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Azadi Ka
Amrit Mahotsav



केन्द्रीय भण्डारण निगम
(भारत सरकार का उपक्रम)

CENTRAL WAREHOUSING CORPORATION
(A Govt. of India Undertaking)

जन-जन के लिए भण्डारण/Warehousing for Everyone



No. CWC/FD-Taxation/GST/2022-23

16-03-2023

GST CIRCULAR-53

Sub: Budget Amendments (GST) – 2023-24 and its impact on CWC

1. This is with reference to the above subject and the Finance Bill, 2023 presented in the Parliament on 1st February, 2023.
2. The Finance Bill, 2023 along with the memorandum explaining the provisions were studied and the key amendments along with their proposed applicable date and the impact on CWC is placed at Annexure I for the information and knowledge of all concerned.

(RR Aggarwal)
GGM (Finance)

Distribution to:

1. All HoDs, CWC CO, New Delhi
2. All Regional Managers of CWC
3. All DGMs/AGMs/Managers/ (Sr.) Asstt. Managers /Accountants in Finance, Accounts & Internal Audit Wings of all ROs/CO.

Copy for information to:

1. GM(F&A), CWC, Corporate Office, New Delhi
2. Director (Finance/Pers), CWC, CO, New Delhi
3. MD, CWC, CO, New Delhi
4. PPS to GGM (Systems), CWC, CO, New Delhi with the request to place this Circular on CWC's website under GST circulars.

ANNEXURE-I

Budget Amendments -2023 (GST)

Sr. No.	Amendment Proposed	Brief of Amendment	Date of implementation	Impact on CWC
<u>1</u>	<u>2</u>	<u>4</u>	<u>3</u>	<u>4</u>
1.	Second and third provisos to sub-section (2) of section 16 of the CGST Act are being amended to align the said sub-section with the return filing system provided in the said Act.	<p>The second proviso to section 16(2) of CGST Act, 2017 provides that where the taxpayer fails to make payment of invoice value (including GST) to the supplier within a period of 180 days from the date of supplier's invoice, an amount equal to ITC availed by the taxpayer shall be added to his output tax liability along-with interest thereon.</p> <p>The language of the second proviso is being refined to say that in the event of non-payment of invoice amount to the supplier, the taxpayer shall pay the ITC so availed along-with interest u/s 50 of the CGST Act, 2017. This means that the taxpayer will reverse the ITC (if sufficient balance is available) or alternatively, pay the tax in cash (if sufficient balance is not available in the Electronic Credit Ledger).</p> <p>Further, the taxpayer will be required to pay interest @18% p.a. in case ITC has been taken and utilized before reversal/payment of ITC amount. In case the ITC has not been utilized before reversal, the taxpayer need not pay interest as the provisions of section 50(3) of CGST Act, 2017 are not attracted in that scenario.</p>	To be notified	Only the language of the provision has been changed, hence no impact.

2.	Sub-section (5) of section 17 of the CGST Act is also being amended so as to provide that input tax credit shall not be available in respect of goods or services or both received by a taxable person, which are used or intended to be used for activities relating to his obligations under corporate social responsibility referred to in section 135 of the Companies Act, 2013.	ITC shall not be available in respect of goods or services or both received by a taxable person, which are used or intended to be used for activities relating to his obligations under corporate social responsibility referred to in section 135 of the Companies Act, 2013.	To be notified	CWC is not availing ITC credit on CSR expenses. Hence the amendment shall not have any effect on CWC.
3.	A new sub-section (5) in section 37 of the CGST Act is being inserted so as to provide a time limit upto which the details of outward supplies under sub-section (1) of the said section for a tax period can be furnished by a registered person. Further, it also seeks to provide an enabling provision for extension of the said time limit, subject to certain conditions and restrictions, for a registered person or a class of registered persons.	The provisions of filing monthly returns such as GSTR-1 (section 37), GSTR-3B (section 39) and annual returns in form GSTR-9 and 9C (section 44) are being amended to restrict filing of these returns upto maximum period of 3 years from the due date of filing the relevant returns. This means that a taxpayer will be debarred from filing these returns after expiry of 3 years from the due date of furnishing the said returns. However, the Govt. is empowered to relax this timeline on recommendations of the GST Council.	To be notified	By way of this amendment, restriction has been placed on filing of GSTR-1, GSTR-3B, GSTR-9 and GSTR-9C to three years from the due date of filing the relevant returns.
4.	A new sub-section (11) in section 39 of the CGST Act is being inserted so as to provide a time limit upto which the return for a tax period can be furnished by a registered person. Further, it also seeks to provide an enabling provision for extension of the said time limit, subject to certain conditions and restrictions, for a registered person or a class of registered persons			As CWC files its returns within the due dates. The said amendment will have no impact on CWC.
5.	A new sub-section (2) in section 44 of the CGST Act is being inserted so as to provide a time limit upto which the annual return under sub-section (1) of the said section for a financial year can be furnished by a registered person. Further, it also seeks to provide an enabling provision for extension of the said time limit, subject to certain conditions and restrictions, for a registered person or a class of registered persons.			

6.	A new section 158A in the CGST Act is being inserted so as to provide for prescribing manner and conditions for sharing of the information furnished by the registered person in his return or in his application of registration or in his statement of outward supplies, or the details uploaded by him for generation of electronic invoice or E-way bill or any other details, as may be prescribed, on the common portal with such other systems, as may be notified.	New section 158A in the CGST Act has been inserted so as to provide for prescribing manner and conditions for sharing of the information furnished by the registered person on the common portal with such other systems, as may be notified.	To be notified	Manner of information sharing on portal shall be provided. It will be applicable as and when notified.
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