

# **GST UPDATE**

## **(June, 2020)**

**Directorate of Training, Excise and Taxation Department, Punjab**

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## **(I) GIST OF GST NOTIFICATIONS**

### **1. Giving effect to the provisions of Rule 67A for furnishing a nil return in FORM GSTR-3B by SMS**

Provisions of Rule 67A i.e. for furnishing a nil return in FORM GSTR-3B by SMS shall be effective from 8th June, 2020

**[Notification No. 44/2020 Central Tax dt 08-06-2020]**

### **2. Extension in the date for transition under GST on account of merger of erstwhile Union Territories of Daman and Diu & Dadar and Nagar Haveli**

Central government has amended **notification number.10/2020 – Central tax dated 21 March 2020** by substituting 31 day of May 2020 mentioned in first paragraph by 31 day of July 2020 in the said notification.

#### **Impact of this notification is as follows:**

Those persons whose principal place of business or place of business was in the erstwhile Union territory of Daman and Diu or in the erstwhile Union territory of Dadra and Nagar Haveli till the 26 January 2020 & in the merged Union territory of Daman and Diu and Dadra and Nagar Haveli from the 27 January, 2020 onwards, shall follow the following special procedure till 31 May 2020 31 July 2020 as mentioned below:

#### **◆ Tax period** has been specified for filing return are as follows:

- (a) January, 2020: 1 January 2020 to 25 January 2020
- (b) February, 2020: 26th January, 2020 to 29th February, 2020

◆ Irrespective of tax charged in invoices or in other documents raised from 26 January 2020 till the transition date, **pay applicable tax in return.**

◆ An **option** has been provided **to transfer ITC** from erstwhile union territory to new union territory after filing return for the month of Jan 2020.

**[Notification No. 45/2020 Central Tax dt 09-06-2020]**

### **3. Extension in period to pass order under Section 54(7) of CGST Act.**

Government hereby notifies that in case where a notice has been issued for rejection of refund claim, in full or in part & where time limit for issuance of order (i.e. 60 days from receipt of application) falls during the period from 20 March 2020 to 29 June 2020 in such cases the time limit for issuance of said order shall be extended to 15 days after receipt of reply of notice from registered person or 30 June 2020, whichever is later.

**In simple words**, if **refund order** date falls between 20 March to 29 June 2020 in that case refund order can be issued within 75 days (i.e. 60 + 15 Days) of receipt of reply of notice or 30 June 2020, whichever is later.

**[Notification No. 46/2020 Central Tax dt 09-06-2020]**

#### **4. Extension of validity of e-way bill generated on or before 24.03.2020**

**E-way bills generated on or before 24 March, 2020** & whose validity has expired on or after 20th March 2020, shall be deemed to **valid till 30th June 2020**.

**[Notification No. 47/2020 Central Tax dt 09-06-2020]**

#### **5. Sixth amendment (2020) to CGST Rules**

- a. The Central Goods and Services Tax (Sixth Amendment) Rules, 2020 is introduced.
- b. A person registered** under the **provisions of the Companies Act, 2013**, during the period 21 April, 2020 to **30 September, 2020**, are allowed to furnish **Form GSTR 3B** after verification through EVC (i.e., DSC is not mandatory)
- c. A person registered** under the **provisions of the Companies Act, 2013**, during the period **27 May, 2020** to **30 September, 2020**, are allowed to furnish **Form GSTR-1** after verification through EVC (i.e., DSC is not mandatory)
- d. The above shall come into force from 27 May, 2020.

**[Notification No. 48/2020- Central Tax dt. 19th June 2020]**

#### **6. Bringing into force Sections 118, 125, 129 & 130 of Finance Act, 2020 in order to bring amendment to Sections 2, 109, 168 & 172 of CGST Act w.e.f. 30.06.2020**

- a. The provisions of sections 118, 125, 129 and 130 of the Finance Act, 2020 shall come into force from 30 June, 2020.
- b. Section 118 of Finance Act, 2020:-  
*In section 2 of the **Central Goods and Services Tax Act, 2017** (hereinafter referred to as the **Central Goods and Services Tax Act**), in clause (114), for sub-clauses (c) and (d), the following sub-clauses shall be substituted, namely:—*  
“(c) *Dadra and Nagar Haveli and Daman and Diu;*  
(d) *Ladakh;*”.
- c. Section 125 of Finance Act, 2020:-  
*In section 109 of the **Central Goods and Services Tax Act**, in sub-section (6),—*

(a) the words “except for the State of Jammu and Kashmir” shall be omitted;

(b) the first proviso shall be omitted.

d. Section 129 of Finance Act, 2020:-

*In section 168 of the Central Goods and Services Tax Act, in sub-section (2), for the words, brackets and figures “sub-section (5) of section 66, sub-section (1) of section 143”, the words, brackets and figures “**sub-section (1) of section 143, except the second proviso thereof**” shall be substituted*

e. Section 130 of Finance Act, 2020 :-

*In section 172 of the Central Goods and Services Tax Act, in sub-section (1), in the proviso, for the words “three years”, the words “five years” shall be substituted.*

**[Notification No. 49/2020-Central Tax dt. 19th June 2020]**

## **7. Seventh amendment (2020) to CGST Rules**

a. The Central Goods and Services Tax (Seventh Amendment) Rules, 2020 is introduced.

**b. The below changes shall come into effect from 1 April, 2020.**

c. In Rule 7, the following Table is substituted:-

<b>Sl No.</b>	<b>Section under which composition levy is opted</b>	<b>Category of registered persons</b>	<b>Rate of Tax</b>
<b>(1)</b>	<b>(1A)</b>	<b>(2)</b>	<b>(3)</b>
1	<b>Sub-sections (1) and (2) of section 10</b>	Manufacturers, other than manufacturers of such goods as may be notified by the Government	half per cent. of the turnover in the State or Union territory
2	<b>Sub-sections (1) and (2) of section 10</b>	Suppliers making supplies referred to in clause (b) of paragraph 6 of Schedule II	two and a half per cent. of the turnover in the State or Union territory
3	<b>Sub-sections (1) and (2) of section 10</b>	Any other supplier eligible for composition levy under section 10 and the provisions of this Chapter	half per cent. of the turnover of taxable supplies of goods and services in the State or Union territory

4	<b>Sub-section (2A) of section 10</b>	<b>Registered persons not eligible under the composition levy under sub-sections (1) and (2), but eligible to opt to pay tax under sub-section (2A), of section 10</b>	<b>three per cent. of the turnover of supplies of goods and services in the State or Union territory.</b>
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[Notification No. 50/2020 –Central Tax dt. 24th June 2020]

**8. Waiver / Reduced rate of interest for delayed in filing of GSTR-3B for various months**

S.L (1)	Class of registered persons (2)	Rate of interest (3)	Tax period (4)
1.	Taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year	Nil for first 15 days from the due date, and 9 per cent thereafter till 24 <sup>th</sup> day of June, 2020	February, 2020, March, 2020, April, 2020

2. Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding financial year, whose principal place of business is in the States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana or Andhra Pradesh or the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands and Lakshadweep	Nil till the 30 <sup>th</sup> day of June, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	February, 2020
	Nil till the 3 <sup>rd</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	March, 2020
	Nil till the 6 <sup>th</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	April, 2020
	Nil till the 12 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	May, 2020
	Nil till the 23 <sup>rd</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of	June, 2020
	September 2020 Nil till the 27 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	July, 2020

3. Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding 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 or the Union territories of Jammu and Kashmir, Ladakh, Chandigarh and Delhi	Nil till the 30 <sup>th</sup> day of June, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	February, 2020
	Nil till the 5 <sup>th</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	March, 2020
	Nil till the 9 <sup>th</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	April, 2020
	Nil till the 15 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	May, 2020
	Nil till the 25 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	June, 2020
	Nil till the 29 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	July, 2020.

**[Notification No. 51/2020 – Central Tax dated 24th June 2020]**

**9. Waiver of Late Fees for delay in filing of GSTR-3B for the returns from Feb 2020 till June 2020**

<b>SL (1)</b>	<b>Class of registered persons (2)</b>	<b>Tax period (3)</b>	<b>Condition (4)</b>
1.	Taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year	February, 2020, March, 2020 and April, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 24 <sup>th</sup> day of June, 2020
2.	Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding financial year, whose principal place of business is in the	February, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 30 <sup>th</sup> day of June, 2020
	States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana or Andhra Pradesh or the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands and Lakshadweep	March, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 3 <sup>rd</sup> day of July, 2020
		April, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 6 <sup>th</sup> day of July, 2020
		May, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 12 <sup>th</sup> day of September, 2020
		June, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 23 <sup>rd</sup> day of September, 2020

	July, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 27 <sup>th</sup> day of September, 2020
3. Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding 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	February, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 30 <sup>th</sup> day of June, 2020
	March, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 5 <sup>th</sup> day of July, 2020
	April, 2020	If return in <b>FORM GSTR-3B</b> is furnished on
Bengal, Jharkhand or Odisha or the Union territories of Jammu and Kashmir, Ladakh, Chandigarh and Delhi		or before the 9 <sup>th</sup> day of July, 2020
	May, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 15 <sup>th</sup> day of September, 2020
	June, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 25 <sup>th</sup> day of September, 2020
	July, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 29 <sup>th</sup> day of September, 2020

## One-time scheme for Non-Fillers of return

Late fee has been waived or reduced for those registered persons who have failed to furnish GSTR-3B for the period July, 2017 to January, 2020, by the due date *subject to provision that GSTR-3B has been furnished between 1st July, 2020 to 30<sup>th</sup> September, 2020.*

For Nil Tax Liability	There will be no Late Fees
For registered persons having tax liability	There will be a Max. late fees levied of Rs.250/- (under CGST & SGST) i.e. Rs 500/-

[Notification No. 52/2020 – Central Tax dated 24th June 2020]

### **10. The late fees for GSTR-1 stands waived for the following months**

<b>Sl. No. (1)</b>	<b>Month/ Quarter (2)</b>	<b>Dates(3)</b>
1.	March, 2020	10 <sup>th</sup> day of July, 2020
2.	April, 2020	24 <sup>th</sup> day of July, 2020
3.	May, 2020	28 <sup>th</sup> day of July, 2020
4.	June, 2020	05 <sup>th</sup> day of August, 2020
5.	January to March, 2020	17 <sup>th</sup> day of July, 2020
6.	April to June, 2020	03 <sup>rd</sup> day of August, 2020

[Notification No. 53/2020 – Central Tax dated 24th June 2020]

## **11. Prescribes the GSTR-3B Due date for the month of August 2020**

<b>SL (1)</b>	<b>Class of registered persons (2)</b>	<b>Tax period (3)</b>	<b>Condition (4)</b>
1	Taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year	August, 2020,	If return in FORM GSTR-3B is furnished on or before the 20th Sept 2020
2	Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding financial year, whose principal place of business is in the States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana or Andhra Pradesh or the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands and Lakshadweep	August, 2020,	If return in FORM GSTR-3B is furnished on or before the 01st Oct 2020
3	Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding 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 or the Union territories of Jammu and Kashmir, Ladakh, Chandigarh and Delhi	August, 2020,	If return in FORM GSTR-3B is furnished on or before the 3rd Oct, 2020

**[Notification No. 54/2020 – Central Tax dated 24th June 2020]**

## **12. Extension in due date of compliance which falls during the period from "20.03.2020 to 30.08.2020" till 31.08.2020**

By this Notification the due date for issue of notice, intimation, notification, sanction or approval order as well as the due date for filing of appeal, reply, furnishing of return, statements, applications, reports, any other documents, the time limit whereof is expiring between 20th March 2020 to **30th August, 2020** is extended to **31 August, 2020**.

The above extension is not applicable for the following compliances (and related rules):

- i. Chapter IV: Time and Value of Supply
- ii. Section 10(3): Option for Composition Scheme will lapse once aggregate turnover crosses the specified limit.
- iii. Section 25: Procedure for Registration
- iv. Section 27: Special provisions relating to casual taxable person and non-resident taxable person.
- v. Section 31: Tax invoice.
- vi. Section 37: Furnishing details of outward supplies.
- vii. Section 39: Furnishing of Returns, except the following:
  - 1. Section 39(3): TDS Return
  - 2. Section 39(4) ISD Return and
- viii. Section 39(5): Non-Resident Taxable Person Return
- ix. Section 47: Levy of late fee
- x. Section 50: Interest on delayed payment of tax.
- xi. Section 68: Inspection of goods in movement (in so far as e-waybill is concerned)
- xii. Section 69: Power to arrest
- xiii. Section 90: Liability of partners of firm to pay tax.
- xiv. Section 122: Penalty for certain offences.
- xv. Section 129: Detention, seizure and release of goods and conveyances in transit.

**[Notification 55/2020 – Central Tax dt.27th June, 2020]**

**13. Extension in period to pass order under Section 54(7) of CGST Act till 31.08.2020 or in some cases upto fifteen days thereafter.**

The time limit of rejection of Refund claim whether in full or part and where the time limit of issued of Refund sanction order falls during the period from the 20 March, 2020 to the **30th August, 2020, time limit for** issuance of the said order shall be extended to **fifteen days after the receipt of reply to the notice** from the registered person or the **31 August, 2020 whichever is later.**

**[Notification 56/2020 – Central Tax dt.27th June, 2020]**

**14. Conditional waiver of late fees**

The Notification shall be deemed to have come into effect from the 25th day of June, 2020.

<b>Turnover</b>	<b>Liability</b>	<b>Returns</b>	<b>Late fees</b>	<b>Return furnished Till</b>
Taxpayers having an aggregate turnover upto rupees 5 crores in the preceding financial year	No Tax liability	February, 2020, to July, 2020	NIL	30th September, 2020
	Having Tax Liability		Rs. 500 per Return	
Taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year	No tax liability	May, 2020 to July 2020	NIL	30th September, 2020
	Having Tax Liability		Rs. 500 per Return	

**[Notification 57/2020 – Central Tax dt. 30th June, 2020]**

## **(II) CENTRAL TAX NOTIFICATIONS**

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs  
Notification No. 44/2020 – Central Tax**

**New Delhi, the 8<sup>th</sup> June, 2020**

G.S.R. ....(E).— In exercise of the powers conferred by section 164 of the Central Goods and Services Tax Act, 2017 (12 of 2017) read with rule 3 of the Central Goods and Services Tax (Fifth Amendment) Rules, 2020 (hereinafter referred to as the rules), made vide notification No. 38/2020 – Central Tax, dated the 5<sup>th</sup> May, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 272(E), dated the 5<sup>th</sup> May, 2020, the Government, hereby appoints the 8<sup>th</sup> day of June, 2020, as the date from which the said provisions of the rules, shall come into force.

[F. No. CBEC-20/06/16/2018-GST]

(Pramod Kumar)  
Director, Government of India

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs  
Notification No. 45/2020 – Central Tax**

**New Delhi, the 09<sup>th</sup> June, 2020**

G.S.R.....(E).— In exercise of the powers conferred by section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Government, on the recommendations of the Council, hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.10/2020- Central Tax, dated the 21<sup>st</sup> March, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 193(E), dated the 21<sup>st</sup> March, 2020, namely:-

In the said notification, in the first paragraph, for the figures, letters and words “31<sup>st</sup> day of May, 2020”, the figures, letters and words “31<sup>st</sup> day of July, 2020” shall be substituted.

2. This notification shall come into force with effect from the 31<sup>st</sup> day of May, 2020.

[F. No. CBEC-20/06/03/2020-GST]

(Pramod Kumar)  
Director, Government of India

Note: The principal notification No. 10/2020-Central Tax, dated the 21<sup>st</sup> March, 2020, was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 193(E), dated the 21<sup>st</sup> March, 2020.

**[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]**

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs**

**Notification No. 46/2020 – Central Tax**

**New Delhi, the 09<sup>th</sup> June, 2020**

G.S.R.....(E).– In exercise of the powers conferred by section 168A of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter in this notification referred to as the said Act), read with section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), and section 21 of Union Territory Goods and Services Tax Act, 2017 (14 of 2017), in view of the spread of pandemic COVID-19 across many countries of the world including India, the Government, on the recommendations of the Council, hereby notifies that in cases where a notice has been issued for rejection of refund claim, in full or in part and where the time limit for issuance of order in terms of the provisions of sub-section (5), read with sub-section (7) of section 54 of the said Act falls during the period from the 20<sup>th</sup> day of March, 2020 to the 29<sup>th</sup> day of June, 2020, in such cases the time limit for issuance of the said order shall be extended to fifteen days after the receipt of reply to the notice from the registered person or the 30<sup>th</sup> day of June, 2020, whichever is later

2. This notification shall come into force with effect from the 20<sup>th</sup> day of March, 2020.

[F. No. CBEC-20/06/03/2020-GST]

(Pramod Kumar)  
Director, Government of India

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India**  
**Ministry of Finance**  
**(Department of Revenue)**  
**Central Board of Indirect Taxes and Customs**  
**Notification No. 47/2020 – Central Tax**

**New Delhi, the 09<sup>th</sup> June, 2020**

G.S.R.....(E).– In exercise of the powers conferred by section 168A of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter in this notification referred to as the said Act), read with section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), and section 21 of Union Territory Goods and Services Tax Act, 2017 (14 of 2017), the Government, on the recommendations of the Council, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.35/2020- Central Tax, dated the 3<sup>rd</sup> April, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 235(E), dated the 3<sup>rd</sup> April, 2020, namely:-

In the said notification, in the first paragraph, in clause (ii), for the proviso, the following proviso shall be substituted, namely: -

“Provided that where an e-way bill has been generated under rule 138 of the Central Goods and Services Tax Rules, 2017 on or before the 24<sup>th</sup> day of March, 2020 and whose validity has expired on or after the 20<sup>th</sup> March, 2020, the validity period of such e-way bill shall be deemed to have been extended till the 30<sup>st</sup> day of June, 2020.”.

2. This notification shall come into force with effect from the 31<sup>st</sup> day of May, 2020.

[F.No CBEC-20/06/03/2020-GST]

(Prmod Kumar)

Director, Government of India

Note: The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) No. 35/2020-Central Tax, dated the 3<sup>rd</sup> April, 2020 vide number G.S.R. 235(E), dated the 3<sup>rd</sup> April, 2020 and was last amended by notification No. 40/2020 – Central Tax, dated the 5<sup>th</sup> May, 2020, published in the Gazette of India, Extraordinary vide number G.S.R. 274(E), dated the 5<sup>th</sup> May, 2020.

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs**

**Notification No. 48 /2020 – Central Tax**

**New Delhi, the 19<sup>th</sup> June, 2020**

G.S.R...(E). - In exercise of the powers conferred by section 164 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following rules further to amend the Central Goods and Services Tax Rules, 2017, namely: -

1. (1) These rules may be called the Central Goods and Services Tax (Sixth Amendment) Rules, 2020.

(2) They shall come into force on 27<sup>th</sup> day of May, 2020.

2. In the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), in rule 26 in sub-rule (1), for the second proviso, following provisos shall be substituted, namely: -

“Provided further that a registered person registered under the provisions of the Companies Act, 2013 (18 of 2013) shall, during the period from the 21<sup>st</sup> day of April, 2020 to the 30<sup>th</sup> day of September, 2020, also be allowed to furnish the return under section 39 in **FORM GSTR-3B** verified through electronic verification code (EVC).

Provided also that a registered person registered under the provisions of the Companies Act, 2013 (18 of 2013) shall, during the period from the 27<sup>th</sup> day of May, 2020 to the 30<sup>th</sup> day of September, 2020, also be allowed to furnish the details of outward supplies under section 37 in **FORM GSTR-1** verified through electronic verification code (EVC).”.

[F. No. CBEC-20/06/08/2020-GST]

(Pramod Kumar)  
Director, Government of India

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification No. 3/2017-Central Tax, dated the 19<sup>th</sup> June, 2017, published vide number G.S.R. 610(E), dated the 19<sup>th</sup> June, 2017 and last amended vide notification No. 38/2020 - Central Tax, dated the 5<sup>th</sup> May, 2020, published vide number G.S.R. 272 (E), dated the 5<sup>th</sup> May, 2020.

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs**

**Notification No. 49/2020 – Central Tax**

**New Delhi, the 24<sup>th</sup> June, 2020**

G.S.R. .... (E).— In exercise of the powers conferred by sub-section (2) of section 1 of the Finance Act, 2020 (12 of 2020) (hereinafter referred to as the said Act), the Central Government hereby appoints the 30<sup>th</sup> day of June, 2020, as the date on which the provisions of sections 118, 125, 129 and 130 of the said Act, shall come into force.

[F. No. CBEC- 20/06/09/2019-GST]

(Pramod Kumar)

Director to the Government of India

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs**

**Notification No. 50/2020 – Central Tax**

**New Delhi, the 24<sup>th</sup> June, 2020**

G.S.R (E). - In exercise of the powers conferred by section 164 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following rules further to amend the Central Goods and Services Tax Rules, 2017, namely:-

1. (1) These rules may be called the Central Goods and Services Tax (Seventh Amendment) Rules, 2020.

(2) They shall come into force with effect from the 01<sup>st</sup> day of April, 2020.

2. In the Central Goods and Services Tax Rules, 2017, in rule 7, for the Table, the following Table shall be substituted, namely:-

**“Table**

<b>Sl. No.</b>	<b>Section under which composition levy is opted</b>	<b>Category of registered persons</b>	<b>Rate of tax</b>
<b>(1)</b>	<b>(1A)</b>	<b>(2)</b>	<b>(3)</b>
1.	Sub-sections (1) and (2) of section 10	Manufacturers, other than manufacturers of such goods as may be notified by the Government	half per cent. of the turnover in the State or Union territory
2.	Sub-sections (1) and (2) of section 10	Suppliers making supplies referred to in clause (b) of paragraph 6 of Schedule II	two and a half per cent. of the turnover in the State or Union territory
3.	Sub-sections (1) and (2) of section 10	Any other supplier eligible for composition levy under sub-sections (1) and (2) of section 10	half per cent. of the turnover of taxable supplies of goods and services in the State or Union territory

4.	Sub-section (2A) of section 10	Registered persons not eligible under the composition levy under sub-sections (1) and (2), but eligible to opt to pay tax under sub-section (2A), of section 10	three per cent. of the turnover of taxable supplies of goods and services in the State or Union territory.’’.
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[F. No. CBEC-20/06/09/2019-GST]

(Pramod Kumar)  
Director, Government of India

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification No. 3/2017-Central Tax, dated the 19<sup>th</sup> June, 2017, published vide number G.S.R. 610(E), dated the 19<sup>th</sup> June, 2017 and last amended vide notification No. 48/2020 - Central Tax, dated the 19<sup>th</sup> June, 2020 published vide number G.S.R. 394 (E), dated the 19<sup>th</sup> June, 2020.

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India**  
**Ministry of Finance**  
**(Department of Revenue)**  
**Central Board of Indirect Taxes and Customs**

**Notification No. 51/2020 – Central Tax**

**New Delhi, the 24<sup>th</sup> June, 2020**

G.S.R.....(E).—In exercise of the powers conferred by sub-section (1) of section 50 of the Central Goods and Services Tax Act, 2017 (12 of 2017) read with section 148 of the said Act, the Central Government, on the recommendations of the Council, hereby makes the following further amendment in notification of the Government of India in the Ministry of Finance (Department of Revenue), No.13/2017 – Central Tax, dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 661(E), dated the 28<sup>th</sup> June, 2017, namely:—

In the said notification, in the first paragraph, for the first proviso, the following proviso shall be substituted, namely :—

“Provided that the rate of interest per annum shall be as specified in column (3) of the Table given below for the period mentioned therein, for the class of registered persons mentioned in the corresponding entry in column (2) of the said Table, who are required to furnish the returns in **FORM GSTR-3B**, but fail to furnish the said return along with payment of tax for the months mentioned in the corresponding entry in column (4) of the said Table by the due date, namely:--

**Table**

S. No. (1)	Class of registered persons (2)	Rate of interest (3)	Tax period (4)
1.	Taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year	Nil for first 15 days from the due date, and 9 per cent	February, 2020, March 2020, April, 2020

		thereafter till 24 <sup>th</sup> day of June, 2020	
2.	Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding financial year, whose principal place of business is in the States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana or Andhra Pradesh or the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands and Lakshadweep	Nil till the 30 <sup>th</sup> day of June, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	February, 2020
Nil till the 3 <sup>rd</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		March, 2020	
Nil till the 6 <sup>th</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		April, 2020	
Nil till the 12 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		May, 2020	
Nil till the 23 <sup>rd</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		June, 2020	
Nil till the 27 <sup>th</sup> day of September, 2020,		July, 2020	

		and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	
3.	Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding 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 or the Union territories of Jammu and Kashmir, Ladakh, Chandigarh and Delhi	Nil till the 30 <sup>th</sup> day of June, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	February, 2020
Nil till the 5 <sup>th</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		March, 2020	
Nil till the 9 <sup>th</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		April, 2020	
Nil till the 15 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		May, 2020	
Nil till the 25 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		June, 2020	

		Nil till the 29 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	July, 2020.”.
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[F. No. CBEC-20/06/09/2019-GST]

(Pramod Kumar)  
Director, Government of India

Note: The principal notification number 13/2017 – Central Tax, dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.661(E), dated the 28<sup>th</sup> June, 2017 and was last amended *vide* notification number 31/2020 – Central Tax, dated the 3<sup>rd</sup> April, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.231(E), dated the 3<sup>rd</sup> April, 2020.

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs**

**Notification No. 52/2020 – Central Tax**

**New Delhi, the 24<sup>th</sup> June, 2020**

G.S.R.....(E).— In exercise of the powers conferred by section 128 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter in this notification referred to as the said Act), read with section 148 of the said Act, the Government, on the recommendations of the Council, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 76/2018– Central Tax, dated the 31<sup>st</sup> December, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 1253(E), dated the 31<sup>st</sup> December, 2018, namely :—

In the said notification,-

(i) in the third proviso, for the Table, the following Table shall be substituted, namely :—

**“Table**

<b>S. No. (1)</b>	<b>Class of registered persons (2)</b>	<b>Tax period (3)</b>	<b>Condition (4)</b>
1.	Taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year	February, 2020, March, 2020 and April, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 24 <sup>th</sup> day of June, 2020
2.	Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding financial year, whose principal place of business is in the	February, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 30 <sup>th</sup> day of June, 2020

	States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana or Andhra Pradesh or the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands and Lakshadweep	March, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 3 <sup>rd</sup> day of July, 2020
		April, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 6 <sup>th</sup> day of July, 2020
		May, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 12 <sup>th</sup> day of September, 2020
		June, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 23 <sup>rd</sup> day of September, 2020
		July, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 27 <sup>th</sup> day of September, 2020
3.	Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding 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	February, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 30 <sup>th</sup> day of June, 2020
		March, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 5 <sup>th</sup> day of July, 2020
		April, 2020	If return in <b>FORM GSTR-3B</b> is furnished on

Bengal, Jharkhand or Odisha or the Union territories of Jammu and Kashmir, Ladakh, Chandigarh and Delhi		or before the 9 <sup>th</sup> day of July, 2020
	May, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 15 <sup>th</sup> day of September, 2020
	June, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 25 <sup>th</sup> day of September, 2020
	July, 2020	If return in <b>FORM GSTR-3B</b> is furnished on or before the 29 <sup>th</sup> day of September, 2020

(ii) after the third proviso, the following provisos shall be inserted, namely: –

“Provided also that the total amount of late fee payable for a tax period, under section 47 of the said Act shall stand waived which is in excess of an amount of two hundred and fifty rupees for the registered person who failed to furnish the return in **FORM GSTR-3B** for the months of July, 2017 to January, 2020, by the due date but furnishes the said return between the period from 01<sup>st</sup> day of July, 2020 to 30<sup>th</sup> day of September, 2020:

Provided also that where the total amount of central tax payable in the said return is nil, the total amount of late fee payable for a tax period, under section 47 of the said Act shall stand waived for the registered person who failed to furnish the return in **FORM GSTR-3B** for the months of July, 2017 to January, 2020, by the due date but furnishes the said return between the period from 01<sup>st</sup> day of July, 2020 to 30<sup>th</sup> day of September, 2020.”.

[F. No. CBEC-20/06/09/2019-GST]

(Prmod Kumar)  
Director, Government of India

Note: The principal notification No. 76/2018-Central Tax, dated 31<sup>st</sup> December, 2018 was published in the Gazette of India, Extraordinary, *vide* number G.S.R. 1253(E), dated the 31<sup>st</sup> December, 2018 and was last amended *vide* notification number 32/2020 – Central Tax, dated the 3<sup>rd</sup> April, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R.232 (E), dated the 3<sup>rd</sup> April, 2020..

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs**

**Notification No. 53/2020 – Central Tax**

**New Delhi, the 24<sup>th</sup> June, 2020**

G.S.R.....(E).— In exercise of the powers conferred by section 128 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Government, on the recommendations of the Council, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 4/2018– Central Tax, dated the 23<sup>rd</sup> January, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub- section (i) *vide* number G.S.R. 53(E), dated the 23<sup>rd</sup> January, 2018, namely:–

In the said notification, for the third proviso, the following proviso shall be substituted, namely: –

“Provided also that the amount of late fee payable under section 47 of the said Act shall stand waived for the registered persons who fail to furnish the details of outward supplies for the months or quarter mentioned in column (2) of the Table below in **FORM GSTR-1** by the due date, but furnishes the said details on or before the dates mentioned in column (3) of the said Table:-

**Table**

<b>Sl. No. (1)</b>	<b>Month/ Quarter (2)</b>	<b>Dates (3)</b>
1.	March, 2020	10 <sup>th</sup> day of July, 2020
2.	April, 2020	24 <sup>th</sup> day of July, 2020
3.	May, 2020	28 <sup>th</sup> day of July, 2020

4.	June, 2020	05 <sup>th</sup> day of August, 2020
5.	January to March, 2020	17 <sup>th</sup> day of July, 2020
6.	April to June, 2020	03 <sup>rd</sup> day of August, 2020.”.

[F. No. CBEC-20/06/09/2019-GST]

(Pramod Kumar)  
Director, Government of India

Note: The principal notification No. 4/2018– Central Tax, dated the 23<sup>rd</sup> January, 2018, was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub- section (i) *vide* number G.S.R. 53(E), dated the 23<sup>rd</sup> January, 2018 and was last amended by notification No. 33/2020-Central Tax, dated the 3<sup>rd</sup> April, 2020, published in the Gazette of India, Extraordinary, *vide* number G.S.R. 233(E) dated the 3<sup>rd</sup> April, 2020.

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs**

**Notification No. 54/2020 – Central Tax**

**New Delhi, the 24<sup>th</sup> June, 2020**

G.S.R...(E).- In exercise of the powers conferred by section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017), read with sub-rule (5) of rule 61 of the Central Goods and Services Tax Rules, 2017 (hereafter in this notification referred to as the said Rules), the Commissioner, on the recommendations of the Council, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 29/2020 – Central Tax, dated the 23<sup>rd</sup> March, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub- section (i) vide number G.S.R. 212 (E), dated the 23<sup>rd</sup> March, 2020, namely:–

In the said notification, in the first paragraph, after the fifth proviso, the following provisos shall be inserted, namely: –

“Provided also that, 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, the return in **FORM GSTR-3B** of the said rules for the month of August, 2020 shall be furnished electronically through the common portal, on or before the 1<sup>st</sup> day of October, 2020:

Provided also that, 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, the return in **FORM GSTR-3B** of the said rules for the month of August, 2020 shall be furnished electronically through the common portal, on or before the 3<sup>rd</sup> day of October, 2020.”.

[F. No. CBEC-20/06/09/2019-GST]

(Pramod Kumar)  
Director, Government of India

Note: The principal notification number 29/2020 – Central Tax, dated the 23<sup>rd</sup> March, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.212(E), dated the 23<sup>rd</sup> March, 2020 and was last amended vide notification number 36/2020 – Central Tax, dated the 3<sup>rd</sup> April, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.236(E), dated the 3<sup>rd</sup> April, 2020.

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs**

**Notification No. 55/2020 – Central Tax**

**New Delhi, the 27<sup>th</sup> June, 2020**

G.S.R.....(E).– In exercise of the powers conferred by section 168A of the Central Goods and Services Tax Act, 2017 (12 of 2017), read with section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), and section 21 of the Union Territory Goods and Services Tax Act, 2017 (14 of 2017), the Government, on the recommendations of the Council, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 35/2020-Central Tax, dated the 3<sup>rd</sup> April, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 235(E), dated the 3<sup>rd</sup> April, 2020, namely:-

In the said notification, in the first paragraph, in clause (i),--

- (i) for the words, figures and letters “29<sup>th</sup> day of June, 2020”, the words, figures and letters “30<sup>th</sup> day of August, 2020” shall be substituted;
- (ii) for the words, figures and letters “30<sup>th</sup> day of June, 2020”, the words, figures and letters “31<sup>st</sup> day of August, 2020” shall be substituted.

[F. No. CBEC-20/06/08/2020-GST]

(Pramod Kumar)  
Director, Government of India

Note: The principal notification No. 35/2020-Central Tax, dated the 3<sup>rd</sup> April, 2020 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number

G.S.R. 235(E), dated the 3<sup>rd</sup> April, 2020 and was last amended by notification No. 47/2020 – Central Tax, dated the 9<sup>th</sup> June, 2020, published in the Gazette of India, Extraordinary vide number G.S.R. 362(E), dated the 9<sup>th</sup> June, 2020.

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs**

**Notification No. 56/2020 – Central Tax**

**New Delhi, the 27<sup>th</sup> June, 2020**

G.S.R.....(E).– In exercise of the powers conferred by section 168A of the Central Goods and Services Tax Act, 2017 (12 of 2017), read with section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), and section 21 of the Union Territory Goods and Services Tax Act, 2017 (14 of 2017), the Government, on the recommendations of the Council, hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.46/2020-Central Tax, dated the 9<sup>th</sup> June, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 361(E), dated the 9<sup>th</sup> June, 2020, namely:-

In the said notification, in the first paragraph,--

- (i) for the words, figures and letters “29<sup>th</sup> day of June, 2020”, the words, figures and letters “30<sup>th</sup> day of August, 2020” shall be substituted;
- (ii) for the words, figures and letters “30<sup>th</sup> day of June, 2020”, the words, figures and letters “31<sup>st</sup> day of August, 2020” shall be substituted.

[F. No. CBEC-20/06/08/2020-GST]

(Pramod Kumar)  
Director, Government of India

Note: The principal notification No. 46/2020-Central Tax, dated the 9<sup>th</sup> June, 2020 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 361(E), dated the 9<sup>th</sup> June, 2020.

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India**  
**Ministry of Finance**  
**(Department of Revenue)**  
**Central Board of Indirect Taxes and Customs**

**Notification No. 57/2020 – Central Tax**

**New Delhi, the 30<sup>th</sup> June, 2020**

G.S.R.....(E).— In exercise of the powers conferred by section 128 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter in this notification referred to as the said Act), read with section 148 of the said Act, the Government, on the recommendations of the Council, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 76/2018– Central Tax, dated the 31<sup>st</sup> December, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub- section (i) *vide* number G.S.R. 1253(E), dated the 31<sup>st</sup> December, 2018, namely :—

In the said notification, after the third proviso, the following provisos shall be inserted, namely: –

“Provided also that for the class of registered persons mentioned in column (2) of the Table of the above proviso, who fail to furnish the returns for the tax period as specified in column (3) of the said Table, according to the condition mentioned in the corresponding entry in column (4) of the said Table, but furnishes the said return till the 30<sup>th</sup> day of September, 2020, the total amount of late fee payable under section 47 of the said Act, shall stand waived which is in excess of two hundred and fifty rupees and shall stand fully waived for those taxpayers where the total amount of central tax payable in the said return is nil:

Provided also that for the taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year, who fail to furnish the return in **FORM GSTR-3B** for the months of May, 2020 to July, 2020, by the due date but furnish the said return till the 30<sup>th</sup> day of September, 2020, the total amount of late fee under section 47 of the said Act, shall stand waived which is in excess of two hundred and fifty rupees and shall stand fully waived for those taxpayers where the total amount of central tax payable in the said return is nil.”.

2. This notification shall be deemed to have come into effect from the 25<sup>th</sup> day of June, 2020.

[F. No. CBEC-20/06/08/2020-GST]

(Pramod Kumar)  
Director, Government of India

Note: The principal notification No. 76/2018-Central Tax, dated 31<sup>st</sup> December, 2018 was published in the Gazette of India, Extraordinary, *vide* number G.S.R. 1253(E), dated the 31<sup>st</sup> December, 2018 and was last amended *vide* notification number 52/2020 – Central Tax, dated the 24<sup>th</sup> June, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R.405 (E), dated the 24<sup>th</sup> June, 2020.

### **(III) IGST TAX NOTIFICATIONS**

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs**

**Notification No. 04/2020 – Integrated Tax**

**New Delhi, the 24<sup>th</sup> June, 2020**

G.S.R....(E).— In exercise of the powers conferred by sub-section (2) of section 1 of the Finance Act, 2020 (12 of 2020) (hereinafter referred to as the said Act), the Central Government hereby appoints the 30<sup>th</sup> day of June, 2020, as the date on which the provisions of section 134 of the said Act, shall come into force.

[F. No. CBEC- 20/06/09/2019-GST]

(Pramod Kumar)

Director to the Government of India

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India  
Ministry of Finance  
(Department of Revenue)  
Central Board of Indirect Taxes and Customs**

**Notification No. 05/2020 – Integrated Tax**

**New Delhi, the 24<sup>th</sup> June, 2020**

G.S.R.....(E).— In exercise of the powers conferred by section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), read with sub-section (1) of section 50 and section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Government, on the recommendations of the Council, hereby makes the following further amendment in notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 6/2017 – Integrated Tax, dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 698(E), dated the 28<sup>th</sup> June, 2017, namely:—

In the said notification, in the first paragraph, for the first proviso, the following proviso shall be substituted, namely: —

“Provided that the rate of interest per annum shall be as specified in column (3) of the Table given below for the period mentioned therein, for the class of registered persons mentioned in the corresponding entry in column (2) of the said Table, who are required to furnish the returns in **FORM GSTR-3B**, but fail to furnish the said return along with payment of tax for the months mentioned in the corresponding entry in column (4) of the said Table by the due date, namely:--

**Table**

<b>S. No. (1)</b>	<b>Class of registered persons (2)</b>	<b>Rate of interest (3)</b>	<b>Tax period (4)</b>
1.	Taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year	Nil for first 15 days from the due date, and 9 per cent	February, 2020, March

		thereafter till 24 <sup>th</sup> day of June, 2020	2020, April, 2020
2.	Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding financial year, whose principal place of business is in the States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana or Andhra Pradesh or the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands and Lakshadweep	Nil till the 30 <sup>th</sup> day of June, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	February, 2020
Nil till the 3 <sup>rd</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		March, 2020	
Nil till the 6 <sup>th</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		April, 2020	
Nil till the 12 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		May, 2020	
Nil till the 23 <sup>rd</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		June, 2020	
Nil till the 27 <sup>th</sup> day of September, 2020,		July, 2020	

		and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	
3.	Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding 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 or the Union territories of Jammu and Kashmir, Ladakh, Chandigarh and Delhi	Nil till the 30 <sup>th</sup> day of June, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	February, 2020
Nil till the 5 <sup>th</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		March, 2020	
Nil till the 9 <sup>th</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		April, 2020	
Nil till the 15 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		May, 2020	
Nil till the 25 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020		June, 2020	

		Nil till the 29 <sup>th</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	July, 2020.”.
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[F. No. CBEC-20/06/09/2019-GST]

(Pramod Kumar)  
Director, Government of India

Note: The principal notification number 06/2017 – Integrated Tax, dated the 28<sup>th</sup> June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.698(E), dated the 28<sup>th</sup> June, 2017 and was last amended *vide* notification number 03/2020 – Integrated Tax, dated the 8<sup>th</sup> April, 2020, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 242(E), dated the 8<sup>th</sup> April, 2020.

## **(IV) CGST CIRCULARS**

**Circular No. 139/09/2020-GST**

**CBEC-20/06/03-2020 -GST  
Government of India  
Ministry of Finance  
Department of Revenue  
Central Board of Indirect Taxes and Customs  
GST Policy Wing  
\*\*\*\***

New Delhi, Dated the 10<sup>th</sup> June, 2020

To,

The Principal Chief Commissioners/Chief Commissioners/Principal Commissioners/  
Commissioners of Central Tax (All)

The Principal Director Generals/ Director Generals (All)

Madam/Sir,

**Subject: Clarification on refund related issues – reg.**

Various representations have been received seeking clarification on the issue relating to refund of accumulated ITC in respect of invoices whose details are not reflected in the **FORM GSTR-2A** of the applicant. In order to clarify these issues and to ensure uniformity in the implementation of the provisions of law in this regard across the field formations, the Board, in exercise of its powers conferred by section 168 (1) of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as “CGST Act”), hereby clarifies the issues detailed hereunder:

2. Circular No.135/05/2020 – GST dated the 31st March, 2020 states that:

*“5. Guidelines for refunds of Input Tax Credit under Section 54(3)*

*5.1 In terms of para 36 of circular No. 125/44/2019-GST dated 18.11.2019, the refund of ITC availed in respect of invoices not reflected in FORM GSTR-2A was also admissible and copies of such invoices were required to be uploaded. However, in wake of insertion of sub-rule (4) to rule 36 of the CGST Rules, 2017 vide notification No. 49/2019-GST dated 09.10.2019, various references have been received from the field formations regarding admissibility of refund of the ITC availed on the invoices which are not reflecting in the FORM GSTR-2A of the applicant.*

**Circular No. 139/09/2020-GST**

*5.2 The matter has been examined and it has been decided that the refund of accumulated ITC shall be restricted to the ITC as per those invoices, the details of which are uploaded by the supplier in FORM GSTR-1 and are reflected in the FORM GSTR-2A of the applicant. Accordingly, para 36 of the circular No. 125/44/2019-GST, dated 18.11.2019 stands modified to that extent.”*

3.1 Representations have been received that in some cases, refund sanctioning authorities have rejected the refund of accumulated ITC in respect of ITC availed on Imports, ISD invoices, RCM etc. citing the above-mentioned Circular on the basis that the details of the said invoices/documents are not reflected in **FORM GSTR-2A** of the applicant.

3.2 In this context it is noteworthy that before the issuance of Circular No. 135/05/2020-GST dated 31<sup>st</sup> March, 2020, refund was being granted even in respect of credit availed on the strength of missing invoices (not reflected in **FORM GSTR-2A**) which were uploaded by the applicant along with the refund application on the common portal. However, vide Circular No.135/05/2020 – GST dated the 31<sup>st</sup> March, 2020, the refund related to these missing invoices has been restricted. Now, the refund of accumulated ITC shall be restricted to the ITC available on those invoices, the details of which are uploaded by the supplier in **FORM GSTR-1** and are reflected in the **FORM GSTR-2A** of the applicant.

4. The aforesaid circular does not in any way impact the refund of ITC availed on the invoices / documents relating to imports, ISD invoices and the inward supplies liable to Reverse Charge (RCM supplies) etc.. It is hereby clarified that the treatment of refund of such ITC relating to imports, ISD invoices and the inward supplies liable to Reverse Charge (RCM supplies) will continue to be same as it was before the issuance of Circular No. 135/05/2020-GST dated 31<sup>st</sup> March, 2020.

5. It is requested that suitable trade notices may be issued to publicize the contents of this circular.

6. Difficulty, if any, in implementation of this Circular may please be brought to the notice of the Board. Hindi version would follow.

(Yogendra Garg)  
Principal Commissioner  
[y.garg@nic.in](mailto:y.garg@nic.in)

**CBEC-20/10/05/2020 -GST**  
**Government of India**  
**Ministry of Finance**  
**Department of Revenue**  
**Central Board of Indirect Taxes and Customs**  
**GST Policy Wing**

New Delhi, dated the 10<sup>th</sup> June, 2020

To

The Principal Chief Commissioners / Chief Commissioners / Principal Commissioners /  
Commissioners of Central Tax (All)

The Principal Director Generals / Director Generals (All)

Madam/Sir,

**Subject: Clarification in respect of levy of GST on Director's remuneration - Reg.**

Various references have been received from trade and industry seeking clarification whether the GST is leviable on Director's remuneration paid by companies to their directors. Doubts have been raised as to whether the remuneration paid by companies to their directors falls under the ambit of entry in Schedule III of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as the CGST Act) i.e. "services by an employee to the employer in the course of or in relation to his employment" or whether the same are liable to be taxed in terms of notification No. 13/2017 – Central Tax (Rate) dated 28.06.2017 (entry no.6).

2. The issue of remuneration to directors has been examined under following two different categories:

- (i) leviability of GST on remuneration paid by companies to the independent directors defined in terms of section 149(6) of the Companies Act, 2013 or those directors who are not the employees of the said company; and
- (ii) leviability of GST on remuneration paid by companies to the whole-time directors including managing director who are employees of the said company.

3. In order to ensure uniformity in the implementation of the provisions of the law across the field formations, the Board, in exercise of its powers conferred under section 168(1) of the CGST Act hereby clarifies the issue as below:

**Leviability of GST on remuneration paid by companies to the independent directors or those directors who are not the employee of the said company**

4.1 The primary issue to be decided is whether or not a ‘Director’ is an employee of the company. In this regard, from the perusal of the relevant provisions of the Companies Act, 2013, it can be inferred that:

- a. the definition of a whole time-director under section 2(94) of the Companies Act, 2013 is an inclusive definition, and thus he **may be a person who is not an employee** of the company.
- b. the definition of ‘independent directors’ under section 149(6) of the Companies Act, 2013, read with Rule 12 of Companies (Share Capital and Debentures) Rules, 2014 makes it amply clear that **such director should not have been an employee** or proprietor or a partner of the said company, in any of the three financial years immediately preceding the financial year in which he is proposed to be appointed in the said company.

4.2 Therefore, in respect of such directors who are not the employees of the said company, the services provided by them to the Company, in lieu of remuneration as the consideration for the said services, are clearly outside the scope of Schedule III of the CGST Act and are therefore taxable. In terms of entry at Sl. No. 6 of the Table annexed to notification No. 13/2017 – Central Tax (Rate) dated 28.06.2017, the recipient of the said services i.e. the Company, is liable to discharge the applicable GST on it on reverse charge basis.

4.3 Accordingly, it is hereby clarified that the remuneration paid to such independent directors, or those directors, by whatever name called, who are not employees of the said company, is taxable in hands of the company, on reverse charge basis.

**Leviability of GST on remuneration paid by companies to the directors, who are also an employee of the said company**

5.1 Once, it has been ascertained whether a director, irrespective of name and designation, is an employee, it would be pertinent to examine whether all the activities performed by the director are in the course of employer-employee relation (i.e. a “*contract of service*”) or is there any element of “*contract for service*”. The issue has been deliberated by various courts and it has been held that a director who has also taken an employment in the

**Circular No: 140/10/2020 - GST**

company may be functioning in dual capacities, namely, one as a director of the company and the other on the basis of the contractual relationship of master and servant with the company, i.e. under a contract of service (employment) entered into with the company.

5.2 It is also pertinent to note that similar identification (to that in Para 5.1 above) and treatment of the Director's remuneration is also present in the Income Tax Act, 1961 wherein the salaries paid to directors are subject to Tax Deducted at Source ('TDS') under Section 192 of the Income Tax Act, 1961 ('IT Act'). However, in cases where the remuneration is in the nature of professional fees and not salary, the same is liable for deduction under Section 194J of the IT Act.

5.3. Accordingly, it is clarified that the part of Director's remuneration which are declared as 'Salaries' in the books of a company and subjected to TDS under Section 192 of the IT Act, are not taxable being consideration for services by an employee to the employer in the course of or in relation *to* his employment in terms of Schedule III of the CGST Act, 2017.

5.4 It is further clarified that the part of employee Director's remuneration which is declared separately other than 'salaries' in the Company's accounts and subjected to TDS under Section 194J of the IT Act as *Fees for professional or Technical Services* shall be treated as consideration for providing services which are outside the scope of Schedule III of the CGST Act, and is therefore, taxable. Further, in terms of notification No. 13/2017 – Central Tax (Rate) dated 28.06.2017, the recipient of the said services i.e. the Company, is liable to discharge the applicable GST on it on reverse charge basis.

6 It is requested that suitable trade notices may be issued to publicize the contents of this circular.

7. Difficulty, if any, in the implementation of the above instructions may please be brought to the notice of the Board. Hindi version would follow.

(Yogendra Garg)  
Principal Commissioner  
[y.garg@nic.in](mailto:y.garg@nic.in)

**CBEC-20/06/04-2020 -GST**  
**Government of India**  
**Ministry of Finance**  
**Department of Revenue**  
**Central Board of Indirect Taxes and Customs**  
**GST Policy Wing**

New Delhi, dated the 24<sup>th</sup> June, 2020

To

The Principal Chief Commissioners / Chief Commissioners / Principal Commissioners / Commissioners of Central Tax (All)

The Principal Director Generals / Director Generals (All)

Madam/Sir,

**Subject: Clarification in respect of various measures announced by the Government for providing relief to the taxpayers in view of spread of Novel Corona Virus (COVID-19) - Reg.**

Circular No. 136/06/2020-GST, dated 03.04.2020 was issued by the Board on the subject issue clarifying various issues relating to the measures announced by the Government providing relief to the taxpayers. The GST Council, in its 40<sup>th</sup> meeting held on 12.06.2020, recommended further relief to the taxpayers and accordingly, following notifications have been issued:

<b>S. No.</b>	<b>Notification No.</b>	<b>Remarks</b>
1.	Notification No.51/2020-Central Tax, dated 24.06.2020.	Seeks to provide relief to taxpayers by reducing the rate of interest from 18% per annum to 9% per annum for specified period.
2.	Notification No.52/2020-Central Tax, dated 24.06.2020.	Seeks to provide relief to taxpayers by conditional waiver of late fee for delay in furnishing <b>FORM GSTR-3B</b> for specified period.
3.	Notification No.53/2020-Central Tax, dated 24.06.2020.	Seeks to provide relief to taxpayers by conditional waiver of late fee for delay in furnishing <b>FORM GSTR-1</b> for specified period.

2. The above referred notifications have amended the parent notifications through which the relief from interest for late payment of GST and late fee for delay in furnishing of **FORM GSTR-3B / FORM GSTR-1** was provided for the tax periods of February, March and April, 2020. Accordingly, the clarifications issued vide Circular No. 136/06/2020-GST, dated 03.04.2020 stand modified to the extent as detailed in the succeeding paragraphs to incorporate the decisions of the 40<sup>th</sup> meeting of the GST Council. In order to ensure uniformity in the implementation of the provisions of the law across the field formations, the Board, in exercise

of its powers conferred under section 168(1) of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as the “CGST Act”) clarifies the issues detailed below:

**Manner of calculation of interest for taxpayers having aggregate turnover above Rs. 5 Cr.**

**3.1** Vide notification No.31/2020- Central Tax, dated 03.04.2020, a conditional lower rate of interest was provided for various class of registered persons for the tax period of February, March and April, 2020. The same was clarified through Circular No. 136/06/2020-GST, dated 03.04.2020 (para 3, sl. No. 3, 4 and 5). It was clarified that in case the return for the said months are not furnished on or before the date mentioned in the notification No.31/2020- Central Tax, dated 03.04.2020, interest at 18% per annum shall be charged from the due date of return, till the date on which the return is filed.

**3.2** The Government, vide notification no 51/2020- Central Tax, dated 24.06.2020 has removed the said condition. Accordingly, a lower rate of interest of NIL for first 15 days after the due date of filing return in **FORM GSTR-3B** and @ 9% thereafter till 24.06.2020 is notified. **After the specified date, normal rate of interest i.e. 18% per annum shall be charged for any further period of delay in furnishing of the returns.**

**3.3** The calculation of interest in respect of this class of registered persons for delayed filing of return for the month of **March, 2020** (due date of filing being **20.04.2020**) is as illustrated in the Table below:

**Table**

<b>Sl. No.</b>	<b>Date of filing GSTR-3B</b>	<b>No. of days of delay</b>	<b>Interest</b>
1	02.05.2020	12	Zero interest
2	20.05.2020	30	Zero interest for 15 days, thereafter interest rate @9% p.a. for 15 days
3	20.06.2020	61	Zero interest for 15 days, thereafter interest rate @9% p.a. for 46 days
4	24.06.2020	65	Zero interest for 15 days, thereafter interest rate @9% p.a. for 50 days
5	30.06.2020	71	<b>Zero interest for 15 days, thereafter interest rate @9% p.a. for 50 days and interest rate @18% p.a. for 6 days</b>

**Manner of calculation of interest for taxpayers having aggregate turnover below Rs. 5 Cr.**

**4.1** For the taxpayers having aggregate turnover below Rs. 5 Crore, notification No.31/2020- Central Tax, dated 03.04.2020 provided a conditional NIL rate of interest for the tax period of February, March and April, 2020. The Government, vide notification no 52/2020- Central Tax, dated 24.06.2020 provided the NIL rate of interest till specified dates in the said notification and 9% per annum thereafter till 30<sup>th</sup> September, 2020. Similar relaxation of reduced rate of interest has been provided for the tax period of May, June and July 2020 also for the said class of registered persons having aggregate turnover below Rs. 5 Crore in the preceding financial year. **The notification, thus, provides NIL rate of interest till specified**

**dates and after the specified dates lower rate of 9% would apply till 30<sup>th</sup> September 2020. After 30<sup>th</sup> September, 2020, normal rate of interest i.e. 18% per annum shall be charged for any further period of delay in furnishing of the returns.**

4.2 The calculation of interest in respect of this class of registered persons for delayed filing of return for the month of **March, 2020** (for registered persons for whom the due date of filing was **22.04.2020**) and **June, 2020** (for registered persons for whom the due date of filing is **22.07.2020**) is as illustrated in the Table below:

Table

S. No.	Tax period	Applicable rate of interest	Date of filing GSTR-3B	No. of days of delay	Interest
1	<b>March, 2020</b>	Nil till the 3 <sup>rd</sup> day of July, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	22.06.2020	61	Zero interest
2			22.09.2020	153	Zero interest for 72 days, thereafter interest rate @9% p.a. for 81 days
4			22.10.2020	183	<b>Zero interest for 72 days, thereafter interest rate @9% p.a. for 89 days and interest rate @18% p.a. for 22 days</b>
4	<b>June, 2020</b>	Nil till the 23 <sup>rd</sup> day of September, 2020, and 9 per cent thereafter till the 30 <sup>th</sup> day of September, 2020	28.08.2020	37	Zero interest
5			28.09.2020	68	Zero interest for 63 days, thereafter interest rate @9% p.a. for 5 days
6			28.10.2020	98	<b>Zero interest for 63 days, thereafter interest rate @9% p.a. for 7 days and interest rate @18% p.a. for 28 days</b>

#### **Manner of calculation of late fee**

5.1 Vide notification No. 32/2020- Central Tax, dated 03.04.2020, a conditional waiver of late fee was provided for the tax period of February, March and April, 2020, if the return in **FORM GSTR-3B** was filed by the date specified in the said notification. The same was clarified through Circular No. 136/06/2020-GST, dated 03.04.2020.

5.2 The Government, vide notification No. 52/2020- Central Tax, dated 24.06.2020 has provided the revised dates for conditional waiver of late fee for the months of February, March

**Circular No.141/11/2020-GST**

and April, 2020 and extended the same for the months of May, June and July, 2020 for the small taxpayers.

**5.3** It is clarified that the waiver of late fee is conditional to filing the return of the said tax period by the dates specified in the said notification. **In case the returns in FORM GSTR-3B for the said months are not furnished on or before the dates specified in the said notification, then late fee shall be payable from the due date of return, till the date on which the return is filed.**

6. The contents of the Circular 136/06/20-GST, dated 03.04.2020 are modified to this extent. It is requested that suitable trade notices may be issued to publicize the contents of this circular.

7. Difficulty, if any, in the implementation of the above instructions may please be brought to the notice of the Board. Hindi version would follow.

(Yogendra Garg)  
Principal Commissioner  
y.garg@nic.in

## **(V) ADVANCE RULINGS**

### **1. No GST on facilitating rehabilitation of survivors of violence on women**

Case Name : **In re Swayam (GST AAR West Bengal)**

Appeal Number : Order No. 03/WBAAR/2020-21

Date of Judgement/Order : 29/06/2020

Whether an NGO facilitating rehabilitation of the survivors of violence on women are liable to pay GST?

The applicant is apparently assisting the women survivors in various ways to get back on their feet. Such survivors of sexual and other violence need services like legal aid, medical assistance, and vocational training. The recipient of such services is, therefore, not the applicant but the survivor woman. The applicant makes payments not to the supplier of the services, but as financial support in the form of reimbursement to the recipient survivor. It is, therefore, not liable to pay GST based on reverse charge mechanism on such payments.

The applicant does not charge any consideration for facilitating the legal aid and other assistance. Such activities of the applicant, therefore, does not result in 'supply' of service as defined under section 7 (1) of the GST Act. The applicant is not, therefore, liable to pay tax thereon.

### **2. NCLT appointed liquidator liable to pay GST & Register**

Case Name : **In re Mansi Oils and Grains Pvt. Ltd. (GST AAR West Bengal)**

Appeal Number : Order No. 02/WBAAR/2020-21

Date of Judgement/Order : 29/06/2020

**Whether a liquidator appointed by NCLT is liable to pay GST on asset sales and required to get registered?**

The liquidator is appointed under section 34 (1) of IBC after NCLT initiates liquidation in terms of section 33 of IBC. As the applicant – the corporate debtor – is not a going concern, the liquidator is required to sell its assets under clauses (a) to (d) of Regulation 32 of the Insolvency and Bankruptcy Board of India (liquidation process) Regulations. The sale of the applicant's assets like the plant and machinery, office equipment & furniture is, therefore, a supply of goods by the liquidator. She is required to take registration under section 24 of the GST Act.

NCLT appoints the 'resolution professional' (hereinafter RP), as defined under section 3 (27) of IBC, as the liquidator subject to her consent. If she is already registered as a distinct person of the corporate debtor in terms of **Notification No. 11/2020 – Central Tax dated 21/03/2020**, she should continue to remain registered till her liability ceases under section 29 (1) (c) of the GST Act. It may be noted that the RP/liquidator acts as the authorized person of the corporate debtor. Once an insolvency professional takes

registration as the authorized person of the corporate debtor, it remains in effect with suitable amendment in the certificate of registration if the status or person of the authorized person gets changed (refer to **Circular No.138/08/2020 – GST dated 06/05/2020**).

According to the applicant, the goods sold are plant and machineries, office equipment and furniture. They are broad categories classifiable under different HSN and taxable under appropriate SI Nos of the Schedules under **Notification No. 1/2017 – CT (Rate) dated 28/06/2017**.

### **3. No GST on imparting education via Govt approved vocational courses**

Case Name : **In re Leprosy Mission Trust India (GST AAR West Bengal)**

Appeal Number : Order No. 01/WBAAR/2020-21

Date of Judgement/Order : 29/06/2020

Whether imparting vocational training recognized by Govt of India makes an entity eligible for exemption from GST?

Clause h(ii) of the Exemption **Notification 12/2017 – Central Tax (Rate) dated 28/06/2017** defines an ‘approved vocational course’ as a modular employable skill course, approved by NCVT and run by a person registered with the Directorate General of Training, Ministry of Skill Development and Entrepreneurship. BEMVT is registered with DGET and its courses on formal trade skills of diesel mechanic, welder and sewing technology, as mentioned in the Table in para 2.2 above, are approved by NCVT. It is, therefore, imparting education as a part approved vocational education courses. The applicant is, therefore, an educational institution in terms of clause 2(y)(iii) of the Exemption Notification, and its supplies to the students, faculty and staff relating to the courses imparting skills of diesel mechanic, welder and sewing technology are exempt in terms of Entry 66 (a) of the Exemption Notification.

### **4. Site where employees are deputed for machine maintenance qualifies as fixed establishment : AAR**

Case Name : **In re IZ-Kartex named after P G Korobkov Ltd (GST AAR West Bengal)**

Appeal Number : Advance Rulings No. 04/WBAAR/2020-21

Date of Judgement/Order : 29/06/2020

It is evident from the above discussion that the MARC Holder maintains suitable structures in terms of human and technical resources at the sites of BCCL. It ensures supervision of the equipment, supply of spares and consumable and overheads for 5000 annual working hours for seventeen years, indicating sufficient degree of permanence to the human and technical resources employed at the sites. The MARC Holder, therefore, supplies the service at the sites from fixed establishments as

defined under section 2 (7) of the IGST Act. The location of the supplier should, therefore, be in India in terms of section 2 (15) of the IGST Act.

Supply of the MARC Holder to BCCL is not, therefore import of service within the meaning of section 2 (11) of the IGST Act. The MARC Holder should be treated as a supplier located in India triggering clause 9.2.2 of the MARC, and made liable to pay GST, the place of supply being determined in terms of section 12 (2) (a) of the IGST Act. The applicant, being the registered branch of the Foreign Company, should be treated as the domestic MARC Holder in terms of clause 9.2.2 of the MARC and be liable to pay tax accordingly.

## **5. GST on Supply in State to Recipient registered in other State**

Case Name : **In re High Tech Refrigeration & Air conditioning Industries (GST AAR Goa)**

Appeal Number : Advance Ruling No. GOA/GAAR/5 of 2019-20/530

Date of Judgement/Order : 29/06/2020

Where the goods are delivered by the supplier to a recipient or any other person on the direction of a third person, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to the goods or otherwise, it shall be deemed that the said third person has received the goods and the place of supply of such goods shall be the principal place of business of such person.

The nature of supply made by the applicant in this case is to be treated as a supply of goods in the course of interstate trade or commerce and tax is to be charged accordingly.

## **6. 18% GST Applicable on Hand Sanitizers: AAR Goa**

Case Name : **In re Springfields (India) Distilleries (GST AAR Goa)**

Appeal Number : Advance Ruling No. GOA/GAAR/1 of 2020-21/531

Date of Judgement/Order : 29/06/2020

Hand Sanitizers manufactured by the applicant are of the category of Alcobased hand sanitizers and are classifiable under heading 3808 of HSN to which rate of GST applicable is 18%. As far as exempting hand sanitizers as essential commodity since it is classified as such by Ministry of Consumer Affairs, Food and Public Distribution, this Authority is of the view that Exempted goods are covered by Notification no. 2 /2017/- Central Tax (Rate) dated 28/06/2017. Merely classifying any goods as essential commodity will not be the criteria for exempting such Goods from GST.

## **(VI) COURT ORDERS/ JUDGEMENTS**

### **1. Bail Granted for offense of Wrongful Availment of ITC under GST**

Case Name : **Mohit Vijay Vs Union Of India (Rajasthan High Court)**

Appeal Number : S.B. Criminal Miscellaneous Bail Application No. 7605/2019

Date of Judgement/Order : 02/06/2020

In the present case, petitioner filed bail application u/s 439 CrPC for the offense of wrongful availment of **Input Tax Credit** under Section 132(1)(b)(c)(f)(j) and (l) of the Central Goods and Service Tax Act, 2017.

High Court States that, the grant or denial is regulated, to a large extent, by the facts and circumstances of each particular case. But at the same time, right to bail is not to be denied merely because of the sentiments of the community against the accused. Further, they said while keeping in view that the petitioners are already in jail for 450 days and no further investigation or recovery is to be made for the purpose of the case, even their account has also been seized Hence bail should be granted to the petitioner subject to submitting a bail bond in the sum of Rs.1,00,000/- along with one surety of the like amount subject to some conditions.

### **2. Closure of Branch irrelevant for Determination of Tax Liability under KVAT on Compounding basis**

Case Name : **Assistant Commissioner (KVAT) Vs Kunnathukalathil Jewellers (Kerala High Court)**

Appeal Number : WA.No. 2318 of 2017

Date of Judgement/Order : 05/06/2020

Explanation 8 of Section 8(f) of Kerala Value Added Tax Act, 2003 provided for deduction of the business of a branch which had remained closed during the whole of the year 2009-10. There is no absurdity in the provision nor can it be found unworkable. Hardship, definitely could be pleaded but is no ground against the taxing statute especially one which provided an alternate mode from that of the rigour of a regular assessment which also was available as an alternative option. The assessee had a choice not to opt under the compounding provision. Having so opted, he cannot plead hardship and seek modification of the very computation provided in the alternate mode.

The option available was very clear insofar as the tax payable under the compounding scheme to be at a percentage above the tax liability of the previous year. The assessee with open eyes applied under the scheme and obtained permission. There was no cause for any exclusion since the closed down branch had business in the previous year for which tax was also paid at the compounded rate. Coming to the relevant years, 2011-12 and 2012-13 again the assessee could not have claimed any deduction since the provision remained as such. If the assessee had closed the branch mid-year in 2009-10, then Kairali Jewellery would have applied and could have claimed

proportionate reduction in that year of option, which would have reflected in the subsequent years, if opted. The assessee however carried on that branch's business for the entire year.

*Builders Association (supra)* works against the assessee. The alternate method of compounding as held by the Hon'ble Supreme Court saves the assessee from the botheration of book keeping, assessment and appeals and all that it means. As found by the Hon'ble Supreme Court, there is no necessity to enquire and determine the extent or value of goods transferred or the rate applicable to them and so on. The compounding provision evolves a rough and ready method of assessment of tax and leaves it to the assessee to either opt to it or be governed by the normal method. It is merely an alternative method of ascertaining the tax payable which could be availed of by a dealer, if he feels the same advantageous to him. There is no compulsion on the assessee to opt under the compounding scheme.

We do not think that any exclusion of a liability for the previous year can be granted under the provisions under Section 8(f) as it existed in the year 2011-12 and 2012-13. The closure of branch on 31.03.2010 is irrelevant insofar as the tax liability determined in the years 2011-12 and 2012-13 on the basis of the tax conceded or paid in the three consecutive years preceding the year under option.

### **3. Reimbursement of sales tax levied on taxable turnover of works contracts was allowable to contractor company**

Case Name : **State of Orissa Vs B. Engineers & Builders Ltd. (Supreme Court)**

Appeal Number : Civil Appeal No. 2516 of 2020

Date of Judgement/Order : 05/06/2020

**Conclusion:** The claim of the contractor company for reimbursement of the amount of sales tax levied on the taxable turnover of the works contracts executed by it, i.e., with reference to the expression 'completed item of work' in the said Clause 45.2 and with reference to the stipulations contained in Clauses 13.3 of ITB and 45.1 of GCC, were wholly untenable and appellant and its contracting offices were under obligation to honour the claim so made by the contractor company.

**Held:** Assessee was a company of engineers and builders, who had been engaged in undertaking various works contracts, responded to the tenders floated by the Government of Orissa and, on being determined as the lowest tenderer, was awarded the contracts from time to time. The claim of assessee for reimbursement of sales tax had been essentially based on Clause 45.2 of GCC, which carried the stipulation that any Central or State sales tax and other taxes on completed items of works (excluding penalty), as may be levied and paid by the contractor shall be reimbursed by the employer on proof of payment (and) on production of assessment certificate. On 04.11.1986, the Government of Orissa issued a Circular to the effect that in case of works contract executed on or after 07.04.1984, containing the specific clause for reimbursement of sales tax, the Department of Irrigation and Power would be liable for reimbursement of the amount of sales tax actually paid by the concerned contractor on production of necessary documentary evidence. Thereafter, on 07.11.2001, the

State Government, in its Department of Water Resources, issued the impugned Circular, said to be a clarificatory one, stating that a completed item of works, for which the contractor had entered into an agreement with the department, was either an immovable property or a works contract and in either case, was not exigible to sales tax; and therefore, the question of payment of sales tax on such immovable property or works contract and consequential reimbursement by the department as per Clause 45.2 of the General Conditions of Contract, or similar provision in other contracts, did not arise. These directions of the Government were followed up by another Circular dated 19.06.2002 to the same effect. In view of the aforementioned Circulars dated 07.11.2001 and 19.06.2002, its claim, for reimbursement of the sales tax paid, being in jeopardy and rather, the proposition for recovery of the amount already reimbursed looming large, the contractor company preferred the writ petition leading to this appeal. It was held that it was clear that while the contractor could not claim any payment towards the taxes/duties/royalties etc. on the goods/materials purchased by it for performance of the contract but that did not disentitle the contractor from claiming reimbursement of the sales tax levied upon it by the employer, of course after proof of payment/assessment. It was also pertinent to mention that assessee only claimed reimbursement of the sales tax paid by it on the turnover of the works contract and not of any tax or duty or royalty paid by it on the material procured for the purpose of execution of the works contract. *A fortiori*, the grounds on which the appellant seeks to resist the claim of the contractor company for such reimbursement, i.e., with reference to the expression “completed item of work” in the said Clause 45.2 and with reference to the stipulations contained in Clauses 13.3 of ITB and 45.1 of GCC, were wholly untenable and the appellant and its contracting offices were under obligation to honour the claim so made by the contractor company. As noticed, in the Circular dated 04.11.1986, the State Government expressed the view that the reimbursement in question was required to be allowed in terms of Clause 45.2 of GCC but later on, in the Circular dated 07.11.2001, the State Government took a diametrically opposite view to say that such reimbursement was not to be allowed in relation to the works contract. Such vacillating understanding on the part of the State Government could not be determinative of the contractual obligations of the parties, which were required to be decided with reference to the principles of law applicable and on true construction of the terms of contract. On a comprehensive reading of the Circular dated 04.11.1986, it was evident that the State Government was fully conscious of its obligation towards reimbursement under the existing terms of contracts and hence, issued directions for due discharge of such obligation with necessary safeguards and, at the same time, provided that henceforth, neither such a clause be inserted in the contract documents nor any tender containing such a clause or condition be accepted. The propositions in the said ill-advised Circular dated 07.11.2001 stood disapproved.

#### **4. HC quashes Ex-Parte order passed without hearing petitioner during Covid-19 Pandemic**

Case Name : **Remankhan Belin Vs State of Gujarat (Gujarat High Court)**

Appeal Number : R/Special Civil Appeal No. 7307 of 2020

Date of Judgement/Order : 08/06/2020

It is an admitted position that the impugned order dated 14.5.2020 is passed without hearing the petitioner and only on the short ground, the impugned order dated 14.5.2020 is hereby quashed and set aside and the authorities concerned shall pass a fresh order on merits without being influenced by the order impugned after giving an opportunity of hearing to the petitioner. The petitioner shall remain present for hearing on the date fixed by the authorities and the authorities shall inform the petitioner in advance. It is, however, clarified that this Court has not examined the issue involved in the proceedings before the authorities and the impugned order is quashed and set aside only on the ground of non-hearing.

#### **5. Wrongful Availment of ITC – Anticipatory Bail granted on bond of Rs.10 lacs**

Case Name : **Sri Hanumanthappa Pathrera Lakshmana Vs State of Karnataka (Karnataka High Court)**

Appeal Number : Criminal Petition No. 2419 of 2020

Date of Judgement/Order : 11/06/2020

**The issue under consideration is that the petitioner filed writ petition for seeking grant of anticipatory bail, whether HC allow him the grant or not?**

In the present case, the petitioner is the proprietor of M/s. Sri Om Traders, registered dealer under the provisions of the CGST Act and the SGST, dealing in both ferrous and non-ferrous scrap. During his regular course of business, he has purchased goods from various registered and unregistered dealers and issued tax invoices as per law. He has collected the taxes and remitted to the Government as per the CGST and the SGST Act. The respondent has issued a summon to appear before an Officer and prior to that on the same day, the respondent has conducted an inspection of the business premises and drawn a mahazar. Another notice issued by the respondent to appear before K. Venumadhava Reddy. The petitioner is ready to appear before the respondent and co-operate with the investigation. However, the respondent has already collected all the documents and completed their investigation and the petitioner has apprehended his arrest in the hands of the respondent for the offense punishable under Section 132(5) of the CGST Act.

HC states that the petitioner is said to have involved fraudulent involvement of input tax credit on the basis of invoices without actual supply of goods in contravention of Section 16 of the CGST Act and caused loss to the ex-chequer for Rs.9.05 crore approximately. Therefore, in case the petitioner is arrested, he is likely to remand to the judicial custody, after his production before the Magistrate and by looking to the present COVID-19 situation, if he is remanded to the judicial custody, he will be put to hardship and definitely, his health would likely to affect.

The offences are not punishable with death or imprisonment for life. There is no statutory bar in the CGST Act for granting anticipatory bail by exercising power under Section 438 of the Cr.P.C. Merely, there were number of notices/summons issued by the respondent during the lockdown for COVID-19 that itself is not a ground to reject the bail petition. Considering the fact and circumstances of the case, if an anticipatory

bail is granted, no prejudice would be caused to the respondent. Accordingly, HC grant the anticipatory bail to the petitioner subject to some conditions and personnel bond of Rs 10 lakhs.

#### **6. Colgate Palmolive: Detained goods released on deposit of Tax & 10% penalty**

Case Name : **Colgate Palmolive India Ltd. Vs State of Gujarat (Gujarat High Court)**

Appeal Number : R/Special Civil Application No. 7378/2020

Date of Judgement/Order : 11/06/2020

In the present case, the petitioner has averred that the petitioner placed an order to its unit located at Goa for the supply of dental cream flavour which is one of the basic raw materials for manufacturing of oral or dental paste and the same had been issued by the Goa Unit. The Goa Unit had issued the E-way bill incorporating all the details as required in terms of provisions of E-way Rules, however, the address of the place of the delivery in the E-way bill was inadvertently mentioned as Vadodara Warehouse unit instead of factory address of Ahmedabad of the petitioner. Consequently, the goods have been detained and the show-cause notice has been issued.

High Court states that while considering the issue of closure of the business in the pandemic for a long time and since it is human technical error in both the invoices as well as E-way bill, they directed Colgate Palmolive to deposit the entire tax and 10% of the amount of penalty for now with the department, by way of a bank guarantee, initially for the period of 90 days or till the pendency of Petition, whichever is later. On deposit of the total amount of tax and furnishing of the bank guarantee with the department within three days as directed, the release of the truck shall be made within 48 hours, with the goods subject to the furnishing of proof of such amount.

#### **7. Bogus GST Bill / ITC- HC grants anticipatory bail to accused**

Case Name : **Abhishek Modgil Vs State of U.T. Chandigarh (Punjab and Haryana High Court)**

Appeal Number : CRM-M-14113 of 2020 (O&M)

Date of Judgement/Order : 12/06/2020

The High Court of Punjab and Haryana granted anticipatory bail to a 24-year-old youth accused of committing tax evasion to the tune of over Rs 4 crore by generating bogus invoices of sales and purchases.

#### **8. Detained Tobacco Product Released on Payment of GST with Penalty**

Case Name : **Om Sai Traders Vs The State Tax Officer (Gujarat High Court)**

Appeal Number : R/Special Civil Application No. 7395 of 2020

Date of Judgement/Order : 15/06/2020

The applicant file Writ Petition for seeking relief from the show cause notice issued by the GST department u/s 130 of GST Act and applying to release of the detained Tobacco goods from their custody.

High Court states that, they are not able to interfere with the impugned show cause notice issued by the authority under Section 130 of the Act. They are of the view that the authority should be permitted to adjudicate the show cause notice in accordance with law. However, it noted that Tobacco products are likely to get damaged upon the onset of monsoon, so must be released after payment of Tax and Penalty. Further, to secure the interest of the State, HC direct the writ applicant to furnish Bank Guarantee Equal to the value of the goods detained.

### **9. Brand Equity judgment continue to apply despite retrospective amendment to Section 140: Delhi HC**

Case Name : **SKH Sheet Metals Components Vs Union of India & Ors. (Delhi High Court)**

Appeal Number : W.P.(C) 13151/2019

Date of Judgement/Order : 16/06/2020

Delhi High Court in its judgment pronounced today has held that judgment in Brand Equity will continue to apply in spite of retrospective amendment to Section 140 by **The Finance (Amendment) Act, 2020**.

It is argued that in view of retrospective amendment to Section 140 of the **CGST Act, 2017**, introduced by the Finance (Amendment) Act, 2020, there has been a relevant change in circumstances and thus the above-said decision is no longer valid. The power to prescribe a time limit for filing TRAN-1 has been provided by the insertion of words 'within such time' in Section 140 with retrospective effect from 1st July, 2017. It has been argued that now that the amendment specifically provides for prescribing a time limit for filing TRAN- 1 Form, the period so provided under Rule 117 would have legal sanctity and therefore the factor which weighed with this Court to hold that the limitation period provided under Rule 117 for filing TRAN- 1 is merely directory and not mandatory, no longer holds good.

The above amendment to Section 140 came to be notified on 18<sup>th</sup> May 2020, vide **notification No. 43/2020 dated 16<sup>th</sup> May 2020**. Thus, the said amendment came into force after the date of the decision in **Brand Equity** (Supra). The said amendment was also not cited before the Court to contest the petitions. With that being said, since, there is no specific challenge to the amendment introduced by Section 128 of the Finance (Amendment) Act, 2020, we do not want to venture into legality of the said provision *viz-a-viz* the judgment of **Brand Equity (Supra)**.

Nevertheless, all things considered, in spite of the amendment, we can say without hesitation that the said decision is not entirely resting on the fact that statute [CGST Act] did not prescribe for any time limit for availing the transition of the input tax credit. There are several other grounds and reasons enumerated in the said decision and

discussed hereinafter, that continue to apply with full rigour even today, regardless of amendment to Section 140 of the CGST Act.

#### **10. Open GST Portal by 19.06.2020 for filing of Form GST Trans-1: HC**

Case Name : **Mangla Hoist P. Ltd. Vs Union of India (Delhi High Court)**

Appeal Number : W.P.(C) No. 3572/2020

Date of Judgement/Order : 17/06/2020

Admittedly, the judgment in Brand Equity Treaties Limited (supra), has not been stayed so far and therefore, the respondents are under an obligation to abide by the directions issued therein by adequately publicising the said decision and uploading it on their website as also by opening its common portal to enable the petitioner and all similarly placed parties to upload Form GST Trans-1, for claiming CENVAT tax credit. The respondents are directed to ensure compliance of the captioned judgment by 19.06.2020, particularly since the cut of date fixed by the court in the said case is 30th June, 2020, which would leave only ten clear days for the petitioner and similarly placed assesseees to take necessary steps.

#### **11. Permit Petitioner to upload TRAN-I on or before 30.06.2020: HC**

Case Name : **Amba Industrial Corporation Vs Union of India & Anr. (Punjab and Haryana HC)**

Appeal Number : CWP No.8213 of 2020(O&M)

Date of Judgement/Order : 18/06/2020

In view of decision of this Court in the case of Adfert Technologies Pvt. Ltd. (Supra) and Delhi High Court in the case of Brand Equity Treaties Ltd. (Supra) present petition deserves to be allowed and accordingly allowed. The Respondents are directed to permit Petitioner to upload TRAN-I on or before 30.06.2020 and in case Respondent fails to do so, the Petitioner would be at liberty to avail ITC in question in GSTR-3B of July 2020. No doubt, the respondents would be at liberty to verify genuineness of claim(s) made by Petitioner.

#### **12. GST: HC cannot be made middle authority between Tax & Appellate Authority**

Case Name : **L&T Hydrocarbon Engineering Limited Vs State of Karnataka (Karnataka High Court)**

Appeal Number : Writ Petition No. 7883 of 2020

Date of Judgement/Order : 18/06/2020

Learned Additional Government Advocate Sri.Vikram Huilgol for respondent No.2 submits that the appeal under Section 107 of **Central Goods and Services Tax Act,**

**2017** are to be filed before the appellate authority. As such the petitioner cannot be so hurry and invoke writ remedy under Article 226 of the Constitution of India.

Learned Additional Government Advocate would further submit that it cannot be concluded that the order is only clerical error and misreading of the quantity of the goods. He would further submit that the petitioner claims that he has brought the fact of error to the notice of the respondent No.2 but it was not agreed upon and hence error cannot be treated as a clerical one.

In the overall context and circumstances the brief point for consideration in the form of moot question would be 'whether the result of imposing of tax and penalty is a mere wrong reading of the table or wrong calculation that could have been avoided by the respondent No.2'. If the error is not a clerical error that could have been done away by respondent No.2 and the matter becomes appealable.

The appellate authority is stated to be Joint Commissioner of Commercial Taxes in the matter similar to the present one. Thus, when the appeal is provided and the authority is notified as stated above whether the Joint Commissioner or other authority the matter has to be agitated before the same and the writ remedy cannot be invoked by making High Court as middle authority or cannot be placed in between the prescribed authority (respondent No.2) and appellate authority as per Section 107 of the Central Goods and Services Tax Act.

### **13. SC stays Delhi HC decision in case of Brand Equity -Transitional credit**

Case Name : **Union of India Vs Brand Equity Treaties Limited & Ors. (Supreme Court)**

Appeal Number : Special Leave To Appeal (C) No(S). 7425-7428/2020

Date of Judgement/Order : 19/06/2020

Supreme Court has stayed Delhi HC decision in case of Brand Equity Treaties Limited Vs Union Of India which permitted the assessee to file **Form Tran-1** on or before June 30, 2020.

Earlier in In Brand Equity case Delhi High Court has directed the Department to allow all assesseees to claim input tax credit in TRAN-1 by 30.6.2020. The direction would apply to all those who could not file TRAN-1 and claim input tax credit. The court has further directed that it should be advertised that all taxpayers who have not filed TRAN 1 can do so by 30.6.2020. The judgment was applicable to all irrespective of whether the taxpayer has approached the court or not.

#### **Extract of SC Order**

Issue notice. To be heard along with SLP(C) No. 26626 of 2019 and SLP (C) D. No. 38404 of 2019. In the meantime, the operation of the impugned order shall remain stayed.

#### **14. HC rejects writ challenging legal validity of CGST Rule 142(1)(a)**

Case Name : **Mahavir Enterprise Vs Assistant Commissioner Of State Tax (Gujarat High Court)**

Appeal Number : R/Special Civil Application No. 7613 of 2020

Date of Judgement/Order : 22/06/2020

Therefore, to sum up, the High Court can interfere under Article 226 of the Constitution of India against a show cause notice where the same is issued by an authority in exercise of the power which is absent; the facts does not lead to commission of any offence; the show cause notice is otherwise without jurisdiction; it suffers from incurable infirmity; against the settled judicial decisions or the decisions of the Tribunal and bereft of material particulars justifying commission of offence.

Rule 142 of the Rules, which provides that the proper officer shall serve, along with the notice under Section of the Act, a summary thereof electronically in form GST DRC – 01, the quick reply was that Rule 142(1)(a) is ultra vires as a result of excessive delegation. Rule 142 is specifically with respect to “notice and order for demand of amounts payable under the Act”.

We find no merit in the contention of Appellant that Rule 142(1)(a) is invalid in any manner.

A rule under delegated legislation can be held to be ultra vires the statutory provisions of the Act if it is shown :

(i) that it is beyond the scope of or in excess of the rulemaking power of the delegate conferred under the Act, or

(ii) that it is in conflict with or repugnant to any enactment in the Act.

We have already quoted Section 164 of the Act which provides for the power to make rules. It may be noted that Section 164 of the Act confers power on the Central Government to frame the rules. Under Section 164 of the Act, the Central Government has the power to make rules generally to carry out all or any of the purposes of the Act.

In our opinion, Rule 142(1)(a) of the Rules, 2017 is valid and is no manner conflict with any of the provisions of the Act.

#### **15. Transitional ITC Credit on stock claimable within three years: HC**

Case Name : **Subhas & Company Vs Commissioner of CGST (Calcutta High Court)**

Appeal Number : W.P.5585 (W) of 2020

Date of Judgement/Order : 24/06/2020

**The issue under consideration is whether the petitioner is entitled to get an opportunity to file the declaration in CGST TRAN –2 in order to be allowed to**

## **take transitional Credit on account of inputs held in stock as on the appointed date?**

In present case, in order to comply with the GST regime the petitioner, duly filled up an SGST TRAN-I within time and mentioned all the details required to be filled up in said SGST. In order to claim the transitional credit in case of stock of goods as on the appointed date but while trying to file a GST TRAN-II the same could not be filed because the utility was not availed till 27 December 2017. The utility was made available only after the due date to file GST TRAN-I. Even after the due date technical issues while filing the transitional form in FORM GST TRAN-I and TRAN-II was there and hence could not file the same within the stipulated due date.

High Court states that the provisions of transitional credit being directory in nature, insofar as it prescribes the time-limit for transitioning of credit and therefore, the same would not result in the forfeiture of the rights, in case the credit is not availed within the period prescribed. This, however, does not mean that the availing of CENVAT credit can be in perpetuity. Transitory provisions, as the word indicates have to be given its due meaning. Transition from pre-GST Regime to GST Regime has not been smooth and therefore, what was reasonable in ideal circumstances is not in the current situation. In absence of any specific provisions under the Act, HC would have to hold that in terms of the residuary provisions of the Limitation Act, the period of three years should be the guiding principle and thus a period of three years from the appointed date would be the maximum period for availing of such credit. The petitioner has attempted to file TRAN within the time limit framed under the Rule. In the context of what has been stated discussed above, this court directs the respondent authorities to reopen the form TRAN II or accept manual filing of GST TRAN II to allow the petitioner to claim transitional credit held in stock as on the appointed date after proper verification including the invoices submitted by the petitioner. It is made hereby clear that such exercise has to be completed within 30.06.2020 so as to enable the petitioner to submit his GST TRAN II.

## **16. HC stays Interest, Penalty & Investigation imposed by NAA in Phillips India case**

Case Name : **Phillips India Limited Vs Union of India & Ors. (Delhi High Court)**

Appeal Number : W.P.(C) 3737/2020

Date of Judgement/Order : 25/06/2020

In present case, writ petition is filed for challenging the order passed by National Anti-Profiteering Authority (NAA) under the **Central Goods and Services Tax Act, 2017**.

It has been held that the petitioner had contravened the provisions of Section 171 of CGST Act and thereby had profiteered on the sale of its “food processor” product. The Authority has directed the petitioner to reduce the price of its “food processor” and deposit the profiteered amount of Rs.4,53,949/- within a period of three months from the date of receipt of the order, along with interest calculated at the rate of eighteen per cent from the date of collection of the amount from the recipients till the date of deposit.

High Court directed the Petitioner company to deposit Rs.4,53,949/- with Central and State Consumer Welfare Boards within three months. Further, the interest amount as well as penalty and further investigation with regard to other impacted products as well as the letter dated 11th June, 2020 issued by the Director General of Anti Profiteering are stayed till further orders.'

### **17. HC grants Bail in GST Evasion case considering Clean Criminal History**

Case Name : **Shahzad Alam Vs State of U.P. and Another (Allahabad High Court)**

Appeal Number : Criminal Misc Anticipatory Bail Application U/S 438 Cr.P.C. No. 3458 of 2020

Date of Judgement/Order : 26/06/2020

In the present case, the applicant is requesting bail against the case raised under sections 420, 424, 467, 468, 120B IPC and section 122/132 U.P. Goods and Service Tax Act, 2017 for allegation of tax evasion under GST Act. The applicant was doing business of generator in one rented house. There is an allegation against him that he has evaded the tax under GST Act. There is no criminal history against the accused-applicant.

High Court state that, taking into consideration the gravity of accusation, there being no criminal antecedents of the applicant and there being no possibility of his fleeing from justice, without expressing any opinion on the merits of the case, the applicant is entitled to be released on anticipatory bail in this case on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Station House Officer of the police station concerned.

### **18. Wrong ITC availment – HC order DGGI to complete Investigation in 3 months**

Case Name : **Watermelon Management Service Private Limited Vs Commissioner of Central Tax, GST (Delhi High Court)**

Appeal Number : W.P.(C) 3618 of 2020

Date of Judgement/Order : 29/06/2020

**The issue under consideration is whether the contention of the petitioner that the provisional attachment for wrong availment of ITC is without jurisdiction and illegal is correct?**

In the present case, GST department has conducted search in the registered premises of 8 input suppliers of M/s WMSPL who were suspected of supplying only invoices without actually supply of goods/services. All 8 premises were either found to be non-existent and in case the addresses were found, they were not being used by the registered suppliers of M/s WMSPL. Hence, it is evidence that the above mentioned 8 suppliers were created solely for the purpose of passing on fake ITC. During investigation it was also found that another company by the name of M/s Watermelon HR Services Private Limited (Part of Watermelon group) also appeared to have

availed fake ITC from the same non-existent suppliers that are suspected to have provided fake ITC to M/s Watermelon Management Services Private Limited. Therefore, their Bank account has been provisionally attached.

High Court states that keeping in view the serious allegations that have been levelled against the petitioner by the officers of DGGI as well as by the Commissioner of CGST, Delhi (East), this Court is of the view that ends of justice would be met if the DGGI is directed to conclude the investigation in the present case within a period of three months. Needless to say, petitioner including its Directors shall cooperate with the respondents in the investigation of the present case. Further, if upon conclusion of investigation DGGI is satisfied with the stand of the petitioner, then it shall close the proceeding and if not, issue an appropriate show cause notice in accordance with law.

### **19. Fake ITC: HC modifies Bail Conditions considering COVID-19**

Case Name : **A. Mohideen Vs The Senior Intelligence Officer (Madras High Court)**

Appeal Number : Crl.O.P.Nos.5991 and 6461 of 2020

Date of Judgement/Order : 30/06/2020

In the present case, the petitioners have been arrested for the offense under Section 132(1)(b) and (c) and 132(5) of the **CGST Act 2017** and since the final report was not filed by the respondent they have been granted bail. Despite the bail order being passed, the petitioners are unable to come out since they are unable to comply with the condition of payment of cash due to **COVID-19 pandemic**. Further in lieu of non payment of cash, a submission has been made by the counsel for the petitioners that two sureties will be able to deposit documents of immovable properties each worth Rs.20 lakhs for each of the petitioners within a time frame fixed by this Court. Hence they are requesting High Court to modify the bail conditions.

High Court therefore taking into consideration the facts and circumstances of the case, set aside statutory bail order imposing 5 Lakhs against the person alleged for availing fake Input Tax Credit (ITC) and the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.50,000/- each, before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on their release. Also, each of the petitioners shall furnish two sureties who shall deposit title deeds of immovable properties each to the value of Rs.20 lakhs before the Additional Chief Metropolitan Magistrate.