



GST DIGEST

(E-Magazine)



**Commercial Taxes Department
Telangana**



An architectural marvel, new *secretariat building* in Hyderabad. Built in Indo-Sarssenic style, the sprawling new structure on the banks of Hussian Sagar is not just a seat of power but also a unique architectural attraction, along with the historic Charminar and the Golconda.

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Telangana

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Disclaimer: It is an informal e-magazine by the officials of the department. The contents of this e-magazine are the views of respective officers and/or editorial committee and do not represent the views of Commercial Taxes Department of Telangana State and has no legal force. Due care has been taken to avoid errors and in case any error is noticed, the same may be brought to the notice of editorial committee.

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+Hon'ble Finance Minister

+Hon'ble Chief Secretary

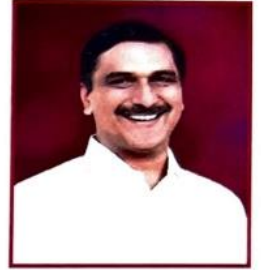
+Hon'ble Commissioner (CT)

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Message

I am delighted to know that the Staff College of the Telangana Commercial Taxes Department is coming up with issue of their in-house e-Magazine namely **GST Digest** for the Financial Year 2022-23, which is a good initiative towards capacity building and upgradation of skills in the Department.

I am sure that the new edition of **GST Digest** will be helpful to the officials in updating their knowledge about various amendments in GST law and as a ready reference to all the officials of the Department in exercise of their duties and have a positive impact on tax collections in the State.

I take this opportunity to congratulate the Commissioner of Commercial Taxes and the Editorial Committee in bringing out this e-Magazine and wish that many such issues of e-Magazine come up in the future.

With Best Wishes


T. Harish Rao

**A. Santhi Kumari, I.A.S.,
Chief Secretary &
Spl. Chief Secretary
(CT&Excise)**



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Message

GST journey has completed more than five years but we are still facing huge challenges in curbing fraudulent activities. There are seemingly excellent opportunities to increase revenue by using new technologies. In this context, it's important that our Commercial Taxes officers are endowed with new knowledge and skills.

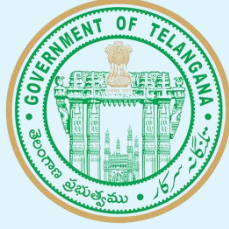
I wish that all the officials of the Telangana Commercial Taxes Department make use of this new edition of **GST Digest** as it is embedded with various legal issues pertaining to GST law and its amendments for the period 2022-23.

I congratulate the Commissioner of Commercial Taxes and the Editorial Committee for bringing out this e-Magazine.

With Best Wishes.

**Chief Secretary &
Spl. CS (CT&Excise)**

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Message

It gives me immense pleasure to share that the Staff College of the Telangana Commercial Taxes Department is bringing out **Issue No. 10** of e-Magazine namely **GST Digest**.

I hope that the entire CTD fraternity makes use of the new edition of **GST Digest** as it will serve as a ready reference in updating their knowledge of various amendments in GST law from time to time which will result in increased tax revenues to the State.

I congratulate the Editorial Committee in bringing out this e-Magazine and wish that many such issues of their magazine come up in the future.

Best Wishes.

Commissioner of Commercial Taxes

TAX/RATE NOTIFICATIONS

1. Central Tax NN. 05/2022, dated 17-05-2022

Subject: Extended the Due date of filing GSTR 3B for the month of April 2022.

- The due date for furnishing the return in FORM GSTR-3B for the month of April, 2022 extended till 24th May, 2022.

2. Central Tax NN. 06/2022, dated 17-05-2022

Subject: Extended the due date of filing GST PMT-06, for the month of April, 2022 for QRMP Tax payers.

- Extended the due date of payment for QRMP tax payers in FORM GST PMT-06 (payment challan for QRMP tax payers), for the month of April, 2022 till May 27th May, 2022.

3. Central Tax NN. 07/2022, dated 26-05-2022

Subject: Waiver of late fee for delay in filing GSTR 4 for the FY 2021-22 and filed in May and June 2022.

- Amended NN 73/2017 dated 29th December, 2017.
- The late fee payable for delay in furnishing of FORM GSTR-4 (Return to be filed by a composition TP) for the FY 2021-22 shall be waived if filed during May and June 2022.

4. Central Tax NN. 08/2022, dated 07-06-2022

Subject: Waiver of interest for specified electronic commerce operators for specified tax periods.

- Electronic Commerce Operator who were failed to furnish FORM GSTR-8, for the months of September 2020 to January 2021 due to technical glitches on the portal are granted waiver of interest.

5. Central Tax NN. 09/2022, dated 05-07-2022

Subject: Notified the provisions of section 110(c) of Finance Act 2022 (substitution of section 49(10) of CGST Act, transfer of amount in electronic cash ledger (ECL) to ECL of distinct person i.e., having same PAN) and section 111 of Finance Act (Amendment to Section 50 of CGST Act, 2017, In cases where input tax credit has been wrongly availed and utilised, interest payable shall be at such rate not exceeding twenty-four per cent)

- The provisions of section 110(c) and section 111 of the Finance Act, 2002 shall come into force from 5th, July, 2022.

6. Central Tax NN. 10/2022, dated 05-07-2022

Subject: Exempted certain RPs from filing annual return

- RPs whose AATO is upto Rs.2crores are exempted from filing annual return for the financial year 2021-22.

7. Central Tax NN. 11/2022, dated 05-07-2022

Subject: Extended the due date of FORM CMP-08 (Statement of payment of Self assessed tax) for the quarter ending June, 2022 till 31.07.2022.

- Amended NN21/2019 dated 23rdApril, 2019.
- Due date of payment of tax under composition levy throughCMP-08 (Statement for payment of self-assessed tax) for the quarter ending June, 2022 is extended to 31stJuly 2022 from 18th July.

8. Central Tax NN. 12/2022, dated 05-07-2022

Subject: Extended the Waiver of late fee for delay in filing GSTR 4 for FY 2021-22.

- Amended NN 73/2017 dated 29th December, 2017.
- The late fee payable for delay in furnishing of FORM GSTR-4 shall be waived if return is filed till July 28th, 2022.

9. Central Tax NN. 13/2022, dated 05-07-2022

Subject: Extended the dates of specified compliances.

- Extended the time limit specified under section 73(10) for issuance of order and under 73(9) for recovery of tax not paid or short paid or of ITC wrongly availed or utilized for the FY 2017-18 extended to 30th September, 2023.
- Excludes the period from the 1st March, 2020 to 28th, February 2022 for recovery of erroneous refund and for filing of refund application.

10. Central Tax NN. 14/2022, dated 05-07-2022

Subject: First amendment to the CGST Rules.

- a) Inserted a proviso in Rule 21A sub rule(4), that if the registration has been suspended for contravention of the provisions and the registration has not already been cancelled by the proper officer, the suspension of registration shall be deemed to be revoked upon furnishing of all the pending returns.
- b) Amendment to rule 43 inserted clause “d” in explanation 1.
 - Rule 43 deals with Manner of determination of Input tax credit in respect of capital goods and reversal thereof in certain cases.

- The aggregate value of exempt supplies shall exclude value of the supply of Duty Credit Scripts.
- c) Amendment to rule 46 - inserted clause “s”
- Rule 46 deals with Tax Invoice
 - The tax payer having aggregate turnover in any preceding financial year from 2017-18 onwards more than the aggregate turnover as notified under rule 48(4) shall give a declaration as

“I / We hereby declare that though our aggregate turnover in any preceding financial year from 2017-18 onwards is more than the aggregate turnover notified under sub-rule (4) of rule 48, we are not required to prepare an invoice in terms of the provisions of the said sub-rule”
- d) Amendment to rule 86 - inserted 4(B)
- Rule 86 deals with Electronic Credit Ledger.
 - Where a RP deposits the amount of erroneous refund sanctioned to him along with interest and penalty through FORM DRC-03 by debiting the electronic cash ledger shall be re-credited to the electronic credit ledger by the proper officer by an order made in FORM GST PMT-03A.
- e) Amendment to rule 87:
- Rule 87 deals with Electronic Cash Ledger
 - Inserted in Rule 87(3) – clauses i(a) &i(b)
 - The deposit under sub-rule(2) shall be made through
 - (ia)Unified Payment Interface(UPI) from any bank
 - (ib)Immediate Payment Services (IMPS) from any bank.
 - In Rule 87(5) added “IMPS” after “RTGS”.
 - Inserted rule 87(14) which states that a RP may on the common portal, transfer any amount of tax, interest, penalty, fee or any other amount available in the electronic cash ledger to the electronic cash ledger for CGST or IGST of a distinct person in FORM GST PMT-09 and no such transfer shall be allowed if the said RP has any unpaid liability in his electronic liability register.

- f) Inserted 88B with effect from 01-07-2017.
- 88B deals with Manner of calculating interest on delayed payment of tax and it is effective from July 1st, 2017.
 - If the 3B return is furnished after due date, the interest on tax payable in respect of such supplies shall be calculated on the portion of tax which is paid by debiting the electronic cash ledger as per Section 50(1) except where such return is furnished after commencement of any proceedings under section 73 or 74.
 - In case where interest is payable on the amount of ITC wrongly availed and utilized, the interest shall be calculated on the amount of ITC availed and utilized for the period starting from the date of utilization of such wrongly availed ITC till the date of reversal of such credit or payment of tax.
- g) Amendment to Rule 89
- Rule 89 deals with Application for refund of tax, interest, penalty, fees or any other amount.
 - Inserted Explanation after Rule 89(1) 4th proviso
 - Explanation related to in respect of supplies to a SEZ unit or a SEZ developer, the application for refund shall be filed by the supplier of goods after such goods have been admitted in full in the SEZ for authorized operations, as endorsed by the specified officer of the Zone.
 - “Specified officer” means a “specified officer” or an “authorized officer” as defined under rule 2 of SEZ Rules, 2006.
 - In Rule 89 sub rule (2) in clause (b) inserted that the application shall be accompanied by documentary evidences in annexure 1 in FORM GST RFD-01, a statement containing the number and date of shipping bills or bills of export and the number and the date of relevant export invoices in case where the refund is on account of export of goods **other than electricity**.
 - In Rule 89 sub rule (2) in clause inserted (ba), RFD-01 shall be accompanied with the documents related to export of energy.
 - In rule 89 sub-rule (4) inserted an explanation regarding zero rate supply of goods or services or both without payment of tax under bond letter of undertaking. For the purposes of this, the value of goods exported out of India shall be taken as the Free on Board(FOB) value declared in the shipping bill or bill of export

form or the value declared in tax invoice or bill of supply, whichever is less.

- In rule 89(5) substituted the words in the context of the formula regarding refund on account of inverted duty structure, refund of ITC shall be granted as per formula mentioned.
- Maximum Refund Amount = $\{(\text{Turnover of inverted rated supply of goods and services}) \times (\text{Net ITC} \div \text{Adjusted Total Turnover})\} - \{[\text{tax payable on such inverted rated supply of goods and services} \times (\text{Net ITC} \div \text{ITC availed on inputs and input services})]\}$.

h) Rule 95A omitted with effect from 01-07-2019

- Rule 95A dealt with Refund of taxes to the retail outlets established in departure area of an international Airport beyond immigration counters making tax free supply to an outgoing international tourist.

i) Amended rule 96 with effect from 01-07-2017

- Rule 96 deals with Refund of integrated tax paid on goods or services exported out of India.
 - Substituted rule 96(1)(b) where the shipping bill filed by an exporter of goods shall be deemed to be an application for refund of integrated tax paid on the goods exported out of India and such application shall be deemed to have been filed only when “the applicant has furnished valid return in FORM GSTR-3B”
 - If any mismatch between shipping bill and GSTR-1, it is deemed to have been filed on such date when such mismatch rectified by the exporter.
- In Rule 96 sub rule (4)(b) the claim of refund shall be withheld where the proper officer of Customs determines that goods were exported in violation of the provisions of the Customs Act 1962 or the commissioner in the Board or an officer authorized by the Board, on the basis of data analysis and risk parameters, is of the opinion that verification of credentials of the exporter, including the availment of ITC by the exporter, is considered essential before grant of refund, in order to safeguard the interest of revenue.
- Rule 96(5) shall be deemed to have been omitted.
 - Rule 96(5) dealt with where the refund is withheld, the proper officer of integrated tax at the customs station shall intimate applicant and jurisdictional Commissioner and a copy of such intimation shall be transmitted to the common portal.

- Inserted Rule 96 (5A) where refund is withheld, such claim shall be transmitted to the proper officer electronically through the common portal in a system generated form RFD -01 and the intimation of such transmission shall also be sent to the exporter through the common portal. The generated form shall be deemed to be the application for refund and shall be deemed to have been filed on the date of such transmission.
- Inserted Rule 96(5B)-where refund is withheld and the proper officer of the customs passes an order that the goods have been exported in violation of the provisions of the customs act 1962, such claim shall be transmitted to the proper officer electronically through the common portal in a system generated FORM GST RFD-01, intimation of such transmission shall also be sent to the exporter through the common portal. The generated form shall be deemed to be the application for refund and shall be deemed to have been filed on the date of such transmission.
- Inserted 96(5C)-the application for refund in FORM GST RFD-01 transmitted electronically through the common portal shall be dealt in accordance with the provisions of rule 5A, 5B.
- Omitted rule 96(6) & 96(7).
 - Rule 96(6) dealt with upon transmission of the intimation the proper officer shall pass an order in Part A of FORM GST RFD-07.
 - Rule 96(7) dealt with where the applicant becomes entitled to refund of the amount withheld, the concerned jurisdictional officer shall proceed to refund the amount bypassing an order in FORM GST RFD-06 after passing an order for release of withheld refund in part B of FORM GST RFD-07.
- Inserted in paragraph 3.1 of FORM GSTR-3B that liable to reverse charge other than those covered in 3.1.1.
- Inserted 3.1.1 in FORM GSTR-3B Details of supplies notified under section 9(5) of CGST Act and corresponding provisions in IGST/UTGST/SGST.

11. Central Tax NN. 15/2022, dated 13-07-2022 effective from 18-7-22

Subject: Amendment to notification 10/2019 dated 07-03-2019

- Persons dealing in Fly ash bricks, Fly ash aggregates and Fly ash blocks are liable for compulsory registration on fulfilling the condition of crossing threshold turnover of Rs. 20 lakhs (Rs 40 lakhs threshold turnover is not applicable for these class of persons)

- For the state of Telangana, it does not have any impact Rs. 40 lakhs threshold limit for registration is not adopted by the state.

12. Central Tax NN. 16/2022, dated 13-07-2022

Subject: Amendment to notification 14/2019

- Notification 14/2019 extended the limit of threshold of aggregate turnover for availing composition scheme u/s 10 the CGST ACT, 2017 to Rs.1.5 crores.
- The registered person shall not be eligible to opt for composition levy under section 10(1) if such person is a manufacturer of the goods of Fly ash bricks; Fly ash aggregates; Fly ash blocks.

13. Central Tax NN. 17/2022, dated 01-08-2022

Subject: Implementation of e-invoicing for the taxpayers having aggregate turnover exceeding Rs.10Cr. from 01st October, 2022.

- Amendment to Notification 13/2020 dated 21/03/2020.
- e-invoicing for the taxpayers having aggregate turnover exceeding Rs.10Cr. from 1st October, 2022.

14. Central Tax NN. 18/2022, dated 28-09-2022

Notified October 1st, 2022 as the date on which provisions of sections 100 to 114, except clause(c) of section 110 and section 111 of Finance Act, 2022 came into effect.

15. Central Tax NN. 19/2022, dated 28-09-2022

Subject: Second amendment to the CGST Rules 2017.

- These rules came into effect from 01st October, 2022.
- Amendment to Rules 21,36,37,38,42,43,60,83,85,89 and 96.
- Omission of Rules 69,70,71,72,73,74,75,76,77 and 79.

16. Central Tax NN. 20/2022, dated 28-09-2022

Subject: Rescinded Notification No.20/2018- dated 28th March, 2018.

- Notification No.20/2018 extends due date for filing of application for refund under section 55 by notified agencies.

17. Central Tax NN. 21/2022, dated 21-10-2022

- The due date for furnishing the return in FORM GSTR-3B for the month of September, 22 extended till 21st Oct, 22 from 20th Oct 2022.

18. Central Tax NN. 22/2022, dated 15-11-2022

Subject: Third amendment to the CGST Rules 2017.

- a) In Form GSTR-09 under heading “Instructions” the seventh paragraph has been amended
- 7th paragraph consists of particulars of transactions for the previous financial year but paid in Form GSTR-3B of April, 2022 to October, 2022 filed up to 30th November, 2022.
- b) In the 7th paragraph in the table
- Serial Number 10,11,12 and 13 the words “April 2022 to September 2022” shall be substituted with “April, 2022 to October, 2022 filed up to 30th November, 2022”.

19. Central Tax NN. 23/2022, dated 23-11-2022

Subject: Empowering the Competition Commission of India

- The GST Council empowers the Competition Commission of India to examine whether input tax credits availed by the registered person or the reduction in the tax rate are actually resulted in a commensurate reduction in the price of the goods or services or both supplied by him.
- The notification shall come into effect from Dec 1st, 2022.

20. Central Tax NN. 24/2022, dated 23-11-2022

Subject: Fourth Amendment to CGST rules 2017

- This shall come in to force from Dec 1st, 2022.
- Rule 122,124,125,134 and 137 shall be omitted.
- Rule 122 dealt with constitution of authority under Anti profiteering Authority.
- Rule 124 dealt with Appointment, salary, allowances and other terms and conditions of service of the Chairman and Members of the Anti Profiteering Authority.
- Rule 125 dealt with Secretary to the Anti profiteering authority
- Rule 134 dealt with Decision to be taken by the majority.
- Rule 137 dealt with Tenure of Anti Profiteering Authority.
- In Rule 127 - the marginal heading “Duties of the Authority” shall be substituted with “Functions of the Authority”.
- For the words “It shall be the duty of the Authority”, the words “The

authority shall discharge the following functions, namely: -“shall be substituted.

- After rule 137, under explanation, clause “a” inserted
- Clause (a) “Authority “means the Authority notified under sub-section (2) of section 171 of the Act.

21. Central Tax NN. 25/2022, dated 13-12-2022

Subject: Amendment to NN 83/2020 Dated 10th November, 2020.

- Notification 83/2020 seeks to extend the due date Form GSTR-01.
- In Tamilnadu state in certain districts the due date to file GSTR-01 of November 2022 shall be extended to 13th December 2022.

22. Central Tax NN. 26/2022, dated 26-12-2022

Subject: Fifth Amendment to CGST rules 2017.

- Amendment to Rule 8,9,12(3),37(1),37A
- Insertion of Rule 46(F),46A,59(b)(d),87(8),88C,89(ka) &(kb), 108(3), 109, 109C

23. Central Tax NN. 27/2022, dated 26-12-2022

Subject: Provisions of Rule 8 (4A) shall not apply except to Gujarat.

- Rule 8 deals with Application for registration.
- Sub Rule 4A deals with “Aadhaar Authentication”
- The provisions of sub-rule (4A) of rule 8 shall not apply in all the States and Union territories except the State of Gujarat as piloting of Aadhaar authentication is taken up in Gujarat.

24. Central Tax NN. 01/2023, dated 04-01-2023

Subject: Amended Tax NN 14/2017 dated 01-07-2017.

- Notification 14/2017 deals with Assigning jurisdiction and power to officers of various directorates.
- In the Notification, inserted 8A as the officer “Additional Assistant Director, GST Intelligence or Additional Assistant Director GST or Additional Assistant Director, GST whose powers are to be exercised as superintendent.

25. Central Tax NN. 02/2023, dated 31-03-2023

Subject: Amendment to Tax NN 73/2017 dated 29-12-2017 – GSTR 04 amnesty scheme

- Amount of late fee payable is waived which is in excess of Rs 500/- (both acts) and fully waived where GST payable is NIL in case of delay in filing GSTR -04 and have filed between 01-04-2023 to 30-06-2023.

26. Central Tax NN. 03/2023, dated 31-03-2023

Subject: Special procedure for revocation of cancellation of registration.

- Whose registration has been cancelled under section 29 (b) or (c) on or before December 21st, 2022, and who has failed to apply for revocation of cancellation of registration within time period shall follow special procedure for revocation of cancellation of registration.
- Such person may apply for revocation of cancellation of registration up to June 30th, 2023.
- Can avail this facility only after furnishing the returns due and payment of tax, penalty, interest and late fee in respect of such returns

27. Central Tax NN. 04/2023, dated 31-03-2023

Subject: Amendment to CGST rules 2017.

- The newly substituted Rule 8(4A) specifies the date of Submission of Registration application in case Aadhaar Authentication is opted. It shall be Date of Aadhaar Authentication-15 days from submission of Part B of GST Reg-01, whichever is earlier.

28. Central Tax NN. 05/2023, dated 31-03-2023

Subject: Amendment to NN 27/2022 dated 26-12-2022.

- Newly substituted Rule 8(4A), persons liable for Biometric Aadhaar Authentication, taking photo along with verification of original documents have been provided separately in “Proviso” to Rule 8(4A) hence in relevant notification 27/2022 via rule 8(4B) provided.
- The word “proviso” to rule 8(4A) has been used in place of “Provision” to Rule 8(4A), effective from 26th December, 2022.

29. Central Tax NN. 06/2023, dated 31-03-2023

Subject: Aadhaar Authentication.

- The RP who failed to furnish a valid return within a period of 30 days from the service of the assessment order issued on or before the 28th, Feb, 2023 under Section 62(1) of CGST Act.

- Such non filer assessment shall be deemed to have been withdrawn if such RP furnishes the return on or before 30th June, 2023 and
- The return shall be accompanied by payment of interest and late fee
- Irrespective of whether or not an appeal had been filed or such appeal has been decided.

30. Central Tax NN. 07/2023, dated 31-03-2023

Subject: Reduction in Late Fee for 2017-18 to 2021-22 and rationalization of late fees for delay in filing Annual Return:

- The Maximum late fee shall be Rs.20,000/- (both SGST&CGST), if annual return for FY 2017-18 to FY 2021-22 is filed from 1st April 2023 to June 30th, 2023.
- Reduction in late fee for FY 2022-23 on words
 - RP having Aggregate turnover up to Rs.5 Crores, the late fee shall be Rs.50 per day (SGST+CGST) subject to maximum of 0.04%(SGST+CGST) of the turnover.(earlier it was Rs.200 per day & 0.5% (SGST+CGST) of the turnover
 - RP having Aggregate turnover more than Rs.5Cr. and up to 20 Cr. The late fee shall be Rs.100 per day (SGST+CGST) subject to maximum of 0.04 %(SGST+CGST). (earlier it was Rs.200 per day & 0.5% (SGST+CGST) of the turnover.

31. Central Tax NN. 08/2023, dated 31-03-2023

Subject: Waiving the late fee for Final Return (GSTR-10)

- Late fee of above Rs.1000/- is waived for delay in filing of Final return in Form GSTR-10 if filed between 1st April, 2023 to 30th June 2023.

32. Central Tax NN. 09/2023, dated 31-03-2023

Subject: Amendment to Tax NN 35/2020, 14/2021,13/2022 to extend the time limit under Section 73(10)

- Section 73 pertains to determination of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilized for any reason other than fraud or any willful misstatement or suppression of facts.
- There is time limit of passing order under section 73 and now extended further 3 months in each FY 2017-18,2018-19 and 2019-20.
- For FY 2017-18, up to 31st Dec, 2023 (existing due date 30-09-2023)
- For FY 2018-19, up to 31st March 2024.(existing due date 31-12-2023)
- For FY 2019-20, up to 30th June 2024.(existing due date 31-03-2024)

RATE NOTIFICATIONS

Sl. No.	Notification Number, date	Description	Old Tax Rate	New Tax Rate
01	CRN. No. 03/2022 – CT(Rate) dated 13th, July 2022 EFECTED FROM 18 TH , JULY, 2022	Goods transport agency (GTA) is being given option to pay GST at 5% or 12% under forward charge; option to be exercised at the beginning of Financial Year. RCM option to continue. Option to be exercised by declaration in Annexure V before 15th March of Preceding FY. For FY 22-23, option to be exercised before 16/08/2022		5% with no ITC or 12% with ITC
		Renting of vehicle with operator for transportation of goods on time basis is classifiable under Heading 9966 (rental services of transport vehicles with operators) and attracts GST at 18%. GST on such renting where cost of fuel is included in the consideration charged is being prescribed at 12%.	18%	12%
		Room rent (excluding ICU) exceeding Rs.5000 per day per patient charged by a hospital shall be taxed to the extent of amount charged for the room at 5% without ITC.	NIL	5%
		Like CETPs, common bio-medical waste treatment facilities for treatment or disposal of biomedical waste shall be taxed at 12% so as to allow them ITC		12%
		Renting of truck/goods carriage where cost of fuel is included	18%	12%
		Transport of goods and passengers by ropeways.	18%	5% with out ITC
		Works contract supplied to central and state governments, union territories & local authorities involving predominantly earthwork and sub-contracts thereof	5%	12%
		Works contract supplied to central and state governments, local authorities for historical	12%	18%

		monuments, canals, dams, pipelines, plants for water supply, educational institutions, hospitals etc.& sub-contractor thereof		
		Works contract for roads, bridges, railways, metro, effluent treatment plant, crematorium etc.	12%	18%
		Job work in relation to manufacture of clay bricks	5%	12%
		Job work in relation to manufacture of leather goods and footwear	5%	12%
		Job work in relation to processing of hides, skin sand leather	5%	12%
		Services supplied by foreman to chit fund	12%	18%
02	<p>CRN. No. 04/2022 – CT(Rate) dated 13th, July 2022</p> <p>(AMENDED NOTIFICATION 12/2017 DATED 28/06/2017)</p>	Service provided by Indian Tour operator to a foreign resident for a tour partially in India and partially outside India, exemption granted to the extent of value of tour operator service provided outside India	Valuation shall be in proportion of number of days outside India total days of tour or 50% of total consideration, whichever is less	
		Services by the Department of Posts by way of post card, inland letter, book post and ordinary post (envelopes weighing less than 10 grams).	NIL	NIL
		All taxable service of Department of Posts would be subject to forward charge. Hitherto certain taxable services of Department of post were taxed on reverse charge basis.	RCM	Forward Charge With Applicable Rates
		Exemption on transport of passengers by air to and from NE states & Bagdogra is being restricted to economy class. Business Class would be taxable.		
		Tax exemption on training or coaching in recreational activities		

		relating to arts horticulture, or sports is being restricted to such services when supplied by an individual.		
		Hotel accommodation priced upto Rs.1000day shall be taxed at12%	NIL	12%
		Services provided by the cord blood banks by way of preservation of stem cells		
		Renting of residential dwelling to registered persons.	EXEMPTED	Taxable under RCM
		Services by RBI, IRDA, SEBI, FSSAI,		
		Fumigation in awarehouse of agricultural produce		
		Transportation by rail or a vessel of railway equipment and material.	EXEMPTED	Taxable
03	CRN. No. 05/2022 – CT(Rate) dated 13th, July 2022 (AMENDED NOTIFCATION 13/2017 DATED 28/06/2017)	GST was exempted on specified food items, grains etc when not branded, or right on the brand has been foregone. It has been recommended to revise the scope of exemption to exclude from it prepackaged and pre-labeled retail pack in terms of Legal Metrology Act, including pre-packed, pre-labeled curd, lassi and butter milk.	NIL	5%
04		Printing, writing or drawing ink	12%	18%
		Knives with cutting blades, Paper knives, Pencil sharpeners and blades therefor, Spoons, forks, ladles, skimmers, cake-servers etc	12%	18%
		Power driven pumps primarily designed for handling water such as centrifugal pumps, deep tube-well turbine pumps, submersible pumps; Bicycle pumps	12%	18%
		Machines for cleaning, sorting or grading, seed, grain pulses; Machinery used in milling industry or for the working of cereals etc; PawanChakki that is AirBased Atta Chakki; Wet grinder;	5%	18%
		Machines for cleaning, sorting or grading eggs, fruit or other agricultural produce and its parts,	12%	18%
	CRN. No.			

06/2022 – CT(Rate) dated 13th, July 2022 (AMENDED NOTIFICATION 1/2017 DATED 28/06/2017)	Milking machines and dairy machinery		
	LED Lamps, lights and fixture, their metal printed circuits board;	12%	18%
	Solar Water Heater and system;	5%	12%
	Prepared/finished leather/chamois leather /composition leathers;	5%	12%
	Jaggery of all types including Cane Jaggery (gur),Palmyra Jaggery, pre-packaged and labeled; Khandsari Sugar,pre-packagedand labeled”	NIL	5%
	Ostomy Appliances	12%	5%
	Orthopedic appliance- Splints and other fracture appliances; artificial parts of the body; other appliances which are worn or carried, or implantedinthebody,tocompensateforadefectordisability;intraocular lens	12%	5%
	TetraPak (Aseptic Packaging Paper)	12%	18%
	Tar(whether from coal, coal gasification plants, producer Gas plants and Coke Oven Plants.	5%/ 18%	18%
	Cut and Polished diamonds	0.25%	1.50 %
	Cheques, lose or in book form	NIL	18%
	Maps and hydrographic or similar charts of all kinds, including atlases, wall maps, topographical plans and globes, prints	NIL	12%
	Parts of goods of heading 8801	NIL	18%
	E-waste	5%	18%
	All fly ash bricks attract same concessional rate irrespective of fly ash content		
	The GST rate on all forms of mango under CTH 0804, including mango pulp(other than mangoes sliced, dried) attract GST at the 12%. Entry is also being amended to make this amply clear. Raw or fresh mangoes continue to be exempt.	NIL	12%
	The condition of 90% fly ash content with respect to fly ash bricks applies only to fly ash aggregate, and not fly ash bricks		

- 05. [Central Tax \(Rate\) NN.07/2022, dated 13-7-22 w.e.f.18th July, 2022](#)**
Subject: Amendment to Rate Notification 2/2017 dated 28th July, 2017 (Nil rated goods).
- Nil rate withdrawn for certain pre-packaged and labeled goods.
 - These items include curd, buttermilk, lassi, sugar, jiggery, pulses and cereals.
 - Pre-packaged goods as defined under legal meteorology act, 2000
- 06. [Central Tax \(Rate\) NN. 08/2022, dated 13-07-2022](#)**
Subject: Amendment to Rate Notification 3/2017 dated 28th July, 2017.
- Rate Notification 3/2017 was about 5% concessional CGST rate for supplies to exploration and production notified.
 - With this notification, the concessional GST rate for supplies to exploration and production notified under section 11(1) has been increased to 12%.
- 07. [Central Tax \(Rate\) NN. 09/2022, dated 13-07-2022](#)**
Subject: Amendment to Rate Notification 5/2017 dated 28th July, 2017.
- Rate Notification was about supplies of goods in respect of which no refund of unutilized input tax credit shall be allowed under section 54(3).
 - Where the credit has accumulated on account of rate of tax on inputs being higher than the rate of tax on the outputs
 - In this notification (14) goods were added where the supplies of goods in respect of which no refund of unutilized input tax credit shall be allowed under section 54(3).
- 08. [Central Tax \(Rate\) NN.10/2022, dated 13-07-2022](#)**
Subject: Amendment to the CRNN.02/2022 dated 31st, March, 2022 w.e.f. 18th July, 2022.
- Seeks to provide concessional rate of 6% on supplies of Fly ash bricks.
- 09. [Central Tax \(Rate\) NN.11/2022, dated 03-07-2022](#)**
Subject: Rescinded CRNN.45/2017 dated 14th, Nov, 2017.
- Rescinded Notification CRNN. 45/2017 dated 14th, Nov, 2017
 - This notification effected from 18th, July, 2022.
 - Exemption of certain goods such as scientific instruments to certain research institutes was removed.

10. [Central Tax \(Rate\) NN.12/2022, dated 30-12-22 w.e.f. 01-01-2023](#)

Subject: Amendment to Rate notification 01/2017 date 28-06-2017.

a) Under 5% tax rate i.e., Schedule I

- Against Sl.No.102A, inserted Ethyl alcohol supplied to oil Marketing Companies or Petroleum refineries for blending with motor spirit(petrol).
- Against Sl.No.103A, inserted Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or of leguminous plants other than aquatic feed including shrimp feed and prawn feed, poultry feed and cattle feed, including grass, hay and straw, supplement and additives husk of pulses including chilka concentrates including chuni or churikhanda, wheat bran de-oiled cake.

b) Under 12% tax rate i.e., Schedule II

- Against Sl.No.48, inserted Fruit pulp or fruit juice based drinks other than Carbonated Beverages of Fruit Drink or Carbonated Beverages with Fruit Juice.
- Against Sl.No.180, inserted Mathematical boxes, geometry boxes and colour boxes.

c) Under 18% tax rate i.e., Schedule III

- Against Sl.No.25, included Ethyl alcohol and other spirits, denatured, of any strength [other than ethyl alcohol supplied to Oil Marketing Companies or Petroleum refineries for blending with motor spirit(petrol)].

11. [Central Tax \(Rate\) NN.13/2022, dated 30-12-2022](#)

Subject: Amendment to Rate notification 02/2017, date 28-06-2017.

a) Under exempted goods category

- Against Sl.No.102 included Aquatic feed including shrimp feed and prawn feed, poultry feed and cattle feed, including grass, hay and straw, supplement and additives, wheat bran and de-oiled cake [other than rice bran]
- Inserted Sl.No.102C: Husk of pulses including chilka concentrates including chuni or churikhanda.

12. [Central Tax \(Rate\) NN.14/2022, dated 30-12-2022](#)

Amendment to CRNN 04/2017 date 28-06-2017 w.e.f. 01-01-2023

1. Rate Notification 04/2017 deals with RCM under section 9(3).

- a. Registered person liable for RCM in case of inward supply of the following goods from unregistered person.
- b. Against Sl.No.3A included essential oils other than those of citrus fruit namely
 - o Peppermint oil
 - o Other mint oil like spearmint oil, water mint-oil, Bergament oil, Menthaarvensis.

13. [Central Tax \(Rate\) NN.15/2022, dated 30-12-2022](#)

Subject: Amendment to Rate notification 12/2017 date 28-06-2017 w.e.f. 01-01-2023.

1. Rate Notification 12/2017 notified exemptions on supply of services.
 - a. Against Sl.NO.12, in the notification, the following explanation inserted
 - b. For the purpose of exemption, this entry shall cover services by way of renting of residential dwelling to a registered person where
 - The RP is proprietor of a concern and rents the residential dwelling in his personal capacity for use as his own residence; and
 - Such renting is on his own account and that of the proprietorship concern.

14. [Central Tax \(Rate\) NN.01/2023, dated 28-02-2023](#)

Subject: Amendment to Rate notification 12/2017 date 28-06-2017 w.e.f. 01-03-2023 (exempted supply of services)

In paragraph 3 in the explanation inserted clause Iva against Sl.NO.12 in the notification the following explanation inserted.

Clause iv a: For removal of doubts, it is clarified that any authority, board or body set up by Central Government or State Government including National Testing Agency for conduct of entrance examination for admission to educational institutions shall be treated as educational institution for the limited purpose of providing services by way of conduct of entrance examination for admission to educational institutions.

15. [Central Tax \(Rate\) NN.02/2023, dated 28-02-2023](#)

Subject: Amendment to Rate notification 13/2017 date 28-06-2017 w.e.f. 01-03-2023

- a) Rate Notification 13/2017 Notified the categories of services on which tax will be payable under RCM
- b) Provisions of this notification, in so far as they apply to the Central Government and State Governments, shall also apply to the Parliament and State Legislatures, **courts and Tribunals.**

16. Central Tax (Rate) NN.03/2023, dated 28-02-2023

Subject: Amendment to Rate notification 01/2017 date 28-06-2017
w.e.f. 01-03-2023

1. Under 5% tax rate-Schedule I
 - At Sl.No.91A included Jaggery of all types including cane jiggery (gur), Palmyra jiggery, pre-packaged and labeled; Rab, pre-packaged and labeled.
2. Under 12% tax rate-Schedule II
 - Under 12% tax rate inserted S.No.186A “Pencil sharpeners”.
3. Under 18% tax rate-Schedule III
 - Under 18% tax rate removed pencil sharpeners.

17. Central Tax (Rate) NN.04/2023, dated 28-02-23 w.e.f. 01-03-2023

Subject: Amendment to Rate notification 02/2017 date 28-06-2017 (list of exempted goods)

- @ Sl.No.94 inserted Rab, other than pre-packaged and labeled.

CIRCULARS

1. Circular No. 170/02/2022 – GST dated 06-07-2022

Subject - Mandatory furnishing of correct and proper information of inter-State supplies and amount of ineligible/blocked Input Tax Credit and reversal thereof in return in FORM GSTR-3B and statement in FORM GSTR-1

This Clarification prescribes the procedure to be followed in correct reporting of details in different tables of FORM GSTR-1 & FORM GSTR-3B as detailed below:

- The registered persons making inter-State supplies –
 - a) to the unregistered persons, shall also report the details of such supplies, place of supply-wise, in Table 3.2 of FORM GSTR-3B and Table 7B or Table 5 or Table 9/10 of FORM GSTR-1, as the case may be;
 - b) to the registered persons paying tax under section 10 of the SGST/CGST Act (composition taxable persons) and to UIN holders, shall also report the details of such supplies, place of supply-wise, in Table 3.2 of FORM GSTR-3B and Table 4A or 4C or 9 of FORM GSTR-1, as the case may be, as mandated by the law.
 - c) shall 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, so that tax reaches the Consumption State as per the principles of destination based taxation system.
- Further, the procedure to be followed by registered person is being detailed hereunder for correct reporting of information in FORM GSTR-3B:
 - a) Total ITC (eligible as well as ineligible) is being auto-populated from statement in FORM GSTR-2B in different fields of Table 4A of FORM GSTR-3B (except for the ineligible ITC on account of limitation of time period as delineated in subsection (4) of section 16 of the CGST Act or where the recipient of an intra-State supply is located in a different State / UT than that of place of supply).
 - b) Registered person will report reversal of ITC, which are absolute in nature and are not reclaimable, such as on account of rule 38 (reversal of credit by a banking company or a financial institution), rule 42 (reversal on input and input services on account of supply of exempted goods or services), rule 43 (reversal on capital goods on account of supply of exempted goods or services) of the CGST

Rules and for reporting ineligible ITC under section 17(5) of the CGST Act in Table 4 (B) (1).

- c) Registered person will report reversal of ITC, which are not permanent in nature and can be reclaimed in future subject to fulfillment of specific conditions, such as on account of rule 37 of CGST Rules (non-payment of consideration to supplier within 180 days), section 16(2)(b) and section 16(2)(c) of the CGST Act in Table 4 (B) (2). Such ITC may be reclaimed in Table 4(A)(5) on fulfillment of necessary conditions. Further, all such reclaimed ITC shall also be shown in Table 4(D)(1). Table 4 (B) (2) may also be used by registered person for reversal of any ITC availed in Table 4(A) in previous tax periods because of some inadvertent mistake.
- d) Therefore, the net ITC Available will be calculated in Table 4 (C) which is as per the formula $(4A - [4B (1) + 4B (2)])$ and same will be credited to the ECL of the registered person.
- e) As the details of ineligible ITC under section 17(5) are being provided in Table 4(B), no further details of such ineligible ITC will be required to be provided in Table 4(D)(1).

It is further clarified that the reversal of ITC of ineligible credit under section 17(5) or any other provisions of the CGST Act and rules there under is required to be made under Table 4(B) and not under Table 4(D) of FORM GSTR3B.

2. Circular No. 171/03/2022 - GST dated 06-07-2022

Subject - Clarification on various issues relating to applicability of demand and penalty provisions under the Central Goods and Services Tax Act, 2017 in respect of transactions involving fake invoices.

- Different scenarios have been given to decide the nature of demand and penal action to be taken against a person for unscrupulous activities of fake invoices.
- Actual action to be taken against a person will depend upon the specific facts and circumstances of the case which may involve complex mixture of different scenarios.
- Any person who has retained the benefit of transactions specified under sub-section (1A) of section 122 of CGST Act, and at whose instance such transactions are conducted, shall also be liable for penal action under the provisions of the said sub-section.
- It may also be noted that in such cases of wrongful/ fraudulent availment or utilization of input tax credit, or in cases of issuance of invoices without supply of goods or services or both, leading to wrongful availment or utilization of input tax credit or refund of tax,

provisions of section 132 of the CGST Act may also be invocable, subject to conditions specified therein, based on facts and circumstances of each case.

3. Circular No. 172/04/2022 - GST dated 06-07-2022

Subject - Clarification on various issues pertaining to GST

- Whether the proviso at the end of section 17(5)(b) of the CGST Act is applicable to the entire clause (b) or the said proviso is applicable only to sub-clause (iii) of clause (b)?
 - The proviso after sub-clause (iii) of section 17(5)(b) is applicable to the whole of clause (b) of section 17(5) of the CGST Act.
- Whether the provisions of sub-clause (i) of clause (b) of section 17(5) bar availment of ITC on input services by way of “leasing of motor vehicles, vessels or aircraft” or ITC on input services by way of any type of leasing is barred under the said provisions?
 - “Leasing” referred in sub-clause (i) of clause (b) of section 17(5) refers to leasing of motor vehicles, vessels and aircrafts only and not to leasing of any other items. Accordingly, availment of ITC is not barred under sub-clause (i) of clause (b) of section 17(5) in case of leasing, other than leasing of motor vehicles, vessels and aircrafts.
- Whether various prerequisites provided by the employer to its employees in terms of contractual agreement entered into between the employer and the employee are liable for GST?
 - Prerequisites provided by the employer to the employee in terms of contractual agreement entered into between the employer and the employee will **not** be subjected to GST when the same are provided in terms of the contract between the employer and employee.
- Whether the amount available in the electronic credit ledger can be used for making payment of any tax under the GST Laws?
 - Any payment towards output tax, whether self-assessed in the return or payable as a consequence of any proceeding instituted under the provisions of GST Laws, can be made by utilization of the amount available in the electronic credit ledger of a registered person.
- Whether the amount available in the electronic credit ledger can be used for making payment of any liability other than tax under the GST Laws?

- As per section 49(4), the electronic credit ledger can be used for making payment of output tax only under the CGST Act or the IGST Act.
- It cannot be used for making payment of any interest, penalty, fees or any other amount payable under the said acts.
- Similarly, electronic credit ledger cannot be used for payment of erroneous refund sanctioned to the taxpayer, where such refund was sanctioned in cash.
- Whether the amount available in the electronic cash ledger can be used for making payment of any liability under the GST Laws?
 - As per section 49(3) of the CGST Act, the amount available in the electronic cash ledger may be used for making any payment towards tax, interest, penalty, fees or any other amount payable under the provisions of the GST Laws.

4. Circular No. 173/05/2022 - GST dated 06-07-2022

Subject - Clarification on issue of claiming refund under inverted duty structure where the supplier is supplying goods under some concessional notification.

- Refund of accumulated input tax credit on account of inverted structure as per clause (ii) of section 54(3) of the CGST Act, 2017 would be allowed in cases where accumulation of ITC is on account of rate of tax on outward supply being less than the rate of tax on inputs (same goods) at the same point of time, as per some concessional notification issued by the Government providing for lower rate of tax for some specified supplies subject to fulfillment of other conditions.

5. Circular No. 174/06/2022 - GST dated 06-07-2022

Subject - Prescribing manner of re-credit in electronic credit ledger using FORM GST PMT-03A.

In respect of the following categories of refund sanctioned erroneously, re-credit of amount in the electronic credit ledger can be done through FORM GST PMT-03A, on deposit of such erroneous refund along with interest and penalty, wherever applicable, by the taxpayer:

- a. Refund of IGST obtained in contravention of sub-rule (10) of rule 96.
- b. Refund of unutilized ITC on account of export of goods/services without payment of tax.

- c. Refund of unutilized ITC on account of zero-rated supply of goods/services to SEZ developer/Unit without payment of tax.
- d. Refund of unutilized ITC due to inverted tax structure.

6. Circular No. 175/07/2022 - GST dated 06-07-2022

Subject - Manner of filing refund of unutilized ITC on account of export of electricity.

- Rule 89(4) provides for the formula for calculation of refund of unutilized ITC on account of zero-rated supplies as:

Refund Amount = (Turnover of zero-rated supply of goods + Turnover of zero rated supply of services) x Net ITC ÷ Adjusted Total Turnover

- Export of electricity being zero-rated supply, refund of unutilized ITC on account of export of electricity would also be calculated using the same formula.
- Adjusted Total Turnover shall be calculated as per clause (E) of rule 89(4). However, as electricity has been wholly exempted from the levy of GST, the turnover of electricity supplied domestically would be excluded while calculating the adjusted total turnover. The proper officer shall invariably verify that no ITC has been availed on the inputs and inputs services utilised in making domestic supply of electricity.
- The proper officer shall calculate the admissible refund amount as per the formula provided under rule 89(4) and as per the clarification furnished above.
- Further, upon scrutiny of the application for completeness and eligibility, if the proper officer is satisfied that the whole or any part of the amount claimed is payable as refund, he shall request the applicant, in writing, if required, to debit the said amount from the electronic credit ledger through FORM GST DRC-03.
- Once the proof of such debit is received by the proper officer, he shall proceed to issue the refund order in FORM GST RFD-06 and the payment order in FORM GST RFD-05.

7. Circular No. 176/08/2022 - GST dated 06-07-2022

Subject - Withdrawal of Circular No. 106/25/2019-GST dated 29.06.2019.

- In Circular No. 106/25/2019-GST dated 29.06.2019, certain clarifications were given in relation to rule 95A, inserted in the CGST Rules, 2017 w.e.f. 01.07.2019, for refund of taxes paid on inward supply of indigenous goods by retail outlets established at departure

area of the international airport beyond immigration counters when supplied to outgoing international tourist against foreign exchange.

- The said rule 95A has been omitted, retrospectively w.e.f. 01.07.2019, vide CT NN 14/2022, dated 05.07.2022.
- Accordingly, Circular No 106/25/2019-GST dated 29-06-2019 is withdrawn ab-initio.

8. Circular No. 177/09/2022 - GST dated 03-08-2022

Subject - Clarifications regarding applicable GST rates & exemptions on certain services

- Past cases of payment of GST on supply of ice-cream by ice-cream parlors @ 5% without ITC shall be treated as fully GST paid to avoid unnecessary litigation. Since the decision is only to regularize the past practice, no refund of GST shall be allowed, if already paid at 18%. With effect from 6.10.2021, the ice Cream parlors are required to pay GST on supply of ice-cream at the rate of 18% with ITC.
- The amount or fee charged from prospective students for entrance or admission, or for issuance of eligibility certificate to them in the process of their entrance/admission as well as the fee charged for issuance of migration certificates by educational institutions to the leaving or ex-students is covered by exemption under Sl. No. 66 of CT Rate NN 12/2017 dated 28.06.2017.
- Service by way of storage or warehousing of cotton in ginned and or baled form was covered under entry 24B of CT Rate NN 12/2017 dated 28.06.2017 in the category of raw vegetable fibers such as cotton. However this exemption has been withdrawn w.e.f 18.07.2022.
- Sale of space for advertisement in souvenir book is covered under serial number (i) of entry 21 of CT Rate NN 11/2017 and attracts GST @ 5%.
- Renting of trucks and other freight vehicles with driver for a period of time is a service of renting of transport vehicles with operator falling under Heading 9966 and not service of transportation of goods by road. This being so, it is not eligible for exemption under Sl. No. 18 of CT Rate NN 12/2017 dated 28.06.2017. On such rental services of goods carriages where the cost of fuel is included in the consideration charged from the recipient of service, GST rate has been reduced from 18% to 12% with effect from 18.07.2022. Prior to 18.07.2022, it attracted GST at the rate of 18%.
- Location charges or preferential location charges (PLC) paid upfront in addition to the lease premium for long term lease of land

constitute part of upfront amount charged for long term lease of land and are eligible for the same tax treatment, and thus eligible for exemption under Sl. No. 41 of CT Rate NN 12/2017 dated 28.06.2017.

- Services provided by the guest anchors in lieu of honorarium attract GST liability. However, guest anchors whose aggregate turnover in a financial year does not exceed Rs 20 lakhs (Rs 10 lakhs in case of special category states) shall not be liable to take registration and pay GST.
- Additional fee collected in the form of higher toll charges from vehicles not having Fastag is essentially payment of toll for allowing access to roads or bridges to such vehicles and may be given the same treatment as given to toll charges.
- The abnormality/disease/ailment of infertility is treated using ART procedure such as IVF. Services by way of IVF are also covered under the definition of health care services for the purpose of above exemption notification.
- Any service provided for development of land, like levelling, laying of drainage lines (as may be received by developers) shall attract GST at applicable rate for such services.

9. Circular No. 178/10/2022 - GST dated 03-08-2022

Subject - GST applicability on liquidated damages, compensation and penalty arising out of breach of contract or other provisions of law.

- Cheque dishonor fine or penalty is not a consideration for any service and not taxable.
- The fines and penalties paid for violation of provisions of law are not considerations as no service is received in lieu of payment of such fines and penalties.
- Forfeiture of salary or payment of bond amount in the event of the employee leaving the employment before the minimum agreed period such amounts recovered by the employer are not taxable as consideration for the service of agreeing to tolerate an act or a situation.
- Facilitation supply of allowing cancellation of an intended supply against payment of cancellation fee or retention or forfeiture of a part or whole of the consideration or security deposit should be assessed as the principal supply.

10. Circular No. 179/11/2022 - GST dated 03-08-2022

Subject - Clarification regarding GST rates & classification (goods) based on the recommendations of the GST Council in its 47th meeting held on 28th – 29th June, 2022 at Chandigarh

- Electrically operated vehicle is to be classified under HSN 8703 even if the battery is not fitted to such vehicle at the time of supply and thereby attracts GST @ 5% in terms of entry 242A of Schedule I of CT Rate NN 1/2017.
- Stones otherwise covered in S.No.123 of Schedule-I (such as Napa stones), which are not mirror polished, are eligible for concessional rate under said entry.
- Mangoes under CTH 0804 including mango pulp, but other than fresh mangoes and sliced, dried mangoes, attracts GST @ 12%.
- Treated sewage water attracts Nil rate of GST.
- Nicotine Polacrilex gum which is commonly applied orally and is intended to assist tobacco use cessation is appropriately classifiable under tariff item 2404 91 00 with applicable GST rate of 18% [Sl. No. 26B in Schedule III of CT Rate NN 1/2017, dated the 28th June, 2017].
- Fly ash bricks and aggregate - condition of 90% fly ash content applied only to fly ash aggregate, and not fly ash bricks:
- The by-products of milling of pulses/ dal such as Chilka, Khanda and Churi used as cattle feed ingredient are appropriately classifiable under heading 2302 and attracts GST @ 5% vide S. No. 103A of Schedule-I of CT Rate NN 1/2017, dated the 28th June, 2017.

11. Circular No. 180/12/2022 - GST dated 09-09-2022

Subject - Guidelines for filing/revising TRAN-1/TRAN-2 in terms of order dated 22.07.2022 & 02.09.2022 of Hon'ble Supreme Court in the case of Union of India vs. Filco Trade Centre Pvt. Ltd.

- In Miscellaneous Application No.1545-1546/2022 in SLP(C) No. 32709- 32710/2018, Hon'ble Supreme Court vide order dated 2nd September, 2022 has inter-alia ordered as follows:

“The time for opening the GST Common Portal is extended for a further period of four weeks from today.”

- Those registered persons, who had successfully filed TRAN-1/TRAN-2 earlier, and who do not require to make any revision in the same, are not required to file/ revise TRAN-1/TRAN-2 during this period from 01.10.2022 to 30.11.2022.

- It may further be noted that in such cases where the credit availed by the registered person on the basis of FORM GST TRAN-1/TRAN-2 filed earlier, has either wholly or partly been rejected by the proper officer, the appropriate remedy in such cases is to prefer an appeal against the said order or to pursue alternative remedies available as per law.
- Where the adjudication/ appeal proceeding in such cases is pending, the appropriate course would be to pursue the said adjudication/ appeal. In such cases, filing a fresh declaration in FORM GST TRAN-1/TRAN-2, pursuant to the special dispensation being provided vide this circular, is not the appropriate course of action.

12. Circular No. 181/13/2022 - GST dated 10-11-2022

Subject - Clarification on refund related issues

- Amended formula under rule 89(5) of the CGST Rules, 2017 for calculation of refund of input tax credit on account of inverted duty structure would be applicable in respect of refund applications filed on or after 05.07.2022. The refund applications filed before 05.07.2022 will be dealt as per the formula as it existed before the amendment made vide CT NN 14/2022 dated 05.07.2022.
- The restriction imposed by the above said notification would be applicable in respect of all refund applications filed on or after 18.07.2022, and would not apply to the refund applications filed before 18.07.2022.

13. Circular No. 182/14/2022 - GST dated 10-11-2022

Subject - Guidelines for verifying the Transitional Credit in light of the order of the Hon'ble Supreme Court in the Union of India vs. Filco Trade Centre Pvt. Ltd., SLP(C) No. 32709-32710/2018, order dated 22.07.2022 & 02.09.2022

- In Miscellaneous Application No. 1545-1546/2022 in SLP(C) No. 32709-32710/2018, Hon'ble Supreme Court vide order dated 2nd September, 2022 has inter-alia ordered as follows:

“The time for opening the GST Common Portal is extended for a further period of four weeks from today. It is clarified that all questions of law decided by the respective High Courts concerning Section 140 of the Central Goods and Service Tax Act, 2017 read with the corresponding Rule/Notification or direction are kept open.”

- Where the amount credited to the electronic credit ledger pursuant to the originally filed TRAN-1/TRAN-2 exceeds the amount of credit admissible in terms of the revised TRAN-1/TRAN-2 filed by the applicant, such excess credit is liable to be demanded and recovered from the applicant, along with interest and penalty, in accordance with

the provisions of Chapter XV of the Act and the rules made there under.

14. Circular No. 183/15/2022 - GST dated 27-12-2022

Subject - Clarification to deal with difference in Input Tax Credit (ITC) availed in FORM GSTR-3B as compared to that detailed in FORM GSTR-2A for FY 2017-18 and 2018-19

- In cases, where difference between the ITC claimed in FORM GSTR-3B and that available in FORM GSTR 2A of the registered person in respect of a supplier for the said financial year exceeds Rs 5 lakh, the proper officer shall ask the registered person to produce a certificate for the concerned supplier from the Chartered Accountant (CA) or the Cost Accountant (CMA), certifying that supplies in respect of the said invoices of supplier have actually been made by the supplier to the said registered person and the tax on such supplies has been paid by the said supplier in his return in FORM GSTR 3B. Certificate issued by CA or CMA shall contain UDIN. UDIN of the certificate issued by CAs can be verified from ICAI website <https://udin.icai.org/search-udin> and that issued by CMAs can be verified from ICMAI website <https://eicmai.in/udin/VerifyUDIN.aspx>.
- In cases, where difference between the ITC claimed in FORM GSTR-3B and that available in FORM GSTR 2A of the registered person in respect of a supplier for the said financial year is upto Rs 5 lakh, the proper officer shall ask the claimant to produce a certificate from the concerned supplier to the effect that said supplies have actually been made by him to the said registered person and the tax on said supplies has been paid by the said supplier in his return in FORM GSTR 3B.
- These instructions will apply only to the ongoing proceedings in scrutiny/audit/ investigation, etc. for FY 2017-18 and 2018-19 and not to the completed proceedings. However, these instructions will apply in those cases for FY 2017-18 and 2018-19 where any adjudication or appeal proceedings are still pending.

15. Circular No. 184/16/2022 - GST dated 27-12-2022

Subject - Clarification on the entitlement of input tax credit where the place of supply is determined in terms of the proviso to sub-section (8) of section 12 of the Integrated Goods and Services Tax Act, 2017.

- In case of supply of services by way of transportation of goods, including by mail or courier, where the transportation of goods is to a place outside India, and where the supplier and recipient of the said supply of services are located in India, the place of supply is the concerned foreign destination where the goods are being transported, in accordance with the proviso to section 12(8) of IGST Act, which was inserted vide the Integrated Goods and Services Tax (Amendment) Act, 2018 w.e.f. 01.02.2019.

- The aforesaid supply of services would be considered as inter-State supply in terms of section 7(5) of the IGST Act since the location of the supplier is in India and the place of supply is outside India. Therefore, IGST would be chargeable on the said supply of services.
- The supplier of service shall report place of supply of such service by selecting State code as '96- Foreign Country' from the list of codes in the drop down menu available on the portal in FORM GSTR-1.

16. Circular No. 185/17/2022 - GST dated 27-12-2022

Subject - Clarification on the entitlement of input tax credit where the place of supply is determined in terms of the proviso to sub-section (8) of section 12 of the Integrated Goods and Services Tax Act, 2017

- In cases where any direction is issued by the appellate authority or appellate tribunal or the court to re-determine the amount of tax payable by the noticee by deeming the notice to have been issued under sub-section (1) of section 73 of CGST Act in accordance with the provisions of section 75(2), the proper officer is required to issue the order of redetermination of tax, interest and penalty payable within the time limit as specified in under section 75(3), i.e. within a period of two years from the date of communication of the said direction by appellate authority or appellate tribunal or the court, as the case may be.
- In cases where the amount of tax, interest and penalty payable by the noticee is required to be re-determined by the proper officer in terms of section 75(2) of CGST Act, the demand would have to be re-determined keeping in consideration the provisions of section 73(2), read with section 73(10) of CGST Act in cases which do not involve fraud or willful-misstatement or suppression of facts to evade payment of tax, the show cause notice in terms of section 73(1) of CGST Act has to be issued within 2 years and 9 months from the due date of furnishing of annual return for the financial year to which such tax not paid or short paid or input tax credit wrongly availed or utilized relates, or within 2 years and 9 months from the date of erroneous refund.

17. Circular No. 186/18/2022 - GST dated 27-12-2022

Subject - Clarification on various issues pertaining to GST

- There is no supply provided by the insured to the insurance company in form of agreeing to the obligation to refrain from the act of lodging insurance claim during the previous year(s) and No Claim Bonus cannot be considered as a consideration for any supply provided by the insured to the insurance company.
- No Claim Bonus (NCB) is a permissible deduction under clause (a) of section 15(3) of the CGST Act for the purpose of calculation of value

of supply of the insurance services provided by the insurance company to the insured. Accordingly, where the deduction on account of No claim bonus is provided in the invoice issued by the insurer to the insured, GST shall be leviable on actual insurance premium amount, payable by the policy holders to the insurer, after deduction of No Claim Bonus mentioned on the invoice.

- In terms of CT NN 13/2020 dated 21st March, 2020, as amended, certain entities/sectors have been exempted from mandatory generation of e-invoices as per subrule (4) of rule 48 of Central Goods and Services Tax Rules, 2017. It is clarified that said exemption from generation of e-invoices is for the entity as a whole and is not restricted by the nature of supply being made by the said entity.

18. Circular No. 187/19/2022 - GST dated 27-12-2022

Subject - Clarification regarding the treatment of statutory dues under GST law in respect of the taxpayers for whom the proceedings have been finalized under Insolvency and Bankruptcy Code, 2016.

- Rule 161 of CGST Rules, 2017 prescribes FORM GST DRC-25 for issuing intimation for reduction of demand specified under section 84 of CGST Act.
- Accordingly, in cases where a confirmed demand for recovery has been issued by the tax authorities for which a summary has been issued in FORM GST DRC-07/DRC 07A against the corporate debtor, and where the proceedings have been finalised against the corporate debtor under IBC reducing the amount of statutory dues payable by the corporate debtor to the government under CGST Act or under existing laws, the jurisdictional Commissioner shall issue an intimation in FORM GST DRC-25 reducing such demand, to the taxable person or any other person as well as the appropriate authority with whom recovery proceedings are pending.

19. Circular No. 188/20/2022 - GST dated 27-12-2022

Subject - Prescribing manner of filing an application for refund by unregistered persons

- The application for refund shall be filed in FORM GST RFD-01 on the common portal under the category 'Refund for unregistered person'.
- The applicant shall upload statement 8 (in pdf format) and all the requisite documents as per the provisions of rule 89(2) of the CGST Rules.
- The refund amount claimed shall not exceed the total amount of tax declared on the invoices in respect of which refund is being claimed.

- Further, the applicant shall also upload the certificate issued by the supplier in terms of clause (kb) of rule 89(2) of the CGST Rules along with the refund application.
- The applicant shall also upload any other document(s) to support his claim that he has paid and borne the incidence of tax and that the said amount is refundable to him.
- No refund shall be claimed if the amount is less than one thousand rupees.
- The proper officer shall process the refund claim filed by the unregistered person in a manner similar to other RFD-01 claims. The proper officer shall scrutinize the application with respect to completeness and eligibility of the refund claim to his satisfaction and issue the refund sanction order in FORM GST RFD-06 accordingly. The proper officer shall also upload a detailed speaking order along with the refund sanction order in FORM GST RFD-06.

20. Circular No. 189/01/2023 - GST dated 13-01-2023

Subject - Clarification regarding GST rates and classification of certain goods based on the recommendations of the GST Council in its 48th meeting held on 17th December, 2022.

- Rab is classifiable under heading 1702 attracting GST rate of 18% (S. No. 11 in Schedule III of CT Rate NN 1/2017, dated 28-06-2017)
- The applicable six-digit HS code for the goods with description 'Carbonated Beverages of Fruit Drink' or 'Carbonated Beverages with Fruit Juice' is HS 2202 99. The said goods attract GST @ 28% and Compensation Cess @ 12%.
- Snack pellets (such as 'fryums'), which are manufactured through the process of extrusion, are appropriately classifiable under tariff item 1905 90 30, which covers goods with description 'Extruded or expanded products, savoury or salted', and thereby attracts GST @ 18% vide S.No.16 of Schedule-III of CT Rate NN 1/2017, dated 28-06-2017.
- Compensation Cess @ 22% is applicable on Motor vehicles, falling under heading 8703, which satisfy all four specifications, namely: these are popularly known as SUVs; the engine capacity exceeds 1,500 cc; the length exceeds 4,000 mm; and the ground clearance is 170 mm and above. This clarification is confined to and is applicable only to Sports Utility Vehicles (SUVs)
- On goods specified in the list annexed to the Integrated Tax Rate NN 3/2017, dated 28-06-2017, which are eligible for IGST rate of 12% under the said notification and are also eligible for the benefit of

lower rate under Schedule I of the Integrated Tax Rate NN 1/2017, dated 28-06-2017 or any other IGST rate notification, the importer can claim the benefit of the lower rate.

21. Circular No. 190/02/2023 - GST dated 13-01-2023

Subject - Clarification regarding GST rates and classification of certain services.

- Accommodation services provided by Air Force Mess and other similar messes, such as, Army mess, Navy mess, Paramilitary and Police forces mess to their personnel or any person other than a business entity are covered by Sl. No. 6 of CT Rate NN 12/2017 dated 28.06.2017 provided the services supplied by such messes qualify to be considered as services supplied by Central Government, State Government, Union Territory or local authority.
- Incentives paid by MeitY to acquiring banks under the Incentive scheme for promotion of RuPay Debit Cards and low value BHIM-UPI transactions are in the nature of subsidy and thus not taxable.

22. Circular No. 191/03/2023 - GST dated 27-03-2023

Subject - Clarification regarding GST rate and classification of 'Rab' based on the recommendation of the GST Council in its 49th meeting held on 18th February 2023.

- Based on the recommendation of the GST council in its 49th meeting, held on 18th February, 2023, with effect from the 1st March, 2023, 5% GST rate has been notified on Rab, when sold in pre- packaged and labeled, and Nil GST, when sold in other than pre- packaged and labeled.
- Further, as per the recommendation of the GST Council in the above-said meeting, in view of the prevailing divergent interpretations and genuine doubts regarding the applicability of GST rate on Rab, the issue for past period is hereby regularized on "as is" basis.

ADVANCE RULINGS

1. Applicant: M/s Siddhartha Constructions

Ruling No. & Date: TSAAR/10/2022 dated 02-03-2022

1. Whether the construction of administrative building by the applicant to Telangana State Industrial Infrastructure Corporation Limited (TSIIC) attracts lower GST @12% as being supplied to Govt. entity?

Ruling:

- Yes. TSIIC being wholly owned by Government of Telangana qualifies to be a Government entity and applicable tax rate is 12% as enumerated at Sr No. 3(vi) of Notification No. 11/2017-CT (Rate) as amended till date as the civil structure is not meant for commerce / industry or any other business.
- However, for works executed from 01-01-2022, the rate shall be 18% as the Phrase 'Governmental authority or Governmental entity' is excluded, vide CT NN 15/2021, dt.18.11.2021 w.e.f. 01-01-2022.

2. Applicant: M/s Siddhartha Constructions

Ruling No. & Date: TSAAR/11/2022 dated 02-03-2022

1. Whether the construction of IT Towers by the applicant to Telangana State Industrial Infrastructure Corporation Limited (TSIIC) attracts lower GST @12% as being supplied to Govt. entity?

Ruling:

- TSIIC being wholly owned by Government of Telangana qualifies to be a Government entity. However, as the civil structure is meant for commerce / industry or any other business, applicable tax rate is 18%.

3. Applicant: M/s Siddhartha Constructions

Ruling No. & Date: TSAAR/12/2022 dated 02-03-2022

1. Whether the construction of IT Incubation Centre by the applicant to Telangana State Industrial Infrastructure Corporation Limited (TSIIC) attracts lower GST @12% as being supplied to Govt. entity?

Ruling:

- TSIIC being wholly owned by Government of Telangana qualifies to be a Government entity. However, as the civil structure is meant for

commerce / industry or any other business, applicable tax rate is 18%.

4. Applicant: M/s Allied Blenders and Distillers Private Limited

Ruling No. & Date: TSAAR/14/2022 dated 14-03-2022

1. Whether the bye-products namely distillery dry grain soluble (DDGS) and distillery wet grain soluble (DWGS) produced by the applicant in the process of manufacturing alcohol, are exempt from GST as these are sold only as cattle feed as they have no other 'known commercial uses' as being covered under serial no 102 of CT Rate NN 02/2017 dt 28thJune 2017.

Ruling:

- Exemption is not applicable on bye-products namely distillery dry grain soluble (DDGS) and distillery wet grain soluble (DWGS) as CT Rate NN 01/2017 dt 28thJune 2017 classifies 'brewing or distillery dregs and waste' at S.No.104 under tariff item '2303' and the rate applicable is 5% on these products.

5. Applicant: M/s Agro Tech Foods Limited

Ruling No. & Date: TSAAR/17/2022 dated 29-03-2022

1. What would be the correct HSN classification and rate of GST applicable on 'Ready to Eat' (RTE) popcorn sold in retail packages?

Ruling:

- RTE popcorn is classifiable under tariff head '1904' enumerated at Serial No. 15 of Schedule III of CT Rate NN 01/2017 dt: 28.06.2017 and is taxable @18%.
- The tariff head '1904' reads as "Prepared foods obtained by the swelling or roasting of cereals or cereal products (for eg. Corn flakes); cereals {Other than maize(corn)} in grain form or in the form of flakes or other worked grains (except flour, groats & meal), pre-cooked, or otherwise prepared, not elsewhere specified or included".

6. Applicant: M/s The Singareni Collieries Company Limited

Ruling No. & Date: TSAAR/20/2022 dated 08-04-2022

1. Whether the liquidated damages/penalties received by the applicant from the vendors/suppliers for breach of contract including missing of milestones in the extraction of coal can be said to be for any 'supply' under the CGST Act, 2017, thereby attracting the levy of GST or should it be treated as price adjustment to the main supply?

Ruling:

- Liquidated damages and penalties received by the applicant due to breach of conditions of the contract from the contractor are exigible to tax under CGST and SGST Acts.

7. Applicant: M/s Hyderabad Metropolitan Water Supply and Sewerage Board

Ruling No. & Date: TSAAR/28/2022 dated 03-06-2022

1. Does Medical insurance premium taken to provide health Insurance to the employees, pensioners and their family members, eligible for exemption as mentioned in Entry No. 3 of the CT NN 12/2017, dt 28th June, 2017.
2. Does Vehicle Insurance Policy taken to provide Insurance to the vehicles owned by the Board, eligible for exemption as mentioned in Entry No. 3 of the CT NN 12/2017, dt 28th June, 2017.

Ruling:

- Medical insurance premium taken to provide health Insurance to the employees, pensioners and their family members, is not eligible for exemption as mentioned in Entry No. 3 of the CT NN 12/2017, dt 28th June, 2017, as there is no direct relation between the insurance services procured by the applicant and the functions discharged by them under Article 243W read with schedule 12 to the Constitution of India.
- Vehicle insurance policies procured by the applicant for the vehicles owned by the board qualify for exemption if they are directly used to provide services under Schedule XII of the Constitution. However, if they are used for transportation of employees'/board members/other persons they will not have direct relationship to functions discharged under Article 243W and therefore will not qualify for exemption under Notification No. 12/2017.

8. Applicant: M/s Sirco Projects Private Limited

Ruling No. & Date: TSAAR/35/2022 dated 07-07-2022

1. The applicant is executing works for State Government departments, Central Government departments, Governmental authorities and Government entity. Some of the institutions are Government entities i.e., local bodies, few are Government authorities, Endowments (Devasthanams) and Public Sectors Undertakings(PSUs). Is the applicant eligible to avail the concessional rate of GST at 12% as prescribed in of S.No. 3(vi) of the CT Rate NN 11/2017 dt 28.06.2017, as amended.

Ruling:

- Upto 31.12.2021 a 'Governmental Authority' or a 'Government Entity' is eligible for concessional rate of 12%
- From 01.01.2022, 'Governmental Authority' or a 'Government Entity' are excluded from S.No 3(vi) of Notification No. 11/2017 vide CT Rate NN. 15/2021 dt. 18.11.2021. Therefore, the works contract provided to 'Governmental Authority' or a 'Government Entity' from 01.01.2022 is 18% as covered under Entry S.No. 3(xii).
- The work executed for local bodies, the Central Government & the State Government is taxable @12% both prior to and after 01.01.2022.
 - Baba Atomic Research Centre (Government of India, Department of Atomic Energy).
 - Greater Hyderabad Municipal Corporation (GHMC).
- The work executed for Government Entity who in turn are engaged in executing works entrusted to it by the Central Government & State Government or local authority is taxable @12% upto 31.12.2021 & at the rate of 18% from 01.01.2022 onwards as Entry at Sl.No.3(xii) of CT rate NN11/2017.
 - Telangana State Police Housing Corporation Limited (TSPHCL)
 - Telangana State Tourism Development Corporation (TSTDC)
 - Telangana state industrial infrastructure corporation (TSIICL)
 - Telangana State Medical Services & Infrastructure Development Corporation (TSMSIDC).
 - Telangana State Road Transport Corporation (TSRTC).
 - All India Radio Prasar Bharati.
 - Indian Institute of Technology Madras (IIT Madras).
- The work executed for Governmental Authority is taxable @12% upto 31.12.2021 & at the rate of 18% from 01.01.2022 onwards as Entry at Sl.No.3(xii) of Notification No.11/2017.
 - Greater Warangal Smart City Corporation Limited.
 - Hyderabad Metropolitan Development Authority.

- The work executed for Devasthanams/Temple Board such as Tirumala Tirupati Devasthanams(TTD) and Sri Laxmi Narasimha Swamy Vaari Devasthanam is taxable @18% both prior to and after 01.01.2022.
- The works executed for PSUs & autonomous bodies are taxable @18% both prior to and after 01.01.2022.
 - Rail Infrastructure Development Company (Karnataka) Limited.

9. Applicant: M/s Vodafone Idea Limited

Ruling No. & Date: TSAAR/36/2022 dated 11-07-2022

1. Whether the supply of 'telecommunication services' to local authority (Greater Hyderabad Municipal Corporation) by applicant is a taxable service under Section 9(1) of the CGST Act, 2017 and/or exempted vide Sr. No. 3 (Chapter 99) of Table mentioned in CT Rate NN 12/2017 dt 28th June 2017?

Ruling:

- The applicant is providing data and voice services to GHMC and to the employees of the municipalities and there is no direct relation between the services provided by the applicant and the functions discharged by the GHMC under Article 243W read with Schedule XII to the Constitution of India. Therefore, these services do not qualify for exemption under CT Rate NN 12/2017 and hence the supply of telecommunication services to local authority is a taxable service.

10. Applicant: M/s Maddi Seetha Devi

Ruling No. & Date: TSAAR/47/2022 dated 13-07-2022

1. Whether transfer of land or transfer of 'development rights' to the developer by the landowner is to be considered as receipt of consideration by the developer as per CT Rate NN 04/2018 dt.25.01.2018?
2. Whether the liability to pay GST or service tax as applicable arises on the developer immediately on receipt of development rights or immediately on conveyance of the flats to be constructed by way of an allotment letter?

Ruling:

- Yes. Transfer of development rights by the landowner to the developer is consideration received by such developer for supply of construction service.

- The liability to pay GST by the developer promoter shall arise at the time of transfer of possession or right in the constructed complex or constructed flats and not at the time of receipt of development rights.

11. Applicant: M/s Hyderabad Security Offset Printers Private Limited

Ruling No. & Date: TSAAR/45/2022 dated 15-07-2022

1. The applicant is printing leaflets and packing materials of his clients pertaining to pharmaceutical sector. The leaflet contains the literature pertaining to said medicine. What is the rate of tax including HSN code for printing of leaflets?

Ruling:

- Where the physical inputs are used by the applicant, the activity falls under S.No. 27(ii) of the CT Rate NN 11/2017 and hence is liable to be taxed @18%.
- Where the physical inputs are supplied by the recipient of services, the activity falls under S.No. 26(iia) of CT Rate NN 11/2017 as amended on 13.10.2017 and same is taxable @12%.

12. Applicant: M/s Power Solutions

Ruling No. & Date: TSAAR/44/2022 dated 15-07-2022

1. The applicant is executing works for Hyderabad Metropolitan Water Supply and Sewerage Board (HMWSSB). What is the rate of tax on HMWSSB work contracts including material & services and services only?

Ruling:

- HMWSSB falls under the definition of 'Governmental Authority'.
- Works contract including material & services provided to Governmental Authority upto 31.12.2021 are covered under the entry at S.No 3(vi) of CT Rate NN 11/2017. The rate of tax applicable to this service is 12%.
- From 01.01.2022, 'Governmental Authority' is excluded from S.No 3(vi) of CT Rate NN 11/2017 vide CT Rate NN 15/2021 dt. 18.11.2021. Therefore, the work contract including material & services provided to 'Governmental Authority' or a 'Government Entity' from 01.01.2022 are covered under Entry S.No. 3(xii) and taxable @18%.
- For pure services not involving any material, the transaction is exempt as pure services provided to governmental authority are exempt from tax under S.No.3 of CT Rate NN12 of 2017.

13. Applicant: M/s Bollu Siva Gopala Krishna

Ruling No. & Date: TSAAR/43/2022 dated 15-07-2022

1. Whether GST is applicable on Renting of an immovable property to a Recognized Educational institution (Which is not a commercial Activity) and which is also registered under section 12AA of the Income-tax Act, 1961 and which provides:
 - (i) Pre-School education and education up to higher secondary school or equivalent,
 - (ii) Education as a part of a curriculum for obtaining a qualification recognized by any law for the time in force,
 - (iii) Education as a part of an approved vocational education course;
2. Whether GST is applicable on Renting of an immovable property to a Government School?

Ruling:

- CT Rate NN 12/2017 at Serial No. 13 exempts services **rendered by** the charitable or religious trust registered under Section 12AA of the Income Tax Act, 1961. The said entry does not exempt services **rendered to** such institutions. Therefore, renting of immovable property to recognized educational institutions registered under Section 12AA are taxable supplies and GST is applicable @18%.
- Similarly, there is no exemption for renting an immovable property to Government School and the consideration from such activity is taxable @18%.

14. Applicant: M/s KPC Projects Limited

Ruling No. & Date: TSAAR/41/2022 dated 15-07-2022

1. The applicant is executing works to Telangana State Tourism Development Corporation Limited (TSTDC). Is the applicant eligible to avail the concessional rate of GST at 12% as prescribed in S.No. 3 (vi) of the CT Rate NN 11/2017- dt 28.06.2017, as amended? Whether the works done to TSTDC qualify to be taxed at a concessional rate of 12% after 01.01.2022 or should they be taxed at a higher rate of 18%?

Ruling:

- Telangana State Tourism Development Corporation Limited is a Government entity. The contracts executed by the applicant to TSTDC fall under S.No. 3(vi) of CT Rate NN 11/2017 taxable @12%. However,

this entry was amended in Nov' 2021 vide CT Rate NN15/2021 dt. 18.11.2021 and the phrases 'Government Entity' & 'Governmental Authority' were deleted from the Entry at S.No. 3(vi) of CT Rate NN11/2017 with effect from 01.01.2022. Thus the works executed for TSTDC from 01.01.2022 are taxable @18%.

- Hence, for works contract including material & services, the rate of tax applicable upto 31.12.2021 is 12% and from 01.01.2022, the rate of tax is 18%.

15. **Applicant: M/s S S R K Plastics Private Limited**

Ruling No. & Date: TSAAR/54/2022 dated 14-09-2022

- The applicant is a manufacturer of paper based Corrugated Sheet of different sizes. What is the rate of GST applicable for paper based Corrugated Sheets.

Ruling:

- The applicant is a manufacturer of corrugated sheets, rolls etc., which is used in the primary packing of goods as a cushioning material, separators or edge protector, for making shipping cartons of goods and as pallets and pallet boxes.
- Paper based corrugated sheet falls under Heading 4808. The said commodity is enumerated at chapter heading of tariff item as 4808 in CT Rate NN1/2017. The rate of tax on supply of corrugated paper sheets is 12%.

GST collections for 2022-23 (Rs in Crores)

ACT	CGST	IGST			Cess			SGST	IGST Settlement*	Total	Compen sation	Growth over last year month
		Imports	Domestic	Total	Imports	Domestic	Total					
All India	323835	470483	473342	943825	10866	117387	128253	410134		1806047		21%
Collections from Telangana	12842		15632	15632		6481	6481	16877		51831		15%
Contribution of Telangana (%)	4%		3.3%				5.50%	4%		3%		
GST accrued to Telangana								16877	21225	38102	4062	24%

(*Note: The above revenue figures includes Adhoc IGST Settlement)

RECENT CASE LAWS ON GST

1. Union of India Vs Willowood Chemicals Pvt. Ltd

Hon'ble Supreme Court

Civil Appeal No. 2995-2996 / 2996/2022, Dt. 19.04.2022

Topic: Interest at 9 per cent would be attracted only if the matter was covered by the proviso to Section 56 of GST Act.

Gist of the Judgement:

Hon'ble Court allowed the appeal and held that

- The High Court was erred in awarding interest at the rate exceeding 6% and directed that the original writ petitioner would be entitled to interest at the rate of 6% per annum only by relying the Hon'ble Apex Court judgement in **Modi Industries Ltd and another Vs Commissioner of Income Tax and Another (1995) 6 SCC 396** and **Godavari Sugar Mills Ltd Vs State of Maharashtra and others (CA No.819/2011, Dt.20-01-2011)**.

2. M/s. Suresh Balkrishna Jajra Vs Union of India

Hon'ble High Court of Rajasthan

WP No.4741/2022, Dt. 08.04.2022

Topic:

- The petitioner seeking direction of exemption from personal appearance pursuant to summons issued u/s 70 of the GST Act issued by Respondent Superintendent, DGGI Jaipur Zonal Unit, Jaipur.

Gist of the Judgement:

Hon'ble High Court is not inclined to grant relief to the petitioner and held that

- The plea of the petitioner is not acceptable in law because the provisions under Section 116 of the Act of 2017 will not be applicable when a person is required under the Act to appear personally for examination on oath or affirmation.
- All such procedure as laid down by the Hon'ble Supreme Court in the case of **Paramvir Singh Saini Vs. Baljit Singh & Others (2021) 1 SCC 184**, will have to be followed by the respondents while recording the statement of the petitioner pursuant to summons issued u/s 70 of the GST act, 2017.

3. Union of India Vs Mohit Minerals Pvt. Ltd

Hon'ble Supreme Court of India
CA No.1390/2022, Dt. 19.05.2022

Topic:

- Challenging the constitutionality of the Notification No. 8/2017 - Integrated Tax (Rate) dated 28 June 2017 and Notification No.10/2017- Integrated Tax (Rate) dated 28 June 2017 of the Central Government.
- Whether an Indian importer can be subject to the levy of Integrated Goods and Services Tax on the component of ocean freight paid by the foreign seller to a foreign shipping line, on a reverse charge basis.

Gist of the Judgement:

The Hon'ble Supreme Court held that

- The Government while exercising its **rule-making power** under the provisions of the CGST Act and IGST Act is bound by the recommendations of the GST Council. However, that does not mean that all the recommendations of the GST Council made by virtue of the power Article 279A (4) are binding on the **legislature's power** to enact primary legislations;
- The impugned levy imposed on the 'service' aspect of the transaction is in violation of the principle of 'composite supply' enshrined under Section 2(30) read with Section 8 of the CGST Act. Since the Indian importer is liable to pay IGST on the 'composite supply', comprising of supply of goods and supply of services of transportation, insurance, etc. in a CIF contract, a separate levy on the Indian importer for the 'supply of services' by the shipping line would be in violation of Section 8 of the CGST Act.

4. M/s. Munjaal Manish bhai Bhatt Vs Union of India

Hon'ble High Court of Gujarat
SCA No.1350/2021, Dt. 06.05.2022

Topic:

- Providing 1/3rd deduction of the total consideration towards value of land or undivided share of land in cases of construction services/contracts as invalid.

Gist of the Judgement:

Hon'ble High Court allowed the appeal and held that

- The impugned Paragraph 2 of the Notification No. 11/2017-Central Tax (Rate) dated 28.6.2017, which provide for a mandatory fixed rate of deduction of 1/3rd of total consideration towards the value of land is ultra-vires the provisions as well as the scheme of the GST Acts and the same is also discriminatory, arbitrary and violative of Article 14 of the Constitution of India by relying the judgement of the Apex Court in the case of Wipro Ltd. v/s Assistant Collector of Customs and Others (2015) 14 SCC 161.
- The deeming fiction of 1/3rd will not be mandatory in nature. It will only be available at the option of the taxable person in cases where the actual value of land or undivided share in land is not ascertainable.

5. M/s. Saisanket Enterprise Vs Authority for Advance Ruling, MP

Hon'ble High Court of Madhya Pradesh

WP No.8363/2022, Dt. 14.06.2022

Topic:

- AAR as well as AAAR have declined to grant advance ruling since the investigation is already pending on the same subject matter - AAR ruling upheld.

Facts of the case:

- The Petitioner is a Works Contractor engaged in executing works related to the construction of the irrigation dam.
- Premises of the petitioner was searched by the authorities of the DGGI and found evasion of GST vide notice dated 21.05.2020.
- After receipt of the aforesaid notice, the petitioner has approached the Authority for advance ruling in Madhya Pradesh (GST) under Section 98 of the GST Act, 2017 for seeking advance ruling on rate of tax applicable to a sub contractor, where, they execute works contract pertaining to dam.
- AAR as well as AAAR have declined to grant advance ruling by virtue of first proviso of section 98 (2) of CGST /MPGST Act, 2017.

Gist of the Judgement:

Hon'ble High Court does not find to grant relief to the petitioner and held that

- Petitioner approached the Authority for obtaining the advance ruling only after a search conducted on 20.03.2020 in which the evasion of SGST was found which has resulted in issuing a show-cause notice

dated 21.05.2020 and called upon to pay the remaining amount of CGST/SGST liability since the petitioner has not paid GST @ 18% and appears to be contesting the aforesaid notice.

- Therefore, the issue is treated to be pending before the Authority under the GST Act, 2017 and accordingly, the Authorities have rightly declined to grant advance ruling to the petitioner as the petitioner did not approach in advance before the Authority for obtaining the ruling.

6. M/s. Juhi Industries Pvt Ltd Vs State of Jharkhand

Hon'ble High Court of Jharkhand

WP (T) No. 1991/2021(2017-18)& 1984/2021(2018-19), Dt. 27.06.2022

Topic:

- Summary of Show Cause Notice in Form DRC-01 is not a substitute of Show Cause Notice under section 74(1) of GST Act, 2017.

Gist of the Judgement:

Hon'ble High Court allowed the appeals and held that

- Rule 142(1)(a) of the JGST Rules provides that the summary of show cause notice in Form DRC-01 should be issued "along with" the show cause notice under Section 74(1). The word "along with" clearly indicates that in a given case show cause notice as well as summary thereof both have to be issued.
- Summary of Show Cause Notice in Form DRC-01 is not a substitute of show cause notice under Section 74(1) by relying the judgment of the Hon'ble High Court of Jharkhand in the case of M/S NKAS Services Pvt. Ltd. vs. State of Jharkhand &Ors., passed in W.P.(T) No. 2444 of 2021.
- The impugned show cause notice in both the cases does not fulfil the ingredients of a proper show-cause notice and thus amounts to violation of principles of natural justice.
- A bonafide mistake or consent by the assesses cannot confer any jurisdiction upon the proper officer. The jurisdiction must flow from the statute itself.

7. All India Haj Umrah Tour Organizer Association Mumbai Vs Union of India.

Hon'ble Supreme Court of India

WP (C) No.755/2020 & batch, Dt. 26.07.2022

Topic:

- Seeking GST/Service Tax exemption by HGOs/PTOs on the service rendered by them to Haj Pilgrims.

Gist of the Judgement:

The Hon'ble Apex Court dismissed the petition and held that the service tax shall be payable on service provided by HGOs and PTOs.

- Sub-Section (2) of Section 13 of IGST Act provides that the place of supply of services except services specified in Sub-Sections (3) to (13) shall be the location of the recipient of services. Clause (14) of Section 2 of the IGST Act defines the location of the recipient of service. This provision is pari materia with the same definition under the 2012 Rules. The service received from HGOs in connection with the Haj pilgrimage falls in the Rule 2(i)(b)(iv) of 2012 Rules which lays down that the location of the recipient of service will be the location of usual place of residence of the recipient.
- Thus, the HGOs supply service to the service recipient having location in India by providing a package for the Haj Pilgrimage who is located in the taxable territory.

8. M/s. Railsys Engineers Private Limited Vs Additional Commissioner, Central Goods and Services Tax (Appeals II)

Hon'ble High Court of Delhi

WP(C) No.4712/2022, Dt. 21.07.2022

Topic:

- Extension of limitation gets applied even to the condonable period.

Gist of the Judgement:

The Hon'ble High Court is set aside the impugned Order-in-Appeal dated 28.06.2021 and consequently restored the appeal preferred by the petitioner and held that

- The impugned Order is contrary to the directions issued by the Supreme Court in SuoMotu Writ Petition (Civil) No.3/2020, wherein the directions were issued for extension of limitation which was applied even to the condonable period, and not just to the prescribed period of limitation under Section 107 of the Act.
- The order in cancelling the registration is dated 25.11.2019 and the prescribed period of limitation for preferring appeal would end on 24.02.2022 as per section 107 of the CGST Act, 2017. The condonable period of one month, in this instance, would end on 24.03.2020 as

per section 107(4) of the act. The Covid-19 restrictions were triggered in this country in and about 23.03.2020.

9. M/s. Gandhar Oil Refinery India Limited Vs Assistant Commissioner of Sales Tax, China Waltair Circle

Hon'ble High Court of Andhra Pradesh
WP No.24873/2022, Dt. 24.08.2022

Topic:

- To compute the period of limitation for filing of refund application, the period from 01-03-2020 to 28-02-2020 shall stands excluded.

Gist of the Judgement:

The Hon'ble High Court held that the period from 1st March, 2020 to 28th February, 2022, for computation of period of limitation for filing refund application under Section 54 or Section 55 of the said Act shall stand excluded in view of the Notification issued by the Central Board of Indirect Taxes and Customs, dated 05.07.2022.

10. M/s. Srico Projects Pvt. Ltd Vs Telangana State Authority For Advance Ruling

Hon'ble High Court of Telangana
WP No.26145/2022, Dt. 17.08.2022

Topic:

- Initiation of Investigation on post filing of application for advance ruling would not debar the applicant from seeking advance ruling.

Gist of the Judgement:

The Hon'ble High Court Allowed the writ petition and set aside the order dt.03.06.2022 and held that

- The Authority for Advance Ruling to take on board the application filed by the petitioner on 11.05.2019 and pass an appropriate order thereon under sub-section (4) of Section 98 of the CGST Act.
- Proviso to section 98(2) of the GST Act, the Authority shall not admit an application for advance ruling where the question raised in the application is already pending or decided in any proceedings in the case of an applicant under any of the provisions of the CGST Act.
- The word "Proceedings" would mean that where the question raised in the application for advance ruling has already been decided or is

pending decision. Therefore, inquiry or investigation would not come within the ambit of the word “proceedings”.

11. Oasis Realty Vs The Union of India

Hon’ble High Court of Bombay
WP No.23507/2022, Dt. 16.09.2022

Topic:

- The payment of 10% of tax in dispute in terms of Section 107(6) of MGST Act

Gist of the Judgement:

The Hon’ble High Court allowed the petition and held that

- the amounts payable are towards output tax, the tax payer may utilise the amount available in the Electronic Credit Ledger to pay the 10% of tax in dispute as prescribed under Sub-section (6) of Section 107 of MGST Act by interpreting the clarification in the form of a circular F.No.CBIC-20001/2/2022-GST, dated 6th July 2022 issued by the CBIT&C.

12. Yokohama India Private Limited Vs State of Telangana

Hon’ble High Court of Telangana
Writ Petition No.15284 of 2022, Dt.31.10.2022

Topic:

- Omission/ error in GSTR-1 cannot be rectified beyond period prescribed u/s 39(9) of CGST Act.

Gist of the Judgement:

The Hon’ble High Court dismissed the appeal and held that

- The Hon’ble High Court relied on the decision of the Hon’ble Supreme Court in **Union of India v. Bharti Airtel Ltd 2021 (54) G.S.T.L. 257 (SC)**, wherein it was held that “the law provides for rectification of errors and omissions in the specified manner. Beyond the statutorily prescribed period, an assessee cannot be permitted to carry out rectification which would inevitably affect obligations and liabilities of other stakeholders because of the cascading effect in the electronic records. Supreme Court considered the mechanism provided by Section 39(9) of the CGST Act and thereafter took the view that allowing the assessee to carry out rectification of errors and omissions beyond the statutorily prescribed period would lead to complete uncertainty and collapse of the tax administration”.

13. Esveear Distilleries Private Limited Vs Assistant Commissioner (State Tax)

Hon'ble High Court of Andhra Pradesh
WP No. 15534 of 2022, Dt. 20.10.2022

Topic:

- Alcoholic liquor for human consumption does not constitute food or food product falling within chapters 1 to 22 and liable for GST @18%.

Gist of the Judgement:

- "Alcoholic liquor for human consumption" does not constitute food or food product falling within Chapters 1 to 22 of First Schedule of Customs Tariff Act, 1975 and accordingly, the petitioner is liable to pay tax at the rate of 18% in terms of Notification No.6/2021, dated: 30.09.2021 by relying on the decision of Hon'ble Supreme Court in **Collector of Central Excise Vs Parle Exports Pvt Ltd 1 1998 (38) ELT 741 (SC)**.
- It is further held that at no point of time, any exemption was specifically granted to "alcoholic liquor for human consumption". Neither the notification nor the items mentioned in Chapters 1 to 22 spell out clearly that "alcoholic liquor for human consumption" as food or food product. The petitioner, on its own, has been claiming exemption, which lead to issuance of notification No.6/2021 on 30.09.2021, but this being clarificatory in nature, it has to be retrospective in operation by relying on the decision of The Hon'ble Supreme Court in **"CIT v Vatika Township Pvt Ltd (MANU/SC/0810/2014)**.

14. M/s. Yash Krishi Seva Kendra Vs State of Madhya Pradesh

Hon'ble High Court of Madhya Pradesh at Jabalpur
WP No.13023/2022, Dt. 23.11.2022

Topic:

- Rejection of delayed filing of appeal is justified as respondents adhered to the provision of Section 169.

Gist of the Judgement:

- The appeal preferred by petitioner under section 107 of CGST Act was hopelessly time barred and since there is no further enabling provision in the hands of appellate authority to extend the period of limitation, this Court in its writ jurisdiction cannot tinker with the

statutory provision u/S. 107 of GST Act, which does not bestow any discretionary power on the appellate authority to extend the period of limitation.

15. M/s. Dhruv Krishan Maggu Vs Principal Director General, DGGI (HQRS), RK Puram, New Delhi & Anr

Hon'ble High Court of Delhi
WP(C) No.7517/2020, Dt. 12.12.2022

Topic:

- Documents or book or things' seized u/s 67 can be retained for a maximum period of four and half years

Gist of the Judgement:

The Hon'ble High Court dismissed appeal and held that

- There is a clear distinction brought in case of inspection, search and seizure of “documents or books or things” in contrast to seizure of “goods” under CGST Act, 2017.
- A perusal of sub-section 67(2) of the CGST Act, 2017 makes it clear that whereas the first proviso would apply qua seizure of goods, the second proviso would apply in respect of documents or books or things.
- In the case of documents or books or things, the same can be retained by the officer for so long as it is required for examination and for inquiry of proceedings under the CGST Act, 2017. This is in contrast with Section 67(7) as per which when goods are seized, the said seized goods have to be returned to the person within six months of the seizure of goods.
- A conjoint reading of Section 74(2) and Section 74(10) would clearly show that the maximum period for issuance of the show-cause notice is six months prior to five years from the date of the erroneous refund in case of fraud, willful misstatement or suppression of facts.
- As per Section 67(3), if the documents, books or things are not being relied upon for the issuance of notice under the CGST Act, 2017, the same are to be returned within a period not exceeding thirty days from the issue of the said notice.
- Thus, by a conjoint reading of sections 67(2) second proviso, 67(3), 74(2), 74(10) the ‘documents or book or things’ can be retained for a maximum period of four and half years, within which period the

notice has to be issued, plus thirty days from the date of erroneous refund.

- In the present case, the said period had not yet lapsed and accordingly, the Court does not direct to release of the computer, laptop, documents and other things seized vide panchnama dated 28th August, 2019.

16. M/s. Morya Facility Management Service Pvt Ltd Vs Union of India

Hon'ble High Court of Bombay
WP No.15631/2022, Dt. 20.12.2022

Topic:

- High Court refuses to exercise its writ jurisdiction to condone delay in filing of appeal.

Gist of the Judgement:

The Hon'ble High Court dismissed the petition and held that

- The Writ petition cannot be entertained in view of the decision of the Hon'ble Supreme Court in case of ***Assistant Commissioner(CT) LTU, Kakinanda and Ors v M/s. Glaxo Smith Kline Consumer Health Care Ltd [23(2012)12 SCC 613]***, wherein it was observed that once proceedings are barred by limitation under a statute, the legislative mandate cannot be overcome by issuing a writ under Article 226 of the Constitution of India.

17. The State of Punjab Vs M/s Shiv Enterprises & ors

Hon'ble Supreme court of India
CA No.359/2023, Dt. 16.01.2023

Topic:

- Detention of goods U/s 129 of the CGST Act – SCN was set aside at initial stage by the High Court – Declared as pre-mature.

Gist of the Judgement:

- The Hon'ble Supreme Court partly allowed the appeal and held that the High Court has materially erred in entertaining the writ petition against the show cause notice dt.14.09.2021 and set aside the same.
- The Hon'ble Apex Court has set aside the impugned order to the extent of quashing the notice dated 14.09.2021, issued under Section 130 of the CGST Act and remanded the matter to the appropriate authority.

- The observation of the High Court is factually incorrect, even otherwise, it was premature for the High Court to opine anything on whether there was any evasion of the tax or not. The same has to be considered in an appropriate proceeding for which the notice under Section 130 of the Act was issued.

18. M/s Pappachan Chakkiath Vs Asst. Commissioner & Ors

Hon'ble High Court of Kerala
WPC No. 816 of 2023, Dt. 11.01.2023

Topic:

- When the time limit for issuing an order is extended under section 73(10), the time limit for issuing a show cause notice under **Section 73(2) of the CGST Act, 2017 is also extended for 2017-18.**

Gist of the Judgement:

The Hon'ble High Court has dismissed the appeal and held that

- The show cause notice to be issued under Section 73 (1) at least three months prior to the time limit specified in section 73(10) for issuance of order as per Section 73 (2).
- When the time limit for issuance order under section 73(10) for the financial year 2017-18 has been extended up to 30.09.2023, the only interpretation that can be placed on the provisions of Section 73(2) is that, the show cause notice can also be issued with reference to the date 30.09.2023 and not with reference to any other date.

19. M/s. Kramski Stamping and Molding India (P) Ltd Vs the State Tax Officer (Int.), Vellore

Hon'ble High Court of Madras
W.P.No. 4217/2023, dt: 13.02.2023.

Topic:

- Writ not entertained as impugned order was passed without violation of principles of natural justice

Gist of the Judgement:

- The Hon'ble High Court dismissed the appeal and issued certain directions to the petitioner to file a statutory appeal before Appellant Authority under section 107 of GST Act and also permitted to file application for seeking provisional release of goods and conveyance under section 129(1) of the Act.

- Further, the Hon'ble Court also held that this writ petition cannot be entertained as principles of natural justice have not been violated by the respondent since they have given time to submit reply and after consideration of the reply, passed the impugned order duly mentioning the reasons by referring a circular dt: 01.08.2022.

20. Abinash Kumar Singh Vs The State of West Bengal & Ors

Hon'ble High Court of Calcutta at Jalpaiguri Circuit Bench
WPA No. 3374/2022, dt: 03.03.2023.

Topic:

- Penalty imposed for transporting goods with expired e-way bill - dismissed.

Gist of the Judgement:

The Hon'ble High Court dismissed the appeal and held that

- Transportation of goods with a proper e-way bill is one of the salient features of the Act. There is no scope to dilute the said provision of law for granting relief to an errant transporter since the said section starts with a non obstante clause.
- The Petitioner may or may not be directly responsible for delay in issuance of gate pass, but he is at fault in transporting goods without e-way bill. If the goods cannot be transported within time then there is provision for extending validity period after uploading the details in the portal, which fails to do the petitioner.

GST collections for 2021-22 (Rs in Crores)

ACT	CGST	IGST			Cess			SGST	IGST Settlement*	Total	Compen sation	Growth over last year month
		Imports	Domestic	Total	Imports	Domestic	Total					
All India	270506	376541	386542	763083	8843	98916	107759	345963		1487311		15%
Collections from Telangana	10930		13238	13238		6310	6310	14603		45081		24%
Contribution of Telangana (%)	4%		3.4%				6.40%	4.20%		3%		
GST accrued to Telangana								14603	16171	30774	6576	14%

(*Note: The above revenue figures includes Adhoc IGST Settlement)

RECENT DEVELOPMENTS IN GST PORTAL

1. The GSTN has enabled the option to transfer the amount available in the cash ledger of one GSTIN to another GSTIN, being distinct persons, i.e., having same PAN, through form GST PMT-09.

2. ***Advisory on opting for payment of tax under the forward charge mechanism by GTA***

In compliance of CR NN. 03/2022 dated July 13, 2022, an option is being provided on the portal to all the existing TPs providing Goods Transport Agencies Services, desirous of opting to pay tax under the forward charge mechanism to exercise their option.

They can navigate to *Services > User Services > Opting Forward Charge Payment by GTA* in Annexure V.

Option in Annexure V FORM is required to be submitted on the portal by the GTA every year before the commencement of the Financial Year. The Option once filed cannot be withdrawn during the year and the cut-off date for filing the Annexure V FORM is 15th March of the preceding financial year.

3. ***Changes in Table 4 of GSTR 3B; Reporting of ITC availment, reversal and Ineligible ITC***

The changes notified by way of CT NN. 4/2022 dated 05th July, 2022 in Table 4 of GSTR-3B has been incorporated in GSTR-3B and are available on GST Portal since 01.09.2022. The TPs are advised to report their ITC availment, reversal of ITC and ineligible ITC correctly as per new format of Table 4 of GSTR-3B to be filed for the period August 2022 onwards

- I. All non-reclaimable reversal of ITC needs to be reported in table 4(B)(1)
- II. All reclaimable ITC reversals may be reported in table 4(B)(2). It should be noted that ITC reversed under 4(B)(2) can be reclaimed in table 4(A)(5) at appropriate time and the break-up detail of such reclaimed ITC should be provided in 4(D)(1) in the same return.
- III. The ITC not-available mentioned in GSTR-2B of the TP has to be reported in 4(D)(2) of table 4.
- IV. Any ITC availed inadvertently in Table 4(A) in previous tax periods due to clerical mistakes or some other inadvertent mistake maybe reversed in Table 4(B)2.

Please refer to CBIC Circular No.170/02/2022-GST dt 06th July, 2022 for detailed clarification on reporting of ITC availment, ITC reversal and Ineligible ITC in GSTR-3B.

4. **New Table 3.1.1 in GSTR-3B for reporting supplies notified u/s 9(5)**

A new Table 3.1.1 is being added as per CT NN. 14/2022 dated 05th July, 2022 in GSTR-3B where both e-Commerce Operators and registered persons can report supplies made under Section 9(5)

- (i) Taxable supplies on which e-commerce operator pays tax under section 9(5) [To be furnished by the e-commerce operator]
- (ii) Taxable supplies made by the registered person through e-commerce operator, on which E-commerce operator is required to pay tax under section 9(5) [To be furnished by the registered person making supplies through e-commerce operator]

An ECO is required to report supplies made u/s 9(5) in **Table 3.1.1(i)** of GSTR-3B and shall not include such supplies in Table 3.1(a) of GSTR-3B. The applicable tax on such supplies shall be paid by ECO in Table 3.1.1(i) of GSTR-3B in cash only and not by ITC.

A registered person, who is making supplies of such services as specified u/s 9(5) through an ECO, shall report such supplies in **Table 3.1.1(ii)** and shall not include such supplies in Table 3.1(a) of GSTR-3B. The registered person is not required to pay tax on such supplies as the ECO is liable to pay tax on such supplies.

The Table 3.1.1 in GSTR-3B is made available on GST Portal from 01st August 2022.

5. GSTINs who have (6) or more returns defaulted are being suspended by the system i.e., a show-cause notice is issued for cancellation of registration in form GST REG 16. In such cases, after all their pending returns are filed, system will automatically drop the proceedings. For the GSTINs suspended after 1st Dec 2022, if the status of GSTIN does not become 'ACTIVE' automatically, then the TP can revoke suspension by navigating to

Services > User Services > View Notices and Orders > Click on Initiate Drop Proceeding

In case the system does not automatically drop the proceedings or TP is unable to revoke the suspension by clicking on 'Initiate Drop Proceeding', then TP is advised to contact Jurisdictional Officer.

6. **Option to withdraw application for cancellation of GST registration.**

In case application for cancellation of GST registration is applied by mistake and the applicant wishes to withdraw the application, he may do so now by following below mentioned steps:

1. Navigate through Services → User Services → View My Submissions
2. Click on the "Withdraw" button available beside the Application for Cancellation of Registration
3. Click on Confirm and the application will be withdrawn.

7. **Enhanced User Interface in Registration module.**

User Interface (UI) with respect to the address fields in the Registration Application GST REG-01 has been enhanced as follows:-

- Incorporation of a map tile along with a drag and drop facility of address pinhead on to the exact location of the applicant's address.
- Once selected, the details will automatically fill in the various addresses input fields given in the application.
- On entering the PIN code, the corresponding State and Districts will get auto-filled.
- The user can also directly fill-up the address input fields which are now aided with suggestive address input drop downs from which the user can select the appropriate/relevant address fields. This action will reduce errors in the address texts and will also ease the filling up of the appropriate address input fields by the user.
- Based on the address entries given by the user, the Latitude/ Longitude of the address will get auto populated which is non-editable.

8. **The GSTN has enabled the new functionality to add "Additional Trade Name" under the same GSTIN. Now, it is easy to do multiple businesses under the same Legal name with a different Trade Name.**

9. **Advisory for the TPs wishing to register as “One Person Company” in GST**

- As per provision of section 2(62) of The Companies Act, 2013 “One Person Company” is defined as a company which has only one person as member.
- Some issues have been raised by the persons registering as ‘One Person Company’ while they take GST registration. Upon analysis, it has been noticed that the option of choosing One Person Company is not there in form notified by the Act and hence not available on the GSTN portal also.
- It is advised that in the ‘Part B’ of GST Registration Form ‘REG-01’, applicant may select (Constitution of Business under ‘Business Details’ tab using drop down list) option “Others”, if the TP wants to register for GST as “One Person Company”. After selecting option as “Others”, the applicant shall also mention “One Person Company” in the text field and follow the steps for a normal registration application to complete the process.

10. **Enhancements done in GSTR-1/IFF module:**

- i) Removal of ‘Submit’ button before filing: Earlier there was a two-step filing of GSTR-1/IFF. The ‘Submit’ button is removed from GSTR-1/IFF, and TPs will have the flexibility to add or modify records till the Filing is completed by pressing the ‘File Statement’ button. Thus the two step filing process will now be a single step filing process.
- ii) Consolidated Summary: TPs will now be shown a table-wise consolidated summary before actual filing of GSTR-1/IFF. It will have a detailed & table-wise summary of the records added by the TP. This will provide a complete overview of the records added in GSTR-1/IFF before actual filing.
- iii) Recipient wise summary: The consolidated summary page will also provide recipient-wise summary, containing the total value of the supplies & the total tax involved in such supplies. This summary will be made available in all cases where the recipient count is up to 100, which will cover more than 90 percent of the TPs.

https://tutorial.gst.gov.in/downloads/news/gstr1_enhancement_phase_2.pdf

11. **GST rate of 6% is added in form GSTR-1.**

- It may be noted that 6% tax rate has been added in the item details section of all the tables of form GSTR- 1.

- In case your outward supplies attract 6% tax rate, you are required to upload the details against 6% tax rate in the item details section including HSN data in table 12.

12. Mandatory mentioning of HSN codes in GSTR-1

It is mandatory for the TPs to report minimum 4 digits or 6 digits of HSN Code in Table-12 of GSTR-1 on the basis of their AATO in the preceding FY vide CT NN. 78/2020 dated 15-10-2020, TPs with AATO of up-to 5 Crores are required to mandatorily report 4-digit HSN codes. TPs with AATO of more than 5 Crores are required to mandatorily report 6-digit HSN codes for goods & services.

Manual user entry would be allowed for entering HSN or description and in case of a wrong HSN reported a warning or alert message will be shown. However, TPs will still be able to file GSTR-1.

TPs would be expected to correct HSN where there is an error and a warning message shown.

13. Advisory regarding availing ITC.

For some of the TPs, there was an issue in relation to duplicate entries in GSTR-2B which was fixed and correct GSTR-2B was generated. In this regard, TPs while filing GSTR-3B are advised to check and ensure that the value of ITC they are availing is correct as per the law.

They may check the correct ITC value from the download of Auto drafted ITC statement GSTR-2B or pdf of *System Generated GSTR-3B* or on the ITC observed on the mouse hover of Table 4 in GSTR-3B, particularly in any such case where there is any difference observed between the correct figures available at places as stated above and the prefilled GSTR-3B observed on screen.

It may be noted that, the ITC gets auto populated in GSTR-3B from GSTR-2B only if the TP has not saved any data in GSTR-3B for that tax period.

The auto population of ITC in GSTR-3B will not happen for those TPs who have already saved data in GSTR- 3B. In such cases, the TP has to input the ITC data in Table 4 of GSTR-3B.

- ## **14.**
- The GSTN has enabled new functionality to facilitate the filing of application of advance ruling, appeal, etc. by unregistered persons on the GST portal.

Navigation:

GST portal-> Services -> User Services -> Generate User Id for Unregistered Applicant.

15. Advisory on Negative Liability to composition taxpayers.

TPs should fill up table 6 of GSTR-4. In case, there is no liability, the said table may be filled up with '0' value. If no liability is declared in table 6, it is presumed that no liability is required to be paid, even though, TP may have paid the liability through Form GST CMP-08. In such cases, liability paid through GST CMP-08 becomes excess tax paid and moves to Negative Liability Statement for utilization of same for subsequent tax period's liability.

If nothing is declared in table 6, the negative liability entry appears in GSTR-4.

Lot of tickets were received on the Helpdesk for reducing the negative liability from the Negative Liability Statement and the same was done. For convenience of the TPs, the amount available in negative liability statement have been debited for all TPs.

It has been noticed that some TPs had utilized the amount available in negative liability statement for paying the liability to file statement in Form GST CMP-08 or GSTR-4 of subsequent financial year. In such cases, the amount utilized out of negative liability statement has been debited in the cash ledger.

Though, such liability should have been paid by depositing the amount through challan but in some cases the amount had not been deposited by the TPs. The TPs who have deposited the amount in cash ledger, the debited amount has been adjusted whereas in case the amount of liability has not been deposited through challan, the balance in cash ledger becomes negative. In such cases, the TPs are advised to deposit the past liability through challan of equal amount.

The details of the debit so made have been communicated to all such TPs through emails available on the portal. In case, the liability had been paid through adding in the next years' liability, the same can be claimed as refund through application in Form GST RFD-01.

16. The Single sign-on ("SSO") functionality for e-Invoice and e-Waybill.

The SSO is a facility by which the user can log in to the e-Way bill system using their credentials and click on the e-Invoice link to access the e-Invoice system directly without logging in again and vice versa.

After this facility, now user can login on any one portal and switch between the two portals without further login. Both the portals (e-invoice and e-way bill Portal) have a link at top left side of the page for direct login without entering the login credentials again.

17. Updated document on GST rate changes

The changes in GST rates on certain goods are given effect through amending notifications issued from time to time. A document has been prepared indicating updated rate schedules prescribed vide CR NN1/2017 dated June 28, 2017, CR NN2/2017 dated June 28, 2017 and notification No.1/2017- Compensation Cess (Rate) dated June 28, 2017 as on May 01, 2022. To view the document [Click Here](#).

t-hub



2- BHK Scheme



Aasara Pensions

13 Districts of Telangana benefit from the world's largest lift irrigation project



Kaleshwaram Project



Mission Bhagiratha



Rythu Bandhu



Fly-Overs, Metro



BEAUTIFUL FLY-OVERS

AMAZING HANGING



ROPE BRIDGES



Telangana ku HarithaHaram



Commercial Taxes Department
Telangana