

PRASAR BHARATI
(India's Public Service Broadcaster)
Prasar Bharati Secretariat
(Taxation Section)

6th Floor, Prasar Bharati House, Tower-C,
Copernicus Marg, New Delhi-110001

No. PB-7(14)(1)/2018-FIN/GST/ 3219-35

Dated 31.10.2019

04.11.2019

GST Circular No.18

Sub: Amendments in CGST Rules, 2017-reg.

Ref: CBIC Notification Nos. 44/2019, 46/2019 & 49/2019 dated 09th October 2019 (copy enclosed)

Vide Central Tax Notification no. 49/2019 under reference dated 09.10.2019, the CBIC has notified the CGST (Sixth Amendment) Rules, 2019 vide Central Tax Notification No. 49/ 2019 dated 09.10.2019. This has made applicable w.e.f. 09.10.2019. Some amendments which are relevant to Prasar Bharati are as follows:

1. Vide this notification, a new sub rule 36(4) has been inserted in CGST Rules, 2017. The same is mentioned below:

(4) Input tax credit to be availed by a registered person in respect of invoices or debit notes, the details of which have not been uploaded by the suppliers under sub section (1) of section 37, shall not exceed 20 per cent of the eligible credit available in respect of invoices or debit notes the details of which have been uploaded by the suppliers under sub-section (1) of section 37"

In view of the same, now w.e.f. 09.10.2019, no registered person can avail input tax credit against those invoices and debits notes which are not uploaded by the supplier(s) on GSTN portal in his/ their GST returns, in excess of 20% of total eligible ITC available in respect of invoices or debit notes the details of which have been uploaded by the suppliers on GSTN portal and are reflected in GSTR-2A. This is illustrated as under:

S. No	Particulars	IGST ITC	CGST ITC	SGST ITC
1	Total ITC to be availed as per books (i.e. based on details received from DDOs and other field units)	100000	50000	50000
2	Invoices of inward supplies against which ITC is available not uploaded by the suppliers	30000	20000	20000
3	Invoices of inward supplies uploaded by the suppliers against which ITC is available	70000	30000	30000
4	Maximum ITC available against the invoices not uploaded by the suppliers [20% of Sl. No.3 above]	14000	6000	6000
5	ITC which can be claimed against invoices not uploaded by the supplier(s) [lower of Sl. No. 2 or Sl. No. 4]	14000	6000	6000
6	Total ITC can be availed for the month [3+5]	84000	36000	36000
7	ITC not available for the month [1 - 6]	16000	14000	14000



It may be noted that following items are outside the purview of Rule 36 (4):

- (i) Rule 36(4) talks about credit available on the basis of invoices and hence it is not applicable to ITC available on the Bill of Entry against import of goods. It means that ceiling of 20% shall not be applied on ITC available on the basis of Bill of Entry.
- (ii) Similarly, ceiling of 20% shall not be applicable on ITC available on RCM (including import of services because Rule 36(4) applies to invoices or debit notes uploaded/ not uploaded by the supplier and not the credit available on the basis of Self Invoice issued u/s 31(3)(f).

Further, this notification may impact on Prasar Bharati in the following ways:

- (i) ITC is being availed through GSTR 3B which is a monthly return while invoices may be uploaded by small suppliers where turnover is lesser than 1.5 crores on quarterly basis. Now Prasar Bharati shall have to wait for another 3 months to take credit if it exceeds ceiling of 20%.
- (ii) Since ceiling of 20% for not uploaded invoices is required to be calculated with reference to eligible credit available, reversal have to be made every month for ineligible ITC viz.
 - (a) ITC against inward supplies for non business use;
 - (b) ITC against inward supplies exclusively for exempt supplies;
 - (c) ITC ineligible u/s 17(5) (i.e. blocked credit);
 - (d) ITC not available because of non-receipt of invoice, non receipt of goods/ services, non payment of tax or non filing of return by the supplier u/s 16(2); and
 - (e) Reversals required under Rule 42 and 43.
- (iii) If at the later stage the supplier rectifies his return or pays tax u/s 73, recipient may still lose credit due to this 20% limit, because of cessation of time limit prescribed u/s 16(4) for claiming input tax credit.
- (iv) In 1st month, if mismatch is 18% of eligible ITC, full ITC shall be allowed but next month if mismatch is 22% of eligible ITC then only 20% of eligible ITC shall be allowed, where as average mismatch for both months is 20% of eligible ITC. Similarly, final mismatches for year shall not be synchronized with annual mismatches.

To avoid the situation of non claiming of eligible ITC just because of applicability of ceiling of 20%, all field units shall invariably ensure that the suppliers from whom inward supply invoice is received has uploaded the invoice on GSTN portal in its GST return of outward supply. All SNOs are required to reconcile the consolidated GSTR-2A with Purchase register (i.e. details of inward supply invoices received from all field units under State registration) on monthly basis and forward the details of inward supply invoices which are reflected in details of inward invoices sent by the DDOs but reflected in GSTR-2A to the concerned DDO for ensuring uploading of invoice by the supplier. All DDOs should ensure, through concern procuring authority, uploading of invoices by the supplier on GSTN portal. After uploading the invoice by supplier, the details of the same are required to be sent to SNO so that he may claim ITC.



2. Vide Central tax notification no. 46/ 2019 dated 09.10.2019, Central Government has extended the due date of filing of GSTR-1 from 10th of the succeeding month to 11th of the succeeding month in respect of October 2019 to March 2020.
3. Vide Central tax notification no. 44/ 2019 dated 09.10.2019, Central Government has extended the validity of GSTR-3B from October 2019 to March 2020.

Both the directorates are requested to circulate this circular to all field units under their control and ensure that the instructions are followed by all field units under their Directorate scrupulously. A copy of this circular is also being uploaded on the website of Prasar Bharati.

This issues with the approval of Competent Authority.


4.11.2019
(C.K. Jain)
DDG (Fin.)

DG: DD
DD: AIR

Copy for information & necessary action to:

1. E-n-C, AIR/ DD
2. ADG(Fin.), DG:DD / DG:AIR, for information.
3. ADG (B&R), PB, PB Sectt.
4. CE(Civil), Soochna Bhawan
5. DDG(Fin.), DG:DD/ DG:AIR, for information.
6. DDG (Comm.), DG:DD/ DG:AIR, information & n/a.
7. All SNOs of DG:DD/ DG:AIR
8. DDG (Technical) w.r.t arrange to upload on the website of PB.

Copy for information to:

1. SO to CEO.
2. PS to Member (Fin.)

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

Government of India
Ministry of Finance
(Department of Revenue)
Central Board of Indirect Taxes and Customs

Notification No. 44/2019 – Central Tax

New Delhi, the 9th October, 2019

G.S.R...(E).- In exercise of the powers conferred by section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter in this notification referred to as the said Act) read with sub-rule (5) of rule 61 of the Central Goods and Services Tax Rules, 2017 (hereafter in this notification referred to as the said rules), the Commissioner, on the recommendations of the Council, hereby specifies that the return in **FORM GSTR-3B** of the said rules for each of the months from October, 2019 to March, 2020 shall be furnished electronically through the common portal, on or before the twentieth day of the month succeeding such month.

2. Payment of taxes for discharge of tax liability as per FORM GSTR-3B. – Every registered person furnishing the return in **FORM GSTR-3B** of the said rules shall, subject to the provisions of section 49 of the said Act, discharge his liability towards tax, interest, penalty, fees or any other amount payable under the said Act by debiting the electronic cash ledger or electronic credit ledger, as the case may be, not later than the last date, as specified in the first paragraph, on which he is required to furnish the said return.

[F. No. 20/06/07/2019-GST]

(Ruchi Bisht)
Under Secretary to the Government of India

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India
Ministry of Finance
(Department of Revenue)
Central Board of Indirect Taxes and Customs**

Notification No. 46/2019 – Central Tax

New Delhi, the 9th October, 2019

G.S.R.....(E). - In exercise of the powers conferred by the second proviso to sub-section (1) of section 37 read with section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter in this notification referred to as the said Act), the Commissioner, on the recommendations of the Council, hereby extends the time limit for furnishing the details of outward supplies in **FORM GSTR-1** of the Central Goods and Services Tax Rules, 2017, by such class of registered persons having aggregate turnover of more than 1.5 crore rupees in the preceding financial year or the current financial year, for each of the months from October, 2019 to March, 2020 till the eleventh day of the month succeeding such month.

2. The time limit for furnishing the details or return, as the case may be, under sub-section (2) of section 38 of the said Act, for the months of October, 2019 to March, 2020 shall be subsequently notified in the Official Gazette.

[F. No. 20/06/07/2019-GST]

(Ruchi Bisht)
Under Secretary to the Government of India

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

Government of India
Ministry of Finance
(Department of Revenue)
Central Board of Indirect Taxes and Customs

Notification No. 49/2019 – Central Tax

New Delhi, the 9th October, 2019

G.S.R.....(E). - In exercise of the powers conferred by section 164 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government hereby makes the following rules further to amend the Central Goods and Services Tax Rules, 2017, namely:-

1. (1) These rules may be called the Central Goods and Services Tax (Sixth Amendment) Rules, 2019.

(2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.

2. In the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), in rule 21A,-

(a) in sub-rule (3), the following explanation shall be inserted, namely:-

“Explanation.-For the purposes of this sub-rule, the expression “shall not make any taxable supply” shall mean that the registered person shall not issue a tax invoice and, accordingly, not charge tax on supplies made by him during the period of suspension.”;

(b) after sub-rule (4), the following sub-rule shall be inserted, namely:-

“(5) Where any order having the effect of revocation of suspension of registration has been passed, the provisions of clause (a) of sub-section (3) of section 31 and section 40 in respect of the supplies made during the period of suspension and the procedure specified therein shall apply.”.

3. In the said rules, in rule 36, after sub-rule (3), the following sub-rule shall be inserted, namely:-

“(4) Input tax credit to be availed by a registered person in respect of invoices or debit notes, the details of which have not been uploaded by the suppliers under sub-section (1) of section 37, shall not exceed 20 per cent. of the eligible credit available in respect of invoices or debit notes the details of which have been uploaded by the suppliers under sub-section (1) of section 37.”.

4. In the said rules, in rule 61,-

(a) for sub-rule (5), the following sub-rule shall be substituted, with effect from the 1st July, 2017 namely:-

“(5) Where the time limit for furnishing of details in **FORM GSTR-1** under section 37 or in **FORM GSTR-2** under section 38 has been extended, the return specified in sub-section (1) of section 39 shall, in such manner and subject to such conditions as the Commissioner may, by notification, specify, be furnished in **FORM GSTR-3B** electronically through the common portal, either directly or through a Facilitation Centre notified by the Commissioner:

Provided that where a return in **FORM GSTR-3B** is required to be furnished by a person referred to in sub-rule (1) then such person shall not be required to furnish the return in **FORM GSTR-3**.”;

(b) sub-rule (6) shall be omitted with effect from the 1st July, 2017.

5. In the said rules, in rule 83A, in sub-rule (6), for clause (i), the following clause shall be substituted, namely:-

“(i) Every person referred to in clause (b) of sub-rule (1) of rule 83 and who is enrolled as a goods and services tax practitioner under sub-rule (2) of the said rule is required to pass the examination within the period as specified in the second proviso of sub-rule (3) of the said rule.”.

6. In the said rules, in rule 91, -

(a) in sub-rule (3), with effect from the 24th September, 2019, after the words “application for refund”, the words “on the basis of a consolidated payment advice:” shall be inserted;

(b) after the sub-rule (3), with effect from the 24th September, 2019, the following sub-rule shall be inserted, namely:-

“(4) The Central Government shall disburse the refund based on the consolidated payment advice issued under sub-rule (3).”.

7. In the said rules, in rule 97, -

(a) after sub-rule (7), with effect from the 1st July, 2017, the following sub-rule shall be inserted, namely,-

“(7A) The Committee shall make available to the Board 50 per cent. of the amount credited to the Fund each year, for publicity or consumer awareness on Goods and Services Tax, provided the availability of funds for consumer welfare activities of the Department of Consumer Affairs is not less than twenty-five crore rupees per annum.”;

(b) in sub-rule (8), with effect from the 1st July, 2017, clause (e) shall be omitted.

8. In the said rules, in rule 117, -

(a) in sub-rule (1A) for the figures, letters and word "31st March, 2019", the figures, letters and word "31st December, 2019" shall be substituted.

(b) in sub-rule (4), in clause (b), in sub-clause (iii), in the proviso for the figures, letters and word "30th April, 2019", the figures, letters and word "31st January, 2020", shall be substituted.

9. In the said rules, in rule 142, -

(a) after sub-rule (1) the following sub-rule shall be inserted, namely:-

"(1A) The proper officer shall, before service of notice to the person chargeable with tax, interest and penalty, under sub-section (1) of Section 73 or sub-section (1) of Section 74, as the case may be, shall communicate the details of any tax, interest and penalty as ascertained by the said officer, in **Part A of FORM GST DRC-01A.**";

(b) in sub-rule (2), after the words "in accordance with the provisions of the Act", the words, figures and brackets ", whether on his own ascertainment or, as communicated by the proper officer under sub-rule (1A)," shall be inserted;

(c) after sub-rule (2) the following sub-rule shall be inserted, namely:-

"(2A) Where the person referred to in sub-rule (1A) has made partial payment of the amount communicated to him or desires to file any submissions against the proposed liability, he may make such submission in **Part B of FORM GST DRC-01A.**" .

10. In the said rules, after **FORM GST DRC-01**, the following form shall be inserted, namely:-

"FORM GST DRC-01A					
Intimation of tax ascertained as being payable under section 73(5)/74(5)					
[See Rule 142 (1A)]					
Part A					
No.:					Date:
Case ID No.					
To					
GSTIN.....					
...Name.....					
.....					
Address.....					
...					
<i>Sub.: Case Proceeding Reference No.....- Intimation of liability under section 73(5)/section 74(5) – reg.</i>					
Please refer to the above proceedings. In this regard, the amount of tax/interest/penalty payable by you under section 73(5) / 74(5) with reference to the said case as ascertained by the undersigned in terms of the available information, as is given below:					
Act	Period	Tax			

CGST Act					
SGST/UTGST Act					
IGST Act					
Cess					
Total					

The grounds and quantification are attached / given below:

You are hereby advised to pay the amount of tax as ascertained above alongwith the amount of applicable interest in full by, failing which Show Cause Notice will be issued under section 73(1).

You are hereby advised to pay the amount of tax as ascertained above alongwith the amount of applicable interest and penalty under section 74(5) by, failing which Show Cause Notice will be issued under section 74(1).

In case you wish to file any submissions against the above ascertainment, the same may be furnished by..... in Part B of this Form

Proper Officer

Signature.....

...

Name.....

...

Designation.....

...

Upload Attachment

Part B

**Reply to the communication for payment before issue of Show Cause Notice
[See Rule 142 (2A)]**

No.:

Date:

To
Proper Officer,
Wing / Jurisdiction.

**Sub.: Case Proceeding Reference No.....- Payment/Submissions in
response to liability intimated under Section 73(5)/74(5) – reg.**

Please refer to Intimation ID..... in respect of Case ID.....vide
which the liability of tax payable as ascertained under section 73(5) / 74(5) was
intimated.

In this regard,

A. this is to inform that the said liability is discharged partially to the extent of Rs.
..... throughand the submissions regarding remaining
liability are attached / given below:

OR

B. the said liability is not acceptable and the submissions in this regard are attached / given below:

--

Authorised Signatory

Name.....

GSTIN.....

Address.....

Upload Attachment'

[F. No. 20/06/07/2019-GST]

(Ruchi Bisht)

Under Secretary to the Government of India

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification No. 3/2017-Central Tax, dated the 19th June, 2017, published *vide* number G.S.R. 610 (E), dated the 19th June, 2017 and last amended *vide* notification No. 33/2019 - Central Tax, dated the 18th July, 2019, published *vide* number G.S.R. 513 (E), dated the 18th July, 2019.