

LOVI MEHROTRA & ASSOCIATES

CHARTERED ACCOUNTANTS

MONTHLY UPDATE FOR DEC 2019

(Circulars/Notifications released in December 2019)

31st December 2019

[Income Tax](#)

[GST](#)

[Customs Duty](#)

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I. INCOME TAX

S.NO.	CIRCULAR/ NOTIFICATION NO.	PARTICULARS	SHORT SUMMARY																					
1.	CBDT Circular No.31/2019 dated 19.12.2019	Waiver of Interest for TDS deducted under section 194M.	<p>Vide notification no.98/2019 dated 18.11.2019, CBDT had notified the Challan cum statement in Form 26QD and Certificate in Form 16D for payment of TDS u/s 194M. However utility for the same was released on 17.12.2019 <i>CBDT has now extended the due date for payment of TDS u/s 194M for Sep-Oct 19 as follows:</i></p> <table><tr><th>Period(2019)</th><th>Form u/s 194M</th><th>Extended Due date</th></tr><tr><td colspan="3">Challan cum statement</td></tr><tr><td>September</td><td>Form 26QD</td><td>31.12.2019</td></tr><tr><td>October</td><td>Form 26QD</td><td>31.12.2019</td></tr><tr><td colspan="3">Certificate- Form 16D</td></tr><tr><td>September</td><td>Form 16D</td><td>15.01.2020</td></tr><tr><td>October</td><td>Form 16D</td><td>15.01.2020</td></tr></table> <p>Circular No. 31</p>	Period(2019)	Form u/s 194M	Extended Due date	Challan cum statement			September	Form 26QD	31.12.2019	October	Form 26QD	31.12.2019	Certificate- Form 16D			September	Form 16D	15.01.2020	October	Form 16D	15.01.2020
Period(2019)	Form u/s 194M	Extended Due date																						
Challan cum statement																								
September	Form 26QD	31.12.2019																						
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Certificate- Form 16D																								
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2.	CBDT Notification No.103/2019 dated 13.12.2019	Notification of revised due date for payment of tax, surcharge, penalty and interest u/s 184 & 185 of the Finance Act,2016 under Income Declaration scheme, 2016	<p>In respect of persons who had made a declaration of undisclosed income u/s 183(1) under Income Declaration scheme, 2016, but had not paid tax, surcharge & penalty on or before the due date specified in notification no. 59/2016 dated 20.07.2016, Central Government has now provided <i>an option to make payment of such amount on or before 31.01.2020 along with interest at the rate of 1%</i> <i>(deemed to be effective from 01.06.2016).</i></p> <p>Notification No. 103</p>																					
3.	CBDT Order No.385/38/2019 dated 16.12.2019	Extension of last date of payment of December Instalment of Advance Tax for FY 2019-20 in respect of assesses in the North Eastern States	<p>Considering the large-scale disruption of Internet Services in the North Eastern States -Assam, Tripura , Arunachal Pradesh, Meghalaya, Nagaland, Manipur and Mizoram, <i>CBDT extended the last date for payment of December Instalment of Advance tax for FY 2019-20, from 15th December, 2019 to 31st December, 2019</i></p> <p>(Applicable for all assessee i.e. .corporate and other than corporate).</p> <p>Order</p>																					

4.	CBDT Notification No.104/2019 dated 18.12.2019	Income Tax (15 th Amendment) Rules,2019	<p>CBDT has substituted Form 10DA related to report under section 80JJAA of the Income tax Act with new Form.</p> <p>(Deduction in respect of profits and gains from business of collecting and processing of bio-degradable waste)</p> <p>Notification No. 104</p>
5.	CBDT Notification No.105/2019 dated 30.12.2019	Notification prescribing electronic modes of payment u/s 269SU of the Income tax Act 1961	<p>CBDT has inserted a new rule 119AA which specifies the category of persons who are mandated to accept payment through electronic modes Section 269SU. (Effective from 01.01.2020)</p> <p>Rule 119AA states that every person carrying on business, with a turnover or gross receipts, exceeding Rs 50 crores during the immediately preceding previous year shall provide facility for accepting payment through following electronic modes, in addition to the facility for other electronic modes of payment, if any, being provided by such person, namely:</p> <ul style="list-style-type: none"> i) Debit Card powered by RuPay; ii) Unified Payments Interface (UPI) (BHIM-UPI); and iii) Unified Payments Interface Quick Response Code (UPI QR Code) (BHIM-UPI QR Code). <p>Notification No. 105</p>
6.	CBDT Circular No 32/2019 dated 30.12.2019	Clarifications in respect of prescribed electronic modes under section 269SU of the Income-tax Act, 1961	<p>In order to allow sufficient time to specified persons to install and operationalize the facility for accepting payment through aforesaid electronic modes, CBDT has <i>waived the penalty u/s 271DB in case of failure to comply with provision of section 269SU</i> (providing facility for accepting payment through electronic mode) if specified person install and operationalize the facilities <i>on or before 31.01.2020</i>.</p> <p>However, effective 01st February, 2020 penalty of Rs 5000 per day shall apply for such failure</p> <p>circular No. 32/2019</p>
7.	CBDT Notification No.107/2019 dated 30.12.2019	Extension of due date for linking of PAN with Aadhar u/s 139AA of the Income tax Act 1961	<p>CBDT has further extended the due date for linking of PAN with Aadhar number from 31.12.2019 to 31.03.2020.</p> <p>Notification No. 107</p>

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II. GOODS AND SERVICE TAX

S.NO.	CIRCULAR/ NOTIFICATION NO.	PARTICULARS	SHORT SUMMARY																										
1.	CBIC Notification No. 63/2019, 64/2019, 65/2019, 66/2019 and 67/2019 of Central Tax – dated 12.12.2019	Extension of due date for furnishing FORM GSTR-1, GSTR-3B and GSTR-7 for registered persons in Jammu and Kashmir.	<p>The due date of filing the following GST Forms by a registered person whose principal place of business lies in the state of Jammu & Kashmir was extended:</p> <table><tr><th>GST Form</th><th>Extended due date of filing</th></tr><tr><td>GSTR-1 (July'2019)</td><td>20th December,2019</td></tr><tr><td>GSTR-1 (August'2019)</td><td>20th December,2019</td></tr><tr><td>GSTR-1 (September'2019)</td><td>20th December,2019</td></tr><tr><td>GSTR- 1 (October'2019)</td><td>20th December,2019</td></tr><tr><td>GSTR-3B (July'2019)</td><td>20th December,2019</td></tr><tr><td>GSTR-3B (August'2019)</td><td>20th December,2019</td></tr><tr><td>GSTR-3B (September'2019)</td><td>20th December,2019</td></tr><tr><td>GSTR-3B (October'2019)</td><td>20th December,2019</td></tr><tr><td>GSTR-7 (July'2019)</td><td>20th December,2019</td></tr><tr><td>GSTR-7 (August'2019)</td><td>20th December,2019</td></tr><tr><td>GSTR-7 (September'2019)</td><td>20th December,2019</td></tr><tr><td>GSTR-7 (October'2019)</td><td>20th December,2019</td></tr></table> <p>Notification No. 63 Notification No. 64 Notification No. 65 Notification No. 66 Notification No.67</p>	GST Form	Extended due date of filing	GSTR-1 (July'2019)	20 th December,2019	GSTR-1 (August'2019)	20 th December,2019	GSTR-1 (September'2019)	20 th December,2019	GSTR- 1 (October'2019)	20 th December,2019	GSTR-3B (July'2019)	20 th December,2019	GSTR-3B (August'2019)	20 th December,2019	GSTR-3B (September'2019)	20 th December,2019	GSTR-3B (October'2019)	20 th December,2019	GSTR-7 (July'2019)	20 th December,2019	GSTR-7 (August'2019)	20 th December,2019	GSTR-7 (September'2019)	20 th December,2019	GSTR-7 (October'2019)	20 th December,2019
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2.	CBIC Notification No. 68/2019, 69/2019, 70/2019, 71/2019 and 72/2019 of Central Tax – dated 13.12.2019	Provision related to issue of E-Invoice under GST	<p>Central Government has made the following provisions effective 1st April 2020 in respect of issue of E-Invoices:</p> <p>A] Insertion of new sub-rule 4 in Rule 48 of CGST Specified registered person (refer point no. C below) will prepare the invoice having details contained in Form GST INV -01 by uploading such details on CGST Electronic Portal (refer point no. B below). (N/No. 68/2019)</p> <p>B] CGST Electronic Portal: A common portal for the purpose of preparation of E-Invoice has been notified</p>																										

S.NO.	CIRCULAR/ NOTIFICATION NO.	PARTICULARS	SHORT SUMMARY
			<p>[N/No. 69/2019]</p> <p>The website address of such CGST Electronic portal are as under:</p> <p>www.einvoice1.gst.gov.in; www.einvoice2.gst.gov.in; www.einvoice3.gst.gov.in; www.einvoice4.gst.gov.in; www.einvoice5.gst.gov.in; www.einvoice6.gst.gov.in; www.einvoice7.gst.gov.in; www.einvoice8.gst.gov.in; www.einvoice9.gst.gov.in; www.einvoice10.gst.gov.in.</p> <p>C] Applicability: E-Invoice is mandatory for registered person, whose aggregate turnover in a financial year exceeds Rs 100 crores. [N/No. 70/2019] {Effective from 01.04.2020}</p> <p>D] Applicability of new proviso of Rule 46: Tax invoice shall have Quick Response (QR) code from 01.04.2020. [N/No. 71/2019]</p> <p>E] QR Code: Invoice issued to an un-registered person by a registered person whose aggregate turnover in a financial year exceeds Rs 500 crore, shall have Quick response (QR) code from 01.04.2020. [N/No. 72/2019]</p>
3.	CBIC Circular No. 128/47/2019- Central Tax – dated 23.12.2019	Generation and quoting of Document Identification Number (DIN) on any communication issued by the officers of the CBIC to tax payers and other concerned persons.	<p>Vide circular no 122/41/2019 dated 05.11.2019, CBIC had made it mandatory to generate and quote DIN on communication in respect of search authorization, summons, arrest memo, inspection notices and letters issued in the course of any enquiry, by the an office of the CBIC to the tax payer.</p> <p>CBIC has now made it mandatory to generate and quote DIN on all communications (including emails) sent to tax payers and other concerned persons by the an office of CBIC. (Effective from 24.12.2019)</p> <p>Circular No.-128/47/2019</p>
4.	CBIC Notification No.73/2019 dated 23.12.2019	Extension of due date for furnishing FORM GST 3B for the month November'2019	<p>Due date for furnishing FORM GST 3B for the month November'2019 extended upto 23.12.2019 (from earlier due date 20.12.2019).</p> <p>Notification No. 73</p>
5.	CBIC Circular No. 127/46/2019- Central Tax – dated 04.12.2019	Ab-initio withdraw of Circular No. 107/26/2019 dated 18.07.2019.	<p>Vide Circular No. 107/26/2019-GST dated 18.07.2019 certain clarifications were given in relation to various doubts related to supply of Information Technology enabled Services (ITeS services) under GST such as call center, business process outsourcing services, etc.</p> <p>Subsequently, numerous representations were received from various stakeholders expressing ambiguity on the implications of the aforesaid Circular. To remove such</p>

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			ambiguity, the CBIC has now withdrawn the said Circular No. 107/26/2019 ab-initio. Circular No 127
6.	CBIC Press Release dated 18.12.2019	Extension of due date of filing Annual Return (GSTR 9) and Reconciliation Statement (GSTR 9C).	Due date of filing of Form GSTR-9 (Annual Return) and Form GSTR-9C (Reconciliation Statement) for FY 2017-18 has been extended till 31st January 2020 <i>(from earlier due date of 31st December 2019)</i> . Press Release
7.	GST Council Press release dated - 18.12.2019	38th Meeting of the GST Council	Recommendations made during 38th Meeting of the GST Council held on 18th December, 2019 are highlighted in Annexure-I to this News Letter .
8.	CBIC Circular No.129/2019 dated 24.12.2019	Standard Operating Procedure in case of non-filers of returns	CBIC has issued Standard operating procedure to be followed by the tax officer in case of non-furnishing of GST return. Circular No. 129
9.	CBIC Notification No.74/2019 dated 26.12.2019	Waiver of late fees for non-filing of FORM GSTR-1 from July, 2017 to November, 2019.	Central Government has waived the late fee for all taxpayers who failed to furnish the details of outward supplies in FORM GSTR-1 for the month/quarters from July 2017 to November 2019 , if the same are filed by 10.01.2020. (deemed to be effective from 19th December 2019) Notification No.74
10.	CBIC Notification No.75/2019 dated 26.12.2019	Central Goods and Services Tax (Ninth Amendment) Rules, 2019	CBIC has notified changes in CGST Rules, 2017 vide CGST (Ninth Amendment) Rules, 2019 effective 1 st January, 2020. <u>Gist of changes made is as follows :</u> A] Restriction on ITC: Availment of input tax credit in respect of invoices/debit notes which have not been uploaded by the suppliers shall not exceed 10% {Earlier it was 20%} of the eligible credit available in respect of invoices/debit notes which have been uploaded by the suppliers. [Rule 36(4)] B] Insertion of New Rule 86A: Provides conditions of use of amount available in Electronic Credit Ledger. C] E-way Bill for taxpayers who have not filed their FORM GSTR-1 for two tax periods (months/quarters) shall be blocked [Rule 138E: effective from 11.1.2020]. Notification No. 75

S.NO.	CIRCULAR/ NOTIFICATION NO.	PARTICULARS	SHORT SUMMARY												
11.	CBIC Notification No.76/2019, 77/2019 & 78/2019 dated 26.12.2019	Extension of due date for furnishing FORM GSTR-1, GSTR-3B and GSTR-7 for the month November 2019 of registered persons in Assam, Manipur , Meghalaya or Tripura.	<p>The due date of filing the following GST Forms for the month November 2019 by a registered person has been extended (In case of GSTR 3B whose place of business lies in Assam, Manipur, Meghalaya or Tripura):</p> <table><tr><th>GST Form</th><th>Extended due date of filing</th><th>Place of business lies in</th></tr><tr><td>GSTR-1 (Nov'2019)</td><td>31-12-19</td><td>Assam, Manipur or Tripura</td></tr><tr><td>GSTR-3B (Nov'2019)</td><td>31-12-19</td><td>Assam, Manipur, Meghalaya or Tripura</td></tr><tr><td>GSTR-7 (Nov'2019)</td><td>25-12-19</td><td>Assam, Manipur or Tripura</td></tr></table> <p>Notification No. 76 Notification No. 77 Notification No. 78</p>	GST Form	Extended due date of filing	Place of business lies in	GSTR-1 (Nov'2019)	31-12-19	Assam, Manipur or Tripura	GSTR-3B (Nov'2019)	31-12-19	Assam, Manipur, Meghalaya or Tripura	GSTR-7 (Nov'2019)	25-12-19	Assam, Manipur or Tripura
GST Form	Extended due date of filing	Place of business lies in													
GSTR-1 (Nov'2019)	31-12-19	Assam, Manipur or Tripura													
GSTR-3B (Nov'2019)	31-12-19	Assam, Manipur, Meghalaya or Tripura													
GSTR-7 (Nov'2019)	25-12-19	Assam, Manipur or Tripura													

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III. CUSTOMS DUTY

S.NO.	CIRCULAR/ NOTIFICATION NO.	PARTICULARS	SHORT SUMMARY
1.	CBIC Notification No. 91/2019-Cus (NT) dated 19.12.2019	Rate of Exchange	CBIC has notified the rate of exchange of conversion of foreign currency for import and export of goods for 20 currencies specified in Schedule I & Schedule II effective from 20-12-2019. Notification No. 91

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Annexure-I

Goods & Service Tax

Recommendations made in the 38rd Meeting of the GST Council held on 18th Dec, 2019

1] **Grievance Redressal Committees (GRC)** will be constituted at Zonal/State level with both CGST and SGST officers and including representatives of trade and industry and other GST stakeholders (GST practitioners and GSTN etc.). These committees will address grievances of specific/ general nature of taxpayers at the Zonal/ State level.

2] **Upfront amount payable for long term lease** of industrial/ financial infrastructure plots by an entity having 20% or more ownership of Central or State Government ***has been exempted***. Presently, the exemption is available to an entity having 50% or more ownership of Central or State Government. This change shall become ***effective from 1st January, 2020***.

3] A single rate of GST @ ***28% on both State run and State authorized lottery***. This change shall become ***effective from 1st March, 2020***.

The above recommended changes would be given effect to through Gazette notifications/ circulars which shall have force of law same will be made effective from the date as specified in such notifications / circulars.]

Disclaimer:

This is not a complete listing of all circulars/notifications issued during the month.

Instead it is only a listing of some of the circulars/notifications that we considered important