

# Insurers must reimburse Customs under marine policy



**CONSUMER PROTECTION**  
JEHANGIR B GAI

Suzuki Powertrain India, which got merged with Maruti Suzuki, had taken a Marine Cargo Open Declaration Policy from National Insurance to cover the purchase of plant and machinery from vendors in Japan.

One of the consignments, which was packed in 31 containers under three bills of lading, was despatched in May 2008 on the M.V. Nagato from Japan to Kandla.

According to the declaration submitted under the policy, it was covered from April 11, 2008, to the midnight of April 10, 2009, until it reached its destinations of Manesar and Gurgaon. The value of the consignment was a little over ₹447 crore, for which a premium of slightly more than ₹10 lakh was charged, inclusive of service tax. The coverage limit per transit was restricted to ₹60 crore.

The consignment was unloaded at Kandla on June 8, 2008, in proper condition, which was confirmed by the Marine Cargo Surveyor. While awaiting Customs clearance, there was heavy rain on June 13 and 14, and the containers were submerged in water, resulting in extensive damage to the machinery. This was communicated to the insurer and surveyors were appointed to inspect the containers.

Later, the containers were transported to Manesar, where they were inspected by the final surveyors, who assessed the loss at a little above ₹16.65 crore.

The insurer delayed the settlement and offered to pay ₹6.87 crore. Maruti sought clarification on this, but the insurer did not respond. So,

Maruti filed a complaint before the National Commission.

National Insurance questioned Maruti's status as a consumer, contending that the policy had been taken for commercial purposes. The insurer justified the amount offered towards settlement, contending that the value of the consignment was a little more than ₹143.72 crore but the coverage was limited to ₹60 crore. So, its proportionate liability, after deducting Customs duty, would work out to a little above ₹6.64 crore.

Maruti argued there was no justification in making a deduction towards proportionate liability as the premium was paid on the value of the shipment and not limited to the coverage per transit.

The National Commission observed the Supreme Court in a case had held the insurer was not entitled to raise any new or additional grounds for defence. It would have to confine its defence only to those grounds mentioned either in the claim repudiation letter or in its letter offering a partial settlement of the claim.

It also said the Supreme Court in another case had held that a person engaged in commercial activity would be a consumer in respect of services availed for his personal use. It held Maruti would be a consumer entitled to file a complaint under the Consumer Protection Act.

The National Commission observed the ₹16.65 crore, assessed by the final surveyor, had not been disputed by either of the parties. It pointed out that the Supreme Court in a case had laid down that Customs duty, being an integral part of the cost of importing a machine, would also have to be reimbursed by the insurer while settling the claim.

Accordingly, by its order of September 10, 2021, the National Commission ordered the insurer to pay the ₹16.65 crore together with interest at 9 per cent per annum from January 1, 2009. In addition, it awarded ₹1 lakh as litigation cost.

*The writer is a consumer activist*

# 7 key tips to unlocking benefits of filing early tax returns

No longer a 20-minute exercise, file ITR by December while you still have time on your hands

BINDISHA SARANG  
Mumbai, 12 September

The Central Board of Direct Taxes has decided to further extend the due date for filing income-tax returns (ITR) for Assessment Year (AY) 2021-22 to December 31 from September 30.

Filing ITR is no longer a 20-minute exercise, even if done online.

Here's a checklist by tax experts on the mistakes to avoid while filing ITR.

### New or old tax regime

This year there is the option of filing ITR under the new or old tax regimes. Under the old regime, the taxpayer will get deductions and exemptions. Under the new, the tax rate is lower, but without all deductions and exemptions.

Suvigya Awasthy, associate partner, PSL Advocates & Solicitors, says, "It is recommended to select the better of the two to optimise your tax saving. The idea is to make the compliance process less tedious through removal of tax deductions and exemptions. The new Budget tries to curtail the option to save and puts more money in the hands of taxpayers."

However, individuals and Hindu Undivided Families are given the option to choose between the old and new tax regime.

Vivek Jalan of Tax Connect Advisory Services, says, "Employees with investments in tax-saving schemes should opt for the old scheme; others



### READY RECKONER

- The taxpayer needs to report all his bank accounts held by him in India
- Is required to report details of investments in unlisted equity shares and the number of shares acquired and sold during the year
- Needs to provide information if he/she is a director in a company, along with details of whether, or not, shares of the company are listed on a recognised stock exchange
- Schedule assets and liabilities if net taxable income (after deductions) exceeds ₹50 lakh in a fiscal year
- Ordinarily, resident individuals are obligated to furnish details of their assets held outside India (both as owner and as beneficiary)
- Verify pre-filled information to avoid incorrect data and make necessary changes to income not reported in the tax return

should go for the new one."

Tax under the new regime is payable at lower slab rates, compared to the old regime, on an income of up to ₹15 lakh. Under the new regime, tax slabs of 5 per cent, 10 per cent, 15 per cent, 20 per cent, and 25 per cent are applicable on each successive increase of ₹2.5 lakh, starting from the basic exemption of ₹2.5 lakh till ₹15 lakh of total income.

### Choose the right ITR form

There are separate ITR forms for different sources of income.

Moiz K Rafique, managing partner, Privy Legal Service, says, "Any mistake committed while undertaking the filing of ITR can be corrected by revision, if such

a filing is made before the deadline. Such revisions can be made under Section 139(5) of the I-T Act for discoveries like omission or wrong statement, keeping in mind such revisions are also carried out before the end of the relevant AY or before completion of the assessment, whichever is earlier." It is, however, possible that in a few cases, the return filed in the wrong form would be treated as valid as the return may be structurally fine. In all other cases, the filing will attract penalties.

### Skipping savings a/c interest

Interest income from savings bank account must be reported under the income head from other sources while filing ITR.

Kapil Rana, founder and chairman, HostBooks, says, "However, a resident individual aged under 60 years can claim deduction of up to ₹10,000 under Section 80TTA."

But a resident individual aged 60 years or above can claim deduction of up to ₹50,000 under Section 80TTB."

Rana adds, "Non-reporting of interest income will be considered misreporting, and the assessee may receive notice from the I-T department."

### Not matching income and TDS with details in Form 26AS

Ensure you check Form 26AS before filing ITR. Form 26AS includes all the income details, tax deducted at source (TDS), advance tax paid, self-assessment tax, *inter alia*. Therefore, details provided in the ITR should match the income details in Form 26AS.

Manish P Hingar, founder, Fintoo, an investment and tax advisory firm, says, "You are sure to receive a notice from the I-T department if the income you declare does not match the amount in Form 26AS. If the amount shown declared is less, it will be regarded as an attempt to understate original income."

### Not reporting dividend income

While filing tax return for AY 2021-22, the dividend income has to be shown as taxable.

Naveen Wadhwa, deputy general manager, Taxmann, says, "Earlier the dividend was exempt in the hands of shareholders. Now it has become taxable and is required to be disclosed as 'income from other sources'."

The quarterly break-up of dividend income is to be reported in the ITR form i.e., dividend earned up to June 15, 2020, from June 16-September 15, 2020, from September 16-December 15, 2020, from December 16, 2020-March 15, 2021, and from March 16-March 31, 2021.

Wadhwa says, "Dividend received in excess of ₹5,000 is also subject to 10 per cent TDS, so the non-reporting of such income may invite a notice from the tax department."

### Reporting exempt income

Certain types of income are exempt from tax, as provided under Section 10 of the I-T Act. It is, however, important for the taxpayer to disclose details of such income in his ITR.

Nikhil Varma, managing partner, Miglani, Varma & Co. (Advocates, Solicitors, and Consultants), says, "Not disclosing exempt income in the ITR could make it difficult for a taxpayer to explain the source of a particular income in future."

### Forgetting e-verification

The ITR is deemed to be filed only if the taxpayer, after filing return, verifies it.

Verification of return is mandatory to get it accepted and processed by the Centralised Processing Centre (CPC).

The process of verification has to be completed within 120 days of ITR filing.

Wadhwa says, "An ITR can be verified with a digital signature, an e-verification code, an Aadhaar-based one-time password or submission of acknowledgement to CPC, Bengaluru. If you fail to either e-verify it or post it, the return will be treated invalid."

Varma says, "Taxpayers must be very cautious while furnishing details of capital gains, probably the most complex part of the entire form. The tiniest error in this section could cost the taxpayer a higher interest."

Ensure you file your returns while you have time on your hands. There is no limit to the number of times you can file revised returns. But once scrutiny of assessment is completed under Section 143(3), returns cannot be revised. Hence, don't wait till the December 31 deadline.



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**Tender Notice**

Punjab National Bank invites online bids (both technical and commercial) from eligible bidders for the rate approval and selection of Service Providers for "Integrated Cash Management Services (ICMS)".

Interested bidders may visit our e-Procurement website <https://etender.pnbnbt.in> or [www.pnbindia.in](http://www.pnbindia.in) for downloading the detailed RFP document, queries response and corrigendum. The Bids are required to be submitted online using digital certificates (both signing and encryption) through e-Procurement system. Last date for online bid preparation and hash submission is 11.10.2021 till 1600 hrs and bid submission (Re-encryption) is from 11.10.2021 1701 hrs to 12.10.2021 till 1400 hrs (Contact Details: 0124-4176803, 0124-4126347).

Chief Manager

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**AUCTION OF STATE GOVERNMENT SECURITIES**

The following State Governments/UTs have offered to sell 7 to 15 years securities by way of auction for an aggregate amount of ₹13,847 crore (Face Value).

Sr. No	State / U.T.	Amount to be raised (₹ cr)	Additional borrowing (Green Shoe) option (₹ cr)	Tenure (in Years)	Type of auction
1.	Andhra Pradesh	1,000	-	15	Yield Based
2.	Assam	600	-	10	Yield Based
3.	Chhattisgarh	1,000	-	7	Yield Based
4.	Goa	100	-	10	Yield Based
5.	Jharkhand	500	-	10	Yield Based
6.	Madhya Pradesh	2,000	-	10	Yield Based
7.	Maharashtra	2,000	-	12	Yield Based
8.	Manipur	147	-	10	Yield Based
9.	Punjab	1,000	-	Reissue of 6.89% PN SDL 2031	Price Based
10.	Uttar Pradesh	2,500	-	10	Yield Based
11.	West Bengal	1,000	-	15	Yield Based
<b>Total</b>		<b>13,847</b>			

The auction will be conducted on Reserve Bank of India Core Banking Solution (E-Kuber) in multiple-price format on **September 14, 2021 (Tuesday)**. For further details please refer to RBI press release dated **September 09, 2021 (Thursday)** on RBI website ([www.rbi.org.in](http://www.rbi.org.in)).

**"Don't get cheated by E-mails/SMSs/Calls promising you money"**

**SALE NOTICE UNDER IBC, 2016**  
M/s. SRI PANCHAJANYA POWER PRIVATE LIMITED (In Liquidation)  
Liquidator's Address: Plot No.106, H.No.8-27, Road No.10, Mythripuram Colony, Jillelguda, Vyshalainagar PO, HYDERABAD-500079, Telangana.

The following Assets and Properties of M/s. SRI PANCHAJANYA POWER PRIVATE LIMITED (In Liquidation) forming part of Liquidation Estate are for sale by the Liquidator. The Sale will be done by the under signed through the E-Auction platform: <https://bankauctions.in/> on date and time mentioned hereunder (\*) with unlimited extension of 5 minutes each)

Asset Description	Manner of Sale	Inspection Date	Date and Time of Auction	Reserve price Rs. in lakhs	EMD Amount & BID submission deadline
Company as a whole having 10 mw Bio-Mass based Power Plant situated at C-9, MIDC INDUSTRIAL AREA, LIMBALA(V), Hingoli TQ & DT, Maharashtra, consisting of Land admeasuring 3,35,612 Square Meters (acquired on 95 years lease from MIDC wef 01-08-2006), and buildings and other civil structures constructed there on together with plant and machinery pertaining to 10 MW Power plant, (not in operation).	Company as going Concern	On or Before 6th October 2021	On 13-10-2021 From 11-00 am to 12-00 Noon (*)	836.16	83.62 Lakhs. On or before 11-10-2021

1. EMD can be deposited either by remittance into the account or through demand draft.  
2. E-Auction will be conducted on "AS IS WHERE IS", "AS IS WHAT IS" and "WHATEVER THERE IS BASIS" only.  
3. Interested applicants may refer to the COMPLETE E-AUCTION PROCESS INFORMATION DOCUMENT containing details of terms and conditions of online E-Auction, E-Auction Bid form, Eligibility Criteria, Declaration by Bidders, EMD requirement etc., available in service provider web portal i.e. <https://bankauctions.in/> or through E-Mail: [kmk123ip@gmail.com](mailto:kmk123ip@gmail.com)  
4. The Liquidator has right to accept or cancel or extend or modify, etc any terms and conditions of E-Auction (or) the liquidator can cancel E-Auction (or) any item of E-Auction at any time. Further He reserves the right to reject all or any of the bid without giving any reasons.

Sd/- KALVAKOLANU MURALI KRISHNA PRASAD LIQUIDATOR  
Date: 13-09-2021 Reg. No: IBBI/PA-001/IP-P00967/2017-18/11588  
Place: Hyderabad Contact No's: 9866512532 / 9949551805

**FORM G - INVITATION FOR EXPRESSION OF INTEREST**  
(Under Regulation 36A (1) of the IBC) (Insolvency Resolution Process of Corporate Persons) Regulations, 2016

**RELEVANT PARTICULARS**

1. Name of the Corporate Debtor	Digicable Network (India) Limited
2. Date of incorporation of corporate debtor	01 June 2007
3. Authority under which corporate debtor is incorporated / registered	Registrar of Companies, Mumbai (Maharashtra) under the Companies Act, 1956
4. Corporate identity number / limited liability identification number of corporate debtor	U74999MH2007PLC171246
5. Address of the registered office and principal office (if any) of corporate debtor	A-Wing, 602, Everest Grande Building, Opp. Ahura Centre, Mahakali Caves Road, Andheri (East) Mumbai - 400093
6. Insolvency commencement date of the corporate debtor	04 December 2020 (Vide order dated 04 December 2020 passed by Hon'ble NCLT - Mumbai Bench) (Order for appointment of IRP was passed on 23 February 2021 and the same was uploaded on the NCLT website on 18 March 2021)
7. Date of invitation of expression of interest	13 September 2021
8. Eligibility for resolution applicants under section 25(2)(h) of the Code is available at:	The interested parties/ prospective Resolution Applicant shall submit Expression of Interest in accordance with sub regulation 7 of Regulation 36A of the IBC (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 ("CIRP Regulations"). The eligibility criteria is mentioned in the detailed invitation of Expression of Interest to submit Resolution Plan pursuant to sub Regulation (3) (a) of Regulation 36A of the CIRP Regulations, which is available at the website <a href="https://bsa.in/announcements.html">https://bsa.in/announcements.html</a> . The same can also be obtained via email at <a href="mailto:ip.digicable@bsa.in">ip.digicable@bsa.in</a>
9. Norms of ineligibility applicable under section 29A are available at:	The Resolution Applicant shall be compliant with the eligibility norms provided under Section 29A as mentioned in the detailed invitation of Expression of Interest available at the website <a href="https://bsa.in/announcements.html">https://bsa.in/announcements.html</a> . The same can also be obtained via email at <a href="mailto:ip.digicable@bsa.in">ip.digicable@bsa.in</a>
10. Last date for receipt of expression of interest	28 September 2021
11. Date of issue of provisional list of prospective resolution applicants	08 October 2021
12. Last date for submission of objections to provisional list	13 October 2021
13. Date of issue of final list of prospective resolution applicants	23 October 2021
14. Date of issue of information memorandum, evaluation matrix and request for resolution plans to prospective resolution applicants	08 October 2021
15. Manner of obtaining request for resolution plan, evaluation matrix, information memorandum and further information	The Request for Resolution Plan (RFRP), Evaluation Matrix, Information Memorandum (IM) and format of Confidentiality Undertaking shall be sent on request addressed to - <a href="mailto:ip.digicable@bsa.in">ip.digicable@bsa.in</a> , IM and access to data room will be provided on submission of executed Confidentiality Undertaking as per Section 29 (2) of IBC and sub regulation 7 (g) of Regulation 36A of CIRP Regulations at the sole discretion of the Resolution Professional/ Committee of creditors.
16. Last date for submission of resolution plans	08 November 2021
17. Manner of submitting resolution plans to resolution professional	The Resolution Plan along with all supporting information, documents, and various forms/affidavits/authorisations and other details as mentioned in RFRP shall be submitted to the Resolution professional at the following address: 1121, Building No. 11, 2nd Floor, Solitaire Corporate Park, Chakala, Andheri Kurla Road, Andheri (E), Mumbai - 400 093. The same shall also be submitted in an electronic format by enclosing a password protected pdf drive or password protected PDF document and email to <a href="mailto:ip.digicable@bsa.in">ip.digicable@bsa.in</a> , <a href="mailto:rp.anilmehta.1960@gmail.com">rp.anilmehta.1960@gmail.com</a> .
18. Estimated date for submission of resolution plan to the Adjudicating Authority for approval	As soon as the Resolution Plan is approved by the COC members
19. Name and registration number of the resolution professional	Mr. Anil Mehta (IBBI/PA-001/IP-P00749/2017-18/11282)
20. Name, Address and e-mail of the resolution professional, as registered with the Board	501, Dosti Elite, Tower A, Near Sion Telephone Exchange, Sion East, Mumbai City, Maharashtra, 400022. <a href="mailto:rp.anilmehta.1960@gmail.com">rp.anilmehta.1960@gmail.com</a>
21. Address and email to be used for correspondence with the Resolution Professional	1121, Building No. 11, 2nd Floor, Solitaire Corporate Park, Chakala, Andheri Kurla Road, Andheri (E), Mumbai - 400 093. E-mail: <a href="mailto:ip.digicable@bsa.in">ip.digicable@bsa.in</a> . It can be sought by email at <a href="mailto:ip.digicable@bsa.in">ip.digicable@bsa.in</a>
22. Further Details are available at or with	
23. Date of publication of Form G	13 September 2021

**Notes:**

- All Expressions of Interest received will be reviewed by the Resolution Professional as well as the Committee of creditors and thereafter further information documents related to the process will be provided to the shortlisted parties in accordance of the provisions of the IBC Code, 2016.
- The Resolution Professional / Committee of creditors shall have the discretion to change the criteria for the submission of Expression of Interest at any point of time.
- Resolution Professional / Committee of creditors reserve the right to cancel or modify the process/application without assigning any reason and without any liability whatsoever.
- The above timelines are subject to the exclusion of time/extension of the CIRP period by the Hon'ble National Company Law Tribunal, Mumbai.

Anil Mehta  
Resolution Professional  
IBBI/PA-001/IP-P00749/2017-18/11282  
501, Dosti Elite, Tower A, Near Sion Telephone Exchange, Sion East, Mumbai City, Maharashtra-400022

For Digicable Network (India) Limited  
Date: 13 September 2021  
Place: Mumbai