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Contents

INCOME TAX

DOMESTIC TAXATION

Circulars/ Notifications/ Press Release

Clarification in respect of option under section IISBAC of the Income-tax Act, 1961

- Section IISBAC of the Income-tax Act, 1961 (the Act), inserted by the Finance Act, 2020 wef the assessment year 202 1-22, infer alia, provides that a person, being an individual or a Hindu undivided family having income other than income from business or profession", may exercise option in respect of a previous year to be taxed under the said section IISBAC alongwith his return of income to be furnished under sub-section (I) of section 139 of the Act for each year. The concessional rate provided under section IISBAC of the Act is subject to the condition that the total income shall be computed without specified exemption or deduction, setoff of loss and additional depreciation.
- Representations expressing concern regarding tax to be deducted at source (TDS) has been received stating that as the option is required to be exercised at the time of filing of return, the deductor, being an employer, would not know if the person, being an employee, would opt for taxation under section IISBAC of the Act or not. Hence, there is lack of clarity regarding whether the provisions of section 115BAC of the Act are to be considered at the time of deducting tax.
- In order to avoid the genuine hardship in such cases, the Board, in exercise of powers conferred under section 119 of the Act, hereby clarifies that an employee, having income other than the income under the head "profit and gains of business or profession" and intending to opt for the concessional rate under section 1iSBAC of the Act, may intimate the deductor, being his employer, of such intention for each previous year and upon such intimation, the deductor shall compute his total income, and make TDS thereon in accordance with the provisions of section IISBAC of the Act. If such intimation is not made by the employee, the employer shall make TDS without considering the provision of section 11SBAC of the Act.
- It is also clarified that the intimation so made to the deductor shall be only for the purposes of TDS during the previous year and cannot be modified during that year. However, the intimation would not amount to exercising option in terms of sub-section (S) of section 115BAC of the Act and the person shall be required to do so alongwith the return to be furnished under sub-section (J) of section 139 of the Act for that previous year. Thus, option at the time of filing of return of income under

sub-section (1) of section 139 of the Act could be different from the intimation made by such employee to the employer for that previous year.

- Further, in case of a person who has income under the head "profit and gains of business or profession" also, the option for taxation under section 115BAC of the Act once exercised for a previous year at the time of filing of return of income under sub-section (1) of section 139 of the Act cannot be changed for subsequent previous years except in certain circumstances. Accordingly, the above clarification would apply to such person with a modification that the intimation to the employer in his case for subsequent previous years must not deviate from the option under section IISBAC of the Act once exercised in a previous year

(Circular No.C1/2020, dated 16th April, 2020)

Order under section 119 of the Income-tax Act, 1961

- Section 44AB of the Income-tax Act, 1961 ('the Act') read with rule 6G of the Income-tax Rules, 1962 ('the Rules') requires specified persons to furnish the Tax Audit Report along with the prescribed particulars in Form No. 3CD. The existing Form No. 3CD was amended vide notification no. GSR 666(E) dated 20th July, 2018 with effect from 20th August, 2018. However, the reporting under clause 30C and clause 44 of the Tax Audit Report was kept in abeyance till 31st March, 2019 vide Circular No. 6/2018 dated 17.08.2018, which was subsequently extended to 31 .03.2020 vide Circular No. 9/2019.
- Several representations were received by the Board with regards to difficulty in implementation of reporting requirements under clause 30C and clause 44 of the Form No. 3CD of the Income-tax Rules, 1962 in view of the Global Pandemic due to COVID-19 virus and requested for deferring the applicability of the above provisions.
- The matter has been examined and in view of the prevailing situation due to COVID19 pandemic across the country, it has been decided by the Board that the reporting under clause 30C and clause 44 of the Tax Audit Report shall be kept in abeyance till 31st March, 2021.

(Circular No.10/2020, dated 24th April, 2020)

Case laws

Basir Ahmed Sisodia vs. Income Tax Officer, April 24, 2020

Facts:

- The appellant/assessee was served with a notice under section 143(2) by the Assessing Officer for relevant assessment year, pursuant to which an assessment order was passed. The Assessing Officer, inter alia, while relying on the Balance Sheet and the books of account, took note of the credits amounting to Rs. 2.26 and treated said amount as 'cash credits' under section 68 and added the same in declared income of the assessee. Further penalty proceedings were also initiated.
- On appeal, the Commissioner (Appeals), partly allowed the appeal of the assessee, however, as regards the Trading Account and Credits in question, the Commissioner (Appeals) upheld the assessment order.
- On second appeal, the Tribunal partly allowed the appeal of the assessee, however, the order relating to the addition regarding credits of Rs. 2.26 lakhs came to be upheld.
- On further appeal to the High Court, the appellant/assessee submitted that once the books of account had been rejected and an assessment order had been passed, the same books of account could not be then relied upon by the Assessing Officer to impose consequent addition(s). However, the High Court dismissed the appeal as being devoid of merits and opined that the amount shown as credits was nothing but bogus entries and was justly added to the income of the appellant/assessee.

Issue:

Addition made by Assessing Officer towards cash credit amount shown against names of unregistered dealers was to be set aside as assessee during penalty proceedings had produced affidavits and statements of concerned unregistered dealers and Appellate Authority had accepted explanation offered by assessee

Held:

- It is found that the appellant/assessee despite being given sufficient opportunity, failed to prove the correctness and genuineness of his claim in respect of purchases of marbles from unregistered dealers to the extent of Rs. 2.26 lakhs. Resultantly, the said transactions were assumed as bogus

entries(standing to the credit of named dealers who were non-existent creditors of the assessee). [Para 13]

- However, it has now come on record that the appellant/assessee in penalty proceedings offered explanation and caused to produce affidavits and record statements of the concerned unregistered dealers and establish their credentials. That explanation has been accepted by the Commissioner (Appeals) vide order dated 13-1-2011. In the said decision, it has been noted that the Officer recorded statements of 12 unregistered dealers out of 13 and their identity was also duly established. After analysing the evidence so produced by the appellant/assessee, the Appellate Authority [Commissioner (Appeals)] noted that the Assessing Officer had neither doubted the identity of those dealers nor any adverse comments were offered in reference to their version regarding sale of marble slabs by them to the appellant/assessee in the financial year relevant to assessment year 1998-99 and receipt of payments after two to three years. Further, there was no denial of purchase of marbles worth Rs. 4.78 lakhs by the assessee and sale thereof worth Rs. 3.57 lakhs with closing stock of Rs. 2.92 lakhs, as disclosed in the trading account for the year ended on 31-3-1998. The appellate authority thus found that without purchases of marbles, there could be no sale and disclosure of closing stock in the trading account. In other words, the materials on record would clearly suggest that the concerned unregistered dealers had sold marble slabs on credit to the appellant/assessee, as claimed. As a consequence of this finding, the appellate authority concluded that there was neither any concealment of income nor furnishing of inaccurate particulars of income by the assessee. These observations are made by the competent forum (Appellate Authority) in penalty proceedings under section 271 in favour of the assessee. However, what needs to be noted is that the stated penalty proceedings were the outcome of the assessment order in question concerning assessment year 1998-99.Indeed, at the time of assessment, the appellant/assessee had failed to produce any explanation or evidence in support of the entries regarding purchases made from unregistered dealers. In the penalty proceedings, however, the appellant/assessee produced affidavits of 13 unregistered dealers out of whom 12 were examined by the Assessing Officer. The Assessing Officer recorded their statements and did not find any infirmity therein including about their credentials. The dealers stood by the assertion made by the appellant/assessee about the purchases on credit from them; and which explanation has been accepted by the Appellate Authority in order dated 13-1-2011. [Para 14]
- To put it differently, the factual basis on which the Assessing Officer formed his opinion in the assessment order dated 30-11-2000 (for assessment year

1998-99), in regard to addition of Rs. 2.26 lakhs, stands dispelled by the affidavits and statements of the concerned unregistered dealers in penalty proceedings. That evidence fully supports the claim of the appellant/assessee. The Appellate Authority vide order dated 13-1-2011, had not only accepted the explanation offered by the appellant/assessee but also recorded a clear finding of fact that there was no concealment of income or furnishing of any inaccurate particulars of income by the appellant/assessee for the assessment year 1998-99. That now being the indisputable position, it must necessarily follow that the addition of amount of Rs. 2.26 lakhs cannot be justified, much less, maintained. [Para 15]

- Accordingly, this appeal ought to succeed on this count alone and it would be unnecessary to dilate on other questions/contentions urged by the parties as referred to in the earlier part of this judgment. [Para 16]
- Accordingly, this appeal is allowed. The addition of Rs. 2.26 lakhs by the Assessing Officer under section 68, towards cash credit amount shown against the names of concerned unregistered dealers for the assessment year 1998-99, is hereby set aside. The rest of the assessment order dated 30-11-2000 as modified by the Commissioner (Appeals) vide order dated 9-1-2003, shall remain undisturbed. [Para 17].

Manambur Service Co-Operative Bank Ltd.vs Income-tax Officer, W.P. (C) NO. 601 OF 2020(A) JANUARY 22, 2020

Facts:

- Section 220 of the Income-tax Act, 1961 - Collection and recovery of tax - When tax payable and when assessee deemed in default (Stay)
- Petitioners were retired personnel - Being aggrieved by order of assessment, both petitioners filed individual appeals
- During pendency of appeal along with stay application, revenue authorities issued notices for recovery and had attached bank accounts of petitioners
- Whether in view of prevailing COVID-19 pandemic in country, interest of justice would be subserved by directing banks of petitioners to allow petitioners to operate bank accounts subject to bankers' of petitioner setting aside a sum of Rs. 5 lakhs
- Whether since, a sum of Rs. 2 lakhs has already been paid by banker of one of aforesaid petitioners to revenue authorities, it would be appropriate to permit such petitioner to operate his bank account

Issue:

Where during pendency of appeal along with stay application, revenue authorities issued notices for recovery and had attached bank accounts of petitioners, in view of prevailing COVID-19 pandemic in country, interest of justice would be sub-served by directing banks of petitioners to allow petitioners to operate bank accounts subject to bankers' of petitioner setting aside a sum of Rs. 5 lakhs

Held:

- The writ petitioner in WP No.5347 (W) of 2020 is receiving pension while the other petitioner is yet to receive his pension.
- As against both the writ petitioners, an order of assessment was passed by the Income Tax Authorities.
- Being aggrieved by such order of assessment, both the writ petitioners filed individual appeals. There are stay petitions at the behest of the writ petitioners also. The appeal and the stay petitions are yet to be decided by the appellate authority.
- Learned Advocate appearing for the petitioners submits that, since the petitioners are retired, they are facing undue hardship by reason of the notice of recovery issued by the revenue authorities. He submits that, usually, appeals against the order of assessment are admitted on the basis of 20% of the amount of revenue demanded. In the case of the writ petition being WP No.5347(W) of 2020, the revenue authorities have received a sum in excess of Rs.2 lakhs already from the bank account of the petitioner while the amount of demand is Rs.10 lakhs. In respect of WP No.5354(W) of 2020, the revenue authorities are yet to receive any amount from the two bank accounts of the petitioners. The amount of demand of the revenue authorities therein is a sum in excess of Rs.12 lakhs.
- There subsists an order dated March 20, 2020 passed by the Hon'ble Supreme Court directing the revenue authorities not to initiate any recovery proceedings during the subsistence of the COVID-19 pandemic. In my view, interest of justice would be subserved by directing the banks of the petitioners to allow the petitioners to operate the bank accounts subject to the bankers' of the petitioner in WP No.5354(W) of 2020 setting apart a sum of Rs.5 lakhs. Such sum of Rs.5 lakhs, the Court is informed, is lying in one of the bank accounts of such petitioner. Such banker will keep a sum of Rs.5 lakhs in a separate interest bearing fixed deposit account with it. Such deposit will abide by the

result of the appeal of such petitioner. The bankers of the petitioner of such petition thereafter will permit the petitioner to operate his bank accounts in accordance with law. There will be stay of the order of attachment of the bank accounts subject to compliance of the aforementioned conditions.

- So far as the writ petitioner in WP No.5347(W) of 2020 is concerned, since, a sum of Rs.2 lakhs has already been paid by the banker of such petitioner to the revenue authorities, it would be appropriate to permit such petitioner to operate his bank account. The order of attachment issued by the revenue authorities against such bank account of the petitioner in WP No.5347(W) of 2020 is stayed.
- It is clarified that this measures are put in place in view of the prevailing COVID-19 pandemic in the country. None of the observations made herein will prejudice any of the parties in the appeal. The appellate authority is at liberty to decide the appeal in accordance with law as expeditiously as possible

INTERNATIONAL TAXATION

Circulars/ Notifications/Press Release

SECTION 90 OF THE INCOME-TAX ACT, 1961 - DOUBLE TAXATION AGREEMENT - PROTOCOL AMENDING CONVENTION BETWEEN GOVERNMENT OF REPUBLIC OF INDIA AND GOVERNMENT OF REPUBLIC OF AUSTRIA FOR AVOIDANCE OF DOUBLE TAXATION AND PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME – EFFECTIVE DATE OF COMING INTO FORCE SAID AMENDED PROTOCOL

- Whereas, the Protocol, amending the Convention between the Government of the Republic of India and the Government of the Republic of Austria for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income, which was signed at Vienna on the 8th November, 1999, has been signed at New Delhi on 6th February, 2017, as set out in the annexure appended to this notification (hereinafter referred to as the said amending Protocol);
- And whereas, the date of entry into force of the said amending Protocol is the 1st May, 2020 being the first day of the third month next following the date of the receipt of the latter of the notifications of completion of legal procedures for giving effect to the said amending Protocol in accordance with the Article 4 of the said amending Protocol;
- And whereas, Article 4 of the said amending Protocol provides that the provisions of the same shall have effect with regard to taxable periods beginning on or after 1 January of the calendar year next following the year of the entry into force of this Protocol;
- Now, therefore, in exercise of the powers conferred by sub-section (1) of section 90 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that all the provisions of the said amending Protocol, as annexed hereto, shall have effect in the Union of India with effect from the 1st May, 2020, being the date on which the said amending Protocol entered into force.

  (Notification S.O. 1370(E), dated 24th April, 2020)

Case Laws

PILCOM v/s Commissioner of Income-tax, West Bengal-VII (International Taxation)

Facts

- The assessee was a joint management committee (PILCOM) formed by the Cricket Control Boards/Associations of three countries viz. Pakistan, India and Sri Lanka, for the purpose of conducting the World Cup Cricket tournament for the year 1996 in these three countries. These three host countries were required to pay varying amounts to the Cricket Control Boards/Associations of different countries as well as to ICC in connection with conducting the preliminary phases of the tournament and also for the purpose of promotion of the game in their respective countries.
- Two Bank accounts were opened by PILCOM in London to be operated jointly by the representatives of Indian and Pakistan Cricket Boards, in which the receipt from sponsorship, T.V. rights etc. were deposited and from which the expenses were met. The surplus amount remaining in the said Bank account was decided to be divided equally between the Cricket Boards of Pakistan and India after paying a lump-sum amount to Sri Lanka Board as per mutual agreements amongst the three Boards. From the said Bank accounts in London, certain amounts were transferred to the three co-host countries for disbursement of fees payable to the umpires and referees and also defraying administrative expenses and prize money.
- During the assessment proceedings, it came to the knowledge of the Assessing Officer that the assessee had made payments to ICC as well as to the cricket control boards/associations of different member countries of ICC from its two London bank accounts on which it had failed to deduct tax at source in accordance with provisions of section 194E. The Assessing Officer computed short deduction of tax and also held the assessee to be liable to pay interest under section 201(1A).
- On appeal, the Commissioner (Appeals) as well as the Tribunal held that payments (including guarantee money) made by the assessee to ICC and other non-resident sports associations in relation to matches played in India would be exigible to tax but no tax was required to be deducted in respect of the payments made to different cricket associations to the extent they played outside India or did not participate in the tournaments or did not play any game in India or payments made to ICC for ICC Trophy matches held outside India or for disbursement of prize money in Pakistan and Sri Lanka..

Issue:

Assessee committee formed by cricket boards or associations of Pakistan, India and Sri Lanka for purpose of conducting 1996 World Cup Cricket would be liable to deduct tax at source in terms of section 194E on payments made to Non-Resident Sports Associations in relation to matches held in India, as, it represented their income which accrued or arose or was deemed to have accrued or arisen in India

Held

- Actual payments made by assessee were classified into seven distinct categories, on the basis of the purposes for payments as well as the difference between categories of recipients off the payments. Amounts at serial numbers (vi) and (vii) of the said categories are in the nature of Guarantee Money paid to Non-resident Sports Associations. The payments were not made by the assessee in India but were made by the assessee through its Bank accounts at London or elsewhere. The principal issue to be considered is whether any income accrued or arose or was deemed to have accrued or arisen to said Non-resident Sports Association in India. If the answer is in the affirmative, the next question would be about the liability on part of the assessee to deduct Tax at Source and make appropriate deposit in accordance with section 194E. [Para 9]
- In terms of sub-section (2) of section 5, the total income of a non-resident may include income from whatever source which is received or deemed to be received in India or accrues or arises or is deemed to accrue or arise to such non-resident in India. According to section 9(1), the income shall be deemed to accrue or arise in India if 'the income accrues or arises, whether directly or indirectly' under any of the following postulates:-
- through or from any business connection in India; or
- through or from any property in India; or
- through or from any asset or source of income in India; or
- through the transfer of a capital asset situate in India . [Para 10]
- According to the revenue, the income in question had arisen from a source of income in India, which was playing of cricket matches in India and as such the requirement of law was fully satisfied. On the other hand, according to the assessee, the payment was towards grant of privilege and had nothing to do with matches that were played in India. [Para 11]
- In Performing Right Society Ltd. v. CIT [1977] 106 ITR 11 (SC), under an agreement, the assessee Society had granted to All India Radio, the authority to

broad cast from all its stations, the musical works included in the repertoire of the Society, in respect of which payments at the rate of £2 per hour of broadcasting were payable to the Society. The Society, a non-resident company, contended that the agreement was executed in England, payments were made in England and the 'source of income' was the agreement that was entered into in England. The contention was rejected by the High Court. The conclusion that 'the income derived from broadcast of copyright music from the stations of All India Radio arose in India' was affirmed by this Court. [Para 12]

- In the instant case, the Non-resident Sports Associations had participated in the event, where cricket teams of these Associations had played various matches in the country. Though the payments were described as Guarantee Money, they were intricately connected with the event where various cricket teams were scheduled to play and did participate in the event. The source of income, as rightly contended by the revenue, was in the playing of the matches in India. [Para 13]
- The mandate under section 115 BBA (1)(b) is also clear in that if the total income of a Non-resident Sports Association includes the amount guaranteed to be paid or payable to it in relation to any game or sports played in India, the amount of income tax calculated in terms of said section shall become payable. The expression 'in relation to' emphasizes the connection between the game or sport played in India on one hand and the Guarantee Money paid or payable to the Non-resident Sports Association on the other. Once the connection is established, the liability under the provision must arise. [Para 14]
- In G.E. India Technology Centre Pvt. Ltd. v. CIT [2010] 7 taxmann.com 18/193 Taxman 234/327 ITR 456 (SC) the question that arose was whether the assessee was liable to deduct Tax at Source in respect of payments made to certain foreign software suppliers. According to the assessee, the payments were for purchase of software whereas according to the revenue, the payments also included payments towards royalty. The Tribunal, while accepting the case of the assessee had held that the amount paid by the assessee to foreign software suppliers was not royalty and the same did not give rise to any income taxable in India. The High Court had reversed the decision of the Tribunal and held that unless the payer had obtained appropriate permission under section 195(2), the payer was obliged to deduct Tax at Source. In this context the matter was considered by this Court. Para 15]
- The submission that unless permission was obtained under section 195(2) , the liability to deduct Tax at Source must be with respect to the entire payment, was not accepted. Relying on the expression 'chargeable under the provisions

of the Act' occurring in section 195(1), it was held 'the obligation to deduct TAS, is however, limited to the appropriate proportion of the income chargeable under the Act forming part of the gross sum of money payable to the non-resident'. [Para 16.1]

- This decision, it is viewed, has no application insofar as payments at serial nos. (vi) and (vii) are concerned. To the extent the payments represented amounts which could not be subject matter of charge under the provisions of the Act, appropriate benefit already stands extended to the assessee. [Para 16.2]
- As regards the issue of applicability of DTAA, as observed by the High Court, the matter was not argued before it in that behalf, yet the issue was dealt with by the High Court. It is viewed that the reasoning that weighed with the High Court is quite correct. The obligation to deduct Tax at Source under section 194E is not affected by the DTAA and in case the exigibility to tax is disputed by the assessee on whose account the deduction is made, the benefit of DTAA can be pleaded and if the case is made out, the amount in question will always be refunded with interest. But, that by itself, cannot absolve the liability under section 194E. [Para 18]
- In the premises, it must be held that the payments made to the Non-Resident Sports Associations in the instant case represented their income which accrued or arose or was deemed to have accrued or arisen in India. Consequently, the assessee was liable to deduct Tax at Source in terms of section 194E.[Para 19]
- This appeal, therefore, must be dismissed. [Para 20]

REGULATION GOVERNING INVESTMENTS

FOREIGN EXCHANGE MANAGEMENT ACT (FEMA)

Amendments in FDI policy and FEMA due to COVID-19

- Investment made by any non-resident entity of a country, which shares land border with India i.e. Pakistan, Bangladesh, China, Nepal, Myanmar, Bhutan and Afghanistan ('Border States') to be allowed only after obtaining Government approval.
- Investment in India where beneficial owner of such investment is situated in or is a citizen of, any Border States to be permitted only under the Government approval route.
- New restrictions to apply even in the event of the transfer of ownership of any existing or future FDI in an entity in India, directly or indirectly, resulting in the beneficial ownership falling within the restriction.
- Further, a citizen of Pakistan or an entity incorporated in Pakistan can invest, only under the Government route, in sectors / activities other than defence, space, atomic energy and sectors / activities prohibited for foreign investment.
- The amendment is effective from 22 April 2020. Thus all previous investments are grandfathered.

COMPANY LAW

Holding of annual general meetings by companies whose financial year has ended on 31st December, 2019.

- Several representations have been received from stakeholders with regard to difficulty in holding annual general meetings (AGMs) for companies whose financial year ended on 31st December, 2019 due to COVID-1 9 related social distancing norms and consequential restrictions linked thereto. These representations have been examined and it is noted that the Companies Act, 2013 (Act) allows a company to hold its AGM within a period of six months (nine months in case of first AGM) from the closure of the financial year and not later than a period of 15 months from the date of last AGM .
- On account of the difficulties highlighted above, it is hereby clarified that if the companies whose financial year (other than first financial year) has ended on 31st December, 2019, hold their AGM for such financial year within a period of nine months from the closure of the financial year (i.e. by 30th September, 2020), the same shall not be viewed as a violation. The references to due date of AGM or the date by which the AGM should have been held under the Act or the rules made thereunder shall be construed accordingly.
  [General Circular No.18/2020, dated 21 April, 2020]

ACCOUNTS & AUDIT

Provisions for Disputed Income Tax Liabilities

EAC of the ICAI has opined that in respect of disputed income tax liabilities (where demand has been raised by income tax authorities for certain additions / disallowances), an element of judgment is required to be exercised to determine whether provision for such disputed tax amount and interest thereon is required to be made in accounts or should be treated as contingent liability. It requires assessment of likelihood of the outcome of the uncertainty in accordance with Ind AS 37 - 'Provisions, Contingent Liabilities and Contingent Assets'. Based on the facts and circumstances of the case and all the evidence available as on the reporting date, if it is determined that it is more likely than not, that a present obligation exists at the end of the reporting period, the company should recognize a provision (if the recognition criteria are met). Further, where it is more likely, that no present obligation exist, the entity should disclose a contingent liability unless the possibility of an outflow of resources embodying economic benefit is remote

GOODS AND SERVICE TAX

Seeks to amend CGST Rules (Fourth Amendment) in order to allow opting Composition Scheme for FY 2020-21 till 30.06.2020 and to allow cumulative application of condition in rule 36(4)

- In the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), with effect from the 31st March, 2020, in sub-rule (3) of rule 3, the following proviso shall be inserted, namely:-

  "Provided that any registered person who opts to pay tax under section 10 for the financial year 2020-21 shall electronically file an intimation in FORM GST CMP-02, duly signed or verified through electronic verification code, on the common portal, either directly or through a Facilitation Centre notified by the Commissioner, on or before 30th day of June, 2020 and shall furnish the statement in FORM GST ITC-03 in accordance with the provisions of sub-rule (4) of rule 44 upto the 31st day of July, 2020."
- In the said rules, in sub-rule (4) of rule 36, the following proviso shall be inserted, namely:-

  "Provided that the said condition shall apply cumulatively for the period February, March, April, May, June, July and August, 2020 and the return in FORM GSTR-3B for the tax period September, 2020 shall be furnished with the cumulative adjustment of input tax credit for the said months in accordance with the condition above.".

  [F. No. CBEC-20/06/04/2020-GST, dated 3rd April 2020]

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