



The Institute of Chartered Accountants of India

(Setup by an Act of Parliament)

Hyderabad Branch of SIRC

E-Newsletter

www.hydicai.org

Volume 24 / Issues 11 / November, 2022

hyderabad@icai.org





Chairman Writes



Dear Professional Colleagues,

Warm Greetings!

At the outset I convey my best wishes to the students who are going to appear in CA Final & Intermediate Examination November 2022.

I hope that our professional brethren have successfully completed the Tax Audit. The ensuing months are undoubtedly continue to be the busiest seasons for us with timelines for Annual Returns for Tax Audit, ITR For Audit cases and Corporates , MCA filing, etc. We will continue to out perform our deliverables despite challenges in spite of shortage of staff, list minute clients arrivals etc,.

CONVOCATION 2022

My hearty congratulations to all the newly qualified Chartered Accountants for celebrating the achievement of Convocation. Team Hyderabad branch of SIRC of ICAI has coordinated for Convocation 2022 held at Hyderabad on October 6, 2022 at Shilpakala Vedika, Madhapur, Hyderabad. Chief Guest of the program was Shri. G Kishna Reddy, Minister of Tourism of India. It's important to honour Graduates achievement and at the same time acknowledge that they are starting a whole new chapter of their life in CA practice or employment.

Programmes held during October 2022

Hyderabad branch has organised CPE program on professional interest, Investor Awareness Program- Forex Risk Management, Investor Awareness Program – Wisdom of Equity Investment, Global opportunities for CAs, ROC filing Practical Aspects and Challenges & Taxation Aspects of Deceased Person/ Defunct Entities distinguished speakers addressed and enriched the members by sharing their practical exposure on the same.

MEGA EVENTS

I thank all the members for joining MSME Yatra & Setu as a part of 75 days 75 Programmes in 75 Cities organised by Committee on MSME and Startup hosted by Hyderabad branch of SIRC of ICAI jointly with The Federation of Telangana Chambers of Commerce and Industry (FTCCI) on October 27, 2022 at K L N Prasad Auditorium, FTCCI. MSME Yatra Bus was flagged by Shri. Krishna Bhaskar, IAS Director Industries Govt. of Telangana had praised ICAI for taking such initiative and efforts in taking MSME financiers and providing plat from of all major instructions to the door steps of the stake holders. The programme had a knowledge enhancement session with the presentation



by senior officials SBI, SIDBI, DFO, NSIC, INDIA EXIM BANK OF INDIA & INVOICE MART. CA Rajambal MS, Managing Committee Members spoke on CA –Swift Responder to MSME needs.

My special thanks to Central Council Members, Regional Council Members, CA. M Devaraja Reddy M, Past President, ICAI, CA. Laxminiwas Sharma, Past Central Council Member, CA. G Subba Rao, Past Regional Council Member and my colleagues in managing committee for making the event grand success.

We also conducted interactive meeting held on 15th October 22 with empaneled career counsellor of Hyderabad branch for Super Mega Career Counselling Program organised by Career Counselling Group of ICAI Hosted by Hyderabad branch of SIRC of ICAI held on 31st October, 2022. This was one of the first of its kind meeting to give platform and support from branch to career counsellors to reach out to maximum institution.

I have pleasure to inform that We have conducted of Super Mega Career Counselling in a very grand way. Managing Committee members along with counsellors parallelly put the effort able to reach more than 6000 students including remote places of Telanganastate.

We also submitted Pre-Budget Memorandum of 2023 for Direct Tax & Indirect Taxes. I thank the Convenor of Direct Tax & Treasurer CA Girdhari Lal Toshniwal and Vice Chairman & GST Study Circle Convenor CA Satish Kumar Mylavarpu and all the group members for deliberate discussion and meetings to submit Pre-Budget Memorandum for 2023 on behalf of Hyderabad Branch.

Students

Major forthcoming Programmes of Hyderabad Branch of SIRC of ICAI:

International Conference for CA Students: It is a very big event after a long gap International Conference is being hosted by Hyderabad Branch of SICASA & Hyderabad Branch of SIRC of ICAI. This conference is hosted under the aegis of SSEB, Board of Studies, ICAI I request all the members to disseminate this information to their article assistants, enabling them to attend this conference and enlighten themselves through host of expert speakers.

54th Regional Conference of SIRC of ICAI "Vridhi" (Limitless growth) is scheduled on 9th & 10th December at Shilpakala Vedika,. The Conference has got best of the speakers and it will be a feast of knowledge with excellent takeaways. Hyderabad is well known for its hospitality and practices Atithi Devo Bhava in its true spirit. Hyderabad conferences are best known for its delicious cuisines and fellowship. Do not miss this rare and unique opportunity to enjoy the conference.



We look forward for your participation in large numbers. Please also inform your colleagues in the profession to join with you to be part of this unforgettable event. Together, let us make this conference a grand success.

Signing off with a quote:

“Experience is not what happens to a man, it is what a man does with what happens to him.”

Yours Sincerely

CA. Deepak Ladda
Chairman
hyderabad@icai.org



**Southern India Regional Council of
The Institute of Chartered Accountants of India**
(Setup by an Act of Parliament)



54th

**REGIONAL CONFERENCE
of SIRC of ICAI**

CPE: 12 Hrs

Date:

**09th Dec 2022 (Friday) &
10th Dec 2022 (Saturday)**

Time :

09.00 A.M. to 06.00 P.M.

Venue:

SHILPAKALA VEDIKA
Hi-Tech City, Main Road,
Madhapur, **Hyderabad**, Telangana,
INDIA - 500081.

For Registration

1. Scan this QR Code



Registration through	DELEGATE FEE	
	EARLY BIRD FEE (Upto 20 th October 2022)	FEE AFTER 20 th October 2022
SIRC App	Rs.4,800/- (Incl. GST)	Rs.5,800/- (Incl. GST)
SIRC website	Rs.4,950/- (Incl. GST)	Rs.5,950/- (Incl. GST)

2. **SIRC App** : <https://play.google.com/store/apps/details?id=com.crb.sirc>

3. **SIRC website**: https://www.sirc-icai.org/common_events.php

For More Details : Ph: 044-30210381 / 62 / 57 | Mob: 91768 26789
Web: www.sirc-icai.org | www.sircconference.org



The Institute of Chartered Accountants of India

(Setup by an Act of Parliament)

Lets Join For

INTERNATIONAL CONFERENCE FOR CA STUDENTS



Date : 2nd & 3rd December, 2022

Venue : Shilpakala Vedika,
HITECH CITY, Hyderabad.

Announcements - Member

Organized by:

SSEB, Board of Studies-Operations

Hosted by:

Hyderabad Branch of SIRC of ICAI &
Hyderabad Branch of SICASA

Highlights of the Conference:

- International event with eminent speakers across the globe
- Futuristic topics and world class presentations
- Powerful platform to connect with peers from various countries
- Hosted at the heart of Hyderabad, Shilpakalavedika
- Attractive conference kits for all the participants

Benefits to Participants:

- Understand the future of finance & accountancy
- Gain practical insights on the latest innovations and emerging technologies in finance
- Learn to integrate your functional skills with soft skills to become a well rounded professional
- Get motivated to build a strong career in the field of your interest
- Opportunity to learn, discuss and interact with intellectuals

FACING THE FUTURE

INNOVATE - INTEGRATE - MOTIVATE

So Hurry Up!!! Grab Your Seats!!!

₹600/-

REGISTRATION FEE
PER STUDENT.

In case of any queries, you may contact :

Link for Registration:

<https://bosactivities.icai.org>

HYDERABAD BRANCH OF SIRC OF ICAI

ICAI Bhawan, 11-5-398 /C, Red Hills, Hyderabad - 500004.

+91-40-29707526 | +91-40-29700924 | +91 63027 63477 | hyderabad@icai.org



**Ethical Standards Board
The Institute of Chartered Accountants of India
22nd October, 2022**

Advisory

Sub.: Use of designation "Chartered Accountant" or prefix "CA" by members while expressing views on professional/non-professional matters publicly including on social media

1. A Firm of Chartered Accountants ("Firm") may have an account on Social Networking website(s), wherein it may mention its name and other contents in accordance with the Advertisement Guidelines, 2008 issued by the Institute, appearing in Volume-II of Code of Ethics.
2. A member in practice may have an account on Social Networking website(s), wherein he may represent himself as a proprietor or partner in a Firm. The contents of the said website shall be in accordance with the Advertisement Guidelines, 2008 issued by the Institute.
3. A Firm or a member may give link of his website or webpage, as the case may be, on the social networking site.
4. A member, whether in practice or in service, may be maintaining an account on social networking website(s) in his personal capacity. Besides contents of personal nature, following contents, pertaining indirectly to the member's professional domain may also be mentioned on such website(s):-
 - Videos of educational nature may be uploaded on the internet by members, subject to compliance with the relevant provisions of Code of Ethics
 - The member may post such contents on website which help the profession grow in the perception of the world, and contributes towards enhancement of its reputation, using expert knowledge in the respective specialization to enrich discussions, help solve problems, and promote learning and idea-sharing.

It is clarified that the members can use the prefix "CA" with his name on such social networking website(s).

5. Members are expected to exercise professional discretion and utmost dignity while using the designation of "chartered accountant" or prefix "CA" on his personal account on the social networking website(s) for posting contents/comments of the nature which do not fall under s.no. 4 mentioned above.

As a member of the esteemed Institute, it is not appropriate to post contents/comments on social networking website(s) using words/caricatures which are derogatory or not in conformity with dignity of the profession or result in negative portrayal of the profession. Therefore, it is advised to strictly avoid posting such contents/comments with the designation of "chartered accountant" or prefix "CA".

In this regard, members should keep in mind the provisions of Clause (2) of Part-IV of First Schedule to The Chartered Accountants Act, 1949 relating to professional misconduct of a member resulting from their action, whether or not related to professional work, bringing disrepute to the profession.

CA. (Dr.) Jai Kumar Batra
Secretary, ICAI



GST – Finance Act, 2022 Amendments made w.e.f. 01.10.2022 and its impact

- CA. Satish Saraf & CA Venkat Prasad. P

The Legislatures in Finance Act. 2022 have made important changes in GST Law, which have serious impact, and are recently notified as applicable w.e.f. 01.10.2022 [except Section 110(c) which allows for transfer of cash ledger balance between distinct persons, which was already notified w.e.f. 05.07.2022 and Section 111 which retrospectively amended Section 50 to make interest is liable when wrongly availed ITC is utilized]. The rules were also suitably amended. The changes are mainly aimed at curbing the frauds or evasions in strict & rigid manner. The changes are explained below along with their impact.

1. Additional condition for ITC availment:

Position before amendment:

- Section-16(2) provides certain conditions for availment of ITC such as possession of invoice, receipt of goods or services, filing of return, payment of tax by the supplier, reflection of invoice in GSTR-2B (w.e.f 01.01.2022).
- Further, Section 16(2)(c) was subject to Section 43A which was inserted with an aim to implement the new return system but the same was scrapped by the Government

Amendment

- Clause (ba) was inserted in Section- 16(2) as an additional condition for availment of ITC. Clause (ba) states that if the ITC has been marked as ineligible in the communication made to recipient under Section 38, the ITC cannot be availed.
- Reference to section 43A in clause (c) of section 16(2) has been removed as the Government has withdrawn its proposal to implement new return filing system.

Impact & comments

- The list of ineligible ITC as mentioned in GSTR-2B would not be allowed as ITC. However, such ineligibility is linked with supplier's defaults which is practically out of the Recipient control.
- It also adds an additional responsibility to have regular check on supplier's compliance for ITC availment. Introduction of this amendment fortifies that ITC cannot be denied in the past for similar grounds (supplier's defaults in remitting taxes or registration cancelations etc.).
- The legal validity of this provisions shall be tested judicially. In the past, there are HC decisions holding that ITC shall not denied directly without attempting to recover from the suppliers.
- Further, decisions under VAT regime categorially held default of supplier cannot be a ground to deny the ITC. Few of them are - Commissioner Vs. Arise India Limited and others [TS-2-SC-2018-



VAT]; Quest Merchandising India Pvt Ltd Vs Government of NCT of Delhi 2017-TIOI-2251-HC-DEL-VAT; ONXY Designs vs. The Asst. Comm of Commercial Tax Bangalore 2019(6) TMI 941 etc

- As the existing system of GSTR-1 & GSTR-3B is being continued, the provisions relating to alternative system of returns are omitted.

2. Increase in Time limit for availing the ITC:

Position before amendment:

- A registered person shall not be entitled to take input tax credit in respect of any invoice or debit note for supply of goods or services or both after the due date of furnishing of the return under section 39 for the month of September following the end of financial year.

Amendment:

- In Section- 16(4): for the words and figures "due date of furnishing of the return under section 39 for the month of September", the words "thirtieth day of November" shall be substituted.

Impact & comments:

- This is a favourable amendment for the trade and industry, as the amendment provides additional time for availment of ITC till 30th November of next F.Y. This appears to have been done to make in line with the closure of Books of accounts & Income tax returns which generally happens by 30th Nov of next F.Y. Since the amendment is in 'substitution' form, it can be said that it applies retrospectively (for FY 2018-19 to 2021-22 also). Practically, it is advisable to consider 20th November, i.e., October GSTR 3B due date to avoid interest and late fees for the tax period.
- Also, the amendment is also aimed at bringing parity between various due dates such as due date for availment of ITC, due date for issuing debit notes and credit notes, due date for amendments in GSTR-01, due dates for amendments in GSTR-3B.

3. Change in return default period for cancellation of registration:

Position before amendment:

The proper officer may cancel the registration-

- If a person paying tax under section 10 (composition scheme) has not furnished returns for three consecutive tax periods
- If any registered person, other than composition tax payer, has not furnished returns for a continuous period of six months.

Amendment:

- The proper officer can cancel the registration of composition tax payer if do not furnish the return for a financial year beyond three months from the due date of furnishing the said return
- The proposer officer can cancel the registered person (other than composition taxpayer) if the returns are not filed for such continuous tax period as may be prescribed. The time period would be prescribed in rules.

**Impact & comments:**

- Presently taxpayers under composition scheme are liable to file only one return in a year (no monthly returns). This amendment is brought to make in line with that to specify registration would be cancelled if return is not filed by 3 months from the due date of such annual return.
- Presently registration of registered persons (other than composition dealers) would be cancelled if returns > 6 months continuously was not filed. By this amendment the default period will now be prescribed in rules which could defer for the different categories of taxpayers (> or < 6 months).

4. Increase of time limit for raising credit notes- Section 34

Position before amendment:

- A supplier shall raise a credit note pertaining to a supply of a particular financial year, not later than the
 - (i) the month of September following the end of the financial year in which such supply was made,
 - (ii) Date of furnishing the relevant annual return whichever is earlier.

Amendment:

- In section-34(2), for the word "September", the words "the thirtieth day of November" shall be substituted.

Impact & comments:

- This is a welcome amendment as it has provided additional time for issuing credit note till 30th November of next F.Y. This appears to have been done to make in line with the closure of Books of accounts & Income tax returns which generally happens by 30th Nov of next F.Y. Practically, it is advisable to consider 20th November, i.e., October GSTR 3B due date to avoid interest and late fees for the tax period.
- Also, the amendment is also aimed at bringing parity between various due dates such as due date for availment of ITC, due date for issuing debit notes and credit notes, due date for amendments in GSTR-01, due dates for amendments in GSTR-3B.

5. Conditions and restrictions for filing of GSTR-1 - Section 37

Position before amendment:

- Every registered person shall furnish the GSTR-01 return electronically and such details shall be communicated to the recipient within such time and manner as may be prescribed.
- Also, the due for rectification of GSTR-01 is the date of filing of return for the month of September of succeeding financial year.

**Amendment:**

- The amendment has been made to prescribe additional conditions and restrictions in CGST Rules for filing the GSTR-01 and the manner of communication of such details to the recipient of such supplies.
- The following were omitted
 - a. First proviso to section 37(1)
 - b. Section 37(2)
 - c. In section 37(3), the words and figures "and which have remained unmatched under section 42 or section 43"
- The time limit for the rectification of omission & mistakes in GSTR-1 has been prescribed as 30th November of next Financial Year. Practically, it is advisable to consider 20th November, i.e., October GSTR 3B due date to avoid interest and late fees for the tax period.
- New section was inserted namely, section-37(4) to restrict a registered person to file GSTR-01 if the GSTR-01 for any of the previous tax periods has not been furnished by him.

Impact & comments:

- With the proposal to include the additional conditions for restrictions for filing GSTR-01, the legal backing has been given on the condition specified in Rule 59(6) that GSTR-1 cannot be filed if GSTR-3B of previous period is not filed. This fortifies that existing restriction is not sufficiently backed with section 37 and may run ultra vires to the Act till this amendment is notified.
- As the provisions are relating to GSTR-2 and GSTR-3 are omitted, the changes have been made in section 37 to make in line with law.
- With the introduction of Section 37(4), the taxpayers cannot file GSTR-1 without filing GSTR-3B for the previous months. This restriction was already implemented in GST portal without any legal backing and this amendment is made to support the above restriction. Further, the Government can issue notification for relaxation of the said provision for specified class of persons.

6. Communication of details of inward supplies – section 38**Position before amendment:**

- Every registered person shall verify, validate, modify or delete, if required, the details relating to outward supplies and credit or debit notes communicated under sub-section (1) of section 37 to prepare the details of his inward supplies and credit or debit notes and may include therein, the details of inward supplies and credit or debit notes received by him in respect of such supplies that have not been declared by the supplier under sub-section (1) of section 37.

Amendment:

- As there is no need to file inward supplies returns (GSTR-2 now), Section 38 was suitably amended to support the existing system of GSTR-2A/GSTR-2B (auto-generated statement of inward supplies).



- This auto-generated statement would reflect the list of supplies eligible and ineligible for ITC availment. The list of supplies which are said to be ineligible (cannot be availed) would consist of invoices uploaded by following suppliers:

- a. Supplier in the cooling period of taking new registration. (Period to be prescribed)
- b. Supplier who has defaulted the tax payment for continuous period as prescribed in rules
- c. Supplier who has paid tax in GSTR-3B < the tax payable in GSTR-1 subject to allowed limits
- d. Supplier who has availed ITC more than allowed limits under section 38(2)(a).
- e. Supplier who defaulted in complying mandatory payment of tax liability in cash if applicable (1% of tax liability)
- f. Other class of suppliers as may be prescribed in rules.

Impact & comments:

- The restrictions specified under this section are linked to defaulters of the suppliers to deny the ITC to the recipient. This restriction requires to be tested judicially as recipient cannot be punished/denied ITC for every fault of suppliers. There are many challenges in implementations of this conditions on the GST portal and department officers for verification of ITC claims. Further, these restrictions are in conflict with the conditions prescribed in section 41.

7. Various Amendments relating to returns filing - Amendment to section 39

Position before amendment:

- The time limit for filing the GSTR-05 by the Non-resident taxable person is 20th of subsequent month
- The due date for payment of tax is the due date for filing the return under Section 39
- The time limit for making amendments in GSTR-3B is the due date for furnishing of return for the month of September or second quarter following the end of the financial year, or the actual date of furnishing of relevant annual return, whichever is earlier.
- A registered person shall not be allowed to furnish GSTR-3B if the return if the return for any of the previous tax periods has not been furnished by him.

Amendment:

- The due for filing GSTR-05 has reduced to 13th of subsequent month.
- The option to pay adhoc tax amount instead of actual liability has been provided
- The time limit for making amendments has been made as "30th day of November of succeeding financial year"
- The amendment has been made to restrict the filing of GSTR-3B if the GSTR-01 of such month or previous month is not filed.

Impact & comments:

- The option for making payment of tax on adhoc basis instead of actual liability has already been made available to the small tax payers under QRMP scheme.



- The increase in time limit for rectifications in GSTR-3B is a welcome amendment as it has provided additional time for any omission or incorrect particulars till 30th November of next F.Y. This appears to have been done to make in line with the closure of income tax returns which generally happens by 30th Nov of next F.Y. Practically, it is advisable to consider 20th November, i.e., October GSTR 3B due date to avoid interest and late fees for the tax period.
- With respect to restriction on filing of GSTR-3B, before this amendment the GSTR-3B cannot be filed only if the earlier months GSTR-3B was not filed. From now the taxpayers cannot file GSTR-3B without filing GSTR-1 of such month or GSTR-3B of previous months. However, government may relax for certain persons which may be prescribed.
- For easy reference: Summary of increase in time limits for adjustments/ITC availment in monthly returns

Section Particulars Old due date New due date

16(4) Due date for availment of ITC for F.Y 20th October of next F.Y 30th November of next F.Y

34 Time limit for issue of credit notes and corresponding adjustment of tax liability Filing of Sep return of next F.Y 30th November of next F.Y

37(3) Rectification of errors or omissions in GSTR-1 for the F.Y 11th October of next F.Y 30th November of next F.Y

39(9) Rectification of errors or omissions in GSTR-3B for the F.Y 20th October of next F.Y 30th November of next F.Y

Practically, it is advisable to consider 20th November, i.e., October GSTR 3B due date to avoid interest and late fees for the tax period.

8. ITC availment in monthly returns (not on provisional basis)

Position before amendment:

- The ITC can be availed on provisional basis and the same would be credited to electronic credit ledger
- The credit shall be utilised only for payment of self-assessed output tax as per the return referred to in the said sub-section.

Amendment:

- The concept of provisional availment is removed now.
- Sub-section (2) has been substituted to state that if the supplier has not paid the tax, the ITC with respect to the same shall be reversed along with interest. However, the same can be re-availed if the supplier pays the tax.

Impact & comments:

- With this amendment
 - a. The concept of provisional ITC is removed and ITC availed in monthly returns would be considered as final.



- b. ITC may have to be reversed along with interest (ITC is utilized), if not paid by supplier.
- c. ITC can be re-availed once the supplier pays the tax. There is no statutory time limit for re-claiming the ITC upon payment of tax made by the respective supplier.
- This amendment is conflicting with the conditions in section 16(2) and section 38 (latest amendments). Further, applicability of time limit u/s 16(4) for re-availment is not clear. In our view, it can be said that time-limit is not applicable for re-availment cases. Government may remove the conflicts and clarify the scope & object of this amendment.

9. Omission of section 42, 43 and 43A

Position before amendment:

- Section 42 of CGST Act, 2017 specifies the mechanism for matching, reversal and reclaim of ITC wherein it was clearly stated the details of every inward supply furnished by a registered person shall be matched with the corresponding details of outward supply furnished by the supplier.
- Section 43 of CGST Act 2017 provides for Matching, reversal and reclaim of reduction in output tax liability.
- Section 43A: deals with the procedure for furnishing returns and availing input tax credit.

Amendment:

- The section 42, 43 and 43A relating to the matching, reversal and reclaim of ITC, output tax liability has been omitted.

Impact & comments:

- As the existing system of GSTR-1 & GSTR-3B is being continued, the provisions relating to alternative system of returns are omitted.

10. Late fee for delay in TCS returns – section 47

Position before amendment:

- Any registered person who fails to furnish the details of outward or inward supplies required under section 37 or section 38 or returns required under section 39 or section 45 by the due date shall pay a late fee of one hundred rupees for every day during which such failure continues subject to a maximum amount of five thousand rupees.

Amendment:

- In section-47(1), the words "or inward", "or section 38" are omitted. In the same sub-section after the words "section 45" the words "or section 52" is inserted.

Impact & comments:

- Filing of inward supply return is dispensed with, the corresponding late fee provisions are deleted. Further, the late fee is prescribed for delay in filing TCS return (GSTR-8) by ECO u/s 52.

11. Removal of reference to inward supplies return – section 48

Position before amendment:



- A registered person may authorise an approved goods and services tax practitioner to furnish the details of outward supplies under section 37, the details of inward supplies under section 38 and the return under section 39 or section 44 or section 45 and to perform such other functions in such manner as may be prescribed.

Amendment:

- In section-48(2), the words “the details of inward supplies under section 38” has been omitted.

Impact & comments:

- Filing of inward supply return is dispensed with, the corresponding provisions are deleted.

12. Time limit extended for rectification of errors in the statement (form GSTR 8) furnished by electronic commerce Operator (ECO)

Position before amendment:

- The due date of making rectifications in the return filed by the ECO is the due date for filing of return for the month of September of succeeding financial year or the date of filing of annual return whichever is earlier

Amendment:

- The amendment is made to increase the said time limit to 30th day of November of next financial year. Accordingly, now the rectification would be allowed till the 30th day of November of next financial year or the date of filing of annual statement whichever is earlier. The effective date of the amendment is yet to be notified.

Impact & comments:

- Earlier, time limit for carrying out any rectification of any omission or incorrect particulars in Form GSTR-8 was kept based on the due date for furnishing of statement for the month of September following the end of the financial year or the actual date of furnishing of the relevant annual statement, whichever is earlier. With the amendment, this time is extended to 30th November of next financial year.

- It is pertinent to note that the time limit for filing GSTR-8 is 10th of the succeeding month, which means that earlier the effective date of rectification was available up to 10th October of the next financial year.

- However, now the static date is kept at 30th November which means that the assessee needs to carry out the rectification in the return to be filed for the month of October of the subsequent financial year i.e., by Nov 10th of the subsequent month. Ideally, it must have been kept as the due date for filing the GSTR 8 of the November for the subsequent month.

- One may take a view that if the rectification is carried out in the books before 30th November and the effect of the same is given in the return filed for the month of November by 10th of December, then it must still be a sufficient compliance. However, this aspect is not clear as of now.



13. Delinking of refund of electronic cash ledger with GSTR 3/GSTR 3B

Position before amendment:

- Originally, upon introduction of GST, the refund of any balance lying in the Electronic Cash ledger was supposed to be refunded to the registered person based on filing of GSTR-3 u/s 39.

Amendment:

- Due to implementation of GSTR 3B in place of GSTR 3, this system of claiming refund of cash ledger through Form GSTR 3 could never be implemented.
- Since, GSTR 3 is kept in abeyance, therefore by virtue of this amendment, it is provided that a registered person can claim the refund of the balance lying in the electronic cash ledger in such form and manner as may be prescribed. The effective date of the amendment is yet to be notified.

Impact & comments:

- Since this difficulty was faced by the taxpayers, the GST common portal enabled a mechanism for taxpayers to claim the refund of the balance lying in electronic cash ledger. This amendment is merely to a post facto change brought in the law to give effect to the change already carried out on the GST common portal.
- However, originally, the refund of the balance lying in the electronic cash ledger was supposed to be automatic and was expected to be credited based on disclosure made in GSTR 3 without any question being asked. But now, with prescription of separate form, all the applications are now routed through the jurisdictional officers, which leads to unnecessary departmental intervention and delays in the sanction of refund claim.
- It is also seen that the refunds of cash balances are being denied based on simple procedural grounds which is leading to unnecessary litigation.

14. Extension of time-limit for filing of refund application in case of specialised agency of the United Nations Organisation or any Multilateral Financial Institution and Organisation, Consulate or Embassy of foreign countries.

Position before amendment:

- All the claims for such refunds by these bodies and organizations shall be made within six months from the last day of the month in which such supply is received.

Amendment:

- The time limit for filing refund application is to be two years from the last day of the quarter in which such supply was received.

Impact & comments:

- This is a beneficial amendment, and the time-limit is increased to be kept on par with other situations where the refund is granted. In our view, this benefit would be eligible even for the refund applications that are filed for the past period where the time-limit exceeds 6 months provided that the application is filed after the amendment is made effective.

**15. The scope of withholding of or recovery from refunds is extended for all types of refunds.**

Position before amendment:

- The power of recovery, withholding of refund was restricted only to refund of any unutilised input tax credit i.e., refunds on zero rated supply and inverted rate structure.

Amendment:

- The amendment has been made to extend the power to recover or withholding of refund for all categories of refund. The effective date of the amendment is yet to be notified

Impact & comments:

- This amendment would adversely impact the taxpayers who would file the application for refund of the balances lying in the electronic cash ledger. This extension can lead to proper officer opening up the full-fledged for the simple refund application, thereby leading to adjustment, recovery of monies of refund.

16. Relevant date for refund against supplies made to SEZ units and SEZ developers is provided.

Position before amendment:

- The relevant date for filing the refund application for supplies made to SEZ Units and developers is not provided previously.

Amendment:

- A new sub-clause (ba) in clause (2) of explanation is inserted to clarify that the relevant date for filing refund claim in respect of supplies made to a SEZ developer or a SEZ unit would be the due date of furnishing of return under section 39 in respect of such supplies. The effective date of the amendment is yet to be notified.

Impact & comments:

- Since there was no specific provision in the law providing for the relevant date for computation of 2 years, the taxpayers were facing harassment at the hands of the refund sanctioning officer with each officer interpreting the time-limit as per its whims and convenience.
- For instance, in the case of M/s S.R. Enterprises vs Deputy Commissioner 2021 (7) TMI 808 - COMMISSIONER (APPEALS), the refund was denied by holding a view that the relevant date must be taken from the date of supply of goods as per clause (a) of explanation 2 of sub section (14) of Section 54 of CGST Act,2017 and not from the date of payment of tax. Therefore, this amendment is a welcome move and would lead to clarity among the taxpayers and also the field formations in granting the refund for taxes paid for supply of goods or services to SEZ.



GLIMPSES OF CPE PROGRAM

INVESTOR AWARENESS PROGRAM – FOREX RISK MANAGEMENT



October 15, 2022 by Mr. Abhishek Goud & Shri. Siddharth Garre

INVESTOR AWARENESS PROGRAM – WISDOM IN EQUITY INVESTMENT



On October 17, 2022 by CA. Thrasu Thalamatam

GLOBAL OPPORTUNITIES FOR CAS



On October 18, 2022 by CA. CPA. Sripal Jain



ROC FILING PRACTICAL ASPECTS & CHALLENGES



On October 20, 2022 by CS. Shailesh Baheti

TAXATION ASPECTS OF DECEASED PERSON/ DEFUNCT ENTITIES



On October 21, 2022 by Adv. Sashank Dundu

GLIMPSES OF CONVOCATION 2022





GLIMPSES OF ICAI MSME Yatra & ICAI MSME Setu



MSME Yatra Bus was flagged by Chief Guest Shri. Krishna Bhaskar, IAS Director Industries Govt. of Telangana in the presence of CA. Dayaniwas Sharma Central Council Member ICAI, CA. Devaraja Reddy M, Past President, ICAI Shri. Srinivas Garimella , MSME Committee Chairman FTCCI, CA China Masthan T Chairman, SIRC of ICAI, CA Deepak Ladda, Chairman Hyderabad Branch of SIRC of ICAI.





Inaugural Address by Chief Guest Shri.



Krishna Bhaskar, IAS Director Industries Govt. of Telangana

at K L N Prasad Auditorium seen along with Central Council Member, Past President, ICAI, Chairman MSME Committee FTCCI, Regional Council Members, Hyderabad Branch Managing Committee Members, Senior Members of Hyderabad branch.





CAREER COUNSELLING PROGRAM ON 19.10.2022 at A V College, Domalguda, Hyderabad



GLIMPSES OF SUPER MEGA CAREER COUNSELLING PROGRAM – HYDERABAD 2022

SAROJINI NAIDU VANITHA MAHA VIDYALAYA





HINDI MAHAVIDYALAYA



A V COLLEGE



ST. ANNS COLLEGE FOR GIRLS





PRAGATHI MAHAVIDYALAYA DEGREE COLLEGE



GLOBAL EDGE HIGH SCHOOL



R G KEDIA COLLEGE



PRIYADARSHINI COLLEGE KHAMMAM





TRINITY HIGH SCHOOL



HARVEST SCHOOL KHAMMAM



SRI CHAITANYA JR COLLEGE KHAMMAM

