

GST NEWSLETTER NO 2 – APRIL 1, 2019 TO APRIL 30, 2020

This newsletter is for amendments from April 1, 2019 to April 30, 2020. Earlier amendments are covered in Newsletter No 1.

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I. Central Tax ('CT') Notifications: Updated upto Apr 30, 2020

1. Important: Noti 37/2020 CT dt Apr 28, 2020: Rule 87(13) which was inserted vide Noti 31/2019 CT dt Jun 28, 2019 (related to transfer of credit from one cash ledger to another) and corresponding form Form PMT 09 are brought into force from Apr 21, 2020.

2. Noti 36/2020 CT dt Apr 3, 2020: Corona Covid 19 - Due dates for filing 3B for the month of May 2020 has been extended as below:

Class of persons - having aggregate turnover during the previous FY:	Extended due date
more than Rs 5 crore	Jun 27, 2020
upto Rs 5 crore (for Maharashtra and few other states)	July 12, 2020
upto Rs 5 crore (for few states as mentioned in the notification)	July 14, 2020

3. Important and complicated: Noti 35/2020 CT dt Apr 3, 2020: Corona Covid 19 relief in due dates:

- Due date for all actions, be it from department side or be it from taxpayer side, if it falls during Mar 20, 2020 to Jun 29, 2020 is extended upto Jun 30, 2020.
- It includes completion of assessment, filing of appeal, reply, application, report or any return etc. However, above relaxation of date would not be applicable to following:
 - Time and value of supply as per Sec 12 to 15.
 - Sec 10(3): Non availability of composition scheme on exceeding turnover limit.
 - **Sec 25: New Registration**
 - Sec 27: Casual taxable person and non-resident taxable person.
 - **Sec 31: Tax invoice.**
 - Sec 37: Furnishing details of outward supplies.
 - Sec 47: Levy of late fee.
 - **Sec 50: Interest on delayed payment of tax.**
 - Sec 69: Power to arrest.
 - Sec 90: Liability of partners of firm to pay tax.
 - Sec 122: Penalty for certain cases.
 - Sec 129: Detention, seizure and release of goods and conveyance in transit.
 - **Sec 39: Furnishing of returns. However, benefit of extended due dates would be available for returns filed u/s 39(3) (TDS return as per Sec 51), 39(4) (return by Input Service Distributor – ISD) and 39(5) (return by non-resident taxable person).**

- Sec 68: Inspection of goods in movement in so far as e-way bill is concerned.
 - Rules under the above sections.
- Where validity of e-way bill is expiring during Mar 20, 2020 to Apr 15, 2020, it shall be deemed to be extended till Apr 30, 2020.
4. Noti 34/2020 CT dt Apr 3, 2020: Corona Covid 19 relief in due dates:
- Composition persons may submit their quarterly statement in CMP 08 for quarter ending Mar 31, 2020 on or before July 7, 2020.
 - Composition persons may submit their return in GSTR 4 for financial year ending Mar 31, 2020 on or before July 15, 2020.
5. Noti 33/2020 CT dt Apr 3, 2020: Corona Covid 19 relief in Late fees: Waiver of late fee for delay in filing GSTR 1 for the months of Mar 2020 to May 2020 and for quarter ending Mar 31, 2020 if it is filed on or before Jun 30, 2020.
6. Noti 32/2020 CT dt Apr 3, 2020: Corona Covid 19 relief in Late fees: Waiver of late fee for delay in filing 3B in following cases for following tax periods:

Sl No	Class of persons - Taxpayers having aggregate annual turnover in preceding FY:	Tax period	Condition - 3B for the tax periods are filed on or before:
	more than Rs 5 crore.	Feb 2020 to Apr 2020	Jun 24, 2020.
	more than Rs 1.5 crore and upto Rs 5 crore.	Feb 2020 and Mar 2020	Jun 29, 2020.
	--do--	Apr 2020	Jun 30. 2020
	upto Rs 1.5 crore	Feb 2020	Jun 30, 2020
	--do--	Mar 2020	Jul 3, 2020
	--do--	Apr 2020	Jul 6, 2020

7. Noti 31/2020 CT dt Apr 3, 2020: Corona Covid 19 relief in interest rates:

Sl No	Class of persons - Taxpayers having aggregate annual turnover in preceding FY:	Concessional Rate of Interest	Tax period	Condition - 3B for the tax periods are filed on or before:
1	more than Rs 5 crore.	Nil for first 15 days; 9% pa thereafter.	Feb 2020 to Apr 2020	Jun 24, 2020.
2	more than Rs 1.5 crore and upto Rs 5 crore.	Nil	Feb 2020 and Mar 2020	Jun 29, 2020.
3	--do--	Nil	Apr 2020	Jun 30, 2020
4	upto Rs 1.5 crore	Nil	Feb 2020	Jun 30, 2020
5	--do--	Nil	Mar 2020	Jul 3, 2020
6	--do--	Nil	Apr 2020	Jul 6, 2020

8. Noti 30/2020 CT dt Apr 3, 2020: CGST (Fourth Amendment) Rules, 2020: Corona Covid 19 reliefs:

- Rule 3(3): Intimation to opt for composition in Form CMP 02 is to be filed before commencement of financial year. However, for FY 2020-21, such intimation may be filed upto June 30, 2020 instead of March 31, 2020. Corresponding Form ITC 03 in accordance with Rule 44(4) can be submitted upto Jul 31, 2020 instead of May 30, 2020.
- As per Rule 36(4), ITC in GSTR 3B cannot be claimed in excess of 10% ITC available in GSTR 2A. This sub-rule has been relaxed for the return periods from Feb 2020 to Aug 2020; the return in Form GSTR 3B for Sep 2020 shall be furnished with the cumulative adjustment of input tax credit for the said months in accordance with the condition above.

9. Noti 29/2020 CT dt Mar 23, 2020: Being new system of filing of returns postponed to Oct 1, 2020, due dates for filing GSTR 3B defined:

Month	Due date
April 2020 to Sep 2020 (for persons having aggregate turnover of more than Rs 5 crore)	20 th of next month
April 2020 to Sep 2020 (for persons having aggregate turnover of upto Rs 5 crore) (for Maharashtra and few other states)	22 nd of next month
April 2020 to Sep 2020 (for persons having aggregate turnover of upto Rs 5 crore) (for few states as mentioned in the notification)	24 th of next month

10. Noti 28/2020 CT dt Mar 23, 2020: Being new system of filing of returns postponed to Oct 1, 2020, due dates for filing GSTR 1 having aggregate turnover of more than Rs 1.50 crore defined:

Month	Due date
April 2020 to Sep 2020	11 th of next month

11. Noti 27/2020 CT dt Mar 23, 2020: Being new system of filing of returns postponed to Oct 1, 2020, due dates for filing GSTR 1 having aggregate turnover of upto Rs 1.50 crore defined:

Quarter	Due date
Apr – Jun 2020	July 31, 2020
Jul – Sep 2020	Oct 31, 2020

12. Noti 21 to 26/2020 CT dt Mar 23, 2020: Due date of filing GSTR 1 (details of outward supply)/ GSTR 3B extended for persons having principal place of business in erstwhile state of Jammu and Kashmir and existing UTs of J&K and Ladakh.

13. Noti 20/2020 CT dt Mar 23, 2020: Due date of filing GSTR 7 (TDS return) extended for persons having principal place of business in erstwhile state of Jammu and Kashmir and existing UTs of J&K and Ladakh.

14. Noti 19/2020 CT dt Mar 23, 2020: Seeks to specify that authorized persons (eg director/ partner/ Karta etc) shall undergo Aadhar authentication for new registration.

15. Noti 18/2020 CT dt Mar 23, 2020: If Aadhaar number is not assigned to the individual, he shall be offered alternate and viable means of identification in the manner specified in rule 9.

16. Noti 17/2020 CT dt Mar 23, 2020: Aadhar authentication for new registration would not be applicable to a person who is not citizen of India.
17. Noti 16/2020 CT dt Mar 23, 2020: CGST (Third amendment) Rules, 2020:
- Rule 8(4A) inserted: Aadhar authentication would be required for new registrations from Apr 1, 2020.
 - Rule 9: If aadhar authentication could not be done, then registration shall be granted only after physical verification in presence of person whose aadhar authentication could not be done. Physical verification shall be done within 60 days of application.
 - Rule 43(1)(c): Certain amendments in manner of determination of ITC on capital goods and reversal thereof.
 - Rule 80: Turnover limit for filing audited reconciliation statement in 9C for FY 2018-19 is increased from Rs 2 crore to Rs 5 crore.
 - Rule 86(4A) inserted related to refund: Where a registered person has claimed refund of any amount paid as tax wrongly paid or paid in excess for which debit has been made from the electronic credit ledger, the said amount, if found admissible, shall be re-credited to the electronic credit ledger by the proper officer by an order made in FORM GST PMT-03.
 - Clause (C) of Rule 89(4) substituted to amend meaning of value of zero rated supply.
 - Rule 96B inserted to provide for Recovery of refund of unutilised input tax credit or integrated tax paid on export of goods where export proceeds not realized.
18. Noti 15/2020 CT dt Mar 23, 2020: Due date for filing annual returns in Form 9, 9A and 9C for FY 18-19 extended to Jun 30, 2020.
19. Noti 14/2020 CT dt Mar 21, 2020: Applicability of QR code which was scheduled to be applicable from April 1, 2020 is postponed to Oct 1, 2020.
20. Noti 13/2020 CT dt Mar 21, 2020: Applicability of e-invoice which was scheduled to be applicable from April 1, 2020 is postponed to Oct 1, 2020.
21. Noti 12/2020 CT dt Mar 21, 2020: As per Noti 21/2019 CT dt Apr 23, 2019, composition persons for goods or services would be required to file returns in CMP 08 (quarterly) and GSTR 4 (annually). By this noti, it is provided that if such persons have filed GSTR 3B for FY 2019-20, then they would not required to file either GSTR 1 or CMP 08.

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22. Noti 11/2020 CT dt Mar 21, 2020: Seeks to provide special procedure for corporate debtors undergoing the corporate insolvency resolution process under the Insolvency and Bankruptcy Code, 2016:
 - Interim Resolution professional ('IRP') or Resolution professional ('RP') shall be treated as distinct person of the corporate debtor and he shall have to obtain new registration within 30 days of his appointment as IRP/ RP or within 30 days of issuance of this notification.
 - Procedure for filing returns and claiming ITC also explained in the notification.
 23. Noti 10/2020 CT dt Mar 21, 2020: Seeks to provide special procedure for taxpayers in Dadra and Nagar Haveli and Daman and Diu consequent to merger of the two UTs.
 24. Noti 9/2020 CT dt Mar 16, 2020: Seeks to exempt foreign airlines from furnishing reconciliation Statement in FORM GSTR-9C provided a statement of receipts and payments duly authenticated by CA for the financial year in respect of its Indian Business operations is submitted before Sep 30.
 25. Noti 8/2020 CT dt Mar 2, 2020: CGST (Second Amendment) Rules, 2020:
 - Rule 31A(2) substituted because GST rate of lottery is made uniform at 28%. Earlier, State Govt run lottery was liable at 12% and State Govt authorized was liable at 28%.
 26. Noti 7/2020 CT dt Feb 3, 2020: Due dates for 3B prescribed in staggered manner: For persons having aggregate turnover in previous FY is upto Rs 5 crore, due dates for the months of Jan 2020 to Mar 2020 shall be 22nd of the following month (for Maharashtra and few other states). For persons having more turnover, due would be same as 20th.
 27. Noti 6/2020 CT dt Feb 3, 2020: Due date for filing annual returns in Form 9, 9A and 9C for FY 17-18 extended to Feb 7, 2020 (for Maharashtra and few other states).
 28. Noti 5/2020 CT dt Jan 13, 2020: Administrative - Seeks to appoint Revisional Authority u/s 108 of CGST Act.
 29. Noti 4/2020 CT dt Jan 1, 2020: **Late fee payable u/s 47 for late filing of GSTR 1** would be waived for the periods from July 2017 to November 2019 **if such returns are filed between Dec 19, 2019 to Jan 17, 2020** (earlier it was **Jan 10, 2020** vide Noti 74/2019 CT dt Dec 26, 2019). However, the beauty is if a person has already filed late returns but upto Dec 18, 2019, he wont get any benefit of this waiver.

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30. Noti 3/2020 CT dt Jan 1, 2020: Seeks to amend the notification No. 62/2019-CT dt. 26.11.2019 to amend the transition plan for the UTs of J&K and Ladakh.
31. Noti 2/2020 CT dt Jan 1, 2020: CGST (Amendment) Rules, 2020. Important amendments are:
- Rule 117(1A) – Commissioner may extend due date for filing transition form (TRAN 1) upto March 31, 2020 due to technical glitches.
 - Rule 117(4) – Due date for late filing TRAN 2 due to technical glitches extended from Jan 31, 2020 to Apr 30, 2020.
 - Registration application form REG 01 is amended to incorporate details of SEZ Unit/ Developer.
 - Form GSTR 3A – Wordings in the notice changed so that tax liability may (instead of 'will') be assessed as per law.
 - Form INV 01 – Schema for generation of invoice reference number explained.
32. Noti 1/2020 CT dt Jan 1, 2020: Sec 92 to 112 of Finance (No 2) Act, 2019 contained various amendments proposed in CGST. However, their effective dates were not given. Few of those sections have been made effective from Jan 1, 2020 vide this notification. This notification states that following amendments would be effective from Jan 1, 2020.
- i. Sec 10(1): wef Feb 1, 2019, person could opt for composition even if he is supplying services upto 10% of turnover or Rs 5 lacs whichever is more. This amendment states that interest income from deposits and loans would not be considered in this limit of 10% or Rs 5 lacs.
 - ii. Casual taxable person or non-resident taxable person shall not be eligible to opt for composition scheme.
 - iii. Sec 10(2A): Composition scheme for service providers is finally made effective.
 - iv. Expl 1 and 2 to Sec 10: for the purpose of registration or payment of tax under Sec 10, turnover shall not include value of supply of services represented by way of interest or discount on deposits, loans or advances.
 - v. Sec 22: Limit for registration in case of persons dealing exclusively in goods increased from Rs 20 lacs to Rs 40 lacs. A person shall be considered as exclusively engaged in supply of goods even if there is interest income from loans and deposits.
 - vi. Sec 25(6A): For every registered person, furnishing of Aadhar number is made mandatory for continuing GST registration. Otherwise, the registration would be deemed to be cancelled. If an Aadhar is not assigned to the registered person, such person shall be offered alternate and viable means of identification in such manner as may be prescribed.

- Sec 25(6B): Furnishing of Aadhar number is made mandatory for new GST registration.
- vii. New Sec 31A: Govt may prescribe class of registered persons who would be required to provide facility of prescribed modes of electronic payment.
- viii. Sec 44: Powers to extend the due date for filing annual return is delegated to Commissioner. So, now, no need to approach GST council for extension of due date for annual return.
- ix. **Sec 49(10): Amount may be transferred from any head such as tax, interest, penalty, fee or any other amount to any other head and between IGST, CGST, SGST, UTGST etc. Such transfer would be possible only for cash ledger and not for credit ledger.**

Such transfer shall be deemed to be a refund. Amount transferred to electronic cash ledger shall be treated as deposit.

- x. Sec 171(3A): If it is concluded that any registered person has profiteered u/s 171(1), then penalty equal to 10% of the amount so profiteered shall be levied. However, such penalty shall not be leviable if the profiteered amount is deposited within 30 days of passing the order.
33. Noti 76 to 78/2019 CT dt Dec 26, 2019: Seeks to extend certain due dates in Assam, Manipur, Meghalaya or Tripura.
34. Noti 75/2019 CT dt Dec 26, 2019: Seeks to carry out changes in CGST Rules and these rules may be called CGST (Ninth Amendment) Rules, 2019. Important amendments are:
- Rule 36(4) provides for restriction of availing ITC to the extent of 120% of amount appearing in GSTR 2A. **Such restriction would be reduced to 110% wef Jan 1, 2020.**
 - Rule 86A inserted which allows officer not below the rank of Assistant Commissioner to restrict utilization of credit in electronic credit ledger if he has reason to believe that such credit is fraudulently availed or he is ineligible for it. Such restriction would can be removed if the officer believes that conditions for disallowing the credit no more exist.
Such restriction once imposed would be valid for one year.
 - Clause ('c) inserted in Rule 138E to provide that the person who does not file GSTR 1 for two months or quarters would not be eligible to generate e-way bills.
35. Noti 74/2019 CT dt Dec 26, 2019: **Late fee payable u/s 47 for late filing of GSTR 1 would be waived for the periods from July 2017 to November 2019 if such returns are filed between Dec 19, 2019 to Jan 10, 2020.**

36. Noti 73/2019 CT dt Dec 23, 2019: Due date of 3B for November 2019 extended from Dec 20, 2019 to Dec 23, 2019.

37. Noti 72/2019 CT dt Dec 13, 2019: Seeks to notify class of persons to whom QR code would be applicable. It states that invoice issued by registered persons having aggregate turnover exceeding Rs 500 crore to an unregistered person shall have QR code.

Provided that where such registered person makes a Dynamic Quick Response (QR) code available to the recipient through a digital display, such B2C invoice issued by such registered person containing cross-reference of the payment using a Dynamic Quick Response (QR) code, shall be deemed to be having Quick Response (QR) code.

This notification shall come into force wef Apr 1, 2020.

38. Noti 71/2019 CT dt Dec 13, 2019: Sixth proviso was added to Rule 46 vide Noti 31/2019 CT to state that tax invoice to have quick response (QR) code. This notification specifies that it would be effective from Apr 1, 2020.

39. Noti 70/2019 CT dt Dec 13, 2019: Seeks to notify class of registered persons to whom e-invoice u/r 48(4) would apply. Those would be persons whose annual turnover in the preceding financial year exceeds **Rs 100 crore** and it will be effective from Apr 1, 2020.

40. Noti 69/2019 CT dt Dec 13, 2019: Seeks to notify common portal for the purpose of e-invoice u/r 48(4). These are

www.einvoice1.gst.gov.in,
www.einvoice2.gst.gov.in,
www.einvoice3.gst.gov.in upto
www.einvoice10.gst.gov.in.

It will be effective from Jan 1, 2020.

41. Noti 68/2019 CT dt Dec 13, 2019: Seeks to carry out changes in CGST Rules and these rules may be called CGST (Eighth Amendment) Rules, 2019. Important amendments are:

- Rule 48(4) inserted to provide for online invoicing (e-invoice) for specified persons.
- Invoice issued by person to whom Rule 48(4) applies in any other manner shall not be treated as invoice.

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42. Noti 63 to 67/2019 CT dt Dec 12, 2019: Seeks to extend certain due dates in Jammu and Kashmir.
 43. Noti 62/2019 CT dt Nov 26, 2019: Seeks to notify the transition plan with respect to J&K reorganization w.e.f. 31.10.2019.
 44. Noti 57 to 61/2019 CT dt Nov 26, 2019: Seeks to extend certain due dates in Jammu and Kashmir.
 45. Noti 56/2019 CT dt Nov 14, 2019: Seeks to carry out changes in CGST Rules and these rules may be called CGST (Seventh Amendment) Rules, 2019. Important amendments are:
 - a. Amendment in many statements of refund application Form RFD-01.
 - b. Amendments in Form GSTR-9 –
 - For FY 17-18 and 18-19, registered person shall have an option to fill Table 4B to 4E net of credit notes/ debit notes/ amendments in case there is any difficulty in reporting such details separately in this table.
 - In table 5D, 5E and 5F, for FY 2017-18 and 2018-19, the registered person shall have an option to either separately report his supplies as exempted, nil rated and Non-GST supply or report consolidated information for all these three heads in the “exempted” row only.
 - For FY 17-18 and 18-19, registered person shall have an option to fill Table 5A to 5F net of credit notes/ debit notes/ amendments in case there is any difficulty in reporting such details separately in this table.
 - In Table 6B, 6C or 6D, for FY 2017-18 and 2018-19, the registered person shall have an option to either report the breakup of input tax credit as inputs, capital goods and input services or report the entire input tax credit under the “inputs” row only.
 - For FY 2017-18 and 2018-19, the registered person shall have an option to either report Table 6C and Table 6D separately or report the consolidated details of Table 6C and 6D in Table 6D only.
 - In Table 6E, for FY 2017-18 and 2018-19, the registered person shall have an option to either report the breakup of input tax credit as inputs and capital goods or report the entire input tax credit under the “inputs” row only.
 - For FY 2017-18 and 2018-19, the registered person shall have an option to either fill his information on reversals separately in Table 7A to 7E or report the entire

amount of reversal under Table 7H only. However, reversals on account of TRAN-1 credit (Table 7F) and TRAN-2 (Table 7G) are to be mandatorily reported.

- For FY 2018-19, it may be noted that the FORM GSTR-2A generated as on the 1st November, 2019 shall be auto-populated in table 8A. For FY 2017-18 and 2018-19, the registered person shall have an option to upload the details for the entries in Table 8A to 8D duly signed, in PDF format in FORM GSTR-9C (without the CA certification).
- For FY 2017-18 and 2018-19, the registered person shall have option not to fill table no 12 (Reversal of ITC availed during previous year).
- For FY 2017-18 and 2018-19, the registered person shall have option not to fill table nos 15A to 15G (which relates to refunds claimed/ demands raised etc).
- For FY 2017-18 and 2018-19, the registered person shall have option not to fill table nos 16A (supplies from composition persons), 16B (deemed supply u/s 143) and 16C (goods sent on approval basis but not returned).
- For FY 2017-18 and 2018-19, the registered person shall have option not to fill table nos 17 (HSN wise summary of outward supplies) and 18 (HSN wise summary of inward supplies).
- There are many more changes in the instructions. Only important ones are considered above. Please refer updated instructions for more details.
- There are few other small and technical amendments which are not covered here.

c. Amendments in Form GSTR-9C –

- For FY 17-18 and 18-19, the registered person shall have an option to not fill table 5B to 5N. If there are any adjustments required to be reported then the same may be reported in Table 5O.
- For FY 2017-18 and 2018-19, the registered person shall have option not to fill table nos 12B (ITC booked in earlier FY claimed in current FY) and 12C (ITC booked in current FY to be claimed in subsequent FY).
- For FY 2017-18 and 2018-19, the registered person shall have option not to fill table nos 14 (Reconciliation of ITC declared in Annual Return (GSTR 9) with ITC availed on expenses as per audited Annual Financial Statement or books of account).

- Part B – Certification by auditor amended. Two main changes done – Earlier, cash flow statement was required to be submitted, now it is to be provided if available. Earlier it was stated that particulars in GSTR-9C are “true and correct”, now it says “true and fair”.
46. Noti 55/2019 CT dt Nov 14, 2019: Due date for GSTR-7 (return of TDS deducted u/s 51) for the months of July to Sep 2019 extended in Jammu & Kashmir till Nov 15, 2019.
 47. Noti 54/2019 CT dt Nov 14, 2019: Due date for 3B for the months of July to Sep 2019 extended in Jammu & Kashmir till Nov 20, 2019.
 48. Noti 53/2019 CT dt Nov 14, 2019: Due date for GSTR-1 for the months of July to Sep 2019 extended in Jammu & Kashmir till Nov 15, 2019.
 49. Noti 52/2019 CT dt Nov 14, 2019: Due date for GSTR-1 for quarter July to Sep 2019 extended in Jammu & Kashmir till Nov 30, 2019.
 50. Noti 51/2019 CT dt Oct 31, 2019: Procedural amendment for jurisdiction over newly formed UT of J&K and Ladakh.
 51. Noti 50/2019 CT dt Oct 24, 2019: Due date extended -

Sl No	Form No	For the Quarter	Original due date	Extended due date
1	CMP-08 (return for composition persons for goods or services)	Jul 2019 to Sep 2019	Oct 18, 2019	Oct 22, 2019

52. Noti 49/2019 CT dt Oct 9, 2019: Seeks to carry out changes in CGST Rules and these rules may be called CGST (Sixth Amendment) Rules, 2019. Important amendments are:
 - d. Small amendment in Rule 21A: A person during suspension of registration shall not be able to issue tax invoice and shall not be able to charge tax on supplies made during suspension.
 - e. Another small amendment in Rule 21A: Where the suspension is revoked, provisions of Sec 31(3)(a) of CGST Act (ie issuance of revised invoice within one month of registration) and Sec 40 (declaration of turnover in first return) would apply.

- f. **Very important amendment** – New Rule 36(4) inserted: **ITC to be claimed cannot exceed 120% of ITC credit available in GSTR 2A.**
- g. Amendment in Rule 117(1A): Commissioner on the recommendation of the council has been empowered to allow filing of TRAN-1 (for claiming transitional credits) upto Dec 31, 2019 (earlier it was Mar 31, 2019).
- h. Amendment in Rule 117(4): Persons who are allowed to file TRAN-1 under Rule 117(1A) shall be allowed to file TRAN-2 upto Jan 31, 2020 (earlier it was Apr 30, 2019).
- i. Rule 142(1A) inserted: Amount of tax, interest and penalty ascertained to be payable u/s 73(1) or 74(1) to be first communicated in Part A of Form DRC-01A.
- j. Rule 142(2A) inserted: The person may in response to communication in Part A of Form DRC-01A, make payment or file submission against the liability in Part B of Form DRC-01A.
53. Noti 48/2019 CT dt Oct 9, 2019: Amendment to Noti 41/2019 CT - Certain due dates further extended for specified areas.
54. Noti 47/2019 CT dt Oct 9, 2019: Very important and misleading notification which states that filing of annual return in GSTR 9 would be optional for financial years 2017-18 and 2018-19 for those persons whose annual turnover is upto Rs 2 crore and who have not already filed their annual returns. However, since revision of return is not allowed, it would be in the interest of the persons to file GSTR 9 to understand the differences, if any.
55. Noti 46/2019 CT dt Oct 9, 2019: Due dates prescribed -

Sl No	Form No	For the Months	Due date
1	GSTR-1 (for registered persons having aggregate turnover more than Rs 1.5 crore in preceding financial year or the current financial year)	From Oct 2019 to Mar 2020	Prescribed: 11th from end of the month

56. Noti 45/2019 CT dt Oct 9, 2019: Due dates prescribed -

Sl No	Form No	For the Quarter	Prescribed due date
1	GSTR-1 (for registered persons having aggregate turnover upto Rs 1.5 crore)	Oct 2019 to Dec 2019	Jan 31, 2020

	during preceding financial year or the current financial year)		
2	- Do -	Jan 2020 to Mar 2020	Apr 30, 2020

57. Noti 44/2019 CT dt Oct 9, 2019: Due dates for filing 3B and payment of taxes prescribed -

Sl No	Form No	For the Months	Prescribed Due date
1	GSTR-3B	From Oct 2019 to Mar 2020	20th from end of the month

58. Noti 43/2019 CT dt Sep 30, 2019: As per Noti 14/2019 CT, manufacturers of certain goods are not eligible for composition scheme u/s 10(1) of CGST Act. Aerated Water (HSN: 22021010) is added in the said list.

59. Noti 42/2019 CT dt Sep 24, 2019: In Rules 91, 94 and 95 of CGST Rules, the words 'payment advice' wherever occur was replaced by 'payment order' vide Noti 31/2019 CT. it is now made effective from Sep 24, 2019.

60. Noti 41/2019 CT dt Aug 31, 2019: In case of certain specified areas, due date of filing GSTR 1 (details of outward supplies), GSTR 6 (ISD) for the month of July 2019 extended to Sep 20, 2019.

61. Noti 40/2019 CT dt Aug 31, 2019: In case of certain specified areas, due date of filing GSTR 7 (TDS return u/s 51) for the month of July 2019 extended to Sep 20, 2019.

62. Noti 39/2019 CT dt Aug 31, 2019: Vide Sec 103 of Finance Act (No 2), 2019, Sub-sec 8A is inserted in Sec 54 to state that Govt may disburse the refund of state tax in such manner as may be prescribed. This is made effective from Sep 1, 2019.

63. Noti 38/2019 CT dt Aug 31, 2019: ITC-04 is to be filed quarterly for goods sent and received from job worker. No need to file the same for the periods July 2017 to March 2019. However, where the goods sent during above period and are not received back or supplier from place of job worker till Mar 31, 2019 are to be reported in ITC 04 for the quarter ended June 30, 2019.

64. Noti 37/2019 CT dt Aug 21, 2019: Due date of filing 3B for the month of July 2019 extended from Aug 20, 2019 to Aug 22, 2019. For many rain affected areas, it is extended to Sep 20, 2019.

65. Noti 36/2019 CT dt Aug 20, 2019: Provisions of Rule 138E (relating to blocking and unblocking of e-way bill) would be made applicable from Nov 21, 2019 instead of Aug 21, 2019 earlier.

66. Noti 35/2019 CT dt Jul 29, 2019: Due date extended -

Sl No	Form No	For the Quarter	Extended due date
1	CMP-08 (return for composition persons for goods or services)	Apr 2019 to Jun 2019	Aug 31, 2019

67. Noti 34/2019 CT dt Jul 18, 2019: Due date extended -

Sl No	Form No	For the Quarter	Extended due date
1	CMP-08 (return for composition persons for goods or services)	Apr 2019 to Jun 2019	July 31, 2019

68. Noti 33/2019 CT dt Jul 18, 2019: CGST (Fifth Amendment) Rules, 2019 -

- Small amendment in Rule 12 relating to Grant of registration to persons required to deduct tax at source or to collect tax at source.
- Rule 46 amended – Sec 31(3)(b) provides that tax invoice may not be issued if value of supply is less than Rs 200. Wef Sep 1, 2019, it is provided that such benefit would not be applicable to supplier engaged in making supply of services by way of admission to exhibition of cinematograph films in multiplex screens.
- Rule 54(4A) inserted – Wef Sep 1, 2019, supplier engaged in making supply of services by way of admission to exhibition of cinematograph films in multiplex screens would be required to issue electronic ticket and it shall be deemed to be a tax invoice.
- Rule 83B inserted: GST practitioner may apply for surrender of his enrolment.
- Amendment in Rule 138E – Regd person shall not be able to issue e-way bill if his returns are pending for two months/ quarters. In such case, on sufficient cause, he may apply in EWB-05 electronically to seek permission to issue e-way

bill. Order, subject to such conditions as may be specified, would be received in EWB-06.

- Statement 5B of Form RFD-01 and 01A substituted.

69. Noti 32/2019 CT dt Jun 28, 2019: Due date extended -

Sl No	Form No	For the Quarter	Extended due date
1	ITC-04 (return of goods dispatched to a job worker or received from a job worker or sent from one job worker to another)	From July 2017 to Jun 2019	Aug 31, 2019

70. Noti 31/2019 CT dt Jun 28, 2019: CGST (Fourth Amendment) Rules, 2019 -

- Rule 10A inserted – Bank account details to be furnished within 45 days of registration or due date of furnishing return u/s 39, whichever is earlier. It won't be applicable if registration obtained u/r 12 (TDS) or u/r 16 (regn by dept).
- Amendment in Rule 21: If bank account as required u/r 10A is not furnished, the registration granted would be liable for cancellation.
- Rule 32A inserted – Value of supply in case where Kerala Flood Cess is applicable.
- Rule 46 amended – From the date to be notified, tax invoice to have QR (quick response) code.
- Rule 49 amended – From the date to be notified, Bill of supply to have QR (quick response) code.
- Rule 66(2) amended – Once the deductor files return in GSTR-7, the amount shall be electronically made available in electronic cash ledger of deductee.
- Rule 67(2) amended – Once the electronic commerce operator files return in GSTR-8, the amount shall be electronically made available in electronic cash ledger of supplier.
- **Important: Rule 87(13) inserted - A registered person may, on the common portal, transfer any amount of tax, interest, penalty, fee or any other amount available in the electronic cash ledger under the Act to the electronic cash ledger for integrated tax, central tax, State tax or Union territory tax or cess in FORM GST PMT-09. It will be effective from the date to be notified.**

- Rule 95A inserted – It pertains to Refund of taxes to the retail outlets established in departure area of an international Airport beyond immigration counters making tax free supply to an outgoing international tourist.
- Proviso inserted in Rule 138 to state that validity of e-way bill can also be extended within 8 hours from the time of its expiry.
- Form GSTR—04 (return for composition persons) substituted.
- Some corrections in GSTR 9 – Change of dates wherever applicable from ‘Apr 2018 to Sep 2018’ changed to ‘Apr 2018 to Mar 2019’. Also, some corrections in instructions.
- Form GST PMT-07 (for transfer of amount from one account head to another in cash ledger) as per Rule 87(13) prescribed. It will be applicable from the date to be notified.
- Form DRC—03 (for intimation of payment made voluntarily or made against the show cause notice or statement) is substituted with new form. It appears that payment through DRC-03 can be made by utilizing credit ledger also.

71. Noti 30/2019 CT dt Jun 28, 2019: Registered persons supplying online information and database access or retrieval services from a place outside India to unregistered persons in India shall not be required to file annual return in Form 9 reconciliation statement in Form 9C.

72. Noti 29/2019 CT dt Jun 28, 2019: Due date prescribed -

Sl No	Form No	For the Months	Prescribed Due date
1	GSTR-3B	From July 2019 to Sep 2019	20th from end of the month

73. Noti 28/2019 CT dt Jun 28, 2019: Due date prescribed/ extended -

Sl No	Form No	For the Months	Due date
1	GSTR-1 (for registered persons having aggregate turnover more than Rs 1.5 crore)	From July 2019 to Sep 2019	Prescribed: 11th from end of the month

2	GSTR-2 (return for inward supply of goods or services as prescribed u/s 38(2))	From July 2019 to Sep 2019	To be notified.
3	GSTR-3 (return for inward and outward supply of goods or services as prescribed u/s 39(1))	From July 2019 to Sep 2019	To be notified.

74. Noti 27/2019 CT dt Jun 28, 2019: Due date prescribed -

Sl No	Form No	For the Quarter	Prescribed due date
1	GSTR-1 (for registered persons having aggregate turnover upto Rs 1.5 crore)	July 2019 to Sep 2019	Oct 31, 2018

75. Noti 26/2019 CT dt Jun 28, 2019: Due date extended -

No	Form No	For the Quarter	Prescribed due date
1	GSTR-7 (return of TDS deducted u/s 51)	From October 2018 to July 2019	Aug 31, 2018

76. Noti 25/2019 CT dt Jun 21, 2019: Provisions of Rule 138E (relating to blocking and unblocking of e-way bill) would be made applicable from Aug 21, 2019 instead of June 21, 2019 earlier.

77. Noti 23 and 24/2019 CT dt May 11, 2019:

Due date of GSTR 1 and 3B for Apr 2019 for few cyclone affected districts of Odisha extended to Jun 10 and 20, 2019.

78. Noti 22/2019 CT dt Apr 23, 2019:

Rule 138E has been made effective from June 21, 2019. It states that if return for two tax periods are not filed, he shall not be able to furnish the information in Part A of Form EWB 01 (e-way bill).

79. Noti 21/2019 CT dt Apr 23, 2019:

Quarterly CMP 08 to be filed by composition persons or persons paying tax @ 6% under composition scheme for supplier of services. It is to be filed till 18th of the

month following the quarter. Such persons would also file annual return in GSTR 4 on or before 30th of April following end of financial year.

80. Noti 20/2019 CT dt Apr 23, 2019:

- i. Second proviso added in Rule 23(1) regarding revocation of cancellation of registration. It states that all returns due from the date of cancellation (whether date of cancellation is prospective or retrospective) till the date of revocation of cancellation of registration should be filed within 30 days of revocation of cancellation of registration.
- ii. Rule 62(1) amended to state that composition persons paying tax u/s 10 or persons paying tax @ 6% under composition scheme for supplier of services shall file quarterly statement in Form GST CMP 08 till 18th day of month succeeding such quarter. They shall also file annual return in GSTR 4 till 30th April annually. Till now, composition persons were filing quarterly returns in GSTR 4; it is now replaced with CMP 08.
- iii. Form CMP 08 is given in the notification. It would accept negative figure also. If it results in negative tax, it can be carried forward for next period.

81. Noti 19/2019 CT dt Apr 22, 2019:

Due date of filing GSTR 3B for the month of March 2019 extended from April 20, 2019 to April 23, 2019.

82. Noti 18/2019 CT dt Apr 10, 2019:

Due date of filing GSTR 7 (TDS return u/s 51) for the month of March 2019 extended from April 10, 2019 to April 12, 2019.

83. Noti 17/2019 CT dt Apr 10, 2019:

Due date of filing GSTR 1 for the month of March 2019 extended from April 11, 2019 to April 13, 2019.

II. Central Tax (Rate) ('CTR') Notifications: Updated upto Apr 30, 2020

1. Noti 3/2020 CTR dt Mar 25, 2020: To give effect to 39th GST council meeting at Delhi, amendment in rates on goods wef Apr 1, 2020 (Noti 1/2017 CTR):
 - Handmade safety matches were taxable at 5%. Other matches were taxable at 18%. Now, all types of matches would be taxable at 12% under entry 75A.
 - Telephones with cellular networks or for other wireless networks and its parts were taxable at 12%. Now, it would be taxable at 18% under entry 379.
2. Noti 2/2020 CTR dt Mar 26, 2020: Wef Apr 1, 2020, rate on Maintenance, Repair and Overhaul (MRO) services in respect of aircraft reduced from 18% to 5% with full ITC.
3. Noti 1/2020 CTR dt Feb 21, 2020: Earlier, State Govt run lottery was liable at 12% and State Govt authorized was liable at 28%. Now, GST rate for all lottery would be 28% wef Mar 1, 2020.
4. Noti 29/2019 CTR dt Dec 31, 2019: Inclusion of certain services under RCM as per 38th GST council meeting held on Dec 18, 2019.
 - Entry 15 of Noti 13/2017 CTR related to renting of motor vehicle to a body corporate changed. Now RCM applicable where amount charged is inclusive of cost of fuel and where supplier has not issued invoice with separate 12% GST.
5. Noti 28/2019 CTR dt Dec 31, 2019: Changes in GST rates as per 38th GST council meeting held on Dec 18, 2019. These changes would be effective Jan 1, 2020.
 - Long term lease by Government Undertaking is exempt under sl no 41 of Noti 12/2017 CTR. Requirement of holding 50% ownership of Government is now reduced to 20%.
 - **Important condition is imposed for such exemption which states that the said land should be used for the purpose for which they are allotted (ie for industrial or financial activity in industrial or financial business area). In case of any violation, original lessor, original lessee, subsequent lessors and subsequent lessees shall be jointly and severally liable for payment of GST along with interest and penalty. Lease agreement must contain a clause to that effect.**
6. Noti 27/2019 CTR dt Dec 30, 2019: Changes in GST rates as per 38th GST council meeting held on Dec 18, 2019. These changes would be effective Jan 1, 2020.

- Polyethylene or polypropylene bags or sacks used for packing of goods would be taxable at 18% instead of 12% earlier.
 - Flexible intermediate bulk containers would be taxable at 18% instead of 12% earlier.
7. Noti 26/2019 CTR dt Nov 22, 2019: Services by way of job work in relation to bus body building is liable for tax @ 18%. It is clarified that 'bus body building' shall include building of body on chassis of any vehicle falling under chapter 87 (which mainly covers tractors, goods vehicles and motor vehicles for transport of 10 or more persons).
 8. Noti 25/2019 CTR dt Sep 30, 2019: Seeks to notify the grant of alcoholic liquor licence neither a supply of goods nor a supply of service as per Section 7(2) of CGST Act, 2017
 9. Noti 24/2019 CTR dt Sep 30, 2019: Seeks to amend notification No. 7/2019 CTR dt Mar 29, 2019 which prescribes RCM u/s 9(4) for promoters in case of real estate project. Entry related to RCM on purchase of Cement from unregistered person amended to specify that it shall be liable for RCM irrespective of whether condition of purchase of minimum 80% from registered persons is satisfied or not. It will be effective from Oct 1, 2019.
 10. Noti 23/2019 CTR dt Sep 30, 2019: Seeks to amend notification No. 4/2018 - Central Tax (Rate), dated the 25th January, 2018, by adding an explanation on the applicability of provisions related to supply of development rights.
 11. Noti 22/2019 CTR dt Sep 30, 2019: Seeks to amend Noti 12/2017 CTR to give effect to decisions taken in 37th GST council meeting was held at Goa on Sep 20, 2019

Scope of RCM u/s 9(3) increased. Important changes made wef Oct 1, 2019 are:

- Clause related services of music composer, photographer, artists etc amended.
- Supply of service by author to publisher now covered under RCM.
- Supply of services by way of renting of motor vehicle provided to body corporate if rate of GST applicable is 5% shall now be covered under RCM.
- Services of lending of securities would be under RCM.

12. Noti 21/2019 CTR dt Sep 30, 2019: Seeks to amend Noti 12/2017 CTR to give effect to decisions taken in 37th GST council meeting was held at Goa on Sep 20, 2019

Important changes made wef Oct 1, 2019 are:

- Services in relation to FIFA U-17 Womens World Cup 2020 would be exempt.

- Hotel accommodation upto Rs 1000 per unit per day would be exempt (till now, it was below Rs 1000, ie upto Rs 999).
- Services by way of storage or warehousing of cereals, pulses, fruits, nuts and vegetables, spices, copra, sugarcane, jaggery, raw vegetable fibres such as cotton, flax, jute etc., indigo, unmanufactured tobacco, betel leaves, tendu leaves, coffee and tea would be exempt.

13. Noti 20/2019 CTR dt Sep 30, 2019: Seeks to amend Noti 11/2017 CTR to give effect to decisions taken in 37th GST council meeting was held at Goa on Sep 20, 2019

Important changes made wef Oct 1, 2019 are:

- Hotel accommodation – Tariff more than Rs 7500 reduced from 28% to 18%.
- Hotel accommodation – Tariff more than Rs 1000 upto 7500 reduced from 18% to 12%.
- Outdoor catering reduced from 18% to 5% (except at hotels or for hotels having tariff more than Rs 7500).
- Restaurant service (other than at hotels having tariff more than Rs 7500) continues to be at 5%.
- Supply of food, etc by Indian Railways, IRCTC or their licensees continues to be at 5%.
- Services of accommodation, catering, restaurant service etc other than above would be chargeable at 18%.
- Renting of transport vehicles has been substituted with renting of transport vehicles **with operator** (SI No 10). It means renting of transport vehicles without operator would attract GST rate equal to rate of GST applicable on such vehicles (SI No 17).
- Job work in relation to diamonds – reduced from 5% to 1.50%.
- Supply of machine job work on goods owned by others such as engineering industry (except bus body building) – reduced from 18% to 12%. GST rate on bus body building continues to be at 18%.

14. Noti 19/2019 CTR dt Sep 30, 2019: Not much related to us.

15. Noti 18/2019 CTR dt Sep 30, 2019: Noti 2/2019 CTR provides for composition scheme for service providers by paying tax @ 6%. Person supplying certain goods are not eligible for this scheme. Supplier of aerated water is added in this list of certain goods.

16. Noti 17/2019 CTR dt Sep 30, 2019: Not much related to us. Amendment to Noti 26/2018 CTR - Intra-state supply of gold, silver, platinum by nominated agency to recipient for export within 90 days would be exempt.

17. Noti 16/2019 CTR dt Sep 30, 2019: Not much related to us.

18. Noti 15/2019 CTR dt Sep 30, 2019: Seeks to amend Noti 2/2017 CTR to give effect to decisions taken in 37th GST council meeting was held at Goa on Sep 20, 2019

Important changes made wef Oct 1, 2019 are:

- Dried tamarind (HSN 0813) – GST rate reduced from 5% to Nil.
- Plates and cups made of leaves/ flowers/ bark – 5% to Nil

19. Noti 14/2019 CTR dt Sep 30, 2019: Seeks to amend Noti 1/2017 CTR to give effect to decisions taken in 37th GST council meeting was held at Goa on Sep 20, 2019

Important changes made wef Oct 1, 2019 are:

- Wet grinder consisting of stones (HSN 8509) GST rate reduced from 12% to 5%.
- Cut and polished semi-precious stones – 3% to 0.25%.
- Uniform rate of 12% on Polypropylene/Polyethylene woven and non-woven bags and sacks, instead of earlier different rates of 5%/ 12%/ 18%.
- Caffeinated beverages – GST rate increased from 18% to 28% plus 12% Compensation Cess.
- Motor vehicles upto length 4000 mm and engine capacity upto 1200cc/ 1500cc for persons with orthopedic physical disability would be charged at 18%. There would no more be condition that the buyer cannot sale it within 5 years of purchase.

20. Noti 13/2019 CTR dt Jul 31, 2019: Wef Aug 1, 2019, hiring of Electric buses by local authorities would be exempt from GST.

21. Noti 12/2019 CTR dt Jul 31, 2019: GST rates on following goods reduced to 5% wef Aug 1, 2019 -

Sch No	SI No	HSN	Description	New applicable GST rate	Earlier rate
I	234B	8504	Charger or charging station for Electrically operated vehicles	5%	18%
I	242A	87	Electrically operated vehicles, including two and three wheeled electric vehicles	5%	12%

22. Noti 11/2019 CTR dt Jun 29, 2019: Retail outlets in the departure area of an international airport, beyond the immigration counters, making tax free supply of goods to an outgoing international tourist, entitled to claim refund of taxes paid on inward supplies.

23. Noti 10/2019 CTR dt May 10, 2019:

Option to choose old scheme of taxation for builders and promoters in case of real estate sector (construction of apartments) by filing Annexure IV has been extended from May 10, 2019 to May 20, 2019.

III. Integrated GST ('IT') Imp Notifications: Updated upto Apr 30, 2020

Subject matter of many of the notifications is already covered under Central Tax notifications. Also, some notifications are administrative or not related to our practice. Therefore, only important notifications as considered by us are covered here.

1. Noti 3/2020 Integrated tax Apr 8, 2020: Conditional lowering of interest rates in view of Corona lockdown. It is already discussed under central tax above.
2. Noti 2/2020 Integrated tax dt Mar 26, 2020: In case of supply of maintenance, repair or overhaul service in respect of aircrafts, aircraft engines and other aircraft components or parts supplied to a person for use in the course or furtherance of business, the place of supply of services shall be the location of the recipient of service.
3. Noti 4/2019 Integrated tax dt Sep 30, 2019: Seeks to notify the place of supply of R&D services related to pharmaceutical sector as per Section 13(13) of IGST Act, as recommended by GST Council in its 37th meeting held on 20.09.2019. In case of supply of research and development services related to pharmaceutical sector (10 services as specified in the notification) by a person located in taxable territory to a person located in the non-taxable territory, the place of supply of services shall be the location of the recipient of services subject to fulfillment of the specified conditions.

IV. Integrated GST – Rate ('ITR') Imp Notifications: Updated upto Apr 30, 2020

Most of the rate notifications are replica of Central Tax Rate notifications which we have enumerated above. Effort has been to exclude such duplicate notifications and cover only those notifications which are relevant for us as independent IGST Rate notifications.

1. Noti 16/2019 ITR dt Sep 30, 2019: Seeks to amend notification No 3/2017-Integrated Tax (Rate) dated 28.6.2017 so as to extend concessional IGST rates to specified projects under Hydrocarbon Exploration Licensing Policy (HELP) or Open Acreage Licensing Policy (OALP), and other changes.

V. Compensation Cess ('CS') Notifications: Updated upto Apr 30, 2020

1. Nil

VI. Compensation Cess Rate ('CSR') Notifications: Updated upto Apr 30, 2020

1. Noti 3/2019 Compensation Cess (Rate) dt Sep 30, 2019: Seeks to disallow the refund of compensation cess in case of inverted duty structure for tobacco and manufactured tobacco substitutes.
2. Noti 2/2019 Compensation Cess (Rate) dt Sep 30, 2019: Seeks to amend Noti 1/2017 Compensation Cess (Rate) to give effect to decisions taken in 37th GST council meeting was held at Goa on Sep 20, 2019. It will be effective from Oct 1, 2019.
 - Caffeinated beverages – GST rate increased from 18% to 28% plus Compensation Cess increased from Nil to 12%.
 - Motor vehicles for transport of not more than 13 persons had compensation cess rate of 15% irrespective of its length and cc. Now, such motor vehicles for transport which fall in SI No 50 (LPG or CNG vehicle having length upto 4000 mm and cc upto 1200 cc) or SI No 51 (Diesel vehicle having length upto 4000 mm and cc upto 1500 cc).
 - SI No 46 - Certain motor vehicles for persons with orthopedic disability would be exempt from Cess.
3. Noti 1/2019 Compensation Cess (Rate) dt Jun 29, 2019: Exempts supply of goods by a retail outlet established in the departure area of an international airport, beyond the immigration counters, to an outgoing international tourist, from the whole of the goods and services tax compensation cess leviable thereon under section 8 of the Goods and Services tax (Compensation to States) Act.

VII. Circulars (clarifications) under CGST: Updated upto Apr 30, 2020

1. Cir 137/7/2020 GST dt Apr 13, 2020: Further to Cir 136/6/2020 GST dt Apr 3, 2020, some more clarifications given:
 - If advance for service is received and invoice is raised and subsequently, service contract is cancelled, then credit note is to be issued and it should be reported in return period for the month in which such credit note is issued. No need to file separate refund claim. However, in cases where there is no output liability against which a credit note can be adjusted, registered persons may proceed to file a claim under "Excess payment of tax, if any" through FORM GST RFD-01.

- In case GST is paid by the supplier on advances received for an event which got cancelled subsequently and for which no invoice has been issued in terms of section 31 (2) of the CGST Act, he is required to issue a “refund voucher” in terms of section 31 (3) (e) of the CGST Act read with rule 51 of the CGST Rules. The taxpayer can apply for refund of GST paid on such advances by filing FORM GST RFD-01 under the category “Refund of excess payment of tax”.
 - Important: In case where the goods supplied by a supplier are returned by the recipient and where tax invoice had been issued, the supplier is required to issue a “credit note” in terms of section 34 of the CGST Act. He shall declare the details of such credit notes in the return for the month during which such credit note has been issued. The tax liability shall be adjusted in the return subject to conditions of section 34 of the CGST Act. There is no need to file a separate refund claim in such a case. However, in cases where there is no output liability against which a credit note can be adjusted, registered persons may proceed to file a claim under “Excess payment of tax, if any” through FORM GST RFD-01.
 - In terms of Notification No. 35/2020-Central Tax, time limit for filing of LUT for the year 2020-21 shall stand extended to 30.06.2020 and the taxpayer can continue to make the supply without payment of tax under LUT provided that the FORM GST RFD-11 for 2020-21 is furnished on or before 30.06.2020. Taxpayers may quote the reference no of the LUT for the year 2019-20 in the relevant documents.
 - Important: The due date which falls during the period from March 20, 2020 to June 29, 2020 for furnishing of return in FORM GSTR-7 (TDS return) along with deposit of tax deducted for the said period has been extended till 30.06.2020 and no interest under section 50 shall be leviable if tax deducted is deposited by 30.06.2020.
2. Cir 136/6/2020 GST dt Apr 3, 2020: Clarification in respect of various measures announced by the Government for providing relief to the taxpayers in view of spread of Novel Corona Virus (COVID-19). Notification numbers 30 to 35 of 2020 CT have been issued by Government to provide various relief to the taxpayers. This circular clarifies certain issues that have arisen out of these notifications:
- Due dates of filing returns in 3B have not been extended for the months of Feb, Mar and Apr 2020. Reduced (no interest for first 15 days)/ Nil rate of interest, waiver in late fee is given provided tax is paid along with filing of 3B by the due dates specified in those notifications.

- If 3B is not filed before the due dates as specified in the notifications, then interest would be applicable from the original due date of filing the returns. Also, late would be applicable and penalty be levied.
 - Due dates for filing returns u/s 39(3) [ie TDS return], 39(4) [ie ISD] and 39(5) [ie non-resident taxable person] for the months of Mar, Apr and May 2020 have been extended to Jun 30, 2020. Therefore, there would be no liability to pay interest also if such returns are filed upto Jun 30, 2020.
 - Due dates for filing TCS returns u/s 52 for the months of Mar, Apr and May 2020 have also been extended to Jun 30, 2020.
 - Vide notification No. 35/2020- Central Tax, dated 03.04.2020, except for few provisions covered in exclusion clause, any time limit for completion or compliance of any action which falls during the period from the 20th day of March, 2020 to the 29th day of June, 2020, and where completion or compliance of such action has not been made within such time, has been extended to 30th day of June, 2020.
 - Query: Turnover of preceding financial year means which year? It is not clarified as to turnover of which preceding FY. Therefore, in my opinion, for the months upto March 2020, preceding year would mean FY 18-19. And for April, May 2020 etc, preceding year would mean FY 19-20 and accordingly eligibility for concessional rate of interest etc should be calculated.
3. Cir 135/5/2020 GST dt Mar 31, 2020: Clarification on refund related issues.
- Master Circular on Refunds is Cir No. 125/44/2019-GST dated 18.11.2019.
 - In view of judgement of Hon'ble Delhi High Court in Order dated 21.01.2020, in the case of M/s Pitambra Books Pvt Ltd and on perusal of Sec 16(3) of IGST Act and Sec 54(3) of CGST Act, the restriction on bunching of refund claims across financial years shall not apply.
 - Refund of accumulated ITC is allowed in case of inverted duty structure. However, accumulated ITC is due to reduction of tax rate of GST, it would not amount to inverted duty structure and such accumulated ITC would not be eligible for refund u/s 54(3)(ii).
 - Any such refund of tax paid on supplies other than zero rated supplies will now be admissible proportionately in the respective original mode of payment i.e. in cases of refund, where the tax to be refunded has been paid by debiting both electronic cash and credit ledgers (other than the refund of tax paid on

zero-rated supplies or deemed export), the refund to be paid in cash and credit shall be calculated in the same proportion in which the cash and credit ledger has been debited for discharging the total tax liability for the relevant period for which application for refund has been filed. Such amount, shall be accordingly paid by issuance of order in FORM GST RFD-06 for amount refundable in cash and FORM GST PMT-03 to re-credit the amount attributable to credit as ITC in the electronic credit ledger.

- It has been decided that the refund of accumulated ITC shall be restricted to the ITC as per those invoices, the details of which are uploaded by the supplier in FORM GSTR-1 and are reflected in the FORM GSTR-2A of the applicant. Accordingly, para 36 of the circular No. 125/44/2019-GST, dated 18.11.2019 stands modified to that extent.
 - New Requirement to mention HSN/SAC in Annexure 'B'
4. Cir 134/4/2020 GST dt Mar 23, 2020: Clarification in respect of issues under GST law for companies under Insolvency and Bankruptcy Code, 2016 (IBC).
- Dues under GST for pre-CIRP (Corporate Insolvency Resolution Process) period shall be treated as 'operational debt' and claim shall be filed by proper officer before NCLT.
 - It is clarified that the GST registration of an entity for which CIRP has been initiated should not be cancelled under the provisions of section 29 of the CGST Act. The proper officer may, if need be, suspend the registration.
 - IRP/RP are not under an obligation to file returns of pre-CIRP period.
 - The corporate debtor who is undergoing CIRP is to be treated as a distinct person of the corporate debtor and shall be liable to take a new registration in each State or Union territory where the corporate debtor was registered earlier, within thirty days of the appointment of the IRP/RP.
 - One may refer this circular and Noti 11/2020 CT dt Mar 21, 2020 to understand how to file first return after obtaining new registration, how to avail ITC, what if IRP/ RP has deposited cash in cash ledger of erstwhile registration etc.
5. Cir 133/3/2020 GST dt Mar 23, 2020: Clarification in respect of apportionment of input tax credit (ITC) in cases of business reorganization under section 18 (3) of CGST Act read with rule 41(1) of CGST Rules:

- In case of demerger, unutilized ITC shall be apportioned in the ratio of the value of assets of the new units. Question arises, how would such ratio be calculated if demerged unit has multiple registrations in many states (distinct persons). It is clarified that the required ratio is to be calculated at state level (and not at national level).
 - The formula for apportionment of ITC shall be applicable for all forms of business re-organization that results in partial transfer of business assets along with liabilities.
 - Important: Ratio of value of assets shall NOT be applied in respect of each of the heads of input tax credit viz. CGST/ SGST/ IGST. Ratio shall be applied on total amount.
 - The transferor shall be at liberty to determine the amount to be transferred under each tax head (IGST, CGST, SGST/UTGST) within this total amount, subject to the ITC balance available with the transferor under the concerned tax head.
 - For the purpose of apportionment of ITC under sub-rule (1) of rule 41 of the CGST Rules, while the ratio of the value of assets should be taken as on the “appointed date of demerger”, the said ratio is to be applied on the ITC balance of the transferor on the date of filing FORM GST ITC - 02 to calculate the amount of transferable ITC.
6. Cir 132/2/2020 GST dt Mar 18, 2020: Clarification in respect of appeal in regard to non-constitution of Appellate Tribunal. An appeal may be filed within 3 months with the Commissioner (Appeals) where the decision or order is passed by the Additional or Joint Commissioner; Appeal may be filed with any officer not below the rank of Joint Commissioner (Appeals) where the decision or order is passed by the Deputy or Assistant Commissioner or Superintendent.

The appellate tribunal has not been constituted in view of the order by Madras High Court in case of Revenue Bar Assn. v. Union of India and therefore taxpayers are unable to file second appeal with Tribunal, which is also required to be filed within 3 months.

So, it is clarified that such appeals may be filed within 3 months of date of communication of order or within 3 months of constitution of the tribunal, whichever is later.

7. Cir No 131/1/2020 GST dt Jan 23, 2020: Standard Operating Procedure (SOP) to be followed by exporters. The exporters whose scrolls have been kept in abeyance

should submit the information in the prescribed format – Annexure A and they should expect verification to be completed within 14 working days. Otherwise remedial measures have also been prescribed.

8. Cir No 130/49/2019 GST dt Dec 31, 2019: Clarification regarding applicability of RCM on renting of motor vehicle where cost of fuel is included in the consideration charged. RCM @ 5% would be applicable if following three conditions are satisfied:

- Supplier is other than body corporate,
- Supplier does not issue an invoice charging GST @ 12%, and
- Recipient of service is a body corporate.

9. Cir No 129/48/2019 GST dt Dec 24, 2019: SOP in case of non-filers of returns.

- System generated message shall be sent before **3 days** of due date for filing return.
- **5 days** after the due date, notice in Form GSTR 3A shall be issued requiring to file the return in 15 days.
- If return not filed within **15 days**, the proper officer shall proceed to assess tax liability u/s 62 to the best of his judgment. Then he would issue order Rule 100 in Form ASMT 13. He would also upload summary thereof in DRC 07.
- If return is filed within **30 days** of **service** of assessment order in ASMT 13, the assessment order shall be deemed to have been withdrawn u/s 62(2).
- If return not filed within 30 days, then proper officer may initiate proceedings u/s 78 and recovery u/s 79.
- In deserving case, commissioner may resort to provisional attachment u/s 83.

However, this circular does not clarify the position if pending returns are filed after 30 days of service of ASMT 13.

10. Cir No 128/47/2019 GST dt Dec 23, 2019: Generation of quoting of DIN on communication by officer of CBIC. Certain clarifications.

11. Cir No 127/46/2019 GST dt Dec 4, 2019: Circular No. 107/26/2019-GST dated 18.07.2019 wherein certain clarifications were given in relation to various doubts related to supply of Information Technology enabled Services (ITeS services) under GST is being withdrawn ab-initio.

12. Cir No 126/45/2019 GST dt Nov 22, 2019: Clarification on scope of the notification entry at item (id), related to job work, under heading 9988 of Notification No. 11/2017-Central Tax (Rate) dated 28-06-2017. Services by way of treatment or processing undertaken by a person on goods belonging to another registered person would be taxable at 12%. If another person is not registered, GST rate would be 18%.

13. Cir No 125/44/2019 GST dt Nov 18, 2019: This is a master circular on refund. It's a 29 page circular which clarifies the fully electronic refund process through FORM GST RFD-01 and single disbursement. This circular is partially amended by Cir 135/5/2020 GST dt Mar 31, 2020.
14. Cir No 124/43/2019 GST dt Nov 18, 2019: Persons with annual turnover upto Rs 2 crore are given an option to file or not to file GSTR 9 for FY 17-18 and 18-19. Composition persons who are required to file GSTR 9A are also given this option. All such persons shall not be able to file their annual returns after due date of filing the same.
15. Cir No 123/42/2019 GST dt Nov 11, 2019: Provides clarifications relating to availment of ITC in terms newly inserted restrictions u/r 36(4) vide Noti No 49/2019 CT. Important ones are:
 - i. Restrictions not imposed through common portal. Calculations to be done by registered person himself.
 - ii. Available credit to be calculated on total basis and not supplier wise.
 - iii. Some case studies for calculations are given.
16. Cir No 122/41/2019 GST dt Nov 5, 2019: Document Identification Number (DIN) would be mentioned on prescribed communications from officers of CBIC. it would be applicable from Nov 8, 2019. Applicable website is cbicddm.gov.in. The receiver can verify the genuineness of communication by entering the DIN at Verify CBIC DIN window at cbic.gov.in.
17. Cir No 121/40/2019 GST dt Oct 11, 2019: GST would not be applicable on license fee charged by the States for grant of Liquor licences to vendors.
18. Cir No 120/39/2019 GST dt Oct 11, 2019: Effective date of explanation inserted in Noti 11/2017 CTR at Sl No 3(vi) would be Sep 21, 2017 (date of inception of entry) and not July 27, 2018. It provides for definition of business for that sub-entry.
19. Cir No 119/38/2019 GST dt Oct 11, 2019: Lending fee charged on lending of securities through intermediaries is liable for GST as IGST. It is to be discharged by lender under forward charge for the period July 1, 2017 to Sep 30, 2019. It is to be discharged by borrower under RCM as IGST.
20. Cir No 118/37/2019 GST dt Oct 11, 2019: Place of supply in case of software/design services related to Electronics Semi-conductor and Design Manufacturing (ESDM) industry would be location of service recipient u/s 13(2) of IGST Act and not as per Sec 13(3)(a) of IGST Act.

21. Cir No 117/36/2019 GST dt Oct 11, 2019: Maritime courses conducted by Maritime Training Institutes of India are recognized by law and therefore exempt from GST.
22. Cir No 116/35/2019 GST dt Oct 11, 2019: Levy of GST on service of display of name of donors in the premises of charitable organizations. If display is individual name where there is no advertising or promotion of business, then GST would not be leviable. Otherwise, it would be leviable. Some examples given in the circular.
23. Cir No 115/34/2019 GST dt Oct 11, 2019: Clarification on levy of GST on airport levies (Passenger Service Fee (PSF) and User Development Fee (UDF)). Airlines act as pure agent of airport operators and therefore, airport operators to pay GST on such levies. Passenger to take ITC on the basis of Pure Agent's bill.

I fail to understand whether this is a clarification or more confusion. How would the ITC would flow from airlines to passengers if that GST is paid by airport operators?

24. Cir No 114/33/2019 GST dt Oct 11, 2019: Clarification on scope of support services to exploration, mining or drilling of petroleum crude or natural gas or both.
25. Cir No 113/32/2019 GST dt Oct 11, 2019: Clarification on GST rates and classification of goods given in case of certain goods: Few important of them are as below:
 - i. Leguminous vegetables (HSN 0713) if subjected to mere heating to remove moisture would still be classified under 0713. But if something like salt, oil etc is mixed, it will treated as namkeen (HSN 2106).
 - ii. Almond milk would be taxable at 18%.
 - iii. Mechanical sprayers of all types would be taxable at 12%.
 - iv. Parts including Solar Evacuated Tube falling under chapter 84, 85 and 94 for the manufacture of solar water heater and system will attract 5% GST.
 - v. 12% IGST would be applicable on the parts and accessories suitable for use solely or principally with a medical device falling under heading 9018, 9019, 9021 or 9022 in terms of chapter note 2 (b).
26. Cir No 112/31/2019 GST dt Oct 3, 2019: Circular No. 105/24/2019-GST dated 28.06.2019 wherein certain clarifications were given in relation to various doubts related to treatment of secondary or post-sales discounts under GST is withdrawn ab-initio.
27. Cir No 111/30/2019 GST dt Oct 3, 2019: Seeks to clarify procedure to claim refund in FORM GST RFD-01 subsequent to favourable order in appeal or any other forum.

28. Cir No 110/29/2019 GST dt Oct 3, 2019: Some persons have inadvertently filed Nil refund claims in RFD-01A/ RFD-01. Such persons would be allowed to re-file under “Any Other” category subject to certain conditions.
29. Cir No 109/28/2019 GST dt Jul 22, 2019: Issues related to GST on monthly subscription/contribution charged by a Residential Welfare Association (RWA) from its members.
 - Wef Jan 25, 2018, subscription upto Rs 7500 per member per month is exempt.
 - Basic exemption limit of Rs 20 lacs available to RWA.
 - If any member owns two or more flats, exemption limit of Rs 7,500 per month would be applicable for every flat.
 - If monthly amount exceeds Rs 7,500, GST @ 18% would be applicable on entire amount and not on amount exceeding 7,500.
 - ITC would be available as per the rules.
30. Cir No 108/27/2019 GST dt Jul 18, 2019: Clarification in respect of goods sent/taken out of India for exhibition or on consignment basis for export promotion. It will be treated as goods sent on approval u/s 31(7) read with Rule 55. If goods sold within six months, tax invoice would be issued as export (zero rated) and would be eligible for corresponding refund claim of unutilized ITC and not as refund of IGST.

If goods are not sold and not received within six months, tax invoice as export would be issued and benefit of zero-rating, including refund, shall not be available in respect of such supplies.
31. Cir No 107/26/2019 GST dt Jul 18, 2019: Clarification on doubts related to supply of Information Technology enabled Services (ITeS services)
32. Cir No 106/25/2019 GST dt Jun 29, 2019: Refund of taxes paid on inward supply of indigenous goods by retail outlets established at departure area of the international airport beyond immigration counters when supplied to outgoing international tourist against foreign exchange.
33. Cir No 105/24/2019 GST dt Jun 28, 2019: Clarification on secondary or post-sales discount. This is quite important as clarification given in some cases is contradictory to our normal understanding. This Circular is withdrawn vide Cir No 112/31/2019 GST dt Oct 3, 2019. Still, contents of this circular are discussed as below:
 - If the additional discount given by the supplier of goods to the dealer is the post-sale incentive requiring the dealer to do some act like undertaking special

- sales drive, advertisement campaign, exhibition etc., then such transaction would be a separate transaction and the additional discount will be the consideration for undertaking such activity and therefore would be in relation to supply of service by dealer to the supplier of goods.
- **It is further clarified that** if the additional discount is given by the supplier of goods to the dealer to offer a special reduced price by the dealer to the customer to augment the sales volume, then such additional discount would represent the consideration flowing from the supplier of goods to the dealer for the supply made by dealer to the customer. This additional discount as consideration, payable by any person (supplier of goods in this case) would be liable to be added to the consideration payable by the customer, for the purpose of arriving value of supply, in the hands of the dealer, under section 15 of the CGST Act. The customer, if registered, would be eligible to claim ITC of the tax charged by the dealer only to the extent of the tax paid by the said customer to the dealer in view of second proviso to sub-section (2) of section 16 of the CGST Act.
 - In case of financial/ commercial credit notes issued by supplier (without reversal of GST), the dealer pays to the supplier net of such credit note. However, recipient shall be eligible for entire credit as per original invoice if amount net of credit note is paid.
34. Cir No 104/23/2019 GST dt Jun 28, 2019: If refund application in Form RFD 01A is wrongly mapped on the common portal and if it is not possible to electronically re-assign to the correct officer, then application cannot be held up and it is to be processed by the officer to whom it is assigned.
35. Cir No 103/22/2019 GST dt Jun 28, 2019: Clarification on –
- Place of supply in case of services provided by ports would be determined as per Sec 12(2) or 13(2) of IGST Act and not as per Sec 12(3) of IGST Act (which is applicable for immovable property).
 - Place of supply in case of services rendered on unpolished diamonds received from abroad, which are exported after cutting, polishing etc would be determined as per Sec 13(2) if IGST Act, ie place of recipient of service would be place of supply.
36. Cir No 102/21/2019 GST dt Jun 28, 2019: Clarification regarding applicability of GST on **additional/ penal interest**. If such interest is charged by supplier of goods, it is liable for GST. However, if it is charged by financier company, then it would not be chargeable as it would be covered within meaning of interest as per SI No 27 of Noti 12/2017 CTR.
37. Cir No 101/20/2019 GST dt Apr 30, 2019: GST exemption on the upfront amount payable in **installments for long term lease of plots**, under Notification No.

12/2017, Central Tax (Rate), S.No. 41, dated 28.06.2017. It would be relevant in case plots given by MIDC and development done by Department of Railways.

38. Cir No 98/17/2019-GST dt Apr 23, 2019: Important circular regarding **manner of utilization of ITC**. Issues had cropped up after implementation of Sec 49A and 49B of CGST Act. Therefore, Rule 88A was inserted to prescribe proper way of utilization.

This circular clarifies that ITC of IGST to be first utilized against Liability of IGST and remaining ITC of IGST may be utilized for payment of liability under CGST, SGST or UTGST in any order or in any proportion.

However, ITC under CGST or SGST cannot be utilized until ITC of IGST is fully utilized.

Presently, the common portal is not supporting above order of utilization and therefore, taxpayers may continue to utilize their ITC as per functionality available on the common portal.

VIII. Circulars (clarifications) under IGST and Comp Cess: Updated till Apr 30, 2020

1. Nil

IX. Orders under GST: Updated till Apr 30, 2020

1. Order 1/2020 GST dt Feb 7, 2020: Further extension of time limit upto Mar 31, 2020 for submitting the declaration in FORM GST TRAN-1 under rule 117(1A) of the CGST Rules for persons who could not submit the same due to technical glitches.

X. Removal of Difficulty Orders under GST: Updated till Apr 30, 2020

1. Order No 10/2019 Central Tax dt Dec 26, 2019: Due date for filing Form 9, 9A and 9C further extended for FY 17-18 to Jan 31, 2020.
2. Order No 9/2019 Central Tax dt Dec 3, 2019: Due to non-constitution of appellate tribunal in many states, taxpayers/ department is not able to file appeal with it. Such appeals may be filed by taxpayer within 3 months of date of communication of order or within 3 months of constitution of the tribunal, whichever is later. Department has time availability of 6 months instead of 3 months.
3. Order No 8/2019 Central Tax dt Nov 14, 2019: Due date for filing Form 9, 9A and 9C further extended –
- For FY 17-18 to Dec 31, 2019,
 - For FY 18-19 to Mar 31, 2020.

4. Order No 7/2019 Central Tax dt Aug 26, 2019: Due date for filing Form 9, 9A and 9C further extended from Aug 31, 2019 to Nov 30, 2019.
5. Order No 6/2019 Central Tax dt Jun 28, 2019: Due date for filing Form 9, 9A and 9C further extended from Jun 30, 2019 to Aug 31, 2019.
6. Order No 5/2019 GST dt Apr 23, 2019: Sec 29(2) of CGST Act provides for cancellation of registration under certain circumstances. **Communication for the same may be done by sending e-mail or making it available on common portal.** Under sec 30(1), there is time limit of 30 days for revocation of such cancellation. U/s 107(1), appeal may be preferred within 3 months of receipt of order. U/s 107(4), the appellate authority may condone delay upto one month in filing the appeal.

In certain cases, all above time limits are exhausted. Being new law, proviso added in Sec 30(1), stating that in case of orders issued upto Mar 31, 2019, application of revocation of cancellation may be filed upto Jul 22, 2019.

XI. Mah State Govt Imp Notifications/ Amdmts: Updated upto Apr 19, 2020

1. Cir 1T of 2020 dt Feb 6, 2020: Master circular on reimbursement of SGST on tickets of movies. It is issued on same lines as earlier issued for Super 30 and Mission Mangal. GR is issued for two more movies – Panipat and Tanhaji – The Unsung Warrior.
2. Cir 53T of 2019 dt Nov 21, 2019: Participation of Taxpayers and GST Practitioners in user Acceptance Testing of New Returns Offline Tool and online version of Form GST ANX-1 and Form GST ANX-2.
3. Internal Cir 35A of 2019 dt Oct 19, 2019: Detailed guidelines relating to verification of TRAN 1 credits. This circular issues revised guidelines for verification credit as per revised return under MVAT, verification of CST declarations, verification of mis-matches/ un-matches etc, verification of MVAT credit in respect of cases allotted to central tax authorities, TRAN 1 verification process and Interest u/s 50 on excess credit availed in TRAN 1.
4. Cir 51T of 2019 dt Oct 5, 2019: The revamped helpdesk module is elaborated in detail. In this 10 page circular, it is explained how to raise an issue electronically.
5. Cir 47T of 2019 dt Aug 26, 2019: Submission of correct return under GST. For the purpose of internal settlement between state and center, it is important that certain details should be properly reported. The most important being non-reporting or part reporting of ineligible or blocked credit and reporting only net

effect may result in short settlement of ITC. Such type of error in filing 3B may also attract penal consequences.

XII. Press Releases: Updated upto Apr 30, 2020

1. Important: Mar 14, 2020: 39th GST council meeting was at Delhi.

- GST rate changes are already covered in notifications discussed above.
- Important: Sec 50: Interest for delay in payment of GST to be charged on the net cash tax liability w.e.f. 01.07.2017 (Law to be amended retrospectively).
- Important: Where registrations have been cancelled till 14.03.2020, application for revocation of cancellation of registration can be filled up to 30.06.2020 (extension of period of application as one-time measure to facilitate those who want to conduct business).
- Important: Limit for GST audit (GSTR 9C) has been enhanced to Rs 5 crore for FY 18-19.
- Due date for GST audit for FY 18-19 extended to Jun 30, 2020.
- Important: Late fees would not be levied for delay in filing annual return (GSTR 9/9A) and reconciliation statement in GSTR 9C for FY 17-18 and FY 18-19 for taxpayers having turnover less than Rs 2 crore.
- Important: A new facility called 'Know Your Supplier' to be introduced so as to enable every registered person to have some basic information about the suppliers with whom they conduct or propose to conduct business.
- The requirement of furnishing FORM GSTR-1 for 2019-20 to be waived for taxpayers who could not opt for availing the option of special composition scheme under notification No. 2/2019-Central Tax (Rate) dated 07.03.2019 by filing FORM CMP-02.
- Certain class of registered persons (insurance company, banking company, financial institution, non-banking financial institution, GTA, passenger transportation service etc.) to be exempted from issuing e-invoices or capturing dynamic QR code.
- To curb fake invoicing and fraudulent passing of ITC, restrictions to be imposed on passing of the ITC in case of new GST registrations, before physical verification of premises and Financial KYC of the registered person.

- Shri Nandan Nilekani was present in the meeting and some issues related to technology discussed and elaborated in the press release.
2. Sep 20, 2019: 37th GST council meeting was held at Goa and three press releases were issued. Most of these changes would be implemented wef Oct 1, 2019 on issuance of respective notifications. Important changes proposed are:

a. Reduction in GST rates:

- Hotels – Tariff more than Rs 7500 reduced from 28% to 18%.
- Hotels – Tariff more than Rs 1000 upto 7500 reduced from 18% to 12%.
- Outdoor catering reduced from 18% to 5% (except for hotels having tariff more than Rs 7500)
- Job work in relation to diamonds – reduced from 5% to 1.50%.
- Supply of machine job work such as engineering industry (except bus body building) – reduced from 18% to 12%.
- Services of warehousing of many products (including cotton, cereals, pulses, spices, sugarcane, jaggery and others) – would be exempt prospectively.
- Dried tamarind – 5% to Nil.
- Plates and cups made of leaves/ flowers/ bark – 5% to Nil
- Cut and polished semi-precious stones – 3% to 0.25%.
- Uniform rate of 12% on Polypropylene/Polyethylene woven and non-woven bags and sacks, instead of earlier different rates of 5%/ 12%/ 18%.
- 12% GST during the period 1.07.2017 to 31.12.2018, on pulley, wheels and other parts (falling under heading 8483) and used as parts of agricultural machinery.
- Compensation cess rate for some vehicles reduced from 15% to 1%/ 3%.
- To notify grant of liquor licence by State Governments against payment of license fee as a “no supply” to remove implementational ambiguity on the subject.

b. Increase in GST rates:

- Caffeinated beverages – 18% to 28% plus 12% Compensation Cess.

c. Other proposals

- Filing of GSTR 9, 9A and 9C made optional for FY 17-18 and FY 18-19 for persons having annual turnover upto Rs 2 crore.
- Some restrictions proposed for claiming ITC where supplier has not filed statement u/s 37 of CGST Act.
- New return filing system would be implemented from April 2020 instead of Oct 2019.
- Rescinding of Circular No.105/24/2019-GST dated 28.06.2019, ab-initio, which was issued in respect of post-sales discount.
- Aerated drink manufacturers shall be excluded from composition scheme.

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- Restriction on refund of compensation cess on tobacco products (in case of inverted duty structure).
 - Some clarifications given as regards applicability of GST rates – mechanical sprayers (12%), solar evacuation tubes (12%), Almond milk (18%) and more.
 - Option to pay RCM on renting of vehicles by corporates.
 - To increase the validity of conditional exemption of GST on export freight by air or sea by another year, i.e. till 30.09.2020
 - Few beneficial provisions for exports.
3. Aug 26, 2019: Due date for filing annual return in Form GSTR 9, 9A and reconciliation statement in GSTR 9C extended to Nov 30, 2019.
 4. Aug 23, 2019: Notice regarding Customs Brokers Examination, 2020.
 5. Aug 22, 2019: Sabka Vishwas – Legacy Dispute Resolution Scheme, 2019 would be applicable from Sep 1, 2019 to Dec 31, 2019. It covers many acts, mainly Excise and Service tax.
 6. Proposed amendments in 36th GST council meeting dt July 27, 2019:
 - a. Changes in rates:
 - GST on electric vehicles to be reduced from 12% to 5%.
 - Rate on chargers or charging stations for electric vehicles to be reduced from 18% to 5%.
 - Hiring of electric buses (of carrying capacity of more than 12 persons) by local authorities to be exempt.
 - Above three changes to be effective from Aug 1, 2019.
 - b. Changes in law:
 - Last date for filing CMP-02 (for availing composition option for service providers) extended from July 31, 2019 to Sep 30, 2019.
 - The last date for furnishing statement containing the details of the self-assessed tax in FORM GST CMP-08 for the quarter April, 2019 to June, 2019 (by taxpayers under composition scheme), to be extended from 31.07.2019 to 31.08.2019.
 7. July 19, 2019: **Important press release for us** – Some taxpayers committed errors in declaring export of service on payment of IGST or zero-rated supplies made to a SEZ unit/developer on payment of IGST. Instead of column 3.1(b) (zero rated supplies) of Form 3B, they showed under 3.1(a) (outward taxable supplies. Due to this, they were not able to file refund application in RFD 01A as refund claim is linked to column 3.1(b).

To give relief to such taxpayers, Cir 45/19/2018 dt May 31, 2018 was issued so that such taxpayers may file refund applications for the periods from July 2017 to Mar 2018 provided amount of refund claimed does not exceed sum of columns 3.1(a), 3.1(b) and 3.1(c) of Form GSTR 3B.

A corrigendum to this circular is issued so that the above relief is extended for the return periods upto June 30, 2019.

8. July 19, 2019: Clarification in respect of goods taken out of India for exhibition or on consignment basis for export promotion. A comprehensive clarification in this regard is issued vide Circular No. 108/27/2019-GST dated 18.07.2019. The same is presented in this release in simple language.
9. July 4, 2019: Suppliers of services or mixed supplies eligible composition scheme to pay tax @6% are required to file intimation in CMP-02. Last date to file such intimation was Apr 30, 2019. In 35th GST council meeting dated Jun 21, 2019, it has been decided to extend the same to July 31, 2019.
10. July 3, 2019: Second press release on annual return (GSTR-9) and reconciliation statement (GSTR-9C). This is quite important and gives clarification on many basic issues. One should go through the press release for better clarification. However, some important ones are:
 - ITC cannot be reversed or availed through annual return. If taxpayers find themselves liable for reversing any input tax credit, they may do the same through FORM GST DRC-03 separately.
 - If tax is payable as per annual return, it has to be paid through DRC-03. It is important to understand that there is no place for reporting payment made through DRC-03.
 - Refund (if eligible) may be applied through RFD-01A.
 - Taxpayers **need not be concerned about values reflected in Table 8D**. This information is needed by Government just for settlement purposes. However, in our opinion, if such value is negative, it should be a matter of concern because it is excess ITC claimed over that available in 2A. This may become subject matter of selection for scrutiny and disallowing ITC.
 - GSTR 2A of taxpayer would keep updating as and when supplier is filing his GSTR-1 (even after due date). However, auto populated 2A in Table 8A would be as on May 1, 2019 only.
 - Difficulty is faced by taxpayers to report information in Table 16A (supplies received from composition taxpayers) and Table 18 (HSN wise summary of inward supplies). Taxpayers are advised to report such data **to the best of their knowledge and records**. This data is only for information purposes and **reasonable/explainable variations** in the information reported in these tables will not be viewed adversely.

- Overlap of figures reported in Table 5D (exempted) and 5E (nil rated) would not be viewed adversely.
 - Reverse charge in respect of FY 17-18 paid during FY 18-19 to be reported in FY 18-19.
 - There are apprehensions that the chartered accountant or cost accountant may go beyond the books of account in their recommendations under FORM GSTR-9C. The GST Act is clear in this regard. With respect to the reconciliation statement, their role is limited to reconciling the values declared in annual return (FORM GSTR-9) with the audited annual accounts of the taxpayer.
 - For eligibility of filing 9C, turnover of all registrations on same PAN to be considered. The limit of Rs 2 crore to be considered for the period July 2017 to March 2018.
 - If the credit or debit note for any supply was issued and declared in returns of FY 2018-19 and the provision for the same has been made in the books of accounts for FY 2017-18, the same shall be declared in Pt. V of the annual return.
 - Reconciliation of input tax credit availed on expenses: Table 14 of the reconciliation statement calls for reconciliation of input tax credit availed on expenses with input tax credit declared in the annual return. It may be noted that only those expenses are to be reconciled where input tax credit has been availed. Further, the list of expenses given in Table 14 is a representative list of heads under which input tax credit may have been availed. The taxpayer has the option to add any head of expenses.
11. Jun 11, 2019: Transition plan to new return filing system.
- Main return form would be GST RET 1 and it would have two annexures ANX 1 (outward supply) and ANX 2 (inward supply).
 - There shall be trial run between July 2019 to Sep 2019. Till that time existing system of 3B and 1 shall continue.
 - ANX 1 may be uploaded on continuous basis.
 - For large taxpayers (ie persons having turnover in previous year more than 5 crore) would file monthly ANX 1 from Oct 2019. They shall stop filing GSTR 1 from October 2019.
 - Large taxpayers shall continue to file 3B for Oct 2019 and Nov 2019. Their first RET 1 shall be for the month of Dec 2019. Its due date shall be Jan 20, 2020.
 - Small taxpayers shall stop filing 3B from Oct 2019. They shall pay their taxes in GST PMT 08 (payment challan) from Oct 2019 onwards. Their first RET 1 shall be for the quarter Oct 2019 to Dec 2019. Needless to say, they shall not file GSTR 1 from quarters starting from Oct 1, 2019.
12. June 4, 2019: Clarifications on filing of annual return in GSTR 9. One should go through the press release for better clarification. However, some important ones are:

- Auto populated GSTR 2A shall be as on May 1, 2019. Thus, it appears that if GSTR-1 for March 2018 was filed by supplier after May 1, 2019, credit against the same would not appear in 2A of purchaser.
- Although some auto populated figures are based on GSTR-1, Part II and V of GSTR-9 are essentially driven by 3B (ie payment of tax).
- Auto populated figures are facilitating functionality. Persons should report data as per books or return filed.
- Payments made through FORM DRC-03 for any supplies relating to period between July 2017 and March 2018 will not be accounted for in FORM GSTR-9 but shall be reported during reconciliation in FORM GSTR-9C.
- IGST paid on imports during July 2017 to March 2018 but availed either during that period or during April 2018 to March 2019 to be reported in Table 6E only.

13. May 7, 2019: FAQ on real estate sector. It's a 16 page press release consisting of 41 questions. Some important points according to us are as below:

- Definition of on-going project as per Que 3 of this FAQ states that the project should commence before Mar 31, 2019; completion certificate or first occupation has not taken place before Mar 31, 2019 and apartments of the project have been **partly or wholly booked on or before Mar 31, 2019**. From this definition, it appears that even if single occupation is there in the building, it would not an on-gong project and therefore would not be eligible for old rate of tax.
- Rate of GST applicable on transfer of development rights (TDR), FSI and long term lease of land is well explained in Que 11. Also, their point of taxation explained in subsequent questions.
- Que 17 states that where option to pay tax under old rate is availed, builder would be entitled for ITC and **the price that he charges from the buyer should appropriately reflect this credit**.
- Que 22 well explains the tax scenario if flat booked before Mar 31, 2019 is cancelled after Apr 1, 2019.
- **Que 29 is very important. It defines 'first occupation' referred to in Noti 3/2019.**
- **Que 32 is very important. Rate of GST for contractor would be 12% if such work contract service is provided for construction of affordable residential apartments.**

- Que 39 clearly states that transfer of development rights by land owner (even if he is not into business of land) to promoter would amount to supply of service liable to GST.
- Que 40 states that where there is no booking before Mar 31, 2019, it cannot be called as on-going project.

14. Apr 16, 2019: Regarding examination for GST practitioners on Jun 14, 2019.

XIII. Other GST related Update: Updated upto Apr 30, 2020

1. Important: Finally, Form GST PMT 09 for transfer of cash ledger balances from one head to another and from one sub-head to another is now made operational from Apr 21, 2020.

Disclaimer:

All efforts have been made to ensure completeness of data. However, readers are advised to confirm from their own sources also. Further, interpretations given above are our personal opinions at M/s Umesh Agrawal and Associates. We are not responsible for any loss arising due to the above information.