

## DIRECT TAXES PROFESSIONALS' ASSOCIATION

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### URGENT

Ref. No.- DTPA/Rep/20-21/4

23rd October 2020

To,

**Smt. Nirmala Sitharaman,**

**Hon'ble Finance Minister**

Ministry of Finance, Govt. of India

North Block, New Delhi-110001

Email : [fmo@nic.in](mailto:fmo@nic.in)

Sub: **Humble Request to consider extension in the dates of filing of GST Annual Return GSTR 9, 9A and Reconciliation Statement GSTR 9C**

Respected Madam,

Established in the year **1982** and with the present strength of over 1725 members comprising of Chartered Accountants, Advocates & Tax Practitioners, we “**DIRECT TAXES PROFESSIONALS' ASSOCIATION**” feel great pleasure in introducing ourselves as one of the premier professional Association in Kolkata. We have been organizing seminars and conferences on topics of professional interest and have also been sending representations to the Government on various economic and taxation issues.

At the outset, we thank you for fully appreciating the problems faced by Trade, Commerce and Industry and allowing necessary extensions in all compliance matters from time to time.

Respected Madam, we wish to appraise you that in the entire country including West Bengal, normalcy in operations is yet to set in as most of the executives and office staff commute by local trains and the local train service has not yet resumed. Most of the offices therefore the working in almost all offices is paralysed and the taxpayers are unable to manage the working of their concern. Moreover, the number of persons being affected by Covid in West Bengal as well as other States still not under control and in West Bengal it is coming to an alarming situation now due to increased crowd in Puja and festive season. The tax payers and the professionals are not able to operate normally due to the aforesaid factors making it very difficult to comply with the statutory compliances. In these circumstances we would like to make following suggestions for your kind consideration.

**1. Filing of GST Annual Return (GSTR-9, GSTR 9A) and Reconciliation Statement (GSTR 9C)**

Respected Madam, we appreciate that the Due Date of filing of above mentioned Returns/Statements related to F.Y. 2018-19 had been extended earlier with the last extension notified vide CGST Notification no. 69/2020 **till 31<sup>st</sup> October 2020.**

However as mentioned above, since the working in offices of taxpayers as well as professionals is badly paralysed due to COVID, it is almost impossible to file the GST Annual Return and Reconciliation Statement within 31<sup>st</sup> October 2020, especially because the regular GST returns and statements are also to be filed simultaneously.

**Hence we humbly request you to allow filing of GSTR 9, 9A and 9C for the F.Y. 2018-19 at least till 31<sup>st</sup> December 2020 and kindly waive the late fees and penalty till then.**

**2. Input Tax Credit of Invoices pertaining to FY 2019-20**

Section 16 (4) of the CGST Act, 2017 states that Input Tax Credit in respect of any invoice or debit note cannot be taken after the due date of the return for September following the Financial Year to which such document relates or before filing the annual return for the FY to which the document relates to, whichever is earlier.

The claim of credit by recipient depends on the timely compliance by the supplier and in the current pandemic scenario many supplier taxpayers are not able to file their returns/statements in time due to which the recipients are not able to avail the credit. Moreover, the reconciliation of the credit claimed vis-à-vis GSTR 2A consumes a lot of time and effort, and if any credit is not claimed in the return of September 2020, it will be lapsed.

**Hence the time limit to claim credit on the invoices pertaining to FY 2019-20 as envisaged in Section 16(4) of CGST Act, 2020 may kindly be extended till 31<sup>st</sup> March 2021 by way of issue of Removal of Difficulties Order.**

### **3. Extension of Relaxation of date for Input Tax Credit restriction upto 10% of GSTR 2A for Invoices not reflecting in GSTR 2A**

Rule 36 (4) of the CGST Rules, 2017 provides that Input Tax Credit to be availed by a taxable person in respect of which the supplier has not furnished details u/s 37 (1) shall not exceed 10% of the eligible credit available in respect of details furnished by suppliers in GSTR1 and reflecting in GSTR 2A of recipient.

Although the aforesaid rule was relaxed till the filing of return for September 2020, still most of the taxpayers are grappling with the reconciliations and the credit is not reflected in GSTR 2A of recipients as many supplier tax payers have not filed their up to date returns/statements. This creates a huge blockage of funds for such recipient tax payers which is detrimental in the current economic scenario.

**Hence the relaxation to comply with provisions of Rule 36 (4) may kindly be further extended up to 31<sup>st</sup> March 2021.**

We would also appreciate if your honour would kindly make an early announcement in these matters so that the taxpayers and professionals do not unnecessary expose themselves to too much stress and risk.

Respected Madam, these are difficult times for the country and the country will certainly look up to your goodself for addressing these issues.

Thanking you,

**Yours faithfully,**



**CA N K Goyal**  
**President**



**Adv Narayan Jain**  
**Chairman**  
**Rep. Sub-Committee**  
**Direct Taxes Professionals' Association**

**CC To:**

**1 Sri Anurag Singh Thakur**

**The Hon'ble Minister of State For Finance**

Ministry of Finance, Govt. of India

North Block, New Delhi-110001

**2 Shri Ajit Kumar**

**Chairman, CBEC**

Ministry of Finance, Govt. of India,

North Block, New Delhi-110001