

GST Returns – Act & Rules

BY

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Outline

- GST return
- Who shall file GST Returns
- Provisions related to GST returns
- Different types of GST returns
- Action on return defaulters
- Levy of Late fee

GST RETURN

- Return means any return prescribed or otherwise required to be furnished by or under the Act or the rules made there under. (section 2(97) of the GST Act)
- Electronic Document
- Contents - inward and outward supplies; Input Tax Credit availed , tax payable , tax paid etc.

WHO SHALL FILE GST RETURNS

- Normal Tax Payer
- Composition tax payer
- Input Service distributor
- Non resident taxable person
- Registered person required to deduct tax at source
- Electronic commerce operator

Furnishing details of outward supplies (Section 37)

- To be furnished by Normal tax payer in Form GSTR - 1
- Input Service Distributor, a non-resident taxable person and a person paying tax under the provisions of section 10 or section 51 or section 52 need not to furnish.
- The details of outward supplies shall be communicated to the recipient of goods or services .
- Any errors or omission found can be rectified within specified time. (furnishing of the return under section 39 for the month of September following the end of the financial year to which such details pertain, or furnishing of the relevant annual return, whichever is earlier)

Furnishing details of outward supplies

- Commissioner may, extend the time limit for furnishing such details
- **Registered taxpayers** with an annual turnover > 1.5 crores need to file GSTR₁ return on every 11th of next month , others should file GSTR₁ quarterly by 31st of subsequent month.
- Details of outward supplies shall include details of invoices, debit notes, credit notes and revised invoices issued in relation to outward supplies made during any tax period.

Furnishing details of inward supplies(Section 38)

- To be furnished by Normal tax payer in Form GSTR 2 (kept under temporary suspension)
- These details are auto populated based on GSTR 1 filed by his inward suppliers.
- Tax Payer can verify , validate , modify and delete the details.
- To be furnished by 15th of every month
- The modified details shall be communicated to his inward supplier .
- Any errors or omission found can be rectified within specified time.

Furnishing details of inward supplies

- Commissioner may, extend the time limit for furnishing such details.
- The details of inward supplies of goods or services or both furnished in GSTR -2 include the:
 - Invoice wise details of all inter state and intra state supplies received from registered persons including reverse charge supplies.
 - Import of goods and services made.
 - Debit notes and credit notes received by the registered person from suppliers in respect of above supplies.
 - HSN wise summary of inward supplies.
 - ISD credit received and Input Tax credit reversal/reclaim.

GSTR 2A

- GSTR 2A is a system generated statement of inward supplies received by the registered tax payer.
- It is auto populated from the GSTR 1, GSTR 5, GSTR 6, GSTR 7 and GSTR 8 filed by the supplier.
- GSTR 2A is an auto-generated read only document which is for information purpose only.

GST Returns

FORM	Details	Due date	Applicable For
GSTR1*	Outward Supplies	10 th of the next month	Normal Taxpayer
GSTR2*	Inward Supplies	15 th of the next month	Normal Taxpayer
GSTR3*	Monthly return	20 th of the next month	Normal Taxpayer
GSTR3B*	Monthly return (Summary return)	20 th of the next month	Normal Taxpayer
GSTR4	Return by composition taxpayers	18 th of the month next to the quarter	Composition Taxpayer
GSTR5	Return by non resident taxpayers	20 th of the next month or within 7 days after expiry of registration, whichever is earlier	Foreign Non-Resident Taxpayer
GSTR6	Return by input service distributors	13 th of the next month	Input Service Distributor

GST Returns

FORM	Details	DUE DATE	APPLICABLE FOR
GSTR7	TDS	10 th of the next month	Tax Deductor
GSTR8	TCS	10 th of the next month	E-Commerce Operator
GSTR9	Annual return	31 st December of next FY	Normal tax payer (other than ISD, casual taxpayer, foreigners)
GSTR9A	Annual return	31 st December of next FY	Composition Taxpayer
GSTR9B	Annual Statement of TCS	31 st December of next FY	E-Commerce Operator
GSTR9C	Reconciliation statement	31 st December of next FY	Normal taxpayer having turnover more than 2 crore
GSTR10	Final Return	Within 3 months of the date of cancellation or date of order of cancellation, whichever is later	Persons cancelling registration

Furnishing of returns (Section 39)

- Filing of GSTR 3 is temporarily suspended
- The Commissioner may, extend the time limit for furnishing the returns.
- Last date of payment of return tax is not later than the last date on which he is required to furnish such return.

Furnishing of returns

- GSTR 3/3B , GSTR 4 shall be furnished for every tax period whether or not supplies of goods or services or both have been made during such tax period
- Return for a tax period can be filed only all previous period returns are filed.
- Any omission or incorrect particulars can be rectified within specified time.

GSTR 3B

Who is required to file GSTR 3B?

Registered person other than non resident taxable person, ISD and composition person

When is it required to be filed?

20th of the following month

Following consolidated details to be filled up:

- All types inward and outward supplies of goods/services
- Value of exempt, nil rated, non-GST supplies
- ITC available, ITC reversed and ineligible ITC
- Tax payable
- Tax paid
- Interest and
- Late fee, if any

GST Return Process

Upload GSTR 1 by 11th* of next month

Auto-drafted GSTR 2A based on details from GSTR 1 filed by other suppliers

File GSTR 3B (Summary return) by 20th of next month and pay total GST liability either through cash or through ITC

First Return (Section 40)

- Every registered person who has made outward supplies in the period between the date on which he became liable to registration till the date on which registration has been granted shall declare the same in the first return furnished by him after grant of registration

Matching, reversal and reclaim of input tax credit (Section 42)

- The details of every inward supply furnished by a registered person for a tax period shall be matched with
 - The corresponding details of outward supply furnished by supplier;
 - The integrated goods and services tax paid in respect of goods imported by him;
 - For duplication of claims of input tax credit.
- The claim of input tax credit matched shall be finally accepted and discrepancy, if any shall be communicated

Matching, reversal and reclaim of input tax credit (Section 42)

- The amount of discrepancy is communicated and which is not rectified by the supplier shall be added to the output tax liability of the recipient.
- The recipient shall be eligible to reduce, from his output tax liability, the amount added under subsection (5), if the supplier declares the details of the invoice or debit note in his valid return within the time specified

Matching, reversal and reclaim of reduction in output tax liability(Section 43)

- The details of every credit note relating to outward supply furnished by a registered person for a tax period be matched with
 - The corresponding reduction in the claim for input tax credit by the corresponding recipient in his valid return for the same tax period or any subsequent tax period;
 - For duplication of claims for reduction in output tax liability.
- The claim of reduction in output tax liability matched shall be finally accepted and discrepancy, if any shall be communicated

Matching, reversal and reclaim of reduction in output tax liability(Section 43)

- The amount of discrepancy communicated and which is not rectified by the recipient in his valid return shall be added to the output tax liability of the supplier.
- The supplier shall be eligible to reduce, from his output tax liability, the amount added if the recipient declares the details of the credit note in his valid return within the time specified.

Annual Return (Section 44)

- To be furnished by every registered person, other than an Input Service Distributor, a person paying tax under section 51 or section 52, a casual taxable person and a non-resident taxable person
- It shall be furnished for every financial year.
- Every registered person who is required to get his accounts audited (section 35(5)) shall furnish, along with annual return a copy of the audited annual accounts and a reconciliation statement (GSTR 9C).
- GSTR-9C must be prepared and certified by a Chartered Accountant or Cost Accountant

Final return (Section 45)

- To be filed by Normal registered person whose registration has been cancelled.
- To be be filed within three months of the date of cancellation or date of order of cancellation, whichever is later.

Action on return defaulters

- For non filing of returns under section 39 , Annual Return , Final Return.
- A notice shall be issued requiring him to furnish such return within fifteen days in Form GSTR 3A.
- If the dealer fails to file return with prescribed time , Assessment of non-filers of returns should be done under section 62 in Form GST ASMT 13.
- If a registered person furnishes a valid return within thirty days of the service of Form GST ASMT 13, the said assessment order shall be deemed to have been withdrawn

Levy of late fee

- To be paid by any registered person who fails to furnish GSTR₁, GSTR 2 or returns required under section 39 or Final return by the due date
- Late fee of one hundred rupees for every day subject to a maximum amount of five thousand rupees(Per Act).
- Government may, by notification, waive in part or full, any late fee on the recommendations of the Council (section 128)

Levy of late fee

- Late fees for GSTR-3B is Rs. 20 (Rs. 10 for CGST and Rs. 10 for SGST) per day for NIL returns and Rs. 50 (Rs. 25 for CGST and Rs. 25 for SGST) in other cases.
- Maximum amount of late fee will be Rs. 10,000 (Rs. 5,000 for CGST and Rs. 5,000 for SGST) for every return.
- Late fees for GSTR-9 and GSTR-9A is Rs. 200 (Rs. 100 for CGST and Rs. 100 for SGST) per day up to a maximum of 0.50% (0.25% for CGST and 0.25% for SGST) of turnover.

Quick Evaluation

1. Return to be furnished by persons liable to deduct tax at source under Section 51 of the CGST Act is GSTR 7
True/False
2. Every registered person whose registration is cancelled shall file a final return.
True/False
3. A Non resident taxable person need not to file a annual return
True/False
4. Details of Outward supplies shall include
(a) Invoice (b) Credit and Debit notes
(c) Revised invoice issued in relation to outward supplies (d) All the above
5. The details of outward supplies shall be submitted in Form GSTR-1 by all the registered taxable person other than ISD, non-resident tax payer and a person paying tax under section 10, section 51 and section 52
True/False

Quick Evaluation

6) The last date for payment of taxes to the appropriate government is the last date on which the registered taxable person is required to furnish the return

True/False

7) Failure to file annual return within due date attracts a late fee of ` 100 per day up to 1% of his turnover

True/False

8) Details of Inward supplies shall include

(a) Inward supplies of goods and services communicated in Form GSTR 2A

(b) Inward supplies in respect of which tax is payable under reverse charge mechanism

(c) Inward supplies of goods and services not declared by suppliers

(d) All the above

9) When a registered person fails to furnish GSTR 3B return notice, shall be issued in GSTR 3A requesting him to furnish return within 100 days

True/False

10) The annual return shall be filed by the registered taxable person (other than dealers paying tax under section 10) in form

(a) GSTR 7

(b) GSTR 9

(c) GSTR 9A

(d) GSTR 9C



THANK YOU