

GOODS & SERVICES TAX / IDT UPDATE – 75

Late fees waived for the month of July, 2019 for FORM GSTR-1 and GSTR-6

The Central Government vide [Notification No. 41/2019- CT dated 31st August, 2019](#) has notified the waiver of late fees payable under section 47 of the CGST Act, 2017 by following class of taxpayers:-

I. State of Jammu and Kashmir

The registered persons whose principal place of business is in the State of Jammu and Kashmir, having aggregate turnover of more than 1.5 crore rupees in the preceding financial year or the current financial year, who have furnished, details of outward supplies in FORM GSTR-1, for the month of July 2019, on or before the 20th September 2019.

Further, the Input Service Distributors whose principal place of business is in the State of Jammu and Kashmir, who have furnished return in FORM GSTR-6 for the month of July 2019, on or before the 20th September 2019 shall also be entitled for the waiver of late fees.

II. Other than State of Jammu and Kashmir

The registered persons whose principal place of business is in the district, of the State as mentioned in below Table, having aggregate turnover of more than 1.5 crore rupees in the preceding financial year or the current financial year, who have furnished, details of outward supplies in FORM GSTR-1, for the month of July 2019, on or before the 20th September 2019: -

Sl. No.	Name of State	Name of District
1.	Bihar	Araria, Kishanganj, Madhubani, East Champaran, Sitamarhi, Sheohar, Supaul, Darbhanga, Muzaffarpur, Saharsa, Katihar, Purnia, West Champaran.
2.	Gujarat	Vadodara
3.	Karnataka	Bagalkot, Ballari, Belagavi, Chamarajanagar, Chikkamagalur, Dakshina Kannada, Davanagere, Dharwad, Gadag, Hassan, Haveri, Kalaburagi, Kodagu, Koppal, Mandya, Mysuru, Raichur, Shivamogga, Udupi, Uttara Kannada, Vijayapura, Yadgir.
4.	Kerala	Idukki, Malappuram, Wayanad, Kozhikode
5.	Maharashtra	Kolhapur, Sangli, Satara, Ratnagiri, Sindhudurg, Palghar, Nashik, Ahmednagar.
6.	Odisha	Balangir, Sonepur, Kalahandi, Nuapada, Koraput, Malkangiri, Rayagada, Nawarangpur
7.	Uttarakhand	Uttarkashi and Chamoli

Further, the Input Service Distributors whose principal place of business is in the district, of the State as mentioned in above Table, who have furnished return in FORM GSTR-6, for the month of July 2019, on or before the 20th September 2019 shall also be entitled for the waiver of late fees.

Extension in due date for furnishing GSTR-7 for the month of July, 2019.

The Central Government vide [Notification No. 40/2019- CT dated 31st August, 2019](#) have extended the due date for furnishing the return in FORM GSTR-7 by a registered person, whose principal place of business is in the district mentioned in below table, required to deduct tax at source under the provisions of section 51 of the CGST Act for the month of July, 2019 till 20th September, 2019:-

Sl. No.	Name of State	Name of District
1.	Bihar	Araria, Kishanganj, Madhubani, East Champaran, Sitamarhi, Sheohar, Supaul, Darbhanga, Muzaffarpur, Saharsa, Katihar, Purnia, West Champaran.
2.	Gujarat	Vadodara
3.	Karnataka	Bagalkot, Ballari, Belagavi, Chamarajanagar, Chikkamagalur, Dakshina Kannada, Davanagere, Dharwad, Gadag, Hassan, Haveri, Kalaburagi, Kodagu, Koppal, Mandya, Mysuru, Raichur, Shivamogga, Udupi, Uttara Kannada, Vijayapura, Yadgir.
4.	Kerala	Idukki, Malappuram, Wayanad, Kozhikode
5.	Maharashtra	Kolhapur, Sangli, Satara, Ratnagiri, Sindhudurg, Palghar, Nashik, Ahmednagar.
6.	Odisha	Balangir, Sonepur, Kalahandi, Nuapada, Koraput, Malkangiri, Rayagada, Nawarangpur
7.	Uttarakhand	Uttarkashi and Chamoli

Provided further that the return by a registered person, required to deduct tax at source in FORM GSTR-7, for the month of July 2019, whose principal place of business is in the State of Jammu and Kashmir shall be furnished electronically through the common portal, on or before the 20th September, 2019.

Waiver of filing of FORM ITC-04 for F.Y. 2017-18 & 2018-19

The Central Government vide [Notification No. 38/2019- CT dated 31st August, 2019](#) have notified a special procedure for the class of registered persons required to furnish the details of challans in FORM ITC-04 under sub-rule (3) of rule 45 of the CGST Rules, 2017 that the said persons shall not be required to furnish FORM ITC-04 for the period July, 2017 to March, 2019.

However, the said persons shall furnish the details of challans in respect of goods dispatched to a job worker in the period July, 2017 to March, 2019 but not received from a job worker or not supplied from the place of business of the job worker as on the 31st March, 2019, in serial number 4 of FORM ITC-04 for the quarter April-June, 2019.

Extension in date of implementation of blocking and unblocking of e-way bill facility as per the provision of Rule 138E

The Central Government vide [Notification No. 36/2019- CT dated 20th August, 2019](#) have extended the date from which the provisions of the Rule 138E of the CGST Rules, 2017 shall come into force from 21st August, 2019 to 21st day of November, 2019.

The rule provides that no person shall be allowed to furnish the information in PART A of FORM GST EWB-01 in respect of a registered person, whether as a supplier or a recipient, who, —

- (a) being a person paying tax under section 10, has not furnished the returns for two consecutive tax periods; or
- (b) being a person other than a person specified in clause (a), has not furnished the returns for a consecutive period of two months:

Provided that the Commissioner may, on sufficient cause being shown and for reasons to be recorded in writing, by order, allow furnishing of the said information, subject to such conditions and restrictions as may be specified by him.

Enforcement of Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019

The Central Government vide [Notification No. 04/2019- Central Excise- NT dated 21st August, 2019](#) have notified 1st of September, 2019 as the date on which the Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019 shall come into force. The scheme has come into force in accordance with the provisions of section 103 the Finance (No.2) Act, 2019 and shall be operationalized from 01.09.2019 to 31.12.2019. The scheme aims at providing one-time opportunity of voluntary disclosure to non-compliant taxpayers of Central Excise and Service Tax.

Further, The Central Government vide [Notification No. 05/2019- Central Excise- NT dated 21st August, 2019](#) notified the rules on SVLDR scheme, 2019 whereby 9 rules have been notified along with 6 Forms namely Form SVLDRS-1, SVLDRS-2, SVLDRS-2A, SVLDRS-2B, SVLDRS-3 and SVLDRS-4. Few issues have also been clarified vide [Circular No. 1071/4/2019-CX 8 dated 27th August 2019](#).

In order to make understanding of scheme, the Government released e- Flyer on SVLDRS in English as well as Hindi language and few Frequently Asked Questions (FAQs) on the said scheme.

CUSTOMS

Revised Norms for Execution of Bank Guarantee under Advance Authorization, DFIA and EPCG Schemes

The Government vide [Circular No. 31/2019-Customs dated 13th September 2019](#) clarified the basis for waiver of Bank Guarantee to be executed with Customs in the GST regime under AA, DFIA and EPCG schemes in respect of manufacturer exporters/service providers. Therefore, the norms for execution of Bond/Bank Guarantee in respect of imports made under the AA, DFIA and EPCG Schemes have been reviewed and the following clarification is given: -

1. Manufacturer exporters/Service Providers registered with the GST authorities (Centre/State/Union Territory) who have been exporting during the previous two financial years and have minimum export of Rs. 1 crore or more during the preceding financial year shall be eligible to claim exemption from furnishing Bank Guarantee.

2. Manufacturer exporters/Service Providers registered with the GST authorities (Centre/State/Union Territory) who have paid GST of Rs.1 crore or more during the preceding financial year shall be eligible to claim exemption from furnishing Bank Guarantee.

Further, to avoid difficulties in the GST regime regarding furnishing of proof of export performance or payment of duty, it has been decided that: -

- a) Where the AA/DFIA/EPCG authorisation holder is a registered member of an Export Promotion Council, he shall produce a certificate of export performance or payment of duty/GST for the purpose of availing Bank Guarantee exemption from the concerned Export Promotion Council.

- b) Where the AA/DFIA/EPCG authorisation holder is not a registered member of an Export Promotion Council, he may produce such certificate duly authenticated by a practicing Chartered Accountant who is registered with the GST Department (Centre/State/Union Territory) for payment of GST. He will mention his GSTIN and other registration details in the certificate on the lines stipulated earlier.

IGST Export Refunds- extension in SB005 alternate mechanism- to resolve invoice mismatches

The Government vide [Circular No. 26/2019-Customs dated 27th August 2019](#) provided an extension in the rectification facility as provided by [Circular No. 40/2018-Customs dated 24th August 2018](#) for all the cases of invoice mismatches with the shipping bills generated till 31st July, 2019.

Roll out of Project Import Module in ICES –reg

The Government vide [Circular No. 27/2019-Customs dated 3rd September 2019](#) clarified that the Project Imports module has been developed in ICES so as to overcome the difficulties faced due to manual processing of Project imports registrations.

Eligibility Criteria for availing of DPD Scheme by Importers-reg

The Government vide [Circular No. 29/2019-Customs dated 5th September 2019](#) provides for the general guidelines/ eligibility criteria for availing of Direct Port Delivery (DPD) Scheme to the importers. Taking factors like non-receipt of original documents from abroad and consequent delay in issuance of Delivery Order, financial and credit woes, delay in settlement of dues of shipping lines, opening PD Account with the terminals, etc into consideration, following guidelines are being prescribed for implementation of DPD: -

i. Inclusions:

- a) importers who have already been accorded either AEO Tier I, II or III status
- b) importers with a clear track record of compliance and an import volume of 25 Full Container Load (FCL) TEUs through a particular port or otherwise in the preceding financial year.

Importers shall furnish information prescribed in application format i.e. Annexure-A. While the criterion at (b) is desirable, Chief Commissioner may, however, in deserving cases of importers, relax the TEU benchmark like where imports have enjoyed a consistent pattern of customs risk facilitation / who provide an assurance that they would be in a position to pick up containers directly from the terminal. This dispensation may be considered for MSME sector.

ii. Exclusions:

- a) importers against whom a case of mis-declaration of description of goods or of concealment / diversion of imported goods / evasion of duty has been made in the preceding 5 years;
- b) importers facing prosecution proceedings in a matter under the Customs Act, 1962;
- c) those importing goods that are subjected to 100% examination in terms of extant policy;
- d) importers importing mostly LCL consignments.

iii. Conditions: The facility of DPD shall only be extended only to such consignments

- a) which have either been fully facilitated or not subjected to examination; and
- b) importers open a PD account with the terminals and arrange for their own transport to take delivery of containers from the terminal; and
- c) any other procedural formality prescribed by the zone for better administration of DPD scheme

IGST refunds- mechanism to verify the IGST payments for goods exported out of India in certain cases

The Government vide [Circular No. 25/2019-Customs dated 27th August 2019](#) clarified that the [Circular No. 12/2018- Customs dated 29th May, 2018](#) shall be applicable for all the Shipping Bills filed during Financial year 2018-19. The Circular provides for the transmission of records from GSTN to Customs EDI system. Further, a CA certificate evidencing that there is no discrepancy between IGST amount refunded on exports and the actual IGST paid on exports of goods for the period April, 2018 to March, 2019 shall be furnished by 30th October, 2019.

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