

TiE CHENNAI - TiE ESSENTIALS

SESSION NO- 11

GST RETURNS

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GST RETURNS

Introduction:

Self Assessment:

Under GST Laws, a Taxpayer estimates his tax liability on Self Assessment basis and deposits the tax amount along with such return.

Input Tax Credit Chain: In indirect Tax Regime, due to Input Tax Credit Chain, Filing of returns not only determines the tax liability of the person filing the same, but it also has an impact on determination of tax liability of his customers.

Electronic Filing: All the returns under GST laws are to be filed electronically. Taxpayers can file the statements and returns by various modes.

Various modes of filing Returns:

1. Online Filing, directly through GST portal(GSTN)
2. Offline Tools /Offline Utilities provided by GSTN
3. Through GSP (GST Suvidha Providers) who have access to GSTN through API.

GSTR-1

1. Persons Liable: Every registered person including CTP (Casual Taxable Person) are required to furnish the details of outward supplies except the following persons:

- a. Input Service Distributor (ISD)
 - b. Non Resident Taxable Person (NRTP)
 - c. Person paying tax under Composition Scheme
 - d. Person deducting tax at source (TDS)
 - e. Person collecting tax at source (TCS)
- (a to e above are required to file separate returns and not GSTR-1)

2. Details: Form GSTR-1 is used to furnish details of outward supplies.

3. Due Date:

(a) General: For any month- on or before 10th of the succeeding month (i.e., from 1-10)

(b) If missed (from 1st to 10th), from 16th of the Succeeding month.

GSTR1 cannot be filed between 11th -15th of the succeeding month of Tax Period.

(c) Exceptions: A tax payer cannot file GSTR-1 before the end of the current tax period. However, in case of

- (i) Casual Tax Payers, after the closure of their business
- (ii) Cancellations of GSTIN of a normal tax payer (after confirmation of receipt of application)

Small tax payers (aggregate Annual Turnover up to 1.5Cr) are allowed to file GSTR-1 on Quarterly Basis. In such cases, the due date shall be the Last date of month subsequent to the quarter.

Extension: The Commissioner of SGST/UTGST may extend the due date for filing GSTR 1 for a class of taxable person by way of notification. In many cases the due dates for GSTR-1 has been extended from 10th to 11th of the month.

Turnover more than 1.5 Cr- December – January 11th.

Turnover up to 1.5 Cr- Oct-December- January 13th.

Details of Outward Supply in GSTR 1

Based on Person	Place of Supply	Details to be provided
Registered Person	Inter State	Invoice wise details
Registered Person	Intra State	Invoice wise details
Unregistered Persons	Interstate Invoice value > Rs.2.5 L	Invoice wise details
Unregistered Persons	Interstate Invoice value \leq Rs.2.5 L	Consolidated details for each rate for each State Separately
Unregistered Persons	Intra State	Consolidated details for each rate of tax

Along with the above details, Debit and Credit note issued during the month of amendments for invoices issued in the earlier tax periods have to be provided.

Revision of GSTR-1:

Return once filed cannot be revised. Any mistake made in the return can be rectified in the next period return. It means, that if a mistake is made in September, GSTR-1, rectification for the same can be made in October GSTR-1.

Late Fees:

This has been reduced to Rs.50 per day and Rs.20 per day for NIL Returns.

General Instructions:

- A. Filing of GSTR-1 is mandatory even if there are no sales in a particular month. You can file quarterly returns if the turnover is less than Rs.1.5 Cr per annum
- B. You can upload the invoices any time, it is highly advised that you should upload invoices at regular intervals during the month to avoid bulk upload at the time of filing return. Bulk uploading will take lot of time.
- C. After uploading bills you can make changes multiple times. There is no restriction on changing invoices after uploading them. But you can change an invoice only before submitting a return. Once submitted the numbers are frozen.
- D. Amendments can be made to an already filed GSTR-1 of a particular tax period by declaring the amended details in the return.

For example: Mr.X of Kerala has sold goods to Mr. of Karnataka fo INR 1,00,000 on 30th August 2017 and declared in the GSTR-1 of August 17.

Now, he realised that he made a mistake in the date of invoice, so he can make an amended invoice with correct invoice date i.e, 16th August 2017. The revised date cannot be later than the last date of the original tax period.

This amended invoice can be shown in the GSTR of September 2017.

GSTR -3B

GSTR-3B is a summary return, and contains consolidated summary of:

- a. Outward Supply and
- b. Inward Supplies liable to reverse charge
- c. Eligible ITC on inward supplies
- d. Value of exempted, nil rated, non-gst supplies
- e. Details of payment of tax
- f. TDS, TCS credit etc.,

This does not require invoice wide data of Outward and Inward Supplies.

Filing of GSTR-3B is mandatory even for Nil returns. Late Fee for filing GSTR-3B after the due date is as follows:

Rs.50 per day of delay

Rs.20 per day for tax payer having Nil tax liability for the month.

Interest @ 18% per annum is payable on the amount of outstanding tax to be paid.

Due Dates for GSTR-3B Filing:

GSTR -3B must be filed by the 20th of the subsequent month to avoid late fees.

Tax payers must ensure to pay taxes and file GSTR3B within the deadlines.

The late filing attracts late fees as well as interest

In case the tax was paid within due date but the GSTR 3B was filed after the due date, both late fees and interest will apply.

Tax payers filing quarterly GSTR-1 returns must still pay tax and file GSTR-3B every month.

GSTR 3B and GSTR 2A Comparison:

Reconciliation of GSTR 3B and 2A is needed to

Avoid notice due to excess input tax credit claims in GSTR3B

Be informed if any genuine input tax credit is missed out

Nudge the supplier to upload the invoice details in GSTR 1, if not,

GSTR 3b Vs GSTR 1 Comparison:

Reconciliation of 3B and 1 is required to

Avoid interest and penalties due to the short payment of tax

Know if any invoice is duplicated or missed out

Allow recipient to claim an accurate input tax credit based on 2A

GSTR 3B- Queries:

I have no sales or purchase in a month. Should I still file GSTR 3B?

Yes, GSTR 3B has to be filed by every registered person even if there are no transactions in a month

Should I provide invoice wise details on the return?

Only consolidated numbers are required in GSTR3B. Invoice wide break up is not required.

I have 2 GSTIN's, One in Delhi and other in Assam. Can I file 1 GSTR3aab for both registrations?

No, GSTR3 B has to be filed for every GSTIN separately. The returns cannot be clubbed.

Will there be any invoice matching in GSTR 3B

Invoice matching is not done in GSTR 3B. This return is more of a self declaration

Do I have to file GSTR1, 2 and 3 even after filing 3B?

GSTR 1 has to be filed on a monthly basis depending on the turnover. GSTR 2 and 3 have been deferred. GSTR 3B should be filed every month.

SPECIAL RETURNS:

GSTR4: COMPOSITION SUPPLIER

GSTR-4 is a return that must be filed by taxpayers opting for composition scheme on an annual basis. Until FY 18-19 , the return was filed every quarter which got replaced by CMP 08

The due date for filing GSTR 4 is 30th of April following the relevant financial year. For example, the GSTR-4 for 19-20 is due by 30th April 2020. Until the FY 18-19, the due date was 18th of the month after end of the quarter.

For 19-20, this has been extended up to 15th July.

Late Fees: Rs.200 per day.(Maximum cannot exceed Rs.5000)

CMP 08: COMPOSITION SUPPLIER

A Composition Dealer should file quarterly returns in form CMP 08. It also acts as a challan for making payment of tax.

General Due Date is 18th of the month following the quarter.

Late fees of Rs.200/- per day subject to maximum of Rs.5000/-

GSTR-5: NON RESIDENT TAXABLE PERSONS:

Meaning:

NRTP means any person who

Occasionally undertakes transactions involving supply of goods/services

Whether as Principal/Agent or in any other capacity

But who has no fixed place of business or residence in India.

NRTPs are those suppliers who do not have business establishment in India and have arrived for a short period to make supplies in India.

Monthly Returns: For NRTPs simplified monthly tax returns compiling details of inward and outward supplies in Form GSTR-5 is required to be filed for every calendar month or part of it.

Due Date: The details in GSTR-5 should be furnished within 20 days after end of the calendar month or within 7 days after last day of validity period of registration, whichever is easier along with Payment of interest, penalty, fees or any other amount payable under Act/Rules.

GSTR-6- INPUT SERVICE DISTRIBUTOR

1. Monthly Returns: ISD is only required to file a monthly return in Form GSTR-6 electronically through the common portal, FormGSTR6 contains the following details:

- a. Input tax credit received for distribution
- b. Total ITC/Eligible/Ineligible ITC to be distributed for the Tax period.
- c. Distribution of ITC
- d. Details of Debit/Credit Notes, Amendments.
- e. Redistribution of ITC etc.

2. Due Date: On/before 13th of the subsequent month.

GSTR-7-Persons required to deduct tax at source:

Who?

Department or establishment of the Central or State Government

Local authority

Government Agencies

Authority or any other body set up by Parliament of State Legislature.

Society established by Central or State Government.....

When?

Value of contract exceeds INR 2.5 L.

How much?

2%.

GSTR-8- Persons collecting tax at source- E commerce operators:

1. Monthly Returns: ECO shall furnish a monthly return in Form GSTR8 electronically through the common portal. Form GSTR8 contains the details of supplies of goods/services or both effected and returned through ECO and the amount of tax collected at source.

2. Due Date: Need to be filed and amount collected to be deposited to the Government on or before 10th of the subsequent month.
3. TCA details made available in GSTR-2A: The details of the TCS furnished by the ECO in Form GSTR8 shall be made available electronically to each of the suppliers in the common portal after the due date of filing of Form GSTR8.

Annual Returns:

1. Persons required to file annual returns: All registered persons are required to file an Annual Return except the following:

Casual Taxable Persons

Non Resident Taxable Persons

Input Service Distributors

Persons authorised to deduct TDS

E commerce operators collecting tax at source –TCS

2. Due Date: Annual Return needs to be filed by 31st December of the next FY. The Commissioner may, on the recommendations of the Council and for reasons to be recorded in writing, by notification, extend the time limit for furnishing the Annual Return for such class of Registered Persons as may be specified therein.
3. Forms:
GSTR-9- For Normal Tax Payers
GSTR-9A- Composition Dealers

GSTR 9B- Ecommerce- yet to be notified

Reconciliation Statement:

Every registered person whose turnover during a financial year exceeds the prescribed limit (Presently 2 Cr) (Through notification for 18-19 and 19-20 this has been increased to INR 5 Cr) shall get his accounts audited by a CA or Cost Accountant .

The Audit report along with Audited Annual Accounts to be submitted along with annual Return on or before 31st December following the end of the FY in Form GST ADT 9C