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NOTIFICATIONS

CBIC amends Circular No. 31/05/2018-GST, dated 9th February 2018 on 'Proper officer under sections 73 and 74 of the Central Goods and Services Tax Act, 2017 and under the Integrated Goods and Services Tax Act, 2017'



CBIC vide Circular No- 169/01/2022 of GST dated March 12, 2022, has empowered Additional Commissioners of Central Tax/ Joint Commissioners of Central Tax of some of the specified Central Tax Commissionerate's, with All India Jurisdiction for the purpose of adjudication of the show cause notices issued by the officers of the Directorate General of Goods and Services Tax Intelligence. Consequently, para 6 and 7 of the Circular No. 31/05/2018-GST, dated 9th February, 2018 are hereby amended as below:

- The Central Tax officers of Audit Commissionerate's and Directorate General of Goods and Services Tax Intelligence (hereinafter referred to as "DGGI") shall exercise the powers only to issue show cause notices. A show cause notice issued by them shall be adjudicated by the competent Central Tax officer of the executive Commissionerate in whose jurisdiction the noticee is registered when such cases pertain to jurisdiction of one executive he notices issued by officers of DGGI, there may be cases where the principal place of business of noticees fall under the jurisdiction of multiple Central Tax Commissionerate's or where multiple show cause notices are issued on the same issue to different notices, including the persons having the same PAN but different GSTINs, having principal place of

business falling under jurisdiction of multiple Central Tax Commissionerate's. For the purpose of adjudication of such show cause notices, Additional/Joint Commissioners of Central Tax of specified Commissionerate's have been empowered with All India jurisdiction vide Notification No. 02/2022-Central Tax dated March 11, 2022. Such show cause notices may be adjudicated, irrespective of the amount involved in the show cause notice(s), by one of the Additional/Joint Commissioners of Central Tax empowered with All India jurisdiction vide Notification No. 02/2022-Central Tax dated March 11, 2022. Principal Commissioners/ Commissioners of the Central Tax Commissionerate's specified in the said notification will allocate charge of Adjudication (DGGI cases) to one of the Additional Commissioners/ Joint Commissioners posted in their Commissionerate's. Where the location of principal place of business of the notice, having the highest amount of demand of tax in the said show cause notice(s), falls under the jurisdiction of a Central Tax Zone mentioned in column 2 of the table below, the show cause notice(s) may be adjudicated by the Additional Commissioner/ Joint Commissioner of Central Tax, holding the charge of Adjudication (DGGI cases), of the Central Tax Commissionerate mentioned in column 3 of the said table corresponding to the said Central Tax Zone. Such show cause notice(s) may, accordingly, be made answerable by the officers of DGGI to the concerned Additional/ Joint Commissioners of Central Tax.

Jurisdictions are summarized as per the following table below:

Sl. No.	Central Tax Zone in whose jurisdiction the location of the principal place of business of the noticee having highest amount of demand of tax involved falls	Central Tax Commissionerate whose Additional Commissioner or Joint Commissioner shall adjudicate show cause notices issued by officers of DGGI
1	Ahmedabad	Ahmedabad South
2	Vadodara	
3	Bhopal	Bhopal
4	Nagpur	
5	Chandigarh	Chandigarh
6	Panchkula	
7	Chennai	Chennai South
8	Bengaluru	
9	Thiruvananthapuram	
10	Delhi	Delhi North
11	Jaipur	
12	Guwahati	Guwahati
13	Hyderabad	
14	Visakhapatnam (Amaravathi)	
15	Bhubaneshwar	Rangareddy
16	Kolkata	
17	Ranchi	
18	Lucknow	Lucknow
19	Meerut	
20	Mumbai	Thane
21	Pune	

Source: Circular No.169/01/2022-GST dated March 12, 2022

JUDGEMENTS AND ADVANCE RULING

High Court declines exemption from personal appearance under GST

Issue

This petition has been filed by the petitioner seeking direction of exemption from personal appearance pursuant to summons issued to the petitioner under Section 70 of the Central Goods and Services Tax Act, 2017

Judgement

Hon'ble High Court of Rajasthan passed judgement in case of Suresh Balkrishna Jajra Vs Union of India that, Though jurisdiction of the



authority is not under challenge, nor the order is alleged to be issued in exercise of any malice, in fact, against any particular authority, the ground of challenge is that the petitioner is entitled to be represented through his authorised representative

as provided under Section 116 of the Act of 2017. The other submission of learned counsel for the petitioner is that in view of clarification under FAQs, the petitioner's representation through authorised representative is required to be duly considered by the respondents. In this regard, he would submit that unless it is absolutely imperative, it is not necessary that in all cases, the petitioner should be insisted for personal appearance and he may be allowed to appear through representative also replying to various queries. Reliance has been placed on order dated 10.01.2022 passed by the High Court of Judicature at Bombay in the case of FSM Education Pvt. Ltd. Vs. Union of India (Writ Petition (L) No. 30974/2021). Learned counsel for the petitioner also brought to the notice of this Court that GST authorities

are acting in a high handed manner and in fact, son of the petitioner was apprehended in connection with the process of search and seizure, therefore, petitioner's apprehension of he being harassed is not without any basis. On the other hand, learned counsel for the respondents would submit that in this case, summons have been issued under Section 70 of the Act of 2017 by Respondent No. 3 in exercise of powers under the law. He would next submit that as the petitioner has been directed to appear personally, provisions of Section 116 of the Act of 2017 would not be applicable. Learned counsel would submit that the authorities are presumed to exercise their power in accordance with the law and in the absence of any specific allegation against the authority, who has issued summons, the petitioner is not entitled to any such relief. The argument of learned counsel for the petitioner that the petitioner is entitled to be represented through his representative in view of the provisions contained in Section 116 of the Act of 2017 is not acceptable in law because the provisions under Section 116 of the Act of 2017 will not be applicable when a person is required under the Act to appear personally for examination on oath or affirmation. This is clear from the language of the provisions itself as contained in sub-section (1) thereof, which is reproduced herein as under:

Appearance by authorised representative-(1) Any person who is entitled or required to appear before an officer appointed under this Act or the Appellate Authority or the Appellate Tribunal in connection with any proceedings under this Act, may, otherwise than when required under this Act to appear personally for examination on oath or affirmation, subject to the other provisions of this section, appear by an authorised representative. Therefore, on that count, no relief can be granted.

Source: Suresh Balkrishna Jajra Vs Union of India

Appeal No: 4741/2022

High Court passes judgement to impose only minor penalty for Bonafide mistake in date on e-way bill

Issue

State Tax Department Kerala revenue found a mistake in the format in the date in respect of the e-way bill and hence the petitioner was imposed with an amount of INR 27,540 as tax and a penalty of INR 27,540.

Judgement

Hon'ble Kerala High Court passes judgements where Petitioner seeks a direction to release the bank guarantee furnished by it after finding that the detention of goods under section 129 of the Central Goods and Service Tax Act, 2017 (for short the Act), is illegal. Through an amendment, petitioner has challenged the final order under section 129(3) issued in Form MOV-09, imposing a tax of Rs.27,540/- and an equivalent amount as penalty.

Petitioner has a valid GST registration and carries on the business in electrical contract works. It is pleaded that, in connection with the work of a hospital at Assam, some goods were transported through a vehicle after paying the required tax. During the course of transportation from Ernakulam, the goods were intercepted by the first respondent, who detained the goods under section 129 of the Act on noticing an irregularity in the e-way bill. Though the goods were being transported on 02-03-2021 (2nd March, 2021) the invoice mentioned the date as 03.02.2021 (3rd February, 2021). There was thus a discrepancy in the date on the invoice. According to the petitioner, the error occurred due

to the default computer formatting system. Instead of day-month-year (dd-mm-yyyy) formatting for the Indian system, the computer-generated bill provided for a month-day-year (mm-dd-yyyy) format. As a result, instead of 02-03-2021, the invoice bill mentioned the date as 03-02-2021. Due to the irregularity in the invoice, the goods were detained and tax and penalty was demanded. Based on representations received pointing out the imposition of penalty even in cases of minor discrepancies in the invoice/e-way bill etc. and despite the absence of major irregularities in those documents, the Central Board of Direct Taxes and Customs, by virtue of the powers conferred under section 168 of the Act issued a Circular No.64/38/2018 dated 14-09-2018, providing as follows: "4. Whereas, section 129 of the CGST Act provides for detention and seizure of goods and conveyances and their release on the payment of requisite tax and penalty in cases where such goods are transported in contravention of the provisions of the CGST Act or the rules made thereunder. It has been informed that proceedings under section 129 of the CGST Act are being initiated for every mistake in the documents mentioned in para 3 above. It is clarified that in case a consignment of goods is accompanied by an invoice or any other specified document and not an e-way bill, proceedings under section 129 of the CGST Act may be initiated. "5. Further, in case a consignment of goods is accompanied with an invoice or any other specified document and also an e-way bill, proceedings under section 129 of the CGST Act may not be initiated, inter alia, in the following situations:

- Spelling mistakes in the name of the consignor or the consignee but the GSTIN, wherever applicable, is correct.

- Error in the pin code but the address of the consignor and the consignee mentioned is correct, subject to the condition that the error in the PIN code should not have the effect of increasing the validity period of the e-way bill.
- Error in the address of the consignee to the extent that the locality and other details of the consignee are correct.
- Error in one or two digits of the document number mentioned in the e-way bill.
- Error in 4 or 6 digit level of HSN where the first 2 digits of HSN are correct and the rate of tax mentioned is correct.
- Error in one or two digits/characters of the vehicle number.

In case of the above situations, penalty to the tune of Rs.500/- each under section 125 of the CGST Act and the respective State GST Act should be imposed (Rs.1,000/-under the IGST Act) in FORM GST DRC-07 for every consignment. A record of all such consignments where proceedings under section 129 of the CGST Act have not been invoked in view of the situations listed in paragraph 5 above shall be sent by the proper officer to his controlling officer on a weekly basis

A reading of the above statutory Circular reveals that the purpose of issuing such a Circular was to mitigate the hardships being caused to taxpayers for minor discrepancies, which had no bearing on the liability to tax or on the nature of goods being transported. The circular is statutory in nature and is binding on the Tax Officers. Thus minor discrepancies cannot be penalized contrary to the mode and procedure contemplated under the Circular.

However, the Circular refers to only six instances of minor discrepancies. Strictly speaking, the present situation is not covered by the six instances mentioned in the Circular. However, the analysis of

the six instances reveals those discrepancies which have no bearing on tax liability and are caused on account of bonafide mistakes like typographical errors, or otherwise are regarded as minor discrepancies. In fact, the situation in the present case can be even brought under the broader umbrage of clause (d) of para 5 of the Circular.

In the instant case, the discrepancy pointed out is only on the date of invoice which is shown as 03.02.2021 while that shown in the e-way bill was 02.03.2021. All other details in the invoice and the e-way bill including the nature of goods transported, the details of consignor and consignee, the GSTIN of supplier and recipient, place of delivery, invoice number, value of goods, HSN code, vehicle number etc. tallied and had no discrepancy. Thus the error noticed is insignificant and not of any consequence for invoking the power conferred under section 129 of the Act to impose tax and penalty. The High Court quashed Ext.P6 and directed the first respondent to reconsider the same in the light of the Circular and the observations in this Judgment and issue fresh orders, after granting an opportunity of hearing to the petitioner, within thirty days of the date of receipt of the copy of the Judgment.

Source: Greenlights Power Solutions Vs State Tax Officer

Appeal Number : WP(C) No. 7716 of 2021

CUSTOMS

CBIC issued instructions for regarding details of all Licensee, Lessee and Contractor project-wise involved in Petroleum Operations

As a part of the Budget exercise, items used in the petroleum operations which are eligible for exemption under entry at S. No. 404 of notification No. 50/2017 dated 30th June 2017 as amended by notification No. 02/2022 dated 2nd February 2022, have been rationalized and conditions for



availing exemption under entry at S. No. 404 as well as the procedure for disposal of goods imported under the exemption have been simplified. Accordingly, the requirement of certification by DGH is done away with.

To facilitate implementation of this notification, DG (Hydrocarbon) has created a web page (link as below) to provide the details of the Contractors/ License /Operator for the Blocks currently under Petroleum Operations which is given as below:

https://online.dghindia.org/upstreamindia/oil_gasblockdetails/info

Assessing officers may, if required, verify the details of importer as available on this link.

Source: Circular No. 06 /2022-Customs dated March 17, 2022

GST REVENUE COLLECTION

The gross GST revenue collected in the month of March 2022 is ₹1,42,095 crore of which CGST is ₹ 25,830 crore, SGST is ₹ 32,378 crore, IGST is ₹ 74,470 crore (including ₹ 39,131 crore collected on import of goods) and cess is ₹ 9,417 crore (including ₹ 981 crore collected on import of goods). The gross GST collection in March 2022 is all time high breaching earlier record of ₹ 1,40,986 crore collected in the Month of January 2022).

Source: pib.gov.in

CONTACT DETAILS:

Head Office

3rd floor, MJ Tower, 55 Rajpur Road, Dehradun

T +91.135.2743283, 2747084, 2742026

E info@vkalra.com

W www.vkalra.com

Branch Office

80/28 Malviya Nagar, New Delhi

E info@vkalra.com

W www.vkalra.com

For any further assistance contact our team at
kmt@vkalra.com

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