

Newsletter March 2024

1. Rectification of orders to correct the errors apparent on the face of the record:

Source: Instruction from the Department of Trade and Taxes, Delhi, dated March 6, 2024.

The Department of Trade and Taxes, Delhi, has issued an instruction (F.No. 3(543)/ GST/ POLICY/ 2024/ 1312-18) regarding the rectification of assessment orders to correct errors apparent on the face of the record under section 161 of the DGST Act, 2017.

Highlights:

- Section 161 allows any authority that has passed or issued a decision, order, or notice to rectify any error apparent on the face of the record.
- However, such rectification must be done within six months from the date of issue of the decision, order, or notice.

Guidelines for the officer:

- Ensure that reasons for initiating suo-moto rectifications are recorded in writing.
- Rectification power is limited to mistakes apparent on the face of the record, excluding matters requiring further arguments, replies, or submissions.
- Missed submissions by the appellant cannot be considered as mistakes apparent on record if they involve interpretation points on facts or law.
- Rectification cannot be done if an appeal is preferred by the registered person to higher appellate forums.

Examples:

- Rectifying a demand order where the demand has already been fully deposited but was not considered at the time of issuance.
- Correcting arithmetical errors in a demand order.

2. Notification of "Public Tech Platform for Frictionless Credit" for information sharing by GSTN:

Source: Notification 06/2024-Central Tax from the Central Board of Indirect Taxes and Customs, dated February 22, 2024.

The Central Board of Indirect Taxes and Customs has issued Notification 06/2024-Central Tax on February 22, 2024, notifying "Public Tech Platform for Frictionless Credit" as the system for sharing information by the common portal based on consent under Section 158A(2) of the Central Goods and Services Tax Act, 2017.

Highlights:

- The notification is issued under section 158A of the CGST Act, 2017, and section 20 of the IGST Act, 2017.
- It allows sharing of information furnished by the registered person on the common portal with other systems, as may be notified.

3. Integration of E-Waybill system with New IRP Portals:

Source: Advisory from the Goods and Services Tax Network, dated March 8, 2024.

The Goods and Services Tax Network has issued an advisory regarding the integration of the E-Waybill system with four new IRP portals via NIC, enabling taxpayers to generate E-Waybills alongside E-Invoicing on these portals.



Highlights:

- This integration complements the existing services available on the NIC-IRP portal, making E-Waybill services available across all six IRPs.

4. Mutual funds get GST notices for exit load:

Source: FinancialExpress.com.

The Directorate General of Goods and Services Tax Intelligence (DGGI) has sent show-cause notices to several mutual fund (MF) companies, seeking to recover a sum exceeding Rs 150 crore as GST on exit-load charges. The Central Board of Indirect Taxes and Customs (CBIC) had clarified in 2018 that exit loads under mutual funds are liable for GST. However, the industry argues that these charges are not for any service rendered but as a deterrent to early exits and should not fall under the purview of GST.

These adjustments aim to improve clarity and readability, ensuring that the information is conveyed effectively to the readers.