Lakshmikumaran & Sridharan attorneys

exceeding expectations
SINCE 1985

JUNE 26, 2020

GST

Recent Notifications and Circulars

GST UPDATE NO. 25 OF 2020

An e-update to clients from Lakshmikumaran & Sridharan

all Law.

RELAXATION OF INTEREST W.R.T. GSTR-3B

[Notification No. 51/2020-CT and Circular No.141/11/2020-GST]

Aggregate Turnover (Previous FY)	Period	Interest
More than 5 crores	Feb-20 to Apr-20	• First 15 days from due date - **Nil** • After 15 days up to 24-06-2020 - **9% p.a.** • After 24-06-2020 till date of payment - **18% p.a.**

L&S Comments:

- Earlier, Notification No. 31/2017-CT provided for waiver/ concession with the condition that GSTR-3B should be filed on or before 24-06-2020. The said condition has been removed.
- In other words, GSTR-3B filed even after 24-06-2020 shall be eligible for above concessional rate of interest. However, after 24-06-2020, normal rate of interest, i.e. 18% p.a. shall be charged.
- Say, GSTR-3B for the month of March 2020 is being filed on 30-06-2020, then interest applicable shall be Nil for first 15 days from due date (20-04-2020), thereafter, @9% p.a. for next 50 days till 24-06-2020 and thereafter, @18% p.a. for next 6 days till 30-06-2020.
- However, late fee shall be applicable starting from the due-date in case GSTR-3B is filed after 24-06-2020.

RELAXATION OF INTEREST FOR SMALL TAXPAYERS W.R.T. GSTR-3B

[Notification No. 51/2020-CT]

Month	Interest waiver/ concession for person having aggregate Turnover (previous FY) upto 5 crores and place of business in	
	Category-1 States*	Category-2 States*
Feb-20	Nil – Upto 30-06-2020 9% - From 01-07-2020 to 30-09-2020	Nil – Upto 30-06-2020 9% - From 01-07-2020 to 30-09-2020
Mar-20	Nil – Upto 03-07-2020 9% - From 04-07-2020 to 30-09-2020	Nil – Upto 05-07-2020 9% - From 06-07-2020 to 30-09-2020
Apr-20	Nil – Upto 06-07-2020 9% - From 07-07-2020 to 30-09-2020	Nil – Upto 09-07-2020 9% - From 10-07-2020 to 30-09-2020
May-20	Nil – Upto 12-09-2020 9% - From 13-09-2020 to 30-09-2020	Nil – Upto 15-09-2020 9% - From 16-09-2020 to 30-09-2020
Jun-20	Nil – Upto 23-09-2020 9% - From 24-09-2020 to 30-09-2020	Nil – Upto 25-09-2020 9% - From 26-09-2020 to 30-09-2020
Jul-20	Nil – Upto 27-09-2020 9% - From 28-09-2020 to 30-09-2020	Nil – Upto 29-09-2020 9% - From 30-09-2020 to 30-09-2020

WAIVER OF LATE FEE FOR GSTR-3B

[Notification No. 52/2020-CT]

Aggregate Turnover (Previous FY)	Period	GSTR-3B should be filed before
More than 5 crores	February to April 2020	24-06-2020

Month	Interest waiver/ concession for person having aggregate Turnover (previous FY) upto 5 crores and place of business in	
	Category-1 States*	Category-2 States*
Feb-20	30-06-2020	30-06-2020
Mar-20	03-07-2020	05-07-2020
Apr-20	06-07-2020	09-07-2020
May-20	12-09-2020	15-09-2020
Jun-20	23-09-2020	25-09-2020
Jul-20	27-09-2020	29-09-2020

WAIVER OF LATE FEE FOR GSTR-3B
[Notification No. 52/2020-CT]

Reduction/ Waiver in late fee for GSTR-3B for past periods

For the period July 2017 to January 2020, late fees will be as under:

i If there is no tax liability: NIL.

ii If there is any tax liability: Maximum Rs. 500 (CGST+SGST) for a tax period.

Above rate will be applicable only for GSTR-3B filed between 01-07-2020 to 30-09-2020.

OTHERS
[Notification No. 53/2020-CT and Notification No. 54/2020-CT]

Waiver of Late-fee for GSTR-1

Month/ Quarter	GSTR-1 should be filed before
Mar-20	10-07-2020
Apr-20	24-07-2020
May-20	28-07-2020
Jun-20	05-08-2020
Jan-20 to Mar-20	17-07-2020
Apr-20 to Jun-20	03-08-2020

GSTR-3B for the month of August 2020 for small taxpayers (turnover up to Rs. 5 crores)

Category	Month	Due-Date
Category-1 States*	Aug-2020	01-10-2020
Category-2 States*	Aug-2020	03-10-2020

[Removal of Difficulty Order 01/2020-CT, dated 25-06-2020]

Extension of time for revocation of cancellation of registration

- As per Section 30(1) of the CGST Act, the time-limit for application for revocation of cancellation of the registration is 30 days from the date of service of the cancellation order

- The above time-limit needs to be calculated from:
  a. Date of service of the said cancellation order; or
  b. 31-08-2020, ***whichever is later***

  Subject to condition that
  - Cancellation order was passed up to 12-06-2020 and
  - Notice for cancellation was issued under following sub-sections:
    - **Section 29(2)(b):** a person paying tax under Section 10 has not furnished returns for three consecutive tax periods; or
    - **Section 29(2)(c):** any registered person, other than a person specified in clause (b), has not furnished returns for a continuous period of six months; or

INSTRUCTION NO. 3/2/2020-GST FOR REAL-ESTATE SECTOR

Payment under RCM on account of shortfall of purchases from registered person

DRC - 03 shall be used for making the payment of tax under RCM on the shortfall (from threshold requirement) of procuring input and input services (below 80%) from registered person.

Reference	States
Category-1*	Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana or Andhra Pradesh or the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands and Lakshadweep.
Category-2*	Himachal Pradesh, Punjab, Uttarakhand, Haryana, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand or Odisha or the Union territories of Jammu and Kashmir, Ladakh, Chandigarh and Delhi

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