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RELIEF MEASURES – GST LAW

Finally, CBIC also come up with certain reliefs relating to statutory and regulatory compliance matters under various provisions of GST Law due to Lockdown situation at multiple locations of the Country. A brief analysis of the Notifications 08/2021 to 14/2021 dated 01.05.2021 are summarized hereunder:

1. **GSTR-3B – No Extension in Due dates.**
   a. **Relaxation in Interest Rate.**
   b. **Late Fees waived, if return filed within specified period.**

S. No	Tax period	Relief / Waiver from Interest & Late Fees
Taxpayers having an aggregate turnover of **more than rupees 5 crores** in the preceding financial year*		
1	Mar-21	**Interest:** From due date (20.04.2021) to 05.05.2021 = @ 9% From 06.05.2021 and onwards = @ 18% **Late Fee**: Waived off if GSTR-3B filed on or before 05.05.2021
2	Apr-21	**Interest:** From due date (20.05.2021) to 04.06.2021 = @ 9% From 05.06.2021 and onwards = @ 18% **Late Fee:** Waived off if GSTR-3B filed on or before 04.06.2021
***For all type of taxpayers: Refer page 2**		

2. **Extension of Dates of GSTR-1 and other returns/Forms**

S. No	Form to be filed	Tax period	Extended Date
1.	Form GSTR-1	April 2021	26.05.2021
2.	Form IFF	April 2021	01.05.2021 to 28.05.2021
3.	Form GSTR-4	Financial year ending March 2021	31.05.2021
4.	Form GST ITC-04	For goods dispatched to a job worker or received from a job worker, during the period from 01.01.2021 to 31.03.2021	31.05.2021

3. **Restriction of Input Tax Credit under rule 36(4) for April and May 2021**
   The restriction to claim ITC i.e. maximum 105% of ITC reflected in GSTR- 2A/2B, shall apply cumulatively for the months of April and May 2021 and accordingly, the return in FORM GSTR-3B for the tax period of May 2021 shall be furnished with cumulative adjustment of ITC for the said months in accordance with the condition under rule 36(4).

4. **Extension of time limit for certain other compliances** : Refer page 3 & 4

<table>
<tr><th colspan="4">1. Relaxation in Interest Rate & Late Fee Waiver</th></tr>
<tr><th>S. No</th><th>Tax period</th><th colspan="2">Relief / Waiver from Interest & Late Fees</th></tr>
<tr><td colspan="4">Taxpayers having an aggregate turnover of more than rupees 5 crores in the preceding financial year</td></tr>
<tr><td>1</td><td>Mar-21</td><td colspan="2"><u>Interest:</u>
From due date (20.04.2021) to 05.05.2021 = @ 9%
From 06.05.2021 and onwards = @ 18%

<u>Late Fee</u>: Waived off if GSTR-3B filed on or before 05.05.2021</td></tr>
<tr><td>2</td><td>Apr-21</td><td colspan="2"><u>Interest:</u>
From due date (20.05.2021) to 04.06.2021 = @ 9%
From 05.06.2021 and onwards = @ 18%

<u>Late Fee:</u> Waived off if GSTR-3B filed on or before 04.06.2021</td></tr>
<tr><td colspan="4">Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding financial year who are liable to furnish monthly return</td></tr>
<tr><td>3</td><td>Mar-21</td><td colspan="2"><u>Interest:</u>
From due date (20.04.2021) to 05.05.2021 = Nil
From 06.05.2021 to 20.05.2021 = @ 9%
From 21.05.2021 and onwards = @ 18%

<u>Late Fee:</u> Waived off if GSTR-3B filed on or before 20.05.2021</td></tr>
<tr><td>4</td><td>Apr-21</td><td colspan="2"><u>Interest:</u>
From due date (20.05.2021) to 04.06.2021 = Nil
From 05.06.2021 to 19.06.2021 = @ 9%
From 20.06.2021 and onwards = @ 18%

<u>Late Fee:</u> Waived off if GSTR-3B filed on or before 19.06.2021</td></tr>
<tr><td colspan="4">Taxpayers having an aggregate turnover of up to rupees 5 crores in the preceding financial year who are liable to furnish Quarterly return (i.e. under Quarterly return Monthly Payment Scheme)</td></tr>
<tr><td>5</td><td>Mar-20</td><td><u>Interest:</u>
For states having due date 22.04.2021

From due date to 07.05.2021 = Nil
From 08.05.2021 to 22.05.2021 = 9%
From 23.05.2021 and onwards = 18%

<u>Late Fee:</u> Waived off if GSTR-3B filed on or before 22.05.2021</td><td><u>Interest:</u>
For states having due date 24.04.2021

From due date to 09.05.2021 = Nil
From 10.05.2021 to 24.05.2021 = 9%
From 25.05.2021 and onwards = 18%

<u>Late Fee:</u> Waived off if GSTR-3B filed on or before 24.05.2021</td></tr>
<tr><td>6</td><td>Apr-20

[PMT-06]</td><td colspan="2"><u>Interest:</u>
From due date (25.05.2021) to 09.06.2021 = Nil
From 10.06.2021 to 24.06.2021 = 9%
From 25.06.2021 and onwards = 18%</td></tr>
<tr><td colspan="4">Composition Taxpayers liable to furnish return under section 10</td></tr>
<tr><td>7</td><td>Quarter ending Mar-21
[CMP-08]</td><td colspan="2"><u>Interest:</u>
From due date (18.04.2021) to 03.05.2021 = Nil
From 04.05.2021 to 18.05.2021 = @ 9%
From 19.05.2021 and onwards = @ 18%</td></tr>
</table>

4. Extension of time limit for certain compliances

i. Where any time limit for completion or compliance of any action, by any authority or by any person, has been specified in, or prescribed or notified under CGST, IGST and UTGST Act, which falls during the period **from the 15th day of April, 2021 to the 30th day of May, 2021** and where completion or compliance of such action has not been made within such time, then, the time limit for completion or compliance of such action, shall be **extended upto the 31st day of May 2021,** including for the purposes of-

a. The above extension is inclusive of completion of any proceeding or passing of any order or issuance of any notice, intimation, notification, sanction or approval or such other action, by whatever name called, by any authority, commission or tribunal; or

b. filing of any appeal, reply or application or furnishing of any report, document, return, statement or such other record, by whatever name called, under the provisions of the CGST, IGST, UTGST Acts.

ii. **The above extension however, shall not apply for compliance of following provisions-**

a. Chapter IV – *pertains to time and value of supply*

b. Section 10(3) – *Lapse of composition scheme if aggregate turnover exceeds limit*

Section 25 – *Procedure for Registration*

Section 27 – *Special provisions relating to Casual Taxable Person and Non Resident Taxable Person*

Section 31 – *Issue of Invoice*

Section 37 – *Furnishing details of outward supplies (GSTR-1)*

Section 47 – *Levy of Late Fee*

Section 50 – *Interest on delayed payment of tax*

Section 69 – *Power to arrest*

Section 90 – *Liability of partners of firm to pay tax*

Section 122 – *Penalty for certain offences*

Section 129 – *Detention, seizure and release of goods and conveyances in transit*

c. Section 39 - *Furnishing of returns,* except returns under:

i. S. 39(3) – Return for Tax Deducted at Source u/s 51

ii. S. 39 (4) – Return for Input Service Distributor

iii. S. 39 (5) – Non-Resident Taxable Person

d. Section 68 in so far as e-way bill is concerned - *Inspection of goods in movement*

e. Rules made under the provisions specified at clause (a) to (d) above

iii. Rule 9 provides complete procedure for verification of registration application and approval. Any action to be taken by the department or applicant **during the period from 1st day of May, 2021 to the 31st day of May, 2021** shall be extended upto the **<u>15th day of June, 2021</u>**. [*Food for thought*: For instance, Delhi GST department is working from home since 17th April – What will be the position of registration application for which action to be taken by the department during 17th April to 30th April.]

iv. in cases where a notice has been issued for rejection of refund claim (in full or in part) and where the time limit for issuance of refund sanction/rejection order in RFD-06 falls during the period **from the 15th day of April, 2021 to the 30th day of May, 2021**, in such cases the time limit for issuance of the said order shall be extended to **<u>fifteen days after the receipt of reply to the notice from the registered person or the 31st day of May, 2021</u>**, whichever is **<u>later</u>**.

Compiled by: Team Athena Law Associates

Date: 3rd May, 2021

For any query: Please contact undersigned

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