

Denied benefit of GST rate-cut on Covid essentials? File a complaint with NAA

SHISHIR SINHA

New Delhi, July 3

If a consumer is denied the benefit of the reduced GST rates on Covid relief items such as some medicines, thermometer, oximeter or hand sanitiser, he/she can file a complaint that will be taken up on priority basis by the tax authorities.

The National Anti-Profitteering Authority (NAA) has already communicated to tax officials to take up any complaint filed by consumers on priority and to forward the same to the anti-profitteering apparatus — the State-level screening committee and the standing committee for anti-profitteering.

It reiterated to officials to

exercise power under the law for collection evidence, which may be required to take action against errant suppliers of various goods and services.

Profiteering

According to Section 171 of the CGST Act 2017, suppliers of goods and services should pass on the benefit of any reduction in the tax rate or of the input tax credit by way of a commensurate reduction in prices.

Wilfully not passing on the above benefits to the recipients in the manner prescribed is known as 'profiteering'.

The complainant should have evidence to lodge a complaint with the NAA. A valid invoice of the transaction is ne-

GST rates on Covid essentials

Description	Old rate	Rate between June 14 & Sep 30	(in %)
Tocilizumab	5	Nil	
Amphotericin B	5	Nil	
Anti-coagulants like Heparin	12	5	
Remdesivir	12	5	
Medical grade oxygen	12	5	
Oxygen concentrator/ generator	12	5	
Covid testing kits	12	5	
Pulse oximeters	12	5	
Hand sanitizer	18	5	
Temperature check equipment	18	5	

cessary for acceptance of complaint.

Tracking complaints

One can file the complaint on helpline number 011-21400643, online at www.na.gov.in, by mail or by post to the designated official of State screening committees, Standing Committee at sc.antiprofitteering@gov.in, National Anti-Profitteering Authority where the complaint is in the

nature of State-level or local, national level, grievance redress, respectively. Post filing, the complainant can track the online complaint through <http://www.naa.gov.in/track-complaint.php>.

Jay Jhaveri, Partner at Bhuta Shah & Co, said that since the inception of GST, the government has tried to lay significant emphasis on anti-profitteering activities under GST with the sole objective of benefiting the end consumer.

However, due to the subjective nature of such activities, neither the government machinery nor the real beneficiaries in the form of end consumers have been really able to take advantage of such a well-thought-out provision

in GST laws. "I believe, if the NAA is given adequate resources and reasonable power, the objective as envisaged earlier will definitely prove successful this time around and we will see the end customers being the real beneficiaries," he said.

Aditya Singhania, Partner at Singhania's GST Consultancy, said, complaints lodged by consumers may not provide instant relief in some cases. Further, many taxpayers remain unaware about such provisions of law and even if action is taken at a later point in time based on a complaint lodged by some other consumer, recovery of such profiteered amount would get treasured in the Consumer Welfare Fund.