



**The Institute of  
Cost Accountants  
of India (ICAI)**

**Goods & Services Tax (GST) Certification Course**

# Disclaimer

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The presentation has been prepared to provide an overview of the applicable law pertaining to the subject matter. For detailed insight and for better understanding, its is advised to refer to relevant provisions in the Act and the related rules & notifications.



# Assessment under GST

# What is an 'Assessment'

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- “the act of judging or deciding the amount, value, quality, or importance of something, or the judgment or decision that is made” - Cambridge Dictionary
- “Assessment” means determination of tax liability under this Act and includes self-assessment, re-assessment, provisional assessment, summary assessment and best judgment assessment - *Sec 2(11) of CGST Act*

# Types of Assessment

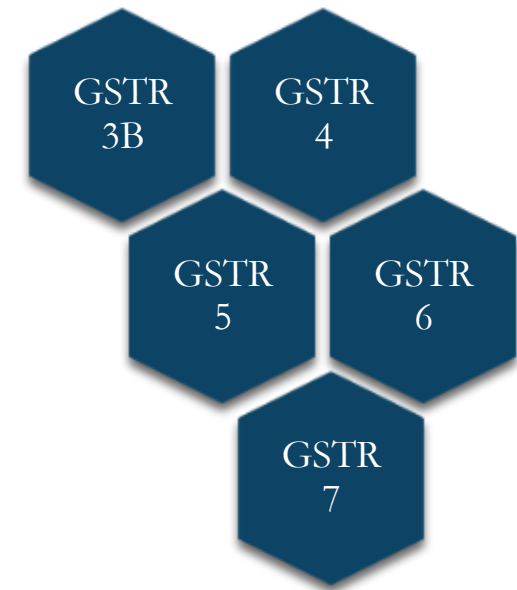
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- Self Assessment
- Provisional Assessment
- Re-assessment/ Scrutiny Assessment
- Best Judgement Assessment
- Summary Assessment

# Self Assessment – Sec 59

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- Every registered person shall self-assess the taxes payable under this Act and furnish a return for each tax period as specified under section 39 of CGST Act.
- Filing of a return implies self-assessment



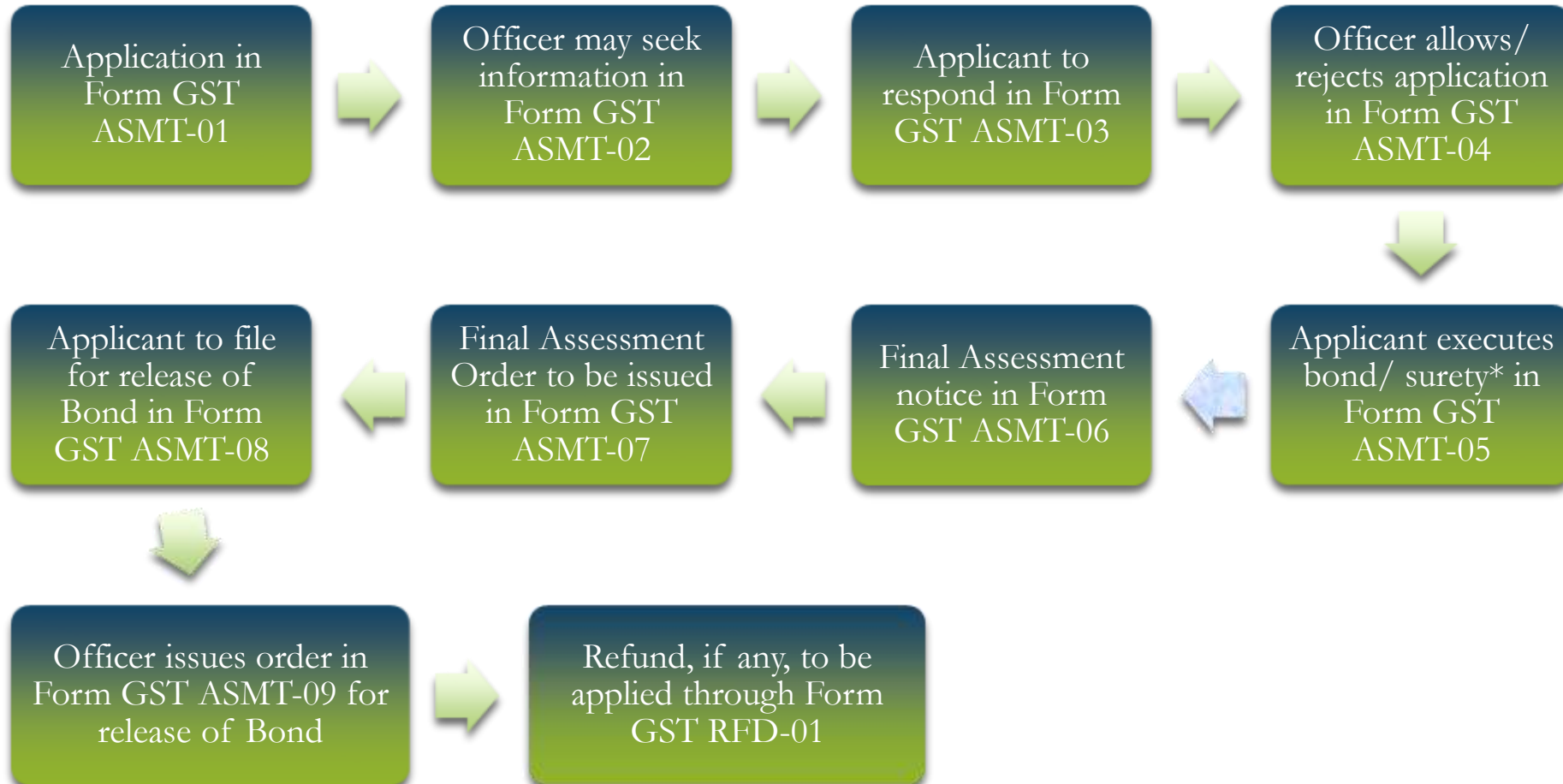
# Provisional Assessment – Sec 60

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- If the taxable person is unable to determine the value of goods or services or both or determine the rate of tax applicable.
- Request the Proper Officer in writing, giving reasons for payment of tax on a provisional basis.
- Proper officer shall pass an order, within a period not later than 90 days from the date of receipt of such request.
- Allowed only if the taxable person executes a bond with such surety or security as the Proper officer may deem fit, binding him for payment of the difference between the amount of tax as may be finally assessed and the amount of tax provisionally assessed.
- Final order shall be passed within 6 months of the Provisional Order (can be extended by maximum further 6 months by Additional/ Joint Commissioner or further up to 4 years by Commissioner).

# Provisional/ Final Assessment

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- Interest @ 18% p.a. payable in case tax assessed under provisional assessment is not paid within the due date. Interest to be calculated from the 1st day after the due date of payment of tax till the date of actual payment.
- What if the tax paid under provisional assessment is lower than the tax determined as per final assessment?
- In case the tax paid is higher than tax payable as determined under the Final Assessment Order, interest on refund applicable only if the amount is not refunded within 60 days of the order. Interest applicable @ 6% p.a.

# Scrutiny Assessment – Sec 61

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- Returns filed under GST laws to be scrutinised by the Proper Officer
- Discrepancies noticed to be served in Form GST ASMT-10 seeking explanations thereto.
- Notice to contain specifics of the discrepancies, amount of tax involved (wherever possible) and revert by date (usually not exceeding 30 days from the date of the service of the notice).
- Within 30 days of the notice (or extension, if allowed), taxpayer to either
  - pay the amount in demand, or
  - revert with proper explanations in Form GST ASMT-11.
- In case of satisfactory revert, Proper Officer to revert in Form GST ASMT-12 and no further action shall be initiated.
- In case no satisfactory revert received or if the taxpayer, after accepting the discrepancies, doesn't take corrective actions, Proper Officer to invoke provisions of Audit, Inspection or Demand & Recovery under the Act and initiate appropriate action(s).

# Best Judgement Assessment – Sec 62

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- **Non filers**

- Non submission of Monthly and/or Annual Return even after serving Notice
- Proper Officer to proceed with assessment of liability on best of his judgement, based on relevant material available, in Form GST ASMT-13 along with summary in Form GST DRC-07
- Limitation period – 5 years from the due date of furnishing of Annual Return for the FY to which the tax not paid relates to.
- If the registered person furnishes valid return within 30 days from the date of serving the ‘best judgement’ assessment order, the order is deemed to have been withdrawn. However, liability relating to interest and late fee shall continue.

- **Others**

- Liable for registration but not registered/ Registration cancelled u/s 29(2) of CGST Act but liability to pay tax remains
- Proper Officer to issue Notice in Form GST ASMT-14 along with summary in Form GST DRC-01 seeking details and explanations, to be reverted within 15 days.
- Proper Officer to proceed with assessment of liability on best of his judgement in Form GST ASMT-15 along with summary in Form GST DRC-07
- Limitation period – 5 years from the due date of furnishing Annual Return for the FY to which the tax not paid relates to.
- No Order to be passed without giving the person an opportunity to be heard.

# Summary Assessment – Sec 64

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- Order, in Form GST ASMT-16 along with summary in Form GST DRC-07, to be invoked only if there are sufficient grounds that any delay may adversely affect the interest of Government.
- Proper Officer, with prior permission of Additional/ Joint Commissioner, may proceed to assess the tax liability and issue Assessment Order.
- In case of supply of goods, if the person to whom such liability pertains is not identifiable, the person-in-charge of such goods shall be deemed to be the taxable person.
- Taxable person may, within 30 days from the receipt of the Order, file to the Additional/ Joint Commissioner, an application in Form GST ASMT-17 for withdrawal of the Order.
- The Additional/ Joint Commissioner, may, on his own motion, withdraw the Order in case it is deemed that the Order is erroneous.
- Order of withdrawal of Order or rejection of the application shall be communicated in Form GST ASMT-18

# Ground rules – Sec 160

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- No assessment, re-assessment or other proceedings initiated in pursuance of any of the provisions of the Act shall be invalid or deemed to be invalid merely by reason of any mistake, defect or omission therein, if such proceedings are in substance and effect in conformity with or according to the intents, purposes and requirements of the Act or any existing law.
- The service of any notice, order or communication shall not be called in question, if the notice, order or communication, as the case may be, has already been acted upon by the person to whom it is issued or where such service has not been called in question at or in the earlier proceedings commenced, continued or finalised pursuant to such notice, order or communication.

# Summing Up

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## Self Assessment

Self assess tax liabilities, pay tax and file return

## Provisional Assessment

If you are unsure of Value of Supply and/ or Rate of Tax, ask the Proper Officer

## Scrutiny Assessment

Officer checks your returns for correctness and inform discrepancies, if any

## Best Judgement Assessment

Officer assesses liabilities in case of non filers and “tax evaders”

## Summary Assessment

Fast track assessment, usually ex-parte, in cases where there is a potential risk of “default”

# Thank You

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**KEEP  
CALM  
&  
FOLLOW  
THE RULES**