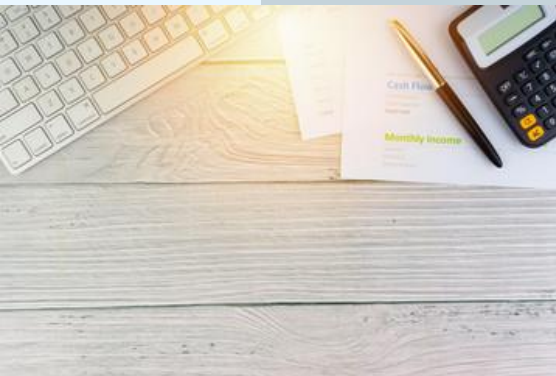


GST GUIDE



- Exemption from Audited GSTR 9C from FY 20-21
- Relaxation for return filing through EVC extended till 31-Oct-21
- Time limit to avail the benefit of late fee under Amnesty Scheme is extended to 30-Nov-21
- GST is exempted on Hostel Rent of less than Rs.1000 per day per student – AAR Maharashtra
- E-Way Bill not necessary for transportation of used car or personal effects – Kerala HC
- Blocking of E-Way Bill (EWB) generation facility resumed after 15-Aug-21
- RODTEP Guidelines and Rates notified on 17-Aug-21

CONTENTS



1 Notifications, Circulars & Amendments to Goods and Service Tax (GST) Laws

2 Advance Authority Rulings (GST)

3 Case Laws

4 Updates on GST Portal

5 All About RODTEP

Notifications, Circulars and Amendments to Law/Rule

Notification No.	Notification Heading	Summary of Notification
29/30/31/2021- Central Tax dated 30- Jul-21	Annual Return (Form 9) and Reconciliation Statement (Form 9C)	<p><u>Form 9C:</u> Taxpayers having turnover up to Rs.5 Crores are exempted from furnishing Form 9C from FY 20-21. Taxpayers having turnover above Rs.5 Crores shall submit Annual Return and self-certified reconciliation Statement from FY 20-21.</p> <p><u>Form 9:</u> Taxpayers having turnover of up to Rs.2 crores are exempted from furnishing of Form 9.</p> <p><u>RAMA Says:-</u> It is to be noted that in case if taxpayers having turnover up to Rs.2 crores does not furnish the return, all details uploaded in respective month returns will be considered as final figures. Hence, it is suggested to verify the auto-populated figures, make corrections (if any) and file the Annual Return.</p>
32/2021- Central Tax dated 29-Aug-21	7 th Amendment to CGST Rules 2017	<p><u>EVC:-</u> The filing of Form GSTR 3B & GSTR 1/IFF by companies using electronic verification code (EVC), instead of Digital Signature Certificate (DSC) has been further extended to 31-Oct-21.</p> <p><u>E-Way Bill:-</u> W.E.F 01-May-21, in rule 138E the following proviso shall be inserted, providing that “the said restriction of non-filing of returns for 2 consecutive months shall not apply during the period 01-May-21 to 18-Aug-21,</p>

Notifications, Circulars and Amendments to Law/Rule

Notification No.	Notification Heading	Summary of Notification
		<p>In case where FORM GSTR-3B / GSTR-1/ GST CMP-08, as the case may be, has not been furnished for the period Mar-21 to May-21</p> <p>➤ <u>RAMA Says:-</u> The GSTIN has issued advisory informing taxpayers and advising them to file pending returns to avoid blocking of e-way bills. The system will now check the status of returns filed in Form GSTR3B or form CMP-08 and restrict the generation of E-way bill in case of non-filing of 2 or more GSTR 3B up to Jun-21 and 2 or more CMP08 for quarter up to Jun-21</p>
<p>33/2021- Central Tax dated 29-Aug-21</p>	<p>Extension of Amnesty Scheme for late fees</p>	<p>Government has further extended the time limit to avail the benefit of late fee of Amnesty Scheme by 30-Nov-21.</p>
<p>34/2021- Central Tax dated 29-Aug-21</p>	<p>Extend timelines for filing of application for revocation of cancellation of registration</p>	<p>Where a registration has been cancelled under Section 29(2) [Non filing of returns] of the Act and the time limit for making an application of revocation of cancellation of registration under section 30(1) of CGST Act falls during the period 01-Mar-20 to 31-August-21, the time limit for making such application shall be extended up to the 30-Sep-2021.</p> <p>➤ <u>RAMA Says:-</u> The extension of certain timelines for revocation of cancellation of registration or amnesty scheme for late fee will benefit various small taxpayers who could not file their returns in time due to various reasons mainly because of COVID-19 situation.</p>

Notifications, Circulars and Amendments to Law/Rule

Circular No. 157/13/2021-GST

The CBIC has issued Circular No. 157/13/2021-GST dated 20-Jul-21 for providing clarification on the extension of limitation period under GST Law in terms of Hon'ble Supreme Court's Order dated 27-Apr-21.

1. The extension granted by Hon'ble Supreme Court order applies only to quasi-judicial and judicial matters relating to petitions/ applications/ suits/ appeals/ all other proceedings. All other proceedings should be understood in the nature of the earlier used expressions but can be quasi-judicial proceedings.
2. For the purpose of counting the period(s) of limitation for filing of appeals before any appellate authority under the GST Law, the limitation stands extended till further orders as ordered by the Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) 3 of 2020 vide order dated 27-April-21.

Thus, as on date, the Orders of the Hon'ble Supreme Court apply to appeals, reviews, revisions etc., and not to original adjudication.

3. Proceedings that need to be initiated or compliances that need to be done by the taxpayers would continue to be governed only by the statutory mechanism and time limit provided/ extensions granted under the statute itself.

Various Orders of the Hon'ble Supreme Court would not apply to the said proceedings/ compliances on part of the taxpayers.

The extension of timelines granted by Hon'ble Supreme Court vide its Order dated 27-04-21 is applicable in respect of any appeal which is required to be filed before Joint/ Additional Commissioner (Appeals), Commissioner (Appeals), Appellate Authority for Advance Ruling, Tribunal and various courts against any quasi-judicial order or where proceeding for revision or rectification of any order is required to be undertaken, and is not applicable to any other proceedings under GST Laws.



Advance Authority Rulings

GST is exempted on Hostel Rent of less than Rs. 1000 per day per Student.

AAR Maharashtra: Ghodawat Eduserve LLP, Atigre (Kolhapur) dated 27-08-2021

Facts - The applicant, M/s. Ghodawat Eduserve LLP is providing commercial training and desirous of appearing coaching service for students appearing for 11th and 12th standards who are for IIT, etc., specifically in the science stream.

It is also providing hostel facilities to the student's on-demand basis and charging them additionally. The service of the hostel is optional and does not come in the form of a package.

The hostel provides basic residential facilities, required to stay and study which include well-maintained furnished residence, Light, water, etc., and in consideration, the hostel charges a nominal lump-sum fee of Rs. 34,000/- per year per student i.e. Rs. 95/- (Approx.) per day. The hostel is also available for the students learning in the schools nearby.

Issue – The applicant has sought the advance ruling on the issue of whether the activity of providing the hostel on rent to various students by the applicant is exempt (where hostel fees charged per student per day is much less than Rs. 1000/-); and if is it exempt it shall be claimed as exempt under Serial Number 12 or Serial Number 14 of Notification No. 12/2017- Central Tax (Rate) (as amended time to time) dated 28-Jun-17.

Maharashtra AAR ruling – The Coram of members Rajiv Magoo and T.R.Ramnani ruled that exemption under Sr. No. 14 is available for services provided by a hotel, inn, guest house, club, or campsite, by whatever name called, for residential or lodging purpose, having a value of supply of a unit of accommodation below Rs.1000/- per day or equivalent and hence GST is exempted on Hostel Rent of less than Rs. 1000 per day per Student.

➤ **RAMA Says** – One of the major relief for the hostel students in a pandemic situation where Maharashtra AAR has relaxed GST on hostel rent above Rs.1000.

Although no specific classification for hostel rent has been mentioned in GST law / notification but it was wisely considered in serial no.14 of notification no.12/2017-Central Tax dated 28-Jun-17 for services provided by a hostel for residential or lodging purposes having value of supply per unit below Rs.1000 per day.



Case Laws

Case Law:

Detention under GST: E-way bill not necessary for transportation of used car or personal effects – Kerala HC

Assistant State Tax Officer (Intelligence) Vs. VST and Sons (P) Limited (Kerala High Court)

What was the Issue? - Whether e - way bill is necessary for transportation of used personal effect?

Facts of the case: -

VST & Sons (P) Ltd and Muthu Kumar Meenakshy challenged the detention of the 'RANGE ROVER' motor vehicle belonging to them while being transported from Coimbatore to Thiruvananthapuram as 'used personal effect'. They purchased the vehicle after payment of GST.

A temporary registration was also taken apart from the motor vehicle insurance. The vehicle was detained on the allegation that the same was transported without the E-way bill as per Rule 138 of the Kerala Goods and Service Tax Rules, 2017.

Basis: In the decision in KUN Motor Company's case, the Division Bench of this Court had in an almost identical situation observed as follows: -

- On the basis of mere transportation charges, the transaction cannot be said inter-State. For ex- purchase of a television by a resident of Kerala from Bangalore would be an intra-State sale and the nature of the supply would not depend on whether the purchaser carries it as a head-

load through the borders or transports it through his own conveyance or through a transporter.”

- According to the division bench, the incidence of the tax is on the supply and not on the nature of transport.
- According to bench “We hence are of the opinion that the supply of the new vehicle by its authorized dealer terminated on it being purchased by the applicant in Puducherry and the subsequent movement of the goods was not occasioned by reason of the transaction of supply.
- The goods have come into the possession of the purchaser, and the vehicle having been used, however negligible the distance run, was his “used personal effect” and there can be alleged no taxable transaction in so far as the movement of goods from Puducherry to Trivandrum in Kerala, especially since the car had been registered in the name of the purchaser,” the bench said.



Case Laws

Order passed by High Court: - The Hon'ble Kerala High Court while dismissing the petition of the Appellant relied upon the decision in the case of KUN Motor Company Private Limited and Others v. the Assistant State Tax Officer, Kerala State and held that the goods that classified under personal and household effect falls under Rule 138(14)(a) of the GST Rules and are exempted from the requirement of e-way bill.

RAMA Says-

It is a fair judgement by Kerala High Court that the supply of new vehicle by dealer was terminated on its purchase and its subsequent movement to other state is not a supply.

The car is in the possession of the buyer and used for some distance which indicates that it was used for personal effect. It has reminded GST officer that goods that are classifiable as “used personal and household” are exempted from the requirement of E-way bill under GST law



GST Portal Updates

1) Implementation of Rule 59(6) on GST Portal from 01-Sep-21:

- Tax payer shall not be allowed to furnish the details of outward supplies in FORM GSTR-1, if he has not furnished the return in FORM GSTR-3B for preceding two months.
- This check will operate on clicking the SUBMIT button of GSTR-1 and the system will give an error message if the condition of Rule 59(6) is not met. It may be noted that records which have been saved in GSTR-1 will remain saved and filing of such records will be permitted after Rule 59(6) is complied with.
- It is applicable in those cases also where the application for revocation of cancellation of registration is either pending with the proper officer or has already been rejected by the proper officer.

2) Facility to view ledger for 12 months and its download:

Taxpayers have now been provided with a facility to view their ledgers (viz. Electronic Credit Ledger, Electronic Cash Ledger and Electronic Liability Register) for a period of 12 months, instead of 6 months earlier. The details can now also be downloaded in pdf and Excel formats.

3) Moving the records saved in IFF by taxpayers under QRMP Scheme

Taxpayers can now move the records saved in their IFF of one month of a quarter (if the time for filing it has expired) to IFF of later month of the same quarter.

4) Inclusion of common names in the HSN

Directory and its download in excel format

The currently available HSN Master has been updated on the GST Portal. A download facility for the entire HSN directory in Excel Format has also been provided. This facility is available as a part of the 'Search HSN' functionality, available both in Pre and Post Login.

5) Negative liability statement made available to Composition Taxpayers

Negative liability in any tax period will be maintained in Negative liability statement. Balance lying in the negative liability statement will be automatically adjusted against the liabilities of subsequent tax period. The statement can be accessed post-login by navigating to Services > Ledgers > Negative Liability Statement.

6) Filing for refund of accumulated ITC by taxpayers making exempt/ nil-rated supplies, by selecting an option of not having an LUT number in the refund application:

Form RFD-01 has now been modified and at the time of refund filing taxpayers would now be asked to select one of the following options:

- I have a valid LUT number.
- I don't have a valid LUT number, since I am making only exempt/ nil rated supplies.

Such taxpayers can now select the second option to proceed with filing of their refund applications.

All About RODTEP Scheme

(Remission of Duties and Taxes on Exported Products)- RODTEP

Ministry of Commerce & Industry under Development of Commerce has finally come out with RODTEP scheme guidelines by issuing Notification No.19/2015-2020 dated 17-Aug-21 providing for the contour of RODTEP Scheme.

RODTEP Scheme is notified for remission of duties, taxes and other levies at Central, State and local level which are borne on the exported goods manufactured in India. It also includes incidence of taxes suffered post manufacturing of the goods i.e. in respect of the distribution of exported goods.

The benefit is not available in respect of those duties or taxes which are otherwise exempted or remitted or credited.

Though RODTEP scheme was came into effect from 01-Jan-21, the rates were notified only on 17-Aug-21 as Appendix 4R as per notification no.19/2015-20 dated 17-Aug-21.

Applicability of RODTEP Scheme:-

The benefit of RODTEP scheme is given for 8555 tariff items. However, there are some sectors i.e.. Steel, pharmaceuticals, chemical, textiles (covered by ROSCTL) etc. which have not been given benefit under scheme.

The benefit is available in respect of exported goods to any of the countries without any specific restriction or permissions based on the country.

Taxes Intended to be compensated to the exporters in RODTEP Scheme

The scheme intends to compensate the duties / taxes/ levies at the Central, State and Local level. Few of them are as follows :-

1. VAT and Excise duty on fuel used in self incurred transportation cost / in generation of electricity via power plants / DG sets / in running of machineries / plant
2. Electricity duty on purchase of electricity
3. Mandi tax / Municipal Taxes / Property Taxes
4. Stamp Duty on export documents

Ineligible for RODTEP Scheme:

The scheme is not available for the following:-

- Export of Imported Goods as per para 2.46 of FTP i.e. import for export
- Exports through transshipments
- Export products subject to minimum export price or export duty
- Products restricted / prohibited for exports under Schedule 2 of Export Policy in ITC (HS)
- Deemed Exports
- Supplies of products manufactured by DTA units to SEZ / FTWZ units or supplies by 100% EOUs

All About RODTEP

(Remission Of Duties and Taxes on Exported Products)-RODTEP

Products manufactured or exported in discharge of export obligation against Advance Authorization or Duty Free Import

Authorization or Special Authorization issued under a duty exemption scheme of relevant FTP

- Products manufactured in bonded warehouse
- Exports for which electronic documentation in ICEGATE EDI has not been generated or exports from non-EDI port

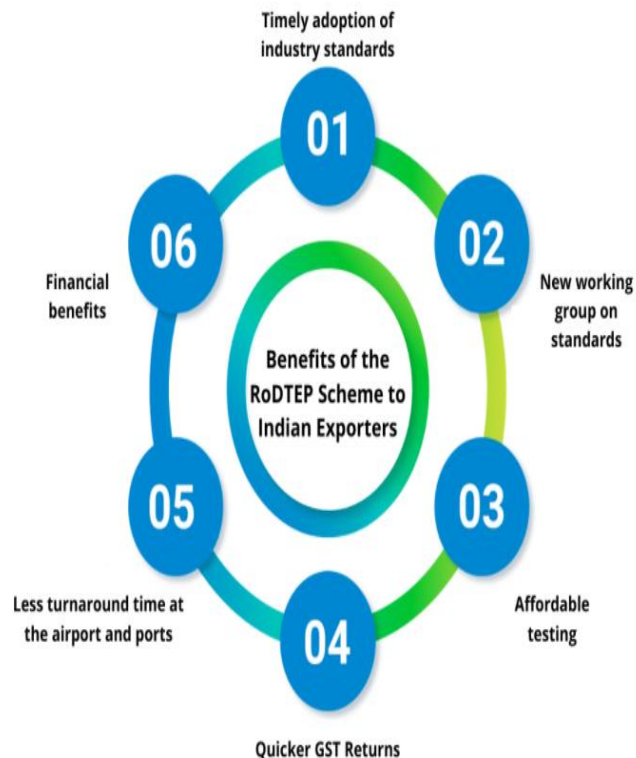
Other Major Features of RODTEP:-

- The rebate is allowed subject to receipt of sale proceeds within time frame allowed under FEMA 1999 failing which such rebate shall never be deemed to have been allowed.
- Further the scheme is not dependent on the realization of export proceeds at time of claim of rebate. However if the amount is not received within the time frame as specified by FEMA, the rebate amount will be recovered along with interest and penalty (yet to be notified).
- RODTEP has been made effective from 01st-Jan-2021 in respect of those exports where intend to claim benefit has been manifested on the shipping bills.
- It is clarified by CBIC that **if RODTEP is not specifically claimed in the Shipping Bill, no RODTEP would accrue to the exporter.**

- RODTEP Scheme will be awarded in the form of electronic freely transferrable scrips which can be used against payment of custom duty.

The duty credit scrips will be electronically transferred to E-ledger maintained at ICEGATE.

- A monitoring and audit mechanism with an IT based Risk Management System (RMS) would be put by CBIC, Department of Revenue to physically verify the records of the exporters on the sample basis.



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