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L&S Update

an e-update to clients from
Lakshmikumaran & Sridharan

**L&S GST Update
No. 41 of 2017
18th August 2017**

**Notification providing for timelines for
furnishing Form GSTR3B and TRAN-1**

Background

- Notification No. 21/2017-Central Tax dated 8th August, 2017 specified that Form GSTR-3B for the month of July, 2017 shall be filed before 20th August, 2017.
- In terms of Section 140 read with Rule 117 of CGST Rules the transitional credit will flow from Form GST TRAN-1, and cannot be taken directly in Form GSTR-3B.
- While Form GST TRAN-1 for claiming transitional input tax credit is not yet available on the GSTN website, GST payment is to be made and return to be filed by 20th August, 2017.
- Government by Press Release dated 17th August, 2017 clarified that Form GST TRAN-1 will be available on the GSTN website from 21st August, 2017.

State and Central Notifications

- In view of above, Notifications have been issued by State Governments extending the due date for filing Form GSTR-3B to 28th August, 2017, for persons opting to file Form GST TRAN- 1 on or before the 28th August, 2017.
- On similar lines, Notification No. 23/2017-Central Tax dated 17th August, 2017, has also been issued by CBEC specifying the revised timelines for furnishing of Form GSTR-3B and Form GST TRAN-1.
- The timelines have been explained in the next slides.

Revised timelines for filing GSTR-3B Return

S. No.	Class of registered person	Last date
1	Registered persons entitled to avail input tax credit in terms of Section 140 of the CGST Act read with Rule 117 of CGST Rules but opting not to file Form GST TRAN- 1 on or before the 28th August, 2017	20th August, 2017
2	Any other registered person	20th August, 2017

- ✓ Taxpayers who do not want to claim or not entitled to claim transitional credit - To pay the tax and file return in Form GSTR-3B on or before 20th August, 2017
- ✓ Taxpayers who are entitled to avail transitional credit but not opting to file TRAN-1 before 28 August, 2017 - To pay tax and file return in Form GSTR-3B by 20th August, 2017

Revised timelines for filing GSTR-3B Return

S. No.	Class of registered person	Last date
3	Registered persons entitled to avail input tax credit in terms of Section 140 of CGST Act read with Rule 117 of CGST Rules and opting to file Form GST TRAN- 1 on or before the 28th August, 2017	28th August, 2017

Conditions to be fulfilled for availing extended timeline by taxpayers entitled to avail transitional credit:

- (i) Compute credit entitlement for July and transitional credit and pay balance tax amount in cash on or before 20th of August, 2017
- (ii) File Form GST TRAN-1 before filing of FORM GSTR-3B
- (iii) If tax payable as per Form GSTR-3B exceeds the tax paid in cash under para (i) above, then such excess amount to be paid along with applicable interest calculated from the 21st day of August, 2017 till the date of such deposit

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