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*Your GST Knowledge Partner*

# **The GST Bulletin**

*Month: October 2021 – Issue-II*

*Date of Issue: 2nd November 2021*

**Team CGA Legal  
wishes you and your  
family a very Happy  
Diwali**

HAPPY  
**DIWALI**

FESTIVAL OF LIGHTS



## About The GST Bulletin

The GST Bulletin is a Fortnightly Newsletter from Team CGA Legal, a leading Indirect Tax Consultancy firm . The Newsletter is intending to keep its readers updated with all important changes in Goods & Services Tax including latest Notifications, Circular and Technical updates if any. The Newsletter also has a special column of GST Compliance Calendar for the Month. Along with it, CGA Legal also sends various legal recommendations which have immense implications in improving the compliance of GST in your business.

All editions of our newsletters can be referred from below link below;  
<https://www.cgalegal.co.in/home/newsletters.php>

## Other Offerings from Team CGA Legal

- **CGA Legal Judicial Precedent:** A Fortnightly Publication of various important judgments which can have huge impact on your business decisions.
- **CGA Legal GST Compliance Calendar:** Our Monthly Calendar detailing all GST related compliances for the month so that you never miss of any of the compliances.
- **CGA Legal Meet:** Our Monthly Webinar series discussing various trending GST legal and compliance issues

All the previous editions can be accessed on our website  
[www.cgalegal.co.in](http://www.cgalegal.co.in)

## In this Issue.....

S. No.	Particulars
1.	GST Compliance Calendar for November 2021
2.	GST Updates
	❖ GST Notifications
	❖ GST Technical Updates
	➤ Advisory for taxpayers on Form GSTR-2B
	❖ CBIC Instructions
	➤ Indiscreet Show-Cause Notices (SCNs) issued by Service Tax Authorities
3.	GST News
	➤ Ice-cream parlors facing a meltdown over 18% GST levy
	➤ Pen associations write to government over GST rate increase
	➤ GST on Diwali gifts: Companies could see implications on gifts doled out to customers, retailers
	➤ Same GST slab for ice-cream sold anywhere: Finance ministry

## GST Compliance Calendar - November 2021

Statutory Due Date	Type of Return	Period	Type of Taxpayer
10-11-21	GSTR-7	October-2021	TDS Deductor
10-11-21	GSTR-8	October-2021	E-Commerce Operator
11-11-21	GSTR-1	October-2021	Turnover more than INR 5 crore in the preceding FY & Turnover up to INR 5 crores and have opted for monthly return filing.
13-11-21	Details of Outward Supplies through Invoice Furnishing Facility [IFF]	October-2021	Taxpayers who are under QRMP Scheme
13-11-21	GSTR-6	October-2021	ISD
20-11-21	GSTR-3B	October-2021	Turnover more than INR 5 crore in the preceding FY or Turnover upto INR 5 crore in the preceding FY but opted for monthly return filing
20-11-21	GSTR-5	October-2021	Non-Resident Taxable Person
20-11-21	GSTR-5A	October-2021	OIDAR
25-11-21	GST PMT-06	October-2021	Taxpayer who has opted for QRMP Scheme has to deposit tax using form GST PMT-06 by the 25th of the following month, for the first and second months of the quarter.

## GST Updates - Notifications

S. No.	Notification	Summary of Notifications
1.	13/2021-CT (rate) dt. 27.10.2021	<p><b>Seeks to amend Notification No. 01/2017 – Central Tax dated 28.06.2017</b></p> <ul style="list-style-type: none"><li>• <b>Permanent transfer of IPR whether of goods or IT software shall be taxable @ 18%:</b> Deletion of entry permanent transfer of Intellectual Property (IP) right in respect of goods other than Information Technology software” and prescribing of entry “Permanent transfer of Intellectual Property (IP) right” which is taxable @ 18%. Now therefore, any permanent transfer of IPR shall be taxable @ 18%</li></ul>

## GST Technical Updates

### Advisory for taxpayers on Form GSTR-2B

**Date 18-10-2021**

Form GSTR-2B is an auto-drafted ITC statement which is generated for every normal taxpayer on the basis of the information furnished by their suppliers in their respective GSTR-1/IFF, GSTR-5 (non-resident taxable person) and GSTR-6 (input service distributor). This statement indicates availability and non-availability of input tax credit to the taxpayer against each document filed by their suppliers and is made available to the taxpayers in the afternoon of 14th of every month.

For detailed advisory kindly follow the below link:

[https://tutorial.gst.gov.in/downloads/news/updated%20advisory\\_gstr\\_2b\\_12\\_10\\_2021.pdf](https://tutorial.gst.gov.in/downloads/news/updated%20advisory_gstr_2b_12_10_2021.pdf)

## CBIC Instructions

### **Indiscreet Show-Cause Notices (SCNs) issued by Service Tax Authorities**

**Date 26-10-2021**

Representations have been received from various trade bodies and associations regarding instances of indiscriminate issuance of demand notices by the field formations on the basis of ITR-TDS data received from Income Tax Department.

In this regard, it is directed to inform that CBIC vide instructions dated 01.04.2021 and 23.04.2021 issued vide F.No.137/472020-ST, has directed the field formations that while analysing ITR-TDS data received from Income Tax, a reconciliation statement has to be sought from the taxpayer for the difference and whether the service income earned by them for the corresponding period is attributable to any of the negative- list services specified in Section 66D of the Finance Act, 1994 or exempt from payment of Service Tax, due to any reason. It was further reiterated that demand notices may not be issued indiscriminately based on the difference between the ITR-TDS taxable value and the taxable value in Service Tax Returns.

It is once again reiterated that instructions of the Board to issue show cause notices based on the difference in ITR-TDS data and service tax returns only after proper verification of facts, may be followed diligently. Pr. Chief Commissioner /Chief Commissioner (s) may devise a suitable mechanism to monitor and prevent issue of indiscriminate show cause notices. Needless to mention that in all such cases where the notices have already been issued, adjudicating authorities are expected to pass a judicious order after proper appreciation of facts and submission of the notice.

## GST News

### **Ice-cream parlors facing a meltdown over 18% GST levy**

**Date: 27-10-2021**

Levy of 18% goods and services tax on ice-cream supplies with retro effect from July 2017 has led to a near meltdown for thousands of ice-cream parlors, most of which are small businesses.

With businesses having faced the wrath of Covid-19 pandemic, leading to shutdown of many over the past year and a half, ice-cream manufacturers have reached out to the finance ministry for freezing the levy prospectively, saying they also may go bankrupt and be forced to shut down operations countrywide if the tax is imposed retrospectively.

The Indian Ice-cream Manufacturers' Association (IICMA) has written to the finance ministry to reconsider the levy and make it applicable from October 2021 rather than four years earlier.

### **Pen associations write to government over GST rate increase**

**Date: 23-10-2021**

Pen manufacturers have reached out to the government seeking a reduction in Goods and Services Tax as higher taxes have escalated costs and hit sales after the government recently clubbed all pens under the 18% GST bracket.

Earlier, only fountain pens and stylograph pens fell under the 18% GST category, while ball point pens were taxed at 12%.

Industry trackers say that the low cost pens have high price elasticity and slightest increase in the cost results in disproportionate reduction in sales.

## GST News

### **GST on Diwali gifts: Companies could see implications on gifts doled out to customers, retailers**

**Date: 08-10-2021**

A recent ruling by the Authority for Advance Rulings (AAR) has held that GST will have to be paid on the products that are being given off as free gifts by companies.

The ruling said that supply of goods such as gold coins, refrigerators or air conditioners under promotional schemes should be treated as normal supply and GST should be levied on the whole amount.

### **Same GST slab for ice-cream sold anywhere: Finance ministry**

**Date: 07-10-2021**

The government said on Wednesday that ice cream is the same whether it is sold inside an ice-cream parlour or outside, and should attract the same rate of goods and services tax (GST).

The government said a GST of 18% should be levied on ice cream even when they are sold inside a parlour. Earlier, ice creams attracted 5% tax when sold inside parlours and 18% outside.

"It is clarified that where ice cream parlours sell already manufactured ice cream and do not cook/prepare ice cream for consumption like a restaurant, it is supplied ice cream as goods and not as a service, even if the supply has certain ingredients of service. Accordingly, it is clarified that ice cream sold by a parlour or any similar outlet would attract GST at the rate of 18%," a Ministry of Finance directive to tax officials read.



## Contact Us

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