



Indirect Tax Newsletter

GSTN has issued advisory on new e-Invoice Portal

GSTN has onboarded four new IRPs (Invoice Reporting Portals) for reporting e-invoices in addition to NIC-IRP. As a result, the beta launch of a new e-Invoice portal (www.einvoice.gst.gov.in), has been done where taxpayers can find comprehensive information on e-invoice compliance in a user-friendly format, such as check your enablement status, self-enable themselves for invoicing, search for IRNs, web links to all IRP portals – all the relevant links/information in one convenient location. Taxpayers can log in to the new e-invoice portal using their GSTN credentials for select services pertaining to their GSTIN profiles. The taxpayers can continue to report e-invoices on the NIC IRP portal (<https://einvoice1.gst.gov.in/>) as previously.

Introduction of Negative Values in Table 4 of GSTR-3B

The Government vide Notification No. 14/2022 – Central Tax dated 05th July, 2022 has notified few changes in Table 4 of Form GSTR-3B for enabling taxpayers to report correct information regarding ITC availed, ITC reversal and ineligible ITC in Table 4 of GSTR-3B. According to the changes, the net ITC is to be reported in Table 4(A) and ITC reversal, if any, is to be reported in Table 4(B) of GSTR-3B

Currently in GSTR-3B, credit note (CN) is being auto-populated in Table 4B(2), as ITC

ITC reversal. Now in view of the said changes, the impact of credit notes are also to be accounted on net off basis in Table 4(A) of GSTR-3B only. Accordingly following changes have been made in the GST Portal from January-2023 period onwards and shall be applicable from tax period – January 2023' onwards.

The impact of credit note & their amendments will now be auto-populated in Table 4(A) instead of Table 4(B) of GSTR-3B.

In case the value of credit notes becomes higher than sum of invoices and debit notes put together, then the net ITC would become negative and the taxpayers will be allowed to report negative values in Table-4A. Also, taxpayers can now enter negative values in Table 4D(2) of GSTR-3B.

Clarification regarding GST rates and classification of certain goods based on the recommendations of the GST Council in its 48th meeting held on 17th December, 2022—reg.

Based on the recommendations of the GST Council in its 48th meeting held on 17th December, 2022, clarifications, with reference to GST levy, related to the following are being issued through the circular:

- ❑ Rab –classifiable under Tariff heading 1702 ("Rab" means 'massecuite prepared by concentrating sugarcane juice on open pan furnaces, and includes Rab Galawat and Rab Salawat, but does not include khandsari molasses or lauta gur.')

CASE LAWS



Pre-deposit of 10% of disputed tax can be paid from credit available in Electronic Credit Ledger: Bombay HC

Case name- Oasis Realty v. Union of India

Case No- Writ Petition (ST) No. 23507 of 2022

Facts

Before submitting an appeal, a mandatory pre-deposit is required under Section 107 of the CGST Act, 2017. Revenue claims that the appellant can only use the credit that is present in the Electronic Cash Ledger. Whether a taxpayer might use the credit available in the Electronic Credit Ledger to pay the pre-

- ❑ Applicability of GST on by-products of milling of Dal/ Pulses such as Chilka, Khanda and Churi/Chuni- The GST council in its 48th meeting has recommended to fully exempt the supply of subject goods, irrespective of its end use.
- ❑ Clarification regarding 'Carbonated Beverages of Fruit Drink' or 'Carbonated Beverages with Fruit Juice'
- ❑ Applicability of GST on Snack pellets manufactured through extrusion process (such as 'fryums')
- ❑ Applicability of Compensation cess on Sports Utility Vehicles (SUVs)
- ❑ Applicability of IGST rate on goods specified under notification No. 3/2017-Integrated Tax (Rate)

Read for more-

<https://taxinformation.cbic.gov.in/view-pdf/1003143/ENG/Circulars>

deposit of 10% of the contested tax amount was the issue before the High Court.

Held

The Honorable High Court made a note that, in accordance with CBIC Circular F. No. CBIC-20001/2/2022-GST, dated July 6, 2022, any payment towards output tax, whether self-assessed in the return or payable as a result of any proceeding instituted under the provisions of GST Laws, can be made by utilizing the amount available in the electronic credit ledger of a registered person..

The pre-deposit of 10% of the disputed tax can be paid from credit available in the electronic credit ledger since the CBIC has already stated that credit ledger can be utilized for payment of output tax payable under any procedures.