



ASC

GST TIMES





Compliance Calendar

S. No.	Due Date	Forms	Period	Description
1.	20 th June 2021	GSTR-3B	May, 2021	Taxpayers having an aggregate turnover of more than INR 5 crore <ul style="list-style-type: none"> • Waiver of late fee till 05-07-2021 # • Interest: # From 21-06-2021 to 05-07-2021 at 9%. From 06-07-2021 interest is payable at 18%
2.	20 th June 2021	GSTR-3B	May, 2021	Taxpayers having an aggregate turnover of less than INR 5 crore (Not opting for QRMP Scheme) <ul style="list-style-type: none"> • Waiver of late fee till Thirty days from the due date # • Interest: # Till 05-07-2021: Nil From 06-07-2021 to 20-07-2021: 9% From 21-07-2021: 18%
3.	26 th June 2021	GSTR-1	May, 2021	Taxpayers having an aggregate turnover of more than INR 5 crores or opted to file monthly return
4.	28 th June 2021	GSTR-1	May, 2021	Taxpayers who have opted for Quarterly Return Monthly Payment ("QRMP") Scheme
5.	29 th June 2021	GSTR-2B	May, 2021	Auto generated ITC statement
6.	30 th June 2021	GSTR-6	April/May, 2021	Every Input Service Distributor (ISD)
7.	30 th June 2021	GSTR-7	April/May, 2021	Return for Tax Deducted at source to be filed by Tax Deductor
8.	30 th June 2021	GSTR-5 & 5A	April/May, 2021	Non-resident taxable person and OIDAR services provider file Monthly GST Return
9.	30 th June 2021	GSTR-8	May, 2021	E-Commerce operator registered under GST liable to TCS
10.	30 st June 2021	ITC-4	January-March, 2021	Declaration in respect of goods dispatched to job worker or received from a job worker
11.	31 st July 2021	GSTR-4	FY 20-21	Yearly return for taxpayers opted for the composition scheme

Waiver of late fee and interest rate has been specified in Notification No. 19/2021 – Central Tax dated 01-06-2021, Notification No. 18/2021 – Central Tax dated 01-06-2021, Notification No. 02/2021 – Integrated Tax dated 01-06-2021 and Notification No. 02/2021 – Union Territory dated 01-06-2021



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GOODS AND SERVICES TAX (GST)



Guidelines w.r.t. cancellation of registration under Rule 22(3) of CGST Rules, 2017

The CBIC issued Guidelines vide CBEC-20/16/34/2019-GST/802 dated May 24, 2021 w.r.t. cancellation of registration under Rule 22(3) of Central Goods and Services Tax (CGST) Rules, 2017.

Kind attention is invited to Rule 22 (3) of CGST Rules, 2017 regarding procedure to be followed for processing of application filed by taxpayers for cancellation of registration. The same is reproduced below:

“(3) Where a person who has submitted an application for cancellation of his registration is no longer liable to be registered or his registration is liable to be cancelled, the proper officer shall issue an order in FORM GST REG-19, within a period of thirty days from the date of application submitted under rule 20 or, as the case may be, the date of the reply to the show cause issued under sub-rule (1), for under sub-rule (2A) of rule 21A] cancel the registration, with effect from a date to be determined by him and notify the taxable person, directing him to pay arrears of any tax, interest or penalty including the amount liable to be paid under sub-section (5) of section 29.”

It is evident from aforesaid rule that the proper officer is required to issue order in FORM GST REG-19 in respect of the application for cancellation of registration filed by the taxpayer within a period of thirty days from the date of the application submitted by the taxpayer and direct him to pay arrears of any tax, interest or penalty including the amount liable to be paid under sub-section (5) of section 29.

In order to provide clarification on various issues in relation to processing of the applications for cancellation of registration filed by taxpayers in FORM GST REG-16 and to ensure uniformity in the implementation of the provisions of law across the field formations, the Board issued Circular No. 69/43/2018-UST dated 26.10.2018. The said circular clarified in detail the procedure to be followed in relation to processing of the applications for cancellation of registration filed by taxpayers. Para 5 of the said Circular is reproduced below:

“5. Since the cancellation of registration has no effect on the liability of the taxpayer for any acts of commission/omission committed before or after the date of cancellation, the proper officer should accept all such applications within a period of 30 days from the date of filing the application, except in the following circumstances:

- a) The application in FORM GST REG-16 is incomplete, i.e., where all the relevant particulars, as detailed in para 4 above, have not been entered;*
- b) in case of transfer, merger or amalgamation of business, the new entity in which the applicant proposes to amalgamate or merge has not got registered with the tax authority before submission of the application for cancellation.*

In all cases other than those listed at (a) and (b) above, the application for cancellation of registration should be



immediately accepted by the proper officer and the order for cancellation should be issued in FORM GST REG-19 with the effective date of cancellation being the same as the date from which the applicant has sought cancellation in FORM GST REG-16. In any case the effective date cannot be a date earlier to the date of application for the same.”

However, O/o C&AG during the course of the audit, has observed that in a large number of cases, the applications for cancellation of CST registration were not disposed of by tax officers within 30 days, as prescribed under Rule 22 (3) of CGST Rules 2017. It has also been observed that in some cases, the cancellation applications were found pending even after more than 120 days.

Considering that the legal provision stipulates passing of order in respect of the application of cancellation of registration within 30 days of the date of the application, and also as it has already been clarified vide Circular No. 69/43/2018-GST dated 26.10.2018 that cancellation of registration has no effect on the liability of the taxpayer for any Acts of commission/omission committed before or after the date of cancellation, the proper officer should act as per prescribed legal process within the stipulated time in order to avoid any delay.

It is requested that all the officers under your jurisdiction may be suitably instructed to scrupulously follow the due process as envisaged in the law in time bound manner **and issue the requisite order in respect of all such applications within a period of 30 days from the date of the application.**

Various amendments in registration, refund and e-way bill Rules

The CBIC vide Notification No. 15/2021-Central Tax, dated May 18, 2021 has issued 'the Central Goods and Services Tax (Fourth Amendment) Rules, 2021' to further amend the CGST Rules in a following manner:

- **Amended Rule 23 of the CGST Rules and FORM GST REG-21**, that deals with revocation of cancellation of registration, so as to allow the registered person to file application in FORM GST REG-21, within such extended period by the Additional Commissioner or Joint Commissioner or the Commissioner.
- **Inserted proviso under Rule 90(3) of the CGST Rules**- The time period from the date of filing of the refund claim in FORM GST RFD-01 till the date of communication of the deficiencies in FORM GST RFD-03 by the proper officer, is to be excluded from the period of 2 years in case, fresh refund claim is filed after rectification of the deficiencies.
- **Inserted sub-rule (4) to Rule 90 of the CGST Rules**- Allowed registered person to withdraw the application of refund claim, by filing application in FORM GST RFD-01W before issuance of provisional refund sanction order in FORM GST RFD-04 or final refund sanction order in FORM GST RFD-06 or payment order in FORM GST RFD-05 or refund withhold order in FORM GST RFD-07 or notice in FORM GST RFD-08.



- **Inserted sub-rule (5) to Rule 90 of the CGST Rules-** On submission of application in FORM GST RFD-01W, any amount debited from electronic credit ledger or electronic cash ledger, shall be credited back to the ledger from which such debit was made.
- **Omitted proviso to Rule 92(1) of the CGST Rules** which dealt with the order giving details of the adjustment in Part A of FORM GST RFD-07, where the amount of refund is completely adjusted against any outstanding demand.
- **Substituted 'Part B' in Rule 92(1) of the CGST Rules with 'Part A'**- The proper officer or the Commissioner shall pass an order in 'Part A' instead of 'Part B' of FORM GST RFD-07, informing the person, the reasons for withholding the refund.
- **Inserted new proviso to Rule 92(2) of the CGST Rules** w.r.t. passing of an order for release of withheld refund in Part B of FORM GST RFD-07, where the proper officer or the Commissioner is satisfied that the refund is no longer liable to be withheld.
- **Amended Rule 96(6) of the CGST Rules** w.r.t. passing of an order in 'Part A' instead of 'Part B' of FORM GST RFD-07, upon transmission of the intimation for withholding refund.
- **Amended Rule 96(7) of the CGST Rules-** Now, the jurisdictional officer, shall proceed to refund the amount by passing an order in FORM GST RFD-06 after passing an order for release of withheld refund in Part B of FORM GST RFD-07, where the registered person becomes entitled to refund of the amount withheld.
- **Amended Rule 138E of the CGST Rules**, that asserts restriction on furnishing of information in PART A of FORM GST EWB-01, so as to substitute the words "in respect of any outward movement of goods of a registered person" with "in respect of a registered person, whether as a supplier or a recipient".
- **Inserted FORM GST RFD-01W** i.e., the application for withdrawal of refund application.

Amnesty Scheme to provide relief to taxpayers regarding late fee for pending returns

To provide relief to the taxpayers, late fee for non-furnishing FORM GSTR-3B for the tax periods from July, 2017 to April, 2021 has been reduced as under: –

1. Late fee capped to a maximum of INR 500/- (INR 250/- each for CGST & SGST) per return for taxpayers, who did not have any tax liability for the said tax periods;
2. Late fee capped to a maximum of INR 1,000/- (INR 500/- each for CGST & SGST) per return for other taxpayers;

Note: The reduced rate of late fee would apply if FORM GSTR-3B returns for these tax periods are furnished between 1st June, 2021 to 31st August, 2021.



Relaxation from GST on import of COVID-19 related products

In the GST council met held on 28th May, 2021, an important recommendation related to COVID-19 products has been taken to provide relief from COVID-19.

- A number of specified COVID-19 related goods such as medical oxygen, oxygen concentrators and other oxygen storage and transportation equipment, certain diagnostic markers test kits and COVID-19 vaccines, etc., have been recommended for full exemption from IGST, even if imported on payment basis, for donating to the government or on recommendation of state authority to any relief agency.

This exemption shall be valid upto 31.08.2021.

- Hitherto, IGST exemption was applicable only when these goods were imported “free of cost” for free distribution. The same will also be extended till 31.8.2021. It may be mentioned that these goods are already exempted from Basic Customs duty.

- In view of rising Black Fungus cases, the above exemption from IGST has been extended to Amphotericin B.

- In regards to individual items, it was decided to constitute a Group of Ministers (GoM) to go into the need for further relief to COVID-19 related individual items immediately. The GOM shall give its report by 08.06.2021.

- To support the Lymphatic Filariasis (an endemic) elimination programme being conducted in collaboration with WHO, the GST rate on Diethylcarbamazine (DEC) tablets has been recommended for reduction to 5% (from 12%).

- Certain clarifications/clarificatory amendments have been recommended in relation to GST rates. Major ones are,-

- o Levibility of IGST on repair value of goods re-imported after repairs.

- o GST rate of 12% to apply on parts of sprinklers/ drip irrigation systems falling under tariff heading 8424 (nozzle/laterals) to apply even if these goods are sold separately.



Extension of the due date of filing Application for Revocation of Cancellation of Registration

The Goods and Services Tax Network (GSTN) states that in view of the decision of GST Council taken in its 43rd meeting dated 28 May, 2021 the timeline for filing of the 'Application for Revocation of Cancellation' for those applicants, for whom the due date of filing such application was falling between 15 April, 2021 to 29 June, 2021, has been extended up to 30 June, 2021.

Simplification of Annual Return for Financial Year 2020-21

The Annual Returns simplified in the following manner for the Financial Year 2020-21:

- i. Amendments in section 35 and 44 of CGST Act made through Finance Act, 2021 to be notified. **This would ease the compliance requirement** in furnishing reconciliation statement in **FORM GSTR-9C**, as taxpayers would be able to self-certify the reconciliation statement, instead of getting it certified by chartered accountants. This change will apply for Annual Return for FY 2020-21.
- ii. The filing of annual return in **FORM GSTR-9 / 9A** for FY 2020-21 to be optional for taxpayers having aggregate annual turnover upto Rs 2 Crore;
- iii. The reconciliation statement in **FORM GSTR-9C** for the FY 2020-21 will be required to be filed by taxpayers with annual aggregate turnover above Rs 5 Crore.

Rationalize late fee for delay in Filing of GSTR-3B

The CBIC vide Notification No. 19/2021 – Central Tax dated 1st June, 2021 has rationalize late fee for delay in filing of GSTR-3B for the tax period June, 2021 onwards or quarter ending June, 2021 onwards. Now, if taxpayer fails to furnish GSTR-3B within due date then following mentioned amount will be the maximum late fee payable by taxpayers:

S. No.	Class of registered persons	Amount
1.	Registered persons whose total amount of tax payable in the said return is nil	INR 250/- CGST + INR 250/- SGST
2.	Registered persons having an aggregate turnover of up to rupees 1.5 crores in the preceding financial year, other than those covered under S. No. 1	INR 1,000/- CGST + INR 1,000/- SGST
3.	Taxpayers having an aggregate turnover of more than rupees 1.5 crores and up to rupees 5 crores in the preceding financial year, other than those covered under S. No. 1	INR 2,500/- CGST + INR 2,500/- SGST
4.	Taxpayer having an aggregate turnover of more than rupees 5 crores in the preceding financial year, other than those covered under S. No. 1*	INR 5,000/- CGST and INR 5,000/- SGST



* There is no change in late fee for taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year

Rationalize late fee for delay in Filing of GSTR-4

The CBIC vide Notification No. 21/2021 – Central Tax dated 1st June, 2021 has rationalize late fee for delay in filing of GSTR-4 for the tax period FY 2021-22 onwards. Now, if taxpayer fails to furnish GSTR-4 within due date then following mentioned amount will be the maximum late fee payable by taxpayers:

S. No.	Class of registered persons	Amount
1.	Registered persons whose total amount of tax payable in the said return is nil	INR 250/- CGST + INR 250/- SGST
2.	Registered persons other than those covered under S. No. 1	INR 1,000/- CGST + INR 1,000/- SGST

Rationalize late fee for delay in Filing of GSTR-7

The CBIC vide Notification No. 22/2021 – Central Tax dated 1st June, 2021 has rationalize late fee for delay in filing of GSTR-7 for the tax period June, 2021 onwards. Now, if taxpayer fails to furnish GSTR-7 within due date then following mentioned amount will be the maximum late fee payable by taxpayers:

S. No.	Class of registered persons	Amount
1.	All Registered persons	INR 1,000/- CGST + INR 1,000/- SGST



GET IN TOUCH!

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