



सत्यमेव जयते

कार्यालय मुख्य आयुक्त
OFFICE OF THE CHIEF COMMISSIONER
सीजीएसटी एवंकेन्द्रीय उत्पाद शुल्क (जयपुर परिक्षेत्र), जयपुर
CGST & CENTRAL EXCISE (JAIPUR ZONE), JAIPUR
नवकेन्द्रीय राजस्वभवन, स्टेच्यूसर्किल, सी-स्कीम, जयपुर- 302005 (राज.)
NEW CENTRAL REVENUE BUILDING, STATUE CIRCLE, C-SCHEME, JAIPUR - 302005 (RAJ.)
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Minutes of 5thGrievance Redressal Committee Meeting held on 03.09.2021

A meeting of the Grievance Redressal Committee (GRC) for the State of Rajasthan was held on 03.09.2021 through video conference. The meeting, co-chaired by Shri P. K. Singh, Chief Commissioner, Central Tax and Shri Ravi Jain, Chief Commissioner, State Tax, was attended by the following officers and representatives from the Trade Associations and Associations of Tax Professionals:

Sl. No.	Name of the Officer	Designation/ Organization
1.	C. P. Goyal	Pr. Commissioner, CGST Commissionerate, Alwar / Jaipur
2.	Shri B. S. Meena	Commissioner, CGST Commissionerate, Udaipur
3.	Shri Alok Sharma	Secretary, GRC
4.	Shri Arvind Mishra	Additional Commissioner, State Tax, Secretary, GRC
5.	Shri Manoj Singhal	Deputy Commissioner, State Tax
6.	Shri Manoj Bhasin	Assistant Commissioner, CCO Jaipur
	Shri Kapil Joshi	GSTN
7.	Shri Gyanendra Prakash Dwivedi	GSTN
8.	Shri R. S. Gemini	Rajasthan Chamber of Commerce & Industry
9.	Shri G. N. Sharma	Rajasthan Tax Bar Association
10.	Shri R. K. Gupta	Bhiwadi Manufacturers Association
11.	Shri Arun Agarwal	Federation of Rajasthan Trade & Industries
12.	Shri Naresh Joshi	Federation of Indian Chamber of Commerce & Industries, Jaipur
13.	Shri R. K. Jain	Honorary Secretary General, Mewar Chamber of Commerce and Industry
14.	Bhupendra Singh	Federation of Indian Export Organisations

2. At the outset, Sh. Alok Sharma, Secretary, GRC welcomed all the officers of Central Tax, State Tax and representatives from the Trade. After having a brief introduction of the participants, the Secretary, GRC, with the permission of the Chair took up the issues raised in the representation received from various forum, through a Power point Presentation:

3. **Issues raised by BHIWADI MANUFACTURER ASSOCIATION:**

(a). Department is raising audit para referring section 122(1)(iii) even when assessee has already paid the tax amount along with interest before any notice or audit. It shows there is no suppression and malafide intention of the assessee. The section talks about "fails to pay". So even if assessee has already paid the amount with interest then such paras should not be raised.

A report on this issue sought from the Audit Commissionerate, Jaipur reveals that failure to pay any amount collected as tax beyond a period of three months attracts penal consequences in terms of Section 122 (1)(iii). The representation submitted by the Bhiwadi Manufacturers Association only talks about "fails to pay" contained in

the said Section whereas the Section does not stop there but provides for penalty when the failure is "beyond a period of three months".

The representative from Bhiwadi Manufacturers Association present, has shown disagreement with the reply and adhered to the point that when legislative intent is clear that in any delayed payment made by the tax payer suo moto, only interest liability is cast that too on cash component only, no further penalty needs to be imposed in terms of section 73 of CGST Act 2017. When appropriate tax along with interest having already been paid, 'failure of payment of tax' on the part of the taxpayer, no longer remains. Whereas the audit is proposing penalty equal to the tax involved in the paras raised.

The Commissioner Audit has responded that any amount collected as tax and retained beyond 3 months from due date attracts penalty in terms of Section 122 (1)(iii) and the SCNs are being issued under Section 122 for only penalty. The Chief Commissioner, State Tax has also find himself in agreement with the above view.

The Chief Commissioner, Central Tax has stated that section 122 (1)(iii) is very clear and do not leave any doubt but in view of repeated request of Bhiwadi Manufacturers Association representative, this would be got examined thoroughly and communicated in due course of time.

(b) Presently GSTR-2B is being generated on 12th of subsequent month covering transactions mentioned by the supplier in its GSTR-1 being filed upto 11th of the subsequent month. The time of generation may be extended upto 20th of subsequent month so that assessee does not suffer the liquidity issues due to non-availment of input credit & by bearing its corresponding bank interest by 1 month.

The time of generation of GSTR-2B is 2 days after the due date of filing of GSTR-1 which is 10th of succeeding month which is well thought. Most of the taxpayers in this zone are filing their GSTR-1 on or before due date. Extending the time of generation of GSTR-2B means allowing ITC on the late filed GSTR-1, that would definitely de-incentivise those who file their GSTR-1 on time. Trade representatives are requested to encourage their member taxpayers to file their returns before the end date.

4. Issues raised by Mewar Chamber of Commerce and Industries:

(a). After the software updation of EGM on the ICEGATE Portal, member-exporters are unable to file their Export General Manifest from the month of April 2021 onwards.

The issue pertains to Customs. Therefore, it is advised to take up the issue with Customs authorities. However, The Chief Commissioner, Central Tax has assured the representative to take up the matter with Customs if details of some specific instances are provided to the GRC.

(b) As per third Proviso to Rule 89(1) of CGST Rules, the recipient of deemed export supplies may file online claim for refund of IGST paid on capital goods received under EPCG. But as the portal restrict from claiming the refund from the balance in electronic credit ledger of the head other than IGST whereas the balance of IGST is already utilized while utilizing the output tax liability at the time of filing the return of the period.

On this issue, Sh. Kapil Joshi, member participant from GSTN informed that the issue has already been resolved. Still if there is any problem to any of the taxpayer they can directly contact him on his mobile number.

(c) Certain Textile units engaged in job work are required to raise invoice of services and after implementation of e-invoice system, no E-way bill is generated by e-invoice portal being service invoices. Moreover, at E-way portal, E-way bill is not generated unless IRN is generated and in such cases IRN is generated for service invoice for which E-way bill is not generated due to HS code of services.

Sh. Kapil Joshi, member participant from GSTN clarified that the issue is being looked after by the separate team of NIC. The matter has already been brought to their notice. The Chief Commissioner Central Tax has assured that a separate discussion engaging NIC people will be organized shortly.

(d) As per notification no. 11/2017 central tax (rate) dated 28.06.2017 as amended on 13.10.2017, all dairy products related job work covered under chapter 4 of Custom Tariff Act, falls under 5% GST. But, in e-invoicing system, system/portal is not allowing to prepare/generate invoice of above services (SAC code 998815) under 5% GST Rate. There is some problem in mapping the GST rate in respect of services provided in the food industries.

This issue was also raised in the previously held GRC. The matter was referred to the NIC, who vide their mail dated 28.07.2021 has informed that the e-Invoice portal does not check the Tax rate with the HSN or SAC codes. Also, there is no mapping of the tax rates with HSN codes. Any tax rate may be entered for the HSN/SAC and e-Invoice can be generated. Therefore, the Member is requested to bring the specific instances to the notice of GRC along with details like screenshot etc.

5. Issues raised by MARBLE & GANGSAW ASSOCIATION:

(a) Since the Marble & Granite (Dimensional Stone) business runs totally on Credit and the period of repayment depends upon the sale done by the buyer which is generally 6 to 8 month or even more. Thus, the supplier or manufacturer/seller also make late payments to his supplier of raw material etc. In view of Rule 37 of CGST Rules it led to reversal of ITC as the payment is not made within 180 days. Now the Audit has started in GST and the paras are being raised regarding ITC reversal & Interest demand. In such situation it is requested that for Dimensional Stone industry the Time limit for payment may be increased from 180 days to 360 days

This is being policy matter; a lot of deliberation might have taken place before taking such conscious decision at the highest level with an in built provision that ITC reversed on this account can be re availed on payment of Invoice.

(b) One Major problem in the Dimensional Stone Industry is that despite making payment to the supplier, the supplier do not deposit the tax collected to government account and becomes non-existent. In such situation, the buyer has to reverse the ITC availed. Therefore it is suggested that an option should be introduced in the GST software for payment of GST by the buyer on behalf of the supplier so that he can avail the ITC on the Invoices.

The Chief Commissioner has stated that there are very few sectors/services/situations where the RCM is prescribed and it is intended to kept it minimal. The suggestion, if agreed, will only expand the list of RCM further.

(c) There is a matter of Export made by M/s Sonam Marble & Granites Pvt Ltd in the August 2017 but after revising the return they had not received the refund of Tax since there bank account has been not shown on ICEGATE portal.

The Chief Commissioner Central Tax requested to send complete detail so that the matter may be taken up with the Customs authorities.

6. **The issues raised beyond the agenda points:-** The member participant of BMC, with the permission of the chair, has raised following additional points:-

- (i) In cases of export from the port situated outside the state of Rajasthan, there is a requirement of physical verification of the taxpayer's premises. The authority concerned is taking very long time in verification process.

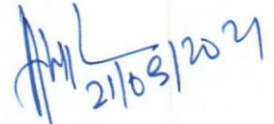
The issue pertains to customs formation; at the best, the matter may be taken up with the Customs authority if the details are provided to them.

- (ii) TRAN-1 verification should be strictly concentrated to the period involved. In some cases details of the other period is also being sought causing unnecessary harassment to the taxpayer.

The Chief Commissioner, Central tax has stated that there should not be any requirement of the details for the period other than the period related to the TRAN-1. He further advised to bring any such instance directly to the notice of jurisdictional Commissioner or to send specific details to him.

7. The above detailed discussion was followed by an interactive session and the Chair assured the trade representative that any trade representative may call them any time and take up any issue with which the trade feels uncomfortable with.

8. The meeting was concluded with vote of thanks by the Secretary, GRC, and Rajasthan.



(Alok Sharma)
Additional Commissioner,
Secretary, GRC, Rajasthan

F. No. CCO(JZ)Tech/36/2020/

Dated: .09.2021

Copy forwarded for information and necessary action to:

1. Chairman, CBIC, New Delhi.
2. Member (Tax Policy) & Zonal Member, CBIC, New Delhi.
3. Member (GST), CBIC, New Delhi.
4. Special Secretary, GST Council Secretariat, New Delhi.
5. Chief Executive Officer, GSTN, New Delhi.
6. Addl. Chief Secretary (Finance) Govt. of Rajasthan, Jaipur.
7. Finance Secretary, Govt. of Rajasthan, Jaipur.
8. Principal Commissioner (GST Policy Wing), CBIC, New Delhi, w.r.t. letter F. No. 20/10/16/2018-GST (Pt. I) dated 24.12.2019.
9. Chief Commissioner, State Tax, Kar Bhavan, Ambedkar Circle, Jaipur.
10. Commissioner, CGST & Central Excise, Jaipur/Alwar/ Jodhpur/ Udaipur.
11. Commissioner (Audit), CGST & Central Excise, Jaipur/ Jodhpur.
12. Commissioner (Appeals), CGST & Central Excise, Jaipur/ Jodhpur.
13. Commissioner, Customs, Jodhpur (Hqrs. at Jaipur).
14. Representatives of Trade Association and Tax Professionals Associations,
 - (i) Hon. Secretary General, Rajasthan Chamber of Commerce & Industry, Chamber Bhawan, M.I. Road, Jaipur-302003.
 - (ii) President, Federation of Indian Chamber of Commerce & Industry (FICCI), Jaipur, 202, Rajputana Tower, A-27-B, Shanti Path, Tilak Nagar, Jaipur-302004.
 - (iii) President, Federation of Rajasthan Trade & Industries (Forti), A-7, 2nd Floor, Ganpati Enclave, Civil Lines, Ajmer Road, Jaipur-302006.

- (iv) President, Rajasthan Steel Chamber, B-234, Road No. 9, VKI Area, Jaipur-302013.
 - (v) Secretary, Rajasthan Textile Mills Association, B-1. Bharat Mata Path, Navlakha Apartment, C-Scheme, Jaipur.
 - (vi) President, Marble and Gangsaw Association, Rajsamand, SPL-1, Road No. 2, RIICO Industrial Area, Dhoinda, Rajsamand-313001.
 - (vii) Hon. Secretary General, Mewar Chamber of Commerce & Industry, Mewar Chamber Bhawan, Nagori Garden, Bhilwara-311001.
 - (viii) General Secretary, Rajasthan Tax Consultant Association, B-145/B, KarSalahkarBhawan, Kalyan Path, Mangal Marg, Bapu Nagar, Jaipur, Rajasthan 302015.
 - (ix) President, Tax Bar Association, Jodhpur, Opposite BSNL Office, Near bank of Baroda, 102, Vinayak Nagar, Near Man Ji KaHattha, Paota, Jodhpur-342001.
 - (x) General Secretary, Rajasthan Tax Bar Association, Haldiya House, Zohri Bazar, Jaipur.
 - (xi) President, Federation of Indian Export Organizations, 303, 3rd Floor, SuryodayaApartments, F-72, Subhash Marg, C-Scheme, Jaipur-302001.
 - (xii) President, Laghu Udhog Bharti, Rajasthan Zonal Office, S-8, Govindam Complex, SC Road, Jaipur-302001.
 - (xiii) Secretary, Rajasthan Cement Manufacturers Association, C/o M/s. Shree Cement Limited, JLN Marg, Opp. Rajasthan University, Jaipur-302015.
 - (xiv) President, Jodhpur Handicrafts Association, Jodhpur, Basni Phase 1, Behind KrishiMandi, near Reliance Communication, Jodhpur, Rajasthan-342005.
 - (xv) President, Bhiwadi Manufacturers Association, S-56, BMA House, Main Road, Dhaba Complex Distt, Bhiwadi, Rajasthan 301019.
 - (xvi) President, Marudhar Industries Association, Jodhpur, Nr. SBI Bank Phase II, MIA 1st Phase, Basni, Jodhpur- 342005.
 - (xvii) President, Marwar Chamber of Commerce & Industry, Jodhpur, HaiderBldg, Sojati Gate, Jodhpur-342001.
 - (xviii) President, Hotels and Restaurants Association of Rajasthan, LMB, Zohri Bazar, Jaipur.
 - (xix) Central Council Member, Institute of Chartered Accountant, "ICAI Bhawan", D-1, JhalanaDoongri Institutional Area, Jaipur-302004.
15. Web Master, CBIC.
16. The Superintendent (Systems), GST & CE Commissionerate, Jaipur, for uploading the minutes on Zonal website (www.cgstjaipur.gov.in).