

TAX INFO

S. No. 028 Dated 01.04.2023

Latest update on GST Law: **Summary of Notification No. 02/2023-Central Tax to Notification No. 09/2023-Central Tax dated 31.03.2023.**

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Summary of Notification No. 02/2023-Central Tax dated 31.03.2023

Amnesty to Composition dealers for filing GSTR-4:

The registered persons who fails to file GSTR-4 for the quarters from July' 2017 to March' 2019 or for the financial years from 2019-20 to 2021-22 by the respective due dates can file their GSTR-4 between 01.04.2023 to 30.06.2023 by just depositing late fees of Rs.250/- under CGST and Rs.250/- under SGST. NIL late fee is payable if the total amount of tax payable in the said return is NIL.

Summary of Notification No. 03/2023-Central Tax dated 31.03.2023

Extension of time limit for application for revocation of cancellation of registration:

If the RC of the registered person has been cancelled **on or before 31.03.2022** for being a continuous defaulter in return filing and if such person has failed to apply for revocation of cancellation of registration within the allowed time period, then such registered person may apply for revocation of cancellation of registration upto 30.06.2023, only after furnishing the returns due upto the effective date of cancellation of registration and after payment of any amount due as tax, in terms of such returns, along with any amount payable towards interest, penalty and late fee in respect of the such returns.

No further extension of time period for filing application for revocation of cancellation of registration shall be available in such cases.

Also, the benefit of this notification is extended to those registered persons whose:

- appeal against the order of RC cancellation or
- the order rejecting application for revocation of RC cancellation

has been rejected on the ground of failure to adhere to the time limit specified under Section 30(1) of the said Act.

Summary of Notification No. 04/2023-Central Tax dated 31.03.2023

Amendment in CGST Rules relating to Registration Procedure:

From 26.12.2022, Rule 8(4A) pertaining to registration procedure has been substituted stating that the application for registration shall be deemed to be complete only after the biometric-based Aadhaar authentication and taking photograph of the applicant in case of an individual or of such individuals in relation to the applicant as notified where the applicant is not an individual, along with the verification of the original copy of the documents uploaded with the application in REG-01 and the date of submission of the application in such cases shall be the date of authentication of the Aadhaar number, or 15 days from the submission of the application in Part B of REG-01, whichever is earlier.

Summary of Notification No. 05/2023-Central Tax dated 31.03.2023

Rule 8(4B) shall be deemed to have come into force from 26.12.2022 stating that the Central Government by way of notification, may specify the States or Union territories wherein the proviso to sub-rule (4A) shall not apply.

As explained in Notification No. 27/2022-Central Tax dated 26.12.2022, it can be concluded that Biometric-based Aadhaar authentication and taking photograph of the applicant along with the verification of the original copy of the documents to be uploaded with the application in REG-01 is applicable only to the state of Gujarat.

Summary of Notification No. 06/2023-Central Tax dated 31.03.2023

Amnesty scheme for deemed withdrawal of assessment orders issued under Section 62:

The registered persons who failed to furnish a valid return under Section 39 (GSTR 3B) and Section 45 (Final Return) within a period of 30 days from the service of the assessment order issued on or before February 28, 2023 under best judgment assessment, shall be deemed to have been withdrawn, if such registered person furnishes the stated returns on or before 30.06.2023, along with interest under Section 50(1) and late Fee under Section 47 of the CGST Act.

Further, the withdrawal of such assessment order will be irrespective of whether or not an appeal had been filed against such assessment order or the appeal, if any, filed against such assessment order has been decided or not.

Summary of Notification No. 07/2023-Central Tax dated 31.03.2023

Rationalisation of late fee for GSTR-9:

Late fees on GSTR-9, leviable for the financial year 2022-23 onwards:

Class of registered persons	Amount of late fees
Registered persons having an aggregate turnover of up to Rs.5.00 crores in the relevant financial year	Rs.25.00 per day, subject to a maximum of an amount calculated at 0.02 percent of turnover in the State or Union territory
Registered persons having an aggregate turnover of more than Rs.5.00 crores and upto Rs.20.00 Crore in the relevant financial year	Rs.50.00 per day, subject to a maximum of an amount calculated at 0.02 percent of turnover in the State or Union territory

Amnesty to GSTR-9 non-filers:

The registered persons who failed to file GSTR-9 by the due date for any of the financial years 2017-18, 2018-19, 2019-20, 2020- 21 or 2021-22, can file the same between 01.04.2023 to 30.06.2023 on payment of the maximum total amount of late fees of Rs. 10,000/- under CGST and Rs. 10,000 under SGST.

Summary of Notification No. 08/2023-Central Tax dated 31.03.2023

Amnesty to GSTR-10 non-filers:

Taxpayers who failed to file the **final return in GSTR-10** by the due date can file the same between 01.04.2023 to 30.06.2023 with applicable late fees of Rs. 500/- under CGST and Rs. 500 under SGST.

Summary of Notification No. 09/2023-Central Tax dated 31.03.2023

Extension of limitation under Section 168A of CGST Act:

Section 168A has been invoked to extend the time limit for issuance of order u/s 73 of the Act for recovery of tax not paid or short paid or of ITC wrongly availed or utilised for any reason other than fraud or any wilful-misstatement or suppression of facts.

The extended due dates are as follows:

- Order u/s 73 to be passed before 31.12.2023 (SCN by 30.09.2023) for the year 2017-18;
- Order u/s 73 to be passed before 31.03.2024 (SCN by 31.12.2023) for the year 2018-19; and
- Order u/s 73 to be passed before 30.06.2024 (SCN by 31.03.2024) for the year 2019-20.

No extension has been given for issuance of order under Section 74 for recovery of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilised by reason of fraud or any wilful-misstatement or suppression of facts.

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