

## GST RETURN

### Introduction:

- The term “return” ordinarily means statement of information (facts) furnished by the taxpayer, to tax administrators, at regular intervals.
- The information to be furnished in the return generally comprises of the details pertaining to the nature of activities/business operations & the measure of taxation such as sale price, turnover, or value; deductions and exemptions; and determination and discharge of tax liability for a given period.
- Filing of returns constitutes the most important compliance procedure which enables the Government/ tax administrator to estimate the tax collection for a particular period and determine the correctness and completeness of the tax compliance of the taxpayers.
- The returns serve the following purposes:
  - a) Mode for **transfer of information** to tax administration;
  - b) **Compliance** verification program of tax administration;
  - c) **Finalization of the tax liabilities** of the taxpayer within stipulated period of limitation;
  - d) Providing necessary inputs for **taking policy decision**;
  - e) Management of **audit and anti-evasion programs** of tax administration
- Under GST laws, a taxpayer is required to estimate his tax liability on “**self- assessment**” basis and deposit the tax amount along with the filing of such return.
- Under the GST regime, filing of returns not only determines the tax liability of the person filing the same, but it also has a huge bearing on determination of tax liability of other persons with whom the former has entered into transactions in course or furtherance of business.
- **Chapter IX of the CGST Act** [Sections 37 to 48] and sections 150 & 123 prescribe the provisions relating to filing of returns as under:

<b>Section 37</b>	Furnishing details of <b>outward supplies</b>
<b>Section 38</b>	Furnishing details of <b>inward supplies</b>
<b>Section 39</b>	Furnishing of returns
<b>Section 40</b>	First return
<b>Section 41</b>	Availment of input tax credit
<b>Section 44</b>	Annual Return
<b>Section 45</b>	Final Return
<b>Section 46</b>	Notice to return defaulters
<b>Section 47</b>	Levy of late fee
<b>Section 48</b>	Goods and services tax practitioners
<b>Section 150</b>	Obligation to furnish information return
<b>Section 123</b>	Penalty for failure to furnish information return

- All the returns under GST laws are to be filed **electronically**. Taxpayers can file the statements and returns by various modes. Returns can be filed using any of the following methods:
  - ❖ GSTN portal ([www.gst.gov.in](http://www.gst.gov.in))
  - ❖ Offline utilities provided by GSTN
  - ❖ GST Suvidha Providers (GSPs)

### Furnishing details of Outward Supplies [Section 37 read with Rule 59] (Form GSTR-1)

- The details of outward supplies of both goods and services are required to be furnished by **every registered person** including **casual registered person except** the following:
  - ❖ input service distributor (ISD)
  - ❖ non-resident taxable person (N RTP)
  - ❖ person paying tax under **composition** scheme
  - ❖ person **deducting tax at source**
  - ❖ person **collecting tax at source** i.e., e-commerce operator (ECO), not being an agent
  - ❖ supplier of online information and database access or retrieval services (**OIDAR**) located in **non-taxable territory** and **providing** such services to a **non-taxable online recipient**.
- The details of outward supplies are required to be furnished, electronically, in **Form GSTR-1** for the **month or quarter**. Such details can be furnished through the common portal, either directly or from a Facilitation Centre notified by the Commissioner. A **Nil GSTR-1** can be filed through **an SMS** using the registered mobile number of the taxpayer.
- GSTR-1 for a particular tax period is filed **on or before the 11th day of the immediately succeeding tax period (Other than QRMP)**. The due date of filing GSTR-1 may be extended by the Commissioner/Commissioner of State GST/ Commissioner of UTGST for a class of taxable persons by **way of a notification**.

Class of registered person	Time limit for furnishing the details of outward supplies in Form GSTR-1 for each quarter/month
Registered persons opting for QRMP scheme	13 <sup>th</sup> day of the month succeeding such <b>quarter</b>
Others	11 <sup>th</sup> day of the month succeeding such <b>month</b>

- **Invoice Furnishing Facility [IFF] for taxpayers opting for QRMP Scheme**
  - Invoice Furnishing Facility (IFF) is a facility provided to quarterly taxpayers who are in QRMP scheme, to file their details of outward supplies in **first two months** of the quarter, to **pass on the credit to their recipients**.
  - It is **not mandatory**, but an optional facility made available to the registered persons under the QRMP scheme.
  - The facility of furnishing details of invoices in IFF has been provided so as to allow details of such supplies to be duly reflected in the Form GSTR-2A and Form GSTR-2B of the concerned recipient.
  - Taxpayers opting for QRMP Scheme may furnish the details of such outward supplies to a registered person, for the 1st and 2nd months of a quarter, **upto a cumulative value of Rs. 50 lakh** in each of the first 2 months of the quarter using IFF electronically on the common portal.
  - Invoices pertaining to last month of a quarter are to be uploaded in GSTR-1 only. The details of invoices furnished using IFF in the first 2 months of the quarter are not required to be furnished again in GSTR-1 for the said quarter.
- **Cases where a registered person is debarred from furnishing details of outward supplies in GSTR-1/IFF**

A registered person shall not be allowed to furnish the details of outward supplies for a tax period, if the details of outward supplies for **any of the previous tax periods** has **not been furnished** by him. However, the Government may, on the recommendations of the Council, by notification, subject to such conditions and restrictions as may allow a registered person or a class of registered persons to furnish the details of outward supplies, even if he has not furnished the details of outward supplies for one or more previous tax periods.

Further Rule 59(6) stipulates that

- a registered person shall not be allowed to furnish the details of outward supplies in Form GSTR-1, if he has not furnished the return in Form **GSTR-3B** for the **preceding month**.

- a registered person, opting for QRMP scheme shall not be allowed to furnish the details of outward supplies in Form GSTR-1 or using IFF, if he has not furnished the return in Form **GSTR-3B** for **preceding tax period**.
  - a registered person, to whom an intimation has been issued on the common portal under the **provisions of rule 88C(1)** in respect of a tax period, shall not be allowed to furnish the details of outward supplies Form GSTR-1 or using IFF for a subsequent tax period, unless he has either deposited the amount specified in the said intimation or has furnished a reply explaining the reasons for any amount remaining unpaid, as required under the provisions of rule 88C(2).
  - a registered person, to whom an intimation has been issued on the common portal under the **provisions of rule 88D(1)** in respect of a tax period/periods, shall not be allowed to furnish GSTR-1/IFF for a subsequent tax period, unless he has either paid the amount equal to the excess ITC as specified in the said intimation or has furnished a reply explaining the reasons in respect of the amount of excess ITC that still remains to be paid, as required under the provisions of rule 88D(2).
  - a registered person shall not be allowed to furnish GSTR-1/IFF, if he has not furnished the **details of the bank account** as per the provisions of **rule 10A**.
- A taxpayer cannot file GSTR-1 before the **end of the current tax period**. However, following are the **exceptions** to this rule:
- a) Casual taxpayers, after the closure of their business
  - b) Cancellation of GSTIN of a normal taxpayer
- A taxpayer who has applied for cancellation of registration will be allowed to file GSTR-1 **after confirming receipt of the application**.

➤ **Contents of GSTR-1:**

Table No.	Details/information to be submitted
1, 2 & 3	GSTIN, legal and trade names, and aggregate turnover in the previous year
4	Taxable outward supplies to registered persons (including UIN-holders) excluding zero-rated supplies and deemed exports
5	Taxable outward inter-state supplies to unregistered persons where the invoice value is more than Rs.2.5 lakh
6	Zero-rated supplies as well as deemed exports
7	Taxable supplies to unregistered persons other than the supplies covered in table 5 (net of debit notes and credit notes)
8	Outward supplies that are nil rated, exempted and non-GST in nature
9	Amendments to outward supplies that are taxable and reported in table 4,5 & 6 of the earlier tax periods' GSTR-1 return (including debit notes, credit notes, refund vouchers issued during the current period)
10	Debit note and credit note issued to unregistered person
11	Details of advances received or adjusted in the current tax period or amendments of the information reported in the earlier tax period.
12	Outward supplies summary based on HSN codes
13	Documents issued during the period.
14	For suppliers - Reporting ECO operators' GSTIN-wise sales through e-commerce operators on which e-commerce operators are liable to collect TCS u/s 52 or liable to pay tax u/s 9(5) of the CGST Act
14A	For suppliers - Amendments to Table 14
15	For e-commerce operators - Reporting both B2B and B2C, suppliers' GSTIN-wise sales through e-commerce operators on which e-commerce operator must deposit TCS u/s 9(5) of the CGST Act
15A	For e-commerce operators -

	Table 15A I - Amendments to Table 15 for sales to GST registered persons (B2B)
	Table 15A II - Amendments to Table 15 for sales to unregistered persons (B2C)

➤ **Details of outward supplies are required to be furnished in GSTR-1 and IFF**

- The details of outward supplies furnished using IFF shall **include** the –
  - a) invoice wise details of inter-State and intra-State supplies made to the registered persons;
  - b) Debit and credit notes, if any, issued during the month for such invoices issued previously.
- IFF shall include invoices pertaining to **B2B** supplies irrespective of whether they are **intra-State or inter- State supplies** because the recipients will take ITC basis such invoices.
- The registered person is required to furnish:- details of invoices and revised invoices issued in relation to supplies made by him to registered and unregistered persons (i.e. **B2B as well as B2C supplies**) and debit notes and credit notes in **GSTR-1**

Invoice Wise details of All	Consolidated Details of All	Debit & Credit Notes
Inter-State and Intra-State supplies made to registered persons, i.e. B2B supplies.	Intra-State supplies made to unregistered persons for each rate of tax	Issued during the month for invoices issued previously
Inter-State supplies made to unregistered persons with invoice value exceeding Rs. 2,50,000 i.e. B2C Large supplies.	Inter-State supplies made to unregistered persons with invoice value upto Rs. 2,50,000 for each rate of tax separately for each State	

- Details related to invoices can be modified/deleted any number of times till the submission of IFF/ GSTR-1 of a tax period.
- The tax payer will be required to report HSN in GSTR-1 as under

Aggregate Annual turnover in the preceding financial year	Number of Digits of HSN Code
Upto Rs. 5 crore	For B2B supply - 4 For B2C supply – 4 (optional)
More than Rs. 5 crore	6

- Tables 9, 10 and 11(II) of GSTR-1 provide for amendments in details of taxable outward supplies furnished in earlier periods. in Amendment Table, the supplier is required to give details of original invoice (No and Date), the particulars of which have been wrongly entered in GSTR-1 of the earlier months and are now sought to be amended.
- The maximum time limit within which such amendments are permissible is earlier of the following dates:
  - **30th day of November following** the end of the financial year to which such details pertain or
  - **Date of filing** of the relevant **annual** return
- Filing of GSTR-1 is mandatory for all normal and casual taxpayers, even if there is no business activity in any particular tax period. For such tax period(s), a **Nil GSTR-1** is required to be filed as prescribed under rule 67A.

- A Nil GSTR-1 can be filed through an SMS using the registered mobile number of the taxpayer. GSTR-1 submitted through SMS is verified by registered mobile number-based OTP facility.
- Taxpayer opting for voluntary cancellation of GSTIN has to file GSTR-1 for active period.
- In cases where a taxpayer has been **converted** from a **normal taxpayer to composition taxpayer** at the beginning of any financial year, GSTR-1 will be available for filing only for the period during which the taxpayer was **registered as normal taxpayer**. The GSTR-1 for the said period, even if filed with delay would accept invoices for the period prior to conversion.
- **Maximum time-limit** upto which a registered person can furnish the details of outward supplies in Form GSTR-1 for a tax period is **3 years from the due date of furnishing such details**.

➤ **GSTR-1A (details of outward supply furnished in the current period amended)**

- A taxpayer who needs to amend any supply record furnished in GSTR 1 or need to add any supply record of same tax period, the same can be done through GSTR 1A in the same month after filing of GSTR-1 and before filing of GSTR-3B.
- GSTR -1A will be open for monthly filer from the later of the following two dates, till the actual filing of GSTR-3B of the same tax period:
  1. Due date of filing of GSTR1 i.e., 11th of the following month or
  2. Date of actual filing of GSTR-1
- GSTR -1A will be open for quarterly filer from the later of the following two dates, till the filing of GSTR-3B of the same tax period (Quarter):
  1. Due date of filing the GSTR1 i.e., 13th of the month following the end of quarter.
  2. Date of actual filing of GSTR-1 (Quarterly).
- There is no due date for filing of GSTR-1A. It can be filled till the filing of GSTR-3B of the same tax period.
- Taxpayer cannot file GSTR-1A once GSTR-3B is filed for the same tax period. However, the functionality of amending records reported in previously filed GSTR-1 in subsequent GSTR 1 will be continued as it is.
- GSTR 1A is optional. Taxpayer can file GSTR-1A in following scenario:
  - a. To add new records which taxpayer missed out while filing in form GSTR-1, and/or
  - b. To amend records which were already reported in same period in form GSTR-1.
- GSTR 1A can be filed only through online mode and through GSP.
- GSTR 1A allows to amend the records filed in the GSTR 1 of current tax period only. The records reported in earlier GSTR 1, can be amended in any subsequent GSTR 1 subject to the time limit specified in the law.
- In case a taxpayer saved any record in Form GSTR-1A but did not file the same before filing the GSTR-3B then he would face error at the time of filing of GSTR 3B, system will not allow to file GSTR 3B. Therefore, he would require to either delete the saved record in GSTR 1A or reset Form GSTR 1A or file GSTR 1A before filing GSTR 3B.
- A debit note / credit note can be added in the corresponding tables of GSTR 1A.
- GSTIN of the recipient cannot be amended through GSTR1A. Same can be done only through GSTR 1 of the following tax periods.
- Any record furnished for the month of M1 or M2 through IFF can be amended in GSTR 1A of the same tax period which will be available to the taxpayer after filling of GSTR 1 for the quarter.
- GSTR 1A can be filed only once for a particular tax period even if GSTR 3B is not filed.



## **Communication of details of Inward Supplies and Input Tax Credit [Section 38 read with Rule 60]**

- The details of outward supplies furnished by the registered persons under section 37(1) and of such other supplies as may be prescribed, and an **Auto-generated Statement** containing the **details of ITC** shall be made available **electronically to the recipients** of such supplies in such form and manner, within such time, and subject to such conditions and restrictions as may be prescribed.
- **Form and manner of ascertaining details of inward supplies – GSTR- 2A and GSTR-2B [Rule 60].**

### **❖ Form GSTR- 2A**

- **Form GSTR-2A** - is a system generated read only statement of inward supplies for a recipient. This statement is **updated on a real time basis**.
- Details of outward supplies furnished by the supplier in Form GSTR-1 or using the IFF is made available electronically to the concerned registered persons (recipients) in Form GSTR-2A.
- Form **GSTR-4A** is the system generated statement of inward supplies for **composition taxpayer**. System generated statement of inward supplies for an **ISD** is **GSTR-6A**.
- Details of invoices furnished by a non-resident taxable person (NRTP) in Form GSTR-5, details of invoices furnished by an ISD in Form GSTR-6, details of TDS by deductor furnished in Form GSTR-7 and details of TCS by an e-commerce operator furnished in Form GSTR-812, are made available to the recipient, deductee or concerned person, in Form GSTR-2A.
- Details of the IGST paid on the import of goods or goods brought in DTA from SEZ unit/developer on a bill of entry are also made available in Form GSTR-2A.

### **❖ Form GSTR-2B**

- **Form GSTR-2B** – an **auto-generated statement** containing the details of eligible ITC - is made available to the registered person (recipient) for every month.
- It is a **static statement** and is available **only once a month**.
- It consists of –
  - the details of outward supplies furnished by the suppliers in Form GSTR-1, other than a supplier who has opted for QRMP scheme, between the day immediately after the due date of furnishing of Form GSTR-1 for the previous month to the due date of furnishing of Form GSTR-1 for the month.
  - the details of invoices furnished by a non-resident taxable person in GSTR-5, details of invoices furnished by an ISD in his return in GSTR-6 and the details of outward supplies furnished by his supplier who has opted for QRMP scheme, in Form GSTR-1 or using the IFF,
- Additional details or amendments in details of outward supplies furnished by his supplier in Form GSTR-1A filed between the day immediately after the due date of furnishing of Form GSTR-1 for the previous tax period to the due date of furnishing of Form GSTR-1 for the current tax period
- The details of IGST paid on the import of goods or goods brought in the DTA from SEZ unit/developer on a bill of entry in the month.
- Taxpayers can generate the GSTR-2B on or after the 14th of every month or Quarter for a tax period.

## **Furnishing of Returns under Section 39:**

### **1. GSTR-3B [Section 39(1) read with rule 61 & 61A]**

- Section 39(1) prescribes a **monthly return** for every registered person, other than
  - (i) an input service distributor or
  - (ii) a non-resident taxable person or
  - (iii) a composition taxpayer,
  - (iv) a person deducting tax at source,
  - (v) a person collecting tax at source, i.e. an electronic commerce operator and
  - (vi) supplier of OIDAR services located in non-taxable territory providing such services to non-taxable online recipient in such form and manner, and within such time, as may be prescribed.
- **GSTR-3B** is the form prescribed for filing return under **section 39**. It contains **summary** of outward supplies, inward supplies liable to reverse charge, eligible ITC, payment of tax etc. GSTR-3B does **not require invoice-wise** data of outward supplies.
- GSTR-3B can be submitted electronically through the common portal, either directly or through a Facilitation Centre notified by the Commissioner.
- A Nil GSTR-3B can be filed through an SMS using the registered mobile number of the taxpayer. GSTR-3B can be filed **monthly or quarterly**.
- **Due date for filing return**
  - (i) **Monthly GSTR-3B** -on or before **20th** of the month succeeding the month for which return is furnished.
  - (ii) **Quarterly GSTR-3B**- on or before **22nd or 24th** of the month succeeding the quarter for which return is furnished in case of a taxpayer opting for **QRMP** scheme.
- **Quarterly Return Monthly Payment (QRMP) Scheme:**
  - QRMP Scheme is an **optional** return filing scheme, introduced for small taxpayers having **aggregate annual turnover (PAN based)** of **upto Rs.5 crore** in the **preceding financial year** to furnish their Form **GSTR-1** and Form **GSTR-3B** on a **quarterly** basis while paying their **tax on a monthly** basis through a simple challan.
  - Opting of QRMP scheme is **GSTIN wise**. Distinct persons can avail QRMP scheme option for one or more GSTINs. It implies that some GSTINs for a PAN can opt for the QRMP scheme and remaining GSTINs may not opt for the said scheme.
  - Registered persons under QRMP scheme **must** have furnished the **return for the preceding month**, as **due** on the **date of exercising such option**. A registered person **shall not be eligible** to opt for QRMP scheme if he has **not furnished the last return due** on the date of exercising such option.
  - A registered person intending to opt for QRMP scheme for any quarter shall indicate his preference for furnishing of return on a quarterly basis **from 1st day of the 2nd month of the preceding quarter till the last day of the 1st month of the quarter** for which the option is being exercised.  
E.g. A registered person intending to avail of QRMP scheme for the quarter 'July to September' can exercise his option from 1st May to 31st July.
  - No need to exercise option every quarter.
  - In case where a registered person's aggregate turnover **crosses Rs. 5 crore** during a quarter in a financial year, he shall not be eligible for furnishing of return on quarterly basis **from the first month of the succeeding quarter**. He shall opt for furnishing of **return on a monthly basis**, electronically, on the common portal, **from the first month of the quarter, succeeding** the quarter during which his **aggregate turnover exceeds Rs. 5 crore**.
  - Due dates for taxpayers opting for QRMP scheme

Class of registered persons	Due date
Registered persons whose principal place of business is in the States of	22nd day of the month succeeding such quarter.

Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana, Andhra Pradesh, Union territories of Daman & Diu & Dadra & Nagar Haveli, Puducherry, Andaman and Nicobar Islands or Lakshadweep.	
Registered persons whose principal place of business is in the States of Himachal Pradesh, Punjab, Uttarakhand, Haryana, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand or Odisha, the Union territories of Jammu and Kashmir, Ladakh, Chandigarh or Delhi.	24th day of the month succeeding such quarter.

- Filing of GSTR-3B is **mandatory** for all normal and casual taxpayers, even if there is **no business activity** in any particular tax period. For such tax period(s), a **Nil GSTR-3B** is required to be filed.
- Maximum time-limit upto which a registered person can furnish the return in Form GSTR-3B for a tax period is 3 years from the due date of furnishing such return.
- **Contents of GSTR-3B:**

Table No.	Heading	Description
1 & 2	GSTIN, Legal name of the registered person & Year and Month/ Quarter	
3.1	Details of outward supply and inward supplies liable to reverse charge	Summary of details of outward supplies and inward supplies liable to reverse charge and tax liability thereon
3.1.1	Details of supplies notified under subsection (5) of section 9 of the CGST Act, 2017 and parallel provisions in IGST/respective SGST Acts.	Summary of details of taxable supplies on which electronic commerce operator pays tax u/s 9(5) of the Act [need to be furnished by ECO] Summary of details of taxable supplies made by registered person through electronic commerce operator, where the liability to pay tax is on such operator as per section 9 (5) of the Act. [need to be furnished by registered person]
3.2	Inter-State supplies	To provide details of inter-State supplies made to unregistered persons, composition taxable persons



		and UIN holders and tax thereon. [Details in this table auto populated from Table 3.1]
4	Eligible ITC	To provide summary details of: A. ITC available (including (1) imports of goods (2) import of services (3) inward supplies liable to reverse charge, (4) inward supplies from ISD, (5) all other ITC) B. ITC reversals (as per Rules 38, 42, 43, Section 17(5) and others) C. Net ITC available D. Other Details – ITC reclaimed – Ineligible ITC on the following count • Section 16 (4) • ITC restricted due to PoS provisions
5	Values of exempt, Nil rated and non-GST inward supplies	To provide summary details of exempt, Nil-rated and non-GST inward supplies
5.1	Interest and late fee	To provide details of interest and late fee payable
6	Payment of tax	To provide details of payment of taxes, interest and late fee

- Omission or incorrect particulars discovered in the returns filed u/s 39 (including return filed by a composition supplier, return for TDS, ISD return and return by NRTP) can be **rectified** in the return to be filed for the tax period **during which such omission or incorrect particulars are noticed**.
- Any tax payable as a result of such error or omission will be required to be paid along with interest.
- Section 39(9) does **not permit rectification** of error or omission discovered on account of scrutiny, audit, inspection or enforcement activities by tax authorities.
- The **maximum time limit** within which the rectification of errors/omissions is permissible is earlier of the following dates:
  - 30th day of November following the end of the financial year to which such details pertain or
  - Actual date of filing of the relevant annual return (31st December of next financial year)
- A return furnished under section 39(1) on which self- assessed tax has been paid in full is considered as a valid return.
- Filing of returns for current month is possible only when returns for any of the previous tax periods and GSTR-1 for the said tax period has been furnished by him.

- Taxpayers can electronically sign their returns using a DSC (mandatory for all types of companies and LLPs), E-sign (Aadhaar-based OTP verification), or EVC (Electronic Verification Code sent to the registered mobile number of the authorized signatory).

## **2. GSTR-4 – Return for composition supplier [Section 39(2) and second proviso to section 39(7) read with rule 62]**

- A registered person paying tax under composition levy (section 10), shall, for each financial year or part thereof, furnish a return, electronically, of turnover in the State or Union territory, inward supplies of goods and/or services, tax payable, tax paid and such other particulars in such form and manner, and within such time, as may be prescribed.
- A **composition supplier** is required to file a return on **yearly basis** in Form **GSTR-4**.
- GSTR-4 for a financial year or part of a financial year should be filed electronically through the common portal either directly or through a Facilitation Centre notified by the Commissioner.
- The composition supplier are required to furnish a statement in the **Form GST CMP-08** containing details of **payment of self-assessed tax**, for every **quarter (or part of the quarter)**, by **18th day of the month succeeding** such quarter.
- A composition supplier is required to file the **return GSTR-4 yearly**, he is required to **pay the tax quarterly**.
- **GSTR-4** for a financial year should be furnished by **30th June of the succeeding** financial year.
- **GST CMP-08** (quarterly statement for payment of self-assessed tax) should be furnished by **18th day of the month succeeding** such quarter.
- GSTR-4 shall **include** the—
  - invoice-wise inter-State and intra-State inward supplies received from registered and unregistered persons; and
  - consolidated details of outward supplies made.
- The inward supplies of a composition supplier received from registered persons filing GSTR-1 will be auto populated in Form GSTR-4A for viewing.
- Contents of GSTR-4:
  - GSTIN
  - Legal name and Trade name
  - TDS/TCS credit received [Table 7]
  - Tax, interest, late fee payable and paid [Table 8]
  - Refund claimed from Electronic cash ledger [Table 9]
  - Invoice-wise details of all inward supplies (i.e., intra and inter-State supplies and from registered and unregistered persons) including reverse charge supplies and import of services [Table 4]
  - Summary of self-assessed liability as per GST CMP-08 (Net of advances, credit & debit notes and any other adjustments due to amendments etc.) [Table 5]
  - Tax rate wise details of outward supplies/inward supplies attracting reverse charge (Net of advances, credit & debit notes and any other adjustments due to amendments etc.) - Consolidated details of outward supplies [Table 6]
- Filing of GST CMP-08 is mandatory for all taxpayers who have opted to pay tax under composition scheme, even if there is no business activity in any particular tax period. For such tax period(s), a Nil GST CMP-08 is required to be filed.
- If a registered person opts to pay tax under composition scheme from the beginning of a financial year, he will, where required, furnish statements/return relating to the period prior to paying tax under composition scheme till the

- due date of furnishing the return for the month of September of the succeeding financial year, or
  - furnishing of annual return of the preceding financial year, whichever is earlier
- A registered person opting to withdraw from the composition scheme at his own motion or where option is withdrawn at the instance of the proper officer will, where required, furnish- GST CMP-08 & GSTR-4 relating to the period prior to his exiting from composition scheme till 18th of the month succeeding the quarter in which the date of withdrawal falls & 30<sup>th</sup> June following the end of the financial year during which such withdrawal falls respectively.
  - As per section 29(2), a proper officer is empowered to cancel the registration of a taxable person if a person paying tax under composition scheme has not furnished his GSTR-4 for a financial year **beyond 3 months from the due date of furnishing the said return.**

### **3. GSTR-5 - Return for Non-Resident Taxable Persons [Section 39(5) read with rule 63]**

- Non-Resident Taxable Persons (NRTPs) are those suppliers who do not have a business establishment in India and have come for a short period to make supplies in India. They would normally import their products into India and make local supplies.
- A registered NRTP is not required to file the Statement of Outward Supplies and return which are otherwise applicable for a normal taxpayer.
- A simplified **monthly tax return** has been prescribed in **Form GSTR-5** for a NRTP for every calendar month or part thereof. The details of outward supplies and inward supplies of an NRTP are incorporated in GSTR-5.
- GSTR-5 should be furnished **within 13 days after the end of the calendar month or within 7 days after the last day of validity period of the registration**, whichever is earlier.

### **4. GSTR-6 – Return for Input Service Distributor [Section 39(4) read with rule 65]**

- An ISD is required to distribute both eligible as well as ineligible credit as per rule 39.
- ISD is not required to file statement of outward supplies with its return. It needs to file only a **monthly return** in **Form GSTR-6** for **distribution of ITC** amongst its units.
- Form GSTR-6 **contains** the details of ITC received for distribution, total ITC/eligible/ineligible ITC to be distributed for the tax period, distribution of ITC (ISD invoices & ISD credit notes), details of debit/ credit notes received, etc.
- The details in GSTR-6 should be furnished **on/before 13th of the month succeeding** the calendar month.
- The details of ITC received for distribution by an ISD will be auto populated in Form **GSTR-6A** when the registered suppliers file their GSTR-1.
- A 'Nil' return is to be filed in case of no ITC being available for distribution or no ITC is being distributed during the month.

### **5. GSTR-7 - Return for tax deducted at source [Section 39(3) and section 51 read with rule 66]**

- Whenever taxable goods or services or both are supplied to a Central/State Government's Department/ establishment or, local authority, or Governmental agencies, recipient is required to **deduct tax at source** under **section 51** where the **total value of such supply exceeds Rs. 2,50,000.**
- Deductor shall furnish a **monthly return** in **Form GSTR-7.**
- The details in GSTR-7 should be furnished **on/before 10th day of the month succeeding the calendar month** in which tax has been deducted at source.

- The details of TDS furnished by the **deductor in GSTR-7** shall be made available electronically to each of the **deductees** on the common portal after filing of Form GSTR-7. The **supplier** can take this amount as **credit** in his **electronic cash ledger** after validation and use the same for payment of tax or any other liability.
- A TDS certificate is generated by the system in Form GSTR-7A for both deductor (the person who is deducting tax) and deductee (the supplier from whose payment, TDS is deducted).
- The certificate is generated once the deductor furnishes a return in Form GSTR-7 on the GST Portal and the deductee accepts the details uploaded by the deductor and files his return.
- It contains the details pertaining to value on which tax has been deducted, rate of deduction, amount of tax deducted at source and amount paid to the Government.
- It is **not mandatory** to file a **nil Form GSTR-7** if no TDS is deducted in the tax period.

#### **6. Due date for Payment of Tax [Section 39(7)]**

- Due dates for payment of tax in respect of the persons required to file monthly GSTR-3B, GSTR-5 and GSTR-7 are linked with the due dates for filing of such returns, i.e. the last dates (due dates) of filing such returns are also the due dates for payment of tax in respect of persons required to file such returns.
- However, due dates for payment of tax in respect of the persons required to file quarterly GSTR-3B under **QRMP** Scheme for **1st two months** of the quarter is **delinked**.
- Every registered person under QRMP scheme shall pay the **tax due for each of the first 2 months of the quarter**, by depositing the said amount in, by the **25th day of the month succeeding such month**.
- In case of registered persons paying tax under **composition scheme**, the due date for payment of tax and filing of **GSTR-4** is **delinked**. While GSTR-4 for a financial year is required to be filed by 30th June of the following financial year, tax for a quarter is to be paid by 18th of the month succeeding such quarter.
- **NRTPs or casual taxable persons** are required to **make advance deposit of an amount equivalent to their estimated tax liability** for the period for which registration is sought or extension of registration is sought in terms of section 27(2).
- Every registered person required to furnish return shall, discharge their liability towards tax, interest, penalty, fees or any other amount payable under GST law by **debiting the electronic cash ledger or electronic credit ledger** and include the details in the return.

#### **Monthly payment of tax under QRMP Scheme**

- The registered person under the QRMP Scheme would be required to pay the tax due in 1st month or 2nd month or both the months of the quarter by depositing the tax due in **GST PMT-06**.
- The payment is to be made by **25th day of the month succeeding** such month.
- While making a deposit of tax, such a registered person may –
  - for the 1st month of the quarter, take into account the balance in the electronic cash ledger.
  - for the 2nd month of the quarter, take into account the balance in the electronic cash ledger excluding the tax due for the 1st month.
- At the time of filing the return for the said quarter in Form GSTR-3B, the amount deposited by the registered person in the first 2 months of the quarter shall be debited.
- Any amount left after filing of that quarter's Form GSTR-3B may either be claimed as refund or may be used for any other purpose in subsequent quarters.
- **Options for making monthly payment of tax**

- While generating the challan, taxpayers should select “Monthly payment for quarterly taxpayer” as reason for generating the challan.
- The said person can use any of the following **two options** provided below for monthly payment of tax during the first 2 months.
  - a) **Fixed sum method:** If a taxpayer chooses this option, a facility is available on the GST portal for generating an auto-generated/pre-filled challan in Form GST PMT-06. The challan amount is **calculated by the system** which cannot be edited. The amount is equal to:
    - (i) **35% of the tax paid in cash** in the return for the **preceding quarter** where the return was furnished **quarterly**; or
    - (ii) **tax liability paid in cash** in the return for the **last month** of the immediately preceding quarter where the return was furnished **monthly**.
  - b) **Self-Assessment Method:** The said persons, in any case, can pay the tax due by considering the tax liability on inward and outward supplies and the ITC available, in Form GST PMT-06. In order to facilitate ascertainment of the ITC available for the month, an auto-drafted input tax credit statement has been made available in Form GSTR-2B, for every month.

## **OTHER RETURNS/ STATEMENTS**

### **1. First return [Section 40]**

- When a person becomes liable to registration after his turnover crosses the threshold limit, he may apply for registration within 30 days of so becoming liable.
- There might be a time lag between a person becoming liable to registration and grant of registration certificate
- During the **intervening period**, such person might have made the outward supplies, i.e. **after becoming liable to registration but before grant of the certificate of registration**.
- Section 40 provides that registered person shall declare his outward supplies made during said period in the **first return** furnished by him after grant of registration. The format for this return is the same as that for regular return.

### **2. GSTR – 8 - Statement for tax collection at source**

- GSTR-8 is a return to be filed by **the e-commerce operators** who are required to deduct TCS (Tax collected at source) under GST.
- GSTR-8 contains the details of supplies effected through e-commerce platform and amount of TCS collected on such supplies.
- Every e-commerce operator registered under GST is required to file GSTR-8.
- GSTR-8 filing for a month is due on **10th of the following month**.

### **3. GSTR – 9 - Annual Return [Sections 44, 52(5) read with rule 80]**

- All registered persons are required to file an **annual return whose annual turnover exceeds Rs. 2 crores**. However, following persons are not required to file annual return:
  - (i) Casual taxable persons
  - (ii) Non-resident taxable person
  - (iii) Input service distributors
  - (iv) Persons authorized to deduct/collect tax at source under section 51/52 and
  - (v) The Commissioner may, on the recommendations of the Council, by notification, exempt any class of registered persons from filing annual return under this section.
- The annual return for a financial year needs to be filed by **31st December of the next financial year**.

- The annual return is to be filed electronically in **Form GSTR-9** through the common portal.
- All registered persons are required to file furnish a **self-certified reconciliation statement** along with annual return if their **aggregate turnover** during a financial year **exceeds Rs. 5 crores**. However, following persons are not required to file self-certified reconciliation statement:
  - (i) Casual taxable persons
  - (ii) Non-resident taxable person
  - (iii) Input service distributors
  - (iv) Persons authorized to deduct/collect tax at source under section 51/52, and
- Such registered person should furnish, electronically, the annual return along with a copy of self-certified reconciliation statement, duly certified, in **Form GSTR-9C**.
- Self-certified reconciliation statement will **reconcile** the value of supplies declared in the **return furnished for the financial year with the audited annual financial statement**.
- The department of the Central/State Government or a local authority, whose books of account are subject to audit by the Comptroller and Auditor-General of India or an auditor appointed for auditing the accounts of local authorities under any law for the time being in force, are exempt from the requirement of furnishing an annual return including self-certified reconciliation statement.
- Maximum time-limit upto which a registered person can furnish an annual return for a financial year is 3 years from the due date of furnishing said annual return.

#### **4. GSTR - 10 - Final Return [Section 45 read with rule 81]**

Every registered person who is required to furnish return u/s 39(1) and whose **registration** has been **cancelled** is required to file a final return electronically in **Form GSTR-10** through the common portal.

The final return has to be filed **within 3 months** of the:

- (i) **date of cancellation** or
  - (ii) **date of order of cancellation**
- whichever is **later**.

#### **5. GSTR – 11 - Details of inward supplies of persons having UIN [Rule 82]**

- Every person who has been issued a Unique Identity Number (UIN) is required to furnish the details of inward supplies in Form GSTR-11.

#### **6. GSTR-5A – Return for persons providing OIDAR services to non-taxable online recipient (NTOR) or registered person other than NTOR or online money gaming from a place outside India to a person in India [Rule 64]**

- Every registered person **either providing**:
  - (i) online money gaming from a place outside India to a person in India, or
  - (ii) providing OIDAR services from a place outside India:
    - (a) to a non-taxable online recipient referred to in section 14 of the IGST Act or
    - (b) to a registered person other than a non-taxable online recipient,
 shall file return in **Form GSTR-5A** by **20th day of the month** succeeding the calendar month/part thereof.
- Form GSTR-5A needs to be filed even if there is no business activity (i.e. it is a Nil Return) for a tax period.

#### **DEFAULT/DELAY IN FURNISHING RETURN [SECTIONS 46 & 47]**



➤ **Notice to return defaulters [Section 46 read with rule 68]**

- A notice in prescribed form is issued, electronically, to a registered person who fails to furnish return under section 39 [Normal Return] or section 44 [Annual Return] or section 45 [Final Return] or section 52 [TCS Statement].
- The notice requires the registered person to furnish the return within 15 days, failing which the tax liability will be assessed under section 62, based on the relevant material available with the proper officer.
- In addition to tax so assessed, applicable interest and penalty will also be payable.

➤ **Late fees for delay in filing return [Section 47]**

- Late fee is applicable for delay in furnishing of return / details of outward supply as per the provision of **section 47**.
- Delay in filing any of the following by their respective due dates, attracts late fee:
  - A. Statement of Outward Supplies [Section 37]
  - B. Returns (including returns under QRMP Scheme) [Section 39]
  - C. Final Return [Section 45]
  - D. TCS Statement [Section 52]
- Quantum of late fee is Rs. 100 for every day during which such failure continues or Rs. 5,000 whichever is lower.
- Rationalisation of late fees for delayed filing of Forms GSTR-1, GSTR-3B, GSTR-4, GSTR-7 and GSTR-9.

Form	Turnover in Previous Financial Year	Per Day Late Fee	Maximum Late Fee
GSTR-1 and GSTR-3B	Nil	Rs. 20	Rs. 500
	Upto 1.5 Crore	Rs. 50	Rs. 2,000
	From 1.5 Crore to 5 Crore	Rs. 50	Rs. 5,000
	Above Rs.5 Crore	Rs. 50	Rs. 10,000
GSTR-4	Zero/Nil Return	Rs. 20	Rs. 500
	Other Than Nil Return	Rs. 50	Rs. 2,000
GSTR-7	Zero/Nil Return	No Late Fee	Not Applicable
	Other Than Nil Return	Rs. 50	Rs. 2,000
GSTR-9 & 9C	From 2 Crore to 5 Crore	Rs. 50	0.04% of the Turnover in the State or UT
	From 5 Crore to 20 Crore	Rs. 100	0.04% of the Turnover in the State or UT
	Above Rs 20 Crore	Rs. 200	0.50% of the Turnover in the State or UT

NIL return means where the total amount of CGST payable in said GST return is NIL but IGST may or may not be payable in such return.

**GOODS AND SERVICES TAX PRACTITIONERS [SECTION 48]**

- Section 48 provides for the authorization of an eligible person to act as approved Goods and Services Tax Practitioner (GSTP). A registered person may authorize an approved GSTP to furnish information, on his behalf, to the Government.
- GSTN provides separate user ID and Password to GSTP to enable him to work on behalf of his clients without asking for their user ID and passwords.
- A taxpayer may choose a different GSTP by simply unselecting the previous one and then choosing a new GSTP on the GST portal.
- **Basic Conditions for Becoming a GST Practitioner**
  - They should be a citizen of India
  - They should be of sound mind
  - They should not be adjudged as an insolvent
  - They should not be convicted of an offense with imprisonment of two years or more
- **Qualifications for Becoming a GST Practitioner**
  - A retired officer of the Commercial Tax Department of any State Government or of the CBIC who has worked in a post of Group-B (or higher) gazetted officer for a minimum period of two years
  - A Tax Return Preparer or a Sales Tax Practitioner registered for a period of not less than 5 years
  - A graduate or postgraduate in Commerce, Law, Banking including Higher Auditing, or Business Administration or Business Management from any Indian University or a recognised Foreign University
  - Advocate
  - A Chartered Accountant, Cost Accountant or a Company Secretary holding Certificate of Practice (COP)
- **Duties of a GST Practitioner**
  - Application for amendment/cancellation/revocation of cancellation of GST registration (after confirmation from registered person)
  - Application for opting into or withdrawal from the composition levy
  - View the electronic cash, liability and credit ledgers
  - GSTR 1, GSTR-3B, CMP-08, ITC-04 and various other returns and ITC forms
  - GSTR 9 and GSTR 4
  - Create challan and deposit cash into the electronic cash ledger
  - A claim for refund in form RFD-11 (after confirmation from registered person)
  - View and create applications on Advance Rulings, DRC-03, and LUT
  - Viewing GST notices
  - Appear as an authorised representative
- **Procedure for enrolment as GSTP**
  - An application in prescribed form may be made electronically through the common portal for enrolment as GSTP.
  - The application shall be scrutinized and GST practitioner certificate shall be granted in the prescribed form.
  - In case, the application is rejected, proper reasons shall have to be given.
  - The enrolment once done remains valid till it is cancelled.
  - No person enrolled as a GSTP is eligible to remain enrolled unless he passes such examination conducted at such periods by NACIN
  - Any person who has been enrolled as GSTP by virtue of him being enrolled as a Sales Tax Practitioner or Tax Return Preparer under the earlier Indirect Tax law shall remain

enrolled only for a period of 30 months from the appointed date unless he passes the said examination within the said period of 30 months.

### **INFORMATION RETURN [SECTIONS 150 & 123]**

- Information return is based on the idea of verifying the compliance levels of registered persons through information procured from independent third party sources.
- This is more from the administrative point of view for the Government to be used for the exchange of information. Under Section 150 of the CGST Act, 2017, the government mandates the filing of Information Returns under GST for certain class of persons. Information returns are not tax returns. They are rather tax documents which are used to report certain business transactions.
- Authorities who are responsible for maintaining record of registration or statement of accounts or any periodic return or document containing details of payment of tax and other details of transaction of goods or services or both or transactions related to a bank account or consumption of electricity or transaction of purchase, sale or exchange of goods or property or right or interest in a property under any law for the time being in force, shall furnish an Information Return of the same in respect of such periods, within such time, in such form and manner and to such authority/agency as may be prescribed.
- Where the Commissioner, or an officer authorised by him in this behalf, considers that the information furnished in the information return is defective, he may intimate the defect to the person who has furnished such information return.
- He shall give such person an opportunity of rectifying the defect within a period of 30 days from the date of such intimation or within such further period which, on an application made in this behalf, the said authority may allow.
- if the defect is not rectified within the said period of 30 days or, the further period so allowed], then, notwithstanding anything contained in any other provisions of this Act, such information return shall be treated as not furnished and the provisions of this Act shall apply.
- Where a person who is required to furnish information return has not furnished the same within the specified time, the said authority may serve upon him a notice requiring furnishing of such information return within a period not exceeding 90 days from the date of service of the notice and such person shall furnish the information return.
- The provisions of the act provide that in the case where a person required to file the Information Return fails to do so within the specified time-limit as per the notice, the person shall be liable to pay a penalty of Rs. 100 for every day for which the default continues. There is also a cap on the maximum amount payable as the penalty for failure to furnish Information Return. The maximum amount of penalty can't exceed Rs. 5,000.

### **IMS (Invoice Management System)**

- Invoice Management System (IMS) is a facility in GST system, where the invoices/records saved/filed by the supplier in GSTR-1/1A/IFF, can be accepted, rejected or kept pending by recipients in order to correctly avail ITC.
- IMS can be accessed using below path on GST Portal : Dashboard > Services > Returns > Invoice Management System (IMS) Dashboard.
- IMS has been launched on the GST Portal from 1st October 2024 and shall be available to the taxpayers for taking actions on the received invoices/records from 14th October 2024 onwards.
- All the saved or filed original invoices/records and their amendments by suppliers through GSTR-1/1A/IFF will be available to the recipient for taking actions in IMS. However, the documents where ITC is not eligible either due to:
  - POS rule or

- Section 16(4) of the CGST Act, will not appear on IMS and will directly go to 'TTC Not Available' section of GSTR-2B.
- All the accepted/rejected records belonging to a particular GSTR-2B period will be removed from IMS on filing of GSTR-3B for that particular period. Only the pending record and the invoices/records belongs to future tax period shall remain in IMS.
- The documents will be available in IMS as soon as they are saved by the supplier in their corresponding GSTR-1/1A/IFF.
- Below records **will not be part of IMS** but will directly flow to GSTR-2B:
  1. Document flowing from the following forms:
    - a. GSTR 5
    - b. GSTR 6
  2. ICEGATE documents
  3. RCM records
  4. Document where ITC is ineligible due to:
    - a. POS rules
    - b. Section 16(4) of CGST Act
  5. Documents where ITC to be reversed on account of Rule 37A
- Taxpayers registered as **normal taxpayers (including SEZ unit/Developer) and casual taxpayers** will be able to access IMS functionality.
- Below actions are allowed to take in IMS:
  - Accept
  - Reject
  - Pending
- For the following 4 scenarios, 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
- 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. However, the action taken will be frozen at the time of filing the corresponding GSTR-3B by the recipient.
- **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 2 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.
- **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.

➤ **What will happen to documents on which taxpayers has taken an action on IMS:**

The documents will be treated in following manner based on different kind of action:

- Accept –Accepted records will become part of ‘TTC Available’ section of respective GSTR 2B. ITC of accepted records will auto-populate in GSTR 3B.
  - Reject –Rejected records will become part of ‘TTC Rejected’ section of respective GSTR 2B. ITC of rejected records will not auto-populate in GSTR 3B.
  - 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.
- All the filed and accepted (no action will be treated as deemed accepted) or rejected records will be considered for GSTR-2B generation as per the cut-off dated of GSTR-2B.
- 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.
- RCM invoices are not part of IMS but will continue to be part of GSTR-2B as it is being reflected today.
- The IMS has two different view:
- 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 your respective supplier. These documents will be available for actions by the recipient.
  - 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. \*It will be made available shortly.
- **What happens if recipient reject a record?**
- 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.
  - 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 GSTR 1/ 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.
- All the accepted/rejected records belonging to a particular GSTR-2B period will be removed from IMS on filing of GSTR-3B for that particular period.
- 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.
- Excel download facility is available to download the IMS data.
- The recipient will be allowed to take an action on any record available in draft GSTR 2B also, till the filing of GSTR-3B.
- 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.