

## Highlights of the Finance Bill, 2021 related to GST

<b>PROPOSED AMENDMENTS IN THE CGST ACT, 2017</b>			
<b>Clause of the Finance Bill, 2021</b>	<b>Existing Provision</b>	<b>Proposed Change</b>	<b>Author's Comments on proposed change</b>
99	<b>7. Scope of supply</b>	<p><b><u>Insertion of new clause (aa) to Sub-section (1) of Section 7 with retrospective effect from 01.07.2017</u></b></p> <p>(aa) the activities or transactions, by a person, other than an individual, to its members or constituents or vice versa, for cash, deferred payment or other valuable consideration.</p> <p><i>Explanation.</i> – For the purposes of this clause, it is hereby clarified that, notwithstanding anything contained in any other law for the time being in force or any judgment, decree or order of any Court, tribunal or authority, the person and its members or constituents shall be deemed to be two separate persons and the supply of activities or transactions <i>inter se</i> shall be deemed to take place from one such person to another”.</p>	The proposed amendment from retrospective effect is to clarify that concept of mutuality does not apply in GST, i.e., supply of goods or services or both by trust or such other associations/organisations to its members is a taxable supply because such associations and their members shall be deemed to be separate persons.
100	<b>16. Eligibility and conditions for taking input tax credit</b>	<p><b><u>Insertion of new clause (aa) to sub-section (2) of Section 16</u></b></p> <p>(aa) the details of the invoice or debit note referred to in clause (a) has been furnished by the supplier in the statement of outward supplies and such details have been communicated to the recipient of such invoice or debit note in the manner specified under section 37;”</p>	<p>Insertion of statutory condition under Section 16(2) to link the ITC availment in GSTR-3B with ITC auto-populating through GSTR-1 furnished by suppliers.</p> <p>Till the enactment of this Section taxpayer may avail the ITC as per Rule 36(4) which provides for availment of 105% of the eligible ITC reflected in GSTR-2A with effect from 01.01.2021.</p>
101	<b>Sub-section 5 of Section 35</b> - Every registered person whose turnover during a financial year exceeds the prescribed limit shall get his accounts audited by a chartered accountant or a cost accountant and shall	<p><b><u>Omission of sub-section (5) of Section 35 of the CGST Act, 2017</u></b></p>	The proposed amendment intends to ease out the compliance procedures. The Government proposes to scrap the requirement of GST Audit by a chartered accountant or cost accountant and to furnish the certified copy of reconciliation statement in Form GSTR- 9C.

	<p>submit a copy of the audited annual accounts, the reconciliation statement under sub-section (2) of section 44 and such other documents in such form and manner as may be prescribed.</p>		<p>The Government has issued Notification No. 79/2020-Central Tax, dated 15.10.2020 on the recommendation of the Council, prescribing the limit of aggregate turnover of more than Rs. 5 crore for registered persons to furnish Form GSTR-9C for the financial year 2019-20.</p> <p>The Author is of the view that this proposed amendment will not bring any change for the financial year(s) 2019-20 and 2020-21. Resultantly, the registered persons having aggregate turnover of more than Rs. 5 Crore would be required to get their accounts audited and furnish Form GSTR-9C.</p>
102	<p><b>Section 44.</b> (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 and manner as may be prescribed on or before the thirty-first day of December following the end of such financial year.</p> <p>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:</p> <p>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.</p> <p>(2) Every registered person who is required to get his accounts audited in</p>	<p><b><u>Substitution of Section 44</u></b></p> <p>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 which may include a self-certified reconciliation statement, reconciling the value of supplies declared in the return furnished for the financial year, with the audited annual financial statement for every financial year electronically, within such time and in such form and in such manner as may be prescribed:</p> <p>Provided that the Commissioner may, on the recommendations of the Council, by notification, exempt any class of registered persons from filing annual return under this section:</p> <p>Provided further that nothing contained in this section shall apply to any department of the Central Government or a State Government or a local authority, whose books of account are subject to audit</p>	<p>The Government proposes to include self-certified reconciliation statement, reconciling the value of supplies declared in the return furnished with the audited financial statement for every financial year.</p> <p>The Author is of the opinion that the proposed reconciliation shall be required only in respect of value of outward supplies and not the inward supplies. Thus, there shall be no requirement to reconcile the input tax credit availed in the return with the audited financial statements.</p> <p>Consequently, there may not be any requirement to amend Form GSTR-9 with respect to furnishing of details of input tax credit.</p> <p>In terms of the proposed first proviso to Section 44, the Government proposes to provide power to the Commissioner to notify on the recommendation of the Council, a class of registered persons who shall get exemption from furnishing annual return in Form GSTR-9.</p> <p>Further, in terms of proposed second proviso to Section 44, exemption from furnishing annual return shall be provided to Department of any Central Government or State Government or a local authority whose books of account are subject to audit by the Comptroller and Auditor-General of India or an</p>

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	<p>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.</p> <p>Explanation - For the purposes of this section, it is hereby declared that the annual return for the period from the 1st July, 2017 to the 31st March, 2018 shall be furnished on or before the 31st January, 2020 and the annual return for the period from the 1st April, 2018 to the 31st March, 2019 shall be furnished on or before the 31st March, 2020.</p>	<p>by the Comptroller and Auditor-General of India or an auditor appointed for auditing the accounts of local authorities under any law for the time being in force</p>	<p>auditor appointed for auditing the accounts of local authorities under any law for the time being in force.</p>
<p>103</p>	<p><b><u>Proviso to Section 50(1)</u></b></p> <p>Provided that the interest on tax payable in respect of supplies made during a tax period and declared in the return for the said period furnished after the due date in accordance with the provisions of section 39, except where such return is furnished after commencement of any proceedings under section 73 or section 74 in respect of the said period, shall be <u>levied</u> on that portion of the tax that is paid by debiting the electronic cash ledger.</p>	<p><b><u>Substitution of proviso to Section 50(1)</u></b></p> <p>Provided that the interest on tax payable in respect of supplies made during a tax period and declared in the return for the said period furnished after the due date in accordance with the provisions of section 39, except where such return is furnished after commencement of any proceedings under section 73 or section 74 in respect of the said period, shall be <u>payable</u> on that portion of the tax which is paid by debiting the electronic cash ledger.</p>	<p>Existing proviso had been inserted vide Section 100 of the Finance (No. 2) Act, 2019 and it came into force with effect from 01.09.2020 vide N. No. 63/2020-CT, dated 25.08.2020. According to a Press Release dated 26.08.2020, the N. No. 63/2020-CT dated 25.08.2020 has been <b>issued prospectively due to certain technical limitations</b>. However, it has assured that <b>no recoveries shall be made for the past period as well by the Central and State tax administration in accordance with the decision taken in the 39th Meeting of GST Council</b>. This will ensure full relief to the taxpayers as decided by the GST Council. Therefore, in order to provide the statutory backing to benefit of this proviso for the period 01.07.2017 to 31.08.2020, the proviso is proposed to be substituted retrospectively with effect from 01.07.2020. According to proposed proviso, interest on delayed payment of tax shall be required to be paid only on net tax liability which is paid in</p>

			<p>cash by debiting electronic cash ledger and not on the gross amount i.e. amount due before giving effect of input tax credit. However, the benefit of payment of interest only on cash payment of tax shall not be available in those cases where the return is furnished after commencement of any proceedings under either of the following Sections:</p> <table border="1"> <tr> <td>Section 73</td> <td>Determination of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilised for any reason other than fraud or any wilful-misstatement or suppression of facts</td> </tr> <tr> <td>Section 74</td> <td>Determination of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilised by reason of fraud or any wilful-misstatement or suppression of facts</td> </tr> </table>	Section 73	Determination of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilised for any reason other than fraud or any wilful-misstatement or suppression of facts	Section 74	Determination of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilised by reason of fraud or any wilful-misstatement or suppression of facts
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<b>104</b>	<p><b>74. Determination of tax not paid or short paid or erroneously refunded or input tax credit wrongly availed or utilised by reason of fraud or any willful- misstatement or suppression of facts.—</b>                      Explanation 1.—For the purposes of section 73 and this section,—                      (ii) Where the notice under the same proceedings is issued to the main person liable to pay tax and some other persons, and such proceedings against the main person have been concluded under section 73 or section 74, the proceedings against all the persons liable to pay penalty under sections <b>122, 125, 129 and 130</b> are deemed to be concluded.</p>	<p><b>Amendment in Explanation (1) to Section 74</b>                      Explanation 1.—For the purposes of section 73 and this section,—                      (ii) where the notice under the same proceedings is issued to the main person liable to pay tax and some other persons, and such proceedings against the main person have been concluded under section 73 or section 74, the proceedings against all the persons liable to pay <u>penalty</u> under <b>sections 122 and 125</b>,are deemed to be concluded.</p>	<p>Since the Sections 129 and 130 have been amended and confined to imposition of penalty only. Thus, no proceedings for short payment or non-payment of tax shall apply for situations covered under Section 129 and 130.</p>				
<b>105</b>	<p><b>General provisions relating to determination of tax.</b></p>	<p>In section 75 of the Central Goods and Services Tax Act, in sub-section (12), the</p>	<p>By virtue of the proposed amendment, a tax payable in respect of details of outward supplies</p>				

	<p>Section 75(12) Notwithstanding anything contained in section 73 or section 74, where any amount of self-assessed tax in accordance with a return furnished under section 39 remains unpaid, either wholly or partly, or any amount of interest payable on such tax remains unpaid, the same shall be recovered under the provisions of section 79.</p>	<p>following Explanation shall be inserted, namely:—</p> <p>‘Explanation.—For the purposes of this sub-section, the expression "self-assessed tax" shall include the tax payable in respect of details of outward supplies furnished under section 37, but not included in the return furnished under section 39.’.</p>	<p>furnished under section 37 (i.e. GSTR-1) but not included and paid in GSTR-3B, shall be recovered directly under Section 79 which deals with recovery of tax. Thus, in such a situation, a proper officer is shall not be required to follow the provisions of issue of show cause notice and issue of adjudication order in terms of Sections 73/74.</p>
106	<p><b>83. Provisional attachment to protect revenue in certain cases.—</b></p> <p>(1) Where during the pendency of any proceedings under section 62 or section 63 or section 64 or section 67 or section 73 or section 74, the Commissioner is of the opinion that for the purpose of protecting the interest of the Government revenue, it is necessary so to do, he may, by order in writing attach provisionally any property, including bank account, belonging to the taxable person in such manner as may be prescribed.</p>	<p><b><u>Substitution of sub-section (1) to Section 83</u></b></p> <p>“(1) Where, after the initiation of any proceeding under Chapter XII, Chapter XIV or Chapter XV, the Commissioner is of the opinion that for the purpose of protecting the interest of the Government revenue it is necessary so to do, he may, by order in writing, attach provisionally, any property, including bank account, belonging to the taxable person or any person specified in sub-section (1A) of section 122, in such manner as may be prescribed.”.</p>	<p>The scope of this section is proposed to be extended to Chapter XII- Assessment (from Section 59 to 64), Chapter XIV -Inspection, Search, Seizure and Arrest (Section 67 to 69) and Chapter XV- Demand and Recovery (Section 73 to 84).</p> <p>Further, the substituted Section 83(1) also proposes to extend Department's power to provisionally attach the properties and bank account of such other person also as mentioned in Section 122(1A) (at whose instance the transaction is conducted and who retains the benefit of any of following types of transactions –</p> <ul style="list-style-type: none"> <li>• supply of goods/ services without invoice,</li> <li>• issuance of invoice without supply of goods/ services,</li> <li>• takes/ utilises ITC without realisation of goods/ services,</li> <li>• takes/ distribute ITC in contravention of Section 20)</li> </ul>
107	<p><b><u>Section 107- Appeals to Appellate Authority</u></b></p>	<p><b><u>Insertion of New Proviso to Sub-Section (6) of Section 107</u></b></p> <p>Provided that no appeal shall be filed against an order under sub-section (3) of Section 129, unless a sum equal to twenty-five percent of the penalty has been paid by the Appellant.</p>	<p>A proviso to Section 107(6) is proposed to be inserted to provide that Appellant aggrieved with the order of detention/seizure of goods or conveyance passed under 129 (3) may file an appeal to the appellate authority subject to pre-deposit of 25% of penalty imposed.</p>
108	<p><b>Section 129. Detention, seizure and release of goods and conveyances in transit</b></p> <p>(1) Notwithstanding anything contained in this Act, where any person transports any goods or</p>		

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<p>stores any goods while they are in transit in contravention of the provisions of this Act or the rules made thereunder, all such goods and conveyance used as a means of transport for carrying the said goods and documents relating to such goods and conveyance shall be liable to detention or seizure and after detention or seizure, shall be released, -</p>		
<p>(a) On payment of the applicable tax and penalty equal to one hundred per cent. Of the tax payable on such goods and, in case of exempted goods, on payment of an amount equal to two per cent. of the value of goods or twenty-five thousand rupees, whichever is less, where the owner of the goods comes forward for payment of such tax and penalty;</p>	<p>(a) on payment of <b>penalty equal to two hundred per cent.</b> of the tax payable on such goods and, in case of exempted goods, on payment of an amount equal to two per cent. of the value of goods or twenty-five thousand rupees, whichever is less, where the owner of the goods comes forward for payment of <b>such penalty</b>;</p>	<p>By virtue of this proposed amendment, only Penalty shall be payable in case of proceedings u/s 129. The liability to pay applicable tax has been done away with as the same stands payable on the supply made under the cover of tax invoice, but without or improper/invalid e-way bill. Proceedings for recovery of tax, if any, shall be initiated u/s 73 or 74. Penalty equal to 200% of the tax shall be payable instead of applicable tax and 100% penalty.</p> <p>It is pertinent to highlight here that Sec 17(5) (i) is not proposed to be amended to the extent it disallows the credit of tax paid in accordance with Sec. 129.</p>
<p>(b) on payment of the applicable tax and penalty equal to the fifty per cent. of the value of the goods reduced by the tax amount paid thereon and, in case of exempted goods, on payment of an amount equal to five per cent. of the value of goods or twenty-five thousand rupees, whichever is less, where the owner of the goods does not come forward for payment of such tax and penalty</p>	<p>(b) on payment of penalty equal to <b>fifty per cent. of the value of the goods or two hundred per cent. of the tax payable on such goods, whichever is higher</b>, and in case of exempted goods, on payment of an amount equal to five per cent. of the value of goods or twenty-five thousand rupees, whichever is less, where the owner of the goods does not come forward for payment of <b>such penalty</b>;</p>	<p>By virtue of this proposed amendment, only Penalty shall be payable in case of proceedings u/s 129. The liability to pay applicable tax has been done away with as the same stands payable on the supply made under the cover of tax invoice, but without or improper/invalid e-way bill. Proceedings for recovery of tax, if any, shall be initiated u/s 73 or 74.</p> <p>Penalty equal to 50% of the value of goods or 200% of the tax, whichever is higher, shall be payable.</p> <p>It is also pertinent to highlight here that Sec 17(5) (i) is not proposed to be amended to the extent it disallows the credit of tax paid in accordance with Sec. 129.</p>
<p>(2) The provisions of sub-section (6) of section 67 shall, mutatis mutandis, apply for detention and seizure of goods and</p>	<p><b>Omitted</b></p>	<p>By virtue of this proposed amendment, payment of applicable tax shall not be a pre-requisite for release of goods in case of proceedings u/s 129.</p>

<p>conveyances.</p> <p><i>Section 67(6) - The goods so seized under sub-section (2) shall be released, on a provisional basis, upon execution of a bond and furnishing of a security, in such manner and of such quantum, respectively, as may be prescribed or on payment of applicable tax, interest and penalty payable, as the case may be.</i></p>		<p>Further, 129(1) (c), provides for furnishing a security equivalent to the amount payable under clause (a) or (b).</p>
<p>(3) The proper officer detaining or seizing goods or conveyances shall issue a notice specifying the tax and penalty payable and thereafter, pass an order for payment of tax and penalty under clause (a) or clause (b) or clause (c).</p>	<p>(3) The proper officer detaining or seizing goods or conveyance shall issue a notice <b>within seven days</b> of such detention or seizure, specifying the <b>penalty payable</b>, and thereafter, pass an order within a period of <b>seven days from the date of service of such notice</b>, for payment of <b>penalty under clause (a) or clause (b) of sub-section (1)</b>.</p>	<p>Time limit of 7 days has been proposed for the proper officer detaining or seizing goods or conveyances for issuance of a notice specifying the tax and penalty payable. Presently, there is no time limit for issue of said notice by the proper officer.</p> <p>Similarly, time limit of 7 days has been proposed for passing an order for payment of tax and penalty under clause (a) or clause (b) of sub-section (1) of section 129 by the proper officer from the date of service of such notice. Presently, there is no limit for passing such an order by the proper officer.</p>
<p>(4) No tax, interest or penalty shall be determined under sub-section (3) without giving the person concerned an opportunity of being heard.</p>	<p>(4) No <b>penalty</b> shall be determined under sub-section (3) without giving the person concerned an opportunity of being heard.</p>	<p>The amendment in line with changes in sub-section (1).</p>
<p>(6) Where the person transporting any goods or the owner of the goods fails to pay the amount of tax and penalty as provided in sub-section (1) within fourteen days of such detention or seizure, further proceedings shall be initiated in accordance with the provisions of section 130:</p> <p>Provided that where the detained or seized goods are perishable or hazardous in nature or are likely to depreciate in value with passage of time, the said period of seven days may be reduced by the proper officer.</p>	<p>(6) Where the person transporting any goods or the owner of such goods fails to pay the amount of <b>penalty</b> under sub-section (1) within <b>fifteen days</b> from the date of <b>receipt of the copy of the order passed under sub-section (3)</b>, the goods or conveyance so detained or seized <b>shall be liable to be sold or disposed of otherwise, in such manner and within such time as may be prescribed, to recover the penalty payable under sub-section (3)</b>:</p> <p><b>Provided that the conveyance shall be released on payment by the transporter of penalty under sub-section (3) or</b></p>	<p>By virtue of this proposed amendment, proceedings u/s 129 have been de-linked with the proceedings u/s 130.</p> <p>If transporter or owner fails to pay penalty u/s 129(1) within 15 days of receipt of Order u/s 129(3), then goods or conveyance shall be liable to be sold or disposed of to recover the penalty payable.</p> <p>However, in terms of proposed first proviso, an additional facility shall be provided to the transporter to get his conveyance released upon payment of penalty or Rs. 1 lakh whichever is less. It will be useful for the transporter to get his conveyance released in cases where supplier/owner does not come forward for releasing the goods upon payment of prescribed penalty.</p>

		<p><b>one lakh rupees, whichever is less:</b></p> <p>Provided further that where the detained or seized goods are perishable or hazardous in nature or are likely to depreciate in value with passage of time, the said period of fifteen days may be reduced by the proper officer</p>	
109	<p><b>130. Confiscation of Goods or conveyances and levy of penalty</b></p> <p>(1) Notwithstanding anything contained in this Act, if any person-</p> <p>(i) supplies or receives any goods in contravention of any of the provisions of this Act or the rules made thereunder with intent to evade payment of tax; or</p> <p>(ii) does not account for any goods on which he is liable to pay tax under this Act; or</p> <p>(iii) supplies any goods liable to tax under this Act without having applied for registration; or</p> <p>(iv) contravenes any of the provisions of this Act or the rules made thereunder with intent to evade payment of tax; or</p> <p>(v) uses any conveyance as a means of transport for carriage of goods in contravention of the provisions of this Act or the rules made thereunder unless the owner of the conveyance proves that it was so used without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the conveyance,</p> <p>then, all such goods or conveyances shall be liable to confiscation and the person shall be liable to penalty under section 122.</p>	<p><b><u>Substitution of sub-section (1) of Section 130</u></b></p> <p>(1) <b>Where any person-</b></p> <p>(i) supplies or receives any contravention of any of the provisions of this Act or the rules made thereunder with intent to evade payment of tax; or</p> <p>(ii) does not account for any goods on which he is liable to pay tax under this Act; or</p> <p>(iii) supplies any goods liable to tax under this Act without having applied for registration; or</p> <p>(iv) contravenes any of the provisions of this Act or the rules made thereunder with intent to evade payment of tax; or</p> <p>(v) uses any conveyance as a means of transport for carriage of goods in contravention of the provisions of this Act or the rules made thereunder unless the owner of the conveyance proves that it was so used without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the conveyance,</p> <p>then, all such goods or conveyances shall be liable to confiscation and the person shall be liable to penalty under section 122.</p>	<p>By virtue of this proposed amendment, the overriding effect of sub-section (1) over the entire Act shall be negated. The proposed amendment seeks to delink the proceedings under Section 130 relating to confiscation of goods or conveyances and levy of penalty from the proceedings u/s 129 relating to detention, seizure and release of goods in and conveyances in transit</p>



	<p>(2) Whenever confiscation of any goods or conveyance is authorised by this Act, the officer adjudging it shall give to the owner of the goods an option to pay in lieu of confiscation, such fine as the said officer thinks fit:</p> <p>Provided that such fine leviable shall not exceed the market value of the goods confiscated, less the tax chargeable thereon:</p> <p>Provided further that the aggregate of such fine and penalty leviable shall not be less than the amount of penalty leviable under sub-section (1) of section 129:</p> <p>Provided also that where any such conveyance is used for the carriage of the goods or passengers for hire, the owner of the conveyance shall be given an option to pay in lieu of the confiscation of the conveyance a fine equal to the tax payable on the goods being transported thereon.</p>	<p><b><u>Substitution of second proviso to sub-section (2) of Section 130</u></b></p> <p>(2) Whenever confiscation of any goods or conveyance is authorised by this Act, the officer adjudging it shall give to the owner of the goods an option to pay in lieu of confiscation, such fine as the said officer thinks fit:</p> <p>Provided that such fine leviable shall not exceed the market value of the goods confiscated, less the tax chargeable thereon:</p> <p>Provided further that the aggregate of such fine and penalty leviable shall not be less than the <b>penalty equal to hundred per cent. of the tax payable on such goods:</b></p> <p>Provided also that where any such conveyance is used for the carriage of the goods or passengers for hire, the owner of the conveyance shall be given an option to pay in lieu of the confiscation of the conveyance a fine equal to the tax payable on the goods being transported thereon.</p>	<p>Proceeding u/s Section 130 results in imposition of confiscation fine and penalty u/s 122.</p> <p>The proposed amendment provides that the aggregate of such fine and penalty to be not less than 100% of the tax payable on goods</p>
<p>110</p>	<p><b><u>Section 151- Power to collect statistics.</u></b></p> <p><b>151.</b> (1) The Commissioner may, if he considers that it is necessary so to do, by notification, direct that statistics may be collected relating to any matter dealt with by or in connection with this Act.</p> <p>(2) Upon such notification being issued, the Commissioner, or any person authorised by him in this behalf, may call upon the concerned persons to furnish such information or returns, in such form and manner as may be prescribed, relating</p>	<p><b><u>151. Power to call for information</u></b></p> <p>The Commissioner or an officer authorized by him may, by an order, direct any person to furnish information relating to any matter dealt with in connection with this Act, within such time, in such form, and in such manner, as may be specified therein.</p>	<p>Marginal heading is proposed to be amended from “power to collect statistics” to “power to call for information. Further, the section is proposed to be substituted to empower commissioner to call for information from any person relating to any matter dealt with in connection with the Act.</p>

	to any matter in respect of which statistics is to be collected.		
111	<p><b><u>Section 152- Bar on disclosure of information</u></b></p> <p>(1) <b>No information of any individual return or part thereof</b> with respect to any matter given for the purposes of section 150 or section 151 shall, without the previous consent in writing of the concerned person or his authorized representative, be published in such manner so as to enable such particulars to be identified as referring to a particular person and no such information shall be used for the purpose of any proceedings under this Act.</p>	<p><b><u>Section 152- Bar on disclosure of information</u></b></p> <p>1) <b>No information</b> with respect to any matter given for the purposes of section 150 or section 151 shall, without the previous consent in writing of the concerned person or his authorized representative, be published in such manner so as to enable such particulars to be identified as referring to a particular person and no such information shall be used for the purpose of any proceedings under this Act <b>without giving an opportunity of being heard to the person concerned.</b></p>	The scope of the section is proposed to be enhanced from any individual return or part thereof to <u>any matter</u> . The proposed amended provision provides that information obtained by officer under <b>Section 150 (Obligation to furnish information return)</b> and <b>Section 151 (Power to call for Information)</b> shall not be used for the purpose of any proceedings under the Act without giving opportunity of being heard to the concerned person.
	<p>(2) Except for the purposes of prosecution under this Act or any other Act for the time being in force, no person who is not engaged in the collection of statistics under this Act or compilation or computerization thereof for the purposes of this Act, shall be permitted to see or have access to any information or any individual return referred to in section 151.</p>	<p><b><u>Omission of Sub-Section (2) to Section 152</u></b></p>	
112	<p><b><u>Section 168 Power to issue instructions or directions.</u></b></p> <p>(2) The Commissioner specified in clause (91) of section 2, sub-section (3) of section 5, clause (b) of sub-section (9) of section 25, sub-sections (3) and (4) of section 35, sub-section (1) of section 37, sub-section (2) of section 38, sub-section (6) of section 39, <b>sub-section (1) of section 44</b>, sub-sections (4) and (5) of section 52, sub-section (1) of section 143, except the second</p>	<p><b><u>Substitution of sub-section (1) to Section 168</u></b></p> <p>(2) The Commissioner specified in clause (91) of section 2, sub-section (3) of section 5, clause (b) of sub-section (9) of section 25, sub-sections (3) and (4) of section 35, sub-section (1) of section 37, sub-section (2) of section 38, sub-section (6) of section 39, <b>section 44</b>, sub-sections (4) and (5) of section 52, sub-section (1) of section 143, except the second proviso thereof,</p>	Technical amendment in line with amendment to Section 44 and Section 151.

	proviso thereof, <b>sub-section (1) of section 151</b> , clause (1) of sub-section (3) of section 158 and section 167 shall mean a Commissioner or Joint Secretary posted in the Board and such Commissioner or Joint Secretary shall exercise the powers specified in the said sections with the approval of the Board.	clause (1) of sub-section (3) of section 158 and section 167 shall mean a Commissioner or Joint Secretary posted in the Board and such Commissioner or Joint Secretary shall exercise the powers specified in the said sections with the approval of the Board.	
<b>113</b>	<b>Schedule II</b> <b>7. Supply of Goods</b>  The following shall be treated as supply of goods, namely:-  Supply of goods by any unincorporated association or body of persons to a member thereof for cash, deferred payment or other valuable consideration.	<b>Omission of Paragraph 7 to Schedule II with retrospective effect from 01.07.2017</b>	The Paragraph No. 7 to Schedule II is proposed to be omitted retrospectively with effect from 01.07.2017 in response to the proposed amendment in Section 7 of the CGST Act, 2017,
<b>PROPOSED AMENDMENTS IN THE IGST ACT, 2017</b>			
<b>114</b>	<b>Section 16 of the IGST Act, 2017</b>  (1) “zero rated supply” means any of the following supplies of goods or services or both, namely :-  (b) <b>supply of goods or services or both</b> to a Special Economic Zone developer or a Special Economic Zone unit.	<b>Section 16 of the IGST Act, 2017</b>  (1) “zero rated supply” means any of the following supplies of goods or services or both, namely :-  (b) <b>supply of goods or services or both for authorised operations</b> to a Special Economic Zone developer or a Special Economic Zone unit.	The section is proposed to be amended so as to make supply to SEZ Developer/Unit at zero rate only when the said supply is for authorised operations.
	(3) A registered person making zero rated supply shall be eligible to claim refund under either of the following options, namely :-  (a) <b>he may supply goods or services or both under bond or Letter of Undertaking</b> , subject to such conditions, safeguards and procedure as may be prescribed, <b>without</b>	(3) A registered person making zero rated supply shall be eligible to claim refund of unutilized input tax credit on supply of goods or services or both, without payment of integrated tax, under bond or Letter of Undertaking, in accordance with the provisions of section 54 of the Central	The section is proposed to be amended to provide that a registered person making zero rated supply of goods or services or both shall be eligible to claim utilised ITC only under the one option of without payment of tax under the cover of LUT.  Further, like in case of export of services, receipt in convertible foreign exchange is proposed to be

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	<p><b>payment of integrated tax</b> and claim refund of unutilized input tax credit; or</p> <p><b>(b) he may supply goods or services or both</b>, subject to such conditions, safeguards and procedure as may be prescribed, <b>on payment of integrated tax</b> and claim refund of such tax paid on goods or services or both supplied,</p> <p>in accordance with the provisions of section 54 of the Central Goods and Services Tax Act or the rules made thereunder.</p>	<p>Goods and Services Tax Act or the rules made thereunder, subject to such conditions, safeguards and procedure as may be prescribed.</p> <p>Provided that the registered person making zero rated supply of goods shall, in case of non-realization of sale proceeds, be liable to deposit the refund so received under this sub-section along with the applicable interest under section 50 of the Central Goods and Services Tax Act within thirty days after the expiry of the time limit prescribed under the Foreign Exchange Management Act, 1999 for receipt of foreign exchange remittances, in such manner as may be prescribed.</p>	<p>a statutory condition to claim refund in case of export of goods.</p>
		<p><b>(4)</b> The Government may, on the recommendation of the Council, and subject to such conditions, safeguards and procedures, by notification, specify—</p> <p>(i) a class of persons who may make zero rated supply on payment of integrated tax and claim refund of the tax so paid;</p> <p>(ii) a class of goods or services which may be exported on payment of integrated tax and the supplier of such goods or services may claim the refund of tax so paid</p>	<p>Section 16(4) is proposed to be inserted to restrict the facility of zero-rated supply <u>with payment of IGST only</u> to a notified class of suppliers or notified supplies of goods or service or both.</p>

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