

CNK & Associates LLP

Indirect Tax News Flash – COVID-19 Relief Measures

Filing of Returns:

Particulars	Aggregate Turnover in the Preceding Financial Year						
	> 5 crores			> 1.5 crores and up to 5 crores		Up to 1.5 crores	
	Date of Filing of Return						
GSTR-3B							
February 2020	Up to 15 days from present due date	From 16 th day of the present due date till 24.06.2020	After 24.06.2020	Up to 29.06.2020	After 29.06.2020	Up to 30.06.2020	After 30.06.2020
March 2020						Up to 03.07.2020	After 03.07.2020
April 2020				Up to 30.06.2020	After 30.06.2020	Up to 06.07.2020	After 06.07.2020
Interest p.a.	Nil	9%	18%*	Nil	18%*	Nil	18%*
Late Fees	Nil	Nil	Applicable*	Nil	Applicable*	Nil	Applicable*
May 2020	Up to 27.06.2020	After 27.06.2020		Up to 12.07.2020 / 14.07.2020 [^]	After 12.07.2020/ 14.07.2020 [^]	Up to 12.07.2020/ 14.07.2020 [^]	After 12.07.2020 / 14.07.2020 [^]
Interest p.a. (May 2020)	Nil	18%		Nil	18%	Nil	18%
Late Fees (May 2020)	Nil	Applicable from 28.06.2020 till date of filing		Nil	Applicable from 12.07.2020/ 14.07.2020 till date of filing	Nil	Applicable from 12.07.2020/ 14.07.2020 till date of filing
	Aggregate Turnover in the Preceding or Current Financial Year						
	> 1.5 crores			Up to 1.5 crores			
	Date of Filing of Return						
GSTR-1							
March 2020 [#]	Up to 30.06.2020		After 30.06.2020		Up to 30.06.2020		After 30.06.2020
April 2020 and May 2020					N.A.		N.A.
Late Fees	Nil		Applicable*		Nil		Applicable*

*Interest/Late Fees would be applicable from the present due date till the date of filing of return and the benefit of the reduced interest rate or waiver of late filing fees would not be available.

#Month of March 2020 for taxpayers required to file monthly GSTR-1 returns and Quarter ending 31.03.2020 for taxpayers required to file quarterly returns.

^For Taxpayers whose principal place of business is in the States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana, Andhra Pradesh, Union Territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands or Lakshadweep, the due date for filing GSTR-3B returns for the month of May 2020 would be 12.07.2020 (14.07.2020 – for Taxpayers located in other States/Union Territories)

(Notifications No. 31/2020–Central Tax, 32/2020 – Central Tax, 33/2020 – Central Tax and 36/2020 – Central Tax dated 03.04.2020)

Particulars	GSTR-5 (Return by Non-Resident)	GSTR-6 (ISD Return)	GSTR-7 (TDS Return)
	Revised Date of Filing of Returns		
February 2020	30.06.2020*	13.03.2020 (No change)	10.03.2020 (No change)
March 2020 to May 2020		30.06.2020	30.06.2020

*Non-resident taxable persons are required to file the return within 20 days after the end of a calendar month or within 7 days after the last day of the period of registration, whichever is earlier, and if such date falls within the period 20.03.2020 to 29.06.2020, then the due date is extended till 30.06.2020.

(Notification No. 35/2020–Central Tax dated 03.04.2020)

Composition Dealers:

Form	Present Due Date	Revised Due Date
Payment of Tax in Form GST CMP-08 for the quarter ended on 31.03.2020	18.04.2020	07.07.2020
Return in Form GSTR-4 for F.Y 2019-20	30.04. 2020	15.07.2020
Intimation to opt for composition scheme for F.Y 2020-21 in Form GST CMP-02	31.03.2020	30.06.2020
Intimation of ITC reversal/payment of tax on goods held in stock in Form GST ITC-03	30.05.2020	31.07.2020

(Notification No. 30/2020–Central Tax and Notification No. 34/2020 – Central Tax dated 03.04.2020)

Input Tax Credit:

Presently, a taxpayer can avail input tax credit (ITC) to the extent of 110% matched eligible ITC (i.e. to the extent of vendor invoices reported in GSTR- 2A) on monthly basis. The Government has relaxed this restriction for the period February 2020 to August 2020 and taxpayers would be entitled

to claim eligible ITC credit as per its financial records for the aforesaid period, irrespective of the credit reflected in GSTR-2A. However, a cumulative adjustment for any excess/shortfall in eligible ITC availed during the aforesaid period (vis-a-vis 110% of the matched eligible ITC) is required to be considered in Form GSTR-3B for the month of September 2020. The same has been illustrated herein below:

Particulars	February 2020 – August 2020	September 2020
Eligible ITC as per books and availed in the respective tax period (A)	46,00,000	4,00,000
Eligible ITC matched with GSTR-2A (B)	40,00,000	3,50,000
110% of the eligible ITC matched for February to September 2020 (C =110%*B)	44,00,000	
110% of the eligible ITC for September 2020 (D=110%*B)		3,85,000
Excess ITC availed during February 2020 to August 2020 to be adjusted in September 2020 (E=A-C)	2,00,000	
ITC to be availed in September 2020 [D – E]		1,85,000

(Notification No. 30/2020–Central Tax dated 03.04.2020)

Validity of E-way Bill:

The validity period of an e-way bill expiring during the period 20.03.2020 to 15.04.2020 has been extended till 30.04.2020.

(Notification No. 35/2020–Central Tax dated 03.04.2020)

General Extension:

The time limit for completion or compliance by any authority or by any person under the GST Act which falls during the period 20.03.2020 to 29.06.2020 has been extended up to 30.06.2020.

Inclusions:

- 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;
- Filing of any appeal, reply or application or furnishing of any report, document, return, statement or such other record.

Exclusions:

The aforesaid extension would not be applicable to the following provisions of the Act/Rules.

- Time and value of supply

- Lapse of composition option if the aggregate turnover exceeds the specified limit
- Liability to register under the GST Act
- Validity of registration granted to casual taxable person or a non-resident taxable person
- Issue of tax invoice, credit and debit notes
- Filing of returns, late fees and interest provisions (Specific relief has been provided in this respect)
- Power to arrest
- Intimation of retirement date of the partner to the Commissioner
- Penalties
- Detention, seizure and release of goods and conveyances in transit
- Generation of e-way bill

(Notification No. 35/2020–Central Tax dated 03.04.2020)

Relief under Customs:

CBIC has relaxed the requirement of submission of bonds for a temporary period up to 30.04.2020 with a view to expedite imports / export of goods. This relaxation shall however be subject to review by the Board at the end of the lockdown period i.e. 14.04.2020.

The Customs authorities may accept an undertaking from the specified importer/exporter in lieu of a bond prescribed under Section 18, Section 59 and Section 143, and under notifications issued in terms of Section 25 of the Customs Act, 1962, subject to compliance of conditions listed in the Circular.

Importers/ exporters availing of this facility are mandated to replace the undertaking furnished in lieu of bond with a proper bond before the 7.05.2020.
(Circular No. 17/2020-Customs dated 03.04.2020)

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