

GOODS & SERVICES TAX / IDT UPDATE – 53

GST

Shri S. Ramesh has been appointed as Chairman, Central Board of Indirect Taxes and Customs

We congratulate Shri S. Ramesh, IRS(C&CE: 1981) for being appointed as Chairman, Central Board of Indirect Taxes and Customs [CBIC].

Shri S. Ramesh began his career in Mumbai as Asst Commissioner, Central Excise and thereafter in Mumbai Customs. He has worked in various capacities in Hyderabad, Nagpur, Chennai, Trichy etc. He was the Chief Commissioner, Chennai Customs Zone from 2013 to 2016. Thereafter, he took over as Director General, Systems & Data Management. He joined the Board in September, 2016 as Member (IT, Central Excise & Service Tax).

(Release ID :180316 dated 30th June,2018)

Exemption from tax on procurements made from unregistered person U/s 9(4) of CGST Act, 2018 till September 30, 2018

The Central Government vide *Notification No. 12/2018 – Central Tax (Rate) dated 29th June, 2018* has amended Notification No. 8/2017– Central Tax (Rate) dated 28th June, 2017 last amended vide notification No. 10/2018-Central Tax (Rate), dated the 23rd March, 2018

Therefore, any registered person procuring taxable goods/services from unregistered suppliers, shall not be required to pay CGST under reverse charge mechanism U/s 9(4) of CGST Act, 2017 **as exemption further has been extended till September 30, 2018.**

Similar notifications are issued under the IGST Act vide *Notification No.13/2018 – Integrated Tax (Rate) dated 29th June, 2018* and under the UTGST Act vide *Notification no. 12/2018 – Union Territory Tax (Rate) dated 29th June, 2018* .

[Notification No. 12/2018 – Central Tax (Rate) dated 29th June, 2018 ,Notification No.13/2018 – Integrated Tax (Rate) dated 29th June, 2018, Notification no. 12/2018 –Union Territory Tax (Rate) dated 29th June, 2018]

Comment: *It is important to note that deferment of Section 9(4) of CGST Act, 2017 is made by giving exemption u/s 11 of CGST Act, 2017. Therefore, the same needs to be reported in Table 5 (value of exempt, nil-rated and non-GST inward supplies) of Form GSTR -3B returns.*

Further, as per section 11(4) of the respective SGST Act, exemption notification issued under section 11(1) of the CGST Act deemed to be the notification under the said SGST Act.

GST revenue collection for June 2018

The total gross revenue collected in the month of June 2018 is Rs 95,610 segregation of which is given below:

S. no.	Tax	Amount
1.	CGST	Rs.15,968 crore
2.	SGST	Rs. 22,021 crore
3.	IGST	Rs 49,498 crore (including Rs. 24,493 crore collected on imports)
4.	Cess	Rs. 8,122 crore (including Rs. 773 crore collected on imports)

The total number of GSTR 3B Returns filed for the month of May upto June 2018 is 64.69 Lakhs.

The total revenue earned by Central Government and the State Governments after settlement in the month of June 2018 is Rs. 31,645 crore for CGST and Rs. 36,683 crore for SGST.

The current month's revenue collection is Rs. 95,610 crore as compared to last month's revenue of Rs. 94,016 crore. Further the gross revenue collection in the month of June 2018 is Rs. 95,610 crore whereas monthly average of 9 months GST collection in the last financial year (2017-2018) was Rs. 89,885 crore.

(Release ID :180329 dated 1ST July,2018)

[<http://pib.nic.in/newsite/erelease.aspx>]

Customs

Intellectual property rights (imported goods) Rules, 2018

The Central Government vide *Notification No. 56/2018 –Customs (N.T) dated 22nd June, 2018* has notified following rules further to amend the Intellectual property right Rules,2007 notified vide *Notification No. 47/2007 dated 8th May,2007*.

Particulars	Revised provision
Omission in Rule 2: Definitions	<p>(b) "intellectual property" means a copyright as defined in the Copyright Act, 1957, trade mark as defined in the Trade Marks Act,1999, patent as defined in the Patents Act, 1970, design as defined in the Designs Act, 2000 and geographical indications as defined in the Geographical Indications of Goods (Registration and Protection) Act, 1999;</p> <p>(c) "Intellectual property law" means the Copy right Act, 1957, the Trade Marks Act, 1999, the Patents Act,1970, the Designs Act, 2000 or the Geographical indications of goods (Registration and protection) Act, 1999;</p>

Insertion in Rule 5:

Grant of registration under rule 4 shall be subject to 2 more conditions

(c) the right holder or his authorized representative shall inform the commissioner of Customs at the time of giving notice about any amendment , cancellation, suspension , or revocation of the intellectual property right by the authorities under the intellectual property laws or any court of law or Appellate Board , subsequent to its registration with the authorities under the intellectual property Law and in case of any such amendment , cancellation, suspension or revocation of the intellectual property right during the validity of the notice registered under rule 4 , the same shall be brought to the notice of the commissioner of Customs by the right holder within a period of 1 month of the date of communication of any such amendment , cancellation, suspension or revocation of the intellectual property right to the right holder or any person authorized by him in this regard;

(d) In the event of any amendment, cancellation, suspension or revocation of the intellectual property right by the authorities under the intellectual property Law or by any Court of Law or Appellate Board, the Commissioner of Customs may accordingly amend, suspend or cancel the notice and corresponding protection.

[Notification No. 56/2018 –Customs (N.T) dated 22nd June, 2018]

Further, The Central Government vide *Notification No. 57/2018 –Customs (N.T) dated 22nd June, 2018* has made certain amendments in the *Notification No. 51/2010 dated 30th June, 2010 (Prohibiting the import of certain goods intended for sale or use in India , subject to the conditions and procedures as specified in the intellectual property rights(imported goods) enforcement Rules, 2007) which are explained as below:*

- Clause (iv) & (v) of the Notification no. 51/2010 has been omitted which provides for the prohibition of import of the product obtained directly or made or produced beyond the limits of India for which a patent is in force under the Patents Act, 1970 (39 of 1970), except in cases where the consent from the patentee in India has been obtained provided that such prohibition is not applicable to the cases where such importation is allowed under the Patents Act, 1970 (39 of 1970).

[Notification No. 57/2018 –Customs (N.T) dated 22nd June, 2018]

Comment: By view of the amendments made vide above two notifications it is being interpreted that that the right holder alleging infringement of the patent shall along with notice of the commissioner provide an order of the authorities under the intellectual property law and only on the provision of such order, the Commissioner can allow suspension of clearance of goods. In the absence of such order, the Commissioner will now not be in a position to grant temporary suspension.

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