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CBIC vide Notification No- 02/2023 of Central Tax dated March, 31 2023, has restricted late fees for filing of GSTR-4. In case GSTR-4 (return by composition dealer) is not filed within the due date, late fee restricted to Rs. 500 for the quarters July 2017 to March 2019 and for the financial year 2019-20 to 2022-23 but furnish the said return between the period from April 2023 to June 2023, provided the amount of tax payable is NIL.

Source: Notification No- 02/2023 of Central Tax

CBIC vide Notification No- 03/2023 of Central Tax dated March, 31 2023, has updated time limit for revocation of cancellation GST registration. In case the registration got cancelled before 31st December 2022 and the dealer had failed to apply for revocation within the time specified, the dealer may apply the special procedure for applying the revocation of cancellation of registration as under:

- a) The application for revocation must be filed before 30th June 2023.
- b) The application must be filed after filing of the returns due upto the effective date of cancellation along with the due tax, interest, late fees, and penalty as due.
- c) No further extension of time period will be available in such cases This will also cover cases where appeal under section 107 has been rejected on the ground of failure to adhere to time limits.

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Source: Notification No- 03/2023 of Central Tax

CBIC vide Notification No- 04/2023 and 05/2023 of Central Tax dated March, 31 2023, enabled Aadhar/Biometric Aadhar based authentication for GST registration.

- CBIC has prescribed procedure and timelines for Aadhaar Authentications and submission of application for registration.
- Sub-rule 4A of rule 8 of the CGST Rules, 2017 has been substituted to provide Aadhar based authentication as well as Bio-metric based authentication.
- If applicant opts for authentication of Aadhaar number then the date of submission of

the application shall be the date of authentication of the Aadhaar number, or fifteen days from the submission of the application whichever is earlier.

- If any person who has opted for authentication of Aadhaar number and is identified on the common portal, based on data analysis and risk parameters, then its application shall be followed by biometric-based Aadhaar authentication and taking photograph of the individual applicant or of such individuals in relation to the applicant where the applicant is not an individual – only for Government State.

**Source: Notification No- 04/2023 of Central Tax
Notification No- 05/2023 of Central Tax**



CBIC vide Notification No- 06/2023 of Central Tax dated March, 31 2023, has issued special procedures for Assessment of non-filers of GST returns.

The assessment of non-filers of returns shall be deemed to have been withdrawn, if the person whose assessment order was passed on or before 28th February 2023 and not filed return with 30 days from the pass of the assessment order. If the registered person follows the special procedures as under:

- a) Shall furnish the return on or before 30th June 2023.
- b) The return shall be filed with the due tax along with the interest and the late fees. The above is irrespective of the fact that any appeal has been filed or the appeal has been decided

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Source: Notification No- 06/2023 of Central Tax

CBIC vide Notification No- 07/2023 of Central Tax dated March, 31 2023, gives relaxation in late fee for GSTR-9 and Amnesty to GSTR-9 non-filers. In case GSTR-9 had not been filed for the financial year 2017-18 to 2021-22, the registered person may file the same from 1st April 2023 to 30th June 2023. The total late fee as calculated in Section 47 in respect of the said return shall waived in excess of INR. 20,000/-. (INR. 20,000 includes CGST+SGST)

Late fee for the financial year 2022-23 and onwards is as under:

Aggregate Turnover	Late Fees CGST & SGST
Up to INR. 5Cr	INR. 50 per day subject to 0.04 percent of the turnover
More than INR. 5 Cr to INR. 20 Cr	INR. 100 per day subject to 0.04 percent of the turnover
More than INR. 20 Cr	INR. 100 per day subject to 0.04 percent of the turnover



Source: Notification No-07/2023 of Central Tax



CBIC vide Notification No- 08/2023 of Central Tax dated March, 31 2023, gives relaxation in late fees for filing GSTR-10. In case GSTR-10 (Final return) had not been filed within the due date and the same is filed between 01st April, 2023 to 30th June, 2023, the late fee will be restricted to INR. 1,000/- (CGST+SGST)

Source: Notification No-08/2023 of Central Tax

CBIC vide Notification No- 09/2023 of Central Tax dated March, 31 2023, issues new timelines for issuing orders under Section 73 & Section 74 of CGST Act, 2017.

- Central Government has extended time limit for issuing order under Section 73 for FY 2017-2018 to FY 2019-2020.
- CBIC has issued notification to extend the time limit for issuing orders under Section 73(10). The time limit for the financial year 2017-18 is extended up to 31st December, 2023; for the financial year 2018-19, the time limit is extended up to the 31st March, 2024 and for the financial year 2019-20, the time limit is extended up to 30th June, 2024.
- Thus, for issuance of order under section 73(9) for recovery of tax not paid or short paid or of input tax credit wrongly availed or utilized, time limit specified under section 73 (10) have been extended as follows:

Financial Year	Last date for issue of Order
2017-18	December, 31 2023
2018-19	March, 31 2024
2019-20	June, 30 2024

Source: Notification No-09/2023 of Central Tax





CBIC vide Notification No- 01/2023 of Compensation Cess dated March, 31 2023, briefs Specific-tax linked Compensation Cess on tobacco products as under:

- The Compensation Cess rate on pan masala, tobacco, and tobacco products have been converted from current ad-valorem to specific-tax linked to the Retail Sale Price (RSP).
- The changes have been carried out through amendment in the Schedule to the Goods and Service Tax (Compensation to States) Act, 2017. (Section 163 of the Finance Act, 2023 refers).
- The Schedule has been amended to revise the maximum rate at which GST Compensation Cess shall be collected for items such as pan masala, tobacco and manufactured tobacco substitutes, including tobacco products and to link the same with retail sale price.
- This amendment is effective from 1st April, 2023

Source: Notification No-01/2023 of Compensation Cess

CBIC vide Notification No- 02/2023 of Compensation Cess Rate dated March, 31 2023, notifies effective date for Compensation Cess on tobacco products.

- Amendments made in sub-section (2) of section 8 of the GST (Compensation to States) Act, 2017 have been notified for the effective rates on pan masala, tobacco & tobacco products as per the recommendations made by GST Council w.e.f 1st April, 2023.
- The CBIC has brought in amendments by the Finance Act, 2023 to cap the maximum rate of GST compensation cess on pan masala, cigarettes and other forms of tobacco and linked the highest rate to their retail sale price. The maximum GST compensation cess rate for pan masala will be 51 per cent of the retail sale price per unit compared with 135 per cent ad valorem at present. The cess rate for tobacco has been fixed at Rs 4,170 per thousand stick plus 290 per cent ad valorem or 100 per cent of the retail sale price per unit. So far, the highest rate was Rs 4,170 per thousand stick plus 290 per cent ad valorem. The cess is levied over and above the highest GST rate of 28 per cent.
- The amendment in Notification No. 1/2017-CT dated 28.06.2017 which specifies the rate of Compensation Cess on goods stands amended w.e.f. 01.04.2023.

Source: Notification No-02/2023 of Compensation Cess Rate

Hon'ble Allahabad High Court says that Show cause notice issued by authorities for rejection of application of revocation of cancellation of registration was reckless and vague

Facts

The petitioner's registration was cancelled because during a survey, the petitioner's business was not found at the registered business place. The petitioner filed an application for revocation of the cancellation, but it was rejected on the same grounds. The petitioner responded to the show cause notice stating that the business was being carried out as evidenced by the petitioner's filed income tax return, and therefore, there was no basis for the cancellation of registration.

Rulings

The notice issued by the authorities to reject the application for revocation of registration was careless and ambiguous. The order passed by the revenue officer rejecting the revocation application was a careless use of power, which resulted in the denial of the rights of freedom and business guaranteed under Article 19 of the Indian Constitution. Thus, the said order should be nullified, and the respondent must be instructed to pass a new order after hearing the petitioner and taking into consideration the ITR returns filed by them.

Source: Judgement dated March,16 2023 in case of Viraj Polymers (P.) Ltd. Vs State of U.P. Writ Tax No. 300 OF 2022.

Hon'ble Calcutta High Court says it is fault when there is transportation of goods without having valid e-way bill.

Facts

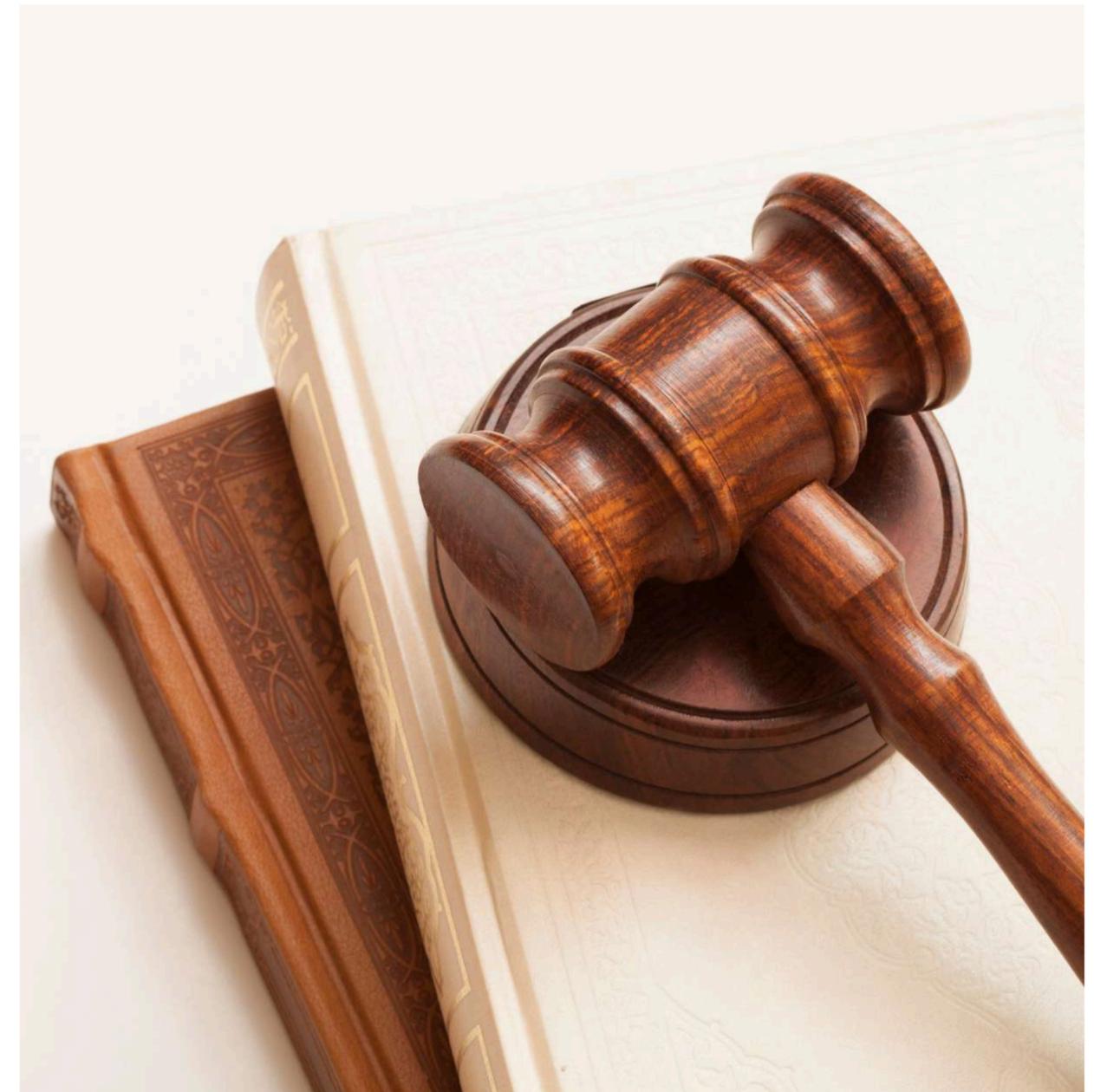
The petitioner argued that the penalty was imposed for transporting goods with an expired e-way bill, but the delay was caused by deliberate waiting of the vehicle at the check post and failure to issue a gate pass on time.

Rulings

The delay in issuing the gate pass resulted in the delay in transportation, and there is a provision for extending the validity period after uploading the details on the portal.

However, the detention of goods without valid documents is permissible by law, and there is no room to dilute this provision to provide relief to an errant transporter. The authority is not required to consider the reasons for the movement of a vehicle without a valid e-way bill. Although the petitioner may or may not be directly responsible for the delay in issuing the gate pass, they are at fault for transporting the goods without an e-way bill. Therefore, the writ petition was dismissed.

Source: Judgement dated March,03 2023 in case of Abinash Kumar Singh. WPA 3374 of 2022



Hon'ble Delhi High Court orders to refund the ITC on goods exported including cess

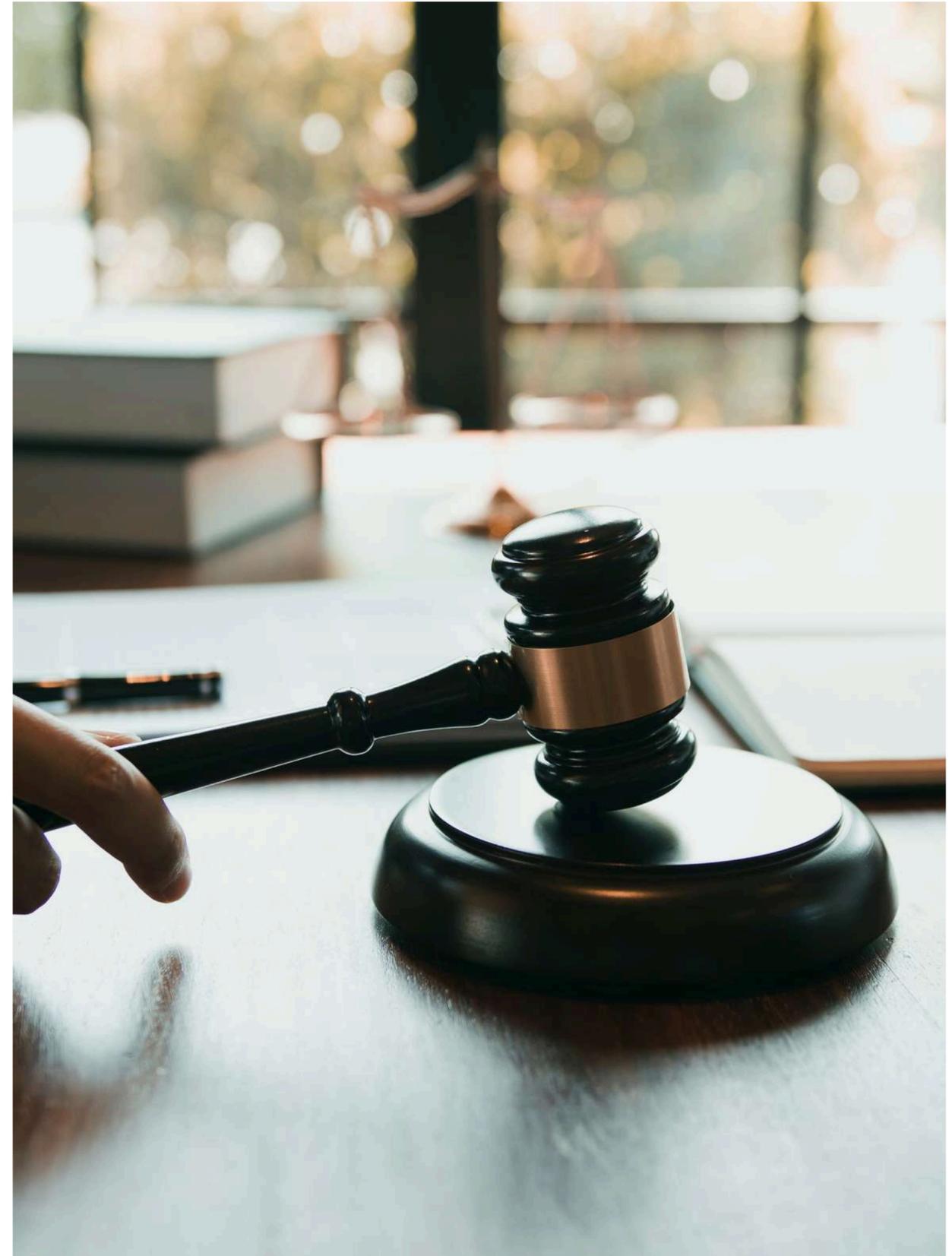
Facts

The petitioner submitted two refund applications, one dated 11.09.2020 in Form GST-RFD-01 for claiming unutilized Input Tax Credit and the other dated 12.09.2020 in Form GST-RFD-01 for claiming refund of goods exported by the petitioner. Respondent no.2 issued an acknowledgement in Form GST-RFD-02 dated 27.09.2020 for the petitioner's refund application dated 12.09.2020. However, for the first application dated 11.09.2020, respondent no.2 issued a deficiency memo dated 21.09.2020 stating that supporting documents were not uploaded on the GST portal. As a result, the petitioner filed another application on 23.09.2020 with all necessary documents, which was acknowledged by the respondent on 01.10.2020. The petitioner's refund applications were not handled because it was claimed that the supplier from whom the petitioner had bought the goods had received counterfeit invoices from their suppliers.

Rulings

The petitioner's argument that they are not obligated to scrutinize their suppliers' affairs holds weight. The accusations of M/s Shruti Exports allegedly availing fake credit cannot be a basis for dismissing the petitioner's refund applications unless it is verified that the petitioner did not receive or pay for the goods. In the current situation, there is insufficient evidence to support such claims. Based on the above, the petitioner has the right to receive a refund for the Input Tax Credit (ITC) on exported goods. Therefore, the current petitions are accepted, and the respondents are instructed to immediately process the petitioner's applications for refund of the ITC, including Cess.

Source: Judgement dated March,10 2023 in case of M/S Balaji Exim Vs Commissioner, CGST and Ors.



Hon'ble Madras High Court directs respondent to accept personal bond in lieu of bank guarantee for stay of assessment order

Facts

The petitioner is directed to pay a sum of Rs.9,62,782/- and Rs.3,55,504/- of the balance amount of taxes due before the learned assessing authority on or before 03.03.2023 and 28.02.2023. With regard to balance tax of Rs.19,25,782/- and Rs.7,12,505/-, the petitioner is directed to file valid security in the form of Bank Guarantee from any of the Nationalized Banks executed in favour of the Assessing Authority concerned on or before 31.07.2023 and 28.07.2023. Thus, there will be a stay with regard to the collection of balance tax amount of Rs.19,25,782/- and Rs.7,12,505/- valid for 6 months i.e. 31.07.2023 and 28.07.2023 or till the disposal of the appeals whichever is earlier. The Bank Guarantee/Security Bond is immovable property shall be kept alive/encumbered till the disposal of the appeals.

Rulings

Court held that e writ petitions are disposed of by directing the first respondent to accept the Personal Bond of the petitioner for the sum of Rs.19,25,782/- in respect of the assessment year 2016-17 and Rs.7,12,505/- in respect of the assessment year 2017-18 in lieu of the Bank Guarantee amounts, mentioned in the impugned orders dated 02.02.2023 and 30.01.2023 and the petitioner is directed to execute a Personal Bond as directed supra, within a period of one week from the date of receipt of a copy of this order. On receipt of the Personal Bond from the petitioner as stated supra, in lieu of the Bank Guarantee, the first respondent is directed to pass final orders on the petitioner's Statutory Appeals within a period of four weeks thereafter. Consequently, connected W.M.Ps. stand closed.

Judgement dated March,01 2023 in case of M/S Royal Welding Wires Private Limited VS Deputy Commissioner CT. W.P.Nos.5936 and 5939 of 2023 and W.M.P. Nos.5940 and 5942 of 2023.

Hon'ble Madras High Court says that Personal hearing shall be granted in all matters prior to finalisation of assessment.

Facts

The order was passed without giving the petitioner a chance to be heard personally, and without granting the concessional rate of tax for construction services provided to the main

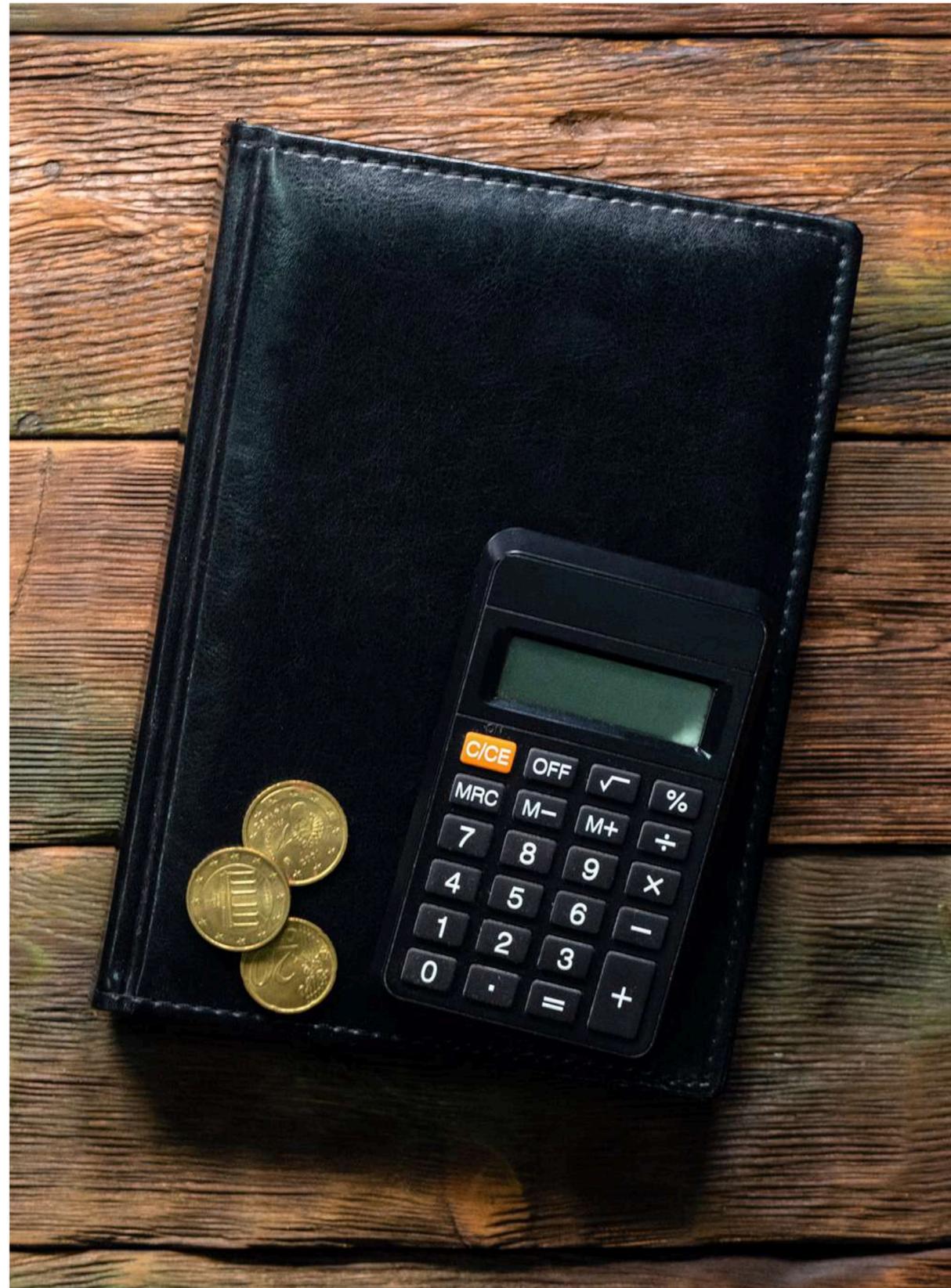
contractor who in turn provides such services to the Government.

Rulings

The petitioner had submitted a reply to the notice, although he had not provided any supporting documents. The petitioner had also requested an opportunity for a personal hearing, which was not granted before the impugned order was passed. Section 75(4) of the CGST Act requires that an opportunity for a personal hearing be granted if an adverse order is proposed to be passed. Therefore, the impugned order violated Section 75(4) and the principles of natural justice, and must be set aside.

Source: Judgement dated March,06 2023 in case of SKS Builders and Promoters VS Assistant Commissioner (ST). W.P.Nos.6801 and 6805 of 2023 and WMP Nos.6894 and 6899 of 2023.





CBIC issued Circular No- 09/2023-Customs dated March, 30 2023 to implement Electronic Cash Ledger (ECL) in Customs.

- The Electronic Cash Ledger (ECL) functionality is envisaged in Section 51A of the Customs Act, 1962. It provides enabling provision where by the importer, exporter or any person liable to pay duty, fees etc., under the Customs Act, has to make a non-interest-bearing deposit with the Government for the purpose of payment. The Customs (Electronic Cash Ledger) Regulations, 2022 (ECLR) notified vide No. 20/2022-Customs (N.T) dt.30.03.2022 govern the manner of operationalization of ECL and related aspects. The statutory provision came into force on 01.06.2022.
- Pending development of IT infrastructure and necessary integration with authorized banks, RBI and Pr.CCA(CBIC), all the deposits classes were exempted till 31.03.2023, vide notification no. 47/2022-Customs (NT) dt. 31.05.2022, as amended, from provisions of section 51A. Considering the present state of development and integration, and on basis confirmation from RBI, Pr.CCA and DG Systems, Board has decided to enable ECL in phases from 01.04.2023.
- In the first phase from 01.04.2023 till 30.04.2023, the exemption to deposit from the provisions of section 51A shall be restricted to the following vide Notification No.18/2023-Customs (NT) dated 30.03.2023, namely:
 1. Deposits with respect to Goods imported or exported in Customs stations where Customs Automated System is not in place.
 2. Deposits with respect to Accompanied baggage.
 3. Deposits with respect to Goods imported or exported at International Courier Terminals.
 4. Deposits, other than those used for making electronic payment of:
 - Any duty of customs, including cess and surcharges levied as duties of customs.
 - Integrated tax
 - Goods and Service Tax Compensation Cess.

Source: Circular No- 09/2023-Customs



GST Revenue

The gross GST revenue collected in the month of March 2022 is ₹ 1,42,095 crore of which CGST is ₹ 25,830 crore, SGST is ₹ 32,378 crore, IGST is ₹ 74,470 crore (including ₹ 39,131 crore collected on import of goods) and cess is ₹ 9,417 crore (including ₹ 981 crore collected on import of goods). The gross GST collection in March'2022 is all time high breaching earlier record of ₹ 1,40,986 crore collected in the Month of January 2022.

Source: pib.gov.in

GST



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