

Notifications CGST

Government omits GST Audit by a Chartered Accountant and introduces self-certification by the Registered Person

[Notification No. 29/2021 – Central Tax dated 30th July 2021.](#)

With effect from F.Y. 2020-21, the Government has done away with the requirement of GST Audit to be done by a Chartered Accountant/ Cost Accountant. Further, it had introduced the requirement of "self-certification" of the reconciliation statement by the registered person whose turnover exceeds the prescribed limit, other than an Input Service Distributor, a person deducting/ collecting tax at source, a casual taxable person and a non-taxable person.

Seeks to make amendments to CGST Rules 2017 vide 6th Amendment Rules, 2021

[Notification No. 30/2021 – Central Tax dated 30th July 2021.](#)

This notification seeks to amend Rule 80 of the CGST Rules, 2017, which states that every

registered person, other than:

- any department of Central Government (CG) or a State Government (SG) or a local authority, whose books of accounts are subject to audit by the Comptroller and Auditor-General of India;
- Input service distributor;
- A tax deductor or Collector;
- Casual taxable person; and
- Non-resident taxable person

shall furnish an annual return for every financial year (F.Y.) in form GSTR-9 on or before the 31st December of the following F.Y.

A person paying tax under the composition scheme, shall furnish the annual return in Form GSTR-9A.

An electronic commerce operator shall furnish an annual statement in Form GSTR-9B. Also, every registered persons other than those mentioned above, whose aggregate turnover during a F.Y. exceeds Rs. 5 crore , shall also furnish a self-certified reconciliation statement in Form GSTR-9C on or before 31st December of the following F.Y.

Further, the said notification notifies Form GSTR-9 and GSTR-9C for F.Y. 2020-21.

Filing of Annual Return exempted for Aggregate Annual Turnover upto Rs. 2 crores

[Notification No. 31/2021 – Central Tax dated 30th July 2021.](#)

Vide this notification, CBIC exempts the registered person whose aggregate turnover in the F.Y. 2020-21 is up to Rs. 2 crore, from filing annual return for the said FY.

Amendments to CGST Rules 2017 vide 7th Amendment Rules, 2021

[Notification No. 32/2021 – Central Tax dated 29th August 2021.](#)

This notification seeks to give effect to the following amendments:

- A registered person registered under the provisions of the Companies Act, 2013 shall, during the period from the 27th day of April 2021 to the 31st day of October 2021, be allowed to furnish the return **Form GSTR-3B** and **Form GSTR-1** using invoice furnishing facility, verified through electronic verification code (EVC). However, the said facility would be discontinued from the 1st day of November 2021.
- The restriction on furnishing information in Part A of Form GST EWB-01 shall be applicable in case of non filing of returns for 2 consecutive tax periods. This restriction shall not be applicable between the period from the 1st day of May 2021 to 18th day of August 2021 for the returns of March 2021 to May 2021.

Relief to the taxpayers by extending benefit of the Amnesty Scheme from 31st August 2021 to 30th November 2021

[Notification No. 33/2021 – Central Tax dated 29th August 2021.](#)

Government has extended the time-limit upto

which the benefit of the amnesty scheme for reduction/ waiver of late fee for failure to furnish GSTR 3B shall be availed for the returns July 2017 and onwards. The said benefit has been extended to 30th November 2021 from 31st August 2021.

Seeks to make amendments to CGST Rules 2017 vide 8th Amendment Rules, 2021

[Notification No. 35/2021 – Central Tax dated 24th September 2021.](#)

- After the grant of registration certificate under Form GST REG-06, the registered person shall update the details of bank account which is in the name of the registered person and obtained on the Permanent Account Number (PAN) of the registered person.
- Further, in the case of a proprietorship concern, the PAN of the proprietor shall also be linked with the Aadhaar number of the proprietor.
- Insertion of new Rule 10B – Apart from the specified class of registered persons, authentication of the Aadhaar number shall be required for a proprietor, in the case of proprietorship firm, or of the karta, in the case of a Hindu undivided family, or of the Managing Director or any whole time Director, in the case of any a company, or of any of the Members of the Managing Committee of an Association of persons or body of individuals or a Society, or of the Trustee in the Board of Trustees, in case of a Trust and of the authorized signatory. This shall enable the registered person to be eligible for –
 - a) For filing of application for revocation of cancellation of registration in Form GST REG-21.
 - b) For filing of refund application in Form RFD-01.
 - c) For refund of the integrated tax paid on goods exported out of India.

In case Aadhaar number was not assigned to the person undergoing the authentication, such person shall furnish –

1. Her/ his Aadhaar Enrolment ID slip; and
2. Bank passbook with photo or voter identity card issued by Election Commission of India or Passport or Driving license issued by the Licensing Authority under the Motor Vehicles Act, 1988.

Further, such person shall undergo the authentication of Aadhaar number within 30 days of the allotment of the Aadhaar number.

- Form GST ITC-04 (for furnishing information regarding goods sent or received to/ from the job worker) which was supposed to be furnished on or before 25th day of the month succeeding the quarter shall now be furnished within the specified period.

Explanation – Specified period for this sub-rule shall mean:

- a) The period of 6 consecutive months commencing on the 1st day of April and the 1st day of October in respect of a principal whose aggregate turnover during the immediate preceding FY exceeds Rs. 5 crores; and
 - b) Annually in any other case.
- With effect 1st day of January 2022,
 - a) A registered person 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 **the preceding month**.
 - b) However, the above restriction will not be applicable for those registered persons who were restricted from using the amount available in the electronic credit ledger to discharge their liability towards tax in excess of 99% of such tax under rule 86B.

Notifications Central Tax Rate

Seeks to amend notification No. 11/2017-Central Tax (Rate) to notify CGST rates on services as recommended in the 45th GST Council meeting effective from 1st October 2021

[Notification No. 06/2021 – Central Tax Rate & Integrated Tax Rate dated 30th September 2021.](#)

- Composite supply of Works contract services by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation or alteration shall attract GST@12% if the services are provided to the charitable trusts registered u/s 12AB of Income Tax Act, 1962. Earlier, only charitable trusts registered u/s 12AA of Income Tax Act, 1962 were covered.
- Job work in relation to manufacture of alcoholic liquor will now attract GST@ 18%.
- Services in relation to use or transfer of Intellectual Property rights shall attract GST @18% instead of 12%.
- Services by way of Printing of journals, periodicals, newspaper and books were earlier subject to GST@ 12% but the same will now attract GST @18%.
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- Admission to sporting events like Indian Premiere League or a casino/race club or any place having casinos or race clubs will now attract GST @28%.
- Fresh HSN 996541 has been added to Annexure of Scheme of Classification of Services to cover Multimodal Transport of goods from a place in India to another place in India.

Seeks to amend exemption Notification No. 12/2017- Central Tax (Rate) so as to implement recommendations made by GST Council in its 45th meeting effective from 1st October 2021

[Notification No. 07/2021 – Central Tax Rate & Integrated Tax Rate dated 30th September 2021.](#)

- Services by way of charitable activities carried out by trusts registered under Sec 12AB of Income Tax Act, 1962 are now included exempt from GST. Earlier only charitable trusts registered u/s 12AA of Income Tax, 1962 were covered.
- All sort of services provided by and to FIFA and its subsidiaries related to FIFA U-17 Women’s World Cup 2020 hosted in India shall be exempt from GST.
- Services provided by and to Asian Football Confederation (AFC) and its subsidiaries directly or indirectly related to any of the events under AFC Women’s Asia Cup 2022 to be hosted in India shall be exempt from GST. Additionally, admission to events organised by AFC shall also be exempt from GST.
- Services by way of leasing of assets by Indian Railways Finance Corporation to Indian Railways is now removed from exemption list and GST will be levied on such services.
- Training services by CG/SG/UT to any person for which at least 75% of the expenditure is borne by such CG/ SG/UT shall be exempt from GST. Earlier, training services by CG/SG/UT were exempt from GST only where the entire expenditure was borne by such CG/SG/UT.
- Services by way of transportation of goods by air or vessel from custom station in India to a place outside India shall be exempt from GST till September 2022.

Amendment to notification No. 1/2017- Central Tax (Rate)

[Notification No. 08/2021 – Central Tax Rate & Integrated Tax Rate dated 30th September 2021.](#)

This notification seeks to make amendment to the GST rate of various goods. Some of the important ones are enlisted herewith:

Nature Of Goods	Old GST Rate (%)	New GST Rate (%)
Iron ores and concentrates, including roasted iron pyrites.	5	18
Copper ores and concentrates.	5	18
Aluminium ores and concentrates	5	18
Waste, Parings and Scrap, of Plastics.	5	18

Amendment to Notification No. 2/2017, 4/2017 & 39/2017 - Central Tax (Rate)

[Notification No. 09/2021 ,10/2021 ,11/2021 & 12/2021 – Central Tax Rate & Integrated Tax Rate dated 30th September 2021.](#)

- Showing of seed, fruits and spores of a kind is covered under the exemption list. However, classification that seeds used for any other purpose than sowing will not be covered under the exemption list.
- Essential oils of peppermint and other specified mints received by person from an unregistered person will now fall under Reverse Charge Mechanism.

- Extension of existing concessional GST rate on following COVID-19 treatment drugs, valid up to 31st December 2021:

Sr. No	Chapter, Heading, Sub-heading or Tariff item	Description of Goods	Rate
1	30	Tocilizumab	Nil
2	30	Amphotericin B	Nil
3	30	Heparin (anti-coagulant)	2.5%
4	30	Itolizumab	2.5%
5	30	Infliximab	2.5%
6	30	Bamlanivimab & Etesevimab	2.5%
7	30	Casirivimab & Imdevimab	2.5%

- Goods supplied for food preparation in unit containers for free distribution to weaker sections of the society under the programme approved by the CG or SG. Fortified Rice (Premix) supply for ICDS or similar scheme duly approved by the CG or any SG will be subject to GST @5%

Circulars – CGST

Extension of limitation under GST Law in terms of Hon'ble Supreme Court's Order dated 27th April 2021

[Circular No. 157/13/2021-GST dated 20th July 2021.](#)

- The circular clarifies with regards to applicability of Hon'ble Supreme Court's (SC)

Order dated 27.04.2021 for various actions/compliances under the GST Law. The order mentioned that in computing the period of limitation for suit, appeal, application or proceeding, the period from 15th March 2020 to 14th March 2021 shall be excluded. Consequently, the balance period of limitation remaining as on 15th March 2020, if any, would be available with effect 15th March 2021 onwards.

- Consequently, with effect 2nd October 2021, the SC suo motu disposed off its above order for extension of limitation period.

Clarification with regards to refund of tax paid under incorrect tax head.

[Circular No. 162/18/2021-GST dated 6th September 2021.](#)

This circular gives clarity in the case of payment of tax under incorrect head and which was subsequently identified by the taxpayer himself or by the tax officer in any proceedings. Refund of such incorrectly paid tax would be claimed by the taxpayer provided that the amount of tax is paid under the correct head.

Such refund of tax can be claimed before the expiry of 2 years from the date of payment of tax under the correct head.

However, in case the taxpayer has made the payment of tax under the correct head before the date of issue of the notification which necessitated such a change on 24th September 2021, the refund application can be filed before the expiry of 2 years from 24th September 2021.

Further, such refund of tax would not be available where the taxpayer had made tax adjustments through credit note.

Clarification regarding GST rates & classification (goods) based on recommendations of GST council in the 45th meeting

[Circular No. 163/19/2021-GST dated 6th October 2021.](#)

The GST council recommended changes to GST rates on various goods and services in its 45th GST council meet. The key GST rate clarifications are enlisted herewith:

- Fresh and dried fruits and nuts;
- Miscellaneous Pharmaceutical Products falling under heading 3006;
- Laboratory reagents and other goods falling under heading 3822;
- Specified Renewable Energy Projects;

Clarification regarding applicable GST rates & exemptions on certain services

[Circular No. 164/20/2021-GST dated 6th October 2021.](#)

Certain representations were received seeking clarification in respect of applicable GST rate on various services. The key GST rate clarifications are enlisted herewith:

- Services by cloud kitchens/ central kitchens;
- Supply of ice cream by ice cream parlors;
- Satellite launch services provided by NSIL;
- Services by way of grant of mineral exploration and mining rights attracted GST;
- Services supplied by contract manufacture to brand owners or others for manufacture of alcoholic liquor for human consumption;
- Coaching services to students provided by coaching institutions and NGOs under the central sector scheme of Scholarships for students with Disabilities;
- Overloading charges at toll plaza;
- Renting of vehicles by State Transport Undertakings and Local Authorities;
- Admission to amusement parks having rides etc.

KEY TAKE AWAY

- GST audit done away with from F.Y. 2020-21.
- Filing of the annual return exempted upto aggregate turnover of Rs. 2 crores from F.Y. 2020-21.
- Benefit of the Amnesty Scheme extended from 30th September 2021 to 30th November 2021.
- The requirement of filing ITC-04 amended from quarterly to half yearly for taxpayers with aggregate turnover above Rs. 5 crores and annually in other cases.
- The refund of tax paid under incorrect head allowed to be claimed within 2 years from the date of payment of tax under correct head.



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CNK
& ASSOCIATES LLP

MUMBAI

3rd Floor, Mistry Bhavan, Dinshaw Vachha Road,
Churchgate, Mumbai. 400 020, India.
Tel: +91 22 6623 0600

501/502, Narain Chambers, M.G. Road,
Vile Parle (East), Mumbai 400 057, India.
Tel: +91 22 6250 7600

Bengaluru: +91 80 2535 1353

Ahmedabad: +91 79 2630 6530

Dubai: +971 4 3559533

Chennai: +91 44 4384 9695

Gandhinagar: +91 79 2630 6530

Sharjah: +971 4 3559544

Vadodara: +91 265 234 3483

Delhi: +91 11 2735 7350