

GOODS & SERVICES TAX / IDT UPDATE – 130

1. Amendments in sections 35(5) and 44 of the CGST Act, 2017 have come into force from 1st August, 2021

- Section 110 seeks to omit section 35(5) of CGST Act, 2017 thereby doing away with the requirement of getting accounts audited by a CA or CMA and submission of copy of audited annual accounts, the reconciliation statement under section 44(2) and such other documents as may have been prescribed.
- Section 111 seeks to substitute section 44 of CGST Act, 2017 implying that now the taxpayers, other than an ISD, a person paying tax under section 51 or section 52, CTP and NRTP can furnish an annual return which may include a **self-certified reconciliation statement**.

Additionally, the Commissioner may on the recommendations of Council exempt any class of registered persons from filing annual return under this section.

Furthermore, the due date for filing annual return which was earlier prescribed as December 31 of every year in section 44 has now been amended in a manner that the same will be specified in the prescribed manner under rules.

[Notification No. 29/2021 – Central Tax dated 30th July, 2021](#)

2. Amendments in CGST Rules, 2017

Pursuant to the amendments made in section 35(5) and 44 of the CGST Act, 2017 getting notified from 1st August, 2021, consequential amendments have been made in rule 80 of the CGST Rules, 2017 and Forms GSTR-9 and GSTR-9C.

With effect from 1st August, 2021, rule 80 has been substituted to provide that-

- Every registered person, other than an input service distributor, a person paying tax under section 51 or section 52, a casual taxable person and a non-resident taxable person shall furnish an annual return for every financial year as specified under section 44 electronically in FORM GSTR-9 **on or before 31st December following the end of such financial year** through the common portal either directly or through a Facilitation Centre notified by the Commissioner
- A person paying tax under section 10 shall furnish the annual return in FORM GSTR-9A.
- Every electronic commerce operator required to collect tax at source under section 52 shall furnish annual statement referred to in sub-section (5) of the said section in FORM GSTR - 9B.
- Every registered person, other than those referred to in the second proviso to section 44, an Input Service Distributor, a person paying tax under section 51 or section 52, a casual taxable person and a non-resident taxable person, whose aggregate turnover during a financial year **exceeds five crore rupees**, shall also furnish a **self-certified reconciliation statement** as specified under section 44 in FORM GSTR-9C along with the annual return referred to in sub-rule (1), **on or**

before 31st December following the end of such financial year, electronically through the common portal either directly or through a Facilitation Centre notified by the Commissioner.

The detailed notification providing the amendments in Forms GSTR-9 & GSTR-9C can be accessed at [Notification No. 30/2021 – Central Tax dated 30th July, 2021](#)

3. Taxpayers having AATO upto Rs. 2 crores exempt from the requirement of furnishing annual return for FY 2020-21

The first proviso to amended section 44 of the CGST Act, 2017 empowers the Commissioner to exempt, on the recommendations of the Council, any class of registered persons from filing annual return.

Accordingly, the Commissioner, on the recommendations of the Council, has exempted the registered person whose aggregate turnover in the financial year 2020-21 is upto two crore rupees, from filing annual return for the said financial year.

[Notification No. 31/2021 – Central Tax dated 30th July, 2021](#)

4. Clarification regarding extension of limitation under GST Law in terms of Hon'ble Supreme Court's Order dated 27.04.2021

The CBIC has clarified vide [Circular No. 157/13/2021 dated 20th July, 2021](#) that the extension of timelines granted by Hon'ble Supreme Court vide its Order dated 27.04.2021 is applicable in respect of any appeal which is required to be filed before Joint/ Additional Commissioner (Appeals), Commissioner (Appeals), Appellate Authority for Advance Ruling, Tribunal and various courts against any quasi-judicial order or where proceeding for revision or rectification of any order is required to be undertaken, and is not applicable to any other proceedings under GST Laws.

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