



*Singhi & Co.*

# Important Update - Goods and Service Tax

# Conditional Waiver/Lowering of interest rate & Conditional Waiver of Late Fees for delay in furnishing of FORM GSTR-3B

The Central Government vide Notification No. 31/2020- Central Tax dated 3<sup>rd</sup> April 2020 & Notification No. 32/2020- Central Tax dated 3<sup>rd</sup> April 2020 has **waived/ lowered the interest** payable & **waived the Late Fees** payable subject to condition below:

No.	Taxpayers having an aggregate turnover in the preceding financial year of	Rate of interest	Late Fees	Tax period	Condition : If return in FORM GSTR-3B is furnished by
1.	More than Rupees 5 crores	Nil for first 15 days from the due date, and  9% thereafter	NIL	February, 2020, March, 2020, April, 2020	24th day of June, 2020
2.	More than Rupees 1.5 crores  and  up to Rupees 5 crores	Nil	NIL	February, 2020 &  March, 2020	29th day of June, 2020
			NIL	April, 2020	30th day of June, 2020
3.	Up to Rupees 1.5 crores	Nil	NIL	February, 2020	30th day of June, 2020
			NIL	March, 2020	3rd day of July, 2020
			NIL	April, 2020	6th day of July, 2020.

# Clarification by The Central Board of Indirect Taxes & Customs

Whether due date of furnishing **FORM GSTR-3B** for the months of February, March and April, 2020 has been extended ?

1. The due dates for furnishing **FORM GSTR-3B** for the months of February, March and April, 2020 has not been extended through any of the notifications.
2. However, as per notification No. **31/2020-Central Tax**, dated 03.04.2020, NIL rate of interest for first 15 days after the due date of filing return in **FORM GSTR-3B** and reduced rate of interest @ 9% thereafter has been notified for those registered persons whose aggregate turnover in the preceding financial year is above Rs. 5 Crore. For those registered persons having turnover up to Rs. 5 Crore in the preceding financial year, NIL rate of interest has also been notified.
3. Further, vide notification as per the notification No. **32/2020-Central Tax**, dated 03.04.2020, Government has waived the late fees for delay in furnishing the return in **FORM GSTR-3B** for the months of February, March and April, 2020.
4. The lower rate of interest and waiver of late fee would be available only if due tax is paid by filing return in **FORM GSTR-3B** by the date(s) as specified in the Notification.

# Clarification by The Central Board of Indirect Taxes & Customs (Contd.)

**What are the conditions attached for availing the reduced rate of interest for the months of February, March and April, 2020, for a registered person whose aggregate turnover in the preceding financial year is above Rs. 5 Crore?**

1. The due date for furnishing the return remains unchanged; i.e. 20th day of the month succeeding such month. The rate of interest has been notified as Nil for first 15 days from the due date, and 9 per cent per annum thereafter, for the said months.
2. The reduced rate of interest is subject to the condition that the registered person **must furnish the returns in FORM GSTR-3B on or before 24th day of June, 2020.**
3. In case the returns in **FORM GSTR-3B** for the said months are not furnished on or before 24th day of June, 2020 then interest at 18% per annum shall be payable from the due date of return, till the date on which the return is filed. In addition, regular late fee shall also be leviable for such delay along with liability for penalty.

# Clarification by The Central Board of Indirect Taxes & Customs (Contd.)

How to calculate the interest for late payment of tax for the months of February, March and April, 2020 for a registered person whose aggregate turnover in preceding financial year is above Rs. 5 Crore?

As explained above, the rate of interest has been notified as Nil for first 15 days from the due date, and 9 per cent per annum thereafter, for the said months. The same can be explained through an illustration.

*Illustration:* - Calculation of interest for delayed filing of return for the month of **March, 2020** (due date of filing being **20.04.2020**) may be illustrated as per the below Table:

S. No.	Date of filing GSTR-3B	No. of days of delay	Whether condition for reduced interest is fulfilled?	Interest
1	02.05.2020	11	Yes	Zero interest
2	20.05.2020	30	Yes	Zero interest for 15 days + interest rate @9% p.a. for 15 days
3	20.06.2020	61	Yes	Zero interest for 15 days + interest rate @9% p.a. for 46 days
4	24.06.2020	65	Yes	Zero interest for 15 days + interest rate @9% p.a. for 50 days
5	30.06.2020	71	NO	Interest rate @18% p.a. for 71 days (i.e. no benefit of reduced interest)

# Clarification by The Central Board of Indirect Taxes & Customs (Contd.)

**What are the conditions attached for availing the NIL rate of interest for the months of February, March and April, 2020, for a registered person whose aggregate turnover in preceding financial year is up to Rs. 5 Crore?**

1. The due date for furnishing the return remains unchanged. The rate of interest has been notified as Nil for the said months.
2. The conditions for availing the NIL rate of interest is that the registered person must furnish the returns in FORM GSTR-3B on or before the date as mentioned in the notification No. 31/2020- Central Tax, dated 03.04.2020.
3. In case the return for the said months are not furnished on or before the date mentioned in the notification then interest at 18% per annum shall be charged from the due date of return, till the date on which the return is filed as explained in the illustration at sl.no (4) above, against entry 5.
4. In addition, regular late fee shall also be leviable for such delay along with liability for penalty.

**Whether the due date of furnishing the statement of outward supplies in FORM GSTR-1 under section 37 has been extended for the months of February, March and April 2020?**

Under the provisions of section 128 of the CGST Act, in terms of notification No. 33/2020- Central Tax, dated 03.04.2020, late fee leviable under section 47 has been waived for delay in furnishing the statement of outward supplies in FORM GSTR-1 under Section 37, for the tax periods March, 2020, April 2020, May, 2020 and quarter ending 31st March 2020 if the same are furnished on or before the 30th day of June, 2020.

# Clarification by The Central Board of Indirect Taxes & Customs (Contd.)

## What will be the status of e-way bills which have expired during the lockdown period?

In terms of notification No. 35/2020- Central Tax, dated 03.04.2020, Issued under the provisions of 168A of the CGST Act, where the validity of an e-way bill generated under rule 138 of the CGST Rules expires during the period 20th day of March, 2020 to 15th day of April, 2020, the validity period of such e-way bill has been extended till the 30th day of April, 2020.

## The time limit for compliance of some of the provisions of the CGST Act is falling during the lock-down period announced by the Government. What should the taxpayer do?

Vide notification No. 35/2020- Central Tax, dated 03.04.2020, issued under the provisions of 168A of the CGST Act, except for few provisions covered in exclusion clause, any time limit for completion or compliance of any action which falls during the period from the 20th day of March, 2020 to the 29th day of June, 2020, and where completion or compliance of such action has not been made within such time, has been extended to 30th day of June, 2020.

(Source: Circular No.136/06/2020-GST,dated 3<sup>rd</sup> April, 2020)

# Temporary relief in case of claiming ITC on account of Rule 36 (4) of CGST Rule

## Whether restriction under rule 36(4) of the CGST Rules would apply during the lockdown period?

Vide notification No. 30/2020- Central Tax, dated 03.04.2020, a proviso has been inserted in CGST Rules 2017 to provide that the said condition shall not apply to input tax credit availed by the registered persons in the returns in FORM GSTR-3B for the months of February, March, April, May, June, July and August, 2020, but that the said condition shall apply cumulatively for the said period and that the return in FORM GSTR-3B for the tax period of September, 2020 shall be furnished with cumulative adjustment of input tax credit for the said months in accordance with the condition under rule 36(4).



# Revised Due date for the month of May 2020

The Central Government vide Notification No.36/2020- Central Tax dated 3<sup>rd</sup> April 2020 has **extended the due date** for filing of return in **Form GSTR-3B** in a staggered manner for the **month of May, 2020** as under:-

Class of Taxpayers	Revised Due date
Taxpayers having an aggregate turnover of more than rupees 5 crore rupees in the previous financial year	on or before the 27th June, 2020
For taxpayers having an aggregate turnover of up to rupees five crore rupees in the previous financial year, whose principal place of business is in the States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana, Andhra Pradesh, the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands or Lakshadweep	on or before the 12th day of July, 2020
For taxpayers having an aggregate turnover of up to rupees five crore rupees in the previous financial year, whose principal place of business is in the States of Himachal Pradesh, Punjab, Uttarakhand, Haryana, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand or Odisha, the Union territories of Jammu and Kashmir, Ladakh, Chandigarh or Delhi	on or before the 14th day of July, 2020

**Thank You !**