

Following are the amendments notified and clarified by the government on 31st December 2018:

Extension of Due Date for taking ITC

- **ITC** in relation to invoices issued by the supplier **during FY 2017-18** may be availed by the recipient **till the due date for furnishing of FORM GSTR-3B for the month of March, 2019**. This is subject to the **condition** that the details have been **uploaded by the supplier**. Parallely, the uploading of invoices and **rectification** of error or omission in **Form GSTR 1 for the FY 2017-18** has been **allowed till the due date** of furnishing **Form GSTR 1** for the month of **March 2019**. It may be noted here that the due date for rectification is in respect of Form GSTR 1 and that of availment of ITC is the due date of Form GSTR 3B for the month of March 2019.
(Order No. 2/2018-Central Tax dated 31st December 2018)

Annual Return and GST Audit related changes

- The due date for furnishing the annual returns in **FORM GSTR-9, FORM GSTR-9A** and reconciliation statement in **FORM GSTR-9C** for the Financial Year 2017 – 2018 has been **extended till 30.06.2019**
(Order No. 3/2018-Central Tax dated 31st December 2018)
- Following are the major changes which have been carried out in Form GSTR 9 and GSTR 9C in the format and the instructions:
 - **Amendment of headings** in the forms to specify that the return in FORM GSTR-9 & FORM GSTR-9A would be in respect of supplies etc. **‘made during the year’** and not ‘as declared in returns filed during the year’;
 - All returns in **FORM GSTR-1 & FORM GSTR-3B** have to be filed **before filing of FORM GSTR-9 & FORM GSTR-9C**;
 - All returns in **FORM GSTR-4** have to be filed before filing of **FORM GSTR-9A**;
 - **HSN code** may be declared only for those **inward supplies** whose value independently accounts for **10% or more** of the total value of inward supplies;
 - **Additional payments**, if any, required to be paid can be done through **FORM GST DRC-03 only in cash**;
 - **ITC cannot be availed** through **FORM GSTR-9 & FORM GSTR-9C**;
 - **All invoices** pertaining to **previous FY (irrespective of month** in which such **invoice is reported** in FORM GSTR-1) would be **auto-populated in Table 8A** of FORM GSTR-9;
 - Value of **“non-GST supply”** shall also **include the value of “no supply”** and may be reported in Table 5D, 5E and 5F of FORM GSTR-9;
 - **Verification by taxpayer** who is uploading reconciliation statement would be included in **FORM GSTR-9C**.
- Following are the clausewise changes made in Form GSTR 9 and GSTR 9C

➤ The portions marked in red has been substituted by the potion marked in green.

<u>Para No</u>	<u>Before Amendment</u>	<u>After Amendment</u>
Part II	Details of Outward and inward supplies declared during the financial year	Details of Outward and inward supplies made during the financial year
Table 4	Details of advances, inward and outward supplies on which tax is payable as declared in returns filed during the financial year	Details of advances, inward and outward supplies made during the financial year on which tax is payable
Table 5	Details of Outward supplies on which tax is not payable as declared in return filed during the financial year	Details of Outward supplies made during the financial year on which tax is not payable
Table 5F	Non-GST supply	Non-GST supply (includes no supply)
Part III	Details of ITC as declared in returns filed during the financial year	Details of ITC for the financial year
Table 6	Details of ITC availed as declared in returns filed during the financial year	Details of ITC availed during the financial year
Table 7	Details of ITC Reversed and Ineligible ITC as declared in return filed during the financial year	Details of ITC Reversed and Ineligible ITC for the financial year
Table 8E	ITC available but not availed (out of D)	ITC available but not availed
Table 8F	ITC available but ineligible (out of D)	ITC available but ineligible
Instruction 2	The details for the period between July 2017 to March 2018 are to be provided in this return.	It is mandatory to file all your FORM GSTR-1 and FORM GSTR-3B for the FY 2017- 18 before filing this return. The details for the period between July 2017 to March 2018 are to be provided in this return.
Instruction 3		It may be noted that additional liability for the FY 2017-18 not declared in FORM GSTR-1 and FORM GSTR-3B may be declared in this return. However, taxpayers cannot claim input tax credit unclaimed during FY 2017-18 through this return.
Instruction 4	Part II consists of the details of all outward supplies & advances received during the financial year for which the annual return is filed. The details filled in Part II is a consolidation of all the supplies declared by the taxpayer in the returns filed during the financial year.	Part II consists of the details of all outward supplies & advances received during the financial year for which the annual return is filed. It may be noted that all the supplies for which payment has been made through FORM GSTR-3B between July 2017 to March 2018 shall be declared in this part.
Instruction Table-5D,5E and 5F	Aggregate value of exempted, Nil Rated and Non-GST supplies shall be declared here. Table 8 of FORM GSTR-1 may be used for filing up these details. The value of “no supply” shall also be declared here.	Aggregate value of exempted, Nil Rated and Non-GST supplies shall be declared here. Table 8 of FORM GSTR-1 may be used for filing up these details. The value of “no supply” shall be declared under Non-GST supply (5F).
Instruction Table-7A,	Details of input tax credit reversed due to ineligibility or reversals required	Details of input tax credit reversed due to ineligibility or reversals required under

7B, 7C, 7D, 7E, 7F, 7G and 7H	under rule 37, 39,42 and 43 of the CGST Rules, 2017 shall be declared here. This column should also contain details of any input tax credit reversed under section 17(5) of the CGST Act, 2017 and details of ineligible transition credit claimed under FORM GST TRAN-I or FORM GST TRAN-II and then subsequently reversed. Table 4(B) of FORM GSTR-3B may be used for filling up these details. Any ITC reversed through FORM ITC -03 shall be declared in 7H.	rule 37, 39, 42 and 43 of the CGST Rules, 2017 shall be declared here. This column should also contain details of any input tax credit reversed under section 17(5) of the CGST Act, 2017 and details of ineligible transition credit claimed under FORM GST TRAN-I or FORM GST TRAN-II and then subsequently reversed. Table 4(B) of FORM GSTR-3B may be used for filling up these details. Any ITC reversed through FORM ITC -03 shall be declared in 7H. If the amount stated in Table 4D of FORM GSTR-3B was not included in table 4A of FORM GSTR-3B, then no entry should be made in table 7E of FORM GSTR-9. However, if amount mentioned in table 4D of FORM GSTR-3B was included in table 4A of FORM GSTR-3B, then entry will come in 7E of FORM GSTR-9.
Instruction Table-8A	The total credit available for inwards supplies (other than imports and inwards supplies liable to reverse charge but includes services received from SEZs) received during 2017-18 and reflected in FORM GSTR-2A (table 3 & 5 only) shall be auto-populated in this table. This would be aggregated of all the input tax credit that has been declared by the corresponding suppliers in their FORM GSTR-1	The total credit available for inwards supplies (other than imports and inwards supplies liable to reverse charge but includes services received from SEZs) pertaining to FY 2017-18 and reflected in FORM GSTR-2A (table 3 & 5 only) shall be auto-populated in this table. This would be the aggregate of all the input tax credit that has been declared by the corresponding suppliers in their FORM GSTR-1.
Instruction Table-8D		Aggregate value of the input tax credit which was available in FORM GSTR2A (table 3 & 5 only) but not availed in FORM GSTR-3B returns shall be computed based on values of 8A, 8B and 8C. However, there may be circumstances where the credit availed in FORM GSTR-3B was greater than the credit available in FORM GSTR-2A. In such cases, the value in row 8D shall be negative
Instruction Table-8E & 8F	Aggregate value of the input tax credit which was available in FORM GSTR2A (table 3 & 5 only) but not availed in any of the FORM GSTR-3B returns shall be declared here. The credit shall be classified as credit which was available and not availed or the credit was not availed as the same was ineligible. The sum- total of both the rows should be equal to difference in 8D	The credit which was available and not availed in FORM GSTR-3B and the credit was not availed in FORM GSTR-3B as the same was ineligible shall be declared here. Ideally, if 8D is positive, the sum of 8E and 8F shall be equal to 8D

Instruction 7	Part V consists of particulars of transactions for the previous financial year but declared in the returns of April to September of current FY or date of filing of Annual Return for previous financial year (for example in the annual return for the FY 2017-18, the transactions declared in April to September 2018 for the FY 2017-18 shall be declared), whichever is earlier	Part V consists of particulars of transactions for the previous financial year but paid in the FORM GSTR-3B of April to September of current FY or date of filing of Annual Return for previous financial year (for example in the annual return for the FY 2017-18, the transactions declared in April to September 2018 for the FY 2017-18 shall be declared), whichever is earlier
Instruction Table-13	Details of ITC for goods or services received in the previous financial year but ITC for the same was availed in returns filed for the months of April to September of the current financial year or date of filing of Annual Return for the previous financial year whichever is earlier shall be declared here. Table 159 4(A) of FORM GSTR-3B may be used for filling up these details	Details of ITC for goods or services received in the previous financial year but ITC for the same was availed in returns filed for the months of April to September of the current financial year or date of filing of Annual Return for the previous financial year whichever is earlier shall be declared here. Table 4(A) of FORM GSTR-3B may be used for filling up these details. However, any ITC which was reversed in the FY 2017-18 as per second proviso to subsection (2) of section 16 but was reclaimed in FY 2018-19, the details of such ITC reclaimed shall be furnished in the annual return for FY 2018-19
Instruction Table-17 & 18	Summary of supplies effected and received against a particular HSN code to be reported only in this table. It will be optional for taxpayers having annual turnover upto Rs. 1.50 Cr. It will be mandatory to report HSN code at two digits level for taxpayers having annual turnover in the preceding year above ₹ 1.50 Cr but upto Rs. 5.00 Cr and at four digits' level for taxpayers having annual turnover above Rs. 5.00 Cr. UQC details to be furnished only for supply of goods. Quantity is to be reported net of returns. Table 12 of FORM GSTR1 may be used for filling up details in Table 17	Summary of supplies effected and received against a particular HSN code to be reported only in this table. It will be optional for taxpayers having annual turnover upto Rs. 1.50 Cr. It will be mandatory to report HSN code at two digits level for taxpayers having annual turnover in the preceding year above ₹ 1.50 Cr but upto Rs. 5.00 Cr and at four digits' level for taxpayers having annual turnover above Rs.5.00 Cr. UQC details to be furnished only for supply of goods. Quantity is to be reported net of returns. Table 12 of FORM GSTR1 may be used for filling up details in Table 17. It may be noted that this summary details are required to be declared only for those inward supplies which in value independently account for 10 % or more of the total value of inward supplies
Instruction 9		Towards the end of the return, taxpayers shall be given an option to pay any additional liability declared in this form, through FORM DRC-03. Taxpayers shall select —Annual Return in the drop down provided in FORM DRC-03. It may be

		noted that such liability can be paid through electronic cash ledger only.
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(Notification no.74/2018 dated 31st December 2018)

AMENDMENTS IN GSTR – 9C

<u>Para No</u>	<u>Before Amendment</u>	<u>After Amendment</u>
At the end of Reconciliation Statement		Verification of registered person I hereby solemnly affirm and declare that I am uploading the reconciliation statement in FORM GSTR-9C prepared and duly signed by the Auditor and nothing has been tampered or altered by me in the statement. I am also uploading other statements, as applicable, including financial statement, profit and loss account and balance sheet etc.
Instruction 2	The details for the period between July 2017 to March 2018 are to be provided in this statement for the financial year 2017-18. The reconciliation statement is to be filed for every GSTIN separately.	It is mandatory to file all your FORM GSTR-1, FORM GSTR-3B and FORM GSTR - 9 for the FY 2017-18 before filing this return. The details for the period between July 2017 to March 2018 are to be provided in this statement for the financial year 2017-18. The reconciliation statement is to be filed for every GSTIN separately.
Instruction Table 7F	Taxable turnover as declared in Table 4N of the Annual Return (GSTR9) shall be declared here.	Taxable turnover as declared in Table (4N – 4G) + (10-11) of the Annual Return (GSTR9) shall be declared here
Instruction 8	Towards, the end of the reconciliation statement taxpayers shall be given an option to pay their taxes as recommended by the auditor.	Towards the end of the return, taxpayers shall be given an option to pay any additional liability declared in this form, through FORM DRC-03. Taxpayers shall select —Reconciliation Statement in the drop down provided in FORM DRC-03. It may be noted that such liability shall be paid through electronic cash ledger only.

(Notification no.74/2018 dated 31st December 2018)

Refund related changes

Following clarifications were issued by the GST Policy Wing of CBIC vide Circular No. 79/53/2018-GST dated 31st December 2018:

1. Calculation of refund amount for claims of refund of accumulated ITC on account of inverted duty structure

- As per rule 89(5) of the CGST Rules, the term **Net ITC covers ITC availed on all inputs** in the relevant tax period, **irrespective of their rate of tax**. Thereby even if part of the inputs is procured at equal or lower rates as compared to the output, refund under inverted duty structure will be available. This will be allowed provided some of the inputs are at higher rate which causes accumulation of ITC under inverted duty structure.
- For instance, if inputs @ 5% and 18% are used for an outward supply @ 12%. Maximum refund amount would be the **Total ITC** after deducting the tax payable on such inverted supply of goods/services

2. Disbursal of refund amount after sanction

- If any tax ordered to be refunded is **not refunded within 60 days** of the date of receipt of application, **interest @ 6%** on the refund amount will be applicable.
- Interest will be calculated starting from the date immediately after the expiry of sixty days from the date of receipt of the application till the date on which the amount is credited to the bank account of the claimant.
- The tax authorities have been advised to issue final sanction order in **FORM GST RFD – 06** within a period of 45 days of the date of generation of ARN

3. Refund application generated on the portal but physically not submitted with jurisdictional tax office

- Where **application** of refund has been filed in respect of **electronic credit ledger before the rollout** of online functionality and the documents have not been submitted,
 - The **supporting documents** are still to be **submitted physically**.
 - If not submitted within 60 days of generation of ARN at the jurisdictional office, the claimants will be sent communication on where to submit the application.
 - If application is still not submitted within 15 days of the email, the application will be rejected and the debited amount will be re-credited.
 - Refund application of amount less than Rs. 1000 will automatically stand rejected.

- Where **application** of refund has been filed in respect of **electronic cash ledger before the rollout** of online functionality and the documents have not been submitted:
 - The amount debited in the electronic cash ledger in such applications may be re-credited through FORM GST RFD-01B provided that there are no liabilities in the electronic liability register.
 - The said amount shall be re-credited even though the return in FORM GSTR-3B, as the case may be for the relevant period has not been filed.
- In case of refund application generated after issuance of this circular or refund application generated before issuance of this circular and physically submitted with the jurisdictional tax offices before issuance of this circular, guidelines as modified by this circular shall be followed.

4. Non – consideration of ITC of GST paid on invoices of earlier tax period availed in subsequent tax period

- The input tax credit of invoices issued in preceding month/year but availed in subsequent month/year cannot be excluded from the calculation of the refund amount for the relevant period.
- Input tax credit is said to have been “**availed**” when it is **entered into the electronic credit ledger** of the registered person subject to conditions laid down in section 16(4) of CGST Act.

5. Meaning of the term inputs

- Input tax credit on inputs is available if it satisfies the description laid down in section 2(59) of the CGST Act.
- **ITC on stores and spares, packaging, printing and stationery, material purchased for machinery repairs etc.** will be **available** if used for business purpose and /or effecting taxable supplies including zero rated supplies and subject to section 17(5) of the CGST Act.
- ITC on capital goods are available if used for making taxable supplies including zero rated supplies. Expenditure of capital goods which are charged as revenue expenses in the books of accounts cannot be held as capital goods.

6. Refund of accumulated ITC of input services and capital goods arising on account of inverted duty structure

- Refund of accumulated ITC on account of inverted duty structure shall be available in respect of **inputs** only.
- ITC of input services and capital goods are not to be included while calculating **Net ITC**.

7. Refund of accumulated ITC of Compensation Cess

- Refund of accumulated ITC of compensation cess on account of zero-rated supplies made under LUT/Bond is to be recomputed as if the same was available for the relevant tax period for which refund application for unutilised ITC was filed.
- Aggregate of the recomputed refund of compensation cess of the respective months would be admissible if it is less than or equal to the eligible refund of compensation cess calculated in respect of the month in which the same has actually been claimed.
- Recomputed eligible refunds of compensation cess would not be admissible if goods are exported on payment of IGST in past periods.
- ITC of compensation cess is available on inputs used or intended to be used by a supplier in the course or furtherance of business.
- ITC cannot be denied even if the goods or service is used as an **intermediary** by the registered tax person for manufacturing of final product.
- ITC which is reversed **cannot be part of refund of unutilized ITC** on account of zero-rated supplies.
- If reversed ITC is reclaimed later on, refund for the same is to be **re-computed like the refund on account of compensation cess** as stated above.
- As earlier the reversed ITC was considered as a part of cost in the books of account, the same should be removed as a part of cost if reclaimed later on.

8. Physical submission of refund claims with jurisdictional proper officer

- All documents/undertaking/statements to be submitted along with the claim for refund in FORM GST RFD-01A shall be uploaded on the common portal at the time of filing of the refund application. **No physical submission** would be required in the office of the jurisdictional proper officer.
- Taxpayers if willing to submit the documents physically with the proper officer may do so.
- Taxpayer who still remains unallocated to the Central or State Tax Authority will **necessarily have to submit the refund application physically** before the jurisdictional proper officer of either the State or the Central tax authority.
- ARN will be generated **only** after filing of FORM GST RFD-01A, all the supportings documents are uploaded on the common portal and amount is debited in the Electronic Credit ledger.
- Once the ARN is generated all the documents uploaded would be made available to the proper officer **electronically**.
- The refund application **shall be deemed to have been filed** when the ARN is generated and the time limit of **15 days** to issue an acknowledgement is **counted from the that date**.
- Acknowledgement for the complete application or deficiency memo to be issued electronically by the proper officer based on documents uploaded.

- Refund application if electronically transferred to incorrect jurisdictional officer, the same should reassign it to correct jurisdictional officer **within 3 days**. Application would be deemed to have been filed **only when it is reassigned**.
- No deficiency memo to be issued on ground of incorrect electronic transmission of the application. If re-assignment facility is not available, present arrangement to be continued.
- **Rectified refund application** to be submitted physically with the proper officer under the earlier ARN if deficiency memo is issued. The rectified application is to be treated as a fresh application.
- Only the **method of submission** of the refund application along with supportings documents **have been changed from physical mode to electronic mode**. The processing of refund claim in FORM RFD-01A to be carried out manually by the proper officer for time being.

9. Changes in FORM RFD-01A

- Now the below mentioned refund will be available through RFD-01A -
 - Refund on account of Assessment/Provisional Assessment/Appeal/Any Other Order;
 - Tax paid on an intra-State supply which is subsequently held to be inter-State supply and vice-versa;
 - Excess payment of Tax; and
 - Any other refund
- Relevant statements have been inserted in Annexure-1 of FORM RFD-01 A -

(Notification No. 74/2018 – Central Tax dated 31st December, 2018)

Extension of due dates

- The due date for furnishing **FORM GSTR-8** by e-commerce operators for the months of **October, November and December, 2018** shall be extended till **31.01.2019**.
(Order No. 4/2018-Central Tax dated 31st December 2018)
- The due date for submitting **FORM GST ITC-04** for the period **July 2017 to December 2018** shall be **extended till 31.03.2019**.
(Notification no. 78/2018-Central Tax dated 31st December 2018)
- **Late fee** shall be completely **waived** for all taxpayers in case FORM GSTR-1, FORM GSTR-3B & FORM GSTR-4 for the months / quarters **July, 2017 to September, 2018**, are **furnished after 22.12.2018 but on or before 31.03.2019**.
(Notification no. 75/2018, 76/2018 and 77/2018-Central tax dated 31st December 2018)

- One more window for completion of migration process is being allowed. The due date for the taxpayers who did not file the complete **FORM GST REG-26** but received only a Provisional ID (PID) till 31.12.2017 for furnishing the requisite details to the jurisdictional nodal officer shall be **extended till 31.01.2019**. Also, the due date for furnishing FORM GSTR-3B and FORM GSTR-1 for the period **July, 2017 to February, 2019/quarters July, 2017 to December, 2018** by such taxpayers shall be extended till **31.03.2019**.

(Notification no. 67/2018-Central tax dated 31st December 2018)

RCM related amendments:

- Services provide by GTA to the following entities registered under GST only for the purposes of deduction of tax shall be exempt:
 - a) a Department or Establishment of the Central Government or State Government or Union territory; or
 - b) local authority; or
 - c) Governmental agencies.
- GST is to be paid for the following services under RCM:
 - a) Services provided by business facilitator to a banking company
 - b) Services provided by an agent of business correspondent to business correspondent.
 - c) Security services provided to a registered person.

However, the above services when supplied to the following entities registered under GST, tax will not be applicable under RCM:

- a) a Department or Establishment of the Central Government or State Government or Union territory; or
- b) local authority; or
- c) Governmental agencies;
- d) A person liable to pay tax under composition scheme.

(Notification No. 29/2018- Central Tax (Rate) dated 31st December 2018)

Tax Treatment of outsourced value in case of export of services

Following clarification were issued by the GST Policy Wing of CBIC vide Circular No. 78/52/2018-GST dated 31st December 2018:

- When an exporter of service located in India supplies service to a person located outside India, either wholly or partly through any other supplier of service located outside India it will be treated as two individual supplies –

- Supply of services from the exporter of the services located in India to the recipient of services located outside India for full contract value.
 - Import of services by the exporter of services located in India from the supplier of services located outside India to the extent of outsourced portion of the contract.
- The agreed contract value will be considered as full value of consideration for export of services even if a portion of the service is provided by the other supplier located outside India subject to fulfilment of conditions laid down in section 2(6) of the IGST Act read with section 13(2) of the IGST Act.
- Services received by the exporter from person located outside India will be treated as import of Service and IGST shall be paid under Reverse Charge Mechanism.
- The exporter located in India shall be eligible to avail ITC in respect of IGST paid on reverse charge basis for such import of services.
- Direct payment by the recipient of services located outside India to the supplier of services located outside India for the outsourced part of the service to be treated as receipt of consideration for services provided :
- IGST has been paid by the exporter on services directly provided by the supplier of services located outside India to the recipient of services located outside India.
 - RBI has approved that a part of consideration for such export can be retained outside India.
- Full contract value to be treated as receipt of consideration for services even if full consideration is not received in convertible foreign exchange by the exporter on account of direct payment by the recipient of services located outside India to the supplier of services located outside India.

Clarifications

- It has been clarified that provisions of section 51 shall not apply to the supply of goods or services or both that takes place between the following persons specified as under section 51 of the said Act. Person specified are:
- a) A department or establishment of the Central Government or State Government; or
 - b) Local authority; or

- c) Government agencies
- d) an authority or a board or any other body,
 - set up by an Act of Parliament or a State Legislature; or
 - established by any Government,with fifty-one per cent. or more participation by way of equity or control, to carry out any function;
- e) Society registered under the Societies Registration Act,1860;
- f) Public sector undertakings.

(Notification no. 73/2018-Central tax dated 31st December 2018)

- It has been clarified that respective government departments shall be liable to get registered and pay GST on intra and inter-State supply of used vehicles, seized and confiscated goods, old and used goods, waste and scrap made by them to an unregistered person.
(Circular no. 76/50/2018-GST dated 31st December 2018)
- The provisions of section 73 of the CGST Act are generally not invoked in case of delayed filing of return in GSTR 3B because tax along with applicable interest has already been paid but after the due date of payment of tax. Accordingly, penalty under section 73(11) of CGST Act is not payable in such cases. However, a general penalty under section 125 of the CGST Act may be imposed after following the due process of law.
(Circular no. 76/50/2018-GST dated 31st December 2018)
- It has been clarified that in case of revision of prices after the appointed date (i.e., 01.07.2017), of any goods or services supplied before the appointed date which requires issuance of any supplementary invoice, debit note or credit note, the rate as per the provisions of the GST Acts (both CGST and SGST or IGST) would be applicable.
(Circular no. 76/50/2018-GST dated 31st December 2018)
- It has been clarified that the provisions of section 51 of the CGST Act in respect of authority or a board or any other body set up by an Act of parliament or a State legislature or established by any Government is applicable only if fifty-one per cent. or more participation by way of equity or control is with the Government.
(Circular no. 76/50/2018-GST dated 31st December 2018)
- It has been clarified that taxable value for the purposes of GST shall include the TCS amount collected under the provisions of the Income Tax Act since the value to be paid to the supplier by the buyer is inclusive of the said TCS.

(Circular no. 76/50/2018-GST dated 31st December 2018)

- It has been clarified that either the consignor or the consignee should be deemed to be the owner of the goods, if the invoice or any other specified document is accompanying the consignment of goods. If the document is not accompanied, the proper officer should determine 'owner of the goods'.

(Circular no. 76/50/2018-GST dated 31st December 2018)

- Any inter-state movement of goods machinery like tower cranes, rigs, batching plants, concrete pumps and mixers which are not mounted on wheels, but require regular means of conveyance (used by companies in Infrastructure business) for provision of service on own account by a service provider, where no transfer of title in such goods or transfer of goods to the distinct person by way of stock transfer is not involved, does not constitute a supply of such goods and hence not liable for GST.

(Circular No. 80/54 /2018-GST dated 31st December 2018)

Composition related clarification

- It has been clarified that the composition taxpayer shall pay tax as a normal tax payer from the day he ceases to satisfy any of the conditions of the composition scheme and shall issue tax invoice for every taxable supply made thereafter.
- It is clarified that in a case where the taxpayer has sought withdrawal from the composition scheme, the effective date shall be the date indicated by him in his intimation/application filed in FORM GST CMP-04. Such date may not be prior to the commencement of the financial year in which such intimation/application for withdrawal is being filed.
- In case of denial of option by the tax authorities, the effective date of such denial shall be from a date, including any retrospective date as may be determined by tax authorities, but shall not be prior to the date of contravention of the provisions of the CGST Act or the CGST Rules.
- It is also clarified that the registered person shall be liable to pay tax under section 9 of the CGST Act from the date of issue of the order in FORM GST CMP-07.

(Circular no. 77/51/2018-GST dated 31st December 2018)

E-way bill related amendments

- Furnishing of information in PART A in FORM GST EWB-01 will not be allowed if :
 - registered person paying tax **u/s 10** has not furnished its return for **two consecutive tax periods**;
 - other registered person has not furnished its returns for **two consecutive months**.

- The Commissioner may on sufficient cause being shown, allow furnishing of such information in **PART A of FORM GST EWB-01**.
- A reasonable opportunity of being heard shall be given to such person before rejecting his request for furnishing the required information.

(Notification no. 74/2018-Central tax dated 31st December 2018)

Revision related amendments

- Where the Revisional Authority passes an order to rectify a mistake under section 108 which is likely to affect the person adversely, the Revisional Authority shall give a notice to him in FORM GST RVN-01 and shall give him a reasonable opportunity of being heard.
- The Revisional Authority shall issue a summary of the order in FORM GST APL-04 clearly indicating the final amount of demand confirmed.

(Notification no. 74/2018-Central tax dated 31st December 2018)

GST Rules related Amendments

- A person applying for registration for collection of tax at source, in a place where he does not have a physical presence, shall mention the **name of the state** in **PART A of GST REG-07** and mention the name of the state or union territory in **PART B** in which it has a principal place of business.

(Notification no. 74/2018-Central tax dated 31st December 2018)

- The details of challans in respect of goods dispatched from one job worker to another during a quarter shall not be included in **FORM GST ITC-04**.

(Notification no. 74/2018-Central tax dated 31st December 2018)

- Signature or digital signature of the supplier is not required in the case of issuance of an electronic invoice/electronic bill of supply/consolidated tax invoice/ticket for transportation of passengers, in accordance with the provisions of the Information Technology Act, 2000.

(Notification no. 74/2018-Central tax dated 31st December 2018)

- For the purpose of sub-rule (5) of rule 89 i.e. refund under inverted duty structure, “Relevant period” has been defined to mean the period for which the claim has been filed.

(Notification no. 74/2018-Central tax dated 31st December 2018)

- Documents required for completion of application for refund of integrated tax paid on the goods exported out of India now allows the inclusion of “a departure manifest”
(Notification no. 74/2018-Central tax dated 31st December 2018)
- The period of audit to be conducted under sub section (1) of section 65 shall be a financial year or multiples or part thereof. Thereby, audit is allowed even for the part of the financial year.
(Notification no. 74/2018-Central tax dated 31st December 2018)

Place of Supply related Amendment

- In the case of advertisements over internet, **the service shall be deemed to have been provided all over India** and the amount attributable to the value of advertisement service disseminated in a State or Union territory shall be calculated on the basis of the internet subscribers in such State or Union territory.
- The supply of services attributable to different States or Union territory in case of any immovable property or boat or vessel is located in more than one State or Union territory, shall be taken proportionately.
- In the absence of any contract between the supplier of service and recipient of services Place of Supply shall be determined as follows:

<u>Section</u>	<u>Rule</u>	<u>Location of supplier and recipient of service</u>	<u>Services Provided</u>	<u>Basis</u>
12(3)	4	In India	Lodging accommodation by a hotel, inn, guest house, club or campsite, by whatever name called.	No. of nights stayed in each such property.
12(3)	4	In India	Accommodation in any immovable property for organising any marriage or reception etc., and in cases of supply of accommodation by a hotel, inn, guest house, club or campsite, by whatever name called.	In proportion to the area of the immovable property lying in each State or Union territory;
12(3)	4	In India	Lodging accommodation by a house boat or any other vessel and services ancillary to such services.	In proportion to the time spent by the boat or vessel in each such

				State or Union territory
12(7)	5	In India	Organisation of a cultural, artistic, sporting, scientific, educational or entertainment event, including supply of services in relation to a conference, fair exhibition, celebration or similar events and services ancillary to such services.	By application of the generally accepted accounting principles.
12(11)	6	In India	Supply of services relating to a leased circuit where the leased circuit is installed in more than one State or Union territory.	In proportion to the number of points lying in the State or Union territory
13(7)	7	Location of either the service provider or service recipient is outside India.	<p>Services as per section 13(2), (3), (4).</p> <p>i. In the case of services supplied on the same goods</p> <p>ii. In the case of services supplied on different goods</p>	<ul style="list-style-type: none"> • Equally dividing the value of the service in each of the States and Union territories where the service is performed. • Ratio of the invoice value of goods in each of the States and Union territories, on which service is performed.

			iii. In the case of services supplied to individuals	<ul style="list-style-type: none"> Apply generally accepted accounting principles.
13(7)	8	Location of either the service provider or service recipient is outside India.	Services mentioned in Rule 4 as described above.	Same as rule 4
13(7)	9	Location of either the service provider or service recipient is outside India.	Services mentioned in Rule 5 as described above.	Same as rule 5

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