



CONCEPTUAL LEARNING ON

INDIRECT TAX LAWS

FOR CA, CS, CMA FINAL & PROFESSIONALS

VOL. 2



SPECIAL FEATURES OF THIS BOOK

- Every topic with its complete analysis and interpretation
- Easy understandability through soft language
- Solved analytical illustrations as per current amended law
- 100% coverage with conceptual clarity

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RETURNS UNDER GST

CHAPTER

13

13.1 List of Statements, returns, forms, periodicity, due dates & Persons liable to file the same

Sl.	Type of Taxable Person	Form No.	Periodicity	Due Date
1.	Registered Persons having an aggregate turnover of upto Rs. 5 crores in the preceding financial year and who have opted to furnish return (i.e. GSTR-3B) on quarterly basis (including a casual taxable person)	GSTR-1	Quarterly statement of outward supplies of goods or services or both	13 th of the month succeeding the quarter
	Other Registered Persons (including a casual taxable person)		Monthly statement of outward supplies of goods or services or both	11 th of the next month
2.	Registered Persons having an aggregate turnover of upto Rs. 5 crores in the preceding financial year and who have opted to furnish return (i.e. GSTR-3B) on quarterly basis (including a casual taxable person)	GSTR-3B	Quarterly Return (or a part of quarter)	22 nd / 24 th day of the month succeeding such quarter (depending on prescribed States/UT)
	Other Registered Persons (including a casual taxable person)		Monthly Return (or a part of month)	20 th of the next month
<p>Note: GSTR-1 & GSTR-3B are not required to be filed by the following category of persons:</p> <ul style="list-style-type: none"> (a) Composition taxpayer (b) Non-resident taxable person (c) Person deducting tax at source (TDS) (d) ECO, requiring to collect TCS (e) Input Service Distributor (ISD) (f) Supplier of Online Money Gaming (OMG) & OIDAR services located in non-taxable territory 				
3.	Registered person paying tax under Composition Scheme	Statement GST CMP - 08 (For payment of	Quarterly (or a part of quarter) • Even if no supplies have been effected,	18 th of the month next to relevant Quarter

		liability)	a nil return is required to be filed mandatorily.	
		GSTR - 4 (Return)	• Even if no supplies have been effected, a nil return is required to be filed mandatorily.	30 th day of April following the end of the F.Y.
4.	Registered non-resident taxable person	GSTR-5	Monthly (or a part of month)	13 th of the next month or 7 th day after the last day of the validity of registration, whichever is earlier.
5.	Supplier of Online Money Gaming or OIDAR services located outside India	GSTR-5A	Monthly (or a part of month)	20 th of the next month
6.	Input Service Distributor (ISD)	GSTR-6	Monthly (or a part of month)	13 th of the next month
7.	Registered person deducting tax at source [TDS]	GSTR-7	Monthly	10 th of the next month
8.	ECO (not being an agent) [TCS]	GSTR-8	Monthly	10 th of the next month
9.	Registered person other than an ISD, TDS deductor, TCS collector, casual taxable person, a non-resident taxpayer and OMG/OIDAR service supplier located in non-taxable territory, some Govt. Deptt.	GSTR-9	Annual return	31 st December of the next financial year
10.	ECO required to collect tax at source [TCS]	GSTR-9B	Annual statement	31 st December of the next financial year
11.	Registered person whose aggregate turnover during a financial year exceeds Rs. 5 crores	GSTR-9C	Self-Certified Reconciliation Statement	To be submitted along with the annual return [GSTR-9]
12.	Taxable person whose registration has been surrendered or cancelled	GSTR-10	Final return	Within 3 months of the date of cancellation or date of order of cancellation, whichever is later
13.	Persons who have been issued a Unique Identity Number (UIN)	GSTR-11	Details of inward Supplies	-

Extension of due date : The due date of filing of the returns mentioned in the above table may be extended by the Commissioner.

13.2 Furnishing Details of Outward Supplies [Section 37]

1. **Bar on filing of GSTR-1 or using IFF [Rule 59(6)] :** Notwithstanding anything contained in this rule, a registered person shall not be allowed to furnish the details of outward supplies in FORM GSTR-1 or using the invoice furnishing facility, if -



- (i) he has not furnished the return in FORM GSTR-3B for the preceding month;
 - (ii) he has not furnished the return in FORM GSTR-3B for preceding quarter (in case where a registered person is required to furnish return on quarterly basis);
 - (iii) he has neither deposited the amount specified in the intimation issued u/r 88C(1) nor has furnished a reply explaining the reasons for any amount remaining unpaid;
 - (iv) he has neither paid the amount equal to the excess ITC as specified in the intimation issued u/r 88D(1) nor has furnished a reply explaining the reasons in respect of the amount of excess ITC that still remains to be paid;
 - (v) he has not furnished the details of the bank account as per the provisions of rule 10A.
2. **Rule 88C - Manner of dealing with difference in liability reported in FORM GSTR-1 and that reported in FORM GSTR-3B**

- (1) Where the tax payable by a registered person, in accordance with FORM GSTR-1 or IFF in respect of a tax period, exceeds the amount of tax payable by such person in accordance with GSTR-3B for that period by such amount and such percentage, as may be recommended by the Council, the said registered person shall be intimated of such difference, electronically, directing him to either pay the differential tax liability, along with interest; or explain the aforesaid difference, within a period of 7 days.
 - (2) Such registered person shall, either, pay the amount of the differential tax liability, along with interest or furnish a reply electronically, within a period of 7 days. Otherwise, such amount shall be recoverable in accordance with the provisions of section 79.
3. **Rule 88D - Manner of dealing with difference in ITC available in FORM GSTR-2B and that availed in FORM GSTR-3B**

- (1) Where the amount of input tax credit availed by a registered person in the return for a tax period or periods furnished by him in FORM GSTR-3B exceeds the ITC available to such person in accordance with FORM GSTR-2B in respect of the said tax period or periods, by such amount and such percentage, as may be recommended by the Council, the said registered person shall be intimated of such difference, electronically, directing him to, either, pay the excess ITC availed along with interest, or explain the reasons for the aforesaid difference in ITC, within a period of 7 days.
 - (2) Such registered person shall, either, pay the excess ITC along with interest or furnish a reply, electronically, within a period of 7 days. Otherwise, such amount shall be liable to be demanded in accordance with the provisions of section 73 or section 74.
4. **What kind of details of outward supplies are required to be furnished in GSTR-1 ?**

S. N.	Invoice-wise Details of ALL	Consolidated Details of ALL	Debit and Credit Notes
(i)	Inter-State and Intra-State supplies made to registered persons.	Intra-State supplies made to unregistered persons for each rate of tax.	Issued during the month for invoices issued previously
(ii)	Inter-State supplies with invoice value exceeding Rs. 2,50,000 made to Unregistered persons	State-wise Inter-State supplies with invoice value upto Rs. 2,50,000 made to unregistered persons for each rate of tax	

Note : Scanned copies of invoices are not required to be uploaded. Only certain prescribed fields of information from invoices need to be furnished e.g., invoice no., date, value, HSN code, taxable value, rate of tax, amount of tax etc.

5. **Communication of details of GSTR-1, etc. to the recipient of supply [Rule 60] :** The details of the documents (invoices, etc.) furnished in Form GSTR-1/IFF/GSTR-5/GSTR-6, the details of the TDS/TCS furnished in Form GSTR-7/GSTR-8, and the details of the IGST paid on the import of goods or goods brought in domestic Tariff Area from SEZ unit or a SEZ developer on a bill of entry, shall be made available electronically (auto populated) to the respective recipient(s) in Form GSTR- 2A or Form GSTR-4A (in case of registered person opting for composition levy) or Form GSTR-6A (in case of Input Service Distributors) through the common portal.
6. **FORM GSTR-2B [Section 38 read with Rule 60 (7) & (8)] :** An auto-generated statement containing the details of ITC shall be made available to the registered person in FORM GSTR-2B, for every month, electronically through the common portal, and shall consist of -
- the details of outward supplies furnished by his supplier (other than a supplier who has opted for QRMP Scheme) in form GSTR - 1, between 12th of the previous month to the 11th of the current month;
 - the details of invoices furnished by a NRTP in FORM GSTR- 5 and details of invoices furnished by an ISD in his return in FORM GSTR-6 and details of outward supplies furnished by his supplier (who has opted for QRMP Scheme) in FORM GSTR-1 or using the IFF, -
 - for the 1st month of the quarter, between 14th of the 3rd month of the preceding quarter to 13th of the 1st month of the quarter;
 - for the 2nd month of the quarter, between 14th of the first month of the quarter to the 13th of the 2nd month of the quarter;
 - for the 3rd month of the quarter, between 14th of the second month of the quarter to the 13th of the 3rd month of the quarter;
 - The details of the IGST paid on the import of goods or goods brought in the domestic Tariff Area from SEZ unit or developer on a bill of entry in the month.

The Statement in FORM GSTR-2B for every month shall be made available to the registered person on 14th of the next month.

Example : If a supplier opting for QRMP files an invoice dated 15th July on 13th August, it will get reflected in GSTR-2B of July (generated on 14th August).

7. **How are the details of outward supply furnished in prior periods amended? [Section 37(3)] :**
- Scope of amendments:** Any error or mistake made in furnishing details of the invoices, etc. or any invoice, etc. which was omitted to be furnished while furnishing GSTR-1.

- (b) **Rectification of errors:** Under GST, a statement once filed cannot be revised. However, if assessee discovers any error or omission, he shall rectify the same in the tax period during which such error or omission is noticed, and pay the tax and interest, if any, in case there is short payment, in the return to be furnished for such tax period.

Example : GSTR-1 for the month of August, 20XX was filed on 10th September, 20XX. If the supplier discovers any error or omission in the month of October, 20XX, the supplier has to rectify the said errors in GSTR-1 for the month of October, 20XX (due date of submission of which is 11th November, 20XX). If there is any tax liability because of the said amendment/rectification, it will be payable along with interest in his return u/s 39 for the month of October, 20XX.

- (c) **Time limit for Rectification :** The maximum time limit within which such amendments are permissible is earlier of the following dates:

- 30th November following the end of the financial year to which such details pertain or
- Date of filing of the relevant annual return

Example : In the above example, the last day upto which a supplier can make amendments/corrections pertaining to financial year 2023-24 will be 30th November, 2024 or the date of filing annual return for the financial year 2023-24, whichever is earlier.

9. Nil GSTR-1

Filing of GSTR-1 is mandatory for all normal and casual taxpayers, even if there is no business activity in any particular tax period. For such tax period(s), a Nil GSTR-1 is required to be filed.

A Nil GSTR-1 does not have any entry. For example, a Nil GSTR-1 for a tax period cannot be filed, if the taxpayer has made any outward supply (including exempt, nil rated or non-GST supplies), or it has received supplies on which tax is payable under reverse charge or an amendment needs to be made to any of the supplies declared in an earlier return or any credit or debit notes is to be declared / amended etc.

10. Regular furnishing of invoices:

GST common portal allows regular furnishing of invoices. Till the statement is actually submitted, the system also allows the taxpayer to modify the furnished invoices. Therefore, it would always be beneficial for the taxpayers to regularly furnish the invoices. Last minute rush makes furnishing difficult and comes with higher risk of possible failure and default.

11. Notes:

- Furnishing of GSTR-1 for the current tax period is not allowed, if GSTR-1 for any of the previous tax periods has not been furnished except where the Government allows.
- Further, the registered person shall not be allowed to furnish GSTR - 1 for a tax period after the expiry of a period of 3 years from the due date of furnishing the said statement, except where the Government allows.
- A taxpayer cannot file GSTR-1 before the end of the current tax period. However, following are the exceptions to this rule:
 - (a) Casual taxpayers, after the closure of their business
 - (b) Cancellation of GSTIN of a normal taxpayer

- A taxpayer who has applied for cancellation of registration will be allowed to file GSTR-1 after confirming receipt of the application.
- All values like invoice value, taxable value and tax amounts in GSTR-1 are to be declared up to 2 decimal digits. The rounding off of the self-declared tax liability to the nearest rupee will be done in GSTR 3B.
- Taxpayer opting for voluntary cancellation of GSTIN will have to file GSTR-1 for active period.
- In cases where a taxpayer has been converted from a normal taxpayer to composition taxpayer, GSTR 1 will be available for filing only for the period during which the taxpayer was registered as normal taxpayer. The GSTR 1 for the said period, even if filed with delay would accept invoices for the period prior to conversion.

13.3 Furnishing of Returns [Sec. 39]

1. **GSTR-3B:** GSTR-3B is a simple return containing summary of outward and inward supplies liable to reverse charge, /eligible ITC, payment of tax etc. Thus, GSTR-3B does not require invoice-wise data of outward supplies.

Payment of Tax : The registered person will discharge his liability towards tax, interest, penalty, fees and other amounts by debiting electronic cash ledger and/or electronic credit ledger and include the details in GSTR-3B. GSTR-3B filed without payment of self-assessed tax disclosed therein, is not be regarded as a valid return.

2. **Option to file GSTR-3B on Quarterly basis:** Registered Persons having an aggregate turnover of upto Rs. 5 crores in the preceding financial year and who have opted to furnish return (i.e. GSTR-3B) on quarterly basis have been notified as the class of persons who shall be required to furnish return for every quarter, subject to fulfillment of the following conditions, namely :
 - (i) The return for the preceding month, as due on the date of exercising such option, has been furnished;
 - (ii) Where such option has been exercised once, they shall continue to furnish the return as per the selected option for future tax periods, unless they revise the same.

Further, a registered person whose aggregate turnover crosses Rs. 5 crores during a quarter in a financial year shall not be eligible for furnishing of return on quarterly basis from the first month of the succeeding quarter.

Further, the Registered Persons who do not opt for this option or are not eligible for this option, shall be required to furnish their return (i.e. GSTR-3B) on monthly basis.

3. **Due date for payment of tax [Section 39(7)] :** Due dates for payment of tax in respect of the persons required to file monthly GSTR-3B and GSTR-5 are linked with the due dates for filing of such returns i.e., the last dates (due dates) of filing such returns are also the due dates for payment of tax in respect of persons required to file such returns.

DUE DATE

However, the Registered Persons having an aggregate turnover of upto Rs. 5 crores in the preceding financial year and who have opted to furnish return (i.e. GSTR-3B) on quarterly basis shall also be required to pay GST on monthly basis [Explained in detail in subsequent para].

Further, the composition taxpayers are required to make payment of tax on quarterly basis on or before 18th of the month next to the relevant quarter although they are required to submit the return on annual basis.

However, NRTP or CTP are required to make advance deposit of tax of an amount equivalent to the estimated tax liability of such person for a period for which registration is sought or extension of registration is sought.

4. Quarterly Return Monthly Payment [QRMP] Scheme [Circular]

(i) Eligibility for the Scheme - A registered person who is required to furnish a return in FORM GSTR-3B, and who has an aggregate turnover of up to Rs. 5 crore in the preceding financial year, is eligible for the QRMP Scheme. Further, in case the aggregate turnover exceeds 5 crore rupees during any quarter in the current financial year, the registered person shall not be eligible for the Scheme from the next quarter.

(ii) Exercising option for QRMP Scheme

- a. Facility to avail the Scheme on the common portal would be available throughout the year. A registered person can opt in for any quarter from 1st day of 2nd month of preceding quarter to the last day of the 1st month of the quarter. In order to exercise this option, the registered person must have furnished the last return, as due on the date of exercising such option.



For example: A registered person intending to avail of the Scheme for the quarter 'July to September' can exercise his option during 1st of May to 31st of July.

If he is exercising his option on 27th July for the quarter (July to September), in such case, he must have furnished the return for the month of June which was due on 20th July.

- b. Registered persons are not required to exercise the option every quarter. Where such option has been exercised once, they shall continue to furnish the return as per the selected option for future tax periods, unless they revise the said option.
- c. Similarly, the facility for opting out of the Scheme for a quarter will be available from 1st day of 2nd month of preceding quarter to the last day of the 1st month of the quarter.
- d. All persons who have obtained registration during any quarter or the registered persons opting out from composition scheme during any quarter shall be able to opt for the Scheme for the quarter for which the opting facility is available on the date of exercising option as in para (i)a.
- e. In case the aggregate turnover exceeds Rs. 5 crore during any quarter in the current financial year, the registered person shall not be eligible for the Scheme from the next quarter.
- f. The option to avail the QRMP Scheme is GSTIN wise and therefore, distinct persons (different GSTINs on same PAN) have the option to avail the QRMP Scheme for one or more GSTINs. In other words, some GSTINs for that PAN can opt for the QRMP Scheme and remaining GSTINs may not opt for the Scheme.

(iii) Furnishing of details of outward supplies u/s 37 of the CGST Act [GSTR-1 & IFF]