

Commissionerate of CT and GST, Odisha (At Cuttack)
(Finance Department, Government of Odisha)

No. 6037 /CT
POL-56/2/2019-Policy

Dated 27/04/2019

To,

Heads of all CT & GST Territorial Ranges

Heads of all CT & GST Enforcement Ranges& Units

Heads of all CT & GST Territorial Circles& AUs

CIRCULAR

Subject: Clarification regarding filing of application for revocation of cancellation of registration in terms of Removal of Difficulty Order (RoD) issued by Government of Odisha vide Finance Department Notification number 16532-FIN-CT1-TAX-0043-2017 dated the 24th April, 2019 – Reg.

Madam/Sir,

Registration of several persons were cancelled under sub-section (2) of section 29 of the Odisha Goods and Services Tax Act, 2017 (hereinafter referred to as "the said Act") due to non-furnishing of returns in FORM GSTR-3B or FORM GSTR-4. Sub-section (2) of section 29 of the said Act empowers the proper officer to cancel the registration, including from a retrospective date. Thus registration have been cancelled either from the date of order of cancellation of registration or from a retrospective date.

2. Representations have been received that large number of persons whose registration were cancelled could not apply for revocation of the said cancellation of registration within the period of 30 days as provided in sub-section (1) of section 30 of the said Act. Accordingly, a Removal of Difficulty Order (RoD) has been issued by Government of Odisha vide FinanceDepartment Notificationnumber 16532-FIN-CT1-TAX-0043-2017 dated the 24th April, 2019 wherein persons whose registrations have been cancelled under sub-section (2) of section 29 of the said Act after they were served notice in the manner provided in section clause (c) and clause (d) of sub-section (1) of section 169 of the said Act and who could not reply to the said notice and for whom cancellation order has been passed up to 31st March, 2019, have been given one time opportunity to apply for revocation of cancellation of registration on or before the 22nd July, 2019. Further, vide Finance Department Notification No. 16528-FIN-CT1-TAX-0034-2017 dated the 24th April,

2019, two provisos have been inserted in sub-rule (1) of rule 23 of the Odisha Goods and Services Tax Rules, 2017 (hereinafter referred to as "the said Rules"). In the light of these changes and in order to ensure uniformity in the implementation of the provisions of the law, the undersigned, in exercise of its powers conferred by section 168 (1) of the said Act, hereby clarifies the issues relating to the procedure for filing of application for revocation of cancellation of registration.

3. First proviso to sub-rule (1) of rule 23 of the said Rules provides that if the registration has been cancelled on account of failure of the registered person to furnish returns, no application for revocation of cancellation of registration shall be filed, unless such returns are furnished and any amount in terms of such returns is paid. Thus, where the registration has been cancelled with effect from the date of order of cancellation of registration, all returns due till the date of such cancellation are required to be furnished before the application for revocation can be filed. Further, in such cases, in terms of the second proviso to sub-rule (1) of rule 23 of the said Rules, all returns required to be furnished in respect of the period from the date of order of cancellation till the date of order of revocation of cancellation of registration have to be furnished within a period of thirty days from the date of the order of revocation.

4. Where the registration has been cancelled with retrospective effect, the common portal does not allow furnishing of returns after the effective date of cancellation. In such cases it was not possible to file the application for revocation of cancellation of registration. Therefore, a third proviso was added to sub-rule (1) of rule 23 of the said Rules enabling filing of application for revocation of cancellation of registration, subject to the condition that all returns relating to the period from the effective date of cancellation of registration till the date of order of revocation of cancellation of registration shall be filed within a period of thirty days from the date of order of such revocation of cancellation of registration.

5. The above provisions are explained, by way of an illustration in Annexure, for better clarity.

6. It is requested that this circular may be widely publicised among trade and Industries.

7. Difficulty, if any, in the implementation of this circular may be brought to the notice of the undersigned.


(Bishnupada Sethi, I.A.S)
Commissioner of State Tax
Odisha, Cuttack

Memo No 6038 /C.T

Dated 27/04/2019

Copy to Additional Secretary in charge of CT-1 Branch, Government of Odisha, Finance Department for information with reference to CBIC Circular No.99/18/2019-GSI dated 23/04/2019.


Commissioner of State Tax
Odisha, Cuttack 751011

Annexure

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|---------------------------|---|---|--|--|---|--|---|
| Return not furnished from | Date of order of cancellation of registration | Cancellation of registration effective from | Date of filing of application for revocation of registration as per RoD (to be filed on or before the 22 nd July, 2019) | Returns to be furnished before filing the application for revocation of registration | Date of order of revocation of cancellation of registration | Date of furnishing returns for period b/w date of order of cancellation of registration and date of revocation of cancellation of registration (to be filed within thirty days from the date of order of revocation of cancellation of registration) | Returns to be furnished within thirty days from date of order of revocation of cancellation of registration |
| July, 18 | 01 st March, 19 | 01 st March, 19 | 30 th May, 19 | Returns due till 01 st March, 19 (i.e. July, 18 to January, 19) | 01 st June, 19 | 01 st July, 19 | Returns due till 01 st June, 19 (i.e. February, 19 to April, 19) |
| July, 18 | 22 nd March, 19 | 22 nd March, 19 | 20 th June, 19 | Returns due till 22 nd March, 19 (i.e. July, 18 to February, 19) | 22 nd June, 19 | 22 nd July, 19 | Returns due till 21 st June, 19 (i.e. March, 19 to May, 19) |
| July, 18 | 01 st March, 19 | 01 st July, 18 | 30 th May, 19 | NA | 01 st June, 19 | 01 st July, 19 | Returns due till 01 st June, 19 (i.e. July, 18 to April, 19) |