

# **GOODS & SERVICES TAX / IDT UPDATE – 44**

## **Return Filing**

The Central Government vide [Notification No. 17/2018 – Central Tax; 18/2018 – Central Tax; 19/2018 – Central Tax - dated 28<sup>th</sup> March ,2018](#) has provided the time limits within which the taxpayers shall furnish the Forms as specified in Column (2) of the table below:

Sl. No (1)	Form (2)	For the Month/Quarter (3)	Last date for filing of return in FORM GSTR-1 (4)
1.	GSTR 1 by the taxpayers with annual aggregate turnover of more than Rs. 1.5 crore	April, 2018	31st May, 2018
		May, 2018	10th June, 2018
		June, 2018	10th July, 2018
2.	GSTR 1 by the taxpayers with annual aggregate turnover upto 1.5 crore	April,2018 –June ,2018	31 <sup>st</sup> July, 2018
3.	GSTR-6 by an Input Service Distributor	July, 2017 to April, 2018	31 <sup>st</sup> May, 2018

[[Notification No. 17/2018 – Central Tax dated 28<sup>th</sup> March ,2018](#),[Notification No. 18/2018 – Central Tax dated 28<sup>th</sup> March ,2018](#);[Notification No. 19/2018 – Central Tax - dated 28<sup>th</sup> March ,2018](#)]

## **Extension in time limit to make an application for refund by specified persons**

The Central Government vide [Notification No. 20/2018 – Central Tax dated 28<sup>th</sup> March, 2018](#) has increased the time limit within which the specified persons (class of persons who are entitled to claim a refund of taxes paid on notified supplies of goods or services or both received them as notified under section 55 of CGST Act, 2017 ) shall make an application for refund of tax paid by it on inward supplies of goods or services or both, to the jurisdictional tax authority, in such form and manner as specified, from **6 months to 18 months** from the last date of the quarter in which such supply was received.

[[Notification No. 20/2018 – Central Tax dated 28<sup>th</sup> March, 2018](#)]

## **No RCM on procurements made from unregistered person till June 30, 2018**

Earlier, The Central Government vide [Notification No. 38/2017 – Central Tax \(Rate\) dated 13th October, 2017](#) has provided that any registered person procuring taxable goods/services from unregistered suppliers, shall not be required to pay CGST under reverse charge mechanism U/s

9(4) of CGST Act, 2017 till March 31, 2018 with effect from 13th Oct, 2017

Further in order to continue such exemption, the Central Government *vide Notifications No. 10/2018 – Central Tax (Rate), 11/2018 – Integrated Tax (Rate) dated 23<sup>rd</sup> March, 2018* has provided that any registered person procuring taxable goods/services from unregistered suppliers, shall not be required to pay CGST/IGST under reverse charge mechanism U/s 9(4) of CGST Act or u/s 5(4) of IGST Act, 2017 respectively **till 30th June, 2018**

*Comment: Please note that this exemption does not exempt the requirement to generate self-invoice under section 31(3)(f) of CGST Act in respect of inward supplies under the circumstances of section 9(4) of CGST Act and 5(4) of IGST Act, respectively.*

*[Notification No. 10/2018 – Central Tax (Rate) dated 23<sup>rd</sup> March, 2018; Notification No. 11/2018 – Integrated Tax (Rate) dated 23<sup>rd</sup> March, 2018]*

### **Setting up of an IT Grievance Redressal Mechanism to address the grievances of taxpayers due to technical glitches on GST Portal**

The Central Government has decided to put in place an IT-Redressal Mechanism, the details of the said grievance redressal mechanism are provided *vide Circular No. 39/13/2018-GST dated 3rd April, 2018* which are as follows:

#### **Introduction**

Where an IT related glitch has been identified as the reason for failure of a class of taxpayer in filing of a return or a form within the time limit prescribed in the law by a large section of taxpayers and there are collateral evidences available to establish that the taxpayer has made bonafide attempt to comply with the process of filing of form or return, GST Council has delegated powers to the IT Grievance Redressal Committee to approve and recommend to the GSTN on matters identified by it and the steps to be taken to redress the grievance and the procedure to be followed for implementation of the decision.

#### **Suggested solutions**

1. GST Council Secretariat shall obtain inputs of the Law Committee, where necessary, on the proposal of the GSTN and call meeting of GIC to examine the proposal and take decision thereon.
2. The committee shall examine and approve the suggested solution with such modifications as may be necessary.
3. IT-Grievance Redressal Committee may give directions as necessary to GSTN and field formations of the tax administrations for implementation of the decision.

#### **Legal Issues:**

GST Council has delegated the power to the IT Grievance Redressal Committee to recommend waiver of fine or penalty, in case of an emergency, to the Government in terms of section 128 of the CGST Act, 2017 under such mitigating circumstances as are identified by the committee. All such notifications waiving fine or penalty shall be placed before GST Council.

However, Where adequate time is available, the issue of waiver of fee and penalty shall be placed

before the GST Council with recommendation of the IT-Grievance Redressal Committee.

### **Resolution of stuck TRAN-1s and filing of GSTR-3B**

It has been decided that all such taxpayers, who tried but were not able to complete TRAN-1 procedure (original or revised) of filing them on or before 27.12.2017 due to IT-glitch, shall be provided the facility to complete TRAN-1 filing. It is clarified that the last date for filing of TRAN 1 is not being extended in general and only the identified taxpayers (on the basis of electronic audit trail) shall be allowed to complete the process of filing TRAN-1.

The taxpayer shall not be allowed to amend the amount of credit in TRAN-1 during this process vis-à-vis the amount of credit which was recorded by the taxpayer in the TRAN-1, which could not be filed. If needed, GSTN may request field formations of Centre and State to collect additional document/ data etc. or verify the same to identify taxpayers who should be allowed this procedure.

The taxpayers shall complete the process of filing of TRAN 1 stuck due to IT glitches, as discussed above, by 30th April 2018 and the process of completing filing of GSTR 3B which could not be filed for such TRAN 1 shall be completed by 31st May 2018.

*Comment: This is a welcome measure that must be utilized with eagerness. Care must be taken not to alter the values of transition credits.*

### **Smooth roll out of e-Way Bill system from 01stApril, 2018**

As per decision of the GST Council, e-Way Bill system became mandatory from 01stApril, 2018 for all inter-State movement of goods. The implementation of the nationwide e-Way Bill mechanism under GST regime is being done by GSTN in association with the National Informatics Centre (NIC) and is being run on portal namely <https://ewaybillgst.gov.in>.

On day-1, total of **2.59 lakh e-Way Bills** were generated on the e-way bill portal. On day-2, **2,04,563 e-way bills have been generated**. A total of **11, 18,292** taxpayers have registered on e-Way Bill Portal till 2<sup>nd</sup> April, 2018 . Further **20,057** transporters have enrolled themselves on the e-Way Bill Portal.

To assist and answer queries of taxpayers and transporters, the Central helpdesk of GST has made special arrangements with 100 agents exclusively dedicated to answer queries related to e-way bills. Separately, state tax authorities have started helpdesk (Help desk: 0120-4888999) in local language, details of which are available on the GST portal. Central as well as State Tax Authorities have declared Nodal Officers for e-way bills. Detailed FAQs (<https://docs.ewaybillgst.gov.in/html/faq.html> ) are kept on the portal for the guidance of the users.

E-way Bill can be generated through various modes like Web (Online), Android App, SMS, using Bulk Upload Tool and API based site to site integration etc. Consolidated e-way Bill can be generated by transporters for vehicle carrying multiple consignments.

Transporters can create multiple Sub-Users and allocate roles to them. This way large transporters can declare their various offices as sub-users.

There is a provision for cancellation of e-way Bill within 24 hours by the person who has generated the e-way Bill. The recipient can also reject the e-way Bill within validity period of e-way bill or 72 hours of generation of the e-way bill by the consignor whichever is earlier.

*Comment: Please refer to the User Manual ([https://docs.ewaybillgst.gov.in/Documents/usermanual\\_ewb.pdf](https://docs.ewaybillgst.gov.in/Documents/usermanual_ewb.pdf)) published by Central Government in this regard.*

(Release ID :178270)

**Final Monthly collection figures of GST**

The revenue collection figures under GST including CGST, SGST, IGST and cess for the period July 2017 – February 2018 paid in the period July 2017 – March 2018 is as follows:

Month	GST Collection
August	93,590
September	93,029
October	95,132
November	85,931
December	83,716
January	88,929
February	88,047
March	89,264
Total	7,17,638

Besides the above Rs. 27,811 crores were collected as IGST and cess on imports in the month of March. Every month the Department of Revenue released figures for revenue collection under GST which were released usually the day next to the day when settlement of IGST was done. The figures were normally released between 24th-26th of the month. The above figures are month end figures for collection under GST.

(Release ID :178269)

**Total Rs 17,616 crore of Refunds issued under GST; 90% of IGST eligible claims have been approved.**

In line with commitment of government to liquidate all pending GST refunds, the Central Board of Indirect Taxes and Customs (CBIC) has successfully concluded refund fortnight cum special drive from 15<sup>th</sup> March, 2018 to 31<sup>st</sup> March, 2018.

During the period, all field formations of CBIC worked hard to provide refund relief to the exporters. Special refund cells manned by experienced staff were put in place throughout the country. The exporter awareness campaigns using both print media and social media were carried out so that the benefit can be extended to maximum exporters. All field formations were tasked to go extra mile in order to facilitate the sanctioning of refunds. The Circulars, Instructions etc were issued by CBIC to clarify the issues which threw new challenges while sanctioning of refunds.

The success of these efforts is visible in the amount of refunds sanctioned during this period. By

the end of 31<sup>st</sup> March, 2018 another Rs. 4265 crore IGST refund has been sanctioned in the refund fortnight taking the total tally to Rs. 9604 crore. Total 2,73,017 Shipping Bills with the payment of IGST have been filed by the exporters till 31<sup>st</sup> January, 2018. The number of Shipping Bills disposed of till 31<sup>st</sup> March, 2018 is 2,28,829 which is about 83% of those Shipping Bills filed till January end. The eligible IGST claims transmitted by GSTN to Customs of the period till 31<sup>st</sup> January, 2018 are of Rs 10,720 crore, out of which Rs 9,604 crore have been sanctioned which is about 89.6% of those eligible claims transmitted by GSTN.

As regards to ITC refunds, Rs. 1,136 crore has been sanctioned during the special drive making the total figure of ITC sanctioned equal to Rs. 5,510 crore by end of this fiscal. As per the latest available data:

- a. 1,61,325 refund applications have been filed in FORM GST RFD-01A on the common portal, in which an amount of Rs. 17,471 crore has been claimed. Of these, 60,183 refund applications are in relation to zero rated supplies, in which an amount of Rs. 14,649 crore has been claimed. Taxpayers are required to submit a copy of these RFD-01A application to the jurisdictional tax office, along with all supporting documents.
- b. However, only 26,620 refund applications (out of 1,61,325 applications) have been actually received in the Central or State tax offices. Of these, 17,734 applications have been disposed off.
- c. Of the total amount claimed of Rs. 17,471 crores, an amount of Rs. 8,012 crores has already been sanctioned (Rs. 5,510 crore by Centre and Rs. 2,502 crore by States).

Thus, in all, Rs 9,604 crore (IGST refunds), Rs. 5,510 crore (ITC refund by Centre) and Rs 2,502 crore (ITC refund by States) all totalling to **Rs 17,616 crore** has been sanctioned.

Apart from this, an amount of Rs 16,680 crore duty drawback has been disbursed to exporters during the period from 1.7.2017 to 31.03.2018. An amount of Rs 1,833.25 crore approx. has been disbursed to exporters against RoSL claims during financial year 2017-18.

The momentum gained during this fortnight would be carried on in future. The CBIC is dedicated to sanction all the legitimate refund claims of exporters. The efforts are being made to resolve those issues which are still pending in consultations with GSTN

(Release ID :178264)

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