2017

Returns under CGST Act,2017 with Rules

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There are number of returns prescribed under GST law. Different returns are prescribed with due date of filing . Returns provisions are provided in Chapter –IX from Section 37 to 48 of the CGST Act,2017.

Types of Returns

S.N.	Form No.	Title of the Form
1	GSTR -1	Detail of outward supply of goods or services
2	GSTR-1A	Details of auto drafted supplies of goods or services
3	GSTR-2	Detail of inward supply of goods or services
4	GSTR-2A	Detail of supply auto drafted from GSTR-1 and GSTR-5 to recipient
5	GSTR-3	Monthly return
6	GSTR-3A	Notice to return defaulter u/s 46
7	GSTR- 4	Quarterly return for composite dealer
8	GSTR-4A	Auto drafted detail for composite dealer
9	GSTR-5	Return of non resident taxable person
10	GSTR-5A	Details of supplies of online information and database access or retrieval services by person located outside India to non taxable person in India.
11	GSTR-6	Return for input service distributors
12	GSTR-6A	Detail of supplies auto drafted from GSTR-1 and GSTR -5 to ISD
13	GSTR-7	Return for tax deducted at source
14	GSTR-7A	Tax deduction of source certificate
15	GSTR-8	Statement for tax collection at source
16	GSTR-9	Annual Return
17	GSTR-9A	AR for composite dealer
18	GSTR-9B	AR for Electronic commerce operator u/s 52
19	GSTR-9C	Registered person whose annual turnover exceed Rs. 2 Crore whose a/c is under audit
20	GSTR-10	Final Return
21	GSTR-11	Inward supply of person having UIN

Statement of outward Supply [Section-37]

1. A registered taxable person shall furnish electronic statement of the details of outward supplies of goods and services for the tax period on or before the 10th of succeeding tax period other than the following :

   - ✓ Input service distributor
   - ✓ Non resident taxable person

- ✓ Taxable person u/s 10 [Composition Scheme]
- ✓ Person who is deducting at source
- ✓ Person collecting tax at source

The "Detail of Outward supplies" shall include invoice, debit notes, credit notes and revised invoices issued during tax period.

2. Every RP who has been communicated the details under section 38[3] and Section 38[4] by recipient of supplies , can either accept or reject the detail so communicated on or before 17th of the next month following the tax period. The detail furnished by him under point no. 1 shall stand amended.

3. Every RP who has furnished the detail under point no.1 and remain unmatched u/s 42 and 43 shall rectify the error and omission and shall pay tax and interest on short payment of tax, if any.

4. No rectification for point no. 1 shall be allowed after furnishing the return u/s 39 for the month of September following the end of financial year or furnishing the annual return which ever is earlier.

   Example ;

   Abc ltd has filed Annual Return of FY 2017-18 on 15th September,2018 and filed the return of Setember,2018 on 17.10.2018. If any mistake is found in GSTR-1 of September,2017. In this case the same can be rectified only till 15.09.2018.

Due Dates

GSTR-1	10th of succeeding months
GSTR -2	15th of succeeding month
GSTR-3	20th of succeeding month

Following particulars of invoice shall be uploaded ;

Type	Supplies to	Invoice Value	Level of submission
Interstate	Registered person	Every invoice	Invoice
Intrastate	Registered person	Every invoice	Invoice
Interstate	Unregistered person	<250000	Consolidated,
Intrastate	Unregistered person	Any	Consolidated

HSN / SAC

Turnover	**HSN/ SAC**
Aggregate Turnover>1.50 cr	HSN/SAC not mandatory .
Aggregate turnover 1.50 cr to 5 cr	HSN up to 2-digit as optional up to chapter level. Not required in first year of GST Implementation. SAC is must.

Aggregate turnover > 5 cr	HSN – 4 digit . SAC is must.
IN all cases above	HSN Code at 8 digit level

Statement of Inward Supplies [Section-38]

1. A registered person shall furnish the detail of inward supplies of goods and services other than the following person including the goods and services under reverse charge basis and goods and services received under IGST. RP can rectify, modify, add or delete the detail of outward supply furnished under point 1 of Section 37 .

    - ✓ Input service distributor
    - ✓ Non resident taxable person
    - ✓ Taxable person u/s 10 [Composition Scheme]
    - ✓ Person who is deducting at source
    - ✓ Person collecting tax at source

    Return shall be filed in GSTR -2 after the end of 10^{th} day but before 15^{th} day of the following month from the end of tax period.

    Rule ; Part-A of GSTR-2A shall be available to recipient after the filing of GSTR-1 by supplier so that recipient can verify , validate, amend, delete and add. After the validation of GSTR-2A , the return of GSTR-2 shall be filed.
    After the filing of GSTR -2 shall be made available to supplier in the Form of GSTR-1A for verification.

2. Every RP who has furnished the detail under GSTR-1 and GSTR-2. Transaction remain unmatched u/s 37 and 38 shall rectify the error and omission and shall pay interest on short payment of tax or excess credit, if any.

3. No rectification for point no. 1 shall be allowed after furnishing the return u/s 39 for the month of September following the end of financial year or furnishing the annual return which ever is earlier.

Returns [Section- 39]

1. A registered person shall furnish the return electronically of inward and outward supplies of goods and / or services , input tax credit, tax payable , tax paid and other particular as may be prescribed other than the following person:

    - ✓ Input service distributor
    - ✓ Non resident taxable person
    - ✓ Taxable person u/s 10 [Composition Scheme]
    - ✓ Person who is deducting at source
    - ✓ Person collecting tax at source

    Return shall be filed in GSTR -3 before the 20^{th} day of the month following the end of tax period.

2. RP opted to file return under section 10 [composition scheme] will furnish

GSTR -4 with in 18 days from the end of quarter.

3. RP who deducted tax at source u/s 51 shall furnish GSTR-7 within 10 days after the end of month.

4. Every RP registered as Input service distributor shall file GSTR-6 within 13 days from the end of the month.

5. Every non resident taxable person shall furnish GSTR-5 with in 20th day from the end of the calendar month or within 7 days after the last day of validity period of registration which ever is earlier

6. All taxpayer mentioned above shall pay the tax to appropriate Govt. not later than the last day of filing the return.

7. RP falling under point 1& 2 above will file the return even though there is no supply of goods and/ or services.

8. Subject to the provision of Section 37 and 38, if any taxable person after furnishing return under point no. 1 to 5 find any error or omission, he may rectify the omission or error in the return of the month or quarter subject to the payment of interest . But the above error or omission shall not form finding of Audit, Inspection, scrutiny or enforcement .

   Provided , no rectification shall be allowed after furnishing the return u/s 39 for the month of September following the end of financial year or furnishing the annual return which ever is earlier.

9. RP shall not be allowed to furnish return unless his return of previous period has been furnished.

First Return [Section 40]

Every RTP who has made outward supply in the period between the date of liability to date of registration shall file the first return after grant of registration .

Claim of input tax credit and provisional acceptance [Section 41]

Every RP shall claim input tax credit as per the condition and restriction thereof on self assessed basis and take credit in his electronic credit ledger.

The above credit can be utilized against self assessed outward tax liability.

Matching, reversal and reclaim of input tax credit [Section 42]

- ✓ Every RTP who has furnished inward supply [recipient] return shall be matched with return of supplier.
- ✓ The credit of input tax shall be matched with the return of outward supply of supplier .
- ✓ Where ITC is in excess of the tax declare by the supplier in his return , the same shall be communicated to both supplier and recipient. If the discrepancy is not rectified by supplier , the same shall be added to outward tax liability of the recipient in the next return.

- ✓ If there is duplication of ITC, same shall be added to outward tax liability of recipient in the month of communication.
- ✓ If the supplier rectify the mistake in due time in his return , the recipient can reduce his outward tax liability.
- ✓ If any amount is added to outward tax liability shall also attract interest u/s 50. Interest shall be computed from the date taking credit to date of adding to outward liability.
- ✓ If there is reduction in outward tax liability and interest is also paid on the same, both shall be refunded to his electronic cash ledger.

Matching, reversal and reclaim of reduction in output tax liability[Section 43]

- ✓ Credit note issued by supplier of goods and/ or services shall be matched . with
  - The corresponding reduction in input tax credit by recipient
  - For duplication of claim for reduction in tax liability

- ✓ Above claim will be matched and accepted shall be communicated to supplier and recipient. If outward tax liability reduction is found to be in excess of reduction in input tax credit shall be informed to both.
- ✓ Duplication of claim for reduction in output tax liability shall be communicated to supplier.
- ✓ If the discrepancy has not been rectified by recipient in his return of month in which it is communicated , the amount shall be added to the outward tax liability of supplier. This addition shall be along with interest u/s 50.
- ✓ If the credit note is accepted and corresponding reduction is done by recipient in his inward return . Interest shall be refunded to supplier .

Annual Return [Section 44]

1. Every RP except the following shall furnish annual return on or before 31st December in GSTR –9 following the end of financial year.

   - ✓ Input service distributor
   - ✓ Non resident taxable person
   - ✓ Casual Taxable Person
   - ✓ Person who is deducting at source under section 51
   - ✓ Person collecting tax at source under section 52

2. Every RP who has to get his account audited under Section 35[5] (whose aggregate turnover in the financial year exceed Rs. 2 Crore shall furnish the annual return GSTR-9C under point no.1 electronically for every financial year along with audited financial statement and reconciliation thereof.

3. Casual Tax person will file the annual return on GSTR-9A.

4. Electronic commerce operator shall file GSTR-9B.

Final Return [Section 45]

Every RP who applied for the cancellation of registration shall file return in GSTR-10 within three month from the date of cancellation or cancellation order which ever is later.

Late Fees [Section 47]

1. Any person who fails to furnish the detail u/s 37 and 38 or return u/s 39 and 45 by due date shall pay late fees of Rs. 100 per day subject to maximum of Rs. 5000.
2. Any person who fails to furnish the return u/s 44 shall pay late fees of Rs. 100 per day subject to maximum of 0.25% of turnover of state or union territory.

Disclaimer :

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