

Vol. X | No. 10 | July 2022



A Monthly Journal of  
**The Chamber of  
Tax Consultants**

# THE CHAMBER'S JOURNAL

————— Your Monthly Companion on Tax & Allied Subjects —————

## MULTILATERAL INSTRUMENT

CHANGING CONTOURS OF INTERNATIONAL TAXATION



Log on to The Chamber's website for  
Online payment for programmes

[www.ctconline.org](http://www.ctconline.org)



## CONTENTS

### Editorial

*Vipul K. Choksi* .....5

### From the President

*Parag S. Ved*.....8

## MULTILATERAL INSTRUMENT

### (MLI)

### BEPS – Actions Plan 6 & 15 and Overview of MLI — Dinesh Kanabar & Radhakishan Rawal.....9

**Article 3 of MLI – Dual Resident Entities**  
— Rajesh Simhan & Joachim Saldhana .....24

**Article 7 of the MLI – Principal purpose test**  
— Himanshu Tanna, Sagar Wagh & Aayushi Kariwala.....33

**Article 8 of the MLI – Dividend Transfer Transactions** — Hitesh D. Gajaria, Radhika Karadkar & Nidhi Jivnani.....43

**Anti-tax avoidance measures for Capital Gains: Article 9 of Multilateral Instrument**  
— Raghunathan Parthasarthy.....51

**Artificial avoidance of Permanent Establishment Status – counter through suggested tax treaty measures under Articles 12 and 13 of the Multilateral Instrument**  
— Sandeep Dasgupta.....64

**Impact of Multilateral Instrument on Mergers and Acquisitions in India**  
— Vinit Desai.....71

**Impact of MLI on Insurance and Re-insurance Sector**  
— Manoj Purohit & Pranav Sakhadeo.....78

### Impact of MLI on EPC sector

— Jimit Devani, Barkha Dave & Jash Davda .....91

### The Dastur Essay Competition 2022

— Satya Sankar Perepu .....100

## Direct Taxes

**High Court** — Paras S. Savla, Jitendra Singh & Nishit Gandhi.....115

**Tribunal** — Neelam Jadhav, Neha Paranjpe & Tanmay Phadke .....123

## International Taxation

**Case Law Update** — Dr. Sunil Moti Lala ..... 127

## Indirect Taxes

**GST – Recent Judgments & Advance Rulings**  
— Naresh Sheth & Jinesh Shah.....132

**Service Tax – Case Law Update**  
— Rajiv Luthia & Keval Shah .....140

## Corporate Laws

**Case Law Update** — Makarand Joshi.....145

## Other Laws

**FEMA Update & Analysis**  
— Hardik Mehta & Tanvi Vora .....157

**Best of The Rest**  
— Rahul Hakani & Niyati Mankad.....162

**The Chamber News**  
— Vijay Bhatt & Mehul Sheth.....166