L&S UPDATE

An e-update to clients from Lakshmikumaran & Sridharan

4 MAY, 2021

INDIRECT TAX

Recent notifications in view of COVID-19

UPDATE NO. 13 OF 2021

Lakshmikumaran & Sridharan
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exceeding expectations
SINCE 1985

RELAXATION FOR INTEREST AND LATE FEE W.R.T. GSTR-3B

[NN 08/2021 w.e.f. 18 April 2021 and NN 09/2021-CT w.e.f. 20 April 2021]

Class of registered person	Reduction in Interest			Waiver of Late Fee for GSTR-3B	
	Period	Delay	Rate	Period	Waiver for delay
Aggregate Turnover (ATO) more than INR 5 crores in preceding FY	March-2021, April-2021	First 15 days	9%	March-2021, April-2021	Upto 15 days
		After 15 days	18%		
ATO upto INR 5 crores in preceding FY (Monthly Filers)	March-2021, April-2021	First 15 days	Nil	March-2021, April-2021	Upto 30 days
		Next 15 days	9%		
		After 30 days	18%		
Taxpayers under Quarterly Scheme	March-2021, April-2021	First 15 days	Nil	Quarter ending March-2021	Upto 30 days
		Next 15 days	9%		
		After 30 days	18%		
Composition Taxpayers	Quarter ending March-2021	First 15 days	Nil		
		Next 15 days	9%		
		After 30 days	18%		

EXTENSION OF DUE-DATES

[NN 10/2021 w.e.f. 30 April 2021, NN 11/2021-CT w.e.f. 25 April 2021, NN 12/2021-CT and NN 13/2021-CT]

Form	Period	Original Due Date	Extended Due Date
GSTR-4	FY 2020-21	30 April 2021	31 May 2021
ITC-04	Quarter ending March-2021	25 April 2021	31 May 2021
GSTR-1	April-2021	11 May 2021	26 May 2021
Invoice Furnishing Facility	April-2021	13 May 2021	28 May 2021

TIME LIMIT EXTENSION FOR COMPLIANCES

[Notification No. 14/2021-CT w.e.f. 15 April 2021]

A. General Extension

Time limit falling between 15 April 2021 and 30 May 2021 extended to 31 May 2021 for

i. completion of any proceedings, order, notice, by whatever name called, by any authority, commission, tribunal, by whatever name called

ii. filing of any appeal, reply or application or furnishing of any report, document, return or statement, by whatever name called

B. Cases where extension is not applicable

- Chapter IV of CGST Act: Time and Value of Supply
- Section 10(3): Composition Scheme option lapsing upon exceeding the threshold
- Section 25: Procedure for Registration
- Section 27: Special provisions for casual taxable person, non-resident taxable person
- Section 31: Tax Invoice
- Section 37: Furnishing details of outward supplies –GSTR-1
- Section 47: Levy of Late fee

- Section 50: Interest
- Section 69: Power to Arrest
- Section 90: Liabilities of Partner of firm to pay tax
- Section 122: Penalty of certain offences
- Section 129: Detention, seizure and release of goods and conveyances in transit
- Section 39 except (3),(4) & (5): Furnishing of Returns (except GSTR-5,6,7)
- Section 68: Inspection of goods in movement in so far as e-way bill is concerned
- Rules under above provisions

C. Specific actions / orders covered in notification

- Rule 9: Verification of registration application and approval
    - Where time limit for completion of any action, by any authority or by any person, specified in Rule 9 of the CGST Rules, 2017, which falls between 1 May 2021 and 31 May 2021, and
    - where such action has not been taken within such time, then,
    - the time limit for such action, shall be extended up to 15 June 2021.
- Section 54(5)/54(7): Order of Refund
    - Where a notice has been issued for rejection of refund claim in full or in part and
    - Where the time limit for issuance of order under Section 54(5) and Section 54(7) of the CGST Act falls between 15 April 2021 and 30 May 2021,
    - the time limit for issuance of the said order shall be extended to 15 days from the receipt of the reply to the notice from the registered person or 31 May 2021, whichever is later.

L&S COMMENTS

- Reference can be made to earlier Circular No. 135/06/2020-GST issued in light of earlier similar Notification. Accordingly, cases where extension could be made applicable are as follows:

Category	Return	Due-date falling during	Extended till
Taxpayers required to collect TCS	GSTR-8	15 April 2021 to 30 May 2021	31 May 2021
Taxpayers required to deduct TDS	GSTR-7		
Input Service Distributor	GSTR-6		
Non-Resident Taxable Person	GSTR-5		

- It needs to be analysed whether the aforesaid notification extending the compliance till 31.05.2021 will be applicable on the following:
  - Payment to supplier within 180 days (second proviso to Section 16(2)(d))
  - Refund to be filed within 2 years from the relevant date (Section 54)
  - Return of goods from Job-worker (Section-143)
  - ITC-04 filing (Section-143)
  - Interest payment on ITC reversals (Rule 42/43)
  - Blocking of E-way Bill (Rule 138E)

OTHERS

A. Cumulative Adjustment of 5% provisional ITC under Rule 36 (4) [Notification No. 13/2021-CT]

- Rule 36(4) shall apply cumulatively for the period April 2021 and May 2021.
- GSTR-3B for May 2021 shall be furnished with cumulative adjustment of ITC in accordance with the condition under Rule 36(4).

B. Return through EVC [NN 07/2021 –CT dated 28 April 2021]

- Registered person under Companies Act, 2013 can file their Form GSTR-1 and GSTR-3B or furnish details in IFF using EVC method on GST Portal.
- This relaxation is allowed for the period from 27 April 2021 to 31 May 2021.

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