

# GST BULLETIN

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### NOTIFICATIONS AND CIRCULARS

[Scope of term 'bus body building' broadened for 'job-work services'.](#)

**Notification No. 26/2019- Central Tax (Rate), Notification No. 25/2019- Integrated Tax (Rate) and Notification No. 26/2019- Union Territory Tax (Rate) all dated November 22, 2019.**

CBIC, vide notification on scope of term 'Bus body building' for "Services by way of job work", prescribed that, "the term "bus body building" shall include building of body on chassis of any vehicle falling under chapter 87 in the First Schedule to the Customs Tariff Act, 1975". Accordingly, Notification No.11/2017 has been amended by inserting an Explanation in the Table, against serial number 26, in column (3), item (ic).

[Clarification on reduced GST rate applicable on job-work services.](#)

**Circular No. 126/2019-GST dated 22 November, 2019.**

Clarification was issued on scope of notification entry at item (id) under Heading 9988 of Notification No. 11/2017-Central Tax (Rate) dated 28 June, 2017 inserted w.e.f. October 1, 2019 prescribing 12% GST rate for job-work services. Entry at item (id) covers only job work services as defined in section 2(68) of CGST Act, 2017, that is, services by way of treatment or processing undertaken by a person on goods belonging to another registered person. Whereas, the entry at item (iv) specifically excludes the services covered by entry at item (id), and therefore, covers only such services which are carried out on physical

inputs (goods) which are owned by persons other than those registered under the CGST Act.

**Due-date for GSTR-9 and 9C extended.**

**Removal of Difficulty Order No. 08/2019- Central Tax dated November 14, 2019. 14, 2019.**

Govt. extended the due date for filing of GSTR-9C & GSTR-9 for FY 2017-18 to December 31, 2019. For FY 2018-19 it has been extended to March 31, 2020.

**Procedure for electronic submission/processing of refund applications.**

**Circular No. 125/44/2019 - GST dated November 18, 2019.**

Vide the Circular, CBIC clarified on fully electronic refund process through FORM GST RFD-01 and single disbursement. The procedure for electronic submission and processing of refund applications in supersession of earlier Circulars has been laid down. The applications for the following types of refunds shall be filed in FORM GST RFD 01 on the common portal and the same shall be processed electronically, (a) Refund of unutilized ITC on account of exports without payment of tax, (b) Refund of tax paid on export of services with payment of tax, (c) Refund of unutilized ITC on account of supplies made to SEZ Unit/SEZ Developer without payment of tax, (d) Refund of tax paid on supplies made to SEZ Unit/SEZ Developer with payment of tax, (e) Refund of unutilized ITC on account of accumulation due to inverted tax structure, (f) Refund to supplier of tax paid on deemed export supplies, (g) Refund to recipient of tax paid on deemed export supplies, (h) Refund of excess balance in the electronic cash ledger, (i) Refund of excess payment of tax, (j) Refund of tax paid on intra-State supply which is subsequently held to be inter-State supply and vice versa, (k) Refund on account of assessment/provisional assessment/appeal/any other order and and (l) Refund on account of "any other" ground or reason.

Refund claim for a tax period may be filed only after furnishing all the returns in FORM GSTR-1 and FORM GSTR-3B which were due to be furnished on or before the date on which the refund application is being filed. Refund of provisionally accepted ITC will be sanctioned subject to the applicant giving an

electronic undertaking to the effect that the amount of refund sanctioned would be paid back to the Government with interest in case it is found subsequently that the requirements of Section 16(2)(c) r/w Section 42(2) have not been complied with. The applicant, at his option, may file a refund claim for a tax period/quarter or by clubbing successive tax periods/quarters while the period for which refund claim has been filed cannot spread across different financial years. Once an application has been submitted afresh, pursuant to a deficiency memo, the proper officer will not serve another deficiency memo with respect to the application for the same period, unless the deficiencies pointed out in the original deficiency memo remain un-rectified. The proper officer shall refund on a provisional basis 90% of the refundable amount of the claim (amount of refund claim less the inadmissible portion of refund so found) as per Rule 91 of the CGST Rules and final sanction of refund shall be made as per Rule 92 of the CGST Rules. All statements / declarations / undertakings / certificates and other supporting documents to be provided along with the refund application have been listed. It has also been clarified that the provisions of the earlier Circulars will continue to apply for all refund applications filed on the common portal before said date and the said applications will continue to be processed manually as prior to deployment of new system.

**Clarification regarding optional filing of annual return**

**Circular No. 124/2019 – GST dated November 18, 2019**

Vide the Circular, clarification was given regarding optional filing of annual return under notification No. 47/2019-Central Tax for FY 2017-18 and 2018-19 for those registered persons whose aggregate turnover in a financial year does not exceed Rs. 2 crores. A taxpayer/ composition taxpayer, may, at their own option file FORM GSTR-9/9A for the said financial years before the due date and common portal will not permit furnishing of FORM GSTR-9/9A for the said period after the due date of furnishing the annual return for the said FYs. Additionally, the taxpayer has the liberty to self-ascertain the tax amount and pay it through FORM GST DRC-03, irrespective of the time and quantum of tax which has not been paid or short paid. If any registered tax payer, during course of reconciliation of his accounts, notices any short

payment of tax or ineligible availment of ITC, he may pay the same through FORM GST DRC-03.

## **CASE LAWS AND OTHER UPDATES**

### **Advisory on blocking/un-blocking of e-way bill facility from next month.**

Govt. issued advisory in respect of blocking / unblocking of E-Way Bill generation which will be effective from next month (i.e. November 21, 2019). The taxpayer will be alerted with a cautionary message and GSTIN will be blocked for generation of e-way bill from next month onwards either as consignor or consignee in case GSTR-3B for the last 2 successive months in GST common portal has not been filed. However, upon filing the return, the GSTIN will get automatically updated as 'un-block' within a day in the e-Waybill system and the taxpayer can continue with e-way bill generation without any cautionary message.

### **FAQs on Blocking and Unblocking of E-Way Bill.**

FAQs have been released by the government on Blocking and Unblocking of E-Way Bill generation facility in EWB Portal wherein it has been explained that automatic blocking will be done if the extended period as given by Tax Official has expired and taxpayer has failed to file Form GSTR-3B return for last two or more consecutive tax periods. If a taxpayer's GSTIN is blocked for E-Way Bill Generation facility, GSTIN cannot be entered in E-Way Bill either as supplier or recipient and thus, E-Way Bill cannot be generated. Even the transporter will not be able to generate the E-Way Bills for such GSTINs. An application may be submitted for unblocking of an E-Way Bill generation facility through an offline/ manual request, giving the grounds as to why the facility should be unblocked along with the required documents to the concerned Tax Official.

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