

MARATHON (III)



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TAX INVOICE, CREDIT AND DEBIT NOTES

Issues	Points to remember			
	TAX INVOICE - BASICS			
	In case of Goods			In case of Services [Sec.31(2)]
	Time of Issue	taxable goods invoice show particulars befor - (a) Removal o to the recipient,	Person supplying shall issue a tax ving prescribed re or at the time of f goods for supply where the supply ovement of goods,	Taxable services shall before or after
	(b) Delivery of goods or making available thereof particulars to the recipient, in any other case.			
Situations when Tax Invoice is not necessary				
	Situation		Issue of Tax Invoice	
Issue of Tax Invoice - Various	Receipt of Advance Payment		Shall issue a Receipt Voucher. If subsequently no supply is made and no tax invoice is issued, then he may issue a Refund Voucher against such payment.	
Situations	Reverse Paymen	Ŭ	A Registered Persons liable to pay tax under recharge u/s 9(3),(4) shall issue an invoice (Self Invo in respect of goods or services received by him. He also issue a payment voucher at the time of m payment to the supplier.	

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Continuous Supply of Goods		fore or at the time each suc h such payment is received.	
[When successive statements of accounts or successive payments	statement is issued of, eac	n such payment is received.	
are involved]	In case of continuous supp	ly of services	
	Situation	Time of issue of Invoice	
	Where the due date of payment is ascertainable from the contract	On or before the due date of payment	
Continuous Supply of Services	Where the due date of payment is not ascertainable from the contract	Before or at the time when the supplier of service receives the payment	
	Where the payment is linked to the completion of an event	On or before the date of completion of that event.	
Cessation of Contract	Invoice shall be issued at the time when the supply ceases and such invoice shall be issued to the extent of the supply made before such cessation.		
Sale or Approval basis	Earlier of- (a)Before or at the time when it becomes known that the supply has taken place, or (b)6 months from the date of removal		
Issue of Invoice by an Insurer/ Banking Company or a Financial Institution	supply of service.	within 45 days from the date o y Government may issue th	

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	including NBFCRss		fore or at the time such supplier records the
			s books of account or before the expiry of the
		quarter dur	ing which the supply was made
Contents of Tax Invoice [Rule 46]	 (a)Name, Address and Gaupplier (b)A consecutive serial revieweding 16 characters, a financial year (c)Date of its issue (d)Name, address and UIN, if registered, of the reviewed of the resistered of the value of taxable su 50,000 or more (f)Name and other pare recipient is un-registered the value of the taxable su 50,000 or more (f)Name and other pare recipient is un-registered the value of the taxable su 50,000 or more 	umber not unique for GSTIN or ecipient rticulars, if and where pply is Rs ticulars, if and where	 (i)Quantity in case of goods and unit or Unique Quantity Code thereof (j)Total value of supply of goods or services (k)Taxable value of supply of goods or services taking into account discount or abatement (I)Rate of tax (Central Tax, State Tax, Integrated Tax, Union Territory Tax or Cess) (m)Amount of tax charged in respect of taxable goods or services (Central Tax, State Tax, Integrated Tax, Union Territory Tax or Cess) (n)Place of supply (o)Address of delivery
	recipient requests that so be recorded in the tax inv (g)HSN code of goods or (h)Description of goods o	oice services	 (p)Whether the tax is payable on reverse charge basis, and (q)Signature or digital signature of the supplier or his authorized representative. (r)Tax invoice shall have Quick Response (QR) code as prescribed, (refer Note 2 below)
Endorsement for Export Invoice	INTEGRATED TAX" or	"SUPPLY I ING WITHC entioned: the recipient	

	CREDIT AND DEBIT NOTES		
	Credit Notes [Sec.34(I)]	Debit Notes [Sec.34(3)]	
Issue of Credit and Debit Notes	 Taxable Value or Tax charged in that Tax Invoice is found to exceed the Taxable Value, or tax Payable in respect of such supply, or Where the goods supplied are returned by the recipient, or Where services supplied are found to be deficient. 	Tax Invoice is found to be less than the	
	Credit Note	Debit Note	
Details of Credit and Debit Notes to be declared in the Return	Details of Credit in the Return for the month during which such credit note has been issued, but not later than - •September following the end of FY in which such supply was made, or •the date of filing of the relevant annual return, whichever is earlier	Details of Debit in the Return for the month during which such Debit Note has been issued	
	Any Tax Invoice issued in respect of any non-taxable supply shall be treated as Bill of Supply. It shall contain-		
Contents of Bill of supply	 (a)Name, Address and GSTIN of the Supplier, (b)Consecutive Serial Number not exceeding 16 characters, unique for a financial year, (c)Date of its issue, (d)Name, address and GSTIN or UIN, if registered, of the recipient, (e)HSN Code of goods or services, 	both taking into account discount or abatement, if any, and (h)Signature or digital signature of the	

E-INVOICE

e-Invoice is a system in which B2B invoices are authenticated electronically by GSTN for further use on the common GST portal. Under the electronic invoicing system, an identification number will be issued against every invoice by the Invoice Registration Portal (IRP) to be managed by the GST Network (GSTN).

What is the criteria for e-invoicing in GST?

Is e-invoicing mandatory? To whom will e-invoicing apply?

In terms of Rule 48(4) of the CGST Rules, notified class of registered persons namely registered persons having aggregate turnover of more than the amount exhibited in the following table in any previous year from 2017-18 onwards have to prepare an e- invoice:

For 01.10.2020 to 31.12.2020	Rs. 500 Crore
For 01.01.2021to 31.03.2021	Rs. 100 Crore
With effect from 01.04.2021	Rs. 50 Crore

However, e-invoicing shall not be applicable to the following categories of registered persons,

irrespective of the turnover, as notified in the CBIC Notification No.13/2020 - Central Tax:

Persons exempted from complying with e-invoicing provisions at the entity level

S. No.	Persons
(a)	Insurance company/banking company/fmancial institution including a NBFC-Rule 54(2)
(b)	Goods transport agency- Rule 54(3)
(c)	Person supplying passenger transport service- Rule 54(4)
(d)	With effect from 01.10.2020 Person supplying services by way of admission to exhibition of cinematograph films in multiplex screens- Rule 54(4A)
(e)	A SEZ unit
(f)	A government department and a local authority

Persons not exempted from complying with e-invoicing provisions at the entity level

(a)	An Input Service Distributor
(b)	A Special Economic Zone developer
(c)	A Domestic Tariff Area (DTA) unit even though SEZ Unit of the same entity is exempt.

the class of registered persons that would not be required to mention the Harmonised System of Nomenclature code for goods or services and has notified the following which will be effective from 01-04-2021:

SI. No.	Annual Turnover in the preceding Financial Year	Number of Digits of HSN Code
1.	Upto ₹ 5 crores	4
2.	More than ₹ 5 crores	6
Howey	r a registered person beying aggregate turneyer up to ₹5	aroroo in the provinue financial

However, a registered person having aggregate turnover up to ₹ 5 crores in the previous financial year may not mention 4 digits of HSN Code in a tax invoice issued by him under the said rules in respect of supplies made to unregistered persons.

Example : ABC Limited entered into an annual maintenance contract with PQR Ltd. for financial year 2019-20 for repairs of the machinery fitted in factory of PQR Ltd. As per the contract, payment for said services had to be made on 7th April, 2019. However, PQR Ltd. made the payment on 25th April, 2019. Since services provided by ABC Ltd. to PQR Ltd. is a continuous supply of services and due date of payment is ascertainable from the contract, ABC Ltd. had to issue a tax invoice on or before such due date, viz. 7th April, 2019.

Illustration 2 - Time limit for issuance of Invoice: Mr. Lakhan provides Continuous Supply of Services (CSS) to M/s. TNB Limited. He furnishes the following further information:

(i) Date of commencement of Providing CSS -		01-10-2019
(ii) Date of completion of Providing CSS	-	31-01-2020
(iii) Date of receipt of payment by Mr. Lakhan	-	30-03-2020

Determine the time of issue of invoice as per provisions of CGST Act, 2017, in the following circumstances:

(i) If no due date for payment is agreed upon by both under the contract of CSS.

(ii) If payment is linked to the completion of service.

(iii) If M/s. TNB Limited has to make payment on 25-03-2020 as per the contract between them. (5 Marks, Nov. 2018-NS)

Solution: As per Section 31(5) of CGST Act, 2017, in case of continuous supply of services the / time limit for issuance of invoice is as under —

	Particulars	Time limit
	. ,	the invoice shall be issued on or before the due date of payment.
(b)		the invoice shall be issued before or at the time when the supplier of service receives the payment.
` '		the invoice shall be issued on or before the date of completion of that event.
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Thus,

(a) If no due date for payment is agreed upon by both under the contract of CSS, the invoice shall be issued on or before 30-03-2020.

(b) If payment is linked to the completion of service, the invoice is to be issued on or before 31-01-2020.

(c) If M/s. TNB Limited has to make payment on 25-03-2020 as per the contract between them, the invoice is to be issued on or before the due date of payment as per the contract -25-03-2020.

Illustration 3 - Time limit for issuance of Invoice : Examine the following independent cases of supply of goods and services and determine the time of issue of invoice under each of the cases as per the provisions of CGST Act, 2017:

(i) Sakthi Enterprises, Kolkata entered into a contract with Suraj Enterprises, Surat for supply of goods on 3rd October, 2019. The goods were removed from the factory at Kolkata on 11th October, 2019. As per the agreement, the goods were to be delivered by 31st October, 2019. Suraj Enterprises has received the goods on 14th October, 2019.

(ii) Trust and Fun Ltd, an event management company, has provided its services for an event at Kapoor Film Agencies, Mumbai on 5th June, 2019. Payment for the event was made on 19th June, 2019. (4 Marks, May 2019)

Ans: (i) As per the provisions of Section 31, invoice shall be issued before or at the time of removal of goods for supply to the recipient, where the supply involves movement of goods. Accordingly, in the given case, the invoice must be issued on or before 11th October, 2019.

(ii) In case of taxable supply of services, Invoice shall be issued before or after the provision of service, but within a period of 30 days from the date of supply of service. Thus, the invoice must be issued on or before 5th July 2019.

Illustration 4 - Registration under GST and issuance of revised tax invoice : The aggregate turnover of Kamlesh Enterprises Ltd. exceeded Rs. 40 lakh on 10th October, 2019. It applied for registration on 27th October, 2019 and was granted the registration certificate on 1st November, 2019. You are required to advice Kamlesh Enterprises Ltd. as to what is the effective date of registration in its case. It has also sought your advice regarding period for issuance of Revised Tax Invoices. (Similar MTP May, 2018)

Ans: As per Section 25 read with CGST Rules, 2017, where an applicant submits application for registration within 30 days from the date he becomes liable to registration, effective date of registration is the date on which he becomes liable to registration. Since, Kamlesh Enterprises Ltd.'s turnover exceeded Rs. 40 lakh on 10th October, 2019, it became liable to registration on

same day. Further, it applied for registration within 30 days of so becoming liable to registration, / the effective date of registration is the date on which it becomes liable to registration, i.e. 10th October, 2019.

Time period for issuance of revised tax invoice : As per Section 31 read with CGST Rules, 2017, every registered person who has been granted registration with effect from a date earlier than the date of issuance of certificate of registration to him, may issue Revised Tax Invoices.

Revised Tax Invoices shall be issued within 1 month from the date of issuance of registration certificate in respect of taxable supplies effected during the period starting from the effective date of registration till the date of issuance of certificate of registration.

Therefore, in the given case, Kamlesh Enterprises Ltd. has to issue the Revised Tax Invoices in respect of taxable supplies effected during the period starting from the effective date of registration (10th October, 2019) till the date of issuance of certificate of registration (1st November, 2019) within 1 month from the date of issuance of certificate of registration, i.e. on or before 1st December, 2019.

Illustration 5 - Revised Tax invoice : Chidanand Products Pvt. Ltd. started its business of supply of goods on I^{s1} August, 2019. It's turnover exceeds Rs. 40,00,000 on 5th September, 2019. It applied for registration on 28th September, 2019 & granted registration certificate on 6^{lh} October, 2019. Guide the company regarding invoices to be issued between 5th September, 2019 to 6th October, 2019 to registered dealers. Further it had also made supplies to unregistered dealers in that period. How it can raise invoices? (4 Marks, May 2018)

Ans: As per Section 31 read with CGST Rules, 2017, every registered person who has been granted registration with effect from a date earlier than the date of issuance of certificate of registration to him, may issue Revised Tax Invoices. Revised Tax Invoices shall be issued within 1 month from the date of issuance of registration in respect of taxable supplies effected during the period starting from the effective date of registration till the date of issuance of certificate of registration.

Therefore, in the given case, Chidanand Products Pvt. has to issue the Revised Tax Invoices in respect of taxable supplies effected during the period starting from the effective date of registration (5th September, 2019) till the date of issuance of certificate of registration (6th October, 2019) within 1 month from the date of issuance of certificate of registration, i.e. on or before 6th November, 2019.

A registered person may issue a Consolidated Revised Tax Invoice in respect of all taxable supplies made to an unregistered recipient during such period. However, in case of inter-State supplies, a consolidated Revised Tax Invoice cannot be issued in respect of all unregistered recipients if the value of a supply exceeds Rs. 2,50,000.

Illustration 6 - Consolidated tax invoice: Gemini Traders is a trader dealing in stationery items. It is registered under GST and has undertaken following sales during the day:

S.No.	Recipient of supply	Amount (Rs.)
(1)	Kamlesh Traders - a registered retail dealer under composition levy	185
(2)	Kalpesh Stationers - an unregistered trader	425
(3)	Hussain - Painter [unregistered]	675

(4)	Shanti Charitable Trust - an unregistered entity	195
(5)	Manisha - a Student [unregistered]	140

None of the recipients require a tax invoice.

Determine in respect of which of the above supplies, Gemini Traders may issue a Consolidated Tax Invoice instead of Tax Invoice at the end of the day?

Solution: In the given illustration, Gemini Traders can issue a Consolidated Tax Invoice only with respect to supplies made to Shanti Charitable Trust [worth Rs. 195] and Manisha [worth Rs. 140] as the value of goods supplied to these recipients is less than Rs. 200 as also these recipients are unregistered and don't require a tax invoice.

As regards the supply made to Kamlesh Traders, although the value of goods supplied to it is less than Rs. 200, Kamlesh Traders is registered under GST. So, Consolidated Tax Invoice cannot be issued.

Consolidated Tax Invoice cannot be issued for supplies of goods made to Kalpesh Stationers and Hussain although both of them are unregistered. The reason for the same is that the value of goods supplied is not less than Rs. 200.

Illustration 7 - Consolidated credit note: ABC Ltd., a registered supplier has made following taxable supplies to its customer Mr. P in the quarter ending 30th June, 2019.

Date	Bill No.	Particulars	Invoice value (including GST) [T]
5 th April, 2019	102	Notebooks [10 in numbers]	1,200
10 th May, 2019	197	Chart Paper [4 in number]	600
20 th May, 2019	230	Crayon colors [2 packets]	500
2 nd June, 2019	254	Poster colors [5 packets]	900
22 nd June, 2019	304	Pencil box [4 sets]	700

Goods in respect of bill no. 102, 230 and 254 have been returned by Mr. P. You are required to advise ABC Ltd. whether it can issue consolidated credit note against all the three invoices?

Solution: Where one or more tax invoices have been issued for supply of any goods and/or services and

(a) the taxable value/ tax charged in that tax invoice is found to exceed the taxable value/tax payable in respect of such supply, or

(b) where the goods supplied are returned by the recipient, or

(c) where goods and/or services supplied are found to be deficient,

the registered person, who has supplied such goods and/ or services, may issue to the recipient one or more credit notes for supplies made in a financial year containing prescribed particulars.

Thus, one (consolidated) or more credit notes can be issued in respect of multiple invoices issued in a financial year without linking the same to individual invoices.

Hence, in view of the above-mentioned provisions, M/ s ABC Ltd. can issue a consolidated credit note for the goods returned in respect of all the three invoices.

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PAYMENT

Issues	Points to remember			
	In the GST regime,-			
	Transaction		Тах	
Types of Payments to be	For Intra State Supply		CGST + SGST or UTGST	
made by	For Inter State Supply		IGST	
Registered Person	Specified Transactions		TDS/TCS	
	If Applicable		Interest, Penalty, Fees and Other Payment	
		·		
Features of Payment Process under GST	(b)no use of manually prepared challan, (h) Speedy Accounting and reporting,			
	1. Payments:			
	Payments	Deposited ir	Utilized for	
Payment of Tax	 (a) Every deposit made towards Tax, Interest, Penalty, Fee or any other amount by a Person 	Electronic Cash Ledger	Payment towards tax, interest, penalty, fees or any other amount payable under the provisions of this Act or the rules	

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	(b) Input Tax CreditElectronicas self- assessed inCreditAny payment towards output tax undertheReturn of aLedgerthis Act or under the Integrated GoodsRegistered Personand Services Tax Act		
	2. Date of Payment:		
	Normal Tax Payer on monthly basis by the 20th of the succeeding month		
	Composition tax payersOn guarterly basis by the 20th of the first month in the succeeding Quarter.		
	3. Mode of Payment: (i) Internet Banking, or (ii) by using Credit or Debit Cards, or (iii) National Electronic Fund Transfer (NEFT), or (iv) Real Time Gross Settlement (RTGS), or (v) by such other mode prescribed by the Government.		
	The amount of Input Tax Credit (ITC) available in the Electronic Credit Ledger of the registered person would be eligible for set off as under:		
	•IGST would be allowed for IGST, CGST and then SGST/UTGST.		
	•CGST would be allowed first to be utilised against CGST and then for IGST.		
	•SGST/UTGST would be allowed first to be utilised against SGST/UTGST and then against IGST.		
	Note:		
Utilization of Credit available in Electronic Credit Ledger	 (a)ITC on account of Central tax, State tax or Union territory tax shall be utilised towards payment of Integrated tax, Central tax, State tax or Union territory tax, only after the Input Tax Credit available on account of Integrated Tax has first been utilised fully. (b)The Central Tax shall not be utilised towards payment of State tax or 		
	Union territory tax, and (c)The State Tax or Union Territory Tax shall not be utilised towards payment of Central Tax.		
	(e) SGST /UTGST Credit shall be utilised towards payment of IGST, only when the balance of the input tax credit on account of CGST is not available for payment of integrated tax.		

Discharge of Tax Liability	 1.All liabilities shall be recorded and maintained in an Electronic Liability Register. 2.Order of Discharge- (a)Self-assessed tax, and other dues related to Returns of Previous Tax Periods, (b)Self-assessed tax, and other dues related to the Return of the Current Tax Period, (c)Any other amount payable under this Act including the demand for recovery of tax 		
	VARIOUS E-LEDGERS UNDER GST REGIME		
E-Ledgers	 •E-Ledgers are statements of cash and input tax credit in respect of each registered taxpayer. •When taxpayer is registered on Common Portal, two e-ledgers (Cash &Input Tax Credit ledger) and an electronic tax liability register will be automatically opened. •Tax Liability Register will reflect the total tax liability 		
Cash Ledger	The cash ledger will reflect all deposits made in cash, and TDS/TCS made on account of the taxpayer.		
Input Tax Credit Ledger	Self-assessed ITC will be reflected in the ITC Ledger. This can be used only to make payment of TAX		
Unique Identification Number	A Unique Identification Number shall be generated for each debit or credit to the Electronic Cash or Credit Ledger.		
	Interest: during default. Interest rate shall be @24%p.a		
Interest on	Situation	Interest Rate	
delayed payment of Tax	Failure to pay the tax or any part thereof to the Government	Liable for Interest @18% p.a	
	in case of undue or excess claim	Liable for Interest @24% p.a	

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of Input Tax Credit or reduction in	
output tax liability	

RETURNS

Return	Description	Who Files?	Date for filing
GSTR-1	Outward supplies of	Registered Person with annual aggregate turnover greater than Rs. 1.5 crore	11 [⊩] of the next month
	Outward supplies of	Registered Person with annual aggregate turnover up to Rs. 1.5 crore	
GSTR-3B	Monthly Return for a normal taxpayer		Annual turnover more than 5 crore in previous financial year - 20 th of the month Annual turnover less than 5 crore in previous FY – 22 nd or 24 th of the month depending upon the state or UT in which they are registered
GSTR-4			30 th April of the month following the end of such financial year.
GST CMP-08	payment of tax	Registered person paying tax under composition scheme/ Notification No. 2/2019-CT (R) dated 07.03.2019	
GSTR-5	Monthly Return for a nonresident taxpayer		20 th of the month succeeding the tax period or within 7 days after expiry of registration, whichever is earlier

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GSTR-54	Monthly return	Registered person	20 th of the next month
		providing OIDAR services	
		from a place outside India to	
		a non-taxable online recipient	
GSTR-6	Monthly Return for Input Service Distributor	Input service distributor	13 th of the next month
	Monthly Return for Tax deduction at source	Tax deductor at source	10 th of the next month
GSTR-8	Monthly Return for Tax Collection at source	E- Commerce operator who is required to collect tax at source	
GSTR-9	Annual Return	Registered Person other than an ISD, TDS/ TCS Taxpayer, Casual Taxable Person and Nonresident Taxpayer	
GSTR-9A	Annual return	Registered person paying tax under composition scheme	31 st December of the next financial year
GSTR-9B	Annual statement	E-commerce operator required to collect tax at source	
GSTR-9C	Reconciliation statement	Registered person whose aggregate turnover during a financial year exceeds Rs. 2 crore.	
GSTR-10	Final Return		Within three months of the date of cancellation or date of order of cancellation, whichever is later.
GSTR-11	supplies	Persons who have been issued a Unique Identity Number (UIN)	-



New Return Procedures Quarterly Return Monthly Payment Scheme Eligibility for QRMP Scheme [Scheme effective from 01st Jan 2021]

Eligibility	A registered person who is required to furnish a return in FORM GSTR-3B , and who has an aggregate turnover of up to ₹ 5 crores in the preceding financial year , is eligible for the QRMP Scheme.
	Note: In case the aggregate turnover exceeds ₹ 5 crore during any quarter in the current financial year, the registered person shall not be eligible for the Scheme from the next quarter.
	Aggregate annual turnover for the preceding financial year shall be calculated in the common portal taking into account the details furnished in the returns by the taxpayer for the tax periods in the preceding financial year.

Exercising Option for QRMP Scheme

1. Facility to Opt for QRMP Scheme: Facility to avail the Scheme on the common portal would be available throughout the year. In order to exercise this option, the registered person must have furnished the last return, as due on the date of exercising such option.

2. **Timing of exercising option:** As per Rule 61A of CGST Rules, a registered person can opt in for any quarter from first day of second month of preceding quarter to the last day of the first month of the quarter. **Example:**

A registered person intending to avail of the Scheme for the quarter 'July to September ₹ can exercise his option during lstof May to 31stof July. If he is exercising his option on 27lhJuly for the quarter (July to September), in such case, he must have furnished the return for the month of June which was due on 22/24lhJuly.