





Tax Bulletin

Update publication for our clients

July, 2019

-  Income Tax
-  Goods & Services Tax ['GST']
-  Customs
-  Foreign Trade Policy ['FTP']



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FOREWORD

June 2019 brought a huge relief for taxpayers with Smt. Niramala Sitharaman headed GST Council extending the deadline for GST Annual Return and Audit which now needs to be filed by August 31, 2019. Not just that, the Council also addressed long pending trade issues and clarified GST implications on disputed matters like post sale discounts and penal interest.

While the World Cup fever is gripping one and all, businesses are advised to keep up the tempo of preparing to finalize the GST Annual Return and Audit which ought to be filed with utmost diligence in light of the generous extensions which have been granted by the Government.

This month is also important for all non-audit Income Tax payers who must file their returns by July 31, 2019.

As the nation awaits the maiden Finance Budget of Modi 2.0, we hope that this **14th Edition of the Tax bulletin** in relation to Direct Tax (i.e. Income Tax) and Indirect Tax (i.e. GST, Customs law and FTP) will be of value to all those interested in keeping abreast with tax developments.

Warm Regards,

Team VK&S

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Income Tax updates

- ITR by Non-Audit Tax Payer
- Circulars
- Legal Snippets

Updates, circulars, legal snippets

Non-Audit Tax Payer

Important changes for FY 2018-19 are summarized below.

- ❖ July 31, 2019 is last date to file Income Tax Return (ITR) by Non Audit Assessee. Delay to attract late fee upto Rs 10,000/-
- ❖ Complete details of the buyer to whom property sold is mandatory.
- ❖ Property wise details of rent arrears to be submitted.
- ❖ Share holding details of unlisted company including Name, PAN, Cost of acquisition, etc to be furnished.
- ❖ If you are Director of a company, then DIN need to be specified
- ❖ Non resident to provide additional details such as Number of Days of stay in India, Jurisdiction of his residence and Tax Identification Number of Resident Country

These changes are brought with the intent to get footprints of transactions and identify non filers

CBDT Circulars

Guideline for Assessing Officers while assessment

To improve quality of assessment of firms CBDT has asked Assessing Officer to consider some important issues such as cross checking of Partner's ITR, Partnership Deed for checking of correct remuneration claim, interest claim etc.

Set-off of losses against the deemed income under section 115BBE of the Income-tax Act, 1961 prior to assessment-year 2017-18

Since the term 'or set off of any loss' was specifically inserted only vide the Finance Act 2016, w.e.f. 01.04.2017, **an assessee is entitled to claim set-off of loss** against income determined under section 115BBE of the Act **till the assessment year 2016-17.**



Legal Snippets

Undisclosed Income offered during search by an entity solely in export business, can be claimed as deduction U/s 80HHC

[PCIT(19) Vs Bhavani Gems 2019-TIOL-1357-HC-MUM-IT]



Payment made by assessee-firm to retiring partner and legal heir of deceased partner in terms of partnership deed is excludible from total income of assessee.

[Mulla & Mulla & Craigie Blunt & Caroe Vs JCIT Mumbai 11(3), 2019-TIOL-1233-ITAT-MUM]

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GST updates

- Notifications, FAQ and Press Release
- Legal Snippets
- GST Advance Rulings

Notifications and Press Release

IMP!

Due Date for Annual Return in **FORM GSTR-9, FORM GSTR-9A** & Reconciliation statement in **FORM GSTR-9C** extended.
For procedural clarification pertaining to GSTR-9 see Annexure

To be furnished by **August 31, 2019**

Extended Due Dates

- ❖ **GST ITC-04** : Job work return for the period July, 2017 to June, 2019 to be filed by **August 31, 2019**
- ❖ **FORM GSTR-7** : Return by TDS deductor for October 2018 to July 2019 to be filed by **August 31, 2019**



Proposed extension

GST CMP -02 - Intimation for availing *Composition Scheme for service providers* proposed to be extended till July 31, 2019. Previous due date expired on 30.4.2019

Prescribed Due Dates for the months of July, 2019 to September, 2019

Return	Period	Due Date
GSTR-1 [Turnover > 1.5 Cr]	July, August and September 2019	11 th of succeeding month
GSTR-1 [Turnover < 1.5 Cr]	Quarter: July-Sept, 2019	October 31, 2019
GSTR-3B	July, August and September 2019	20 th of succeeding month

New Return Filing system to be implemented in a phased manner. GSTR-1 and 3B to be discontinued from January 2020

Proposed return system discussed in detail (See Annexure)

Blocking of E-way bill facility

Persons not filing returns for 2 consecutive tax periods will not be able to generate E-way bill With effect from **August 21, 2019 (Earlier this date was 21 June)**



Exemption from Annual Return & Audit – OIDAR

Persons who are registered on account of “supplying online information and data base access or retrieval services from a place outside India to a person in India, other than a registered person”; shall not be required to furnish Annual Return in FORM GSTR-9 and reconciliation statement in FORM GSTR-9C

IMP!

Notifications

W.e.f.
July 1,
2019

Supplies by retail outlet at international airport to outgoing foreign tourist exempt from GST

New
Exemption!

- *Supply of goods by a retail outlet established in the departure area of an international airport, beyond the immigration counters, to an outgoing international tourist exempt from GST and Compensation Cess*
- Such outlets shall be entitled to claim refund of applicable tax paid on inward supply of such goods, subject to fulfilment of conditions (specified in newly added Rule 95A)
- “Outgoing international tourist” defined as a person not normally resident in India, who enters India for a stay of not more than 6 months for legitimate non-immigrant purposes

Detailed circular with refund Form issued.



Amendments in CGST Rules

With effect from 28.06.2019

- *Registered person to furnish bank account details* and other required information on portal. In case of violation, registration liable to be cancelled. - Registration forms also amended
- *Value of supply on which Kerala Flood Cess* is levied shall be deemed to be the value as per section 15 of the Act excluding the value of said cess.
- **E-way bill :**
 - (1) Relaxed E-way bill validity for multimodal transport with ship
 - (2) *Validity may be extended within 8 hours of expiry*
- Amendments in Form GSTR- 9 – Annual Return

Date to be notified later

- Tax Invoice/Bill of Supply to have Quick Response (QR) Code.
- *Balance in Electronic Cash Ledger may be transferred* to cash ledger of CGST, IGST, SGST, Cess , etc. by use of PMT 09
- Rules relating to Refunds amended for substituting the words “payment advice” with “payment order”

This is a beneficial amendment which will prevent unnecessary block of cash flow

Circulars

Post-supply discounts

- There is a need to examine the "true nature" of discount.
- A. *Post sale discount given without any further obligation* or action required by dealer will be said to be related to original supply of goods. GST credit note may be issued to reduce taxable value if prescribed conditions under section 15 fulfilled (i.e. pre-sale agreement and ITC reversal)
- B. Only if *post-sale discount is given to incentivize special sales drive, advertisement campaign, exhibition, etc.* then it will be seen as 'service' provided by dealer which will attract GST
- C. Additional discount is given to dealer so that special reduced price can be offered to end customer - Amount of additional discount is to be treated as a part of 'consideration' for supply of goods by dealer to customer.
- D. *Discounts pertaining to original supply which do not fulfil conditions of Section 15* can be regulated by Financial Credit Note – ITC reversal not required by recipient of Financial Credit Note.

Penal interest

- Additional/Penal interest charged in respect of transaction related to extending deposits, loans or advances does not fall under "consideration for tolerating an act" as it satisfies the definition of "interest" contained in Notification No. 12/2017-Central Tax(Rate) dated 28.06.2017 and thus is 'exempt'.
- Penal interest for delayed payment of any consideration for any supply would be included in the value of supply and would be 'taxable'.

Place of Supply

- The place of supply for following services shall be the location of recipient
- *Services provided by Port Authorities* ancillary or related to cargo handling services – clarified that they are not related to immovable property
- *Cutting and polishing activities on unpolished diamonds* temporarily imported in India and exported after cutting, polishing etc.

Processing of Refund Application

- There have been cases where taxpayer has been assigned to a particular tax authority but refund applications filed online are wrongly transferred to another tax authority by the common portal
- *Clarified that refunds should not be held up and it should be processed by the tax authority to whom it has been electronically assigned*



GST – Advance Rulings



Advance ruling is binding only on the applicant who has sought the advance ruling and on the concerned officer or the jurisdictional officer in respect of the applicant

However, the Rulings help us to ascertain the mind-set and interpretation that may be adopted by the Department. Accordingly, we have discussed a few Advance rulings issued recently.

Registration

Jalaram Feeds [Maharashtra AAR]

Issue: Applicant is into manufacture of exempted goods. They are required to avail services of GTA and which requires them to pay GST under RCM. **Clarity is sought on requirement of registration.**

Ruling –

- All the provision of Act shall apply to recipient as if they are the person liable to pay tax in relation to such supply, if GST is required to be paid under RCM.
- **Applicant is required to take Registration to pay GST under RCM on GTA service.** Further he is not fully engaged in exempt supply, since he is making taxable supply of GTA by way of RCM.

Section 24 makes a general provision which requires a person liable to pay GST under RCM to obtain registration whereas Section 23 is a specific provision which exempts specified categories of suppliers from taking registration (one of which is a person engaged exclusively in exempt supply) In case of conflict, specific provision should prevail over general provision, therefore, the Ruling appears to be far-fetched.

Gandhar Oil Refinery India Ltd [Maharashtra AAR]

Issue: Applicant is engaged in manufacturing activity in Maharashtra and trading activity is carried from various states by importing goods at various ports. **Whether they can cancel separate registration in various states and undertake transactions from Mumbai HO.**

Ruling –

- In case of Import of Goods, the place of supply is location of the importer. The importer registered office is there in Mumbai. **The place from where the applicant makes a taxable supply of goods shall be his location i.e. Mumbai HO, even if the applicant has godowns in different states.**
- **Thus there is no need of separate registration in each states.**

GST – Advance Rulings

Kansai Nerolac Paints Ltd [Maharashtra AAR]

Valuation

Issue: Applicant is engaged in manufacture and sale of paints to its customer across the states from its factories and depots located all over India. The factories and depots are eligible for full ITC. **Clarity is sought on determination of value of supply.**

Ruling – As per provision of Valuation rules, the invoice value between distinct person will be deemed as open market value, if the recipient is eligible for full ITC. Thus value can be determined on the basis of cost of production and there is no breach by the applicant by changing the method.

Sanofi India Ltd [Kerala AAR]

ITC on Gifts

Issue: Applicant distributes different products among its trade channels as promotional items or brand reminders. **Clarity is sought on availability of ITC.**

Ruling –

- Under GST Law the intention for non-granting/denial of setoff is envisaged in situations where there is no tax on output supply. As per section 17(5) of CGST Act, no ITC on any goods can be availed, if they are given as 'gifts'.
- **The supply of promotional item without consideration as contractual obligation to serve as advertisement tool or brand reminder is considered as gifts. Thus Applicant is not entitled to avail ITC.**

The words 'disposed off' appearing before the term 'gift' in Section 17(5) have not been discussed, therefore, it appears that the Ruling has not given a wholesome view on the subject.

Cliantha Research Ltd [Maharashtra AAR]

Export of Services

Issue: Applicant provides services of clinical research and analysis on goods sent by an entities located outside India. **Whether the transaction will qualify as export of service.**

Ruling –

- The goods sent by recipients are consumed in the process of research to test efficiency of subject product in healthy adult male. The goods are physically made available to the applicant, therefore the place of supply of service is in India.
- The supply cannot be considered as Export of services under the GST law. Thus applicant is liable to pay CGST and SGST on the same

GST – Advance Rulings

Sterlite Technologies Ltd [Maharashtra AAR]

Original Work

Issue: Applicant is engaged in creation of network infrastructure for clients in telecom industry. **Whether activities for ‘setting up network’ provided to BSNL would be covered under Entry No.3(vi)(a) of Notification No.11/2017-CGST(Rate) and attract GST @12%**

Ruling –

- Applicant is not involved only in erection, commissioning or installation of machinery belonging to some other person but are installing and commissioning the equipment supplied by them. Hence, the work to be undertaken cannot be considered as “original Work” and would not be covered under the said entry.
- The work to be undertaken is a composite supply of works contract as it involves supply of both, goods and services and thus 18% GST to be applied.

NR Energy Solutions India Pvt Ltd [Maharashtra AAR]

Works Contract

Issue: Applicant is engaged in supply, installation, testing and commissioning of Relay & Protection Panels with Substation Automation System(SAS) at various sites/ locations. **Whether the contract is in the nature of Works Contract Services or is a supply of goods.**

Ruling –

- In all the three Purchase Orders there appears to be clear bifurcation of contract with respect to supply of goods i.e. equipment and supply of services i.e. installation, testing and commissioning of equipment at substation and the PO also envisages separate payment for supply of works and for supply of materials/equipment.
- Without the supply of equipment the services cannot be supplied by the applicant. There is no works contract involved and the supply is a composite supply as both supplies are naturally bundled and in conjunction with each other with the principal supply being the supply of goods.

Railway Pushing & Towing Service

Leasing as well as manning and operation of locomotives for shunting of coal rakes/wagons from the siding or termination of Indian Railways to the factory premises of company qualify as **supporting service of railway pushing and towing** as it satisfies the definition of railway and is thus a railway transport

Printing Services

1. Printing of pre-exam and post-exam items is **exempted supply of service**
2. Printing of railway tickets/ cheques when using own paper: **taxable @ 12% GST**
3. Printing of railway tickets/ cheques when using paper supplied by client: **taxable @ 12% GST & 5% GST** respectively

GST – Advance Rulings

General Manager Ordnance Factory Bhandara [Maharashtra AAR] – Multiple queries raised in AAR. Key points highlighted below:

Government: Applicant is not created by the constitution of India as a legislative, executive or judicial authority, hence cannot be treated as Government.

Transaction qualifying as Supply :

- Security deposits forfeited due to non-fulfilment of certain condition;
- Liquidated damages deducted from payment in case of delay delivery of service.

Not Supply : Unclaimed Security deposit cannot be treated as consideration

ITC Not available : Maintenance of garden inside factory, parks, playgrounds; guest house

ITC available : Inputs or capital goods used for finished goods that are destroyed during testing.

Exemption

Applicant have been granted affiliation by NCVT and if educational courses are approved by NCVT, then such service will attract Nil rate of GST. **(Maharashtra AAR)**

Renting of dwelling unit for residential purpose is exempt irrespective of whether they are let out to individuals or commercial entity. **(West Bengal AAR)**

The following entities have been held to be specified persons for GST exemption purpose;

- Irrigation and Waterways Directorate, Govt. of West Bengal – State Government;
- Orissa Construction Corporation Ltd – Government Entity;
- Kerala Forest Department – State Government

ITC

Credit of GST paid is not available on purchase of motor vehicles or other inputs for supply of Cabs on rental basis. **(West Bengal AAR)**

LNG re-gasified in the ship is transported through the pipeline, which is outside the factory ship. **Hence this pipeline outside factory does not qualify as plant & Machinery.** Thus ITC is not available. **(Maharashtra AAR)**

Concessional Rate and Export of Service

Goods other than those mentioned in concessional rate notification, are not liable for concessional rate of 5% tax. **(Maharashtra AAR)**

Recipient means a person who is liable to pay consideration and not a person who has paid it. Investment advisory firm is providing services to AIF fund, so even if consideration is received from investor the service is supplied to AIF fund. Since both are in taxable territory, supply will not qualify as export of service. **(Maharashtra AAR)**

Legal snippets

Shree Enterprises Vs CTO [Karnataka High Court]

No Confiscation unless tax and penalty is quantified

Issue: Petitioner have challenged the order of confiscation as illegal since no order quantifying the tax and penalty is passed.

Ruling – No confiscation order could be passed unless the tax and penalty are quantified. Respondent shall consider the objection/reply filed by the petitioner and pass appropriate orders in accordance with law after quantifying the tax and penalty.



Govind Enterprises Vs State of UP [Allahabad High Court]

FIR valid in case of economic fraud

Facts: FIR is lodged as dealer fraudulently, by submitting false documents with an intent to evade taxes, obtained registration, thereafter took inward supply and passed goods to end user without generating outward supply

Issue: Petitioner seeks quashing of FIR, as till date no case had been registered under UP Act or CGST Act and no recovery demand has been raised.

Ruling – The power of superior courts with regards to protection from arrest, pending investigation not to be exercised in matters relating to economic fraud. Necessary ingredients of an offence of cheating, submitting false information and documents are clearly spelt out in the FIR. Therefore FIR is not liable to be quashed.

JSW Energy Vs UOI [Maharashtra High Court]

AAAR cannot raise new grounds – violated natural justice

Facts: AAAR disagreed the reasoning of AAR, however upheld the conclusion of AAR relying upon two new grounds which were never raised before AAR.

Issue: Whether the AAAR has violated the principles of natural justice by not putting the petitioner to any notice that new grounds were considered.

Ruling – Failure to do so has not only resulted in violation of principles of natural justice, but also occasioned serious prejudice to the petitioner. Order made by AAAR is set aside.

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Customs updates

- Notifications
- Circulars
- Legal Snippets

Notifications

Tariff Notifications

16/ 2019	Increases the Tariff Rate of customs duty on lentils, boric acid and laboratory reagents by amending First Schedule to the Customs Tariff Act, 1975
17/ 2019	Amends Notification No. 50/2017-Customs dt. 30.06.2017 to implement imposition of retaliatory duties on 28 specified goods originating in or exported from USA and preserving the existing MFN rate for all these goods for all countries other than USA

Anti-dumping Duty ('ADD') Notifications

23/ 2019	Extends the ADD on 'PVC (resin) suspension grade' imported from China, Thailand and USA till 12 th August, 2019
24/ 2019	Seeks to levy ADD on jute sacking cloth under tariff heading 5310, originating in, or exported from Bangladesh
25/ 2019	Extends ADD on ductile iron pipes originating in, or exported from China PR till 9 th October, 2019
26/ 2019	Extends levy of ADD on 'Paracetamol', originating in, or exported from, China PR till July 9, 2019.

CVD Notification

1/2019

Imposes definitive countervailing duty on "New/Unused pneumatic radial tyres with or without tubes and/or flap of rubber (including tubeless tyres), having nominal rim dia code above 16" used in buses and lorries/trucks" originating in or exported from, People's Republic of China.

Non-Tariff Notifications

Manufacture and Other Operations in Warehouse Regulations, 2019

- Regulations of 1996 replaced.
 - **Who can apply for operating warehouse under these regulations?**
 - license holder u/s 58 of the Customs Act, in accordance with Private Warehouse Licensing Regulations, 2016;
 - who applies for a license for warehouse u/s 58 of the Act, along with permission for undertaking manufacturing or other operations in the warehouse u/s 65 of the Act
- Application to be made to the **Principal Commissioner of Customs or Commissioner of Customs**

Where a notice has been issued under Section 28 or 124 of the Customs Act, Authorities can issue Supplementary Notices under Customs (Supplementary Notice) Regulations, 2019 to rectify quantum or add charges

Circulars/ Instructions

Paperless processing – uploading of documents by Government Agencies

- Government has been striving to enable uploading of Licenses/Permits/Certificates/ Other Authorisations (LPCOs) directly by PGAs (Participating Government Agencies) on eSANCHIT instead of the importer/ Exporters
- **23 more PGAs brought on board eSANCHIT Platform.**
- Importer exporter and other beneficiary will not be permitted to upload documents w.e.f. 1.7.2019
- IRN of uploaded LPCO by PGA to be communicated to the importer/exporter through email-id used for ICEGATE Registration
- [ICEGATE Registration required for importers/ exporters/ customs brokers - simplified procedure prescribed](#)

IGST Refunds

- Instances of fraudulent IGST refund claims have increased.
- To trace suspicious refunds, Mechanism prescribed to verify IGST payments for goods exported out of India
- Risky exporters to be identified by DG



IGST Refunds for Risky exporters to be suspended

Additional Customs Duty - Jewellery

- Additional Customs Duty not leviable on 'Jewellery' re-imported which was exported under bond/LUT for exhibition or on consignment basis
- If export has taken place under claim of rebate then repayment of rebate required at the time of re-import



Forwarding of Samples

- Testing facilities now available at Revenue Laboratories for the updated list of items.
- Availability of facility to be checked before forwarding such samples to outside listed Laboratory(s),

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FTP updates

- Notifications
- Public Notices

Notifications and Notices

Subject	Implications
Amendment in import policy conditions	<p>Cashew Kernel: Minimum Import Price of Cashew Kernel (broken / whole) has been increased for free imports. If minimum CIF price per kg is not met then goods will fall under prohibited category</p> <p>Seeds of Peas: Import policy of seeds of Peas is amended from “Restricted” to “Free” subject to Phytosanitary Import Conditions as per Plant Quarantine (Regulation of Imports into India), Order 2003.</p>
MEIS – Withdrawal of benefit for ‘Onions Fresh or Chilled’	The rate of MEIS benefits for “Onions Fresh or Chilled” under ITC (HS) Code 07031010 has been made 0% with effect from 11.06.2019, earlier the rate of MEIS was 10%.
Amendment in the Handbook of Procedures, 2015-2020.	Para 2.54: The period for installation and operationalisation of Radiation Portal Monitors and Containers Scanner in the designated ports is extended up to 30.09.2019.
Waiving off the requirement of destruction certificate from excise/custom authorities	<p>Advance Authorization (‘AA’) Holder need to submit documents in relation to consumption of full imported quantity as per norms.</p> <p>Where there is shortfall in fulfillment of EO and unutilized imported quantity remains with the authorization holder, then the AA holder will be required to submit self-declaration along with Chartered Accountant certificate regarding destruction of the unutilized duty free imported material. Further, an Affidavit – cum – Indemnity Bond needs to be submitted OR proof of re-export of the same to the same supplier in-terms of 4.43A of HBP 2015-20.</p>

Changes in Scheme for Rebate of State and Central Levies – Textile Industry

The criteria for claiming (RoSCTL) has been changed, the application will have to be filed within one year of the LET Export Date. After this period, application cannot be made and the shipping bills would become time barred. There is no provision of late cut under RoSCTL.

The scheme is valid for the exports made up to 31.03.2020 only.

ANF 4R, the application form is notified for claiming Rebate of State and Central Levies and Taxes (RoSCTL).

About VK&S



Vijaywargi Khabiya and Saoji, Chartered Accountants, is a single window professional services firm focusing on high quality services one needs from a business advisory organization. The firm is managed by dynamic & pulsating partners with decade long professional experience. The firm provides services and consultancy related to accounting & implementation thereof, auditing including internal, statutory, tax, concurrent and management audit, matters related to direct & indirect tax including advisory, litigation, due diligence review, tax optimization and compliance services, outsourcing of accounts, payrolls, FEMA, Company Laws matters, Project Financing, Subsidies, and the like



ANY QUESTIONS?

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Annexure

New GST Return System

NEW GST RETURN

New Return under GST to have **three main components** :

One main return (**FORM GST RET-1**) &
Two annexures (**FORM GST ANX-1** and **FORM GST ANX-2**)



FORM GSTR-1
and FORM
GSTR-3B to
be completely
phased out



The New GST Return System is to be introduced in a phased manner:

JULY 2019 – SEPTEMBER 2019

- ❖ **FORM GST ANX-1** and **FORM GST ANX-2** Offline tool would be available for trial basis
(This Trial program not to have any impact on tax liability or ITC of Taxpayer)
- ❖ Taxpayers to continue filing GSTR-1 and GSTR-3B on monthly/quarterly basis as applicable

OCTOBER 2019 Onwards

Large Taxpayers (Annual Turnover in last FY > Rs.5 crores)	Small Taxpayers (Annual Turnover in last FY up to Rs.5 crores)
<ul style="list-style-type: none"> ➤ GSTR-1 to be replaced by 'FORM GST ANX-1' - Filing Monthly [from Oct,2019] ➤ <u>GSTR-3B to be filed for Oct,19 & Nov,19</u> ➤ 'FORM GST RET-01' from Dec,19 in place of GSTR-3B 	<ul style="list-style-type: none"> ➤ GSTR-1 to be replaced by 'FORM GST ANX-1' - Filing Quarterly [Oct,19 to Dec,19 in Jan,2020] ➤ <u>No GSTR-3B from Oct,2019</u> ➤ 'FORM GST RET-01' for quarter Oct,19 to Dec,19 filing by Jan,2020

FEATURES



Continuous uploading and viewing

Facility for continuous uploading of invoices by the supplier and viewing by recipient along with the tax payment status of an invoice.

Locking of invoices

Facility for locking of invoice by the recipient before filing of the return. It indicates acceptance of the transaction reported in the invoice & **can not be amended**.

No automatic reversal of credit

No automatic reversal of ITC at recipient's end where tax has not been paid by supplier.

Amendment of Return

Facility for amendment of invoice as well as other details in return by filing a return called '**Amendment Return**'.

New GST Return System & Annual Return Clarification

Periodicity of filing return

- Periodicity of return will be deemed to be Monthly for all taxpayers **unless** quarterly filing of return is **opted for.**
(Large taxpayers shall have compulsory monthly filing)
- Taxpayers opting quarterly filing of return can chose any of the following quarterly return namely:
 - Sahaj:** Outward supply under B2C category and inward supplies attracting reverse charge shall only be allowed to be declared.
 - Sugam:** Outward supply under B2C and B2B category and inward supplies attracting reverse charge shall only be allowed to be declared.
 - Quarterly (Normal):** All types of outward and inward supplies can be declared.

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ITC will be available on basis of documents uploaded by supplier up to 10th of the month following the month/quarter for which return is filed

Credit on missing invoices cannot be taken

IMPORTANT CLARIFICATIONS ON ANNUAL RETURN

Any additional outward supply not declared in **FORM GSTR-1 & FORM GSTR-3B** shall be declared in Pt.II of **FORM GSTR-9** and such additional liability shall be paid through **FORM DRC-03**

Information in GSTR-2A as on **01.05.2019** **only** shall be auto populated in Table 8A of **FORM GSTR-9**

Credit of IGST paid at the time of import of goods but availed in return of April 2018 to March 2019 would be reported in GSTR-9 and thus the credit would not lapse

Payments made through **FORM DRC-03** for any supplies relating to period between 'July 2017 to March 2018' will not be accounted for in GSTR-9 but shall be reported during reconciliation in **FORM GSTR-9C**

Autopopulation Functionality in GSTR-9 is provided only for facilitation purposes and taxpayers shall report data as per their books of accounts or returns filed during the financial year

IMP!