

GST related changes introduced w.e.f. 01.01.2020 vide the Finance Act, 2021

Certain changes have been made in the CGST Act vide the Finance Act, 2021. The provisions of the Finance Act, 2021 that have been made effective from 01.01.2022 vide notification No. 39/2021-Central Tax, dated 21.12.2021 are as below:

Sl. no	Section of the Finance Act, 2021	Amendments in the Central Goods and Services Tax Act, 2017 (CGST Act):
1.	108	<p>Section 7 of the CGST Act has been amended, retrospectively with effect from the 1st July, 2017, to ensure levy of tax on activities or transactions involving supply of goods or services by any person, other than an individual, to its members or constituents or <i>vice-versa</i>, for cash, deferred payment or other valuable consideration.</p> <p style="text-align: center;">This amendment is technical in nature</p>
2.	109	<p>Sub-section (2) of the section 16 of the CGST Act has been amended to provide that input tax credit on invoice or debit note may be availed only when the details of such invoice or debit note have 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.</p> <p style="text-align: center;">Rule 36 (4) is also being amended, as recommended by the GST Council in its 45th meeting.</p>
3.	113	<p>Section 74 of the CGST Act has been amended so as make seizure and confiscation of goods and conveyances in transit a separate proceeding from recovery of tax.</p> <p style="text-align: center;">This amendment is technical in nature, subsequent to amendment in section 129 and 130</p>
4.	114	<p>An <i>explanation</i> to sub-section (12) of section 75 of the CGST Act has been inserted to clarify that “self-assessed tax” shall include the tax payable in respect of outward supplies, the details of which have been furnished under section 37, but not included in the return furnished under section 39.</p> <p style="text-align: center;">This is an explanatory amendment</p>
5.	115	<p>Section 83 of the CGST Act has been amended to provide that provisional attachment shall remain valid for the entire period starting from the initiation of any proceeding under Chapter XII, Chapter XIV or Chapter XV till the expiry of a period of one year from the date of order made thereunder.</p> <p>It also provides that provisional attachment of property can be done in respect of any person specified under sub-section (1A) of section 122.</p>
6.	116	<p>Section 107 of the CGST Act has been amended to provide that no appeal shall be filed against an order made under sub-section (3) of section 129, unless a sum equal to twenty-five per cent. of penalty has been paid by the appellant.</p> <p style="text-align: center;">This amendment is consequent to amendment in section 129 and 130.</p>

7.	117	Section 129 of the CGST Act has been amended to delink the proceedings relating to detention, seizure and release of goods and conveyances in transit, from the proceedings under section 130 relating to confiscation of goods or conveyances and levy of penalty. Separate provision has been made for release of vehicle / conveyance on payment of penalty
8.	118	Section 130 of the CGST Act has being amended to delink the proceedings relating to confiscation of goods or conveyances and levy of penalty from the proceedings under section 129 relating to detention, seizure and release of goods and conveyances in transit.
9.	119	Section 151 of the CGST Act has been substituted to empower the jurisdictional commissioner to call for information from any person relating to any matter dealt with in connection with the Act.
10.	120	Section 152 of the CGST Act has been amended to provide that no information obtained under sections 150 and 151 shall be used for the purposes of any proceedings under the Act without giving an opportunity of being heard to the person concerned.
11.	121	Section 168 of the CGST Act has being amended to enable the jurisdictional commissioner to exercise powers under section 151 to call for information.
12.	122	Consequent to the amendment in section 7 of the CGST Act paragraph 7 of Schedule II to the CGST Act has been omitted retrospectively , with effect from the 1st July, 2017.
