

## Furnishing details of outward supplies

### 37. <sup>[1]</sup> **Furnishing details of outward supplies** <sup>[2]</sup>

(1) Every registered person, other than an Input Service Distributor, a non-resident taxable person and a person paying tax under the provisions of section 10 or section 51 or section 52, shall furnish, electronically, in such form <sup>[3]</sup> and manner as may be prescribed <sup>[4]</sup>, the details of outward supplies of goods or services or both effected during a tax period on or before the tenth day of the month succeeding the said tax period and such details shall be communicated to the recipient of the said supplies within such time and in such manner as may be prescribed <sup>[5]</sup>:

*Provided that* the registered person shall not be allowed to furnish the details of outward supplies during the period from the eleventh day to the fifteenth day of the month succeeding the tax period:

*Provided further that* the Commissioner may, for reasons to be recorded in writing, by notification, extend the time limit for furnishing such details for such class of taxable persons as may be specified therein:

Provided also that any extension of time limit notified by the Commissioner of State tax or Commissioner of Union territory tax shall be deemed to be notified by the Commissioner.

(2) Every registered person who has been communicated the details under sub-section (3) of section 38 or the details pertaining to inward supplies of Input Service Distributor under sub-section (4) of section 38, shall either accept or reject the details so communicated, on or before the seventeenth day, but not before the fifteenth day, of the month succeeding the tax period and the details furnished by him under sub-section (1) shall stand amended accordingly.

(3) Any registered person, who has furnished the details under sub-section (1) for any tax period and which have remained unmatched under section 42 or section 43, shall, upon discovery of any error or omission therein, rectify such error or omission in such manner as may be prescribed, and shall pay the tax and interest, if any, in case there is a short payment of tax on account of such error or omission, in the return to be furnished for such tax period:

*Provided that* no rectification of error or omission in respect of the details furnished under sub-section (1) shall be allowed after furnishing of the return under section 39 for the month of September following the end of the financial year to which such details pertain, or furnishing of the relevant annual return, whichever is earlier.

<sup>[6]</sup> *Provided further that rectification of error or omission in respect of the details furnished under sub-section (1) shall be allowed after furnishing of the return under section 39 for the month of September, 2018 till the due date for furnishing the details under sub-section (1) for the month of March, 2019 or for the quarter Jan, 2019 to Mar, 2019.*

**Explanation.**—For the purposes of this Chapter, the expression “details of outward supplies” shall include details of invoices, debit notes, credit notes and revised invoices issued in relation to outward supplies made during any tax period.

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<sup>[1]</sup> Refer Not. No. 18/2017-CT, dt. 8.8.2017; Not. No. 29/2017-CT, dt. 5.9.2017; Not. No. 30/2017-CT, dt. 11.9.2017; Not. No. 18/2018-CT, dt. 28.3.2018; Not. No. 32/2018-CT, dt. 10.8.2018; Not. No. 33/2018-CT, dt. 10.8.2018; Not. No. 37/2018-CT, dt. 24.8.2018; Not. No. 38/2018-CT, dt. 24.8.2018; Not. No. 44/2018-CT, dt. 10.9.2018; Not. No. 63/2018-CT, dt. 29.11.2018; Not. No. 71/2018-CT, dt. 31.12.2018; Not. No. 72/2018-CT, dt. 31.12.2018; Not. No. 57/2018-CT,

dt. 23.10.2018; Not. No. 58/2018-CT, dt. 26.10.2018; Not. No. 11/ 2019-CT, dt. 7.3. 2019; Not. No. 12/2019-CT, dt. 7.3.2019; Not. No. 17/2019-CT, dt. 10.4.2019; Not. No. 23/2019-CT, dt. 11.5.2019; Not. No. 27/2019-CT, dt. 28.6.2019 ; Not. No. 28/2019-CT, dt. 28.6.2019; Not. No. 37/2019-CT, dt. 21.8.2019 & Not. No. 40/2019-CT, dt. 31.8.2019.

[2]

Refer Cir. No. 7/2017- GST, dt. 1.9.2017; Cir. No. 15/2017- GST, dt. 6.11.2017 & Cir. No. 26/2017- GST, dt. 29.12.2017.

[3]

Refer Form GSTR 1 of the CGST Rules, 2017.

[4]

Refer rule 59 of the CGST Rules, 2017.

[5]

Refer rule 59 of the CGST Rules, 2017.

[6]

Inserted by the CGST (IInd removal of difficulties) order, 2018, w.e.f. 31.12.2018.

## Furnishing details of inward supplies

[1] 38. Furnishing details of inward supplies [2]

(1) Every registered person, other than an Input Service Distributor or a non-resident taxable person or a person paying tax under the provisions of section 10, section 51 or section 52, shall verify, validate, modify or delete, if required, the details relating to outward supplies and credit or debit notes communicated under sub-section (1) of section 37 to prepare the details of his inward supplies and credit or debit notes and may include therein, the details of inward supplies and credit or debit notes received by him in respect of such supplies that have not been declared by the supplier under sub-section (1) of section 37.

(2) Every registered person, other than an Input Service Distributor or a non-resident taxable person or a person paying tax under the provisions of section 10 or section 51 or section 52, shall furnish, electronically, the details of inward supplies of taxable goods or services or both, including inward supplies of goods or services or both on which the tax is payable on reverse charge basis under this Act and inward supplies of goods or services or both taxable under the Integrated Goods and Services Tax Act or on which integrated goods and services tax is payable under section 3 of the Customs Tariff Act, 1975, and credit or debit notes received in respect of such supplies during a tax period after the tenth day but on or before the fifteenth day of the month succeeding the tax period in such form [3] and manner as may be prescribed [4]:

*Provided that* the Commissioner may, for reasons to be recorded in writing, by notification, extend the time limit for furnishing such details for such class of taxable persons as may be specified therein:

*Provided further that* any extension of time limit notified by the Commissioner of State tax or Commissioner of Union territory tax shall be deemed to be notified by the Commissioner.

(3) The details of supplies modified, deleted or included by the recipient and furnished under sub-section (2) shall be communicated to the supplier concerned in such manner and within such time as may be prescribed.

(4) The details of supplies modified, deleted or included by the recipient in the return furnished under sub-section (2) or sub-section (4) of section 39 shall be communicated to the supplier concerned in such manner and within such time as may be prescribed [5].

(5) Any registered person, who has furnished the details under sub-section (2) for any tax period and which have remained unmatched under section 42 or section 43, shall, upon discovery of any error or omission therein, rectify such error or omission in the tax period during which such error or omission is noticed in such manner as may be prescribed, and shall pay the tax and interest, if any, in case there is a short payment of tax on account of such error or omission, in the return to be furnished for such tax period:

*Provided that* no rectification of error or omission in respect of the details furnished under sub-section (2) shall be allowed after furnishing of the return under section 39 for the month of September following the end of the financial year to which such details pertain, or furnishing of the relevant annual return, whichever is earlier.

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[1] Enforced with effect from 1.7.2017.

[2] Refer Not. No. 19/2017-CT, dt. 8.8.2017; Not. No. 21/2017-CT, dt. 8.8.2017; Not. No. 23/2017-CT, dt. 17.8.2017; Not. No. 24/2017-CT, dt. 21.8.2017; Not. No. 29/2017-CT, dt. 5.5.2017; Not. No. 30/2017-CT, dt. 11.9.2017; Not. No. 31/2017-CT, dt. 11.9.2017; Not. No. 54/2017-CT, dt. 30.10.2017; Not. No. 56/2017-CT, dt. 15.11.2017; Not. No. 59/2017-CT, dt. 15.11.2017; Not. No. 60/2017-CT, dt. 15.11.2017; Not. No. 61/2017-CT, dt. 15.11.2017; Not. No. 62/2017-CT, dt. 15.11.2017; Not. No. 43/2018-CT, dt. 10.9.2018; Not. No. 44/2018-CT, dt. 10.9.2018; Not. No. 45/2018-CT, dt. 10.9.2018; Not. No. 45/2019-CT, dt. 9.10.2019 & Not. No. 46/2018-CT, dt. 9.10.2019.

[3] Refer Form GSTR-2 of the CGST Rules, 2017.

[4] Refer rule 60 of the CGST Rules, 2017.

[5] Refer rule 59 of the CGST Rules, 2017.

## Furnishing of returns

39. [1] [2] Furnishing of returns [3].

[3] [4] (1) Every registered person, other than an Input Service Distributor or a non-resident taxable person or a person paying tax under the provisions of section 10 or section 51 or section 52 shall, for every calendar month or part thereof, furnish, a return, electronically, of inward and outward supplies of goods or services or both, input tax credit availed, tax payable, tax paid and such other particulars, in such form [4] and manner, and within such time, as may be prescribed [5]:

Provided that the Government may, on the recommendations of the Council, notify certain class of registered persons who shall furnish a return for every quarter or part thereof, subject to such conditions and restrictions as may be specified therein.

(2) A registered person paying tax under the provisions of section 10, shall, for each financial year or part thereof, furnish a return, electronically, of turnover in the State or Union territory, inward supplies of goods or services or both, tax payable, tax paid and such other particulars in such form<sup>[6]</sup> and manner, and within such time, as may be prescribed.”]<sup>[7]</sup>

(3) Every registered person required to deduct tax at source under the provisions of section 51 shall furnish, in such form<sup>[8]</sup> and manner as may be prescribed<sup>[9]</sup>, a return, electronically, for the month in which such deductions have been made within ten days after the end of such month.

(4) Every taxable person registered as an Input Service Distributor shall, for every calendar month or part thereof, furnish, in such form<sup>[10]</sup> and manner as may be prescribed, a return, electronically, within thirteen days after the end of such month.

(5) Every registered non-resident taxable person shall, for every calendar month or part thereof, furnish, in such form<sup>[11]</sup> and manner as may be prescribed<sup>[12]</sup>, a return, electronically, within twenty days after the end of a calendar month or within seven days after the last day of the period of registration specified under sub-section (1) of section 27, whichever is earlier.

(6) The Commissioner may, for reasons to be recorded in writing, by notification, extend the time limit for furnishing the returns under this section for such class of registered persons as may be specified therein:

*Provided that* any extension of time limit notified by the Commissioner of State tax or Union territory tax shall be deemed to be notified by the Commissioner.

[(7) Every registered person who is required to furnish a return under sub-section (1), other than the person referred to in the proviso thereto, or sub-section (3) or sub-section (5), shall pay to the Government the tax due as per such return not later than the last date on which he is required to furnish such return:

Provided that every registered person furnishing return under the proviso to sub-section (1) shall pay to the Government, the tax due taking into account inward and outward supplies of goods or services or both, input tax credit availed, tax payable and such other particulars during a month, in such form and manner, and within such time, as may be prescribed:

Provided further that every registered person furnishing return under sub-section (2) shall pay to the Government the tax due taking into account turnover in the State or Union territory, inward supplies of goods or services or both, tax payable, and such other particulars during a quarter, in such form and manner, and within such time, as may be prescribed.]<sup>[13]</sup>

(8) Every registered person who is required to furnish a return under sub-section (1) or sub-section (2) shall furnish a return for every tax period whether or not any supplies of goods or services or both have been made during such tax period.

(9) Subject to the provisions of sections 37 and 38, if any registered person after furnishing a return under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (4) or sub-section (5) discovers any omission or incorrect particulars therein, other than as a result of scrutiny, audit, inspection or enforcement activity by the tax authorities, he

shall rectify such omission or incorrect particulars [in such form and manner as may be prescribed]<sup>[14]</sup>, subject to payment of interest under this Act:

*Provided that* no such rectification of any omission or incorrect particulars shall be allowed after the due date for furnishing of return for the month of September or second quarter following [the end of the financial year to which such details pertain]<sup>[15]</sup>, or the actual date of furnishing of relevant annual return, whichever is earlier.

(10) A registered person shall not be allowed to furnish a return for a tax period if the return for any of the previous tax periods has not been furnished by him.

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[1] Enforced with effect from 1.7.2017.

[2] Refer Cir. No. 26/2017- GST, dt. 29.12.2017.

[3] Refer Not. No. 20/2017-CT, dt. 8.8.2017; Not. No. 24/2017-CT, dt. 21.8.2017; Not. No. 25/2017-CT, dt. 28.8.2017; Not. No. 26/2017-CT, dt. 28.8.2017; Not. No. 35/2017-CT, dt. 15.9.2017; Not. No. 41/2017-CT, dt. 13.10.2017; Not. No. 42/2017-CT, dt. 13.10.2017; Not. No. 43/2017-CT, dt. 13.10.2017; Not. No. 59/2017-CT, dt. 15.11.2017; Not. No. 68/2017-CT, dt. 21.12.2017; Not. No. 69/2017-CT, dt. 21.12.2017; Not. No. 71/2017-CT, dt. 29.12.2017; Not. No. 8/2018-CT, dt. 23.1.2018; Not. No. 16/2018-CT, dt. 23.3.2018; Not. No. 17/2018-CT, dt. 28.3.2018; Not. No. 19/2018-CT, dt. 28.3.2018; Not. No. 20/2018-CT, dt. 28.3.2018; Not. No. 23/2018-CT, dt. 18.5.2018; Not. No. 25/2018-CT, dt. 31.5.2018; Not. No. 30/2018-CT, dt. 30.7.2018; Not. No. 44/2018-CT, dt. 10.9.2018; Not. No. 65/2018-CT, dt. 29.11.2018; Not. No. 66/2018-CT, dt. 29.11.2018; Not. No. 7/2019-CT, dt. 31.1.2019; Not. No. 8/2019-CT, dt. 8.2.2019; Not. No. 18/2019-CT, dt. 10.4.2019; Not. No. 24/2019-CT, dt. 11.5.2019; Not. No. 26/2019-CT, dt. 28.6.2019 & Not. No. 40/2019-CT, dt. 31.8.2019.

[4] Refer Form GSTR-3 of the CGST Rules, 2017.

[5] Refer rule 61 of the CGST Rules, 2017.

[6] Refer Form GSTR-04 of the CGST Rules, 2017.

[7] Substituted vide The Finance (No.2) Bill, 2019 as inserted/substituted by vide CGST Amendment Act, 2018, prior substitution the wording was as under;

“(1) Every registered person, other than an Input Service Distributor or a non-resident taxable person or a person paying tax under the provisions of section 10, section 51 or section 52 shall, for every calendar month or part thereof,

furnish, [in such form, manner and within such time as may be prescribed]<sup>[7]</sup>, a return, electronically, of inward and outward supplies of goods or services or both, input tax credit availed, tax payable, tax paid and such other particulars as may be prescribed[\*]<sup>[7]</sup>.

[Provided that the Government may, on the recommendations of the Council, notify certain classes of registered persons who shall furnish return for every quarter or part thereof, subject to such conditions and safeguards as may be specified therein.]<sup>[7]</sup>

(2) A registered person paying tax under the provisions of section 10 shall, for each quarter or part thereof, furnish, in such form and manner as may be prescribed, a return, electronically, of turnover in the State or Union territory, inward supplies of goods or services or both, tax payable and tax paid within eighteen days after the end of such quarter.”

[8] Refer Form GSTR-7 of the CGST Rules, 2017.

[9]

Refer rule 66 of the CGST Rules, 2017

[10]

Refer Form GSTR-6 of the CGST Rules, 2017,

[11]

Refer Form GSTR-5 of the CGST Rules, 2017.

[12]

Refer rule 63 of the CGST Rules, 2017.

[13]

Substituted vide The Finance (No.2) Bill, 2019 as inserted/substituted by vide CGST

Amendment Act, 2018, prior substitution the wording was as under;

“Every registered person, who is required to furnish a return under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (5), shall pay to the Government the tax due as per such return not later than the last date on which he is required to furnish such return.

[*Provided that* the Government may, on the recommendations of the Council, notify certain classes of registered persons who shall pay to the Government the tax due or part thereof as per the return on or before the last date on which he is required to furnish such return, subject to such conditions and safeguards as may be specified therein.]”

[14]

Substituted for the phrase “in the return to be furnished for the month or quarter during which such omission or incorrect particulars are noticed” vide CGST Amendment Act, 2018 with effect from a date to be notified by Central Government.

[15]

Inserted vide CGST Amendment Act, 2018 with effect from a date to be notified by Central Government.

## First return

40.[1]

### First return.

Every registered person who has made outward supplies in the period between the date on which he became liable to registration till the date on which registration has been granted shall declare the same in the first return furnished by him after grant of registration.

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[1]

Enforced with effect from 1.7.2017.

## Claim of input tax credit and provisional acceptance thereof

41.<sup>[1]</sup>

### Claim of input tax credit and provisional acceptance thereof.

- (1) Every registered person shall, subject to such conditions and restrictions as may be prescribed, be entitled to take the credit of eligible input tax, as self-assessed, in his return and such amount shall be credited on a provisional basis to his electronic credit ledger.
- (2) The credit referred to in sub-section (1) shall be utilised only for payment of self-assessed output tax as per the return referred to in the said sub-section.

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<sup>[1]</sup>

Refer rule 69 of the CGST Rules, 2017.

## Matching, reversal and reclaim of input tax credit

<sup>[1]</sup>

### 42. Matching, reversal and reclaim of input tax credit.

- (1) The details of every inward supply furnished by a registered person (hereafter in this section referred to as the “recipient”) for a tax period shall, in such manner and within such time as may be prescribed<sup>[2]</sup>, be matched—
  - a. with the corresponding details of outward supply furnished by the corresponding registered person (hereafter in this section referred to as the “supplier”) in his valid return for the same tax period or any preceding tax period;
  - b. with the integrated goods and services tax paid under section 3 of the Customs Tariff Act, 1975 (51 of 1975) in respect of goods imported by him; and
  - c. for duplication of claims of input tax credit.
- (2) The claim of input tax credit in respect of invoices or debit notes relating to inward supply that match with the details of corresponding outward supply or with the integrated goods and services tax paid under section 3 of the Customs Tariff Act, 1975 (51 of 1975) in respect of goods imported by him shall be finally accepted and such acceptance shall be communicated, in such manner as may be prescribed<sup>[3]</sup>, to the recipient.
- (3) Where the input tax credit claimed by a recipient in respect of an inward supply is in excess of the tax declared by the supplier for the same supply or the outward supply is not declared by the supplier in his valid returns, the discrepancy shall be communicated to both such persons in such manner as may be prescribed<sup>[4]</sup>.
- (4) The duplication of claims of input tax credit shall be communicated to the recipient in such manner as may be prescribed<sup>[5]</sup>.

(5) The amount in respect of which any discrepancy is communicated under subsection (3) and which is not rectified by the supplier in his valid return for the month in which discrepancy is communicated shall be added to the output tax liability of the recipient, in such manner as may be prescribed, in his return for the month succeeding the month in which the discrepancy is communicated.

(6) The amount claimed as input tax credit that is found to be in excess on account of duplication of claims shall be added to the output tax liability of the recipient in his return for the month in which the duplication is communicated.

(7) The recipient shall be eligible to reduce, from his output tax liability, the amount added under sub-section (5), if the supplier declares the details of the invoice or debit note in his valid return within the time specified in sub-section (9) of section 39.

(8) A recipient in whose output tax liability any amount has been added under subsection (5) or sub-section (6), shall be liable to pay interest at the rate specified under subsection (1) of section 50 on the amount so added from the date of availing of credit till the corresponding additions are made under the said sub-sections.

(9) Where any reduction in output tax liability is accepted under sub-section (7), the interest paid under sub-section (8) shall be refunded to the recipient by crediting the amount in the corresponding head of his electronic cash ledger in such manner as may be prescribed<sup>[6]</sup>:

*Provided that* the amount of interest to be credited in any case shall not exceed the amount of interest paid by the supplier.

(10) The amount reduced from the output tax liability in contravention of the provisions of sub-section (7) shall be added to the output tax liability of the recipient in his return for the month in which such contravention takes place and such recipient shall be liable to pay interest on the amount so added at the rate specified in sub-section (3) of section 50.

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[1] Enforced with effect from 1-7-2017 [Except the proviso to sub-section (9) of section 42].

[2] Refer rule 69 of the CGST Rules, 2017.

[3] Refer rule 70 of the CGST Rules, 2017.

[4] Refer rule 71 of the CGST Rules, 2017.

[5] Refer rule 72 of the CGST Rules, 2017.

[6] Refer rule 77 of the CGST Rules, 2017.



**43.[1]****Matching, reversal and reclaim of reduction in output tax liability.**

(1) The details of every credit note relating to outward supply furnished by a registered person (hereafter in this section referred to as the “supplier”) for a tax period shall, in such manner and within such time as may be prescribed<sup>[2]</sup>, be matched—

a. with the corresponding reduction in the claim for input tax credit by the corresponding registered person (hereafter in this section referred to as the “recipient”) in his valid return for the same tax period or any subsequent tax period; and

b. for duplication of claims for reduction in output tax liability.

(2) The claim for reduction in output tax liability by the supplier that matches with the corresponding reduction in the claim for input tax credit by the recipient shall be finally accepted and communicated, in such manner as may be prescribed<sup>[3]</sup>, to the supplier.

(3) Where the reduction of output tax liability in respect of outward supplies exceeds the corresponding reduction in the claim for input tax credit or the corresponding credit note is not declared by the recipient in his valid returns, the discrepancy shall be communicated to both such persons in such manner as may be prescribed.

(4) The duplication of claims for reduction in output tax liability shall be communicated to the supplier in such manner as may be prescribed<sup>[4]</sup>.

(5) The amount in respect of which any discrepancy is communicated under subsection (3) and which is not rectified by the recipient in his valid return for the month in which discrepancy is communicated shall be added to the output tax liability of the supplier, in such manner as may be prescribed<sup>[5]</sup>, in his return for the month succeeding the month in which the discrepancy is communicated.

(6) The amount in respect of any reduction in output tax liability that is found to be on account of duplication of claims shall be added to the output tax liability of the supplier in his return for the month in which such duplication is communicated.

(7) The supplier shall be eligible to reduce, from his output tax liability, the amount added under sub-section (5) if the recipient declares the details of the credit note in his valid return within the time specified in sub-section (9) of section 39.

(8) A supplier in whose output tax liability any amount has been added under subsection (5) or sub-section (6), shall be liable to pay interest at the rate specified under subsection (1) of section 50 in respect of the amount so added from the date of such claim for reduction in the output tax liability till the corresponding additions are made under the said sub-sections.

(9) Where any reduction in output tax liability is accepted under sub-section (7), the interest paid under sub-section (8) shall be refunded to the supplier by crediting the amount in the corresponding head of his electronic cash ledger in such manner as may be prescribed<sup>[6]</sup>:

*Provided that* the amount of interest to be credited in any case shall not exceed the amount of interest paid by the recipient.

(10) The amount reduced from output tax liability in contravention of the provisions of sub-section (7) shall be added to the output tax liability of the supplier in his return for the month in which such contravention takes place and such supplier shall be liable to pay interest on the amount so added at the rate specified in sub-section (3) of section 50.

**[43A. Procedure for furnishing return and availing input tax credit.**

(1) Notwithstanding anything contained in sub-section (2) of section 16, section 37 or section 38, every registered person shall in the returns furnished under sub-section (1) of section 39 verify, validate, modify or delete the details of

supplies furnished by the suppliers.

- (2) Notwithstanding anything contained in section 41, section 42 or section 43, the procedure for availing of input tax credit by the recipient and verification there of shall be such as may be prescribed.
- (3) The procedure for furnishing the details of outward supplies by the supplier on the common portal, for the purposes of availing input tax credit by the recipient shall be such as may be prescribed.
- (4) The procedure for availing input tax credit in respect of outward supplies not furnished under sub-section (3) shall be such as may be prescribed and such procedure may include the maximum amount of the input tax credit which can be so availed, not exceeding twenty per cent. of the input tax credit available, on the basis of details furnished by the suppliers under the said sub-section.
- (5) The amount of tax specified in the outward supplies for which the details have been furnished by the supplier under sub-section (3) shall be deemed to be the tax payable by him under the provisions of the Act.
- (6) The supplier and the recipient of a supply shall be jointly and severally liable to pay tax or to pay the input tax credit availed, as the case may be, in relation to outward supplies for which the details have been furnished under sub-section (3) or sub-section (4) but return thereof has not been furnished.
- (7) For the purposes of sub-section (6), the recovery shall be made in such manner as may be prescribed and such procedure may provide for non-recovery of an amount of tax or input tax credit wrongly availed not exceeding one thousand rupees.
- (8) The procedure, safeguards and threshold of the tax amount in relation to outward supplies, the details of which can be furnished under sub-section (3) by a registered person,—
- (i) within six months of taking registration;
- (ii) who has defaulted in payment of tax and where such default has continued for more than two months from the due date of payment of such defaulted amount, shall be such as may be prescribed<sup>m</sup>.

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[1] Enforced with effect from 1.7.2017 [Except the proviso to sub-section (9) of section 43].

[2] Refer rule 73 of the CGST Rules, 2017.

[3] Refer rule 74 of the CGST Rules, 2017.

[4] Refer rule 76 of the CGST Rules, 2017.

[5] Refer rule 75 of the CGST Rules, 2017.

[6] Refer rule 77 of the CGST Rules, 2017.

[7] Inserted vide CGST Amendment Act, 2018 with effect from a date to be notified by Central Government..

## Annual return

### 44.<sup>[1]</sup> Annual return.

- (1) 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

electronically in such form<sup>[2]</sup> and manner as may be prescribed<sup>[3]</sup> on or before the thirty-first day of December following the end of such financial year.

[“Provided that the Commissioner may, on the recommendations of the Council and for reasons to be recorded in writing, by notification, extend the time limit for furnishing the annual return for such class of registered persons as may be specified therein:

Provided further that any extension of time limit notified by the Commissioner of State tax or the Commissioner of Union territory tax shall be deemed to be notified by the Commissioner.”]<sup>[4]</sup>

(2) Every registered person who is required to get his accounts audited in accordance with the provisions of sub-section (5) of section 35 shall furnish, electronically, the annual return under sub-section (1) along with a copy of the audited annual accounts and a reconciliation statement, reconciling the value of supplies declared in the return furnished for the financial year with the audited annual financial statement, and such other particulars as may be prescribed.

<sup>[5]</sup>  
[Explanation: For the purpose of this section, it is hereby declared that the annual return for the period from the 1<sup>st</sup> July,2017 to the 31<sup>st</sup> Mar,2018 shall be furnished on or before the <sup>[6]</sup> (31<sup>st</sup> August,2019)]

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<sup>[1]</sup>  
Enforced with effect from 1.7.2017.

<sup>[2]</sup>  
Refer Form GSTR-9 of the CGST Rules, 2017.

<sup>[3]</sup>  
Refer rule 80 of the CGST Rules, 2017.

<sup>[4]</sup>  
Inserted vide The Finance (No.2) Bill, 2019, with thw effect from a date yet to be notified.

<sup>[5]</sup>  
Inserted by the CGST (Removal of difficulties) order, 2018, w.e.f 11.12.2018.

<sup>[6]</sup>  
Substitued for “30<sup>th</sup> June 2019” by the CGST (Sixth removal of difficulties) order, 2019. W.e.f. 28.6.2019. Earlier the quoted words were substituted for 31<sup>st</sup> Mar,2019, by the CGST (Third removal of difficulties) order, 2018, w.e.f. 31.12.2018.

## Final return

45.<sup>[1]</sup> Final return

[2] Every registered person who is required to furnish a return under sub-section (1) of section 39 and whose registration has been cancelled shall furnish a final return within three months of the date of cancellation or date of order of cancellation, whichever is later, in such form [3] and manner as may be prescribed [4].

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[1] Enforced with effect from 1.7.2017.

[2] Refer Not. No. 58/2018, dt. 26.10.2018,

[3] Refer form GSTR-10 of the CGST Rules, 2017.

[4] Refer rule 81 of the CGST Rules, 2017.

## Notice to return defaulters

[1] 46. **Notice to return defaulters.**

Where a registered person fails to furnish a return under section 39 or section 44 or section 45, a notice shall be issued requiring him to furnish such return within fifteen days in such form [2] and manner as may be prescribed [3].

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[1] Enforced with effect from 1.7.2017.

[2] Refer form GSTR-3A of the CGST Rules, 2017.

[3] Refer rule 68 of the CGST Rules, 2017.

## Levy of late fee

47. <sup>[1]</sup> **Levy of late fee** <sup>[2]</sup>     .

- (1) Any registered person who fails to furnish the details of outward or inward supplies required under section 37 or section 38 or returns required under section 39 or section 45 by the due date shall pay a late fee of one hundred rupees for every day during which such failure continues subject to a maximum amount of five thousand rupees.
- (2) Any registered person who fails to furnish the return required under section 44 by the due date shall be liable to pay a late fee of one hundred rupees for every day during which such failure continues subject to a maximum of an amount calculated at a quarter per cent. of his turnover in the State or Union territory.

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<sup>[1]</sup>      Enforced with effect from 1.7.2017. Refer Cir. No. 9/2017- GST, dt.18.10.2017.

<sup>[2]</sup>      Refer Not. No. 28/2017-CT, dt. 1.9.2017; Not. No. 50/2017-CT, dt. 24.10.2017; Not. No. 64/2017-CT, dt. 15.11.2017; Not. No. 73/2017-CT, dt. 29.12.2017; Not. No. 4/2018-CT, dt. 23.1.2018; Not. No. 5/2018-CT, dt. 23.1.2018; Not. No. 6/2018-CT, dt. 23.1.2018; Not. No. 7/2018-CT, dt. 23.1.2018; Not. No. 13/2018-CT, dt. 7.3.2018; Not. No. 22/2018-CT, dt. 14.5.2018; Not. No. 24/2018-CT, dt. 28.5.2018; Not. No. 41/2018-CT, dt. 4.9.2018; Not. No. 75/2018-CT, dt. 31.12.2018; Not. No. 76/2018-CT, dt. 31.12.2018; Not. No. 77/2018-CT, dt. 31.12.2018; Not. No. 41/2019-CT, dt. 31.8.2019 & Not. No. 48/2019-CT, dt. 9.10.2019.

## Goods and services tax practitioners

48. <sup>[1]</sup> **Goods and services tax practitioners** <sup>[2]</sup>     .

- (1) The manner of approval of goods and services tax practitioners, their eligibility conditions, duties and obligations, manner of removal and other conditions relevant for their functioning shall be such as may be prescribed <sup>[3]</sup>     .
- (2) A registered person may authorise an approved goods and services tax practitioner to furnish the details of outward supplies under section 37, the details of inward supplies under section 38 and the return under section 39 or section 44 or section 45 [and to perform such other functions] <sup>[4]</sup>      in such manner as may be prescribed.
- (3) Notwithstanding anything contained in sub-section (2), the responsibility for correctness of any particulars furnished in the return or other details filed by the goods and services tax practitioners shall continue to rest with the registered person on whose behalf such return and details are furnished.

[1]

Refer Cir. No. 9/2017- GST, dt. 18.10.2017.

[2]

Refer rule 83, 83A & 84 & Form Nos. GST-PCT 1 to GST-PCT 5 of the CGST Rule.

[3]

Refer rule 83 of the CGST Rules, 2017. Refer also Not. No. 24/2018- CT, dt. 28.5.2018.

[4]

Inserted vide CGST Amendment Act, 2018 with effect from 01.02.2019 vide CGST Not. No. 02/2019 dt. 29.01.2019..