



The Institute of Cost Accountants of India
(Statutory body under an Act of Parliament)
Tax Research Department

The Concept of Demand & Recovery Under GST

ACGAAP - 10 & Date: 02.03.2025

Introduction:

- ✚ The Goods and Service Tax is payable on a **self-assessment** basis under section 59 of CGST Act, 2017.
- ✚ If the Assessee pays the tax on self-assessment **correctly** then there will not be any problem.
- ✚ If there is any
 - short payment of tax or
 - non-payment of tax or
 - wrong availment and utilisation of input tax credit (ITC) or
 - erroneously claimed refund
- ✚ then the GST authorities will initiate demand and recovery provisions against the Assessee.
- ✚ Provisions of demand under GST Act and the consequent recovery provisions are similar to the provisions of Service Tax and Central Excise Act.

Demand and Adjudication

Demand u/s 73:

- ❖ Where it appears to the proper officer that any
 - ✓ tax has not been paid or
 - ✓ short paid or
 - ✓ erroneously refunded, or
 - ✓ where input tax credit has been wrongly availed or
 - ✓ input tax credit has been wrongly utilised
- ❖ for any reason, other than the reason of fraud or any wilful-misstatement or suppression of facts to evade tax,
- ❖ he **shall** serve notice on the person chargeable with tax which has not been so paid or which has been so short paid or to whom the refund has erroneously been made, or who has wrongly availed or utilised input tax credit,
- ❖ requiring him to show cause as to why he should not pay the amount specified in the notice
- ❖ along with interest payable thereon under section 50 and
- ❖ a **penalty** leviable under the provisions of this Act or the rules made thereunder.

Demand u/s 74:

- ❖ Where it appears to the proper officer that any
 - ✓ tax has not been paid or
 - ✓ short paid or
 - ✓ erroneously refunded, or
 - ✓ where input tax credit has been wrongly availed or
 - ✓ input tax credit has been wrongly utilised

- ❖ by reason of fraud or any wilful-misstatement or suppression of facts to evade tax,
- ❖ he **shall** serve notice on the person chargeable with tax which has not been so paid or which has been so short paid or to whom the refund has erroneously been made, or who has wrongly availed or utilised input tax credit,
- ❖ requiring him to show cause as to why he should not pay the amount specified in the notice
- ❖ along with interest payable thereon under section 50 and
- ❖ a penalty equivalent to the tax specified in the notice.

Note: Suppression means not providing information which the person is legally required to state, but intentionally or deliberately not stated.

Adjudicating Authority:

As per Section 2(4) of the CGST Act, 2017 “Adjudicating Authority” means any authority, appointed, or authorised to pass any **order** or **decision** under this Act, but **does not include**

- ❖ the Central Board of Excise and Customs,
- ❖ the Revisional Authority,
- ❖ the Authority for Advance Ruling,
- ❖ the Appellate Authority for Advance Ruling,
- ❖ the Appellate Authority and
- ❖ the Appellate Tribunal

Hence, the officers who are passing the demand orders are called as Adjudicating Authority.

Officers' u/s 3 of the Central Goods and Service Tax Act, 2017:

Principal Chief Commissioners of Central Tax



Chief Commissioners of Central Tax



Principal Commissioners of Central Tax



Commissioners of Central Tax



Additional Commissioners of Central Tax



Joint Commissioners of Central Tax



Deputy Commissioners of Central Tax



Assistant Commissioners of Central Tax



any other class of officers as it may deem fit:

Note: Commissioner also called as Director

Monetary Limits to issue Notices and Orders:

The amount of CGST/IGST

- not paid or
- short paid or
- erroneously refunded or
- input tax credit of central tax wrongly availed or utilized

for issuance of show cause notices and passing of orders under sections 73 and 74 of CGST Act

Sl. No.	Officer of Central Tax	CGST (including cess)	IGST (including cess)	CGST & IGST (including cess)
1.	Superintendent of Central Tax	≤ ₹10 lakhs	≤ ₹20 lakhs	≤ ₹20 lakhs
2.	Deputy or Assistant Commissioner of Central Tax	> ₹10 lakhs ≤ ₹1 crore	> ₹20 lakhs ≤ ₹2 crore	> ₹20 lakhs ≤ ₹2 crore
3.	Additional or Joint Commissioner of Central Tax	> ₹1 crore without any limit	> ₹2 crore without any limit	> ₹2 crore without any limit

Time Limit to issue SCN

Time limit for Show Cause Notice (SCN) and Adjudication (Order):		
Nature of transaction	Time for issuance of SCN	Time of issuance of order
Other than fraud	Within 2 years and 9 months from the due date of filing Annual Return for the Financial Year to which the demand pertains or from the date of erroneous refund. Section 73(2) of the CGST Act, 2017	Within 3 years from the due date of filing of Annual Return for the Financial Year to which the demand pertains or from the date of erroneous refund. Section 73(10) of the CGST Act, 2017
Fraud case	Within 4 years and 6 months from the due date of filing Annual Return for the Financial Year to which the demand pertains or from the date of erroneous refund. Section 74(2) of the CGST Act, 2017	Within 5 years from the due date of filing of Annual Return for the Financial Year to which the demand pertains or from the date of erroneous refund. Section 74(10) of the CGST Act, 2017
Any amount collected as tax but not paid Section 76(1) and (2) of the CGST Act, 2017.	No time limit	Within 1 Year from the date of issue of notice. Section 76(6) of the CGST Act, 2017
Non-payment of self-assessed tax	No need to issue a show cause notice	Recovery proceedings can be started directly.

Amount of Penalty payable u/s 73 & 74:

SI. No	Action by the Tax Payer	Amount of Penalty Payable	
		Normal Cases	Fraud Cases
1	Tax amount, along with the interest paid before issuance of SCN	No Penalty and No Notice shall be issued	15% of the tax amount payable as penalty and no notice shall be issued
2	Tax amount, along with the interest paid within 30 Days of issuance of SCN	No Penalty and All proceedings deemed to be concluded	25% of the tax amount payable as penalty. All proceedings deemed to be concluded
3	Tax amount, along with the interest paid within 30 Days of Communication of the Order	10% of the Tax amount or Rs 10,000 whichever is higher	50% of the tax amount payable as penalty. All proceedings deemed to be concluded
4	Tax amount, along with the interest paid after 30 Days of communication of the Order	10% of the Tax amount or Rs 10,000 whichever is higher	100% of the tax amount payable as penalty.

Time limit for passing the Order u/s 73 & 74:

SI. No	Particulars	Order Passed	
		Normal Cases u/s 73	Fraud Cases u/s 74
1	Time Limit to pass Order	The proper officer shall issue the order within three years from the due date for furnishing of annual return for the financial year to which the tax not paid or short paid or input tax credit wrongly availed or utilised relates to or within three years from the date of erroneous refund.	The proper officer shall issue the order within a period of five years from the due date for furnishing of annual return for the financial year to which the tax not paid or short paid or input tax credit wrongly availed or utilised relates to or within five years from the date of erroneous refund.

Key Note:

- ✚ The proper officer shall communicate the details of the determined tax, interest, and penalty in Part A of Form GST DRC-01A
- ✚ The proper officer shall serve the show cause notice under form **GST DRC-01**
- ✚ Reply to the SCN shall be furnished by the taxable person under **GST DRC-06**
- ✚ The Order shall be passed by the proper officer under **GST DRC-07**
- ✚ The Taxable Person shall make the payment of the demand amount or any other payment voluntarily by using form **GST DRC-03** by giving the details of the same.
- ✚ On receipt of payment the proper officer shall serve and acknowledge the payment through form **GST DRC-04** accordingly.

Recovery Proceedings under GST

S.78 Initiation of recovery proceedings:

Any amount payable by a taxable person in pursuance of an order passed under this Act shall be paid by such person **within a period of 3 months** from the date of service of such order failing which recovery proceedings shall be initiated:

Provided that where the proper officer considers it expedient in the **interest of revenue**, he may, for reasons to be **recorded in writing**, require the said taxable person to make such payment within such period less than a period of **3 months** as may be specified by him.

S.79 Recovery of tax:

(1) Where any amount payable by a person to the Government under any of the provisions of this Act or the rules made thereunder is not paid, the proper officer shall proceed to recover the amount by one or more of the following modes, namely

(a) Recovery by deducting form any money owed:

- The proper officer may deduct the amount so payable from any money owing to such person which may be under the control of the proper officer
- The proper officer shall issue Form **GST DRC-09**

(b) Recovery by sale of goods under the control of proper officer:

- The sale will be by auction including e-auction by **issuing a notice** in Form **GST DRC-10**
- Perishable or hazardous goods can be auctioned **immediately**, but in other cases a 15 days' notice is required.
- The successful bidder will be **informed** in Form **GST DRC-11** requiring him to make the payment within a period of 15 days from the date of auction.
- On payment of full bid amount, the proper officer shall transfer the possession of the said goods by **issuing a certificate** in Form **GST DRC-12**

(C) Recovery from a third person:

- (i) the proper officer may, by a notice in writing, require any other person
 - from whom money is due or may become due to such person or
 - who holds or may subsequently hold money for or
 - on account of such person,
 - to pay to the Government

(ii) every person to whom the notice is issued under sub-clause (i) shall be **bound to comply** with such notice, and in particular, where any such notice is issued to a post office, banking company or an insurer, it shall **not be necessary to produce any passbook**, deposit receipt, policy or any other document for the purpose of any entry, endorsement or the like being made before payment is made, notwithstanding any rule, practice or requirement to the contrary;

(iii) in case the person to whom a notice under sub-clause (i) has been issued, **fails** to make the payment in pursuance thereof to the Government, he shall be **deemed to be a defaulter** in respect of the amount specified in the notice and all the consequences of this Act or the rules made thereunder shall follow

(iv) the officer issuing a notice under sub-clause (i) may, at any time, **amend** or revoke such notice or extend the time for making any payment in pursuance of the notice

Practical:

Recovery of defaulted money can be undertaken from such third person by issuing him a **notice** in **Form GST DRC-13** directing him to deposit the amount specified in the notice.

On payment by such person, the proper officer shall **issue a certificate** in Form **GST DRC-14** indicating the details of the liability so discharged.

(d) Recovery by sale of movable or immovable property

- The proper officer may, in accordance with the rules to be made in this behalf, **distrain (seizure of property)** any movable or immovable property belonging to or under the control of such person
- Detain the same until the amount payable is paid

- If any amount remains unpaid for a period of **30 days** next after any such distress, the proper officer may sell the property
- If any surplus arises, he may refund to the tax payer

Practical

- The Proper Officer **shall issue a notice for attachment** in form **GST DRC-16**
- Subsequently, the proper officer will serve **Notice for Auction** of Immovable / Movable Property under section 79(1) in Form **GST DRC-17**

(e) Recovery through land revenue authority:

- The proper officer may prepare a **certificate signed** by him specifying the amount due from such person and
- send it to the Collector of the district in which such person owns any property or resides or carries on his business or to any officer authorised by the Government and
- the said Collector or the said officer, on receipt of such certificate, shall proceed to recover from such person the amount specified thereunder as if it were **an arrear of land revenue**
- The proper officer shall issue **GST DRC-18** to the District Collector for recovery of the demand amount.

(f) Recovery through court:

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the proper officer may file an application to the appropriate Magistrate and such Magistrate shall proceed to recover from such person the amount specified thereunder as if it were a **fine imposed by him**.

The proper officer shall issue **GST DRC-19** in the form of Application to the Magistrate **for Recovery as Fine**.

Summary of Demand & Recovery (DRC) Forms as follows:

Form	Particulars
DRC-01A	Intimation of Tax Liability ascertained u/s 73 or 74
DRC-01B	Intimation of difference in liability reported in statement of outward supplies and that reported in return
DRC-01	Summary of Show Cause Notice
DRC-02	Summary of Statement
DRC-03	Intimation of payment made voluntarily or made against the show cause notice (SCN) or statement
DRC-04	Acknowledgement of acceptance of payment made voluntarily
DRC-05	Intimation of conclusion of proceedings
DRC-06	Reply to the Show Cause Notice
DRC-07	Summary of the order
DRC-08	Summary of Rectification / Withdrawal Order
DRC-09	Order for recovery through specified officer under section 79
DRC-10	Notice for Auction of Goods under section 79 (1) (b) of the Act
DRC-11	Notice / Information to successful bidder
DRC-12	Sale Certificate to Bidder
DRC-13	Notice to a third person under section 79(1) (c)
DRC-14	Certificate of Payment to a Third Person
DRC-15	Application Before the Civil Court requesting Execution for a Decree
DRC-16	Notice for attachment and sale of immovable/movable goods/shares u/s 79
DRC-17	Notice for Auction of Immovable/Movable Property under section 79(1) (d)
DRC-18	Certificate action under clause (e) of sub-section (1) section 79 to District Collector
DRC-19	Application to the Magistrate for Recovery as Fine
DRC-20	Application for Deferred Payment/ Payment in Instalments
DRC-21	Order for acceptance/rejection of application for deferred payment / payment in instalments
DRC-22	Provisional attachment of property under section 83
DRC-23	Restoration of provisionally attached property / bank account under section 83
DRC-24	Intimation to Liquidator for recovery of amount
DRC-25	Continuation of Recovery Proceedings

By
CMA Kedarnath
Cost Accountant
9985162155
Hyderabad...

FORM GST DRC - 01
[See rule 100(2) & 142(1)(a)]

Reference No. - ZD360221018524U

Date - 17/02/2021

To

GSTIN/ID: [REDACTED]

Name: [REDACTED]

Address : H.No. 8-3-169/48, Flat No. 102, Brahmanwadi, Siddhartha Nagar, Hyderabad, Hyderabad, Telangana, 500038

Tax Period : JUL 2017 - MAR 2018

F.Y.- 2017-2018

SCN Reference No. ZD360221018524U

Date 17/02/2021

Section / sub-section under which SCN is being issued - 73

Summary of Show Cause Notice

(a) Brief Fact of the Case : GSTR-09

(b) Grounds : GSTR-09

(c) Tax and other dues

(Amount in Rs.)

Sr. No.	Tax Rate(%)	Turnover	Tax Period		Act	POS (Place of Supply)	Tax	Interest	Penalty	Others	Total
			From	To							
1	2	3	4	5	6	7	8	9	10	11	12
1	0	0.00	JUL 2017	MAR 2018	SGST	NA	40,800.00	0.00	0.00	0.00	40,800.00

Annexure to DRC01

To
Name : ~~Ms. VINAYAKA ESTATES~~
TIN : -
GSTIN : ~~06ANNV0262C12V~~
Circle : MALKAJGIRI 2
Division : SAROOR NAGAR
Address : Plot no - 87 to 90, Annapurna Co-operative Housing society,
Malkajgiri, Malkajgiri, NULL, TGRAN, 36, 500017

1. Please take notice that examination of records in GSTN has revealed the following discrepancies resulting in short payment / non payment of output tax.
Therefore you may pay this tax immediately; or

S.No.	Item	Tax Period	SGST	CGST	IGST	Total
1	2	3	4a	4b	4c	5
1	GSTR-09	Jul,2017 - Mar,2018	40800	40800	0	81600
	Total		40800	40800	0	81600

Net tax payable as per GST act is 81600

2. You may file your objections to the above findings through GSTN within (7) days.

Additional Tax payable on account of GSTR-09									
Calculation of tax payable on account of filing GSTR 9									
S. No.	Item	Part	Row No	T.O. Column No A	CGST Column No B	SGST Column No C	IGST Column No D	Cess Column No E	Total Tax
1	2	3	4	5	6	7	8	9	10
1	Taxable supplies	II	4N	1525143	88513	88513	0	0	177026
2	Increase by Amendments	V	10	0	0	0	0	0	0
3	Deemed Supply	VI	16B	0	0	0	0	0	0
4	Unreturned Goods	VI	16C	0	0	0	0	0	0
5	Pending Demands	VI	15G	-	0	0	0	0	0
6	ITC to be recovered on account of excess claim over 2A (only if –ve)	III	8D	-	0	0	0	0	0
7	ITC to be recovered on account of excess claim of IGST on Import (only if –ve)	III	8I	-	0	0	0	0	0
8	ITC to be recovered on account of Excess claimed in GSTR 3B than GSTR 9 (only if –ve)	III (6O,6A), Total column of Tran 1 and Tran 2 returns	6O-[6A+ Tran1 +Tran2]	-	0	0	0	0	0
9	ITC to be recovered on account of Excess Reversals in GSTR-09 as compared to 3B (only if +ve)	III (7I,7E),Total of July 2017 to March 2018 4(b)(1) and 4(b)(2) of GSTR 3B	[7I-7E]-[Total of 4(B)(1) and 4(B)(2) in GSTR 3B]	-	0	0	0	0	0
10a	Total excess ITC (sum of 6 to 9)	-	-	-	0	0	0	0	0
10b	ITC claimed in 6A + 6N of GSTR 9	-	-	-	230677	230677	0	0	461354
10c	ITC to be recovered (10a or 10b, whichever is less)	-	-	0	0	0	0	0	0
11a	Gross liability (Sum of 1 to 5 + 10c)	-	-	1525143	88513	88513	0	0	177026
11b	Tran1 – CCF in VAT 200 return for June,17	-	-	0	-	0	-	-	0
11c	Total liability (sum of 11a+11b)	-	-	1525143	88513	88513	0	0	177026
12	Less: Decrease by Amendments	V	11	0	0	0	0	0	0
12a	Increase in liability because of diff. in liability on outward supplies between R1 & R9 = GSTR1 - (1+2-12) col. of the above (only if tax values are positive)	-	-	0	0	0	0	0	0
13	Net Liability = 11c+12a-12	-	-	1525143	88513	88513	0	0	177026
14	Paid in Cash in Returns	IV	9	-	47713	47713	0	0	95426
15	Paid through ITC	IV	9	-	0	0	0	0	0
16	Differential tax paid on Amendments	V	14	-	0	0	0	0	0
17	Total Payment (Sum of 14 to 16)	-	-	0	47713	47713	0	0	95426
18	Payable on account of GSTR 9 (13-17) if +ve	-	-	1525143	40800	40800	0	0	81600

Explanation for tax payable on account of GSTR-9:

- The additional tax payable on account of GSTR-9 for the period July 2017 to March 2018 is arrived based on the Annual return (GSTR-9), GSTR-3B, GSTR-1 etc filed by the Tax Payers (TP’s) for the period.
- The tax payable on account of GSTR-9 can be due to declaration of turnovers in GSTR-9, which were not declared earlier in GSTR-3B/GSTR-1 or due to excess claim of Input Tax Credit in GSTR -3B vis a vis ITC claimed in GSTR-9.
- Tran 1 and Tran 2 credits (Transitional credits) are captured from Tran-1 and Tran-2 return only , Any TP who has not filed Tran 1 and Tran 2 returns however has declared the relevant credit in GSTR -9, the same is not considered.
- In cases where the TP has declared excess Input Tax Credit in GSTR 3B returns and has rectified now in GSTR-9, the excess availed Input Tax Credit is added to tax liability.

- In cases where the TP has failed to reverse the Input tax credit in GSTR 3B but reversed the same in GSTR 9, the excess credit claimed earlier is added to the tax liability.
- The tax payable on account of GSTR-9 is arrived as below:

Tax payable on account of GSTR-9 = Net tax liability declared in GSTR 9 (+) Total excess ITC claimed (+) Under declared tax in GSTR 9 compared to GSTR 1 (–) Total tax paid (by cash and ITC)	
HEAD	SUM OF
Net tax liability declared in GSTR - 9	Taxable supplies (Table No.4N) Increase by amendments (Table No. 10) (-) Decreased by amendments (Table No. 11) Deemed Supply(Table No.16B) Unreturned goods(Table No.16C) Pending Demands(Table No.15G)
Total excess ITC claimed, to be recovered	ITC to be recovered on account of excess claim over 2A (Table No.8D) ITC to be recovered on account of excess claim of IGST on import (Table No.8I) ITC to be recovered on account of excess claim in GSTR 3B than GSTR 9 (Table No.6O-[Table No.6A+Tran1+Tran2]) ITC to be recovered on account of excess reversals in GSTR 9 than GSTR 3B ([Table No.7I- Table No.7E]-(Total of 4(B)(1) and 4(B)(2) of GSTR 3B] Excess claim of Tran 1 credit
Under declared tax in GSTR 9 compared to GSTR 1	If the Tax Payer has declared less liability in GSTR 9 compared to GSTR-1; the same is added to total liability to arrive at net liability.
Total tax paid	Tax paid in cash (Table No.9) Tax paid by adjustment of Input Tax Credit (Table No.9) Differential tax paid on Amendments (Table No.14).

* Table Number mentioned is the Table Number in GSTR-9.



The Institute of Cost Accountants of India
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Filing an intimation of Payment: Form GST DRC-03

- ✚ FORM GST **DRC-03** is a digital intimation of payment made by the Taxpayer
 - ✓ Either Voluntarily or
 - ✓ In response to the show cause notice (SCN) issued
- ✚ DRC-03 filed in response to the SCN served in FORM DRC-01 by the Department
- ✚ DRC-03 called as Intimation of Voluntary Payments
- ✚ DRC-03 is used in under following scenarios
 - ✓ Annual Return GSTR-9
 - ✓ Reconciliation Statement GSTR-9C
 - ✓ Audit
 - ✓ Enforcement
 - ✓ Intimation of tax ascertained through DRC-01A
 - ✓ Voluntary Payment
 - ✓ SCN

- ✓ Scrutiny
- ✓ Tax mismatch GSTR-1 Vs GSTR-3B
- ✓ ITC mismatch GSTR-2A/2B vs GSTR-3B
- ✓ Any Other

IMP Note:

- ✚ DRC-03 challan can be paid through
 - ✓ Cash or
 - ✓ Credit
- ✚ In order to set off through DRC-03, amount should be first added in Cash Ledger or Credit shall be available in Credit Ledger accordingly
- ✚ DRC-03 challan can be paid for Tax, Interest, penalty, fees, and others
- ✚ In case of IGST Place of Supply is mandatory (POS State) and selected the same as follows:
 - ✓ POS for Output Tax Payment: Respective State to whom Supplies made
 - ✓ POS for ITC: GSTIN Code of the Tax Payer State
- ✚ Select the section number
- ✚ Select the Financial Year for which payment is made
- ✚ Select overall tax period and
- ✚ Select specific period which means the liability pertains to the said period

How to Select:

Services >>> User Services >>> My Applications >>> Application Type >>>
Intimation of Voluntary Payment DRC-03 >>> New Application

By
CMA Kedarnath



The Institute of Cost Accountants of India

(Statutory body under an Act of Parliament)

Tax Research Department

Applying for Deferred Payment / Payment in instalments (Form GST DRC-20)

Section 80: Payment of tax and other amount in instalments:

- ❖ On an application filed by a taxable person, the Commissioner **may**, for reasons to be recorded in writing,
- ❖ extend the time for payment or allow payment of any amount due under this Act,
- ❖ **other than** the amount due as per the liability **self-assessed in any return**,
- ❖ by such person in **monthly instalments** not exceeding **24**,
- ❖ subject to payment of **interest** under **section 50** and subject to such conditions and limitations as may be prescribed:
- ❖ Provided that where there is **default in payment** of any **one** instalment on its due date,
- ❖ the **whole outstanding balance** payable on such date shall become due and payable forthwith
- ❖ and shall, without any further notice being served on the person, be liable for recovery.

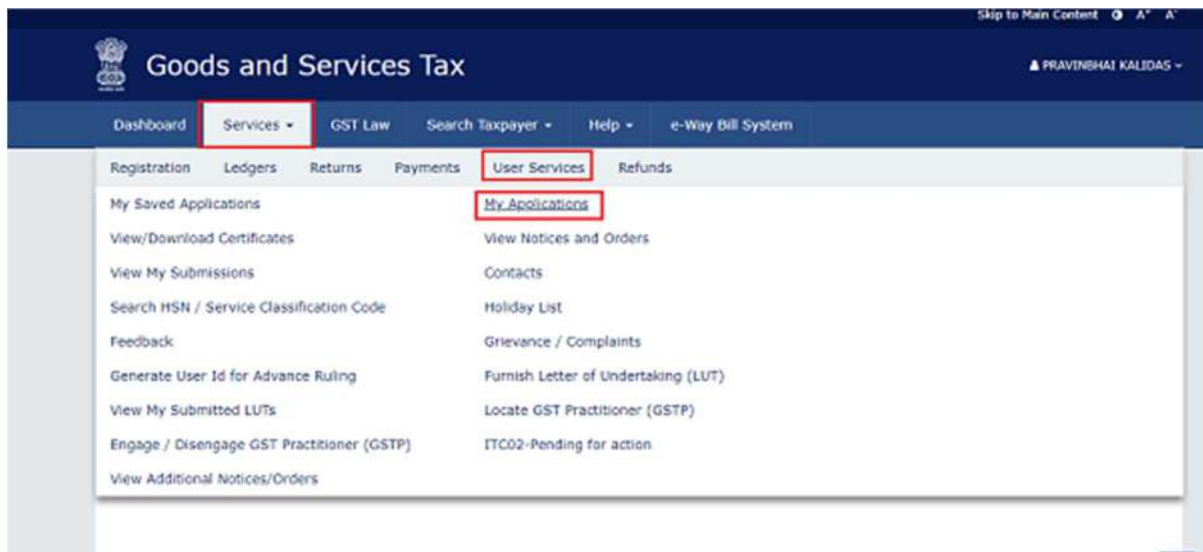
How to File an Application for Deferred Payment / Payment in Instalments through Form GST DRC-20

- ❖ **FORM GST DRC- 20** is an application filed electronically by the tax payer
- ❖ Such application shall be filed **electronically** by taxable person for
- ❖ Seeking an extension of time for the payment of taxes or any amount due under the Act or for **allowing payment** of such taxes or amount in instalments in accordance with the provisions of **section 80**,
- ❖ the commissioner shall **call for a report** from the jurisdictional officer about the financial ability of the taxable person to pay the said amount.
- ❖ Upon consideration of the request of the taxable person and the report of the jurisdictional officer,
- ❖ the Commissioner **may** issue an order in **FORM GST DRC- 21** allowing the taxable person **further time** to make payment and/or to pay the amount in such **monthly instalments**, not exceeding **twenty-four**, as he may deem fit.
- ❖ The Instalment facility shall **not** be available to:
 - the taxable person has **already defaulted** on the payment of any amount under the Act or the IGST Act, 2017 or the UTGST Act, 2017 or any of the SGST Act, 2017, for which the recovery process is on;
 - the taxable person **has not been allowed** to make payment in instalments in the **preceding financial year** under the Act or the IGST Act, 2017 or the UTGST Act, 2017 or any of the SGST Act, 2017;
 - the amount for which instalment facility is sought is **less than Rs 25,000/-**

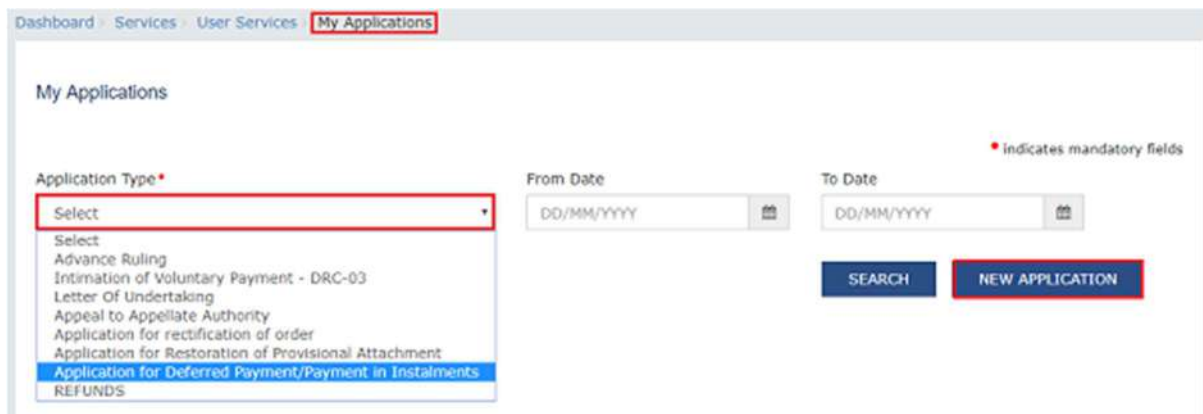
Practical Approach:

To file an Application for Rectification of Order, perform following steps:

1. Access the www.gst.gov.in URL. The GST Home page is displayed.
2. Login to the portal with valid credentials.
3. Dashboard page is displayed. Click **Dashboard > Services > User Services > My Applications**



4. **My Applications** page is displayed. In the **Application Type** field, select “**Application for Deferred Payment/Payment in Instalments**” and then click the **NEW APPLICATION** button.



5. **New Application** page is displayed. Enter details in the displayed fields as mentioned in the following steps.

Dashboard > Services > User Services > My Applications > **New Application**

Application Type	GSTIN/Temporary ID	Legal Name of the Applicant	Status
Application for Deferred Payment/Payment in Instalments	18AJIPA1572E7ZE	ANGAD JASBIRSINGH ARORA	New Application

Indicates mandatory fields

Payment Details *

Demand ID *

Enter Demand ID

SEARCH

Tax Period *

From

To

Type Of Payment *

☒ Monthly Instalments

☐ Deferred Payment

Monthly Instalments

Number of Months *

Select

CALCULATE

Details of Application for Deferred Payment / Payment in Instalments

Upload Supporting Documents

Enter Document Description

Choose File

No file chosen

Only PDF/JPEG file format is allowed

Maximum file size for upload is 5MB

Maximum 4 supporting documents can be attached in the application. The remaining documents can be handed over in hard copy.

Reasons

Enter Reason

1000 characters remaining

Reason can be given for more clarification

Verification *

☐ I, ANGAD JASBIRSINGH ARORA, hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Name of Authorized Signatory/ Applicant *

Select

Place *

Enter Place

Designation / Status

Date

21/08/2018

BACK

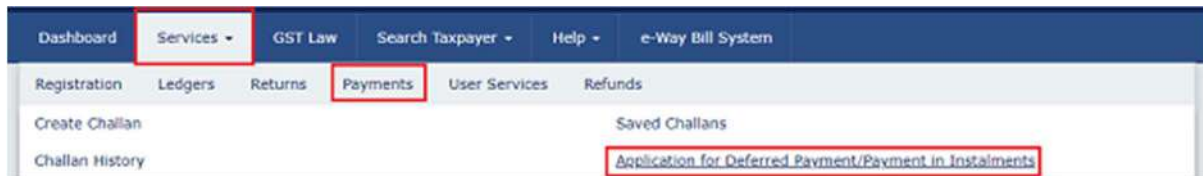
PREVIEW

SUBMIT

Note:

Alternatively, we can access this application form from the following navigation:

Dashboard > Services > Payments > Application for Deferred Payment/Payment in Instalments



5a. In the **Demand ID** field, enter the **demand id** and click the **SEARCH** button.

Details of the outstanding demand gets displayed below the SEARCH field.

Also, **Tax Period** fields below get auto-populated.

Demand ID ●

ZA2108180000270 SEARCH

Description	Integrated Tax (₹)	Central Tax (₹)	State / UT Tax (₹)	CESS (₹)
Tax/Cess (₹)	28	0	0	0
Interest (₹)	78	0	0	0
Penalty (₹)	78	0	0	0
Fees (₹)	0	0	0	0
Others (₹)	0	0	0	0
Total(₹)	184	0	0	0

Tax Period ●

From Apr 2018 To Jun 2018

5b. In **Type of Payment** field, choose one of the two radio buttons against **Monthly Instalments** or **Deferred Payment** options.

Type Of Payment*

☒ Monthly Instalments ☐ Deferred Payment

5b. i. If you select the radio button against the **Monthly Instalments** option, its field appears.

Enter the number of months and
click the **CALCULATE** button.

This will auto-calculate and display the **Expected Monthly Instalment** table.

Also, note the message below the expected monthly instalment table that mentions the per annum interest rate which will be charged on the Tax/Cess amount.

Type Of Payment*

☒ Monthly Instalments ☐ Deferred Payment

Monthly Instalments

Number of Months*

10 **CALCULATE**

	Description	Integrated Tax (₹)	Central Tax (₹)	State / UT Tax (₹)	CESS (₹)
Expected Monthly Instalment	Tax/Cess (₹)	0	38	59	0
	Interest (₹)	0	1	0	0
	Penalty (₹)	0	1	0	0
	Fees (₹)	0	0	0	0
	Others (₹)	0	0	0	0
	Total(₹)	0	39	57	0

Note: 18% interest rate per annum will be charged on the Tax/Cess Amount

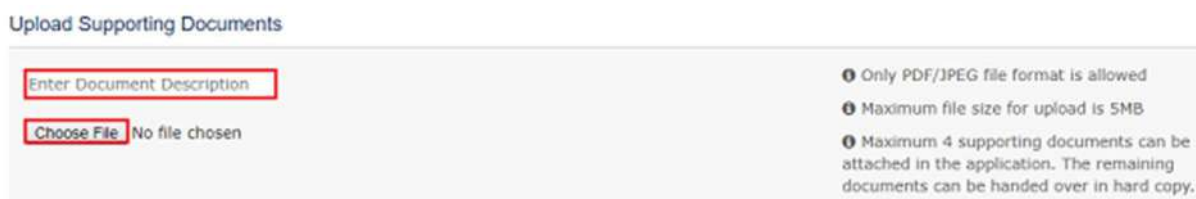
Note: Maximum no of Instalments allowed is 24 u/s 80.

5b. ii. If you select the radio buttons against the **Deferred Payment** option, its field appears.

Select your preferred **Due date of payment** from the calendar.



5c. In the **Enter Document Description** field, enter brief description of the document, if any, you wish to upload along with this application. Then, click **Choose File** to upload those document(s). This is not a mandatory field.



5d. In the **Reasons** field, if required, enter details about why you are filing this application. This is also not a mandatory field.



5e. Enter **Verification** details. The **Date** field is auto-populated based on the current system date. Select the declaration check-box and the name of the authorized signatory. Based on your selection, the field **Designation/Status** displayed below gets auto-populated. Enter the name of the place from where you are filing this application.

Verification*

☒ I, ANGAD JASBIRSINGH ARORA, hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Name of Authorized Signatory/ Applicant* Place*

ANGAD ARORA Delhi

Designation / Status Date

Manager 17/08/2018


[BACK](#) [PREVIEW](#) [SUBMIT](#)

5e. Click **PREVIEW** to download and review your application. Once you are satisfied, click **SUBMIT**.

6. **Submit Application** page is displayed. Click **ISSUE WITH DSC** or **ISSUE WITH EVC**.

Dashboard **Submit Application** English

GSTIN	Legal Name	Trade Name
18AJPA1572EAZ8	ANGAD JASBIRSINGH ARORA	Angad Provision



Warning

Digital signatures are governed by the provisions of Information Technology Act, 2000 ("IT Act") and rules made thereunder. It is a mode of authenticating electronic records [Section 2(p) of IT Act]. Affixing digital signature on any document herein is deemed to be equivalent to affixing hand written signature/mark on such information/document (Section 5 of IT Act). Fraudulently/Dishonestly making use of any other person's digital signature is a punishable offence under IT Act (Section 66 C). Before attaching your digital signature certificate, please be certain that you wish to authenticate this electronic record.

- DSC is compulsory for Companies & LLP
- Facing problem using DSC? [Click here for help](#)

[SUBMIT WITH DSC](#) [SUBMIT WITH EVC](#)

7. Provisional Acknowledgement page is displayed.

We will also receive an SMS and email intimating you of the generated ARN and successful filing of the application.

To download the filed application, click the **DOWNLOAD** button or click **Go To My Applications** link go back to **My Applications** page.

The screenshot shows the 'Provisional Acknowledgement' page. At the top, a green banner states 'Your form has been signed successfully through EVC'. Below this, a teal header reads 'Acknowledgement for submission of FORM GST DRC-20-Application for Deferred Payment/Payment in Instalments'. A message states 'Your application has been successfully submitted against AD1908190010085.' A table follows with application details: GSTIN/Temporary ID (18AJIPA1572E7ZE), Date of filing (22/08/2018), Time of filing (12:33), Place of filing (BLR), and Legal Name of the Applicant (ANGAD JASBIRSINGH ARORA). A note at the bottom says 'It is a system generated acknowledgement and does not require any signature.' Navigation links 'Go To My Applications' and 'DOWNLOAD' are visible.

GSTIN/Temporary ID	18AJIPA1572E7ZE
Date of filing	22/08/2018
Time of filing	12:33
Place of filing	BLR
Legal Name of the Applicant	ANGAD JASBIRSINGH ARORA

Note: Once the application is filed, Status of the application gets updated to “**Pending for Processing**”.

8. Additionally, following actions will take place on the GST Portal:

- Your application for payment in Instalments shall be submitted to the Commissioner of concerned jurisdictional authority and will become a pending item in his/her queue of work-items. The Officer will adjudicate on the application and either Approve or Reject your request. You can access the generated ARN and view the filed application from the following navigation: **Dashboard > Services > User Services > My Applications > Case Details > APPLICATIONS**
- Demand ID in DCR, in respect of which you have filed this application, will be flagged to show that such an application is filed against the Demand ID.
- Take action using APPLICATIONS tab of Case Details screen: View your Filed Application

To view Application Details based on which this Case was created, perform following steps:

1. On the **Case Details** page of that particular application, select the **APPLICATIONS** tab, if it is not selected by default. This tab provides you an option to view the filed application, along with its supporting documents in PDF mode. Click **BACK** to go back to **My Applications** page.

Dashboard > Services > User Services > My Applications > **Case Details**

ARN: **AD1808180000763** GSTIN/UIN/Temporary ID: **18AJIPA1572E7ZE** Date Of Application/Case Creation: **20/08/2018** Status: **Pending for Processing**

APPLICATIONS	Type of Documents	Action
ORDERS	Application for Deferred Payment/Payment in Instalments	GST DRC-20
	Supporting Documents	IT

BACK

Click **BACK** to go back to **My Applications** page.

2. Click the documents in the “**Action**” column to download and view them.

D. Take action using ORDERS tab of Case Details screen: View the Order Issued on that Application

To view and download the order issued against your application, perform following steps:

1. On the **Case Details** page of that particular taxpayer, click the **ORDERS** tab. This tab provides you an option to view the issued order, with all its attached documents, in PDF mode.

Dashboard > Services > User Services > My Applications > **Case Details** English

ARN: **AD180818000060G** GSTIN/UIN/Temporary ID: **18AJIPA1572E7ZE** Date of Application/Case Creation: **17/08/2018** Status: **Rejected**

APPLICATIONS	Order Number	Type of Order	Date of Order	Issued By	Action
ORDERS	ZA180818000136M	Rejection Order	17/08/2018	First Test Name	View

BACK

Click **BACK** to go back to **My Applications** page.

2. Click the **View** hyperlink in the “**Action**” column to download and view the issued Order.

Note 1:

- Status of this ARN/Case is “**Rejected**” as the Officer has rejected this application request.
- Status of ARN shall get updated to “Approved” in case of acceptance and “Application approved with modification” in case of modification.

Note 2:

Once the officer has processed an application for deferred/payment in Instalments, following actions will take place on the GST Portal:

- Approval or Rejection or Modification order will be generated and intimation of issue of order shall be sent via email and SMS to taxpayer.
- Status of ARN shall get updated to ‘Rejected’ in case of rejection, “Approved” in case of acceptance and “Application approved with modification” in case of modification.
- Order will be available at the dashboard of taxpayer for view, print and download: **Dashboard > Services > User Services > My Applications > Case Details > ORDERS**
- Status of Recovery ID remains the same in case of rejection. In case of acceptance or modification, the status of recovery ID shall change to “Deferred Payment/Payment by Instalments”. If there is a default in the payment of monthly instalments, the status of recovery ID shall change from Deferred Payment/Payment by Instalments to Recoverable.

By
CA CMA Kedarnath
9985162155
Hyderabad



The Institute of Cost Accountants of India

(Statutory body under an Act of Parliament)

Tax Research Department

Filing Reply to Form GST DRC-22 against proceedings initiated for recovery of Taxes

S.83 Provisional Attachment to protect revenue in certain cases





- ✚ Where assessment or adjudication are pending under
 - ❖ Section 62 Assessment of non-filers of returns;
 - ❖ Section 63 Assessment of unregistered persons;
 - ❖ Section 64 Summary assessment in certain special cases;
 - ❖ Section 73 Determination of tax not paid other than fraud;
 - ❖ Section 74 Determination of tax not paid by reason of fraud;
- ✚ The Commissioner for **protecting the interest of the Government revenue**,
- ✚ By order in writing in **Form GST DRC- 22** can attach provisionally any property, including bank account, belonging to the taxable person.
- ✚ Every such provisional attachment shall cease to have effect after the expiry of a period of **one year** from the date of the order made under sub-section (1)

Filing Reply to Form GST DRC-22 against proceedings initiated for recovery of Taxes

Recovery process in GST Portal is initiated under following conditions:

- Demand ID is created under Assessment, Enforcement, Appeal, Refund or any other module and is reflected in the Electronic Liability Register.
- Prescribed time under the GST law for making the payment of adjudged dues has expired i.e., Recovery against demand is not stayed by any competent authority,
- Demand is in recoverable stage, not within appeal period, finally adjudged, or appeal not filed against the order/appellate order (i.e., order via which demand is confirmed)

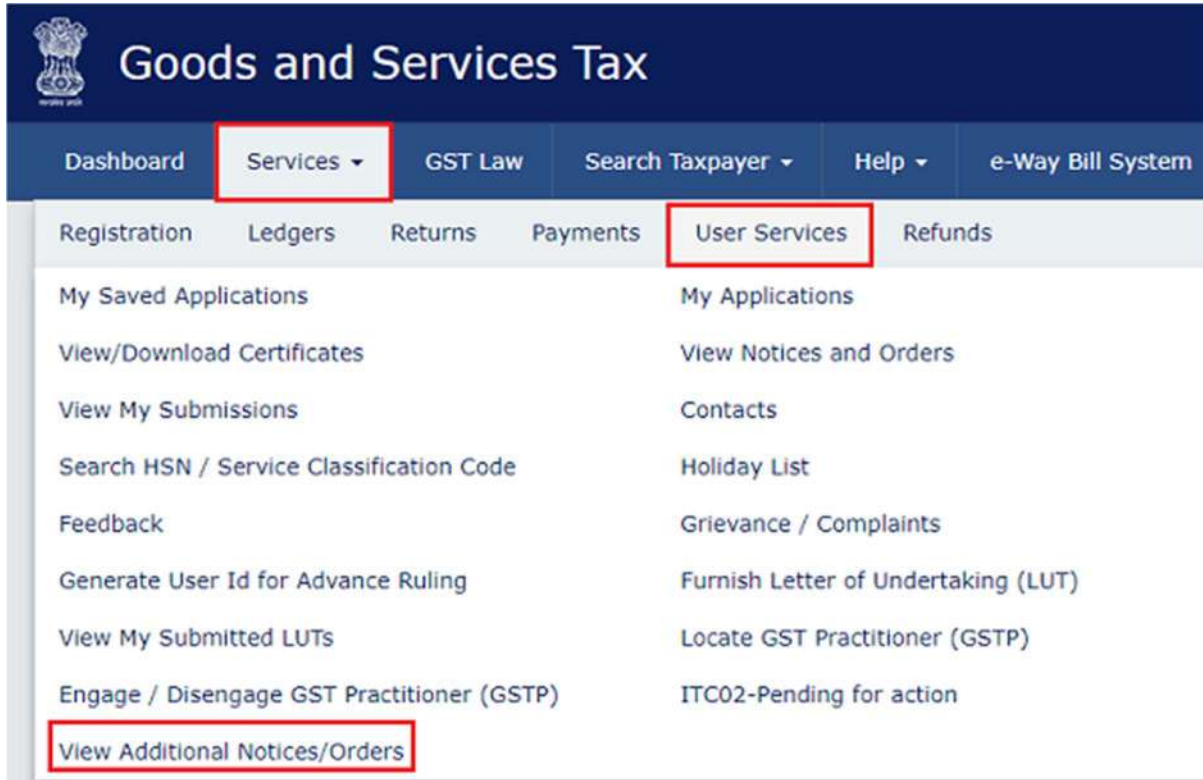
Practical Approach:

-  View: Navigate to **Services > User Services > View Additional Notices/ Orders > View > NOTICES** option.
-  No intimation through Email or SMS served
-  Reply can be given: Navigate to **Services > User Services > View Additional Notices/ Orders > View > REPLIES** option.
-  Tax Official can utilize the amount from Electronic Credit/Cash Ledger of the taxpayer to make recovery of the taxes.

To view additional orders/notices issued by the tax officer, perform following steps:

1. Access the www.gst.gov.in URL. The GST Home page is displayed.
2. Login to the portal with valid credentials.

3. Dashboard page is displayed. Click **Dashboard > Services > User Services > View Additional Notices/Orders**



Goods and Services Tax

Dashboard **Services** GST Law Search Taxpayer Help e-Way Bill System

Registration Ledgers Returns Payments **User Services** Refunds

My Saved Applications My Applications

View/Download Certificates View Notices and Orders

View My Submissions Contacts

Search HSN / Service Classification Code Holiday List

Feedback Grievance / Complaints

Generate User Id for Advance Ruling Furnish Letter of Undertaking (LUT)

View My Submitted LUTs Locate GST Practitioner (GSTP)

Engage / Disengage GST Practitioner (GSTP) ITC02-Pending for action

View Additional Notices/Orders

4. **Additional Notices and Orders** page is displayed. All orders/notices are displayed in descending order. Using the Navigation buttons provided below, search for the orders/notices you want to view. Click the **View** hyperlink to go to the Case Details screen of that particular order/notice.

Dashboard **Additional Notices and Orders**

Type of Notice/Order	Description	Ref ID	Date of Issuance	Action
RECTIFICATION OF ORDERS	Order Rectified	ZA180818000169D	20/08/2018	View
RECTIFICATION OF ORDERS	Notice for seeking additional information	ZA180818000168F	18/08/2018	View
RECTIFICATION OF ORDERS	Application Rejected	ZA180818000150W	17/08/2018	View
RECTIFICATION OF ORDERS	Order Rectified	ZA180818000149F	17/08/2018	View
RECTIFICATION OF ORDERS	Intimation of Adjournment	ZA180818000148H	17/08/2018	View
RECTIFICATION OF ORDERS	Issuance of Reminder	ZA180818000147J	17/08/2018	View
RECTIFICATION OF ORDERS	Notice for seeking additional information	ZA180818000146L	17/08/2018	View
DETERMINATION OF TAX	Order for Determination of Tax	ZA180818000118K	16/08/2018	View
DETERMINATION OF TAX	Statement and Summary thereof in Form GST DRC-02	ZA180818000116O	16/08/2018	View
DETERMINATION OF TAX	Order for proceedings dropped	ZA180818000115Q	16/08/2018	View

« 1 2 3 4 5 6 7 ... 22 »

10 25 50 100

5. **Case Details** page is displayed. From this page, you can click on the tabs provided at the left-hand side of the page to view and download their related details.

B. Take action using RECOVERY DETAILS tab of Case Details screen: View Recovery Details

To view the recovery details, perform following steps:

1. On the Case Details page of that particular taxpayer, select the RECOVERY DETAILS tab, if it is not selected by default. This tab displays all the details of demand issued and mode of recovery.

Demand ID	Total Amount as per Demand (₹)	Amount Recovered as on Date (₹)	Recoverable Amount as on Date (₹)
ZA240618000001C	84,555	10	84,545

Reference Number	Mode of Recovery	Amount Recovered via MORs (₹)	Date of Transaction	Status	Payment Reference Number
ZA2410180000321	Sale of taxable goods in control of Recovery officer	0	03/10/2018	In Progress	
NA	Utilize of Cash/ Credit Ledger	10	03/10/2018	Recovered	IP2410180000009

C. Take action using NOTICES tab of Case Details screen: View issued Notices

To view issued Notices, perform following steps:

1. On the Case Details page of that particular taxpayer, select the NOTICES tab, if it is not selected by default. This tab displays all the notices issued by the Tax Official.

2. Click the **View** link in the Action column of the table to download notices issued into your machine and view them.

Dashboard > Services > User Services > My Applications > Case Details

ARN ID2410180004533	GSTIN/UIN/Temporary ID 24ACXPK3463AMZ2	Date Of Application/Case Creation 03/10/2018	Status Recoverable
-------------------------------	--------------------------------------------------	--------------------------------------------------------	------------------------------

RECOVERY DETAILS	Notice Reference Number	Mode of Recovery	Notice Type	Issued on	Action
NOTICES	ZA241018000032I	Sale of taxable goods in control of Recovery officer	FORM GST DRC - 10 (Notice for Auction of Goods under section 79 (1) (b) of the Act)	03/10/2018	View
REPLIES					
CERTIFICATES / ORDERS					

D. Take action using REPLIES tab of Case Details screen: View/Add your reply to the issued Notice

To view or add your reply to the to Form GST DRC-22, perform following steps:

1. On the Case Details page of that particular taxpayer, select the REPLIES tab. This tab will display the replies you will file against the Notices issued by the Tax Official. To add a reply, click **ADD REPLY**.

Dashboard > Services > User Services > My Applications > Case Details

ARN ID2409180000006	GSTIN/UIN/Temporary ID 24ACXPK3463AMZ2	Date Of Application/Case Creation 26/09/2018	Status Recovered
-------------------------------	--------------------------------------------------	--------------------------------------------------------	----------------------------

RECOVERY DETAILS	ADD REPLY
NOTICES	
REPLIES	
CERTIFICATES / ORDERS	

2. The **REPLY** page is displayed.

Goods and Services Tax

Dashboard Services GST Law Search Taxpayer Help e-Way Bill System

Dashboard Services User Services My Applications Case Details

ARN: ID2409180000006 GSTIN/UIN/Temporary ID: 24ACXP3463AMZ2 Date Of Application/Case Creation: 26/09/2018 Status: Recovered

RECOVERY DETAILS
NOTICES
REPLIES
CERTIFICATES / ORDERS

Mode of Recovery*
Select

Notice Type*
Select

Notice Reference Number*
Select

Upload Reply*
Enter Document Description
Choose File No file chosen

Upload Supporting Documents
Enter Document Description
Choose File No file chosen

Verification*
☐ I, hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Name of Authorized Signatory/ Applicant*
Select

Place*
Enter Place

Designation / Status
Date: 04/10/2018

BACK SUBMIT

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Site best viewed at 1024 x 768 resolution in Internet Explorer 10+, Google Chrome 49+, Firefox 45+ and Safari 6+

3. Select the **Mode of Recovery**, **Notice Type** and **Notice Reference Number** from the drop-down list.
4. Click Choose File to upload the your reply and upload any supporting document(s) related to your reply, if any.
5. Select the Verification check-box and select the name of the authorized signatory.
6. Enter the Place where the form is filed.
7. Click **SUBMIT**.

Goods and Services Tax

Dashboard Services GST Law Search Taxpayer Help e-Way Bill System

Dashboard Services User Services My Applications Case Details

ARN: ID240918000006 GSTIN/UDN/Temporary ID: 24ACXPK3463AHZ2 Date Of Application/Case Creation: 26/09/2018 Status: Recovered

RECOVERY DETAILS
NOTICES
REPLIES
CERTIFICATES / ORDERS

Node of Recovery*
Select

Notice Type*
Select

Notice Reference Number*
Select

Upload Reply*
Enter Document Description
Choose File No file chosen

Upload Supporting Documents
Enter Document Description
Choose File No file chosen

Verification*
☒ I, hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Name of Authorized Signatory/ Applicant*
Select


Place*
Enter Place

Designation / Status
Date: 04/10/2018

BACK SUBMIT

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Site best viewed at 1024 x 768 resolution in Internet Explorer 10+, Google Chrome 49+, Firefox 43+ and Safari 6+

8. Click **PROCEED**.



Warning


Are you sure you want to submit?

CANCEL PROCEED

9. **Submit Application** page is displayed. Click **ISSUE WITH DSC** or **ISSUE WITH EVC**.

Dashboard > Submit Application English

TRADE NAME	LEGAL NAME	GSTIN/UIN/Temporary ID
LTrade	MUKESH DHANJIBHAI KARSHALA	24ACXPK3463AMZ2



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- DSC is compulsory for Companies & LLP
- Facing problem using DSC? Click here for help

SUBMIT WITH DSC SUBMIT WITH EVC

10. A success message is displayed with the generated Reference number. Click **OK**.

Dashboard > Services > User Services > Provisional Acknowledgement

✔ Reply submitted successfully with Reference Id ZA2410180000493

OK

11. The updated **REPLIES** tab is displayed, with the record of the filed reply in a table. You can also click the documents in the Action section of the table to download them.

Dashboard > Services > User Services > My Applications > Case Details

ARN	GSTIN/UIN/Temporary ID	Date Of Application/Case Creation	Status
ID2409180000006	24ACXPK3463AMZ2	26/09/2018	Recovered

RECOVERY DETAILS
NOTICES
REPLIES
CERTIFICATES / ORDERS

ADD REPLY

Reply Reference Number	Mode of Recovery	Notice Type	Notice Reference Number	Date of Reply	Action
ZA2410180000493	Attachment/Seizure of Immovable/Movable properties by Tax Authorities	FORM GST DRC - 16 (Notice for attachment and sale of immovable/movable goods/shares under section 79)	ZA2409180001105	04/10/2018	Supporting doc

Note: Once you file your reply successfully, following actions take place on the **GST Portal**:

- You will receive an acknowledgement intimation via your registered email and SMS, along with the generated RFN.
- Your reply will be available on Tax Official's dashboard.

E. Take action using CERTIFICATES/ ORDERS tab of Case Details screen: View Order Issued Against Your Case

To download order issued against your case, perform following steps:

1. On the Case Details page of that particular taxpayer, click the CERTIFICATES / ORDERS tab. This tab provides you an option to view the issued order or certificate, with all its attached documents, in PDF mode.
2. Click the **View** link in the Action column of the table to download and view them.

Dashboard > Services > User Services > My Applications > Case Details					
ARN ID2409180000008		GSTIN/UTN/Temporary ID 24ACXPK3463AMZ2	Date Of Application/Case Creation 26/09/2018	Status Recoverable	
RECOVERY DETAILS	Certificate/Order Reference Number	Mode of Recovery	Certificate/Order Type	Issued on	Action
NOTICES	ZA241018000017A	Issuance of Certificate to Revenue Authorities	FORM GST DRC - 18 (Certificate action under clause (e) of sub-section (1) section 79)	03/10/2018	View
REPLIES	ZA240918000154T	Sale of taxable goods in control of Recovery officer	FORM GST DRC - 12 (Sale Certificate)	28/09/2018	View
CERTIFICATES / ORDERS					

By
CA CMA Kedarnath
9985162155
Hyderabad



The Institute of Cost Accountants of India

(Statutory body under an Act of Parliament)

Tax Research Department

Theory of Prosecution and Compounding in GST

Prosecution under GST

Prosecution is the conducting of legal proceedings against someone in respect of a criminal charge / activity

Offences liable for prosecution

Any person committing the following offences (i.e., deliberate intention of fraud) becomes liable to prosecution.

- a. Supplies any goods/services without issue of an invoice in order to evade tax
- b. Issues any invoice without supplying any goods/services
- c. Avails Input Tax credit using such invoice as specified in clause (b)
- d. Collects any amount of Tax but fails to pay the same to Government beyond a period of **3 months**.
- e. Evades tax, fraudulently avails ITC or fraudulently obtains refund
- f. Submits fake financial records/ documents or files fake returns to evade tax
- g. Obstructs the proper officer during his duty (for example, hinders the officer during the audit by tax authorities)

- h. Acquires/receives any goods/services with full knowledge that it is in violation of GST rules and is liable for confiscation
- i. Destroys any evidence
- j. Does not provide information/ gives false information during proceedings
- k. Helps any person to commit fraud under GST

Punishment:

The person committing any of the offences above shall be punished as follows:

Tax amount involved	100-200 lakhs	200-500 lakhs	Above 500 lakhs
Bailable or Non-Bailable	Bailable	Bailable	Bailable**
Jail term	Upto 1 year	Upto 3 years	Upto 5 years

Note: above punishment also includes fine

****If a person commits the following offences AND the amount involved exceeds 500 lakhs then the offences are non-bailable-**

1. Supplies any goods/services without an invoice in order to evade tax
2. Issues any invoice without supplying any goods/services- thus taking input credit or refund by fraud
3. Collects any amount of Tax but **fails** to pay the same to Government beyond a period of **3 months**.

This is in keeping with the government's anti-tax evasion stance by bringing in stricter measures.

Punishment for the below offences:

- Destroying any evidence
- Preventing the officer from his duty,
- Falsifying information or
- Helping someone to commit any offence
- He is liable for up to 6 months imprisonment with fine

Repeat offenders:

- If the offense is repeated a second time then punishment can extend up to 5 years with fine.
- A person can't be prosecuted without the prior sanction of the Commissioner.

Meaning of Compounding:

- ✚ Compounding has not been defined in GST Act or Rules, however "Compounding" means payment of monetary compensation or fine, instead of under going prosecution for an offence committed, which warrants such prosecution.
- ✚ Compounding of offence means paying off monetary compensation instead of undergoing prosecution.
- ✚ It is a kind of settlement between the taxpayer and the department to avoid criminal proceedings.
- ✚ It leads to the dropping of prosecution proceedings and further no penalty can be charged for the same offence.
- ✚ Compounding is essentially a contract between the Govt and offender where by the state secures revenue and offender secures immunity from prosecution
- ✚

Section 138 Compounding of offences.

- ✚ Any offence under this Act may, either before or after the institution of prosecution
- ✚ On an application filed by the accused of the offence and
- ✚ by making requisite monetary payment
- ✚ The Commissioner has the power to compound the offence

Compounding will not be available for-

- ❖ Any person who has **already** committed any of the offences specified u/s 132 under prosecution (as discussed above), i.e., second-time offenders will not be allowed to compound.
- ❖ A person who had committed an offence before under GST involving supplies above Rs. 1 crore and has been allowed to **compound before**. Thus, it stands, any person previously enjoying compounding for goods/services over Rs. 1 crore will not enjoy compounding a second time.
- ❖ Any person who is also being tried under **other acts** such as Narcotic Drugs Act, FEMA etc.
- ❖ Any person convicted by a **court** under GST
- ❖ Any person giving **false information** during proceedings, or preventing the officer from his duty or destroying evidence

Note: Compounding will be allowed only after payment of all tax, interest and penalty dues.

Amount payable for compounding:

- ✚ The amount payable for compounding of offences shall be 50% of the tax involved subject to a minimum Rs. 10,000.
- ✚ Maximum amount for compounding is 150% of the tax (or) Rs. 30,000 -Whichever is higher.

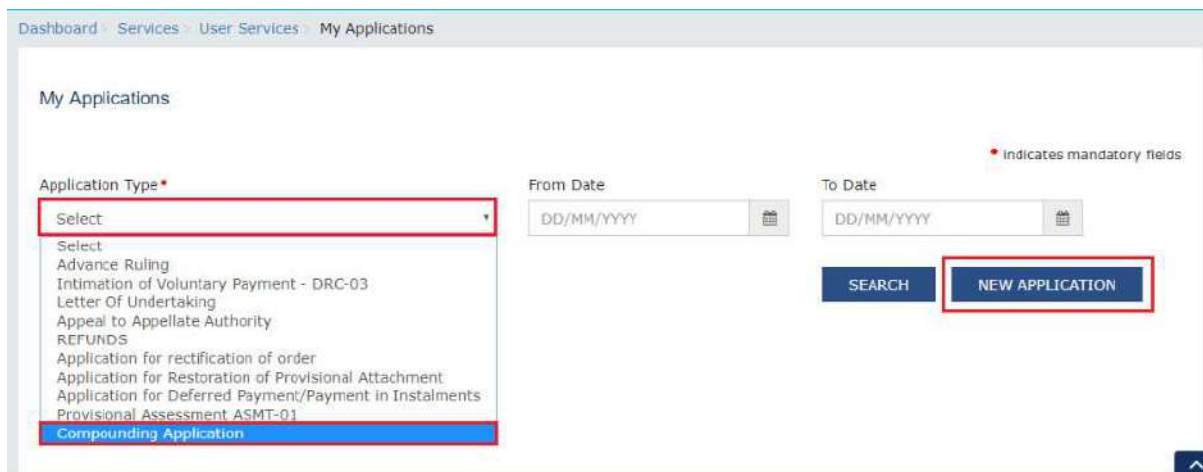
Practical Approach:

Steps to apply for Compounding of an Offence under GST

Step 1: Log in to the GST portal and navigate to Dashboard> Services> User services> My Applications.



Step 2: On the 'My Applications' page, select the application type as 'Compounding Application' and then click on the 'New Application' button.



The 'Compounding Application' page will be displayed.

Provide details in the following fields:

1. Whether order for initiation of prosecution has been filed?

If 'yes': Enter the prosecution notice number and click on the search button. The prosecution details at 2, 3 and 4 will get auto-populated. Skip to point 5.

If 'no': Provide the order reference number in 'Any other order against which prosecution is contemplated?'. Here, the taxpayer needs to fill in the details.

2. Provisions violated under the Act:

Select the one or more of the applicable cases as given in the above screenshot.

3. Amount of evasion:

Enter the amount under respective major and minor heads.

4. Period of offence:

Enter the 'From' and 'To' dates.

5. Details of whether it is a first offence or not:

Select 'Yes' or 'No'. If yes, proceed to point 6, but if 'no', then provide details of previous cases in 250 characters and then proceed.

6. Whether any proceedings for the same offence is contemplated under any other law?

Select 'Yes' or 'No'. If yes, provide details of previous cases in 250 characters and then proceed. If not, then proceed to upload documents.

7. Upload supporting documents:

This is an optional field. If required, an applicant can upload a supporting document.

8. Declaration checkbox:

Select the checkbox and enter verification details. Select the name of the authorised signatory and place.

Step 4: Click on the preview button to preview the application in Form GST CPD-01 and then click proceed to file. A warning message will pop up. Click on proceed to file.

Form GST CPD - 01

(See rule 162(1))

Application for Compounding of Offence

1. GSTIN/Temporary ID/UIN: 24ABCFM8147P126
 2. Legal Name: PRAVINBHAI KALIDAS MISTRY
 3. Address: t. t. t. Ahmedabad, Gujarat, 381000

4. The violation of provisions of the Act for which prosecution is instituted or contemplated

(a) Supplies any goods or services or both without issue of any invoice, in violation of the provisions of this Act or the rules made thereunder, with the intention to evade tax

(b) Issues any invoice or bill without supply of goods or services or both in violation of the provisions of this Act, or the rules made thereunder leading to wrongful availment or utilisation of input tax credit or refund of tax

5. Details of adjudication order/notice:

- Reference Number: ZA2401190000292
 - Date: 18/01/2019
 - Period of Offence: From: 01/09/2018 To: 01/12/2018
 - Amount of evasion involved, if any

Particulars	Central Tax(₹)	State/ UT Tax(₹)	Integrated Tax(₹)	Cess(₹)	Total(₹)
Tax	₹45,00,000	₹45,00,000	₹70,00,000	₹0	₹1,60,00,000
Interest	₹8,10,000	₹8,10,000	₹12,60,000	₹0	₹28,80,000
Penalty	₹30,00,000	₹30,00,000	₹40,00,000	₹0	₹1,00,00,000
Fine, if any	₹0	₹0	₹0	₹0	₹0
Others	₹0	₹0	₹0	₹0	₹0
Total:					₹2,88,80,000

6. Brief facts of the case and particulars of the offence (s) charged: Refer Annexure

7. Whether this is the first offence under the Act: Yes

8. If answer to 7 is in the negative, the details of previous cases: -

9. Whether any proceedings for the same offence is contemplated under any other law: No

10. If answer to 9 is in the affirmative, the details thereof: -

Supporting Documents:

1. More Compounding Details

Declaration:

- ☒ (1) I shall pay the compounding amount, as may be fixed by the Commissioner.
☒ (2) I understand that I cannot claim, as a matter of right, that the offence committed by me under the Act shall be compounded.

Verification details:

I, ANGAD JASBIR SINGH ARORA, son/daughter/wife of JASBIR SINGH AJAIB SINGH ARORA do hereby solemnly declare that to the best of my knowledge and belief what is stated above and in the annexure(s), including the documents are correct. I am making this application in my capacity as CEO (designation) and that I am competent to make this application and verify it.

Name of Authorized Signatory
ANGAD ARORA[AJPA1572E]

Place
Surat


Designation / Status
CEO

Date
18/01/2019

Step 5: Submit with DSC or EVC.

[Dashboard](#) [Submit Application](#) English

GSTIN	Legal Name	Trade Name
18AJIPA1572EABZ	ANGAD JASBIRSINGH ARORA	Angad Provision



Warning

Digital signatures are governed by the provisions of Information Technology Act, 2000 ("IT Act") and rules made thereunder. It is a mode of authenticating electronic records [Section 2(p) of IT Act]. Affixing digital signature on any document herein is deemed to be equivalent to affixing hand written signature/mark on such information/document (Section 5 of IT Act). Fraudulently/Dishonestly making use of any other person's digital signature is a punishable offence under IT Act (Section 66 C). Before attaching your digital signature certificate, please be certain that you wish to authenticate this electronic record.

- ❗ DSC is compulsory for Companies & LLP
- ❗ Facing problem using DSC? [Click here for help](#)

[SUBMIT WITH DSC](#) [SUBMIT WITH EVC](#)

An application reference number is generated as follows:

Application Type	GSTIN/Temporary ID/UIN	Legal Name	Status of the Applicant
Compounding of Offence	24ABCPM8147P1Z6	PRAVINBHAI KALIDAS MISTRY	Registered

[Go To My Applications](#)

Acknowledgment of submission of Application for Compounding of Offence

You have filed the application successfully and the particulars of the application are given as under:

Application Reference Number (ARN)	AD240119000015U
GSTIN/UIN/Temporary ID of the Taxpayer	24ABCPM8147P1Z6
Name of the Taxpayer	PRAVINBHAI KALIDAS MISTRY
Date of filing	18/01/2019
Form No.	GST CPD-01
Form Description	Application for Compounding of Offence

It is a system generated acknowledgement and does not require any signature.

[DOWNLOAD](#)

FAQs on Compounding of an Offence under GST

1. When can a taxpayer file an application for compounding of offence?

The prosecution is instituted: When an order for initiation of prosecution has been issued against the taxpayer.

The prosecution is contemplated: When the taxpayer is voluntarily filing this application for Compounding of Offence.

2. What changes occur on the GST portal on filing GST CPD-01?

The taxpayer's dashboard gets updated with the record of filed applications.

Status of application changes to 'Compounding Application Submitted'

The application will now show up in the concerned authority's queue for subsequent action to be taken.

3. What happens on the GST portal if the concerned authority accepts or rejects the application?

The dashboard of the taxpayer and tax official gets updated with the record of the issued order.

Status of the ARN changes to :

- Compounding allowed – If the authority accepts the application.
- Compounding rejected – If the authority rejects the application.

4. What is the procedure for conducting compounding proceedings?

The general process is as follows:

1. The taxpayer files an application in Form GST CPD-01.
2. The concerned authority examines the form and issues hearing notice to the prosecution.
3. The taxpayer can file a reply to the issued notice or can appear on the day of the scheduled hearing.
4. On the date of hearing, the concerned authority may either issue an Adjournment Notice to the taxpayer with details of a new date, place and time of hearing or issue an order allowing or rejecting the application.

5. Can a taxpayer submit a rectification request against the compounding order?

Yes, in case of apparent error, a taxpayer can file a rectification request within three months of the order.

By

CA CMA Kedarnath

9985162155

Hyderabad

DEMAND AND RECOVERY - Time barred Limitation

After Extended via NN 56-2023 CT Dated 28-12-2023

FY	Extended Due Date or Original Date of GSTR9	Section 73		Section 74	
		Notice Can be ISSUED Max by [at least 3M before order]	Order can be ISSUED Max by [3 Years from Due date of G9]	Notice Can be ISSUED Max by [at least 6M before order]	Order can be ISSUED Max by [5 Years from Due date of G9]
2017-18	5-Feb-20	30-Sep-23	31-Dec-23	5-Aug-24	5-Feb-25
2018-19	31-Dec-20	31-Jan-24	30-Apr-24	30-Jun-25	31-Dec-25
2019-20	31-Mar-21	31-May-24	31-Aug-24	30-Sep-25	31-Mar-26
2020-21	28-Feb-22	30-Nov-24	28-Feb-25	28-Aug-26	28-Feb-27
2021-22	31-Dec-22	30-Sep-25	31-Dec-25	30-Jun-27	31-Dec-27
2022-23	31-Dec-23	30-Sep-26	31-Dec-26	30-Jun-28	31-Dec-28

*In case Tax has been collected but not paid, No time limit u/s 76

** In case of erroneous refund, date of 3 / 5 years to be counted from date of Refund Order

*** When any Notice or Order Stayed by Court or Tribunal, such period will be excluded