

Eway Bill and GST - Recent Amendments



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FAQ: It is a destination based tax on consumption of goods and services. It is levied at all stages right from manufacture up to final consumption with credit of taxes paid at previous stages available as setoff. In a nutshell, only value addition is taxed and burden of tax is to be borne by the final consumer.



16.1.2018



What is GST

Goods and Services Tax

Greatly Screw-up Tax

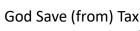


Good and Simple Tax

Great Selfish Tax



Gabbar Singh Tax





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Updates in GST

- In order to ease for a smooth transition from the Earlier Laws to GST and to ensure the ease of doing business the Law has undergone updation at multiple levels.
- Considering the hardships and suggestions put forward by various Trade Organisations new amendments are continuously brought in on day to day basis to ensure mitigation of Hardships alongwith proper compliance of Law.

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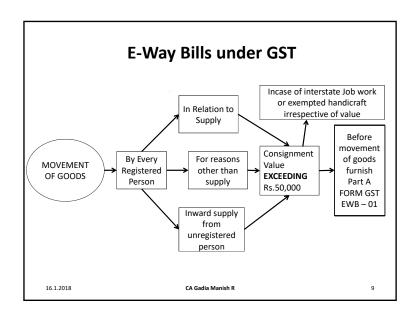


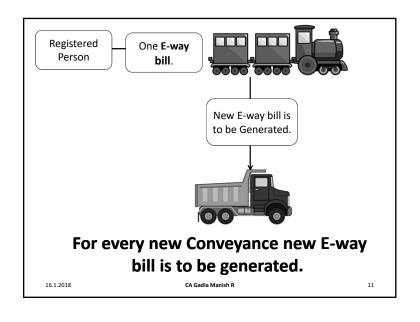


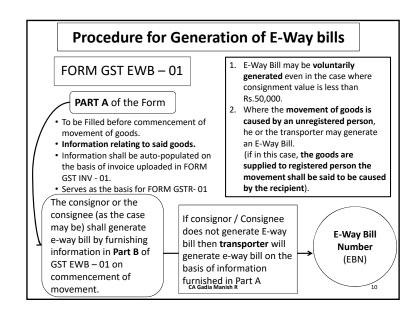


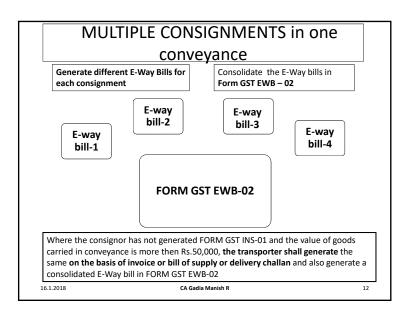


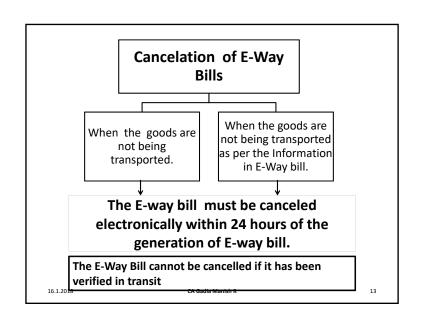
SNo	Particulars	Scheduled
1	Voluntary E Way Bills opted by Traders/ Transporters	16 th Jan, 2018
2	Mandatory E Way Bills for Inter State Movement	1 st Feb, 2018
3	E Way Bill introduction by States (Discretionary)	Upto 31 st May, 2018
4	Mandatory E Way Bills for Intra State Movement	1 st June, 2018
16.1.2018	CA Gadia Manish R	E Way Bill Prom let of Rebeusy, 2018

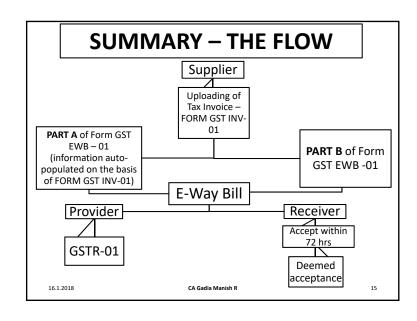






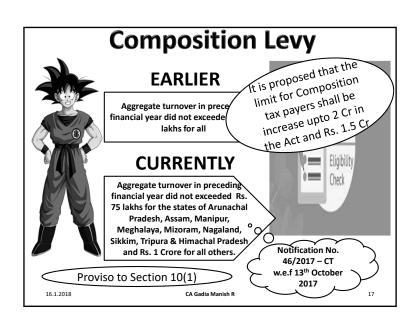




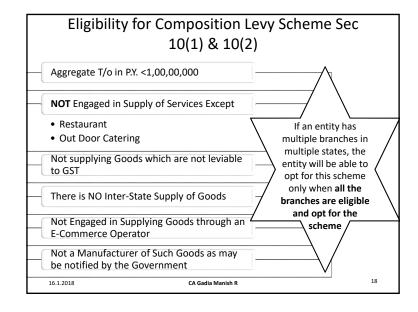


Validity of E-Way bill.			
	,		
S No	DISTANCE	VALIDITY PERIOD	
1	Less than 100 km	One Day	
2	For every 100 Km or part	One additional	
	thereof thereafter	day	
NOTE: "Relevant Date" means the date on which the e-way bill has been generated and the period of validity shall be counted from the time at which the e-way bill was generated.			
Commissioner may, by Notification extend the validity period of e-way bill for certain categories of goods.			
In exceptional cases, the goods cannot be transported with the time, the transporter may generate another e-way bill.			







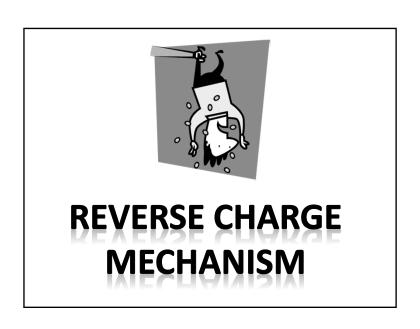


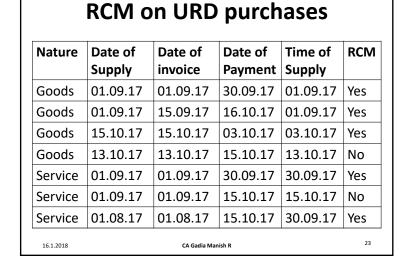
GST Rate for Composition Dealers w.e.f. 01.01.2018

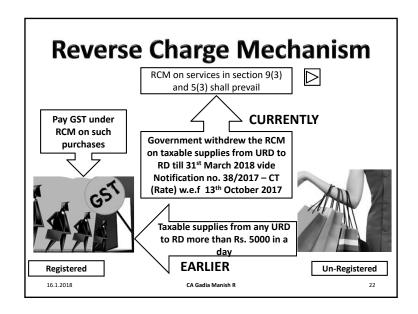
Type of Assessee	Rate under Composition upto 31.12.2017	Rate under Composition from 01.01.2018
Manufacturer	1% CGST + 1% SGST of turnover in State	0.5% CGST + 0.5% SGST of turnover in State*
Restaurants & Outdoor Caterers	2.5% CGST + 2.5% SGST of turnover in State	2.5% CGST + 2.5% SGST of turnover in State
Trader	0.5% CGST + 0.5% SGST of turnover in State	0.5% CGST + 0.5% SGST of turnover of taxable supplies in State

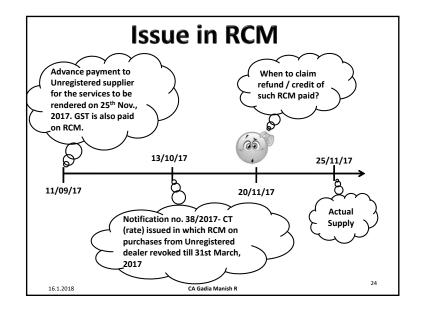
*While a Trader will pay GST @ 1% on taxable supplies only, a manufacturer shall be required to pay GST @ 1% on taxable as well as exempted supplies

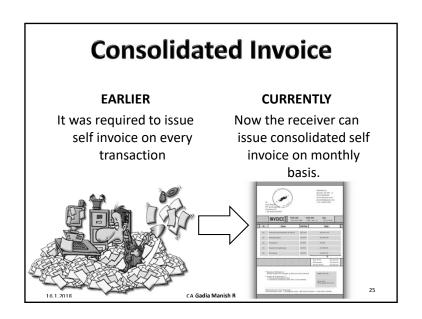
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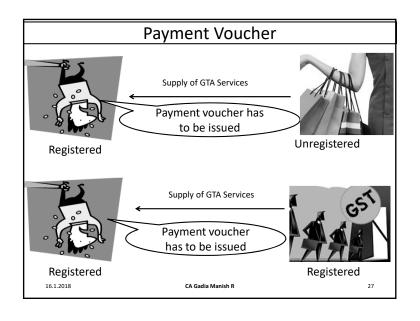


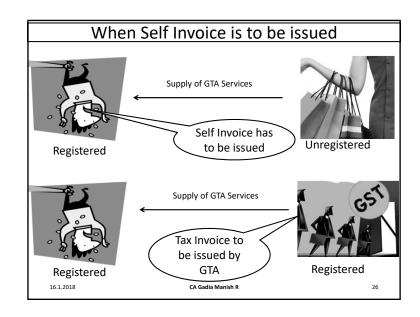


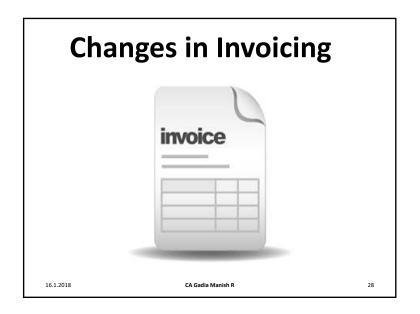


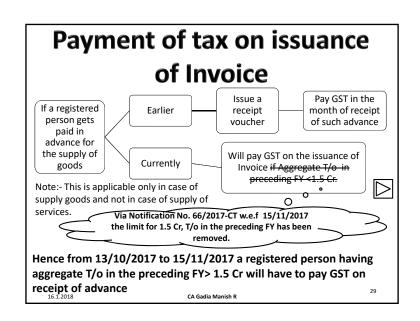


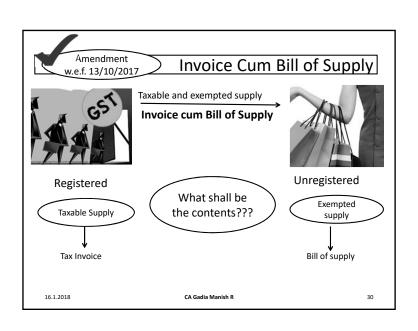


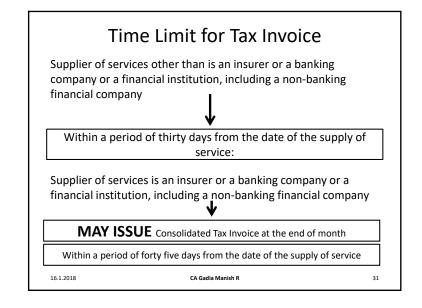




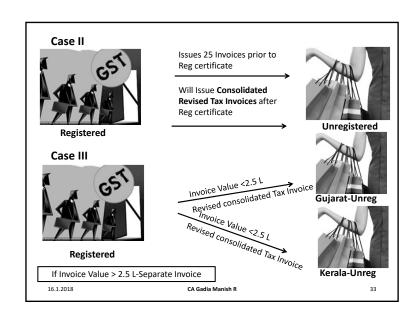




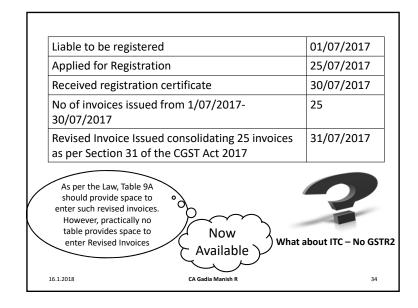


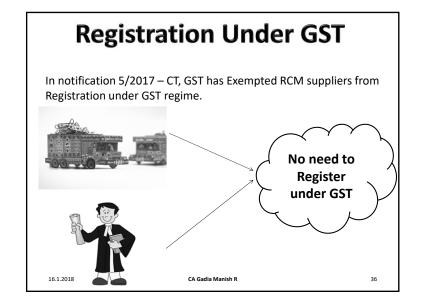


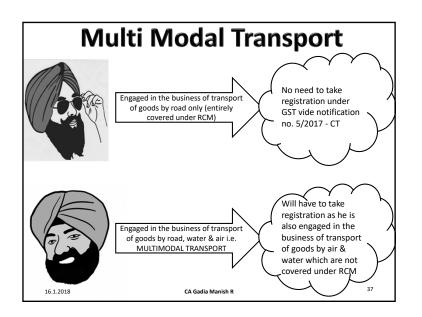


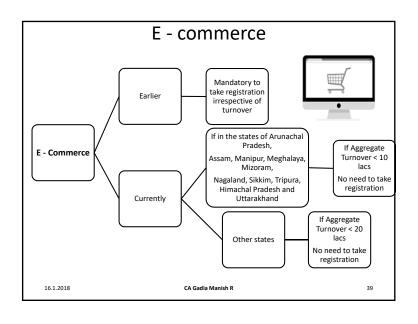


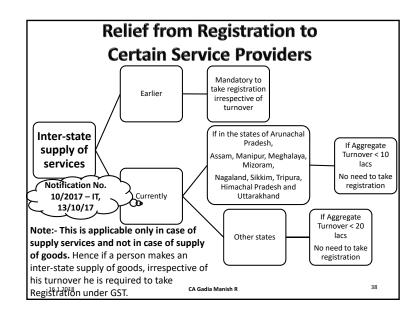


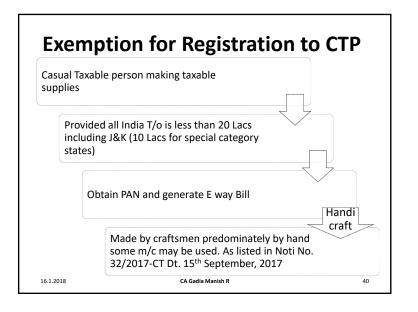


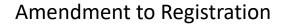












- · Any amendment to Registration Certificate shall be effective from the date of application
- Commissioner may grant amendment effective earlier than date of application by Notification No. 75/2017 – order in writing giving the reason.



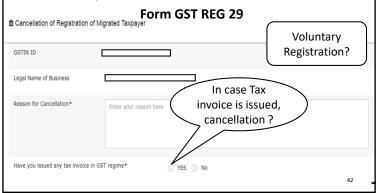
CT dated 29th December, 2018





Cancellation of Registration

• Every person registered under any of the existing laws, who is not liable to be registered under the Act may, on or before 31st December, 2017, at his option, submit an application electronically in FORM GST REG-29



Introduction

- With the advent of Goods and Service Tax Act 2017, every registered person is required to file returns as per section 37, 38 and 39.
- · Depending upon the nature of person, the form and the frequency to file returns is different for every person.
- In addition to the returns specified in the above sections, the Government has also introduced an additional return in Form GSTR 3B to be filed by every person as per Rule 61(5) read with Notification No 35/2017-CT for the month July to December 2017
- However as per Notification No. 56/2017 Central Tax, Form GSTR 3B has to be filed for all the taxpayers monthly from July 2017 to March 2018

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Extension in filing Returns In the 23 rd GST Council meeting, due dates be extended for facilitating Tax-payers Periodicity Period Period					
Forms		Periodicity	Period	per	iods shall nounced later
GSTR 1	Outward	Qtrly	July – Sept	T/o < 1.5 Cr	31/12/2017
	Outward	Qtrly	Oct – Dec	T/o < 1.5 Cr	15/02/2018
	Outward	Qtrly	Jan – March	T/o < 1.5 Cr	30/04/2018
GSTR 1	Outward	Monthly	July – Nov	T/o > 1.5 Cr	10/01/2018
	Outward	Monthly	Dec to March	T/o > 1.5 Cr	10 th of next month starting from 10th Feb 18 for Dec 17
GSTR 4	Composition	Qtrly	July – Sept		24/12/2017
GSTR 5	Non resident	Monthly	July, Aug, Sept, Oct, Nov & Dec		31/1/2018
GSTR 5A	OIDAR	Monthly	July, Aug, Sept, Oct, Nov & Dec		31/1/2018
GSTR 6	ISD	Monthly	July		31/12/2017 52

Amendment in Late Fees

Q. Late Fees for filing of July, August and Sept 3-B was waived off at a later Date. What in case of the Assesses who already paid it? Will it be Refunded to the Cash Ledger?

Yes, such late fees will be re-credited to the Electronic Cash Ledger under 'Tax' head so that it can used for discharging their future liabilities (as amended in the 23rd GST council)

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Amendment in Late Fees

•Late Fees for late filing of returns is Rs. 200/- each day (Rs. 100/- CGST and Rs.100/- SGST) GSTR1?

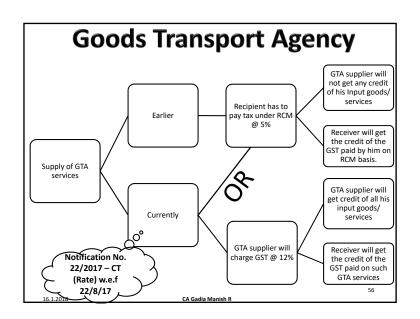
•For months from October 2017, an assessee whose tax liability for a month is NIL will be Rs. 20/- per day (Rs. 10/- per day each under CGST and SGST). For others, it shall be Rs. 50/- per day

GSTR 3B and GSTR4

Particulars	Late fees – Earlier	Late fees – Now
Nil return	200/- per day	20/- per day
Others	200/- per day	50/- per day

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Extension of Due dates

Taking cognizance of the late availability or unavailability of some forms on the common portal, it has been decided that the due dates for furnishing the following forms shall be extended as under:

S. No	FORM and Details	Original due date	Revised due date
1	GST ITC-04 for the quarter July-September, 2017	25.10.2017	31.12.2017
2	ITC-01	31.10.2017	31.01.2018
3	TRAN-1	30.09.2017	27.12.2017 (revision also to be given till this date)

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Leasing of Motor Vehicle



65% of GST applicable on the motor vehicle falling under chapter 87 of first schedule of Customs Tariff Act, if

- The Motor Vehicles was purchased by the lesser prior to 1st July, 2017 and supplied on lease before 1st July, 2017; or
- The supplier of Motor Vehicle is a registered person.
 Such supplier had purchased the Motor Vehicle prior to 1st July, 2017 and has not availed input tax credit of central excise duty, Value Added Tax or any other taxes paid on such vehicles

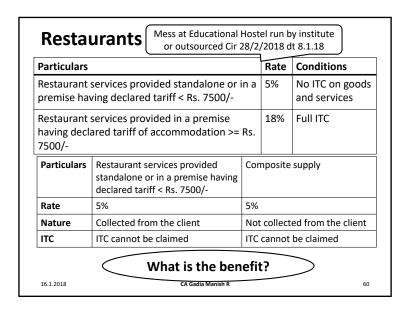
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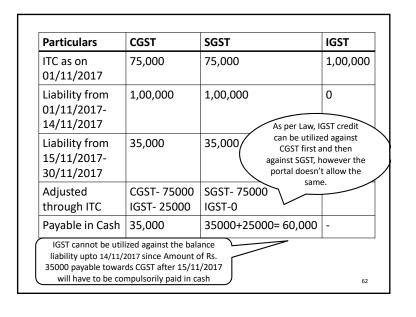
Diplomatic Mission

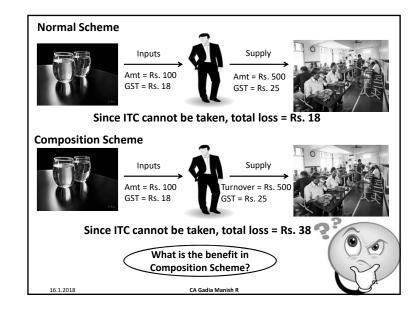
Benefits for Diplomatic Missions/UN organizations

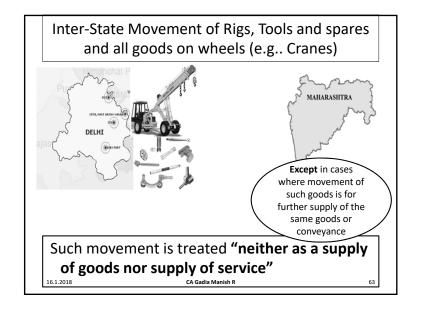
 In order to lessen the compliance burden on Foreign Diplomatic Missions / UN Organizations, a centralized UIN will be issued to every Foreign Diplomatic Mission / UN Organization by the Central Government and all compliance for such agencies will be done by the Central Government in coordination with the Ministry of External Affairs

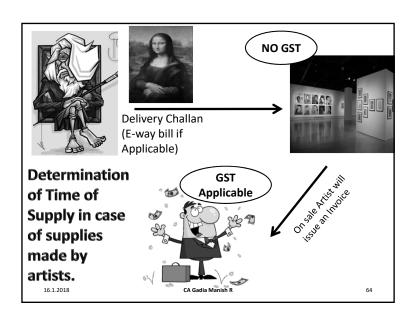
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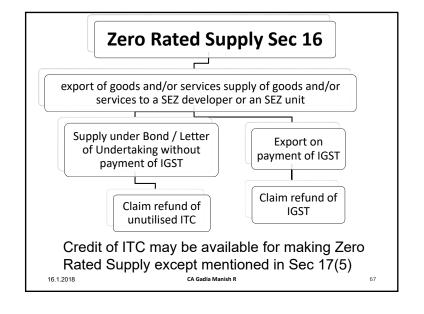




Authority for Advance Ruling

- Since the online application for Applying for Advance Ruling Authority is not yet made available, an Offline application can be filed for the same
- However the payment of Rs.5,000/- i.e. fees for applying for Advance Ruling would have to be paid Online
- A User-Id for Advance Ruling Will be generated online which will enable you to make the payment online. After making the same the requisite documents along with the paid challan will have to be submitted to the department.

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Meaning of Export

"Export of services" means the supply of any service when,—

- (i) the supplier of service is located in India;
- (ii) the recipient of service is located outside India;
- (iii) the place of supply of service is outside India;
- (iv) the payment for such service has been received by the supplier of service in convertible foreign exchange; and
- (v) the supplier of service and the recipient of service are not merely establishments of a distinct person in accordance with Explanation 1 in section 8;

"Export of Goods" with its grammatical variations and cognate expressions, means taking goods out of India to a place outside India.

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Exempt supply to Nepal/Bhutan

- Supply of services associated with transit cargo to Nepal and Bhutan (landlocked countries) where the place of supply is in Nepal and Bhutan.
- Supply of services having place of supply in Nepal or Bhutan, against payment in Indian Rupees

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Eligibility to Opt for LUT

Initially only the following persons were eligible to opt for LUT in place of Bond:

- a status holder as specified in paragraph
 5 of the Foreign Trade Policy 2015- 2020;
 or
- who has received the due foreign inward remittances amounting to a minimum of 10% of the export turnover, which should not be less than 1 Cr. Rs., in the preceding FY. and
- he has not Notification No. offence 37/2017 CT Services w.e.f. 04/10/17 any of the existing the existing amount of tax evaded Rs.250/-.

Now any Exporter can apply for LUT in place of Bond (including the registered suppliers engaged in supplying goods and services to SEZ units & SEZ developers) except: those who have been prosecuted for any offence under the CGST Act, 2017 or the IGST Act, 2017 or any of the existing laws in force in a case where the amount of tax evaded exceeds 2.50 Cr.

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Services to Nepal and Bhutan Services taken Supplier of Service Cannot take refund of the same as used for providing exempt services Not classified as Exports as does not satisfy the definition of the same Hence how to take refund of ITC used? As per notification no. 55/2017-CT DTD 15th November, 2017, it shall be deemed that such ITC is used for providing taxable services and hence the such ITC shall not be reversed. 16.1.2018 CA Gadia Manish R 71

Deemed Exports

Q. What are deemed Exports?

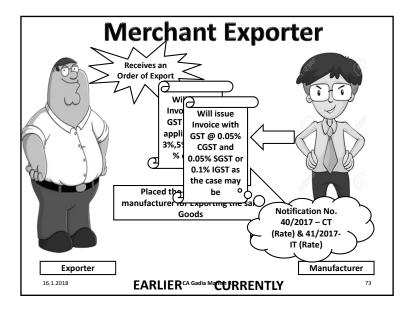
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Ans:- As per Sec.147 of CGST act, 2017 Deemed Exports means where goods supplied do not leave India, and payment for such supplies is received either in Indian rupees or in convertible foreign exchange, if such goods are manufactured in India.

The Central govt. notified vide notification no. 48/2017 - CT the following supplies as deemed exports:

- 1. Supply of goods by a registered person against Advance Authorisation.
- 2. Supply of goods by a registered person to Export Oriented Units.
- 3. Supply of Capital goods by a registered person against Export Promotion Capital Goods Authorization.
- Supply of Gold by a bank to Public Sector Undertaking specified in the notification no. 50/2017-Customs, dated 30th June, 2017 (as amended) against Advance Authorization.





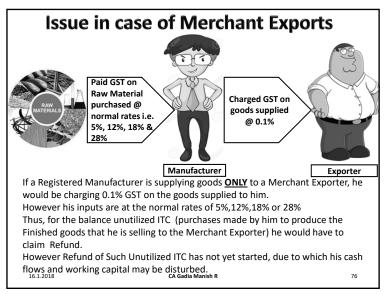
Requisites to claim concessional rate

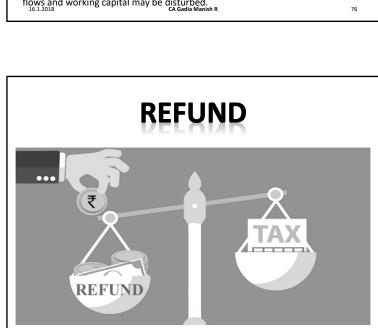
- The exporter must be registered with an Export Promotion Council or a Commodity Board Recognized by Department of Commerce.
- The copy of the order received should be provided by the Exporter to the Jurisdictional Tax Officer of the Registered Supplier
- Registered supplier must issue the goods to the Exporter on a Tax Invoice
- The Exporter must export the goods within 90 Days of issue of the Tax Invoice.
- The Exporter must mention the GSTIN of the Registered Supplier and the Tax Invoice Number issued by the Registered Supplier in the Shipping Bill or the Bill of Export

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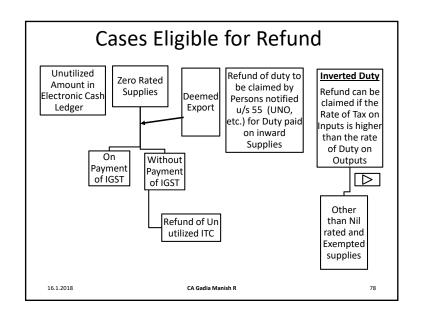
- The Exporter can move the goods Directly to the Port, Inland Container Depot, Airport or Land Customs Station or To a Registered Warehouse.
- In case the Exporter is to receive the goods from multiple Registered Suppliers, he can aggregate these goods in the Registered Warehouse.
- The Acknowledgement of Receipt of Goods from the Warehouse Operator as well as the Endorsed Tax Invoice needs to be provided to the Jurisdictional Tax Officer of Such Registered Supplier.
- The Exporter shall provide a copy of Shipping Bill or Bill of Export, Tax Invoice of the Registered Supplier and Proof of Export General Manifest (EGM) or Export Report to the Registered Supplier and the Jurisdictional Tax Officer of such Registered Supplier

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Manual filing of Refund- Circular no. 17/17/2017 – GST Dtd. 15th Nov, 17

 Due to the non-availability of the refund module on the common portal, the applications/documents/forms pertaining to refund claims on account of zero-rated supplies shall be filed and processed manually.



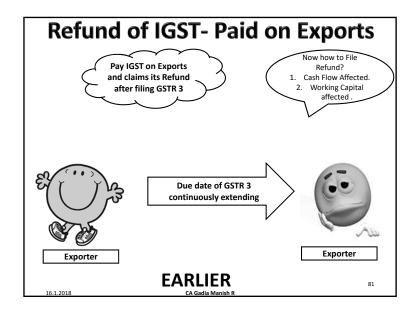
- Various forms for the same has been prescribed accordingly.
- Manual filing is applicable for exporter opting for any option viz. Export on payment of IGST and Export under LUT/Bond including supply to SEZ.



Manual filing of Refund- Circular no. 24/24/2017 – GST Dtd. 21st Dec, 17

- According to Circular No. 24/24/2017 refund of inverted duty structure, deemed exports and excess cash balance in electronic ledger can also be claimed by filing GST RFD-01A and submitting the relevant documents
- However, the module for claiming refund of inverted duty structure and deemed exports has not yet gone live.

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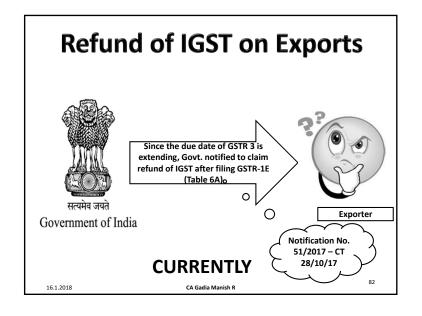


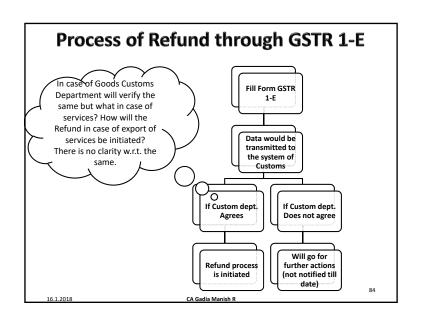
Illustration for a company A in Maharashtra paying IGST on exports

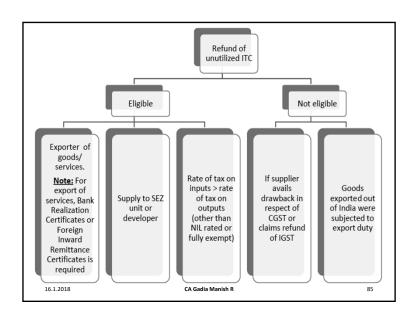
Particulars	Amount
Transaction Value of Exports goods	Rs.5,00,000/-
Rate IGST	18%
IGST payable on supply	Rs.90,000/-
ITC Availed	Rs.50,000/-
Net IGST Paid	Rs.40,000/-
Refund to be Claimed	Rs.90,000/-

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Refund on Exports under LUT/Bond

In case of Zero Rated Supplies without payment of Tax i.e. Under LUT or Bond

Refund can be claimed for the amount of Unutilized Input Tax Credit

Refund Amount Eligible to be Claimed = (Turnover of Zero Rated Supplies of Goods + Turnover of Zero Rated Supplies of Services)* Net ITC ÷ Adjusted Total Turnover

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Relevant Definitions

- "Turnover of zero-rated supply of goods" means the value of zero-rated supply of goods made during the relevant period without payment of tax;
- "Turnover of zero-rated supply of services" means the value of zero-rated supply of services made without payment of tax

Zero-rated supply of services" is the aggregate of the payments received during the relevant period for zero-rated supply of services and zero-rated supply of services where supply has been completed for which payment had been received in advance in any period prior to the relevant period reduced by advances received for zero-rated supply of services for which the supply of services has not been completed during the relevant period;

- "Net ITC" means input tax credit availed on inputs and input services during the relevant period without payment of tax under bond or LUT, other than the turnover of supplies in respect of which refund is claimed under Deemed Export or Merchant Exporter or both.
- "Adjusted Total turnover" means the turnover in a State or a Union territory, excluding the value of exempt supplies other than zero-rated supplies and turnover of supplies in respect of which refund is claimed under Deemed Export or Merchant Exporter, during the relevant period;
- "Relevant period" means the period for which the claim has been filed.

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Illustration 1. For 100% Export Sales

Particulars	Amount	
Turnover of Zero Rated Supplies	Rs.5,00,000/-	
Adjusted Total Turnover	Rs.5,00,000/-	
ITC Availed	Rs.1,50,000/-	
Refund to be Claimed	500000*150000/500000 = Rs. 1,50,000/ -	

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Illustration 2.-For Export + Exempt Supplies

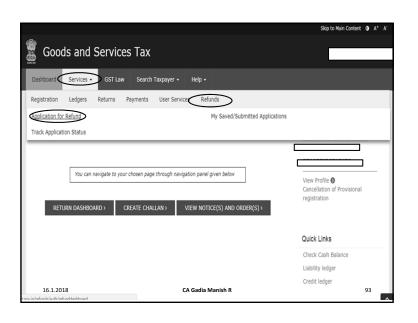
Particulars	Amount	
Turnover of Zero Rated	Rs.5,00,000/-	
Supplies		
Turnover of Exempt	Rs.15,00,000/-	
Supplies		
Adjusted Total	Rs.5,00,000/-	
Turnover		
ITC Availed	Rs.1,50,000/-	
Refund to be Claimed	500000*150000/50000	
	0 = Rs. 1,50,000/-	

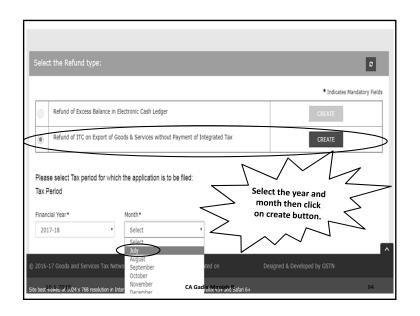
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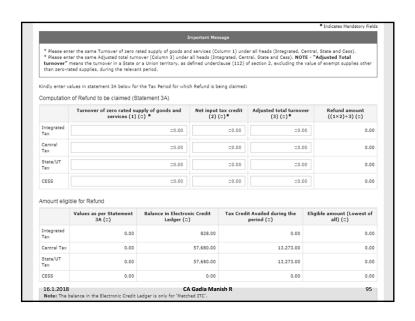
Illustration 3 – For Export + Domestic Sales Where Export Sales < Domestic Sales

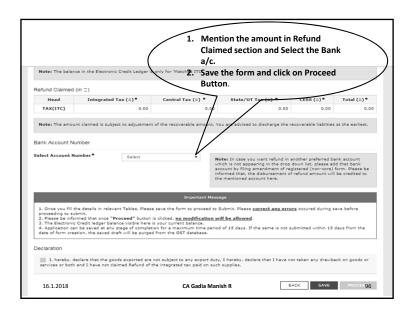
Particulars	Amount
Turnover of Zero Rated Supplies	Rs.5,00,000/-
Turnover of Domestic Supplies	Rs.15,00,000/-
GST Liability for Domestic Supplies	Rs.2,70,000/-
ITC Availed	Rs.1,50,000/-
Balance GST Paid in Cash After Utilizing ITC	Rs.1,20,000/-
Adjusted Total Turnover	Rs.20,00,000/-
Refund to be Claimed	0
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Illustration 4. For Export + Domestic Sales where Export > Domestic Sales **Particulars** Amount Turnover of Zero Rated Rs.5,00,000/-Supplies Turnover of Domestic Rs.15,00,000/-**Supplies** GST Liability for Domestic Rs.75,000/-Supplies ITC Availed Rs.1,50,000/-Balance ITC Available Rs.75,000/-Adjusted Total Turnover Rs.20,00,000/-Refund to be Claimed 500000*75000/2000000= Rs.18,750/-16.1.2018 CA Gadia Manish R





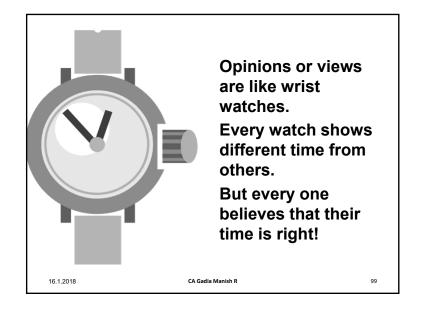






- After Proceeding, the portal will generate an ARN and the credit ledger will be debited instantly.
- Print the filled form and mention the ARN generated while filing refund claim online.
- File the same manually with the department along with all the requisite documents
- If any discrepancies are found, the officer will issue a RFD-03 within 15 days, otherwise he will issue an acknowledgement and RFD-02.

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Information contained herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of particular situation.

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