

GST CONFERENCE



**Organized by
WIRC OF ICAI**

PRESENTED BY
 **RAJIV LUTHIA**



AN INVESTMENT IN KNOWLEDGE PAYS THE BEST RETURN

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COVERAGE

- **REGISTRATION**
- **RETURNS**
- **PAYMENT**
- **RELATED TRANSITIONAL PROVISION**

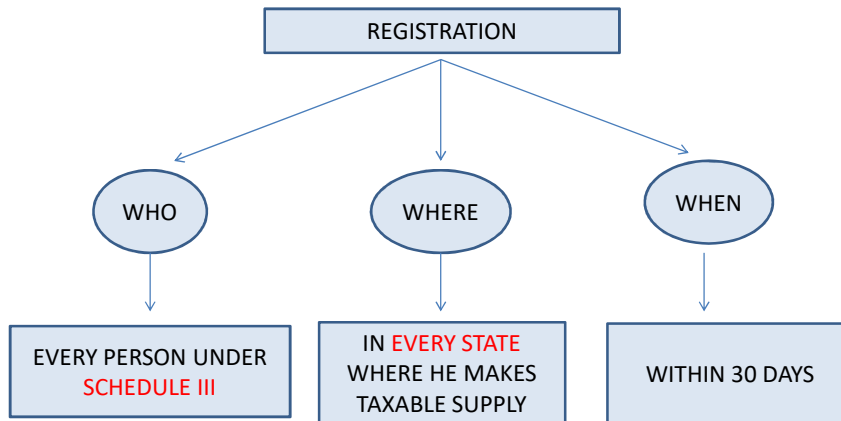


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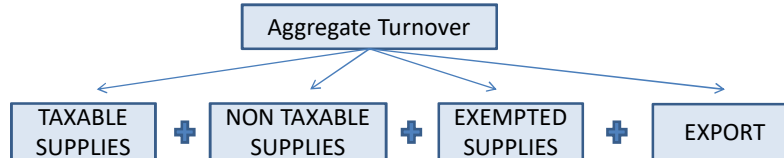
REGISTRATION

REGISTRATION



REGISTRATION – SCHEDULE III

- **Based on Threshold Limit**
 - Aggregate Turnover > 9 lakhs (AS PER MODEL LAW)
 - 20 LAKHS – As per GST Council meeting dated 23rd September, 2016
 - In North East State incl. Sikkim, Aggregate Turnover > 4 lakhs
 - 10 Lakhs – As per Council meeting dated 23rd September, 2016



- Turnover to be computed on **ALL INDIA** basis linked to one PAN, excluding GST taxes
- Aggregate turnover does not include turnover of RCM & Inward supplies
- Registration not required if aggregate turnover consist of **only** goods/service which are not liable to tax

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REGISTRATION – SCHEDULE III

- **Example 1 : “A Ltd” dealer has following turnover:**

Branch	Supply of	Amount
Maharashtra	Food Grain (Exempted)	15,00,000/-
Gujarat	Tooth Paste (Taxable)	3,00,000/-
Delhi	Warehousing Service	3,00,000/-
	Total	21,00,000/-

- ✓ Liable to be registered for GST
- **Example 2 : “A Ltd” dealer has following turnover:**

Branch	Supply of	Amount
Maharashtra	Wheat (Exempted)	15,00,000/-
Gujarat	Rice (Exempted)	3,00,000/-
Chennai	Warehouse Service	2,50,000/-
	Total	20,50,000/-

- ✓ Also Liable to be registered for GST

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REGISTRATION – SCHEDULE III

- Explanations:
 1. “**Taxable Threshold**” shall Include all supplies made by the taxable person, whether on his own account or made on behalf of all his principal
 2. Supply of Goods by registered job worker (after completing job work) as per section 43A shall not be included in aggregate turnover of Job worker. It will be treated as turnover of principal.
- Every Person who holds registration certificate/ license under earlier law on immediately preceding appointment date, liable to registered

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REGISTRATION - Schedule III

- Compulsory registration other than threshold limit
 - ✓ Person making any inter-State taxable supply
 - ✓ Casual taxable person
 - “casual taxable person” means a person who occasionally undertakes transactions involving supply of goods and/or services in the course or furtherance of business whether as principal, agent or in any other capacity, in a taxable territory where he has no fixed place of business;
 - E.g. : Person from Rajasthan set up a stall in trade fair in Mumbai for his business
 - ✓ Person required to pay tax under RCM
 - ✓ Non- resident Taxable Person
 - “Non –Resident taxable person” means a person who occasionally undertakes transactions involving supply of goods and/or services whether as principal, agent or in any other capacity but has no fixed place of business in India.
 - **Furtherance of business?????**

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REGISTRATION - Schedule III

- Compulsory registration other than threshold limit
 - ✓ required to deduct tax under section 37 (TDS)
 - ✓ Person who supply goods/service on behalf of other registered taxable person whether as agent or otherwise – e.g. **Consignment agent**
 - ✓ Input Service Distributor
 - ✓ Person who supply goods/service, other than **branded service**, through electronic commerce operator
 - ✓ Electronic commerce supplier –
 - ✓ An aggregator (Section 43B(a), who supplies service under his brand name
 - ✓ Other person as may be notified by CG

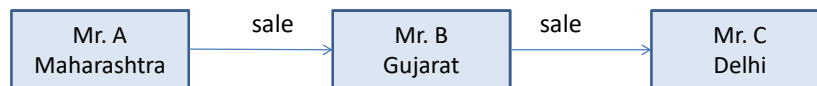
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REGISTRATION – WHERE

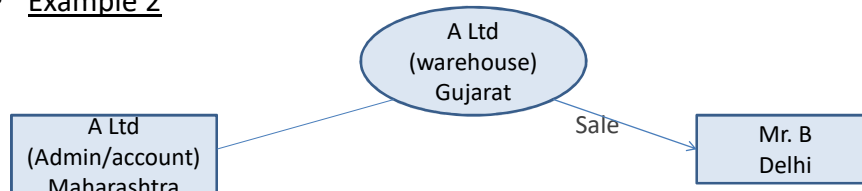
- In every such State from where he makes taxable supply of goods/service

- Example : 1



- ✓ Mr. A has to register for GST in Maharashtra
- ✓ Mr. B has to register for GST in Gujarat

- Example 2



- ✓ Mr. A has to register for GST in Gujarat... Registration not required in Maharashtra

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REGISTRATION - WHEN

- Within 30 days from effective date

SITUATION	EFFECTIVE DATE
Transfer/succession as a going concern	Date of Transfer / Succession
Amalgamation/ Merger	Date on which ROC issues certificate of Incorporation giving effect to High Court Order
Other Cases	Date on which aggregate supply exceeds threshold limit

- If a person (**except ISD**) is registered under an earlier law, it shall not be necessary for him to apply for fresh registration in GST.....Follow the prescribe procedure on GSTN portal

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REGISTRATION – other aspect

- A person having multiple business verticals in a state may obtain a separate registration for each business vertical (as per As-17)
- A person can obtain voluntary registration, though not liable under schedule III
- Registration granted shall deem to be granted under both Act (I.e. SGST & CGST)
- No Concept of “centralized registration”
- Existing Centralized registered assessee have to apply afresh in respective state wherever they have business

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REGISTRATION – other aspect

- PAN mandatory for registration
- Deemed registration after 3 working days ([FAQ Q-39](#))
- Powers granted to proper officer to suo-moto register a person, if he fails to obtain registration or cancel the registration
- Amendment in registration to be made within 15 days from date of change.
- Amendment in registration required permission of proper officer for certain core field of information, other information can be amended without any permission. ([FAQ Q-25](#))
- Specialized agency like UNO to obtain unique identity number (UIN)

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CANCELLATION OF REGISTRATION

- Registration can be surrendered /cancelled on
 - Discontinuation, Fully transfer , death of proprietor, amalgamation, merger or disposal of business
 - Change in constitution of business
 - “Taxable person” who is no longer liable to be registered
- Cancellation by proper officer, if
 - Registered Taxable person has contravened any provision/rules
 - For dealer obtaining Composition levy not furnished return for 3 consequent period
 - Taxable Person not furnished return for 6 continuous months
 - Obtained voluntary registration but not started business within 6 months

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CANCELLATION OF REGISTRATION

- Where registration obtained by mean of Fraud, willful misstatement or suppression of facts, proper officer may cancel the registration with retrospective effect.
- Cancellation of registration shall deemed to be cancelled under both the act.
- A person, whose registration was cancelled by Tax authority on his own motion, may apply for revocation of Cancellation of registration.

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Casual / Non Resident Taxable Person

- Meaning
 - “casual taxable person” means a person who occasionally undertakes transactions involving supply of goods and/or services in the course or furtherance of business whether as principal, agent or in any other capacity, in a taxable territory where he has no fixed place of business;
 - “Non –Resident taxable person” means a person who occasionally undertakes transactions involving supply of goods and/or services whether as principal, agent or in any other capacity but has no fixed place of business in India.
- Certificate issued to casual Taxable person & Non resident taxable person – valid for 90 days only. (can be extended further for maximum 90 days on request)
- While seeking registration shall make an advance deposit of tax equal to estimated tax liability

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REGISTRATION – Structure of GSTIN

State		PAN										Entity	Blank	Check
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

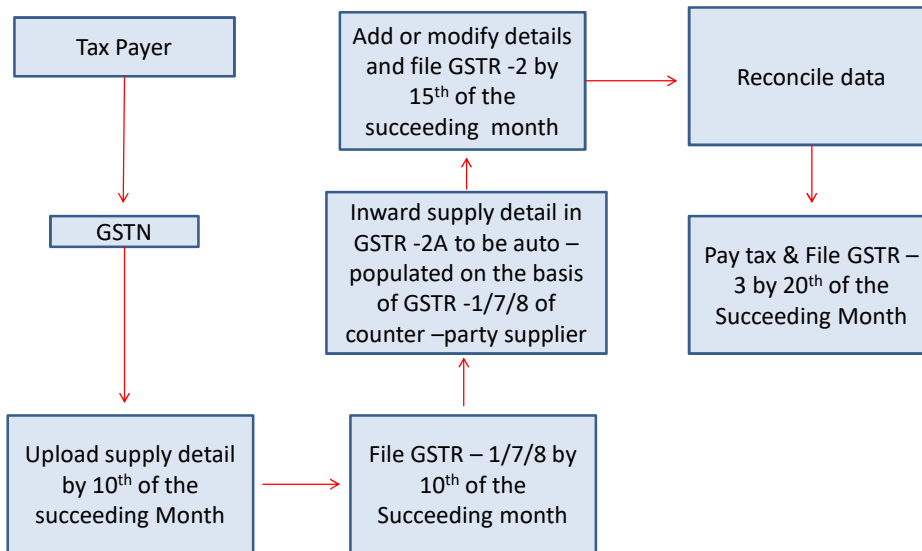
- 15 digit Alphanumeric structure
- State-wise
- Based on PAN
- 13th Digit for Business Verticals of entities with same PAN in same State
- 14th digit left blank for future use
- 15th digit – Checksum

RETURNS

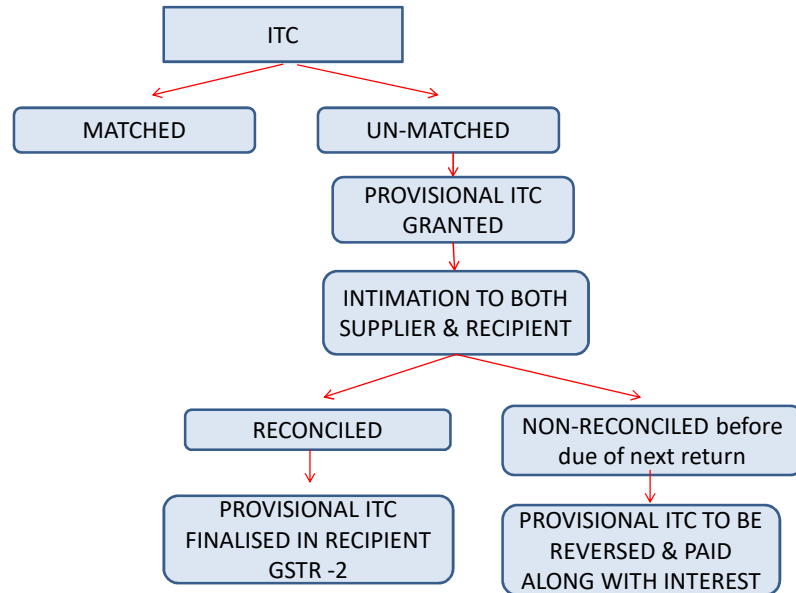
Return, Periodicity & Due Dates

Section	Return Type	For	Periodicity	Due Date
25	GSTR -1	Outward Supplies made by Tax payer.(other than composite dealer, ISD & TDS u/s 37)	Monthly	10 th of Next Month
26	GSTR -2	Inward supplies made by Tax payer. (other than composite dealer, ISD & TDS u/s 37)	Monthly	15 th of Next Month
27 (1)	GSTR – 3	Tax Return (other than composite dealer, ISD & TDS u/s 37)	Monthly	20 th of Next Month
27(1)	GSTR – 4	Composite Dealer	Quarterly	18 th of Next Month
27 (6)	GSTR- 6	ISD	Monthly	13 th of Next Month
27(5)	GSTR – 7 / 8	TDS/ TCS	Monthly	10 th of Next Month
30	GSTR – 9	Annual Return (other than Casual person, Non Resident, ISD, TDS u/s 37)	Yearly	31 st December of Next F.Y

RETURN - Process



MATCHING OF ITC



Returns - other aspect

- Following outward supply to be filled in GSTR -1
 - Outward supplies to registered person
 - Outward supplies to unregistered person (consumer)
 - Detail of Credit/Debit note
 - Zero –rate
 - Exempted & Non- GST supplies
 - Export
 - Advance received in relation to future supply
- After Reversal of provisional ITC, if supplier rectifies his detail before September of next financial year, the ITC so reversed will be granted along with Interest so paid.

Returns - other aspect

- GSTR 3 will **not be allowed** to file for tax period if valid return for any previous tax period has not been furnished.
- Due date of payment is linked to due date of return
- If **tax due is not paid in full**, return shall not be regarded as Valid return for allowing ITC to counter party
- Filing of NIL return is also mandatory
- Errors in return filed for a particular period can be rectified in the return to be filed for month/quarter during which such errors are discovered

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Returns - other aspect

- No rectification in return is permitted if there is change in liability due to scrutiny, audit, inspection or enforcement activity by tax authority
- No rectification permitted after **earliest** of following event
 - Date of filing return for month of September of Next FY; or
 - Actual date of Filing annual return
- Audited Accounts & reconciliation statement to be furnished along with Annual return.

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Returns - other aspect

- First Return
 - Details of Outward/Inward supply shall be furnished from the date on which he became liable to register till the end of Month/quarter in which registration is granted.

- Final Return
 - To be filed by person who apply for cancellation of registration
 - Final return to be filed before **later** of following date
 - 3 months from the date of cancellation
 - Date of cancellation order

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Returns - other aspect

- Late Fees
 - For annual return
 - Rs. 100 per day subject to maximum of 0.25% of aggregate turnover
 - Other than annual return
 - Rs. 100 per day subject to maximum of Rs. 5,000/-.

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PAYMENTS

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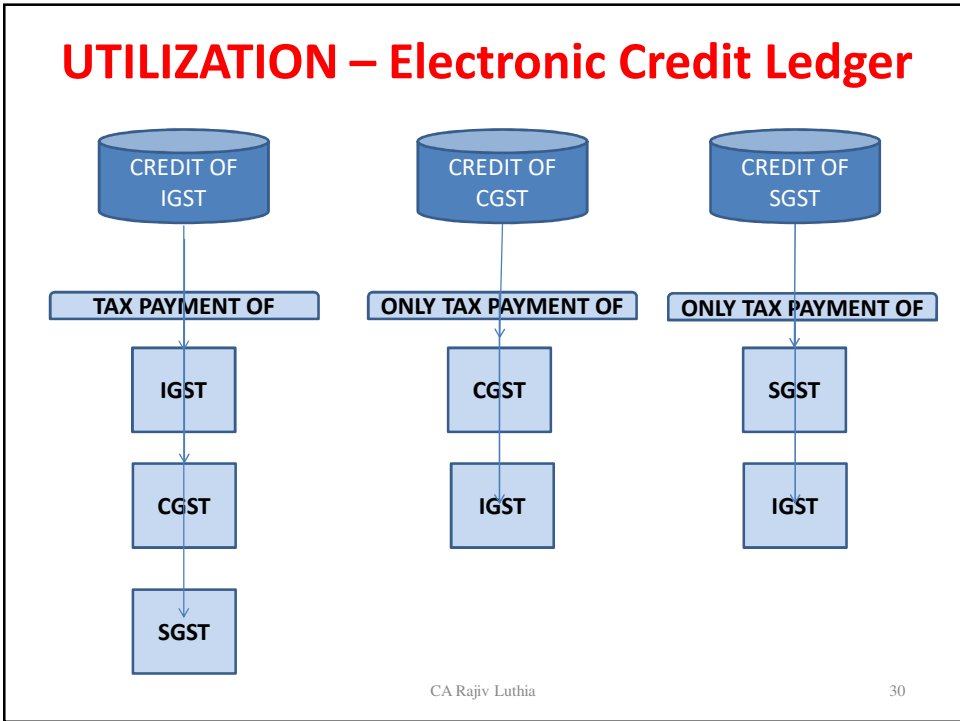
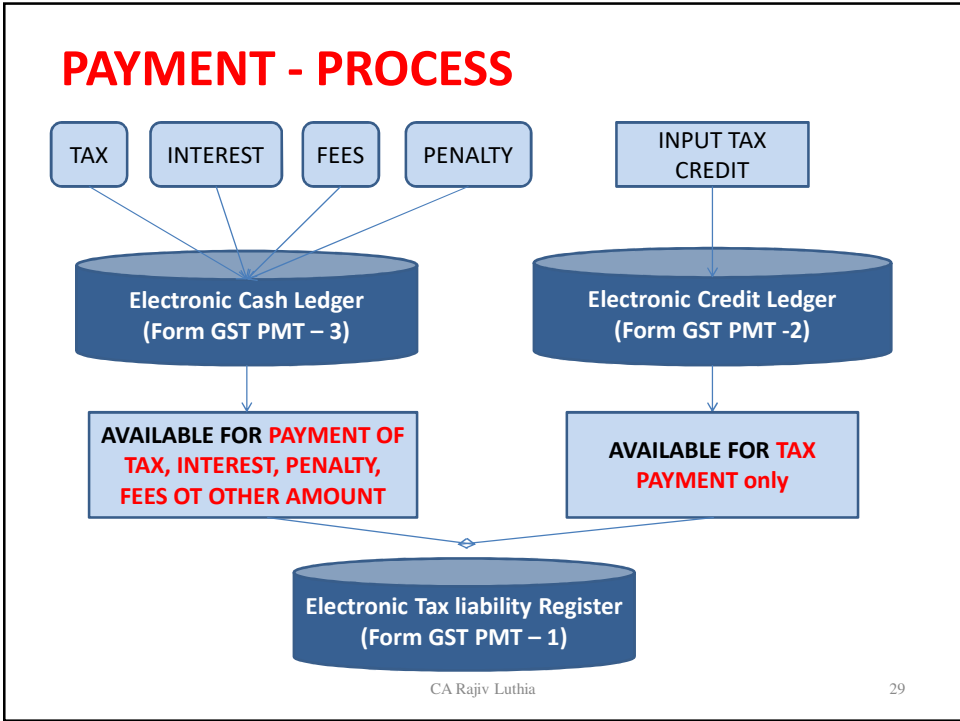
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Payment – Type of Form

Sr. No.	Form No.	Title of the Form
1	FORM GST PMT -1	Electronic Tax liability register of tax payer
2	FORM GST PMT -2	Electronic Credit ledger
3	FORM GST PMT -2A	Order of re-credit of the amount to cash or credit ledger
4	FORM GST PMT -3	Electronic Cash Ledger
5	FORM GST PMT -4	Challan for Deposit of Goods & Service Tax
6	FORM GST PMT -5	Payment register of Unregistered Tax payer/ Temporary ID
7	FORM GST PMT -6	Application for credit of missing payment (CIN not generated)

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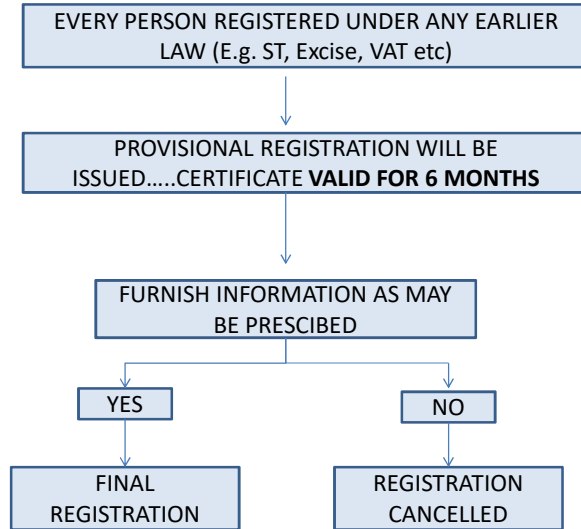


ORDER OF PAYMENT

- Order in which payment to be made
 1. Self Assessed tax & other dues of previous period Tax
 2. Self Assessed tax & other dues of current tax period
 3. Any other amount payable under the Act including. Demand u/s 51
- Auto Generated one single challan for making payment of all taxes covered in GST basket.

TRANSITIONAL PROVISIONS

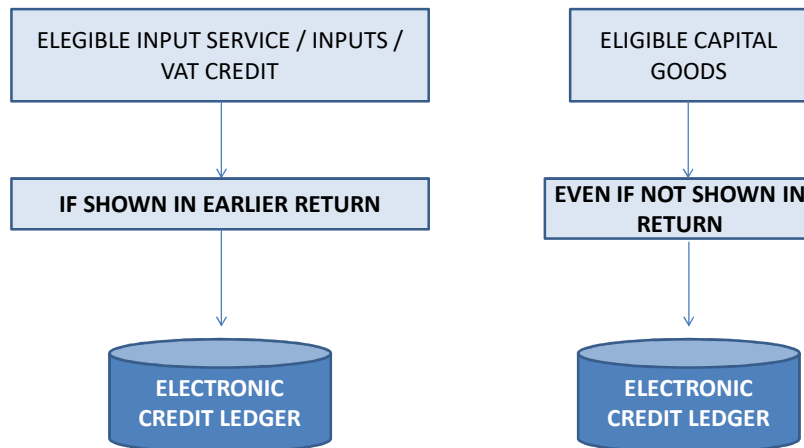
MIGRATION OF EXISTING TAX PAYER



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CENVAT in earlier returns

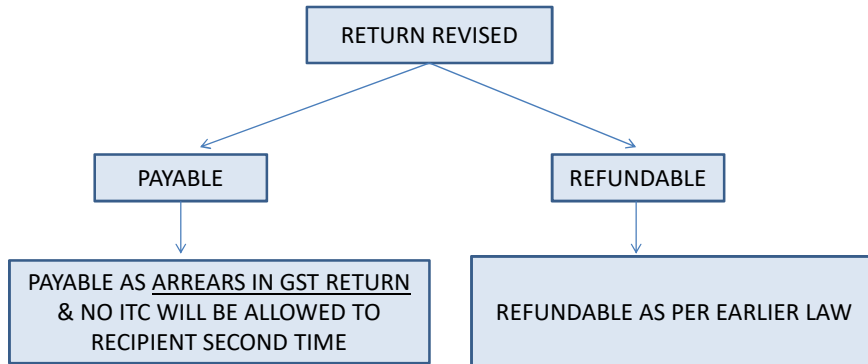


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OTHER ASPECT

- VAT input cannot be taken by service provider & vice- versa
- Revision of return of earlier period



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WITH KNOWLEDGE..... WE KNOW THE WORDS,
BUT WITH EXPERIENCE..... WE KNOW THE MEANING

Thank You!

CA. Rajiv Luthia

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