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# The GST Bulletin

**YOUR INDIRECT TAX KNOWLEDGE  
PARTNER**

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## About The GST Bulletin

The GST Bulletin is a Weekly Newsletter from Team CGA Legal, a leading Indirect Tax Consultancy firm. The Newsletter is intending to keep its readers updated with all important legal and judicial updates in Goods & Services Tax and other Indirect Tax laws. The Newsletter also has a special column of GST Compliance Calendar for the month. Along with it, CGA Legal also sends various legal recommendations which have immense implications in improving the compliance of GST in your business.

All editions of our newsletters can be referred from below link below;  
<https://www.cgalegal.co.in/home/newsletters.php>

## Other Offerings from Team CGA Legal

- **CGA Legal GST Compliance Calendar:** Our Monthly Calendar detailing all GST related compliances for the month so that you never miss of any of the compliances.
- **CGA Legal Meet:** Our Monthly Webinar series discussing various trending GST legal and compliance issues

All the previous editions can be accessed on our website.  
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## GST Compliance Calendar - January 2024

Date	Types of Return	Period	Types of Taxpayer
10-01-2024	GSTR-7	December 2023	TDS Deductor
10-01-2024	GSTR-8	December 2023	E-Commerce Operator
11-01-2024	GSTR-1	December 2023	Turnover more than INR 5 crore in the preceding FY or Turnover up to INR 5 crores and opted for monthly return filing
13-01-2024	GSTR-1	Oct – Dec 2023	Turnover up to INR 5 Crores and under QRMP Scheme
13-01-2024	GSTR-6	December 2023	ISD
13-01-2024	GSTR-5	December 2023	Non Resident Taxable Person
18-01-2024	CMP-08	Oct – Dec 2023	Composition Dealer
20-01-2024	GSTR-3B	December 2023	Turnover more than INR 5 crore in the preceding FY or Turnover upto INR 5 crore in the preceding FY but opted for monthly return filing
20-01-2024	GSTR-5A	December 2023	OIDAR
22-01-2024	GSTR-3B	Oct – Dec -2023	Taxpayers opted for QRMP Scheme, having aggregate turnover upto INR 5 Cr for *Category A States
24-01-2024	GSTR -3B	Oct – Dec 2023	Taxpayers opted for QRMP Scheme, having aggregate turnover upto INR 5 Cr for **Category B States
31-01-2024	Electronic Credit and Reclaimed Statement	NA	Taxpayers required to file GSTR-3B

**Note: Categories of Taxpayers whose Aggregate Turnover is upto INR 5 crore for the purpose of filing GSTR-3B:**

**\* Category A:** Regular Taxpayers having an aggregate turnover of upto INR 5 crores whose principal place of business is in the States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana or Andhra Pradesh or the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands and Lakshadweep.

**\*\* Category B:** Regular Taxpayers having an aggregate turnover of upto INR 5 crores whose principal place of business is in the States of Himachal Pradesh, Punjab, Uttarakhand, Haryana, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand or Odisha or the Union territories of Jammu and Kashmir, Ladakh, Chandigarh and Delhi.

## GST Updates – CBIC Notification

Ntf. No.	Summary of Notifications
<p>04/2024-CT Dated 05-01-2024 &amp; 03/2024-CT Dated 05-01-2024</p>	<p><b>Seeks to notify special procedure to be followed by a registered person engaged in manufacturing of certain goods.</b></p> <ul style="list-style-type: none"> <li>• Central Government notifies special procedure by a registered person engaged in manufacturing of the Pan Masala, Unmanufactured Tobacco, Hookah etc. to furnish the following:               <ul style="list-style-type: none"> <li>✓ Details of Packing Machines;</li> <li>✓ Special Monthly Statement;</li> <li>✓ Certificate of Chartered Engineer.</li> </ul> </li> <li>• Earlier by way of Notification No. 30/2023-CT, the special procedure had been prescribed for the registered person engaged in the manufacturing of such goods. However, by way of Notification No. 03/2024-CT, the Notification No. 30/2023-CT has been rescinded.</li> </ul>
<p>02/2024-CT Dated 05-01-2024</p>	<p><b>Extension of due date for filing FORM GSTR-9 and FORM GSTR-9C for the Financial Year 2022-23 for the persons registered in certain districts of Tamil Nadu</b></p> <ul style="list-style-type: none"> <li>• For the financial year 2022-2023, the annual return shall be furnished on or before the tenth day of January, 2024 for the registered persons whose principal place of business is in the districts of Chennai, Tiruvallur, Chengalpattu, Kancheepuram, Tirunelveli, Tenkasi, Kanyakumari, Thoothukudi and Virudhunagar in the state of Tamil Nadu.</li> </ul>
<p>01/2024-CT Dated 05-01-2024</p>	<p><b>Extends the due date for furnishing the return in FORM GSTR-3B for the month of November, 2023 till the tenth day of January, 2024 - For the districts of Tirunelveli, Tenkasi, Kanyakumari, Thoothukudi and Virudhunagar in the state of Tamil Nadu</b></p> <p>Extension of the due date for furnishing the return in FORM GSTR-3B for the month of November, 2023 till the tenth day of January, 2024 for the registered persons whose principal place of business is in the districts of Tirunelveli, Tenkasi, Kanyakumari, Thoothukudi and Virudhunagar in the state of Tamil Nadu.</p> <p>This notification shall come into force with effect from 20th day of December, 2023.</p>

## GST Updates – GST Technical Update

### **Advisory on the functionalities available on the portal for the GTA taxpayers**

**Dated: 01-01-2024**

### **The following Functionalities are made available on the portal for the GTA Taxpayers**

- 1. Filing of Online Declaration in Annexure V and Annexure VI for the existing GTA Taxpayers:** As per the Notification No. 06/2023-Central Tax (Rate) dated 26.07.2023, the option by GTA to pay GST on Forward Charge mechanism or the Reverse Charge mechanism respectively on the services supplied by them during a Financial Year shall be exercised by making a declaration in **Annexure V or Annexure VI from the 1st January of the current Financial Year till 31<sup>st</sup> March of the current Financial Year, for the next Financial Year.**

To comply with the above notification, online filing in **Annexure V Form** and **Annexure VI Form** is available on the portal for the existing GTA taxpayers for filing declaration in Annexure V Form or Annexure VI Form for the succeeding FY 2024-25 from 01.01.2024 to 31.03.2024.

- 2. Filing of Online Declaration in Annexure V for the Newly registered GTA Taxpayers:** As per the Notification No. 5/2023-Central Tax (Rate) dated 09.05.2023, the option to pay GST on Forward Charge mechanism on the services supplied, the Newly registered GTA taxpayers can now be able to file their declaration within the specified due date for the current Financial Year i.e. 2023-2024 and onwards. The due date (before the expiry of forty-five days from the date of applying for GST registration or one month from the date of obtaining registration whichever is later) is now being configured by the system and the same would be displayed to the newly registered taxpayers on their dashboard. The newly registered GTA taxpayers can now file their online declaration on the portal for the current FY within the specified due date.

## GST Updates – GST Technical Update

3. **Uploading manually filed Annexure V Form for the FY 2023-24 on the portal:** The Existing/ Newly registered GTA taxpayers who have already submitted Declaration in Annexure V Form for the FY 2023-24 manually with the jurisdictional authority are requested to upload their duly acknowledged legible copy of the Annexure V Form on the portal, mentioning correct particulars as mentioned in the physical Annexure V submitted, with correct date of acknowledgement from jurisdictional office, where such physical Annexure V was filed for the record purposes. Further, it is informed that if the Annexure V was filed manually within the specified due date for the FY 2023-24, he need not to file it again on the portal for the FY 2024-25 or any succeeding FY. By utilizing the manual upload facility, you can upload the legible copy of duly acknowledged manually filed Annexure V for 2023-24, with correct particulars.
4. As per the above notification, the option exercised by GTA to itself pay GST on the services supplied by it during a Financial Year shall be deemed to have been exercised for the next and future financial years unless the GTA files a declaration in Annexure VI to revert under reverse charge mechanism.

## GST Updates – GST Technical Update

### Date extension for reporting opening balance for ITC reversal

**Dated – 29-12-2023**

1. In order to facilitate the taxpayers in correct and accurate reporting of ITC reversal and reclaim thereof and to avoid clerical mistakes, a new ledger namely Electronic Credit and Re-claimed Statement was introduced on the GST portal. This statement was made available to help the taxpayers in tracking their ITC that has been reversed in Table 4B(2) and thereafter re-claimed in Table 4D(1) and 4A(5).
2. Now to facilitate taxpayers further, opportunity to declare opening balance for ITC reversal in the statement has been extended till **31st January, 2024**.
3. Kindly note that after declaring the opening balance for ITC reversal, only **three** amendment opportunities post the declaration will be provided to correct declared opening balance in case of any mistakes or inaccuracies in reporting.
4. Facility to amend declared opening balance for ITC reversal will be available till **29th February, 2024**.





## GST Updates – E - way Bill Update

### **Blocking the generation of E-Way Bill without e-Invoice/IRN details for B2B and B2E transactions for e-invoice enabled tax payers**

**Dated – 05-01-2023**

- Businesses with turnover above Rs 5 crore will not be able to generate e-way bill without generating E-Invoice. This means that e-invoice-enabled taxpayers are advised to generate e-way bills and e-invoices together to avoid discrepancies for all their B2B and export transactions starting from 1st March 2024. Such businesses should not allow the generation of e-way bills separately from e-invoices to avoid mismatches.
- Such businesses will find their e-way bill generation being blocked if they do not include the necessary e-invoice details, such as the Invoice Registration Number (IRN) from 1st March 2024

## GST Updates – E - way Bill Update

### E-way Bill system – Advisory on HSN Code

**Dated – 05-01-2023**

- As per the notification No. 78/2020-Central Tax , it is necessary to provide at least 6 digit HSN code for all the B2B and Export transactions by the taxpayers whose Annual Aggregate Turnover (AATO) is more than Rs. 5 Crores. The taxpayers, with AATO less than Rs. 5 Crores, need to provide at least 4 digit HSN code.
- This validation will be implemented in e-way bill System from 1st February 2024.
- Hence, the taxpayers are advised to make necessary changes in their systems and enter 4 / 6 digit HSN codes while generating the e-way bills through web and API systems from 1st Feb. 2024.

## GST News

### 29,273 bogus firms, GST evasion of Rs 44,015 crore detected since May '23

**Dated : 08-01-2024**

Goods and Services Tax (GST) authorities have detected 4,153 bogus firms involved in suspected evasion of input tax credit (ITC) worth around Rs 12,036 crore during October-December 2023, the Ministry of Finance said in a statement Sunday. While Maharashtra is in the top spot among 36 states and union territories (UT) with the highest number of 926 bogus firms having undertaken suspected tax evasion of Rs 2,201 crore, the evasion incidence has turned out to be higher in Delhi with Rs 3,028 crore of suspected tax evasion by 483 bogus firms.

Read more at: <https://indianexpress.com/article/business/economy/29273-bogus-firms-gst-evasion-of-rs-44015-crore-detected-since-may-23-9099304/>

## GST – Judicial Precedents

### 1. Registration

**Reasons are heart and soul of any order and non-communication of the same amounts to denial of reasonable opportunity of hearing**

#### **Akshar Enterprise Versus State of Gujarat [Gujarat High Court]**

**Facts:** The show cause notice dated 23.06.2023 issued by the department in Form GST REG-17 for cancellation of registration of the petitioner firm does not disclose any specific cause of action against the petitioner, so as to enable the petitioner to respond to the same and all that the notice mentions is "Rule 21(a) - Person does not conduct any business from the declared place of business".

**Held:** On perusal of the tenor of impugned show cause notice, it appears that neither specific reasons are assigned as to why the registration of the petitioner is proposed to be cancelled nor any supporting documents are attached to justify the reason. The impugned notice only states that the registration is liable to be cancelled for the reason "Rule 21(a)- a person does not conduct any business from declared place of business." Thus, it is evident from the notice itself that the impugned notice is bereft of any reason or documentary evidence in support of such reason.

By now it is well settled that the reasons are heart and soul of any order and non-communication of the same amounts to denial of reasonable opportunity of hearing, resulting in miscarriage of justice and resultantly violates principles of natural justice.

The impugned show cause notice dated 23.06.2023 is hereby quashed and set aside. The respondent authorities shall issue fresh notice with particulars of reasons incorporated with details and thereafter to provide reasonable opportunity of hearing to the petitioner and to pass appropriate order in accordance with law. The concerned respondent is hereby directed to restore the registration of the petitioner forthwith.

Petition allowed.

## GST – Judicial Precedents

### 2. Detention of goods and vehicle

**Detention of goods and vehicle can only be done on the basis of specific, valid and reasonable grounds**

#### **Jitendra Kumar Versus State of U.P. and another [Allahabad High Court]**

**Facts:** The case made out by the petitioner is that the goods were detained by the Revenue Department while the goods were in transit from Patna to Aligarh on the ground that the goods were not accompanied by the valid documents. It is to be noticed that in the detention order, the only ground that was taken by the Revenue Department was that no valid documents were accompanying the goods. However, it appears that in the show-cause notice, there is a complete silence with regard to the earlier reason given in the detention order and the same has been substituted by a different reason that in the GSTR 2A form, four out of other suppliers, that had been shown in the GSTR 2A, had their registrations suspended or cancelled.

**Held:** It is trite law, settled by a catena of Supreme Court judgments, that the Revenue cannot beat around the bush and keep changing the goal post at each stage. Once the Revenue had taken a particular stand, the same cannot be completely changed and/or supplemented by a different reason or ground.

In the present case, it is clear that the detention was made on the ground that the goods were not accompanied by valid documents. However, when the show-cause notice was issued, there is no whisper of any invalid document whatsoever. In fact, the stand was completely changed by the Revenue and this volte face cannot be countenanced by this Court. The detention of goods causes serious prejudice to an assessee and the same can only be done on the basis of specific, valid and reasonable grounds - In the present case, it is quite obvious that at the time of detention, the ground that was stated by the Revenue was incorrect. More so, there was no reason for the Revenue to have detained the goods and the consequential actions that followed, were obviously vitiated.

The detention order and the subsequent show-cause notice were bad in law, and accordingly, both are quashed and set-aside - the Revenue is directed to release the goods and the vehicle of the petitioner within a period of 7 days from date - petition allowed.

## GST – Judicial Precedents

### 3. Registration

**The discretion to cancel the GST registration from retrospective effect cannot be exercised arbitrarily or whimsically**

#### **Shree Ram Metal Through its Proprietor Versus Commissioner of Delhi GST [Delhi High Court]**

**Facts:** The impugned SCN proposed to cancel the petitioner's GST registration retrospectively for the sole reason that the petitioner had failed to furnish the return for the continuous period of six months.

The petitioner submits that he has filed his return till 31.03.2022 and concedes that he has not filed returns thereafter.

The petitioner is not aggrieved by the cancellation of the GST registration from a prospective date. He is aggrieved by the cancellation of the GST registration from a retrospective date, that is, from 01.07.2017.

**Held:** In terms of Section 29(2) of the Central Goods and Services Tax Act, 2017 (CGST Act), a proper officer has a discretion to cancel a GST registration of a tax payer from such date (including retrospective date), as he considers fit. However, the discretion to cancel the GST registration from retrospective effect cannot be exercised arbitrarily or whimsically. Such decision to cancel the GST registration with retrospective effect must be informed by reason.

In the present case, the impugned order does not indicate any reason for cancelling the petitioner's GST registration, let alone a reason for doing so retrospectively. Thus, the impugned order is liable to be set aside - In the present case, the petitioner's GST registration has been cancelled for failure to furnish return for the continuous period of six months. Clearly, this does not warrant cancellation of GST registration for the period during which the returns were filed.

Petition disposed off.



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