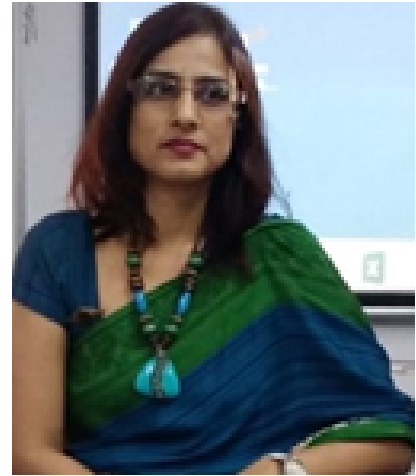


message

On the occasion of Independence Day, I wish health and prosperity for the people of India. It is proud moment to celebrate 74th Independence Day. GST is one of the biggest reform witnessed in independent India. GST is not only business and tax reform but it has proved as social reform also. GST has taught lesson of organised system and discipline. Technology driven GST has brought clarity, transparency, faceless mechanism in the ecosystem. I have a full faith that GST will establish corruption free taxation system in India. Corruption hollows the roots of society and nation. Let's build strong nation, where everyone gets respect and contribute towards development of the country.



CS Payal Kataria
Practising Company Secretary

India's total population is approximately 130 crore and as per Statistical Report on 3 Years of GST issued by GSTN, there are total 1.23 crore GST registered persons. 80%, as proprietors, contribute 13.35% towards total GST revenue collection, 0.6% as Public Ltd. Companies contribution is 35.2% and 5.87% as Private Ltd. Companies contribute 27.5% towards total GST Revenue Collection. Currently GST Registration base is on the lower side in comparison to the total population of the Country. For growth and prosperity, GST registration base needs to be increased. Effective policies and systems are to be developed to promote and encourage proprietors. Our Proprietors are the backbone of the nation, their prosperity means country's Prosperity.

Jai Hind! 

FAQ on GST New Registration by Interim Resolution Professional/Resolution Professional

As per IBC, once an entity defaults certain threshold amount, Corporate Insolvency Resolution Process (hereafter referred to as “CIRP”) gets triggered and the management of such entity (Corporate Debtor) and its assets vest with an interim resolution professional (hereafter referred to as “IRP”) or resolution professional (hereafter referred to as “RP”). It continues to run the business and operations of the said entity as a going concern till the insolvency proceeding is over and an order is passed by the National Company Law Tribunal (hereinafter referred to as the “NCLT”).

IRP/ RP were facing various issues pertaining to GST Compliances. To address various problems Notification No.11/2020- Central Tax, dated 21.03.2020 has been issued by the Government prescribing special procedure under section 148 of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as the “CGST Act”) for the corporate debtors who are undergoing CIRP under the provisions of IBC and the management of whose affairs are being undertaken by IRP/RP.

Below are few FAQ's related to this matter:

Q1. Is it mandatory for every IRP/RP to take GST New Registration after his/her appointment?

Ans. It would not be required to take a fresh registration in those cases where statements in FORM GSTR-1 under section 37 and returns in FORM GSTR-3B under section 39 of the CGST Act, for all the tax periods prior to the appointment of IRP/RP, have been furnished under the registration of Corporate Debtor (earlier GSTIN)

[Circular No 138/08/2020 dated 6th May 2020]

Q2. When does the liability to take GST New Registration by IRP/RP arise?

Ans. In the circumstances to take mandatory New Registration by IRP/RP, shall take GST New Registration within 30 days of his/her appointment. In case IRP/RP appointed before 21st March 2020 shall be required to obtain registration within thirty days of the appointment of the IRP/RP or by 30th June, 2020, whichever is later. (GSTIN)

[Notification No. 11/2020 – Central Tax dated 21.03.2020

Notification No. 39/2020- Central Tax, dated 05.05.2020]

Q3. Is IRP/RP liable to file GST Return for Pre CIRP?

Ans. No, IRP/RP are not liable to file GST Returns for Pre-CIRP Period.

Q4. Which is the applicable Form for taking New Registration by IRP/RP?

Ans. Form GST REG 01

Q5. Is there any time extension for taking New Registration by IRP/RP due to Lockdown/Covid 19?

Ans. Yes, IRP/RP shall now be required to obtain registration within thirty days of the appointment of the IRP/RP or by 30th June, 2020, whichever is later.

[Notification No 39/2020 Central Tax dated 05.05.2020]

Q6. Whose PAN is to be used for taking New Registration by IRP/RP?

Ans. PAN of Corporate debtor is to be used for taking New Registration by IRP/RP.

Q7. Whose Email id and Mobile number is to be used to apply for new Registration by IRP/RP?

Ans. Email ID and Mobile No of IRP/RP are to be used.

Q8. Whose Digital Signatures shall be used to apply for New Registration?

Ans. Digital Signature of IRP/RP shall be used for taking GST New Registration.

Q9. Who will be Primary authorised Signatory?

Ans. The person appointed as IRP/RP shall be the Primary Authorized Signatory for the newly registered Company.

Q10. Ms A appointed as IRP Interim Resolution Professional of XYZ Pvt Limited dated 2st May 2020 and she applied for GST New Registration as per Notification No 11/2020 Central tax dated 21st March 2020 and got GST registration on 20th May 2020. On 25th May 2020 Mr. B was appointed as Resolution Professional for XYZ Pvt Limited. Will Mr.B apply for GST New Registration?

Ans. No, Mr B will not apply for GST New Registration. Mr. B will continue with GST Registration had been taken by Ms. A. Mr. B will become primary Authorised Signatory and this change will be carried out in GST Portal by amending non core amendment in Registration Form. In case of any difficulty, Jurisdictional officer can be contacted to make change in Primary Authorised Person.

Q11. Whose details is to be shown in the Principal Place of business/ Additional place of business ?

Ans. In the Principal Place of business/ Additional place of business, the details as specified in original registration of the Corporate Debtors, is required to be entered.

Q12. What is first Return?

Ans. As per Section 40 of CGST Act "Every registered person 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."

Q13. Ms A appointed as resolution Professional on 2nd February 2020 and deposited Cash amounting Rs 2LkAh in Cash Ledger of erstwhile GSTIN of Corporate Debtor. Can she claim refund of Cash Ledger?

Ans. Yes, Any amount deposited in the cash ledger by the IRP/RP, in the existing registration, from the date of appointment of IRP / RP to the date of notification specifying the special procedure for corporate debtors undergoing CIRP, shall be available for refund to the erstwhile registration under the head refund of cash ledger, even though the relevant FORM GSTR-3B/GSTR-1 are not filed for the said period.

Q14. How to avail input Tax Credit on invoices covering the supplies of goods or services or both bearing the GSTIN of corporate Debtor, received since his appointment as IRP/RP before the issuance of Notification No. 11/2020 Central Tax 21.03.2020

Ans. The said class of persons shall, in his first return, be eligible to avail input tax credit on invoices covering the supplies of goods or services or both, received since his appointment as IRP/RP but bearing the GSTIN of the erstwhile registered person, subject to the conditions of Chapter V of the said Act and the rules made thereunder, except the provisions of sub-section (4) of section 16 of the said Act and sub-rule (4) of rule 36 of the Central Goods and Service Tax Rules, 2017 (hereinafter referred to as the said rules).

Q15. How to avail ITC for invoices by persons who are availing supplies from the corporate debtors undergoing CIRP, in cases where the IRP/RP was appointed before the issuance of the notification No.11/2020 - Central Tax, dated 21.03.2020

Ans. Registered persons who are receiving supplies from the said class of persons shall, for the period from the date of appointment of IRP / RP till the date of registration as required in this notification or thirty days from the date of this notification, whichever is earlier, be eligible to avail input tax credit on invoices issued using the GSTIN of the erstwhile registered person, subject to the conditions of Chapter V of the said Act and the rules made thereunder, except the provisions of sub-rule (4) of rule 36 of the said rules.

Clarification on issue of GST rate on alcohol based hand sanitizers

The issue of GST rate on alcohol based hand sanitizers has been reported in few sections of media. . It is stated that hand sanitizers attract GST at the rate of 18%. Sanitizers are disinfectants like soaps, anti-bacterial liquids, dettol etc which all attract duty standard rate of 18% under the GST regime. The GST rates on various items are decided by the GST Council where the Central Government and all the state governments together deliberate and take decisions. It is further clarified that inputs for manufacture of hand sanitizers are chemicals packing material, input services, which also attract a GST rate of 18%. Reducing the GST rate on sanitizers and other similar items would lead to an inverted duty structure and put the domestic manufacturers at disadvantage vis-a-vis importers. Lower GST rates help imports by making them cheaper. This is against the nation's policy on Atmanirbhar Bharat. Consumers would also eventually not benefit from the lower GST rate if domestic manufacturing suffers on account of inverted duty structure.

Posted On: 15 JUL 2020 4:46PM by PIB Delhi

Notifications/Circulars/Orders issued in the month of July 2020

Central Tax Notifications July 2020

Notification No.	Date of Issue	Subject
58/2020	01/07/2020	Seeks to make Eighth amendment(2020) to CGST Rules
59/2020	13/07/2020	Seeks to extend the due date for filing FORM GSTR-4 for financial year 2019-2020
60/2020	30/07/2020	Seeks to make ninth amendment (2020) to CGST Rules.
61/2020	30/07/2020	Seeks to amend Notification no. 13/2020-Central Tax in order to amend the class of registered persons for the purpose of e-invoice

Central Tax (Rate) Notification July 2020

No Notification was issued under Central Tax (Rate) in the Month of July 2020

Integrated Tax Notification July 2020

No Notification was issued under Integrated Tax in the Month of July 2020

Integrated Tax (Rate) Notification July 2020

No Notification was issued under Integrated Tax (Rate) in the Month of July 2020

Circular

No Circulars was issued in the month of July 2020

Orders

No order was issued in the month of July 2020

Removal of Difficulty Orders July 2020

No order was issued in the month of July 2020

Source: www.cbic.gov.in

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