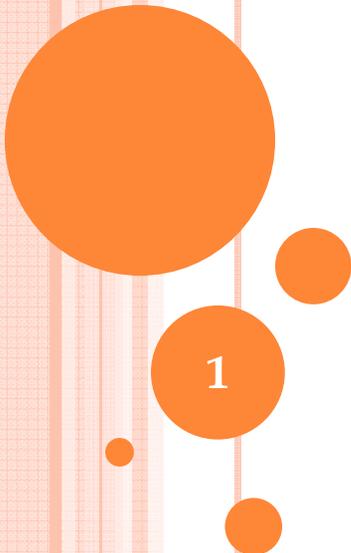


SEMINAR ON GST ANNUAL RETURN

21st April, 2019

**PRESENTED BY
C.A. ARCHIT AGARWAL**



ANNUAL RETURN

- Section 44 of Central Goods and Services Tax Act r/w rule 80 of Central Goods and Services Tax Rules provides that every registered person has to file annual return in **Form GSTR-9/9A**. However, there are certain persons not required to file the annual return:
 - Input Service Distributor;
 - A casual taxable person;
 - A non-resident taxable person;
 - A person deducting tax at source under section 51;
 - A person deducting tax at source under section 52.

- A person collecting tax at source is not required to file annual return but is required to file annual statement as per section 52 (5) in GSTR-9B.

➤ COMMON MISCONCEPTIONS:

- A person registered under section 10 of CGST Act i.e. composition scheme is not required to file annual return.
- A person having turnover less than 2 crores is not required to file annual return.
- A person filing quarterly returns (turnover less than 1.5 crores) is not required to file annual return.
- A person covered by CAG audit is not required to file annual return.

DUE DATE – 31ST DECEMBER OF EACH YEAR (extended to 30th June 2019 for 17-18) – late fee of 200 (100 + 100) per day subject to maximum of 0.5% (0.25 + 0.25) of turnover.

➤ DIFFERENT FORMS:

- GSTR-9A is for persons registered under composition scheme;
- GSTR-9 is for all other registered persons required to file annual return.

Issues-

1. If the assessee was under composition for part of the last year and under normal registration for balance part of the year. Which form will be filed?
2. What if the assessee was under composition in last year and is now under normal registration in this year. Which form will be filed?
3. What if the registration is cancelled in 2018-19. Whether annual return needs to be filed?

FEATURES OF ANNUAL RETURN

- It is mandatory to file all GSTR-1 & GSTR-3B for FY 17-18 before filing Annual Return.
- Annual return in Form GSTR-9 once filed cannot be revised.
- As per instructions in Form GSTR-9, following details needs to be declared,
 - Outward supplies not declared in GSTR-1/3B may be declared in GSTR-9.
 - ITC unclaimed during FY 2017-18 cannot be claimed through GSTR-9.
 - All the supplies for which payment has been made through GSTR-3B between July 2017 to March 2018 shall be declared in this part.

FEATURES OF ANNUAL RETURN

- Instruction No. 3 & 4 of GSTR-9 reads as follows,

3. It may be noted that additional liability for the FY 2017-18 not declared in FORM GSTR-1 and FORM GSTR-3B may be declared in this return. However, taxpayers cannot claim input tax credit unclaimed during FY 2017-18 through this return.

4. Part II consists of the details of all outward supplies & advances received during the financial year for which the annual return is filed. It may be noted that all the supplies for which payment has been made through FORM GSTR-3B between July 2017 to March 2018 shall be declared in this part.

FEATURES OF ANNUAL RETURN

- Currently, the system auto-populates data based on GSTR-1 & GSTR-3B to the extent possible which the assessee can edit.
- However, the fields, where the system computed values are modified by more/less than 20% by the assessee, the same shall be highlighted in 'Red' for reference and attention by the system.
- The system also auto-populates ITC based on GSTR-2A as generated by the system based on GSTR-1 filed by your corresponding suppliers. Till now the system has updated data upto 28/02/2019. Next update of ITC based on GSTR-2A will happen soon. If the assessee have some missing credits in GSTR-2A, then the taxpayer will have to wait till the next update.
- In case of any additional liability, the taxpayer can pay the same through Form GST DRC-03. The system will give the link to navigate to Form GST DRC-03 after filing of GSTR-9. Accordingly, it appears that the system will not restrict the taxpayers for filing GSTR-9 even without paying additional liability.

ANNUAL RETURN

- Annual return has been divided into 6 parts. Heading of these parts are as follows:

Sr. No.	Part No.	Description
1.	I	Basic details
2.	II	Details of outward and inward supplies made during the financial year
3.	III	Details of ITC for the financial year
4.	IV	Details of tax paid as declared in returns filed during the financial year
5.	V	Particulars of the transactions for the previous FY declared in returns of April to September of current FY or upto date of filing of annual return of previous FY whichever is earlier
6.	VI	Other information like pending refund claim, demand of taxes, total tax paid etc.

COMPARISON OF GSTR-3B, GSTR-1 AND ANNUAL RETURN IS SHOWN IN FOLLOWING TABLE:

Sr.NO.	Description as per 3B	Table No. of GSTR-1	Corresponding Table No. of Annual return
1	Outward taxable supplies (other than zero rated, nil rated and exempted)	4A,	4B,
		4B	5C
		5A	4A
		6C	4E, 4I, 4J, 4K, 4L,
		7	4A
		9	4I, 4J, 4K, 4L
		10	4A
		11	4F, 4L, 4K
2	Outward zero-rated supplies	6A	4C, 5A, 4I, 4J, 4K, 4L, 5H, 5I, 5J, 5K
		6B	4D, 5B, 4I, 4J, 4K, 4L, 5H, 5I, 5J, 5K
3	Outward nil rated & exempted supplies	8	5D & 5E, 5H, 5I, 5J, 5K
4	Inward supply liable to reverse charge	-	4G
5	Non-GST outward supply	8	5F, 5H, 5I, 5J, 5K

CONCLUSION OF ANNUAL RETURNS

- Preparation of Annual return is must and first step for audit.
- In the first year many of the things will have to be done manually and reconciled.
- There is no provision for revision of Annual Return.
- Even if turnover below audit limit, Annual returns should be prepared.

SUMMARY

Sr No	Particulars	GSTR-9 (Annual Return)				
		Disclos ure	Value	Disclo sure	Value	Remarks
1	Invoice Value of Rs 500 is correctly shown in GSTR-3b & GSTR-1.	Table 4	500	-	-	
2	Invoice Value of Rs 100 shown in GSTR-1 in the month of September 17 amended to Rs 150 in the month of February 18.	Table 4	100	Table 4K	50	
3	Invoice Value of Rs 100 shown in GSTR-1 in the month of September 17 amended to Rs 150 in the month of April 18.	Table 4	100	Table 10/11	50	
4	Invoice value of Rs 100 pertaining to FY 2017-18 shown in the month of April-18 in GSTR-3B & GSTR-1.	-	-	Table 10/11	100	
5	Invoice of Rs 100 pertaining to FY 2017-18 not shown in GSTR-3B & GSTR-1 till date.	Table 4	100	-	-	Difference of tax paid and payable will be reflected in Table 9 and the same shall be paid through DRC-03

SUMMARY

Sr No	Particulars	GSTR-9 (Annual Return)				Remarks
		Disclosure	Value	Disclosure	Value	
6	Invoice of Rs 100 shown in GSTR-1 in the month of February however the same is shown in GSTR-3B in the month of April 18.	Table 4 (Only value)	100	Table 10/11 (Only Tax amount)	-	
7	Invoice of Rs 100 shown in GSTR-3B during FY 2017-18 but the same is NOT shown in GSTR-1	Table 4	100	-	-	
8	Invoice of Rs 100 shown in GSTR-1 during the FY 2017-18 but the same is NOT shown in GSTR-3B	Table 4	100			Difference of tax paid and payable will be reflected in Table 9 and the same shall be paid through DRC-03
9	Invoice of Rs 100 pertaining to FY 2017-18 shown in the month of April 18 in GSTR-1 but not paid in GSTR-3B till date.			Table 10/11	100	Difference of tax paid and payable will be reflected in Table 14 and the same shall be paid through DRC-03

THANK YOU

**Presented by
CA Archit Agarwal**

**S. S. Gupta
Chartered Accountant
1009-1015, 10th Floor, Topiwala Centre,
Topiwala Theatre Compound,
Near Goregaon Station,
Goregaon (W), Mumbai 400 062
E-mail ID : archit@ssgupta.in
Ph : 28761424 / 287560161.**