



Certain Circulars have been issued by CBIC on 27.12.2022 clarifying various matters. A brief summary of all the said Circulars are as follows:

Circular No.	Changes
183/15/2022- GST dated. 27.12.2022	<p>Clarification regarding Mismatch in ITC availed in FORM GSTR-3B as compared to GSTR-2A as follows:</p> <p>⇒ During the Financial year 2017-18 and 2018-19, many suppliers had failed to furnish GSTR-1 or correct details in GSTR-1, which has led certain deficiencies or discrepancies in FORM GSTR-2A.</p> <p>⇒ However, the concerned recipients may have availed ITC on the said supplies in their FORM GSTR-3B.</p> <p>⇒ The discrepancies between the ITC availed in GSTR-3B and ITC available in their GSTR-2A are being noticed by the Tax officers during the proceedings such as Audit, Investigations, Scrutiny etc. due to such credit not flowing to GSTR-2A of the said registered person.</p> <p>⇒ While taking note on various representations, CBIC has issued clarifications as well as prescribed various procedures for different situations in this circular, to allow ITC to the recipients in certain circumstances.</p> <p>⇒ The said procedure/ instruction shall apply only for ongoing proceeding for FY 2017-18 and 2018-19 and any case related to FY 2017-18, 2018-19 whereby, any adjudication or appeal proceeding is pending not to completed proceedings.</p> <p>⇒ The relaxation is only for cases specified and bonafide errors committed for FY 2017-18 and 2018-19.</p>
184/15/2022- GST dated. 27.12.2022	<p>⇒ Clarification regarding place of supply as well as availment of ITC in cases where the supply of services by way of transportation of goods including by mail or courier outside the India, and the supplier and the recipient are located in India.</p> <p>⇒ According to the Proviso to Section 12(8) (Inserted vide Integrated Goods and Services Tax (Amendment) Act,2018 w.e.f 01.02.2019), the place of supply would be the foreign destination where the goods are transported. Hence, this will be an inter-state supply.</p>



	<p>⇒ Further, the CBIC also clarified that recipient of Service of transportation of goods shall be eligible to avail ITC in respect of the IGST charged by the supplier, subject to fulfilment of other condition laid down in Section 16 and 17 of the CGST Act.</p> <p>⇒ The supplier of Service shall report place of supply of such Service by selecting State code as “96- Foreign country” from the list of codes in the drop down menu available on the portal in GSTR-1.</p>
185/15/2022- GST dated. 27.12.2022	<p>⇒ The Circular deals with cases where the Appellant Authority, Appellant Tribunal or High courts concluded that Notice issued by the proper officers under Section 74(1) of the CGST Act,2017 is not sustainable for reasons that the charge of fraud or any wilful misstatement or suppression of facts to evade Tax, directing to the proper officers to re-determine the amount of Tax payable by the notice.</p> <p>⇒ The circular clarifies the time limit within which the proper officer is required to re-determined the amount of Tax.</p> <p>⇒ As per the Circular, proper officer is required to be issue the order of re-determination of Tax, Interest and penalty within the time limit specified under Section 75(3) of the CGST Act,2017 i.e. within period of 2 years from the direction/ order issued by the Appellate Authority, Appellant Tribunal or the Court.</p>
186/15/2022- GST dated. 27.12.2022	<p>⇒ Circular on following two issues:</p> <p>i) Taxability of No claim bonus offered by Insurance Companies;</p> <p>ii) Applicability of E-invoicing w.r.t an entity.</p> <p><u>i) Taxability of No claim bonus offered by Insurance Companies:-</u></p> <p>⇒ It is clarified that, “No Claim Bonus” cannot be considered as a consideration for any supply provided by the insured person to the insurance companies.</p> <p>⇒ Further, No Claim Bonus is a permissible deduction under Section 15(3)(a) of the CGST Act for the purpose of calculation of value of supply of the insurance Services provided by the insurance company to insured.</p> <p>⇒ If the deduction on account of No Claim Bonus is provided in the invoice issued by the insurer to the insured, GST shall be leviable on</p>



	<p>actual net insurance premium amount, payable by the policy holders to the insurer, after deduction of No Claim Bonus mentioned in the invoice.</p> <p><u>ii) Applicability of E-invoicing w.r.t an entity.</u></p> <p>⇒ It is clarified that said exemption from generation of e-invoices is for the entity as a whole and is not restricted to or by the nature of supply being made by the said entity.</p>
187/15/2022- GST dated. 27.12.2022	<p>⇒ Clarifications regarding treatment of statutory dues under GST law, with respect to taxpayers for whom proceeding under the Insolvency and Bankruptcy Code, 2016 (IBC) have been finalised.</p> <p>⇒ That proceeding conducted under IBC also adjudicate the Government dues pending under the CGST Act or under existing laws against the corporate debtor, the same appear to be covered under the term “Other Proceedings” in the Section 84 of the CGST Act.</p> <p>⇒ In case where demand is confirmed and recovery has been ordered by the Tax authorities for which a summary has been issued in FORM GST DRC-07/ DRC-07A against the corporate debtor to the Government under CGST Act or under existing laws, Commissioner shall issue an intimation in FORM GST DRC-25 reducing such demand, to the taxable person or any other person as well as the appropriate authority with whom recovery proceeding are pending.</p>
188/15/2022- GST dated. 27.12.2022	<p>⇒ Manner of filing refund application for the refund of Tax borne by the unregistered person i.e. buyer of home or recipient of policy, in cases where the agreement or contract for supply of services of construction of flat/ building is cancelled or on termination of long-term insurance policy.</p> <p>⇒ When the period for issuance of credit note on account of such cancellation of Service under provision of Section 34 of the CGST Act, 2017, have got expired by that time, in such case, the supplier may refund the amount to the buyer, after deducting the amount of Tax collected by him from the buyer.</p> <p>⇒ That the person who want to file application for refund under Section 54(1) of the CGST Act, 2017, has to obtain temporary registration on the common portal using his PAN. Application must</p>



	<p>be filed under RFD-1 under category of “refund for unregistered person” on the common portal.</p> <p>⇒ If the suppliers are registered in different states and union territory then the person have to get temporary registration in all the state or UT.</p> <p>⇒ No refund shall be claimed if the amount of refund is less than amount of Rs. 1000/-.</p> <p>⇒ Relevant date for computing limitation in filing refund claim is the date on which letter for cancellation of the contract/ agreement for supply by the supplier is issued.</p>
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