



GST : NOTIFICATION ISSUED IN LIGHT OF COVID-19

J B Nagar Study Circle – 6th April, 2020

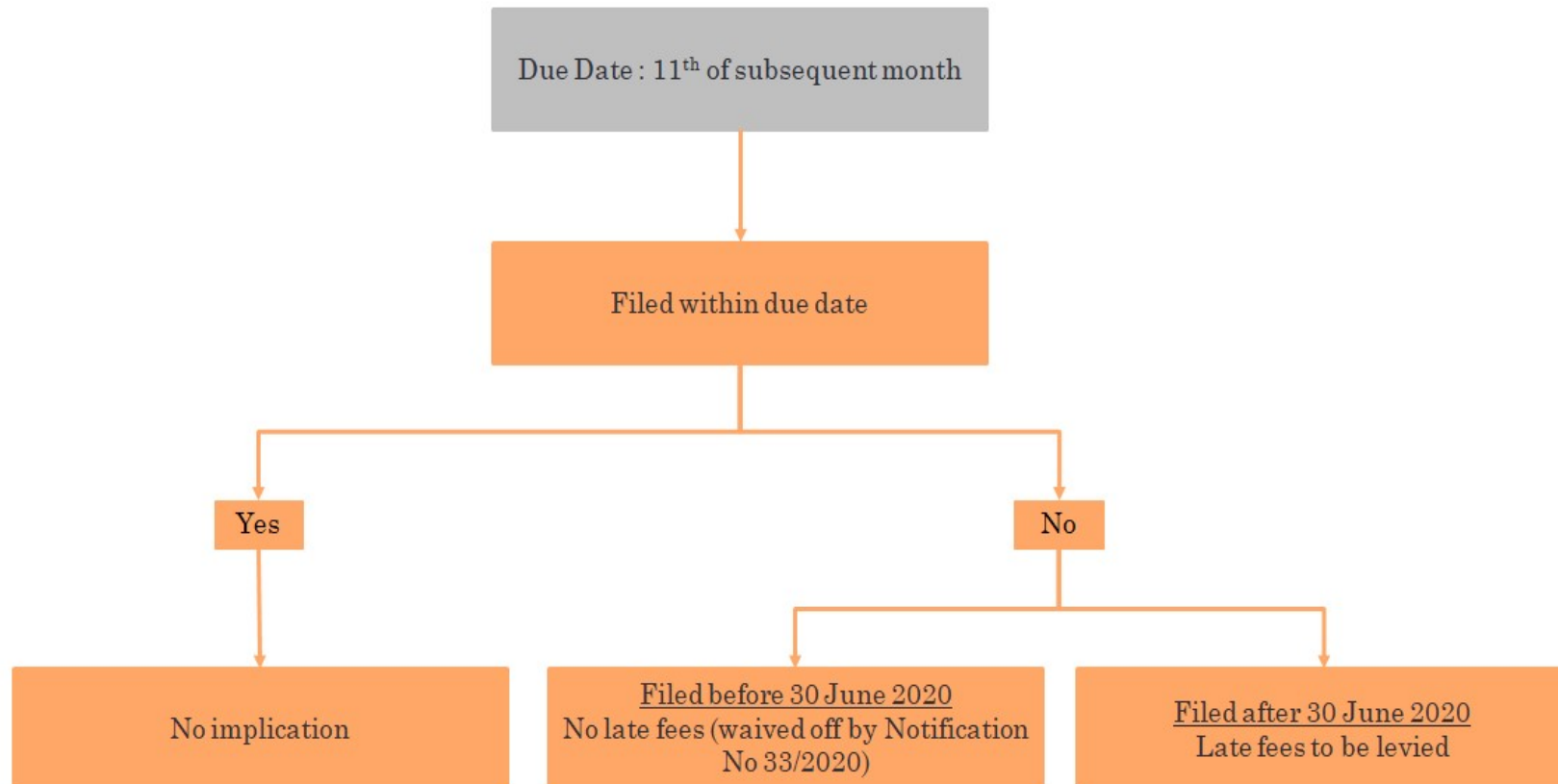
FOLLOWING NOTIFICATIONS HAVE BEEN ISSUED TO PROVIDE RELIEF TO TAXPAYERS IN VIEW OF SPREAD OF NOVEL CORONA VIRUS (COVID 19)

S. No.	Notification	Details
1	Notification No. 30/2020 - Central Tax, dated 03.04.2020	Seeks to amend CGST Rules (Fourth Amendment) in order to allow opting Composition Scheme for FY 2020-21 till 30.06.2020 and to allow cumulative application of condition in rule 36(4)
2	Notification No. 31/2020 - Central Tax, dated 03.04.2020	Seeks to provide relief by conditional lowering of interest rate for tax periods of February, 2020 to April, 2020
3	Notification No. 32/2020 - Central Tax, dated 03.04.2020	Seeks to provide relief by conditional waiver of late fee for delay in furnishing returns in FORM GSTR-3B for tax periods of February, 2020 to April, 2020.
4	Notification No. 33/2020 - Central Tax, dated 03.04.2020	Seeks to provide relief by conditional waiver of late fee for delay in furnishing outward statement in FORM GSTR-1 for tax periods of February, 2020 to April, 2020.
5	Notification No. 30/2020 - Central Tax, dated 03.04.2020	Seeks to extend due date of furnishing FORM GST CMP-08 for the quarter ending March, 2020 till 07.07.2020 and filing FORM GSTR-4 for FY 2020-21 till 15.07.2020.
6	Notification No. 30/2020 - Central Tax, dated 03.04.2020	Seeks to extend due date of compliance which falls during the period from "20.03.2020 to 29.06.2020" till 30.06.2020 and to extend validity of e-way bills.
7	Notification No. 30/2020 - Central Tax, dated 03.04.2020	Seeks to extend due date for furnishing FORM GSTR-3B for supply made in the month of May, 2020.



GSTR 1

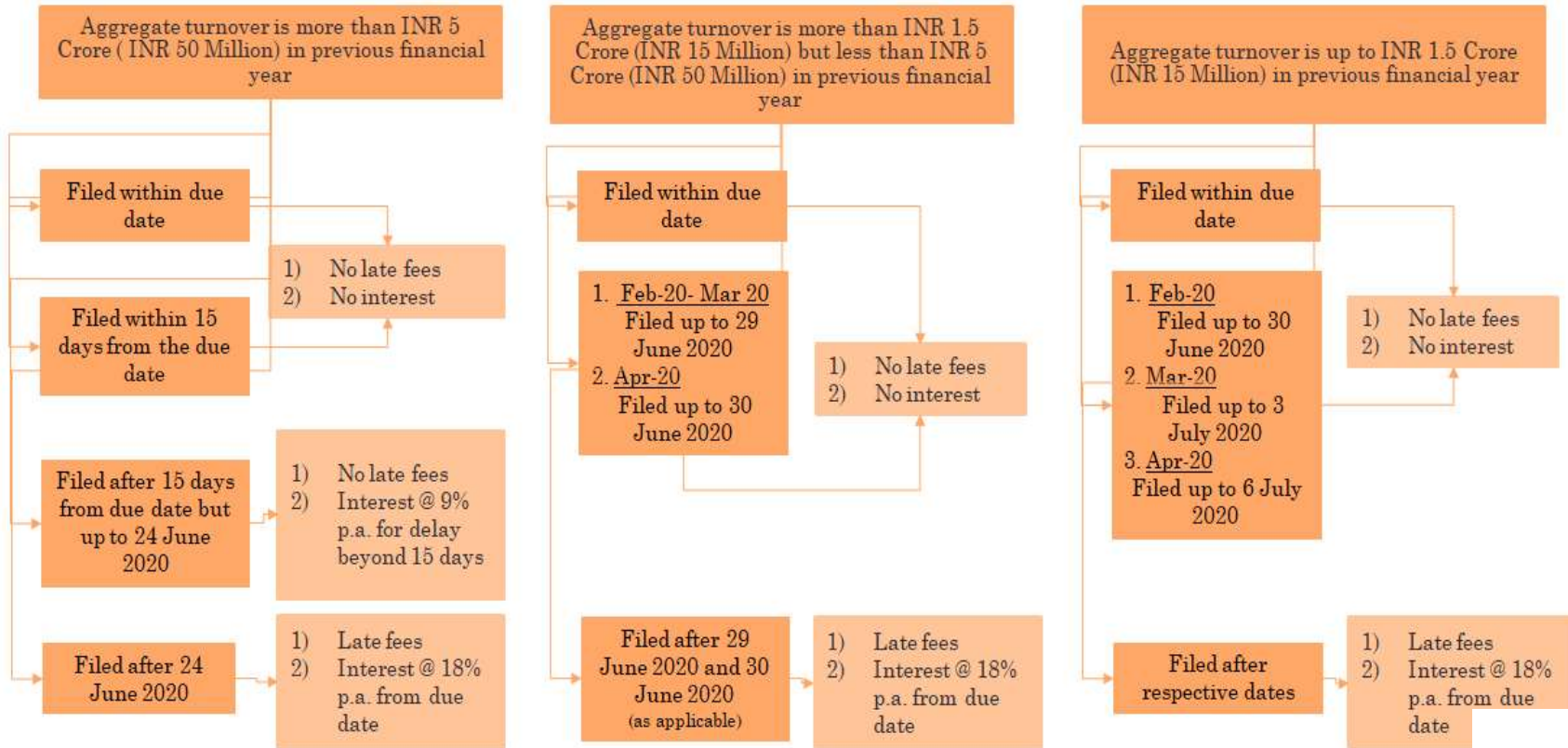
MARCH 2020 TO MAY 2020



GSTR 3B

FEBRUARY 2020 TO APRIL 2020

Due Date : 20th of subsequent month



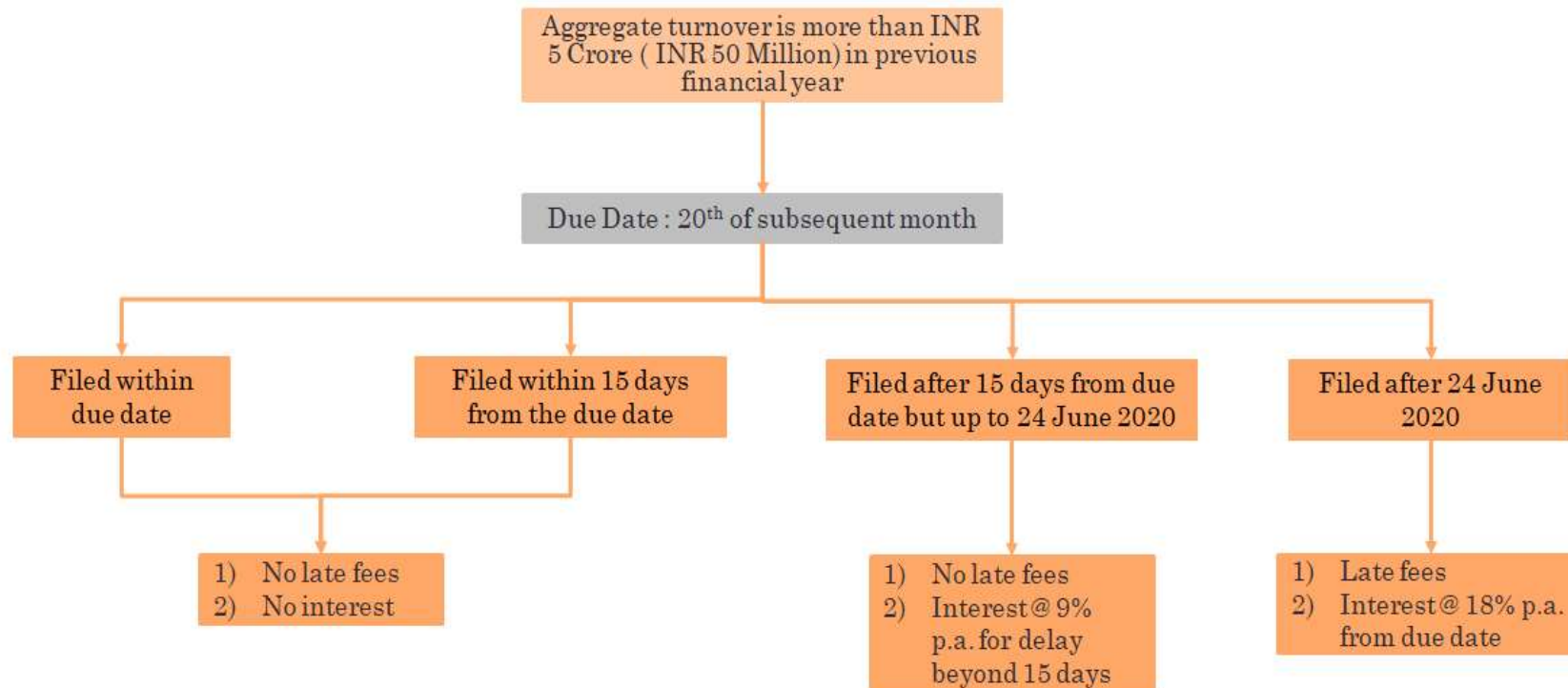
GSTR 3B

MAY 2020



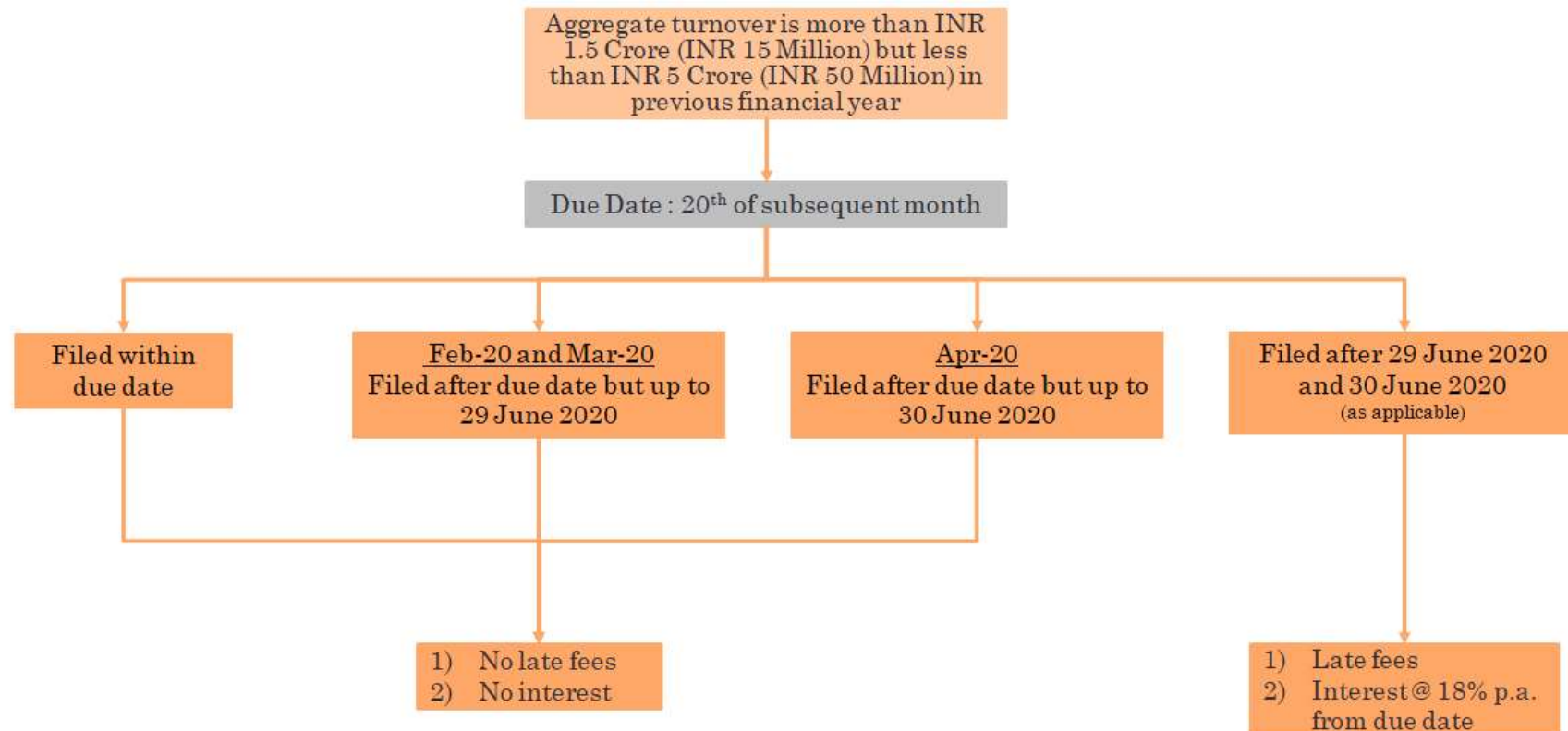
GSTR 3B

FEBRUARY 2020 TO APRIL 2020



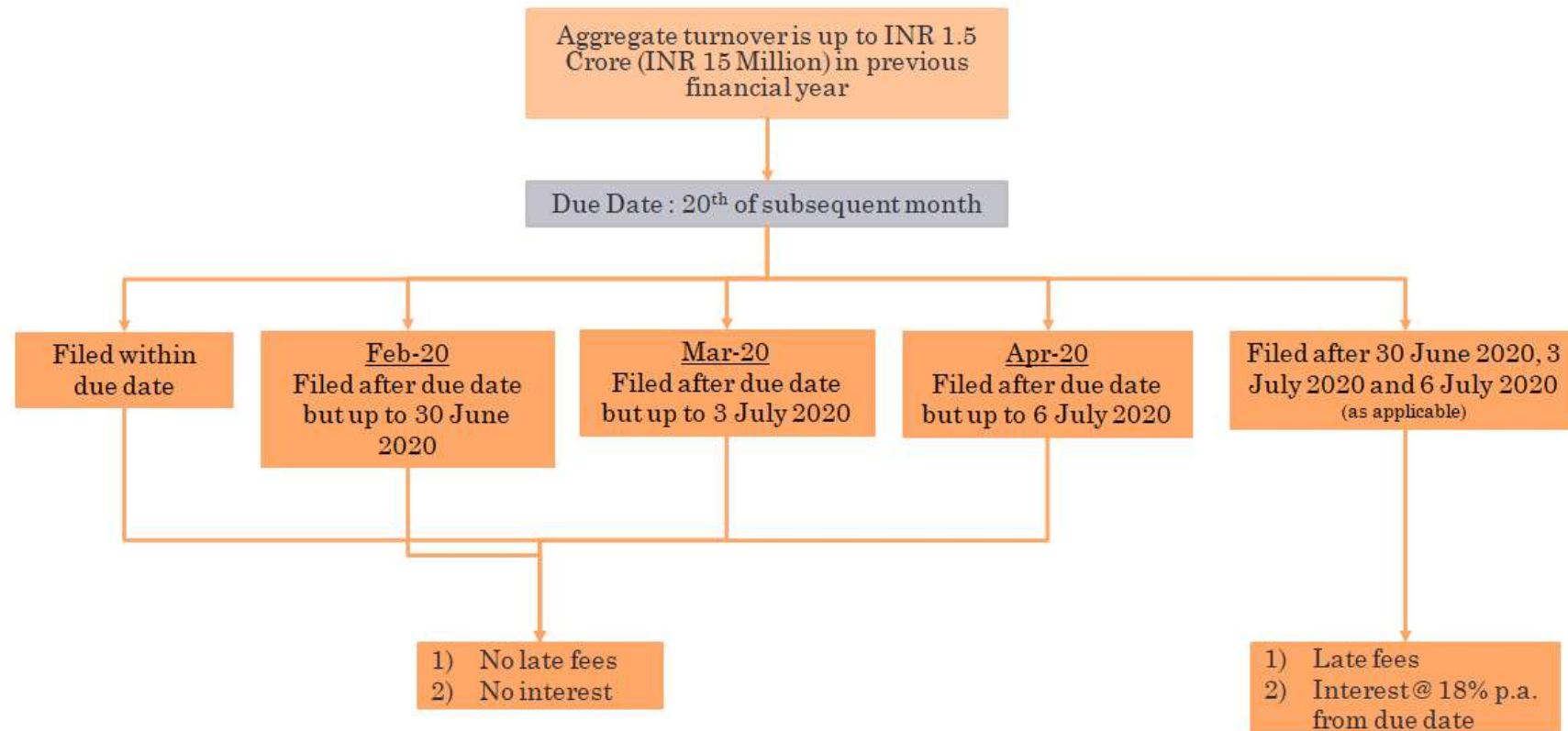
GSTR 3B

FEBRUARY 2020 TO APRIL 2020



GSTR 3B

FEBRUARY 2020 TO APRIL 2020



LATE FEES/ INTEREST – CONDITIONAL WAIVER

CONSESSIONAL INTEREST RATE IF FILED WITHIN 24.06.2020

(Notification 31/2020 - CT)

FOR TURNOVER BELOW 5 CRORES	NO INTEREST		
FOR TURNOVER ABOVE 5 CRORES	Feb-20	Mar-20	Apr-20
Filed within 15 days from the due date	NIL	NIL	NIL
From the 16th day and upto 24.06.2020	9%	9%	9%
From 25.06.2020 & above	18%	18%	18%

RETURN	TURNOVER	Feb-20	Mar-20	Apr-20	May-20
GSTR-1	Irrespective of Turnover		30-06-2020	30-06-2020	30-06-2020
GSTR-3B	Upto 1.5 Crores	30-06-2020	03-07-2020	06-07-2020	12-07-2020*
GSTR-3B	Above 1.5 Crore < 5.0 Crore	29-06-2020	29-06-2020	30-06-2020	12-07-2020*
GSTR-3B	Above 5.0 Crore	24-06-2020	24-06-2020	24-06-2020	27-06-2020
CMP-08	For Jan-20 to Mar-20 Quarter		07-07-2020		
GSTR-4	Composition Return		15-07-2020		

	Notification 32/2020- CT
	Notification 33/2020- CT
	Notification 36/2020- CT
	Notification 34/2020- CT

*Principal place of business is in the States of Himachal Pradesh, Punjab, Uttarakhand, Haryana, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand or Odisha, the Union territories of Jammu and Kashmir, Ladakh, Chandigarh or Delhi



ILLUSTRATION: CALCULATION OF INTEREST FOR DELAYED FILING OF RETURN FOR THE MONTH OF MARCH, 2020 (DUE DATE OF FILING BEING 20.04.2020)

S.No	Date of filing GSTR-3B	No. Of days of delay	Whether condition for reduce interest is fulfilled?	Interest
1	02.05.2020	11	Yes	Zero Interest
2	20.05.2020	30	Yes	Zero Interest for 15 days + Interest rate @ 9% per annum for 15 days
3	20.06.2020	61	Yes	Zero Interest for 15 days + Interest rate @ 9% per annum for 46 days
4	24.06.2020	65	Yes	Zero Interest for 15 days + Interest rate @ 9% per annum for 50 days
5	30.06.2020	71	No	Interest rate @ 18% per annum for 71 days (no benefit of reduced interest)



OTHER EXTENSION AND CHANGES

Availment of Input Tax Credit

- Rule 36(4) i.e. availment of input tax credit post matching with GSTR 2A shall apply cumulatively for the period February 2020 to August, 2020 and cumulative adjustment to be taken in GSTR 3B for the month of September 2020

Extension to time-limit for completion or compliance of any action

- Applicable on any person and on authority
- Applicable on action due in between 20 March 2020 to 29 June 2020
- Extension granted till 30 June 2020
- Applicable on following as well:
 - Completion of any proceeding or passing of any order or issuance of any notice, intimation, notification, sanction or approval or such other action,
 - filing of any appeal, reply or application or furnishing of any report, document, return, statement or such other record



**ILLUSTRATION RULE 36(4)- GSTR-3B FILING SUMMARY
ALONG WITH ITC DETAILS OF M/S. A LTD FOR THE PERIOD
FEBRUARY 2020 TO SEPTEMBER 2020 IS TABULATED HERE AS
UNDER:**

Return Period	GSTR 2A	ITC as per books	GSTR 3B	Excess/ (Short) Availed
Feb, 2020	100	120	120	20
March, 2020	150	170	170	20
April, 2020	130	140	140	10
May, 2020	100	90	90	(10)
June, 2020	120	125	125	5
July, 2020	130	140	140	10
August, 2020	100	150	150	50
Total	830	935	935	105
September, 2020	120	150	15	(105)
Total	950		950	-

GSTR-3B returns for September 2020 would be very crucial as the instant tax period will carry due dates for many aspects which are elaborated hereunder-

- ✓ Amendments/Addition of invoices pertaining to FY 2019-20
- ✓ Debit notes & Credit notes pertaining to FY 2019-20
- ✓ ITC availment for the period pertaining to FY 2019 -20
- ✓ Reconciliation of GSTR-2A with GSTR-3B for the period from Feb 2020 to August 2020



RELAXATION – COMPOSITION DEALERS

- Every composition dealer under the Rule 3 of the CGST Rules is required to intimate on the GST portal in **Form GST CMP 02** that he opts for composition scheme for that particular Financial Year. He is required to intimate prior to the beginning of the Financial Year. The government has prescribed that for the **F.Y 2020-21**, he can intimate **upto 30th June 2020** in Form CMP 02. Further, he is also been allowed to file a statement of stock held as on 31.03.2020 in **Form ITC 03** upto 31.07.2020 for the purpose of reversal of ITC.
- Certain class of persons were qualified as composition dealer wherein they were required to pay tax under FORM GST CMP 08 and were required to file FORM GSTR-4. For the quarter ending 31st March, 2020 the tax should be paid till 7th July 2020 & FORM GSTR-4 should be filed till 15th July 2020.



MORATORIUM – PROCEDURAL COMPLIANCES

- The Government has prescribed that in the following cases, the time limit shall be extended upto 30.06.2020:
 - completion of any **proceeding** or passing of any **order** or issuance of any **notice, intimation, notification, sanction or approval** or such other action, by whatever name called, by any authority, commission or tribunal, by whatever name called, under the provisions of the Acts stated above; or
 - filing of any **appeal, reply or application or furnishing of any report, document, return (ISD return, TDS returns, TCS returns and Non-Resident Taxable person), statement or such other record**, by whatever name called,
- The above **extension of time-limit shall not be applicable** for filing of returns, principles of issue of invoice, search & seizure, arrest provisions, E-way bills under GST.
- Further, in case of **E-Way bills** issued for movement of goods where the expiry of E-Way bill is during 20.03.2020 to 15.04.2020, the validity of e-way bills shall be deemed to be extended upto **30.04.2020**





**OTHER EXTENSIONS AND
CHANGES**

CENTRAL TAX NOTIFICATIONS

S.No	Notification	Details
1.	11/2020-Central Tax ,dt. 23-03-2020	Seeks to provide special procedure for corporate debtors undergoing the corporate insolvency resolution process under the Insolvency and Bankruptcy Code, 2016
2.	12/2020-Central Tax ,dt. 23-03-2020	Seeks to waive off the requirement for furnishing FORM GSTR-1 for 2019-20 for taxpayers who could not opt for availing the option of special composition scheme under notification No. 2/2019-Central Tax (Rate
3.	13/2020-Central Tax ,dt. 23-03-2020	Seeks to exempt certain class of registered persons from issuing e-invoices and the date for implementation of e-invoicing extended to 01.10.2020
4.	14/2020-Central Tax ,dt. 23-03-2020	Seeks to exempt certain class of registered persons capturing dynamic QR code and the date for implementation of QR Code to be extended to 01.10.2020
5.	15/2020-Central Tax ,dt. 23-03-2020	Seeks to extend the time limit for furnishing of the annual return specified under section 44 of CGST Act, 2017 for the financial year 2018-2019 till 30.06.2020.
6.	16/2020-Central Tax ,dt. 23-03-2020	Seeks to make third amendment (2020) to CGST Rules



CENTRAL TAX NOTIFICATIONS

S.No	Notification	Details
7.	17/2020-Central Tax ,dt. 23-03-2020	Seeks to specify the class of persons who shall be exempted from aadhar authentication.
8.	18/2020-Central Tax ,dt. 23-03-2020	Seeks to notify the date from which an individual shall undergo authentication, of Aadhaar number in order to be eligible for registration.
9.	19/2020-Central Tax ,dt. 23-03-2020	Seeks to specify class of persons, other than individuals who shall undergo authentication, of Aadhaar number in order to be eligible for registration.
10.	20/2020-Central Tax ,dt. 23-03-2020	Seeks to extend due date for furnishing FORM GSTR-7 for those taxpayers whose principal place of business is in the erstwhile State of Jammu and Kashmir for the July, 2019 to October,2019 and November, 2019 to February, 2020 .
11.	21/2020-Central Tax ,dt. 23-03-2020	Seeks to extend due date for furnishing FORM GSTR-1 for registered persons whose principal place of business is in the erstwhile State of Jammu and Kashmir or the Union territory of Jammu and Kashmir or the Union territory of Ladakh for the quarter October-December, 2019 till 24th March, 2020.



CENTRAL TAX NOTIFICATIONS

S.No	Notification	Details
12.	22/2020-Central Tax ,dt. 23-03-2020	Seeks to extend due date for furnishing FORM GSTR-1 for registered persons whose principal place of business is in the erstwhile State of Jammu and Kashmir, and having aggregate turnover of more than 1.5 crore rupees in the preceding financial year or current financial year, for the month of October, 2019 and November, 2019 to February till 24th March, 2020.
13.	23/2020-Central Tax ,dt. 23-03-2020	Seeks to extend due date for furnishing FORM GSTR-1 for registered persons whose principal place of business is in the erstwhile State of Jammu and Kashmir, by such class of registered persons having aggregate turnover of more than 1.5 crore rupees in the preceding financial year or current financial year, for each of the months from July, 2019 to September, 2019 till 24th March, 2020.
14.	24/2020-Central Tax ,dt. 23-03-2020	Seeks to extend due date for furnishing FORM GSTR-1 for registered persons whose principal place of business is in the erstwhile State of Jammu and Kashmir, for the quarter July-September, 2019 till 24th March,2020.



CENTRAL TAX NOTIFICATIONS

S.No	Notification	Details
15.	25/2020-Central Tax ,dt. 23-03-2020	Seeks to extend due date for furnishing FORM GSTR-3B for the months of October, 2019 , November, 2019 to February, 2020 for registered persons whose principal place of business is in the erstwhile State of Jammu and Kashmir on or before the 24th March, 2020
16.	26/2020-Central Tax ,dt. 23-03-2020	Seeks to extend due date for furnishing FORM GSTR-3B of the said rules for the months of July,2019 to September, 2019 for registered persons whose principal place of business is in the erstwhile State of Jammu and Kashmir, shall be furnished electronically through the common portal, on or before the 24th March, 2020
17.	27/2020-Central Tax ,dt. 23-03-2020	Seeks to prescribe the due date for furnishing FORM GSTR-1 for the quarters April, 2020 to June, 2020 and July, 2020 to September, 2020 for registered persons having aggregate turnover of up to 1.5 crore rupees in the preceding financial year or the current financial year.
18.	28/2020-Central Tax ,dt. 23-03-2020	Seeks to prescribe the due date for furnishing FORM GSTR-1 by such class of registered persons having aggregate turnover of more than 1.5 crore rupees in the preceding financial year or the current financial year, for each of the months from April,2020 to September, 2020



CENTRAL TAX NOTIFICATIONS

S.No	Notification	Details
19.	29/2020-Central Tax ,dt. 23-03-2020	Seeks to prescribe return in FORM GSTR-3B of CGST Rules, 2017 along with due dates of furnishing the said form for April, 2020 to September, 2020



AADHAR AUHTENTICATION

Aadhar authentication

- Aadhar verification made mandatory for GST registration
- The provisions are applicable to the following class of persons:
 - (a) Individual;
 - (b) authorised signatory of all types;
 - (c) Managing and Authorised partner; and
 - (d) Karta of an Hindu undivided family
- Aadhar authentication not apply to persons who are not Indian citizens
- Physical verification of premises within 60 days if Aadhar not authenticated
- The above is based on Notifications 16/2020-CT, Notifications 17/2020-CT & Notifications 18/2020-CT



NOTIFICATION 16/2020

- Amendment in Rule 43(1) – Determination of ITC in respect of capital goods and reversal of ITC
- **Proviso added in sub-clause (3) of Rule 80 – Reconciliation Statement in FORM GSTR-9C** for financial year 2018-19 to be furnished by registered person whose aggregate turnover during the financial year 2018-2019 ***exceeds five crore rupees***
- **Sub-rule (4A) inserted in Rule 86 -** Where a registered person has claimed refund of any amount paid as tax wrongly paid or paid in excess for which debit has been made from the electronic credit ledger, the said amount, if found admissible, shall be re-credited to the electronic credit ledger
- **Sub-rule (4) clause (C) amended in Rule 89 to restrict the amount of turnover of Zero-rated supply of goods:**
“Turnover of zero-rated supply of goods” means the ***value of zero-rated supply of goods made during the relevant period*** without payment of tax under bond or letter of undertaking ***or the value which is 1.5 times the value of like goods domestically supplied by the same or, similarly placed, supplier, as declared by the supplier, whichever is less***



NOTIFICATION 16/2020

- **Sub-rule (1A) inserted in Rule 92 of CGST Rules** – Mechanism for sanctioning of refund to be paid in cash against the total amount paid for discharging tax liability for the relevant period

- **Rule (96B) inserted CGST Rules** – Mechanism Recovery of refund of unutilised input tax credit or integrated tax paid on export of goods where export proceeds not realised
 - Where sale proceeds in respect of export goods has not been realised within the period allowed, and refund of unutilised Input Tax Credit has been paid to applicant, the person to whom the refund has been made shall deposit the amount so refunded, to the extent of non-realisation of sale proceeds, along with applicable interest within thirty days of the expiry of the said period
 - Where sale proceeds are realised in full or part after amount of refund has been recovered, the amount so recovered shall be refunded to applicant if applicant produces evidence about such realisation within a period of three months from the date of realisation of sale proceeds

- **Undertaking added after Declaration under Rule 89(2)(g) in FORM GST RFD – 01** – Undertaking to refund sanctioned amount along with interest in case of non-receipt of foreign exchange remittances



REFUNDS (CLARIFICATIONS)

S.No	Issue	Clarifications
1.	Bunching of refund claims across Financial Years	<ul style="list-style-type: none">• Circular No. 37/11/2018-GST (Para 11.2) dated 15.03.2018 had put the restriction on clubbing of tax periods across different financial years for claiming GST Refund• The said circular was rescinded being subsumed in the Master Circular on Refunds No. 125/44/2019-GST dated 18.11.2019 and the said restriction on the clubbing of tax periods across financial years for claiming refund thus has been continued vide Paragraph 8 of the Circular No. 125/44/2019-GST dated 18.11.2019• Hon'ble Delhi High Court in Order dated 21.01.2020, in the case of <i>M/s Pitambra Books Pvt Ltd.</i>, has stayed the rigor of paragraph 8 of Circular No. 125/44/2019-GST dated 18.11.2019. Hon'ble Delhi High Court further observed that the <i>Circulars can supplant but not supplement the law.</i>• Representations have been received by Govt including those from Merchant exporters who receive the supplies of goods in the last quarter of a Financial Year and make exports in the next Financial Year i.e. from April onwards. The restriction imposed vide para 8 of the master refund circular prohibits the refund of ITC accrued in such cases as well.• Section 16(3) of the IGST Act, 2017 and Section 54 (3) of the CGST Act, does not impose any bar in claiming refund by clubbing different months across successive Financial Years• Hence, Central Govt. has decided to remove the restriction on clubbing of tax periods across Financial Years. Accordingly, circular No. 125/44/2019-GST dated 18.11.2019 stands modified to that extent i.e. the restriction on bunching of refund claims across financial years shall not apply.

REFUNDS (CLARIFICATIONS)

S.No	Issue	Clarifications
2.	Refund of accumulated input tax credit (ITC) on account of reduction in GST Rate	<ul style="list-style-type: none">• CBIC has noticed that some of the applicants are seeking refund of unutilized ITC on account of inverted duty structure where the inversion is due to change in the GST rate on the same goods.• For example – An applicant trading in goods has purchased, say goods “X” attracting 18% GST. However, subsequently, the rate of GST on “X” has been reduced to, say 12%. It is being claimed that accumulation of ITC in such a case is also covered as accumulation on account of inverted duty structure and such applicants have sought refund of accumulated ITC under clause (ii) of sub-section (3) of section 54 of the CGST Act• As per Provisions of Clause (ii) of Sec 54(3) allows refund of accumulated ITC where the credit has accumulated on account of rate of tax on inputs being higher than the rate of tax on output supplies.• Further, since the input and output being the same in such cases, though attracting different tax rates at different points in time, do not get covered for refund.• It is hereby clarified that refund of accumulated ITC in this case, would NOT be applicable in cases where the input and the output supplies are the same.

REFUNDS (CLARIFICATIONS)

S.No	Issue	Clarifications
3.	Guidelines for refunds of Input Tax Credit under Section 54(3)	<p><u>Refund of ITC for Invoices appearing in GSTR 2A –</u></p> <ul style="list-style-type: none">• As per Master circular No. 125/44/2019-GST dated 18.11.2019, the refund of ITC availed in respect of invoices not reflected in FORM GSTR-2A was also admissible and copies of such invoices were required to be uploaded (<i>earlier</i>)• Pursuant to insertion of sub-rule (4) to rule 36 of the CGST Rules, 2017 vide notification No. 49/2019-GST dated 09.10.2019, field formations represented on the admissibility of refund of the ITC availed on the invoices which are not reflecting in the FORM GSTR-2A of the applicant• Hence, the refund of accumulated ITC shall be restricted to the ITC as per those invoices, the details of which are uploaded by the supplier in FORM GSTR-1 and are reflected in the FORM GSTR-2A of the applicant. (<i>Amended Provision</i>) <p><u>New requirement to Mention HSN/SAC in Annexure B –</u></p> <ul style="list-style-type: none">• In certain cases, Refund is only allowed for ITC accumulated on Inputs and same is not allowed on ITC for Input Services and Capital Goods. The HSN wise details of goods and services are not available in FORM GSTR-2A and therefore it becomes very difficult to distinguish ITC on capital goods and/or input services out of total ITC for a relevant tax period• Annexure-B of the circular No. 125/44/2019-GST, dated 18.11.2019 stands modified to that extent. (New Requirement)

REFUNDS

S.No	Rule	Category	Amendment
1.	Rule 89 (4) (C)	Turnover of zero-rated supply of goods	Turnover of zero-rated supply of goods” means the value of zero-rated supply of goods made during the relevant period without payment of tax under bond or letter of undertaking or the value which is 1.5 times the value of like goods domestically supplied by the same or, similarly placed, supplier, as declared by the supplier, whichever is less, other than the turnover of supplies in respect of which refund is claimed under sub-rules (4A) or (4B) or both; <i>(no such rule for exports with payment of tax)</i>
2.	Rule 96B	Recovery of refund of unutilized input tax credit or integrated tax paid on export of goods where export proceeds not realized	<ul style="list-style-type: none"> • <i>Recovery of refund of unutilized input tax credit or integrated tax paid on export of goods where export proceeds not realized</i> under the Foreign Exchange Management Act, 1999 (42 of 1999), including any extension of such period, the person to whom the refund has been made shall deposit the amount so refunded, to the extent of non-realization of sale proceeds, along with applicable interest within thirty days of the expiry of the said period or, as the case may be, the extended period. • Further where sale proceeds, or any part thereof, in respect of such export goods are not realized by the applicant within the period allowed under the FEMA, 1999, but the RBI writes off the requirement of realization of sale proceeds on merits, <i>the refund paid to the applicant shall not be recovered</i> • Where the sale proceeds are realized by the applicant, in full or part, after the amount of refund has been recovered from him and the applicant produces evidence about such realization within a period of <i>three months from the date of realization of sale proceeds</i>, the amount so recovered shall be refunded, to the extent of realization of sale proceeds, provided the sale proceeds have been realized <i>within such extended period as permitted by the Reserve Bank of India</i>

REFUNDS

S.No	Rule	Category	Amendment
1.	Rule 92 (1A)	Proportionate refund in the respective original mode of payment	<i>Manner of refund of tax paid on supplies other than ZERO Rated Supplies –</i> <ul style="list-style-type: none">• Refund of any amount paid as tax other than the refund of tax paid on zero-rated supplies or deemed export, Order in FORM RFD-06 shall be sanctioned for the amount of refund to be paid, (after adjusting any outstanding demand under the Act or under any existing law) <i>proportionately in the respective original mode of payment</i> i.e. either Electronic Cash ledger or Electronic Credit Ledger
2.	Rule 89 (2) (g)	Undertaking for filing Refund	<u>New Undertaking –</u> <p>“I hereby undertake to deposit to the Government the amount of refund sanctioned along with interest in case of non-receipt of foreign exchange remittances as per the proviso to section 16 of the IGST Act, 2017 read with rule 96B of the CGST Rules 2017.</p>



CLARIFICATION ON GST ISSUED BY CBIC

WHERE ISSUES PERTAINS TO PRE-CIRP

PERIOD:

Issues	Clarification
1. How are dues under GST for pre-CIRP period be dealt?	<p>In accordance with the provisions of the IBC and various legal pronouncements on the issue, no coercive action can be taken against the corporate debtor with respect to the dues for period prior to insolvency commencement date. The dues of the period prior to the commencement of CIRP will be treated as 'operational debt' and claims may be filed by the proper officer before the NCLT in accordance with the provisions of the IBC. The tax officers shall seek the details of supplies made / received and total tax dues pending from the corporate debtor to file the claim before the NCLT.</p> <p>Moreover, section 14 of the IBC mandates the imposition of a moratorium period, wherein the institution of suits or continuation of pending suits or proceedings against the corporate debtor is prohibited.</p>
2. Should the GST registration of corporate debtor be cancelled?	<p>It is clarified that the GST registration of an entity for which CIRP has been initiated should not be cancelled under the provisions of section 29 of the CGST Act, 2017. The proper officer may, if need be, suspend the registration. In case the registration of an entity undergoing CIRP has already been cancelled and it is within the period of revocation of cancellation of registration, it is advised that such cancellation may be revoked by taking appropriate steps in this regard.</p>
3. Is IRP/RP liable to file returns of pre-CIRP period?	<p>No. In accordance with the provisions of IBC, 2016, the IRP/RP is under obligation to comply with all legal requirements for period after the Insolvency Commencement Date. Accordingly, it is clarified that IRP/RP are not under an obligation to file returns of pre-CIRP period.</p>



CLARIFICATION ON GST ISSUED BY CBIC

WHERE ISSUES PERTAINS TO CIRP PERIOD:

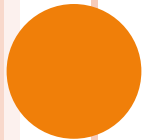
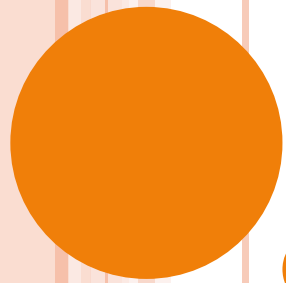
Issues	Clarification
1. Should a new registration be taken by the corporate debtor during the CIRP period?	The corporate debtor who is undergoing CIRP is to be treated as a distinct person of the corporate debtor and shall be liable to take a new registration in each State or Union territory where the corporate debtor was registered earlier, within thirty days of the appointment of the IRP/RP. Further, in cases where the IRP/RP has been appointed prior to the issuance of Notification No.11/2020- Central Tax, dated 21.03.2020 , he shall take registration within thirty days of issuance of the said notification, with effect from date of his appointment as IRP/RP.
2. How to file First Return after obtaining new registration?	The IRP/RP will be liable to furnish returns, make payment of tax and comply with all the provisions of the GST law during CIRP period. The IRP/RP is required to ensure that the first return is filed under section 40 of the CGST Act, for the period beginning the date on which it became liable to take registration till the date on which registration has been granted.
3. How to avail ITC for invoices issued to the erstwhile registered person in case the IRP/RP has been appointed before issuance of Notification No.11/2020- Central Tax, dated 21.03.2020 and no return has been filed by the IRP during the CIRP ?	The special procedure issued under section 148 of the CGST Act has provided the manner of availment of ITC while furnishing the first return under section 40. The said class of persons shall, in his first return, be eligible to avail input tax credit on invoices covering the supplies of goods or services or both, received since appointment as IRP/RP and during the CIRP period but bearing the GSTIN of the erstwhile registered person, subject to the conditions of Chapter V of the CGST Act and rule made thereunder, except the provisions of sub-section (4) of section 16 of the CGST Act and sub-rule (4) of rule 36 of the CGST Rules. In terms of the special procedure under section 148 of the CGST Act issued vide Notification No.11/2020- Central Tax, dated 21.03.2020 . This exception is made only for the first return filed under section 40 of the CGST Act.



CLARIFICATION ON GST ISSUED BY CBIC WHERE ISSUES PERTAINS TO CIRP PERIOD:

Issues	Clarification
4. Some of the IRP/RPs have made deposit in the cash ledger of erstwhile registration of the corporate debtor. How to claim refund for amount deposited in the cash ledger by the IRP/RP?	Any amount deposited in the cash ledger by the IRP/RP, in the existing registration, from the date of appointment of IRP / RP to the date of notification specifying the special procedure for corporate debtors undergoing CIRP, shall be available for refund to the erstwhile registration under the head refund of cash ledger, even though the relevant FORM GSTR-3B/GSTR-1 are not filed for the said period.





THANK YOU!

CA Ashish Kedia