



# INDIRECT TAX

## Section, Rules, Circular

# REFERENCER

UPDATED TILL AMENDMENTS UPTO 31ST  
OCTOBER 2024

BY CA KEVAL MOTA

CA AND CMA EXAMS

# TABLE OF CONTENTS

<b>01</b>	<b>Supply Under GST</b>	<b>1</b>
<b>02</b>	<b>Charge of GST</b>	<b>3</b>
<b>03</b>	<b>Composition Scheme</b>	<b>5</b>
<b>04</b>	<b>Time of Supply</b>	<b>6</b>
<b>05</b>	<b>Place of Supply</b>	<b>7</b>
<b>06</b>	<b>Value of Supply</b>	<b>10</b>
<b>07</b>	<b>Input Tax Credit</b>	<b>12</b>
<b>08</b>	<b>Registration under GST</b>	<b>14</b>
<b>09</b>	<b>Documentation &amp; E-Way Bill</b>	<b>16</b>

# TABLE OF CONTENTS

10

**Accounts,  
Records & Audit**

18

11

**Returns Under GST**

19

12

**Payment of Taxes,  
TDS & TCS**

21

13

**Refund Under GST**

23

14

**Assessment & Audit  
Under GST**

27

15

**Inspection Under GST**

28

16

**Demand & Recovery  
Under GST**

12

# TABLE OF CONTENTS

**17**

**Advance Ruling**

**32**

**18**

**Liability in Special Cases**

**3**

**19**

**Appeal & Revision**

**34**

**20**

**Offences & Penalties**

**35**

**21**

**Job Work &  
Miscellaneous  
Provisions**

**36**

**22**

**All Numerical Days/  
Hours / Months in GST**

**37**

**23**

**Aggregate Turnover  
& Monetary Limits**

**51**

# TABLE OF CONTENTS

**24**

**Important Monetary  
Limits**

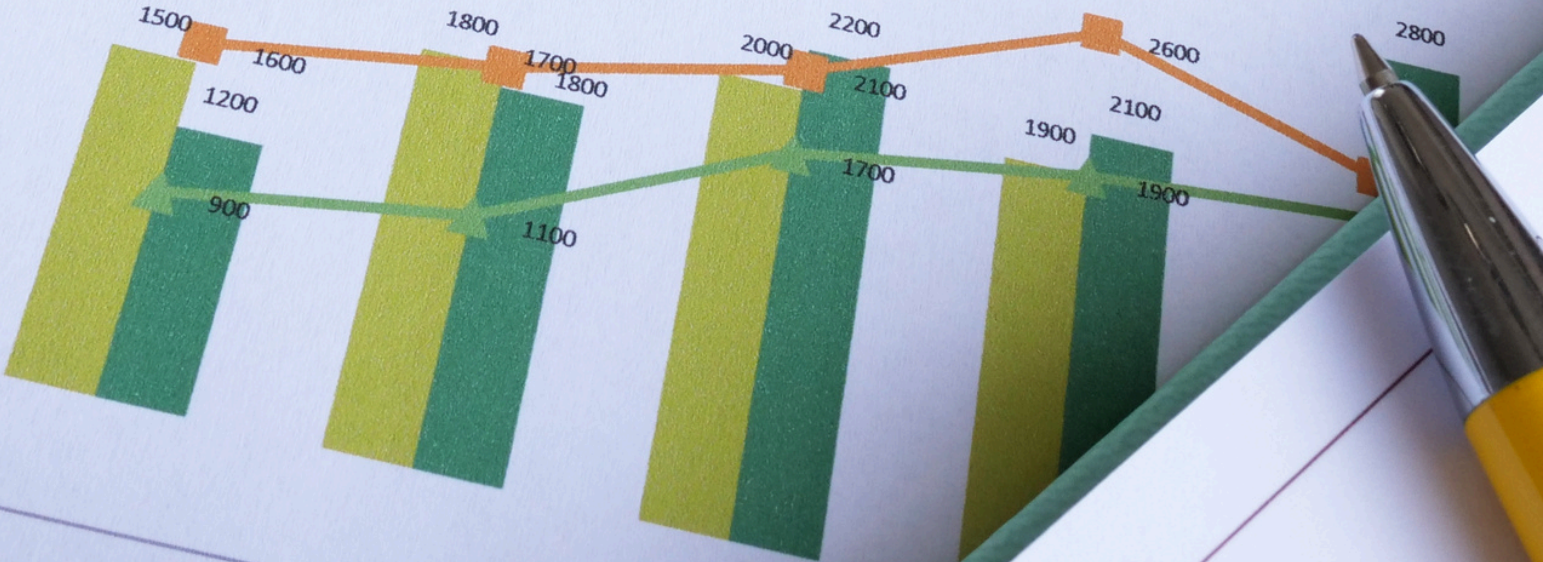
**56**

**25**

**Interest Rate Chart**

**61**

# Goods and Services Tax



# 1 SUPPLY UNDER GST

## Determining Supply is essential for taxing transactions under GST

Section	Description
7(1)(a)	Supply – Consideration + Business, forms of supply.
7(1)(b)	Import of services for consideration
7(1)(c)	Activities treated as supply even if without consideration [Schedule I]
7(1A)	Activities which are regarded as supply of goods or supply of services [Schedule II]
7(1) (aa)	Clubs and association to its members - supply
7(2)(a)	Activities which are neither treated as supply of goods or supply of services [Schedule III]
7(2)(b)	Notified items which are neither treated as supply of goods or supply of services
8	Composite & Mixed Supplies [S. 2(30) & S. 2(74)]

### Circular Associated with the Chapter

Circular No.	Description
Circular No. 116/35/2019 GST dated 11.10.2019	Taxability of receipt of donation by charitable trust.
Circular No. 119/38/2019 GST dated 11.10.2019	Taxability of lending & borrowing of security under Security lending scheme of SEBI (In Charge of GST in our chart book)
Circular No. 22/22/2017 GST dated 21.12.2017	Taxability of art work displayed at gallery
Circular No. 32/06/2018 GST dated 12.02.2018	❖ Taxability of cost petroleum ❖ GST not to be levied on fees/ penalty levied by consumer Disputes Redressal Commission
Circular No. 47/21/2018 GST dated 08.06.2018	❖ Moulds & Dies owned by OEM ❖ Servicing of cars involving supply of both goods (spare parts) and services (labour) where the value of goods and services are shown separately
Circular No. 57/31/2018 GST dated 04.09.2018	Relation between principal & agent
Circular No. 92/11/2019 GST dated 07.03.2019	Discount schemes such as buy one get one offer.
Circular No. 44/2018 CT dated 02.05.2018	Tenancy premium

Circular No.	Description
Circular No. 35/9/2018 GST dated 05.03.2018	Joint venture & members
Circular No. 34/08/2018 GST dated 01.03.2018	Priority sector lending certificates
Circular No. 93/12/2019 GST dated 08.03.2019	
Circular No. 1/1/2017 IGST dated 07.07.2017	Inter-State movement of various modes of conveyance
Circular No. 21/21/2017-GST dated 22.11.2017	Inter-State movement of rigs, tools and spares, and all goods on wheels like cranes
Circular No. 11/11/2017 GST dated 20.10.2017	Printing Contracts
Circular No. 34/8/2018-GST dated 01.03.2018	Activity of bus body building
Circular No. 34/8/2018-GST dated 01.03.2018	Retreading of Tyres
Circular 121/40/2019 GST dated 11.10.2019	License for Alcoholic liquor for human consumption – Not a supply
Circular No.140/10/2020-GST dated 10.06.2020	Taxability of director's remuneration
Circular No. 178/10/2022-GST	Liquidated Damages & Notice pay recovery, perquisites as per employment contract are not taxable.
CIRCULAR NO. 177/09/2022 – GST	Taxability of honorarium received by guest anchor
CIRCULAR 213/07/2024-GST DATED 26TH JUNE, 2024	Clarification on taxability of employee stock option (ESOP)/employee stock purchase Plan (ESPP)/ restricted stock unit (RSU) provided by a company to its employees
Circular 218/12/2024-GST dated 26th June, 2024	Clarification regarding taxability of the transaction of providing loan by an overseas affiliate to its Indian affiliate or by a person to a related person

# 2 CHARGE OF GST

Let's Learn in this chapter. Who is responsible to pay GST to the Government?

CGST Act		IGST Act	
Section	Description	Section	Description
9(1)	Supplier to pay CGST on Intra state supplies except liquor of HC.	5(1)	Supplier to pay IGST on Intra state supplies except liquor of HC.
9(2)	Tax not be levied on petroleum products	5(2)	Tax not be levied on petroleum products
9(3)	Recipient to pay tax on notified services	5(3)	Recipient to pay tax on notified services
9(4)	Purchase from URP by promoters/builders to attract GST in specified manner (not in syllabus)	5(4)	Purchase from URP by promoters/builders to attract GST in specified manner (not in syllabus)
9(5)	Services on which ECO is liable to pay Tax	5(5)	- Services on which ECO is liable to pay Tax
		7	Inter-state supply
		8	Intra-state supply
		9	Supply in Territorial Waters

## Circular Associated with the Chapter

Circular No.	Description
Circular 48/22/2018	Services of short-term accommodation, conferencing, banqueting etc. provided to a SEZ developer/SEZ unit – whether to be treated as an inter- State supply
Circular 115/34/2019	Taxability of Passenger Service Fees (PSF) & User Development Fee (UDF) charged by Airline Companies to Passenger as per Airports Economic Regulatory Authority of India
Circular 119/38/2019	Taxability of lending & borrowing of securities under Securities Lending Scheme, 1997
Circular 130/49/2019	Clarification in case of rent a cab service
Circular 178/10/2022	Highlighting Difference between renting of motor vehicle & passenger transport
Circular 167/23/2021	Clarifications on restaurant Services provided through e – commerce operator

Circular No.	Description
Circular 177/09/2022	Clarification on rentals of dumper & tipper
Circular 167/23/2021	Clarification on restaurant services u/s 9(5) of CGST Act/5(5) of IGST Act
Circular 201/13/2023	Services by director in its private or personal capacity not taxable under RCM



# 3 COMPOSITION SCHEME

Composition Scheme simplifies GST compliance for small taxpayers in India.

CGST Act	
Section	Description
10(1)	<ul style="list-style-type: none"> <li>❖ Rate of Tax under composition scheme (other than 9(3) &amp; 9(4)) [r/w Rule 7]</li> <li>❖ Aggregate turnover not to exceed Rs1.5crore / Rs. 75 lakhs (in certain states)</li> <li>❖ Interest discount turnover not to be added in calculation of service provision limit</li> </ul>
10(2)	Eligibility to opt for composition scheme
10(2A)	<ul style="list-style-type: none"> <li>➤ Presumptive scheme (i.e. composition scheme for service providers)</li> <li>➤ Rate of Tax 6% (3% SGST + 3% CGST)</li> <li>➤ Eligibility to opt for presumptive scheme</li> </ul>
10(3)	Option to pay tax u/s 10 lapses when agg. T.O. exceeds limit
10(4)	Composition person / presumptive scheme supplier cannot collect tax nor can avail ITC
10(5)	Opted composition scheme despite being ineligible then penal provisions of section 73 & section 74 of CGST Act applies
Expl. 1	Interest discount turnover not to be added in calculation of aggregate turnover
Expl. 2	For the purpose of payment of tax - <ul style="list-style-type: none"> <li>➤ First supplies;</li> <li>➤ Interest discount turnover</li> </ul> Not to be added

## Circular Associated with the Chapter

Circular No.	Description
Circular 77/51/2018 GST dated 31.12.2019	In case of denial of option to opt for composition scheme, it has been clarified that effective date of such denial shall be from a date including any retrospective date. However, such effective date shall not be prior to date of contravention of provisions of CGST Act/Rules

# 4 TIME OF SUPPLY

Time of Supply determines when GST liability arises.

CGST Act (Time of Supply for Goods)		CGST Act (Time of Supply for Services)	
Section	Description	Section	Description
12(1) & Section 31(1)	Section 12 to determine time of supply for goods	13(1) Section 31(2) & Rule 47	Section 13 to determine time of supply for services
12(2)	Goods taxable under FCM	13(2)	Services under FCM
Proviso	Advance received up to Rs. 1000 in excess of invoice value	Proviso	Advance received upto Rs. 1000 in excess of invoice value
Expl. 1	Supply is the amount covered by invoice or payment.	Expl. 1	Supply is the amount covered by invoice or payment.
Expl. 2	Date of receipt of payment = books or credit in bank whichever is earlier	Expl. 2	Date of receipt of payment = books or credit in bank whichever is earlier
12(3)	RCM	13(3)	RCM
12(4)	Voucher	13(4)	Voucher
12(5)	Residual	13(5)	Residual
12(6)	Interest on late pmt.	13(6)	Interest on late pmt.
Section 14: -Time of supply in case of change in rate of tax			
Clarification on time of supply of HAM (Hybrid Annuity Model) projects [Circular No. 221/15/2024 GST dated 26th June, 2024]			
Clarification on time of supply of services of spectrum usage and other similar services under GST			

# 5 PLACE OF SUPPLY

Place of Supply decides the government to whom GST revenue will be shared with.

Section in this Chapter Belongs to IGST Act

Section	Description
10	Place of supply (POS) of goods other than Imports or Exports
10(1)(a)	Supply where goods involve movement
10(1)(b)	Bill to ship to
10(1)(c)	Supply where it does not involve movement
10(1)(ca)	Supply of goods to unregistered persons
10(1)(d)	Assembly/Installation
10(1)(e)	Goods supplied on board
11	POS of Import or export of goods
12	POS of service where supplier and recipient is in India
13	POS of service where supplier or recipient is outside India

*Circular Associated with the Chapter*

Circular No.	Description
Circular No. 33/2017-Cus dated 01.08.2017	Clarification on High Sea Sales
Circular No. 46/2017-Cus dated 24.11.2017	In respect of supply of goods within warehouse, IGST is not applicable until bill of entry for home consumption is filed
Circular No. 103/22/2019 GST dated 28.06.2019.	Cutting and polishing activity on unpolished diamonds
Circular No. 118/37/2019-GST dated 11.10.2019	Clarification regarding determination of place of supply in case of software/design services related to Electronics Semi-conductor and Design Manufacturing (ESDM) industry
Circular No. 103/22/2019-GST dated 28.06.2019	CBIC clarified that services provided by port authorities to its clients
Circular No. 2/1/2017 – IGST dated 27.09.2017	Taxability of satellite services provided by ANTRIX Corporation Limited
Circular No. 3/ 1/ 2018-IGST, dated 25.05.2018	Clarification on Levy of IGST Sale of Goods within warehouse
Circular No. 203/15/2023-GST	POS for advertisement services provided to client and renting of property services to advertisement company
Circular 209-3-2024 dated 26th June, 2024	Clarifications on place of supply of goods to unregistered person

Circular No.	Description
Circular No 220/14/2024-GST dated 26th June, 2024	Determination of Place of Supply for Custodial Services by banks or financial institutions to Foreign Portfolio Investors
Circular No. 230/24/2024-GST dated 10th September, 2024	Clarification on Advertisement services provided to foreign clients
Circular No. 232/26/2024-GST dated 10th September, 2024	Clarification on Data Hosting Services

Section 12	Description	Section 13	Description
12(1)	POS for services where supplier & recipient are located in India	13(1)	POS for services where either supplier or recipient are located outside India
12(2)	<b>General</b> Provision - Residual	13(2)	Residual provision
12(3)	<b>Immovable</b> property	13(3)	Performance based services
12(4)	<b>Restaurant &amp; Catering</b>	13(4)	Immovable property
12(5)	<b>Training &amp; Appraisal</b>	13(5)	Admission/event management
12(6)	Entry fees for <b>amusement</b> parks	13(6)	Services provided in multiple countries
12(7)	<b>Event</b> management	13(7)	Services provided in multiple states
12(8)	<b>Goods</b> transport	13(8)	Banking, Intermediary, Hiring of trnspt.
12(9)	<b>Passenger</b> transport	13(9)	Goods transportation
12(10)	<b>Services</b> on board	13(10)	Passenger transport
12(11)	<b>Telecommunication</b>	13(11)	Services on board
12(12)	<b>Banking &amp; Financial Sector</b>	13(12)	OIDAR services
12(13)	<b>Insurance</b> services		
12(14)	<b>Advertisement</b> services to govt.		



*IGST Rules*

IGST Rules are to be checked for apportionment of place of supply to different states in ABSENCE OF CONTRACT

Rules	Relevant Section (of IGST Act)	Description
Rule 3	12(14)	Advertisement services to CG/SG/UT/LA
Rule 4	12(3)	Accommodation Services
Rule 5	12(7)	Event Management Services
Rule 6	12(11)	Telecommunication & Broadcasting Services
Rule 7	13(3)	Performance based services on goods and person
Rule 8	13(4)	Accommodation Services
Rule 9	13(5)	Admission to & Event Management Services



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# 6 VALUE OF SUPPLY

Value of Supply determines the taxable amount under GST.

Section / Rules (of CGST Act / Rules)	Description
Sec. 15 (1)	Vos = transaction value where supplier or recipient are not related and price is sole consideration
Sec. 15(2)	VOS includes: <ul style="list-style-type: none"> <li>- Taxes, duties, cesses, fees and charges under any law</li> <li>- Amount which supplier is liable to pay but incurred by recipient</li> <li>- Incidental expenses, incl. commission and packing</li> <li>- Interest or late fee or penalty for delayed payment</li> <li>- Subsidies (excl. subsidies by CG or SG)</li> </ul>
Sec. 15(3)	VOS shall not include discount if recorded in invoice (post supply discount will be excluded from value on satisfaction of relevant conditions)
Rule 27	VOS when consideration is not wholly in money (in following order)
Rule 28	VOS between distinct or related person, other than through an agent
Rule 29	VOS made through an agent
Rule 30	VOS is 110% of cost of production/ acquisition/ provision of service
Rule 31	Residual method – using reasonable means
Rule 31A	VOS for lottery – 100/128 of Face value of ticket or of price notified in official gazette VOS for betting, gambling or horse racing is 100% of face value of bet
Rule 31B	Value of Supply for Online Money Gaming
Rule 31C	Value of Supply for Casino
Rule 32	VOS for certain supplies
Rule 32 (2)	VOS for purchase or sale of foreign currency
Rule 32 (3)	VOS of service by air travel agent
Rule 32 (4)	VOS for life insurance business
Rule 32 (5)	Margin Scheme
Rule 32 (6)	VOS of token/ voucher
Rule 32 (7)	VOS as notified by govt. where ITC is available, will be NIL
Rule 33	Pure agent services will be excluded from VOS
Rule 34	Rate of exchange
Rule 35	Where VOS is inclusive of tax, Tax = (Value incl. tax X tax rate in %) ÷ (100+tax rate)

→ *Circular Associated with the Chapter* ←

Circular No.	Description
Circular 76/50/2018-GST dated 31 <sup>st</sup> December, 2018	TCS Shall not be included in Value of Supply
Circular 47/21//2018 dtd. 08.06.2018	Mounds and dies Supplied by OEM (Original Equipment manufacturer) to CM (component manufacturer) on free of cost basis
92/11/2019 GST dated 7.03.2019	Allowability of certain specific types of discounts offered by the suppliers
Circular No. 186/18/2022-GST dated 27th December, 2022	Taxability of No Claim Bonus offered by Insurance companies
Circular 204/16/2023 dated 26th October 2023	Taxability of personal Guarantee given by directors
Circular no. 102/21/2019-GST dated 28.06.2019	Taxability of additional / penal interest on late payment of EMI
Circular No.210/4/2024-GST dated 26th June, 2024	Clarification on valuation of supply of import of services by a related person where recipient is eligible to full input tax credit
Circular No 212/6/2024-GST dated 26 <sup>th</sup> June, 2024	Clarification on mechanism for providing evidence of compliance of conditions of section 15(3)(b)(ii) of the CGST Act, 2017 by the suppliers
CIRCULAR 214/8/2024-GST DATED 26TH JUNE, 2024	Clarification on the requirement of reversal of input tax credit in respect of the portion of the premium for life insurance policies which is not included in taxable value
Circular 215/9/2024-GST DATED 26TH JUNE, 2024]	Clarification on salvage value deducted from insurance claim amount
Circular No. 225/19/2024-GST dated 11th July, 2024, Notification No. 12/2024 - CT dated 10th July, 2024] (Principal Notification & Circular: Notification No. 52/2023-Central Tax dated 26th October, 2023, Circular No. 204/16/2023-GST)	Clarifications on Corporate Guarantee Taxability u/r 28(2) of CGST Rules

# 7 INPUT TAX CREDIT

Input Tax Credit allows taxpayers to offset GST paid on purchases.

Section	Rule	Description
16	36, 37, 37A	<p><b>S. 16:</b> Conditions to avail input tax credit</p> <p><b>R. 36:</b> Documentary requirements and conditions for claiming input tax credit</p> <p><b>R. 37:</b> Reversal of input tax credit in the case of non-payment of consideration</p> <p>R. 37A: ITC reversal in case supplier has not furnished GSTR 3B within prescribed time limit</p>
17	38, 42, 43	<p><b>S. 17:</b> Apportionment of credit and blocked credits</p> <p><b>R. 38:</b> Claim of credit by a banking company or a financial institution</p> <p><b>R. 42:</b> Manner of determination of input tax credit in respect of inputs or input services and reversal thereof.</p> <p><b>R. 43:</b> Manner of determination of input tax credit in respect of Capital Goods (R/w Explanation to Chp V of CGST Rules)</p>
18	40, 41, 41A, 44	<p><b>S. 18:</b> Availability of credit in special circumstances</p> <p><b>S. 40:</b> Manner of <b>claiming</b> credit in special circumstances.</p> <p><b>R. 41:</b> Transfer of credit on sale, merger, amalgamation, lease or transfer of a business</p> <p><b>R. 41A:</b> Transfer of credit on obtaining separate registration for multiple places of business within a State or Union territory</p> <p><b>R. 44:</b> Manner of <b>reversal</b> of credit under special circumstances</p>
19	45	To be learnt in Job work chapter
20	54(1) & (1A), 39	<p><b>S. 20:</b> Manner of distribution of credit by Input Service Distributor</p> <p><b>R. 39:</b> Procedure for distribution of input tax credit by Input Service Distributor.</p> <p><b>R. 54:</b> Tax invoice in case of ISD [R. 54(1) &amp; (1A)]</p>

→ *Circular Associated with the Chapter* ←

Circular No.	Description
Circular 133/03/2019 dtd. 23/3/2020	Apportioned of ITC in case of business reorganization under section 18(3) of CGST act read with rule 41(1) of CGST rules
Circular No. 98/17/2019-GST dated 23.04.2019	Clarification in respect of utilization of input tax credit under GST
[Circular No. 211/5/2024-GST dated 26th June, 2024]	clarification on time limit under section 16(4) of CGST act, 2017 in respect of RCM supplies received from unregistered persons
[circular 216/9/2024-gst dated 26 <sup>th</sup> June, 2024]	clarification on taxability of warranty contracts
circular no. 217/11/2024-gst dated 26 <sup>th</sup> June, 2024	clarification in respect of itc on repairing services taken by insurance companies
Circular No. 219/13/2024	Clarification on availability of input tax credit on ducts and manholes used in network of optical fiber cables (OFCs) in terms of section 17(5) of the CGST Act, 2017
Circular No. 231/25/2024-GST dated 10 <sup>th</sup> September, 2024	Clarification on availability of ITC on Demo vehicles

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# 8 REGISTRATION UNDER GST

**GST registration is mandatory for eligible businesses to collect tax.**

Section	Description
22	Persons liable for registration
23	Persons not liable for registration
24	Compulsory registration in certain cases
25	Procedure for registration (incl. Aadhar Authentication)
26	Deemed registration
27	Special provisions relating to casual taxable person and non-resident taxable person
28	Amendment of registration
29	Cancellation or Suspension of registration
30	Revocation of cancellation of registration

Rules	Description
8	Application for registration
9	Verification of the application and approval
10	Issue of registration certificate
10A	Furnishing of Bank Account Details
10B	Aadhar Authentication for revocation of registration & refund application for those who have applied for Aadhar number
11	Separate registration for multiple places of business within a State or a Union territory
12	Grant of registration to persons required to deduct tax at source or to collect tax at source
13	Grant of registration to non-resident taxable person
14	Grant of registration to a person supplying online information and database access or retrieval services from a place outside India to a non-taxable online recipient
15	Extension in period of operation by casual taxable person and non-resident taxable person
16	Suo-moto registration
17	Assignment of Unique Identity Number to certain special entities
18	Display of registration certificate and Goods and Services Tax Identification Number on the name board
19	Amendment of registration
20	Application for cancellation of registration
21	Registration to be cancelled in certain cases

Rules	Description
21A	Suspension of registration
22	Cancellation of registration
23	Revocation of cancellation of registration
24	Migration of persons registered under the existing law
25	Physical verification of business premises in certain cases
26	Method of authentication

→ *Circular Associated with the Chapter* ←

Circular No.	Description
Circular 71/45/2018 GST	Clarification on Advance tax to be deposited by a casual person
Circular 71/45/2018 GST	Clarification in case of long run exhibition by a casual taxable person
Circular 96/15/2019 GST	Whether transfer/change in the ownership of business to include the transfer/change in the ownership of business due to death of sole proprietor
Circular 145/01/2021 GST	Clarification on standard operating Procedure for implementation of the provision of suspension of registration under rule 21(2A) of CGST rules
Circular 134/04/2020 GST	Special Procedure under GST for entities undergoing CIRP (Not relevant for exams)

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# 9 DOCUMENTATION & E-WAY BILL

Documentation and E-Way Bill ensure compliance in GST transactions.

Section No.	Description	Rule No.	Description
31(1)	Supply of Goods - Tax Invoice	46	Tax Invoice, Contents (e – invoice & QR code is also included in Rule 46 only)
31(2)	Supply of Services - Tax Invoice	46A	Invoice-cum-bill of supply
		47	Time limit for issuing tax invoice for services
		48	Manner of issuing invoice
31(3) (a)	Revised Tax Invoice	53	Revised tax invoice and credit or debit notes
31(3) (b)	Value < 200	46	Proviso to Rule 46 [Exceptions to 31(3)(b)]
31(3) (c)	Bill of Supply	49	Bill of supply
31(3) (d)	Receipt voucher	50	Receipt Voucher
31(3) (e)	Refund Voucher	51	Refund voucher
31(3) (f)	Self-Invoice	46	Proviso to Rule 46 [Self Invoices]
31(3) (g)	Payment Voucher	52	Payment voucher
31(4)	Continuous Supply of Goods		
31(5)	Continuous Supply of Services	54	Tax invoice in special cases
31(6)	Supply of services cease before completion	55	Transportation of goods without issue of invoice
31(7)	Tax Invoice in case of sale on approval basis	55A	Tax invoice or bill of supply to accompany transport of goods
31A	Facility of digital payment to recipient		
32	Prohibition of unauthorized collection of tax		
33	Amount of tax to be indicated in tax invoice and other documents		
34	Credit and debit notes		

→ *Circular Associated with the Chapter* ←

Circular No.	Description
Circular No. 105/24/2019-GST	Taxable person offering various promotional schemes to increase sale volume and to attract new customer for their products
Circular No. 61/35/2018-GST dated 04.09.2018	Clarification on E-way bill in case of storing of goods in godown of transporter
Circular No. 23/23/2017 GST dated 21.12.2017 and Circular No. 47/21/2018 dated 08.06.2018	The principal and the auctioneer for the purpose of auction of tea, coffee, rubber etc., or the principal and the auctioneer for the purpose of supply of tea through a private treaty, shall be eligible to avail ITC subject to the fulfilment of other provisions of the CGST Act read with the rules made thereunder
Circular No. 72/46/2018	Retailer/ wholesaler can return the time expired drugs, either by treating the same as fresh supply or by issuing credit notes
Circular No. 49/23/2018 GST dated 21.06.2018	Detention/ confiscation can be made only with respect to the consignments and the conveyance in respect of which the violation of the Act or the rules made thereunder has been established by the proper officer
Circular 146, 156 & 165	Clarification in respect of Dynamic QR Codes
Circular No. 186/18/2022-GST dated 27th December, 2022	E – invoice inapplicability is for the entity as whole and not transaction specific
Circular No. 64/38/2018-GST, Circular No. 41/15/2018-GST	Clarification on generation of incorrect E way Bill and treatment of notices and orders

# 10

## ACCOUNTS, RECORDS & AUDIT

Accounts, records, and audits ensure transparency and compliance in GST.

Section	Description	Rule	Description
35	Accounts and other records	56	Maintenance of accounts by registered persons
36	Period of retention of a/cs (72 months from due date of annual return, other than party to an appeal, proceedings, etc.)	57	Generation and maintenance of electronic records
65	Audit by tax authorities	58	Records to be maintained by owner or operator of godown or warehouse and transporters
66	Special audit		

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# 11

## RETURNS UNDER GST

**GST returns ensure periodic tax reporting and compliance for businesses.**

Section	Description	Rules	Description
37	Furnishing details of outward supplies	59	Form and manner of furnishing details of outward supplies
38	Communication of details of inward supplies and input tax credit (GSTR 2B)	60	Form and manner of furnishing details of inward supplies
39	Furnishing of returns (GSTR - 3B, returns of ISD, NRTP, CTP etc.)	61	Form and manner of submission of monthly return
40	First return	62	Form and manner of submission of statement and return
41	Availment of Input Tax Credit	63	Form and manner of submission of return by non-resident taxable person
42	Matching, reversal and re-claim of ITC	64	Form and manner of submission of return by persons providing online information and database access or retrieval services
43	Matching, reversal and re-claim of output tax liability	65	Form and manner of submission of return by an Input Service Distributor
44	Annual return (r/w Rule 80)	66	Form and manner of submission of return by a person required to deduct tax at source
45	Final return (r/w Rule 81)	67	Form and manner of submission of statement of supplies through an ecommerce operator
46	Notice to return defaulters	67A	Manner of furnishing of return by short messaging service facility
47	Levy of late fee	68	Notice to non-filers of returns
48	GST practitioners		

→ *Circular Associated with the Chapter* ←

Circular No.	Description
129/48/2019- GST dtd. 24/12/2019	Clarification regarding common operating procedure to be followed in case of non-filer of return
Circular No. 143/13/2020	Quarterly Return Monthly Payment Scheme



# 12

## PAYMENT OF TAXES, TDS & TCS

Payment of GST, TDS & TCS ensures timely tax compliance.

Section	Description
<b>49</b>	Payment of tax, interest, penalty and other amounts
<b>49A</b>	ITC of CGST & SGST shall be used only after utilising IGST Credit fully.
<b>49B</b>	Order of utilisation of input tax credit shall be as prescribed
<b>50</b>	Interest on delayed payment of tax
<b>51</b>	Tax Deduction at source
<b>52</b>	Tax collected at source
<b>53</b>	Transfer of ITC
<b>Section 17 of IGST Act</b>	Apportionment of tax and settlement of funds
<b>Section 18 of IGST Act</b>	Transfer of input tax credit

Rules	Description
<b>85</b>	Electronic liability register
<b>86</b>	Electronic credit ledger
<b>86A</b>	Conditions for use of amount available in credit ledger
<b>87</b>	Electronic cash ledger
<b>86B</b>	Restriction on ITC Utilisation in Electronic Credit Ledger to 99% of available credit in certain circumstances.
<b>88</b>	Identification number for transaction
<b>88A</b>	Order of utilisation of ITC
<b>88B</b>	Manner of calculating interest on delayed payment of tax
<b>88C</b>	Manner of dealing with difference in liability reported in statement of outward supplies and that reported in return
<b>88D</b>	Manner of dealing with difference in input tax credit available in autogenerated statement containing the details of input tax credit and that availed in return

*Circular Associated with the Chapter*

Circular No.	Description
Circular No. 74/48/2018 GST dated 05.11.2018	Clarification on collection of tax at source by Tea board of India
Circular No. 98/17/2019- GST dated 23.04.2019	Clarification in respect of utilization of input tax credit under GST
Circular no. 172/04/2022- GST	Payment of tax clarifications through E – Cash Ledger & E – Credit Ledger
Circular No. 194/06/2023- GST dtd. 17th July, 2023	Clarification on TCS liability under Sec 52 of the CGST Act, 2017 in case of multiple E-commerce Operators in one transaction.

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# 13

## REFUNDS UNDER GST

GST refund process allows taxpayers to claim excess tax paid.

Section [of CGST Act]	Description	Rule	Description
<b>(I) REFUND OF TAX - TIME LIMIT TO APPLY   CONCEPT OF RELEVANT DATE   DOCUMENTATION</b>			
<b>54</b>	<b>Refund of tax</b>		
<b>54(1)</b>	Time limit to claim refund of tax & interest - 2 years from relevant date		
<b>Explanation 2 to section 54</b>	Relevant Date		Rule 89(1A) read with Circular No. 162/18/2021-GST
<b>(II) REFUND TO SPECIALISED AGENCIES</b>			
<b>54(2)</b>	Refund to specialised agency	95	Refund of tax to certain persons
<b>Section 55</b>	Refund in case of consulate or Embassy of foreign countries		
<b>(III) REFUND OF UNUTILISED ITC</b>			
<b>54(3)</b>	Refund of unutilised input tax credit in certain situation	96A	Letter of Undertaking Order sanctioning refund Credit of the amount of rejected refund claim
<b>Section 16 of IGST Act</b>	Zero rated supplies	89	Manner of application of refund, formula to compute and documentation. (Discussed later)
<b>54(10)</b>	With-holding of refund by proper officer		
<b>(IV) DOCUMENTARY EVIDENCE</b>			
<b>Section 54(4) of CGST Act</b>	Documentary evidences and practicing CA CMA certificate	Rule 89(2)(m)	Cases where CA Certificate is required & Cases where not required
<b>Circular 125/44/2019</b>	Master circular for refund (Documentary evidence is discussed here)		
<b>Section 54(8)</b>	Cases where refundable amount shall be paid to applicant.		

Section [of CGST Act]	Description	Rule	Description
	Discussed provision here as Rule 89(2)(m) gives the reference.		
<b>(V) PROVISIONAL REFUND, FINAL REFUND ORDER AND DISBURSMENT PROCESS</b>			
<b>Section 54(6) of CGST Act</b>	Provisional Refund	Rule 90	Acknowledgment of refund claim
<b>Circular 125/44/2019</b>	Clarifications	Rule 91	Sanction of provisional refund
<b>54(5)</b>	Refund Order on satisfaction of application	Rule 92	Order sanctioning refund
<b>54(7)</b>	Time limit to issue refund order	Rule 93	Recredit to Electronic credit ledger
<b>(VI) REFUND OF TAX TO APPLICANT RATHER CREDITING INTO CONSOLIDATED FUND OF INDIA</b>			
<b>54(8)</b>	Cases where refundable amount shall be paid to applicant.		
<b>54(8A)</b>	Disbursement of refund of State Tax		
<b>(VII) OTHER PROVISIONS</b>			
<b>54(9)</b>	Refund shall be only in accordance with section 54(8) of CGST Act unless contrary is contained in any order / judgment		
<b>54(11)</b>	With holding of Refund due to subject matter of appeal		
<b>54(12)</b>	Refund of with-held amount due to subject matter of appeal - Interest not to exceed 6% pa		
<b>54(13)</b>	Refund in case of Casual Taxable person and non-resident taxable person		
<b>54(14)</b>	Refund under each tax head shall be minimum Rs. 1,000/-		
<b>Para 60</b>	Circular 125/44/2019		
<b>(VIII) DISCUSSION ON RULE 89 &amp; OTHER CASES OF REFUND</b>			
[1]	Application for Refund of Tax, Interest & Penalty [R. 89(1)]		
[2]	Refund relating to Balance in Electronic Cash Ledger [Proviso 1 to R. 89(1)]		
[3]	Refund to Supplier of SEZ [Proviso 2 to R. 89(1)]		
[4]	Refund in case of Deemed Exports [Proviso 3 to R. 89(1) read with Rule 89(2) & 89(4A)]		
[5]	Refund to CTP & NRTP u/s 27 of CGST Act [Proviso 4 to R. 89(1)]		

Section [of CGST Act]	Description	Rule	Description
[6]	Refund to Exporter of goods or services exported under LUT [Section 54(3) read with Rule 89(4) & 89(2)]		
[7]	Documentation as per Rule 89(2) of CGST Rules		
[8]	Debit in Electronic Credit Ledger [R. 89(3)]		
[9]	Refund formula for zero rated supply of goods or services under LUT [R. 89(4)]		
[10]	Refund in case of inverted duty structure [R. 89(5)] [Circular 135/05/2020 – GST]		
[11]	Export of Goods or services on payment of IGST [Rule 96]		
[12]	Realisation of Export Proceeds [Rule 96B inserted vide Notification No. 16/2020 – CT dtd. 23rd March, 2020]		
[13]	<del>Refund to a retail outlet established in the departure area of an international airport (R. 95A of CGST Rules, 2017 &amp; Circular No. 106/25/2019-GST dated 29th June, 2019 (Amendment))</del>		
[14]	Other circulars clarifying on refund aspects [Circular No. 137/07/2020-GST]		
<b>(IX) INTEREST ON DELAYED REFUNDS</b>			
<b>Section 56</b>	Interest on delayed refunds	94	Order sanctioning interest on delayed refunds
<b>(X) CONSUMER WELFARE FUNDS</b>			
<b>Section 57</b>	Consumer Welfare fund	97	Amounts to be credited to/paid from consumer welfare fund

→ *Circular Associated with the Chapter* ←

Circular No.	Description
Circular 125/44/2019	Master Circular on Refund
Circular 135/5/2020	Refund would not be applicable where input and output supplies are the same
<del>Circular 106/25/2019</del>	<del>Refund of inward supply of indigenous goods by retail outlets, when supplied to tourist against foreign exchange (Withdrawn by Circular 176/08/2022)</del>
Circular 162/18/2021	Relevant date in case where refund is applied on account of wrong payment of tax
Circular 147/03/2021	The restriction of 1.5 times of the value of like goods domestically supplied, as applied in “turnover of zero-rated supply of goods”, would also apply to the value of “Adjusted Total Turnover” in Rule 89 (4) of the CGST Rules, 2017.

Circular No.	Description
Circular 139/09/2020	Copy of GSTR-2A of the relevant period [Excel copy from GST Portal ONLY], ISD, RCM credit, import of goods can be refunded even though not reflected in GSTR 2A
Circular 108/27/2019	Procedure & documentation in respect of goods (specifically) sent/taken out of India for exhibition or on consignment basis for export promotion
Circular 166/22/2021	<ul style="list-style-type: none"> <li>- No tax incidence pass on certificate is required in case of Refund on account of E – cash ledger</li> <li>- 2 years' time limit does not applies to refund on account of electronic cash ledger</li> </ul> Deemed export case relevant date
CIRCULAR 173/05/2022-GST	- Goods procured under normal rate but sold at concessional rate as per notification are eligible for inverted duty structure refund
Circular No. 188/20/2022-GST dated 27th December, 2022	- Clarification on refund claims by unregistered person whose contracts are cancelled

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# 14

## Assessment & Audit Under GST

Assessment and audit ensure accuracy and compliance in GST filings.

Section	Description	Rules	Description
59	Self-assessment	98	Provisional Assessment
60	Provisional assessment	99	Scrutiny of returns
61	Scrutiny of returns	100	Assessment in certain cases
62	Assessment of non-filers of returns		
63	Assessment of unregistered persons		
64	Summary assessment in certain special cases		

*Circular Associated with the Chapter*

Circular No.	Description
Circular No. 26/2017 dated 29.12.17	GSTR 3B does not contain separate tables for amendment: - Para 4 clarifies that in case of summary returns like GSTR-3B, where there are no separate tables for reflecting tax effects of amendments for past periods are available, the figures pertaining to the current month can be adjusted for past month amendments, so long as the amount is not negative. In case of negative liability, refund can be claimed

# 15 INSPECTION UNDER GST

GST inspection prevents tax evasion and ensures regulatory compliance.

Section	Description	Rule	Description
67(1)	Inspection	139	Inspection, search and seizure (Procedure & Forms)
67(2) to 67(12)	Search & seizure	140	Bond and security for release of seized goods
68	Inspection of goods in movement	141	Procedure in respect of seized goods
69	Power to arrest		
70	Power to summon persons to give evidence and produce documents		
71	Access to business premises (if required for the purposes of enquiry)		
72	Officers to assist proper officers (Police, Railways, Customs, etc.)		

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# 16

## DEMAND & RECOVERY UNDER GST

Demand and recovery ensure collection of unpaid GST liabilities.

Section	Description	Rule	Description
73	Tax not paid for reasons other than fraud, wilful misstatement, suppression, etc.	142	Notice and order for demand of amounts payable under the Act
74	Tax not paid on account of fraud, wilful misstatement, suppression, etc.	142A	Procedure for recovery of dues under existing laws
75	General provisions for determining tax	143	Recovery by deduction from any money Owed
76	Tax collected but not deposited	144	Recovery by sale of goods under the control of proper officer
77	Tax wrongly collected (IGST in place of CGST/SGST or vice versa)	145	Recovery from a third person
78 & 79	Recovery proceedings	146	Recovery through execution of a decree, etc.
80	Payment in instalments	147	Recovery by sale of movable or immovable property
81	Transfer of property to be void in certain cases	148	Prohibition against bidding or purchase by officer
82	Tax to be first charge	149	Prohibition against sale on holidays
83	Provisional attachment	150	Assistance by police
84	Continuation & Validation of recovery proceedings	151	Attachment of debts and shares, etc
		152	Attachment of property in custody of courts or Public Officer
		153	Attachment of interest in partnership
		154	Disposal of proceeds of sale of goods and movable or immovable property
		155	Recovery through land revenue authority
		156	Recovery through court
		157	Recovery from surety

Section	Description	Rule	Description
		158	Payment of tax and other amounts in Instalments
		159	Provisional attachment of property
		160	Recovery from company in liquidation
		161	Continuation of certain recovery proceedings

→ *Circular Associated with the Chapter* ←

Circular No.	Description
Circular 76/50/2018- GST dated 31.12.2018	Clarification on penalty in accordance with section 73(11) of the CGST act should be levied in cases where the return FORM GSTR-3B has been filed after the due date of filling such return
Circular No. 174/06/2022 – GST	Recredit of erroneous refund claimed into e – credit ledger on deposit of cash by regd. Person by DRC 03
CIRCULAR NO. 171/03/2022-GST	Clarifying applicability of penalty u/s 73 or 74 w.r.t. issuing invoice without supply of goods or services.
Circular 187/19/2022-GST dated 27th December, 2022	Clarification on treatment of reduced statutory dues under IBC act
Circular 185/17/2022-GST	Clarifications in respect of procedure for issuance of SCN u/s 74 which are converted into section 73

# 17

## ADVANCE RULING

Advance Ruling provides clarity on GST applicability and compliance.

Section	Description	Rule	Description
96	Authority for advance ruling (AAR)	103	Qualification and appointment of members of the Authority for Advance Ruling
97	Application for Advance Ruling	104	Form and manner of application to the Authority for Advance Ruling
98	Procedure on receipt of application	105	Certification of copies of advance rulings pronounced by the Authority
99	Appellate Authority for Advance Ruling	106	Form and manner of appeal to the Appellate Authority for Advance Ruling
100	Appeal to Appellate Authority (of Advance Ruling)	107	Certification of copies of the advance rulings pronounced by the Appellate Authority
101	Orders of Appellate Authority	107A	Manual filing and processing
102	Rectification of advance ruling		
103	Applicability of advance ruling		
104	Advance ruling to be void in certain circumstances		
105	Powers of Authority and Appellate Authority		
106	Procedure of Authority and Appellate Authority		

# 18

## LIABILITY IN SPECIAL CASES

Liability in special cases defines GST obligations in unique scenarios.

Section	Liability in case of: -
85	Transfer of business
86	Principal and agent
87	Company in amalgamation/merger
88	Company in liquidation
89	Directors of private company
90	Partners of firm
91	Guardians, trustees, etc.
92	Court of wards, etc.
93	Special provisions
94	Other cases

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# 19 APPEAL & REVISION

Appeal and revision provide dispute resolution under GST law.

Section	Description	Rule	Description
107	Appeals to Appellate authority	108	Appeal to the Appellate Authority
108	Powers of revisional authority	109	Application to the Appellate Authority
109-111	Appellate tribunal under GST laws	109A	Appointment of Appellate Authority
112-113	Appeals to Appellate tribunal	109B	Appeal against order of revisional authority
116	Appearance by authorized representative	109C	Withdrawal of Appeal
117	Appeal to High court	110	Appeal to the Appellate Tribunal
118-119	Appeal to Supreme court	111	Application to the Appellate Tribunal
120	Appeal not to be filed in certain cases	112	Production of additional evidence before the Appellate Authority or the Appellate Tribunal
121	Non-appealable decisions and orders	113	Order of Appellate Authority or Appellate Tribunal
		114	Appeal to the High Court

# 20 OFFENCES & PENALTIES

Offences and penalties ensure compliance by deterring GST violations.

Section	Description
122	Penalty for certain offences
123	Penalty for failure to furnish information return
124	Fine for failure to furnish statistics
125	General penalty
126	General disciplines related to penalty
127	Power to impose penalty of PO
128	Power to waive off
129	Detention, seizure and release of goods and conveyances in transit
130	Confiscation of goods or conveyances
131	Confiscation or penalty not to interfere with other punishments
132	Punishments for certain offences
133	Liability of officers and others
134	Cognizance of offences
137	Offences by companies
138 (Read with rule 162)	Compounding of offences
135	Presumption of culpable mental state
136	Relevancy of statements

# 21

## JOB WORK & MISCELLANEOUS PROVISIONS

Job work and miscellaneous provisions streamline GST compliance and operations.

Section	Description
143	Job work procedure
19	Taking ITC for goods sent on job work
149	GST compliance rating
158	Disclosure of information by a public servant
159	Publication of information in respect of persons in certain cases
161	Rectification of errors apparent on the face of record
171	Anti- profiteering measure
<b>Circular No.38/12/2018 &amp; r/w Circular 88/07/2019:</b>	Procedure to Supply Goods by Supplier, Principal, Job-worker & Customer of Principal

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# TIMELINES



# 22

## ALL NUMERICAL DAYS/ HOURS/ MONTHS IN GOODS & SERVICE TAX

GST timelines define compliance deadlines in days, hours, and months.

Sr. No.	Section / Rule No.	Description	Numeric	From/within
<b>CHARGE OF GST</b>				
1	Section 15 of IGST Act	Time-limit to consider a tourist as a foreign tourist depending upon stay period	6 Months	Date of coming into India
<b>COMPOSITION SCHEME</b>				
2	Rule 6	Time limit to reply to notice issued by officer in Form GST CMP 05	15 Days	Of receipt of notice
3	Rule 6	Furnishing of Stock Details	30 Days	Of withdrawal of option
4	Rule 6	Intimation to withdraw from scheme	7 Days	From non-fulfilment of conditions for composition scheme
5	Rule 3	ITC Reversal on switching over to composition furnishing the statement in FORM GST ITC-03 in accordance with the provisions of Rule 44(4) of CGST Rules	60 Days	From Commencement of Financial Year
6	Rule 3	Details of Stock to be furnished	90 Days	From Availing the Option
7		Payment of Tax by Composition person	18 <sup>th</sup>	of Month succeeding quarter
8		Filing of GSTR 4	30 <sup>th</sup> June	Of Succeeding Financial Year
<b>TIME OF SUPPLY</b>				
9	31(1)	Time-limit to issue invoice in case of supply of goods	Removal	When Supply involves movement

Sr. No.	Section / Rule No.	Description	Numeric	From/within
10	31(1)	Time-limit to issue invoice in case of supply of goods	Delivery	When Supply does not Involves movement
11	31(2) r/w R. 47	Time - limit to issue invoice in case supply of services (Normal Cases)	30 days	From Provision of Services
12	31(2) r/w R. 47	Time - limit to issue invoice in case of supply of services by Bank, NBFC, FI	45 days	From Provision of Services
13	Rule 46	Invoice issuance for Banks, insurers, telecom operators etc. for inter-branch transaction	Before or at the time such supplies were recorded in books or before expiry of quarter during which supply was made	-
14	Rule 46	Consolidated Tax invoice by Insurer, Banking Company, Financial Institution and NBFC for services provided during the month	At the end of the month	
15	Section 31(7)	Last Date to issue invoice in case of goods sent on approval basis	6 months	From date of removal
16	Section 31(5)	Continuous supply of services		
		Payment Due date ascertainable	On or before due date	
		Payment due date linked completion	On or before such completion	
		Payment due date not in contract	On or before receipt of amount	
17	Section 31(4)	Continuous supply of goods	When successive statement is issued or successive	

Sr. No.	Section / Rule No.	Description	Numeric	From/within
			payment is received	
<b>INPUT TAX CREDIT</b>				
18	Section 16(2)	Payment to supplier	180 days	From Date of Invoice
19	Rule 10	Liability to register	30 days	From becoming liable to register
20	Section 16(4)	Time-limit to avail ITC	Earlier of 30 <sup>th</sup> November or Actual date of filing annual return	
	Section 16(4)	Time-limit to avail ITC for RCM	Above date as per self invoice	
21	Rule 40, 44	Life of Capital Asset	60 months	From Date of Purchase
<b>REGISTRATION</b>				
22	Section 25 r/w R. 10	Liability to register	30 days	From becoming liable to register
23	Section 25(1)	CTP & NRTP's liability to apply for registration	5 days	Prior to Commencement of business
		<b>Application for Registration</b>		
24	Section 25(6A) to (6C) read with Rule 8 & 9	(a) Officer shall approve registration within if he is satisfied with documents and Aadhar Authentication is done and he does not feel necessity of physically verifying POB within  (Otherwise deemed approval)	7 Working days	Submission of Application
25		Time limit to provide Registration in below cases: ❖ Aadhar Authentication opted and not done, ❖ Aadhar Authentication not opted	30 days (NOT WORKING DAYS)	Submission of Application

Sr. No.	Section / Rule No.	Description	Numeric	From/within
		❖ Aadhar Authentication done but feels necessary to verify post physical verification (Otherwise deemed approval)		
26		Officer not satisfied with documents shall issue SCN within	7 working days	Submission of Application
27		Reply to SCN	7 working days	Receipt of SCN
28		Approve or reject within	7 working days	Receipt of reply
29		(Otherwise Deemed approval)		
30		Communication of Deemed approval	3 days	After expiry of period
31	Rule 10A	Submission of Bank Account Details	❖ 30 days of grant of registration or ❖ Filing of GSTR - 1 or IFF whichever is earlier.	-
	Rule 10B	Once Aadhaar number is allotted he shall authenticate Aadhaar within 30 days of the allotment of the Aadhaar number. In case of failure to undergo Aadhaar authentication/furnish proof of possession of Aadhaar number/furnish alternate registration allotted to such person shall be deemed to be invalid.		
32	S. 27(1)	Validity of registration of CTP & NRTP	90 days (+90 days)	From effective date of registration
		<b>AMENDMENT IN REGISTRATION - CORE FIELDS</b>		
33	S. 28 r/w R. 19	Application for Amendment	15 Working Days	From change
34		Officer to approve amendment	15 Working Days	From Application
35		Documents not proper issue SCN (No Action - Deemed Approval)	15 Working Days	From Application
36		Submission of reply by Assessee	7 Working days	From receipt of SCN

Sr. No.	Section / Rule No.	Description	Numeric	From/within
37		Reply received - Approve registration or reject within No Action (Deemed Approval)	7 Working days	From receipt of reply
	S. 29 r/w R. 22	<b>CANCELLATION OF REGISTRATION</b>		
		<b>(A) BY A REGISTERED PERSON HIMSELF</b>		
38		Application for cancellation	30 days	From event warranting cancellation
39		If satisfied with application, registration shall be cancelled within	30 days	From Application
		If not satisfied with application, show cause notice shall be issued	-	-
40		Reply to show cause notice	7 Working days	From receipt of notice
41		Cancellation on satisfactory reply (No deemed approval in case of failure to take action)	30 days	From receipt of reply
42	R. 21A(2A)	Reply to notice issued for intimation of discrepancies between GSTR 1 & 2A	30 days	From receipt of notice
43	S. 30 r/w R. 23	Application for Revocation of Cancellation	90 days (+180 days extension)	From date of serving of cancellation order
44		Revocation of cancellation on satisfaction with application	30 days	From receipt of application
45		Not satisfied with application - Issue show cause notice to be replied by assessee within	7 days	From receipt of notice
46		Cancellation on being satisfied with Reply	30 days	From receipt of clarification

Sr. No.	Section / Rule No.	Description	Numeric	From/within
47		Not satisfied with reply - Rejection of application [No deemed revocation]	30 days	From receipt of reply
<b>DOCUMENTATION &amp; E - WAY BILL</b>				
48	Rule 138	Up to 200 KMS: Validity of E - way Bill (Other than Over dimensional cargo & Multimodal shipment which involves one leg as ship)	1 day	From relevant date
		For every 200 KM or part thereof	1 additional day	From relevant date
		<b>UPTO 20 KMS:</b> Over dimensional cargo & Multimodal shipment which involves one leg as ship	1 day	From relevant date
		For every 20 KM or part thereof	1 additional day	From relevant date
The "relevant date" shall mean the date on which the e-way bill has been generated and the period of validity shall be counted from the time at which the e-way bill has been generated and each day shall be counted as the period expiring at midnight of the day immediately following the date of generation of e-way bill.				
49	R. 138	Time limit to cancel E - way bill	24 hours	From generation
50	R. 138	Acceptance / Rejection of E - way bill	❖ 72 hours of the details being made available or, ❖ The time of delivery of goods whichever is earlier	
51	R. 138C	Summary report shall be uploaded online by PO	24 hours	From Midnight in PART A
52		Final Report	3 days	of inspection (+3 days extension possible)
53		Extension of E-way Bill	8 hours	End of Validity period
<b>ACCOUNTS AND RECORDS</b>				
53	Section 36	Time-period for maintenance of books of accounts		

Sr. No.	Section / Rule No.	Description	Numeric	From/within
		<b>Not a subject matter of appeal</b>	72 months	From due date of annual return to which that accounts & records relate
		<b>Subject matter of appeal</b>	72 Months or	From due date of annual Return
			1 Year	After final disposal of proceeding
			Whichever is later	
<b>RETURNS</b>				
[Due dates are not discussed here; otherwise full chapter will be covered here only] - Please refer chart book				
		Cannot file GSTR-1, 3B, annual return and GSTR-8	After 3 years	From due date to file
<b>PAYMENT OF TAX, TDS, TCS</b>				
54	Rule 87	Validity of generated challan	15 days	From date of generation
55	Section 52	Furnishing of details asked by an officer not below the rank of Deputy Commissioner relating to volume of the goods/services supplied, stock of goods lying in warehouses/Godowns etc	15 working days	From receipt of notice
<b>REFUNDS UNDER GST</b>				
56	Section 54	Application for Refund (Normal)	2 Years	From Relevant Date
57	Section 54 & 55	Application for refund (UN)	Once in every quarter but before expiry of 6 months	From Last day of Quarter
		Canteen Stores Department	Once in every quarter	
58	Rule 90	Receipt of acknowledgment	15 days	From date of application
59	Rule 91	Provisional Refund @ 90%	7 days	From date of Acknowledgment

Sr. No.	Section / Rule No.	Description	Numeric	From/within
60	S. 54(7)	Balance refund or full refund where provisional was not given	60 days	From date of application
61	Rule 92	Reply in GST RFD 09 to SCN issued in GST RFD 08	15 days	From Receipt of Notice
62	Rule 96A	Person obtaining LUT shall export goods	3 months 15 days	Issuance of export invoice
		Person obtaining LUT shall receive foreign exchange in case of services	1 year 15 days	Issuance of export invoice
63	Rule 96B	Realisation of export proceeds in respect of export of <b>GOODS</b>	Time limit as per FEMA	
		Intimation to be given of realisation of export proceeds (after refund has been recovered by PO)	3 Months	From realisation
		<p>Proper officer shall re-credit an amount in electronic credit ledger by passing an order in FORM GST PMT-03A, preferably within a period of 30 days from</p> <ul style="list-style-type: none"> <li>❖ The date of receipt of request for re-credit of erroneous refund amount so deposited or</li> <li>❖ The date of payment of full amount of erroneous refund along with applicable interest, and penalty, wherever applicable, whichever is later.</li> </ul>		
<b>ASSESSMENT &amp; AUDIT</b>				
		<b>PROVISIONAL ASSESSMENT</b>		
64	Section 60	Time limit to pass provisional assessment order	90 days	From date of application
65	Section 60	Passing of final assessment order	6 Months	From date of communication of provisional assessment order
		Extension	6 months	By Joint Commissioner / Additional Commissioner
		Extension	4 years	By Commissioner
66	Rule 98	Release of security on application made	7 days	From date of application

Sr. No.	Section / Rule No.	Description	Numeric	From/within
		<b>SCRUTINY OF RETURNS</b>		
67	Section 61	Explanation to Notice issued u/s 61 for discrepancy in returns	30 days	From receipt of notice
		<b>ASSESSMENT OF NON-FILERS</b>		
68	Section 46	Notice u/s 46 is issued if return is not filed even after 5 days from due date		
69	Section 62	Compliance to notice u/s 46 within	15 days	From receipt of such notice
70	Section 62	Compliance to Best Judgement Assessment order by filing returns within	60 days (+60 days)	From receipt of order u/s 62, the assessment would be withdrawn
71	Section 62	Time limit to pass best judgement assessment order	5 years	From due date to file annual return
		<b>ASSESSMENT OF UNREGISTERED PERSONS</b>		
72	Section 63	Time limit to furnish reply by unregistered person	15 days	From receipt of notice
73	Section 63	Time limit to pass best judgement assessment order	5 years	From due date to file annual return
		<b>SUMMARY ASSESSMENT</b>		
74	Section 64	Withdrawal of Summary Assessment order on application by assessee	30 days	Of Receipt of order
		<b>AUDIT BY TAX AUTHORITIES</b>		
75	Section 65	Time limit to complete audit by tax authorities	3 months (+6 Months)	From commencement of Audit
<p>Commencement of Audit shall mean the</p> <ul style="list-style-type: none"> <li>❖ Date on which the records and other documents, called for by the tax authorities, are made available or</li> <li>❖ The actual institution of audit at the place of business, whichever is later.</li> </ul>				
76	Section 65	Pre-Notice to Assessee	15 days	Prior to institution of audit at place of business

Sr. No.	Section / Rule No.	Description	Numeric	From/within
77	Section 65	Intimation of Findings of Audit, (after considering reply submitted by registered person)	30 days	of conclusion of audit.
		<b>SPECIAL AUDITS</b>		
78	Section 66	Time limit to complete	90 days (+90 days)	From commencement of audit
<b>INSPECTION, SEARCH &amp; SEIZURE</b>				
79	Section 67	Return of seized books of accounts/ documents if not relied upon	30 days	From issue of notice for search
80	Section 67	Seized goods shall be returned if no notice has been issued by PO within	6 months	From date of conduct of search
<b>DEMAND &amp; RECOVERY</b>				
81	Section 73	Time-limit to issue SCN	2 years 9 months	From due date to file annual return
82	(Non-fraud cases)	Time limit to pass assessment order	3 years	
83	Section 74	Time-limit to issue SCN	4 years 6 months	From due date to file annual return
84	(Fraud cases)	Time limit to pass assessment order	5 years	
		<b>[Please go through Penalty u/s 73 &amp; 74 &amp; Section 73(11)]</b>		
85	Section 75	Time limit to issue order in pursuance of the direction of the Appellate Authority or Appellate Tribunal or a court.	2 years	From the date of communication of the said Direction
86	Section 76	Time limit to issue SCN	No Time limit	
87	Section 76	Final Speaking Order shall be passed by PO within	1 year	From the date of issue of notice.
88	Section 78	Recovery proceedings shall be initiated if taxpayer has not paid the tax payable arising from order within	3 months	From the date of service order

Sr. No.	Section / Rule No.	Description	Numeric	From/within
		<i>(If order is appealed then, deemed stay will be granted)</i>		
89	Section 80	Number of maximum instalments	24 Instalments	
90	Section 83	Validity of provisional attachment	1 year	From date of provisional attachment order
91	Section 83	Objection against provisional attachment	7 days	From date of attachment
<b>LIABILITY IN SPECIAL CASES</b>				
92	Section 88	Receiver / liquidator to give intimation of his appointment to the Commissioner	30 days	Of his appointment
93	Section 88	Commissioner shall notify the liquidator to set apart a sum of money that would be sufficient to discharge, in his opinion, the amount of tax, interest and penalty payable by the company within	3 months	From date of intimation
94	Section 90	Intimation of retirement to be given to commissioner	1 month	Of retirement
<b>ADVANCE RULING</b>				
95	Section 98	Advance ruling authority to pronounce advance ruling within	90 days	Of receipt of application (application for filing advance ruling is INR 5,000 CGST & INR 5,000 SGST)
96	Section 101	Appeal before Appellate authority of advance ruling (AAAR)	30 days (+30 days)	From receipt of advance ruling (application for filing appeal against advance ruling is INR 10,000 CGST & INR 10,000 SGST)
97	Section 101	Time-limit with AAAR to dispose appeal	90 days	Of filing appeal

Sr. No.	Section / Rule No.	Description	Numeric	From/within
98	Section 102	Rectification of any mistake apparent from the record	6 months	From date of order
<b>APPEALS &amp; REVISION</b>				
		<b>APPEAL BEFORE APPELLATE AUTHORITY</b>		
99	Section 107	Time Limit to file appeal by ASSESSEE before appellate authority	3 months (+1month condonation on sufficient cause)	From the date of communication of decision or order passed by adjudicating authority
100	Section 107	Time Limit to file appeal by DEPARTMENT	6 months (+1month condonation on sufficient cause)	From the date of communication of decision or order passed by adjudicating authority
101	Section 107	ADVISORY Time-limit to dispose appeal	Within 1 year	From date of filing of appeal, appellate authority shall pass a speaking order
		<b>APPEAL BEFORE GSTAT</b>		
102	Section 112	Time Limit to file appeal by ASSESSEE before GSTAT	3 months (+3 months condonation on sufficient cause)	From date of communication of decision or order passed by appellate authority or revisional authority
103	Section 112	Time Limit to file appeal by DEPARTMENT	6 months	From date of communication of decision or order passed by appellate authority or revisional authority
104	Section 113	ADVISORY Time-limit to dispose appeal	Within 1 year	From date of filing of appeal, appellate tribunal shall pass a speaking order
105	Section 112	Time-limit to file memorandum of cross objection	45 days	From Receipt of notice that appeal is being filed

Sr. No.	Section / Rule No.	Description	Numeric	From/within
106	Section 161	Rectify mistake apparent from record u/s 161 (by AA)	3 months	From date of order
107	Section 113	GSTAT can correct mistakes of own order for any apparent from record, within	3 months	From date of order
		<b>REVISIONAL AUTHORITY</b>		
108	Section 108	Orders that cannot be revised		
		Period of 6 months not expired or,		From Adjudication Authorities' order
		Period of 3 years has expired		
109	Section 108	The revisional authority can revise the adjudicating authority's order		
		<ul style="list-style-type: none"> <li>❖ Before the expiry of a period of 1 year from the date of the order in such appeal [Appellate authorities order] or</li> <li>❖ Before the expiry of a period of 3 years from adjudication authorities' order</li> </ul>		
110	Section 116	Specified indirect tax gazetted officers can appear as authorised representative after	1 year	From the date of their retirement/resignation.
<b>OFFENCES &amp; PENALTIES</b>				
111	Section 129	Failure to pay penalty within	14 days	Of Detention, Then, goods confiscation proceedings will be initiated as per section 130
112	Section 129	In case of perishable or hazardous in nature	<14 days	May be reduced
113	Section 138	Allow the application indicating the	90 days	Of Application for Compounding

Sr. No.	Section / Rule No.	Description	Numeric	From/within
		compounding amount within		
114	Section 138	Person who is allowed to compound shall pay within	30 days	Of order allowing to pay
<b>JOB WORK &amp; MISCELLANEOUS PROVISIONS</b>				
115	Section 143(3) read with Section 19(3)	Time limit to bring <b>inputs</b> back, when sent to job work by principal	1 year (+1 year)	From date on which Sent out.
116	Section 143(3) read with Section 19(3)	Time limit to bring <b>inputs</b> back, when sent to job work by directly supplied by supplier	1 year (+ 1 year)	From date on which they are received by job worker
117	Section 143(4) r/w S.19(6)	Time limit to bring <b>capital goods</b> back, when sent to job work by principal	3 years (+2 years)	From date on which Sent out.
118	Section 143(4) r/w S.19(6)	Time limit to bring <b>capital goods</b> back, when sent to job work by directly supplied by supplier	3 years (+2 years)	From date on which they are received by job worker
119		Time limit to file ITC 04, when ATO > 5 crore in PFY	Half yearly by 25th of end of half year	
120		Time limit to file ITC 04, when ATO =< 5 crore in PFY	Yearly by 25 <sup>th</sup> April of succeeding FY	
121	Section 171	Immunity from penalty when profiteered amount is deposited	Within 30 days of date of passing of the order by the Authority.	

# AGGREGATE TURNOVER & MONETARY LIMITS



# 23

## AGGREGATE TURNOVER & MONETARY LIMIT SHEET

Aggregate turnover and monetary limits determine GST applicability and thresholds.

### 1. Composition Scheme

Provision	Description
<b>SECTION 2(6) OF CGST ACT</b>	<b>INCLUSIONS</b>
	Value of all taxable supplies <b>(excluding Inward RCM)</b>
	Exempt Supplies (Non-GST, Nil Rated & Wholly exempted supplies)
	Exports of goods or services or both
	Inter-State supplies of persons having the same Permanent Account Number.
	To be computed on all India PAN Basis
<b>Explanation 1 to section 10 of CGST Act.</b>	First Supplies - Value of supplies made by such person from the 1 <sup>st</sup> day of April of a financial year up to the date when he becomes liable for registration.
<b>SECTION 2(6) OF CGST ACT</b>	<b>EXCLUSIONS</b>
	Central tax, State tax, Union territory tax, integrated tax and cess
<b>Explanation 1 to section 10 of CGST Act.</b>	Exempt supply by way of extending deposit, loan or advance where consideration is represented by <b>interest or discount</b>

### 2. Registration Under GST

#### AGGREGATE TURNOVER TO INCLUDE

1. All Taxable Supplies (Excl. reverse charge inward)
2. Exempt Supplies
3. Export of goods or services
4. Inter-State supplies of persons having the same Permanent Account Number shall be computed on all India basis

#### AGGREGATE TURNOVER TO EXCLUDE [SECTION 2(6)]

**Tax Component** - Tax component i.e., Central tax, State tax, Union territory tax, integrated tax and cess shall be excluded

AGGREGATE TURNOVER TO INCLUDE	
Explanation to Section 22	Analysis
(i) Supplies made by Agent	When agent issues invoice in his own name, it shall be added in the turnover of agent. (Clarified by CBI&C circular)
(ii) Supply by Job – Work	Supply of goods, after completion of job work, directly from a <b>registered</b> job worker's premises is treated as supply of goods by the principal & shall be included in the aggregate T/O of principal. <i>(If the principal wishes to supply goods from the place of business of unregistered job worker, the place of business of job worker shall be added as “additional place of business in suppliers” registration.)</i>

### 3. Refund Under GST

Turnover of Zero-Rated supply of Goods	(a) Lower of <ul style="list-style-type: none"> <li>❖ the Free on Board (FOB) value declared in the Shipping Bill or Bill of Export form or</li> <li>❖ the value declared in tax invoice or bill of supply,</li> </ul> OR, (b) The value which is 1.5 times the value of like goods domestically supplied by the same or, similarly placed, supplier, as declared by the supplier  Whichever is less						
Turnover of Zero-Rated supply of Services	Zero-Rated Supply of Service = <ul style="list-style-type: none"> <li>❖ Payment Received during relevant period for zero-rated supply of service (+)</li> <li>❖ pre-received consideration of previous relevant period whose service has been completed in current period (-)</li> <li>❖ Pre-received consideration in current period for provision of service subsequently (i.e., Advances received)</li> </ul> <i>(Amount received in Special Vostro Account shall be treated as received in forex)</i>						
Adjusted Total Turnover (Denominator) [R. 89(4) of CGST Rules]	Adjusted Total Turnover shall include <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Include (+)</th> <th style="width: 50%;">(-) or exclude</th> </tr> </thead> <tbody> <tr> <td>Turnover in state / UT for supply of Goods &amp; Services (Excluding zero rated services)</td> <td>➤ CGST, SGST/UTGST, IGST &amp; Cess [S. 2(112)]</td> </tr> <tr> <td>Zero rated services as added in (iv) above</td> <td>➤ Exempt Supplies other than zero rated supplies of exempt supplies</td> </tr> </tbody> </table>	Include (+)	(-) or exclude	Turnover in state / UT for supply of Goods & Services (Excluding zero rated services)	➤ CGST, SGST/UTGST, IGST & Cess [S. 2(112)]	Zero rated services as added in (iv) above	➤ Exempt Supplies other than zero rated supplies of exempt supplies
Include (+)	(-) or exclude						
Turnover in state / UT for supply of Goods & Services (Excluding zero rated services)	➤ CGST, SGST/UTGST, IGST & Cess [S. 2(112)]						
Zero rated services as added in (iv) above	➤ Exempt Supplies other than zero rated supplies of exempt supplies						

### 4. Rule 86B

In order to Check the applicability of Rule 86B, the turnover shall exclude exempt supplies and export supplies.

### 5. Computation of "E" for the purpose of ITC Reversal

COMPUTATION OF "E" [SECTION 17(2), 17(3) READ WITH RULE 42 & RULE 43]		
Sr. No.	Legal Provision   Name in short	Detailed Explanation
1	<b>INCLUSIONS</b> (Section 2(47) of CGST Act)	<b>EXEMPT SUPPLY</b> means supply of any goods or services or both which attracts <ul style="list-style-type: none"> <li>❖ Nil rate of tax or</li> <li>❖ Wholly exempt from tax under section 11, or under section 6 of the Integrated Goods and Services Tax Act, and,</li> <li>❖ Non-taxable supply (<i>Petroleum products</i>).</li> </ul>
2	<b>INCLUSION</b> (Section 17(3) of CGST Act)	<b>REVERSE CHARGE OUTWARD SUPPLIES:</b> Supplies on which the recipient is liable to pay tax on reverse charge basis
3	<b>INCLUSION</b> (Section 17(3) of CGST Act read with Explanation to Chapter V of CGST Rules)	<b>TRANSACTIONS IN SECURITIES TO BE TAKEN AS EXEMPT SUPPLIES @ 1% OF SALE VALUE:</b> As per explanation to the chapter V (Input Tax Credit), the value of security shall be taken as 1% of the sale value of such security.  (Author's Note: In case of F&O contracts, 1% of Profit or Loss shall be taken, not of sale value)
4	<b>INCLUSION</b> (Section 17(3) r/w Explanation to Chapter V of CGST Rules)	<b>STAMP DUTY VALUE OF LAND AND BUILDING:</b> As per Section 17(3) of CGST Act, sale of land and, subject to clause (b) of paragraph 5 of Schedule II, sale of building shall be treated as exempt supplies. Further, as per explanation to Chapter V of CGST Rules, the value of land and building shall be taken as the same as adopted for the purpose of paying stamp duty.  <b>SCHEDULE III ITEMS ARE EXCLUDED FROM EXEMPT TURNOVER EXCEPT LAND AND COMPLETED BUILDING:</b>  As per explanation to Section 17(3) of CGST Act, the expression "the value of exempt supplies" shall not include

COMPUTATION OF "E" [SECTION 17(2), 17(3) READ WITH RULE 42 & RULE 43]		
Sr. No.	Legal Provision   Name in short	Detailed Explanation
		the value of activities or transactions specified in Schedule III, except those specified in paragraph 5 of the said Schedule
5	<b>INCLUSION</b> (NN 38/2023 – CT)	Paragraph 8 (b) of Schedule III of the Act: Supply of warehoused goods to any person before clearance for home consumption. Value shall be the value of supply of goods from Duty Free Shops at arrival terminal in international airports to the incoming passengers.
6	<b>EXCLUSIONS: Explanation to Rule 42(1)(i)</b>	<b>VAT &amp; EXCISE ON PETROLEUM PRODUCTS &amp; ALCOHOLIC LIQUOR FOR HUMAN CONSUMPTION:</b> The amount of any duty or tax levied under entry 84 and entry 92A of List I of the Seventh Schedule to the Constitution and entry 51 and 54 of List II of the said Schedule.  Thus, VAT & Excise on Petroleum products shall not be added in Exempt Turnover.
7	<b>EXCLUSIONS: Explanation 1 to Rule 43</b>	<b>INTEREST &amp; DISCOUNT TURNOVER:</b> ❖ The value of services by way of accepting deposits, extending loans or advances in so far as the consideration is represented by way of interest or discount, except in case of a banking company or a financial institution including a non-banking financial company, engaged in supplying services by way of accepting deposits, extending loans or advances; and  <b>SALE VALUE OF DUTY CREDIT SCRIP</b>
<b>Imp Points:</b> ❖ Exempt turnover of <b>state</b> shall be considered. ❖ Where the registered person does not have any turnover during the said tax period or the aforesaid information is not available, the value of "E/F" shall be calculated by taking values of "E" and "F" of <b>the last tax period</b> for which the details of such turnover are available, <b>previous to the month during which the said value of "E/F" is to be calculated.</b>		

(COMPUTATION OF "F": There is no prescribed formula, thus everything shall be included except GST & GST cess)

## → 6. Turnover on Which Tax is Paid in Composition Scheme ←

<b>COMPOSITION TAX RATES IN LIEU OF 9(1) OF CGST ACT, 2017: - (AS AMENDED BY CGST AMENDMENT ACT, 2018 W.E.F. 01.02.2019) [Section 10(1) r/w Rule 7]</b>		
<b>Type of person</b>	<b>CGST Rate</b>	<b>SGST Rate</b>
(a) Manufacturer (other than notified mfgs)	0.5% of Total Turnover in State or Union Territory	<b>0.5% of Total Turnover in State or Union Territory</b>
(b) Restaurant & outdoor catering services	2.5% of Total Turnover in State or Union Territory	<b>2.5% of Total Turnover in State or Union Territory</b>
(c) Other Suppliers (E.g. – Traders)	0.5% of <b>Taxable</b> supplies of goods and services in State or Union Territory	<b>0.5% of Taxable supplies of goods and services in State or Union Territory</b>
<b>ON RCM SERVICES TAKEN – NORMAL RATE WOULD BE APPLICABLE</b>		
<b>Summary: Total Turnover in State = All Taxable Supplies made within State/UT + Exempt Supplies* (except interest &amp; discount turnover) (-) RCM inward supplies (-) First Supplies</b>		

## → 7. Turnover for ISD Distribution ←

- ❖ ITC shall be distributed in the ratio of turnover of previous financial year
- ❖ If above is not available then the last quarter, previous to the month during which credit is to be distributed for which details of such turnover of all the recipients are available,
- ❖ Turnover means taxable goods as well as goods not taxable (exempt) under this Act reduced by excise duty & VAT levied

# 24 IMPORTANT MONETARY LIMITS

Important monetary limits define GST thresholds and compliance requirements.

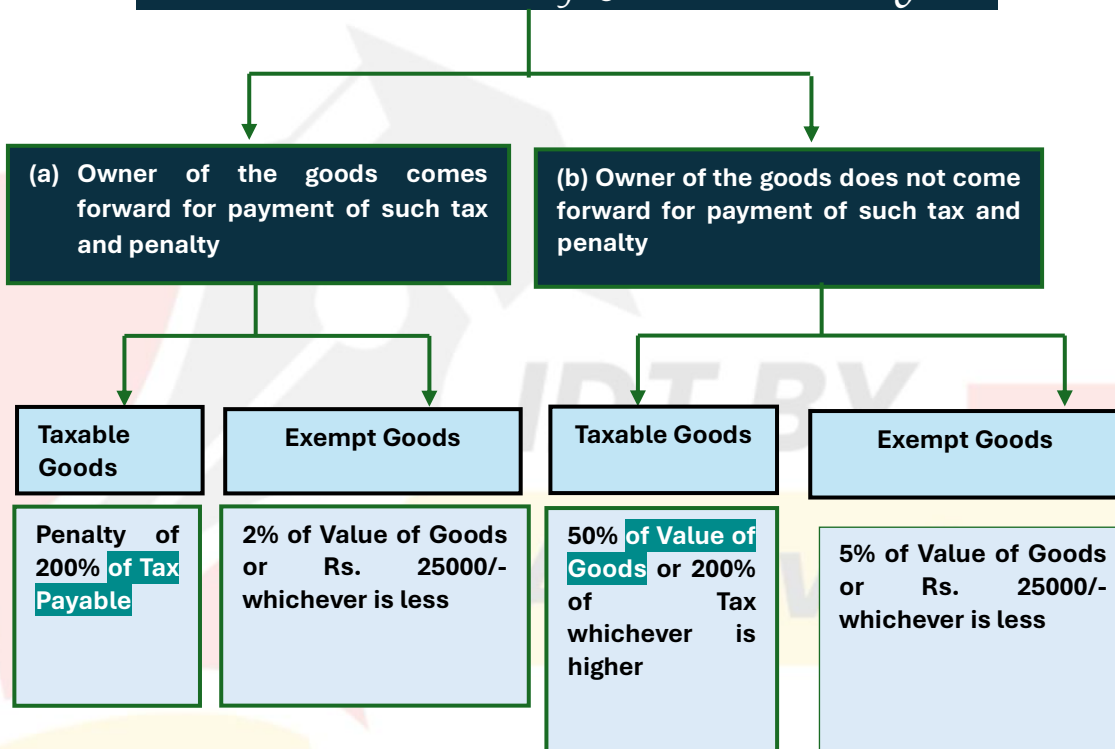
Section	Amount	Applicability/Purpose
Section 10	1.5 crores	Determination of turnover for eligibility under composition scheme in states other than Tripura, Sikkim Arunachal Pradesh Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Uttarakhand (TSUNAM3)
	75 lakhs	Tripura, Sikkim Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Uttarakhand
Section 10(2A)	50 lakhs	Scheme for service suppliers
Section 22	40 lakhs	Exclusive supply of goods for Intra state supply of goods from other than Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Puducherry, Sikkim, Telangana, Tripura, Uttarakhand (M3NS TAPU)
	20 lakhs	<ul style="list-style-type: none"> <li>For Intra state supply of any goods from M3NS TAPU other than NMMT (Nagaland, Manipur, Mizoram, Tripura)</li> <li>For Intra state Supply of specified goods from any state</li> <li>For supply of services</li> <li>For supply of inter-state handicraft goods or goods by CTP</li> </ul>
	10 lakhs	For any supply from Nagaland Manipur Mizoram Tripura
Rule 86B	50 lakhs	Month's turnover for applicability of Rule 86B (Payment of tax in 1% cash)
Section 51	2.50 lakhs	Contract value (taxable value) if exceeds 2.5 lakhs then tax deduction at source provisions is applicable
Section 10	10% of Turnover (excl. interest & Disc.) in a State or Union territory in the preceding financial year [refer note (iii)] or,	Turnover up to which a person can provide services (other than restaurant) along with eligible goods/restaurant services

Section	Amount	Applicability/Purpose
	(ii) Rs. 5,00,000.	
Rule 46 E – Invoicing	5 crores	A registered person (except specified class of persons), whose aggregate turnover in any preceding financial year from 2017-18 onwards exceeds Rs. 5 crores
Rule 46 QR Applicability	500 crores	A registered person whose aggregate turnover in any preceding financial year from 2017-18 onwards exceeds Rs. 500 crores
Rule 138	50,000	<p>Applicability of E – Way Bill</p> <p>Person causing movement of goods of <b>consignment value</b> (Value declared in an invoice, a bill of supply or a delivery challan, as the case may be, issued in respect of the said consignment <b>INCLUDING GST BUT EXCLUDING EXEMPT SUPPLIES</b>) EXCEEDING Rs. 50,000/- in relation to a supply; or for reasons other than supply; or due to inward supply from an unregistered person shall generate E – way Bill.</p> <p><b>Mandatory E - way bill irrespective of Consignment Value:</b></p> <p>(a) Inter-State transfer of goods by principal to job-worker</p> <p>(b) Inter-State transfer of handicraft goods by a person exempted from obtaining registration</p>
Section 37	1,00,000	Consolidated & Inv Wise: Interstate B2C Supplies (i.e., Supplies to unregistered persons) – Invoice wise if invoice value exceeds Rs. 2,50,000/-. B2B Supplies to be shown invoice wise. B2C Intra-state and B2C Inter-state up to 2.5L to be shown consolidated
Section 35, 44	2 crores (Annual return)	Filing of annual return in respect of financial year 2022-23 has been exempted for the registered persons whose aggregate turnover is upto Rs. 2 crores
	5 crores (GSTR 9C)	Self-certified (certified by taxpayer) reconciliation statement whose turnover is more than Rs. 5 crores
Section 39	5 crores	Applicability: GSTR 3B can be filed quarterly if turnover of preceding financial year is upto 5 crores.
Section 37	1.5 crores	Aggregate Turnover in preceding financial year exceeding Rs. 1.5 Crore shall file monthly GSTR 1
Rule 91	2.5 crores	Provisional refund would only be granted if the applicant is not accused of prosecution, where the amount of tax evasion exceeds Rs. 2.5 crores

Section	Amount	Applicability/Purpose
Rule 89 r/w S. 54	1000	Refund cannot be filed if amount is up to Rs. 1000
Section 132 r/w S. 69	5 crores	Tax evasion more than 5 crores for offences u/s 132(1) (a) to (d) are cognizable and non bailable offence. Arrest possible
Section 132 r/w S. 69	2 crores to 5 crores	Tax evasion more than 2 crores upto 5 crores for offences u/s 132(1) (a) to (d) are non-cognizable and bailable offence. Arrest possible.
Section 107	Pre-Deposit for filing appeal before appellate authority	<p><b>PRE-DEPOSIT WHEN APPEAL IS FILED BY TAXPAYER [S. 107(6)]:</b></p> <p>(a) 100% of the amount of tax, interest, fine, fee and penalty arising from the impugned order, as is admitted by him; and</p> <p>(b) 10% of the <b>DISPUTED AMOUNT OF TAX (NOT DISPUTED INTEREST &amp; PENALTY)</b> subject to Rs. 25 crores CGST &amp; Rs. 25 crores SGST, IGST - Rs. 50 cr.</p> <p>(Note: Only (b) is subject to upper cap) No pre deposit when appeal is filed by department</p>
		Appeal shall be filed against an order under section 129(3) on payment of Pre-deposit of 25% of Penalty paid by appellant
Section 112	Pre-Deposit for filing appeal before GSTAT	<p><b>PRE-DEPOSIT WHEN APPEAL IS FILED BY TAXPAYER [S. 112(8)]:</b></p> <p>(a) 100% of the amount of tax, interest, fine, fee and penalty arising from the impugned order, as is admitted by him; and</p> <p>(b) 20% of the <b>DISPUTED AMOUNT OF TAX (NOT DISPUTED INTEREST &amp; PENALTY)</b> subject to Rs. 50 crores CGST &amp; Rs. 50 crores SGST, In case of IGST - Rs. 100 crores [<b>Only (b) is subject to upper cap</b>]</p> <p>No pre deposit when appeal is filed by department</p>
	50,000	<p>❖ The Appellate Tribunal may, in its discretion, refuse to admit any such appeal where:</p> <p>(a) The tax or input tax credit involved or</p> <p>(b) The difference in tax or input tax credit involved or the amount of fine, fee or penalty determined by such order, does not exceed Rs. 50,000/-</p>

Section	Amount	Applicability/Purpose
	50 lakhs	Appeals, where the tax or input tax credit involved or the amount of fine, fee or penalty determined in any order appealed against, does not exceed Rs. 50,00,000 and which does not involve any question of law may be heard by a single Member, and in all other cases, shall be heard together by one Judicial Member and one Technical Member. If, after hearing the case, the Members differ in their opinion on any point or points

### Section 129: Detention of Goods and Conveyance



### Section 130: Confiscation of Goods or Conveyance and Levy of Penalty

#### **MAXIMUM** fine for redemption (release) of **Confiscated Goods** [S. 130(2) of CGST]

(a) Market value of the confiscated goods (-) Tax chargeable thereon or [Proviso 1 to section 130(2)],

(b) Penalty equal to 100% of the tax payable on such goods [Proviso 2 to section 130(2) *whichever is higher*

(This is maximum fine for release of confiscated goods, however actual fine would be as officer thinks fit between (a) & (b) as above, i.e., maximum fine shall not exceed market value, but shall not be less than penalty equivalent to 100% of tax payable.)

**MAXIMUM fine for redemption (release) of Confiscated Conveyance****[Proviso 3 to S. 130(2) of CGST]**

Tax payable on the goods being transported.

**Section 122(1B)**

ECO allowing other than specified person to supply thru ECO shall be liable to pay a penalty of

- ❖ Rs. 10,000, or
- ❖ an amount equivalent to the amount of tax involved had such supply been made by a registered person other than a person paying tax under section 10, whichever is higher.

**Limit for Compounding U/s 138 R/w Rule 162**

Sr. No.	Offences	Compounding amount if offence is more than 5 crores	Compounding amount if offence is more than 2 cr. Up to 5 crores
1	u/s 132(1)(a) (First Time offence)	Up to 75% of the amount of tax evaded subject to minimum of 50% of such amount of tax evaded	Up to 60% of the amount of tax evaded subject to minimum of 40% of such amount of tax evaded
2	u/s 132(1)(c) (First Time offence)		
3	u/s 132(1)(d) (First Time offence)		
4	u/s 132(1)(e) (First Time offence)		
5	u/s 132(1)(f) (First Time offence)	25% of tax evaded	25% of tax evaded
6	u/s 132(1)(h)	25% of tax evaded	25% of tax evaded
7	u/s 132(1)(i)		
8	(First time) Attempt to commit the offences or abets the commission of offences mentioned in clause (a), (c) to (f) and clauses (h) (i)		

INTEREST



# 25 INTEREST RATE CHART

Interest rate chart outlines GST interest on delays and defaults.

Sr. No.	Provision	Description	From	To	Rate of Interest per annum
<b>(1) GST - Interest Rate Chart</b>					
1	R. 37 of CGST Rules read with Section 50(3)	Interest on non-payment of consideration within 180 days	Date of Utilisation of ITC (Note 1)	Date of reversal of ITC	18%
2	S. 50 of CGST Act	Delayed payment of self assessment tax	Succeeding Day on which tax was due	Actual Date of payment	18%
3	S. 50 of CGST Act	Incorrect availment and utilisation of ITC	Date of Utilisation of ITC (Note 1)	Date of reversal of ITC	18%
4	S. 115 of CGST Act	Interest on pre-deposit	Date of payment of pre-deposit	Date of refund of pre-deposit	6%
5	S. 56 of CGST Act	Interest on Delayed Refunds (if not refunded within 60 days)	After expiry of 60 days from date of receipt of application (of refund)	Date of refund of such tax	6%
6	S. 56 of CGST Act	Interest on Delayed Refunds as a consequence of order of adjudicating / appellate authority/ appellate tribunal/ court order (if not refunded within 60 days)	After expiry of 60 days from date of receipt of application (of refund)	Date of refund of such tax	9%
7	S. 60(4) of CGST Act	Interest on amount payable under Provisional assessment	Succeeding Day after due date of payment of tax under	Actual Date of payment	18%

			provisional assessment		
8	S. 60(4) of CGST Act	Interest on amount refundable under Provisional assessment	After expiry of 60 days from date of receipt of application (of refund)	Date of refund of such tax	6%
<b>(2) Customs - Interest Rate Chart</b>					
9	S. 18 of Customs Act	Interest on amount payable under Provisional assessment	1st Day of month in which duty is provisionally assessed	Actual Date of payment of Duty	15%
10	S. 18 of Customs Act	Interest on amount refundable under Provisional assessment	After expiry of 3 months from finalization of assessment	Date of refund of such Duty	6%
11	75A(2) of Customs Act r/w S. 28AA of Customs Act	Interest on erroneous refund of drawback	Date of payment of such drawback to claimant	Date of recovery of such drawback	15% (If claimant does not pay within 2 months from date of demand, recovery proceedings will be initiated)
12	75A(1) of Customs Act r/w S. 27A of Customs Act	Interest on delayed payment of Drawback to claimant	After expiry of 1 month from date of filing drawback claim	Date of payment of such drawback	6%

**Note 1:**

"Date of utilisation of ITC would be as below:

- If Tax is paid through return (3B): Due date to file 3B or actual filing date whichever is earlier.
- If Tax is paid through other means (DRC 03): the date of debit in the electronic credit ledger when the balance in the electronic credit ledger."