

GST Investigations, Summons - GST Dept. Discipline & Taxpayers rights and Remedies for Ease of Business



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1. If **same/another subject** is investigated by another investigating office/ tax administration/SGST Dept. – The Approving Authority to take a decision accordingly. For Eg. Incase a matter relating to a supplies from a party is being investigated by another authority, then no investigation should ideally be initiated by one authority.
2. If **same issue** is possible to be taken up at all GSTINs of the taxpayer – The Pr Commissioner may refer the matter to DGGI incase it accepts the case.
3. Show cause notice should not be delayed after conclusion of investigation.
4. **For investigating in the following circumstances, the approval of Pr. Chief Commissioner is required and not the Pr Commissioner –**
 - A. Matter relating to investigation on any sector/ commodity/ service for the first time, whether in Central Excise or GST
 - B. Big industrial house
 - C. Major MNCs
 - D. Matters which are already before GST Council – Say the levy of GST on Credit notes

5. In all of above four categories of cases –

- A. GST Dept. should also collect details regarding the prevalent trade practices
- B. Nature of transactions carried out
- C. The implications / impact of such matter

6. First notice should be served rather than a summon, especially to –

- 1. Listed company
- 2. PSU
- 3. Corporation
- 4. Govt Dept./agency
- 5. An Authority established by law

7. Notices ask specific information and not be vague like –

"the officer is making inquiry in connection with "GST enquiry" or "evasion of GST" or "GST evasion" etc.

8. No information should be sought filled in formats or proforma (specified by investigation)

9. Addressing letter/summons with context or content akin to a fishing inquiry is not acceptable. Eg. – “please specify whether ITC taken is proper”

10. Taxpayers Remedies -

A. Prior “reasoned approval” of AC/DC for summon is required. Superintendents/Inspectors cannot issue summons without approval

B. Addl./Jt. Commissioner in-charge of investigation is the Grievance Officer whom taxpayers may approach (through letter, email or by appointment).

C. In case the reasonable grievance persists, the (Pr.) Commissioner may consider meeting, by appointment, the taxpayer.

THANK YOU



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