



CHAPTER - 14

Accounts, Records & E-Way Bill

TABLE OF CONTENT

Sr.No.	Title
1	Introduction
2	Relevant Definitions
3	Section 35 read with rules 56 & 58:- Accounts and Other Records
4	Section 36:- Period of Retention of Accounts
5	Section 68 read with Rule 138:- E-Way Bill

Introduction

1. For Accounts & Records:-

- ⇒ Compliance verification is done by Department through scrutiny of returns and/or investigation. i.e. through documentary checks rather than physical controls. This requires certain obligations to be cast on the taxpayer for keeping and maintaining accounts and records.
- ⇒ Every registered person shall keep & maintain accounts & records but certain notified persons are required to maintain specified records additionally or even if they are not registered under GST.
- ⇒ Accounts & records may be maintained electronically or manually & have no prescribed format.

2. For E-Way Bill:-

- ⇒ Under GST regime, for quick and easy movement of goods across India without any hindrance, all the check posts across the country are abolished. But, to monitor movement of goods to control tax evasion, e-way bill system is introduced.
- ⇒ Under this system, prior to movement of goods via a conveyance, a taxpayer would:-
 - ▶ inform each transaction's details to the tax department,
 - ▶ obtain an automatically generated acknowledgment no. for having thus informed, and
 - ▶ use it as valid document accompanying the conveyance carrying goods & to track also.
- ⇒ Sec 68 read with Rule 138 of CGST Rules requires the person in charge of a conveyance carrying any consignment of goods of value > specified amount to carry e-way bill as the document for the consignment of goods and prescribed devices.

Note:

Provisions relating to Accounts and Records & E-way Bill under CGST Act are also made applicable to IGST Act vide section 20 of IGST Act. State GST laws prescribe identical provisions.

Important definitions relevant for this chapter:-

Sec 2(85):- Place of Business includes

- a) a place from where the business is ordinarily carried on, and
 - ⇒ includes a warehouse, a godown or any other place where a taxable person stores his goods,
 - ⇒ supplies or receives goods or services or both or
- b) a place where a taxable person maintains his books of account or
- c) a place where a taxable person is engaged in business through an agent, by whatever name called.

Sec 2(89):- Principal Place of business

means the place of business specified as the principal place of business in the certificate of registration.

Section 35 read with rules 56 & 58:- Accounts and Other Records

Section 35(1) read with rule 56(7) & 56(10)

- ⇒ Every registered person shall keep and maintain a **true and correct account** of the following at his **principal place of business (PPOB)**:-
 - (a) production or manufacture of goods,
 - (b) inward and outward supply of goods or services or both,
 - (C) stock of goods,
 - (d) input tax credit availed,
 - (e) output tax payable & paid and
 - (f) other prescribed particulars (given below).
- ⇒ If **more than 1** place of business is specified in registration certificate, accounts relating to each place of business shall be kept at such places of business.
- ⇒ Accounts & other particulars may be maintained in **electronic form** in prescribed manner.
- ⇒ Unless proved otherwise, documents, registers, or any books of account belonging to registered person found at any premises other than mentioned in certificate of registration shall be presumed to be maintained by him.

Additional Records prescribed by rule 56:-

- ⇒ The goods/services imported/exported,
- ⇒ Supplies attracting payment of tax on reverse charge along with relevant documents, including invoices, bills of supply, delivery challans, credit notes, debit notes, receipt vouchers, payment vouchers and refund vouchers,
- ⇒ Separate account of advances received, paid and adjustments made thereto,
- ⇒ Names & complete addresses of suppliers from whom he received goods/ services chargeable to GST,
- ⇒ Names & complete addresses of persons to whom he supplied goods/ services,
- ⇒ Complete address of premises where goods are stored by person, including goods stored during transit along with particulars of stock stored therein.

Note:

If any taxable goods are found to be stored at any place(s) other than those so declared without the cover of any valid documents, PO shall determine tax payable on such goods as if such goods have been supplied by registered person.

Clarification on supply of goods like tea, rubber, coffee, etc. through an auction

- If goods like tea, rubber, coffee, etc. are supplied through an auction, then principal, auctioneer & buyer may declare warehouses, where such goods/ purchased goods are stored, as their Additional Place of Business (APoB).
- This also applies in case of supply of tea through a private treaty.
- For both of the above supplies, principal & auctioneer may maintain books of accounts relating to APoB at their PPOB instead of such APoB & shall intimate their jurisdictional proper officer in writing about the same.
- Also, principal & auctioneer shall be eligible to avail ITC subject to fulfilment of other provisions of GST law.

Section 35(3) Commissioner may notify a class of taxable persons to maintain additional accounts or documents for specified purpose.

Section 35(4) Commissioner may, for reasons to be recorded in writing, permit a class of taxable persons to maintain accounts in prescribed manner, if they are not in a position to keep & maintain accounts as per Sec 35.

Section 35(6) Subject to section 17(5)(h), PO shall determine amount of tax payable u/s 73 & 74 on goods &/or services that are not accounted for as per sec 35(1), as if such goods &/or services has been supplied by him.

Records not required for composition dealer [rule 56(2)&(4)]

Records are not required to be maintained by supplier who opted for composition scheme:-

- 1) **Stock of goods:-**
 - Accounts of stock in respect of goods received and supplied by him.
 - It contains particulars of opening balance, receipt, supply, goods lost, stolen, destroyed, written off or disposed of by way of gift or free sample and the balance of stock including raw materials, finished goods, scrap and wastage thereof.
- 2) **Details of tax:-**
 - Account, containing details of tax payable (including tax payable under reverse charge), tax collected & paid, input tax, input tax credit claimed, together with a register of tax invoice, credit notes, debit notes, delivery challan issued or received during any tax period.

Records to be maintained by owner/ operator of warehouse/ godown or any other place used for storage of goods & transporters [Section 35(2) read with rule 58]

- Irrespective of whether registered or not, these persons shall maintain records of consigner, consignee & other relevant details of goods in prescribed manner.
- If such persons are unregistered, they shall obtain a unique enrollment number at GST Common Portal, electronically & can also amend the details furnished.
- **Records to be maintained by transporter of goods:-**

He shall maintain records of goods transported, delivered & goods stored in transit along with GSTIN of registered consignor & consignee for each of his branches.
- **Records to be maintained by an owner/ operator of a warehouse/ godown or any other place used for storage of goods:-**
 - He shall maintain books of accounts w.r.t. the period for which particular goods remain in warehouse, including the particulars relating to dispatch, movement, receipt, and disposal of such goods.
 - He shall store goods in a manner that they can be identified itemwise & ownerwise.
 - He shall facilitate physical verification or inspection by proper officer on demand.

Records to be maintained by Agent [Rule 56 (11)]	Every agent shall maintain accounts depicting the following:- a) Particulars of authorisation received by him from each principal to receive or supply goods or services on behalf of such principal separately, b) Particulars including description, value and quantity of goods or services received on behalf of every principal, c) Particulars including description, value and quantity of goods or services supplied on behalf of every principal, d) Details of accounts furnished to every principal and e) Tax paid on receipts or on supply of goods or services effected on behalf of every principal.
Records to be maintained by a manufacturer [Rule 56(12)]	Apart from other records, a registered manufacturer of goods shall maintain monthly production accounts showing quantitative details of:- ☞ Raw materials or services used in the manufacture, and ☞ Goods manufactured including the waste and by products thereof.
Records to be maintained by a service provider [Rule 56(13)]	A RP supplying services shall additionally maintain the accounts showing:- ☞ Quantitative details of goods used in the provision of services, ☞ Details of input services utilised and ☞ Services supplied.
Records to be maintained by person executing works contract [Rule 56(14)]	A RP executing works contract shall keep separate accounts for works contract showing:- a) Names & addresses of persons on whose behalf the works contract is executed, b) Description, value & quantity of goods or services received for execution of works contract, c) Description, value & quantity of goods or services utilized in execution of works contract, d) Details of payment received for each works contract & e) Names & addresses of suppliers from whom he received goods or services.
Records to be maintained by custodian/clearing & forwarding agent [Rule 56(17)]	A person having custody over the goods in the capacity of a carrier or a clearing and forwarding agent for delivery or dispatch thereof to a recipient on behalf of any registered person shall maintain true and correct records in respect of:- ➤ such goods handled by him on behalf of such registered person and ➤ shall produce the details thereof as and when required by the proper officer.

How the accounts and records will be maintained? (Rule 56)

1 Records may be in electronic form:-

- ☞ Registered person may keep & maintain accounts & other particulars
 - in **electronic form** stored on any electronic device &
 - shall be authenticated with a **digital signature**.
- ☞ Proper electronic back-up of records shall be maintained & preserved so that in the event of its destruction due to accidents/ natural causes, information can be restored within reasonable period of time.
- ☞ Electronic records, files with its passwords, explanation for codes used & other information for access along with sample copy in print to be produced on demand in hard copy or in any electronically readable format.

2 No entry to be erased/ overwritten:-

- ⇒ Entry in register, accounts & documents shall not be erased, effaced or overwritten.
- ⇒ All incorrect entries (other than those of clerical nature) shall be scored out under attestation and then the correct entry shall be recorded.
- ⇒ If registers & other documents are maintained electronically, a log of every entry edited or deleted shall be maintained.

3 ⇒ Accounts maintained by registered person together with all invoices, bills of supply, credit and debit notes, and delivery challans relating to stocks, deliveries, inward supply and outward supply shall be preserved for the period as provided in section 36.

⇒ Accounts & documents maintained manually shall be kept at every related place of business mentioned in registration certificate.

⇒ Accounts & documents maintained digitally shall be accessible at every related place of business.

4 Each volume of books of account maintained manually by registered person shall be serially numbered.

Section 36:- Period of Retention of Accounts

⇒ Books of account or other records u/s 35(1) shall be retained for 72 months from due date of furnishing of annual return for the year pertaining to such accounts & records.

Example: If the annual return for the FY 2017-18 is filed on 25.10.2018, even then the books of accounts & other records are to be maintained till 31.12.2024

⇒ If registered person is a party to appeal or revision or any other proceedings before Appellate Authority or Revisional Authority or Appellate Tribunal or court, or is under investigation for an offence, then books of account & other records pertaining to its subject matter shall be retained for the **LATER** of the following:-

- for 1 year after its final disposal or
- for the period specified above.

E-Way Bill

Sec 68 read with Rule 138:- E-Way Bill

1 What is an E-way Bill?

- Electronic Way Bill (E-Way Bill) is basically a **compliance mechanism** where person causing the movement of goods uploads the relevant information prior to commencement of movement of goods & generates e-way bill on GST portal in Form GST EWB 01.
- So, it is an electronic document generated on GST portal evidencing movement of goods.
- It can be generated through various modes like Web (Online), Android App, SMS, using Bulk Upload Tool and API (Application Program Interface) based site to site integration, etc.
- The facility of generation, cancellation, updation and assignment of e-way bill is available to the supplier, recipient and the transporter, as the case may be.
- Upon generation of e-way bill, a unique e-way bill number (EBN) shall be made available to supplier, recipient and the transporter on the common portal [Rule 138(4)].

2 What are the benefits of E-way Bill?

1. Physical interface to pave way for digital interface resulting in elimination of state boundary check-posts.
2. It will facilitate faster movement of goods.
3. It will improve the turnaround time of trucks and help logistics industry by increasing the average distances travelled, reducing the travel time & costs.

3 What are pre-requisites for generation of e-way bill?

- Pre-requisite for generation of e-way bill is that person who generates e-way bill should be:-
 - a registered person on GST portal and
 - he should register on the e-way bill portal using his GSTIN.
- If the transporter generating e-way bill is not registered person under GST law, then it is mandatory for him to get enrolled on e-waybill portal before generation of the e-way bill to get 15-digit Unique Transporter Id called TRANSIN which is a unique number generated by EWB system for unregistered transporter.

4 When & who is required to generate an e-way bill? [Rule 138(1)]

I) Consignment value > Rs 50000:-

As per Rule 138(1), Every **registered person who causes movement** of goods of consignment value >Rs 50000:-

- in relation to a supply or
- for **reasons other than supply or**
- due to inward supply from an **unregistered** person

shall furnish the information relating to the said goods in Part A of Form GST EWB-01 before commencement of such movement.

II) ECO or Courier agency:-

A registered person liable to generate e-way bill can authorize the transporter, ECO or courier agency to furnish details in Part A of e-way bill (Form GST EWB-01).

III) Voluntary generation of e-way bill:-

A registered person or the transporter may voluntarily generate an e-way bill even if consignment value is \leq ₹50,000.

Explanation to Rule 138(1):- Consignment Value of Goods=

- Value as per Sec 15 as declared in an invoice/ a bill of supply/ a delivery challan, issued in respect of the said consignment &
- also includes the central tax, State or Union territory tax, integrated tax and cess charged, if any, in the document &
- shall exclude the value of exempt supply of goods where the invoice is issued in respect of both exempt and taxable supply of goods.

Example:- ABC Ltd. registered in Maharashtra supplies goods 'A' (Taxable goods valued @ ₹ 40,000 plus GST @18%) & 'B' (Exempt goods valued @ ₹20,000) to Mr. Ram, who is registered in same state. For the purpose of E-waybill, Value of exempt goods will not be included, hence consignment value will be ₹47,200 (₹40,000*118%), which does not exceed ₹50,000, thus E-way bill is not required

Note:-

1. Who causes movement of goods for the purpose of E-way bill?

If supplier is registered & transports goods,	movement is caused by supplier.
If recipient arranges transport,	movement is caused by recipient.
If goods are supplied by an unregistered supplier to a registered known recipient,	movement is caused by recipient, if he is known at time of commencement of movement of goods.

2. As clarified by CBIC FAQs on E-way Bill, the value given in delivery challan should be adopted in e-way bill as, in case of movement of goods for reasons other than supply, delivery challan is issued which has to necessarily contain the value of goods.

3. Consignment value is checked invoice-wise to decide whether to generate E-way bill or not.

Example:- A truck contains 3 consignments based on 3 invoices, Invoice 1 for ₹ 55,000/-, invoice 2 for ₹ 35,000/- and invoice 3 for ₹90,000/- . How many E-Way Bill will be generated?

Solution:- E-Way Bill will be generated Bill/ Invoice wise, i.e. when value of invoice exceed ₹ 50,000/- . Therefore, in this case E-Way bill will be generated for Invoice no. 1 & 3 only.

5 Cases for Mandatory Generation of E-Way Bill, irrespective of consignment value:-

1. Interstate Job Work:-

Goods sent by a principal from one state/UT to job worker located in another state/UT,

- Principal or the Job worker (if registered) shall generate an e-way bill, irrespective of consignment value (3rd proviso to rule 138(1)).

Example : Sindhi Textiles registered in Punjab, sends cloth to a job-worker in Maharashtra. The value of cloth is ₹ 48,000. Since value does not exceed ₹50,000 but still e-way bill is required to be issued in this case.

2. Interstate movement of Handicraft Goods:-

If handicraft goods are transported from one State/UT to another State/UT by a person exempted from obtaining registration u/s 24(i)/(ii),

- e-way bill shall be generated by the said person irrespective of value of consignment.

6 E-way Bill in case of "Bill to Ship to" Model:-

In this model there are 3 persons involved in a transaction, namely:-

- 'A' is the person who has ordered 'B' to send goods directly to 'C',
- 'B' is the person who is sending goods directly to 'C' on behalf of 'A', and
- 'C' is the recipient of goods.

⇒ Here, 2 supplies are involved & accordingly 2 tax invoices are required to be issued as under:-

Invoice 1: Issued by 'B' to 'A'

Invoice 2: Issued by 'A' to 'C'

⇒ Clarification (Press release dated 23.04.2018):-

For movement of goods taking place from "B" to "C" on behalf of "A":-

➤ Either A or B can generate e-way bill but note that only 1 e-way bill is required to be generated.

7 Who is required to generate an E-way bill in the given cases?

A) Goods transported by registered person by Road:- E-way bill shall be generated by furnishing information in Part B- by the **RP** as a consignor or the recipient as the consignee, whosoever transports goods by road:-

- whether in his own conveyance or
- a hired one or
- a public conveyance.

B) Goods not transported by registered person but handed over to transporter:- If e-way bill is not generated by **RP** & goods are handed over to transporter for transportation of goods by road,

- the **RP** shall furnish information relating to the transporter in Part B on the common portal and the transporter shall generate e-way bill on the basis of information furnished by registered person in Part A.

C) Goods transported by Railways or Air or Vessel:- E-way bill shall be generated by the **RP**, being the supplier or the recipient, who shall, either before or after the commencement of movement, furnish, on the common portal, the information in Part B of FORM GST EWB-01.

Proviso RAILWAYS shall deliver goods only when e-way bill is produced at the time of delivery.

Note:- Railways need to carry invoice or delivery challan or bill of supply along with goods & not E-way bill. E-way bill generated for the movement is required to be produced at the time of delivery only as per above proviso without which goods shall not be delivered.

D) Movement of goods is caused by an unregistered person:-

If movement is caused by an unregistered person either in his own conveyance or a hired one or through a transporter,

➤ **he or the transporter may**, at their **option**, generate the e-way bill.

8 Information to be furnished in E-Way Bill:-

⇒ An e-way bill Form GST EWB-01 contains two parts as under:-

Part -A		Part-B (details by person transporting goods)
<ul style="list-style-type: none"> ➤ GSTIN of Supplier, ➤ Place of Dispatch, ➤ GSTIN of Recipient, ➤ Place of Delivery (PIN Code also), ➤ Document Number, 	<ul style="list-style-type: none"> ➤ Document Date, ➤ Value of Goods, ➤ HSN Code, ➤ Reason for Transportation, etc. 	<ul style="list-style-type: none"> ➤ Transporter document number (Goods Receipt No. or Railway Receipt No. or Airway Bill No. or Bill of Lading No.) & ➤ Vehicle number, in case of transport by road

Note on vehicle no.:-

1. E-way bill is not valid for movement of goods without vehicle number on it.
2. E-Way Bill may be updated with vehicle number any number of times.
3. The latest vehicle number should be available on e-way bill and should match with the vehicle carrying it in case checked by the department.

Notes:- Information in Part A:- It is to be furnished by registered person causing movement of goods of consignment value > ₹50,000. But, information may be furnished by:-

- transporter, on an authorization received from such registered person [1st proviso to rule 138(1)] or
- ECO or courier agency, if goods to be transported are supplied through them, on an authorization received from consignor [2nd proviso to rule 138(1)].

Information in Part B:- It is to be furnished by person who is transporting the goods.

- Once the consignor/consignee enters all details in Part-A of e-way bill, a Part-A slip is generated which contains a temporary number which can be:-
 - **Either** shared with transporter
 - **or** used by supplier himself later
 to enter the details in Part-B of e-way bill and generate the e-way bill.
- This will be useful, when supplier has prepared invoice relating to his business transaction, but doesn't have the transportation details. Thus, he can enter invoice details in Part A of e-way bill and keep it ready for entering details of mode of transportation in Part B of e-way bill.
- Once goods are ready for movement from the business premises and transportation details are known, user can enter Part-B details & generate e-way bill for movement of goods.
- E-way Bill can be generated only after entering the details of Part-B.

9 Case where information in Part B of E-way bill is not required to be furnished:-

E-way bill is valid for movement of goods by road only if details of conveyance is furnished in Part-B.

Exceptions:-

Where the goods are transported for a distance of upto 50 Kms within the State or UT:-

- from place of business of consignor to place of business of transporter for further transportation, or
- from place of business of transporter finally to the place of business of consignee.

10 Who shall update details of conveyance in Part-B of E-Way Bill on common portal for Transfer of goods from one conveyance to another:- [Rule 138(5)]

- Goods may be transferred from original conveyance to another - due to unforeseen exigencies like break down of vehicle or sometimes consignments are transported by transporter through transshipment using multiple vehicles.
- **Before such transfer and further movement of goods**, the following persons shall update the details of conveyance in Part-B of E-way Bill:-
 - the consignor or the recipient, who has provided information in Part A, or
 - the transporter.
- User can update Part-B (Vehicle details) **any number of times** to move goods to destination. However, the updating should be done **within validity period** of E-way Bill.
- In cases where 1 e-way bill goes through multiple modes of transportation before reaching destination, the EWB can be updated with new mode of transportation by using the option of 'Update Vehicle Number'.

11 Assignment of e-way bill number to another transporter:- [Rule 138(5A)]

The following persons may assign e-way Bill number to another registered/ enrolled transporter for updating information in Part B for further movement of consignment:-

- The consignor/recipient, who furnished the information in Part A, or
- The transporter.

Proviso:- Once the transporter updates details of conveyance in Part B, then consignor/recipient shall not be allowed to assign the e way bill number to another transporter.

Clarification [Press Release No. 144/2018 dated 31.03.2018]:-

Situation:- A consignor is required to move goods from City X to City Z. He appoints Transporter A for movement of his goods. Transporter A moves the goods from City X to City Y. For completing the movement of goods i.e., from City Y to City Z, Transporter A now hands over the goods to Transporter B. Thereafter, the goods are moved to the destination i.e. from City Y to City Z by Transporter B. How would the e-way bill be generated in such situations?

Clarification:-

- ⇒ In such a scenario, only one e-way bill would be required. Part A can be filled by the consignor and then the e-way bill will be assigned by the consignor to Transporter A. Transporter A will fill the vehicle details, etc. in Part B and will move the goods from City X to City Y.
- ⇒ On reaching City Y, Transporter A will assign the said e-way bill to the Transporter B. Thereafter, Transporter B will be able to update the details of Part B. Transporter B will fill the details of his vehicle and move the goods from City Y to City Z.

12 Information submitted for e-way bill can be used for filing GST Returns [Rule 138(8)]:

The information furnished in Part A of e-way bill shall be made available to registered supplier on common portal who may utilize the same for furnishing the details in Form GSTR-1.

Proviso:- If information is furnished by an unregistered supplier/unregistered recipient, he shall be informed electronically, if the mobile number or the e-mail is available

13 Communication of acceptance or rejection of E-way Bill:-

Rule 138(11):-

- ⇒ Details of e-way bill generated shall be made available on common portal to:-
 - supplier (if registered)- if information in Part A is furnished by recipient/ transporter or
 - recipient (if registered)- if information in Part A is furnished by supplier/ transporter.
- ⇒ Supplier/recipient should communicate his acceptance or rejection of consignment covered by E-way bill.

Rule 138(12):- Information in Part A shall be deemed to be accepted, if supplier/ recipient (as above) does not communicate his acceptance or rejection within **EARLIER** of:-

- ⇒ **72 hours** of details being made available to him on common portal or
- ⇒ **Time of delivery** of goods.

14 Cancellation of e-way bill:-

Rule 138(9):- E-way bill may be cancelled electronically on common portal within 24 hrs of its generation, if after generation of e-way bill,

- ⇒ goods are not transported or
- ⇒ are not transported as per the details in E-way bill.

Proviso E-way bill cannot be cancelled if it has been verified in transit as per Rule 138B.

Proviso Unique EWB No. generated is valid for 15 days for updation of Part B.

Note:- If there is a mistake, incorrect or wrong entry in the e-way bill, then it cannot be edited or corrected. Only option is cancellation of e-way bill within 24 hours of generation and generate a new one with correct details.

Explain the validity of E-way bill From the Relevant Date [Rule 138(10)]:-

Type of Cargo	Distance	Validity
Cargo other than Over Dimensional Cargo or multimodal shipment in which at least one leg involves transport by ship	Upto 200 Km	1 day
	For every 200 Km or part thereof thereafter	1 day additional
Over Dimensional Cargo or multimodal shipment in which at least one leg involves transport by ship	Upto 20 km	1 day
	For every 20 km or part thereof thereafter	1 day additional

Extension of validity of E-way Bill:-

Once the validity of E-way bill expires, the goods are not supposed to be moved. Generally, the validity of e-way bill cannot be extended.

Exception:-

- Commissioner may extend validity for certain notified goods on recommendations of Council.
- Transporter may extend validity **within 8 hours** from the time of its expiry in exceptional circumstances, if consignment is not reached to the destination, after updating the details in Part B (if required).

Notes:-

1. **Relevant date = date of generation of e-way bill and the period of validity:-**
 - shall be counted from the time at which the e-way bill has been generated and
 - each day shall be counted as the period **expiring at midnight of the day immediately following** the date of generation of e-way bill.

Example:- Suppose an e-way bill is generated at 00:04 hrs. on 14th March. 1st day would end on 12:00 midnight of 15 -16 March. 2nd day ends on 12:00 midnight of 16 -17 March & so on.
2. Validity of e-way bill starts when first time the entry is made in Part-B. It is not re-calculated for subsequent entries in Part-B.
3. **Over Dimensional Cargo:-** means a cargo carried as a single indivisible unit and which exceeds the dimensional limits prescribed in rule 93 of the Central Motor Vehicle Rules, 1989, made under the Motor Vehicles Act, 1988.

Clarification [CBIC Press Release dated 31.03.2018]:-

Situation:- A consignor hands over his goods for transportation on Friday to transporter. However, the assigned transporter starts the movement of goods on Monday. How the validity of e-way bill be calculated?

Clarification:-

- The validity period of e-way bill starts only after the details in Part B are updated by the transporter for the first time.
- Here, consignor can fill the details in Part A on Friday and handover his goods to the transporter. When the transporter is ready to move the goods, he can fill Part B on Monday and the validity period of the e-way bill will start from Monday.

Specify the cases where E-way is not required to be generated? [Rule 138(14)]

a) If following goods are transported:-

S.No.	Description of Goods
1	Liquefied petroleum gas for supply to household and non-domestic exempted category (NDEC) customers
2	Kerosene oil sold under PDS
3	Postal baggage transported by Department of Posts
4	Natural or cultured pearls and precious or semi-precious stones; precious metals and metals clad with precious metal

5	Jewellery, goldsmiths' and silversmiths' wares and other articles excepting Imitation Jewellery
6	Currency
7	Used personal and household effects
8	Coral, unworked and worked coral

- b) Goods transported by non-motorised conveyance.
- c) Goods transported from customs port, airport, air cargo complex and land customs station to an inland container depot or a container freight station for clearance by Customs.
- d) Movement of goods within notified areas under rule 138(14)(d) of State or UT GST Rules in that particular State or UT.
- e) Goods [other than de-oiled cake] transported are exempt from tax.
- f) Goods transported are alcoholic liquor for human consumption, petroleum crude, high speed diesel, motor spirit (petrol), natural gas or aviation turbine fuel.
- g) Supply of goods transported is not treated as supply under Schedule III of CGST Act.
- h) Goods are transported:-
- Under customs bond from an inland container depot or a container freight station to a customs port, airport, air cargo complex and land customs station, or from one customs station or customs port to another customs station or customs port, or
 - under customs supervision or under customs seal.
- i) Goods transported are transit cargo from or to Nepal or Bhutan.
- j) Goods transported are exempt from tax under:-
- Supply of goods by the CSD to the Unit Run Canteens or to the authorized customers and supply of goods by the Unit Run Canteens to the authorized customers &
 - Supply of heavy water and nuclear fuels by Department of Atomic Energy to Nuclear Power Corporation of India Ltd. (NPCIL).
- k) Any movement of goods caused by defence formation under Ministry of defence as a consignor or consignee.
- l) CG, SG or local authority is the consignor of goods for transport of goods by rail.
- m) Transportation of empty cargo containers.
- n) Goods transported upto a distance of 20 Km from place of business of consignor to a weighbridge for weighing or from weighbridge back to place of business of consignor.

Condition:- Movement of goods is accompanied by a delivery challan issued rule 55.

- o) Movement of empty cylinders for packing of liquefied petroleum gas for reasons other than supply.

17 Consolidated E way Bill:-

In cases where E-way Bill are already generated i.e. each consignment value > Rs 50000:-

- If transporter intends to transport multiple consignments of various consignors and consignees in 1 conveyance, then
 - he may generate a consolidated e-way bill in Form GST EWB-02 electronically on common portal prior to movement of goods, in which, he may indicate the serial number of e-way bills generated for each such consignment [Rule 138(6)].
- So, instead of carrying separate document for each consignment, transporter generates a single document called "consolidated e-way bill".

➤ Multiple E-way Bills, for which a consolidated E-way bill is generated, have different validity periods. Hence, Consolidated EWB does not have any independent validity period & thus, each consignment shall reach the destination as per the validity period of individual EWB.

In cases where E-way Bill is not generated i.e. consignment value not exceeding Rs 50000:-

➤ If the consignor/consignee has not generated e-way bill in Form GST EWB-01 & the aggregate of the consignment value of goods carried in the conveyance is >₹ 50,000, then prior to the movement of goods:-

- Transporter shall generate e-way bill on basis of invoice or bill of supply or delivery challan only in respect of inter-State supply &
- He may also generate a consolidated e-way bill in Form GST EWB-02.

Exception:- In case of transportation of goods by railways, air and vessel [Rule 138(7)].

18

What documents & devices to be carried by a person-in-charge of a conveyance? (Rule 138A)

The person in charge of a conveyance shall carry:-

- a) Invoice/ bill of supply/ delivery challan, as the case may be, &
- b) a copy of the e-way bill in physical form or e-way bill number in electronic form or e-way bill number mapped to Radio Frequency Identification Device (RFID) embedded on to the conveyance.

Proviso:-	Clause b) is not applicable in case of movement of goods by rail/ by air/ by vessel.
Proviso:-	For imported goods, the person in charge of conveyance shall also carry a copy of bill of entry filed by importer of such goods & shall indicate the number and date of the bill of entry in Part A of E-way bill.

Comment:- Carrying e-way bill number in electronic form implies that person-in-charge of conveyance can merely quote the e-way bill number to the proper tax officer. Tax officer will do all the requisite verifications, based on that number.

19

How should the verification of documents and conveyances be done by Department? [Rule 138B]

➤ The Commissioner or an officer empowered by him in this behalf may authorize the proper officer to intercept any conveyance to verify the e-way bill in physical or electronic form for all inter-State and intra-State movement of goods.

➤ **Radio Frequency Identification Device (RFID) readers:-**

- The Commissioner shall get RFID readers installed at places where the verification of movement of goods is required to be carried out and
- verification of movement of vehicles shall be done through such device readers where the e-way bill has been mapped with the said device.

➤ **Physical verification:-**

The physical verification of conveyances shall be carried out by the proper officer as authorised by the Commissioner or an officer empowered by him in this behalf.

Proviso:- On receipt of specific information on evasion of tax, physical verification of a specific conveyance can also be carried out by any other officer after obtaining necessary approval of Commissioner or an officer authorised by him in this behalf.

20 How should the report pertaining to inspection be uploaded by the Department? (Rule 138C)

- The proper officer shall record online:-
 - A summary report of every inspection of goods in transit in Part A of FORM GST EWB-03 within 24 hours of inspection &
 - A Final report in Part B of FORM GST EWB-03 **within 3 days** of inspection.

Proviso:- where the circumstances so warrant, the Commissioner, or any other officer authorised by him, may, on sufficient cause being shown, extend the time for recording of the final report in Part B of FORM EWB-03, for a further period **not exceeding 3 days**.

Note :- 24 hours/ 3days shall be counted from midnight of date on which vehicle was intercepted.

- If physical verification of goods being transported on any conveyance has been done during transit at one place within the State or UT or in any other State or UT,
 - **No further physical verification** of the said conveyance shall be carried out again in the State or UT.
- Exception:-** where a specific information for evasion of tax is made available subsequently.

21 Facility for uploading information regarding detention of vehicle (Rule 138D)

If vehicle intercepted and detained for > 30 minutes, the transporter may upload the said information in FORM GST EWB-04 on the common portal.

Note:- Here, Student can write "in specified form" instead of form no.

22 Explain the restriction of furnishing of information in part A of FORM GST EWB 01 OR Blocking of e-waybill generation facility:- (Rule 138E)

Rule 138E contains provisions pertaining to blocking of e-way bill generation facility, i.e. disabling the generation of e-way bill.

Notwithstanding anything contained in rule 138(1), a person (including a consignor, consignee, transporter, ECO or courier agency) shall not be allowed to furnish information in PART A of FORM GST EWB-01 in respect of any outward movement of goods of a registered person, who-

a)	Being a person paying tax u/s 10	not furnished statement in FORM GST CMP-08 for 2 consecutive quarters.
b)	Person paying tax under regular scheme	not furnished returns for a consecutive period of 2 tax periods.
c)	Person paying tax under regular scheme	not furnished GSTR-1 for any 2 months / quarters.
d)	Being a person, whose	registration has been suspended under rule 21A(1) or 21A(2) or 21A(2A).

Proviso:- On receipt of an application from a registered person in prescribed form, on sufficient cause being shown & for reasons to be recorded in writing, commissioner may allow furnishing of the said information in PART A of FORM GST EWB 01 by order, subject to such conditions and restrictions as may be specified by him.

Proviso:- An order rejecting said request shall not be passed without giving the said person a reasonable opportunity of being heard.

Proviso:- Permission granted/ rejected by the Commissioner of State tax or Commissioner of UT tax shall be deemed to be granted / rejected by the Commissioner.

Comment:-

- Blocking of GSTIN for e-way bill generation is only for the defaulting supplier GSTIN and not for the defaulting Recipient or Transporter GSTIN.
- Suspended GSTIN cannot generate e-way bill as supplier. However, the suspended GSTIN can get the e-way bill generated as recipient or as transporter.
- In other words, e-way bill generation facility is blocked only in respect of any outward movement of goods of the registered person who is not eligible for e-way bill generation as per rule 138E. E-way bills can be generated for inward supplies of said registered person.

Example:- Mr. A, a registered person paying tax under regular scheme in Delhi, has not filed Form GSTR-1 for last 2 months. Mr. B, Haryana, (a regular return filer) wants to generate an e-way bill for goods to be supplied to Mr. A.

- There will be no more restriction in generating e-way Bill as Mr. B who is making outward movement of goods is a regular return filer.
- But if Mr. A wants to generate an e-way bill in respect of an outward supply of goods to Mr. H, e-way bill generation is blocked as it's an outward movement of goods of Mr. A who has not filed GSTR-1 for past 2 months.

23 Short Note on Invoice reference number (IRN) in lieu of tax invoice:-

- The e-invoice issued under rule 48(4) have an embedded Invoice Reference Number (IRN) in the Quick Reference (QR) code.
- It can be produced electronically for verification by the proper officer in lieu of the physical copy of such tax invoice.
- In such case, registered a person will not have to upload information in Part A of e-way bill for generation of e-way bill & the same shall be auto-populated by common portal based on the information furnished in the prescribed form.
- IRN eases the process of documentation to a great level and reduces the burden.
- The Commissioner may, by notification, require a class of transporters to obtain a unique RFID and get the said device embedded on to the conveyance and map the e-way bill to the RFID prior to the movement of goods.

24 Documents in lieu of e-way bill:-

Where circumstances so warrant, the Commissioner may, by notification, require the person-in-charge of the conveyance to carry the following **documents instead of the e-way bill:-**

- (a) tax invoice or bill of supply or bill of entry (for import of goods).
- (b) a delivery challan, where the goods are transported for reasons other than by way of supply.

Note:-

1. The expressions 'transported by railways', 'transportation of goods by railways', 'transport of goods by rail' and 'movement of goods by rail' used in this chapter does not include cases where leasing of parcel space by railways takes place.
2. **E-way bill generated in one State is valid in another State:-**
The e-way bill generated under rule 138 of GST Rules of any State or UT shall be valid in every State and UT [Rule 138(13)].

CGST Act

- (Sec 7) : Supply
- (Sec 8) : Composite & Mixed Supply
- (Sec 9) : Charging Section
- (Sec 10) : Composition Levy
- (Sec 11) : Exemption
- (Sec 12) : TOS of SOG
- (Sec 13) : TOS of SOS
- (Sec 14) : X
- (Sec 15) : Value of Supply
- (Sec 16) : Eligibility & Conditions of ITC
- (Sec 17(5)) : Blocked Credit
- (Sec 18) : Switching
- (Sec 19, 20, 21) : X
- (Sec 22) : Threshold for Registration
- (Sec 23) : Non-Applicability of Registration
- (Sec 24) : Compulsory Registration
- (Sec 25) : Procedure for Registration
- (Sec 26) : Deemed Registration
- (Sec 27) : Registration of GTP and NRTP
- (Sec 28) : Amendment in Registration
- (Sec 29) : Cancellation of Registration
- (Sec 30) : Revocation of Cancellation
- (Sec 31) : Tax Invoice / Vouchers / Debit Note - Credit Note
- (Sec 32) : Prohibition on Excess Collection of Tax
- (Sec 33) : Tax to be Mentioned Separately in Documents
- (Sec 34) : Debit Note / Credit Note
- (Sec 35-36) : Accounts & Records
- (Sec 37-48) : Returns
- (Sec 49) : Payment of Tax
- (Sec 50) : Interest
- (Sec 51-52) : TDS - PCS

IGST Act

- (Sec 5) : Charging Section
- (Sec 6) : Exemption of IGST
- (Sec 7) : Interstate Supply
- (Sec 8) : Intra-state Supply
- (Sec 9) : Territorial Waters
- (Sec 10) : POS of Goods
- (Sec 12) : POS of Services

CHAPTER - 15

RETURNS

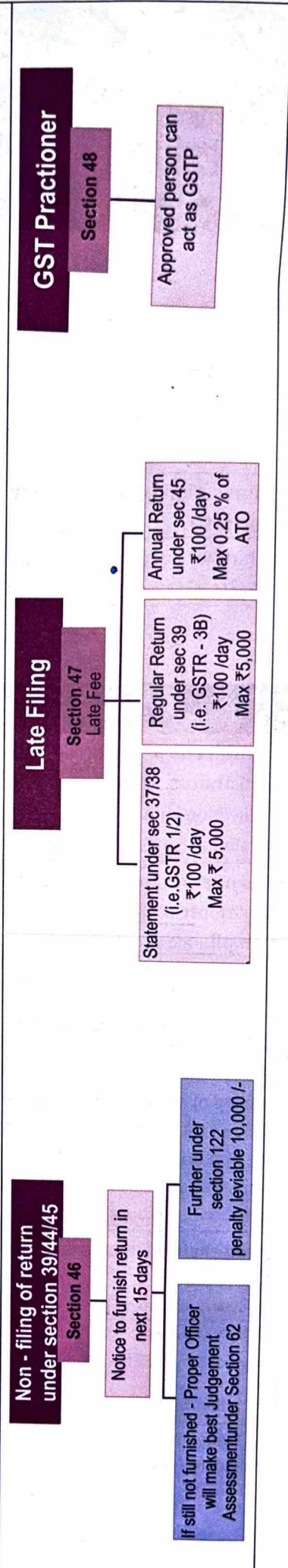
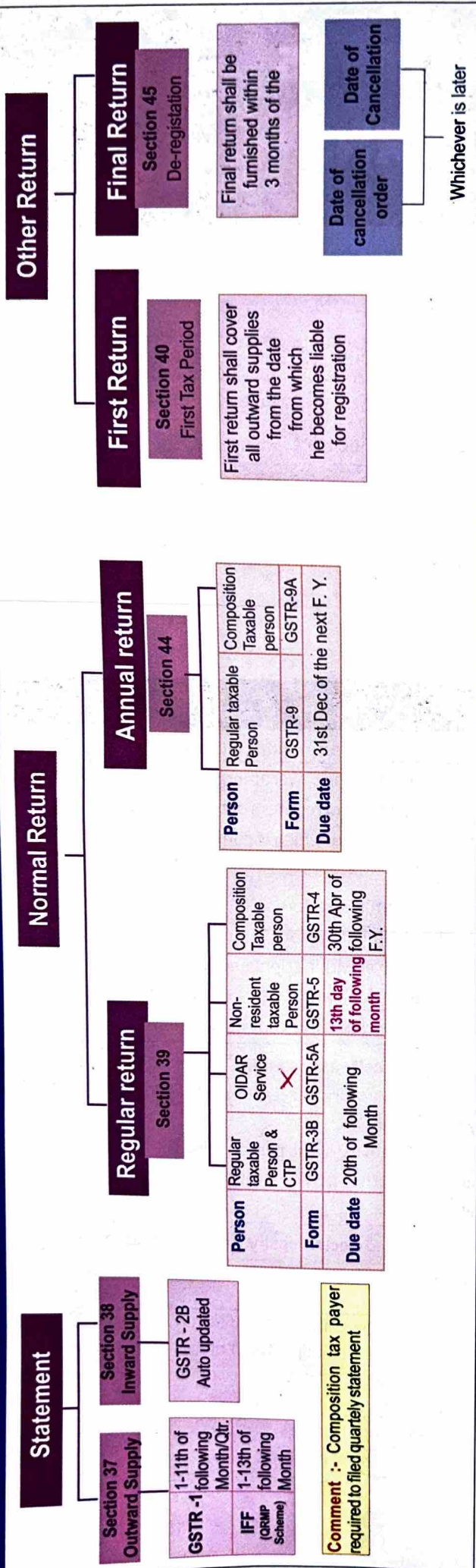
Index

Sec & Rules	Title	Sec 40	First Return
Sec 2	Relevant definitions	Sec 44 & Rule 80	Annual Return
Sec 37 & Rule 59	Furnishing details of Outward supplies	Sec 45 & Rule 81	Final Return
Sec 38 & Rule 60	Communication of details of inward supplies & ITC	Sec 46 & 47	Notice & Late fee for delay in filing return
Sec 39 & Rule 61/61A/62/63	Furnishing of Returns, Payment of Tax & Rectification	Sec 48	Goods & Services Tax Practitioners

Introduction

Meaning	<p>⇒ The term “return” ordinarily means statement of information (facts) furnished by the taxpayer, to tax administrators, at regular intervals which enables the Government/ tax administrator to estimate the tax collection for a particular period and determine correctness of tax compliance.</p> <p>⇒ All details are consolidated & stored at common portal which is common for both, i.e. CG & SGs.</p>									
Necessity of Filing of Return	<p>The return serves the following purposes:-</p> <ol style="list-style-type: none"> Mode for transfer of information to tax administration. Compliance verification program of tax administration. Finalization of the tax liabilities of the taxpayer within stipulated period of limitation. Providing necessary inputs for taking policy decision. Management of audit and anti-evasion programs of tax administration 									
The correct and timely filing of returns	<ol style="list-style-type: none"> A taxpayer has to estimate his tax liability on “self-assessment” basis and deposit the tax along with the filing of such return & thus, return filed is a work sheet/supporting document for tax authorities to rely on the computation of tax by authorities. Filing of returns not only determines the tax liability of the person filing the same, but it also has a huge bearing on determination of tax liability of other persons with whom the former has entered into transactions in course or furtherance of business. 									
Modes of filing returns	<p>All the returns/statements under GST laws are filed electronically by using various modes as follows:-</p> <table border="1"> <tbody> <tr> <td>1</td> <td>GSTN portal (www.gst.gov.in)</td> <td>Can be filed directly on the GST common portal online.</td> </tr> <tr> <td>2</td> <td>Offline utilities provided by GSTN</td> <td>Used for preparing the statements offline after downloading the auto populated details and uploading them on the common portal as direct filing on portal may be tedious & time consuming for taxpayers with large number of invoices.</td> </tr> <tr> <td>3</td> <td>GST Suvidha Providers (GSPs)</td> <td>GSTN has also developed an ecosystem of GST Suvidha Providers (GSP) that will integrate with the common portal.</td> </tr> </tbody> </table>	1	GSTN portal (www.gst.gov.in)	Can be filed directly on the GST common portal online.	2	Offline utilities provided by GSTN	Used for preparing the statements offline after downloading the auto populated details and uploading them on the common portal as direct filing on portal may be tedious & time consuming for taxpayers with large number of invoices.	3	GST Suvidha Providers (GSPs)	GSTN has also developed an ecosystem of GST Suvidha Providers (GSP) that will integrate with the common portal.
1	GSTN portal (www.gst.gov.in)	Can be filed directly on the GST common portal online.								
2	Offline utilities provided by GSTN	Used for preparing the statements offline after downloading the auto populated details and uploading them on the common portal as direct filing on portal may be tedious & time consuming for taxpayers with large number of invoices.								
3	GST Suvidha Providers (GSPs)	GSTN has also developed an ecosystem of GST Suvidha Providers (GSP) that will integrate with the common portal.								

Statement / Return



Important definitions relevant for this chapter:-

Sec 2(94):- Registered Person means

a person who is registered under sec 25 but does not include a person having a Unique Identity Number.

Sec 2(92):- Quarter

shall mean a period comprising three consecutive calendar months, ending on the last day of March, June, September and December of a calendar year.

Sec 2(106):- Tax Period

means the period for which the return is required to be furnished.

Sec 2(117):- Valid Return

means a return furnished u/s 39 on which self-assessed tax has been paid in full.

Sec 37 read with Rule 59 :- Furnishing details of Outward supplies

Pts.	Provision						
1	<p>Who is required to furnish details of outward supplies (GSTR-1)?</p> <p>The details of outward supplies (GSTR-1) of both goods and services are required to be furnished by every RP including registered CTP except the following:</p> <ul style="list-style-type: none"> ⊖ <u>ISD</u> ⊖ <u>NRTP</u> ⊖ person paying tax under <u>composition scheme</u> ⊖ person <u>deducting TDS</u> ⊖ person <u>collecting TCS</u> ⊖ supplier of <u>OIDAR service</u> located in non-taxable territory <u>providing services to NTOR</u> 						
2	<p>Nil GSTR-1:-</p> <ul style="list-style-type: none"> ⊖ GSTR 1 filing is mandatory for all normal and CTP, even if there is no business activity in any particular tax period. ⊖ Nil GSTR-1 is required to be filed in such cases, which will not have any entry. ⊖ Thus, a NIL GSTR-1 can be filed anytime from 1st of the month subsequent of the tax period, through an SMS using the registered mobile number of the taxpayer & is verified by registered mobile number-based OTP facility. 						
3	<p>Due Date of Submission of GSTR-1:-</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #e1f5fe;">Class of registered person</th> <th style="background-color: #e1f5fe;">Time limit for furnishing the details of outward supplies in GSTR-1 for each quarter/tax period</th> </tr> </thead> <tbody> <tr> <td>Normal Case (Monthly Scheme)</td> <td>11th day of the month succeeding such tax period</td> </tr> <tr> <td>RP opting for QRMP scheme</td> <td>13th day of the month succeeding such tax period (i.e Quarter)</td> </tr> </tbody> </table> <p>It may be extended by Commissioner /Commissioner of SGST/Commissioner of UTGST for a class of taxable persons by way of a notification.</p> <p>Note:- A taxpayer cannot file GSTR-1 before the end of the current tax period. However, following are the exceptions to this rule:-</p> <ol style="list-style-type: none"> a. Casual taxpayers, after the closure of their business b. Cancellation of GSTIN of a normal taxpayer- after confirming receipt of the application. 	Class of registered person	Time limit for furnishing the details of outward supplies in GSTR-1 for each quarter/tax period	Normal Case (Monthly Scheme)	11th day of the month succeeding such tax period	RP opting for QRMP scheme	13th day of the month succeeding such tax period (i.e Quarter)
Class of registered person	Time limit for furnishing the details of outward supplies in GSTR-1 for each quarter/tax period						
Normal Case (Monthly Scheme)	11th day of the month succeeding such tax period						
RP opting for QRMP scheme	13th day of the month succeeding such tax period (i.e Quarter)						

IMP

4 Invoice Furnishing Facility (IFF) for taxpayers opting QRMP Scheme:-

- ⇒ IFF is an optional facility available to RP to furnish details of outward supplies for 1st and 2nd months of a quarter upto a cumulative value of ₹ 50 lakh in each of the first 2 months of quarter electronically on common portal.
- ⇒ Only the invoices pertaining to last month of a quarter are to be uploaded in GSTR-1.
- ⇒ IFF is used only for B2B invoices.
- ⇒ Alternatively, a RP may furnish the details of all outward supplies made during a quarter in Form GSTR-1 only, without using the IFF.
- ⇒ Due to IFF, recipient who made purchases from a person opting for QRMP scheme can avail ITC without much delay as the transaction will be reflected as their inward supplies.
- ⇒ Invoices for a month are to be furnished in IFF between 1st day of succeeding month till 13th day of succeeding month & not after that.

5 Details of outward supplies required to be furnished in IFF:- It includes-

- ⇒ Invoice wise details of inter-State and intra-State supplies made to the registered persons.
- ⇒ Debit and credit notes, if any, issued during the month for such invoices issued previously.

VIMP

6 Restriction on furnishing of GSTR-1

If previous GSTR-1 is/are not furnished
 A RP shall not be allowed to furnish GSTR-1 for a tax period, if the details of outward supplies for any of the previous tax periods has not been furnished by him.
 However, Govt. may allow notified persons to furnish GSTR-1, even if he has not furnished GSTR-1 for 1 or more previous tax periods. *There is no notified person by Govt*

If previous GSTR-3B is/are not furnished	a) A registered person (Monthly Scheme):-	
	shall not be allowed to furnish GSTR-1,	if he has not furnished the return in FORM GSTR-3B for preceding month
	b) A registered person (QRMP Scheme):-	
	shall not be allowed to furnish GSTR-1 or IFF,	if he has not furnished the return in FORM GSTR-3B for preceding tax period (Quarter)

Non compliance of intimation under rule 88C(1)
 A RP, to whom an intimation has been issued on the common portal under Rule 88C(1) (where tax liability shown in GSTR-1 exceeds the tax liability paid in GSTR-3B) in respect of a tax period,
 ⇒ shall not be allowed to furnish GSTR-1 or IFF for a subsequent tax period,
 ⇒ unless he has either deposited the amount specified in the said intimation or has furnished a reply explaining the reasons for any amount remaining unpaid, as required under rule 88C(2).

Comments:-
 > If reply was furnished but found to be not satisfactory, then only recovery proceedings u/s 79 would be triggered as this rule does not prescribe blocking of GSTR-1 / IFF in such case.
 > If no action was taken against the issuance of DRC-01B, there would be blocking of GSTR-1/IFF along with initiation of recovery proceedings u/s 79 of CGST Act, 2017.

Non compliance of intimation under rule 88D(1)
Newly Inserted by N/N 38/2023
 If any intimation is issued rule 88D(1) (for excess ITC) on RP in respect of a tax period or periods, shall not be allowed to furnish GSTR-1 / IFF for a subsequent tax period, unless he has either paid the amount equal to the excess ITC as specified in the said intimation or has furnished a reply explaining the reasons in respect of the amount of excess ITC that still remains to be paid.

GSTR 1 Amend nhi ho skta

Non furnishing Bank Details

RP shall not be allowed to furnish GSTR-1/ IFF, if he has not furnished the details of the bank account under rule 10A.

7 Contents in GSTR 1:-

Basic & Other details	Details of Outward Supplies
<ul style="list-style-type: none"> ⇒ GSTIN ⇒ Legal name ⇒ Trade name, if any ⇒ Aggregate turnover in P.Y. ⇒ Tax period i.e. Year & Month/Qtr ⇒ HSN-wise summary of outward supplies ⇒ Details of documents issued 	<ul style="list-style-type: none"> ⇒ B2B including UIN holders ⇒ B2C inter-State supplies with invoice value > 2.5 lakh ⇒ Consolidated details of other B2C supplies ⇒ Zero rated and Deemed exports ⇒ Debit/ Credit notes issued ⇒ Nil rated/ Exempted/ Non-GST ⇒ Amendments for prior period ⇒ Advances received/advances adjusted

8 Details in GSTR-1:-

S.No.	Invoice wise details of ALL	Consolidated details of ALL	Debit & Credit notes
1	Inter-State & Intra-State supplies made to registered persons	Intra-State supplies made to unregistered persons for each rate of tax	Issued during the month for invoices issued previously
2	Inter-State supplies made to unregistered persons with invoice value > ₹2,50,000	Inter-State supplies made to unregistered persons with invoice value upto ₹2,50,000 for each rate of tax separately for each State	

9 Sec 37(3): Amendment in details of outward supply (GSTR-1) furnished in prior periods

a)	Scope of amendment/correction entries	<ul style="list-style-type: none"> ⇒ Amendments in details of taxable outward supplies furnished in earlier periods can be made in "Amendment Table" given in GSTR-1 of subsequent periods ⇒ Details required for amendment = original invoice (No. & Date), the particulars of which have been wrongly entered in GSTR-1 of the earlier months. ⇒ If the entire original invoice is missed while furnishing the GSTR-1 for a particular previous month, then that missing invoice details are to be furnished in the Amendment Table only & such type of errors is regarded as data entry error.
b)	Rectification of errors	<ul style="list-style-type: none"> ⇒ If the supplier discovers any error or omission, he shall rectify the same in the tax period during which such error or omission is noticed. ⇒ If there is short payment in the return to be furnished for such tax period, then short tax and interest shall be paid.
c)	Time limit for rectification	<p>The maximum time limit for making amendments is EARLIER of the following dates:-</p> <ul style="list-style-type: none"> ⇒ 30th November following the end of the F.Y. to which such details pertain or ⇒ Actual date of filing of the relevant annual return.

Some Important Notes:-

1. Taxpayer opting for voluntary cancellation of GSTIN has to file GSTR-1 for active period.
2. If taxpayer is converted from a normal taxpayer to composition taxpayer, GSTR-1 is to be filed only for period during which the taxpayer was registered as normal taxpayer. The GSTR-1 for the said period, even if filed with delay would accept invoices for the period prior to conversion.

Sec 38:- Communication of details of inward supplies and ITC

Sub-Sec	Legal Provision																
1	The details of furnished GSTR-1 and of prescribed supplies , and an auto-generated statement (GSTR-2B) containing details of ITC shall be made available electronically to recipients.																
2	The auto-generated statement (GSTR-2B) under sub-section (1) shall consist of- <table border="1" style="margin-left: 20px;"> <tr> <td>(a)</td> <td>Details of inward supplies for which ITC may be available to recipient &</td> </tr> <tr> <td>(b)</td> <td>Details of supplies for which ITC cannot be availed, whether wholly or partly, by recipient, on account of details of the said supplies being furnished u/s 37(1) which are as follows <table border="1" style="margin-left: 20px;"> <tr> <td>(i)</td> <td>by any RP within such prescribed period of taking registration; or</td> </tr> <tr> <td>(ii)</td> <td>by any RP, who has defaulted in payment of tax and such default has continued for prescribed period or</td> </tr> <tr> <td>(iii)</td> <td>by any RP, the output tax payable by whom as per GSTR-1 furnished by him during prescribed period exceeds the output tax paid by him during the said period by prescribed limit or</td> </tr> <tr> <td>(iv)</td> <td>by any RP who, during prescribed period, has availed ITC of an amount that exceeds the credit that can be availed by him as per clause (a) above, by prescribed limit or</td> </tr> <tr> <td>(v)</td> <td>by any RP, who has defaulted in discharging his tax liability as per section 49(12), subject to prescribed conditions and restrictions or</td> </tr> <tr> <td>(vi)</td> <td>by other prescribed class of persons.</td> </tr> </table> </td> </tr> </table>	(a)	Details of inward supplies for which ITC may be available to recipient &	(b)	Details of supplies for which ITC cannot be availed, whether wholly or partly, by recipient, on account of details of the said supplies being furnished u/s 37(1) which are as follows <table border="1" style="margin-left: 20px;"> <tr> <td>(i)</td> <td>by any RP within such prescribed period of taking registration; or</td> </tr> <tr> <td>(ii)</td> <td>by any RP, who has defaulted in payment of tax and such default has continued for prescribed period or</td> </tr> <tr> <td>(iii)</td> <td>by any RP, the output tax payable by whom as per GSTR-1 furnished by him during prescribed period exceeds the output tax paid by him during the said period by prescribed limit or</td> </tr> <tr> <td>(iv)</td> <td>by any RP who, during prescribed period, has availed ITC of an amount that exceeds the credit that can be availed by him as per clause (a) above, by prescribed limit or</td> </tr> <tr> <td>(v)</td> <td>by any RP, who has defaulted in discharging his tax liability as per section 49(12), subject to prescribed conditions and restrictions or</td> </tr> <tr> <td>(vi)</td> <td>by other prescribed class of persons.</td> </tr> </table>	(i)	by any RP within such prescribed period of taking registration; or	(ii)	by any RP , who has defaulted in payment of tax and such default has continued for prescribed period or	(iii)	by any RP , the output tax payable by whom as per GSTR-1 furnished by him during prescribed period exceeds the output tax paid by him during the said period by prescribed limit or	(iv)	by any RP who, during prescribed period, has availed ITC of an amount that exceeds the credit that can be availed by him as per clause (a) above, by prescribed limit or	(v)	by any RP , who has defaulted in discharging his tax liability as per section 49(12), subject to prescribed conditions and restrictions or	(vi)	by other prescribed class of persons.
(a)	Details of inward supplies for which ITC may be available to recipient &																
(b)	Details of supplies for which ITC cannot be availed, whether wholly or partly, by recipient, on account of details of the said supplies being furnished u/s 37(1) which are as follows <table border="1" style="margin-left: 20px;"> <tr> <td>(i)</td> <td>by any RP within such prescribed period of taking registration; or</td> </tr> <tr> <td>(ii)</td> <td>by any RP, who has defaulted in payment of tax and such default has continued for prescribed period or</td> </tr> <tr> <td>(iii)</td> <td>by any RP, the output tax payable by whom as per GSTR-1 furnished by him during prescribed period exceeds the output tax paid by him during the said period by prescribed limit or</td> </tr> <tr> <td>(iv)</td> <td>by any RP who, during prescribed period, has availed ITC of an amount that exceeds the credit that can be availed by him as per clause (a) above, by prescribed limit or</td> </tr> <tr> <td>(v)</td> <td>by any RP, who has defaulted in discharging his tax liability as per section 49(12), subject to prescribed conditions and restrictions or</td> </tr> <tr> <td>(vi)</td> <td>by other prescribed class of persons.</td> </tr> </table>	(i)	by any RP within such prescribed period of taking registration; or	(ii)	by any RP , who has defaulted in payment of tax and such default has continued for prescribed period or	(iii)	by any RP , the output tax payable by whom as per GSTR-1 furnished by him during prescribed period exceeds the output tax paid by him during the said period by prescribed limit or	(iv)	by any RP who, during prescribed period, has availed ITC of an amount that exceeds the credit that can be availed by him as per clause (a) above, by prescribed limit or	(v)	by any RP , who has defaulted in discharging his tax liability as per section 49(12), subject to prescribed conditions and restrictions or	(vi)	by other prescribed class of persons.				
(i)	by any RP within such prescribed period of taking registration; or																
(ii)	by any RP , who has defaulted in payment of tax and such default has continued for prescribed period or																
(iii)	by any RP , the output tax payable by whom as per GSTR-1 furnished by him during prescribed period exceeds the output tax paid by him during the said period by prescribed limit or																
(iv)	by any RP who, during prescribed period, has availed ITC of an amount that exceeds the credit that can be availed by him as per clause (a) above, by prescribed limit or																
(v)	by any RP , who has defaulted in discharging his tax liability as per section 49(12), subject to prescribed conditions and restrictions or																
(vi)	by other prescribed class of persons.																

Criteria for Blacklist
 Govt has not notified any person for this criteria till date

Rule 60:- Form and manner of ascertaining details of inward supplies

X [A] Details in GSTR-2A:-

- **Form GSTR-2A** - is a system generated read only statement of **inward supplies** for a recipient which is updated on a real time basis.
- The details become available to the recipient for view/download and are updated incrementally as and when supplier(s) upload or change details in their respective form of return/statement, for the given tax period.
- The details of outward supplies furnished by the supplier in FORM GSTR-1 or using the IFF shall be made available electronically through common portal to the concerned registered persons (recipients) in:-
 - Part A of FORM GSTR-2A,
 - FORM GSTR-4A (for persons opting composition scheme) and
 - FORM GSTR-6A [for distribution by Input Service Distributor (ISD)]
- The details of invoices furnished
 - by a NRTP in Form GSTR-5 &
 - by an ISD in Form GSTR-6,
 The details of TDS furnished in Form GSTR-7 by deductor and
 The details of TCS furnished in Form GSTR-8 by an ECO,
 are made available to the recipient, deductee or concerned person, in **Form GSTR-2A**.
- Further, details of the integrated tax paid on
 - the import of goods or
 - goods brought in DTA from SEZ unit/developer
 on a bill of entry are also made available in **Form GSTR-2A**.

[B] Details in GSTR-2B:-

Form GSTR-2B is an auto-generated read only statement containing the **details of eligible ITC** - is made available to the registered person (recipient) for **every month only once**.

It consists of:-

1 The details of outward supplies furnished by suppliers (**other than under QRMP Scheme**) in Form GSTR-1 between:-
➤ the day immediately after the due date of GSTR-1 for the previous month to
➤ the due date of furnishing of Form GSTR-1 for the month.

2 The details of outward supplies furnished by the supplier under QRMP scheme in Form GSTR-1 or using the IFF, by NRTP in Form GSTR-5 & by an ISD in Form GSTR-6 as the case may be, **between:-**

For 1st month of quarter	➤ the day immediately after the due date of furnishing GSTR-1 for the preceding quarter to ➤ the due date of furnishing details using the IFF for the 1st month of the quarter.
For 2nd month of quarter	➤ the day immediately after the due date of furnishing details using the IFF for the 1st month of the quarter to ➤ the due date of furnishing details using the IFF for the 2nd month of the quarter.
For 3rd month of quarter	➤ the day immediately after the due date of furnishing of details using the IFF for the 2nd month of the quarter to ➤ the due date of furnishing of Form GSTR-1 for the quarter

3 The details of the integrated tax paid on import of goods or goods brought in the DTA from SEZ unit/developer on a bill of entry in the month.

4 GSTR-2B consists of all documents filed by suppliers/ISD in their Form GSTR-1, 5 & 6, between the cut-off dates and import data for the period which are received within 13th of the succeeding month.
➤ In case of monthly Form GSTR-1, the cut-off date is 00:00 hours on 12th of the relevant month to 23:59 hours, on 11th of the succeeding month.
➤ Whereas for quarterly Form GSTR-1/IFF, Form GSTR-5 and Form GSTR-6, the cut-off date is 00:00 hours on 14th day of relevant month to 23:59 hours, on 13th day of succeeding month.

5 The statement in Form GSTR-2B for every month shall be made available to the **RP**, -

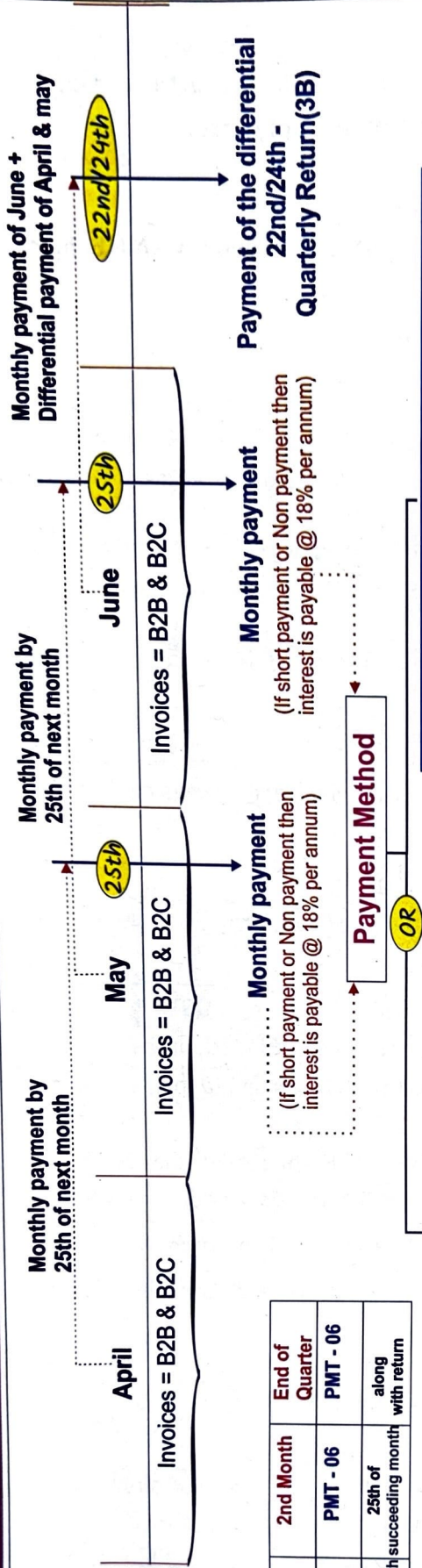
i) **for the 1st and 2nd month of a quarter**, a day after the due date of furnishing of details of outward supplies for the said month,
➤ in the IFF by a **RP** opting for QRMP, or
➤ in Form GSTR-1 by a registered person other than opting for QRMP,
whichever is LATER.

ii) **In the 3rd month of the quarter**, a day after the due date of furnishing of details of outward supplies for the said month, in Form GSTR-1 by a **RP** opting for QRMP.

Example:- For the quarter July-September, Form GSTR-2B for a registered person (recipient) who has received supplies from QRMP suppliers as well as from other suppliers will be generated as follows:

Month	Date of generation of GSTR 2B
July	14th August
August	14th September
September	14th October

QRMP - Monthly Payment & Interest Liability



Registered Person (Supplier)
(Whose Aggregate annual turnover upto 5 Cr in P.F.Y)

Particulars	1st Month	2nd Month	End of Quarter
Payment challan	PMT - 06	PMT - 06	PMT - 06
Due date of Payment	25th of succeeding month	25th of succeeding month	along with return

1. Fixed Sum Method (FSM)

Payment of tax in the 1st and the 2nd month of the quarter.

Sr. No.	Type of Taxpayer	Tax to be paid
1.	Who furnished GSTR-3B quarterly for the last quarter	35% of tax paid in cash (E- Cash Ledger) in the preceding quarter
2.	Who furnished GSTR-3B monthly during the last quarter	100% of tax paid in cash in the last month of the immediately preceding quarter

The balancing amount of tax is to be paid in the 3rd month.

2. Self-Assessment Method (SAM)

Here the taxpayer can pay the tax liability by considering the tax liabilities on inward and outward supplies and as per the ITC available.

There are certain conditions where no tax needs to be paid:

- 1st Month of Quarter: The tax liability is Nil. OR The balance in the electronic cash ledger is adequate for the tax liability for the same month.
- 2nd Month of Quarter: The tax liability is Nil. OR The balance in the electronic cash ledger is adequate for the cumulative tax liability for the IThst two months of the quarter.

Example

In case the last return filed was on quarterly basis for Quarter Ending March, 2021:

Tax paid in Cash in Quarter (January -March, 2021)		Tax required to be paid in each of the months -April and May, 21	
CGST	100	CGST	35
SGST	100	SGST	35
IGST	500	IGST	175
Cess	50	Cess	17.5

In case the last return filed was monthly for tax period March, 2021:

Tax paid in Cash in March,21		Tax required to be paid in each of the months-April and May, 21	
CGST	50	CGST	50
SGST	50	SGST	50
IGST	80	IGST	80
Cess	—	Cess	—

Sec 39:- Furnishing of Returns

Sec	Description										
	GSTR - 3B - Normal Return										
39(1) Read With Rule 61 & 61A	<p>(a) It prescribes a monthly return in FORM GSTR-3B for every registered person, other than:-</p> <ul style="list-style-type: none"> ⇒ ISD, ⇒ NRTP, ⇒ Composition Taxpayer, ⇒ Person deducting TDS, ⇒ Person collecting TCS and ⇒ Supplier of OIDAR services located in non-taxable territory providing such services to non-taxable online recipient. <p>Proviso:- Persons notified by Govt. shall furnish a return for every quarter or part thereof, subject to the specified conditions and restrictions (i.e. QRMP Scheme).</p> <p>Note:-</p> <ul style="list-style-type: none"> ⇒ GSTR-3B is summary of outward supplies, inward supplies liable to reverse charge, eligible ITC, payment of tax etc. and thus, it does not require invoice-wise data of outward supplies. ⇒ It can be submitted electronically through the common portal, either directly or through a Facilitation Centre notified by the Commissioner. ⇒ Further, a Nil GSTR-3B can be filed through an SMS using the registered mobile number of the taxpayer. ⇒ GSTR-3B can be filed monthly or quarterly. 										
	<p>(b) Due date of filing return GSTR-3B:-</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Monthly GSTR-3B</td> <td>on or before 20th of the month succeeding the month for which return is furnished.</td> </tr> <tr> <td>Quarterly GSTR-3B under QRMP Scheme</td> <td>on or before 22nd or 24th of the month succeeding the quarter for which return is furnished for the states notified as under:-</td> </tr> </table> <table border="1" style="width: 100%; margin-top: 5px;"> <thead> <tr> <th style="width: 70%;">Class of Registered Persons</th> <th style="width: 30%;">Due date</th> </tr> </thead> <tbody> <tr> <td>Registered persons whose principal place of business is in the States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana, Andhra Pradesh, the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands or Lakshadweep.</td> <td style="text-align: center;">22nd day of the month succeeding such quarter</td> </tr> <tr> <td>Registered persons whose principal place of business is in the States of Himachal Pradesh, Punjab, Uttarakhand, Haryana, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand or Odisha, the Union territories of Jammu and Kashmir, Ladakh, Chandigarh or Delhi.</td> <td style="text-align: center;">24th day of the month succeeding such quarter</td> </tr> </tbody> </table>	Monthly GSTR-3B	on or before 20th of the month succeeding the month for which return is furnished.	Quarterly GSTR-3B under QRMP Scheme	on or before 22nd or 24th of the month succeeding the quarter for which return is furnished for the states notified as under:-	Class of Registered Persons	Due date	Registered persons whose principal place of business is in the States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana, Andhra Pradesh, the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands or Lakshadweep.	22nd day of the month succeeding such quarter	Registered persons whose principal place of business is in the States of Himachal Pradesh, Punjab, Uttarakhand, Haryana, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand or Odisha, the Union territories of Jammu and Kashmir, Ladakh, Chandigarh or Delhi.	24th day of the month succeeding such quarter
Monthly GSTR-3B	on or before 20th of the month succeeding the month for which return is furnished.										
Quarterly GSTR-3B under QRMP Scheme	on or before 22nd or 24th of the month succeeding the quarter for which return is furnished for the states notified as under:-										
Class of Registered Persons	Due date										
Registered persons whose principal place of business is in the States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana, Andhra Pradesh, the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands or Lakshadweep.	22nd day of the month succeeding such quarter										
Registered persons whose principal place of business is in the States of Himachal Pradesh, Punjab, Uttarakhand, Haryana, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand or Odisha, the Union territories of Jammu and Kashmir, Ladakh, Chandigarh or Delhi.	24th day of the month succeeding such quarter										
	<p>(c) Quarterly Return Monthly Payment (QRMP) Scheme :-</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Eligibility for QRMP scheme</td> <td> <ul style="list-style-type: none"> ⇒ The RP whose aggregate turnover is up to ₹ 5 crore in the P.F.Y. are eligible to opt for QRMP scheme. <p style="border: 1px solid black; padding: 5px; margin: 5px 0;">Note:- Here, registered person is other than OIDAR service supplier located in non-taxable territory and providing such services to a NTOR.</p> <ul style="list-style-type: none"> ⇒ They can furnish their GSTR-1 and GSTR-3B on a quarterly basis while paying their tax on a monthly basis through a simple challan. ⇒ For computing agg. t/o, details furnished in returns for tax periods in the preceding financial year shall be taken into account. </td> </tr> </table>	Eligibility for QRMP scheme	<ul style="list-style-type: none"> ⇒ The RP whose aggregate turnover is up to ₹ 5 crore in the P.F.Y. are eligible to opt for QRMP scheme. <p style="border: 1px solid black; padding: 5px; margin: 5px 0;">Note:- Here, registered person is other than OIDAR service supplier located in non-taxable territory and providing such services to a NTOR.</p> <ul style="list-style-type: none"> ⇒ They can furnish their GSTR-1 and GSTR-3B on a quarterly basis while paying their tax on a monthly basis through a simple challan. ⇒ For computing agg. t/o, details furnished in returns for tax periods in the preceding financial year shall be taken into account. 								
Eligibility for QRMP scheme	<ul style="list-style-type: none"> ⇒ The RP whose aggregate turnover is up to ₹ 5 crore in the P.F.Y. are eligible to opt for QRMP scheme. <p style="border: 1px solid black; padding: 5px; margin: 5px 0;">Note:- Here, registered person is other than OIDAR service supplier located in non-taxable territory and providing such services to a NTOR.</p> <ul style="list-style-type: none"> ⇒ They can furnish their GSTR-1 and GSTR-3B on a quarterly basis while paying their tax on a monthly basis through a simple challan. ⇒ For computing agg. t/o, details furnished in returns for tax periods in the preceding financial year shall be taken into account. 										

IMP

QRMP Scheme is GSTIN wise

- Distinct persons can avail QRMP scheme option for **one or more GSTINs**.
- It implies that some **GSTINs for a PAN** can opt for the QRMP scheme remaining GSTINs may not opt for the said scheme.

Note:- QRMP scheme is optional and not mandatory.

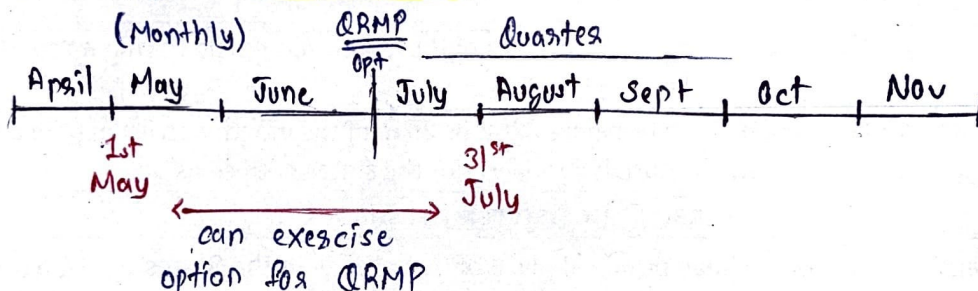
(d) Conditions & Restrictions:-

- ➔ **RP** shall not be eligible to opt for QRMP scheme,
 - if he has **not furnished the last return** due on the date of exercising such option.
- ➔ If the **option is exercised once**, the said **RP** shall continue to **furnish the return** on a quarterly for future tax periods **unless he**
 - **becomes ineligible** for this scheme as per the conditions and restrictions notified in this regard. *→ Agg. T/O of C.F.Y. exceeds 5cr.*
 - **opts to furnish return on a monthly basis**, electronically, on common portal.

(e) Time limit to opt for QRMP Scheme:-

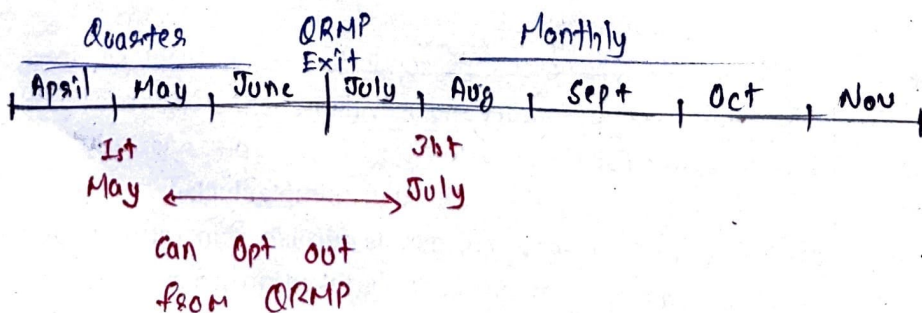
Preference to opt this scheme shall be indicated

- from **1st day of 2nd month of the preceding quarter**
- **till last day of 1st month of the quarter** for which the option is being exercised.



(f) Option QRMP scheme to lapse:-

- ➔ If the **agg. t/o crosses ₹ 5 crore** during a quarter in a F.Y., then the registered person shall **not be eligible** to furnish return on quarterly basis from
 - the **first month of the succeeding quarter**.
- ➔ He shall opt for furnishing of return on a monthly basis from the 1st month of the quarter **succeeding the quarter** during which his **agg. t/o exceeds ₹ 5 crore**.
- ➔ The **facility for opting out** of the scheme for a quarter will be available (**Voluntary Exit**)
 - from **1st day of 2nd month of preceding quarter**
 - to the **last day of the 1st month of the quarter**.



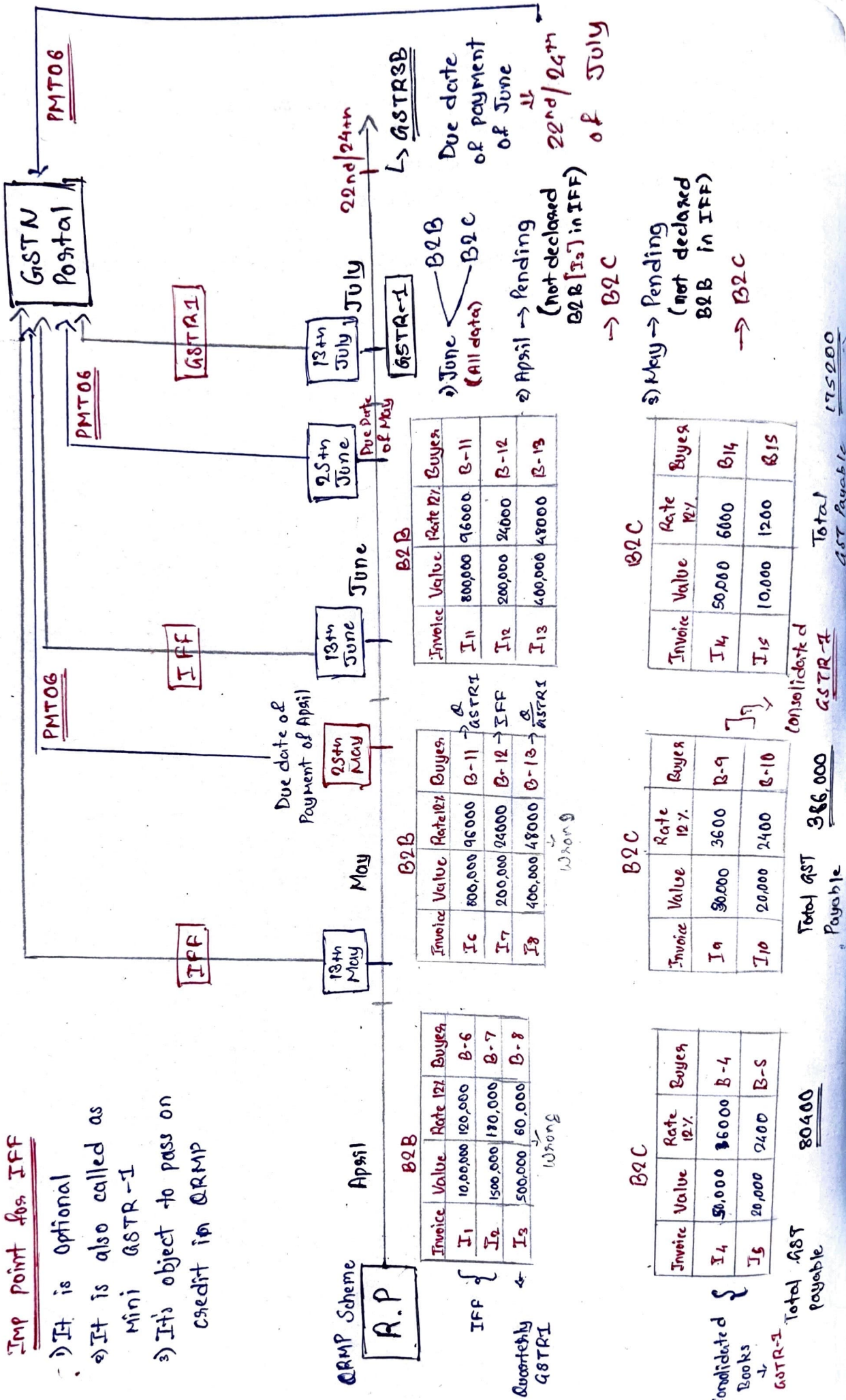
(g) Nil GSTR-3B:-

- ⇒ **Filing of GSTR-3B is mandatory** for all normal and casual taxpayers, **even if there is no business activity** in any particular tax period. For such tax period(s), a Nil GSTR-3B is required to be filed which will not have any entry in any of its tables.
- ⇒ **A Nil GSTR-3B can be filed through an SMS** using the registered mobile number of the taxpayer and is verified by registered mobile number-based OTP facility.
- ⇒ A taxpayer may file Nil GSTR-3B, anytime on or after the 1st day of the subsequent month/quarter for which the return is being filed for.

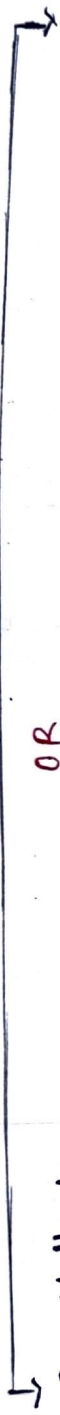
QRMP

Imp Point for IFF

- 1) It is optional
- 2) It is also called as Mini GSTR-I
- 3) It's object to pass on credit in QRMP



Tax Payment method for first 2 month by 25th of Next Month



Fixed Sum Method

Previous Tax period

Case 1 : Opted for QRMP
 GST-for Quarter paid through E-Cash ledgers
 ↳ ₹ 10,00,000

Case 2 : Monthly

E-cash ledgers.
 ↳ 300,000

OR

Tax Due date

April (35%) 25th May If not paid or shortly p. Int @ 18% p.a.
 May (35%) 25th June
 June → 22nd / 24th July

Note : Final Assessment in ASTR3B

Tax Due Date

April (100%) 25th May If not paid or shortly paid Int. @ 18% p.a.
 May (100%) 25th June
 June → 22nd / 24th July

Note : Final assessment in ASTR3B

Self Assessment Method

Actual Calculation of Tax

April = 80,400 → 25th May If not paid or shortly paid Int @ 18%
 less ITC
 May = 366,000 → 25th June
 less ITC
 June = 1,75,200 → 22nd / 24th July

22nd / 24th ASTR-3B

Actual tax liability (Quarter)
 (80400 + 366000 + 175200)

Case 1 Case 2

6,21,600 6,21,600
 (200,000) (200,000)
4,21,600 4,21,600

Payment done FSM

April 380,000 300,000
 May 350,000 300,000 600,000

Excess Payment (2,78,400) Refund

Refund

Refund

GSTR-4 i.e. Return for composition supplier:-

39(2)
read
with
Rule
62

(a) A composition dealer is required to file an annual return in Form GSTR-4 for a F.Y. or part thereof and also required to furnish a statement in Form GST CMP-08 containing payment details for every quarter (or part of the quarter), electronically, by the due dates as follows:-

Due date of filing GSTR-4 for a financial year	By 30th day of the month of April following the end of such financial year
Due date of filing GST CMP-08 for a quarter	By 18th day of the month succeeding such quarter

Note:-

- ⇒ A composition supplier is required to file the return GSTR-4 annually but he is required to pay the tax quarterly.
- ⇒ The inward supplies of a composition supplier received from RP filing GSTR-1 will be auto populated in FORM GSTR-4A for viewing.
- ⇒ Composition taxpayers are required to provide consolidated details of outward supplies in GSTR-4 and not invoice-wise details.
 - However, details of inter-State and intra-State inward supplies received from registered and un-registered persons are to be provided invoice-wise.
- ⇒ They discharge their tax liability only by debiting E-cash ledger as they are not eligible to take ITC.

(b) **Nil GST CMP-08:-**

- ⇒ Filing of GST CMP-08 is **mandatory** for composition supplier, **even if there is no business activity** in any particular tax period (i.e. a Nil GST CMP-08 is required to be filed which will not have any entry in any of its tables).
- ⇒ It can be filed through an SMS using the registered mobile number of the taxpayer and is verified by registered mobile number-based OTP facility.

(c) **Statements/return for the period prior to OPTING for composition scheme:-**

- ⇒ A person opting composition scheme **from the beginning of a financial year** will furnish statements/return for period prior to paying tax under composition scheme till **earlier of:-**
 - 30th November of the succeeding F.Y. or
 - furnishing of annual return of the P.F.Y.
- ⇒ He will not be eligible to avail ITC on receipt of invoices or debit notes from the supplier for the period prior to their opting to pay tax under composition scheme.

(d) **GSTR-4/CMP-08 for the period prior to EXITING from composition scheme:-**

A RP opts to withdraw from the composition scheme at his own motion or where option is withdrawn at the instance of the PO, then for the period prior to withdrawing from scheme, he shall furnish-

GST CMP-08	By 18th of month succeeding the quarter in which such withdrawal date falls
GSTR-4	By 30th April following the end of F.Y. during which such withdrawal falls

GSTR-5 i.e. Return for Non-Resident Taxable Persons (NRTP):-

39(5) read with rule 63	(a)	<p>Monthly return:-</p> <ul style="list-style-type: none"> ⇒ It is a simplified monthly tax return is to be filed in Form GSTR-5 for a NRTP for every calendar month or part thereof. ⇒ The details of outward supplies and inward supplies of a NRTP are incorporated in GSTR-5 itself unlike normal taxpayer. <p>* Note:- A NRTP is not required to file an annual return.</p>
	(b)	<p>Last date of filing GSTR-5:- It shall be furnished within EARLIER of:-</p> <ul style="list-style-type: none"> ➤ 13 days after the end of a calendar month or ➤ 7 days after the last day of the period of registration specified u/s 27(1). <div style="text-align: center; margin-top: 20px;"> <p style="font-size: small;">Timeline diagram: A horizontal line represents time. It is divided into three segments for April, May, and June. Under April, an arrow points to '20th April'. Under May, an arrow points to '13th May', with 'GSTR-5 of April' written below it. Under June, an arrow points to '3rd June', with '7 days' written above it and 'Registration lapsed' written below it. Another arrow points to '10th June', with 'GSTR-5 of May' written below it.</p> </div>
	(c)	<p>Payment of Tax, interest, penalty, fees or any other amount:-</p> <p>Any such amount payable under CGST Act/Rules shall be paid till the last date of filing GSTR-5.</p>

GSTR-7 i.e. Return for TDS

Sec 39(3) & Sec 51 read with rule 66	(a)	<p>Monthly return:-</p> <ul style="list-style-type: none"> ⇒ Deductor shall furnish a monthly return in Form GSTR-7. * No Nil GSTR-7:- It is not mandatory to file nil return if no TDS is deducted in tax period.
	(b)	<p>Last date of filing GSTR-7:-</p> <ul style="list-style-type: none"> ➤ It shall be filed on/before 10th day of the month succeeding the calendar month in which tax has been deducted at source.
	(c)	<p>TDS details available to deductee on common portal:-</p> <ul style="list-style-type: none"> ⇒ TDS details are made available to each deductee on common portal after filing GSTR-7. ⇒ TDS is credited in e-cash ledger of supplier after validation & used for payment of tax or other liability.
	(d)	<p>Tax Deduction at Source (TDS) Certificate:-</p> <ul style="list-style-type: none"> ⇒ A TDS certificate is generated in Form GSTR-7A for both deductor & deductee (supplier) after filing of Form GSTR-7. ⇒ Deductee accepts the details uploaded by deductor & files his return. ⇒ It contains the details pertaining to value on which tax has been deducted, rate of deduction, amount of TDS and amount paid to Government.

Payment of Tax

39(7)

JMP

Due date of Payment of Tax:-

Persons	Due date of payment of Tax
Every registered person u/s 39(1) other than below:-	Last date to pay the tax due as per such return is the due date for furnishing of return (i.e. Monthly GSTR-3B).
Every registered person furnishing return under composition scheme	Due date to pay tax for a quarter is 18th of the month succeeding such quarter.
NRTPs or CTPs	Tax is required to be paid in advance equivalent to the estimated tax liability for period for which registration is sought or extension of registration is sought as per sec 27(2)

RP furnishing return under QRMP scheme:-

The persons furnishing return under QRMP scheme have an option to pay either the self-assessed tax or a prescribed amount.

N/No. 85/2020 :- There is Monthly payment of Tax in FORM PMT-06 though return is filed quarterly under QRMP Scheme.

Particulars	1st Month of Qtr	2nd Month of Qtr	Last month of Qtr
Due date of Payment	25th of succeeding month	25th of succeeding month	Along with return for the Qtr i.e. on or before 22nd or 24th of the month succeeding such Qtr
Manner of paying tax	balance in electronic cash ledger.	Can use balance in electronic cash ledger excluding the tax due for 1st month.	1st 2 months deposited amount is debited solely for offsetting the liability furnished in that quarter's Form GSTR-3B. Any amount left after filing of that quarter's Form GSTR-3B may either be claimed as refund (only after such Quarterly return is filed) or may be used for any other purpose in subsequent quarters.

Note:- The deposit made for 1st 2 months of Qtr cannot be used by taxpayer for any other purpose till the filing of return for the quarter.

Options for making payment of Tax for 1st 2 months of Qtr:-

Fixed Sum Method A facility is available on GST portal for generating an auto-generated pre-filled challan in Form GST PMT-06. Challan amount is calculated by system which can't be edited.

S.No	Type of Taxpayer	Tax to be paid in each of 1st 2 months
1	Who furnished GSTR-3B quarterly for the last quarter	35% of tax paid in cash in the preceding quarter.
2	Who furnished GSTR-3B monthly during the last quarter	100% of tax paid in cash in the last month of the immediately preceding quarter.

The balancing amount of tax as per return is to be paid in the 3rd month.

- There are certain situations where no such tax needs to be deposited:-**
- ➔ **For 1st Month of Quarter:** The tax liability is Nil or the balance in the E-credit ledger/E-credit ledger is adequate for the tax liability for the same month.
 - ➔ **For 2nd Month of Quarter:** The tax liability is Nil or the balance in the E-credit ledger/E-credit ledger is adequate for the cumulative tax liability for the first two months of the quarter.

Note:-

- Monthly tax payment through this method would not be available to those registered persons who have not furnished the return for a complete tax period preceding such month.
- A complete tax period means a tax period in which the person is registered from the first day of the tax period till the last day of the tax period.

Example (i)**If last return was filed on quarterly basis for Quarter Ending March:-**

Tax paid in Cash in Quarter (January-March)		Tax required to be paid in each of the months - April and May	
CGST	Rs 100	CGST	Rs 35
SGST	Rs 100	SGST	Rs 35
IGST	Rs 500	IGST	Rs 175
Cess	Rs 50	Cess	Rs 17.5

Example (ii):-**If last return was filed on monthly basis for tax period March:-**

Tax paid in Cash for March		Tax required to be paid in each of the months - April and May	
CGST	Rs 50	CGST	Rs 50
SGST	Rs 50	SGST	Rs 50
IGST	Rs 80	IGST	Rs 80
Cess	-	Cess	-

Applicability of interest under this method:-

- While filing GSTR-3B, if it is found that in any or both of the first 2 months of the quarter, the net tax liability **was higher** than the **amount paid** in challan, then, no interest would be charged provided:-
 - system calculated amount for each of first 2 months should have been paid &
 - entire liability for the quarter is discharged in GSTR-3B of quarter by due date.
- If the system calculated amount is not paid by due date:-
 - interest is payable at the applicable rate,
 - **from** the due date of furnishing Form GST PMT-06
 - **till** the date of making such payment.
- If GSTR-3B for the quarter is furnished beyond the due date:-
 - interest is payable as per sec 50 for the tax liability net of ITC.

Self-Assessment Method:-

Taxpayer can pay the tax by considering the tax liabilities on inward & outward supplies as per the ITC available for which **GSTR-2B** can be used for each month.

Applicability of interest under this method:-

Interest is payable as per sec 50 for the tax liability **net of ITC which remains unpaid / paid beyond the due date for the first 2 months of the quarter.**

Note:-

- **Interest** payable, if any, shall be **paid through Form GSTR-3B.**
- **No late fee is applicable** for delay in payment of tax in first 2 months of the quarter.

Common points for sec 39(7):-

- ➔ RP who is required to furnish return shall pay tax, interest, penalty, fees or any other amount payable under GST law as per sec 49 by debiting the
 - E- cash ledger or
 - E- credit ledgerand include the details in the return.
- ➔ Tax, fee, etc. are to be paid by depositing the said amount in Form GST PMT-06.
- ➔ Commissioner may, on recommendations of Council, by notification, extend the due date of depositing the said amount in Form GST PMT-06, for specified class of taxable persons.
- ➔ Further, any extension of time limit notified by Commissioner of State tax/UT shall be deemed to be notified by the Commissioner.

Rectifications of Errors/Omissions:-

39(9)

- ➔ Under GST law, a return once filed cannot be revised.
- ➔ But, the details of the transactions (invoices or debit note/credit note) can be amended in any of the future GSTR-1s in tables specifically provided for the same.
- ➔ Omission or incorrect particulars discovered in the returns filed u/s 39 can be rectified in the return to be furnished for the month or quarter during which such omission or incorrect particulars were noticed.
- ➔ Any tax payable as a result of such error or omission will be paid along with interest.

Exception:-

- ➔ Error or omission discovered on account of scrutiny, audit, inspection, or enforcement activities by tax authorities cannot be rectified & assessee may not be able to pass on the ITC to the recipient in respect of tax payments made by him in this case.

Time limit for making rectification:- It is EARLIER of-

- ➔ 30th November following the end of the financial year or
- ➔ Actual date of filing of relevant annual return.

Restrictions on furnishing of return:- [GSTR-3B]

39(10)

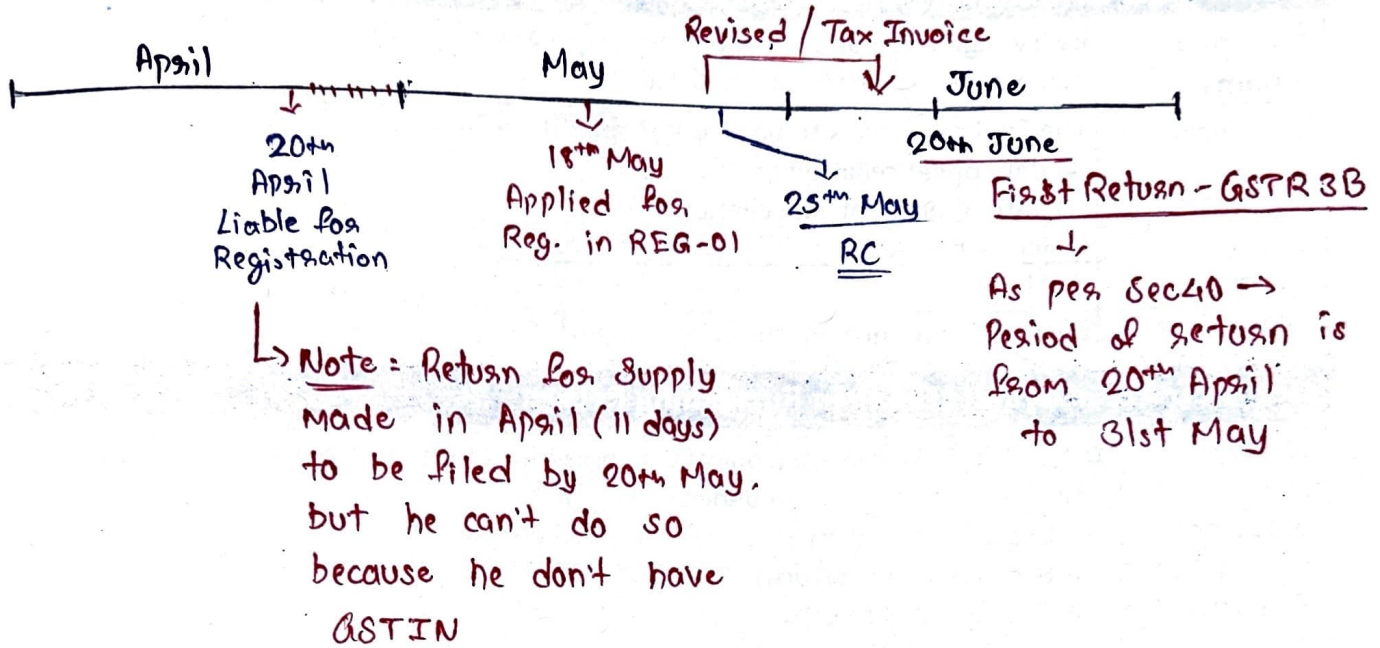
- ➔ A registered person shall **not be allowed to furnish a return** for a tax period if he has not furnished the following:-
 - the return for any of the previous tax periods or
 - the details of outward supplies u/s 37(1) (i.e. GSTR-1) for the said tax period.
- ➔ **Proviso:- Govt. may allow notified registered person(s)** to furnish the return, even if he:-
 - has not furnished returns for 1 or more previous tax periods or
 - has not furnished the details of outward supplies u/s 37(1) for the said tax period.

Some Important Notes:-

- ➔ Return furnished u/s 39(1) on which self-assessed tax is paid in full is considered as a valid return.
- ➔ Return for current month can be filed only when returns of the previous month have been filed.
- ➔ A taxpayer has to electronically sign the submitted returns otherwise it will be considered not-filed.
 - Can be electronically signed using a DSC (mandatory for all types of companies and LLPs),
 - E-sign (Aadhaar-based OTP verification), or
 - EVC (Electronic Verification Code sent to registered mobile number of authorized signatory).

IMP
Sec 40:- First Return

- ARP may make taxable outward supplies in the period between:-
 - > the date on which he became liable to registration till 20th April
 - > the date of grant of registration certificate.
- Firstly, he may issue revised tax invoices against the invoices already issued during said period within 1 month from date of issuance of certificate of registration (Sec 31(3)(a) read with rule 53).
- RP shall declare his outward supplies made during said period in the first return furnished by him after grant of registration so as to enable recipients to avail ITC on such supplies.



Sec 44 read with Rule 80:- Annual Return

Required to be furnished by whom?	Every registered person shall furnish Annual return in prescribed form except:-	
	<ul style="list-style-type: none"> ⇒ Casual Taxable Person (CTP), ⇒ Non-resident taxable person (NRTP), ⇒ Input Service Distributors (ISD) and ⇒ Persons paying tax under section 51 or 52. 	
Due Date	Annual return for a F.Y. shall be filed by 31st December of Next F.Y. (Note:- It may be extended by Commissioner)	
Manner	Electronically through the common portal	
Form	A person paying tax under composition scheme:-	GSTR-9A.
	Any other person:-	GSTR-9
Other documents	An annual return may include:- self-certified reconciliation statement, reconciling the value of supplies declared in the return furnished for the F.Y., with audited annual financial statement for every F.Y.	
Exemption from filing	Commissioner exempts the registered person whose aggregate turnover in F.Y. 2022-23 is up to ₹2 Cr from filing annual return for the said F.Y. Newly Inserted by (N/No. 32/2023)	
Sec 44 N.A. to whom	This section shall NOT apply to any department of CG or SG or a local authority, whose books of account are subject to audit by the CAG of India or an auditor appointed for auditing the accounts of local authorities under any law for the time being in force.	

Maximum Time limit for furnishing GSTR -1/ GSTR-3B & others / GSTR-9

Sec 37(5) & Sec 39(11) & Sec 44(2) **A RP shall not be allowed to furnish the details of outward supplies (GSTR-1)/ Return u/s 44 for a tax period/ F.Y. after the expiry of a period of 3 years from the due date of furnishing the said details.**

Newly Inserted by F.A. 2023

Proviso:- CG may, on the recommendations of the Council, by notification, allow a RP or a class of RPs to furnish the details of outward supplies/ return/ AR for a tax period/ F.Y., even after the expiry of the said period of 3 years from the due date of furnishing the said details.

Sec 45 read with Rule 81:- Final Return

Furnished by whom?	Every registered person who is required to furnish return u/s 39(1) and whose registration has been surrendered or cancelled.
Time limit	The final return has to be filed within 3 months of:- ➤ date of cancellation or ➤ date of order of cancellation whichever is later.
Form	GSTR-10
Manner	Electronically through the common portal

Sec 46 & 47:- Default/Delay in Furnishing Return

Notice to return defaulters (Sec 46 read with Rule 68):	<ul style="list-style-type: none"> ➤ A notice is issued electronically, in prescribed form, to a registered person who fails to furnish return under:- <ul style="list-style-type: none"> ➤ Sec 39 (Normal return) ➤ Sec 44 (Annual return) ➤ Sec 45 (Final return) ➤ Sec 52 (TCS Statement) ➤ Notice requires the registered person to furnish the return within 15 days, failing which the tax liability will be assessed u/s 62. ➤ In addition to tax so assessed, applicable interest and penalty will also be payable. 				
Late fees (Sec 47):	<table border="1"> <tr> <td>Late fees for delay in filing return & statement</td> <td> If there is delay in furnishing of following by registered person by the due dates:- <ul style="list-style-type: none"> ➤ Statement of Outward Supplies - GSTR -1 [Sec 37] ➤ Returns (including returns under QRMP Scheme) [Section 39] ➤ Final Return [Section 45] or ➤ TCS Statement [Section 52] then, he is liable to pay late fee which is LOWER of:- <ul style="list-style-type: none"> ➤ Rs 100 (i.e. 200 for CGST & SGST) for every day during which such failure continues or ➤ Rs 5000 (i.e. 10,000 for CGST & SGST) </td> </tr> <tr> <td>Late fees for delay in filing Annual return</td> <td> If a registered person fails to furnish the Annual return u/s 44 by the due date, he is liable to pay late fee which is LOWER of:- <ul style="list-style-type: none"> ➤ Rs 100 (i.e. 200 for CGST & SGST) for every day during which such failure continues or ➤ 0.25% (i.e. 0.5% for CGST & SGST) of the turnover of registered person in the State/UT. </td> </tr> </table>	Late fees for delay in filing return & statement	If there is delay in furnishing of following by registered person by the due dates:- <ul style="list-style-type: none"> ➤ Statement of Outward Supplies - GSTR -1 [Sec 37] ➤ Returns (including returns under QRMP Scheme) [Section 39] ➤ Final Return [Section 45] or ➤ TCS Statement [Section 52] then, he is liable to pay late fee which is LOWER of:- <ul style="list-style-type: none"> ➤ Rs 100 (i.e. 200 for CGST & SGST) for every day during which such failure continues or ➤ Rs 5000 (i.e. 10,000 for CGST & SGST) 	Late fees for delay in filing Annual return	If a registered person fails to furnish the Annual return u/s 44 by the due date, he is liable to pay late fee which is LOWER of:- <ul style="list-style-type: none"> ➤ Rs 100 (i.e. 200 for CGST & SGST) for every day during which such failure continues or ➤ 0.25% (i.e. 0.5% for CGST & SGST) of the turnover of registered person in the State/UT.
Late fees for delay in filing return & statement	If there is delay in furnishing of following by registered person by the due dates:- <ul style="list-style-type: none"> ➤ Statement of Outward Supplies - GSTR -1 [Sec 37] ➤ Returns (including returns under QRMP Scheme) [Section 39] ➤ Final Return [Section 45] or ➤ TCS Statement [Section 52] then, he is liable to pay late fee which is LOWER of:- <ul style="list-style-type: none"> ➤ Rs 100 (i.e. 200 for CGST & SGST) for every day during which such failure continues or ➤ Rs 5000 (i.e. 10,000 for CGST & SGST) 				
Late fees for delay in filing Annual return	If a registered person fails to furnish the Annual return u/s 44 by the due date, he is liable to pay late fee which is LOWER of:- <ul style="list-style-type: none"> ➤ Rs 100 (i.e. 200 for CGST & SGST) for every day during which such failure continues or ➤ 0.25% (i.e. 0.5% for CGST & SGST) of the turnover of registered person in the State/UT. 				

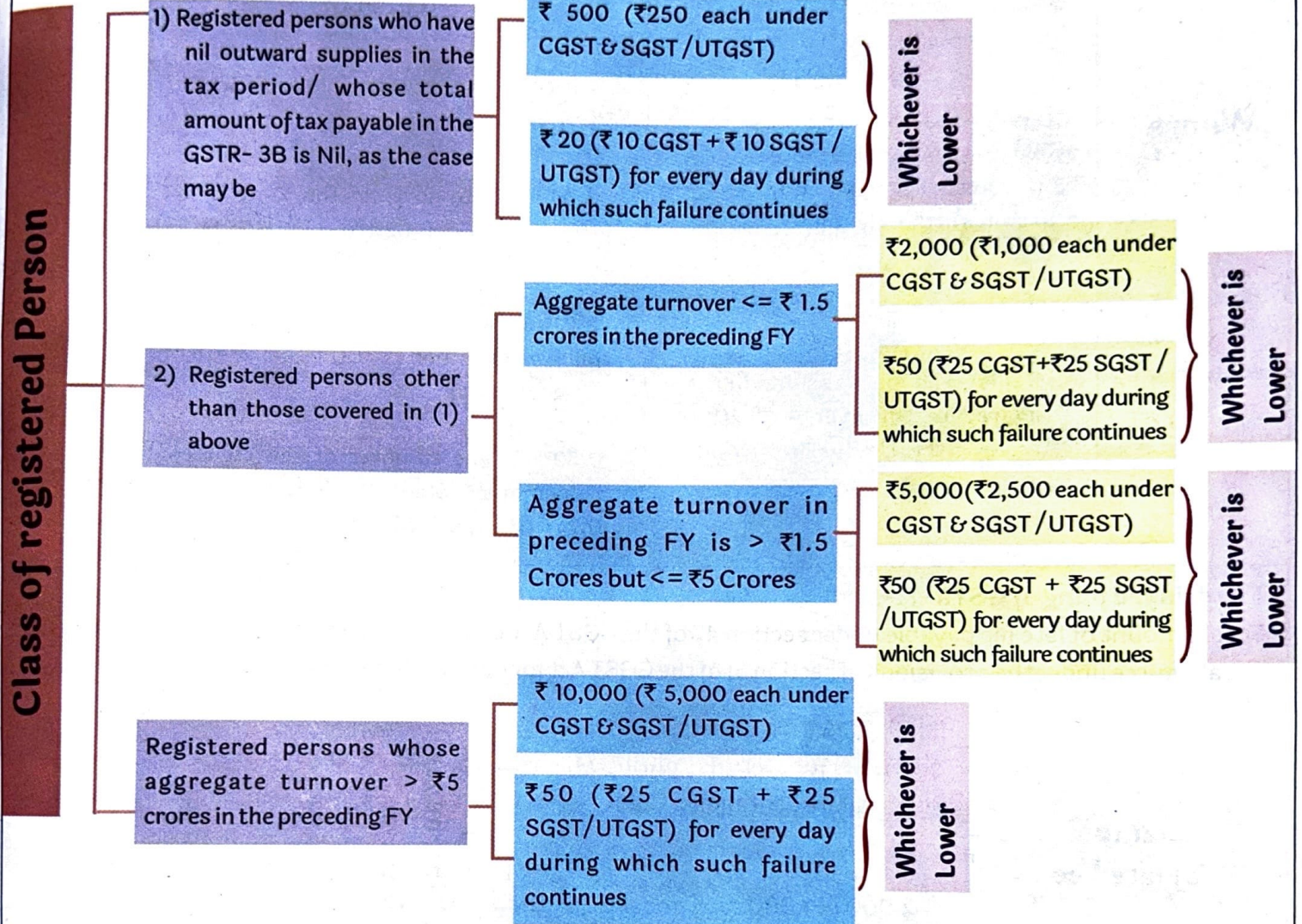
Note :- Above late fee is subject to exemption notification (refer chart on next page)

Important Points:-

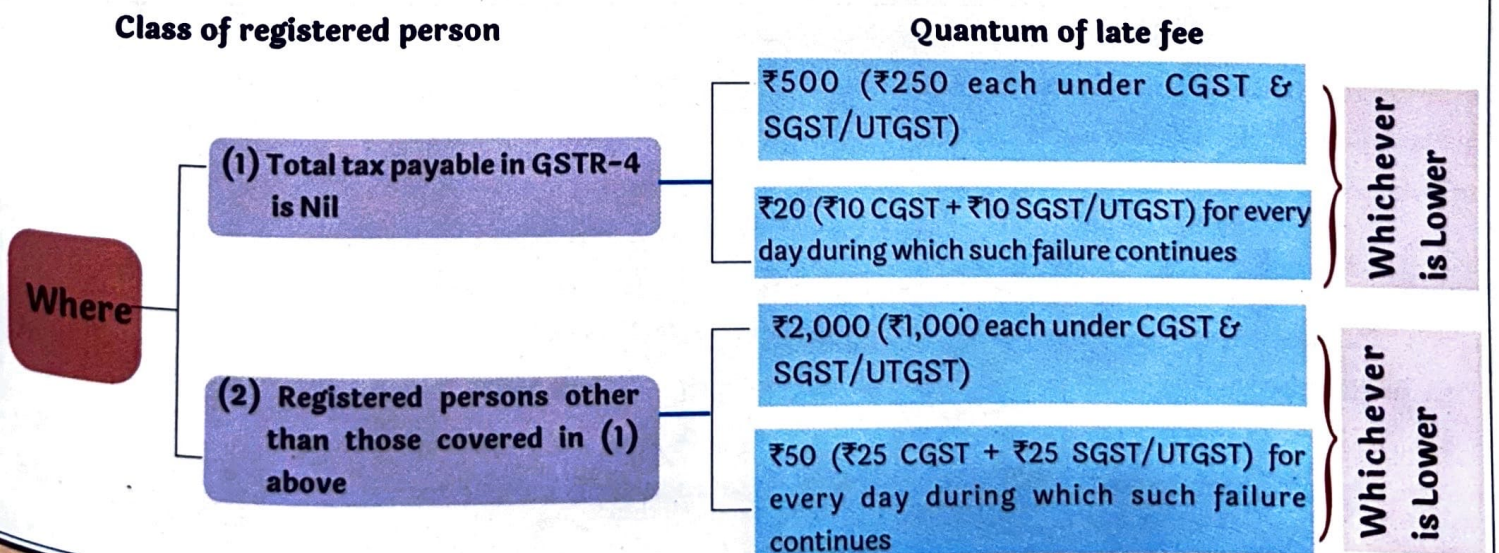
1. An equal amount of late fee as above would be payable by such person under the respective SGST/UTGST Act. The late fee discussed above is under the CGST Act.
2. The late fee leviable under IGST Act shall be the sum total of the late fee leviable under the CGST Act and the SGST/UTGST Act.

The late fee can be waived off partially or fully by CG. Accordingly, the maximum late fees payable u/s 47 for delayed filing of Forms GSTR-1, GSTR-3B, & GSTR-4, is rationalized as under:-

1. For delayed filing of GSTR-1 and/or GSTR-3B:- Total amount of late fee payable u/s 47, by the registered person who fail to furnish Form GSTR-1 and/or Form GSTR-3B by due date:-



For delayed filing of GSTR-4:- Total amount of late fee payable u/s 47 of the CGST Act, by the **RP** (composition taxpayer) who fail to furnish Form GSTR-4 by the due date, shall be as follows:



For delayed filing of Annual Return (GSTR-9):-

Quantum of late fee

Class of registered person

Where

Registered persons having aggregate turnover \leq ₹ 5 crores in the relevant FY

₹ 50 per day (₹ 25 CGST + ₹ 25 SGST / UTGST)

0.04 % of turnover in the State or UT (0.02% CGST + 0.02% SGST / UTGST)

Whichever is Lower

Registered persons having following aggregate turnover: ₹ 5 crores < aggregate turnover ₹ 20 crores in the relevant FY

₹ 100 per day (₹ 50 CGST + ₹ 50 SGST / UTGST)

0.04 % of turnover in the State or UT (0.02% CGST + 0.02% SGST / UTGST)

Whichever is Lower

Registered persons having aggregate turnover > ₹ 20 crores in the relevant FY

₹ 200 for every day during which such failure continues (₹ 100 CGST + ₹ 100 SGST/UTGST)

0.50% of the turnover of the registered person in the State/UT (0.25 % CGST + 0.25% SGST/UTGST)

Whichever is Lower

For delayed filing of GSTR-7:-

Total amount of late fee payable under section 47 of the CGST Act by any registered person, required to deduct tax at source under the provisions of section 51 of the CGST Act for delayed filing of GSTR-7, shall be as follows:

Quantum of late Fee

₹ 50 (₹ 25 each under CGST & SGST / UTGST) for every day during which such failure continues.

₹ 2,000 (₹ 1,000 each under CGST & SGST/UTGST)

Whichever is Lower

Sec 48:- Goods & Services Tax Practitioners (GSTP)

a)	Definition u/s 2(55)	Goods & services tax practitioner means any person who has been approved under section 48 to act as such practitioner.
b)	Concept of furnishing returns through GSTP:-	<ul style="list-style-type: none"> ⇒ A RP may authorise an approved GSTP to furnish information, on his behalf, to Govt. At any time, the registered person may withdraw such authorization. ⇒ GSTN provides separate user ID and Password to GSTP to enable him to work on behalf of his clients without asking for their user ID and passwords. ⇒ The GSTP can undertake only authorised activities. ⇒ Before confirming submission of any statement prepared by GSTP over email or SMS, registered person ensures that the facts mentioned in the return are true & correct, making the registered person responsible for the same. However, failure to respond to request for confirmation is treated as deemed confirmation. ⇒ The GSTP should prepare all statements with due diligence and affix his digital signature on the statements prepared by him or electronically verify using his credentials. ⇒ If the GSTP is found guilty of misconduct, his enrolment will be liable to be cancelled and a show cause notice would be issued to him. ⇒ A taxpayer may choose a different GSTP by simply unselecting the previous one and then choosing a new GSTP on the GST portal.
c)	Eligibility criteria for GSTP:-	<p>In order to be eligible for being GSTP, following conditions needs to be satisfied:-</p> <ol style="list-style-type: none"> 1) A person who is <ul style="list-style-type: none"> ➤ Citizen of India, ➤ Person of sound mind, ➤ Not adjudicated as insolvent and ➤ Not been convicted by competent court. 2) In addition to above, the person has to satisfy ANY of the following conditions:- <ul style="list-style-type: none"> ➤ Retired officer of Commercial Tax Department of any State Govt./CBIC who, during service under Government had worked in a post not lower than the rank of a Group-B gazetted officer for a period not less than 2 years. ➤ Enrolled as a Sales Tax Practitioner or Tax Return Preparer under the earlier indirect tax laws for a period of not less than 5 years. ➤ Has acquired ANY of the prescribed qualifications mentioned below:- <ul style="list-style-type: none"> ☞ Graduate or postgraduate degree or its equivalent examination having a degree in Commerce, Law, Banking including Higher Auditing, or Business Administration or Business Management from any Indian University established by any law for the time being in force. ☞ Degree examination of any Foreign University recognised by any Indian University as equivalent to the degree examination mentioned above. ☞ Any other examination notified by Government, on recommendation of GST Council. ☞ Has passed final examination of ICAI/ ICSI/ Institute of Cost Accountants of India.

Activities undertaken by GSTP on behalf of RP, if so authorised by him:-	<ol style="list-style-type: none"> 1. Furnish details of outward supplies 2. Furnish monthly, annual or final return 3. Make deposit for credit in E- cash ledger 4. File a claim for refund (Confirmation from the registered person shall be sought) 5. File an application for registration amendment/ cancellation (Confirmation from the registered person shall be sought) 6. Appear as authorised representative before any officer of department, appellate authority, or Appellate Tribunal, on behalf of such registered person provided he is enrolled as GSTP under rule 83 7. Furnish information for generation of E-way bill 8. Furnish details of challan in the prescribed form 9. File an intimation to pay tax under the composition scheme or withdraw from the said scheme (Confirmation from the registered person shall be sought) 10. File an application for amendment or cancellation of enrolment under rule 58
Procedures for Enrolment as GSTP:-	<ol style="list-style-type: none"> 1. An enrolment application to be made electronically through the common portal in prescribed form. 2. The Application will be scrutinised and GSTP certificate shall be granted in prescribed form. 3. If application is rejected, proper reasons shall have to be given. 4. The enrolment once done remains valid till it is cancelled. 5. No person enrolled as a GSTP is eligible to remain enrolled unless he passes such examination conducted at such periods by NACIN. 6. Any person who has been enrolled as GSTP by virtue of him being enrolled as a Sales Tax Practitioner or Tax Return Preparer under the earlier indirect tax laws can remain enrolled only for a period of 30 months from the appointed date unless he passes the said examination within the said period of 30 months.

Some important notes regarding this chapter:-

- ➔ Quantum of late fee waived off partially or fully- not relevant for exam.
- ➔ State GST laws prescribe identical provisions & provisions of returns, other than late fee, under CGST Act have also been made applicable to IGST Act vide section 20 of IGST Act.