

CBIC notifies certain amendments under GST, effective from 1 October 2022

The Finance Act, 2022 ('the Act') was enacted to bring into effect the central government's (CG) recommendations for the financial year (FY) 2022-23. As per the Act, sections 100 to 114 will come into force on the date the CG announces in the Official Gazette. Accordingly, the Central Board of Indirect Taxes and Customs (CBIC) vide notification no. 18/2022–Central Tax dated 28 September 2022 has notified that the CG has appointed **1 October 2022** as the date on which the above provisions except clause (c) of sections 110 and 111 shall enter into force. Further, the CBIC vide notification no. 19/2022–Central Tax dated 28 September 2022 has notified the amended Central Goods and Service Tax (CGST) Rules effective from **1 October 2022**.

Key amendments:

- The time limit to claim an input tax credit (ITC) of invoices/debit notes pertaining to a certain FY has been extended to 30 November of the following FY. Accordingly, ITC of invoices/debit notes pertaining to an FY can be taken till 30 November of next FY or furnishing of relevant annual return, whichever comes earlier.
- The time limit to declare the details of the credit note in the return has been extended till 30 November of the following FY. Accordingly, the details of credit note can be declared till 30 November of next FY or furnishing of relevant annual return, whichever comes earlier.
- The time limit to rectify the error or omission regarding the details furnished in returns has been extended till 30 November of the following FY. Accordingly, rectification can be done by 30 November of next FY or furnishing of annual return, whichever comes earlier.
- A new condition has been added for availing of ITC, stating that ITC would not be available if it is restricted in the details provided in GSTR-2B.
- The details of outward supplies furnished by the registered persons, and such other prescribed supplies, and an auto-generated statement containing the ITC details shall be made available electronically to the recipients. The auto-generated statement shall consist of details of inward supplies, including whether ITC would be available to the recipient or not.
- The option to furnish GSTR-3B for a tax period will be restricted if GSTR-3B for the previous tax period or GSTR-1 for the said tax period has not been filed. However, the government may exempt a registered person or a class of registered person from such restrictions.
- The concept of a claim of ITC on a 'provisional basis' has been removed. In case the supplier has not paid the tax, the recipient is required to reverse the ITC along with the applicable interest. After that, such credit may be re-availed when the supplier pays such tax.
- The restriction of withholding of refund or adjustment of unpaid tax from the refund due has been extended for all types of refund claims.
- The relevant date for filing a refund in case of zero-rated supply of goods or services or both to a Special Economic Zone (SEZ) developer or an SEZ unit shall be the due date for furnishing of return under section 39 in respect of such supplies.
- The proper officer may cancel the registration of the following taxpayers:
 - The person paying tax under the Composition scheme has not furnished their return for an FY beyond three months from the due date of furnishing the return.
 - Any other registered person who has not furnished returns for such prescribed continuous period.
 - Any registered person who is required to file GSTR-3B on a monthly basis or for each quarter or part thereof, has not furnished returns for a continuous period of six months or continuous period of two tax periods respectively.