

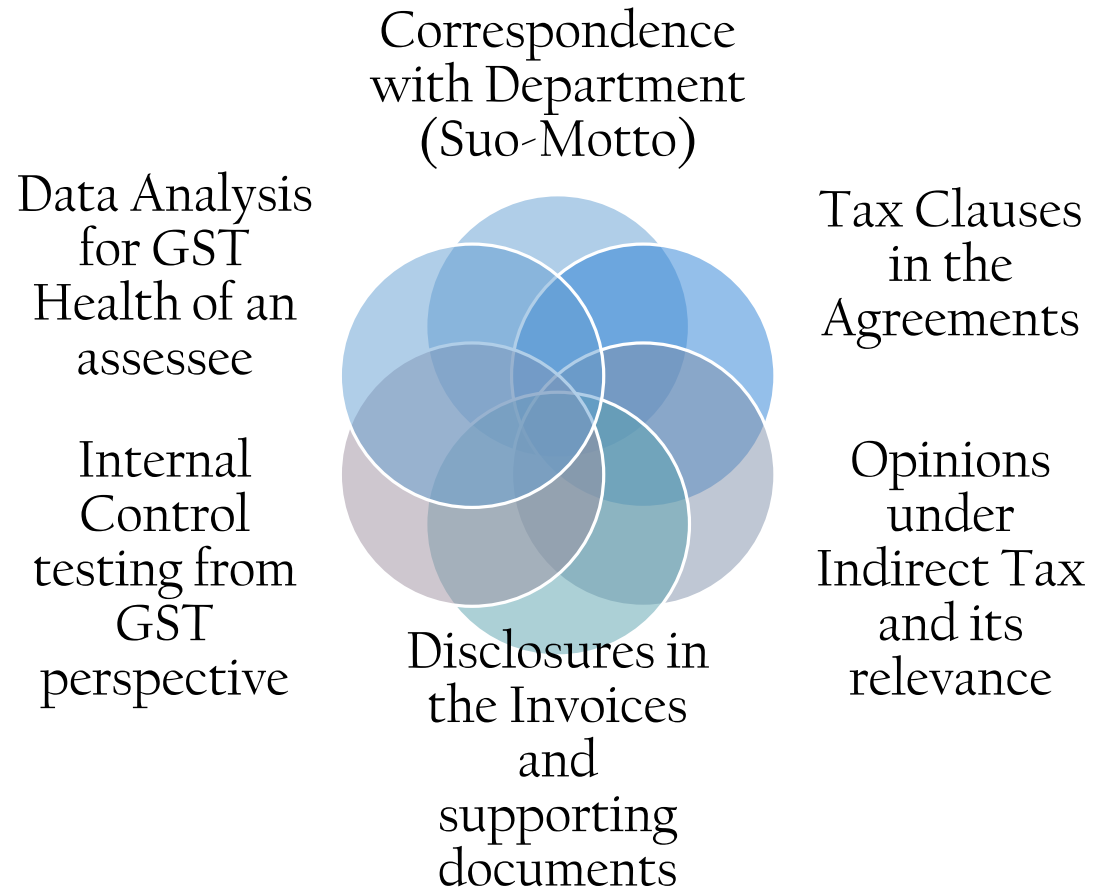
Precautions to be taken to avoid disputes

PRESENTATION BY CA. GAURAV V SAVE

NASHIK BRANCH OF WIRC OF ICAI

NASHIK, MAY 22, 2018

Basis of Discussion



Correspondence with Department (Suo-Motto)

- ❖ Technical Glitches / Issues in GST
- ❖ It's Human to Err !!
- ❖ Circular No. 26/26/2017-GST dated 29th December 2017
- ❖ Simply write a letter to your jurisdictional
 - ❖ Submit screen shots for errors out of your control
 - ❖ Rectify mistakes of GSTR 3B in GSTR 1, those not possible do in next GSTR 3B
 - ❖ Submit Reconciliations
- ❖ What happens if we do not do any suo motto correspondence?
- ❖ Will a correction in Audit Report or Annual Reconciliation suffice?

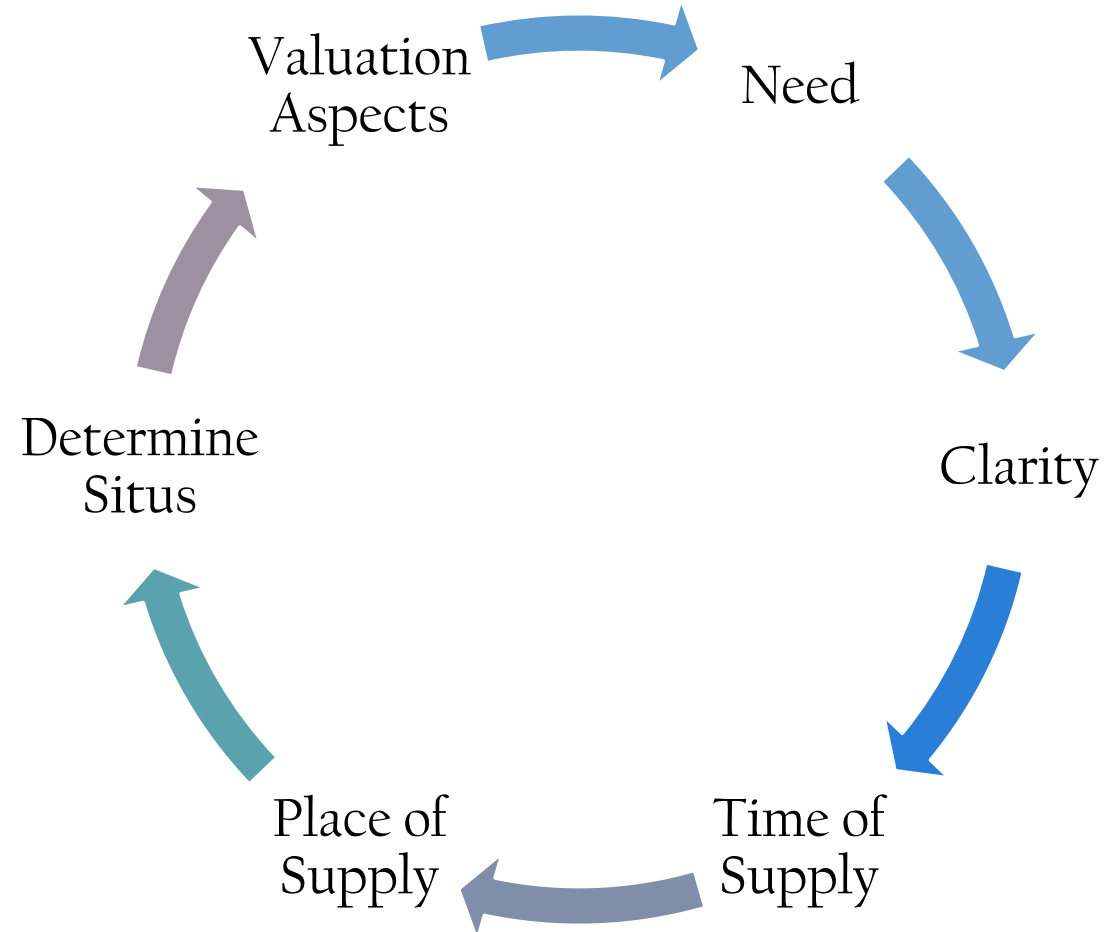
GST – Section 74 [Exp 2] – Suppression

Explanation 2.—For the purposes of this Act, the expression “suppression” shall mean non-declaration of facts or information which a taxable person is required to declare

- in the return,
- statement,
- report or
- any other document furnished under this Act or the rules made thereunder, or

failure to furnish any information on being asked for, in writing, by the proper officer.

Tax Clauses in the Agreements



Opinions under Indirect Tax and its relevance

- ❖ Opinions on Legal Aspects
- ❖ Validity of Opinions provided by professionals [Bar council of India v. A. K. Balaji & Ors.[2018] 91 Taxmann 130 (SC)]
- ❖ Reference to Law
- ❖ Reference to Judicial Pronouncements
 - ❖ Commissioner Appeals
 - ❖ Tribunal
 - ❖ High Court
 - ❖ Supreme Court
- ❖ Is it better to go for Provisional Assessments / Advance Rulings ?

Provisional Assessments

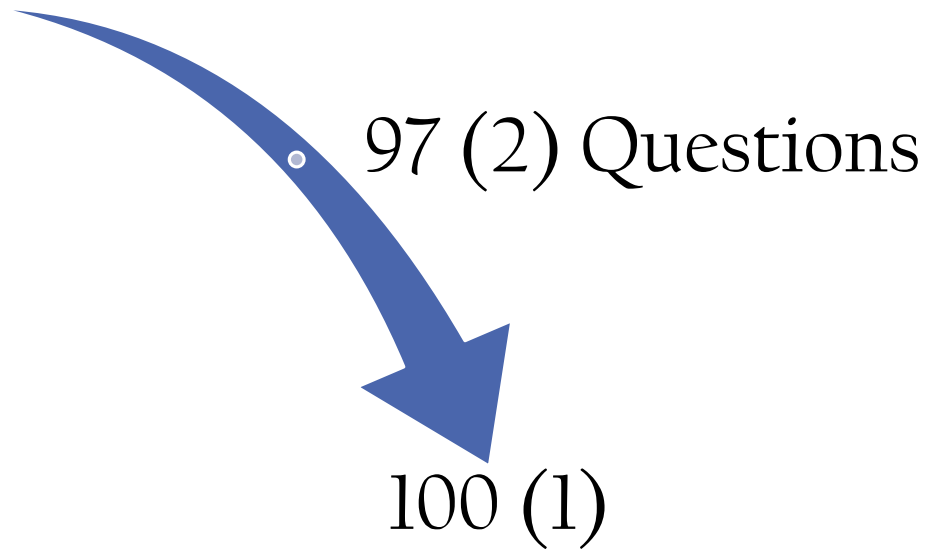
Section 60 – Provisional Assessment

Unable to determine the value of goods / services / rate of tax	Request PO in writing	PO to pass order within 6 months of receipt of request	Payment of tax on provisional basis + Bond & Surety + Security of payment of diff of tax	Proper Officer → Final order ≤ 6 months → Addltn Commsn may further extend upto 6 months on reasonable cause, Commsn upto 4 years	Registered Taxable Person has to pay Interest for delayed payment	Registered Taxable Person shall be liable for refund if Provisional Assessment is more than actual liability
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e.g. Quantity Discounts based on turnover | Not able to classify goods

Advance Rulings

“advance ruling” means a decision provided by the Authority or the Appellate Authority to an applicant on matters or on questions, in relation to the supply of goods or services or both being undertaken or proposed to be undertaken by the applicant



Advance Rulings

S. 97(2) Question on which the advance ruling is sought under this Act, shall be in respect of,--

(a) classification of any goods or services or both;

(b) applicability of a notification issued under the provisions of this Act;

(c) determination of time and value of supply of goods or services or both;

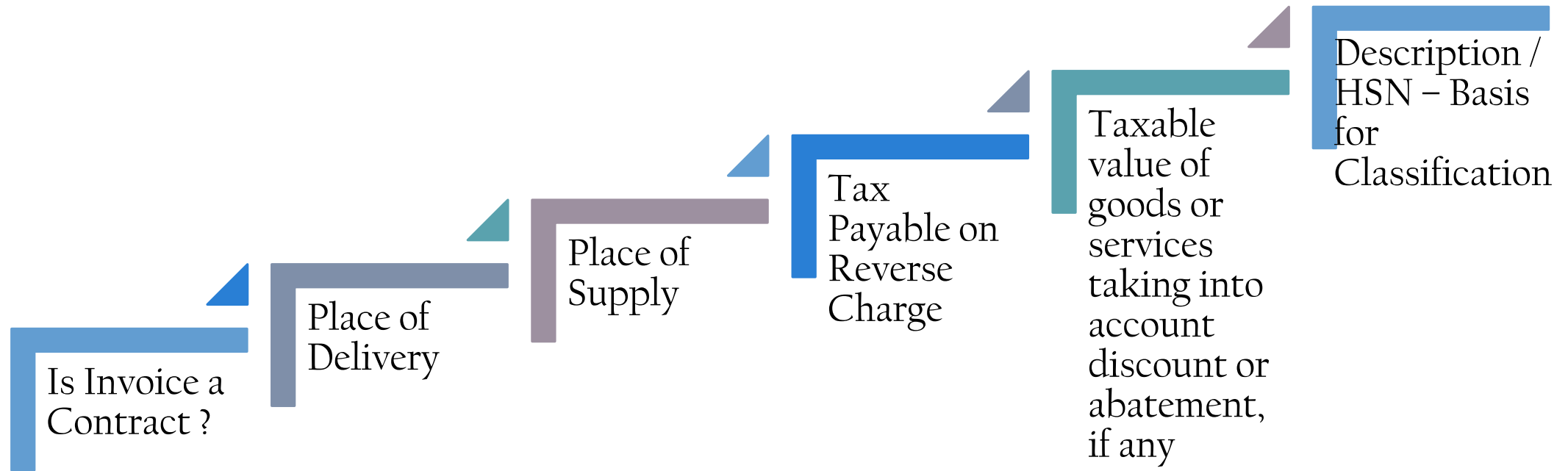
(d) admissibility of input tax credit of tax paid or deemed to have been paid;

(e) determination of the liability to pay tax on any goods or services or both;

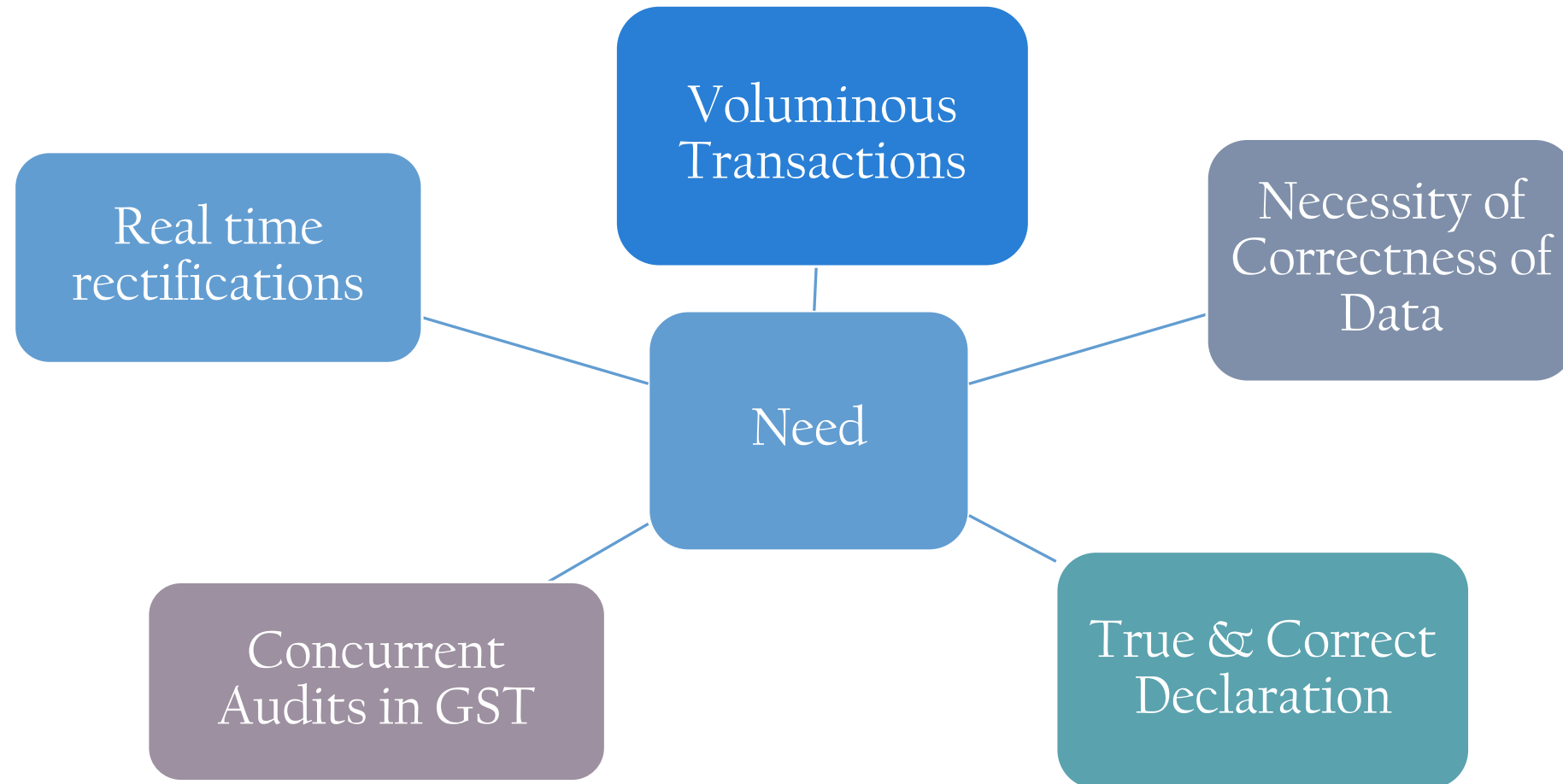
(f) whether applicant is required to be registered;

(g) whether any particular thing done by the applicant with respect to any goods or services or both amounts to or results in a supply of goods or services or both, within the meaning of that term.

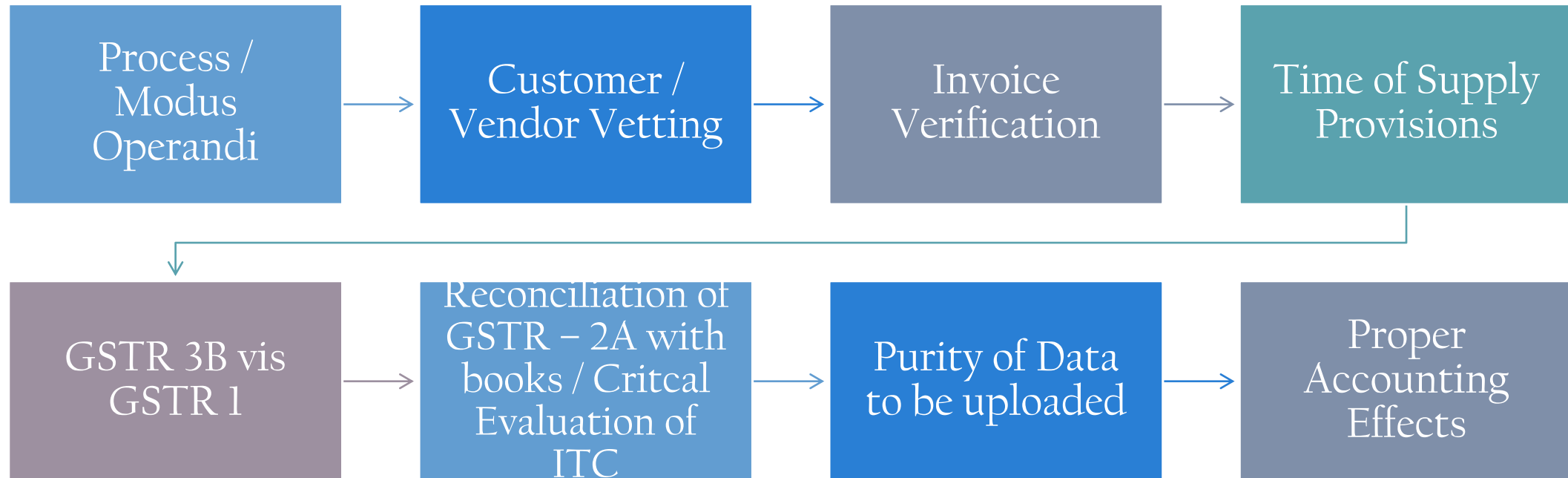
Disclosures in the Invoices and supporting documents



Internal Control Testing from GST perspective



Internal Control Testing from GST perspective



Data Analysis for GST Health of an assessee

- ❖ Necessity of Good Softwares to Convert Data in Usable Form
- ❖ Timely Identification of Errors
- ❖ Ratios for business decisions
- ❖ Errant Vendors must be blacklisted
- ❖ Identify Process Flaws
- ❖ Useful for Compliance Ratings u/s 149



संगच्छध्वं !!...

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