

**GOVERNMENT OF TAMIL NADU  
COMMERCIAL TAXES DEPARTMENT**

**OFFICE OF THE COMMISSIONER OF STATE TAX  
EZHILAGAM, CHENNAI-600 005**

**PRESENT: DR. T.V. SOMANATHAN, I.A.S.,  
COMMISSIONER OF STATE TAX**

**Circular No. 69/2019-TNGST**  
(RC No.26/2019/A1/Taxation)

**Dated:26.04.2019**

<b>Sub:</b>	Clarification regarding filing of application for revocation of cancellation of registration in terms of Tamil Nadu Goods and Services Tax (Fifth Removal of Difficulty Order /2019 – Reg.
<b>Ref:</b>	Circular No. 99/18/2019-GST Dated the 23 <sup>rd</sup> April 2019 issued by Government of India Ministry of Finance, Department of Revenue .Central Board of Indirect Taxes and Customs, GST Policy Wing.

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Registration of several persons were cancelled under sub-section (2) of section 29 of the Tamil Nadu 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, Tamil Nadu Goods and Service Tax Fifth Removal of Difficulty Order 2019, dated 23<sup>rd</sup> April, 2019 has been issued 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 31<sup>st</sup> March, 2019, have been given one time opportunity to apply for revocation of cancellation of registration on or before the 22<sup>nd</sup> July, 2019. Further, vide notification G.O.Ms.No.52 CT and R (B1) Department, dated the 23<sup>rd</sup> April, 2019, two provisos have been inserted in sub-rule (1) of rule 23 of the Tamil Nadu 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 Commissioner, in exercise of its powers conferred by section 168 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.

Sd/-T.V.Somanathan  
Commissioner of State Tax

To

All the Joint Commissioners (ST) Territorial and Enforcement in the State.

- Copy to: (1) Principal Secretary to CT& Regn. Department.  
(2) All Additional Commissioners of State Tax in the Commissionerate.  
(3) Joint Commissioner (CS) for hosting in Departmental site.  
(4) Joint Commissioner (BIU) & MOU.  
(5) Director/ CTS Training Institute, Chennai 6  
(6) All Deputy Commissioners (ST) in the State.  
(7) All Assistant Commissioners (ST) in the State.

// Forwarded by order//

  
Assistant Commissioner (Taxation)



**Annexure**

Return not furnished from	Date of order of cancellation of registration	Cancellation of registration effective from	Date of filing of application for revocation of cancellation of registration as per RoD  (to be filed on or before the 22 <sup>nd</sup> July, 2019)	Returns to be furnished before filing the application for revocation of cancellation of registration	Date 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 <sup>st</sup> March, 19	01 <sup>st</sup> March, 19	30 <sup>th</sup> May, 19	<b>Returns due till 01<sup>st</sup> March, 19</b> (i.e. July, 18 to January, 19)	01 <sup>st</sup> June, 19	01 <sup>st</sup> July, 19	<b>Returns due till 01<sup>st</sup> June, 19</b> (i.e. February, 19 to April, 19)
July, 18	22 <sup>nd</sup> March, 19	22 <sup>nd</sup> March, 19	20 <sup>th</sup> June, 19	<b>Returns due till 22<sup>nd</sup> March, 19</b> (i.e. July, 18 to February, 19)	22 <sup>nd</sup> June, 19	22 <sup>nd</sup> July, 19	<b>Returns due till 21<sup>st</sup> June, 19</b> (i.e. March, 19 to May, 19)
July, 18	01 <sup>st</sup> March, 19	01 <sup>st</sup> July, 18	30 <sup>th</sup> May, 19	NA	01 <sup>st</sup> June, 19	01 <sup>st</sup> July, 19	<b>Returns due till 01<sup>st</sup> June, 19</b> (i.e. July, 18 to April, 19)