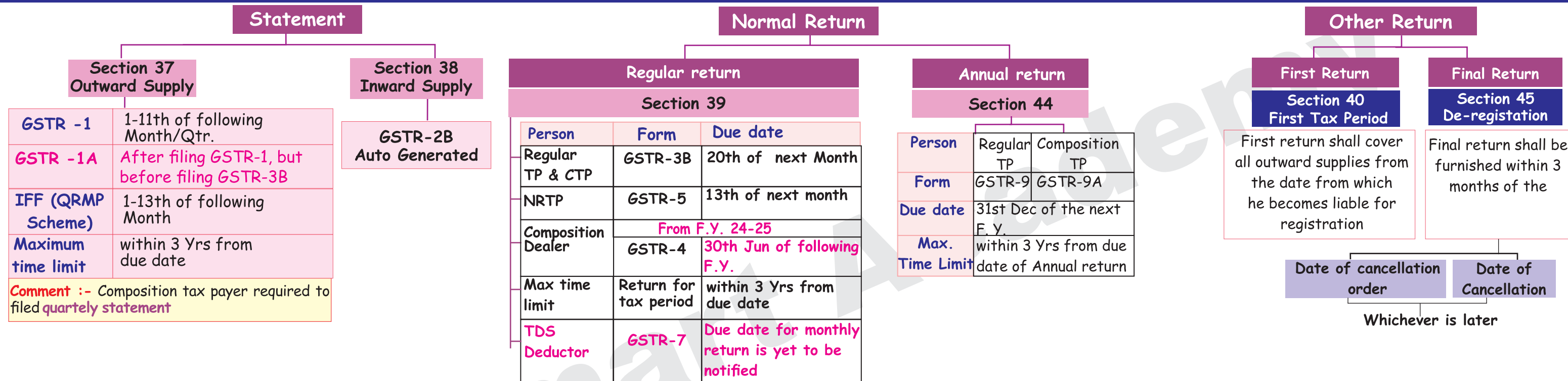


Chapter 13 - RETURN



CA Vishal Bhattar

Statement / Return



Outward and Inward Supply Statement (Sec 37 & Sec 38)

Type of TP	Form No.	Periodicity	Due date	Not Applicable to
Every registered person (Incl. CTP)	GSTR-1	Monthly (Details of outward supplies)	11th of the next month	(a) Composition taxpayer (b) NRTP (c) ISD
	GSTR-1A	Amended or Additional details of Outward supply	Between 11th to 21st of next month	(d) Person liable to TDS & TCS (e) OIDAR

Details of Outward Supply		Rectification of Error:
Invoice wise details	<ul style="list-style-type: none"> Inter-State and Intra-State supplies made to RP, and Inter-State supplies with invoice value more than ₹ 1L made to URP 	RP can rectify error in GSTR 1 & GSTR 3B (other than scrutiny, Audit & Inspection) & time limit is Earlier of 30th Nov or Date of Annual return
Consolidated details	<ul style="list-style-type: none"> Intra-State supplies made to URP for each rate of tax, and State wise Inter-State supplies with invoice value upto ₹ 1L made to URP for each rate of tax 	

Furnishing of Returns [Sec 39]

Type of TP	Form No.	Periodicity	Due date	Not Applicable to
Every registered person	GSTR-3B	Monthly (or a part of the month) Note:- In case of QRMP scheme refer next page)	20th of the next month	(a) Supplier of OIDAR services (b) Composition taxpayer (c) NRTP (d) ISD (e) Person deducting TDS & TCS

2) Return by Composition taxpayer (Sec. 39(2) and rule 62)

Type of TP	Form No.	Periodicity	Due date
Composition taxpayer	GSTR-4	Yearly (or part thereof) Note: Furnish a statement every quarter or, part thereof containing the details of payment of self-assessed tax in FORM GST CMP -08 till the 18th day of the month succeeding such quarter	30th June following the end of such F.Y

3) Annual Return

Type of TP	Form No.	Periodicity	Due date	Not Applicable to
Registered Normal taxpayer	GSTR-9	Annual Return	31st Dec of next F.Y.	(a) Supplier of OIDAR services (b) Composition taxpayer (c) NRTP (d) ISD (e) Person deducting TDS&TCS (f) CTP (g) those referred to in the proviso to sec 35(5),

⇒ a **self-certified reconciliation statement**, reconciling the value of supplies declared in the return furnished for the F.Y.,
 ⇒ with the **audited annual financial statement** for every financial year electronically,

4) Final Return

Type of taxable person	Form No.	Periodicity	Due date
RP and whose registration has been cancelled	GSTR-10	Final Return	within 3 months of date of cancellation or date of order of cancellation (whichever is later)

5) OIDAR Services & Online money gaming from outside India

Type of taxable person	Form No.	Periodicity	Due date
OIDAR Services to NTOR or other RP & Online money gaming	GSTR-5A	Monthly Return	On or before 20 th day of succeeding month

First Return (Sec 40)

Every RP who has made outward supplies in the period between the date on which he became liable to registration till the date on which registration has been granted shall declare the same in the first return furnished by him after grant of registration.

Rule 59(6) :- Restriction on furnishing GSTR -1 or IFF

Restriction on furnishing GSTR -1 or IFF :- Notwithstanding anything contained in this rule,

- (a) **RP (Monthly Scheme):** Can not furnished if he has not furnished the return in FORM GSTR-3B for preceding month
- (b) **RP (QRMP Scheme):** Can not furnished if he has not furnished the return in FORM GSTR-3B for preceding tax period
- (d) If intimation is issued under Rule 88C(1) :- RP cannot furnish GSTR-1 or using IFF for a subsequent tax period, unless he deposits intimated amount or furnishes a reply to explain it
- (e) If intimation is issued under rule 88D(1):- RP cannot file GSTR-1 or using IFF for subsequent tax period, unless he pays such excess ITC or furnishes a reply to explain it.
- (f) Bank details under rule 10A:- RP cannot file GSTR-1/using IFF, if he has not furnished details of bank account as per rule 10A.

Late fee u/s 47 for delayed filing of GSTR-1 and/or GSTR-3B

1) RP - GSTR -1 = Nil or GSTR 3B = Nil	₹20 per day (i.e. ₹10 per day each under CGST & SGST) but max.=₹ 500 (i.e. 250 under CGST & SGST each)
2) RP other than those covered in (1) above (i.e. there is outward supply in GSTR - 1 or tax payable as per GSTR-3B)	Agg. T/o of ≤ ₹1.5 Cr. in PFY ⇒ ₹50 per day (i.e. ₹25 per day each under CGST & SGST) ⇒ max.= ₹2000 (i.e. 1000 under CGST & SGST each)
	Agg. T/o more than 1.5 Cr but ≤ 5 Cr. in PFY ⇒ ₹ 50 per day (i.e. ₹25 per day each under CGST & SGST) ⇒ max.=₹ 5000 (i.e. 2500 under CGST & SGST each)
3) RP having Agg. T/o > 5 Cr. in PFY	₹ 50 per day (i.e. ₹25 per day each under CGST & SGST) but max.=₹10,000 (i.e. 5000 under CGST & SGST each)

Late fee u/s 47 for delayed filing of GSTR - 4 under Composition scheme

1) If Total tax payable in GSTR-4 is Nil	⇒ ₹20 per day (i.e. ₹ 10 per day each under CGST & SGST/UTGST) but ⇒ maximum=₹ 500 (i.e. 250 under CGST & SGST/UTGST each)
2) If RP other than in (1) above	⇒ ₹ 50 per day (i.e. ₹25 per day each under CGST & SGST/UTGST) but ⇒ maximum=₹2000 (i.e. 1000 under CGST & SGST/UTGST each)

Late fee u/s 47 for failure to furnish annual return by due date [N/No. 07/2023- CT]

1) RP having an aggregate turnover ≤ ₹5 Cr. in relevant F.Y.	⇒ ₹ 50 per day (i.e. ₹ 25 per day each under CGST & SGST/UTGST) but ⇒ maximum= 0.04% (i.e. 0.02 % under CGST & SGST/UTGST each) of T/o in State or UT
2) RP having an Agg. T/O of > ₹ 5 Cr & and ≤ ₹20 Cr in relevant F.Y.	⇒ ₹100 per day (i.e. ₹50 per day each under CGST & SGST/UTGST) but ⇒ maximum=0.04% (i.e. 0.02 % under CGST & SGST/UTGST each) of T/o in State or UT
3) RP having an Agg T/O of > ₹20 Crores in relevant F.Y.	⇒ ₹200 per day (i.e. ₹100 per day each under CGST & SGST/UTGST) but ⇒ 0.50% of the turnover in State/UT (0.25 % under CGST & SGST/UTGST each)

Late fee u/s 47 for delayed filing of GSTR - 7 by person liable to deduct tax at source u/s 51

⇒ ₹50 per day (i.e. ₹25 per day each under CGST & SGST/UTGST) but maximum = ₹2000 (i.e. 1000 under CGST & SGST/UTGST each)

Goods and Service Tax Practitioners

Concept of GSTP

- ⇒ A RP may authorised an approved GSTP to furnish information, on his behalf, to the Government.
- ⇒ GSTN will provide 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.
- ⇒ They can do all the work on behalf of taxpayers as allowed under GST Law.
- ⇒ A taxpayer may choose a different GSTP by simply unselecting the previous one and then choosing a new GSTP on the GST portal.

Eligibility Criteria for GSTP

Basic Conditions:- 1) Citizen of India 2) Person of Sound Mind 3) Not adjudication as insolvent 4) not been convicted by court

Other Conditions:- 1) Retired officer of Govt. Not below lower the rank of group B gazetted officer for not less than 2 years

2) enrolled as a sales tax practitioner or tax return preparer under the existing law for a period of not less than five years

3) he has passed, (i) a graduate of postgraduate degree (ii) a degree of any Foreign University recognized by any Indian University or

(iii) any other examination notified by the Government, or (iv) He has passed a) ICAI ; or b) ICAI (CMA); or c) ICSI.

Activities which can be undertaken by a GSTP

- (a) furnish the details of outward supplies;
- (b) furnish monthly, quarterly, annual or final return;
- (c) make deposit for credit into the electronic cash ledger;
- (d) file a claim for refund;
- (e) file an application for amendment or cancellation of registration;
- (f) furnish information for generation of e-way bill;
- (g) furnish details of challan in FORM GST ITC-04;
- (h) file an application for amendment or cancellation of enrolment under rule 58; and
- (I) file an intimation to pay tax under the composition scheme or withdraw from the said scheme:
 - ⇒ Provided that where any application relating to
 - ⇒ a claim for refund or
 - ⇒ an application for amendment or
 - ⇒ cancellation of registration or
 - ⇒ where an intimation to pay tax under composition scheme or to withdraw from such scheme has been submitted

