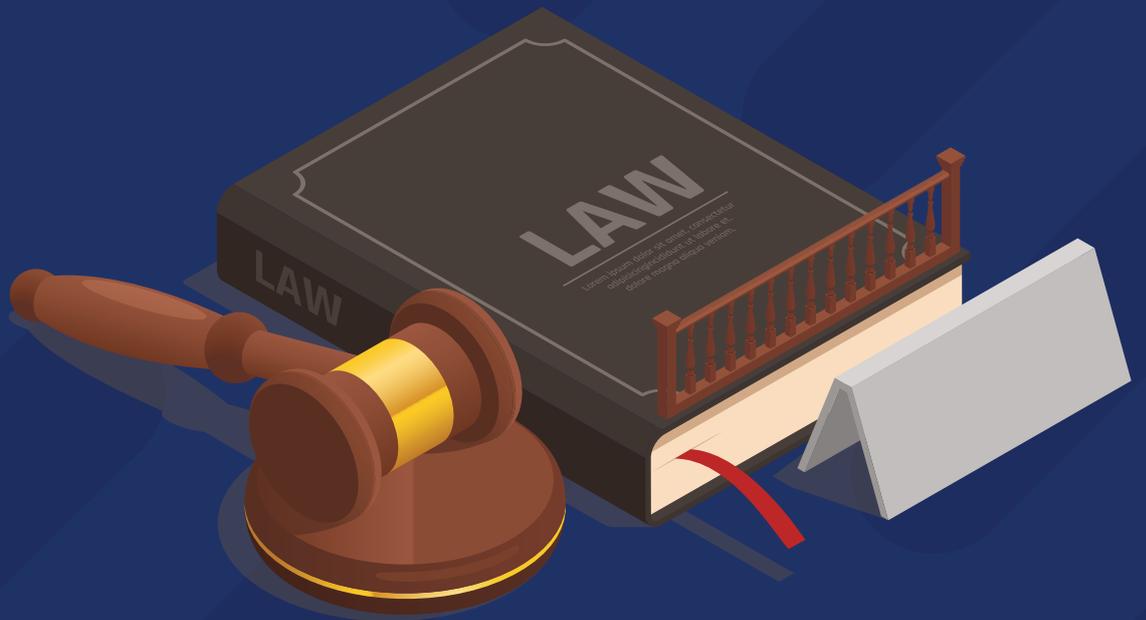


A Detailed Guide On GST Notices



GST Notices - You should be aware of

According to the *Cambridge English Dictionary*, "Notice" means "to see or become conscious of something"; "to bring someone to the attention of"; "information or a warning given about something that will happen shortly."

With the structure of GST laws centred on self-assessment and self-certification by the taxpayer and the emphasis on procedure-based legislation, it was critical for the Government to enact law provisions to seek both proactive and reactive attention from the taxpayer in matters relating to compliance.

With a focus on e-governance and digitalisation, these needed to be incorporated into the system. The three aces required were Ability, Agility, and Accuracy.

To accomplish this, the overall structure was revamped to include informing taxpayers of defaults and sending reminders to warn taxpayers of any defaults discovered.

It also had cases where regular information from taxpayers was to be obtained.

Become Better With GST Notice Law Provisions

GST notices are communications from the GST authorities.

Depending on the purpose or gravity of the default or action required from the taxpayer, the notice may be referred to as a Show Cause Notice (SCN), Scrutiny Notice, or Demand Notice.

GST authorities make decisions based on information obtained from auditing taxpayers' GST returns or information obtained from other government departments/third parties.

Not registering under GST when otherwise required by law, non-filing or any delay in filing of GST returns, non-payment of GST or short payment of GST, excess Input tax credit claims, and so on are some of the most common grounds for receiving notices relating to lapses/defaults on the part of taxpayers.

In other cases, GST authorities send reminders to taxpayers, requiring them to follow specific legal provisions.

Example: It includes failing to file Part B of the registration form within the specified time frame, filing required returns on time, and so on.

A taxpayer must act or respond to notices within the time frame specified in the notice. Failure to do so may land the taxpayer in hot water.

In such a case, the authorities may proceed to impose penal provisions, including, but not limited to, a fine and litigation

GST Notifications- You Ain't Aware of?

Some of the most common reasons for receiving a GST notice include

- Liable but still needing to obtain GST registration.
- Delay in filing GSTR-1 and GSTR-3B for more than six months.
- Inconsistency in details reported by GSTR-1 and GSTR-3B.
- Inconsistent declaration in GSTR-1 and e-way bill portal.
- Input tax credit claims made in GSTR-3B differ from those made in GSTR-2A.

Sr. No.	Name of Notice (Form)	Section of Law (CGST Act/ Rules)	Description	Action to be taken	Time limit to respond	Consequence of not responding
1	REG-03	Rule 9(2)	Clarification is required on the information provided in the new registration application or GST. Registration amendment.,	Respond in form REG-04 with any clarification, information, or documents.	Within 7 working days of receiving the notice	Application rejection (inform the applicant electronically using form REG-05).
2	REG-17	Rule 22(1)	SCNon, why isn't the GST registration cancelled?	Respond in form REG-18 with your reasons.	Within 7 Working days of receiving the notice.	GST Registration cancellation (issuance of form REG-19),
3	REG-23	Rule 23(3)	SCNon Why should the cancellation of GST registration be revoked for the reasons stated in the notice.	Reply in form REG-24	Within 7 working days from the date of receiving the notice	Cancellation of GST Registration will be revoked

4	REG-27	Rule 24(3)	For cases involving the transition from the VAT regime to the GST regime, failure to apply after obtaining provisional registration, or failure to provide correct or complete information,	Respond by filing an application in REG-26 and appearing before the tax authority with a reasonable opportunity to be heard.	None prescribed	Cancellation of provisional registration (in form REG-28)
5	GSTR-3A	Rule 68	Non-filers of GST returns in GSTR-1, GSTR-3B, GSTR-4, or GSTR-8 will receive a default notice.	File GST returns, along with any late fees and interest.	15 days from the date of notification	Best judgement basis assessment by Dept. including Penalty u/s 122
6	CMP-05	Rule 6(4) S	SCN on eligibility to be a composition dealer	Necessary justification in form CMP-06	15 days of receipt of the notice	Penalty u/s 122 plus order (in form CMP-07) denying the benefit of the scheme
7	PCT-03	Rule 83(4)	SCN for misconduct by the GST practitioner	Necessary justification	Within the time prescribed in the SCN	Cancellation of the license as GST practitioner
8	RFD-08	Rule 92(3)	SCN on the rejection of GST refund made	Reply in form RFD-09	Within 15 days of receipt of notice	Rejection order (in form RFD-06)
9	ASMT-02	Rule 98(2)	Additional Information for provisional assessment under GST	Reply (in form ASMT-03 along with documents	Within 15 days of the service of the notice	Application may be rejected
10	ASMT-06	Rule 98(5)	Additional information for the final evaluation under GST	Reply (in form ASMT-03 along with documents	Within 15 days of the service of the notice	Order, in form ASMT-07 may be passed ex-parte
11	ASMT-10	Rule 99(1)	Notice for intimating discrepancies in the GST return after scrutiny	Reply in form ASMT-11 giving reasons for discrepancies	Within the time prescribed in the SCN or 30 days from the date of service of notice	Ex-parte assessment

12	ASMT-14	Rule 100(2)	SCN – Assessment u/s 63 (best judgement assessment)	Appearance before the concerned authority	Within 15 days of the notice	Assessment order in form ASMT-15
13	ADT-01	Rule 101(2)	Notice for conducting Audit u/s 65	Attend in person and/or produce records	Within the time prescribed in the notice	Deemed that the taxpayer doesn't possess necessary records and proceedings shall be initiated accordingly
14	RVN-01	Rule 109B	Notice u/s 108 issued by revisional authority	Reply within prescribed time and/ or appear before the officer	Within 7 working days of the serving of the notice	Ex-parte judgement
15	DRC-01	Rule 100(2) & Rule 142(1)(a)	SCN for demand of tax (served along with DRC-02)	Reply, in form DRC-06. Payment in form DRC-03	Within 30 days of the notice	Order passed with available details
16	DRC 10	Rule 144(2)	Notice for Auction of Goods u/s 79(1)(b)	Pay outstanding demand as per form DRC-09	As specified in the notice	Proceed with auction and sale
17	DRC-11	Rule 144(5) & Rule 147(12)	Notice to the successful bidder	Pay the bid amount	Within 15 days from the date of auction	Re-auction
18	DRC-13	Rule 145(1)	Notice to a third person u/s 79(1)(c)	Deposit the amount specified in the notice and reply in form DRC-14	Not Applicable	Deemed to be a defaulter
19	DRC-16	Rule 147(1)& Rule 151(1)	Notice for attachment and sale of immovable/ movable goods/shares u/s 79	Refrain from transferring/ creating a charge on the assets	Not Applicable	Prosecution and penalties

DON'T BE FOOLED BY GST Notices Delivery Method

Section 169(1) of the CGST Act, 2017 specifies the various methods by which the Department may communicate notices. The resulting notice may be distributed to taxpayers via

- Hand-delivered to the **taxpayer or his representative**, either directly or through a messenger, including a courier (manager, advocate, family member etc.)
- By registered mail, speed mail, or courier with acknowledgement due, **addressed to the taxpayer's last known place of business.**
- Communication via the email address provided during registration, as **amended from time to time.**
- They are making it available after logging in to the GST portal.

By publication in a regional newspaper distributed in the taxpayer's area based on the last known residential address.

- If the tax authorities do not think this is reasonable, they can post a copy on the notice board of the concerned officer or management office as a last resort.

As a result, the taxpayer is not required to act on the notice or communication if it is received in a manner other than that specified by GST law from time to time.

Completing the loop

The **GST system has been designed so** that all responses to **GST notices** can be submitted online on the GST portal, with an emphasis on reducing documentation (in physical paper form) through digitalisation and reducing personal interaction with the Department.

Payment of tax and interest in the required form and manner is necessary where the notice issued warrants payment of tax and interest.

Following such payment, the reply letter in the required form and any documents must be submitted to the tax authority that issued the notice. To file such a reply, a taxpayer may use the digital signature or e-signature of the taxpayer's authorised personnel or himself.

A taxpayer can also delegate authority to another representative to investigate GST notices. He can do so by issuing a GST Letter of Authorization. The GST authorisation letter grants the power to respond to GST notices and take action on behalf of another representative.

Suppose the taxpayer receiving the GST notices does not respond within the specified time limit. In that case, he will be subject to penalties, including prosecution and further proceedings under the GST law. As a result, it is always preferable to be on the 'right' side of the law to avoid being 'left' out.

Master The Art of GST Notices

- How do you manage and track your notices?
- GSTHero LMS is a solution that is ***time-saving, easy-to-use, and efficient Litigation***
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Manage all your GST Notices & confidently reply them with GSTHero LMS

GSTHero LMS (Litigation Management Solution) can assist you with GST litigation issues, such as ***tracking due dates and notices.***

- Create GST Notice responses automatically.
- A tool with artificial intelligence
- Identifies each risk and liability exposure for FY.
- A simple tool for preparing departmental audits.
- Total internal financial control over your company.
- Manage your company's working capital correctly.
- Stop all ITC leaks for the fiscal year.
- Avoid GST department penalties and notices.
- GSTN server authentication data.

GSTHero LMS is designed to help you effectively deal with ***GST audits and manage GST litigation***

Book your demo now!