



भारतसरकार / Government of India
वित्तमंत्रालयराजस्वविभाग
Ministry of Finance, Department of Revenue
कार्यालय आयुक्त / Office
of the Commissioner
सी.जी.एस.टी. एवं केन्द्रीय उत्पाद शुल्क
Central Goods Service Tax and Central Excise (CGST & CX)
२९, भरतपुरी प्रशासनिक क्षेत्र २९, Administrative Area, Bharatpuri
उज्जैन (मप्र)-४५६०१०/Ujjain (MP)-456010.

F.No.I(Gen) 19-04/GST/Trade Notice /19-20/ 8242 To 72

Ujjain, Date. 30.12.2019

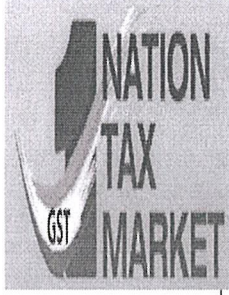
इस पत्र के साथ मंत्रालय से प्राप्त अधिसूचना / परिपत्र / निर्देश व्यापार सूचना / जन सूचना / मुख्यालय उज्जैन से जारी पत्र संख्या Trade Notice No./व्यापार सूचना संख्या 34/2019-20 dated 27.12.2019 की प्रति आयुक्तालय, सी. जी. एस. टी. एवं केन्द्रीय उत्पाद शुल्क, उज्जैन के निम्नलिखित अधिकारियों एवं अन्य की सूचना / मार्ग दर्शन एवं आवश्यक कार्यवाही हेतु अग्रेषित की जा रही है :

- 1 मुख्य आयुक्त, सी. जी. एस. टी. एवं केन्द्रीय उत्पाद शुल्क, भोपाल ।
- 2 आयुक्त, (अपील) सी. जी. एस. टी. एवं केन्द्रीय उत्पाद शुल्क, इंदौर ।
- 3 आयुक्त, सीमा शुल्क, इंदौर ।
- 4 आयुक्त लेखा परीक्षा, इंदौर ।
- 5 अपर आयुक्त, सी. जी. एस. टी. एवं केन्द्रीय उत्पाद शुल्क, उज्जैन ।
- 6 सभी उप आयुक्त / सहायक आयुक्त सी. जी. एस. टी. एवं केन्द्रीय उत्पाद शुल्क मुख्यालय उज्जैन उज्जैन मुख्यालय शाखा (सांख्यिकी / निवारक / समीक्षा / कानूनी / गोपनीय / तकनीकी / लेखा परीक्षा / न्याय निर्णयन-I / न्याय निर्णयन-II)
- 7 सभी प्रभागीय उप आयुक्त / सहायक आयुक्त, सी. जी. एस. टी. एवं केन्द्रीय उत्पाद शुल्क, पीथमपुर-१/२/३, उज्जैन-१/२, रतलाम, खंडवा ।
- 8 समस्त व्यापार संघों / वाणिज्य संस्थानों / क्षेत्रीय सलाहकार समिति (Bhopal Zone) के सदस्यों एवं जन समस्या निवारण समिति के सदस्यों की सूचना हेतु ।
- 9 The Chairman, All India Manufacturers Organizations, Ujjain, Pithampur, Ratlam, Khandwa.
- 10 Webmaster, Hqrs. Ujjain.
- 11 गार्ड / मास्टर फाईल ।
- 12 नोटिस बोर्ड

संलग्न : उपरोक्तानुसार

सहायक आयुक्त
सी. जी. एस. टी. एवं केन्द्रीय उत्पाद शुल्क,
मुख्यालय उज्जैन

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भारतसरकार /Government of India
वित्तमंत्रालयराजस्वविभाग
Ministry of Finance, Department of Revenue
कार्यालय प्रधानआयुक्त /Office of the Principal Commissioner
सी.जी.एस.टी एवं केंद्रीय उत्पाद शुल्क
Central Goods Service Tax and Central Excise (CGST & CX)
२९, भरतपुरी प्रशासनिक क्षेत्र 29, Administrative Area, Bharatpuri
उज्जैन (मप्र)-४५६०१०/Ujjain (MP)-456010.

F.No.I(Gen)19-04/GST/Trade Notice/19-20/

Ujjain, Date. 27.12.2019

व्यापार सूचनासंख्या 34/2019-20

उज्जैन दिनांक 27.12.2019

**Subject:- Standard operating Procedure to be followed in case of non-filers of return
— reg.**

5. व्यापार एवं उद्योग वर्ग का ध्यान परिपत्र क्रमांक 129/48/2019-GST दिनांक 24.12.2019 पर आमंत्रित किया जाता है जो की फाइल क्रमांक 20/06/04/19-GST- भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, जीएसटी पॉलिसी विंग, नई दिल्ली द्वारा "Standard operating Procedure to be followed in case of non-filers of return " के संबंध में जारी किया गया है (प्रति सलग्न)|

2 उपरोक्त परिपत्र क्रमांक 129/48/2019-GST दिनांक 24.12.2019 की विषयवस्तु को आपके एसोसिएशन के सदस्यों को विशेष रूप से और सामान्य ज्ञान के अभाव में लाये जाने का अनुरोध है।

संलग्न : उपरोक्त अनुसार

(डॉ. संदीप श्रीवास्तव)
प्रधान आयुक्त

6/2/19 27.12.2019

CBEC-20/06/04/2019-GST
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes and Customs
GST Policy Wing

New Delhi, Dated the 24th December, 2019

To,

The Pr. Chief Commissioners / Chief Commissioners / Principal Commissioners /
Commissioners of Central Tax (All)
The Principal Director Generals / Director Generals (All)

Madam/Sir,

Subject: Standard Operating Procedure to be followed in case of non-filers of returns

- reg.

Doubts have been raised across the field formations in respect of the appropriate procedure to be followed in case of non-furnishing of return under section 39 or section 44 or section 45 of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as the "CGST Act"). It has further been brought to the notice that divergent practices are being followed in case of non-furnishing of the said returns.

2. The matter has been examined. In order to clarify the issue and to ensure uniformity in the implementation of the provisions of the law across field formations, the Board, in exercise of its powers conferred by section 168 (1) of the CGST Act, hereby issues the following clarifications and guidelines.

3. Section 46 of the CGST Act read with rule 68 of the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the "CGST Rules") requires issuance of a notice in **FORM GSTR-3A** to a registered person who fails to furnish return under section 39 or section 44 or section 45 (hereinafter referred to as the "defaulter") requiring him to furnish such return within fifteen days. Further section 62 provides for assessment of non-filers of return of registered persons who fails to furnish return under section 39 or section 45 even after service of notice under section 46. **FORM GSTR-3A** provides as under:

"Notice to return defaulter u/s 46 for not filing return

Tax Period -

Type of Return -

Being a registered taxpayer, you are required to furnish return for the supplies made or received and to discharge resultant tax liability for the aforesaid tax period by due date. It has been noticed that you have not filed the said return till date.

1. *You are, therefore, requested to furnish the said return within 15 days failing which the tax liability may be assessed u/s 62 of the Act, based on the relevant material available with this office. Please note that in addition to tax so assessed, you will also be liable to pay interest and penalty as per provisions of the Act.*
2. *Please note that no further communication will be issued for assessing the liability.*
3. *The notice shall be deemed to have been withdrawn in case the return referred above, is filed by you before issue of the assessment order."*

As such, no separate notice is required to be issued for best judgment assessment under section 62 and in case of failure to file return within 15 days of issuance of **FORM GSTR-3A**, the best judgment assessment in **FORM ASMT-13** can be issued without any further communication.

4. Following guidelines are hereby prescribed to ensure uniformity in the implementation of the provisions of law across the field formations:

- (i) Preferably, a system generated message would be sent to all the registered persons 3 days before the due date to nudge them about filing of the return for the tax period by the due date.
- (ii) Once the due date for furnishing the return under section 39 is over, a system generated mail / message would be sent to all the defaulters immediately after the due date to the effect that the said registered person has not furnished his return for the said tax period, the said mail/message is to be sent to the authorized signatory as well as the proprietor/partner/director/karta, etc.
- (iii) Five days after the due date of furnishing the return, a notice in **FORM CSTR-3A** (under section 46 of the CGST Act read with rule 68 of the CGST Rules) shall be issued electronically to such registered person who fails to furnish return under section 39, requiring him to furnish such return within fifteen days;
- (iv) In case the said return is still not filed by the defaulter within 15 days of the said notice, the proper officer may proceed to assess the tax liability of the said person under section 62 of the CGST Act, to the best of his judgement taking into account all

the relevant material which is available or which he has gathered and would issue order under rule 100 of the CGST Rules in **FORM GST ASMT-13**. The proper officer would then be required to upload the summary thereof in **FORM GST DRC-07**;

(v) For the purpose of assessment of tax liability under section 62 of the CGST Act, the proper officer may take into account the details of outward supplies available in the statement furnished under section 37 (**FORM GSTR-1**), details of supplies auto-populated in **FORM GSTR-2A**, information available from e-way bills, or any other information available from any other source, including from inspection under section 71;

(vi) In case the defaulter furnishes a valid return within thirty days of the service of assessment order in **FORM GST ASMT-13**, the said assessment order shall be deemed to have been withdrawn in terms of provision of sub-section (2) of section 62 of the CGST Act. However, if the said return remains unfurnished within the statutory period of 30 days from issuance of order in **FORM ASMT-13**, then proper officer may initiate proceedings under section 78 and recovery under section 79 of the CGST Act;

5. Above general guidelines may be followed by the proper officer in case of non-furnishing of return. In deserving cases, based on the facts of the case, the Commissioner may resort to provisional attachment to protect revenue under section 83 of the CGST Act before issuance of **FORM GST ASMT-13**.

6. Further, the proper officer would initiate action under sub-section (2) of section 29 of the CGST Act for cancellation of registration in cases where the return has not been furnished for the period specified in section 29.

7. It is requested that suitable trade notices may be issued to publicize the contents of this Circular.

8. Difficulty, if any, in implementation of the above instructions may please be brought to the notice of the Board. Hindi version would follow.

(Yogendra Garg)
Principal Commissioner (GST)