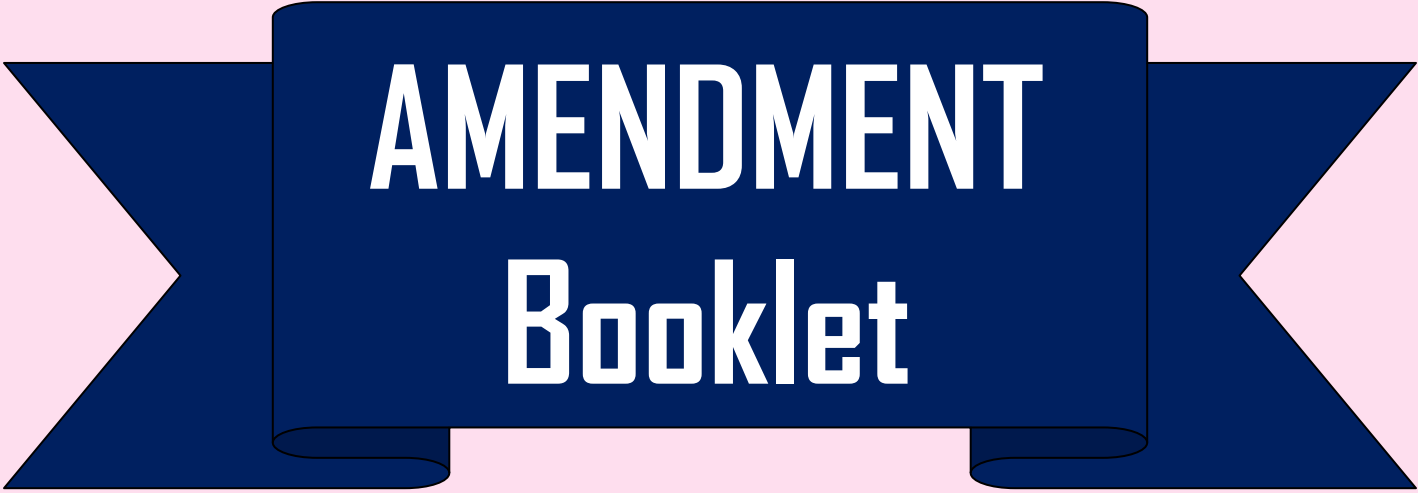


*CA/CMA/CS INTER*



**AMENDMENT  
Booklet**

**For MAY, 2023 Exams**

**Amendments from 1/05/2022 to 31 /10/2022**

**CA RAJ KUMAR**

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## About CA RAJ KUMAR

CA Raj Kumar is a dynamic & qualified Chartered Accountant. As a brilliant student and a position holder at Graduation & Post Graduation level, during his **15 years of glorious teaching experience** in the field of **Indirect Taxation** he has taught **over 1,55,000 students**.

He is a favorite amongst CA Students for the astute & insightful academic inputs provided by him and for his pleasing & endearing personality and **lucid art of teaching**.

He firmly believes in **blending studies with fun** and this is quite evident in his classes wherein he goes beyond theoretical reading of the subject, makes students **solve practical problems**, gives them practical **real life examples** and pushes them to achieve their goals with full precision.

In the subject Indirect Tax Laws, his students have continued to score **All India Highest Marks for 11 times till now**. He has also been entrusted by Government agencies to **show the ropes to IRS Officers** in training, which is a **testament to his caliber** as a subject matter expert.

He is famous for **concepts linkage** from the very beginning till the end which helps in understanding the topic, acing the exams and in post CA life as well. **His unique use of GST portal during the class** to link theory with Practical makes him stand apart from the crowd. His **classes are practical, conceptual and concise**. He is also the author of bestselling titles 'GST Compact Book'.

# GST

## Chapter 4

### Supply

**Q.1** Whether various perquisites provided by the employer to its employees in terms of contractual agreement entered into between the employer and the employee are liable for GST?

**Ans.** [Schedule III](#) to the [CGST Act](#) provides that “services by employee to the employer in the course of or in relation to his employment” will not be considered as supply of goods or services and hence GST is not applicable on services rendered by employee to employer provided they are in the course of or in relation to employment.

Any perquisites provided by the employer to its employees in terms of contractual agreement entered into between the employer and the employee are in lieu of the services provided by employee to the employer in relation to his employment.

It follows therefrom that perquisites provided by the employer to the employee in terms of contractual agreement entered into between the employer and the employee, **will not be subjected to GST** when the same are provided in terms of the contract between the employer and employee.

**Q.2** Whether sale of land after levelling, laying down of drainage lines etc., is taxable under GST

**Ans.** As per [Schedule III](#) ‘sale of land’ is neither a supply of goods nor a supply of services, therefore, sale of land does not attract GST.

Land may be sold either as it is or after some development such as levelling, laying down of drainage lines, water lines, electricity lines, etc. It is clarified that sale of such developed land is also sale of land and is covered by [Schedule III](#) and accordingly does not attract GST.

**However, it may be noted that any service provided for development of land, like levelling, laying of drainage lines (as may be received by developers) shall attract GST at applicable rate for such services.**

**GST applicability on liquidated damages, compensation and penalty arising out of breach of contract or other provisions of law? [Circular No. 178/10/2022:]**

1. In certain cases/instances, questions have been raised regarding taxability of an activity or transaction as the supply of service of agreeing to the obligation to refrain from an act or to tolerate an act or a situation, or to do an act.

Applicability of GST on payments in the nature of liquidated damage, compensation, penalty, cancellation charges, late payment surcharge etc. arising out of breach of contract or otherwise and scope of the entry at [para 5\(e\) of Schedule II of Central Goods and Services Tax Act, 2017](#), in this context has been examined in the following paragraphs.

2. “Agreeing to the obligation to refrain from an act or to tolerate an act or a situation, or to do an act” has been specifically declared to be a supply of service in [para 5 \(e\) of Schedule II of CGST Act](#) if the same constitutes a “supply” within the meaning of the Act. The said expression has following three limbs:—

(a) **Agreeing to the obligation to refrain from an act-**

Example of activities that would be covered by this part of the expression would include non-compete agreements, where one party agrees not to compete with the other party in a product, service or geographical area against a consideration paid by the other party.

Another example of such activities would be a builder refraining from constructing more than a certain number of floors, even though permitted to do so by the municipal authorities, against a compensation paid by the neighbouring housing project, which wants to protect its sunlight, or an industrial unit refraining from manufacturing activity during certain hours against an agreed compensation paid by a neighbouring school, which wants to avoid noise during those hours.

(b) **Agreeing to the obligation to tolerate an act or a situation-**

This would include activities such a shopkeeper allowing a hawker to operate from the common pavement in front of his shop against a monthly payment by the hawker, or an RWA tolerating the use of loud speakers for early morning prayers by a school located in the colony subject to the school paying an agreed sum to the RWA as compensation.

(c) **Agreeing to the obligation to do an act-**

This would include the case where an industrial unit agrees to install equipment for zero emission/discharge at the behest of the RWA of a neighbouring residential complex against a consideration paid by such RWA, even though the emission/discharge from the industrial unit was within permissible limits and there was no legal obligation upon the individual unit to do so.

3. The description “agreeing to the obligation to refrain from an act or to tolerate an act or a situation, or to do an act” was intended to cover services such as described above. However, over the years doubts have persisted regarding various transactions being classified under the said description.

Some of the important examples of such cases are Service Tax/GST demands on –

- (i) Liquidated damages paid for **breach of contract**;
- (ii) **Compensation given to previous allottees** of coal blocks for cancellation of their licenses pursuant to Supreme Court Order;
- (iii) Cheque dishonour fine/penalty charged by a power distribution company from the customers;
- (iv) Penalty paid by a mining company to State Government for unaccounted stock of river bed material;
- (v) **Bond amount recovered** from an employee leaving the employment before the agreed period;
- (vi) Late payment charges collected by any **service provider for late payment of bills**;
- (vii) Fixed charges collected by a power generating company from State Electricity Boards (SEBs) or by SEBs/ DISCOMs from individual customer for supply of electricity;
- (viii) **Cancellation charges recovered by railways for cancellation of tickets, etc.**

# Chapter 5

## Taxable Person

**Step: 3** If you don't fall under above both steps, then check here-

(a) Aggregate Turnover	$\leq$	Applicable Limit (10L/20L/40L)	= Registration not required
(b) Aggregate Turnover (All outward supplies)	$>$	Applicable Limit (10L/20L/40L)	= Registration required in all those States/UTs, from where you are making <b>TAXABLE</b> supply.

\*Taxable  
 \*Exempted  
 \*Zero Rated

→ Nil Rated supply  
 → 100% E/N Supply  
 → Non-Taxable supply

If you are making **taxable** supplies from any of the 4 specified states-

\*Manipur,  
 \*Mizoram,  
 \*Nagaland,  
 \*Tripura

↓  
Applicable Limit = 10 lakhs

If you are making **taxable** supplies from any of the 6 specified states-

\*Arunachal Pradesh,  
 \*Uttarakhand,  
 \*Meghalaya,  
 \*Sikkim,  
 \*Telangana,  
 \*Puducherry

↓  
Applicable Limit = 20 lakhs

If you are making **taxable** supplies from any other States/UTs & deals in-

Only Goods	Only Services	Goods & Services
↓	↓	↓
Limit= 40 lakh (Note 1)	Limit= 20 lakh (Note 2)	Limit= 20 lakh (Note 3)

**Note-1=** For tobacco / Ice cream /Pan Masala, **Fly ash bricks/ aggregates with 90 per cent. or more fly ash content / blocks**

(Limit= 20Lakhs)

**Note 2=** For all services, **limit=20lakhs.**

**Note-3=** If service is Interest on loans/deposits/ advances, then **Limit = 40lakhs.**

# Chapter 6

## Exemptions

### Education

**Prospective  
and Ex-  
Students**

**Q. Applicability of GST on application fee charged for entrance or the fee charged for issuance of eligibility certificate for admission or for issuance of migration certificate by educational institutions.**

**Ans.** it is clarified that the amount or fee charged from prospective students for entrance or admission, or for issuance of eligibility certificate to them in the process of their entrance/admission as well as the fee charged for issuance of migration certificates by educational institutions to the leaving or ex-students is covered by exemption. **[Circular No. 177/09/2022]**

### Health

(73)  
Cord Blood  
Bank

~~Services provided by the cord blood banks by way of preservation of stem cells or any other service in relation to such preservation.~~

**Analysis:**



**CRYO BANK  
INTERNATIONAL**

~~SERVICE: (Exempted)~~

~~What about : Collection Charges = (Exempted)~~

(74)  
Health Care  
SERVICE

Services by way of—

(a) Health care services by a clinical establishment, an authorised medical practitioner or para-medics;

However following will be taxable -

- the services provided by a clinical establishment



- by way of providing room
- [other than Intensive Care Unit (ICU)/Critical Care Unit (CCU)/Intensive Cardiac Care Unit (ICCU)/Neo natal Intensive Care Unit (NICU)]
- having room charges exceeding ₹ 5000 per day to a person receiving health care services.

(b) Services provided by way of transportation of a patient in an ambulance, other than those specified in (a) above.

**Q. Whether GST is applicable on services by way of Assisted Reproductive Technology (ART) procedures such as In vitro fertilization (IVF).**

**Ans.** Health care services provided by a clinical establishment, an authorized medical practitioner or para-medics are exempt.

The abnormality/disease/ailment of infertility is treated using ART procedure such as IVF. It is clarified that services by way of IVF are also covered under the definition of health care services for the purpose of above exemption notification. **[Circular No. 177/09/2022]**

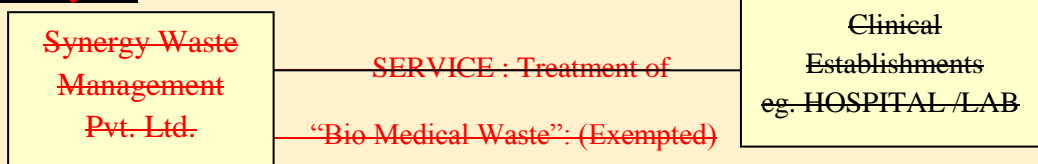
**Health care services** means any service by way of diagnosis or treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognised system of medicines in India and includes services by way of transportation of the patient to and from a clinical establishment, but does not include hair transplant or cosmetic or plastic surgery, but hair transplant or cosmetic or plastic surgery will be health care if it is for cure.

(75)  
Bio Medical  
Waste

~~Services provided by operators of the common bio-medical waste treatment facility to a clinical establishment by way of treatment or disposal of bio-medical waste or the processes incidental thereto~~



**Analysis:**



—————What about collection charges; Exempted

# Government

SN:(3)/(3A) (4)  
/ (5)  
Government  
services

**(3) Pure services** ie only having service element

- provided to the Central Government, State Government or Union territory or local authority
- by way of any activity in relation to article 243G/243W.

**(3A) Composite supply** of goods and services:

- in which the value of supply of goods constitutes maximum 25% of the value of the said composite supply
- provided to the Central Government, State Government or Union territory or local authority
- by way of any activity in relation to article 243G/243W.

**(4) Services by**

- A Governmental authority
- by way of any activity in relation to article 243W.

**(5) Services by**

- A Governmental authority
- by way of any activity in relation to article 243G.

## Analysis



Services fall under Article no. 243 G/W: Land Reform, Land Consolidation, Urban Town Planning, Public Health, Cattle Pond, Street light, Parking lots, Bus stop, Road and bridges, water supply, Fire services etc

*Pure Services (100%) Article: 243 G/ W GIVEN TO...	Exempted	<b>CG/SG/LA/UT</b>	Services under Article: 243 G/W Given by..	Not a supply
*Composite service (At least 75% Service) GIVEN TO...				
*Pure Services (100%) Article: 243 G/ W GIVEN TO...	<b>TAXABLE</b>	<b>Governmental Authority/ Government Entity</b>	Services under Article: 243 G/W Given by..	Exempted
*Composite service (At least 75% Service) GIVEN TO...				

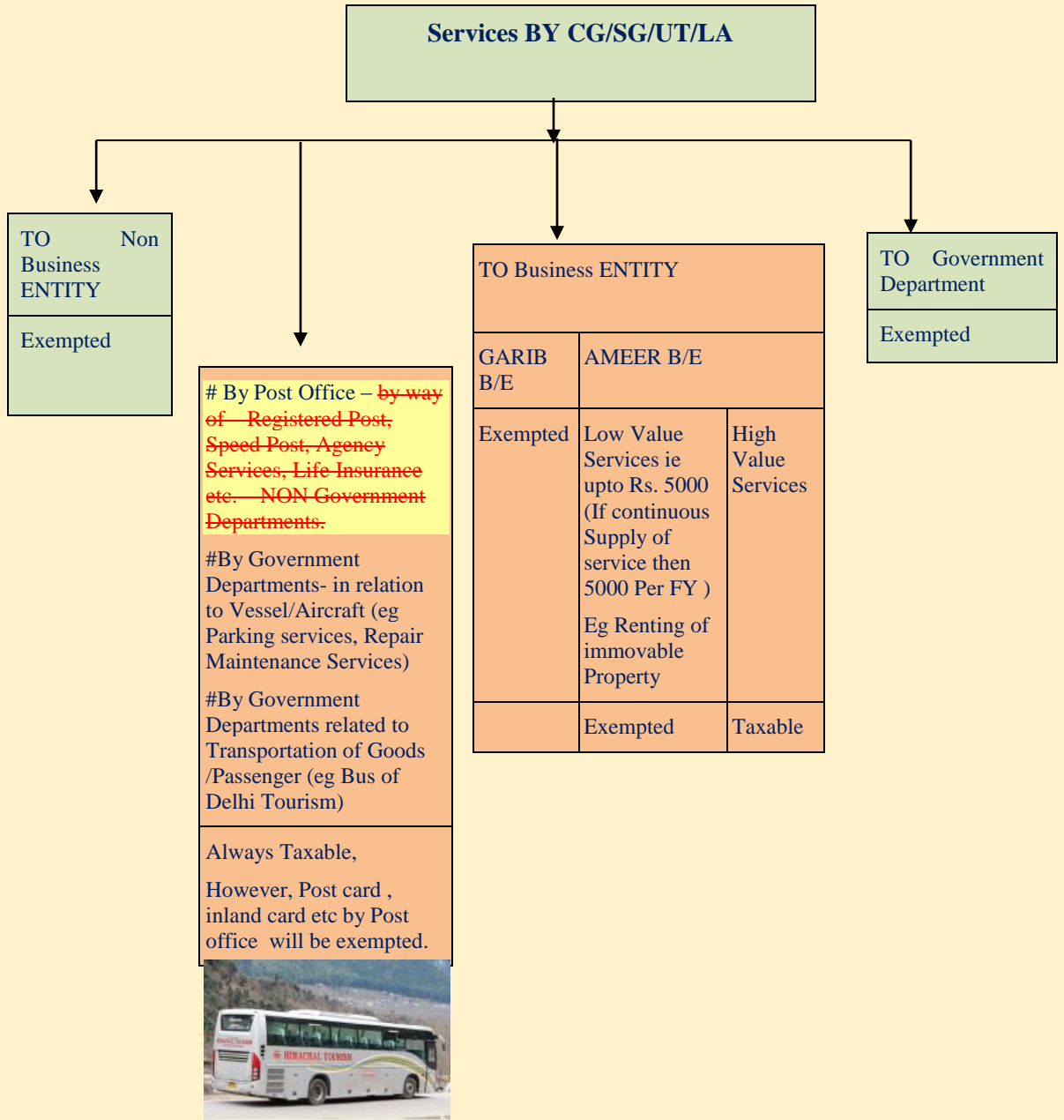
**Q. Taxability of sanitation and conservancy services supplied to Army and other Central and State Government departments.**

Ans. It is clarified that if such services are procured by Indian Army or any other Government Ministry/Department which does not perform any functions listed in the Article 243G/W in the manner **as a local authority does for the general public**, the same are not eligible for exemption.

**[Circular No. 177/09/2022]**

<p>6. Govt. Service (PVT)</p>	<p><b>Services by the Central Government, State Government, Union territory or local authority.[to NON Business Entity]</b> <b>But following government services liable to GST (to maintain parity with private players)</b></p>	
<p><b>[P] Post Office</b></p>	<p>Services by the Department of Posts <b>by way of</b></p> <ul style="list-style-type: none"> <li>*—speed post,</li> <li>*—express parcel post,</li> <li>*—life insurance, and</li> <li>*—agency services</li> </ul> <p><b>Provided to NON GOVERNMENT.</b></p> <p><b>However, Services by the Department of Posts by way of post card, inland letter, book post and ordinary post (envelopes weighing less than 10 grams) will be exempted.</b></p>	
<p><b>[V] Vessel Aircraft Related</b></p>	<p>Services in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;</p>	
<p><b>[T]Transportation of Goods /Passenger</b></p>	<p>Transport of goods or passengers; or</p>	
<p><b>Any other to business Entity</b></p>	<p>Any service, other than services covered above, <b>provided to business entities.</b> [<b>Business Entity</b>: Means any person carrying out business.]</p>	

**Analysis:**



**7. GARIB Business Entity**

Services provided by

- the Central Government, State Government, Union territory or local authority
- to a business entity with an **aggregate turnover of up to** such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017.

**Note: - Following services shall remain be liable to tax...**

**(a) Services,-**

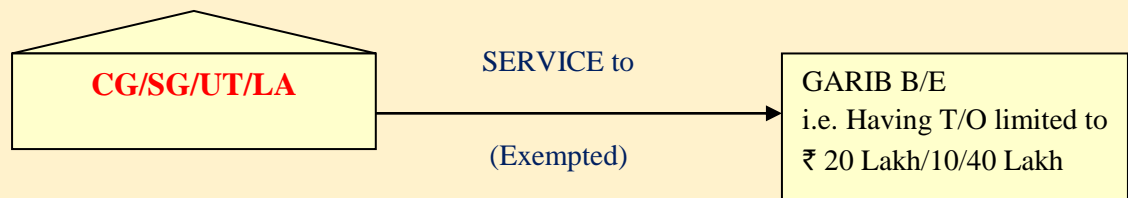
(i) by the Department of Posts ~~by way of speed post, express parcel post, life insurance, and agency services provided to a person other than the~~ Central Government, State Government, Union territory;

(ii) in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;

(iii) of transport of goods or passengers; and

**(b) Services by way of renting of immovable property. [Link with RCM CHAPTER]**

**Analysis**

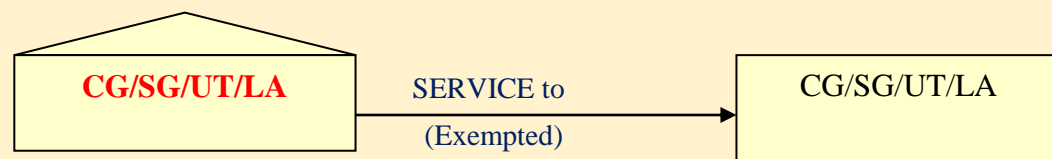


\* WHAT about 'PVT' SERVICE : ALWAYS TAXABLE

8.  
Government to  
Government

<b>Service</b>	Any Service
<b>By</b>	The Central Government, State Government, Union territory or local authority
<b>TO</b>	Another Central Government, State Government, Union territory or local authority:
<b>Exception ie liable to GST</b>	<p>(i) By the Department of Posts <del>by way of speed post, express parcel post, life insurance, and agency services provided to a person other than the</del> Central Government, State Government, Union territory;</p> <p>(ii) In relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;</p> <p>(iii) Of transport of goods or passengers.</p>

**Analysis**



\* WHAT about 'PVT' SERVICE : TAXABLE (ALWAYS)

9.  
Govt. Service  
upto ₹ 5000

Services provided by

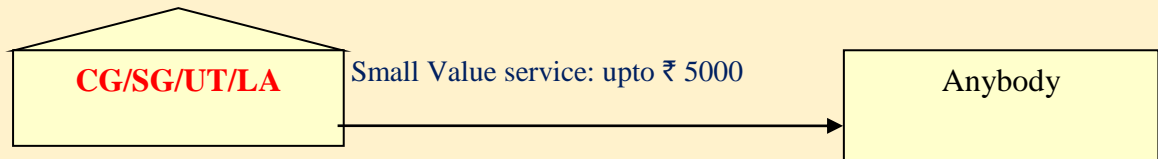
- Central Government, State Government, Union territory or a local authority
- where the consideration for such services does not exceed ₹ 5000.

**Note 1 - Following services shall remain be liable to tax...**

- (i) Services by the Department of Posts ~~by way of speed post, express parcel post, life insurance, and agency services provided to a person other than the Central Government, State Government, Union territory;~~
- (ii) Services in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;
- (iii) Transport of goods or passengers:

**Note 2** In case where continuous supply of service, the exemption shall apply only where the consideration charged for such **service does not exceed ₹ 5000 in a financial year.**

**Analysis:**



\* WHAT about 'PVT': Always taxable

\* What to do in case of Continuous supply of Service: How to club/compute Amount of ₹ 5000 @ per financial year wise.

(47, 47A)  
GOVT.  
SERVICES

(47) Services provided by the Central Government, State Government, Union territory or local authority by way of-

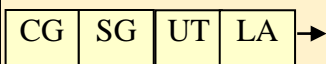


(a) **Registration required under** any law for the time being in force;

(b) **Testing, calibration, safety check** or certification relating to protection or safety of workers, consumers or public at large, including fire license, required under any law for the time being in force.

~~(47A) Services by way of licensing, registration and analysis or testing of food samples supplied by the Food Safety and Standards Authority of India (FSSAI) to Food Business Operators.~~



**Analysis:**



SERVICES BY WAY of Registration, Testing, Safety Check ; (Exempted)

<p>(51) GST Portal</p>	<p><del>Services provided by the Goods and Services Tax Network to the Central Government or State Governments or Union territories for implementation of Goods and Services Tax.</del></p> <p><b>Analysis:</b></p> <div style="display: flex; align-items: center; justify-content: space-around;"> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>GSTN (GST Portal) -Co. Registered U/S 8 of Co. Act, 2013</p> </div> <div style="text-align: center;">  </div> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>GOVT</p> </div> </div> <p style="text-align: center;">(Exempted) →</p>
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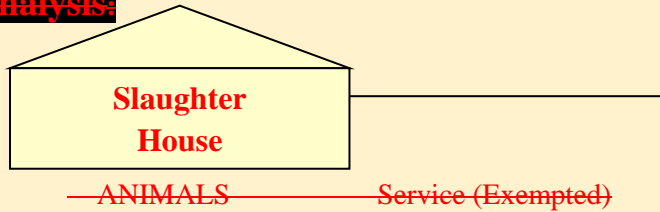
## Agriculture

<p>24B Warehousing</p>	<p>Services by way of storage or warehousing of cereals, pulses, fruits, <b>nuts</b> and vegetables, <b>spices</b>, <del>copra, sugarcane, jaggery, raw vegetable fibres such as cotton, flax, jute etc., indigo, unmanufactured tobacco, betel leaves, tendu leaves, coffee and tea.</del></p> <p>Q. Representations have been received regarding applicability of GST exemption on the service of storage or warehousing of cotton in baled or ginned form.</p> <p>Ans. Accordingly, it is clarified that service by way of storage or warehousing of cotton in ginned and or baled form is taxable WEF 18/07/2022. <b>[Circular No. 177/09/2022]</b></p>
<p>(53A), (54) Agriculture</p>	<p><del>(53A) Services by way of fumigation in a warehouse of agricultural produce.</del></p> <p>(54) Services relating to cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products or agricultural produce by way of—</p> <ol style="list-style-type: none"> <li>(a) Agricultural operations directly related to production of any agricultural produce including cultivation, harvesting, threshing, plant protection or testing;</li> <li>(b) Supply of farm labour;</li> <li>(c) Processes carried out at an agricultural farm including tending, pruning, cutting, harvesting, drying, cleaning, trimming, sun drying, fumigating, curing, sorting, grading, cooling or bulk packaging and such like operations which do not alter the essential characteristics of agricultural produce but make it only marketable for the primary market;</li> <li>(d) Renting or leasing of agro machinery or vacant land with or without a structure incidental to its use;</li> <li>(e) Loading, unloading, packing, storage or warehousing of agricultural produce;</li> <li>(f) Agricultural extension services;</li> <li>(g) Services by any Agricultural Produce Marketing Committee or Board or services provided by a commission agent for sale or purchase of agricultural produce.</li> </ol> <div style="display: flex; justify-content: space-between; align-items: flex-end;">   </div> <p><del>(h) Services by way of fumigation in a warehouse of agricultural produce.</del></p>

(56)  
Slaughtering

Services by way of slaughtering of animals.

**Analysis:**



## Entertainment/Entry Fees

(80)  
A-C-S

Services by way of training or coaching in recreational activities relating to-

(a) Arts or culture, or

(b) Sports by charitable entities registered under section 12AA/AB of the Income tax Act.

Services by way of training or coaching in-

(a) Recreational activities relating to arts or culture, by an individual, or

(b) Sports by charitable entities registered under Section 12AA /AB of the Income Tax Act.

**Analysis:**

- Saroj Khan Dance Academy
- VirendraSehwag Cricket Academy
- Drama School
- Hobby Classes
- etc.

Services:  
(Exempted)



## Accommodation, Renting and Immovable Property

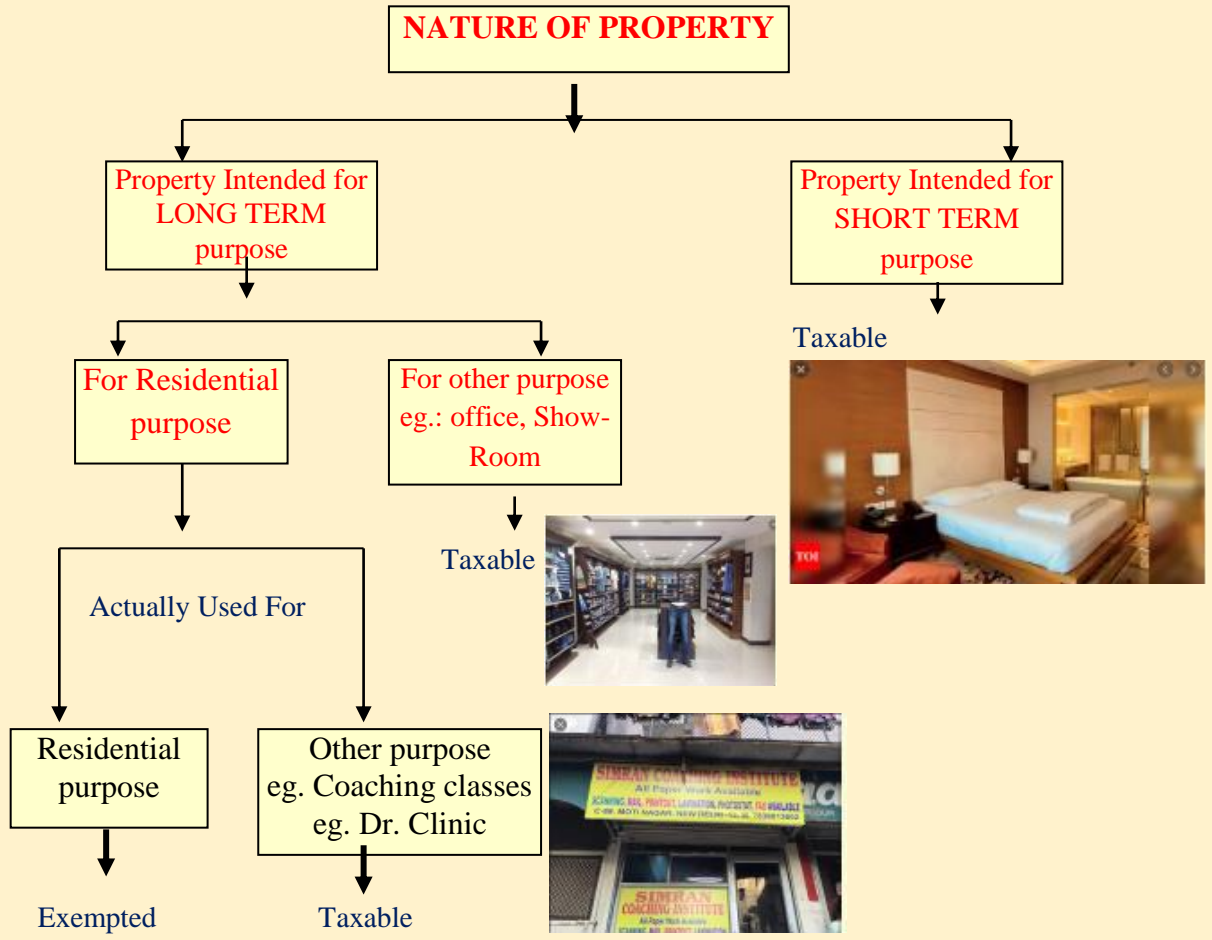
(12) & (14):  
Renting/  
Accommo-  
dations

(12) Services by way of Renting of Residential Dwelling [intended for Longterm use] for use as residence **except where the residential dwelling is rented to a registered person.**

(14) ~~Services by a hotel, inn, guest house, club or campsite, by whatever name called, for residential or lodging purposes, having VALUE OF SUPPLY declared tariff of a unit of accommodation below or equal to ₹1000 per day.~~



**Analysis:**



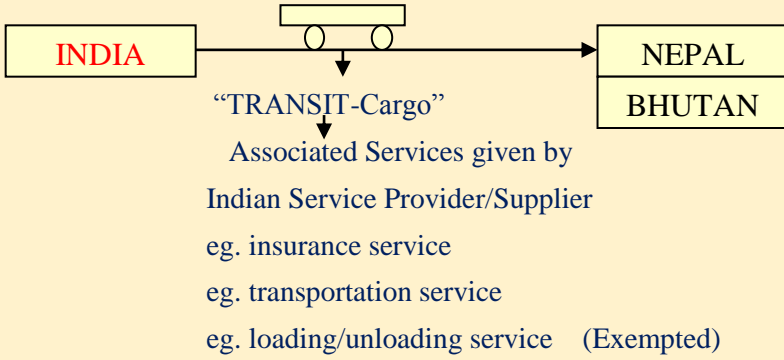

**41B. Real Estate Related**

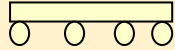

Upfront amount (called as premium, salami, cost, price, development charges or by any other name) payable in respect of service by way of granting of long term lease of 30 years, or more, for construction of residential apartments by a promoter in a project, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier.

**Q. Whether location charges or preferential location charges (PLC) collected in addition to the lease premium for long term lease of land constitute part of the lease premium or upfront amount charged for long term lease of land and are eligible for the same tax treatment.**

Ans. it is clarified that location charges or preferential location charges (PLC) paid upfront in addition to the lease premium for long term lease of land constitute part of upfront amount charged for long term lease of land and are eligible for the same tax treatment, and thus eligible for exemption.

# Transportation of Goods

<p>(9B) Nepal/ Bhutan</p>	<p>Supply of services associated with transit cargo to Nepal and Bhutan.</p> <p><b>Analysis:</b></p> <div style="text-align: center;">  </div>  <p><b>Q. Whether the exemption covers services associated with transit cargo both to and from Nepal and Bhutan</b></p> <p>Ans. Representations have been received regarding applicability of GST on transportation of empty containers returning from Nepal and Bhutan after delivery of transit cargo, to India.</p> <p>it is clarified that the exemption covers services associated with transit cargo both <b>to and from</b> Nepal and Bhutan. <b>[Circular No. 177/09/2022]</b></p>
<p>(18) &amp; (19) (19A) &amp; (19B) Transportation of goods</p>	<p>(18) Services by way of transportation of goods-</p> <p>(a) <b>By ROAD [But service of goods transportation agency, courier agency will be taxable]</b></p> <p>(b) By Inland waterways.</p> <p>(19) Services by way of transportation of goods by an aircraft from a place outside India upto the customs station of clearance in India.</p> <p>(19A) Services by way of transportation of goods by an aircraft from customs station of clearance in India to a place outside India. But this exemption is upto <b>30<sup>th</sup> day of September, 2022</b></p> <p>(19B) Services by way of transportation of goods by a vessel from customs station of clearance in India to a place outside India. But this exemption is upto <b>30<sup>th</sup> day of September, 2022.</b></p> <p>(19C) Satellite launch services supplied by <b>Indian Space Research Organisation</b>, Antrix Corporation Limited or New Space India Limited.</p>

(20) & (21) Transportation of Goods	Particulars	Domestic Journey	Domestic / International Journey
		SN : 20 By RAIL  BY Vessel	SN : 21 GTA” 
	* Milk, Salt,	X	X
	* Flour, Pulses, Rice	X	X
	* Agriculture Produce	X	X
	* News Paper / Magazines	X	X
	* Relief Material	X	X
	* Defence Material	X	X
	<del>*Railway Equipment</del>	<del>X</del>	<del>√</del>
<del>*Special Exemption</del>	<del>-NO-</del>	<del>I-Chance: ₹ 1500/- total truck load freight based II-Chance: ₹ 750/- consignee based.</del>	

## Transportation of Passenger

(15),(16) &(17) Transportation of Passenger	(15) Transport of passengers, with or without accompanied belongings, by –	
	(a) Air <b>in economy class</b> , embarking from or terminating in an airport located in the state of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, or Tripura or at Bagdogra located in West Bengal.	
	(b) Non-air-conditioned contract carriage other than <b>radio taxi</b> , for transportation of passengers, excluding tourism, conducted tour, charter or hire;	However no exemption shall be allowed if the services supplied through an electronic commerce operator, and notified under Section 9(5) of the CGST ACT.
	(c) Stage carriage other than air-conditioned <b>stage carriage</b> .	However no exemption shall be allowed if the services supplied through an electronic commerce operator, and notified under Section 9(5) of the CGST ACT.

**Q. Whether hiring of vehicles by firms for transportation of their employees to and from work is exempt under transport of passengers by non-air conditioned contract carriage.**

Ans. It is clarified that 'charter or hire' excluded from the above exemption entry is charter or hire of a motor vehicle for a period of time, where the renter defines how and when the vehicles will be operated, determining schedules, routes and other operational considerations. Therefore, it will be taxable.

**Q. Whether GST would be applicable on private ferry tickets. It has been stated that these private ferries are used as means of transport from one island to another in Andaman and Nicobar Islands.**

Ans. It is clarified that this exemption would apply to tickets purchased for transportation from one point to another irrespective of whether the ferry is owned or operated by a private sector enterprise or by a PSU/government.

Only exclusion is on transportation which is predominantly for tourism, such as services which may combine with transportation, sightseeing, food and beverages, music, accommodation such as in shikara, cruise etc ie it will be taxable. **[Circular No. 177/09/2022]**

## TOUR OPERATOR SERVICES

Tour operator service, which is performed partly in India and partly outside India, supplied by a tour operator to a foreign tourist, to the extent of the value of the tour operator service which is performed outside India will be exempted.

**How to find out proportion:** Value of the tour operator service performed outside India shall be

- Such proportion of the total consideration charged for the entire tour which is equal to the proportion which the number of days for which the tour is performed outside India has to the total number of days comprising the tour, or
- 50% of the total consideration charged for the entire tour,
- whichever is less.

**Day Rounding Off:** In making the above calculations, any duration of time equal to or exceeding 12 hours shall be considered as one full day and any duration of time less than 12 hours shall be taken as half a day.

**Foreign Tourist" means** a person not normally resident in India, who enters India for a stay of not more than six months for legitimate non- immigrant purposes.

**Illustrations:**

A tour operator provides a tour operator service to a foreign tourist as follows:—

(a) 3 days in India, 2 days in Nepal; Consideration Charged for the entire tour: ₹1, 00, 000/-

Exemption: ₹40, 000/- (= ₹1, 00, 000/- x 2/5) or, ₹50, 000/- (= 50% of ₹1, 00, 000/-) whichever is less, i.e., ₹40, 000/- (i.e., Taxable value: ₹60, 000/-);

(b) 2 days in India, 3 nights in Nepal; Consideration Charged for the entire tour: ₹1, 00, 000/-

Exemption: ₹60, 000 (= ₹1, 00, 000/- x 3/5) or, ₹50, 000/- (= 50% of ₹1, 00, 000/-) whichever is less, i.e., ₹50, 000/- (i.e., Taxable value: ₹50, 000/-);

(c) 2.5 days in India, 3 days in Nepal; Consideration charged for the entire tour: ₹1, 00, 000/-

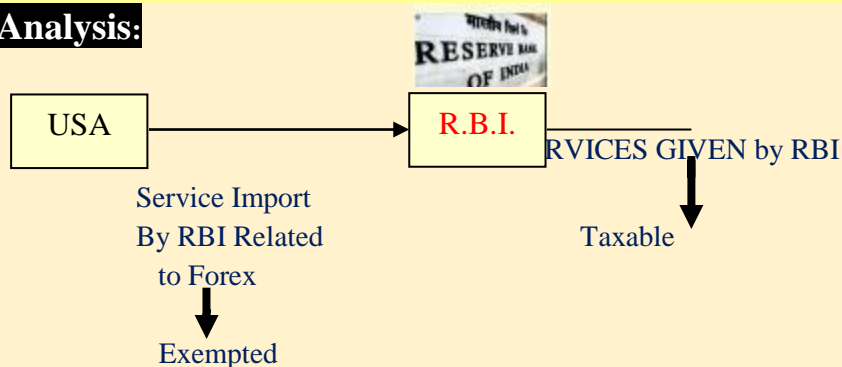
Exemption: ₹54,545 (= ₹1, 00, 000/- x 3/5.5) or, ₹50, 000/- (= 50% of ₹1, 00, 000/-) whichever is less, i.e., ₹50, 000/- (i.e., Taxable value: ₹50, 000/-)

## Banking

(26)  
RBI

### Services by the Reserve Bank of India.

#### Analysis:



## Insurance AND Pension

(30) (31)

(32) (33)

(30) Services by the Employees' State Insurance Corporation.

(31) Services provided by the Employees Provident Fund Organisation.

(31A) Services by Coal Mines Provident Fund Organisation.

(31B) Services by National Pension System (NPS) Trust to its members against consideration in the form of administrative fee.

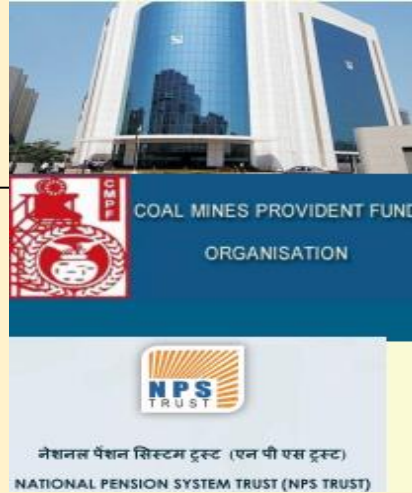
(32) Services provided by the Insurance Regulatory and Development Authority of India to insurers under IRDA-

(33) Services provided by the Securities and Exchange Board of India by way of protecting the interests of investors in securities and to promote the development of, and to regulate, the securities market.

**Analysis**

ESIC
EPFO
<b>CMPFO</b>
<b>NPS</b>

SERVICES  
↓  
Exempted)



## Business Related

(23) & (23 A)  
**TOLL**

(23) Service by way of access to a road or a bridge on payment of toll charges.

(23A) Service by way of access to a road or a bridge on payment of annuity.

**Analysis:**



NHAI

Express Way / Bridge

TOLL Charges: Exempted



WHAT ABOUT ANNUITY = Exempted



**Q. Whether the additional toll fees collected in the form of higher toll charges from vehicles not having fastag is exempt from GST?**

Ans. It is clarified that additional fee collected in the form of higher toll charges from vehicles not having Fastag is essentially payment of toll for allowing access to roads or bridges to such vehicles and may be given the same treatment as given to toll charges. **[Circular No. 177/09/2022]**

**GST ON OVERLOADING CHARGES AT TOLL PLAZA:** Representations have been received seeking clarification regarding applicability of GST on Overloading charges collected at Toll Plazas.

**Entry 23 of notification No. 12/2017**, exempts Service by way of access to a road or a bridge on

payment of toll charges.

Vide notification dated 25th Sep. 2018, issued by Ministry of Road Transport And Highways, overloaded vehicles were allowed to ply on the national highways after payment of fees with multiplying factor of 2/4/6/8/10 times the base rate of toll. Therefore, in essence overloading fees are effectively higher toll charges.

As recommended by the GST Council, it is clarified that overloading charges at toll plazas would get the same treatment as given to toll charges.

## Latest Circulars/Clarifications by Board

**Q. Applicability of GST on honorarium paid to Guest Anchors. Sansad TV and other TV channels invite guest anchors for participating in their shows and pays remuneration to them in the form of honorarium. Some of the guest anchors have requested payment of GST @ 18% on the honorarium paid to them for such appearances.**

Ans. It is clarified that supply of all goods & services are taxable unless exempt or declared as 'neither a supply of goods nor a supply of service'. Services provided by the guest anchors in lieu of honorarium attract GST liability. However, guest anchors whose aggregate turnover in a financial year does not exceed ₹ 20 lakhs (₹ 10 lakhs in case of special category states) shall not be liable to take registration and pay GST. **[Circular No. 177/09/2022.]**

# Chapter 7

## Computation of GST

### Composition scheme

#### Other conditions of eligibility of Composition scheme

#### For Goods Focused Composition Scheme; Section 10 (1) (2)

#### Who is not eligible for composition Scheme - SIX categories of persons [to be checked in CFY]

- (1) Person making inter-state supply of goods/Services [eg. one state to another, export of goods]
- (2) Supplier of any service OTHER than
  - (a) Restaurant services
  - (b) Interest received on extending deposit loan and advances shall be ignored completely.**
  - (c) Limited value services along with main business. [Maximum value: 10 % of turnover within the state/UT or ₹5,00,000 whichever is higher] ie if value of these services exceed the maximum limit then the person not eligible for the scheme
- (3) Supplier of non- taxable good /services.
- (4) The person who supply goods/services through E commerce operator.
- (5) Manufacturer of specified goods...

Pan masala, tobacco, ice cream, Aerated Water

**Fly ash bricks/ aggregates with 90 per cent. or more fly ash content / blocks**

Bricks of Fossil meals or similar siliceous earths

Building bricks

Earthen or roofing tiles

- (6) Casual taxable person and NR. (Banjaare)

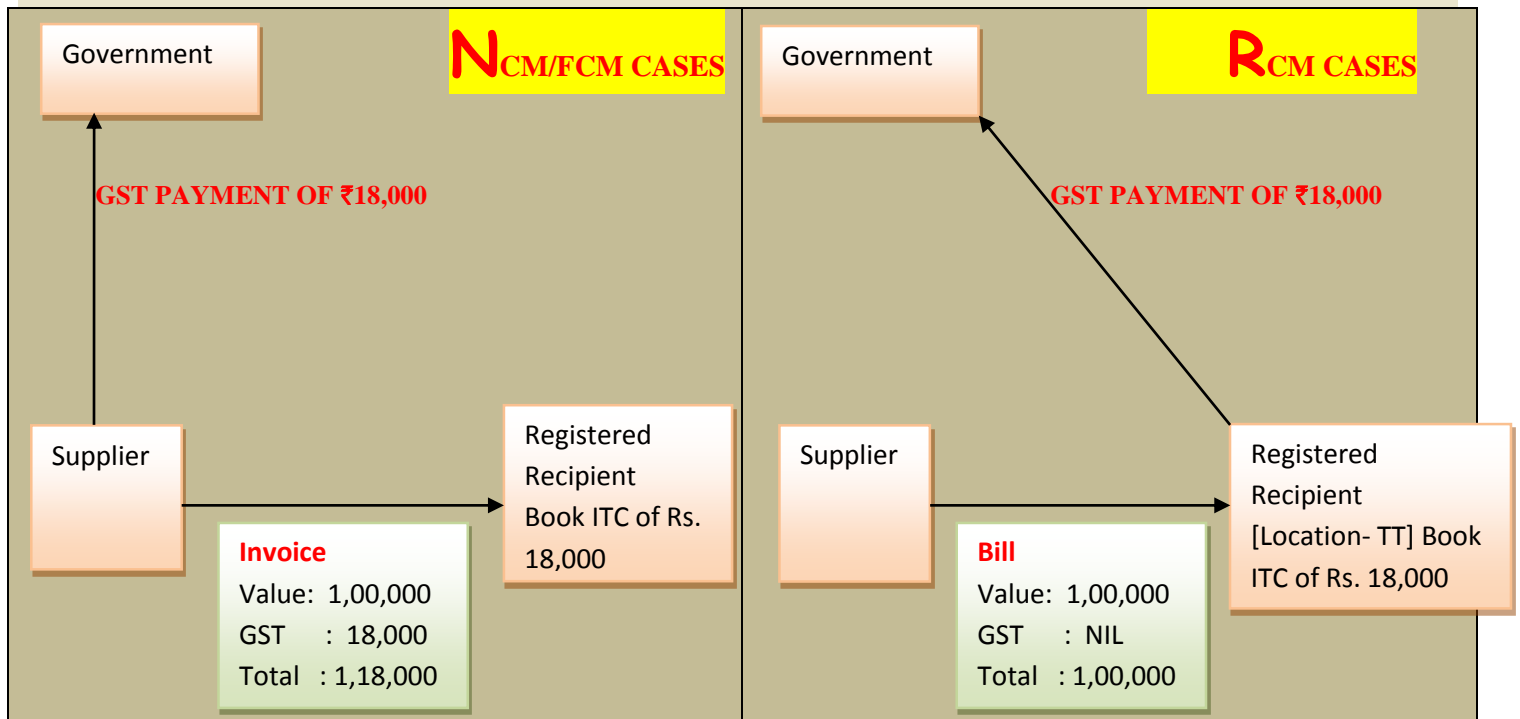






# Chapter 8

## Reverse Charge Mechanism





BASIS	NCM/FCM	RCM
Net Revenue To Supplier	$[1,18,000 - 18,000 \text{ GST}] = 1,00,000$	1,00,000
Cost To Recipient	$[1,18,000 - 18,000 \text{ ITC}] = 1,00,000$	$[1,00,000 + \text{GST } 18,000 - \text{ITC}] = 1,00,000$
Revenue To Government	18,000	18,000

**Crux:** In Both The Cases Financial Position Remains Same, Then Why RCM—

1. Where Government Has No Control Over The Supplier (Eg Import Of Service)
2. Where Government Has No Trust Over The Supplier (Eg Goods Transport Agency)
3. Where Supplier Belongs To Un-Organised Sector Eg. Insurance Agent Service.

**N/No. 13/2017- Central Tax (Rate): Specified Services under Reverse Charge@ intra state supplies**

S N	Category of Supply of Services	Supplier of service	Recipient of Service
1	<p>Supply of Services by a <b>Goods Transport Agency (GTA)</b> in respect of transportation of goods by road.</p> <p><i>GST Rate 5% and no ITC to supplier [RCM or NCM as the case may be]</i></p>   <p><b>Note: No RCM will be applicable where</b></p> <p>i.) The supplier has taken registration under the CGST Act, 2017 and exercised the option to pay tax on the services of GTA in relation to transport of goods supplied by him under forward charge; and</p> <p>ii.) The supplier has issued a tax invoice to the recipient charging Central Tax at the applicable rates and has made a declaration to pay Tax.</p>	<p><b>Goods Transport Agency (GTA)</b></p>	<p>(a) Any factory registered under or governed by the Factories Act, 1948 or</p> <p>(b) Any society registered under the <a href="#">Societies Registration Act, 1860.</a></p> <p>(c) Any co-operative society established by or under any law; or</p> <p>(d) GSTIN holder</p> <p>(e) Anybody - <b>corporate</b> established, by or under any law; or</p> <p>(f) Any partnership firm whether registered or not under any law including association of persons; or</p> <p>(g) Any casual taxable person; located in the taxable territory.</p>

S N	Category of Supply of Services	Supplier of service	Recipient of Service
5	<p>Services supplied by the Central <b>Government</b>, State Government, Union territory or local authority <b>TO a business entity excluding,—</b></p> <p>(1) Renting of immovable property, and</p> <p>(2) <b>Services specified below—</b></p> <p>(i) <del>Services by the Department of Posts by way of speed post, express parcel post, life insurance, and agency services provided to a person other than Central Government, State Government or Union territory or local authority;</del></p> <p>(ii) Services in relation to an aircraft or a <b>Vessel</b>, inside or outside the precincts of a port or an airport;</p> <p>(iii) <b>T</b>ransport of goods or passengers.</p>	<p><b>Central Government, State Government, Union territory or local authority</b></p>	Any <b>Business Entity</b> located in the taxable territory.
5A	Services supplied by the Central Government, State Government, Union territory or local authority by way of renting of immovable property to a person registered under the <u>Central Goods and Services Tax Act, 2017</u> .	Central Government, State Government, Union territory or local authority	Any person registered under the Central Goods and Services Tax Act, 2017.
5AA	Service by way of renting of residential dwelling	Any person	GSTIN Holder

### Renting Of Immovable Property

Sn	Property	Supplier	Recipient	GST	Charge [NCM/RCM ]
1	Residential	Aunty	Un Registered	GST	
2	Residential	Aunty	Registered	GST	
3	Residential	Government	Un Registered	GST	
4	Residential	Government	Registered	GST	
5	Commercial	Aunty	Un Registered	GST	
6	Commercial	Aunty	Registered	GST	
7	Commercial	Government	Un Registered	GST	
8	Commercial	Government	Registered	GST	

# Chapter 9

## Invoice

### Section 35: Debit and Credit Note

Basis	Debit Note / Supplementary Invoice.	Credit Note
<b>When to issue</b> [Sec 34]	Where one or more tax invoice has been issued <b>and the taxable value or tax charged in that tax invoice is found less than</b> the supplier shall issue to the recipient one or more <b>debit notes</b> .	<b>Where-</b> one or more tax invoice has been issued and the <b>taxable value or tax charged in excess</b> , or sale return or under supply then the <b>supplier</b> , may issue a <b>CREDIT NOTE</b> .
<b>What to do after issue</b> [Sec 34]	Any registered person who issues a debit note <b>shall declare the details of such debit note in the upcoming return and the tax liability shall be adjusted</b> .	Supplier shall declare the details of such one or more credit notes <b>in the upcoming return</b> but max to max by <b>30<sup>th</sup> November of next Financial Year</b> or the Actual date of filing of annual return, whichever is earlier, and the <b>tax liability shall be adjusted</b> .

### Concept of E-INVOICE [Relevant extract from Rule 48]

The invoice shall be prepared by such class of registered persons

- whose aggregate turnover in a financial year exceeds Rs.10 crore
- by including such particulars contained in **FORM GST INV-01**
- after obtaining an Invoice Reference Number
- by uploading information contained therein on the Common Goods and Services Tax Electronic Portal in such manner and subject to such conditions and restrictions as may be specified in the notification.
- However, Commissioner may, exempt a person or a class of registered persons from issuance of invoice for a specified period.

**CGST RULES, 2017****Rule 46: Tax  
invoice: content**

Subject to Rule 54, a tax invoice referred to in section 31 shall be issued by the registered person containing the following particulars, namely,—

(s) a declaration , that invoice is not required to be issued in the manner specified under Rule 48(4), in all cases where an invoice is issued, other than in the manner so specified under Rule 48(4), by the taxpayer having aggregate turnover in any preceding financial year from 2017-18 onwards more than the aggregate turnover as notified under Rule 48(4).

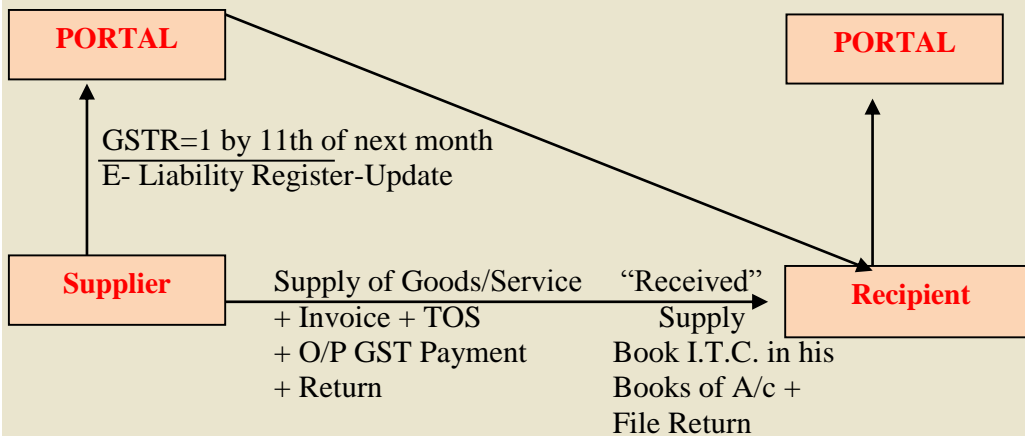
“I/We hereby declare that though our aggregate turnover in any preceding financial year from 2017-18 onwards is more than the aggregate turnover notified under Rule 48(4), we are not required to prepare an invoice in terms of the provisions of the said sub-rule.



# Chapter 11

## Input Tax Credit

### Analysis of Section 16: CONDITIONS FOR Claiming I.T.C.



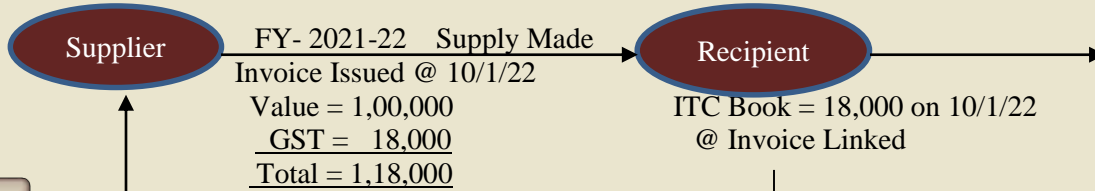
Section 16 – ITC book @ Generally (12 conditions)  
 Section 17 - \* (1) (2)(3)(4): Mix / Common Credit  
 \*(5) (6): Blocked credited (i.e. No means no)  
 Section 18- ITC book @ Special circumstances

Sn	12 conditions to Book ITC
1	Recipient should have Invoice issued by Supplier/SELF, Invoice/Debit NOTE/ISD Invoice/Bill of ENTRY
2	Goods/Service-Received by Recipient himself or Received by III Party on Behalf of Recipient. <i>Note: If Goods Received in Installment then deemed to be received on Receipt of last LOT.</i> <b>And The details of input tax credit in respect of the said supply communicated to such registered person under section 38 has not been restricted.</b>

3	Recipient Need to file – Valid GSTR=3/3B on time.
4	Supplier Need to file – Valid GSTR-3/3B on time.
5	<p>Bill Payment by “Recipient to supplier: should be made within 180 Days from invoice date. (For NCM supplies only) * IF NOT made: then on 181<sup>st</sup> day, ITC Reversal.</p> <p>A registered person,</p> <ul style="list-style-type: none"> <li>▪ Who has availed of input tax credit on any inward supply (other than RCM inward supplies)</li> <li>▪ but fails to pay to the supplier thereof, the amount towards the value of such supply along with the tax payable thereon, within the time limit of 180 days</li> <li>▪ shall pay an amount equal to the input tax credit availed in respect of such supply along with interest payable thereon under section 50,</li> <li>▪ while furnishing the return in FORM GSTR-3B for the tax period immediately following the period of 180 days from the date of the issue of the invoice:</li> </ul> <p>* What if made After 180 Days: Book (Re-Avail) ITC on Payment Basis (i.e. proportionately) *<b>WHAT About ‘FOC’ supplies:</b> (RBI Ki Agency) then the bill Amount shall be deemed to have been paid. *<b>What about Suppliers obligation</b> paid by Recipient: it shall be deemed to have been paid for the purposes of condition of 180 days.</p>
6	INWARD Supply: USE/intended to be used for Business or Furtherance of business.
7	<p>Recipient’s output Supply should be Non-Exempted. * What about MIX USE: make it Proportionate and restricted it to non-exempted and business purpose.</p>
8	<p>Keep in mind Last date to Book ITC – Last date: <b>30<sup>th</sup> November of NEXT Year</b> OR Annual Return filing date: whichever is Earlier [But this condition is only for original Booking of ITC ie not for Re-availment.</p>
9	Either ITC or Depreciation Under Income tax Act.
10	CAPITAL Goods – Use for whole life, IF partly used then: Make it proportionate as per prescribed method.
11	No ITC shall be allowed of the TAX arise on Re-Assessment/ Fraud etc.
12	Received supply should not be a NEGATIVE listed supply as defined in Sec: 17(5)

Condition Of 180 days

**Crux: -**  
 ITC originally book = Invoice Based  
 ITC Re-avail = Payment Based



**Stage -1**  
 ITC to Recipient  
 On invoice based

**Stage -2**  
 If payment not made  
 Within 180days, then  
 Reversal of ITC  
 i.e. add in Output  
 GST liability

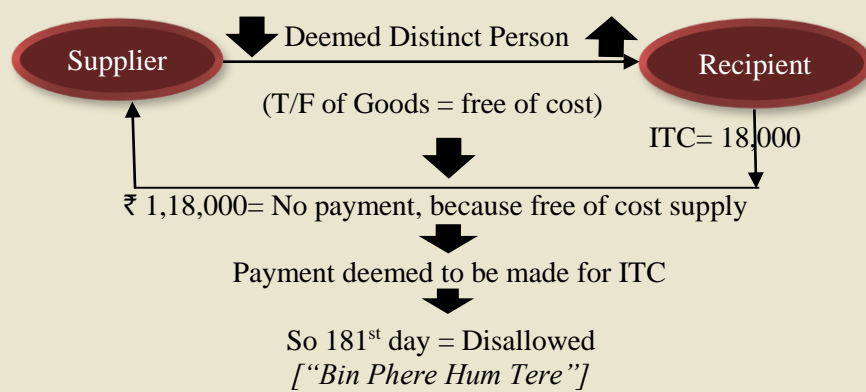
\* Recipient need to pay bill amount of ₹ 1,18,000 within 180 days of invoice  
 \* Otherwise 181th day -> ITC reverse i.e. Add in Output tax liability ₹ 18,000 with interest w.e.f 10/1/22, Till the date of addition i.e. add in E-liability register.

**Recipient to Supplier Payment**

**Stage -3**  
 ITC Re-availment on  
 Payment basis

But Later On:	Payment Made	Re-avail ITC
On 200 <sup>th</sup> day	10%	₹ 1,800
On 250 <sup>th</sup> day	20%	₹ 3,600
On 1,000 <sup>th</sup> day	30%	₹ 5,400
	Bad Debts @ 40%	--
		<u>Total = 10,800</u>

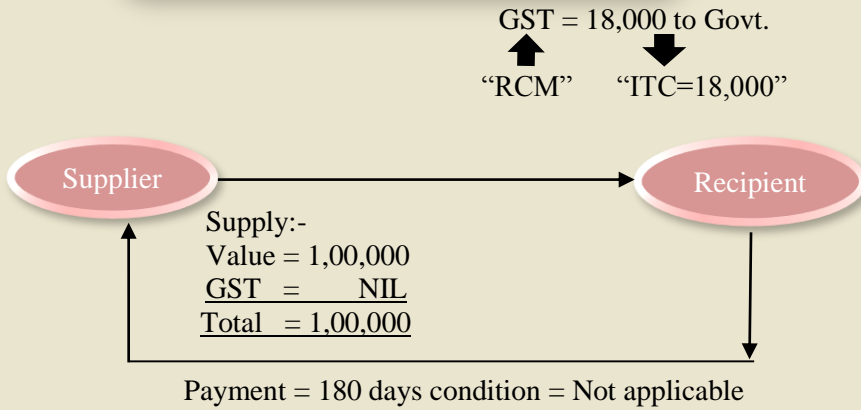
Note: Maximum time limit  
 To book ITC not applicable  
 On Re-availment of ITC





**CRUX**

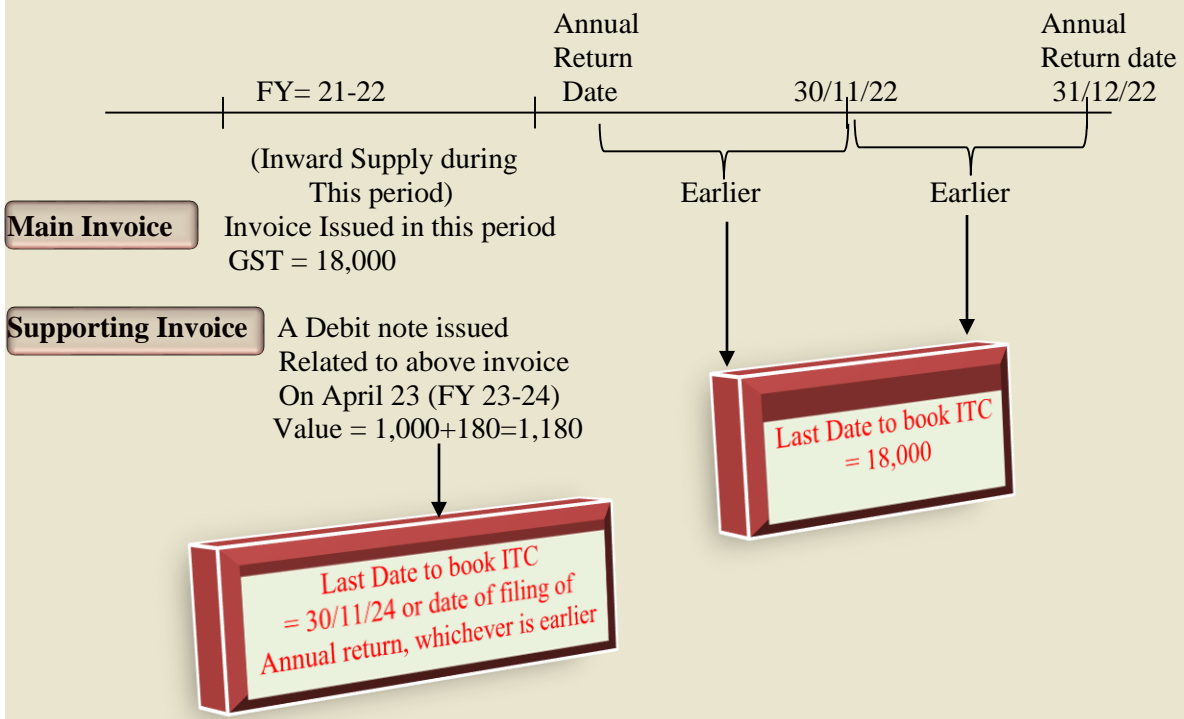
Condition of 180 days shall not be applicable on free of cost transactions



**CRUX**

Condition of 180 days shall not be applicable on RCM Supplies

**Last Date for ITC Booking:**



## **Analysis SECTION : 17 (1)(2)(3)(4)(5)(6)**

**SECTION: 17 (5) &(6) : Negative list of Input Tax Credit : ie. No ITC shall be allowed to Recipient:** As per section 17(5) Credit of following inward supplies shall not be available to the recipient subject to some exceptions.

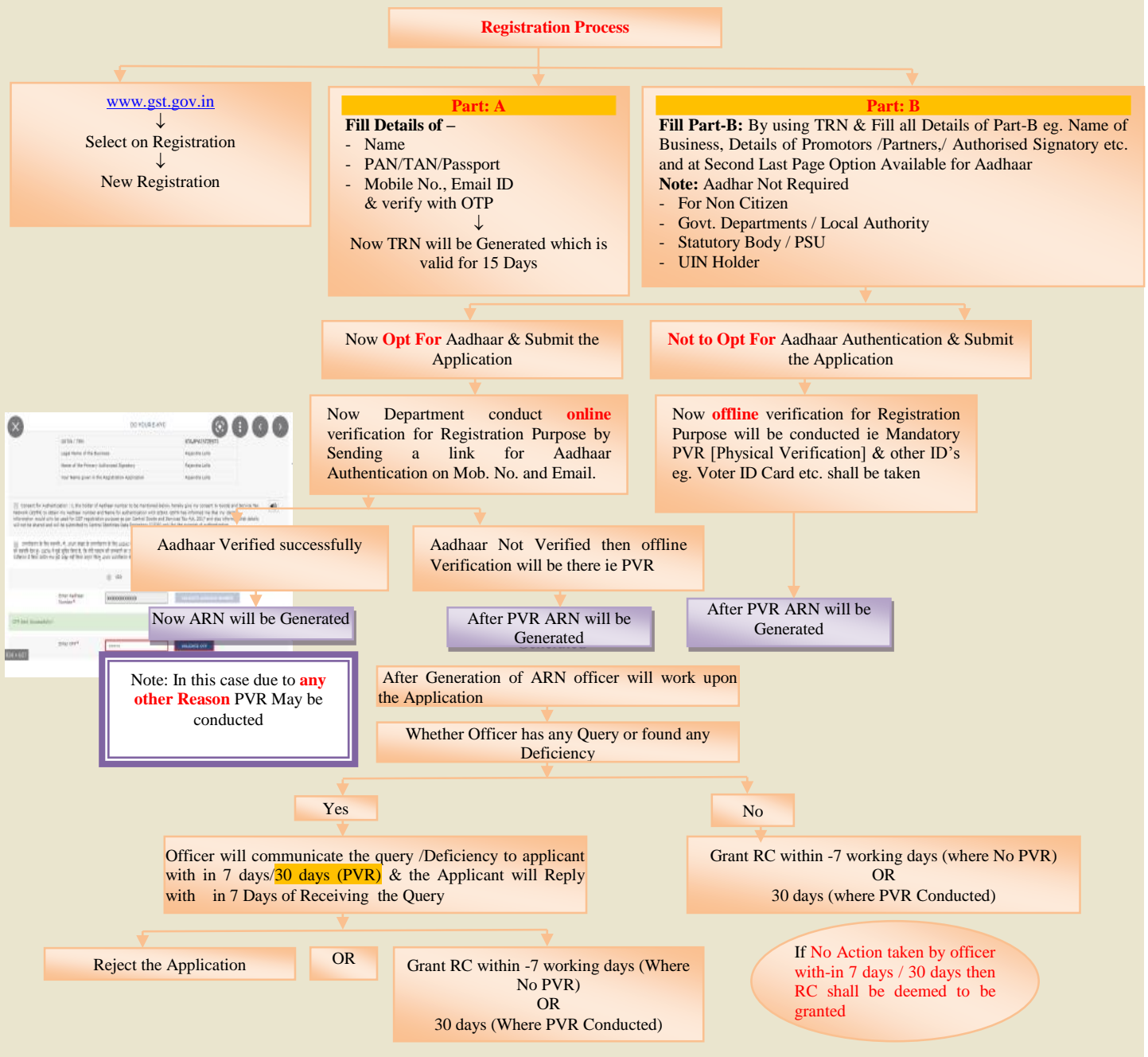
**Note:** It is clarified that “leasing” refers to leasing of motor vehicles, vessels and aircrafts **only and not to leasing of any other items.** Accordingly, ITC shall be allowed in case of leasing, other than leasing of motor vehicles, vessels and aircrafts.



# Chapter 12

## Registration

### HOW TO OBTAINED GST REGISTRATION



**CANCELLATION OF REGISTRATION**

**Reasons of Cancellation**

**On Application**

1. PAN CHANGE  
Eg. Transfer of Business  
Eg. Amalgamation / Demerger/etc.  
Eg. Constitution change (eg. Firm to Company)
2. CLOSURE of Business
3. REGISTRATION –No Longer Required eg. Now All Exempted Supplies.
4. Taken voluntarily Registration- Now opt out
5. TDS Deductor /TCS collector –Now No longer Required to Deduct or collect

**By officer**

1. Registration Taken By means of Frauds
2. DOES NOT conduct Business from Declared Place of business.
3. Have voluntarily Registration But unable to START Business in 6 Months.
4. NOT to file Return for ..  
‡ Composite Dealer: **the FY and 3 month from due date expired**  
‡ Regular Scheme: 6 Months [**QRMP Scheme 2 Tax Period**]
6. Contravene the Provisions of ACT / Rules (eg. Issue Bogus Invoice)
7. Wrongly Availied ITC
8. Show liability in GSTR-1 & NOT to show in GSTR -3B
9. Violate Provision of Rule: 86B (1% Concept)
10. ANAMOLY in ITC claimed & output GST liability

**Grounds of Divorce Received By Wife Only**

**EFFECT OF SUSPENSION**

- \* Shall not make any taxable Supply (can do Business but can't collect GST).
- \* Not to Furnish Return
- \* No Refund shall be granted to him by Department.

Application Given For cancellation Due to Above Reason then RC Shall be deemed to be suspended from the--

- \* Application submission date OR
  - \* Desired Date of cancellation (whichever is later)
- Till

The RC cancellation Proceedings Gong On

If the proper officer has Reason to believe that the Person falls in above – He may suspend the Registration WEF the Date as he deem FIT

Till

The RC Cancellation proceedings Going on

- \* Now Officer shall issue a SCN [Shaw Cause Notice] with- in 7 Working days
- \* Reply made By the Person

Reply was Not Satisfactory then the officer will issue a Cancellation order with 30 days to cancel RC-(Prospective /Retrospective) by Notifying him to Pay final Dues

Reply was Satisfactory then officer shall Drop the proceedings & suspension order shall be with drawn.

**Note:** Where Suspension order issued because of Non submission of Returns then the person instead of Replying of SCN–file All Pending Returns and make payment of all Dues Then the officer shall Drop the proceedings and suspension order shall be withdrawn.

Now the proper officer shall issue a Cancellation order to cancel RC WEF the date on which he deem fit (May Be Prospective / Retrospective)  
By Notifying him to Pay Final Liability

Now Check

Business is Closed

Business is continued by other Person

**PAY of Final Dues**

- Now:**
- \*No Business
  - \*No Tax Collection
  - \*No Invoice to be raised
  - \*No Return

**No Need to Pay Final Dues**

- \*New owner will take Fresh Registration
  - \*All Assets (Including Input/Capital Goods / ITC) shall be Transferable to new ownership
  - \*All liabilities shall be transferred to new ownership
- New Owner will do the Business and liable to pay GST on Output supplies.

- \* Now the Person may issue Revised Invoice u/s=31 with in one month of suspension Revoke order.
- \* Return for Suspension Period file u/s=40 [& Pay GST to Govt.] ie suspension period is like PRE-RC period

Now Continue Your Business as Earlier

**REVOCATION/RESTORATION OF REGISTRATION**

Apply for Revocation of Cancellation within 30 +30 +30 Days = Max.90 days

Officer will take Action within 30 Days & Revocation Application: Accepted

Now Continue Your Business as Earlier No Question of Revised Invoice etc.

Not to Apply for Revocation OR Revocation Application Rejected.

RC Remain Cancelled

PAY of Final Dues  
↓  
Now: No Business  
No Tax Collection  
No Revised Invoice  
No Return

**SPECIAL NOTE**

Precondition to file Revocation Application in case where cancellation was due to Non-filing of Return

**CASE:1 Where Cancellations effective Prospectively**

- A. File All pending Returns Due UPTO **cancellation order**
- B. Now file Revocation Application
- C. Revocation Accepted
- D. Now file Return Due from Cancellations order to Revocation order

**Calculation of Final Dues**

**FOR INPUTS:**

Corresponding ITC on Input (in Any Form, as such, WIP, contained in final product)

OR

Output GST on such Goods (as it is Deemed Supply to himself [Whichever is higher] xxx

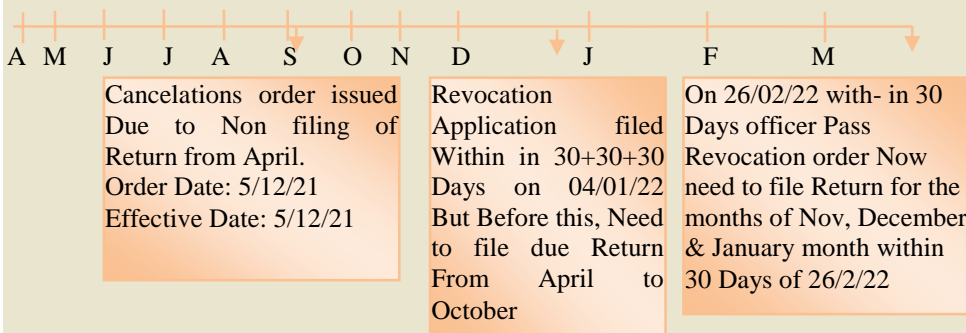
**FOR CAPITAL GOODS**

\* ITC Related to Capital Goods by taking 5% per quarter or Part thereof

OR

\* Output GST on Transaction value u/s 15 [Whichever is Higher] xxx

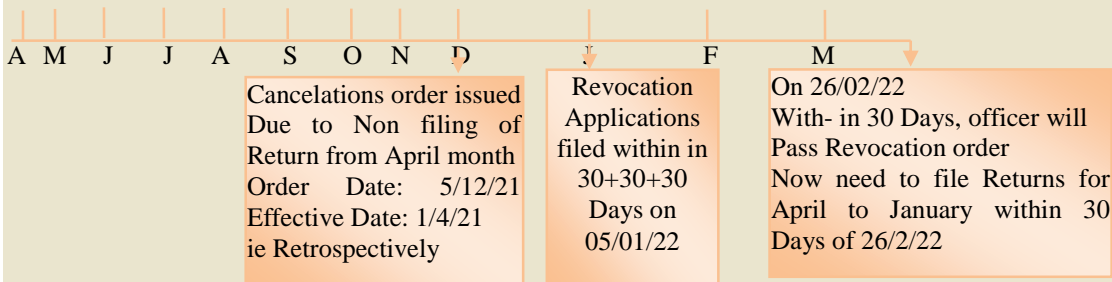
**Example**



**CASE: 2 Where Cancellation effective Retrospective (WEF:1/4/21)**

- A. ~~File All pending Returns Due UPTO cancellation order~~
- B. Now file Revocation Applications
- C. Revocation Accepted
- D. Now file Return Due **from April Month to Revocation order.**

**Example**



## Legal Text

**Note:** Section 22, 23, 24 already covered under chapter TAXABLE PERSON.

## Section 29: Cancellation OR suspension of registration

<p><b>Cancellation of Registration</b></p>	<p>(1) The proper officer may, <b>either on his own motion or on an application</b> filed by the registered person or by his legal heirs, in case of death of such person, <b>cancel the registration, in such manner</b> and within such period as may be prescribed, having regard to the circumstances <b>where:</b></p> <p>(a) The business has been discontinued, transferred fully for any reason including death of the proprietor, amalgamated with other legal entity, demerged or otherwise disposed of; or</p> <p>(b) There is any change in the constitution of the business; or</p> <p>(c) The taxable person is no longer liable to be registered under section 22 or section 24 <b>or intends to opt out of the registration voluntarily made under section 25 (3).</b></p> <p>Provided that during pendency of the proceedings relating to cancellation of registration filed by the registered person, the registration may be suspended for such period and in such manner as may be prescribed.</p>
<p><b>Effective date of cancellation</b></p>	<p>(2) The proper officer may cancel the registration of a person from such date, <b>including any retrospective date</b>, as he may deem fit, where,—</p> <p>(a) a registered person has contravened such provisions of the Act or the rules made thereunder as may be prescribed; or</p> <p>(b) a person paying tax under section 10 has not furnished returns for <b>“the return for a financial year beyond 3 months from the due date of furnishing the said return three consecutive tax periods;</b> or</p> <p>(c) any registered person, other than a person specified in clause (b), has not furnished returns <b>“such continuous tax period as may be prescribed” for a continuous period of six months;</b> or</p> <div data-bbox="521 1486 1511 1852" style="border: 1px solid black; padding: 5px;"> <p><b>Rule 21 of CGST Rules, 2017</b></p> <p>(h) being a registered person required to file return under <b>Regular scheme</b> for each month or part thereof, has not furnished returns for a continuous period <b>of 6 months;</b></p> <p>(i) being a registered person required to file return under Regular scheme – <b>(QRMP SCHEME)</b> for each quarter or part thereof, has not furnished returns for a continuous <b>period of 2 tax periods.</b></p> </div>

**CGST Rules, 2017 – Registration****Rule 21A  
Suspension of  
registration**

(4) The suspension of registration under sub-rule (1) or sub-rule (2) or sub-rule (2A)

- shall be deemed to be revoked upon completion of the proceedings by the proper officer under rule 22 and
- such revocation shall be effective from the date on which the suspension had come into effect.

Provided that the suspension of registration under this rule may be revoked by the proper officer, anytime during the pendency of the proceedings for cancellation, if he deems fit.

**Provided further that**

- Where the registration has been suspended due to non - filing of return and
- the registration has not already been cancelled
- the suspension of registration shall be deemed to be revoked upon furnishing of all the pending returns.



# Chapter 13

## Manner of Payment

### Background



### On GST portal, we have 3 Ledgers –

E- CASH LEDGER LEDGER (LIKE PAYTM WALLET)	E- CREDIT LEDGER LEDGER	E- LIABILITY REGISTER
<p>WE MUST HAVE SUFFICIENT BALANCE IN E CASH LEDGER ON DUE DATE OF FILING OF RETURN.</p> <p>IF IT IS NOT, THEN ADD SUFFICIENT AMOUNT IN IT.</p> <p>IN THE GIVEN SITUATION ₹ 9,000 TO BE ADDED (ASSUMING WE HAVE NO OPENING BALANCE IN E CASH LEDGER)</p>	<p>AMOUNT WILL BE UPDATED THROUGH GSTR 2 /3B</p>	<p>E- LIABILITY REGISTER HAS 2 PARTS--</p> <p>PART I: SELF ASSESSED LIABILITY AS PER RETURN</p> <p>PART II: RE-ASSESSED LIABILITY BY DEPARTMENT</p>
<p>HOW TO ADD...</p> <p>1. CREATE A CHALLAN ON GST PORTAL WHICH WILL REMAIN VALID FOR 15 DAYS. PORTAL WILL GENERATE C-PIN (COMMON PORTAL IDENTIFICATION NUMBER: 14 DIGIT)</p> <p>2. MAKE PAYMENT OF AMOUNT AS GIVEN IN CHALLAN @ ONLINE /OFFLINE.</p> <p><i>NOTE: ONLINE = NET BANKING, RTGS, NEFT, DEBIT/CREDIT CARD ETC.</i></p>	-	<p>FIRST OF ALL, WE WILL DISCHARGE PART I LIABILITY AND OUT OF THIS</p> <p>A. PREVIOUS PERIOD LIABILITY FIRST THEN,</p> <p>B. CURRENT PERIOD LIABILITY</p> <p>AFTER THAT DISCHARGE PART II LIABILITY.</p>



**NOTE: OFFLINE CAN BE DEPOSITED IN SPECIFIED SITUATIONS AS AMOUNT IS UPTO ₹ 10,000, BY GOVT. DEPARTMENT EG POST OFFICE, IN CASE OF SEARCH AND SEIZURE.**

**3. AS THE PAYMENT CREDITED TO BANK A CHALLAN IDENTIFICATION NUMBER (CIN) WILL BE GENERATED, WHICH WILL BE A COMBINATION OF CPIN + 3/4 DIGIT OF BANK BRANCH CODE.**

**4. CIN WILL BE COMMUNICATED TO GST PORTAL BY BANK AND THE AMOUNT WILL BE REFLECTED IN E CASH LEDGER.**

**NOW FILE GSTR 3B AND USE ITC (₹ 18,000) AND E CASH LEDGER (₹ 9000) TO DISCHARGE LIABILITY OF ₹ 27,000**

**MANNER OF USING ITC—**

C	—	C
I	—	I
S	—	S

**Legal Text**

### **Section: 49 Payment of Tax, Interest, Penalty and Other Amounts**

**Every deposit made to E-Cash Ledger Account and its utilization**

**Q. Whether the amount available in the electronic cash ledger can be used for making payment of any liability under the GST Laws?**

**Ans.** The amount available in the electronic cash ledger may be used for making any payment towards tax, interest, penalty, fees or any other amount payable under the provisions of the GST Laws.

**ITC shall be credited to E-Credit Ledger and its utilization**

**Q. Whether the amount available in the electronic credit ledger can be used for making payment of any tax under the GST Laws?**

**Ans.** It is clarified that any payment towards output tax, whether self-assessed in the return or payable as a consequence of any proceeding instituted under the provisions of GST Laws, can be made by utilization of the amount available in the electronic credit ledger of a registered person.

It is further reiterated that as output tax does not include tax payable under reverse charge mechanism, implying thereby that the electronic credit ledger cannot be used for making payment of any tax which is payable under reverse charge mechanism.

**Q. Whether the amount available in the electronic credit ledger can be used for making payment of any liability other than tax under the GST Laws?**

Ans. The electronic credit ledger can be used for making payment of output tax only under the [CGST Act](#) or the [IGST Act](#).

It cannot be used for making payment of any interest, penalty, fees or any other amount payable under the said acts. Similarly, electronic credit ledger cannot be used for payment of erroneous refund sanctioned to the taxpayer, where such refund was sanctioned in cash.

Transfer  
between E-  
cash Ledger

(10) 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 this Act, to the electronic cash ledger for....

(a) Integrated tax, central tax, State tax, Union territory tax or cess; or

(b) Integrated tax or central tax of a distinct person

and such transfer shall be deemed to be a refund from the electronic cash ledger under this Act:

However, no such transfer under clause (b) shall be allowed if the said registered person has any unpaid liability in his electronic liability register.

~~(10) 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 this Act,~~
- ~~▪ to the electronic cash ledger for integrated tax, central tax, State tax, Union territory tax or cess,~~
- ~~▪ in such form and manner and subject to such conditions and restrictions as may be prescribed and~~
- ~~▪ such transfer shall be deemed to be a refund from the electronic cash ledger under this Act.~~

(11) Where any amount has been transferred to the electronic cash ledger under this Act, the same shall be deemed to be deposited in the said ledger as provided in sub-section (1).

**(12) Notwithstanding anything contained in this Act,**

- the Government may, specify such maximum proportion of output tax liability**
- under this Act or under the Integrated Goods and Services Tax Act, 2017**
- which may be discharged through the electronic credit ledger**

**by a registered person or a class of registered persons, as may be prescribed.**

## Section 50: Interest on delayed payment of tax



<p>Interest for belated period @ 18% [Maximum]</p>	<p><b><u>(1) GENERAL PROVISION:</u></b></p> <ul style="list-style-type: none"> <li>▪ <b>Every person who is liable to pay tax,</b></li> <li>▪ but fails to pay the tax or any part thereof to the Government</li> <li>▪ within the period prescribed,</li> <li>▪ shall for the period for which the tax or any part thereof remains unpaid,</li> <li>▪ pay, on his own, interest at such rate, <b>not exceeding 18% PA.</b></li> </ul> <p><b><u>(2) Special Provision – W.E.F. 01/07/2017:</u></b></p> <ul style="list-style-type: none"> <li>▪ The interest on tax payable</li> <li>▪ in respect of supplies made during a tax period and</li> <li>▪ declared in the return for the said period</li> <li>▪ furnished after the due date in accordance with the provisions of section 39,</li> <li>▪ shall be payable on that portion of the tax</li> <li>▪ which is paid by debiting the electronic cash ledger.</li> </ul> <p>[Special Provision will not be applicable where such return is furnished after commencement of any proceedings under section 73 or section 74 in respect of the said period ie such kinds of cases will fall under general Provision]</p>
<p>How to calculate interest</p>	<p>(2) The interest under sub-section (1) shall be calculated, in such manner as may be prescribed, from the day succeeding the day on which such tax was due to be paid.</p>
<p>Interest @ higher % [24% maximum]</p>	<p>[W.E.F 01/07/2017]</p> <p><b>(3) Where the input tax credit has been wrongly availed and utilised,</b></p> <ul style="list-style-type: none"> <li>- the registered person shall pay interest</li> <li>- on such input tax credit wrongly availed and utilised,</li> <li>- at such rate not exceeding 24% as may be notified by the Government,</li> <li>- and the interest shall be calculated,</li> <li>- in such manner as may be prescribed.</li> </ul> <p><del>(3) A taxable person</del></p> <ul style="list-style-type: none"> <li>▪ <del>who makes an undue or excess claim of input tax credit under section 42(10) or</del></li> <li>▪ <del>undue or excess reduction in output tax liability under section 43(10),</del></li> </ul> <p><del>shall pay interest on such undue or excess claim or on such undue or excess reduction, as the case may be, at such rate not exceeding 24%, as may be notified by the Government on the recommendations of the Council.</del></p>

**CGST Rules, 2017: Payment of Tax**

<p><b>Rule 85</b> <b>E-Liability Register</b></p>	<p>(2) The electronic liability register of the person shall be debited by-</p> <p>(a) the amount payable towards tax, interest, late fee or any other amount payable as per the return furnished by the said person;</p> <p>(b) the amount of tax, interest, penalty or any other amount payable as determined by a proper officer in pursuance of any proceedings under the Act or as ascertained by the said person; <b>OR</b></p> <p><del>(c) the amount of tax and interest payable as a result of mismatch under section 42 or section 43 or section 50; or"</del></p> <p>(d) any amount of interest that may accrue from time to time.</p>
<p><b>Rule 86:</b> <b>Electronic Credit Ledger</b></p>	<p>(4A) 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 <b>FORM GST PMT-03</b>.</p> <p>(4B) Where a registered person deposits the amount of erroneous refund sanctioned to him,</p> <p>(a) under section 54(3) of the Act, or [Refund of ITC]</p> <p>(b) under Rule 96(3), in contravention of Rule 96(10), [Refund of IGST from Custom Department]</p> <ul style="list-style-type: none"> <li>– along with interest and penalty, wherever applicable,</li> <li>– through FORM GST DRC-03,</li> <li>– by debiting the electronic cash ledger,</li> <li>– on his own or on being pointed out,</li> <li>– an amount equivalent to the amount of erroneous refund deposited by the registered person</li> <li>– shall be re-credited to the electronic credit ledger by the proper officer by an order made in FORM GST PMT-03A.</li> </ul>
<p><b>Rule 87</b> <b>Electronic Cash Ledger</b></p>	<p>(3) The deposit under sub-rule (2) shall be made through any of the following modes, namely:-</p> <p>(i) Internet Banking through authorised banks;</p> <p>(ia) Unified Payment Interface (UPI) from any bank;</p> <p>(ib) Immediate Payment Services (IMPS) from any bank.</p> <p>(ii) Credit card or Debit card through the authorised bank;</p>

- (iii) National Electronic Fund Transfer or Real Time Gross Settlement from any bank; or
- (iv) Over the Counter payment through authorised banks for deposits up to ten thousand rupees per challan per tax period, by cash, cheque or demand draft:

(5) Where the payment is made by way of National Electronic Fund Transfer or Real Time Gross Settlement **or IMPS** mode from any bank, the mandate form shall be generated along with the challan on the common portal and the same shall be submitted to the bank from where the payment is to be made:

(14) 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 central tax or integrated tax of a **distinct person**
- in FORM GST PMT- 09:

Provided that no such transfer shall be allowed if the said registered person has any unpaid liability in his electronic liability register.

**Rule 88B**  
**Manner of**  
**calculating**  
**interest on**  
**delayed**  
**payment of tax**

**(1) In case,**

- Where the supplies made during a tax period are declared by the registered person in the return for the said period and
- the said return is furnished after the due date in accordance with provisions of section 39,
- except where such return is furnished after commencement of any proceedings under section 73 or section 74 in respect of the said period,
- the interest on tax payable in respect of such supplies shall be calculated on the portion of tax which is paid by debiting the electronic cash ledger,
- for the period of delay in filing the said return beyond the due date, at such rate as may be notified under section 50.

**(2) In all other cases,**

- Where interest is payable in accordance with section 50 (1),
- the interest shall be calculated on the amount of tax which remains unpaid,
- for the period starting from the date on which such tax was due to be paid till the date such tax is paid,
- at such rate as may be notified under section 50.

**(3) In case,**

- Where interest is payable on the amount of input tax credit wrongly availed and utilised in accordance with section 50(3),

- the interest shall be calculated on the amount of input tax credit wrongly availed and utilised,
- for the period starting from the date of utilisation of such wrongly availed input tax credit till the date of reversal of such credit or payment of tax in respect of such amount,
- at such rate as may be notified under section 50(3).

***Explanation. -For the purposes of this sub-rule, -***

(1) Input tax credit wrongly availed shall be construed to have been utilised,

- When the balance in the electronic credit ledger falls below the amount of input tax credit wrongly availed, and
- the extent of such utilisation of input tax credit shall be the amount by which the balance in the electronic credit ledger falls below the amount of input tax credit wrongly availed.

(2) The date of utilisation of such input tax credit shall be taken to be, -

(a) The date, on which the return is due to be furnished under section 39 or the actual date of filing of the said return, whichever is earlier, if the balance in the electronic credit ledger falls below the amount of input tax credit wrongly availed, on account of payment of tax through the said return; or

(b) The date of debit in the electronic credit ledger when the balance in the electronic credit ledger falls below the amount of input tax credit wrongly availed, in all other cases.

# Chapter 14

## Return

### Sections List

<b>Section 37</b>	Outward supply statement
<b>Section 38</b>	Communication of details of inward supplies and input tax credit [GSTR 2B]
<b>Section 39</b>	Filing of Return
<b>Section 40</b>	First Return
<b>Section 41</b>	Availment of input tax credit
<b>Section 42</b>	Matching / Mismatching of ITC
<b>Section 43</b>	Matching / Mismatching of ITC
<b>Section 44</b>	Annual Return
<b>Section 45</b>	Final Return
<b>Section 46</b>	Notice on Non- filing
<b>Section 47</b>	Late fees
<b>Section 48</b>	GST practitioner

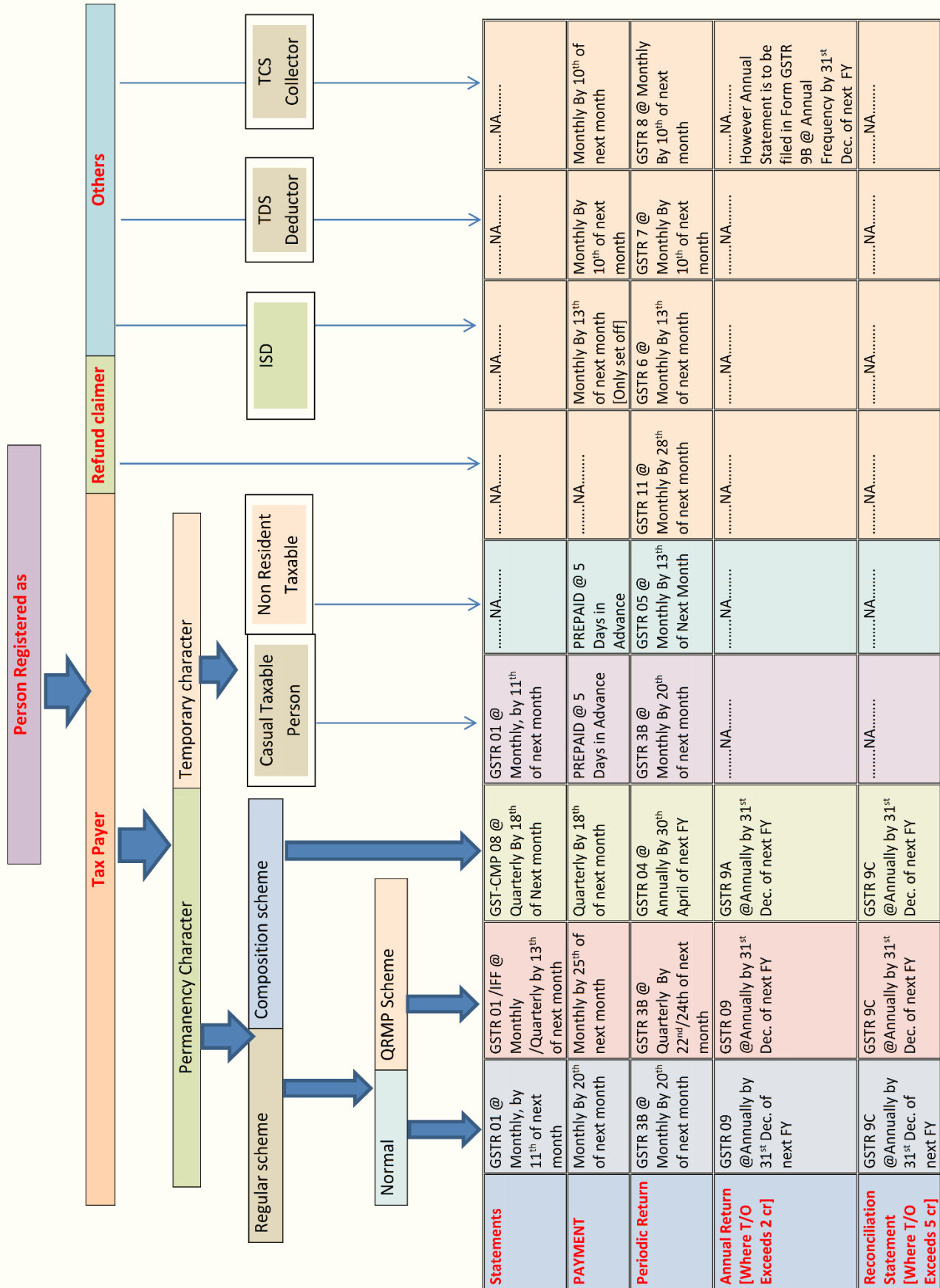
### Forms List

Form	Content
GSTR 01	Invoice issued
GSTR-02	Invoice received
GSTR 3B	Return
GSTR 04	Annual statement @ composite dealer
GST CMOP 08	Quarterly Statement
GSTR 05	NRTP
GSTR 06	ISD [NOT IN SYLLABUS]
GSTR 07	TDS RETURN [NOT IN SYLLABUS]
GSTR 08	TCS RETURN [NOT IN SYLLABUS]
GSTR 09	Annual Return @Regular Scheme
GSTR 9A	Annual Return @Composition Scheme
GSTR 9B	Annual TCS Statement
GSTR 9C	Annual Reconciliation Statement
GSTR 10	Final Return
GSTR 11	UIN HOLDER

Process:







**Annual Return and Reconciliation Statement**

For Regular and composite supplier			FOR Special category no need to file these forms
<b>Aggregate Turnover</b>	<b>Annual Return Form 9/9A u/s 44</b>	<b>Reconciliation statement @ self- certified u/s 44</b>	<b>CTP, NRTP, Refund claimer TDS deductor, TCS collector, ISD and Govt. Departments.</b>
<b>Upto 2 cr</b>	<b>Exempted by way of notification issued every year</b>	<b>No</b>	
<b>Above 2 cr to 5 cr</b>	<b>Yes</b>	<b>No</b>	
<b>Above 5 cr</b>	<b>Yes</b>	<b>Yes</b>	

**First and Last Return**

<b>First Return</b>	<b>Last Return</b>
<ul style="list-style-type: none"> <li>* GSTR ??? @ One time After grant of RC</li> <li>* <b>Details of outward supply</b></li> <li>* <b>For the period:</b> The date on which liability of registration arises TILL the date on which Registration is granted.[Pre RC Period]</li> </ul>	<ul style="list-style-type: none"> <li>* GSTR 10 @ One time</li> <li>* Person whose RC canceled</li> <li>* With- in 3 month from (order/effective of Cancellation) whichever is later</li> </ul>
	<ul style="list-style-type: none"> <li>* GSTR 05 @ Monthly</li> <li>* Non Resident Taxable Person</li> <li>* Last Return: <b>13<sup>th</sup> of Next Month</b> or within 7 days after the last day of validity of Registration Certificate – whichever is earlier.</li> </ul>

**Notes:**

- (1) No rectification of any omission or incorrect particulars shall be allowed after: 30<sup>th</sup> November of next FY or annual return Actual filing date (whichever is Earlier)
- (2) Payment of tax mandatory to file a valid return Except QRMP Scheme.
- (3) Nil return also required to be filed.

## SECTION 37: OUTWARD SUPPLIES DETAILS i.e. DETAILS OF INVOICE, DEBIT & CREDIT NOTES.[GSTR : 1]

- (i) - Every Registered person: [Other Than : Non-Resident, Composite Dealer, ISD (Input service distributor), TDS Deductor, TCS Collector]
- Shall Furnish Details of Outward supplies in form GSTR=1 for a tax Period on or Before 11<sup>th</sup> /13<sup>th</sup> of next month and
- Such Details shall be Communicated to Recipient.

(ii) **MAXIMUM TIME OF AMENDMENT/RECTIFICATION : IN GSTR: 1**

- GSTR:1 can be amended or Rectified,
- **@ Maximum by 30<sup>th</sup> Novmber of next FY OR Actual Filing of Annual Return Date (Whichever is Earlier)**

**Moreover-**

- Any Registered Person who has furnished GSTR:1 for any tax period shall upon discovery of
- any error / Omission which leads to a case of Short-Payment.
- Liable to pay such tax with Interest.

(iii) **RESTRICTION ON FURNISHING OF GSTR:1**

- **A registered person shall not be allowed to furnish the details of outward supplies (GSTR 1) for a tax period,**
- **if the details of outward supplies [GSTR 1] for any of the previous tax periods has not been furnished by him:**

*Note: Details of outward supplies shall include details of invoices, debit notes, credit notes and revised invoices issued in relation to outward supplies made during any tax period.*

## **SECTION:38: Communication of details of inward supplies and input tax credit.**

(1) The details of outward supplies furnished by the registered persons under section 37(1) and of such other supplies as may be prescribed, and an auto-generated statement containing the details of input tax credit **shall be made available electronically to the recipients** of such supplies in Specified form.

(2) The auto-generated statement shall consist of—

- (a) details of inward supplies in respect of which credit of **input tax may be available to the recipient;** and

- (b) details of supplies in respect of which **such credit cannot be availed**, whether wholly or partly, by the recipient, on account of the details of the said supplies being furnished under section 37(1),—
- (i) by any registered person within such period of taking registration as may be prescribed; or
  - (ii) by any registered person, **who has defaulted in payment of tax** and where such default has continued for such period as may be prescribed; or
  - (iii) by any registered person, the output tax payable by whom in accordance with the statement of outward supplies furnished by him under the said sub-section during such period, as may be prescribed, **exceeds the output tax** paid by him during the said period by such limit as may be prescribed; or
  - (iv) by any registered person who, during such period as may be prescribed, has availed credit of input tax of an amount that **exceeds the credit that can be availed by him** in accordance with clause (a), by such limit as may be prescribed; or
  - (v) by any registered person, who has **defaulted in discharging his tax liability** in accordance with the provisions of section 49(12) subject to such conditions and restrictions as may be prescribed; or
  - (vi) by such other class of persons as may be prescribed.

### SECTION 39: FILING OF PERIODIC RETURN

**(i) GSTR:3/3B**

Every registered person, other than (Other than Non Resident, Composite Dealer, ISD, TDS Deductor, TCS Collector)

- shall, **for every calendar month or part thereof**, furnish, a return, electronically,
- of inward and outward supplies of goods or services or both,
- input tax credit availed,
- tax payable, tax paid and
- such other particulars,
- in such form and manner, and within such time, as may be prescribed:

However the Government may, notify certain class of registered persons who shall furnish a return for **every quarter or part thereof**, [*SPECIFIED PERSONS under QRMP*]

<b>(ii) GST-CMP:08</b>	<p>A composite dealer shall,</p> <ul style="list-style-type: none"> <li>- for each financial year or part thereof, furnish a return, electronically,</li> <li>- of turnover in the State or Union territory,</li> <li>- inward supplies of goods or services or both,</li> <li>- tax payable, tax paid and</li> <li>- such other particulars in such form and manner, and within such time, as may be prescribed.</li> </ul>
<b>(iii) GSTR:5</b>	<ul style="list-style-type: none"> <li>- Every Registered Non-Resident Taxable Person Shall file GSTR:5 for every Calendar Month of part thereof</li> <li>- @ Specified Details</li> <li>- with in <b>13 Days</b> after the end of Calendar Month OR</li> <li>- Within 7 Days after the expiry of Registration period (Whichever is Earlier)</li> </ul> <p><b>NOTE:</b> The Commissioner may extend the time limit for Furnishing the Return under this section.</p>

**(iv) TAX PAYMENT BY DUE DATE OF RETURN:**

<b>General Provision</b>	<p>Every registered person who is required to furnish a return under subsection (1), <i>[other than the person SPECIFIED PERSONS under QRMP]</i></p> <p>shall pay to the Government the tax due as per such return not later than the last date on which he is required to furnish such return.</p>
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<b>QRMP Holder</b>	<p><b><i>SPECIFIED PERSONS under QRMP</i></b>- shall pay to the Government,</p> <p>(a)</p> <ul style="list-style-type: none"> <li>- the tax due taking into account inward and outward supplies of goods or services or both,</li> <li>- input tax credit availed,</li> <li>- tax payable and</li> <li>- such other particulars during a month, in such form and manner, and within such time, as may be prescribed OR</li> </ul> <p>(b) An amount determined in prescribed manner [fixed %].</p>
<b>Composite dealer</b>	<p><b>For composite Dealers:</b> Provided further that every registered person furnishing return under subsection (2)</p> <ul style="list-style-type: none"> <li>- <b>shall pay to the Government the tax due</b></li> <li>- taking into account turnover in the State or Union territory,</li> <li>- inward supplies of goods or services or both,</li> <li>- tax payable, and such other particulars</li> <li>- during a quarter, in such form and manner, and within such time, as may be prescribed.</li> </ul>

**(v) NIL RETURN:**

- Every registered person (Other than Non Resident, ISD, TDS Deductor, TCS Collector)
- Including Composite Dealer is required to file NIL Return Also.

**(vi) RECTIFICATION:**

After Furnishing a Return, where any registered person discovers any omission or Incorrect Particulars.

- Then he shall rectify such omission or Incorrect Particulars in the Upcoming Month / Quarter's Return. [Note: Interest will be payable if any]
- Maximum time for such rectification will be earlier of the two:
  - 30<sup>th</sup> November of Next FY

OR

  - Actual Date of Furnishing of Relevant annual Return.

(vii) **NO FUTURE RETURN:** A registered person shall not be allowed to furnish a return for a tax period if the **return** for any of the previous tax periods or the details of outward supplies [GSTR: 1] for the said tax period has not been furnished by him.

### **SECTION: 40 : FIRST RETURN @ PRE RC PERIOD**

Every Registered Person who has made outward supplies in PRE RC PERIOD [The Period start with the date on which the person liable for Registration till the date of grant of Registration)

shall declare the same in his first return furnished by him after grant of registration corticated.

### **SECTION: 41 : AVAILMENT OF INPUT TAX CREDIT**

(1) Every registered person **shall be entitled to avail the credit of eligible input tax**, as self-assessed, in his return and such amount shall be credited to his electronic credit ledger.

(2) The credit of input tax availed by a registered person in respect of such supplies of goods or services or both, the tax payable whereon has not been paid by the supplier, **shall be reversed along with applicable interest.**

However, where the said supplier makes payment of the tax payable in respect of the aforesaid supplies, the said registered person **may re-avail the amount of credit reversed** by him in.

NOTE: Section 42,43 Ommited

### **Section 44: Annual return @ Annual Frequency**

**By every registered person except notified [GSTR: 9, 9A]**

(1) Every registered person, other than

- an Input Service Distributor,
- a person paying tax under section 51 or section 52,
- a casual taxable person and
- a non-resident taxable person

shall furnish an annual return

- which may include a self-certified reconciliation statement,
- reconciling the value of supplies declared in the return furnished for the financial year,
- with the audited annual financial statement for every financial year electronically, on or before the 31<sup>st</sup> December following the end of such financial year **and in form GSTR 9 [ Form 9A for composite supplier]**

However Commissioner may, exempt any class of registered persons from filing annual return under this section:

**Notification No. 31/2021** - It is hereby exempts the registered person whose aggregate turnover in the financial year 2020-21 is upto Rs. 2 cr, from filing annual return for the said financial year.

<p><b>GSTR 9C</b></p>	<p>Every registered person, other than</p> <ul style="list-style-type: none"> <li>○ an Input Service Distributor,</li> <li>○ a person paying tax under section 51 or section 52,</li> <li>○ a casual taxable person and</li> <li>○ a non-resident taxable person</li> </ul> <p>Whose aggregate turnover during a financial year exceeds Rs. 5 cr, shall also furnish a self-certified reconciliation statement as specified under section 44 in <b>FORM GSTR-9C</b> along with the annual return on or before the 31<sup>st</sup> December following the end of such financial year.</p>
<p><b>Relaxation from GSTR 9/9A/9C</b></p>	<p><u>Relaxation to Government Department:</u>The provisions of this section will not be applicable to</p> <ul style="list-style-type: none"> <li>▪ Any department of the Central Government or a State Government or a local authority,</li> <li>▪ whose books of account are subject to audit</li> <li>▪ by the Comptroller and Auditor-General of India [CAG] or an auditor appointed for auditing the accounts of local authorities under any law for the time being in force.”</li> </ul>

### Section: 45 Final Return [One time Return]

Every Registered person: [Other Than : Non-Resident, Composite Dealer, ISD, TDS Deductor, TCS Collector]

- whose registration has been cancelled shall furnish a final return
- within three months of the date of cancellation or date of order of cancellation, whichever is later.

### Some other Points:

<p><b>Section: 46</b> <b>Notice to return defaulter</b></p>	<p>Where a registered taxable person fails to furnish a return under section 39,[<b>Combined Return</b>] section 44 [<b>Annual Return</b>] or section 45, [<b>Final Return</b>] a notice shall be issued requiring him to furnish such return within 15 days in such form and manner as may be prescribed. [<b>GSTR 3A</b>]</p>	
<p><b>Section: 47</b> <b>Late fees</b></p>	<p><b>Periodic and Final Return</b></p>	<p>Any registered taxable person</p> <ul style="list-style-type: none"> <li>▪ who fails to furnish the-details of outward supplies u/s 37 or RETURN u/s 39,45,52 by the due date</li> <li>▪ shall be liable to pay late fee of ₹ 100 [Reduced to ₹ 25 and 10 for NIL RETURN] for every day during which such failure continues</li> <li>▪ subject to a maximum of ₹ 5000.</li> </ul>
	<p><b>Annual Return</b></p>	<p>Any registered taxable person</p> <ul style="list-style-type: none"> <li>▪ who fails to furnish the return required under section 44 by the due date</li> </ul>



	<ul style="list-style-type: none"> <li>▪ shall be liable to a late fee of <b>₹ 100 for</b> every day during which such failure continues</li> <li>▪ subject to a maximum of an amount calculated at a <b>0.25% of his turnover in the State)/UT.</b></li> </ul>
<p><b>Section : 48</b> <b>GST Practitioner</b></p>	<p>The responsibility for correctness shall continue to rest with the registered taxable person.</p> <ul style="list-style-type: none"> <li>▪ To be a GST Practitioner need to apply in specified form.</li> <li>▪ The person should be: Indian Citizen, sound mind, solvent, non-convicted, Graduate, post graduate, Qualified final exam of CA/CS/CMA etc]</li> <li>▪ No person shall be eligible to attend before any authority <b>as a GST practitioner</b> in connection with any proceedings under the Act on behalf of any registered or un-registered person unless he has been enrolled for this.</li> <li>▪ A GST practitioner attending on behalf of a registered or an unregistered person in any proceedings under the Act before any authority shall produce before such authority, if required, a copy of the authorisation.</li> </ul>

### CGST Rules 2017

<p><b>Rule 60: Form and manner of ascertaining details of inward supplies</b> <b>[FORM: GSTR 2]</b></p>	<p>(7) An auto- Generated <del>drafted</del> statement containing the details of input tax credit</p> <ul style="list-style-type: none"> <li>- shall be made available to the registered person</li> <li>- in <b>FORM GSTR-2B</b>, for every month, and shall consist of –</li> </ul> <p>(8) The Statement in <b>FORM GSTR-2B</b> for every month shall be made available to the registered person,-</p>
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