

## GOODS AND SERVICES TAX

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**CBIC vide notification 44/2020-CT dated 8th June, 2020** has appointed 8th day of June, 2020 as date from which provision of Rule 67A (Furnishing of "NIL" GSTR 3B through SMS facility) shall come into force.

**CBIC vide notification 45/2020-CT dated 9th June, 2020** has extended the date to 31st July, 2020 for transition under GST on account merger of erstwhile union territory of Daman & Diu and Dadra Nagar Haveli

**CBIC vide notification 46/2020-CT dated 9th June, 2020** has extended the time limit for issuance of order in terms of provision of section 54(5) read with section 54(7) in cases where notice has been issued for rejection of refund claim, in full or part & time limit of such order falls during period 20th March, 2020 to 29th June, 2020. In such cases, the time limit for issuance of said order shall be 15 days after the reply to notice from registered person or 30th June, 2020 whichever is later.

This notification shall come into force from 20th March, 2020.

**CBIC vide notification 47/2020-CT dated 9th June, 2020** amends notification 35/2020-CT dated 3rd April, 2020 to provide that where E-way bill has been generated on or before 24th March, 2020 & its period of validity expires on or after 20th March, 2020, the validity of such E-way bill shall be deemed to have been extended till 30th June, 2020.

This notification shall come into force with effect from 31st May, 2020

**CBIC vide notification 48/2020-CT dated 19th June, 2020** has further allowed the filing of GSTR 3B & GSTR 1 using EVC to all registered person for period 21st April, 2020 to 30th September, 2020

**CBIC vide circular number 140/10/2020-GST dated 10th June, 2020** has clarified that part of Director's remuneration which are declared as "Salaries" in the books of company & subject to TDS under Section 192 of Income Tax Act, are not subject to GST & not treated as supply in terms of schedule III of CGST Act, 2017

It is further clarified that the part of employee Director's remuneration which is declared separately other than, "salaries" in the Company's accounts and subjected to TDS under Section 194J of the IT Act as Fees for professional or Technical Services shall be treated as consideration for providing services which are outside the scope of Schedule III of the CGST Act, and is therefore, taxable. Further, in terms of notification No. 13/2017 – Central Tax (Rate) dated 28.06.2017, the recipient of the said services i.e. the Company, is liable to discharge the applicable GST on it on reverse charge basis.

**CBIC Vide circular number 139/09/2020-GST dated 10th June, 2020** has clarified that Circular No.135/05/2020 – GST dated the 31st March, 2020 which states that:

#### **"5. Guidelines for refunds of Input Tax Credit under Section 54(3)**

5.1 In terms of para 36 of 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. However, in wake of insertion of sub-rule (4) to rule 36 of the CGST Rules, 2017 vide notification No. 49/2019-GST dated 09.10.2019, various references have been received from the field formations regarding admissibility of refund of the ITC availed on the invoices which are not reflecting in the FORM GSTR-2A of the applicant.

5.2 The matter has been examined and it has been decided that 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. Accordingly, para 36 of the circular No. 125/44/2019-GST, dated 18.11.2019 stands modified to that extent."

**CBIC has clarified that before the issuance of Circular No. 135/05/2020- GST dated 31st March, 2020**, refund was being granted even in respect of credit availed on the strength of missing invoices (not reflected in FORM GSTR-2A) which were uploaded by the applicant along with the refund application on the common portal. However, vide Circular No.135/05/2020 – GST dated the 31st March, 2020, the refund related to these missing invoices has been restricted. Now, the refund of accumulated ITC shall be restricted to the ITC available on 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.

The aforesaid circular does not in any way impact the refund of ITC availed on the invoices / documents relating to imports, ISD invoices and the inward supplies liable to Reverse Charge (RCM supplies) etc.. It is hereby clarified that the treatment of refund of such ITC relating to imports, ISD invoices and the inward supplies liable to Reverse Charge (RCM supplies) will continue to be same as it was before the issuance of Circular No. 135/05/2020- GST dated 31st March, 2020.