



THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA
(Set up by an Act of Parliament)

ICAI NAGPUR BRANCH (WIRC)

MONTHLY E-NEWSLETTER
JANUARY 2026



Email: nagpur@icai.org | Website : www.nagpuricai.org

TABLE OF CONTENTS

1.	Chairman's Message	3
2.	Professional Enrichment	5
	a. Areas of disputes under GST regime Authored by Adv. (CA) Saurabh Malpani and Adv. (CA) Shreyash Agrawal	5
	b. RBI's Initiatives for Informed decision making of Borrowers through disclosure of information: Key Statement/ Fact Sheet CA. Rahul Sharma	9
4.	GST Bulletin - January 2026 Edition	12
5.	Case Laws - December 2025	14
6.	Due Dates - January 2026 & February 2026	17
7.	Glimpses of Past Events	19
8.	ICAI Nagpur Branch in News	20

Chairman's Message



It gives me immense pride and a deep sense of satisfaction to share that the Nagpur Branch of WIRC of ICAI has been conferred with the **Best Branch Award at the ICAI India Level under the Large Branch Category**. This prestigious honour has been received after a gap of 10 years, making this achievement even more special and memorable for our Branch. It is a moment of collective pride for every member associated with Nagpur Branch.

This recognition is the result of consistent efforts, teamwork, and the strong foundation laid by our seniors over the years. We express our heartfelt gratitude to Past President ICAI, **CA Ashok Chandak Sir**, and **Late CA Jaydeep Shah Sir**, whose visionary leadership continues to inspire us. We are equally thankful to all **Past Chairmen of the Nagpur Branch, our respected Central Council Members, Regional Council Members**, and members for their continuous guidance, encouragement, and blessings. My sincere appreciation goes to all the Managing Committee Members for their untiring efforts, dedication, and active support throughout the year.

During the year, the Branch organized more than 100 days of CPE programmes covering diverse professional areas, along with over 40 days of non-CPE events aimed at holistic development

and networking. In addition, we conducted more than 150 days of student programmes, reaffirming our strong commitment towards nurturing the future members of the profession. The scale, quality, and consistency of these programmes have significantly contributed to strengthening the professional ecosystem in the region.

A major milestone achieved this year is the awarding of the tender for construction of the new branch building, with construction work already commenced. This long-awaited development marks a new chapter in the growth of the Nagpur Branch. Simultaneously, renovation of the existing premises has been undertaken, keeping in view the growing needs and comfort of members and students, and to create better infrastructure for learning and professional activities.

We also proudly introduced a meaningful social initiative titled ***"ICAI Ki Patang"**, through which support will be extended to underprivileged students. This initiative reflects our commitment not only towards professional excellence but also towards social responsibility and community development.

We convey our sincere thanks to ICAI President 2025–26, **CA Charanjyot Singh Nanda Sir**, for his wholehearted support and encouragement to the Nagpur Branch. We also express our gratitude to ICAI President 2026–27, **C A Prasanna Kumar D Sir**, for his valuable guidance and motivation.

This award is not just a recognition of one year's work, but a celebration of a decade-long aspira-

tion fulfilled. It belongs to every member, student, and well-wisher of the Nagpur Branch. With renewed enthusiasm and collective strength, we remain committed to achieving even greater milestones in the years ahead.

With warm regards,

CA Dinesh Rathi

Chairman

ICAI Nagpur Branch (WIRC)

Professional Enrichment



Areas of disputes under GST regime

Adv. (CA) Saurabh Malpani and Adv. (CA) Shreyash Agrawal

Litigation is around the corner in GST regime. Audits are being conducted by the GST department and they have started issuing notices to taxpayers on diverse range of issues. Moreover, for the Financial Year 2017-18, the last date to issue demand order under Section 73 of the CGST Act, 2017, falls on 31.12.2023 (as per Notification: 9/2023-C.T. dated 31.03.2023). Further, since show cause notice is required to be issued at least three months prior to the time limit for issuance of order, the last date for issuance of show cause notice under Section 73 for F.Y. 2017-18 is 30.09.2023. As we understand from the industry, below are the few areas of disputes which are being taken up by the department -

GST on Personal Guarantee given by Directors (without any consideration) on loans sanctioned to companies

Facts: While granting loans to companies, it is often seen that banks require personal guarantee by the directors of such company. A Deed of Guarantee is being then executed by Directors with the Bank. No commission is paid by the company to its director for such guarantee as RBI does not allow for the same and thus banks also mandate for non-payment of any commission.

Dispute: Under the GST law, Schedule I to Section 7 of CGST Act deals with those scenarios wherein GST would be payable even if the supply is made without consideration. Para 2 of Schedule I covers supply of services between related persons. As per Explanation to Section 15 of CGST Act, director and the company may be treated as related persons. Now, some revenue authorities are contending that providing guarantee on loans given to companies is a service provided by director to its company and the same should be leviable to GST even though no consideration is made for such services. The value is taken by the department as percentage of commission usually charged by other banks to give similar guarantees. Further, since services supplied by directors to its company are taxable under reverse charge, demand is being raised on such company.

Comments: Firstly, it needs to be seen whether Schedule I can also cover those scenarios wherein giving consideration to other party is barred by law and not by choice. Secondly, in a case of a director who is also an employee of company, it needs to be explored whether such services can be considered in relation to employment of such director and hence outside the realm of taxation vide Para 1 of Schedule III. Thirdly, even if it is

made taxable, it would be difficult to value such services as there is no available open market value for similar services (Guarantees given by other banks should not be compared with guarantee given by directors). Fourthly, since services supplied by directors in personal capacity are not taxable under reverse charge mechanism as per CBIC Circular No. 201/13/2023-GST dated 01.08.2023, whether these services can be said to be in personal capacity needs analysis.

Similar demands can be raised on corporate guarantee provided by one company to another related company.

GST on transfer of leasehold rights in land

Facts: Companies take land from MIDC on leasehold basis for setting up factory in industrial area. Such leases are usually on long term basis (i.e., 99 years or likewise). Leasehold rights are granted to the company on such land parcel. Sometimes, the company intends to transfer such leasehold land and factory building (if any) to another company due to various reasons such as closure of business etc. This is allowed anytime during remaining lease period. Accordingly, the companies apply to MIDC for mutation (i.e., transfer of leasehold rights) in favor of another company (say for remaining lease period of 80 years). Consideration is also exchanged between both the companies for such transfer, which is very high and similar to sale of land.

Dispute: Sale of land is outside the ambit of GST under Schedule III. However, in present case, ownership remains with MIDC, and company only has leasehold rights. Hence, it is the case of some investigation authorities that any transfer of such leasehold rights would be taxable under GST being a supply of service.

Comments: The transaction is between two companies wherein former is transferring leasehold rights in land and building against payment of consideration by the latter. It should be noted

that upfront premium for taking land on long term lease from MIDC is exempt vide Entry No. 41 of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017. However, the said entry does not seem to exempt further transfer of rights in such land on payment of consideration. In the view of the authors, representation should be made to CBIC to provide exemption for the subsequent assignment of leasehold rights in land from payment of GST in line with exemption at Sl. No. 41 of Notification No. 12/2017-Central Tax (Rate). Further, if tax is paid on such subsequent transfer of leasehold rights in land and thereafter assessee constructs factory building on said land, question of eligibility of input tax credit may arise. This is due to the restriction under Section 17(5)(d) of the Act which provides that credit of any goods or services received for construction of immovable property would not be eligible. It needs to be analyzed whether it can be argued that this input service, if at all tax is required to be paid, is not directly used for the activity of construction of immovable property and hence not restricted under Section 17(5).

ITC of pre-fabricated buildings

Facts: With the evolving technology, pre-fabricated buildings is widely used for construction of buildings. The pre-fabricated buildings are parts of building which are manufactured in factory and then assembled using nuts and bolts at the customer premises. Many assessee have taken credit of such pre-fabricated buildings.

Dispute: Department is of the view that such pre-fabricated buildings are immovable property and the credit of the same is not available in terms of Section 17(5) (c) & (d) of the CGST Act, 2017.

Comments: Under Section 17(5) (c) & (d) of the Act, ITC pertaining to construction of immovable property is barred. It must be noted that the meaning of immovable property is not defined under the GST law. On plain analysis of the same, one may take a stand that since pre-fabricated

buildings can be easily dismantled and are not permanently fixed to earth, the same does not qualify as immovable property. There are certain rulings of the Hon'ble Supreme Court under Central Excise regime wherein they have observed that in order for a structure to be called as an immovable property, there need to be permanency in the degree and nature (intention) of annexation [Central Excise v. Solid and Correct Enggg Works [2010 (252) E.L.T. 481 (S.C.) and Triveni Engineering and Indus. Ltd. vs. CCE [2000 (120) ELT 273 (SC)]]. The applicability of such rulings under GST regime is yet to be tested in courts. Further, there are some Advance Rulings which deny ITC of the pre-fabricated buildings. The decision in case of Safari Retreats Private Limited Vs. Chief Commissioner of Service Tax & others [2019-VIL-223-ORI] which allowed credit of construction of building which would be sublet may also have some impact on the ITC of pre-fabricated buildings. The said judgment is challenged before the Supreme Court and is pending as on date. Assessee may await the decision of Apex Court to ascertain the availability of ITC of pre-fabricated buildings.

ITC ineligible since return filed beyond prescribed period?

Facts: During the initial years of GST and during Covid period, many companies were facing cash flow problems. Hence, they deferred their GST returns and consequent payment of liability. Some companies filed belated returns with late fees, however such returns were filed beyond the period prescribed under Section 16(4) for availing credit which was sitting in such returns.

Dispute: Section 16(4) provides that ITC can be availed by a registered person only within a prescribed time. As per the department, ITC is availed in GSTR-3B returns. Hence, it is the case of the department that if such belated returns are filed after the period prescribed under Section 16(4) for availing ITC that has been taken in such returns, ITC is availed beyond the time limit and

hence liable for reversal along with interest.

Comments: Firstly, it should be explored whether it can be said that ITC can be said to be availed when it is taken in books of accounts. There are some favorable decisions in similar scenarios under Central Excise regime. However, it needs to be seen whether they are still applicable in GST regime. Secondly, it should be explored to say that belated return filed with late fees is regularized and should be considered as filed on due date and thus ITC is taken well within time. Lastly, it must be analyzed whether to consider delayed filing of return as procedural lapse which need not lead to denial of substantial right such as vested credit. However, it is pertinent to note that Patna High Court in the case of Gobinda Constructions reported at 2023-VIL-623 has held that time limit specified under GST law for availing input tax credit specified under Section 16(4) of CGST Act 2017 is constitutionally valid and mandatory. Further, no relief was given to those assessee who had filed belated returns of past periods after expiry of time limit mentioned under Section 16(4). The matter may go up to Hon'ble Supreme Court.

GST on incentives received from State or Central Government

Facts: Companies receive various kinds of incentives including Industrial Promotion Subsidy from the State or Central Government, one of them being Package Scheme of Incentives announced by the Government of Maharashtra. This scheme is announced with a purpose of dispersal of industries to less developed regions.

Dispute: As per Explanatory Notes for Supply of Services Under GST, agreeing to do an act is covered under Heading 999792. Even under Schedule II to Section 7 of CGST Act, agreeing to the obligation to do an act is treated as a supply of service. It is the case of the department in some cases that companies agree to set up industries or expand their existing industries in notified

backward areas against receipt of such incentive. Further, such companies also comply with certain terms and conditions of receiving such incentive such as minimum direct employment etc. Hence, they are liable to pay GST on such incentive amount.

Comments: It is pertinent to note that similar entry of 'agreeing to do an act' was also there under the Service Tax regime. However, no dispute was raised under erstwhile regime on receipt of said incentives. On the merits of said

matter, it should be noted that for every supply to be made taxable under GST regime, there should be sufficient nexus between that supply and the consideration received (even supported by Circular No. 178/10/2022-GST dated 03.08.2022). It can be argued that there is no nexus between setting up/expanding industry in particular area or fulfilling conditions of PSI scheme vis-à-vis the receipt of incentives from government. There are also a few court rulings under Foreign Tax laws on such issues which are in favor of assessee.

INVITATION FOR ARTICLES FOR NEWSLETTER

"The pen is mightier than the sword"
by Glancey Jonathan

The Newsletter Committee of Nagpur Branch of WIRC of ICAI is inviting articles for its Newsletter.

Submission Guidelines: The articles have to be submitted by the 5th of the month to the following email-id : [nagpur@icai.org]. There is a strict plagiarism check and the articles which are not adhering to the prescribed standards are not published in the newsletter. Illustrations are strongly encouraged to illustrate and emphasize your message. Article can be written by one person or jointly but not more than 2 on a single article. A passport size picture of the writer/ writers should be attached with the article along with their Name and Email ID.

We welcome your efforts and hope you would make the best use of the open platform.

Professional Enrichment



RBI's Initiatives for Informed decision making of Borrowers through disclosure of information: Key Statement/ Fact Sheet

CA. Rahul Sharma

Brief History and Background: - RBI always intends to protect the interest of public at large who deals with the Commercial Bank in normal course of their business in this series RBI has come up with various directions time to time. One such circular is DBR.Leg.No.BC.64/09.07.005/2014-15 in which RBI has again reiterated as follows :

In order to further enhance transparency in pricing of credit, based on the recommendations of Working Group on Pricing of Credit, banks are advised to adhere to the following additional instructions:

(a) Website:

1. Banks should display on their website the interest rate range of contracted loans for the past quarter for different categories of advances granted to individual borrowers along with mean interest rates for such loans.
2. The total fees and charges applicable on various types of loans to individual borrower should be disclosed at the time of processing of loan as well as displayed on the website of banks for transparency and comparability and to facilitate informed decision making by

customers.

- Banks should publish Annual Percentage Rate (APR) or such similar other arrangement of representing the total cost of credit on a loan to an individual borrower on their websites so as to allow customers to compare the costs associated with borrowing across products and/or lenders.

(b) Key Statement/ Fact Sheet:

Banks should provide a clear, concise, one page key fact statement/fact sheet, as per prescribed format, to all individual borrowers at every stage of the loan processing as well as in case of any change in any terms and conditions. The same may also be included as a summary box to be displayed in the credit agreement. The information which must be provided was as follows :

Loan amount, Loan term, Interest type (fixed or floating), (a) Interest chargeable (In case of Floating Rate Loans)(b) Interest chargeable (In case of Fixed Rate Loans), Date of reset of interest, Mode of communication of changes in interest rates, Fee payable, On application(Pl individually specify all type of fee), During the

term of the loan(Pl individually specify all type of fee), On foreclosure(Pl individually specify all type of fee), Fee refundable if loan not sanctioned/disbursed, Conversion charges for switching from floating to fixed interest and vice-versa, Penalty for delayed payments, EMI payable, Details of security/collateral obtained, .Date on which annual outstanding balance statement will be issued.

Recent Development:

Key facts statement (KFS) is a document provided by lenders to the borrower, carrying all details of a loan agreement, including the rate of interest and the annual percentage rate (APR). The KFS will help borrowers compare loan details such as charges and interest rates from all lenders and select the best offer.

Recently RBI has come up with a notification on 15.04.2024 No. DOR.STR.REC.13/13.03.00/2024-25 which confirm RBI's concern of protection of borrower's interest:

As announced in the Statement on Developmental and Regulatory Policies dated Feb 8, 2024, it has been decided to harmonize the instructions on the subject. This is being done in order to enhance transparency and reduce information asymmetry on financial products being offered by different regulated entities, thereby empowering borrowers for making an informed financial decision. The harmonized instructions shall be applicable in cases of all retail and MSME term loan products extended by all regulated entities (REs).

3. For the purpose of this circular, following terms have been defined:

(a) **Key Facts** of a loan agreement between an RE/a group of REs and a borrower

are legally significant and deterministic facts that satisfy basic information required to assist the borrower in taking an informed financial decision.

(b) **Key Facts Statement (KFS)** is a statement of key facts of a loan agreement, in simple and easier to understand language, provided to the borrower in a standardized format.

(c) **Annual Percentage Rate (APR)** is the annual cost of credit to the borrower which includes interest rate and all other charges associated with the credit facility.

(d) **Equated Periodic Installment (EPI)** is an equated or fixed amount of repayments, consisting of both the principal and interest components, to be paid by a borrower towards repayment of a loan at periodic intervals for a fixed number of such intervals; and which result in complete amortization of the loan. EPIs at monthly intervals are called EMIs.

Other words and expressions not defined above, but used in this circular, shall have the same meaning as assigned to them under the Master Direction on Interest Rate on Advances (2016), as updated from time to time or any other relevant regulation issued by the Reserve Bank.

4. REs shall provide a KFS to all prospective borrowers to help them take an informed view before executing the loan contract, as per the standardised format prescribed. The KFS shall be written in a language understood by such borrowers. Contents of KFS shall be explained to the borrower and an acknowledgement shall be obtained that he/she has understood the same.

5. Further, the KFS shall be provided with a unique proposal number and shall have a validity period of at least three working days for loans having tenor of seven days or more, and a validity period of one working day for loans having tenor of less than seven days.

Explanation

Validity period refers to the period available to the borrower, after being provided the KFS by the RE, to agree to the terms of the loan. The RE shall be bound by the terms of the loan indicated in the KFS, if agreed to by the borrower during the validity period.

6. The KFS shall also include a computation sheet of annual percentage rate (APR), and the amortization schedule of the loan over the loan tenor. APR will include all charges which are levied by the RE. Illustrative examples of calculation of APR and disclosure of repayment schedule for a hypothetical loan are given in annexure to the circular.
7. Charges recovered from the borrowers by the REs on behalf of third-party service providers on actual basis, such as insurance charges, legal charges etc., shall also form part of the APR and shall be disclosed separately. In all cases wherever the RE is involved in recovering such charges, the receipts and related documents shall be provided to the borrower for each payment, within a reasonable time.

8. Any fees, charges, etc. which are not mentioned in the KFS, cannot be charged by the REs to the borrower at any stage during the term of the loan, without explicit consent of the borrower.
9. The KFS shall also be included as a summary box to be exhibited as part of the loan agreement.

Exemptions

10. Credit card receivables are exempted from the provisions contained under this circular.

Applicability and Commencement

11. REs shall put in place the necessary systems and processes to implement the above guidelines at the earliest. In any case, all new retail and MSME term loans sanctioned on or after October 1, 2024, including fresh loans to existing customers, shall comply with the above guidelines in letter and spirit without any exception. During the interregnum, the relevant provisions on 'KFS/Factsheet' under the extant guidelines shall continue to remain applicable, including the 'Guidelines on Digital Lending', the Master Direction on 'Regulatory Framework for Microfinance Loans, and the circular on 'Display of Information by Banks'.

GST BULLETIN - January 2026 Edition

TAX UPDATES (DECEMBER 2025 – JANUARY 2026)

Date	Subject	Details
31-12-2025	GSTN to Block Excess ITC Reclaim and Negative Balances in New Ledgers	GST Network (GSTN) has announced stricter validations for the Electronic Credit Reversal & Re-claimed Statement and the RCM Liability/ITC Statement. These ledgers track reversed and reclaimed ITC and RCM liabilities reported in GSTR3B. Going forward, reclaim of ITC beyond available balances and negative ledger values will not be permitted. Taxpayers with negative balances must first reverse excess ITC or pay additional RCM liability, failing which GSTR3B filing will be blocked.
31-12-2025	GSTAT Benches Allocated; Members to Join from 21 January 2026	The Ministry of Finance has issued Office Order No. 03/2025 dated 26 December 2025, allocating benches to newly appointed Members of the Goods and Services Tax Appellate Tribunal (GSTAT). The order specifies postings of Technical Members (Centre and State) and Judicial Members across various locations in India, including Delhi, Mumbai, Bengaluru, Kolkata, and other cities. All members are directed to join their respective benches on 21 January 2026, enabling GSTAT to become functionally operational for appellate proceedings.
24-12-2025	GST Appellate Tribunal Removes Staggered Filing of Appeals	The Goods and Services Tax Appellate Tribunal (GSTAT) has revoked its earlier order dated 24 September 2025 that required staggered filing of appeals under Section 112 of the CGST Act, 2017. With effect from 18 December 2025, taxpayers can now file appeals without following the staggered schedule. The Tribunal clarified that this change is aimed at ensuring unhindered access to the appellate mechanism while maintaining system efficiency. Appeals already filed under the earlier order remain valid. This provides procedural relief and clarity to taxpayers and professionals.
18-12-2025	GSTR-9 and 9C FAQs Consolidated	GSTN has issued Consolidated FAQs on GSTR-9 and GSTR-9C for FY 2024-25 to assist taxpayers in filing their Annual Return. The document consolidates clarifications earlier released on 16 October 2025 and 4 December 2025 into one easy reference. It addresses common issues and practical points related to annual GST compliance, helping ensure clarity and smoother filing. Taxpayers facing doubts may reach out to tax professional for appropriate guidance.

GST BULLETIN - January 2026 Edition

TAX UPDATES (DECEMBER 2025 – JANUARY 2026)

Date	Subject	Details
08-12-2025	GST Update: Auto-Suspension for Not Furnishing Bank Account Details (Rule 10A)	GSTN has announced that GST registrations will now be auto-suspended if taxpayers do not furnish bank account details within 30 days of registration, as required under Rule 10A. The suspension order will appear under Services > User Services > View Notices and Orders. Bank details can be added through a non-core amendment, after which any cancellation proceedings will be automatically dropped. If this does not happen on the same day, taxpayers may
07-12-2025	Important Advisory - Reporting Values in GSTR-3B	GSTN has clarified that from the November-2025 tax period, values auto-populated in Table 3.2 of GSTR-3B (inter-state supplies to unregistered persons, composition taxpayers, and UIN holders) will become non-editable. Taxpayers must file GSTR-3B strictly with system-generated values. If corrections are needed, they must be made through GSTR-1A for the same tax period, which will instantly update Table 3.2. Amendments can also be made in subsequent GSTR-1/IFF filings. GSTN advises taxpayers to ensure accurate reporting in GSTR-1/GSTR-1A/IFF to avoid errors in auto-populated values.

Case Laws - December 2025

Date	Subject	Case No./Citation	Facts	Decision	Key Takeaways
18-12-2025	Recovery of ITC refund after appellate affirmation is without jurisdiction; Section 73 proceedings quashed	W.P.(C) No. 35050 of 2025 Auroglobal Comtrade (P.) Ltd. v. Joint Commissioner Goods and Service Tax and Central Excise	The petitioner claimed refund of accumulated ITC on exports without payment of IGST; part of the claim was accepted as inadmissible, and the balance refund was sanctioned after due adjudication. The departmental appeal against the refund sanction was dismissed, and the refund was affirmed on merits by the Appellate Authority. Despite appellate finality, the department issued a fresh DRC-01/SCN u/s 73 seeking recovery of the same refund on identical grounds.	Once the refund sanction was affirmed in appeal, it attained finality and could not be reopened by subordinate authorities. Fresh recovery proceedings on the same grounds amounted to a violation of judicial discipline and were without jurisdiction. The DRC-01 and Summary SCN were quashed, holding that the department was estopped from re-agitating settled issues unless varied or stayed by a higher forum.	Refund orders affirmed by appellate authority cannot be challenged through fresh recovery proceedings by lower authorities.
15-12-2025	GST Registration Cannot Be Cancelled Retrospectively Without SCN Proposal or Reasons	W.P.(C) No. 16684 OF 2025 CM APPL. No. 68463 OF 2025 Modi Packers v. Superintendent	Modi Packers, a GST-registered sole proprietorship since 1 July 2017, was issued an SCN proposing cancellation of GST registration on grounds of fraud and suppression, without proposing retrospective cancellation. The assessee replied to the SCN, informed the updated registered address, and an amended registration had already been issued; however, no inspection was conducted at the new address. Despite this, the GST registration was cancelled retrospectively from 3 July 2017, and the statutory appeal was dismissed solely on limitation, without examining the merits.	The Delhi HC held that retrospective cancellation is invalid when the SCN does not propose such action and the cancellation order gives no reasons for retrospective effect. The cancellation order was found to be non-speaking, as it failed to deal with the assessee's reply and contentions, violating principles of natural justice. The Court set aside the cancellation order, restored the GST registration, directed portal access, and allowed filing of pending returns with applicable late fees/penalties, while leaving liberty to the Department to initiate fresh action as per law.	SCN must propose retrospective cancellation if intended; cancellation orders must be speaking orders addressing assessee's submissions.

Case Laws - December 2025

Date	Subject	Case No./Citation	Facts	Decision	Key Takeaways
11-12-2025	Fraudulent ITC Allegations: Delhi HC Declines Writ, Grants Extended Time to File GST Appeal with Pre-deposit	W.P.(C) No.18673 OF 2025 CM APPL. No. 77607 and 77608 OF 2025 Braham Prakash v. Additional Commissioner, Adjudication, CGST	The petitioner was issued a GST demand order alleging fraudulent availment of ITC based on a DGGI Rohtak investigation, which uncovered 18 fake firms operated by one Praveen Jain, with transactions traced to the petitioner. Searches were conducted, documents and electronic devices were seized, and statements were recorded; 374 entities were allegedly beneficiaries of the fake ITC network. The petitioner challenged the order by writ alleging no personal hearing and belated upload of the SCN beyond the limitation period.	The HC of Delhi held that in fraudulent ITC cases, writ jurisdiction should ordinarily not be exercised due to complex facts and voluminous evidence. The petitioner was relegated to the statutory appellate remedy u/s 107, with liberty to raise all pleas, including lack of hearing and limitation. The Court extended the time to file an appeal, directing that if filed with a mandatory pre-deposit, it shall not be rejected on limitation and be decided on the merits.	Complex fraud cases should be adjudicated through statutory appeal mechanism rather than writ jurisdiction.
11-12-2025	GST Writ on SCN/Order Not Accessible via Portal; Assessee Directed to Appellate Remedy	W.P.(C) no. 18827 of 2025 CM APPL. no. 78344 of 2025 I Money Wallet (P.) Ltd. v. Sales Tax Officer, AVATO	The assessee challenged a GST adjudication order for FY 2017-18, alleging no opportunity of hearing, claiming the SCN and order were uploaded in the additional notices tab and not accessible. No reply to the SCN was filed, and no personal hearing was attended; the writ petition was filed belatedly without any satisfactory explanation. The assessee also challenged the Central and State GST notifications extending the limitation for adjudication u/s 168A.	The Court held that the plea of non-access to notices was not bona fide, considering the assessee's regular GST compliance and lack of explanation for non-participation. The assessee was relegated to the statutory appellate remedy; an appeal u/s 107 filed by 31-01-2026 with pre-deposit would not be treated as time-barred. The challenge to limitation-extending notifications was kept open, subject to the outcome of pending matters before the SC and Delhi HC.	Non-participation in proceedings without valid reasons will not support writ jurisdiction; statutory appeal is appropriate remedy.

Case Laws - December 2025

Date	Subject	Case No./Citation	Facts	Decision	Key Takeaways
09-12-2025	GST Refund Cannot Be Withheld Merely Because Appeal Is Contemplated in Absence of Stay	WRIT PETITION NO. 15764 OF 2025Ma Agro v. Deputy Commissioner of State Tax	The Appellate Authority, by order dated 21-08-2025, directed a refund of Rs. 7.27 crore with statutory interest to the assessee u/s 56 of the CGST Act. Despite the order, the competent GST authority refused to grant a refund, stating that an appeal was contemplated against the Appellate Authority's order. The assessee approached the HC of Bombay by way of a writ petition challenging non-compliance of the appellate order.	The Court held that mere contemplation of an appeal is no ground to withhold a refund when the Appellate Authority's order is neither stayed nor set aside. The competent authority was directed to refund the entire amount with interest within 10 days, failing which additional interest @ 6% p.a. would be payable. The Court directed that any additional interest due to delay must be recovered personally from erring officers, and not from the public exchequer.	Appellate orders must be complied with unless stayed by a higher authority; contemplation of appeal is insufficient to withhold refund.
04-12-2025	Residential hostel use qualifies for GST exemption; lessee need not reside and amendments apply only prospectively	CIVIL APPEAL NOS. 7846 & 7847 OF 2023 State of Karnataka v. Taghar Vasudeva Ambrish	The respondent leased a residential building in Bengaluru to DTwelve Spaces Pvt. Ltd., which sub-let rooms as long-term hostel accommodation to students and working professionals. AAR and AAAR denied exemption under Entry 13 of Notify. 9/2017-IGST, reasoning that the company-lessee did not itself use the premises as a residence. The Karnataka HC allowed the exemption; the revenue appealed to the SC and relied on later 2022-23 amendments that restrict exemption when let to registered persons.	The property was held to be a residential dwelling, and the residential use by sub-lessees satisfied the condition for use as residence; lessee need not personally reside. Exemption under Entry 13 is activity-specific, not person-specific, and the later amendments cannot be applied retrospectively to the 2019-2022 period. The SC dismissed the revenue's appeals and upheld the HC decision, confirming GST exemption for the assessee for the relevant period.	GST exemption for residential property is based on use, not on who the lessee is; amendments are prospective.

Due Dates - January 2026 & February 2026

Due Date	Department	Subject	Period
07-01-2026	Income Tax	TDS/TCS Payment	Dec, 25
07-01-2026	Income Tax	TDS Payment - AO permitted	Oct - Dec, 25
10-01-2026	GST	GSTR-7	Dec, 25
10-01-2026	GST	GSTR-8	Dec, 25
11-01-2026	GST	GSTR-1	Dec, 25
13-01-2026	GST	GSTR-6	Dec, 25
13-01-2026	GST	GSTR-1 for QRMP	Oct - Dec, 25
13-01-2026	GST	GSTR-5	Dec, 25
14-01-2026	Income Tax	Issue of TDS Certificate - 194-IA, 194IB, 194M	Nov, 25
15-01-2026	Income Tax	Form 24G	Dec, 25
15-01-2026	Income Tax	Form no. 3BB	Dec, 25
15-01-2026	Income Tax	TCS Return	Oct - Dec, 25
15-01-2026	Income Tax	Form No. 15CC	Oct - Dec, 25
15-01-2026	Income Tax	Form 15G/15H	Oct - Dec, 25
15-01-2026	PF & ESIC	PF & ESIC	Dec, 25
18-01-2026	GST	CMP-08	Oct - Dec, 25
20-01-2026	GST	GSTR-5A	Dec, 25
20-01-2026	GST	GSTR-3B	Dec, 25
22-01-2026	GST	GSTR-3B QRMP1	Oct - Dec, 25
24-01-2026	GST	GSTR-3B QRMP2	Oct - Dec, 25
30-01-2026	Income Tax	TCS certificate	Oct - Dec, 25

Due Dates - January 2026 & February 2026

Due Date	Department	Subject	Period
30-01-2026	Income Tax	TDS Pay - 194-IA, 194-IB, 194M	Dec, 25
31-01-2026	Income Tax	TDS Return	Oct - Dec, 25
31-01-2026	Income Tax	Form 10BBB	Oct - Dec, 25
31-01-2026	Income Tax	Form II	Oct - Dec, 25
31-01-2026	MCA	POSH Report	-
31-01-2026	MCA	Further Extended AOC-4	-
31-01-2026	MCA	Further Extended MGT-7	-
07-02-2026	Income Tax	TDS/TCS Payment	Jan, 26
10-02-2026	GST	GSTR-7	Jan, 26
10-02-2026	GST	GSTR-8	Jan, 26
11-02-2026	GST	GSTR-1	Jan, 26
13-02-2026	GST	GSTR-6	Jan, 26
13-02-2026	GST	IFF	Jan, 26
13-02-2026	GST	GSTR-5	Jan, 26
14-02-2026	Income Tax	Issue of TDS Certificate - 194-IA, 194IB, 194M, 194S	Dec, 25
15-02-2026	Income Tax	Form 24G	Jan, 26
15-02-2026	Income Tax	Form no. 3BB	Jan, 26
15-02-2026	Income Tax	Issue of TDS Certificate - other than salary	Oct - Dec, 25
15-02-2026	PF & ESIC	PF & ESIC	Jan, 26
20-02-2026	GST	GSTR-5A	Jan, 26
20-02-2026	GST	GSTR-3B	Jan, 26
25-02-2026	GST	PMT-06	Jan, 26

Glimpses of Past Events



Interactive Meet With Newly Qualified CAs
3rd Jan. 2026



CAPL 2025-26
8,9,10 & 11 January 2026



National Oratory Competition for the Members of ICAI
10.01.2026



ICAI Ki Patang
11.01.2026



CFO Meet
14.01.2026



**Study Circle Meet on Key Takeaways from
New Industrial Policy of Maharashtra**
22.01.2026

ICAI Nagpur Branch in News

नागपुर, बुधवार, १६ जनवरी २०२६ **मिला-जुला**

सीएफओ मीट- नेवीगेट २०२६ हुई

आईसीएआई नागपुर शाखा आयोजन

नागपुर, १६ जनवरी २०२६: आईसीएआई नागपुर शाखा के आयोजित 'सीएफओ मीट- नेवीगेट २०२६' कार्यक्रम का आयोजन सफल ढंग से हुआ। कार्यक्रम में अनेक वक्ताओं ने अपने-अपने क्षेत्रों में नवीकरणीय ऊर्जा के विकास के लिए आवश्यक कदमों के बारे में जानकारी दी। कार्यक्रम का आयोजन आईसीएआई नागपुर शाखा के अध्यक्ष डॉ. अशोक कुमार शर्मा के अध्यक्षता में हुआ। कार्यक्रम में अनेक वक्ताओं ने अपने-अपने क्षेत्रों में नवीकरणीय ऊर्जा के विकास के लिए आवश्यक कदमों के बारे में जानकारी दी। कार्यक्रम का आयोजन आईसीएआई नागपुर शाखा के अध्यक्ष डॉ. अशोक कुमार शर्मा के अध्यक्षता में हुआ।

आईसीएआई नागपुर ने सदस्यों के लिए किया भाषण प्रतियोगिता का आयोजन

भाषण प्रतियोगिता का आयोजन

नागपुर, १६ जनवरी २०२६: आईसीएआई नागपुर शाखा के आयोजित 'भाषण प्रतियोगिता' का आयोजन सफल ढंग से हुआ। कार्यक्रम में अनेक सदस्यों ने अपने-अपने क्षेत्रों में नवीकरणीय ऊर्जा के विकास के लिए आवश्यक कदमों के बारे में जानकारी दी। कार्यक्रम का आयोजन आईसीएआई नागपुर शाखा के अध्यक्ष डॉ. अशोक कुमार शर्मा के अध्यक्षता में हुआ।

महाराष्ट्राच्या नवीन औद्योगिक धोरणातील विषयावर स्टडी सर्कल मीटचे आयोजन

महाराष्ट्राच्या नवीन औद्योगिक धोरणातील विषयावर स्टडी सर्कल मीटचे आयोजन

नागपुर, १६ जनवरी २०२६: महाराष्ट्राच्या नवीन औद्योगिक धोरणातील विषयावर स्टडी सर्कल मीटचे आयोजन सफल ढंग से हुआ। कार्यक्रम में अनेक सदस्यों ने अपने-अपने क्षेत्रों में नवीकरणीय ऊर्जा के विकास के लिए आवश्यक कदमों के बारे में जानकारी दी। कार्यक्रम का आयोजन आईसीएआई नागपुर शाखा के अध्यक्ष डॉ. अशोक कुमार शर्मा के अध्यक्षता में हुआ।

ePaper **नवभारत** Nagpur | 16 January 2026 | Page 6 | navbharatlive.com

महाराष्ट्र के नवीकरणीय ऊर्जा के विकास के लिए आवश्यक कदमों के बारे में जानकारी दी। कार्यक्रम का आयोजन आईसीएआई नागपुर शाखा के अध्यक्ष डॉ. अशोक कुमार शर्मा के अध्यक्षता में हुआ।

विकास के संरक्षक हैं सीएफओ

ICAI ने किया कार्यक्रम का आयोजन

नागपुर, बुधवार, १६ जनवरी २०२६: आईसीएआई नागपुर शाखा के आयोजित 'विकास के संरक्षक हैं सीएफओ' कार्यक्रम का आयोजन सफल ढंग से हुआ। कार्यक्रम में अनेक वक्ताओं ने अपने-अपने क्षेत्रों में नवीकरणीय ऊर्जा के विकास के लिए आवश्यक कदमों के बारे में जानकारी दी। कार्यक्रम का आयोजन आईसीएआई नागपुर शाखा के अध्यक्ष डॉ. अशोक कुमार शर्मा के अध्यक्षता में हुआ।

सीएफओ मीट एलीवेट 2026 का सफल आयोजन

आईसीएआई नागपुर शाखा आयोजन

नागपुर, बुधवार, १६ जनवरी २०२६: आईसीएआई नागपुर शाखा के आयोजित 'सीएफओ मीट एलीवेट 2026' कार्यक्रम का आयोजन सफल ढंग से हुआ। कार्यक्रम में अनेक वक्ताओं ने अपने-अपने क्षेत्रों में नवीकरणीय ऊर्जा के विकास के लिए आवश्यक कदमों के बारे में जानकारी दी। कार्यक्रम का आयोजन आईसीएआई नागपुर शाखा के अध्यक्ष डॉ. अशोक कुमार शर्मा के अध्यक्षता में हुआ।



MONTHLY E-NEWSLETTER

JANUARY 2026

E-Post

From
**The Institute of
Chartered Accountants of India**
Nagpur Branch of
Western India Regional Council
ICAI Bhawan, 20/1, Dhantoli, Nagpur-440 012
Ph.: 0712-2443968, 2441196
Email: nagpur@icai.org / newsletterngp@gmail.com
Website : www.nagpuricai.or

The Views expressed in the News Letter are those of the Individual contributors and not necessarily those of the Nagpur Branch of WIRC of ICAI. Published by **CA. Dinesh Rathi**, Editor in Chief on behalf of the Institute of Chartered Accountants of India, Nagpur branch & designed at Agrawal Paper Rulling & Book Binding Works, Telipura, Sitabuldi, Nagpur M.: 8087142982