

VIRTUAL MEETING

Latest GST Amendments and COVID-19 Relief Measures

Location: Your Home

Date: 14th April 2020

CA. M SELVA KUMAR



Agenda

1

- Updates on Refund

2

- Updates on Aadhar Authentication

3

- Other Procedural Updates

4

- GST Relief Measures through N.No. 30 to 36/2020 and C.No. 136&137/2020

Updates on Refund

- ***Freeze on Export Turnover of Goods***
- ***Recovery on Non-Realization of Proceeds on Export of Goods***
- ***Getting refund will be difficult***
- ***Refund will be given either through EcrL or Cash***



Updates on Refund

Freeze on Export Turnover of Goods – N.No.16/2020-CT dt. 23.03.2020

- **Rule No. 89(4)(c) – Definition of “Turnover of Zero-rated supply of Goods” shall be substituted as**

“Turnover of zero-rated supply of goods” means:

the **value of zero-rated supply of goods** made during the relevant period without payment of tax under bond or LUT or

the value which is **1.5 times the value of like goods domestically supplied by the same or, similarly placed, supplier**, as declared by the supplier,

whichever is less,

other than the turnover of supplies in respect of which refund is claimed under sub-rules (4A) or (4B) or both;”*

Updates on Refund

- ***Recovery on Non-Realization of Proceeds on Export of Goods*** – N.No.16/2020-CT dt. 23.03.2020
- **Rule No. 96B – Recovery of Refund**
- Sale proceeds of export of goods should be realised **within the time limit allowed under FEMA** or such extended time period
- If not realized, refund granted earlier will be **recovered along with interest within 30 days from the date of expiry of time limit**
- When recovered later within the time allowed by RBI, then amount recovered shall be refunded without interest provided evidence is produced within 3 months of realization
- If write-off of the amount permitted by RBI – No recovery of refund granted.

Updates on Refund

- ***Getting refund will be difficult - C.No. 135/2020 dt. 31st March 2020***
- **Point No. 2 – Bunching of Refund claims across financial years**
- **Point No. 3 – No Refund on account of accumulated ITC on account of reduced GST Rate***
- **Point No. 5 – Refund only if the Invoice appears in GSTR-2A**
- **Point No. 6 – Annexure-B is modified to include HSN/SAC for the invoices***

Updates on Refund

Refund will be given either through EcrL or Cash

- **N.No.16/2020-CT dt. 23.03.2020 r.w. Pt. No. 4 of C.No. 135/2020 dt. 31.03.2020**

- **Rule No. 86(4A) – Change in manner of 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 recredited to the electronic credit ledger** by the proper officer by an order made in **FORM GST PMT-03.**”

- **Rule No. 92(1A) – Refund other than Zero-rated supply**

Proper officer can make an order in **FORM RFD-06** sanctioning the amount of refund to be paid, in cash, **proportionate to the amount debited in cash** against the total amount paid for discharging tax liability for the relevant period, mentioning therein the amount adjusted against any outstanding demand under the Act or under any existing law and the balance amount refundable and for the **remaining amount which has been debited from the electronic credit ledger** for making payment of such tax, the proper officer shall issue **FORM GST PMT-03** re-crediting the said amount as Input Tax Credit in electronic credit ledger.”;

Updates on Aadhar Authentication

New Registration - Aadhar Authentication Mandatory

**N.No.16/2020, 18-2020, 19-2020
dt. 23.03.2020**

- **Aadhar authentication mandatory for (Other than Individual Assessee) w.e.f. 1st April 2020**
 - (a) authorised signatory of all types;
 - (b) Managing and Authorised partners of a partnership firm; and
 - (c) Karta of an Hindu undivided family, shall undergo authentication of possession of Aadhaar number
- **Aadhar authentication mandatory for (Individual) w.e.f. 1st April 2020**
- **Aadhar authentication mandatory Not Applicable for not a citizen of India or to a class of persons**



Updates on Aadhar Authentication

- “Provided that where a person, fails to undergo authentication of Aadhaar number as specified in sub-rule (4A) of rule 8, then the registration shall be granted only after **physical verification of the principle place of business in the presence of the said person**, not later than sixty days from the date of application, in the manner provided under rule 25 and the provisions of sub-rule (5) shall not be applicable in such cases.”
- Physical Verification shall be carried out by proper officer where Aadhar Authentication cannot be done before grant of Registration. Further Verification Report along with other documents including photographs shall be uploaded in Form **GST REG 30** within 15 days from the date of such verification



Other Procedural Updates

Generation of Invoice Reference

Number deferred till 30.09.2020 -

N.No.13/2020-CT dt. 21.03.2020

Quick Response (QR) Code for B2C

Invoice deferred till 30.09.2020

N.No.14/2020-CT dt. 21.03.2020

Exemption from Filing of GSTR 1

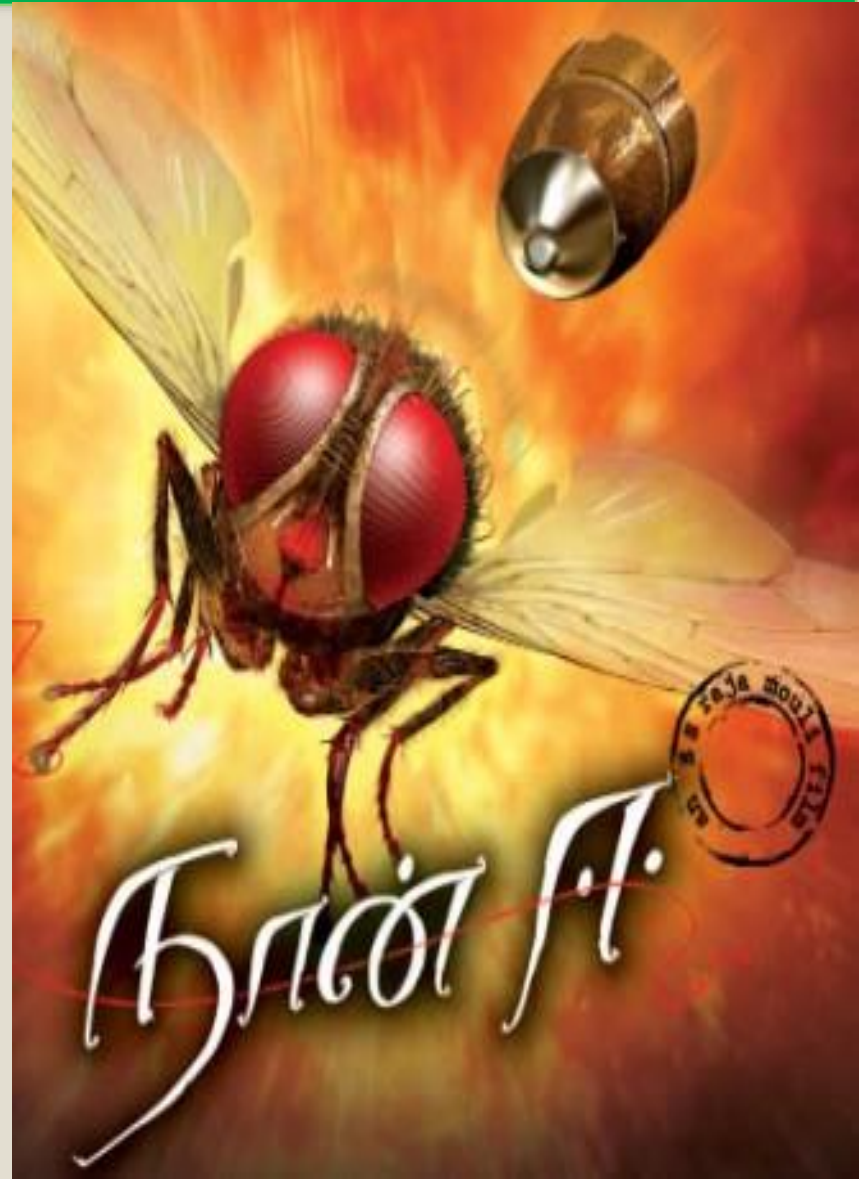
availing benefit of Notification No-

2/2019 dated 07.03.2019 -

N.No.12/2020-CT dt. 21.03.2020

Composition scheme for Service

Providers



Other Procedural Updates

C.No. 133/2020 dt. 23.03.2020 – **Clarification on Apportionment of ITC in case of business reorganization Sec. 18(3) r.w. R.No. 41(1)**

- a. **Demerger – Value of Asset** = “Total value of assets demerged” as approved by the scheme. It should be considered at the State level
- b. **Apportionment is Tax wise or on Full amount of ITC** – It should be calculated on full ITC and split between heads of tax based on ITC availability in the books of transferor
- c. **Dates relevant for Demerger - ITC balance** on the date of filing of ITC-02 should be considered. While, **Value of assets** should be calculated based on the value as on “Appointed Date of demerger” specified in the scheme.

Other Procedural Updates

Notification No. 11/2020 – Central Tax – dt. 21.03.2020 r.w. C.No. 134/2020 dt. 23.03.2020 – **Companies under IBC (Insolvency and Bankruptcy Code, 2016)**

- a. New Registration-** Registered persons undergoing the corporate insolvency resolution process shall take a new registration from the date of IRP/RP
- b. First Return-** After obtaining registration file the first return under section 40 of the said Act, from the date on which he becomes liable to registration till the date on which registration has been granted.
- c. Input Tax Credit-** In his first return, be eligible to avail input tax credit on invoices covering the supplies of goods or services or both, received since his appointment IRP/RP

Other Procedural Updates

- a) **Dues prior to Corporate Insolvency Resolution Process (CIRP)-**
The dues of the period prior to the commencement of CIRP will be treated as 'operational debt' and claims may be filed by the proper officer before the NCLT in accordance with the provisions of the IBC.
No coercive action for such dues.

- b) **Suspension of Registration-** The proper officer may, if need be, suspend GST registration of an entity for which CIRP has been initiated. In case the registration of an entity undergoing CIRP has already been cancelled and it is within the period of revocation of cancellation of registration, it is advised that such cancellation may be revoked by taking appropriate steps in this regard

- c) **GST Returns- IRP/RP are not under an obligation to file returns of pre-CIRP period**

Other Procedural Updates

GSTR-9C for FY 2018-19– Mandatory for tax payers whose aggregate turnover exceeds Rs. 5 Crores u/s. 35(5) N.No.16/2020-CT dt. 23.03.2020

GSTR-9 and GSTR-9C for FY 2018-19 – Extension of time till 30.06.2020 N.No.15/2020-CT dt. 23.03.2020

GSTR-1 from April to September 2020- N.No.27 and 28/2020-CT dt. 23.03.2020

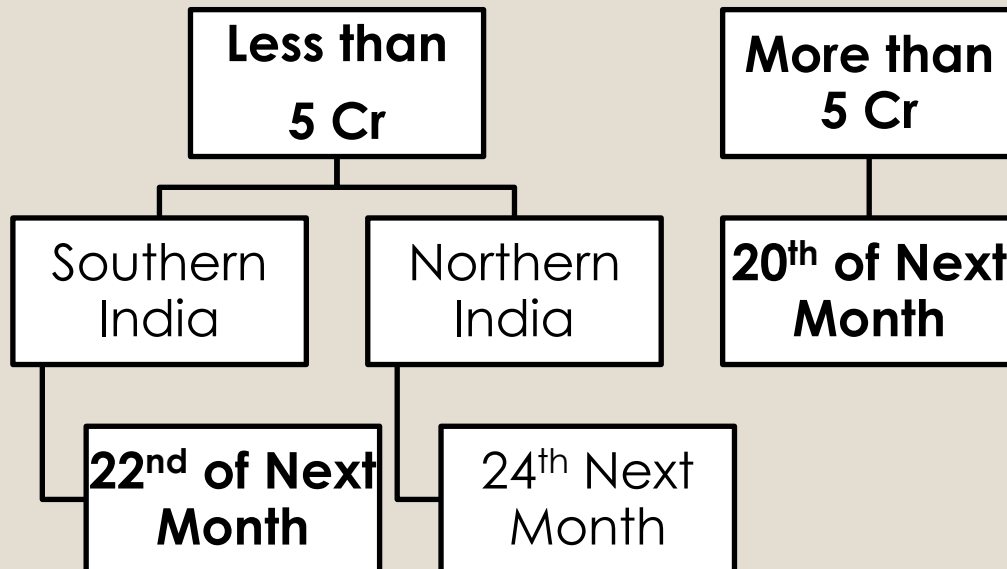
T.O > 1.5 Crores – 11th of Next month

T. O < 1.5 Crores – 31st July and 31st October 2020



Other Procedural Updates

Notification No. 29/2020 – Central Tax – dt. 23.03.2020 – **Due Date from April to September 2020**



Updates on Refund

- ***Getting refund will be difficult - C.No. 135/2020 dt. 31st March 2020***
- **Point No. 2 – Bunching of Refund claims across financial years**
- **Point No. 3 – No Refund on account of accumulated ITC on account of reduced GST Rate***
- **Point No. 5 – Refund only if the Invoice appears in GSTR-2A**
- **Point No. 6 – Annexure-B is modified to include HSN/SAC for the invoices***

GST Relief Measures through N.No. 30 to 36/2020 and C.No. 136/2020

Relief for GSTR-3B

T.O in PFY	Period	Interest relief till	Late fees relief till	N.No.
Up to Rs.1.5 Cr.	Feb-2020	30.06.2020	30.06.2020	31/2020 & 32/2020
	Mar-2020	03.07.2020	03.07.2020	
	Apr-2020	06.07.2020	06.07.2020	
> Rs. 1.5 Cr. and Up to Rs. 5 Cr.	Feb-2020	29.06.2020	29.06.2020	
	Mar-2020			
	Apr-2020	30.06.2020	30.06.2020	
More than Rs. 5 Cr.	Feb-2020	1st 15 days – 0% 16 TH day to 24.06.2020 – 9% Beyond 24.06.2020 – 18%	24.06.2020	
	Mar-2020			
	Apr-2020			

GST Relief Measures through N.No. 30 to 36/2020 and C.No. 136/2020

Relief for GSTR-3B

T.O in PFY	Period	Due Date	New Due Date	N.No.
Up to Rs. 5 Cr. (South India)	May-2020	22.06.2020	12.07.2020	36/2020
Up to Rs. 5 Cr. (North India)	May-2020	24.06.2020	14.07.2020	
More than Rs. 5 Cr.	May-2020	20.06.2020	27.06.2020	

Relief for GSTR-1 – Waiver of Late Fess

T.O in PFY	Period	Due Date	New Due Date	N.No.
Up to Rs. 1.5 Cr.	Jan to Mar 2020	30.04.2020	30.06.2020	33/2020
Above Rs. 1.5 Cr.	Mar to May 2020	11 th of Next Month	30.06.2020	

GST Relief Measures through N.No. 30 to 36/2020 and C.No. 136/2020

Relief for Composition Tax Payers

FORM NAME	Period	Due Date	New Due Date	N.No.
CMP-08	Qr. 31 st Mar 2020	18.04.2020	07.07.2020	34/2020
GSTR-4	FY 19-20	30.04.2020	15.07.2020	
CMP-02	FY 20-21	31.03.2020	30.06.2020	30/2020
ITC-03	FY 20-21	30.05.2020	31.07.2020	35/2020

Relief for other Tax Payers

Tax Payers	Period	New Due Date	N.No.
TDS/TCS/ISD/NRTP	March to May 2020	30.06.2020	35/2020

GST Relief Measures through Press Conference on 24th March 2020

N.No. 35/2020 dt. 03.04.2020 – Extending time limit for all except few exclusions:

Except for few provisions covered in exclusion clause in the Notification No.35/2020 dated 03.04.20, 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 including for the purposes of**

- (a) Completion of any proceeding or Passing of any order or Issuance of any notice, intimation, notification, sanction or approval or such other action, by whatever name called, By any authority, commission or tribunal, by whatever name called, under the provisions of the Acts stated above; or
- (b) Filing of any appeal, reply or application or Furnishing of any report, document, return, statement or such other record, by whatever name called, under the provisions of the Acts stated above;

GST Relief Measures through Press Conference on 24th March 2020

N.No. 35/2020 dt. 03.04.2020 – Extension NOT applicable for below sections:

- a) Chapter IV :- **Time And Value of Supply**
- b) Section 10(3) :- Composition Person to Normal Person
- c) Sections 25 :- Registration
- d) Section 27 :- Causal Taxable Person & Non Resident Taxable Person
- e) Section 31 :- **Tax Invoice**
- f) Section 37 :- Furnishing Detail of Outward Supplies
- g) Section 47 :- Levy of Late Fees
- h) Section 50 :- Interest on Delayed Payment of Tax
- i) Section 69 :- Power to Arrest
- j) Section 90 :- Liability of Partners of Firm to Pay Tax
- k) Section 122 - Penalty for Certain Offences
- l) Section 129 :- Detention, Seizure & Release of goods & Convey. in Transit
- m) Section 39 :- **Filing of Return except TDS, ISD & NRTP Returns**
- n) Section 68 :- In so far as e-way bill is concerned
- o) Rules made under the provisions specified at clause (a) to (d) above

GST Relief Measures through N.No. 30 to 36/2020 and C.No. 136/2020

R. No. 36(4) – N.No. 30/2020 dt. 03.04.2020

Proviso has been inserted in CGST Rules 2017 to provide that the said condition shall not apply to input tax credit availed by the registered persons in the returns in FORM GSTR-3B for **the months of February, March, April, May, June, July and August, 2020**, But that the said condition shall apply **cumulatively for the said period and that the return in FORM GSTR-3B for the tax period of September, 2020** shall be furnished with cumulative adjustment of input tax credit for the said months in accordance with the condition under rule 36(4).

E-Way Bill – N.No. 35/2020 dt. 03.04.2020

Where the validity of an e-way bill generated expires during **the period 20th day of March, 2020 to 15th day of April, 2020**, the validity period of such e-way bill has been **extended till the 30th day of April, 2020**

GST Relief Measures through C.No. 137/2020 dt. 13.04.2020

1) **GST Paid on Advances received for a future event which got cancelled subsequently:**

- a) **If Invoice is issued @ receipt of advance** – Supplier can issue a Credit Note u/s. 34. If no output tax liability then apply for refund under “Excess payment of tax, if any”
- b) **If receipt voucher is issued @ receipt of advance** – Supplier can issue a Refund Voucher and can apply for refund “Excess payment of tax, if any” in GST RFD-01

2) Time limit for filing of LUT for FY 2020-21 - Clarifies that time limit for filing LUT for the year 2020-21 shall stand extended to 30.06.2020 vide N.No.35/2020. Supplier can continue to supply under old LUT till he makes an application.

3) **Last date for filing of GSTR-7**

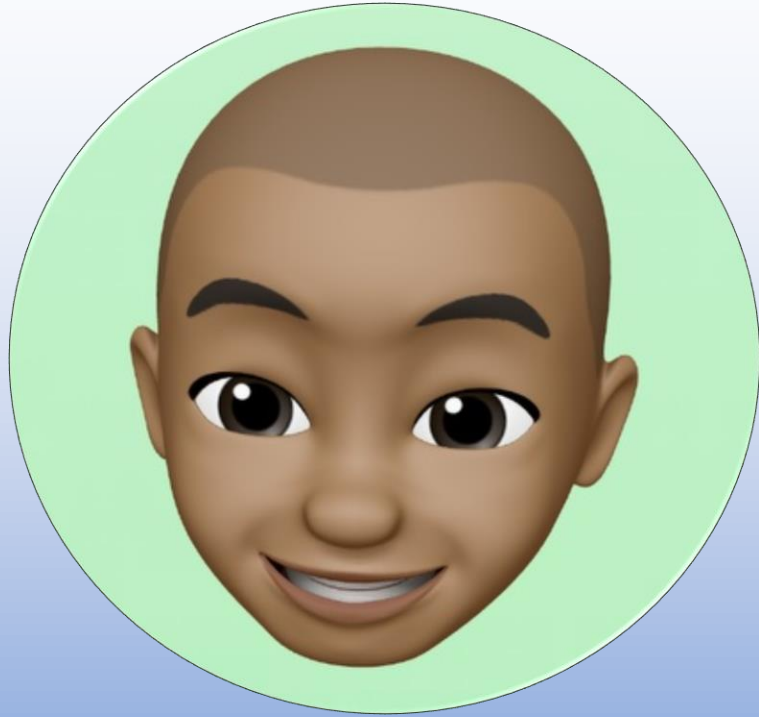
Clarifies that where the due date for filing and deposit of tax falling between 20.03.2020 and 29.06.2020 stand extended to 30.06.2020 vide N.No.35/2020.

4) **Last date for filing of Refund Application (GST RFD-01)**

Clarifies that where the time limit to file Refund application expires between 20.03.2020 and 29.06.2020 stands extended to 30.06.2020 vide N.No. 35/2020.



Any Questions



**Stay Safe
Stay Strong**

CA. M. SELVA KUMAR

MOBILE: 84894 80001

EMAIL: caselvakumar@kvaudit.com