

GOVERNMENT OF ASSAM  
OFFICE OF THE COMMISSIONER OF TAXES, ASSAM :: KAR BHAWAN  
DISPUR, GUWAHATI-6

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**CIRCULAR NO. 96/2020-GST**

Dated Dispur the 7th December, 2020.

**Subject: Clarification relating to application of sub-rule (4) of rule 36 of the Assam GST Rules, 2017 for the months of February, 2020 to August, 2020 – reg.**

**No. CT/GST-15/2017/402.**— Vide Circular No. CT/GST-15/2017/243 dated 23rd December, 2019, various issues relating to implementation of sub-rule (4) of rule 36 of the Assam Goods and Services Tax Rules, 2017 (hereinafter referred to as the Assam GST Rules) relating to availment of input tax credit (ITC) in respect of invoices or debit notes, the details of which have not been uploaded by the suppliers under sub-section (1) of section 37 of the Assam Goods and Services Tax Act, 2017 (hereinafter referred to as the Assam GST Act) were clarified.

2. Keeping the situation prevailing in view of measures taken to contain the spread of COVID-19 pandemic, *vide* notification No. FTX.56//2017/Pt-II/559, dated 22.05.2020, it had been prescribed that the condition made under sub-rule (4) of rule 36 of the Assam GST Rules shall apply cumulatively for the tax period February, March, April, May, June, July and August, 2020 and that the return in **FORM GSTR-3B** for the tax period September, 2020 shall be furnished with the cumulative adjustment of input tax credit for the said months.
3. To ensure uniformity in the implementation of the said provisions across the field formations, the Commissioner of state tax, Assam in exercise of its powers conferred under section 168 of the Assam GST Act hereby clarifies certain issues in succeeding paragraphs.
- 3.1 **It is re-iterated that the clarifications issued earlier *vide* Circular No. CT/GST-15/2017/243 dated 23rd December, 2019 shall still remain applicable, except for the cumulative application as prescribed in proviso to sub-rule (4) of rule 36 of the Assam GST Rules. Accordingly, all the taxpayers are advised to ascertain the details of invoices uploaded by their suppliers under sub-section (1) of section 37 of the Assam GST Act for the periods of February, March, April, May, June, July and August, 2020, till the due date of furnishing of the statement in **FORM GSTR-1** for the month of September, 2020 as reflected in GSTR-2As.**
- 3.2 Taxpayers shall reconcile the ITC availed in their **FORM GSTR-3Bs** for the period February, 2020 to August, 2020 with the details of invoices uploaded by their suppliers of the said months, till the due date of furnishing **FORM GSTR-1** for the month of September, 2020. The cumulative amount of ITC availed for the said months in **FORM GSTR-3B** should not exceed 110% of the cumulative value of the eligible credit available in respect of invoices or debit notes the details of which have been uploaded

by the suppliers under sub-section (1) of section 37 of the Assam GST Act, till the due date of furnishing of the statements in **FORM GSTR-1** for the month of September, 2020.

- 3.3 It may be noted that availability of 110% of the cumulative value of the eligible credit available in respect of invoices or debit notes the details of which have been uploaded by the suppliers under sub-section (1) of section 37 of the Assam GST Act does not mean that the total credit can exceed the tax amount as reflected in the total invoices for the supplies received by the taxpayer i.e. the maximum credit available in terms of provisions of section 16 of the Assam GST Act.
- 3.4 The excess ITC availed arising out of reconciliation during this period, if any, shall be required to be reversed in Table 4(B)(2) of **FORM GSTR-3B**, for the month of September, 2020. Failure to reverse such excess availed ITC on account of cumulative application of sub-rule (4) of rule 36 of the Assam GST Rules would be treated as availment of ineligible ITC during the month of September, 2020.
4. The manner of cumulative reconciliation for the said months in terms of proviso to sub-rule (4) of rule 36 of the Assam GST Rules is explained by way of illustration, in a tabulated form, below.

6. Table I

Tax period	Eligible ITC as per the provisions of Chapter V of the Assam GST Act and the rules made thereunder, except rule 36(4)	ITC availed by the taxpayer (recipient) in GSTR-3B of the respective months	Invoices on which ITC is eligible and uploaded by the suppliers till due date of <b>FORM GSTR-1</b> for the tax period of September, 2020	Effect of cumulative application of rule 36(4) on availability of ITC.
Feb, 2020	300	300	270	Maximum eligible ITC in terms of rule 36 (4) is 2450 + [10% of 2450] =2695. Taxpayer had availed ITC of 2750. Therefore, ITC of 55 [2,750-2,695] would be required to be reversed as mentioned in para 3.4. above.
March, 2020	400	400	380	
April, 2020	500	500	450	
May, 2020	350	350	320	
June, 2020	450	450	400	
July, 2020	550	550	480	
August, 2020	200	200	150	
<b>TOTAL</b>	<b>2750</b>	<b>2750</b>	<b>2450</b>	
<b>ITC Reversal required to the extent of 55</b>				
September, 2020	<b>500</b>	<b>385</b>	<b>350</b>	10% Rule shall apply

				independently for September, 2020
<b>In the FORM GSTR-3B for the month of September, 2020, the tax payer shall avail ITC of 385 under Table 4(A) and would reverse ITC of 55 under Table 4(B)(2)</b>				

5. This Circular is clarificatory in nature and not meant for any interpretation of provisions of the Act and rules.
6. Difficulties, if any, in implementation of the above instructions may be brought to the notice of the Commissioner at an early date.
7. This Circular shall be deemed to have been issued on 9th October, 2020.


Sd/- Anurag Goel,  
Commissioner of State tax, Assam,  
Dispur, Guwahati

Memo No. CT/GST-15/2017/402-A

Dated Dispur the 7th December, 2020.

Copy to :

1. The Commissioner & Secretary to the Government of Assam, Finance (Taxation) Department, Dispur, Guwahati-6 for favour of kind information.
2. The Commissioner of Central GST, Guwahati / Dibrugarh for information.
3. The Additional Commissioner of State tax (All) / Joint Commissioner of State tax (All)/ Deputy Commissioner of State tax (All) / Assistant Commissioner of State tax (All) / Superintendent of State tax (All) / Inspector of State tax (All) for information and necessary action.
4. The Information Technology Officer, Office of the Commissioner of State tax, Assam for uploading it on the website of the Commissionerate for information of all concerned.

  
Commissioner of State tax, Assam,  
Dispur, Guwahati