

CBIC issues notifications to give effect to the 49th GST Council meeting recommendations

The Goods and Service Tax (GST) Council, in its 49th meeting held on 18 February 2023, had made various significant recommendations relating to trade facilitation measures, including the introduction of an amnesty scheme, rationalization of late fees for filing the annual return, etc.

Pursuant to the above, the Central Board of Indirect Taxes and Customs (CBIC) has now issued various notifications, giving effect to certain recommendations:

Key changes notified:

- **Late fee waiver for a delay in filing Form GSTR-4 for the period July 2017 to March 2022:** Late fee in the case of a delay in filing Form GSTR-4 (composition dealer) for the period July 2017 to March 2022 is waived in following manner:
 - Nil return - Complete waiver
 - Other cases - Reduced to INR 500/- (CGST+SGST)Provided the said returns are filed between 1 April 2023 to 30 June 2023.
- **Amnesty scheme for filing an application for revocation of cancellation of registration:** The registered persons whose registrations have been cancelled on or before 31 December 2022 on account of the non-filing of GST returns may apply for revocation of cancellation of registrations up to 30 June 2023 post the filing of GST returns, along with the payment of tax, interest, penalty, and late fees as payable. No further extension shall be provided for the filing of revocation of registration for such cases. Further, the persons whose appeal against the order of cancellation of registration or application has been rejected on a time-barred issue can also avail benefit under the scheme.
- **Compulsory Aadhaar authentication for GST registration:** Where an applicant opts for the authentication of an Aadhaar number, shall undergo the authentication of the Aadhaar number, and the date of submission of the application in such cases shall be the date of authentication of the Aadhaar number, or 15 days from the submission of the application in Part B of Form GST REG-01, whichever is earlier. In addition, the new rule provides for the biometric-based Aadhaar authentication of the identified applications based on data analyses and risk parameters.

- **Amnesty scheme for withdrawal of assessment order issued for non-submission of Form GSTR-3B and 10:** An assessment order issued on or before 28 February 2023, on account of non-filing of returns in Form GSTR-3B and GSTR-10, shall stand withdrawn, provided the registered person furnishes the said return on or before 30 June 2023, along with interest and late fee as applicable.
- **Waiver of late fee in case of delayed filing of Form GSTR- 9:** Late fee, in case of the delayed filing of Form GSTR-9 (annual return) from FY 2022-23 onwards, has been reduced in the case of a registered person whose aggregate turnover is equal to or less than INR 20 crores in the said financial year (FY). The revised late fee structure is tabulated below for ease of reference:

Aggregate turnover of a registered person in the relevant FY	Late fee
Up to INR 5 crore	INR 50/- per day (CGST+SGST) subject to a maximum of 0.04% of turnover in the state or union territory.
More than INR 5 crore up to INR 20 crore	INR 100/- per day (CGST+SGST) subject to a maximum of 0.04% of turnover in the state or union territory.

The late fees payable in the case of pending Form GSTR-9 of FY 2017-18, 2018-19, 2019-20, 2020-21, or 2021-22 have been restricted to INR 20,000/- (CGST+SGST) per GSTIN if the said return is filed between 1 April 2023 to 30 June 2023.

- **Amnesty scheme for filing of GSTR-10 for the period July 2017 to March 2022:** Late fee for delay in furnishing return in Form GSTR-10 which is in excess of INR 1,000 (CGST+SGST) is waived if the return is furnished between the period 1 April 2023 and 30 June 2023.

- **Extension of time limit for issuance of an order under Section 73 of CGST Act:** The time limit specified under Section 73(10) for the issuance of the order for recovery of tax not paid or short paid or of input tax credit wrongly availed or utilized for any reason, other than the reason of fraud or any willful misstatement or suppression of facts to evade tax, has been extended as below:

Tax period	Current due date	Extended due date
FY 2017-18	30 September 2023	31 December 2023
FY 2018-19	31 December 2023	31 March 2024
FY 2019-20	31 March 2024	30 June 2024

