

MOCK TEST PAPER
FINAL (OLD) GROUP - II
PAPER 8: INDIRECT TAX LAWS

Question no. 1 is compulsory. Attempt any five questions out of the remaining six questions

Maximum Marks: 100 Marks

Time Allowed: 3 Hours

Note:

- (i) Working Notes should form part of the answer.
 - (ii) Wherever necessary, suitable assumptions may be made by the candidates and disclosed by way of a note.
 - (iii) All questions should be answered on the basis of position of (i) GST law as amended up to 31st October, 2017 and (ii) customs law as amended by the Finance Act, 2017 and notifications/circulars issued till 31st October, 2017.
 - (iv) The GST rates for goods and services mentioned in various questions are hypothetical and may not necessarily be the actual rates leviable on those goods and services. The rates of customs duty are also hypothetical and may not necessarily be the actual rates. Further, GST compensation cess should be ignored in all the questions, wherever applicable.
1. (a) V-Supply Pvt. Ltd. is a registered manufacturer of auto parts in Kolkata, West Bengal. The company has a manufacturing facility registered under Factories Act, 1948 in Kolkata. It procures its inputs indigenously from both registered and unregistered suppliers located within as well as outside West Bengal as also imports some raw material from China.

The company reports the following details for the month of November, 20XX:

Payments	₹ (in lakh)	Receipts	₹ (in lakh)
Raw material	3.5	Sales	15
Consumables	1.25		
Transportation charges for bringing the raw material to factory	0.70		
Salary paid to employees on rolls	5.0		
Premium paid on life insurance policies taken for specified employees	1.60		
Audit fee	0.50		
Telephone expenses	0.30		
Bank charges	0.10		

All the above amounts are exclusive of all kinds of taxes, wherever applicable. However, the applicable taxes have also been paid by the company.

Further, following additional details are furnished by the company in respect of the payments and receipts reported by it:

- (i) Raw material amounting to ₹ 0.80 lakh is procured from Bihar and ₹ 1.5 lakh is imported from China. Basic customs duty of ₹ 0.15 lakh, education cesses of ₹ 0.0045 lakh and integrated tax of ₹ 0.29781 lakh are paid on the imported raw material. Remaining raw material is procured from suppliers located in West Bengal. Out of such raw material, raw material worth

₹ 0.30 lakh is procured from unregistered suppliers; the remaining raw material is procured from registered suppliers. Further, raw material worth ₹ 0.05 lakh purchased from registered supplier located in West Bengal has been destroyed due to seepage problem in the factory and thus, could not be used in the manufacturing process.

- (ii) Consumables are procured from registered suppliers located in Kolkata and include diesel worth ₹ 0.25 lakh for running the generator in the factory.
- (iii) Transportation charges comprise of ₹ 0.60 lakh paid to Goods Transport Agency (GTA) in Kolkata and ₹ 0.10 lakh paid to horse pulled carts. GST applicable on the services of GTA is 5%.
- (iv) Life insurance policies for specified employees have been taken by the company to fulfill a statutory obligation in this regard. The Government has notified such life insurance service under section 17(5)(b)(iii)(A). The life insurance service provider is registered in West Bengal.
- (v) Audit fee is paid to M/s Goyal & Co., a firm of Chartered Accountants registered in West Bengal, for the statutory audit of the preceding financial year.
- (vi) Telephone expenses pertain to bills for landline phone installed at the factory and mobile phones given to employees for official use. The telecom service provider is registered in West Bengal.
- (vii) Bank charges are towards company's current account maintained with a Private Sector Bank registered in West Bengal.
- (viii) The break up of sales is as under:
 - Sales in West Bengal – ₹ 7 lakh
 - Sales in States other than West Bengal – ₹ 3 lakh
 - Export under bond – ₹ 5 lakh

The balance of input tax credit with the company as on 1.11.20XX is:

CGST - ₹ 0.15 lakh

SGST - ₹ 0.08 lakh

IGST - ₹ 0.10 lakh

Compute eligible input tax credit and net GST payable [CGST, SGST or IGST, as the case may be] by V-Supply Pvt. Ltd. for the month of November 20XX.

Note-

- (i) CGST, SGST & IGST rates to be 9%, 9% and 18% respectively, wherever applicable.
- (ii) The necessary conditions for availing input tax credit have been complied with by V-Supply Pvt. Ltd., wherever applicable.

You are required to make suitable assumptions, wherever necessary.

(10 Marks)

- (b) Agrawal Carriers is a Goods Transport Agency (GTA) engaged in transportation of goods by road. As per the general business practice, Agrawal Carriers also provides intermediary and ancillary services like loading/unloading, packing/unpacking, transshipment and temporary warehousing, in relation to transportation of goods by road.

With reference to the provisions of GST law, analyse whether such services are to be treated as part of the GTA service, being a composite supply, or as separate supplies.

(5 Marks)

- (c) 15000 chalices were imported for charitable distribution in India by XY Charitable Trust. The Trust did not pay either for the cost of goods or for the design and development charges, which was borne by the supplier. Customs officer computed its FOB value at USD 20,000 (including design

and development charges), which was accepted by the Trust. Other details obtained were as follows:

Sl. No.	Particulars	Amount												
1.	Freight paid (air) (in USD)	4,500												
2.	Design & development charges paid in USA (in USD)	2,500												
3.	Commission payable to an agent in India (in ₹)	12,500												
4.	Exchange rate notified by CBEC and rate of basic duty is as follows: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Date of Bill of Entry</th> <th>BCD</th> <th>Exchange Rate in ₹</th> </tr> </thead> <tbody> <tr> <td>08.09.20XX</td> <td>20%</td> <td>60</td> </tr> <tr> <th>Date of arrival of aircraft</th> <th>BCD</th> <th>Exchange Rate in ₹</th> </tr> <tr> <td>30.09.20XX</td> <td>10%</td> <td>62</td> </tr> </tbody> </table> <p style="margin-left: 20px;">The inter-bank rate was 1 USD = ₹ 63</p>	Date of Bill of Entry	BCD	Exchange Rate in ₹	08.09.20XX	20%	60	Date of arrival of aircraft	BCD	Exchange Rate in ₹	30.09.20XX	10%	62	
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30.09.20XX	10%	62												
5.	Integrated tax payable u/s 3(7) of the Customs Tariff Act, 1975	12%												
6.	Education cess and Secondary and higher education cess as applicable													

Compute the amount of total customs duty and integrated tax payable on importation of chalices. Make suitable assumptions where required. Working notes should form part of your answer.

(5 Marks)

2. (a) Alok Pvt. Ltd., a registered manufacturer, sent steel cabinets worth ₹ 50 lakh under a delivery challan to M/s Prem Tools, a registered job worker, for job work on 28.01.20XX. The scope of job work included mounting the steel cabinets on a metal frame and sending the mounted panels back to Alok Pvt. Ltd. The metal frame is to be supplied by M/s Prem Tools. M/s Prem Tools has agreed to a consideration of ₹ 5 lakh for the entire mounting activity including the supply of metal frame. During the course of mounting activity, metal waste is generated which is sold by M/s. Prem Tools for ₹ 45,000. M/s Prem Tools sent the steel cabinets mounted on the metal frame to Alok Pvt. Ltd. on 03.12.20XX.

Assuming GST rate for metal frame as 28%, for metal waste as 12% and standard rate for services as 18%, you are required to compute the GST liability of M/s Prem Tools. Also, give reason(s) for inclusion or exclusion of the value of cabinets in the job charges for the purpose of payment of GST by M/s Prem Tools.

(7 Marks)

- (b) A professional training institute gets its training material printed from a printing press. The content of the material is provided by the training institute who owns the usage rights of the same while the physical inputs including paper used for printing belong to the printer.

Ascertain whether supply of training material by the printing press constitutes supply of goods or supply of services.

(5 Marks)

- (c) Discuss the similarities and differences between Advance Authorization and DFIA (Duty Free Import Authorization) schemes.

(4 Marks)

3. (a) Honeycure Laboratories Ltd. is a registered supplier of bulk drugs in Delhi. It manufactures bulk drugs and supplies the same in the domestic and overseas market. The bulk drugs are supplied within Delhi and in the overseas market directly from the company's warehouse located in South Delhi. For supplies in other States of India, the company has appointed consignment agents in each such State. However, supplies in Gurgaon (Haryana) and Noida (U.P.) are effected directly from South Delhi warehouse. The drugs are supplied to the consignment agents from the South Delhi warehouse.

Honeycure Laboratories Ltd. also provides drug development services to drug manufacturers located in India, including testing of their new drugs in its laboratory located in Delhi.

The company has furnished the following information for the month of January, 20XX:

Particulars	₹
Advance received towards drug development services to be provided to Orochem Ltd., a drug manufacturer, located in Delhi [Drug development services have been provided in February, 20XX and invoice is issued on 28.02.20XX]	5,00,000
Advance received for bulk drugs to be supplied to Novick Pharmaceuticals, a wholesale dealer of drugs in Gurgaon, Haryana [Invoice for the goods is issued at the time of delivery of the drugs in March, 20XX]	6,00,000
Supply of bulk drugs to wholesale dealers of drugs in Delhi	60,00,000
Bulk drugs supplied to Anchor Pharmaceuticals Inc., USA under bond [Consideration received in convertible foreign exchange]	90,00,000
Drug development services provided to Unipharma Ltd., a drug manufacturer, located in Delhi	6,00,000

You are required to determine the GST liability [CGST & SGST or IGST, as the case may be] of Honeycure Laboratories Ltd. for the month of January, 20XX with the help of the following additional information furnished by it for the said period:

1. Consignments of bulk drugs were sent to Cardinal Pharma Pvt. Ltd. and Rochester Medicos – agents of Honeycure Laboratories Ltd. in Punjab and Haryana respectively. Cardinal Pharma Pvt. Ltd. and Rochester Medicos supplied these drugs to the Medical Stores located in their respective States for ₹ 60,00,000 and ₹ 50,00,000 respectively.
2. Bulk drugs have been supplied to Ronn Medicos Pvt. Ltd. - a wholesale dealer of bulk drugs in Gurgaon, Haryana for consideration of ₹ 15,00,000. Honeycure Laboratories Ltd. owns 60% shares of Ronn Medicos Pvt. Ltd. Open market value of the bulk drugs supplied to Ronn Medicos Pvt. Ltd. is ₹ 30,00,000. Further, Ronn Medicos Pvt. Ltd. is not eligible for full input tax credit.
3. Bulk drugs amounting to ₹ 50,00,000 were sent under delivery challan to Sudha Bottlers, Noida (U.P.) for filling the same in the glass bottles. The bottled drugs were sent back to Honeycure Laboratories Ltd. after 1 month. The consideration charged for the bottling activity (including bottles) is ₹ 5,00,000.
4. The turnover of Honeycure Laboratories Ltd. in the preceding financial year was ₹ 70 lakh with regard to supply of bulk drugs and ₹ 45 lakh with regard to supply of drug development services.

Note:

- (i) All the given amounts are exclusive of GST, wherever applicable.
- (ii) Assume the rates of GST to be as under:

Goods/services supplied	CGST	SGST	IGST
Bulk drugs	2.5%	2.5%	5%
Drug development services	9%	9%	18%

You are required to make suitable assumptions, wherever necessary.

(12 Marks)

- (b) Siya imported certain goods in May, 20XX. An 'into Bond' bill of entry was presented on 14th May, 20XX and goods were cleared from the port for warehousing. Assessable value on that date was US \$ 1,00,000. The order permitting the deposit of goods in warehouse for 4 months was issued on 21st May, 20XX. Siya deposited the goods in warehouse on the same day but did not clear the imported goods even after the warehousing period got over on 21st September, 20XX. A notice was issued under section 72 of the Customs Act, 1962, demanding duty and interest. Siya cleared the goods on 14th October, 20XX.

Compute the amount of customs duty and interest payable by Siya while removing the goods on the basis of the following information:

Particulars	14-05-20XX	21-09-20XX	14-10-20XX
Rate of exchange per US \$ (as notified by Central Board of Excise & Customs)	₹ 65.20	₹ 65.40	₹ 65.50
Basic customs duty	15%	10%	12%

Integrated tax leviable under section 3(7) of the Customs Tariff Act, 1975 is exempt. **(4 Marks)**

4. (a) Kaya Trade Links Pvt. Ltd. is a registered manufacturer of premium ceiling fans. It sells its fans exclusively through distributors appointed across the country. The maximum retail price (MRP) printed on the package of a fan is ₹ 10,000. The company sells the ceiling fans to distributors at ₹ 7,000 per fan (exclusive of applicable taxes). The applicable rate of GST on ceiling fans is 18%.

The stock is dispatched to the distributors on quarterly basis - stock for a quarter being dispatched in the second week of the month preceding the relevant quarter. However, additional stock is dispatched at any point of the year if the company receives a requisition to that effect from any of its distributors. The company charges ₹ 1,000 per fan from distributors towards packing expenses.

The company has a policy to offer a discount of 10% (per fan) on fans supplied to the distributors for a quarter, if the distributors sell 500 fans in the preceding quarter. The discount is offered on the price at which the fans are sold to the distributors (excluding all charges and taxes).

The company appoints Prakash Sales as a distributor on 1st April and dispatches 750 fans on 8th April as stock for the quarter April-June. Prakash Sales places a purchase order of 1,000 fans with the company for the quarter July-September. The order is dispatched by the company on 10th June and the same is received by the distributor on 18th June. The distributor makes the payment for the fans on 26th June and avails applicable input tax credit. The distributor reports sales of 700 fans for the quarter April-June and 850 fans for the quarter July-September.

Examine the scenario with reference to section 15 of the CGST Act, 2017 and compute the taxable value of fans supplied by Kaya Trade Links Pvt. Ltd. to Prakash Sales during the quarter July-September.

Note: Make suitable assumptions, wherever necessary.

(8 Marks)

- (b) Avtaar Enterprises, Kanpur started trading in ayurvedic medicines from July 1, 20XX. Its turnover exceeded ₹ 20 lakh on October 3, 20XX. The firm applied for registration on October 31, 20XX and was issued registration certificate on November 5, 20XX.

Examine whether any revised invoice can be issued in the given scenario. If the answer to the first question is in affirmative, determine the period for which the revised invoices can be issued as also the last date upto which the same can be issued.

(4 Marks)

- (c) After visiting USA for a month, Mrs. & Mr. Subramanian (Indian residents aged 35 and 40 years respectively) brought to India a laptop computer valued at ₹ 60,000, used personal effects valued at ₹ 1,20,000 and a personal computer for ₹ 54,000.

Calculate the customs duty payable by Mrs. & Mr. Subramanian. **(5 Marks)**

5. (a) Pursuant to audit conducted by the tax authorities under section 65 of the CGST Act, 2017, a show cause notice was issued to Home Furnishers, Surat, a registered supplier, alleging that it had wrongly availed the input tax credit without actual receipt of goods for the month of July, 20XX. In the absence of a satisfactory reply from Home Furnishers, Joint Commissioner of Central Tax passed an adjudication order dated 20.08.20XX (received by Home Furnishers on 22.08.20XX) confirming a tax demand of ₹ 50,00,000 and imposing a penalty of equal amount under section 122 of the CGST Act, 2017.

Home Furnishers does not agree with the order passed by the Joint Commissioner. It decides to file an appeal with the Appellate Authority against the said adjudication order. It has approached you for seeking advice on the following issues in this regard:

- (1) Can Home Furnishers file an appeal to Appellate Authority against the adjudication order passed by the Joint Commissioner of Central Tax? If yes, till what date can the appeal be filed? **(2 Marks)**
- (2) Does Home Furnishers need to approach both the Central and State Appellate Authorities for exercising its right of appeal? **(2 Marks)**
- (3) Home Furnishers is of the view that there is no requirement of paying pre-deposit of any kind before filing an appeal with the Appellate Authority. Give your opinion on the issue.

(2 Marks)

- (b) AB Pvt. Ltd., Pune provides house-keeping services. The company supplies its services exclusively through an e-commerce website owned and managed by Hi-Tech Indya Pvt. Ltd., Pune. The turnover of AB Pvt. Ltd. in the current financial year is ₹ 18 lakh.

Advise AB Pvt. Ltd. as to whether they are required to obtain GST registration. Will your advice be any different if AB Pvt. Ltd. sells readymade garments exclusively through the e-commerce website owned and managed by Hi-Tech Indya Pvt. Ltd.?

(6 Marks)

- (c) State the purpose of including Interpretation Rules in Customs Tariff. Do they form part of the Tariff Schedule? Explain the Akin Rule of interpretation. **(4 Marks)**

6. (a) (i) Discuss the procedure for amendment of registration under CGST Act and rules thereto?

(4 Marks)

- (ii) With reference to the provisions of section 120 of the CGST Act, 2017, list the cases in which appeal is not to be filed. **(6 Marks)**

- (b) Enumerate the records which are to be produced during access to business premises under section 71 of the CGST Act, 2017? **(2 Marks)**

- (c) An importer imported certain inputs for manufacture of final product. A small portion of the imported inputs were damaged in transit and could not be used in the manufacture of the final product. An exemption notification was in force providing customs duty exemption in respect of specified raw materials imported into India for use in manufacture of specified goods, which was applicable to the imports made by the importer in the present case.

Briefly examine with the help of a decided case law whether the importer could claim the benefit of the aforesaid notification in respect of the entire lot of the imported inputs including those that were damaged in transit. **(4 Marks)**

OR

- (c) Explain the relevant dates as provided in section 26(2) of the Customs Act, 1962 for purpose of refund of duty under specified circumstances, namely:
- (i) goods exported out of India
 - (ii) relinquishment of title to goods **(4 Marks)**

7. (a) Everest Technologies Private Limited has been issued a show cause notice (SCN) on 31.01.2021 under section 73(1) of the CGST Act, 2017 on account of short payment of tax during the period between 01.07.2017 and 31.12.2017. Everest Technologies Private Limited contends that the show cause notice issued to it is time-barred in law.

You are required to examine the technical veracity of the contention of Everest Technologies Private Limited.

If in the above case SCN is issued under section 74(1) of the CGST Act, 2017, what is the last date by which SCN can be issued? **(6 Marks)**

- (b) Explain the term 'zero-rated supply' as defined under IGST Act, 2017. How are zero-rated supplies different from exempt supplies made by a registered person in respect of issuance of invoice? **(3 Marks)**

- (c) Discuss the penalty for failure to furnish information return, under section 123 of the CGST Act, 2017. **(3 Marks)**

- (d) Settlement Commission passed an order for release of seized goods of Somesh. Since the goods were subject to deterioration, the Revenue informed the Commission that the seized goods had already been auctioned.

The Commission, therefore, directed the Revenue to refund the amount remaining in balance after the application of sale proceeds as provided under section 150(2) of the Customs Act, 1962.

The Revenue refunded the principal amount of the sale proceeds without payment of interest for the delay, on the premise that it did not represent duty or interest as contemplated under section 27 and 27-A of the Customs Act, 1962. Reason out the action of the Revenue by supporting with a case law. **(4 Marks)**