

Recent GST Updates.

- September & October 24.



Topics for Today's Discussion -

S.No.	Topics
1	Recent Notifications issued pursuant to decisions taken in the 54 th GST Council meeting.
2	Recent Circulars .
3	Various Advisories issued on the GST portal.
4	Invoice Management System (IMS).



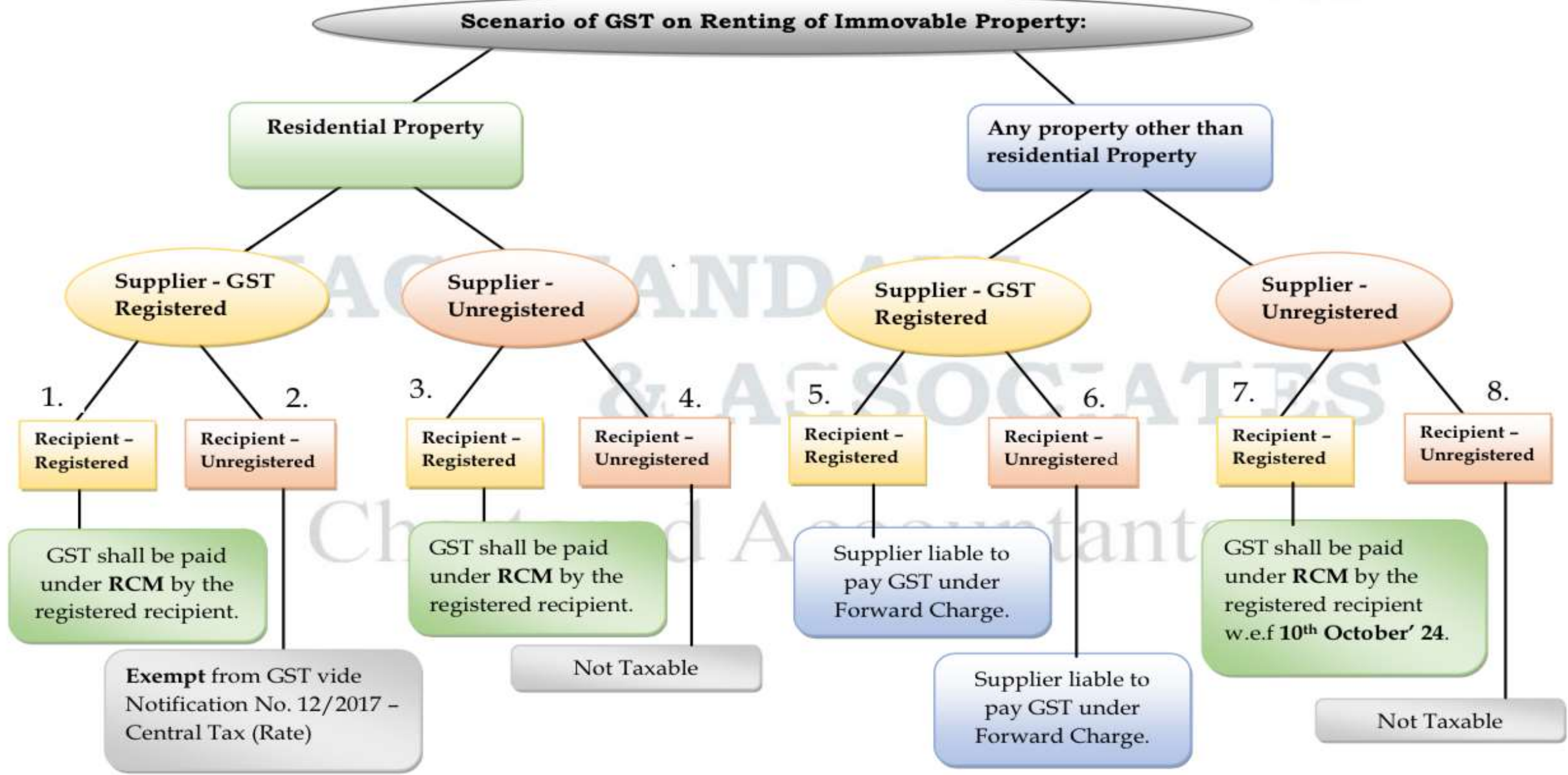
Recent
Notifications

1(a). GST payable under RCM on renting of any Property other than Residential Dwelling from unregistered supplier - Notification No: 09/2024 - Central Tax (Rate).

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- W.e.f 10th October' 2024, GST under RCM shall be payable If the **supplies of renting of any property other than residential dwelling** is received from an **un-registered person** (Supplier) by any **registered person** (Recipient).
- It may be noted that if the supplier is having a turnover above the threshold limit of Rs. 20 lakhs (or Rs. 10 lakhs as the case may be), he would be required to register and pay taxes under Forward Charge on renting of commercial property. RCM would not be applicable in such a scenario.
- Entry No. **5AB** has now been inserted vide Notification No. 09/2024 – Central Tax w.e.f **10th October' 2024** in the principal Notification for GST payable under RCM for Services i.e. **Notification No. 13/2017 – Central Tax (Rate)**, after entry **5AA**.
- Entry **5AA** provides for GST under RCM to be paid on renting of a **residential dwelling** by a **registered person**, supplier being any person (supplier can be registered or un-registered). This provision was made effective from **18th July' 2022**.
- As per the press release for 54th GST Council Meeting, the entry said: “To bring renting of **commercial property** by unregistered person to a registered person under Reverse Charge Mechanism (RCM) to prevent revenue leakage.”
- However, the words used in the notification are “renting of any property other the residential dwelling”. (Can it cover renting of movable property such as “P&M”, etc.??) (Legal Maxim – Ejusdem Generis, press briefing by the revenue secretary)

1(a). GST payable under RCM on renting of any Property other than Residential Dwelling from unregistered supplier - Notification No: 09/2024 - Central Tax (Rate).



1(b). GST under RCM & TDS for procurement of Metal Scrap - Notification No: 24/2024 & 25/2024 – Central Tax along with Notification No: 06/2024 - Central Tax (Rate).

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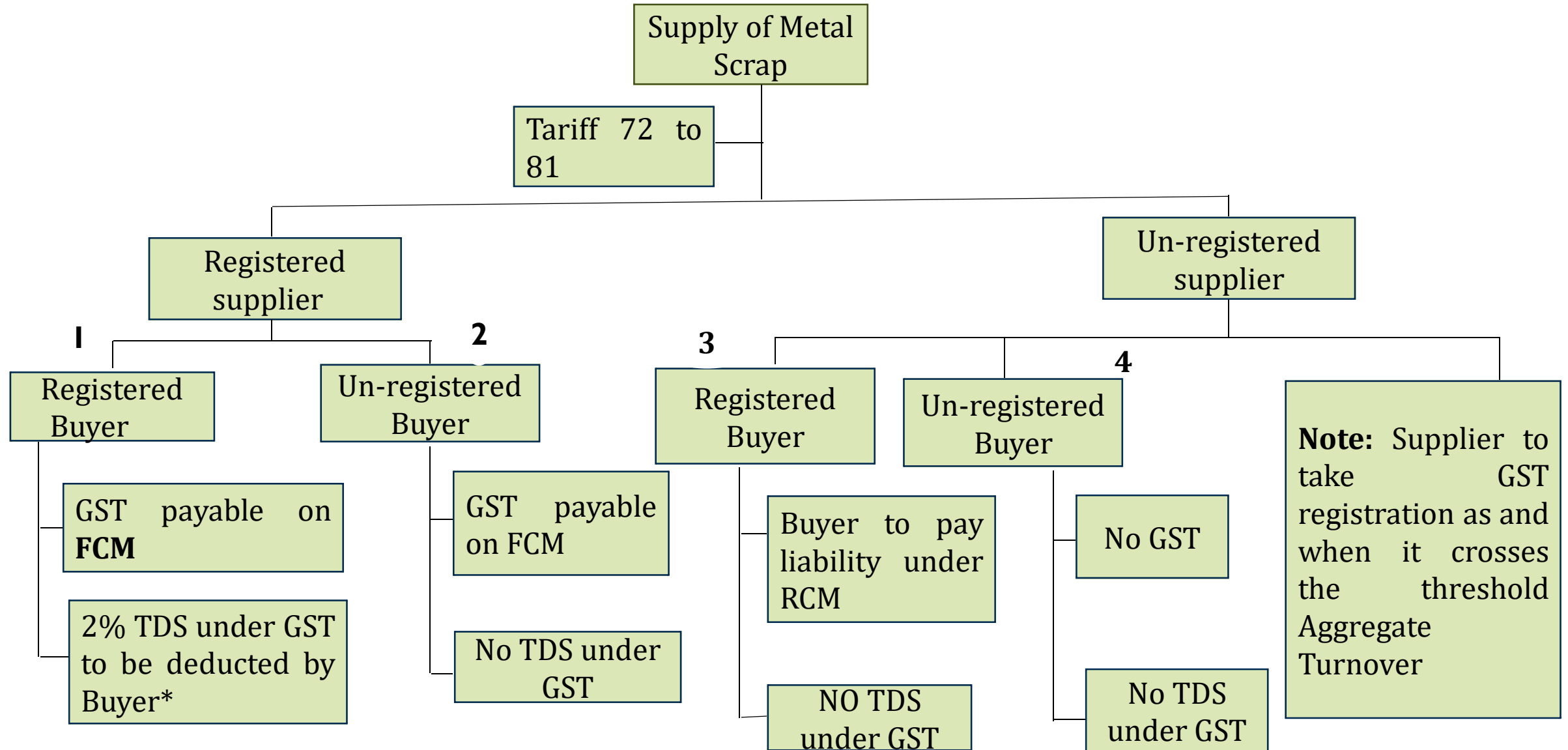
- W.e.f **10th October' 2024**, GST under RCM shall be payable on purchase of metal scrap (HSN Chapters from 72 to 81) by any registered person from unregistered suppliers.
- Self-invoice is also to be issued within 30 days from the date of receipt of supply. **(Rule 47A)**.
- If the supplier exceeds threshold limit for registration, he shall be required to register and pay under forward charge. (exclusion from benefit extended by notification 5/2017 – Central Tax).
- Also, w.e.f **10th October' 2024**, **TDS** is to be deducted on purchase of metal scrap (HSN Chapters from 72 to 81) from registered suppliers.
- **No** provisions of **TDS** under GST would be applicable in cases where **supplier is un-registered**.
- Rate of TDS - **2%**
- Compliance to be followed:
 - a) Recipient / deductee to apply for registration of GST TDS Registration No. in Form GST REG-07 in each state from where TDS is to be deducted.

**1(b). GST under RCM & TDS for procurement of Metal Scrap - Notification
No: 24/2024 & 25/2024 – Central Tax along with Notification No: 06/2024 -
Central Tax (Rate).**

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- b) Recipient / deductee to deduct TDS @ 2% before making payment / crediting the supplier.
- c) Recipient / deductee to make payment through electronic cash ledger and submit GSTR-7 within 10 days of the subsequent month.
- d) Supplier / Deductee to accept such 'TDS received' for such balance to reflect in his electronic cash ledger.
- e) TDS provisions will be attracted only if the total value of supply under the contract exceeds Rs. 250,000 as prescribed under section 51.
- f) Provided that no deduction shall be made if the location of the supplier and the place of supply is in a State or Union territory which is different from the State or as the case may be, Union territory of registration of the recipient.

RCM & TDS @ 2% on supply of Metal Scrap



1(c). Notification No: 20/2024 – Central Tax – CGST (Second Amendment) Rules' 2024. (Dated 8th October' 24).

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- Various amendments in the Central Goods and Services Tax Rules' 2017 have been made through issuance of this notification.
- Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.

1. Time limit for issuance of self-invoice notified to be 30 days from date of receipt of supply – Insertion of Rule 47A:

- Section **31(3)(f)** which provides for requirement of issuance of self-invoice provided that the time limit for issuance of such self-invoice would be provided through the Rules.

Pursuant to this, a new **Rule 47A** is being enforced **w.e.f 01st November' 2024** prescribing a separate time limit for issuance of self-invoice which would be 30 days from the date of receipt of supply of goods or services or both.

- Also, there cannot be any consolidation of invoices from multiple suppliers. For each relevant supply, a separate self-invoice is to be issued.
- **ToS:** In respect of GST payable under Reverse Charge Mechanism(RCM), **separate time of supply (ToS)** was introduced for supplies received from **Registered** and **Un-registered** suppliers through Finance Act (no. 2) of 2024.
- For supplies received from **unregistered suppliers**, the time of supply was prescribed to be earlier of:

1(c). Notification No: 20/2024 – Central Tax – CGST (Second Amendment) Rules' 2024.

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- a) The **date of payment** as entered in the books of account of the recipient **or** the date on which the payment is debited in his bank account, whichever is earlier; or
- b) the **date of issue of invoice by the recipient**, in cases where invoice is to be issued by the recipient.

2. Merging of 73 and 74 into 74A and consequential amendments:

- A common section 74A has been inserted for all demand and recovery provisions in lieu of Section 73 and 74 from **Financial Year 2024-25**.
- Common time limit for all evasion and non-evasion cases has been prescribed to be **42 months** from the due date for furnishing of annual return for the relevant FY.
- The **time limit for passing of order** would be **12 months** from the date of issue of notice. Where the Commissioner or any officer not below the rank of JC records the reasons for delay in writing before the expiry, the said period can be extended by a further **6 months**.
- The time limit for reduced penalty for all cases has been increased **from 30 days** of notice /order **to 60 days** of notice / order
- Consequential amendments for insertion of 74A in the Rules wherever required has been carried out. (in place of section 73 & 74).

1(c). Notification No: 20/2024 – Central Tax – CGST (Second Amendment) Rules' 2024.

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3. Prospective omission and retrospective regularization of 96(10):

- Where the inputs **were initially imported without payment of integrated tax and compensation cess**, by availing benefits under Notification No. 78/2017-Customs dated 13.10.2017 (**import by EOUs/STP, etc.**) or Notification No. 79/2017-Customs dated 13.10.2017 (**imports under EPCG, AA**), then the said goods **could not be exported with payment of tax as per Rule 96(10)**.
- Also, a separate refund procedure had been prescribed for supplies under deemed export, EOU, merchant export @ 0.1%, Advance Authorization etc. under Rule 89(4A) and (4B).
- These special refund provisions and restrictions under Rule 96(10) have now been removed to place them on the same footing as that of regular exporters in terms of both calculation and procedure under Rule 89(4).

1(d). Notification No: 20/2024 & 21/2024 – Central Tax – Amnesty Scheme u/s 128A for waiver of Interest & Penalty for 73 cases.

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1. Insertion of Rule 164 through Notification 20/2024- Central Tax prescribing procedure and conditions for closure of proceedings under section 128A in respect of demands issued under section 73.

- A New Amnesty scheme has been notified u/s 128A from **1st November 2024** for certain tax periods in respect of non-evasion cases u/s 73. The waiver would cover the entire interest and penalty under the case.
- **The conditions for opting this scheme would be as follows:**
 - a) The Demand should pertain to the period from 1st July 2017 to 31st March 2020 (FY 2017-18 to 2019-20)
 - b) The demand falls under any of the following categories.
 - **Clause (a) of Section 128(1)** - Where Notice has been issued u/s 73 but adjudication order not yet issued, or
 - **Clause (b) of Section 128(1)** - Adjudication order issued u/s 73 but first appellate order is not yet issued, or
 - **Clause (c) of Section 128(1)** - First appeal order is issued but the order from Tribunal/court has not been issued.
 - c) In case of Revision or Appeal by the Department before First Appellate Authority / Appellate Tribunal, the amnesty would be subject to the condition that the person pays the additional tax payable within 3 months of the order of Appellate Authority / Tribunal /

1(d). Notification No: 20/2024 & 21/2024 – Central Tax – Amnesty Scheme u/s 128A for waiver of Interest & Penalty.

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Court / Revisional Authority.

- d) The entire tax amount as per the relevant demand / notice has been discharged within **31st March 2025 (Notified Date)**.
 - e) It would cover cases where notice was issued u/s 74 but was reclassified u/s 73 by Appellate Authority / Tribunal / Court. Here, the due date of payment would be **6 months from the date of issuance of order redetermining tax u/s 73**.
 - f) No refund would be granted for the interest and penalty already paid in the case.
 - g) This would be only for demand cases and **not for erroneous refund**.
 - h) The Appeal or Writ Petition before the Appellate Authority / Tribunal / Court **would be withdrawn within the specified due date**.
 - i) Once the proceedings stand concluded upon payment, no appeal can be made against the relevant adjudication / appeal order.
- A notice or order **can** cover both demands from 2017-2020 (allowable under 128A) and subsequent periods (not allowable under 128A). Further, the notice / order can cover both demand orders (allowable under 128A) and **erroneous refund** orders (not allowable under 128A).
- To avail amnesty scheme, **one needs to pay full tax for the portion** 'allowable under 128A' and for the portion 'not allowable under 128A'

1(d). Notification No: 20/2024 & 21/2024 – Central Tax – Amnesty Scheme u/s 128A for waiver of Interest & Penalty.

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- In case of **multiple** notices/ statements/ orders pertaining to period July 2017 to March 2020, **separate** applications in FORM GST SPL-01 or FORM GST SPL-02 shall be made w.r.t each of the concerned notice/ statement/ order. **(as per Circular 238/32/2024-GST issued on 15-10-2024)**
- W.r.t application under clause (a) – payment shall be made via DRC-03.
- W.r.t application under clause (b) or (c) - payment shall be made **only** against the **debit entry created in the Part II of the Electronic Liability Register (ELR) by the demand order.** (procedure mentioned in para 4 of Circular No. 224/18/2024 -GST dated 11th July 2024 may be referred to)
- In case where payment of tax demanded in the order has already been made through **DRC-03**, the procedure prescribed in **rule 142(2B)** may be followed. The taxpayer is required to **file an application in FORM GST DRC-03A**, in order **to adjust the amount already paid via DRC-03, towards the demand created in the ELR-Part II, before** filing the application for waiver under Section 128A in FORM GST SPL-02. (date of payment in DRC-03 will be considered and not date of adjustment using DRC-03A).
- In case if the tax payable as per the notice/ statement/ order includes the amount demanded due to contravention of provisions of section **16(4)**, which is however not payable anymore due to the retrospective insertion of **section 16(5) & 16(6)**, the amount of tax payable for eligibility of waiver of interest or penalty or both shall be calculated after deducting the amount, which is not payable

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anymore in terms of section 16(5) & 16(6).

- **Very Important:** Where the taxpayer is deducting the amount of ITC which was denied on account of contravention of section 16(4), but which is now available as per retrospectively inserted provisions of section 16(5) & 16(6) of the CGST Act, he is **NOT** required to file an application for rectification of the same in terms of the special procedure notified under section 148 vide notification No. 22/2024-Central tax dated 8th October 2024.
- Only ITC now available as per 16(5) & 16(6) shall be reduced and the tax officer scrutinizing such applications is also required to **verify** the same.
- **Proper Officer:** For SPL-01 – PO will be PO to issue Notice u/s 73 and for SPL-02, PO shall be PO for recovery u/s 79.
- In case of an **appeal by the dept. officer** against orders mentioned in clause (b) & (c), the waiver shall be conditional upon payment of the additional tax as determined in such appeal/revision, within 3 months from such order, otherwise Orders issued in SPL-05/SPL-06 shall become **void**.
- If any amount of interest and penalty is **payable** by the applicant **on account of some demand** pertaining to the **period OTHER than the period mentioned in section 128A(1)** or **pertaining to demand of erroneous refund**, the detail of the same shall be

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mentioned in GST SPL-05 or FORM GST SPL-06, as the case may be.

Further, in such cases, an opportunity of personal hearing may be granted to the applicant, before issuance of order in FORM GST SPL-05 or FORM GST SPL-06.

- The applicant is required to pay the amount of interest or penalty or both mentioned above in GST SPL-05 or GST SPL-06, within a period of **3 months** from the **date of issuance of the said order in FORM GST SPL-05 or FORM GST SPL-06**, as the case may be.
- In case where the said amount is not paid within the period of 3 months from the date of issuance of the said order in FORM GST SPL-05 or FORM GST SPL-06, as the case may be, the waiver of interest or penalty or both under section 128A as per the order issued in FORM GST SPL-05 or FORM GST SPL-06, **shall become void**, as per sub-rule (17) of rule 164.

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➤ The procedure for availing the benefit of such amnesty scheme has been provided below as per Rule 164 of CGST Rules:

S.No.	Form	Particulars	Time Limit
1.	DRC-03/03A	Full Payment / Attribution of tax demand before notified date.	31/03/2025 or 6 months from redetermination u/s 73 from 74 (as the case may be)
2.	GST SPL - 01: For clause (a) of section 128(1)	Application for waiver of interest / penalty where notice issued but adjudication order not passed under 73.	Within 3 months from 31/03/2025
3.	GST SPL - 02: For clause (b) & (c) of section 128(1)	Application where adjudication order already issued - with evidence of withdrawal of appeal / Writ Petition. (if application for withdrawal made but order for Wd not received, then upload the application for Wd and once order is received, upload within 1 month).	Within 3 months from 31/03/2025 or 6 months from redetermination u/s 73 from 74.
4.	GST SPL - 03	Notice for Rejection of application. (giving opportunity of PH)	within 3 months of receipt of application in SPL-01/02

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S.No.	Form	Particulars	Time Limit
5.	GST SPL - 04	To file reply to the notice in SPL - 03	within 1 month of receipt of notice in SPL-03.
6.	GST SPL - 05	Favourable order accepting the eligibility of waiver. (DRC-07 not to be issued for SPL-01 case. If order issued – SPL-02 case, liability created earlier in ELR-Part-II shall stand modified accordingly)	<ul style="list-style-type: none">▪ 3 months from SPL-01/02 (notice not issued)▪ 3 months from reply in SPL-04 (reply received) <p>(Date of application in SPL01/02 to the date of submission of withdrawal not counted)</p>
7.	GST SPL - 07	Adverse order rejecting the waiver.	Same as in case of SPL-05

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S.No.	Form	Particulars	Time Limit
8.	Deemed Acceptance for Waiver	If orders are NOT issued within time limit , then deemed acceptance of application. SPL-05 will be made available on the portal.	-
9.	GST SPL - 06	Amnesty Appeal filed and order passed in favour of taxpayer accepting the eligibility of amnesty.	-
10.	Note	If amnesty appeal against SPL-07 NOT filed, appeal withdrawn earlier in the original case to be reinstated. (Subject matter can only be waiver of interest/penalty and not on merits of original case).	Time limit to re-instate Original appeal - 3 months (+1 month condonation) from the date of order in SPL-07
11.	GST SPL - 08 - Declaration	If amnesty appeal passed against taxpayer and amnesty rejected, then original appeal withdrawn to be restored upon filing of undertaking that no further amnesty appeal would be filed.	3 months from the date of amnesty appeal order in APL-04

1(d). Clarifications on Amnesty u/s 128A – Circular 238/32/2024, issued on 15/10/2024.

1. Whether the **benefit u/s 128A be available** if the **tax component is paid** in full **before the date** on which the said section has come into **effect**? – **Yes**, will cover cases where payment is done upto the notified date (**31/03/2025 or 6 months from the order in cases of redetermination from 74 to 73**) irrespective of payment done before or after 128A being notified, of payment done before or after issuance of Demand Notice(s) or order(s).
2. Whether **amount recovered** by the dept. as tax due **from any other person on behalf of the taxpayer**, against a particular demand **can be considered as tax paid towards the purpose of 128A**? – **Yes**, provided the same has been recovered before the notified date.
3. Whether the **amount recovered** by the tax officers **as interest or penalty or both**, pertaining to demand under Section 73 for Financial Years 2017-18, 2018-19 and 2019-20, **can be adjusted against the tax amount payable** towards the demand made under Section 73 pertaining to the said financial years? - **No**. It is mentioned that as per the third proviso to sub-section (1) of section 128A, no refund of such amount of interest or penalty or both, will be available and accordingly it cannot be adjusted.
4. Whether the benefit provided under Section 128A will be applicable in cases, where the **tax due has already been paid** and the **notice or demand orders** under Section 73 **only pertains to interest and/or penalty** involved? – **Yes**, the benefit shall be available in such cases. However, benefit shall not be applicable in the cases where the **interest** has been **demand**ed on account of **delayed filing of returns**, or **delayed reporting of any supply** in the return, as such interest is related to demand of interest on

1(d). Clarifications on Amnesty u/s 128A – Circular 238/32/2024, issued on 15/10/2024.

self-assessed liability and does not pertain to any demand of tax dues and is directly recoverable under sub-section (12) of section 75.

5. Whether the **benefit** under Section 128A is **available**, if the taxpayer intends to avail **partial waiver** of interest or penalty or both, **on certain issues, by making part payment of the amount demanded** in the notice/ statement/ order, as the case may be, **and opts to litigate for the remaining issues?** – **No**, Section 128A (1) clearly provides that the **waiver** of interest or penalty or both is **only applicable** when the **full amount** of tax demanded in the notice/ statement/ order is **paid**.
6. Where the notice/order **involves multiple periods**, ranging from period where waiver is applicable, and includes some other tax periods for which such waiver is not applicable, whether the benefit of waiver of interest or penalty can be availed for the period covered under section 128A? If so, what is the tax amount payable for claiming waiver under Section 128A? – **Yes**, eligible to apply for waiver for tax periods covered under Section 128A. However, as per sub-rule (4) of Rule 164, the taxpayer shall be required to **pay the full amount of tax demanded** in the notice/ statement / order, but waiver will be only for period covered u/s 128A. If waiver is granted, Form SPL – 05 will be issued and only remaining liability for interest and penalty shall be payable (for period not covered). Such remaining liability shall also have to be paid **within 3 months** of the issuance of SPL-05/06 otherwise the **waiver shall become void**.
7. Where the notice/statement/order issued under Section 73 involves multiple issues and one of them is regarding **demand of erroneous refund**, whether an application can be filed for waiver of interest or penalty or both under Section 128A? – **Yes**,

1(d). Clarifications on Amnesty u/s 128A – Circular 238/32/2024, issued on 15/10/2024.

However, taxpayer shall be required to pay the full amount of tax demanded in the notice/ statement / order, as the case may be, including on account of demand of erroneous refund, to avail the benefit of waiver of interest or penalty or both under Section 128A.

8. In cases **where department has filed an appeal** against the order mentioned in **clause (b)** or **clause (c)** of sub-section (1) of section 128A and the Appellate Authority or the Appellate Tribunal or the court or the Revisional Authority, has **issued an order enhancing the tax liability**, and in the **meanwhile** the proper officer has issued an order in **FORM GST SPL-05** under section 128A, and the **taxpayer has not paid the said additional amount** of tax liability within the specified time limit, what will be the status of the conclusion of proceedings under Section 128A? - As per the **second proviso to section 128A**, the **conclusion** of proceedings in such cases is **subject to** the **condition** that the said person pays the additional amount of tax payable, if any, in accordance with the order of the Appellate Authority or the Appellate Tribunal or the court or the Revisional Authority, as the case may be, within **3 months** from the date of the said order enhancing the liability, **otherwise**, the order issued in FORM GST SPL-05 shall become **void**.
9. Sub-section (3) of section 128A refers to only appeal or writ petition. In this regard, whether matters where **SLP** filed by the applicant is pending before the Supreme Court, what is the procedure to be followed by the taxpayer to avail the waiver of interest or penalty or both? Yes, in such cases also the applicant will be required to withdraw the said special leave petition and file an application in FORM GST SPL-01 or FORM GST SPL-02, as the case may be, along with proof of withdrawal of SLP or the copy of the

1(d). Clarifications on Amnesty u/s 128A – Circular 238/32/2024, issued on 15/10/2024.

application or any other document filed for withdrawal of SLP, where the order for withdrawal of SLP has not been issued at the time of filing application in FORM GST SPL-01 or FORM GST SPL-02.

10. Whether the benefit provided under Section 128A will be available for matters **involving IGST and Compensation Cess**? – **Yes**, On **joint reading** of **section 20** of the Integrated Goods and Services Tax Act, 2017 and **section 11** of GST (Compensation to States) Act, 2017 along with section 128A of CGST Act, it becomes clear that the benefit provided under Section 128A of CGST Act **will be available** for matters involving IGST and compensation cess as well. In this regard, it is mentioned that in such cases, **full payment of tax** means **payment of CGST, SGST, IGST and compensation cess** demanded in the notice/ statement/ order, as the case may be.
11. Whether Section 128A **covers** cases involving demand of **irregularly availed TRANSITION credit**? - The transitional credit is considered to be availed on the date on which the said credit amount is credited in the Electronic Credit Ledger. It is mentioned that **if** the amount of transitional credit has been **availed in the period covered under Section 128A** and notice for demand of wrongly availed credit is **issued under section 73**, the same is covered under Section 128A.
12. Whether Section 128A will cover waiver of penalties under other provisions, **late fee, redemption fine** etc? - It is clarified that any penalty, **including penalties** under **section 73, section 122, section 125** etc, demanded under the demand notice/ statement/ order issued under section 73, is covered under the waiver provided under Section 128A. However, **late fee, redemption fine etc are not covered** under the waiver provided under Section 128A.

1(d). Clarifications on Amnesty u/s 128A – Circular 238/32/2024, issued on 15/10/2024.

13. Whether **payment** to avail waiver under Section 128A can be made by **utilizing ITC**? – Yes, can also be made by utilising the Input Tax Credit (ITC), by debiting the electronic credit ledger. However, where demand is for **GST payable under RCM**, or by the **Electronic Commerce Operator under section 9(5)** or for **erroneous refund**, then the said amount shall be required to be paid by debiting the electronic cash ledger only and not through the electronic credit ledger.
14. Whether the benefit of waiver under Section 128A be availed qua **import IGST** payable under the **Customs Act, 1962**? – **No**, In such cases, demand is not issued under section 73 of the CGST Act, but is issued under the provisions of Customs Act, 1962 and therefore, such cases are not covered under waiver of interest or penalty or both under section 128A.
15. With **retrospective insertion of sub-sections (5) and (6) to Section 16** of the CGST Act, the tax demanded in notice/ statement/ order **reduces**. Whether the entire tax amount demanded in the notice/ statement/ order has to be paid in such cases, to avail the benefit under section 128A? – **No**, Sub-rule (5) of rule 164 mentions that the amount payable in order to avail the benefit u/s 128A, shall be calculated **after deducting** the amount not payable in accordance with sub-section (5) or sub-section (6) of Section 16, from the amount payable in terms of the notice or statement or order under section 73, as the case may be. He is also **advised to provide a breakup** of the amount **not payable** by him anymore, as per sub-sections (5) and (6) of section 16, in FORM GST SPL-01 or FORM GST SPL-02, as the case may be, to **enable the officer to verify** the payment easily.

1(d). Clarifications on Amnesty u/s 128A – Circular 238/32/2024, issued on 15/10/2024.

Note: It is also **re-iterated** that **where** the taxpayer is **deducting** the amount of ITC which was denied on account of contravention of sub-section (4) of section 16 of the CGST Act, **but which is now available**, as per **retrospectively** inserted provisions of **sub-section (5) or sub-section (6) of section 16** of the CGST Act, **he is NOT required to file application for rectification** in respect of the same as per special procedure notified under Section 148 vide notification No. 22/2024-Central tax dated 8th October 2024.

16. In case of application in **FORM GST SPL-02**, where the applicant has **paid** full or partial amount of tax **through FORM GST DRC-03**, **whether** the said applicant is **mandatorily required** to file application in **FORM GST DRC-03A** for such tax amount which he desires to get adjusted against tax demand as per **FORM GST DRC-07/ FORM GST DRC-08/ FORM GST APL-04?** – **Yes**, such applicant is **required to adjust** the said amount towards the **demand created** in the **Electronic Liability Register**, as per the second proviso to sub-rule (2) of rule 164, **before filing** the application in **FORM GST SPL-02**.

1(e). Notification No: 22/2024 – Central Tax – Special Procedure for extended time limit u/s 16(5)/(6) if appeal not filed.

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- In respect of the Financial years - **2017-18, 2018-19, 2019-20** and **2020-21**, ITC shall be available if availed in GSTR-3B filed **upto 30th November' 2021**, in terms of **section 16(5)** of CGST Act 2017 notified vide Finance Act (No.2) of 2024.
- As per **16(6)** of the CGST Act 2017, if the registration was cancelled for a registered person and the said cancellation is revoked thereafter, the ITC would be available to the recipient subject to the following conditions:
 - ITC was not restricted u/s 16(4) on the date of order of cancellation
 - ITC was availed within **later** of the following time limit:
 - a) 30th November following the financial year to which the invoice / debit note pertains or furnishing of the relevant annual return whichever is earlier, (or)
 - b) **30 days** from the **date of revocation of cancellation** for the return period from the date of cancellation of registration till the date of order of revocation.
- It has been provided in **section 150** of the **Finance (No.2) Act, 2024**, that no refund of any tax paid or the input tax credit reversed shall be granted on account of the said retrospective insertion of sub-section (5) and sub-section (6) of section 16 of the CGST Act.

1(e). Notification No: 22/2024 – Central Tax – Special Procedure for extended time limit u/s 16(5)/(6) if appeal not filed.

- A **special procedure for rectification of orders** has been notified under section 148 of the CGST Act, to be followed by the class of taxable persons, against whom **orders** under **section 73** or **section 74** or **section 107** or **section 108** of the CGST Act have been issued **confirming demand** for wrong availment of input tax credit on account of **contravention of provisions of sub-section (4) of section 16** of the CGST Act, **but where** such input tax credit is **now available** as per the provisions of **sub-section (5) or sub-section (6) of section 16 of the CGST Act**, and **where appeal** against the said order has **NOT been filed**.
- **Clarifications provided by Circular 237/31/2024 – GST issued on 15th October' 2024 –**
 1. **Where no demand notice/statement has been issued under section 73 or section 74 of the CGST Act** - where any investigation/proceedings in respect of wrong availment of ITC alleging contravention of section 16(4) of the CGST Act **has been initiated**, but **NO demand notice/statement** under section 73 or section 74 has been issued, and taxpayers are now entitled to avail the said ITC under the provisions of section 16(5) & (6) of the CGST Act, The **proper officer shall take cognizance** of the sub-section (5) or sub-section (6) of section 16 of CGST Act, **inserted retrospectively w.e.f 01.07.2017** and take further appropriate action. This also includes the cases where an intimation in FORM DRC-01A has been issued under rule 142(1A) of the CGST Rules for denial of ITC on account of contravention of section 16(4), but no demand notice/statement under section 73 or section 74 of the said Act has been issued.

1(e). Notification No: 22/2024 – Central Tax – Special Procedure for extended time limit u/s 16(5)/(6) if appeal not filed.

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2. Where demand notice/ statement under section 73 or section 74 of CGST Act has been issued **but no order** under section 73 or section 74 of CGST Act has been issued by the Adjudicating Authority: In such cases, the **Adjudicating Authority shall take cognizance** of sub-section (5) or sub-section (6) of section 16 of the CGST Act, inserted retrospectively with effect from 01.07.2017, **and pass appropriate order** under section 73 or section 74 of the CGST Act.
3. Where **order under section 73 or section 74** of the CGST Act **has been issued** and **appeal has been filed under section 107** of the CGST Act with the Appellate Authority **but no order under section 107** of the CGST Act has been issued by the Appellate Authority: In such cases, the **Appellate Authority shall take cognizance** of sub-section (5) or sub-section (6) of section 16 of the CGST Act, inserted retrospectively with effect from 01.07.2017, **and pass appropriate order** under section 107 of the CGST Act.
4. Where **order under section 73 or section 74 of the CGST Act has been issued** and **Revisional Authority has initiated proceedings under section 108** of the CGST Act, but no order under section 108 of the CGST Act has been issued by the Revisional Authority: In such cases, the **Revisional Authority shall take cognizance** of sub-section (5) or sub-section (6) of section 16 of the CGST Act, inserted retrospectively with effect from 01.07.2017, **and pass appropriate order** under section 108 of the CGST Act.

1(e). Notification No: 22/2024 – Central Tax – Special Procedure for extended time limit u/s 16(5)/(6) if appeal not filed.

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5. Where **order** u/s 73 or 74 of the CGST Act **has been issued but no appeal** has been filed with the Appellate Authority, or where the order u/s 107 or 108 of the CGST Act **has been issued** by the Appellate Authority or the Revisional Authority **but no appeal** has been filed with the Appellate Tribunal: In such cases, the **concerned taxpayer may apply for rectification of such order** under the **special procedure under section 148 of the CGST Act** notified vide Notification No. 22/2024 – Central tax dated 08.10.2024, within a period of **6 months from the date of issuance of the said notification**.
- **PROCEDURE**: While filing such application for rectification of order, the taxpayer shall upload along with the application for rectification of order, **the information in the proforma in Annexure A of the said notification, containing** inter-alia the **details of the demand confirmed** in the said order of the input tax credit wrongly availed on account of contravention of sub-section (4) of section 16 of the CGST Act, which is now eligible as per sub-section (5) and/or sub-section (6) of section 16 of the CGST Act.
- Such application for rectification **shall be dealt by the PO who had passed the earlier order against which the said rectification application has been filed**. The said officer shall take a decision on the said application for rectification and issue the order, as far as possible, **within a period of 3 months from the date of such application**.
- The PO shall also **upload a summary of the rectified order electronically** in **FORM DRC-08** in cases where rectification of an order issued u/s 73 or 74 of the CGST Act, and in **FORM GST APL-04**, in cases where rectification of an order issued u/s 107 or 108 of the Act.

1(e). Notification No: 22/2024 – Central Tax – Special Procedure for extended time limit u/s 16(5)/(6) if appeal not filed.

3.5.1 The taxpayers can file an application for rectification electronically, after login to www.gst.gov.in, using their credentials, by navigating as below in various cases:

- a. In case where an application for rectification of an order issued under section 73 or section 74 of the CGST Act is to be filed:
 - i. Click **Dashboard > Services > User Services > My Applications**.
 - ii. Select "Application for rectification of order" in the **Application Type** field. Then, click the **NEW APPLICATION** button.

- b. In case where an application for rectification of an order issued under section 107 of the CGST Act is to be filed:
 - i. Click **Dashboard > Services > User Services > View Additional Notices/Orders**
 - ii. Additional Notices and Orders page is displayed. Click the **View** hyperlink to go to the Case Details screen of the issued Notice/Order.
 - iii. **Case Details** page is displayed. The **APPLICATIONS** tab is selected by default. Select the **ORDERS** tab and click the "Initiate Rectification" link.

1(e). Notification No: 22/2024 – Central Tax – Special Procedure for extended time limit u/s 16(5)/(6) if appeal not filed.

In case where an application for rectification of an order issued under section 108 of the CGST Act is to be filed:

- i. **Click Dashboard > Services > User Services > View Additional Notices/Orders**
- ii. **Additional Notices and Orders** page is displayed. Click the **View** hyperlink to go to the Case Details screen of the issued Notice/Order.
- iii. **Case Details** page is displayed. The **NOTICES** tab is selected by default. To submit Rectification Request against the Revision Order issued to you by the Revisional Authority, select the **ORDERS** tab and click the "Initiate Rectification" link.

1(f). Notification No: 23/2024 – Central Tax – Late fees reduction for GSTR-7 for TDS deductors.

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- For all persons required to deduct TDS, furnishing of GSTR-7 has been made mandatory irrespective of whether any deduction has been made in the said month or not as per Finance Act (no. 2) of 2024.
- **Late fees has been reduced from June 2021 as follows:**
 - a) Nil return filers – **No late Fees**
 - b) Other than Nil Return filers – **Rs. 50/- per day** (CGST + SGST) up to a **maximum of Rs. 2,000/-** (CGST + SGST).

1(g). Changes in the applicable rate of tax qua goods - Notification No. 05/2024 - Central Tax (Rate) dt. 08/10/2024

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➤ The below changes have into effect from 10/10/2024

1. **Cancer drugs - The rate of tax on the following cancer drugs has been reduced to 5%:**

a) Trastuzumab Deruxtecan

b) Osimertinib

c) Durvalumab

2. **Namkeens and Extruded/Expanded Savoury food products - reduced from 18% to 12%**

➤ The GST rate of extruded or expanded products, savoury or salted (other than un-fried or un-cooked snack pellets, by whatever name called, manufactured through process of extrusion), falling under HS 1905 90 30 to be reduced from 18% to 12% at par with namkeens, bhujia, mixture, chabena (pre-packaged and labelled) and similar edible preparations in ready for consumption form which are classifiable under HS 2106 90.

➤ The GST rate of 5% will continue on un-fried or un-cooked snack pellets, by whatever name called, manufactured through process of extrusion. To also clarify that the reduced GST rate of 12% on extruded or expanded products, savoury or salted (other than un-fried or un-cooked snack pellets, by whatever name called, manufactured through process of extrusion), falling under HS 1905 90 30 is

applicable prospectively.

3. Car seats - The rate of tax on the following products has been INCREASED to 28%:

- To clarify that car seats are classifiable under 9401 and attract a GST rate of 18%.
- GST rate on car seats classifiable under 9401 to be increased from **18%** to **28%**. This uniform rate of 28% will be applicable prospectively for car seats of motor cars **in order to bring parity with seats of motorcycles which already attract a GST rate of 28%**.
- Circular No.235/29/2024-GST dt. 11/10/2024 clarifies that the 28% rate on car seats is applicable **prospectively**.

1(h). Changes in the applicable rate of tax qua services - Notification No. 07/2024 - Central Tax (Rate) dt. 08/10/2024

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➤ The below prescribed changes have come into effect from 10th October' 2024.

1. Helicopter transportation services - The rate of tax on the following services has been prescribed to be 5%:

- **Discussion in the 54th GST Council Meeting:** To notify GST @ 5% on the transport of passengers by helicopters on seat share basis and to regularize the GST for past period on 'as is where is' basis. To also clarify that charter of helicopter will continue to attract 18% GST.
- Rate of **GST @ 5%** (CGST + SGST) has been prescribed for Transportation of passengers, with or without accompanied baggage, by air, in a helicopter on seat share basis, Provided that credit of input tax charged on goods used in supplying the service has not been taken.
- Further, **Circular No. 234/28/2024-GST** dt. 11/10/2024 regularizes the payment of GST on transportation of passengers, with or without accompanied baggage, by air, in a helicopter on seat share basis is on '**as is where is**' basis for the period from 01.07.2017 to 09.10.2024. It further clarifies that transport of passengers by helicopter on other than seat share basis i.e., for **charter operations will continue to attract GST at the rate of 18%**.

1(i). Exemptions from tax qua services - Notification No. 08/2024 - Central Tax (Rate) dt. 08/10/2024.

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➤ The below prescribed changes have come into effect from 10th October' 2024.

1. Ancillary services related to the supply of transmission and distribution of electricity - The following services have been exempted from tax:

- Supply of services by way of **providing metering equipment on rent, testing for meters/transformers/capacitors etc., releasing electricity connection, shifting of meters/service lines, issuing duplicate bills etc.**, which are **incidental or ancillary to the supply of transmission and distribution of electricity** provided by electricity transmission and distribution utilities to their consumers.
- Circular No. **234/28/2024-GST** dt. 11/10/2024 regularizes the payment of GST on services provided by an electricity transmission or distribution utility which are incidental or ancillary to the supply of transmission and distribution of electricity by such utility, such as those listed above on '**as is where is**' basis from 01.07.2017 to 09.10.2024.

2. Research and development services - The following services have been exempted from tax:

- Research and development services against consideration received in the form of grants supplied by -

(a) a Government Entity; or

1(i). Exemptions from tax qua services - Notification No. 08/2024 - Central Tax (Rate) dt. 08/10/2024.

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(b) a research association, university, college or other institution, notified under clauses (ii) or (iii) of sub-section (1) of section 35 of the Income Tax Act, 1961.

➤ **Condition:** Provided that the research association, university, college or other institution, notified under clauses (ii) or (iii) of sub-section (1) of section 35 of the Income Tax Act, 1961 is so notified at the time of supply of the research and development service.

3. Affiliation services - The following services have been exempted from tax:

➤ Services of **affiliation** provided by a **Central or State Educational Board or Council** or any other similar body, by whatever name called, **to a school established, owned or controlled** by the Central Government, State Government, Union Territory, local authority, Governmental authority or Government entity.

➤ **Circular No. 234/28/2024-GST dt. 11/10/2024** clarifies that the affiliation services provided by universities to their constituent colleges are not covered within the ambit of exemptions and GST at the rate of 18% is applicable on the affiliation services provided by the universities. Further, it clarifies that services of affiliation, provided to schools by Central or State educational boards or councils, or other similar bodies, by whatever name called, are taxable. Further, as recommended by the Council, the payment of GST on the services of affiliation provided by Central and State educational boards or Councils, or other similar bodies, to all schools is regularized on an '**as is where is**' basis for the period from 01.07.2017 to 17.06.2021.

1(i). Exemptions from tax qua services - Notification No. 08/2024 - Central Tax (Rate) dt. 08/10/2024.

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4. National Council for Vocational Education and Training - The following services supplied by the National Council for Vocational Education and Training have been exempted from tax:

- Any services provided by - (a) the National Skill Development Corporation set up by the Government of India;
 - (b) the National Council for Vocational Education and Training;
 - (c) an Awarding Body recognized by the National Council for Vocational Education and Training;
 - (d) an Assessment Agency recognized by the National Council for Vocational Education and Training;
 - (e) a Training Body accredited with an Awarding Body that is recognized by the National Council for Vocational Education and Training, **in relation to-**
- (i) the **National Skill Development Programme** or any other scheme implemented by the National Skill Development Corporation; or
 - (ii) a vocational skill development course under the National Skill Certification and Monetary Reward Scheme; or
 - (iii) any National Skill Qualification Framework aligned qualification or skill in respect of which the National Council for Vocational Education and Training has approved a qualification package.



Recent
Circulars

2(a) Clarification in respect of advertising services provided to foreign clients.

- **Circular No. 230/24/2024-GST**, dated September 10, 2024, addresses concerns regarding the taxation of advertising services provided by Indian companies to foreign clients. Key points include:
- **Clarification of Services:** Advertising services provided by Indian companies to foreign entities, such as **media planning, designing, and procuring media space**, are clarified to ensure that such services are considered exports when payments are received in foreign exchange.
- **Not Intermediaries:** Indian advertising companies, when contracting directly with foreign clients and media owners, are not classified as "intermediaries" under the IGST Act, meaning they are not facilitating but providing services directly.
- **Recipient of Services:** The recipient of advertising services is the foreign client, not the Indian representative or the target audience in India.
- **NOT Performance-Based Services:** Advertising services do not fall under performance-based services as defined in Section 13(3) of the IGST Act, meaning the place of supply is where the recipient (the foreign client) is located as per the residual clause under Section 13(2), typically outside India.
- In conclusion, the circular clarifies that such advertising services are considered exports and eligible for benefits when certain conditions are met.

2(b) Clarification on availability of input tax credit in respect of Demo vehicles.

- Circular No. 231/25/2024-GST, issued by the Indian Ministry of Finance, provides **clarification on the availability of input tax credit (ITC) for demo vehicles** used by authorized motor vehicle dealers. Key points include:
- **ITC Eligibility for Demo Vehicles:** Demo vehicles, used for trial runs and feature demonstrations, are considered to promote the sale of similar vehicles. Thus, they are deemed to be used for "further supply of motor vehicles" under Section 17(5)(a) of the CGST Act, making them eligible for ITC.
- **Capitalized Demo Vehicles:** If demo vehicles are capitalized in the dealer's books, they qualify as "capital goods," and ITC can still be claimed, subject to provisions such as depreciation claims under Section 16(3) of the CGST Act.
- **Exceptions:** Dealers using demo vehicles for purposes like staff transport or who act solely as agents for manufacturers without making direct sales cannot claim ITC.
- This circular ensures uniform application of ITC rules for demo vehicles across the industry.

2(c) Clarification on place of supply of **Data hosting services** provided by service providers located in India to cloud computing service providers located outside India..

- Circular No. 232/26/2024-GST, issued on September 10, 2024, provides **clarification on the place of supply for data hosting services offered by Indian service providers to overseas cloud computing service providers**. Key points include:
- **Not Intermediaries:** Data hosting providers are not considered intermediaries, as they directly provide services on a principal-to-principal basis without interacting with the end users of cloud services.
- **Place of Supply:** Data hosting services are not related to goods "made available" by the recipient (cloud provider) or linked directly to immovable property. Thus, the place of supply is determined by the default rule, meaning it is where the recipient (the cloud provider) is located, which is often outside India.
- **Export of Services:** If the recipient is outside India and other conditions are met, the data hosting services can be classified as an ****export of services****, qualifying for tax benefits.
- This circular helps clarify the GST treatment for cross-border data hosting services provided by Indian companies.

2(d) Clarification on whether ancillary services provided along with transportation of goods services by GTA is to be treated as composite supply or separate supplies.

- Circular No. **234/28/2024-GST**, issued on 11th October' 2024, has been issued to clarify Whether incidental/ancillary services such as loading/unloading, packing, unpacking, transshipment, temporary warehousing etc., provided in relation to transportation of goods by road is to be treated as part of Goods Transport Agency service, being composite supply, or these services are to be treated as separate independent supplies.
- **Issue: Enforcement agencies** were raising demands for such services **holding them** liable to GST at the **rate of 18%** by interpreting last para of Question No. 6 of the FAQ issued by CBIC which states that "If such incidental services are provided as separate services and charged separately, whether in the same invoice or separate invoices, they shall be treated as separate supplies", to mean that if a GTA shows packing charges, loading, unloading charges etc., separately in the invoice, the GTA becomes liable to pay GST at the rate of 18% on these services by treating them as cargo handling services.
- **Clarification:** ancillary or incidental services provided by GTA in the course of transportation of goods by road, such as loading/unloading, packing/unpacking, transshipment, temporary warehousing etc. **will be treated as composite supply** of transport of goods. The **method of invoicing** used by GTAs **will not generally alter** the nature of the composite supply of service. However, if such services are **not provided in the course** of transportation of goods **and are invoiced separately**, then these services will not be treated as composite supply of transport of goods.

2(e) Circular No. 236/30/2024 - GST dated 11.10.2024 - Clarification regarding the scope of "as is / as is, where is basis"

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- CBIC has issued a clarification based on the recommendations of the GST Council in its 54th Meeting, held on September 9, 2024, to provide **transparency on past cases** for GST rate regularization.
- This applies to cases where there were **genuine doubts** or **diverse interpretations** were existent such as two competing entries with different rates in notifications for specified goods or services.
- The phrase '**as is where is**' is generally used in the context of transfer of property and means that the property is being transferred in its current condition, whatever this condition happens to be and the transferee of property has accepted it with all its faults and defects, whether or not immediately apparent.
- **With the above mentioned context**, The phrase, 'regularized on as is where is' basis , means that lower tax payments (or nil rate) by suppliers will be accepted as final and no refund shall be made if tax has been paid at the higher rate, **provided the tax position is declared in the filed returns.**

2(e) Circular No. 236/30/2024 - GST dated 11.10.2024 - Clarification regarding the scope of "as is / as is, where is basis"

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Scenarios	Scenario 1 (Rate difference)	Scenario 2 (Genuine doubt of exemption entry)	Scenario 3 (Interpretational issue)
Paid by some tax payers	5% on the supply of "X"	5% on the supply of "X"	5% on the supply of "X"
GST paid by others	12% on the supply of "X"	Nil (Due to belief of exemption)	12% on the supply of "X" and few paid nothing
Clarification by GST council on 01.12.2023	GST rate reduced to 5% prospectively, past regularized "as is where is basis"	GST clarified as 5%, past regularized "as is where is basis" due to genuine doubt	GST clarified as 12%, past regularized "as is where is basis"
Impact on past payment	Those who paid 5% Treated as full payment. No extra 7% due	Those who paid Nil Treated as exempt. No 5% due	Those who paid 5%. Treated as full payment. No extra 7% due
	Those who paid 12%. No refund allowed	Those who paid 5%. No refund due	Those who paid 12%. No refund allowed
Impact on future payments	GST at 5% after 01.12.2023	GST at 5% after 01.12.2023	GST at 12% after 01.12.2023
Those who did not pay GST	-	Not liable for past periods	12% GST to be recovered, where no tax has been paid.



Various
Advisories
issued on GST
Portal

3(a) Advisory on Reporting of supplies to un-registered recipients in GSTR-1/GSTR-5.

- The GSTN had issued **Advisory No. 518** dated **September 03, 2024** on Reporting of supplies to un-registered dealers in GSTR-1 and GSTR-5.
- Earlier vide Notification No. 12/2024 – Central Tax dated 10th July, 2024, the Government has reduced the threshold limit for reporting of invoice wise details of inter-state taxable outward supplies made to unregistered dealers from **2.5 Lakh to 1 Lakh** which needs to be reported in **Table 5** of Form GSTR-1 and **Table 6** of GSTR-5. In accordance with the new legal provisions, this change is currently under development on the portal and would be available to the taxpayers shortly.
- Further, till the time the functionality is made available on portal, it is advised to continue reporting the invoice wise details of taxable outward supplies to unregistered dealers which are **more than 2.5 Lakhs in the Table 5 of Form GSTR-1 and Table 6 of GSTR-5.**

3(b) Advisory for Biometric-Based Aadhaar Authentication and Document Verification for GST Registration Applicants. (1/2)

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- The GSTN had issued **Advisory No. 519** dated **September 06, 2024** for Biometric-Based Aadhaar Authentication and Document Verification for GST Registration Applicants of Bihar, Delhi, Karnataka and Punjab.
- The GSTN issued **Advisory No. 530** dated **October 05, 2024** for Biometric-Based Aadhaar Authentication and Document Verification for GST Registration Applicants of Kerala, Nagaland and **Telangana**.
- **Rule 8** of the CGST Rules, 2017 was amended to provide that an applicant can be identified on the common portal, based on **data analysis** and **risk parameters** for Biometric-based Aadhaar Authentication and taking a photograph of the applicant along with the verification of the original copy of the documents uploaded with the application.
- The said functionality also provides for the document verification and appointment booking process. After the submission of the application in Form GST REG-01, the applicant will receive either of the following links in the e-mail,
 - (a) A Link for OTP-based Aadhaar Authentication OR
 - (b) A link for booking an appointment with a message to visit a GST Suvidha Kendra (GSK) along with the details of the GSK and jurisdiction, for Biometric-based Aadhaar Authentication and document verification (the intimation e-mail)
- If the applicant receives the link for OTP-based Aadhaar Authentication as mentioned in point 3(a), she/he can proceed with the application as per the existing process.

3(b) Advisory for Biometric-Based Aadhaar Authentication and Document Verification for GST Registration Applicants. (2/2)

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application as per the existing process.

- However, if the applicant receives the link as mentioned in point 3(b), she/he will be required to book the appointment to visit the designated GSK, using the link provided in the e-mail.
- After booking the appointment, the applicant gets the confirmation of appointment through e-mail (the appointment confirmation e-mail), she/he will be able to visit the designated GSK as per the chosen schedule.
- At the time of the visit of GSK, the applicant is required to carry the following details/documents **(a)** a copy (hard/soft) of the appointment confirmation e-mail **(b)** the details of jurisdiction as mentioned in the intimation e-mail **(c)** Aadhaar Card and PAN Card (Original Copies) **(d)** the original documents that were uploaded with the application, as communicated by the intimation e-mail.
- The biometric authentication and document verification will be done at the GSK, for all the required individuals as per the GST application Form REG-01. **The applicant is required to choose an appointment for the biometric verification during the maximum permissible period for the application as indicated in the intimation e-mail. In such cases, ARNs will be generated once the Biometric-based Aadhaar Authentication process and document verification are completed.**

3(c) Archival of GST Returns data on GST portal.

- The GSTN issued **Advisory No. 523** dated **September 24, 2024** which outlines that, per Section 39(11) of the CGST Act, taxpayers cannot file GST returns three years after the due date.
- Additionally, GST portal data will only be retained for **seven years**. Archival of returns has begun, with July 2017 data archived on August 1, 2024, and August 2017 on September 1, 2024.
- The taxpayers were advised to download relevant data for future reference before it becomes inaccessible.
- However, later with **Advisory No. 526** dated **September 29, 2024**, the GST return data for July and August 2017, which had been archived as part of its data archival policy has been temporarily restored due to requests from the trade.
- Users are advised to download and save the data if needed, as the archival policy will be re-implemented after prior notice.

3(d) Advisory on issuance of Notices/Orders without digital signatures of the issuing authorities. (1/2)

- The GSTN issued very important Advisory No. 524 dated September 26, 2024 on issuance of Notices/Orders without digital signatures of the issuing authorities.
- Doubts have been created regarding the validity of documents issued by the tax officers on the common portal viz. Show cause Notices, Order of Assessment, Refund Orders etc. which are not containing the Digital signatures on the pdf. document downloaded from the common portal.
- In this context, it is to be mentioned that such documents (i.e. SCN/Orders) are generated on the common portal from the login of the officer, who logs in through Digital Signatures. Further, these documents being computer generated on the command of the officer, may not require physical signatures of the officer as these documents can be issued by the officer only after logging into the common portal using Digital Signature.
- Thus, all these documents in JSON format containing the order details along with the issuing officer details are stored in the GST system with the digital signature of the issuing officer.
- The validity of the document in question vis-a-vis who and for what purpose these documents have been issued can also be verified by the taxpayer pre-login as well as after login from the GST common portal by navigating to the following path: **Post-login: www.gst.gov.in-->Dashboard-->Services-->User Services-->Verify RFN**

3(d) Advisory on issuance of Notices/Orders without digital signatures of the issuing authorities. (2/2)

➤ It is further mentioned that all the critical actions on the part of officers are performed through digital signature authentication of the officer concerned who is authorized for taking that action, such as:

1. Issue of any notice in any module,
2. Issue of any order in any module, and
3. Issue of any refund order.

3(e) GSTN issued advisory for taxpayers regarding the new GST Provision for Metal Scrap Transactions.

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- The GSTN issued *Advisory No. 531 dated October 13, 2024* for taxpayers regarding the new GST Provision for Metal Scrap Transactions.
- The government has issued Notification 25/2024-Central Tax, on October 9, 2024, under GST Section 51 of the CGST Act, 2017 mandating compliance by the businesses dealing with Metal Scrap. The GST portal will soon be updated to enable compliance of registration through FORM GST REG-07 by these category of registered persons.
- **Screenshot of the advisory:**

Advisory for Taxpayers: New GST Provision for Metal Scrap Transactions

Oct 13th, 2024

The government has issued Notification 25/2024-Central Tax, on October 9, 2024, under GST Section 51 of the CGST Act, 2017 mandating compliance by the businesses dealing with Metal Scrap. The GST portal will soon be updated to enable compliance of registration through FORM GST REG-07 by these category of registered persons.

Thanking You,
Team GSTN

BACK

PRINT

3(f) Advisory for GSTR – 9/9C

- The GSTN issued **Advisory No. 533** dated **October 15, 2024** for auto-population of ITC in Form GSTR-9.
- FY **2023-24**, GST system will auto-populate eligible ITC for domestic supplies (excluding reverse charge and imports ITC) from table 3(I) of GSTR-2B to table 8A of GSTR-9.
- These changes in GSTR-9 and 9C for the FY 2023-24 will be available on the GST portal from today i.e.,15th October 2024 onwards.
- Further, a validation utility will be executed progressively (for validation by taxpayers) to complete the auto population of GSTR-9 from GSTR-2B for Apr-23 till Mar-24.

3(g) Adjustment of negative liability of previous tax period has been now implemented into Form GSTR-3B.

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- **Amendment to Rule 61(5)** - Adjustment of negative liability from previous tax periods has now been implemented in Form GSTR-3B, effective from September 2024 (as notified vide Notification No. 12/2024-Central Tax dated 10th July 2024).

Description	Tax Payable(₹)		Adjustment of negative liability of previous tax period(₹)		Net Tax Payable(₹)		Inte
	Reverse charge and supplies made u/s 9(5)	Other than reverse charge	Reverse charge and supplies made u/s 9(5)	Other than reverse charge	Reverse charge and supplies made u/s 9(5)	Other than reverse charge	
1	2	3	4	5	6(2-4)	7(3-5)	
Integrated Tax (₹)	0	0	0	0	0	0	
Central Tax (₹)	0	5,400	0	0	0	5,400	
State/UT Tax (₹)	0	5,400	0	0	0	5,400	
CESS (₹)	0	0	0	0	0	0	

BACK

PREVIEW DRAFT GSTR-3B

CREATE CHALLAN

MAKE PAYMENT/POST CREDIT TO LEDGER

PROCEED TO FILE



Search



ENG
IN

3(h) Reversals required under Rule 37A are now available in GSTR-2B for September' 2024.

- In case GSTR-3B(s) of FY 2023-24 are not filed by vendors till you file GSTR-3B for the month of October, ITC shown in GSTR-2B (if availed) needs to be (temporarily) reversed through disclosure in 4B(2).
- Such ITC can be reclaimed once the suppliers files their GSTR-3B for the relevant period.
- ITC reversal amount under Rule 37A is calculated while considering all invoices (excluding RCM invoices), debit notes and their corresponding amendments (i.e. excluding credit notes and amendments to credit notes) pertaining to the tax period for which supplier has not filed GSTR-3B.
- Provided that where the said amount of input tax credit is not reversed by the registered person in a return in FORM GSTR-3B on or before the 30th day of November following the end of such financial year during which such input tax credit has been availed, such amount shall be payable by the said person along with interest thereon under section 50.

3(h) Reversals required under Rule 37A are now available in GSTR-2B for September' 2024.

SUMMARY

ALL TABLES

[View Advisory](#)

ITC available

ITC Not Available

ITC Reversal

HELP ?

S.NO.	Heading [Collapse All ^]	GSTR-3B table	Integrated Tax (₹)	Central Tax (₹)	State/UT Tax (₹)	Cess (₹)
Part A	ITC Reversed - Others					
I	ITC Reversal on account of Rule 37A ^	4(B)(2) ⓘ	0.00	0.00	0.00	0.00
	B2B - Invoices		0.00	0.00	0.00	0.00
	B2B - Debit notes		0.00	0.00	0.00	0.00
	B2B - Invoices (Amendment)		0.00	0.00	0.00	0.00
	B2B - Debit notes (Amendment)		0.00	0.00	0.00	0.00

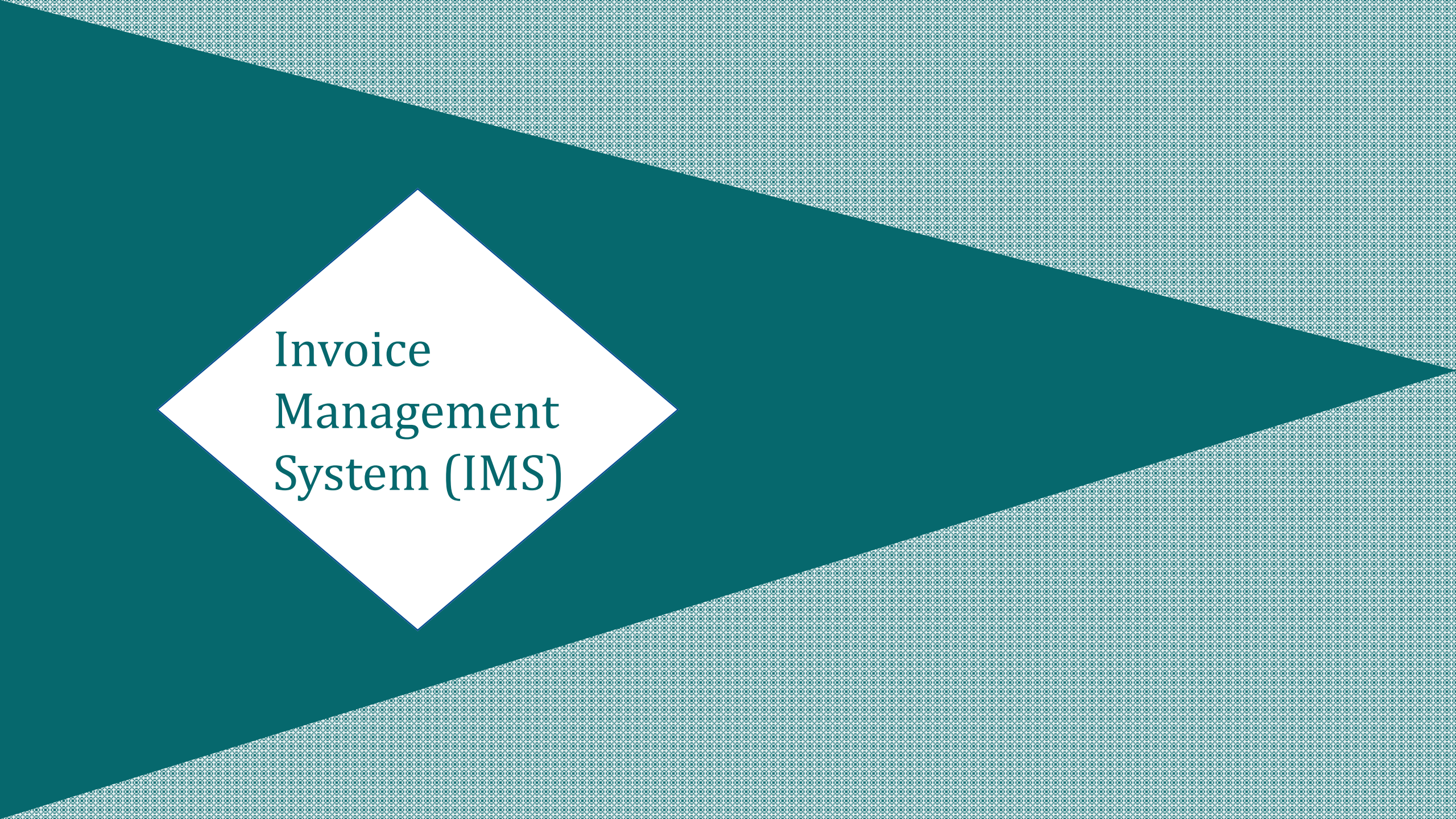
BACK TO DASHBOARD

DOWNLOAD GSTR-2B SUMMARY (PDF)

DOWNLOAD GSTR-2B DETAILS (EXCEL)

OPEN GSTR-3B

OPEN IMS DASHBOARD

The image features a teal background with a white diamond shape in the center. The text 'Invoice Management System (IMS)' is written inside the diamond in a teal, serif font. The background is composed of several overlapping, semi-transparent teal shapes that create a layered effect.

Invoice
Management
System (IMS)

4. Invoice Management System (IMS). (1/13)

- 1. What is IMS?** - To enable taxpayers to **efficiently address invoice corrections/amendments** with their suppliers through the portal, a new communication process is being brought at portal. This will also facilitate taxpayer in **matching of their records/invoices** vis a vis **issued by their suppliers** for availing the correct Input Tax Credit (ITC). (Advisory issued on 3rd Sept. and detailed FAQs issued on 22nd Sept.)
- 2. Availability?** - This facility is made functional from 1st October' 2024 onwards on the GST portal and shall be available to the taxpayers for taking actions on the received invoices/records from 14th October 2024 onwards.
- 3. Flow of records?** - Once the suppliers save any invoice in GSTR 1 / IFF / 1A /the same invoice would be reflected in the IMS dashboard of the recipient.
- 4. How to Access?** - IMS can be accessed using below path on GST Portal : **Dashboard > Services > Returns > Invoice Management System (IMS) Dashboard.**
- 5. What can the recipient do?** – The recipient can **accept** or **reject** a record or can simply keep it **pending** in the system.

By default all the records will flow into “No Action” category and records with “No Action” will be deemed accepted at the time of GSTR-2B generation.

4. Invoice Management System (IMS). (2/13)

The screenshot shows a web browser window with the URL <https://services.gst.gov.in/services/advisoryandreleases/read/532>. The browser's address bar and tabs are visible at the top. The website's navigation menu includes Home, Services, GST Law, Downloads, Search Taxpayer, Help and Taxpayer Facilities, e-Invoice, and News and Updates. The main content area features a white box with the following text:

Attention - Advisory on IMS
Oct 14th, 2024

Invoice Management System (IMS) is made available to taxpayers from Today, 14th Oct, 2024. The new system shall facilitate taxpayers in matching their records/invoices vis a vis issued by their suppliers for availing the correct Input Tax Credit (ITC). Taxpayers can make use of this system to take action on the invoices reflecting on IMS from 14th Oct, 2024. The first GSTR-2B would be generated for the return period Oct'24 on 14th November, 2024 considering action taken on Invoice Management System. It may be noted that it is not mandatory to take action on invoices in IMS dashboard for GSTR-2B generation.

Thanking You,
Team GSTN

At the bottom right of the advisory box, there are two buttons: **BACK** and **PRINT**.

The footer of the website is dark blue and contains several sections: **About GST** (with links to GST Council Structure and GST History), **Website Policies** (with links to Website Policy and Terms and Conditions), **Related Sites** (with links to Central Board of Indirect Taxes and Customs and State Tax Websites), **Help and Taxpayer Facilities** (with links to System Requirements and GST Knowledge Portal), and **Contact Us** (with Help Desk Number: 1800-103-4786 and a link to Log/Track Your Issue). A 'Top' button is also present in the bottom right corner of the footer area.

4. Invoice Management System (IMS). (3/13)

IMS Dashboard:

GSTIN -

Legal Name -

Trade Name -

All other ITC

Inward Supplies from ISD

Import of Goods

All other ITC - Total Records

S.No.	Heading	Number of Records			
		No Action	Accepted	Rejected	Pending
I	B2B - Invoices	0	0	0	0
II	B2B - Invoices (Amendments)	0	0	0	0
III	B2B - Debit Notes	0	0	0	0
IV	B2B - Debit Notes (Amendments)	0	0	0	0
V	B2B - Credit Notes	0	0	0	0
VI	B2B - Credit Notes (Amendments)	0	0	0	0
VII	Eco [9(5)] Invoices	0	0	0	0
VIII	Eco [9(5)] Invoices (Amendments)	0	0	0	0

BACK TO DASHBOARD

DOWNLOAD IMS DETAILS (EXCEL)

COMPUTE GSTR-2B

4. Invoice Management System (IMS). (4/13)

Sample – Click B2B Invoices -

Dashboard Services + GST Law Downloads + Search Taxpayer + Help and Taxpayer Facilities e-Invoice News and Updates

Dashboard > Returns > IMS Dashboard > Inward Supplies English

IMS Dashboard (Inward Supplies) - Accepted Records (B2B)

[VIEW ADVISORY](#) [HELP](#)

GSTIN - Legal Name - Trade Name - GSTN

Records Per Page: 10 Display/Hide Columns: - Search Filter

<input type="checkbox"/>	S.No.	GSTIN of Supplier ^	Trade/ Legal Name ^	Invoice Number ^	Invoice Type ^	Accept	Reject	Pending	Status
<input type="checkbox"/>	1	11IMSCC2941N1ZH	GSTN	AAB1	Regular				Accept
<input type="checkbox"/>	2	24MAYAS0100J1Z6	GSTN	INV-001	Regular				Accept
<input type="checkbox"/>	3	24KLJIP1218A1ZS	GSTN	test001	Regular				Accept
<input type="checkbox"/>	4	24KLJIP1218A1ZS	GSTN	Test002	Regular				Accept

[BACK TO SUMMARY](#) [DOWNLOAD EXCEL](#) [RESET](#) [SAVE](#)

4. Invoice Management System (IMS). (5/13)

- 6. When can the recipient taxpayer take action on a record?** - As soon as a supplier saves a records in its GSTR-1/1A/IFF, it is shown and is available to the recipient taxpayer in IMS for taking actions. The recipient can take the action till it files his GSTR-3B.
- 7. What all records will be available in IMS for taking action?** - All the saved or filed original invoices/records and their amendments by suppliers through GSTR1/1A/IFF will be available to the recipient for taking actions in IMS. However, the documents where ITC is not eligible either due to:
- (i). POS rule or (ii). Section 16(4) of the CGST Act,
- will not appear on IMS and will directly go to 'ITC Not Available' section of GSTR-2B.
- 8. What all documents will NOT be made available in IMS but will be part of GSTR-2B? –**
- Document flowing from Forms GSTR-5 & GSTR-6,
 - ICEGATE Documents,
 - RCM records,
 - Document where ITC is ineligible due to POS rules or section 16(4),
 - Documents where ITC to be reversed on account of Rule 37A.

4. Invoice Management System (IMS). (6/13)

9. As a taxpayer what all will it be able to view on the IMS? – IMS will have 2 different views:

- I. Recipient View:** As a recipient, a taxpayer will have an “inward supply” view to see all the specified documents which are saved or filed by the respective supplier. These documents will be available for actions by the recipient.
- II. Supplier View:** As a supplier, a taxpayer will have an “Outward supply” view to see actions taken on all the specified documents by their respective recipient. **(As per the FAQs released on 22nd Sept’ 2024 – This facility will be made available shortly)**

10. What happens if the recipient rejects a record? –

- I.** If the recipient rejects the record before filling of GSTR 1 by supplier, then the invoice/record can be edited and supplier can file the GSTR 1 with revised detail. This edited record will be made available in the IMS for action by the recipient.
- II.** If the recipient rejects after filling of GSTR 1 by supplier, then the supplier needs to amend/add the invoice/record in GSTR-1A or in subsequent GSTR1/ IFF with same or revised details, as the case may be. Amended record will be made available in the IMS for action by the recipient.

11. Records where Pending Action is NOT allowed in IMS? - there are 4 scenarios where pending action would not be available :-

- Original Credit Note,
- Upward amendment of the credit note, irrespective of the action taken by recipient on the original credit note.
- Downward amendment of the credit note if original credit note was rejected by him.
- Downward amendment of Invoice/ Debit note where original Invoice/ Debit note was accepted by him and respective GSTR 3B has also been filed.

12. Can multiple action be taken on a record? - Yes, action can be taken multiple times on an invoice/record before filling of GSTR 3B.

In case of multiple actions on a record, latest action will overwrite the previous action. It is **mandatory** to recompute GSTR 2B from IMS dashboard in case of any change in action already taken on concerned records.

13. Consequences of action taken by the recipient? -

ACCEPT - Accepted records will become part of 'ITC Available' section of respective GSTR 2B and will auto-populate in GSTR 3B.

REJECT - Rejected records will become part of 'ITC Rejected' section of respective GSTR 2B will not auto-populate in GSTR 3B.

4. Invoice Management System (IMS). (8/13)

PENDING - Pending records will not become part of GSTR 2B and GSTR 3B. Such records will remain on IMS dashboard till the time same is accepted or rejected or till the time timeline prescribed in Section 16(4) of CGST Act.

NO ACTION - records with “No Action” status will be deemed accepted at the time of GSTR-2B generation and will auto populate in GSTR-3B.

14. Which documents will be considered for GSTR-2B generation? - All the filed and accepted (no action will be treated as deemed accepted) or rejected records will be considered for GSTR-2B generation.

15. What If I have taken an action on a document in saved status but the same is edited/changed by the supplier before filing his GSTR-1? - In case a saved record is edited before filing of GSTR-1 by the supplier, the edited record will replace the saved document in IMS and the action taken on such record by the recipient will be reset. Thus, the edited record will be available for recipient for fresh action in IMS. Similarly, if a document is deleted before filing of GSTR-1/1A/IFF by supplier then such document will be removed from IMS also.

16. Will Reverse Charge document received from registered suppliers also form part of IMS? - No, RCM invoices are not part of IMS but will continue to be part of GSTR-2B as it is being reflected today.

17. What happens to the original Tax Invoice/Debit Note if the same record is amended by the supplier? - If original and amended Tax Invoice/Debit Note belongs to **two different GSTR 2B** return period, then it is **mandatory to take action on original Tax Invoice/Debit Note** and **file the respective GSTR 3B** before taking action on amended Tax Invoice/Debit Note (amended through GSTR-1/1A/IFF). In case if recipient take the action on amended Tax Invoice/Debit Note first then system will not allow to save the action in IMS.

In case both the original Tax Invoice/Debit Note and amended Tax Invoice/Debit Note belong to same period GSTR-2B, the action taken on amended Tax Invoice/Debit Note **will prevail over** the action taken on original Tax Invoice/Debit Note. However, you need to first bring the original invoice/ debit note **from pending status to either accept or reject status** before taking action of amended invoice/debit note as otherwise system will not allow you to take any action on amended invoice.

18. What happens to the original Credit Note if the same is amended by the supplier? - If original and amended credit note both are available in IMS whether it belong to two different GSTR-2B period or same GSTR-2B period, the action taken on amended credit note will prevail over the action taken on original credit note.

19. What will happen to the documents in IMS on filing of GSTR 3B by recipient? - All the accepted (No Action) and rejected records belonging to a particular GSTR-2B period will be removed from IMS on filing of GSTR-3B for that particular period.

4. Invoice Management System (IMS). (10/13)

20. What will happen to the documents kept pending in IMS? - Pending records will continue to be in IMS till the time of cut-off date as per section 16(4) of CGST Act, 2017. Once records crossed the timeline prescribed in section 16(4) of CGST Act, it will be removed from IMS.

21. Can we download all the data available in IMS? - Yes, excel download facility is available to download the IMS data.

22. What is draft GSTR 2B? - GSTR-2B will continue to be generated on 14th of every month with the same logic as current GSTR-2B which will now be considered as draft GSTR 2B.

23. Can we take any action after generation of draft GSTR 2B? - Yes, the recipient will be allowed to take an action on any record available in draft GSTR 2B also, till the filing of GSTR-3B. In such cases, at the time of filling GSTR-3B recipient will require to recompute his GSTR 2B to have impact of actions taken after 14th in his GSTR-3B.

24. Is there any scenario where draft GSTR 2B will not be generated by system on 14th of subsequent month? - Yes, In case the previous period GSTR 3B is not filed by the taxpayer then the system will not generate their draft GSTR 2B on 14th of the subsequent month. However, the taxpayer can generate their GSTR 2B from the IMS dashboard after filing their previous GSTR 3B.

4. Invoice Management System (IMS). (11/13)

25. Is it mandatory to recompute GSTR 2B? - If there is any change made by recipient on IMS dashboard after draft GSTR 2B generation by system, it is mandatory to re-compute GSTR 2B.

26. How many times can I regenerate GSTR 2B? - Before filling of GSTR 3B, there is no restriction on number of times such GSTR-2B can be recomputed/regenerated.

27. What about GSTR-2B for quarterly taxpayers? - For quarterly taxpayers, GSTR-2B will not be generated for the months M1 and M2 of the quarter. However, GSTR-2BQ for the quarter (M1, M2 and M3 combined) will be generated on 14th of Q+1 month and re-computation of 2B will be allowed on or after 14th of Q+1 month till filing of corresponding GSTR-3B. The same logic as is there for monthly GSTR-2B / 3B will be applicable.

28. How to take an action on records available on IMS dashboard? –

- a. Action on Individual records:** The recipient can select the action by clicking on the radio button available at line-item level and then click on save button to save the action taken.
- b. Action on Multiple records:** The recipient can select multiple records or all the records through checkbox option available on screen. After selecting multiple records, system will enable main action buttons on heading of action radio buttons with count of selected records. Through these action buttons recipient can take action on multiple records in one go. (One action)

29. What will happen if the recipient rejects the Tax Invoice or Debit Note for the supplies of FY 23-24 which was eligible for GSTR 2B of Oct'24, given the deadline to avail the ITC by 30th November? –

- Taxpayer are advised to reconcile their records before filling of their GSTR 1 for October 2024 tax period for which due date is 11th November 2024. The Taxpayer can accept/reject the record on IMS after due verification. The ITC for the rejected record will not flow to GSTR 2B for Oct'24.
- However, recipient can change the action from rejected to accepted in IMS and recompute GSTR 2B at the time of filing GSTR 3B and take corresponding ITC in the GSTR 3B for Oct'24.

30. Can a supplier amend FCM invoice to RCM invoice and what will the impact on the ITC? - Yes, the supplier can amend an Invoice from FCM to RCM subject to the time limit as per GST law. The system shall reduce the ITC of the amended FCM Invoice in case the said invoice was accepted by the recipient. Further, the RCM invoice shall flow to GSTR 2B of the recipient.

31. Can the place of supply be changed by the supplier in the GSTR 1 and what will be the impact on the ITC? - Yes, place of supply can be changed by the supplier in the GSTR 1 subject to the time limit given in the GST law. Further if the ITC become ineligible due to change in place of supply, then recipient should reverse the ITC in the Table 4B1.

32. What will happen if the recipient rejects the original Credit Note or upward amended Credit Note? - If the recipient rejects the Credit note and furnished the GSTR 3B then the corresponding liability will be added to the supplier liability in the GSTR 3B of subsequent tax period.



You can write to me at:

karan@bhagchandani.in

Ph: 91000 18056