

# GST

## NEWSLETTER



### GST Council Secretariat, New Delhi

Issue-65, August, 2024



## Goods and Services Tax Council







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## MESSAGE

The second National Conference of Enforcement Chiefs of State and Central GST Formations took place in New Delhi on August 27, 2024. This conference was held amid a special drive by both Central and State GST administrations to identify and eliminate fake registrations.

During the conference, the Revenue Secretary highlighted the need to balance enforcement with ease of doing business, stressing that enforcement should primarily focus on registrations. He also emphasized the importance of tracking the masterminds and ultimate beneficiaries of fake Input Tax Credit (ITC) to ensure effective deterrence.

Additionally, the Central Government has introduced several measures to streamline the GST registration process, including online registration through Aadhaar verification in States and Union Territories. With the introduction of GSTR 1A facility, the process of locking of liabilities has been effectively initiated. These would be further enhanced in the days to come.

Month of August also saw the enactment of Finance Act (No.2) 2024 where in various provisions approved by the GST Council in its 53rd Meeting have been incorporated, which are aimed at enhancing the ease of doing business and compliance in the GST regime.

*Warm Regards*

**Pankaj Kumar Singh,**  
Additional Secretary

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### Second National Conference of Enforcement Chiefs of State and Central GST Formations was held in New Delhi on 20.08.2024.

The Second National Conference of Enforcement Chiefs of the State and the Central GST Formations was held in New Delhi on 20.08.2024 under the Chairmanship of Sh. Sanjay Malhotra, Revenue Secretary, Department of Revenue, Ministry of Finance. The National Conference comes in the backdrop of a Second special drive undertaken by Central and State formations to identify and weed out fake registrations.



The Conference was attended by Enforcement Chiefs of the States and the Central GST Formations, senior officers of the Department of Revenue, CBIC, GST Council Secretariat and GSTN. Other enforcement and intelligence authorities like the Central Board of Direct Taxes (CBDT), Directorate of Enforcement (ED), Directorate of Revenue Intelligence (DRI), Financial Intelligence Unit (FIU-IND) and Central Economic Intelligence Bureau (CEIB) also participated in the deliberations.

In his inaugural address the Revenue Secretary stressed the importance of maintaining a fine balance between enforcement actions and ease of doing business. He exhorted the Central and State GST formations to focus on fake registrations during this Second special drive and stressed on the need to track the masterminds and ultimate beneficiaries of fake ITC so that strict action can be taken to create an effective deterrence effect. He added that the recent changes implemented in the GST returns such as GSTR-1A, would further aid the efforts of tackling the menace of GST evasion systematic manner.



**In pictures above (Left to Right):** Sh. Sanjay Malhotra, Revenue Secretary and Sh. Shashank Priya, Member (GST), CBIC

Setting the context of the one-day conference, Sh. Sanjay Agarwal, Chairman, Central Board of Indirect Taxes and Customs (CBIC), recalled the discussion in the first edition of the conference and emphasised the need for enforcement agencies to stay ahead of the evaders so that the sanctity of the GST system is preserved. He advised the enforcement units to focus on real evasion rather than interpretative issues and general industry practice.



**In pictures above (Left to Right):** Sh. Anil Gupta, Pr. DG, DGGI; Sh. Rajiv Talwar, Member (Compliance Management), CBIC; Sh. Sanjay Agarwal, Chairman, CBIC and Sh. Sanjay Malhotra, Revenue Secretary



In his welcome address, Sh. Vivek Agarwal, Additional Secretary, Department of Revenue, mentioned that the participating officers would benefit from the agenda which includes discussion on sector specific enforcement issues, emerging issues in enforcement and techniques to tackle evasion. He stressed the importance of following up on the actions identified so that the useful purpose of the deliberations in the conference are achieved.



**In pictures above (Left to Right):** Sh. Vivek Agarwal, Additional Secretary, Department of Revenue; Sh. Vivek Ranjan, Member (TP), CBIC; Sh. Alok Shukla, Member (Admin), CBIC; Sh. Surjit Bhujabal, Member (Customs), CBIC; Ms. Aruna Narayan Gupta, Member (IT), CBIC; Sh. Yogendra Garg, Pr. DG, DG Systems and Ms. Seema Arora, Pr. DG, DG GST

During the one-day conference, a presentation was made by Ms. B. Sumidaa Devi, Joint Secretary , GST Council Secretariat on the progress made under the Second special drive on fake registrations that was launched on 16th August 2024. This drive shall be undertaken in a coordinated manner between the Central and State GST formations. Sh. Manish Sinha CEO, GSTN made a presentation on various technological initiatives to tackle the issue of tap-evasion while at the same time ensuring that the business facilitation is not hampered.

Sh. Asheesh Sharma, Commissioner of Maharashtra, State Tax showcased the GST Enforcement Management System (GEMS) implemented in the State for effective tracking & monitoring of taxpayers with the aim of ensuring transparency in the process and thereby paving the way for a higher probability of recovery of tax evaded.

During the focussed thematic sessions, zonal units of DGGI, CBIC presented various case studies on misuse of APMC accounts, fintech companies, clandestine clearances, issues in the financial sector, taxation of emerging service sector as cryptocurrency NFTs, TDRs etc.

Sh. Rajeev Topno, Chief Commissioner of State Tax, Gujarat, discussed the modes of evasion detected in the manpower supply services and presented the learnings and way forward. The Officials from West Bengal presented the enforcement cases in the real estate sector while Karnataka SGST officer shared their experience in leveraging interdepartmental data for enhanced detection of evasion. Sh. Ravi Surpur, CCT, Rajasthan State Tax presented various enforcement case studies; while Dr. D. Jagannathan CCT, Tamil Nadu elaborated on the state's efforts in state wide surprise enforcement operation against bill traders, street surveys conducted and a unique process of detecting fake registrants by sending a friendly welcome letter to the new registrants.



Various participants stressed the need for building a national register of enforcement actions so that the real-time information gets disseminated to all enforcement units in Centre and State formations. Taking a cue from the ‘Samvad’ sessions conducted by the State of Rajasthan and street surveys conducted by Tamil Nadu, the Revenue Secretary underscored the importance of being continuously connected to the members of trade and business at the ground level, thereby field reducing the need for intrusive enforcement action and enabling proactive compliance by the Taxpayers.

The conference provided an effective forum for experience sharing and knowledge transfer between the GST officers of Central and State formations.

## Notifications

### ➡ Notification No. 16/2024–Central Tax dated 06.08.2024

The Central Government vide this Notification has notified the following :-

(a) The 1st day of October 2024, as the date on which the provisions of section 13 of the Finance Act, 2024 (8 of 2024) shall come into force.

(b) The 1st day of April 2025, as the date on which the provisions of sections 11 and 12 of the said Act shall come into force.

## GST Portal Update

### ➡ Detailed Manual and FAQs on filing of GSTR-1A

As per the directions of the Government vide notification no. 12/2024 dated 10th July 2024, Form GSTR-1A has been made available to the taxpayers from July 2024' tax period. GSTR-1A is an optional facility to add, amend or rectify any particulars of a supply reported/missed in the current Tax period's GSTR-1 return before filing of GSTR-3B return of the same tax period.

[Portal Update 01.08.2024](#)

### ➡ Gross and Net GST revenue collections for July 2024.

The Central Government has published detailed list for the GST Gross and Net Revenue collection for the month of July 2024. The State wise data of Gross and Net Revenue collected has been given in the due list which is available via the link given under

[Portal Update 01.08.2024](#)

### ➡ Advisory: Advisory for Biometric-Based Aadhaar Authentication and Document Verification for GST Registration Applicants of Jammu & Kashmir and West Bengal.

GSTN vide this advisory has informed the tax payers about recent developments concerning the application process for GST registration. It has issued some of the key points for the taxpayers concerning the application process for GST registration. The detailed guidelines are available below the link given.

[Portal Update-02.08.2024](#)

### ➡ Advisory: Advisory in respect of Changes in GSTR 8.

Through this advisory the Central Government has notified about the GST Council's decision of reducing the TCS rate from the current 1% (0.5% CGST + 0.5% SGST/UTGST, or 1% IGST) to 0.5% (0.25% CGST + 0.25% SGST/UTGST, or 0.5% IGST) effective from 10.07.2024 vide Notification No. 15/2024 dated 10.07.2024.

[Portal Update-02.08.2024](#)

### ➡ Advisory: Advisory for furnishing bank account details before filing GSTR-1/IFF Notification No. 38/2023 – Central Tax New Delhi, the 4th August 2023.

Through this advisory all the Taxpayer have been informed that a taxpayer is required to furnish details of a valid Bank Account within a period of 30 days from the date of grant of registration, or before furnishing the details of outward supplies of goods or services or both in FORM GSTR-1 using Invoice Furnishing Facility (IFF), whichever is earlier. The detail notification can be read via the link given below.

[Portal Update-23.08.2024](#)

### ➡ Introduction of RCM Liability/ITC Statement.

GSTN vide this advisory has introduced new Reverse Charge Mechanism (RCM) transactions, a new statement called "RCM Liability/ITC Statement" has been introduced on the GST Portal. This statement will enhance accuracy and transparency for RCM transactions by capturing the RCM liability shown in Table 3.1(d) of GSTR-3B returns and its corresponding ITC claimed in Table 4A(2) and 4A(3) of GSTR-3B for a return period. The detail notification can be read via the link given below.

[Portal Update-23.08.2024](#)

### ➡ Advisory: Advisory for Biometric-Based Aadhaar Authentication and Document Verification for GST Registration Applicants of Dadra and Nagar Haveli and Daman and Diu and Chandigarh.

GSTN vide this advisory has informed the tax payers about recent developments concerning the application process for GST registration. It has issued some of the key points for the taxpayer concerning the application process for GST registration. The detailed guidelines are available at the link given below.

[Portal Update-24.08.2024](#)

## Best Practices/ Outreach Programmes across India.

### ➡ SAMVAAD : An Initiative of Rajasthan State Tax department

Samvaad is a new and unique initiative of the Commercial Tax department of State of Rajasthan. It aims to provide a platform for meaningful consultation between the members of various trade bodies and trade associations of Rajasthan as well as the State and Centre GST departments. In addition to gaining insights into the working of various sectors of the industry like the Automobile sector, Hospitality sector, Tour operators, real Estate sector etc. The programme aims at understanding the operational difficulties of these sectors and envisages possible solutions for the same.





Farewell



**In the picture above left to right:** Sh. Anil Kumar, Deputy Secretary (GSTCS); Sh. Pankaj Jindal Joint Secretary, TPL-II; Ms. Ashima Bansal, Joint Secretary (GSTCS); Shri Pankaj Kumar Singh, Addl. Secretary, (GSTCS); Smt. P.R. Reshmi, Under Secretary (GSTCS), Shri. Vineet Kumar, Superintendent (GSTCS).

We extend our heartfelt best wishes to Smt. Ashima Bansal, Joint Secretary (GSTCS), as she joins Delhi Customs, ACC (Exports). We are grateful for her invaluable contributions and dedicated service. We wish all the best for all her future endeavours.

Welcome

We extend a warm welcome to Dr. Shaifali G. Singh, IRS (2008) who has joined the GST Council Secretariat. We look forward to working closely with her and are excited about the fresh perspectives and leadership that she will bring to our organization.

➡ ***NEMO DEBET ESSE JUDEX IN PROPRIA***

The maxim means no one ought to be a judge in his/ her own cause. It is one of the cardinal principles of natural justice along with Audi alteram partem. Principles of natural justice are those rules which have been laid down by the Courts as being the minimum protection of the rights of the individual against the arbitrary procedure that may be adopted by a judicial, quasi-judicial and administrative authority while making an order affecting those rights. These rules are intended to prevent such authority from doing injustice.

According to this maxim, the authority giving decision must be composed of impartial persons and should act fairly, without prejudice and bias. The basis for the rule against bias is the need to maintain public confidence in the legal system. Bias can take the form of actual bias, imputed bias, or apparent bias.

The fundamental rule of natural justice in departmental proceedings is that the disciplinary authority should be impartial and free from bias. It must not be interested in or related with the cause which is being decided by him. The personal interest can be in the shape of some pecuniary benefit or some personal relation or even ill-will or malice or any official bias against any of the parties. The real test is whether a man of ordinary prudence would have a feeling of bias. This follows from the principle that justice should not only be done but should manifestly seem to be done. In an important case of Mukhtar Singh V. State AIR 1957 ALL 297, it was held that the hearing must be by an impartial tribunal, i.e. by a person who is neither directly nor indirectly interested in the case. One who has any interest in the litigation is already biased against the party concerned and the findings of such authority are liable to be struck down.

There are, however, certain exclusions of natural justice. Principles of natural justice do not operate in areas where they are statutorily excluded, whether expressly or by necessary implication (Union of India v. J. N. Sinha AIR 1971 S.C. 40.) . Similarly, for legislation by Parliament, no principle of natural justice is attracted provided such legislation is within the competence of the legislature. Even if the person entitled to adjudicate may be disqualified on the ground of bias, his decision will not be set aside on that ground if there was no other person competent under the statute or authorized thereunder to adjudicate on that matter. But such a necessity must be real as observed in J. Mohapatra AIR 1984 S.C. 1572. When the facts are all admitted or undisputed, the decision cannot be assailed on the ground of failure to permit cross-examination. Where disclosure of the information leading to order may defeat the object of the statute under which the order is passed, the failure to furnish that information would not invalidate the order. Thus the identity of the informer or source of information is not required to be disclosed. Lastly, where immediate preventive action is to be taken, especially in matters such as national security, anti-smuggling, public order, etc., failure to give notice or to grant a hearing before passing the order would not amount to failure of natural justice, such requirement would stand excluded by implication.