

GST Updates

**November
2022**

******Please refer original Notifications & Circulars for details. Set default system browser as Google Chrome Browser******

GST Policy Planning Unit, Govt of West Bengal¹

Highlights



Updates

November, 2022

Central

State

Integrated

Tax Notifications

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Circulars

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Tax Notification

Sl No	Subject	Central Tax Notification	State Tax Notification
1	<p>CGST (Third Amendment) Rules, 2022:</p> <p>❖ <i>Limitation period for rectification of errors & omissions in Form GSTR-1 and in Form GSTR-3B & that of availing of ITC has been extended till 30th day of November of the subsequent financial year, or the date of furnishing of the relevant annual return, whichever is earlier w.e.f. 01.10.2022 in terms of The Finance Act, 2022.</i></p> <p>▪ Accordingly, consequential amendments are made in the Instructions of Form GSTR-9.</p> <p><i>Date of effect: 15.11.2022</i></p>	<p><u>22/2022-CT</u> <u>dt. 15-11-2022</u></p>	<p>.....</p>

Tax Notification (contd...)

Sl No	Subject	Central Tax Notification	State Tax Notification
2	The Competition Commission of India has been empowered to deal with Anti-Profiteering Cases w.e.f. 01-12-2022 on expiry of tenure of the National Anti Profiteering Authority on 30-11-2022.	<u>23/2022-CT dt. 23-11-2022</u>
3	<p>CGST (Fourth Amendment) Rules, 2022:</p> <ul style="list-style-type: none"> ▪ Consequential amendments have been carried out in the Anti-Profiteering Rules pursuant to notification of CCI as the authority to deal with anti profiteering cases vide notification No <u>23/2022-CT dt. 23-11-2022</u> as follows : <p>(i)Rule 127 & Explanation to the chapter XV have been amended (ii)Rules 122, 124, 125, 134 & 137 have been omitted</p> <p><i>Date of effect: 01.12.2022</i></p>	<u>24/2022-CT dt. 23-11-2022</u>

Circulars

SI	Subject	Central Circular	State Circular
1	Clarification on refund related issues	<u>181/13/2022-GST</u> <u>dt. 10-11-2022</u>	<u>13/2022</u> <u>dt. 14-11-2022</u>

Salient features:

- ❖ Date of applicability of modified formula for calculation of refund of unutilised input tax credit on account of inverted duty structure vide Notification No. 14/2022-CT dt 05.07.2022:
 - ✓ The modified formula would be **applicable** on refund applications **filed on or after 05.07.2022**.
 - ✓ The refund **applications filed before 05.07.2022** will be dealt with as per **the formula as it existed prior to** the amendment .
- ❖ Date of applicability for restriction placed on refund of unutilised ITC on account of inverted duty structure in case of certain goods falling under chapter 15 & 27 vide Notification No. 09/2022-CT (R) dt 13.07.2022, [made effective from 18.07.2022]:
 - ✓ This restriction **would be applicable** in respect of all refund **applications filed on or after 18.07.2022 & would not apply to** the refund applications **filed before 18.07.2022**.

Circulars (contd..)

Sl	Subject	Central Circular	State Circular
1	<p>Guidelines for verifying the Tran Credit in light of the order of the Hon'ble Supreme Court in the Union of India vs. Filco Trade Centre Pvt. Ltd.</p> <p><i>whereby the Apex Court directed the GSTN to open the common portal during the period from 01.10.2022 to 30-11-2022 for an aggrieved registered assessee to file TRAN-1/TRAN-2 or to revise the TRAN-1/TRAN-2 filed earlier.</i></p>	<p><u>182/14/2022-GST</u> <u>dt. 10-11-2022</u></p>	<p><u>14/2022</u> <u>dt. 14-11-2022</u></p>

Clarification

❖ Salient guidelines for verification of the Transitional Credit:

- ✓ The verification of TRAN-1/2 filed or revised by a taxpayer and issuance of order thereof **shall be carried out by the jurisdictional officer** of the respective Central/ State tax authority to whom the taxpayer is assigned.
- ✓ **Verification process shall have to be started immediately** on availability of TRAN-1/2 filed or revised in the back office or on receipt of self-certified downloaded copy of the same from the applicant, whichever is earlier.
- ✓ **In case, there is no change from the earlier filed TRAN-1/2**, then the revised claim of transitional credit is liable for rejection through a reasoned order after providing due reasonable opportunity to the applicant.

Circulars (contd...)

Salient guidelines for verifying the Transitional Credit (contd...)

Clarification

❖ Salient guidelines for verification of the Transitional Credit:

- ✓ The jurisdictional Central tax officer shall **refer the component of claim of State tax to his counterpart State tax officer** for verification and **vice versa**.
- ✓ The jurisdictional **State tax officer shall verify the SGST component** of the claim in respect of the **files under the Centre** and shall **send a report** to the counterpart Central Tax Authority within due time and **vice versa**.
- ✓ The jurisdictional officer shall share the list of GSTINs/ARNs with the counterpart officer, for which verification report is needed, on a weekly basis, along with an intimation of the same to the Nodal Officer of Central tax as well as State Tax through his official email ID or physically.
- ✓ The jurisdictional Central tax officer **shall, in parallel, continue with the verification of the remaining portion of the transitional credit at his end and vice versa**.
- ✓ The verification of the transitional credit pertaining to Central tax shall be carried out as per the guidelines detailed in Annexure- I to Circular No. 182/14/2022- GST ; for claims pertaining to State tax guidelines, if any, issued by the relevant State may be referred to.

Circulars (contd...)

Salient guidelines for verifying the Transitional Credit (contd...)

Clarification

❖ Salient guidelines for verification of the Transitional Credit:

- ✓ Where any **adjudication/ appellate proceedings** have been initiated against the applicant in respect of TRAN-1/2 filed earlier, the officer should take a note of the relevant facts in the notice/ order, & the grounds/reasons for inadmissibility of transitional credit, if any, in the said notice/ order.
- ✓ The counterpart officer will prepare & **send a duly signed verification report**, in Annexure-II as annexed with the Circular, to the jurisdictional tax officer **generally not later than 10 days from the date of receipt of the request**, specifying the amount of transitional credit which may be allowed to be credited to the electronic credit ledger (ECL) & the amount which is liable for rejection with detailed reasons/ grounds.
- ✓ The jurisdictional tax officer & the counterpart tax officer, **may call for relevant records** for verification of the claim of transitional credit.
- ✓ A **notice seeking explanation** from the applicant shall be issued by the jurisdictional tax officer preferably within 7 days of receipt of verification report from the counterpart officer, if he finds that the **credit claimed by the applicant is partly or wholly inadmissible**. An opportunity of **personal hearing** by the jurisdictional tax officer shall also have to be provided to the applicant. The jurisdictional tax officer may seek comments from the counterpart officer on the submission made by the applicant.

Circulars (contd...)

Salient guidelines for verifying the Transitional Credit (contd...)

Clarification

❖ Modalities of co-ordination between Central tax authorities & State tax authorities

- ✓ The jurisdictional tax officer **shall pass a reasoned order** on the basis of the facts, verification report, submission of the applicant and comments, if any, of the counterpart officer **preferably within 15 days from the date of personal hearing**, specifying the amount of transitional credit allowed to be transferred to the ECL and **upload a pdf copy of the same in the common portal for crediting the amount as allowed into the ECL of the applicant.**
- ✓ Such order shall be passed within a period of 90 days from 01.12.2022 i.e. up to 28.02.2023.
- ✓ Where the amount credited to the ECL pursuant to the originally filed TRAN-1/2 exceeds the amount of credit admissible in terms of the revised TRAN-1/2 filed by the applicant, such **excess credit is liable to be demanded & recovered** from the applicant, along with interest & penalty.
- ✓ Nodal officer(s) shall be appointed in the respective formations for proper co-ordination between central & state authorities for verification of transitional credit claims. The details of the said nodal officers, along with their phone numbers & email IDs, shall be made available to the counterpart tax authority.
- ✓ The nodal officers shall ensure that the verification reports/comments sought by the jurisdictional tax officers are being sent in a timely manner by the counterpart officers in their formations.

Thank
you



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.

For details please refer original Notifications & Circulars