

*This column is compiled by Consultant [EXIM Policy] of EPCH. It contains recent Public Notices, Notifications and Circulars of DGFT, CBEC and Department of Revenue. If a handicraft exporter has question[s] to ask on Foreign Trade Policy, he/she may please write / e-mail to EPCH at policy@epch.com*

**Impex # 1**

## Uploading of e-BRCs on which RoSCTL scrips have been availed by exporters

DGFT issues Trade Notice for uploading of e-BRCs by 15.07.2022 for shipping bills on which RoSCTL scrips have been obtained by exporters.

Unlike in (now defunct) MEIS Scheme, RoSCTL scrips can be obtained without realization of export proceeds. But this flexibility (as in case of duty drawback) is subject to the condition that the sale proceeds (on which the scrips have been obtained) shall be realized within the prescribed time limit and e-BRCs uploaded in the DGFT server by their (exporters) banks. If this is not done then the scrips have to be refunded.

Now DGFT has issued a Trade Notice No. 12/2022-23 dt 30.05.22 (copy reproduced below) reminding the concerned exporters of their obligation as stated at in the paragraph above.

(Copy)

TRADE NOTICE NO.12/2022-23, Dated 30th May, 2022

Uploading of e-BRC by 15.07.2022 for shipping bills on which RoSCTL scrip has been availed from DGFT RAs.

Attention of the trade and industry members is brought to Para 4.96 (d) of Public Notice 58 dated 29.01.2020, wherein it has been stipulated that under RoSCTL, the rebate allowed is subject to the receipt of export proceeds within time allowed under the Foreign Exchange Management Act, 1999 failing which such rebate shall be deemed never to have been allowed. Action under the FT (D&R) Act, 1992 may be taken by the Regional Authorities for repayment of erroneous or excess paid RoSCTL. Earlier a Trade Notice No 13 dated 4th August 2021 had been issued urging all exporters to comply with the extant guidelines on realisation of export proceeds and get the process of uploading of eBRCs at the DGFT server completed by the AD Banks.

2. As per RBI guidelines, it is expected that all shipping bills upto 31.12.2020 would have their export proceeds realized by now. Accordingly, all exporting firms, who have been issued scrips under RoSCTL for exports / shipping bills upto 31.12.2020, are requested to get the relevant e-BRCs uploaded in the DGFT server by their AD banks latest by 15.07.2022, failing which action as per para 4.96 of HBP, as notified vide PN 58 dated 29.01.2020 would be initiated by the jurisdictional RAs.

**Impex # 2**

## Questions & Answers

**Question :** Tell us about e-invoicing?

**Answer :** E-invoicing is a step for introduction of more automation in e-commerce. By making it mandatory for all assesses whose turnover is more than Rs 20 crore to issue e-invoice with effect from 1st April, 2022, the Government has taken the compliance automation to a larger set of taxpayers. This will not only simplify tax compliances but also further plug revenue leakages on account of input tax credit.

**Question :** How can one find out if a particular supplier is required to issue e-invoices?

**Answer :** The obligation to issue an e-invoice as per the terms of Rule 48(4) lies with the taxpayer, on fulfilment of the prescribed conditions. However, as a facilitation measure, all taxpayers who have crossed the prescribed turnover in any financial year from FY2017-18 onwards have been enabled to report invoices to the IRP.

One can search the status of enablement of a GSTIN on the e-invoice portal by navigating to 'Search' -> 'e-invoice status of the taxpayer'.

This listing of GSTINs is based only on the turnover of GSTR-3B as was reported to the GSTN. It may also contain exempt entities or entities for whom e-invoicing is not applicable due to some other reason. Hence, enablement status does not necessarily mean that the taxpayer is required to generate e-invoices. The turnover slab of a taxpayer can also be checked on the GST Portal by going to the 'Search Taxpayer' / 'Know Your Supplier' tab.

**Question : What are the advantages of e-invoice for businesses?**

**Answer :** E-invoice has many advantages for businesses such as auto-reporting of invoices into GST return, auto-generation of e-way bills (wherever required). E-invoicing will also facilitate standardization and interoperability leading to reduction of disputes among transacting parties, improve payment cycles, reduction of processing costs and thereby greatly improving overall business efficiency.

**Question : Whether amendments could be made in e-invoices once raised for which IRN has already been generated?**

**Answer :** Amendments are not allowed on IRP. Once raised it cannot be changed/amended. However, one could cancel the same within 24 hours. If 24 hours have lapsed then the taxpayer does not have any other option and needs to proceed with the same. Further when filing GSTR-1 taxpayers could amend the same in the GST portal. Such a situation would result in differences between GST portal and IRP and the same would be flagged and reported to concerned jurisdictional officers thereafter justification on reasonable basis to be provided to the department.

**Question : Is the supplier required to sign the e-invoice?**

**Answer :** According to Rule 46 of CGST, the signature/digital signature of the supplier or his authorized representative is required while issuing invoices. However, a proviso to Rule 46 states that the signature/digital signature shall not be required in the case of issuance of an electronic invoice that is in accordance with the provisions of the Information Technology Act, 2000. Hence, it has been interpreted that in the case of e-invoices, a supplier will not be required to sign/digitally sign the document.

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## News from Print Media

Business Standard dated 20th May 2022

