

Details on Circulars and Orders issued by CBIC on GST [based on 35th GST Council Meeting]

1. Due date prescribed for filing of GSTR-1

[Notification No. 27/2019 and 28/2019-Central Tax]

A registered person can file a quarterly return in Form GSTR-1 (for the outward supplies) if his turnover during the immediately preceding year or the current year is up to Rs. 1.5 crores. The due date for filing of return for the second quarter (July to September, 2019) shall be October 31, 2019.

All other registered persons, who have to file monthly return in Form GSTR-1 (if turnover is more than Rs. 1.5 crores), shall file the return for the months of July, 2019, August, 2019 and September, 2019 by 11th day of the next month.

2. Due date prescribed for filing of GSTR-3B

[Notification No. 29/2019-Central Tax]

The due date for filing of monthly return in Form GSTR-3B for the months of July, 2019, August, 2019 and September, 2019 shall be 20th day of the next month.

3. Due date prescribed for filing of GSTR-7

[Notification No. 26/2019-Central Tax]

The due date for filing of TDS return in form GSTR-7 for the period October, 2018 to July, 2019, has been extended till August 31, 2019.

4. Due date prescribed for filing of GST ITC-04

[Notification No. 32/2019-Central Tax]

The due date for filing of Form GST ITC-04 for the goods sent to, or received from, a job worker for the period July, 2017 to June, 2019 shall be August 31, 2019.

5. Due date prescribed for filing of Annual Return under GST

[Order No. 6/2019-Central Tax]

The due date for filing of first annual return in Form GSTR-9, Form GSTR-9A and reconciliation statement in Form GSTR-9C has been extended from June 30, 2019 to August 31, 2019.

Overview

<i>Form No.</i>	<i>Description of Form</i>	<i>July-2019</i>	<i>Aug-2019</i>	<i>Sept-2019</i>
GSTR-1 (Quarterly)	Statement for outward supplies	31-10-2019		
GSTR-1 (Monthly)	Statement for outward supplies	11-08-2019	11-09-2019	11-10-2019
GSTR-3B	Summary Return	20-08-2019	20-09-2019	20-10-2019
GSTR-7	TDS Return (for the period October, 2018 to July, 2019)	31-08-2019		
GST ITC-04	Details of goods exchanged with a job worker (for the period July, 2017 to June, 2019)	31-08-2019		
GSTR-9	Annual Return	31-08-2019		
GSTR-9A	Annual return for composition dealers	31-08-2019		
GSTR-9C	Reconciliation Statement	31-08-2019		

6. Exemption to non-resident suppliers supplying OIDAR Services from filing of GSTR-9 & GSTR-9C

[Notification No. 30/2019-Central Tax]

The CBIC has exempted non-resident suppliers supplying Online Information Database Access and Retrieval Services (OIDAR) from a place outside to a person in India, from filing of Annual Return in form GSTR-9 and reconciliation statement in form GSTR-9C.

7. List of amendments and insertions in CGST Rules, 2017

[Notification No. 31/2019-Central Tax]

Following amendments and insertions have been made in CGST Rules, 2017:

- a) New taxpayers are required to furnish the details of bank account on the portal within 45 days from the date on which registration is granted or the due date for filing of GSTR-3B for the first month, whichever is earlier *[Rule 10A inserted]*.

- b) GST registration shall be cancelled if new registered supplier does not furnish the details of his bank account as required in Rule 10A referred to above [Rule 21 amended]
- c) For Kerala, all intra-state B2C supply of good or services, the value of supply shall not include the Kerala Flood Cess charged thereon. This shall be effective from August 1, 2019 [Rule 32A amended].
- d) A new proviso has been inserted which requires mandatory Quick Response (QR) code on tax invoice and bill of supply, subject to certain conditions and restrictions, as may be prescribed. The effective date of this Rule is yet to be notified [Rule 46 and Rule 49 amended].
- e) Rules relating to procedure of claiming TDS/TCS deducted has been amended (refer attached notification for detailed changes) [Rule 66(2), 67(2) and Rule 87(9) amended].
- f) Now a registered person can transfer any amount of tax / interest / penalty / fee to any other head in the electronic cash ledger. For this, a new Form GST PMT-09 has been introduced. The effective date of this Rule is yet to be notified [Rule 87(13) inserted].
- g) Retail outlets established in departure area of an international airport have been allowed to refund the GST in specified circumstances. In this regard, form GST RFD-10B has also been introduced. The effective date of this Rule shall be from July 1, 2019 [Rule 95A inserted].
- h) Currently, the validity of an e-way bill can be extended before it gets expired and once it expires it cannot be revived. A *proviso* has been inserted which enables the generator to extend the validity of an e-way bill within 8 hours from time of its expiry [Rule 138 amended].
- i) Composition dealers and suppliers claiming the benefit of 6% presumptive taxation scheme under Notification number 02/2019-Central Tax (Rate), dated 07-03-2019 shall not be allowed to generate e-way bill if return has not been filed for 2 consecutive quarters [Rule 138E amended].

8. Applicability of GST on additional/ penalinterest

[Circular No. 102/21/2019-GST]

The CBIC has clarified that any interest (or late fee or penalty) for delayed payment of any consideration charged by the supplier shall be included in the value of supply for

the payment of GST. The interest component shall be considered for valuation purpose even if a separate invoice has been issued for extending the credit facility. However, if any third party is involved like any bank or any other person, other than the supplier himself, who extends credit facility, due to which transaction between supplier and recipient is executed then in such case the interest paid by the recipient would not be subject to GST as it gets covered by exemption allowed under Notification No. 12/2017-Central Tax (Rate), dated 28-06-2017.

9. Treatment of secondary or post-sales discounts under GST

[Circular No. 105/24/2019-GST]

The CBIC has issued clarifications on various doubts relating to treatment of secondary or post-sales discounts under GST.

<i>Doubts about inclusion or exclusion</i>	<i>CBIC's Clarification</i>
a) Whether post-sale discount given by the supplier of goods to the dealer, without any further obligation or action required at the dealer's end, should be excluded from value of supply?	Such discount is related to original supply of goods and it should not be included in the taxable value of supply.
b) Whether additional discount shall be reduced from the value of supply if it is given by the supplier of goods to the dealer as a post-sale incentive requiring the dealer to do some act like undertaking special sales drive, advertisement campaign, exhibition, etc.?	This will be treated as separate transaction and the discount will be treated as consideration for undertaking such activity. Dealer (supplier of services) would be required to charge applicable GST on the value of such additional discount and the supplier of goods (recipient of services), will be eligible to claim input tax credit.
c) Whether additional discount shall be reduced from the value of supply if it is given by the supplier to dealer to offer special reduced price to customer?	Such additional discount represents the consideration flowing from the supplier of goods to the dealer for the supply made by dealer to the customer. This additional discount is required to be added while determining the value of supply to be made by the dealer to the customer. The customer, if eligible, can claim the ITC benefit of GST paid on such additional discount.
d) Whether ITC shall be reversed in respect of GST paid on the discounts granted by the supplier but not	Dealer will not be required to reverse ITC attributable to the tax already paid on such post-sale discount received by him through issuance

excluded from the value of supply (i.e., commercial / financial credit notes)?	of financial / commercial credit notes by the supplier of goods.
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10. Treatment of processing of refund applications which are wrongly mapped on the portal

[Circular No. 104/23/2019-GST]

The CBIC has issued a circular to clarify the doubts raised in respect of processing of refund applications submitted by taxpayers in Form GST RFD-01A which have been electronically transferred to the wrong tax authority. Where reassignment of refund applications to the correct jurisdictional tax authority is not possible on the common portal, the processing of refund claims should not be held up, rather it should be processed by the tax authorities to whom refund applications have been electronically transferred by the common portal.

After processing of refund application, the refund processing authority may inform on the common portal about the incorrect mapping with a request to update it. This will ensure that all the subsequent refund applications are sent to correct jurisdictional tax authority.

11. Determination of place of supply in special cases

[Circular No. 103/22/2019-GST]

The CBIC has issued a clarification regarding the determination of place of supply in the following cases:

- a) *In case of services provided by the Ports:* It has been clarified that services ancillary or relating to the cargo handling shall not be deemed to be related to immovable property and place of supply for such services shall be determined as per Section 12(2) or Sec 13(2).
- b) *Services rendered on unpolished diamonds temporarily imported in India:* In case of cutting or polishing services on unpolished diamonds which are temporarily imported in India and are not put to use in India, the place of supply shall be location of recipient of services. Where location of recipient of services is not available in the ordinary course of business, the place of supply shall be the location of the supplier of services.