



Office of the Commissioner,
Commercial Tax, Uttar Pradesh,
(GST Section)

Letter No. GST/2020-21/04 /Commercial Tax
Dated:15 May, 2020

To

All Zonal Additional Commissioner, Grade -1,
Additional Commissioner, Grade -2, (S.I.B.),
Joint Commissioner, (Executive/Corporate Circle/ S.I.B),
Commercial Tax, Uttar Pradesh.

Subject: Clarification in respect of certain challenges faced by the registered persons in implementation of provisions of GST Laws-reg.

Circular No.-GST/2020-21/02 /CommercialTax dated 08 April, 2020 and Circular No. GST/2020-21/03 /Commercial Tax dated 21 April, 2020 had been issued to clarify doubts regarding relief measures taken by the Government for facilitating taxpayers in meeting the compliance requirements under various provisions of the Uttar Pradesh State Goods and Services Tax Act, 2017 (hereinafter referred to as the "UPSGST Act") on account of the measures taken to prevent the spread of Novel Corona Virus (COVID-19). Post issuance of the said clarifications, certain challenges being faced by taxpayers in adhering to the compliance requirements under various other provisions of the UPSGST Act were brought to the notice of the Commissioner, and need to be clarified.

2. The issues raised have been examined and in order to ensure uniformity in the implementation of the provisions of the law across the field formations, the Commissioner, in exercise of its powers conferred under section 168 of the UPSGST Act hereby clarifies as under:

Sl. No.	Issue	Clarification
Issues related to Insolvency and Bankruptcy Code, 2016		
1.	Notification No.-426/XI2--9(47)/17-U.P.Act-1-2017-Order-(104)-2020 Dated 30 April, 2020, issued under section 148 of the UPSGST Act provided that an IRP / CIRP is required to take a separate registration within 30 days of the issuance of the notification.	Vide notification No. 489/XI-2-20-94)7-17/(U.P.Act-1-2017-Order-1)24 2020-(Dated:26 May2020 , the time limit required for obtaining registration by the IRP/RP in terms of special procedure prescribed vide Notification No.-426/XI2-9(47)/17-U.P.Act-1-2017-Order-(104)-2020 Dated 30 April, 2020,

	It has been represented that the IRP/RP are facing difficulty in obtaining registrations during the period of the lockdown and have requested to increase the time for obtaining registration from the present 30 days limit.	has been extended. Accordingly, IRP/RP shall now be required to obtain registration within thirty days of the appointment of the IRP/RP or by 30th June, 2020, whichever is later.
2.	The Notification No.-426/XI2--9(47)/17-U.P.Act-1-2017-Order-(104)-2020 Dated 30 April, 2020, specifies that the IRP/RP, in respect of a corporate debtor, has to take a new registration with effect from the date of appointment. Clarification has been sought whether IRP would be required to take a fresh registration even when they are complying with all the provisions of the GST Law under the registration of Corporate Debtor (earlier GSTIN) i.e. all the GSTR-3Bs have been filed by the Corporate debtor / IRP prior to the period of appointment of IRPs and they have not been defaulted in return filing.	<p>i. The Notification No.-426/XI2--9(47)/17-U.P.Act-1-2017-Order-(104)-2020 Dated 30 April, 2020, was issued to devise a special procedure to overcome the requirement of sequential filing of FORM GSTR-3B under GST and to align it with the provisions of the IBC Act, 2016. The said notification has been amended vide notification No. 489/XI-2-20-4)97-17/(U.P.Act-1-2017-Order-1)2 2020-(4Dated 26 May 2020 ,so as to specifically provide that corporate debtors who have not defaulted in furnishing the return under GST would not be required to obtain a separate registration with effect from the date of appointment of IRP/RP.</p> <p>ii. Accordingly, it is clarified that IRP/RP would <u>not be required to take a fresh registration</u> in those cases where statements in FORM GSTR-1 under section 37 and returns in FORM GSTR-3B under section 39 of the UPSTGST Act, for all the tax periods prior to the appointment of IRP/RP, have been furnished under the registration of Corporate Debtor (earlier GSTIN).</p>
3.	Another doubt has been raised that the present notification has used the terms IRP and RP interchangeably, and in cases where an appointed IRP is not ratified and a separate RP is appointed, whether the same new	i. In cases where the RP is not the same as IRP, or in cases where a different IRP/RP is appointed midway during the insolvency process, the change in the GST system may be carried out by <u>an amendment in the registration form</u> . Changing the authorized


	<p>GSTIN shall be transferred from the IRP to RP, or both will need to take fresh registration.</p>	<p>signatory is a non- core amendment and does not require approval of tax officer. However, if the previous authorized signatory does not share the credentials with his successor, then the newly appointed person can get his details added through the Jurisdictional authority as Primary authorized signatory.</p> <p>ii. The new registration by IRP/RP shall be required only once, and in case of any change in IRP/RP after initial appointment under IBC, it would be deemed to be change of authorized signatory and it would not be considered as a distinct person on every such change after initial appointment. Accordingly, it is clarified that such a change would need only change of authorized signatory which can be done by the authorized signatory of the Company who can add IRP /RP as new authorized signatory or failing that it can be added by the concerned jurisdictional officer on request by IRP/RP.</p>
Other COVID-19 related representations.		
4.	<p>As per Notification No.-KA.NI.-2-1663/XI-9(15)/17-U.P.Act-1-2017-Order-(73)-2017 Dated 16 November, 2017, a registered supplier is allowed to supply the goods to a registered recipient (merchant exporter) at 0.1% provided, <i>inter-alia</i>, that the merchant exporter exports the goods within a period of ninety days from the date of issue of a tax invoice by the registered supplier. Request has been made to clarify the provision vis-à-vis the exemption provided vide notification no. 445/XI-24)9-7-17/(U.P.Act-1-2017-Order-1)18 2020-(Dated 11 May 2020 ,</p>	<p>i. Vide notification 445/XI-2-4)97-17/(U.P.Act-1-2017-Order-1)18 2020-(Dated 11 May , 2020 time limit for compliance of any action by any person which falls during the period from 20.03.2020 to 29.06.2020 has been extended up to 30.06.2020, where completion or compliance of such action has not been made within such time.</p> <p>ii. Notification No.-KA.NI.-2-1663/XI-9(15)/17-U.P.Act-1-2017-Order-(73)-2017 Dated 16 November, 2017, was issued under powers conferred by section 11 of the UPSGST Act, 2017. The exemption provided in notification No. 445/XI-24)9-7-17/(U.P.Act-1-2017-Order-1)18 2020-(Dated 11 May , 2020 is applicable for section 11 as well.</p> <p>iii. Accordingly, it is clarified that the said requirement of exporting the goods by the merchant exporter within 90 days from the date of issue of tax invoice by the registered supplier gets extended to 30th June, 2020, provided the completion of such 90 days</p>

		period falls within 20.03.2020 to 29.06.2020.
5.	Sub-rule (3) of that rule 45 of UPSGST Rules requires furnishing of FORM GST ITC-04 in respect of goods dispatched to a job worker or received from a job worker during a quarter on or before the 25th day of the month succeeding that quarter. Accordingly, the due date of filing of FORM GST ITC-04 for the quarter ending March, 2020 falls on 25.04.2020. Clarification has been sought as to whether the extension of time limit as provided in terms of notification No. 445/XI-2-4)97-17/(U.P.Act-1-2017-Order-1)18 2020-(Dated 11 May2020 , also covers furnishing of FORM GST ITC-04 for quarter ending March, 2020	Time limit for compliance of any action by any person which falls during the period from 20.03.2020 to 29.06.2020 has been extended up to 30.06.2020 where completion or compliance of such action has not been made within such time. Accordingly, it is clarified that the due date of furnishing of FORM GST ITC-04 for the quarter ending March, 2020 stands extended up to 30.06.2020.

4. It is requested that suitable trade notices may be issued to publicize the contents of this circular.

5. Difficulty, if any, in the implementation of the above instructions may please be brought to the notice of the Commissioner.

6. Hindi version will follow soon.


 (Amrita Soni)
 Commissioner, Commercial Tax,
 Uttar Pradesh