

GST- On Beat, Off-Beat and Back Beat



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Notices under GST Article 8: FORM GST ASMT-01 to ASMT-05

This is the eighth article in the series of Notices under GST. This article covers Forms GST ASMT-01 to ASMT-05.

These five forms are linked to each other hence I am covering all five in this article.

To understand these forms, we'll have to go through their provisions:

Background and Legal Provision:

Section 60 of CGST Act 2017:

This section pertains to Provisional Assessment. Where the taxable person is unable to determine the value of goods or services or both, he/she may request the proper officer in writing giving reasons for payment of tax on a provisional basis and the proper officer shall pass an order, within a period not later than ninety days from the date of receipt of such request, allowing payment of tax on provisional basis at such rate or on such value as may be specified by him.

Rule 98 (1) of CGST Rules 2017: ASMT-01

As per Rule 98 (1) of the Rules, every registered person requesting for payment of tax on a provisional basis in accordance with the provisions of sub-section (1) of section 60 shall furnish an application along with the documents in support of his request, electronically in FORM GST ASMT 01 on the common portal, either directly or through a Facilitation Centre notified by the Commissioner.

Rule 98(2) of CGST Rules 2017: ASMT-02

As per rule 98(2) of the Rules, the proper officer may, on receipt of the application under sub-rule (1), issue a notice in FORM GST ASMT 02 requiring the registered person to

furnish additional information or documents in support of his request.

Rule 98(2) of CGST Rules 2017: ASMT-03

As per rule 98(2) of the Rules, the applicant shall file a reply to the notice in FORM GST ASMT 03, and may appear in person before the said officer if he so desires.

Rule 98(3) of CGST Rules 2017: ASMT-04

As per rule 98(3) of the Rules, the proper officer shall issue an order in FORM GST ASMT 04 allowing the payment of tax on a provisional basis indicating the value or the rate or both on the basis of which the assessment is to be allowed on a provisional basis and the amount for which the bond is to be executed and security to be furnished not exceeding twenty-five per cent of the amount covered under the bond.

Rule 98(4) of CGST Rules 2017: ASMT-05

As per rule 98(4) of the Rules, the registered person shall execute a bond in accordance with the provisions of subsection (2) of section 60 in FORM GST ASMT 05 along with a security in the form of a bank guarantee for an amount as determined under sub-rule (3):

Provided that a bond furnished to the proper officer under the State Goods and Services Tax Act or Integrated Goods and Services Tax Act shall be deemed to be a bond furnished under the provisions of the Act and the rules made thereunder.

Explanation.-For the purposes of this rule, the expression “amount” shall include the amount of integrated tax, central tax, State tax or Union territory tax and cess payable in respect of the transaction

Form ASMT 01:

FORM GST ASMT - 01 [See rule 98(1)] Application for Provisional Assessment under section60								
1. GSTIN								
2. Name								
3. Address								
4. Details of Commodity / Service for which tax rate / valuation is to be determined								
Sr. No.	HSN	Name of commodity /service	Tax rate				Valuation	Average monthly turnover of the commodity / service
			Central tax	State / UT tax	Integrated tax	Cesses		
1	2	3	4	5	6	7	8	9
5. Reason for seeking provisional assessment								
6. Documents filed								
7. Verification-								
I _____ hereby solemnly affirm and declare that the information given hereinabove is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.								
Signature of Authorised Signatory Name Designation / Status ----- Date -----								



Form ASMT 02:

FORM GST ASMT - 02
[See rule 98(2)]

Reference No.: _____ Date: _____
 To _____
 _____ GSTIN
 -----Name
 _____ (Address)

Application Reference No. (ARN) Dated

Notice for Seeking Additional Information / Clarification / Documents for provisional assessment

Please refer to your application referred to above. While examining your request for provisional assessment, it has been found that the following information/documents are required for processing the same:

<< text >>

You are, therefore, requested to provide the information /documents within a period of<< 15 days>>from the date of service of this notice to enable this office to take a decision in the matter. Please note that in case no information is received by the stipulated date your application is liable to be rejected without any further reference to you.

You are requested to appear before the undersigned for personal hearing on << Date - -- Time --Venue --->>.

Signature
Name
Designation

Form ASMT 03:

FORM GST ASMT - 03
[See rule 98(2)]

Reply to the notice seeking additional information

1. GSTIN		
2. Name		
3. Details of notice vide which additional information sought	Notice No.	Notice date
4. Reply		
5. Documents filed		

6. Verification-

I _____ hereby solemnly affirm and declare that the information given hereinabove is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Signature of Authorised Signatory

Name
Designation / Status
Date



Form ASMT 04:

FORM GST ASMT – 04
[See rule 98(3)]

Reference No.: Date

To

GSTIN -
Name -
Address -

Application Reference No. (ARN) Dated

Order of Provisional Assessment

This has reference to your application mentioned above and reply dated-----, furnishing information/documents in support of your request for provisional assessment. Upon examination of your application and the reply, the provisional assessment is allowed as under:

<< text >>

The provisional assessment is allowed subject to furnishing of security amounting to Rs.----- (in words) in the form of ----- (mode) and bond in the prescribed format by ----- (date).

Please note that if the bond and security are not furnished within the stipulated date, the provisional assessment order will be treated as null and void as if no such order has been issued.

Signature
Name
Designation

Form ASMT 05:

FORM GST ASMT - 05
[See rule 98(4)]
Furnishing of Security

1. GSTIN					
2. Name					
3. Order vide which security is prescribed				Order No.	Order date
4. Details of the security furnished					
Sr. No.	Mode	Reference no. / Debit entry no. (for cash payment)	Date	Amount	Name of Bank
1	2	3	4	5	6

Note – Hard copy of the bank guarantee and bond shall be submitted on or before the due date mentioned in the order.

5. Declaration -

- (i) The above-mentioned bank guarantees submitted to secure the differential tax on the supply of goods and/or services in respect of which I/we have been allowed to pay taxes on provisional basis.
- (ii) I undertake to renew the bank guarantee well before its expiry. In case I/We fail to do so the department will be at liberty to get the payment from the bank against the bank guarantee.
- (iii) The department will be at liberty to invoke the bank guarantee provided by us to cover the provisional assessment in case we fail to furnish the required documents/ information to facilitate finalization of provisional assessment.

Signature of Authorised Signatory
Name
Designation / Status -----
Date -----



Bond for provisional assessment
[Rule 98(3) & 98(4)]

I/We.....of.....,hereinafter called "obligor(s)", am/are held and firmly bound to the President of India (hereinafter called "the President"/ the Governor of(State) (hereinafter called the "Governor") in the sum of.....rupees to be paid to the President/ Governor for which payment will and truly to be made. I/We jointly and severally bind myself/ourselves and my/our respective heirs/ executors/ administrators/ legal representatives/successors and assigns by these presents; Dated this.....day of.....;

WHEREAS final assessment of Integrated tax/ central tax/ State tax / Union territory taxon (name of goods/services or both-HSN:.....) supplied by the above bounded obligor from time to time could not be made for want of full information with regard to the value or rate of tax applicable thereto; and whereas the obligor desires that the provisional assessment in accordance with the provisions of Section 60 be made;

AND WHEREAS the Commissioner has required the obligor to furnish bank guarantee for an amount of rupees endorsed in favour of the President/ Governor and whereas the obligor has furnished such guarantee by depositing with the Commissioner the bank guarantee as aforementioned; The condition of this bond is that the obligor and his representative observe all the provisions of the Act in respect of provisional assessment under section 60;

And if all dues of Integrated tax/ Central tax/ State tax/ Union territory tax or other lawful charges, which shall be demandable after final assessment, are duly paid to the Government along with interest, if any, within thirty days of the date of demand thereof being made in writing by the said Officer, this obligation shall be void;

OTHERWISE and on breach or failure in the performance of any part of this condition, the same shall be in full force and virtue:

AND the President/ Governor shall, at his option, be competent to make good all the loss and damages from the amount of bankguarantee or by endorsing his rights under the above-written bond or both;

I/We further declare that this bond is given under the orders of the Central Government/ State Government for the performance of an act in which the public are interested;

IN THE WITNESS THEREOF these presents have been signed the day hereinbefore written by the obligor(s).

Date :
Place :

Witnesses	Occupation
(1) Name and Address	Occupation
(2) Name and Address	
Date	
Place	

Witnesses	Occupation
(1) Name and Address	Occupation
(2) Name and Address	

Accepted by me this.....day of (month)..... (year)
..... of (Designation)
for and on behalf of the President of
India./ Governor of (state)".

Important points for consideration**In which cases the taxpayer can apply for provisional assessment?**

- ★ The facility of provisional assessment is available only in the cases of valuation and determination of rate of tax.

In which cases the taxpayer cannot apply for provisional assessment?

- ★ The provisions of this section cannot be extended for any other purpose or subject matter. For e.g.
 - Whether (IGST or CGST-SGST) applicable.
 - What will be time of supply.
 - Whether supplies to be treated as “supply of goods” or “supply of services”.
 - Admissibility of ITC.
 - Quantum of reversal of ITC.
 - Whether a particular action is supply or not.

What is a Facilitation Centre? <<<< not sure how it is related to the Provisional Assessment? pls check with the author

To help taxpayer with GST compliance including GST registration and GST return filing, the Government has introduced GST Facilitation Centres across the Country.

Taxpayers requiring any assistance with GST can approach the nearest GST Facilitation Centre for free assistance.

In which conditions/circumstances the taxpayer can go for Provisional Assessment?

- ★ If the taxable person is unable to determine the value of goods or services or both, he/she may request the proper officer in writing to give reasons for payment of tax on a provisional basis.

What are the different forms used for Provisional Assessment?

- ★ The abovementioned forms are for taxable persons seeking provisional assessment therefore, each

form has a different purpose:

ASMT 01 - This is an application form for Provisional order under section 60.

ASMT 02 - This form is a notice for seeking additional information, clarification, and documents.

ASMT 03 - This form is a reply to the seeking of additional information, clarification, and documents of FORM GST **ASMT- 02**.

ASMT 04 - This is an order for the payment of tax on a provisional basis.

ASMT 05 - This is for the taxpayer for furnishing of security.

Duties of the Registered Person/Tax Payer:

- ★ The registered person must avail this opportunity of provisional assessment after much thought and careful consideration.
- ★ The registered person is required to furnish all the additional information and documents as required by the proper officer in support of his/ her request for provisional order.

Common Advice to all the Taxpayers:

- ★ Taxpayers are always advised to keep track of the details posted on the GST portal as a good practice and timely response to the notice.
- ★ If any irregularity or error is found, the taxpayer should, if possible, attempt to correct the same in the latest return.
- ★ Taxpayers should also reconcile all returns with each other, such as the turnover recorded in GSTR 1 with GSTR 3B and the generated e-way bills.
- ★ Also, ITC reconciliation with GSTR 2A or GSTR 2B was used in GSTR 3B.