

GST AMENDMENTS DURING COVID - 19 PANDEMIC

1. NOTIFICATION No. 30/2020–Central Tax

Relevant changes proposed:

- W.e.f. 31st March 2020 in Rule 3(3)- Intimation for levy or opting for Composition scheme in CMP02

Amendment:

The due date for filing Form GST CMP-02 shall be filed on or before 30.06.2020 and also for furnishing Form GST ITC-03 [Declaration for ITC reversal] on or before 31.07.2020

Prior to amendment:

GST CMP-02 to be filed on or before commencement of Financial Year
GST ITC-03 to be filed 60days from the commencement of Financial Year

- ITC restriction proposed under Rule 36(4) for matching Credit availed as per GSTR- 3B to be matched with GSTR-2A

Proposed change:

“Provided that the said condition shall apply cumulatively for the period February, March, April, May, June, July and August, 2020 and the return in FORM GSTR-3B for the tax period September, 2020 shall be furnished with the cumulative adjustment of input tax credit for the said months in accordance with the condition above”

Points to note:

No matching concept for the tax periods Feb’20 to Aug’20 independently

On a cumulative basis difference if any between GSTR3B and GSTR2A for the tax periods Feb’20 to Aug’20 shall be adjusted in Sep’20 GSTR3B.

Though GST Act, doesn’t contain such restriction of ITC availment, department is insisting for restricting or blocking the ITC as per Rule 36 to the extent credits are not populated in GSTR2A.

2. NOTIFICATION No. 31/2020–Central Tax

This Notification has proposed for reduced Interest rate for delay in payment of taxes beyond the revised due date of filing GSTR3B as per below table:

Sl. No	Class of registered persons	Rate of interest	Tax period	Condition
1	Taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year.	Nil for first 15 days from the due date, and 9% thereafter	February 2020, March 2020, April 2020	If return in FORM GSTR-3B is furnished on or before the 24th day of June, 2020
2	Taxpayers having an aggregate turnover of more than rupees 1.5 crores and up to rupees five crores in the preceding financial year	Nil	February, 2020, March, 2020	If return in FORM GSTR-3B is furnished on or before the 29th day of June, 2020
			April, 2020	If return in FORM GSTR-3B is furnished on or before the 30th day of June, 2020
3	Taxpayers having an aggregate turnover of up to rupees 1.5 crores in the preceding financial year	Nil	February, 2020	If return in FORM GSTR-3B is furnished on or before the 30th day of June, 2020
			March, 2020	If return in FORM GSTR-3B is furnished on or before the 3rd day of July, 2020
			April, 2020	If return in FORM GSTR-3B is furnished on or before the 6th day of July, 2020

The above Notification shall be effective from 20.03.2020

Points to Note:

The above is a conditional Notification where by Interest is applicable at a lesser rate only if the returns are filed along with payment of tax due within the dates specified. Registered person having Aggregate Turnover exceeding ₹ 5 Crore in the preceding FY have got a relaxation for remittance of Tax dues for 15days from the regular due dates. This has to be carefully examined.

3. Notification No. 32/2020–Central Tax

This notification aims as waiver of Late fees payable under Section 47 of CGST Act, 2017 towards delay in filing Form GSTR3B by the due date.

Relevant amendment brought in is as per below for various class of Registered Persons as below:

Sl. No.	Class of registered persons	Tax period	Condition
1	Taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year	February, 2020, March, 2020 and April, 2020	If return in FORM GSTR-3B is furnished on or before the 24th day of June, 2020
2	Taxpayers having an aggregate turnover of more than rupees 1.5 crores and up to rupees five crores in the preceding financial year	February, 2020 and March, 2020	If return in FORM GSTR-3B is furnished on or before the 29th day of June, 2020
		April, 2020	If return in FORM GSTR-3B is furnished on or before the 30th day of June, 2020
3	Taxpayers having an aggregate turnover of up to rupees 1.5 crores in the preceding financial year	February, 2020	If return in FORM GSTR-3B is furnished on or before the 30th day of June, 2020
		March, 2020	If return in FORM GSTR-3B is furnished on or before the 3rd day of July, 2020
		April, 2020	If return in FORM GSTR-3B is furnished on or before the 6th day of July, 2020

This notification shall be deemed to have come into force with effect from the 20th day of March, 2020.

Points to note:

The above late fees relief is only conditional. i.e. if the GSTR3B is filed on or before the specified due dates as per above table only.

If the GSTR3B is filed after the due dates specified in Section 39 read with relevant Notification beyond the above specified dates, no relaxation for late fees for the intervening period is expected.

4. NOTIFICATION No. 33/2020–Central Tax

This Notification has proposed to waive off the late fees applicable under Section 47 for the delay in filing the Outward supply statement to be filed under Section 37 of CGST Act, 2017 in form GSTR1.

Details of the amendment proposed is as below:

Tax Period	Late fees waived off if filed
March 2020, April 2020 and May 2020, and for the quarter ending 31st March, 2020	On or before the 30th day of June, 2020

Points to Note:

Filing of GSTR1 due date is specified under Section 37 of CGST Act, 2017 read with relevant Notifications.

Late fees is waived off only if Form GSTR1 is filed on or before 30.06.2020 for the above tax periods .

Any GSTR1 filed on or after 30.06.2020 for the above Tax periods shall attract the late fees from the due date till such date of filing.

5. NOTIFICATION No. 34/2020–Central Tax

The above notification has proposed for extension of remittance date for Composition Dealers and also filing of return for the period ending 31.03.2020 is as below:

Remittance of Self Assessed Tax in Form GST CMP-08: 07th July 2020

Filing of Form GSTR-4 for the FY ending on 31.03.2020 till 15.07.2020.
Original date of filing is on or before 30th April.

6. NOTIFICATION No. 35/2020–Central Tax

This notification is a quite unique one which has been issued under Section 168A of CGST Act, 2017.

A little background to be known about Section 168A which has been introduced through “THE TAXATION AND OTHER LAWS (RELAXATION OF CERTAIN PROVISIONS) ORDINANCE, 2020”.

A brief about this provision is as below:

Power of Government to extend time limit in special circumstances

“Section 168A. (1) Notwithstanding anything contained in this Act, the Government may, on the recommendations of the Council, by notification, extend the time limit specified in, or prescribed or notified under, this Act in respect of actions which cannot be completed or complied with due to force majeure.

(2) The power to issue notification under sub-section (1) shall include the power to give retrospective effect to such notification from a date not earlier than the date of commencement of this Act.

Explanation. - For the purposes of this section, the expression “force majeure” means a case of war, epidemic, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature or otherwise affecting the implementation of any of the provisions of this Act.”

Importance amendment brought through this Notification considering in view of the spread of pandemic COVID-19 across many countries of the world including India, the Government, on the recommendations of the Council, hereby notifies:

Quote with minor modifications:

(i) where, any time limit for completion or compliance of any action, by any authority or by any person, has been specified in, or prescribed or notified under the said Act, which falls during the period from the 20th day of March, 2020 to the 29th day of June, 2020, and where completion or compliance of such action has not been made within such time, then, the time limit for completion or compliance of such action, shall be extended up to the 30th day of June, 2020, including for the purposes of-

(a) completion of any proceeding or passing of any order or issuance of any notice, intimation, notification, sanction or approval or such other action, by whatever name called, by any authority, commission or tribunal, by whatever name called, under the provisions of the Acts stated above; or

(b) filing of any appeal, reply or application or furnishing of any report, document, return, statement or such other record, by whatever name called, under the provisions of the Acts stated above;

but, such extension of time shall not be applicable for the compliances of the provisions of the said Act, as mentioned below-

- (a) Chapter IV dealing with TIME AND VALUE OF SUPPLY;
- (b) sub-section (3) of section 10 [Composition Levy], sections 25 [procedure for registration], 27 [Special provisions relating to casual taxable person and non-resident taxable person], 31 [Tax Invoice], 37[Furnishing details of outward supplies], 47[Levy of late fees], 50[Interest on delayed payment of tax], 69[Power to arrest], 90[Liability of partners of firm to pay tax], 122[Penalty for certain Offences], 129 [Detention, seizure and release of goods and conveyances in transit];
- (c) section 39, except sub-section (3), (4) and (5) [exclusion for TDS, ISD, NRTP];
- (d) section 68, in so far as e-way bill is concerned [Inspection of goods in movement]; and
- (e) rules made under the provisions specified at clause (a) to (d) above;

(ii) where an e-way bill has been generated under rule 138 of the Central Goods and Services Tax Rules, 2017 and its period of validity expires during the period 20th day of March, 2020 to 15th day of April, 2020, the validity period of such e-way bill shall be deemed to have been extended till the 30th day of April, 2020

Unquote: Government authorities have invoked the powers under Section 168A for enabling the Tax administrator and Tax payer for delivering their duties & responsibilities on various provisions for the period 20.03.2020 upto 29.06.2020 up till 30.06.2020 as enumerated above.

7. NOTIFICATION No. 36/2020–Central Tax

This notification has provided that Due dates for filing Form GSTR3B for May 2020 as per below:

Sl No	Category of Registered Person	Due Date for Filing
1	Taxpayers having an aggregate turnover of more than rupees 5 crore rupees in the previous financial year	on or before the 27th June, 2020
2	Taxpayers having an aggregate turnover of up to rupees five crore rupees in the previous financial year, 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	on or before the 12th day of July, 2020
3	Taxpayers having an aggregate turnover of up to rupees five crore rupees in the previous financial year, 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	on or before the 14th day of July, 2020