

GST Updates- **November, 2019**

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Central Tax Notifications

Sl No	Subject	Central Notifications No with date	State Notifications No with date
1	<p>Due date for furnishing of quarterly FORM GSTR-1 for Q.E. September, 2019 by registered persons having aggregate turnover of up to Rs. 1.5 crore & whose principal place of business is in the State of Jammu & Kashmir has been extended till 30.11.2019</p> <p><i>Date of Effect: 31.10.2019</i></p>	<p><u>52/2019-CT,</u> <u>dt. 14-11-2019</u></p>	<p>N.A.</p>
2	<p>Due date for furnishing of FORM GSTR-1 for each of the months from July, 2019 to September, 2019 by registered persons having aggregate turnover of more than Rs.1.5 crore & whose principal place of business is in the State of Jammu & Kashmir has been extended till 15.11.2019.</p> <p><i>Date of Effect: 11.08.2019</i></p>	<p><u>53/2019-CT,</u> <u>dt. 14-11-2019</u></p>	<p>N.A.</p>

Central Tax Notifications (contd.)

Sl No	Subject	Central Notifications No with date	State Notifications No with date
3	<p>Due date for furnishing of FORM GSTR-3B for the months of July to September, 2019 by registered persons whose principal place of business is in the State of Jammu & Kashmir has been extended till 20.11.2019.</p> <p><i>Date of Effect: 20.09.2019</i></p>	<p><u>54/2019-CT,</u> <u>dt. 14-11-2019</u></p>	<p>N.A.</p>
4	<p>Due date for furnishing of FORM GSTR-7 for the months of July to September, 2019 by registered persons whose principal place of business is in the State of Jammu & Kashmir has been extended till 15.11.2019</p> <p><i>Date of Effect: 20.09.2019</i></p>	<p><u>55/2019-CT,</u> <u>dt. 14-11-2019</u></p>	<p>N.A.</p>

Central Tax Notifications (contd.)

Sl No	Subject	Central Notifications No with date	State Notifications No with date
5	<p>CGST (Seventh Amendment) Rules, 2019 in respect of modification of Annexure 1 of FORM GST RFD-01 as well as simplification of the Annual Return (FORM GSTR-9)/ Reconciliation Statement (FORM GSTR-9C)</p> <p><i>Date of Effect: 14.11.2019</i></p>	<p><u>56/2019-CT,</u> <u>dt. 14-11-2019</u></p>	<p><u>1878-F.T.</u> <u>dt 22.11.2019</u></p>
6	<p>Due date for furnishing of FORM GSTR-1 for each of the months from July, 2019 to September, 2019 by registered persons having aggregate turnover of more than Rs. 1.5 crore & whose principal place of business is in the State of Jammu & Kashmir has been extended till 30.11.2019.</p> <p><i>Date of Effect: 15.11.2019</i></p>	<p><u>57/2019-CT,</u> <u>dt. 26-11-2019</u></p>	<p>N.A.</p>
7	<p>Due date for furnishing of FORM GSTR-1 for the month of October, 2019 by registered persons having aggregate turnover of more than Rs. 1.5 crore & whose principal place of business is in the State of Jammu & Kashmir has been extended till 30.11.2019.</p> <p><i>Date of Effect: 11.11.2019</i></p>	<p><u>58/2019-CT,</u> <u>dt. 26-11-2019</u></p>	<p>N.A.</p>

Central Tax Notifications (contd.)

Sl No	Subject	Central Notifications No with date	State Notifications No with date
8	<p>Due date for furnishing of FORM GSTR-7 for the months of July to October, 2019 by registered persons whose principal place of business is in the State of Jammu & Kashmir has been extended till 30.11.2019</p> <p><i>Date of Effect: 10.11.2019</i></p>	<p><u>59/2019-CT,</u> <u>dt. 26-11-2019</u></p>	<p>N.A.</p>
9	<p>Due date for furnishing of FORM GSTR-3B for the months of July to September 2019, by registered persons whose principal place of business is in the State of Jammu & Kashmir has been extended till 30.11.2019.</p> <p><i>Date of Effect: 20.11.2019</i></p>	<p><u>60/2019-CT,</u> <u>dt. 26-11-2019</u></p>	<p>N.A.</p>
10	<p>Due date for furnishing of FORM GSTR-3B for the month of October, 2019 by registered persons whose principal place of business is in the State of Jammu & Kashmir has been extended till 30.11.2019.</p> <p><i>Date of Effect: 20.11.2019</i></p>	<p><u>61/2019-CT,</u> <u>dt. 26-11-2019</u></p>	<p>N.A.</p>

Central Tax (Rate) Notifications

SI No	Subject	Central Notifications No with date	State Notifications No with date	IGST Notifications No with date
1	<p>The prescribed GST rate of 18% for services by way of job work in relation to bus body building shall include building of body on chasis of any vehicle</p> <p><i>[New explanation inserted in respect of SI No 26, col 3, item (ic) which was inserted in Notification No. <u>20/2019-CT(R) dt. 30.09.2019</u> by amending Notification No <u>11/2017-CT (R) dt 28.06.2017</u>]</i></p>	<p><u>26/2019-CT (R)</u> <u>dt 22.11.2019</u></p>	<p><u>1972-F.T.</u> <u>dt 12.12.2019</u></p>	<p><u>25/2019-CT (R)</u> <u>dt 22.11.2019</u></p>



SI No	Subject	Central Circular No & date	State Circular No & date
1	Mandatory generation & quoting of Document Identification Number (DIN) on any communication issued by the officers of the Central Board of Indirect Taxes and Customs (CBIC) to tax payers and other concerned persons w.e.f. 08.11.2019	<u>122/2019</u> <u>dt 05.11.2019</u>	N.A.

Circulars on Central Tax (contd.)

SI No	Subject	Central Circular No & date	State Circular No & date
2	Availment of ITC in terms of Rule 36(4) of CGST/WBGST Rules, 2017 :	<u>123/2019</u> <u>dt 11.11.2019</u>	<u>43/2019</u> <u>dt 18.11.2019</u>

SYNOPSIS :-

- ◆ The rule restricts the taxpayer to avail of input tax credit to the extent of 20% of the eligible credit available in Form GSTR-2A in respect of invoices or debit notes, the details of which have not been uploaded [*Eligible credit means credit which is not restricted by any other provisions e.g. s.17(5)*]
- ◆ Availment of restricted credit shall be done on self-assessment basis by the tax payers
- ◆ The restriction is applicable on invoices /or debit notes on which credit is availed after 9th October, 2019
- ◆ For IGST paid on imports, documents issued under RCM, credit received from ISD, ITC may be obtained without any restrictions
- ◆ Restriction is imposed on total eligible credit from all suppliers against all supplies and need not be calculated supplier wise
- ◆ Eligible input tax credit for calculation of the 20% amount shall be the eligible input tax credit as on the due date of filing of GSTR-1 by the supplier

Circulars on Central Tax (contd.)

Sl No	Subject	Central Circular No & date	State Circular No & date
3	<p>Clarification regarding the optional filing of annual return:</p> <ul style="list-style-type: none"> ◆ Submission of Annual Return in Form 9/9A in respect of the financial years 2017-18 & 2018- 19 made optional for registered persons whose aggregate turnover in a financial year does not exceed Rs. 2 crores and who have not furnished the annual return before the due date. ◆ The said return shall be deemed to be furnished on the due date if it has not been furnished before the due date ◆ The common portal shall not permit furnishing of FORM GSTR-9/9A for the said period after the due date. ◆ Any short payment of tax or ineligible availment of ITC may be paid through FORM GST DRC-03. 	<p><u>124/2019</u> <u>dt 18.11.2019</u></p>	<p><u>44/2019</u> <u>dt 21.11.2019</u></p>

Circulars on Central Tax (contd.)

Sl No	Subject	Central Circular No & date	State Circular No & date
4	Clarification regarding fully electronic refund process through FORM GST RFD-01 & single disbursement w.e.f. 26.09.2019 (Master Circular on Refund)	<u>125/2019</u> dt 18.11.2019	<u>45/2019</u> dt 21.11.2019
5	<p>Clarification on scope of the notification entry at item (id), related to job work under heading 9988 of Notification No. 11/2017 –CT(R)</p> <p><i>✓ The residual entry in 26(id) “Services by way of job work other than (i), (ia), (ib) and (ic)” relates to services by way of treatment or processing undertaken by a person on goods belonging to another registered person and is taxable @12%.</i></p> <p><i>✓ The residual entry in 26(iv) covers only such services which are carried out on physical inputs (goods) which are owned by persons other than registered person and is taxable @18%</i></p>	<u>126/2019</u> dt 22.11.2019	<u>47/2019</u> dt 10.12.2019

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SI No	Subject	Central Order No & date	State Order No & date
1	<ul style="list-style-type: none">⊕ The due date for furnishing of details in Annual Return for the financial year 2017-18 is extended till 31.12.2019⊕ The due date for the annual return for financial year 2018-19 is extended till 31.03.2020	<u>8/2019-CT</u> <u>dt 14.11.2019</u>	<u>1879-F.T.</u> <u>dt. 22.11.2019</u>

Court Judgement

◆ **HIGH COURT OF MADRAS: Case of VN Mehta And Company Vs Assistant Commissioner reported in 2019-TIOL-2594-HC-MAD-GST**

◆ The Writ challenges the proceedings which had been initiated straightaway, without framing assessment or initiating proceedings to determine the tax, cess, interest or penalty as claimed.

◆ Recovery Proceedings u/s 79 cannot be initiated directly without determination of tax liability. Hence the proceedings initiated u/s 79 is unsustainable. Moreover, provisional attachment u/s 83 can be resorted to only if proceedings are pending u/s 62, 63, 64, 67, 73 & 74. No proceedings are pending under any such provisions. Hence Section 83 is of no avail to the Revenue. Thus the proceedings are not maintainable and merit being set aside.

Court Judgement

◆ **HIGH COURT OF KERALA: Case of Alfa Group Vs Assistant State Tax Officer reported in 2019-TIOL-2701-HC-KERALA-GST**

◆ The Writ was filed, seeking directions to release goods which were detained for quoting low value as well as incorrect HSN code. Further the petitioner claimed that the reasons given in the detention order did not justify detention of goods u/s 129 or u/s 130

◆ None of the reasons stated in the order justify the detention of the goods. No provision under the GST Act mandates that the goods should not be sold at prices below the MRP declared. Nothing exists in the detention order to show that on account of the alleged wrong classification of the goods, there was any difference in the tax rate adopted by the assessee. Hence the detention order merits being quashed and the Revenue authorities concerned are directed to release the goods belonging to the petitioner.

◆ **HIGH COURT OF DELHI: Case of Bharatiya Vitta Salahkar Samiti Vs Uol reported in 2019-TIOL-2639-HC-Del-GST**

◆ **The Petitioner challenges sec.109 of the CGST Act as being ultra vires; seeks a direction to the respondents to not take steps for appointment and/or constitution of GST Appellate Tribunal**

◆ **Delhi HC directs Govt to re-examine Sec. 109 of CGST Act in the light of decision of Hon'ble Apex Court in Rojer Mathew v. South Indian Bank Ltd. & Ors and to consider formulation of appropriate amendments in the CGST Act so that the provisions of the said Act (Sec 109) do not continue to fall foul of the said decision. [The Supreme Court in Rojer Mathew v. South Indian Bank Ltd. & Ors., (2019- TIOL-495-SC-MISC-CB) considered the Constitutionality of Part XIV of the Finance Act, 2017 and of the rules framed in consonance therewith. The Hon'ble Court, inter alia, considered the issue regarding the need to rationalize the administration of Tribunals, especially conditions of service, mode of appointment, security of tenure and requisite qualifications of Member and Presiding Officers of various Tribunals. The issue with regard to the growing menace of pendency before the Supreme Court arising from direct statutory appeals from orders of such Tribunals was also considered.]**

Rulings by WBAAR

Order No & date: 31/WBAAR/2019-20 dated 11/11/2019

Applicant: Dipeet Agarwal, [trade name M/s Soorya Narayan Agency]

Issue: Whether the Applicant is liable to pay GST on supplies of consumer goods like biscuits, soaps etc. earmarked 'FOR PDS SUPPLY ONLY' to fair price shops/PDS distributors?

Rulings: The Supply of goods through PDS is not exempt under Notification No. 2/2017 – CT (Rate) dt 28/06/2017, as amended from time to time (State Notification No. 1126 – FT dt 28/06/2017) or any other notification. Activities or transactions of the Applicant are not included in Schedule III either. The Applicant is, therefore, liable to pay GST at the applicable rate on his supplies of goods through PDS.

Rulings by WBAAR (contd.)

Order No & date: 32/WBAAR/2019-20 dated 11/11/2019 *(Amending advance ruling order no 30/WBAAR/2019-20 dt 21/10/2019)*

Applicant: Shewratan Company Pvt Ltd

Issue:

Whether there is any liability to pay tax on supplies of paint, rope, spare parts, electronic equipment etc to foreign going vessels? Whether such supplies are zero-rated supplies?

Rulings:

The Applicant's supply of stores to foreign going vessels, as defined under section 2(21) of the Customs Act, 1962 Act, is not export or zero-rated supply, unless it is marked specifically for a location outside India.

The Applicant is, therefore, liable to pay tax on such supplies under the GST Act or the IGST Act, as the case may be.

However, the Applicant's supplies to the foreign going vessels shall be treated neither as a supply of goods nor services in terms of paragraph 8(a) of Schedule III u/s7(2)(a) of the GST Act if such stores are warehoused goods supplied to the recipient before clearance for home consumption.

Rulings by WBAAR (contd.)

Order No & date: 33/WBAAR/2019-20 dated 11/11/2019

Applicant: Sadguru Seva Paridhan Pvt Ltd

Issue:

Whether fusible interlining cloth is classifiable in Chapters 50 to 55 of the First Schedule of the Customs Tariff Act, 1975 (hereinafter the Tariff Act) or under Heading 5903 of the Tariff Act?

Rulings:

Fusible interlining cloth, is classifiable under Heading 5903 in Chapter 59 of the First Schedule of the Customs Tariff Act, 1975.

Rulings by WBAAR (contd.)

Order No & date: 34/WBAAR/2019-20 dated 29/11/2019

Applicant: Barbeque Nation Hospitality Ltd

Issue:

The Applicant (Licensee) has taken premises on lease for the purpose of business. As per the agreement the Licensee is required to pay the rent, security charges, & maintenance charges & the applicable GST. The Licensor raises separate invoices in relation to rent, maintenance charges, utility charges and electricity charges.

In terms of the agreement, the Applicant is required to reimburse the electricity charges for the electricity consumed at actual. However, in addition to the electricity charges, the Licensor charges GST thereon, claiming that the Licensor is supplying electricity to the Applicant.

Whether the applicant is liable to pay GST on electricity charges and whether the Licensor can collect GST from the Applicant on electricity charges?

Rulings: The Applicant's question is related to the components of the amount that the Licensor, as supplier of the service of leasing of immovable property, is charging on it. They are not related to the supplies the applicant makes or intends to make. The Authority cannot, therefore, provide a decision to the Applicant in the form of an advance ruling. The Application is, therefore, rejected in terms of section 98(2) of the GST Act

Rulings by WBAAR (contd.)

Order No & date: 35/WBAAR/2019-20 dated 29/11/2019

Applicant: Ex-servicemen Resettlement Society

Issue:

The Applicant, stated to be a registered society providing security services and scavenging services to various hospitals under the State Government, seeks a ruling on whether it is liable to pay GST on the portion of the payment received on account of the bonus paid or payable to the persons it deploys as security personnel.

Rulings:

The Applicant is liable to pay GST on the portion of the payment received on account of the bonus paid or payable to the persons it deploys as security personnel.



Thank You

THE END

Image courtesy:

<https://www.google.co.in/imghp?hl=en&tab=ri&ogbl>

Disclaimer:

This presentation is clarificatory in nature. It is not to be construed as a legal explanation or interpretation of the Acts and the Rules.