPIs to IRFs remains uninterrupted, it has been decided to allocate FPIs a separate limit of Rs. 5,000 crore for long position in IRFs. Accordingly, para 4.2 of the RBI Directions No. IDMD.PCD.07/ED(RG)-2013 dated December 05, 2013 is amended to read as follows:

“Foreign Portfolio Investors, registered with Securities and Exchange Board of India, are permitted to purchase or sell Interest Rate Futures subject to the following conditions:

(i) the aggregate long position of all FPIs, each of whom has a net long position in any IRF instrument, shall not exceed Rs. 5000 crore, aggregated across all IRF instruments,

and

(ii) the total gross short (sold) position of any Foreign Portfolio Investor shall not exceed its consolidated long position in Government securities and Interest Rate Futures, at any point in time”.

3. The limits prescribed for investment by FPIs in G-secs (currently Rs. 3,01,500 crore) will be exclusively available for investment in G-secs. All other terms and conditions of the extant IRF directions will remain unchanged.

4. The detailed operational guidelines in this regard will be issued separately by SEBI.

5. The above directions are issued under section 45 (W) of the RBI Act, 1934.

Yours faithfully

(T. Rabi Sankar)
Chief General Manager

IPR UPDATES

No. TMR/PUBLIC NOTICE /2018/291

Date: 26-02-2018

PUBLIC NOTICE

It is hereby informed that show-cause hearings fixed inadvertently on 17/03/2018 at Trade Marks Registry, Mumbai in respect of International registrations are rescheduled on 19/03/2018.

(S. M. Togrikar)
Assistant Registrar of Trade Marks
(Head of Office)

No. CG/Meeting Circular-DIPP/2018/14

Dated: 01-03-2018

CIRCULAR

Subject: Stakeholders Meeting regarding issues related to Working of patents under the Patents Act, 1970.

In view of certain issues being raised regarding the provisions of working of patents in the Patents Act 1970 (as amended), it has been decided to have consultation meeting with Stakeholders to receive feedback and further streamline procedures in this regard.

Accordingly, stakeholders are requested to submit comments on the issues relating to working of Patents i.e Section 146 of the Patents Act 1970 (as amended) read with Rule 131 of Patent Rules 2003 including Form 27, and penal provisions provided in Section 122. Comments received till 16/03/2018 will be considered and select stakeholders will be invited for a meeting to be held on 21/03/2018.

Interested stakeholders are requested to submit their comments to Dr. W. M. Dhumane at wm.dhumane@nic.in and Dr. Usha Rao at drusharao.ipa@nic.in on or before 16th March, 2018.

(O.P.GUPTA)

Comptroller General of Patents, Designs & Trade Marks

EXCISE UPDATES

Circular No. 1064/03/2018-CX

F. No. 354/94/2011 -TRU (Pt)
Government of India
Ministry of Finance
Department of Revenue
Tax Research Unit

North Block, New Delhi
Dated the 26th of February, 2018

To

The Principal Chief Commissioner/Chief Commissioner/ Principal Commissioner/ Commissioner of Central Excise and Central Tax (All) / Director General of Systems

Madam / Sir,

Subject: Consideration of mega power policy benefits in proportion to the long term PPA tied up in case of provisional mega power projects - regarding

Certain specified goods such as machinery, apparatus, instruments, cables, components or raw material supplied to specified mega power projects, including the projects with provisional mega power status, were exempted from central excise duty *vide* entry No. 338 under notification No. 12/2012-Central Excise, dated the 17th March, 2012 (as amended). In case of provisional mega power projects this exemption was subject to furnishing of a security [in the form of a Fixed Deposit Receipt or Bank Guarantee from any scheduled bank for a term of 126 months] for an amount equal to the central excise duty payable but for the said exemption. The notification provided for release of security on furnishing of final mega power status certificate.

2. However, with advent of GST, notification No. 12/2012-Central Excise, dated the 17th March, 2012 has been superseded *vide* notification No. 11/2017-Central Excise, dated the 30th June, 2017 and the said entry No. 338 has been omitted, except as respects things done or omitted to be done before such omission.

3. With the approval of the competent authority it has been decided to proportionately release the Fixed Deposit Receipt or Bank Guarantee in case of such provisional mega power projects, as per the proportionate mega certificate [Mega Power Certificate (Proportional)] issued by the Joint Secretary to the Government of India in the Ministry of Power, Government of India.

4. In view of the above, it is hereby directed that in the case of provisional mega power projects, the security in the form of Fixed Deposit Receipt or Bank Guarantee lying with the jurisdictional Deputy Commissioner of Central Excise or Assistant Commissioner of Central Excise, as the case may be, with regard to aforesaid central excise duty exemption, may be released proportionately as per the proportionate mega certificate [Mega Power Certificate (Proportional)] issued by the Joint Secretary to the Government of India in the Ministry of Power, Government of India.

5. The field formations may take necessary action in order to give effect to the decision on the above lines.

6. If any difficulty is faced, the same should be brought to the notice of the Board.

Yours faithfully,

(Geelani Basha K.S.M.)
Technical Officer, TRU

CUSTOM UPDATES

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii)]
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise and Customs)

Notification No. 15/2018-Customs (N.T.)

New Delhi, the 26th February, 2018.

S.O. (E). – In exercise of the powers conferred by sub-section (1) of section 4 and sub-section (1) of section 5 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby appoints officer mentioned in column 5 of the Table below to exercise the powers and discharge duties conferred or imposed on officers mentioned in column (4) of the Table in respect of Show Cause Notice mentioned in column (3) of the table, for the purpose of adjudication of the Show Cause Notice:-

Table

Sl. No	Notice name and address	Show Cause Notice Number and date	Answerable to	Appointed Officer
(1)	(2)	(3)	(4)	(5)
1.	M/s Pink International Johri Bazar, Jaipur and others	F.No. VIII/CG-25/S & 4/06/PI/Pt. III/20 dated 27.04.2011	Jt. Commissioner, Customs, (Imports) Mumbai.	Commission of Customs (Import-I), New Customs House, Ballard Estate, Mumbai (Zone-I)
2.	M/s Pink International Johri Bazar, Jaipur and others	F.No. VIII/CG-25/S & D/4/06/PI/Pt.I/Gr. V B/13/S/26-Misc-44/11 Gr-VB/JNCH dated 28.04.2011	Addl. Commissioner, Custom, (Imports) Nhava Sheva, Navi Mumbai.	
3.	M/s Pink International Johri Bazar, Jaipur and others	F.No. VIII/CG-25/S & D/4/06/PI/Pt.II/outward 10 dated 27.04.2011	Deputy Commissioner of Customs (Imports) Mumbai.	
4.	M/s Rajas Exims, Tilak Nagar, Jaipur and others	F.No. VIII /CG-25/S & D/04/06/RE/Gr. VB/26/S/26-Misc-45/11 GR-VB/JNCH dated 28.04.2011	Addl. Commr, of Customs (Imports) Jawaharlal Nehru Customs House, Nhava Sheva, Mumbai.	
5.	M/s Pink International Johri Bazar, Jaipur and others	F.No. VIII /CG-25/S & D/04/06/PI/Pt I GR-VI/13/S/26-Misc-432/2010-11/Gr.VI/JNCH dated 03.05.2011	Addl. Commr, of Customs (Imports) Jawaharlal Nehru Customs House, Nhava Sheva, Mumbai.	
6.	M/s Rajas Exims, Tilak Nagar, Jaipur and others	F.No. VIII /CG-25/S & D/04/06/RE/Gr. VI/23/S-26/Misc-433/2010-11 GR-VI/JNCH dated 03.05.2011	Addl. Commr, of Customs (Imports) Jawaharlal Nehru Customs House, Nhava Sheva.	

7	M/s Rajas Exims, Tilak Nagar, Jaipur and others	F.No. VIII /CG-25/S & D/04/06/RE/Gr. IV/20/S-26/Misc- 16/2011 GR-IV/JNCH dated 04.05.2011	Addl. Commr, of Customs (Imports) Group IV Jawaharlal Nehru Customs House, Nhava Sheva.
8	M/s Pink International Johri Bazar, Jaipur and others	F.No. VIII /CG-25/S & D/04/06/ PI/Pt I/VII B/34/S/26-Misc- 430/2010-11/Gr.VI JNCH dated 03.05.2011	Addl. Commr, of Customs (Imports) Jawaharlal Nehru Customs House, 7 B of Group VI Nhava Sheva, Navi Mumbai.
9	M/s Pink International Johri Bazar, Jaipur and others	F.No. VIII /CG-25/S & D/4/06/ PI/Pt I/Gr.IV/10/ S-26-Misc- 05/2011/Gr.IV JNCH dated 04.05.2011	Addl. Commr, of Customs (Imports) Jawaharlal Nehru Customs House, Group IV, Jawahar Customs, Nhava Sheva, Navi Mumbai.

[F.No. 437/23/2010-Cus IV]

(Z.R.Kamili)
Director (Customs)

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii)]
Government of India
Ministry of Finance
Department of Revenue
(Central Board of Excise and Customs)

Notification No. 16 / 2018-Customs (N.T.)

New Delhi, the 26th February, 2018.

S.O. (E). - In exercise of the powers conferred by sub-section (1) of section 4 and sub-section (1) of section 5 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby appoints officer mentioned in column 5 of the Table below to exercise the powers and discharge duties conferred or imposed on officer mentioned in column (4) of the Table in respect of Show Cause Notice mentioned in column (3) of the table, for the purpose of adjudication of the Show Cause Notice:-

Table

Sl. No	Notice name and address	Show Cause Notice Number and date	Answerable to	Appointed Officer
(1)	(2)	(3)	(4)	(5)
1.	M/s Navshakti Industries Pvt. Ltd., 980-81/4, 1st Floor, Makki Market, Chawari Bazar, Delhi-06	F.No VIII/10/ICD/TKD/Pre v./2/97 dated 23.07.2002	Commissioner of Customs, ICD, Tughlakabad, New Delhi	Principal Commissioner/ Commissioner of Customs (ICD-Import), Tughlakabad, New Delhi

[F.No. 437/13/2017-Cus IV]

(Z.R.Kamili)
Director (Customs)

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART-II, SECTION-3, SUB-SECTION (ii)]

Government of India
Ministry of Finance
(Department of Revenue)
(Central Board of Excise and Customs)

Notification No. 17/2018-CUSTOMS (N.T.)

New Delhi, 28th February, 2018
09 Phalguna, 1939 (SAKA)

S.O. ... (E).- In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise & Customs, being satisfied that it is necessary and expedient so to do, hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2001-Customs (N.T.), dated the 3rd August, 2001, published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S. O. 748 (E), dated the 3rd August, 2001, namely:-

In the said notification, for TABLE-1, TABLE-2, and TABLE-3 the following Tables shall be substituted namely: -

“TABLE-1

Sl. No.	Chapter/ heading/ sub-heading/ tariff item	Description of goods	Tariff value (US \$Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	687
2	1511 90 10	RBD Palm Oil	697
3	1511 90 90	Others - Palm Oil	692
4	1511 10 00	Crude Palmolein	705
5	1511 90 20	RBD Palmolein	708
6	1511 90 90	Others - Palmolein	707
7	1507 10 00	Crude Soya bean Oil	814
8	7404 00 22	Brass Scrap (all grades)	3854
9	1207 91 00	Poppy seeds	2485

TABLE-2

Sl. No.	Chapter/ heading/ sub-heading/ tariff item	Description of goods	Tariff value (US \$)
(1)	(2)	(3)	(4)
1	71 or 98	Gold, in any form, in respect of which the benefit of entries at serial number 356 and 358 of the Notification No. 50/2017-Customs dated 30.06.2017 is availed	427 per 10 grams
2	71 or 98	Silver, in any form, in respect of which the benefit of entries at serial number 357 and 359 of the Notification No. 50/2017-Customs dated 30.06.2017 is availed	535 per kilogram

TABLE-3

Sl. No.	Chapter/ heading/ sub-heading/ tariff item	Description of goods	Tariff value (US \$ Per Metric Tonne)
(1)	(2)	(3)	(4)
1	080280	Areca nuts	3948''

[F. No. 467/01/2018 -Cus-V]

(Dr. Sreeparvathy S.L.)
Under Secretary to the Govt. of India

Note: - The principal notification was published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide Notification No. 36/2001-Customs (N.T.), dated the 3rd August, 2001, vide number S. O. 748 (E), dated the 3rd August, 2001 and was last amended vide Notification No. 12/2018-Customs (N.T.), dated the 15th February, 2018, e-published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S. O. 668 (E), dated 15th February, 2018.

GOVERNMENT OF INDIA
 MINISTRY OF FINANCE
 (DEPARTMENT OF REVENUE)
 (CENTRAL BOARD OF EXCISE AND CUSTOMS)

Notification No. 18/2018 - Customs (N.T.)

New Delhi, dated the 1st March, 2018
 10 Phalgun 1939 (SAKA)

In exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and in supersession of the notification of the Central Board of Excise and Customs No. 13/2018-CUSTOMS (N.T.), dated 15th February, 2018 except as respects things done or omitted to be done before such supersession, the Central Board of Excise and Customs hereby determines that the rate of exchange of conversion of each of the foreign currencies specified in column (2) of each of Schedule I and Schedule II annexed hereto, into Indian currency or *vice versa*, shall, with effect from 2nd March, 2018, be the rate mentioned against it in the corresponding entry in column (3) thereof, for the purpose of the said section, relating to imported and export goods.

SCHEDULE-I

Sl. No.	Foreign Currency	Rate of exchange of one unit of foreign currency equivalent to Indian rupees	
		(3)	
(1)	(2)	(a)	(b)
		(For Imported Goods)	(For Export Goods)
1.	Australian Dollar	51.40	49.60
2.	Bahrain Dinar	178.85	167.45
3.	Canadian Dollar	51.65	50.00
4.	Chinese Yuan	10.45	10.10
5.	Danish Kroner	10.90	10.50
6.	EURO	80.95	78.25
7.	Hong Kong Dollar	8.45	8.20
8.	Kuwait Dinar	225.20	210.55
9.	New Zealand Dollar	47.90	46.05
10.	Norwegian Kroner	8.40	8.10
11.	Pound Sterling	91.20	88.25
12.	Qatari Riyal	18.50	17.35
13.	Saudi Arabian Riyal	18.00	16.85
14.	Singapore Dollar	50.05	48.40
15.	South African Rand	5.70	5.35
16.	Swedish Kroner	8.00	7.70
17.	Swiss Franc	70.30	67.80
18.	UAE Dirham	18.35	17.20
19.	US Dollar	66.10	64.40

SCHEDULE-II

Sl. No.	Foreign Currency	Rate of exchange of 100 units of foreign currency equivalent to Indian rupees	
(1)	(2)	(3)	
		(a)	(b)
		(For Imported Goods)	(For Export Goods)
1.	Japanese Yen	62.15	60.05
2.	Kenyan Shilling	64.90	60.65

[F.No. 468/01/2018-Cus.V]

(Dr. Sreeparvathy S.L.)
Under Secretary to the Govt. of India
TELE: 011-2309 5541

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

Notification No. 28 /2018 - Customs

New Delhi, the 01st March, 2018

G.S.R. (E). - Whereas the Central Government on being satisfied that the import duty leviable on goods falling under heading 0713 20 00 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), should be increased and that circumstances exist which render it necessary to take immediate action.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 8A of the said Customs Tariff Act, the Central Government, hereby directs that the First Schedule to the said Customs Tariff Act, shall be amended in the following manner, namely:-

In the First Schedule to the said Customs Tariff Act, in Section II, in Chapter 7, against tariff items 0713 20 00, for the entry in column (4), the entry "60%" shall be substituted.

[F. No. 354/368/2017-TRU]
(Mohit Tewari)

Under Secretary to the Government of India

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY PART II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(Department of Revenue)

Notification No. 29/2018-Customs

New Delhi, the 1st March, 2018

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962) and sub-section (12) of section 3 of the Customs Tariff Act, 1975 (51 of 1975), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India, Ministry of Finance (Department of Revenue), No. 50/2017-Customs, dated the 30th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide*, number G.S.R. 785(E), dated the 30th June, 2017, namely:-

In the said notification, in the Table,-

(i) against S. No. 20, for the entry in column (3), the entry "Pulses [other than Peas (*Pisum sativum*), Tur, Chickpeas or Masoor (*Lentils*)]" shall be substituted;

(ii) after S. No. 21 and the entries relating thereto, the following S.No. and entries shall be inserted, namely:-

(1)	(2)	(3)	(4)	(5)	(6)
"21 A.	0713 20 00	Kabuli Chana	40%	-	-";

(iii) against serial number 57, in column (4) against clauses (A), (B) and (C) of item II of column (3), for the entry "30%" the entry "44%" shall be substituted;

(iv) against serial number 65, in column (4), for the entry "40%" the entry "54%" shall be substituted;

(v) S. No. 473 and the entries relating thereto shall be omitted.

[F. No. 354/203/2012- TRU]

(Mohit Tewari)
Under Secretary to the Government of India

Note: The principal notification No.50/2017-Customs, dated the 30th June, 2017 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 785(E), dated the 30th June, 2017 and last amended *vide* notification No. 27/2018-Customs, dated the 23rd February, 2018, published *vide* number G.S.R. 182 (E), dated the 23rd February, 2018.

GST UPDATES

Circular No. 34/8/2018-GST

F. No. 354/17/2018-TRU
Government of India
Ministry of Finance
Department of Revenue
Tax research Unit

**Room No. 146G, North Block,
New Delhi, 1st March 2018**

To,
The Principal Chief Commissioners/ Chief Commissioners/ Principal Commissioners/
Commissioner of Central Tax (All) /
The Principal Director Generals/ Director Generals (All)

Madam/Sir,

Subject: Clarifications regarding GST in respect of certain services

I am directed to issue clarification with regard to the following issues as approved by the Fitment Committee to the GST Council in its meeting held on 9th, 10th and 13th January 2018:-

S. No.	Issue	Clarification
1.	Whether activity of bus body building, is a supply of goods or services?	In the case of bus body building there is supply of goods and services. Thus, classification of this composite supply, as goods or service would depend on which supply is the principal supply which may be determined on the basis of facts and circumstances of each case.
2.	Whether retreading of tyres is a supply of goods or services?	In retreading of tyres, which is a composite supply, the predominant element is the process of retreading which is a supply of service. Rubber used for retreading is an ancillary supply. Which part of a composite supply is the principal supply, must be determined keeping in view the nature of the supply involved. Value may be one of the guiding factors in this determination, but not the sole factor. The primary question that should be asked is what is the essential nature of the composite supply and which element of the supply imparts that essential nature to the composite supply. Supply of retreaded tyres, where the old tyres belong to the supplier of retreaded tyres, is a supply of goods (retreaded tyres under heading 4012 of the Customs Tariff attracting GST @ 28%)

3.	Whether Priority Sector Lending Certificates (PSLCs) are outside the purview of GST and therefore not taxable?	<p>In Reserve Bank of India FAQ on PSLC, it has been mentioned that PSLC may be construed to be in the nature of goods, dealing in which has been notified as a permissible activity under section 6(1) of the Banking Regulation Act, 1949 vide Government of India notification dated 4th February, 2016. PSLC are not securities. PSLC are akin to freely tradeable duty scrips, Renewable Energy Certificates, REP license or replenishment license, which attracted VAT.</p> <p>In GST there is no exemption to trading in PSLCs. Thus, PSLCs are taxable as goods at standard rate of 18% under the residuary S. No. 453 of Schedule III of notification No. 1/2017-Central Tax(Rate). GST payable on the certificates would be available as ITC to the bank buying the certificates.</p>
4.	<p>(1) Whether the activities carried by DISCOMS against recovery of charges from consumers under State Electricity Act are exempt from GST?</p> <p>(2) Whether the guarantee provided by State Government to state owned companies against guarantee commission, is taxable under GST?</p>	<p>(1) Service by way of transmission or distribution of electricity by an electricity transmission or distribution utility is exempt from GST under notification No. 12/2017- CT (R), Sl. No. 25. The other services such as, -</p> <ul style="list-style-type: none"> i. Application fee for releasing connection of electricity; ii. Rental Charges against metering equipment; iii. Testing fee for meters/ transformers, capacitors etc.; iv. Labour charges from customers for shifting of meters or shifting of service lines; v. charges for duplicate bill; <p>provided by DISCOMS to consumer are taxable.</p> <p>(2) The service provided by Central Government/State Government to any business entity including PSUs by way of guaranteeing the loans taken by them from financial institutions against consideration in any form including Guarantee Commission is taxable.</p>

2. Difficulty if any, in the implementation of this circular may be brought to the notice of the Board.

Yours Faithfully,

Harsh Singh
Technical Officer (TRU)
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DGFT UPDATES

Government of India
Ministry of Commerce & Industry
Directorate General of Foreign Trade
Udyog Bhavan, New Delhi

Policy Circular No. 04/2015-20

Dated the 26th February, 2018

To

1. All Custom Authorities
2. APEDA, New Delhi
3. Federation of Indian Export Organisations (FIEO)
4. All Regional Authorities of DGFT
5. All EPCs
6. All concerned

Subject: Clarification regarding export policy of onions - Removal of Minimum Export Price (MEP) and Letter of Credit (LC) – Reg.

DGFT has received representations from exporters of onions stating that Custom is not allowing export of onions without LC (Letter of Credit) despite DGFT Notification No. 48/2015-20 dated 02.02.2018 removing MEP and LC on export of onions.

2. The matter has been examined and it is informed that the DGFT vide the aforementioned Notification dated 02.02.2018 had substituted Para 2 of its earlier Notification No. 39 dated 23.11.2017, which provides that “export of all varieties of onions will be allowed only on Letter of Credit (LC) subject to a Minimum Export Price (MEP) of US\$ 850 F.O.B. per Metric Ton till 31.12.2017”, which was further extended upto 20.02.2018 with revised MEP of USD 700 PMT.

3. Since Para 2 of the Notification No. 39 dated 23.11.2017 has been substituted vide Notification No. 48/2015-20 dated 02.02.2018, the requirement of MEP and LC, both stands removed till further orders.

4. In view of the above, it is clarified that export of all varieties of onions are permitted for export without any MEP or LC w.e.f. 02.02.2018 till further orders.

5. This issues with the approval of competent authority.

(Arunoday Goswami)
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