

# TAX CONNECT

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## EDITORIAL



**Friends,**

The Income Tax Act, 1961, governs the taxation of income and provides various provisions for deductions and exemptions. One notable aspect is the treatment of interest paid on housing loans, which is addressed under Section 24(b) and Section 48. The dual benefit of claiming this interest was permissible under specific circumstances until April 1, 2024, i.e., before the commencement of the Assessment Year (AY) 2024-25.

Today, we will discuss the Double claim of interest on House property u/s 24(b) and 48 allowed before 1st April 2024, i.e. before AY 24-25.

The amount of any interest payable on borrowed capital for acquiring, renewing or reconstructing a property is allowed as a deduction under the head "Income from house property" under section 24 of the Act.

Further Section 48 of the Act, inter alia, provides that the income chargeable under the head "Capital gains" shall be computed, by deducting the cost of acquisition of the asset and the cost of any improvement thereto from the full value of the consideration received or accruing as a result of the transfer of the capital asset.

It was observed that some assesseees claimed double deduction of interest paid on borrowed capital for acquiring, renewing or reconstructing a property. Firstly, in the form of deduction from income from house property under section 24, and in some cases the deduction was also being claimed under other provisions of Chapter VIA of the Act. Secondly while computing capital gains on transfer of such property this same interest also forms a part of cost of acquisition or cost of improvement under section 48 of the Act.

In order to prevent this double deduction, a proviso after clause (ii) of the section 48 as inserted so as to provide that the cost of

acquisition or the cost of improvement shall not include the amount of interest claimed under section 24 or Chapter VIA. This amendment is proposed to take effect from the 1st day of April, 2024 and applied in relation to the assessment year 2024-25 and subsequent assessment years.

However, what about the periods before that? The defences for claiming double deduction are as follows –

1. There are favorable judgments, including CIT v. K. Raja Gopala Rao and CIT v. Mithlesh Kumari which allows interest as part of the cost of acquisition.
2. Section 24(b) and section 48 operate under different heads of income, permitting claims under both.
3. Additionally, the Finance Act, 2023 introduced a provision explicitly disallowing such deductions under section 48 from April 1, 2024, confirming the absence of such restriction for earlier periods.
4. Following the principle of beneficial interpretation as laid down in CIT v. Vegetable Products Ltd. by the Supreme Court, the ITAT in the case of DCIT 3(2)(1) Vs MR. NEVILLE TULI [2024-VIL-1671-ITAT-MUM] ruled in favor of the assessee, allowing the indexed interest cost deduction under section 48.

The dual benefit of claiming interest on house property loans under Section 24(b) and Section 48 provided a significant tax-saving opportunity. However, with the Finance Act, 2023, aligning these provisions, taxpayers need to adapt to the updated rules starting AY 2024-25.

**Just to reiterate that we remain available over telecom or e-mail.**

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# TAX CALENDAR

Date	Form/Return/Challan	Reporting Period	Description
20 <sup>th</sup> December	<b>GSTR-3B</b>	<b>NOVEMBER'2024</b>	Summary return of outward supplies and input tax credit claimed, along with payment of tax by a registered person with aggregate turnover exceeding INR 5 Crores during the preceding financial year or any registered person who has opted to file monthly return.
20 <sup>th</sup> December	<b>GSTR-5A</b>	<b>NOVEMBER'2024</b>	Summary of monthly outward taxable supplies and tax payable by a person supplying OIDAR services.
15 <sup>th</sup> December	<b>FORM 24G</b>	<b>NOVEMBER'2024</b>	Due date for furnishing of Form 24G by an office of the Government where TDS/TCS for the month of November, 2024 has been paid without the production of a challan.
15 <sup>th</sup> December	<b>ADVANCE TAX</b>	<b>AY 2025-26</b>	Third instalment of advance tax for the assessment year 2025-26.
15 <sup>th</sup> December	<b>ISSUE OF TDS CERTIFICATE</b>	<b>OCTOBER'2024</b>	Due date for issue of TDS Certificate for tax deducted under section 194-IA, 194-IB, 194M, 194S in the month of October, 2024
15 <sup>th</sup> December	<b>Form No. 3BB</b>	<b>NOVEMBER'2024</b>	Due date for furnishing statement in Form no. 3BB by a stock exchange in respect of transactions in which client codes been modified after registering in the system for the month of November, 2024

# INCOME TAX

## NOTIFICATION

### AMENDMENT IN NOTIFICATION NO. 44/2020 DATED THE 6TH JULY, 2020

**OUR COMMENTS:** The Central Board of Direct Taxes vide Notification No. 127/2024 dated 11.12.2024 notified that in exercise of powers conferred by item (b) and sub-clause (iii) of clause (23FE) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Ministry of Finance (Department of Revenue) (Central Board of Direct Taxes) No. 44/2020/ F. No. 370142/24/2020-TPL number S.O. 2227(E), dated the 6th July, 2020, published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii), namely:-

In the said notification, in the opening paragraph, for the letters, figures, and words "F. No. 13/3/2017-INF dated 13th August 2018", the letters, figures, and words "F. No. 13/1/2017-INF dated 11th October, 2022" shall be substituted.

2. This notification shall come into force from the date of its publication in the Official Gazette.

**[For further details please refer the Notification]**

## NOTIFICATION

### SPECIAL COURTS U/S 280A OF IT ACT AND SECTION 84 OF THE BLACK MONEY ACT - DESIGNATES THE COURTS IN THE STATE OF TAMIL NADU, ACCORDINGLY

**OUR COMMENTS:** The Central Board of Direct Taxes vide Notification No. 126/2024 dated 10.12.2024 notified that In exercise of the powers conferred by sub-section (1) of section 280A of the Income-tax Act, 1961 (43 of 1961) and section 84 of the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 (22 of 2015), and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue), Central Board of Direct Taxes number S.O.1911(E), dated the 21st April, 2022 published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii), dated the 21st April, 2022 (as amended vide notification number S.O.1223(E), dated the 14th March, 2023), except as respects things done or omitted to be done before such supersession, the Central Government, in consultation with the Chief Justice of the High Court of Madras, hereby designates the following courts mentioned in column (2) of the Table below in the State of Tamil Nadu, as Special Courts for the areas mentioned in column (3) of the said Table, for the purposes of sub-section (1) of section 280A of the Income tax Act, 1961 (43 of 1961) and section 84 of the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015 (22 of 2015), namely:—

## TABLE

Serial number	Court	Area
(1)	(2)	(3)
1.	Court of I Additional Chief Metropolitan Magistrate E.O. (I), Chennai and the Court of II Additional Chief Metropolitan Magistrate E.O. (II), Chennai	Districts of Ariyalur, Chennai, Chengalpattu, Cuddalore, Kancheepuram, Kallakuruchi, Mayiladuthurai, Nagapattinam, Perambalur, Ranipet, Tiruvallur, Tiruvarur, Tiruvannamalai, Tirupathur, Vellore and Villupuram.
2.	Court of Additional Chief Judicial Magistrate, Madurai	Districts of Dindigul, Kanniyakumari, Karur, Madurai, Pudukkottai, Ramanathapuram, Sivagangai, Thanjavur, Theni, Tirunelveli, Thoothukudi, Tiruchirapalli, Tenkasi and Virudhunagar.
3.	Court of Chief Judicial Magistrate, Coimbatore	Districts of Coimbatore, Dharmapuri, Erode, Krishnagiri, Namakkal, Nilgiris, Salem and Tiruppur.
4.	Court of Chief Judicial Magistrate, Puducherry	Districts of Karaikal and Puducherry.

**[For further details please refer the Notification]**

# GST

## NOTIFICATION

### EXTENSION OF DUE DATE FOR FILING OF RETURN IN FORM GSTR-3B FOR THE MONTH OF OCTOBER, 2024 FOR THE PERSONS REGISTERED IN MURSHIDABAD IN THE STATE OF WEST BENGAL

**OUR COMMENTS:** The Central Board of Indirect Taxes vide Notification No. 30/2024-Central Tax dated 10.12.2024 notified that in exercise of the powers conferred by sub-section (6) of section 39 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Commissioner, on the recommendations of the Council, hereby extends the due date for furnishing the return in **FORM GSTR-3B** for the month of October, 2024 till the eleventh day of December, 2024, for the registered persons whose principal place of business is in the district of Murshidabad in the state of West Bengal and are required to furnish return under sub-section (1) of section 39 read with clause (i) of sub-rule (1) of rule 61 of the Central Goods and Services Tax Rules, 2017.

2. This notification shall be deemed to have come into force with effect from the 20th day of November, 2024.

**[For further details please refer the Notification]**

## ADVISORY

### DIFFERENCE IN VALUE OF TABLE 8A AND 8C OF ANNUAL RETURNS FY 23-24

**OUR COMMENTS:** GSTN vide advisory dated 09.12.2024 has advised that as per the Notification No 12/2024 Central Tax dated 10th July 2024 read with Notification No.20/2024-Central Tax Dated 8th October 2024, for FY 2023-24 onwards, the total credit available for inwards supplies shall be auto-populated in the table 8A of Form GSTR 9 from GSTR-2B of the FY 23-24. Further, in table 8C of Form GSTR-9 total value of ITC on inwards supplies received during the FY but availed in next FY up to specified period, need to be filled manually.

2. Various tickets are received, wherein concerns have been raised regarding possible mismatch between the values of table 8A and 8C of Form GSTR-9 for FY 23-24. It is pertinent to mention that for FY 22-23 in table 8A of Form GSTR-9, values were getting auto populated from GSTR-2A however for FY 23-24 same are being auto populated from GSTR-2B. Therefore, to some extent, in Form GSTR-9 of FY 23-24, values in Table 8A will be inflated in respect of FY 22-23 at the same time values will be lower than expected in respect of FY 23-24, hence there will be a mismatch between the two tables i.e. 8A and 8C. Few scenarios in this regard are advised hereunder: -

Sr. No.	Issue	Reporting in GSTR 9
1	Invoice having the date of FY 23-24 but the supplier has reported in the GSTR 1 after the due date of March'24. As a result, this amount is not auto populated in the Table 8A of GSTR 9 for FY 2023-24 because it is the part of next year's GSTR 2B. How to report such transaction in the GSTR 9 of FY 23-24?	Taxpayer shall report such ITC in the Table 8C and in Table 13 as this is the ITC of FY 2023-24. This is in line with the instructions to the Table 8C and Table 13 of GSTR 9
2	Invoice belongs to FY 23-24 and ITC has been claimed in FY 23-24. Due to payment not made to supplier within 180 days, ITC was reversed in 23-24 as per the second proviso to section 16(2) and this ITC is reclaimed in next Year FY 2024-25, after making the payment to supplier. How to report such transaction in the GSTR 9 of FY 23-24?	This reclaimed ITC shall be reported in the table 6H of GSTR 9 for FY 24-25 hence not in the Table 8C and Table 13 of GSTR 9 of FY 2023-24. This is in line with the Instruction to the Table 13 given in the Notified Form GSTR 9. Similar reporting is applicable for the ITC reclaimed as per Rule 37A
3	Invoice belongs to FY 2023-24 but goods not received in 23-24 therefore ITC is claimed in Table 4A5 of GSTR 3B and reversed in Table 4B2 as per the guidelines of Circular 170 and such ITC reclaimed in next FY 2024-25 till the specified time period. How to report such transaction in the GSTR 9 of FY 23-24?	Taxpayer shall report such reclaimed ITC in the Table 8C and Table 13 as this is the ITC of FY 2023-24.
4	Invoice belongs to FY 22-23 which is appearing in the Table 8A of GSTR 9 of FY 23-24, as the supplier would have reported the same in GSTR 1 after the due date of filing of GSTR-1 for the tax period of March 23. How to report such	This is the ITC of last year (2022-23) and was auto populated in table 8A of GSTR-9 of FY 22-23. Hence, aforesaid value need not to be reported in the table 8C and Table 13 of GSTR-9 for FY 23-24. This is in line with the instruction no 2A given

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	transaction in the GSTR 9 of FY 23-24?	for the notified form GSTR 9 which states that Table 4,5,6 and Table 7 should have the details of current FY only
5	Where to report the reclaim of ITC for an Invoice which belongs to FY 2023-24, and which is claimed, reversed and reclaimed in the same year?	<p>As already clarified by the CBIC press release 3rd July 2019 in the para k, it may be noted that the label in Table 6H clearly states that information declared in Table 6H is exclusive of Table 6B. Therefore, information of such input tax credit is to be declared in one of the rows only.</p> <p>Further, as the claim and reclaim is reported only in one row therefore the same should not be reported in the reversal under table 7 of GSTR 9 of FY 23-24.</p>

applicant will receive either of the following links in the e-mail,

(a) A Link for OTP-based Aadhaar Authentication OR

(b) A link for booking an appointment with a message to visit a GST Suvidha Kendra (GSK) along with the details of the GSK and jurisdiction, for Biometric-based Aadhaar Authentication and document verification (the intimation e-mail)

4. If the applicant receives the link for OTP-based Aadhaar Authentication as mentioned in point 3(a), she/he can proceed with the application as per the existing process.

5. However, if the applicant receives the link as mentioned in point 3(b), she/he will be required to book the appointment to visit the designated GSK, using the link provided in the e-mail.

6. The feature of booking an appointment to visit a designated GSK is now available for the applicants of Haryana, Manipur, Meghalaya and Tripura.

7. After booking the appointment, the applicant gets the confirmation of appointment through e-mail (the appointment confirmation e-mail), she/he will be able to visit the designated GSK as per the chosen schedule.

8. At the time of the visit of GSK, the applicant is required to carry the following details/documents

(a) a copy (hard/soft) of the appointment confirmation e-mail

(b) the details of jurisdiction as mentioned in the intimation e-mail

(c) Aadhaar Card and PAN Card (Original Copies)

(d) the original documents that were uploaded with the application, as communicated by the intimation e-mail.

9. The biometric authentication and document verification will be done at the GSK, for all the required individuals as per the GST application Form REG-01.

10. The applicant is required to choose an appointment for the biometric verification during the maximum permissible period for the application as indicated in the intimation e-mail. In such cases, ARNs will be generated once the Biometric-based Aadhaar Authentication process and document verification are completed.

11. The operation days and hours of GSKs will be as per the guidelines provided by the administration in your state.

**[For further details please refer the detailed advisory]**

**[For further details please refer the detailed advisory]**

## ADVISORY

### BIOMETRIC-BASED AADHAAR AUTHENTICATION AND DOCUMENT VERIFICATION FOR GST REGISTRATION APPLICANTS OF HARYANA, MANIPUR, MEGHALAYA AND TRIPURA

**OUR COMMENTS:** GSTN vide advisory dated 08.12.2024 has advised that This is to inform taxpayers about recent developments concerning the application process for GST registration. It is advised to keep the following key points in mind during the registration process.

1. Rule 8 of the CGST Rules, 2017 has been amended to provide that an applicant can be identified on the common portal, based on data analysis and risk parameters for Biometric-based Aadhaar Authentication and taking a photograph of the applicant along with the verification of the original copy of the documents uploaded with the application.

2. The above-said functionality has been developed by GSTN. It has been rolled out in Haryana, Manipur, Meghalaya and Tripura on 7th December 2024.

3. The said functionality also provides for the document verification and appointment booking process. After the submission of the application in Form GST REG-01, the

## FEMA

## CASE LAW

## VIPIN GUPTA &amp; PREMWATI VERSUS DIRECTOR OF ENFORCEMENT, ENFORCEMENT DIRECTORATE: DELHI HIGH COURT

**OUR COMMENTS:** Imposition of penalty due to failure to furnish evidentiary proof of imports regarding foreign exchange in respect of nine remittances in contravention of Sections 8 (3) and 8 (4) of Foreign Exchange Regulation Act, 1973. It has been held that documents were in respect of imports that took place pursuant to the remittances made in the years 1994 to 1999. The Customs authorities had in 1995 seized some of the files in respect of imports that had taken place in 1994. The SCN was issued only in May 2002. The firm could not have been expected to retain the proof of all remittances for over six years. The explanation given by it for not being able to immediately furnish the exchange control copies of the BoEs was bonafide. In any event, by the time the Appellants were heard by the AT, the certified copies of the documents to prove import of goods against the remittances at Sl. Nos. 9 to 11 and 12 to 14 were furnished. For some reason, the AT does not appear to have noticed this fact. It has not referred to the documents in its impugned order. The ED has not produced any material to doubt the authenticity of the said documents. It was for the ED, if it doubted the genuineness of the said documents, to have further verified them with the authorities concerned. Very basis for issuance of the SCN to the Appellants does not survive. There is no cause of action for the Appellants to be penalised for contravening Sections 8 (3) and 8 (4) of FERA. Decided in favour of assessee.



# CUSTOMS

## NOTIFICATION

### FIXATION OF TARIFF VALUE OF EDIBLE OILS, BRASS SCRAP, ARECA NUT, GOLD AND SILVER

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide Notification No. 85/2024-Customs (N.T.) dated 13.12.2024 notified that 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 Indirect Taxes & Customs, being satisfied that it is necessary and expedient to do so, hereby makes the following amendments 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/ subheading/tariff item	Description of goods	Tariff value (US \$Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	1158
2	1511 90 10	RBD Palm Oil	1171
3	1511 90 90	Others – Palm Oil	1165
4	1511 10 00	Crude Palmolein	1174
5	1511 90 20	RBD Palmolein	1177
6	1511 90 90	Others – Palmolein	1176
7	1507 10 00	Crude Soya bean Oil	1125
8	7404 00 22	Brass Scrap (all grades)	5343

**TABLE-2**

Sl. No.	Chapter/ heading/ subheading/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 of the Notification No. 50/2017-Customs dated 30.06.2017 is availed	864 per 10 grams
2.	71 or 98	Silver, in any form, in respect of which the benefit of entries at serial number 357 of the Notification No. 50/2017-Customs dated 30.06.2017 is availed	1036 per kilogram
3..	71	(i) Silver, in any form, other than medallions and silver coins having silver content not below 99.9% or semi-manufactured forms of silver falling under sub-heading 7106 92;  (ii) Medallions and silver coins having silver content not below 99.9% or semi-manufactured forms of silver falling under sub-heading 7106 92, other than imports of such goods through post, courier or baggage.  <b>Explanation.</b> - For the purposes of this entry, silver in any form shall not include foreign currency coins, jewellery made of silver or articles made of silver.	1036 per kilogram
4.	71	(i) Gold bars, other than tola bars, bearing manufacturer’s or refiner’s engraved serial number and weight expressed in metric units;  (ii) Gold coins having gold content not below 99.5% and gold findings, other than	864 per 10 grams

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imports of such goods through post, courier or baggage.

**Explanation.** - For the purposes of this entry, "gold findings" means a small component such as hook, clasp, clamp, pin, catch, screw back used to hold the whole or a part of a piece of Jewellery in place.

charge of assessment and examination on case-to-case basis wherever it is felt necessary to check the correctness of the declaration.

[For further details please refer the Public Notice]

## PUBLIC NOTICE

### CLARIFICATIONS ON THE APPLICABILITY OF CONCESSIONAL DUTY UNDER IGCR RULES, 2022 IN CERTAIN INSTANCES

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide Public Notice NO. 19/2024-CUSTOMS dated 04.12.2024 notified that Attention of all Importers, Exporters, Customs Brokers, General Trade and all other stake holders under the jurisdiction of Chennai Air Customs is invited to the Notification No. 74/2022-Customs (N.T) dated 09.09.2022 and Circular No. 18/2022-Customs dated 10.09.2022 regarding Customs (Imports of Goods at Concessional Rate of Duty) Rules, 2022 as amended.

**TABLE-3**

Sl. No.	Chapter/ heading/ subheading/tariff item	Description of goods	Tariff value (US \$ Per Metric Ton)
(1)	(2)	(3)	(4)
1	080280	Areca nuts	6448"

2. This notification shall come into force with effect from the 14th day of December, 2024.

[For further details please refer the notification]

## PUBLIC NOTICE

### EXPORT OF RICE - DISCONTINUATION OF DRAWING OF SAMPLING AND TESTING BEFORE LET EXPORT ORDER

**OUR COMMENTS:** The Ministry of Finance, Department of Revenue vide Public Notice NO. 24/2024-CUSTOMS dated 04.12.2024 notified that Attention of Exporters, Customs Brokers and other Trading Public is invited to the Public Notice No. 22/2023 issued by this Custom House prescribing drawing of samples for all rice export consignments in view of the erstwhile Tariff/Non-Tariff barriers such as export duty, prohibition for export etc., on certain varieties of rice.

Now, since export duty on all varieties of rice is NIL and export policy is also 'free' except for broken rice, it has been decided to discontinue the practice of routine sampling of rice for export consignments.

However, the requirement of drawing of sample would be decided by the Assistant/Deputy Commissioner of Customs in

2. Representations have been received in the Board regarding the issues related to the applicability of concessional duty under IGCR Rules, 2022 for MOOWR Scheme. The issues have been examined and the same are clarified as below:

Simultaneous availment of IGCR along with MOOWR:

3.1 Doubts have been raised on the availment of IGCR benefit for the warehoused goods taken for manufacturing simultaneously with the duty deferment under MOOWR and being cleared to DTA or removed to SEZ or to another MOOWR unit.

3.2 In this regard, this aspect has already been clarified under Question 17 of FAQs [1] on MOOWR which is reproduced as follows:

"The eligibility to export benefits under FTP or IGCR would depend upon the respective scheme. If the scheme allows, units operating under Section 65 has no impact on the eligibility. In other words, a unit operating under Section 65 can avail any other benefit, if the scheme allows."

3.3 It is once again re-iterated that, the MOOWR unit may avail IGCR exemption along with duty deferment under MOOWR simultaneously, provided that the importer undertakes to

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comply with the additional conditions prescribed in the Concessional Notification and IGCR Rules therein including time-limit etc., in addition to MOOWR stipulations for those goods while supplying goods from its premises.

Applicability of IGCR benefit in certain cases:

4.1 Doubt has been raised about the availability of IGCR benefit for the MOOWR unit involving in import certain goods specified in the notification for value addition by way of manufacturing under MOOWR and further supplies the value added goods to the final manufacturer of cellular mobile phones. This doubt has arisen especially in reference to the Notification No. 57/2017-Cus dated 30.06.2017, as amended wherein, at a few entries/serial numbers such as 5C to 5E, description of goods is mentioned including the expression “for use in manufacture of cellular mobile phones”.

4.2 It may be noted that, CBIC Instruction 16/2024-Customs dt. 25.06.2024 already clarifies the procedure to be adopted for import of goods by a unit in compliance with the provisions of MOOWR and transfer of resultant goods to another unit. Further, there is a clear documentation involving transfer and periodical account by the MOOWR units.

4.3 Accordingly, it is clarified that the expression “for use in manufacture of cellular mobile phones” is intended to convey that the component should be used in manufacturing process for cellular mobile phones. This does not mean that the components should be imported by manufacturer of cellular mobile phones. Therefore, the goods being imported by the intermediate goods manufacturer who is MOOWR unit for further supplying after some manufacturing/ value addition to the final manufacturer of Cellular mobile phones are duly eligible for the benefit of concessional rate of duty under IGCR Rules, 2022, as long as all other conditions are met.

5. This Public Notice shall be considered as a Standing Order for the purpose of officers and staff of the Department.

6. Difficulties faced, if any, may be brought to the notice of Assistant Commissioner of Customs (Appraising Main), Air Cargo Commissionerate for necessary action.

**[For further details please refer the Public Notice]**

# DGFT

## CIRCULAR

### PROCEDURE FOR IMPLEMENTATION OF IMPORT MANAGEMENT SYSTEM FOR IMPORT OF RESTRICTED IT HARDWARE (VIZ. LAPTOPS, TABLETS, ALL-IN-ONE PERSONAL COMPUTERS, ULTRA SMALL FORM FACTOR COMPUTERS AND SERVERS UNDER HSN 8471) FOR THE CALENDAR YEAR 2025

**OUR COMMENTS:** The Ministry of Commerce and Industry vide Policy Circular no. 09/2024-25 dated 11.12.2024 clarified that Attention is drawn to DGFT Notification No. 23/2023 dated 03rd August 2023 read with Notification No. 26/2023 dated 4th August 2023 and Notification No. 38/2023 dated 19th October 2023, whereby Import of IT Hardware (viz. Laptops, Tablets, All-in-one Personal Computers, Ultra small form factor computers and Servers under HSN 8471) was 'Restricted' Further, vide Policy Circular No. 06/2023-24 dated 19.10.2023 detailed procedure was put in place, which was extended till 31.12.2024 vide Policy Circular No. 07/2024-25 dated 24.09.2024.

2. The Import Management System for import of restricted IT Hardware, for the calendar year 2025, is as follows:

I. Importers shall apply in Import Management System for Import Authorization on DGFT Website.

II. Application portal will be open from 13.12.2024 to 15.12.2025.

III. Any Authorization issued for import of restricted IT Hardware under IMS shall be valid till 31.12.2025.

IV. Importer is allowed to submit multiple applications in the year.

V. Any request for amendment arising during the validity of the such Authorization may be submitted on DGFT website.

This is issued with the approval of Competent Authority.

**[For further details please refer the Circular]**

## CIRCULAR

### EPCG SCHEME - APPLICABILITY OF AMENDMENT TO PARA 5.10(C) OF HAND BOOK OF PROCEDURES 2015-20

**OUR COMMENTS:** The Ministry of Commerce and Industry vide Policy Circular no. 10/2024-25 dated 13.12.2024 clarified reg. EPCG Scheme - Applicability of amendment to Para 5.10(c) of Hand Book of Procedures 2015-20 (Mid-Term Review). Reference is invited to the judgement dated 21.12.2023 of the Division Bench of the Hon'ble High Court of Ahmedabad in the SCA No. 16316/2021 (South Gujarat Warp Knitters Association & Another) = 2023 (12) TMI 1158 - GUJARAT HIGH COURT setting aside the Policy Circular No. 22/2015-20 dated 29.03.2019 (copy enclosed) issued by DGFT on the above subject.

2. Subsequently, SLP(Civil) Diary No(s). 29793/2024 filed before the Hon'ble Supreme Court by the Union of India has been dismissed on 02.08.2024.

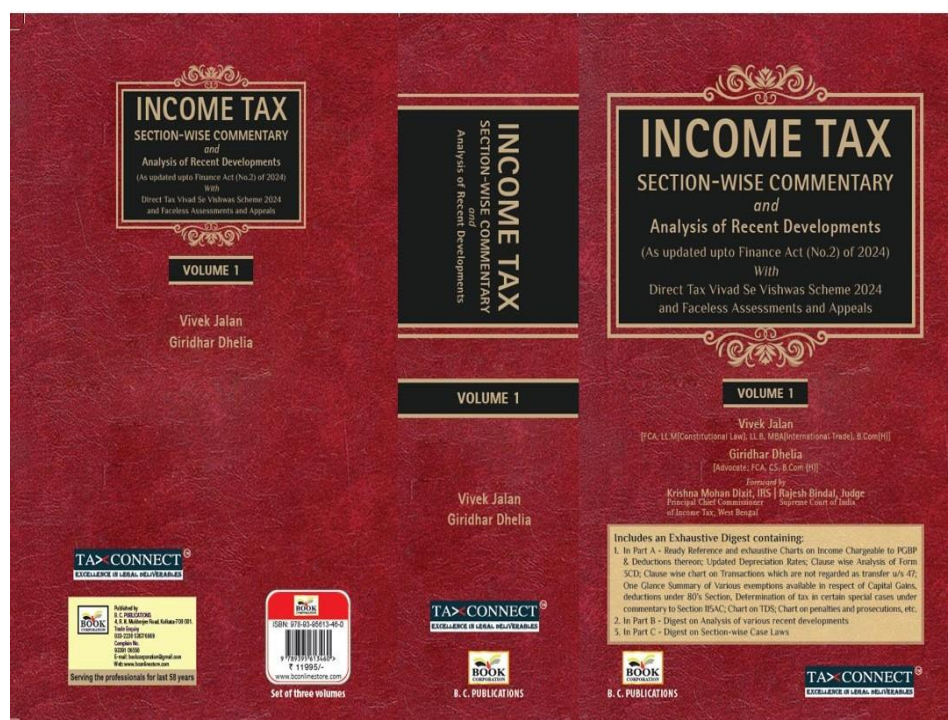
3. In pursuance of the above, it is informed that the amendment to the para 5.10(c) of HBP, 2015-20 (Mid-term review) is prospective in nature and would be applicable to the third party exports made against EPCG Authorisation (s) issued on or after 05.12.2017 only.

4. This issues with the approval of the Director General of Foreign Trade.

**[For further details please refer the Circular]**

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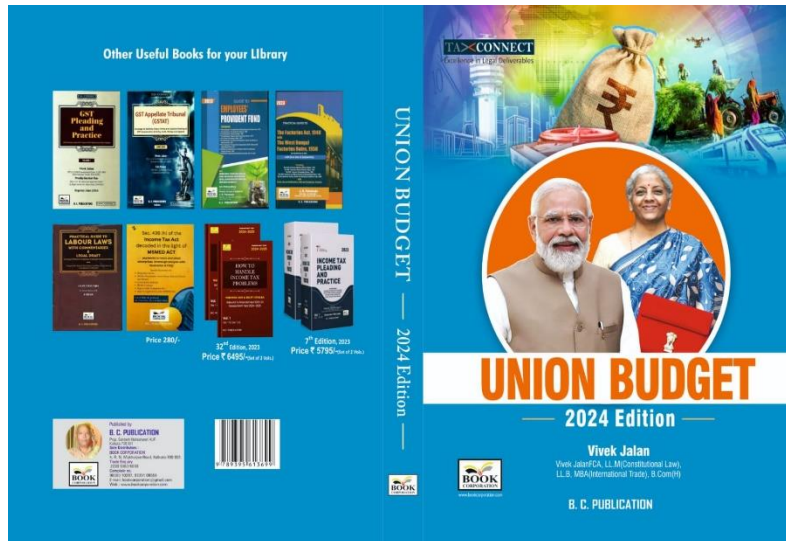
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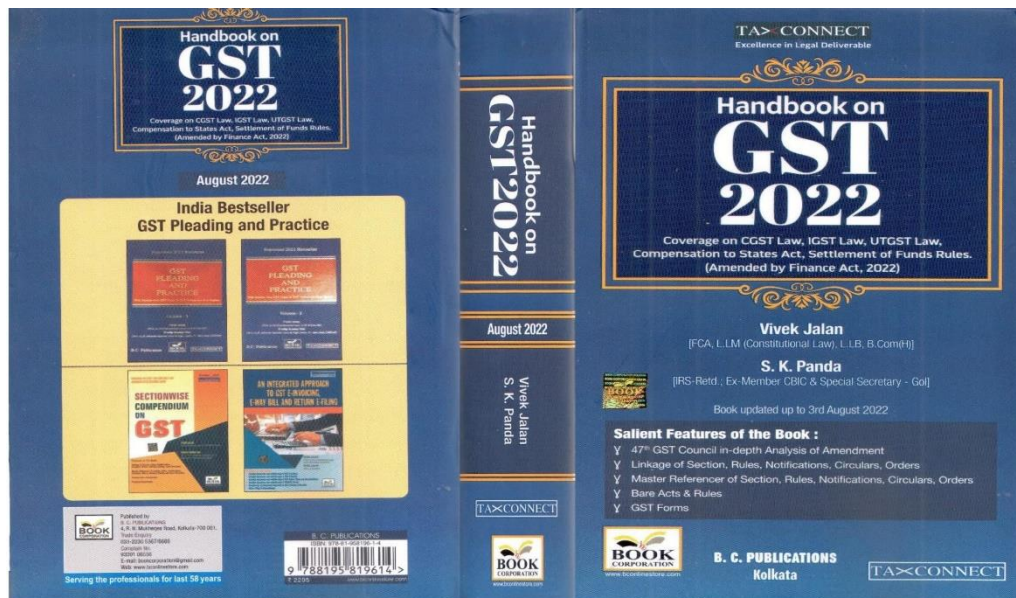
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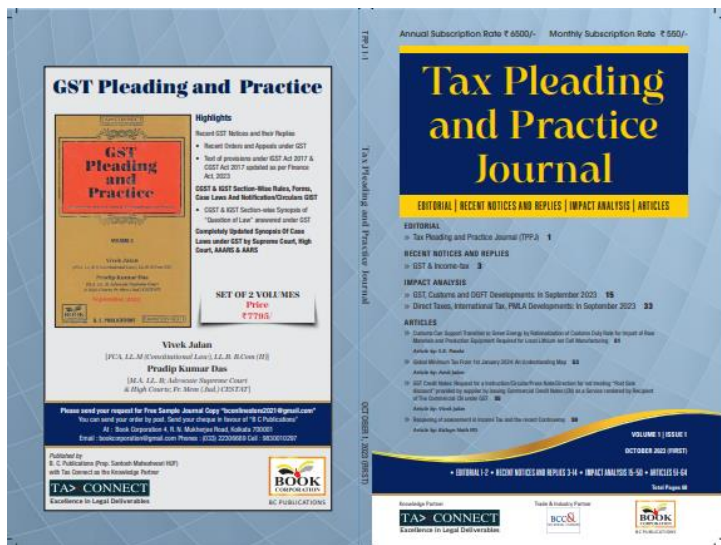
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