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NOTIFICATIONS



CBIC extends the due date for filing of GSTR-9, GSTR-9A & GSTR-9C

1. CBIC notified the extension of time limit for filing of Annual Return GSTR-9, GSTR-9A and Reconciliation Statement GSTR-9C for F.Y 2018-19 till 31st December 2020.
2. GSTR-9 and GSTR-9A is optional for F.Y 2018-19 for taxpayers having an aggregate turnover below INR.2 Cr.
3. Reconciliation Statement in Form GSTR-9C for F.Y 2018-19 is optional for filing for taxpayers having aggregate turnover upto INR.5 Cr.

Source: Notification No. 80/2020-Central Tax, dated 28th October, 2020.

CBIC exempts satellite launch services provided by ISRO, Antrix Co. Ltd and NSIL

CBIC amended N/No. 12/2017 of Central Tax (Rate) dated 28.06.2017 and exempts satellite launch services provided by ISRO, Antrix Co. Ltd and NSIL from GST as recommended by the GST council in its 42nd GST Council meeting held on 5th October 2020.

Source: Notification No. 05/2020-Central Tax(Rate), dated 16th October, 2020.

CBIC makes mentioning of HSN codes in Tax Invoice mandatory from 1st April 2021

CBIC notified mentioning of HSN codes in Tax Invoice as per the following:

Taxpayers having Aggregate Turnover of upto INR.5Cr: 4-digit HSN Code is mandatorily required to be mentioned in a Tax Invoice.

Taxpayers having Aggregate Turnover above INR.5Cr: 6-digit HSN Code is mandatorily required to be mentioned in a Tax Invoice.

Source: Notification No. 06/2020-Integrated Tax, dated 15th October, 2020.

ADVANCE RULING



Where the principal sends minor input to the job worker and all other inputs and goods utilized in the final products belong to the job worker then the said process cannot be considered as job work

Issue: Whether the activity of the applicant is supply of goods or supply of Job work services ?

Facts: 1. The applicant receive waste sand which is processed with heat treatment & various other sets of small procedures and is reclaimed and made re-usable.

2. The applicant received the waste sand having no market values and no commercial use.

3. Waste sand is stored at common pool storage location for production activity and it is not possible to segregate the sand as per the receipt from foundries.

4. The applicant applying the different process on the waste sand and new finished usable product which is a disnt commodity and has a commerical activity hence activity amounts to “Manufactures” and treated as a goods not services.

5. Invoices submitted by the applicant shows the rate of sand supplied is same as compared with market value of fresh sand.

Held: The main differentiating factor to be categorized as the sale or a job work would identify the dominance of the transaction, supply of service on the goods sent by the principal, or the goods that have been incorporated by the supplier. Hence, held that activity is not considered as Job work and treated as supply of goods.

Source: AR No. GST-ARA-55/2019-2020/B-47 dated 26th August, 2020

JUDGEMENTS



CESTAT ordered for the interest for a delayed refund on the expiry of period of three months from the date of receipt of application

Facts

Interest for delayed service tax refund from the date of application or date of order?

Decision of the Hon'ble CESTAT Bangalore

As far as appellant's claim for interest on delayed refund is concerned, the issue has been settled by various decisions. Hence by following the ratio of the above said decisions, mainly Ranbaxy Laboratories Ltd., wherein the Hon'ble Supreme Court has held that interest on delayed refund is payable under Section 11BB of Central Excise Act, 1944 on the expiry of period of three months from the date of receipt of application under Section 11B(1) ibid and not from the date of order of refund or Appellate Order allowing such refund, I hold that the appellant is

entitled for the interest as per the Apex Court decision in Ranbaxy Laboratories Ltd.

Source: *Judgement of Scribotech India Healthcare Pvt Ltd. Vs Commissioner of Central Tax (CESTAT Bangalore) dated 13th October 2020*

Madras High Court permits assessee to resubmit GST returns

Facts

Intra state supply in GSTR-1 reported as Inter state supply and credit reflected in IGST column of the customer in GSTR-2A.

Decision of the Hon'ble High Court

The Honorable High Court observed that in the absence of an enabling mechanism, the assessee should not be prejudiced from availing credit they are otherwise legitimately entitled.

The error committed by petitioner was an inadvertent human error and the petitioner should be in a position to rectify the mistake.

The petitioner would be permitted to re-submit the annexures to Form-GSTR-3B with the correct distribution of credit between IGST, CGST & SGST.

Source: *M/s Sun Dye Chem Vs Assistant Commissioner of (ST) Writ Petition No 29676 of 2019.*

HC allows to pay GST (Inclusive of Interest & Late Fees) in installments

Decision of the Hon'ble High Court of Kerala

The High court of Kerala permitted the petitioner to discharge the tax liability, inclusive of any interest and late fee thereon, in equal successive monthly installments.



Please note Section 80 of the CGST Act, 2017 allows payment of tax due (other than the due self-assessed in any return) in monthly installments not exceeding 24 months. GSTR -1 is not a return. In case of temporary financial distress in the erstwhile Central Excise Circular No. 996/3/2015-CX, dated 28-2-2015 provided for payment of the tax dues in installments.

Source: Malayalam Motors Pvt. Ltd. Vs Assistant State Tax Officer (Kerala High Court) dated 12th October 2020

High Court orders for no detention of goods in transit for alleged wrong classification

Decision of the Hon'ble High Court of Kerala

High Court held that the allegation of mis-classification of goods cannot warrant detention of the goods during transit. If the officer feels that there has been misclassification of the goods, then a report to be prepared and sent to the Assessing Officer, who can consider the said report and objections at the time of finalizing the assessment.

Source: Asharaf Ali K H VS Assistant State Tax Officer (Kerala High Court) dated 13th October 2020

CUSTOMS

CBIC introduced Scheme for Rebate of State Levies (RoSL)

- The CBIC vide **Circular No. 49/2020 – Customs dated November 3, 2020**, notified the scheme for Rebate of State Levies (RoSL) to mitigate the incidence of State VAT and other State taxes on export of garments and made-ups (falling under Chapters 61, 62 and 63 of AIR schedule of duty drawback). In this regard, Ministry of Textiles (MoT)'s various notifications mentioned in Board's Circulars no. 43/2016 -Customs dated 31.08.2016 and no. 8/2017-Customs dated 20.03.2017 may be seen.
- The erstwhile RoSL scheme was in operation till 06.03.2019 and has been replaced by the Rebate of State and Central Taxes and Levies (RoSCTL) scheme. In this regard, Board's Circular no. 10/2019-Customs dated 12.03.2019 may be referred. RoSL rebate was earlier being released in exporter's bank account based on budgetary allocation of MoT. Subsequently, as per Ministry of Textiles Notification dated 07.03.2019 as amended vide notification dated 09.06.2020, for the pending claims of RoSL which could not be then released due to budget limitations, it has been decided that the remaining RoSL rebate is to be granted by DGFT in the form of electronic duty credit scrips. This will be on the lines of scrips issued under RoSCTL scheme. These scrips can be utilised for payment of duties of Customs and Central Excise. The scrips issued under the RoSL scheme will be freely transferable.
- DGFT vide notification no. 37/2015-2020 dated 06.10.2020 has introduced para 4.01(d) in FTP 2015-2020 and vide Public Notice (P.N.)

no. 25/2015-20 dated 13.10.2020 introduced paras 4.97 and 4.98 in the Handbook of Procedures (HBP) 2015-2020 to give effect to MoT's above cited notification dated 07.03.2019. Copies of the above-cited notifications of MoT are available on egazette.nic.in. DGFT's PNs are available on their website dgft.gov.in. These may be perused for further details of the respective schemes.

- Government has notified the use of scrips for payment of specified duties of Customs under the RoSL scheme vide Notification no. **38/2020-Customs dated 21.10.2020**. Similarly, notification no. 07/2020 - Central Excise dated 21.10 .2020 has been issued which provides for use of scrips for payment of duties of Central Excise for clearance of goods specified in the Fourth Schedule to the Central Excise Act, 1944. These notifications may be seen for further details

Source: Circular No. 40/2020 - Customs dated 3rd November, 2020

GST REVENUE COLLECTION

The gross GST revenue collected in the month of October, 2020 is ₹ 1,05,155 crore of which CGST is ₹ 19,193 crore, SGST is ₹ 25,411 crore, IGST is ₹ 52,540 crore (including ₹ 23375 crore collected on import of goods) and Cess is ₹ 8,011 crore (including ₹932 crore collected on import of goods)

The government has settled ₹ 25,091 crore to CGST and ₹ 19,427 crore to SGST from IGST as regular settlement. The total revenue earned by Central Government and the State Governments after regular

settlement in the month of October, 2020 is ₹ 44,285 crore for CGST and ₹ 44,839 crore for the SGST.

The revenues for the month are 10% higher than the GST revenues in the same month last year. During the month, revenues from import of goods was 9% higher and the revenues from domestic transaction (including import of services) are 11% higher than the revenues from these sources during the same month last year. The growth in GST revenue as compared to that in months of July, August and September, 2020 of -14%, -8% and 5% respectively clearly shows the trajectory of recovery of the economy and, correspondingly, of the revenues.

Source: pib.gov.in

LET'S TALK

For a deeper discussion of how these issues might affect your business, please contact our Indirect Taxation Team.

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