

GST NEWSLETTER JULY 2019

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ARTICLES

Major amendments to the GST Act

- A composition scheme introduced exclusively for Service providers having aggregate annual turnover in preceding financial year up to Rs. 50 lakhs. Turnover, here, will not include value of supplies made by way of extending deposits, loans or advances for which interest is receivable.
- Mandatory registration under GST is applicable for those whose turnover exceeds Rs. 20 lakhs. However, the threshold limit for those who exclusively supply goods has been increased to Rs. 40 lakhs. Further, such turnover will not include value of supplies made by way of extending deposits, loans or advances for which interest is receivable.
- Aadhar will be mandatory for persons registered under GST and will include the following:
 - Every proprietor of a business;
 - Karta of HUF;
 - Managing Director & Whole time Director of limited companies;

- Partners of a partnership firm;
- Members of Managing Committee of Association;
- Board of Trustees
- and any such authorised representative or authorised signatory.

The date and other conditions shall be prescribed by the government by way of notification.

- Electronic payment has to be mandatorily extended by Suppliers to the Recipients and the government shall notify the class of suppliers who are required to do so.
- Composition taxpayers will be required to not only file returns quarterly but also make the tax payment quarterly as well.
- Taxpayers can transfer the cash balance lying in the electronic cash ledger of one head of GST to another head. This option will ensure that wrong payments made to cash ledgers can be easily rectified.
- Interest under GST will be applicable only on the net liability i.e. GST on outward supplies less GST on inward supplies. This insertion into the law is retrospective only.
- Central government can disburse refunds of the State government as well. Before this insertion, only state government authorities could disburse such amount. However, it may be noted that State government cannot disburse refunds of Central government.
- A National Appellate Authority of Advance Ruling will be set-up to provide taxpayers the national level appealing authority for all rulings received from State appellate authorities.

Case laws:

1.Facts of the Case: AAP And Co., Chartered Accounts Through Authorised Partner Versus Union of India & 3 Other (S)

The petitioner has filed a Writ petition with the Gujrat High Court praying that the press release by the Government of India dt. 18/10/2018 relating to claim of ITC of FY 2017-18 clarifying that the last date to claim ITC of FY 2017-18 was the due date of the GSTR 3B return or Annual Return whichever is earlier.

Provisions of the GST Acts:

The Press Release dt. 18/10/2018 was a clarification stating that the last date to claim ITC of FY 2017-18 was the due date of the return for September month to be filed under Section 39 or Annual Return whichever is earlier. As per Section 39 of the CGST Act, 2017 the return to be filed by taxpayers is Form GSTR 3. Further, the government has themselves retrospectively clarified in notification no. 17/2017 – CT dt. 27/07/2017 by way of omission of the words that '*GSTR 3B is in lieu of GSTR 3*'.

Ruling:

The honourable High court of Gujrat held that the press release clarifying the dates before which the ITC of FY 2017-18 can be taken is void as the return referred to in the press release i.e. GSTR 3 is kept in abeyance by the government. Hence, the press release would be illegal to such extent as it confirms that ITC cannot be claimed for FY 2017-18 beyond the due date of GSTR 3B return.

2.Facts of the case: M/S. Bandai Namco India Private Limited - Authority for Advance Ruling, Maharashtra.

The applicant is in the business of providing amusement facilities being coin operated gaming stations in a mall in Mumbai. The applicant claims that they are covered under Notification no. 01/2018 dt. 25/01/2018 where the GST rate for Amusement parks was brought down to 18% from 28%.

Provisions of the GST Acts:

As per notification no. 01/2018, GST rate applicable to amusement parks is 18%, while for amusement facilities the GST rate remained at 28%.

Ruling:

The word 'park' in various dictionaries say that a park is a 'large of land' used for a particular purpose. In the instant case, however, the applicant has placed the equipment in an area within the Oberoi mall. Therefore, there is should not be a second thought to call it an 'amusement facility' rather than an 'amusement park'. Hence, the applicable rate for the applicant shall be 28% GST.

NOTIFICATIONS AND CIRCULARS FOR THE MONTH OF JUNE 2019

- **Eight Central Tax Notification.**
- **One Central Tax Rate Notification.**
- **Two Integrated Tax Rate Notification.**
- **One Union Tax Rate Notification.**
- **Five Central Tax Circulars.**
- **One Compensation Cess Rate Notification.**
- **One Central Tax Order**

Sl. No	Subject	Notifications/Circulars No. Date of Issue
1.	Seeks to extend the due date for furnishing the declaration FORM GST ITC-04	32/2019-Central Tax, dt. 28-06-2019
2.	Seeks to carry out changes in the CGST Rules, 2017.	31/2019-Central Tax, dt. 28-06-2019
3.	Seeks to provide exemption from furnishing of Annual Return / Reconciliation Statement for suppliers of Online Information Database Access and Retrieval Services ("OIDAR services").	30/2019-Central Tax, dt. 28-06-2019
4.	Seeks to prescribe the due date for furnishing FORM GSTR-3B for the months of July, 2019 to September,2019.	29/2019-Central Tax, dt. 28-06-2019
5.	Seeks to extend the due date for furnishing FORM GSTR-1 for registered persons having aggregate turnover of more than 1.5 crore rupees for the months of July, 2019 to September,2019.	28/2019-Central Tax, dt. 28-06-2019
6.	Seeks to prescribe the due date for furnishing FORM GSTR-1 for registered persons having aggregate turnover of up to 1.5 crore rupees for the months of July, 2019 to September,2019.	27/2019-Central Tax, dt. 28-06-2019
7.	Seeks to extend the due date of filing returns in FORM GSTR-7	26/2019-Central Tax, dt. 28-06-2019
8.	Seeks to extend the date from which the facility of blocking and unblocking on e-way bill facility as per the provision of Rule 138E of CGST Rules, 2017 shall be brought into force to 21.08.2019.	25/2019-Central Tax, dt. 21-06-2019
9.	Seeks to specifies retail outlets established in the departure area of an international airport, beyond the immigration counters, making tax free supply of goods to an outgoing international tourist, as class of persons who shall be entitled to claim refund.	11/2019-Central Tax (Rate), dt. 29-06-2019

10.	Seeks to exempts any supply of goods by a retail outlet established in the departure area of an international airport, beyond the immigration counters, to an outgoing international tourist.	11/2019-Integrated Tax (Rate), dt. 29-06-2019
11.	Seeks to specifies retail outlets established in the departure area of an international airport, beyond the immigration counters, making tax free supply of goods to an outgoing international tourist, as class of persons who shall be entitled to claim refund.	10/2019-Integrated Tax (Rate), dt. 29-06-2019
12.	Seeks to specifies retail outlets established in the departure area of an international airport, beyond the immigration counters, making tax free supply of goods to an outgoing international tourist, as class of persons who shall be entitled to claim refund.	11/2019-Union Territory tax(Rate), dt. 29-06-2019
13.	Exempts any supply of goods by a retail outlet established in the departure area of an international airport, beyond the immigration counters, to an outgoing international tourist.	01/2019-Compensation Cess (Rate), dt. 29-06-2019
14.	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 - reg.	106/2019 Circular no, dt, 29-06-2019
15.	Clarification on various doubts related to treatment of secondary or post-sales discounts under GST - reg.	105/2019 Circular no, dt, 28-06-2019
16.	Processing of refund applications in FORM GST RFD-01A submitted by taxpayers wrongly mapped on the common portal – reg.	104/2019 Circular no, dt, 28-06-2019
17.	Clarification regarding determination of place of supply in certain cases – reg.	103/2019 Circular no, dt, 28-06-2019
18.	Clarification regarding applicability of GST on additional / penal interest – reg.	102/2019 Circular no, dt, 28-06-2019
19.	Seeks to extend the due date for furnishing FORM GSTR-9, FORM GSTR-9A and FORM GSTR-9C under section 44 of the Central Goods and Services Tax Act, 2017.	Order No. 6/2019 - Central Tax dt- 28-06-2019.

DUE DATES OF GST FOR THE MONTH OF JULY 2019

JULY							2019
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
	1	2	3	4	5	6	
7	8	9	10 GSTR-7 & GSTR-8	11 *GSTR-1	12	13	
14	15	16	17	18	19	20 GSTR-3B/5/5A	
21	22	23	24	25	26	27	
28	29	30	31 *GSTR-1				

* Monthly return for taxpayers with Annual Turnover more than Rs.1.50 Crores or Taxpayer who has opted Monthly return option.

* Monthly return for taxpayers with Annual Turnover less than Rs.1.50 Crores or Taxpayer who has opted Quarterly return option.

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