L&S UPDATE

An e-update to clients from Lakshmikumaran & Sridharan

9 JULY 2022

INDIRECT TAX

Mandatory furnishing of information in GST returns

UPDATE NO. 35 OF 2022

Lakshmikumaran & Sridharan attorneys

exceeding expectations
SINCE 1985

MANDATORY FURNISHING OF INFORMATION IN GST RETURNS

Circular No. 170/02/2022-GST, dated 6 July 2022

- In order to ensure correct accountal and accurate settlement of funds between the Central and State Governments, it is desirable that correct reporting of information is done by registered person in GSTR-1/GSTR-3B.

A. Furnishing of information regarding inter-state supplies made to specified recipients -Place of Supply (PoS) wise in GSTR-1 and GSTR-3B

Recipient Category	GSTR-3B	GSTR-1
Unregistered Persons	Table 3.2	Tables 7B/5/9/10
Composition Dealers	Table 3.2	Table 4A/4C/9
UIN holderss	Table 3.2	Table 4A/4C/9

- Registered persons making inter-state supplies to specified recipients shall also update their customer database properly with correct State name and ensure that correct PoS is declared in the tax invoice and in Table 3.2 of Form GSTR-3B while filing their return.

- Any amendment carried out in Table 9/10 of Form GSTR-1 or in Table 11 of Form GSTR-1 relating to such supplies should also be reported in Table 3.2 of Form GSTR-3B.

L&S comments:

Previously, the Board vide Circular No. 89/08/2019-GST, dated 18 February 2019 instructed that the registered persons making inter-State supplies to unregistered persons shall report the details of such supplies along with the PoS in Table 3.2 of Form GSTR-3B and Table 7B of Form GSTR-1 as mandated by the law. It was clarified that contravention of any of the provisions of the Act or the rules made thereunder attracts penal action under Section 125 of the CGST Act.

B. Furnishing of information regarding ITC availed/ reversal and ineligible in Table 4 of GSTR-3B

Amended Table 4 after Notification No. 14/2022-Central Tax	Clarifications as per Circular No. 170/02/2022-GST, dated 6 July 2022 for reporting in specific rows of Table 4
(A) ITC available	Total ITC available in GSTR 2B (eligible as well as ineligible but other than Table 4(D)(2) cases) shall be disclosed here.
1) Import of goods	
2) Import of services	
3) Inward supplies liable to reverse charge (other than 1&2 above)	
4) Inward supplies from ISD	
5) All other ITC	• ITC to be reversed under 4(B) will be reported. • ITC reclaimed to be reported here as well as in 4(D)(1).
(B) ITC Reversed	
(1) As per rules 38,42 and 43 of CGST Rules and section 17(5)	Reversal which is absolute and non-reclaimable, such as under Rule 38 (relating to banking company and financial institution), Rule 42, 43 for common credits and ineligible under Section 17(5) shall be reported here.
(2) Others	Reversal of ITC which is not permanent in nature (i.e. ITC which can be reclaimed in future) such as reversal under Rule 37 for non-payment to vendors within 180 days or reversal under Section 16(2)(c)/ 16(2)(b) of the CGST Act. ITC inadvertently availed in previous tax periods can also be reported here.
(C) Net ITC Available (A)-(B)	To be credited to electronic credit ledger.
(D) Other Details	
(1) ITC reclaimed which was reversed under Table 4(B)(2) in earlier tax period	ITC to be reversed under 4(B) and to be reclaimed at a later date should be shown here as well as in 4(A)(5).
(2) Ineligible ITC under section 16(4) and ITC restricted due to POS provisions.	ITC ineligible as per GSTR-2B due to the reasons mentioned above may be reported here

The clarifications provided by above circular have also been illustrated in Annexure to the circular.

LOCATIONS

NEW DELHI

5 Link Road, Jangpura Extension,
New Delhi 110 014
PHONE: 011-4129 9800

B-6/10, Safdarjung Enclave,
New Delhi 110 029
PHONE: 011-4129 9900
E-MAIL: Lsdel@lakshmisri.com

MUMBAI

2nd Floor, CNERGY IT Park,
Old Standard Mill,
Appa Saheb Marathe Marg,
Prabhadevi,
Mumbai 400 025
PHONE: 022-2439 2500
E-MAIL: Lsbom@lakshmisri.com

CHENNAI

2, Wallace Garden, 2nd Street,
Chennai 600 006
PHONE: 044-2833 4700
E-MAIL: Lsmds@lakshmisri.com

BENGALURU

World Trade Center,
No. 404-406, 4th Floor, South Wing,
Brigade Gateway Campus,
No. 26/1 Dr. Rajkumar Road,
Malleswaram West,
Bengaluru 560 055
PHONE: 080-4933 1800
E-MAIL: Lsblr@lakshmisri.com

HYDERABAD

'Hastigiri', 5-9-163, Chapel Road,
Opp. Methodist Church, Nampally,
Hyderabad 500 001
PHONE: 040-2323 4924
E-MAIL: Lshyd@lakshmisri.com

AHMEDABAD

B-334, SAKAR-VII,
Nehru Bridge Corner, Ashram Road,
Ahmedabad 380 009
PHONE: 079-4001 4500
E-MAIL: Lsahd@lakshmisri.com

PUNE

607-609, Nucleus,
1 Church Road, Camp
Pune 411 001
PHONE: 020-6680 1900
E-MAIL: Lspune@lakshmisri.com

KOLKATA

2nd Floor, Kanak Building,
41, Chowringhee Road,
Kolkata 700 071
PHONE: 033-4005 5570
E-MAIL: Lskolkata@lakshmisri.com

CHANDIGARH

SCO No. 59, 1st Floor,
Sector 26, Madhya Marg,
Chandigarh 160 026
PHONE: 0172-492 1700
E-MAIL: Lschd@lakshmisri.com

GURUGRAM

OS2 & OS3, 5th Floor,
Corporate Office Tower,
AMBIENCE Island, Sector 25-A,
Gurugram 122 001
PHONE: 0124-477 1300
E-MAIL: Lsgurgaon@lakshmisri.com

PRAYAGRAJ (ALLAHABAD)

3/1A/3, (Opp. Auto Sales)
Colvin Road, Lohia Marg,
Prayagraj 211 001
PHONE: 0532-242 1037/242 0359
E-MAIL: Lsallahabad@lakshmisri.com

KOCHI

1st Floor, PDR Bhavan,
Palliyil Lane, Foreshore Road,
Ernakulam,
Kochi 682016
PHONE: 0484-486 9018/486 7852
E-MAIL: Lskochi@lakshmisri.com

JAIPUR

2nd Floor (Front side),
Unique Destination, Tonk Road,
Near Laxmi Mandir Cinema Crossing,
Jaipur, Rajasthan 302 015
PHONE: 0141–456 1200
E-MAIL: Lsjaipur@lakshmisri.com

NAGPUR

1st Floor, HRM Design Space, 90-A,
Next to Ram Mandir, Ramnagar,
Nagpur – 440033
PHONE: +91-712-2959038/2959048
E-MAIL: Lsnagpur@lakshmisri.com

www.lakshmisri.com

Lakshmikumaran & Sridharan
attorneys

exceeding expectations
SINCE 1985