

From

Excise & Taxation Commissioner,
Haryana, Panchkula.

To

All the Dy. Excise & Taxation Commissioner (ST),
in the State of Haryana.

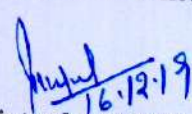
Memo No. 3559 /GST-2
Panchkula, date the 16-12-19

Subject: Clarification regarding optional filing of annual return under notification
No. 97/GST-2, dated 18.11.2019- Reg.

MEMORANDUM

Please find enclosed herewith a copy of circular issued by the Govt. of India on
the captioned subject.

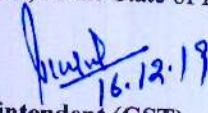
It is requested to bring this to the knowledge of all the officers working under
your control for their information and necessary action.


16.12.19
Superintendent (GST)
for Excise and Taxation Commissioner,
Haryana

Endst. No. 3559 /GST-2, Panchkula, dated the 16-12-19

A copy of the Circular is forwarded to the following for information and
necessary action:-

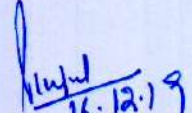
1. All the Jt. Excise & Taxation Commissioner (Division/Range) in the State of Haryana.
2. All the Jt. Excise & Taxation Commissioner (Appeals) in the State of Haryana.
3. PS/ ACSET.
4. PS/ETC.


16.12.19
Superintendent (GST)
for Excise and Taxation Commissioner,
Haryana

Endst. No. 3560 /GST-2, Panchkula, dated the 16-12-19

A copy of the Circular is forwarded to the following in the Head Office for
information and necessary action:-

1. All the Addl. Excise & Taxation Commissioners.
2. All the Jt. Excise & Taxation Commissioners.
3. The Jt. Director (L) -I and II.
4. The Dy. Excise & Taxation Commissioners.
5. DA-I & II.
6. DDA-I & II.


16.12.19
Superintendent (GST)
for Excise and Taxation Commissioner,
Haryana

**HARYANA GOVERNMENT
EXCISE AND TAXATION DEPARTMENT**

Sub: Clarification regarding optional filing of annual return under notification No. 97/GST-2, dated 18.11.2019- regarding

Attention is invited to notification No.97/GST-2, dated 18.11.2019 (hereinafter referred to as "the said notification") issued under section 148 of the Haryana Goods and Services Tax Act, 2017 (hereinafter referred to as "the said Act") providing for special procedure for those registered persons whose aggregate turnover in a financial year does not exceed two crore rupees and who have not furnished the annual return under sub-section (1) of section 44 of the said Act read with sub-rule (1) of rule 80 of the Haryana Goods and Services Tax Rules, 2017 (hereinafter referred to as "the HGST Rules").

2. Vide the said notification it is provided that the annual return shall be deemed to be furnished on the due date if it has not been furnished before the due date for the financial year 2017-18 and 2018-19, in respect of those registered persons. In order to clarify the issue and to ensure uniformity in the implementation of the provisions of the law across field formations, the Commissioner of State Tax, in exercise of its powers conferred by section 168 of the said Act, hereby clarifies the issues raised as below:-

- a. As per proviso to sub-rule (1) of rule 80 of the HGST Rules, a person paying tax under section 10 is required to furnish the annual return in **FORM GSTR-9A**. Since the said notification has made it optional to furnish the annual return for FY 2017-18 and 2018-19 for those registered persons whose aggregate turnover in a financial year does not exceed two crore rupees, it is clarified that the tax payers under composition scheme, may, at their own option file **FORM GSTR-9A** for the said financial years before the due date. After the due date of furnishing the annual return for the year 2017-18 and 2018-19, the common portal shall not permit furnishing of **FORM GSTR-9A** for the said period.
- b. As per sub-rule (1) of rule 80 of the HGST Rules, 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 as specified under sub-section (1) of section 44 electronically in **FORM GSTR-9**. Further, the said notification has made it optional to furnish the annual return for FY 2017-18 and 2018-19 for those registered persons whose aggregate turnover in a financial year does not exceed two crore rupees. Accordingly, it is clarified that the

tax payers, may, at their own option file **FORM GSTR-9** for the said financial years before the due date. After the due date of furnishing the annual return for the year 2017-18 and 2018-19, the common portal shall not permit furnishing of **FORM GSTR-9** for the said period.

3. Section 73 of the said Act provides for voluntary payment of tax dues by the taxpayers at any point in time. Therefore, irrespective of the time and quantum of tax which has not been paid or short paid, the taxpayer has the liberty to self-ascertain such tax amount and pay it through **FORM GST DRC-03**. Accordingly, it is clarified that if any registered tax payer, during course of reconciliation of his accounts, notices any short payment of tax or ineligible availment of input tax credit, he may pay the same through **FORM GST DRC-03**.

4. Difficulty, if any, in implementation of the above circular may please be brought to the notice of the Department.

Dated: 15-12-19
Panchkula

Amit Kumar Agrawal
Excise & Taxation Commissioner-cum-
Commissioner of State Tax, Haryana