



## LATEST NEWS AND HIGHLIGHTS



[Finance Act, 2023 notified after receiving President's assent. Key amendments to initial Budget announcements:](#)

- Changes to taxation of income from real estate investment trusts (Reits) and infrastructure investment trusts (InvITs)
- Removal of indexation benefits for debt mutual funds
- Tax on royalty and fees for technical services earned by a non-resident or a foreign company increased to 20%
- Non-applicability of surcharge and cess on certain incomes earned by Specified Fund in International Financial Services Centre (IFSC)
- Changes to MOOWR scheme under Customs

[Click here for summary of key amendments](#)



Commerce Ministry releases Foreign Trade Policy 2023.

[Click here for highlights from FTP 2023](#)



CBDT extends exemption from mandatory e-filing of Form 10F for non-residents up to September 30, 2023, pursuant to Forum's advocacy efforts with CBDT.



95 Advance Pricing Agreements (APA) signed by CBDT in FY 2022-23. Fast tracking of APAs has been a major part of Tax Forum's ongoing Transfer Pricing advocacy.



The Committee of Officers on GST Audit releases a comprehensive All India Model GST Audit Manual.

[Read More](#)

**FORUM'S SECTOR-DRIVEN ADVOCACY**

**FORUM'S ADVOCACY FOR CROSS-  
SECTORAL ISSUES**



#### CUSTOMS AND EXCISE

- Advocacy to address challenges arising from misclassification of products
- Advocacy efforts on export incentive schemes including SEIS and RoDTEP
- Issues and challenges under CAROTAR rules and Faceless Assessments

#### CORPORATE TAX

- Recommendations for policy and procedural changes in Indian Transfer Pricing regime
- Challenges in implementation of TDS under various provisions of the Act
- Issues emerging from proposed TCS amendments in Finance Bill 2023
- Extension of concessional tax regime for External Commercial Bond (ECB) and INR Bonds
- Challenges in bringing non-resident investors within ambit of section 56(2) (viib) of the Act

## RECENT TAX RULINGS



*In association with*

In International Tax, [Bangalore ITAT](#) held that Google India, acting as a distributor of Google's AdWords program, is not a Dependent Agent PE of Google Ireland. [Delhi ITAT](#) held that South Korea based Samsung C&T Corp. is not taxable in India in connection with its consortium with Delhi Metro on receipts from offshore supply contract the supply of plants and equipment happened outside India and payment was also received outside India. [Mumbai ITAT](#) ruled that advertisement rights of Sri Lankan and West Indies' cricket teams in Cricket Tournaments are not in the nature of royalty under India-Malaysia DTAA. In another case, [Mumbai ITAT](#) held that the Dispute Resolution Panel was wrong in re-characterising a Mauritian Co.'s share-sale transaction as a capital financing one, thus, deleted the addition on account of interest income imputed for the period of holding the shares which were sold at a loss.

On the Transfer Pricing front, [Delhi ITAT](#) rejected allocation of employee cost to AE and non-AE segments on the basis of segmental turnover by observing that assessee demonstrated maintenance of separate accounts qua AE and non-AE segments with details of employees working in AE segment and salary paid to them project-wise. In another case, [Delhi ITAT](#) deleted Bright Line Test (BLT) based AMP adjustment by following the ratio consistently laid down by jurisdictional High Court and other ITAT benches that held that no adjustment could be made applying BLT method. Similarly, [Bangalore ITAT](#) also ruled that no separate adjustment for AMP expenses was required when assessee's net margins were at ALP.



## UPCOMING EVENTS

- Consultation with Tax Research Unit to discuss indirect tax issues for oil & gas and pharmaceutical



## PAST EVENTS

- Consultation with Customs department at Ministry of Finance for telecom sector
- Consultation with ADG (Systems), CBDT to request extension in Form 10F compliance for non-residents

*To contribute to our ongoing discussions on these matters, please write to [@Shweta Kathuria](#) and [@Anikha Ashraf](#)*

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US-India Tax Forum [www.usindiataxforum.org](http://www.usindiataxforum.org)

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