



# GST Update

September 14, 2018

## 1. NOTIFICATIONS

- **Notification No. 51/2018-Central Tax dated September 13, 2018 (Date of applicability of TCS)**
  - Notifies October 1, 2018 as the date on which provisions related to TCS under section 52 of the CGST Act shall come into force.
- **Notification No. 50/2018-Central Tax dated September 13, 2018 (Date of applicability of TDS)**
  - Notifies October 1, 2018 as the date on which provisions related to TDS under section 51 of the CGST Act shall come into force. The notification also notifies additional categories of taxpayers who shall comply with the TDS provisions in addition to those already specified in section 51
- **Notification No. 49/2018-Central Tax dated September 13, 2018 (Format for Reconciliation Statement)**
  - Notifies format of Reconciliation Statement under Form GSTR-9C. The Reconciliation Statement covers details in respect of the following:
    - ♦ Reconciliation of the annual turnover declared in the Audited Annual Financial Statement with the turnover as declared in the annual return (GSTR-9)
    - ♦ Reconciliation of the tax paid as declared in the Reconciliation Statement with the actual tax paid as per the Annual Return (GSTR-9)
    - ♦ Reconciliation of the input tax credit based on the Audited Annual Financial Statement with the input tax credit claimed in the annual return (GSTR-9)
    - ♦ Auditor's recommendation on the additional liability to be discharged by the taxpayer due to non-reconciliation
- **Notification No. 48/2018-Central Tax dated September 10, 2018 (Extension of due date)**
  - Extends the date for submitting the declaration electronically in FORM GST TRAN-1 till March 31, 2019, in respect of registered taxpayers who could not submit the said declaration by the due date on account of technical difficulties on the common portal and in respect of whom the Council has made a recommendation for such extension.
  - Taxpayers submitting TRAN-1 as per above timelines may submit the statement in FORM GST TRAN-2 by April 30, 2019
- **Notification No. 47/2018-Central Tax, Notification No. 46/2018-Central Tax, Notification No. 45/2018-Central Tax dated September 10, 2018 (Extension of due date)**
  - Extends the time limit for furnishing return in FORM GSTR-3B for the period from July 2017 to November 2018 till December 31, 2018 for taxpayers who have obtained GSTIN in terms of Notification No. 31/2018–Central Tax dated August 06, 2018<sup>1</sup>
- **Notification No. 44/2018-Central Tax dated September 10, 2018 (Extension of due date)**
  - Extends the time limit for furnishing the details of outward supplies in FORM GSTR-1 for registered taxpayers having aggregate turnover of more than 1.5 crore rupees

Class of Taxpayer	Month	Extended due date
All Taxpayer	July 2017 to September 2018	October 31, 2018
All Taxpayer	October 2018 to March 2019	11 <sup>th</sup> of succeeding month
Taxpayers who have obtained GSTIN in terms of Notification No. 31/2018–Central Tax <sup>1</sup>	July 2017 to November 2018	December 31, 2018

▪ **Notification No. 43/2018-Central Tax dated September 10, 2018 (Extension of due date)**

- Extends the time limit for furnishing the details of outward supplies in FORM GSTR-1 for registered taxpayers having aggregate turnover upto 1.5 crore rupees

Class of taxpayer	Quarters	Extended due dates
All Taxpayer	July 2017 to September 2018	October 31, 2018
All Taxpayer	October 2018 to March 2019	31 <sup>st</sup> of month succeeding the quarter
Taxpayers located in Kerala, Mahe and Kodagu	July 2018 to September 2018	November 15, 2018
Taxpayers who have obtained GSTIN in terms of Notification No. 31/2018–Central Tax <sup>1</sup>	July 2017 to September 2018	December 31, 2018

## 2. JUDICIAL UPDATE

- The National Anti-profiteering authority (NAA) has passed its order dated 07 September 2018 in the matter pertaining to a distributor of Hindustan Unilever Limited (HUL) for not passing on the benefit of reduction in GST rate of vaseline ('product') from 28% to 18%;
- It was observed that the distributor had not passed on the benefit of reduction in the rate of tax by commensurately reducing the price of the product. Rather the distributor had increased the base price and kept the sale price constant even when the GST rate was reduced by 10%.
- The distributor had contented that HUL has increased base price of the product in its software and hence he was bound to charge increased base price at time of issuing invoices. The distributor had also contended that the excess ITC was credited by him to HUL and HUL has in turn deposited the same with consumer welfare fund ('CWF').
- NAA Held that the distributor was indulged in profiteering in violation of section 171 of the CGST Act and had not passed on the benefit of reduction of tax to his customers.
- The distributor was directed to
  - I. Immediately reduce the sale price of product commensurate to the reduction in the rate of tax;
  - II. Return the amount of profiteering along with interest @ 18% to identifiable recipients;
  - III. Deposit to the amount of profiteering along with 18% interest to CWF in case where recipients could not be identified if the same has not been deposited by HUL.
- The NAA also held that Director General of Anti-profiteering ('DGAP') was to ensure whether amount pertaining to profiteering had been deposited by HUL on behalf of the distributor to CWF and to have the distributor deposit any balance amount
- The NAA has also issued a show cause notice to the distributor as to why penalty should not be imposed on him.

## 3. CIRCULARS

▪ **Ministry of Finance – Circular no. 62/36/2018-GST dated September 12, 2018**

- CBIC issues clarification regarding levy of GST on Priority Sector Lending Certificates ('PSLC').
- This was necessary due to various representations have been received from trade and industry regarding the mechanism for discharging tax liability and GST rate applicable on trading of PSLC for the period July 01, 2017 to May 27, 2018 ('subject period').
- It is clarified that GST on PSLCs for the subject period will be paid by the seller bank on forward charge basis and GST rate of 12% will be applicable on the said supply.

<sup>1</sup> Notification No. 31/2018–Central Tax dated August 06, 2018 lays down procedure for completing migration of taxpayers who received provisional IDs but could not complete the migration process.

**Disclaimer:** The information provided in this update is intended for informational purposes only and does not constitute legal opinion or advice. Readers are requested to seek formal legal advice prior to acting upon any of the information provided herein. This update is not intended to address the circumstances of any particular individual or corporate body. There can be no assurance that the judicial/ quasi-judicial authorities may not take a position contrary to the views mentioned herein.



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