GST Insights-
Relief Measures- COVID-19 2.0

- Waiver of Late fee and Reduction in Interest rate for filing GSTR-3B with:
  - Turnover exceeding Rs. 5 crore.
  - Turnover below Rs. 5 crore and have opted Monthly return filing.
  - Turnover below Rs. 5 crore under QRMP Scheme.
- Reduction in Interest rate for Composition Taxpayers.
- Extension in filing of ITC-04 and GSTR-4
- Cumulative application of condition specified in Rule 36(4) for the period April 21 to May 21.
- Due date of some specified compliances extended to 31st May, 2021.
- Extension of Limitation period by Supreme Court

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In view of the challenges faced by taxpayers in meeting the statutory and regulatory compliances due to the outbreak of the second wave of COVID-19 pandemic, the Government has issued various notifications dated 01st May, 2021 for providing various relief measures in terms of waiver of late fees and reduced rate of Interest for the period of March and April 2021. The relief measures and other updates are summarized below:

A. Relief in GSTR-3B & GSTR 1 (March 2021 to May 2021)

(1) Aggregate turnover of more than Rs. 5 Crores in preceding F.Y.

Tax Period	Type of Return	Original Due dates	Interest		Late fees
			@ 9% p.a., between	@ 18% p.a., on or after	Waived if filed on or before
Mar-21	GSTR 3B	20.04.2021	21.04.2021 to 05.05.2021	06.05.2021	05.05.2021
Apr-21	GSTR 3B	20.05.2021	21.05.2021 to 04.06.2021	05.06.2021	04.06.2021
Apr-21	GSTR 1	11.05.2021	NA	NA	26.05.2021
May-21	GSTR 3B	20.06.2021	NA	21.06.2021	NA
May-21	GSTR 1	11.06.2021	NA	NA	NA

(2) Aggregate turnover below Rs. 5 Crores and have opted Monthly Return Filing.

Tax Period	Type of Return	Original Due dates	Interest			Late fees
			NIL between	@ 9% p.a., between	@ 18% p.a., on or after	Waived if filed on or before
Mar-21	GSTR 3B	20.04.2021	21.04.2021 to 05.05.2021	06.05.2021 to 20.05.2021	21.05.2021	20.05.2021
Apr-21	GSTR 3B	20.05.2021	21.05.2021 to 04.06.2021	05.06.2021 to 19.06.2021	20.06.2021	19.06.2021
Apr-21	GSTR 1	11.05.2021	NA	NA	NA	26.05.2021
May-21	GSTR 3B	20.06.2021	NA	NA	21.06.2021	NA
May-21	GSTR 1	11.06.2021	NA	NA	NA	NA

(3) Aggregate turnover below Rs. 5 Crores and have opted QRMP (Quarterly Return Monthly Payment) Scheme.

Tax Period	Type of Return	Original Due dates	Interest			Late fees
			NIL between	@ 9% p.a., between	@ 18% p.a., on or after	Waived if filed on or before
Jan-Mar 21	*GSTR 3B (Type A States)	22.04.2021	23.04.2021 to 07.05.2021	08.05.2021 to 22.05.2021	23.05.2021	22.05.2021
Jan-Mar 21	**GSTR 3B (Type B States)	24.04.2021	25.04.2021 to 09.05.2021	10.05.2021 to 24.05.2021	25.05.2021	24.05.2021
Apr-21	PMT-06	25.05.2021	NA	NA	26.05.2021	NA
May-21	PMT-06	25.06.2021	NA	NA	26.06.2021	NA

***Type A States:** *Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana, Andhra Pradesh, the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands or Lakshadweep*

****Type B States:** *Himachal Pradesh, Punjab, Uttarakhand, Haryana, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand or Odisha, the Union territories of Jammu and Kashmir, Ladakh, Chandigarh or Delhi,*

Due date to file Invoice Furnishing Facility for April 2021 has been extended till 28th May 2021

B. Reduction in Interest rate for Composition Taxpayers (GST CMP-08)

Tax Period	Type of Return	Original Due dates	Interest		
			NIL between	@ 9% p.a., between	@ 18% p.a., on or after
Jan-Mar 21	CMP-08	18.04.2021	19.04.2021 to 03.05.2021	04.05.2021 to 18.05.2021	19.05.2021

C. Extension in filing of ITC-04 and GSTR 4.

Particulars	Return Type	Tax Period	Existing Due date	Revised Due date
Intimation of goods sent on Job work	ITC-04	Jan 21- Mar 21	25.04.2021	31.05.2021
Annual Return for Composition Tax Payers	GSTR-4	Apr 20- Mar 21	30.04.2021	31.05.2021

D. Cumulative application of Rule 36(4) for April 21 to May 21.

Rule 36(4) of the CGST Rules, 2017, restricts availment of ITC to 105% of the ITC on Invoices/Debit Notes furnished by Suppliers in GSTR-1/IFF. With the relaxation in filing of GSTR-1/IFF, it has been provided that the said restriction shall apply cumulatively for the period April '21 to May '21 while filing GSTR-3B of May'21.

E. Due date of some specified compliances extended to 31st May, 2021.

By way of CGST Notification No. 14/2021- dated 01.05.2021, where the time limit of any of the following actions fall between 15th April, 2021 to 30th May, 2021, the due date of the same would get extended to 31st May, 2021:

- Due date for completion of any proceeding or passing of any order or issuance of any notice, intimation, notification, sanction or approval or such other action by any authority, commission or tribunal, under the provisions of the Acts ***(Comment: From the perspective of the Department)***

- 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 Acts stated above; ***(Comment: From the perspective of the Taxpayer)***

Exclusions:

Reference to Section/ Rules	Exception to provisions related to
Section 12-15	Time and Value of Supply
Section 10(3)	Turnover of Composition Taxpayer exceeds the threshold
Section 25	Procedure for registration (This Section does not include cancellation of registration)
Section 27	Special provisions relating to casual taxable person and non- resident taxable person
Section 31	Tax invoice
Section 37	Filing of Form GSTR-1 (Relief provided separately)
Section 47	Levy of late fee for delay in submission of returns under Section 37/ 38 / 39 / 45 (Relief provided separately except in case of Final return u/s 45)
Section 50	Interest on delayed payment of tax (Relief provided separately)
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
Section 39 except (3),(4) & (5)	Furnishing of returns in Form GSTR-3/3B (except GSTR-7, GSTR-6 and GSTR-5)
Section 68	Inspection of goods in movement, in so far as e-way bill is concerned
Respective Rules	Rules made under above Sections

F. Extension of timelines for GST Registration and Refund claims.

By way of the CGST Notification No. 14/2021 - CT dated 01.05.2021,

- It has been notified that where the time limit for action by authorities relating to GST Registration in terms of issuance of notice in Form GST REG-03, rejection of order in Form GST REG-05 or grant of registration in Form GST REG-06 falls between 01st May, 2021 to 31st May, 2021, then such time limit shall be extended to **15th June, 2021.**

- Where a SCN for full or partial rejection of refund claim has been issued and the date of passing order to the same falls between 15th April to 30th May 2021, then the department can issue such order within
  (i) 15 days from the date of reply or
  (ii) 31st May 2021
  Whichever is **later**.

G. Due dates for Returns for TDS, TCS, Non-resident taxpayers, ISDs

It is pertinent to note that there is no specific Notification extending the due dates to file other returns under GST like GSTR-5, GSTR-6, GSTR-7 & GSTR-8. However, the same is very well covered by the general CGST Notification No. 14/2021-CGST dated 01.05.2021 extending timelines for various compliances and actions. Hence, the due dates for all the above returns for those periods whose due date fall between 15th April 2021 to 30th May 2021 have been extended till 31st May 2021

H. SC- Extension in limitation period due to COVID-19

Last year, the Hon'ble Supreme Court vide its order dated 23.03.2020 has granted an extension in respect of all proceedings w.e.f. 15th March 2020 onwards till further orders on account of challenges being faced due to the spread of the COVID-19. Then, on 8th March 2021, the limitation period was brought to an end till 14th March 2021.

However, the Hon'ble Supreme Court on **27th March, 2021** restored the Order to extend the aforesaid period of limitation of filing cases in various legal fora with effect from 14.03.2021 until further orders in view of hardships faced by litigants due to the alarming Covid-19 situation. Hence, the limitation period for filing any appeals/suits/applications before any appellate authority will exclude period between 15th March 2020 till further orders by SC.

(CA Nikhil M. Jhanwar)

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