



## UPDATE ON 49<sup>TH</sup> GST COUNCIL MEETING

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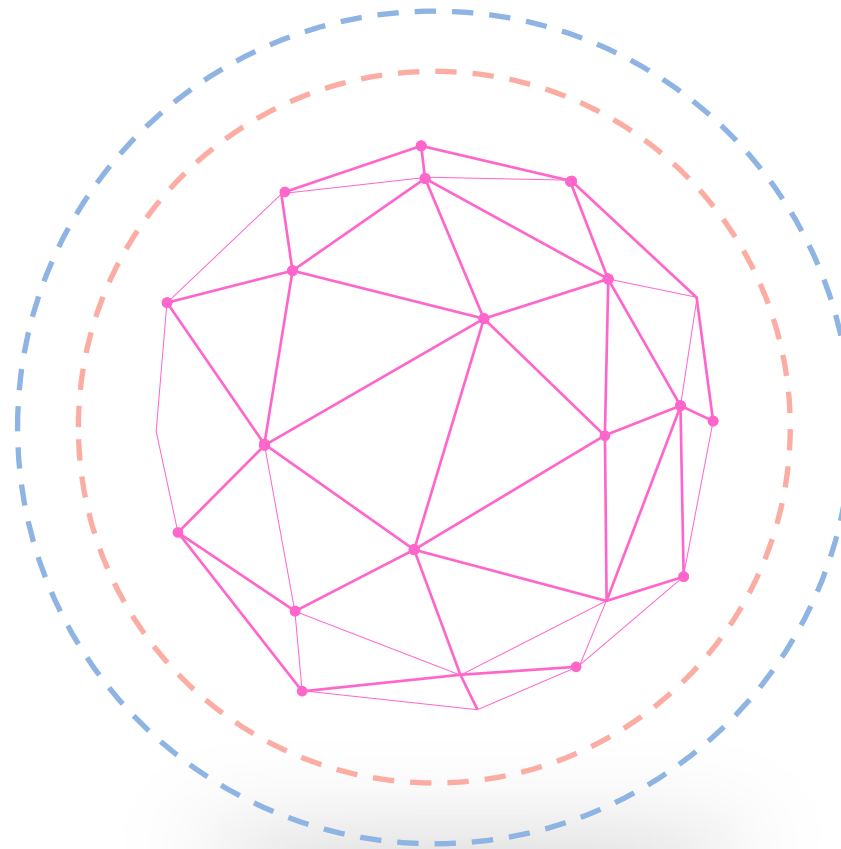
# Highlights of 49<sup>th</sup> GST Council Meeting

## GST Appellate Tribunal

Legal base for formation and function of GST Appellate Tribunal to be finalised by GST Council soon

## Amnesty scheme for cancelled GST registrations, best judgement assessments and annual GST returns

For cancelled GST registrations due to non-filing of returns, for best judgement assessment orders passed and for defaulters of filing annual GST returns, one time amnesty scheme to be announced soon

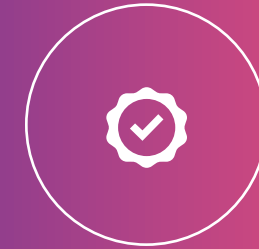


## Additional time granted for revocation of cancellation of registration

Time limit to apply for revocation in case of cancellation of registration increased to 90 days + Further extension period of maximum 180 days with specific permissions

## Tightening compliances for specific goods

For specific goods such as Pan Masala, Gutkha, Chewing Tobacco etc., compliance measures to be tightened to eliminate revenue leakages and compensation cess to be increased



## GSTAT

- ☑ GST Council adopted report of Group of Ministers with certain modifications
- ☑ Final draft to be circulated for comments from GST Council members
- ☑ Chairperson to finalise the draft

# One-time GST Amnesty for past cases...

Is Amnesty available to all Past cases under GST?



Then?



# ...One-time GST Amnesty for past cases

Conditional Amnesty for past cases where **Registration has been cancelled** on account of non filing of returns and even application for revocation was not filed within the due date or extended due date. In such cases, taxpayers would be allowed to file revocation application within specified date

Conditional deemed withdrawal of **best judgement assessment orders** where the return could not be filed within 30 days of the assessment order but later filed with interest and late fees upto specified date irrespective of the matter being in dispute or not

Amnesty in respect of **pending GST annual returns** in FORM GSTR-4, FORM GSTR-9 and FORM GSTR-10 by way of conditional waiver/ reduction of late fee

## **GSC Comment:**

**Considering initial years of implementation of GST, teething issues, technical glitches etc., this was the need of the hour as numerous litigations are pending before judicial forums. It shall be important to note that the amnesty would be available only for specific cases and framework of amnesty is yet to be announced**

# Extension of GST timelines for revocation of cancellation of registration and best judgement assessments

The time limit for making **application for revocation of cancellation of registration**



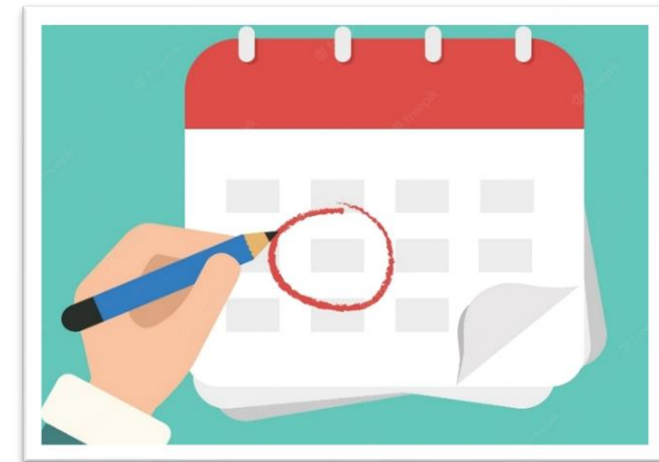
**From**



**To**

In case, taxpayer fails to apply for revocation within 90 days then further **time period may be extended** by the Commissioner or Authorised Officer for a period **not exceeding 180 days**

For **best judgment assessments**, it has been recommended to increase the time period for filing return for deemed withdrawal of assessment order from **30 days to 60 days (Extendable by further 60 days)** subject to specific conditions



# Rationalisation of GST late filing fees for annual returns

Aggregate Turnover	Recommended late filing fees
Upto Rs. 5 Cr in a FY	Rs. 50 per day (Rs. 25 CGST + Rs. 25 SGST), subject to Maximum of an amount calculated at 0.04% of its turnover in the State or Union Territory (0.02% CGST + 0.02% SGST)
More than Rs. 5 Cr and upto Rs. 20 Cr in a FY	Rs. 100 per day (Rs. 50 CGST + Rs. 50 SGST), subject to Maximum of an amount calculated at 0.04% of its turnover in the State or Union Territory (0.02% CGST + 0.02% SGST)

### GSC Comment:

The recommendation is specifically for taxpayers having aggregate turnover upto Rs. 20 Crores and for FY 2022-23 onwards only and therefore, there is no change for taxpayers with aggregate turnover of more than Rs. 20 Crores

# Approval on capacity-based taxation and special composition scheme in specific sectors

With a view to improve revenue collection from following goods, following recommendations have been approved by GST Council:

- Pan Masala
- Gutkha
- Chewing Tobacco





# Recommendation for GST Exemptions and RCM

## IGST exemption to tracker device on container

IGST exemption to be extended for tracker device on container if the container is eligible for NIL IGST

## RCM on services by Courts and Tribunals

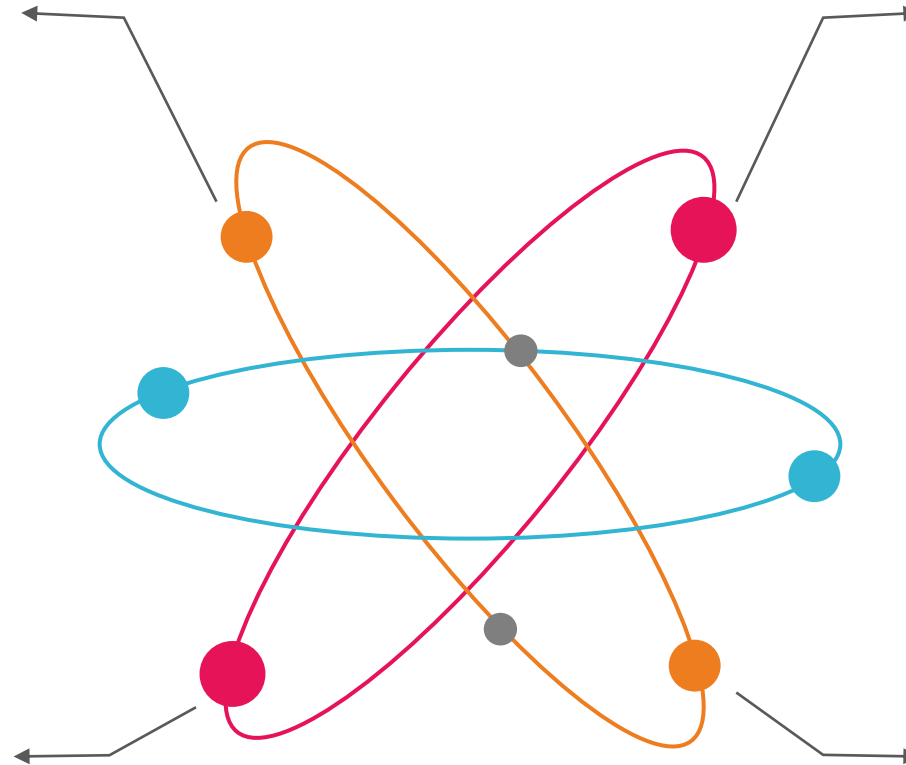
RCM to be extended for taxable services provided by Courts and Tribunals such as renting of premise to telecommunication companies for installation of towers, renting of chamber to lawyers etc.

## Exemption to any educational institutions and boards set up by Central or State Government for conduct of entrance exams

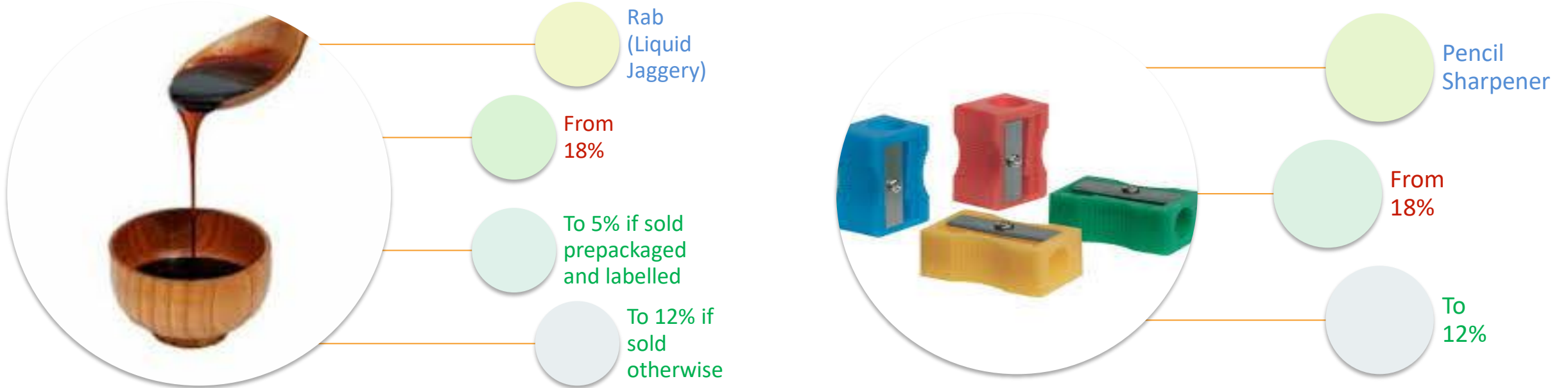
GST exemption to be extended for conduct of entrance examination, for admission to educational institutions, by any authority or board set up by Central or State Government including National Testing Agency

## Compensation cess exemption to coal rejects supplied to a coal washery

Compensation cess exemption to be extended to coal rejects, supplied to a coal washery, arising out of coal on which compensation cess is paid and ITC is availed by any person



# Recommendation on GST Rate changes



# Rationalisation of place of supply for transportation of goods in specific cases

In cases where either supplier or recipient is located outside India, it is recommended that place of supply in cases of transportation of goods services shall be location of recipient of service

Sr. No.	Location of Supplier of Service	Location of Recipient of Service	Destination of Goods	Before Amendment	After Amendment
1	Outside India	In India	In India	In India	In India
2	Outside India	In India	Outside India	Outside India	<b>In India</b>
3	In India	Outside India	In India	In India	<b>Outside India</b>
4	In India	Outside India	Outside India	Outside India	Outside India

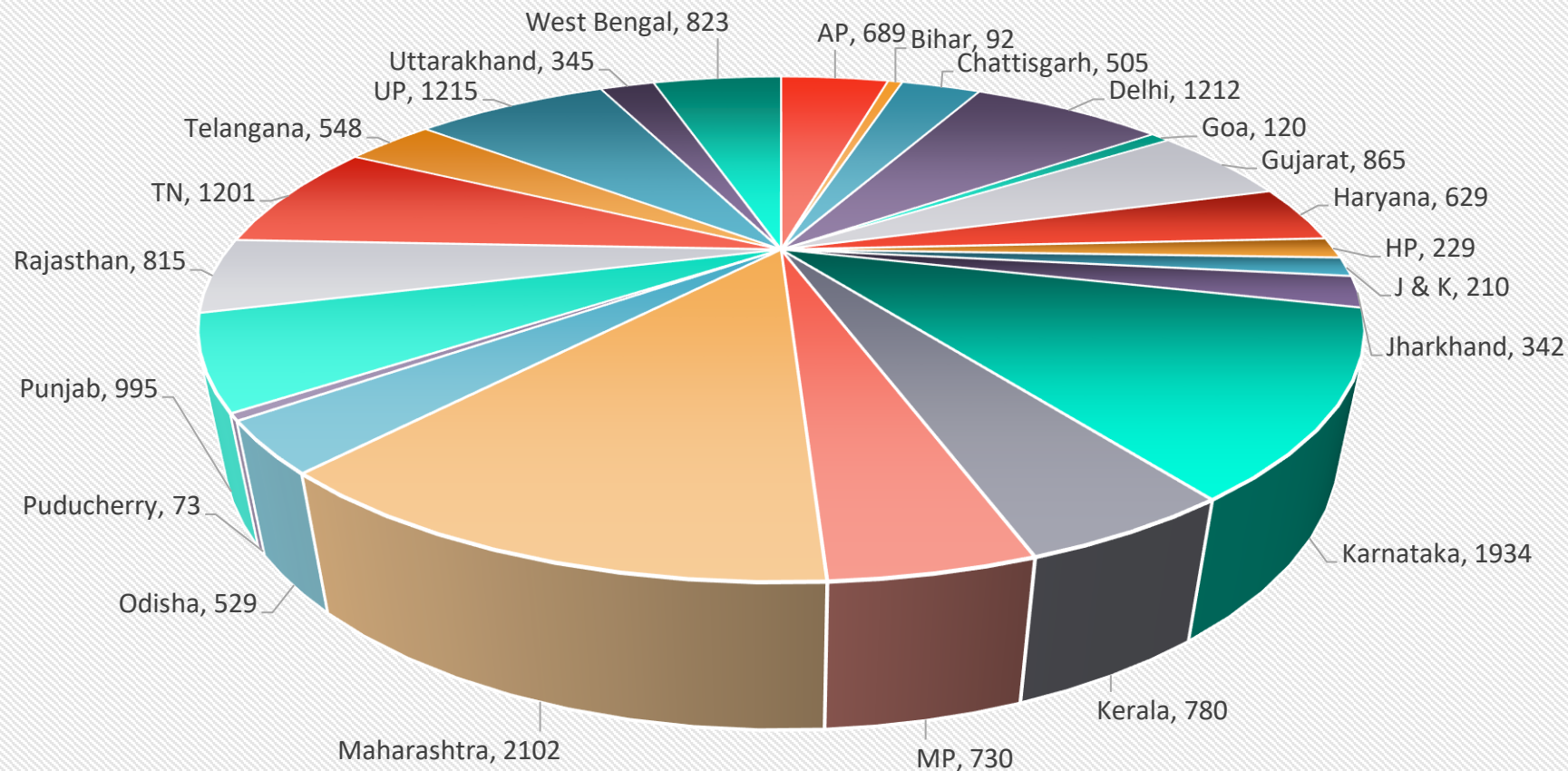
### GSC Comment:

At present, place of supply in case of transport of goods is destination of goods. Further, until 30 September 2022, there was exemption on outbound transport of goods by air or sea. Now, it is recommended to change the place of supply in such cases to location of recipient of service

## Pending GST compensation cess to be released by Central Government to State Governments

Central Government would clear entire provisionally admissible compensation for 5 years. In addition, it shall clear final GST compensation as certified by Accountant General of States totaling to Rs. 16,982 Crores till June 2022 as under:

### Statewise break-up of final admissible GST Compensation till June 2022 (Rs. in Crores)



# Thanks



6<sup>th</sup> Floor, Kaledonia-A,  
Sahar road,  
Andheri East, Mumbai  
400069, India.



+91 22 4612 5600



info@gscintime.com

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