

Chapter 14

Return

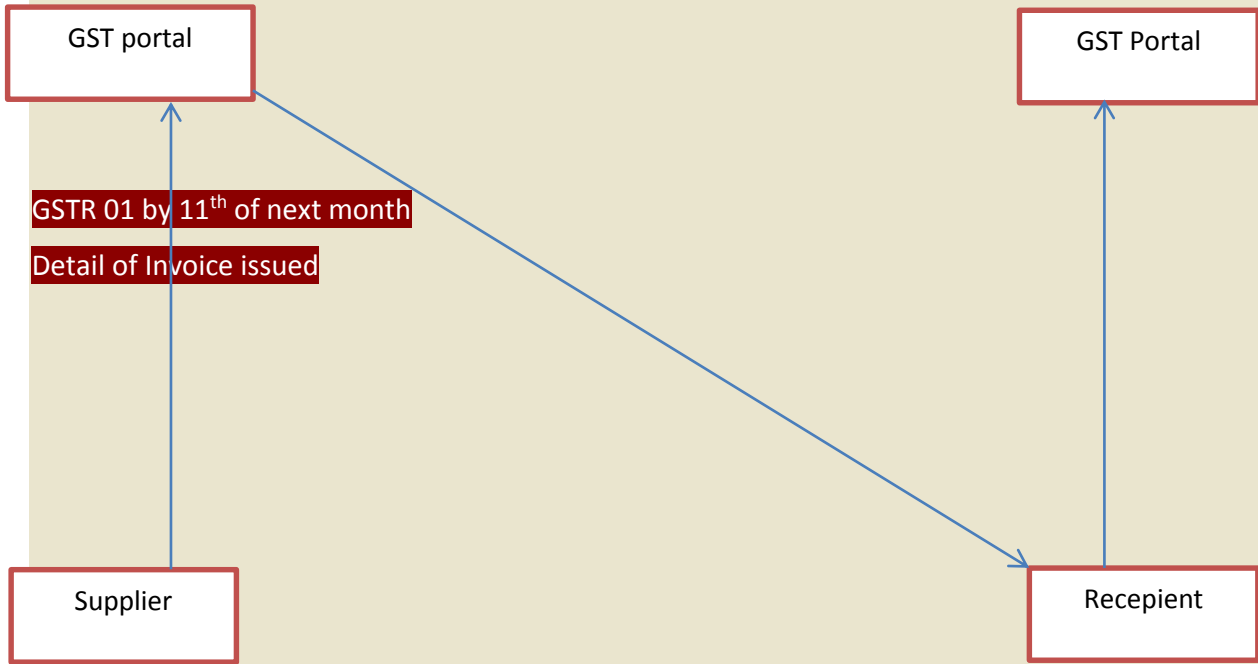
Sections List

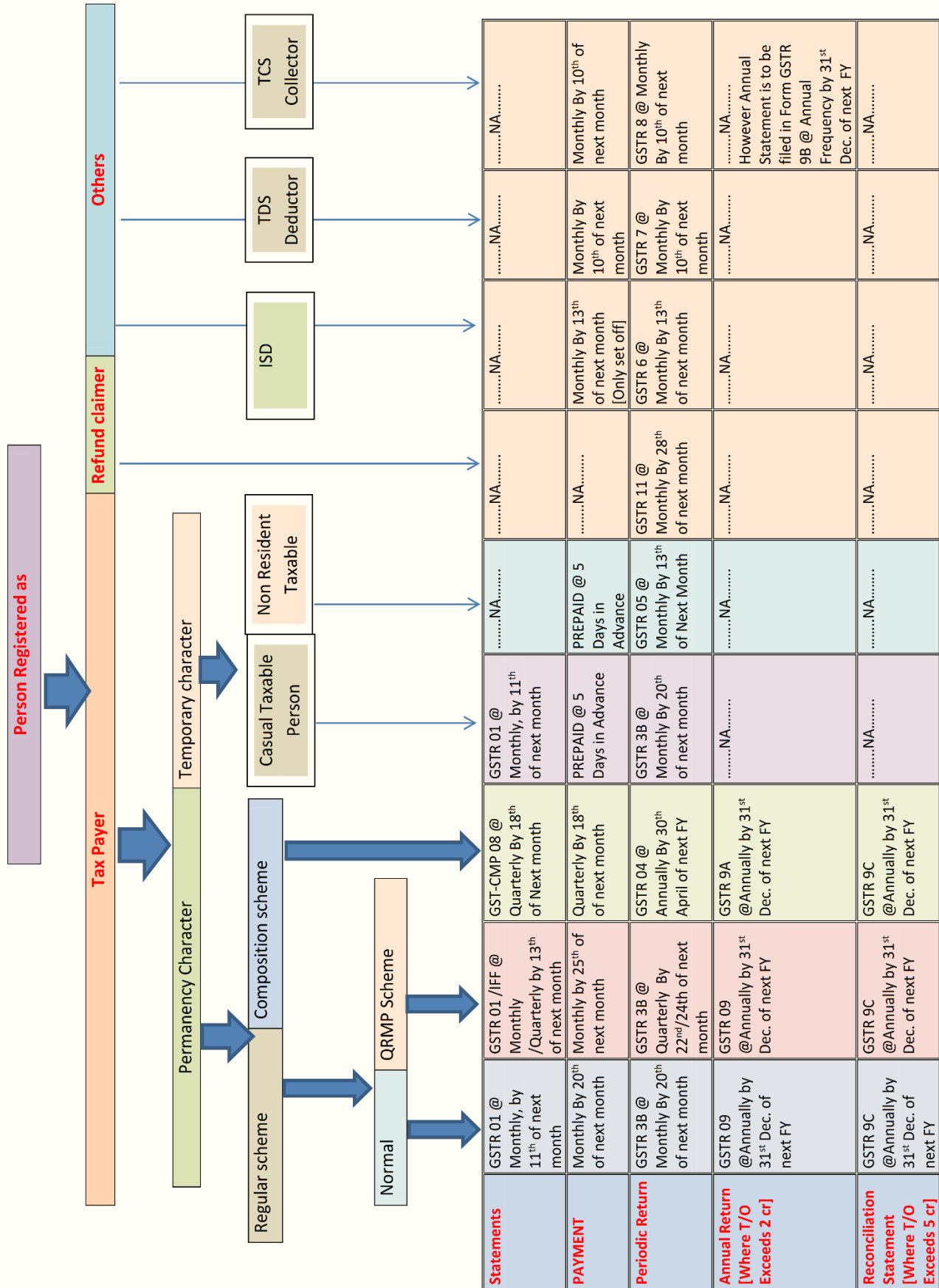
Section 37	Outward supply statement
Section 38	Communication of details of inward supplies and input tax credit [GSTR 2B]
Section 39	Filing of Return
Section 40	First Return
Section 41	Availment of input tax credit
Section 42	Matching / Mismatching of ITC
Section 43	Matching / Mismatching of ITC
Section 44	Annual Return
Section 45	Final Return
Section 46	Notice on Non- filing
Section 47	Late fees
Section 48	GST practitioner

Forms List

Form	Content
GSTR 01	Invoice issued
GSTR-02	Invoice received
GSTR 3B	Return
GSTR 04	Annual statement @ composite dealer
GST CMOP 08	Quarterly Statement
GSTR 05	N RTP
GSTR 06	ISD <i>[NOT IN SYLLABUS]</i>
GSTR 07	TDS RETURN <i>[NOT IN SYLLABUS]</i>
GSTR 08	TCS RETURN <i>[NOT IN SYLLABUS]</i>
GSTR 09	Annual Return @Regular Scheme
GSTR 9A	Annual Return @Composition Scheme
GSTR 9B	Annual TCS Statement
GSTR 9C	Annual Reconciliation Statement
GSTR 10	Final Return
GSTR 11	UIN HOLDER

Process:





Annual Return and Reconciliation Statement

For Regular and composite supplier			FOR Special category no need to file these forms
Aggregate Turnover	Annual Return Form 9/9A u/s 44	Reconciliation statement @ self- certified u/s 44	CTP, NRTP, Refund claimer TDS deductor, TCS collector, ISD and Govt. Departments.
Upto 2 cr	Exempted by way of notification issued every year	No	
Above 2 cr to 5 cr	Yes	No	
Above 5 cr	Yes	Yes	

First and Last Return

First Return	Last Return
<ul style="list-style-type: none"> * GSTR ??? @ One time After grant of RC * Details of outward supply * For the period: The date on which liability of registration arises TILL the date on which Registration is granted.[Pre RC Period] 	<ul style="list-style-type: none"> * GSTR 10 @ One time * Person whose RC canceled * With- in 3 month from (order/effective of Cancellation) whichever is later
	<ul style="list-style-type: none"> * GSTR 05 @ Monthly * Non Resident Taxable Person * Last Return: 13th of Next Month or within 7 days after the last day of validity of Registration Certificate – whichever is earlier.

Notes:

- (1) No rectification of any omission or incorrect particulars shall be allowed after: 30th November of next FY or annual return Actual filing date (whichever is Earlier)
- (2) Payment of tax mandatory to file a valid return Except QRMP Scheme.
- (3) Nil return also required to be filed.

SECTION 37: OUTWARD SUPPLIES DETAILS i.e. DETAILS OF INVOICE, DEBIT & CREDIT NOTES.[GSTR : 1]

- (i) - Every Registered person: [Other Than : Non-Resident, Composite Dealer, ISD (Input service distributor), TDS Deductor, TCS Collector]
- Shall Furnish Details of Outward supplies in form GSTR=1 for a tax Period on or Before 11th /13th of next month and
- Such Details shall be Communicated to Recipient.

(ii) **MAXIMUM TIME OF AMENDMENT/RECTIFICATION : IN GSTR: 1**

- GSTR:1 can be amended or Rectified,
- **@ Maximum by 30th Novmber of next FY OR Actual Filing of Annual Return Date (Whichever is Earlier)**

Moreover-

- Any Registered Person who has furnished GSTR:1 for any tax period shall upon discovery of
- any error / Omission which leads to a case of Short-Payment.
- Liable to pay such tax with Interest.

(iii) **RESTRICTION ON FURNISHING OF GSTR:1**

- **A registered person shall not be allowed to furnish the details of outward supplies (GSTR 1) for a tax period,**
- **if the details of outward supplies [GSTR 1] for any of the previous tax periods has not been furnished by him:**

Note: Details of outward supplies shall include details of invoices, debit notes, credit notes and revised invoices issued in relation to outward supplies made during any tax period.

SECTION:38: Communication of details of inward supplies and input tax credit.

(1) The details of outward supplies furnished by the registered persons under section 37(1) and of such other supplies as may be prescribed, and an auto-generated statement containing the details of input tax credit **shall be made available electronically to the recipients** of such supplies in Specified form.

(2) The auto-generated statement shall consist of—

- (a) details of inward supplies in respect of which credit of **input tax may be available to the recipient;** and

- (b) details of supplies in respect of which **such credit cannot be availed**, whether wholly or partly, by the recipient, on account of the details of the said supplies being furnished under section 37(1),—
- (i) by any registered person within such period of taking registration as may be prescribed; or
 - (ii) by any registered person, **who has defaulted in payment of tax** and where such default has continued for such period as may be prescribed; or
 - (iii) by any registered person, the output tax payable by whom in accordance with the statement of outward supplies furnished by him under the said sub-section during such period, as may be prescribed, **exceeds the output tax** paid by him during the said period by such limit as may be prescribed; or
 - (iv) by any registered person who, during such period as may be prescribed, has availed credit of input tax of an amount that **exceeds the credit that can be availed by him** in accordance with clause (a), by such limit as may be prescribed; or
 - (v) by any registered person, who has **defaulted in discharging his tax liability** in accordance with the provisions of section 49(12) subject to such conditions and restrictions as may be prescribed; or
 - (vi) by such other class of persons as may be prescribed.

SECTION 39: FILING OF PERIODIC RETURN

(i) GSTR:3/3B

Every registered person, other than (Other than Non Resident, Composite Dealer, ISD, TDS Deductor, TCS Collector)

- shall, **for every calendar month or part thereof**, furnish, a return, electronically,
- of inward and outward supplies of goods or services or both,
- input tax credit availed,
- tax payable, tax paid and
- such other particulars,
- in such form and manner, and within such time, as may be prescribed:

However the Government may, notify certain class of registered persons who shall furnish a return for **every quarter or part thereof**, [*SPECIFIED PERSONS under QRMP*]

(ii) GST-CMP:08	<p>A composite dealer shall,</p> <ul style="list-style-type: none"> - for each financial year or part thereof, furnish a return, electronically, - of turnover in the State or Union territory, - inward supplies of goods or services or both, - tax payable, tax paid and - such other particulars in such form and manner, and within such time, as may be prescribed.
(iii) GSTR:5	<ul style="list-style-type: none"> - Every Registered Non-Resident Taxable Person Shall file GSTR:5 for every Calendar Month of part thereof - @ Specified Details - with in 13 Days after the end of Calendar Month OR - Within 7 Days after the expiry of Registration period (Whichever is Earlier) <p>NOTE: The Commissioner may extend the time limit for Furnishing the Return under this section.</p>

(iv) TAX PAYMENT BY DUE DATE OF RETURN:

General Provision	<p>Every registered person who is required to furnish a return under subsection (1), <i>[other than the person SPECIFIED PERSONS under QRMP]</i></p> <p>shall pay to the Government the tax due as per such return not later than the last date on which he is required to furnish such return.</p>
--------------------------	---

QRMP Holder	<p><i>SPECIFIED PERSONS under QRMP</i>- shall pay to the Government,</p> <p>(a)</p> <ul style="list-style-type: none"> - the tax due taking into account inward and outward supplies of goods or services or both, - input tax credit availed, - tax payable and - such other particulars during a month, in such form and manner, and within such time, as may be prescribed OR <p>(b) An amount determined in prescribed manner [fixed %].</p>
Composite dealer	<p>For composite Dealers: Provided further that every registered person furnishing return under subsection (2)</p> <ul style="list-style-type: none"> - shall pay to the Government the tax due - taking into account turnover in the State or Union territory, - inward supplies of goods or services or both, - tax payable, and such other particulars - during a quarter, in such form and manner, and within such time, as may be prescribed.

(v) NIL RETURN:

- Every registered person (Other than Non Resident, ISD, TDS Deductor, TCS Collector)
- Including Composite Dealer is required to file NIL Return Also.

(vi) RECTIFICATION:

After Furnishing a Return, where any registered person discovers any omission or Incorrect Particulars.

- Then he shall rectify such omission or Incorrect Particulars in the Upcoming Month / Quarter's Return. [Note: Interest will be payable if any]
- Maximum time for such rectification will be earlier of the two:
 - 30th November of Next FY

OR

 - Actual Date of Furnishing of Relevant annual Return.

(vii) **NO FUTURE RETURN:** A registered person shall not be allowed to furnish a return for a tax period if the **return** for any of the previous tax periods or the details of outward supplies [GSTR: 1] for the said tax period has not been furnished by him.

SECTION: 40 : FIRST RETURN @ PRE RC PERIOD

Every Registered Person who has made outward supplies in PRE RC PERIOD [The Period start with the date on which the person liable for Registration till the date of grant of Registration)

shall declare the same in his first return furnished by him after grant of registration corticated.

SECTION: 41 : AVAILMENT OF INPUT TAX CREDIT

(1) Every registered person **shall be entitled to avail the credit of eligible input tax**, as self-assessed, in his return and such amount shall be credited to his electronic credit ledger.

(2) The credit of input tax availed by a registered person in respect of such supplies of goods or services or both, the tax payable whereon has not been paid by the supplier, **shall be reversed along with applicable interest.**

However, where the said supplier makes payment of the tax payable in respect of the aforesaid supplies, the said registered person **may re-avail the amount of credit reversed** by him in.

NOTE: Section 42,43 Ommited

Section 44: Annual return @ Annual Frequency

By every registered person except notified [GSTR: 9, 9A]

(1) Every registered person, other than

- an Input Service Distributor,
- a person paying tax under section 51 or section 52,
- a casual taxable person and
- a non-resident taxable person

shall furnish an annual return

- which may include a self-certified reconciliation statement,
- reconciling the value of supplies declared in the return furnished for the financial year,
- with the audited annual financial statement for every financial year electronically, on or before the 31st December following the end of such financial year **and in form GSTR 9 [Form 9A for composite supplier]**

However Commissioner may, exempt any class of registered persons from filing annual return under this section:

Notification No. 31/2021 - It is hereby exempts the registered person whose aggregate turnover in the financial year 2020-21 is upto Rs. 2 cr, from filing annual return for the said financial year.

GSTR 9C	<p>Every registered person, other than</p> <ul style="list-style-type: none"> ○ an Input Service Distributor, ○ a person paying tax under section 51 or section 52, ○ a casual taxable person and ○ a non-resident taxable person <p>Whose aggregate turnover during a financial year exceeds Rs. 5 cr, shall also furnish a self-certified reconciliation statement as specified under section 44 in FORM GSTR-9C along with the annual return on or before the 31st December following the end of such financial year.</p>
Relaxation from GSTR 9/9A/9C	<p><u>Relaxation to Government Department:</u>The provisions of this section will not be applicable to</p> <ul style="list-style-type: none"> ▪ Any department of the Central Government or a State Government or a local authority, ▪ whose books of account are subject to audit ▪ by the Comptroller and Auditor-General of India [CAG] or an auditor appointed for auditing the accounts of local authorities under any law for the time being in force.”

Section: 45 Final Return [One time Return]

Every Registered person: [Other Than : Non-Resident, Composite Dealer, ISD, TDS Deductor, TCS Collector]

- whose registration has been cancelled shall furnish a final return
- within three months of the date of cancellation or date of order of cancellation, whichever is later.

Some other Points:

Section: 46 Notice to return defaulter	Where a registered taxable person fails to furnish a return under section 39,[Combined Return] section 44 [Annual Return] or section 45, [Final Return] a notice shall be issued requiring him to furnish such return within 15 days in such form and manner as may be prescribed. [GSTR 3A]	
Section: 47 Late fees	Periodic and Final Return	<p>Any registered taxable person</p> <ul style="list-style-type: none"> ▪ who fails to furnish the-details of outward supplies u/s 37 or RETURN u/s 39,45,52 by the due date ▪ shall be liable to pay late fee of ₹ 100 [Reduced to ₹ 25 and 10 for NIL RETURN] for every day during which such failure continues ▪ subject to a maximum of ₹ 5000.
	Annual Return	<p>Any registered taxable person</p> <ul style="list-style-type: none"> ▪ who fails to furnish the return required under section 44 by the due date

	<ul style="list-style-type: none"> ▪ shall be liable to a late fee of ₹ 100 for every day during which such failure continues ▪ subject to a maximum of an amount calculated at a 0.25% of his turnover in the State)/UT.
<p>Section : 48 GST Practitioner</p>	<p>The responsibility for correctness shall continue to rest with the registered taxable person.</p> <ul style="list-style-type: none"> ▪ To be a GST Practitioner need to apply in specified form. ▪ The person should be: Indian Citizen, sound mind, solvent, non-convicted, Graduate, post graduate, Qualified final exam of CA/CS/CMA etc] ▪ No person shall be eligible to attend before any authority as a GST practitioner in connection with any proceedings under the Act on behalf of any registered or un-registered person unless he has been enrolled for this. ▪ A GST practitioner attending on behalf of a registered or an unregistered person in any proceedings under the Act before any authority shall produce before such authority, if required, a copy of the authorisation.

CGST Rules 2017

<p>Rule 60: Form and manner of ascertaining details of inward supplies [FORM: GSTR 2]</p>	<p>(7) An auto- Generated drafted statement containing the details of input tax credit</p> <ul style="list-style-type: none"> - shall be made available to the registered person - in FORM GSTR-2B, for every month, and shall consist of – <p>(8) The Statement in FORM GSTR-2B for every month shall be made available to the registered person,-</p>
---	--