2017

Kind of Assessment in GST

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11/25/2017

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Assessment of GST returns have been defined in Chapter- XII under section 59 to 64 of the CGST Act,2017. There are several types of assessment which have been categories as below:

- Self Assessment
- Provisional assessment
- Scrutiny of Returns
- Assessment of non filer of returns
- Assessment of unregistered person
- Summary assessment in certain special cases

Self Assessment

Every registered person shall self assess his taxable value and furnish return for each tax period under section 39 of the Act.

Provisional Assessment

- Where the taxable person unable to determine the value of goods or services , may request to proper officer in writing to make payment of taxes on provisional basis.

- Payment of tax on provisional basis may be allowed if taxable person execute bond with surety or security as may be prescribed. This is required for binding the person for payment of difference of tax between final and provisional assessment. Proper officer will pass the order within 90 days from the date of application.

- The proper officer within period of six month from the date of order, pass the final order. This period of six months may be extended for another period of six months by Joint or Additional commissioner. Commissioner may extend the same for the period of four years.

- Any difference payable as determined in final order over the provisional order, shall be subject to interest at the rate specified in section 50 from the due date of payment to actual date of payment.

- Where difference as determined in final order over the provisional order is refund , the same shall be subject to interest as provided in section 56 of the act.

- For making application for provision assessment, taxable person need to make application on Form-ASMT-01 under Rule -98 of the CGST Rules,2017.

- In case of any clarification taxable person will apply on Form –ASMT-03.

- Proper officer shall issue order on Form-ASMT-04 indicating the value and rate on the basis of which assessment is to be allowed on provisional basis and the amount for which the bond to be executed. Security for the bond amount to be furnished which shall not exceed 25% of the bond amount.

- The registered person shall execute bond on Form- ASMT-05 along with security in the form of bank guarantee. Applicant will file Form-ASMT -08 for release of security.

Scrutiny of Return

The proper officer may scrutinize the return and related particulars furnished by taxable person and inform him the discrepancy if any and ask for explanation of the same. If he is satisfied with the explanation ,inform him about the same. If no satisfactory information has been furnished, proper officer may take the appropriate action including those under section 65, 66 and 67 and proceed to determine the tax under section 73 and 74.

Rule -99 of CGST Rules,2017 , under the proceeding of scrutiny where proper officer ask for any discrepancy will issue notice on Form ASMT-10. After the acceptance by registered person of such discrepancy, pay tax, interest and any other amount and furnish explanation on Form-ASMT-11.

Assessment of Non Filer of Return

- Where registered person fails to file the return prescribed u/s 39 and 45 even after serving notice u/s 46 , the proper officer may proceed to assess the tax on best of his judgement on the basis of information in his possession and frame assessment order within period of five years from the due date of filing the annual return under section 44.

- Where the taxpayer files the return within 30 days of the service of assessment order, the said order shall be withdrawn. But the taxpayer need to pay interest u/s 50 and late fees u/s 47.

Assessment of Unregistered Person

Where taxable person fails to take registration though liable to do so or whose registration has been cancelled but liable to pay tax , the proper officer may assess his liability to best of his judgement to the relevant tax period and issue assessment order within period of five years due date of filing the annual return under section 44.

Summary Assessment in certain special cases

- The proper officer on the basis of evidence showing tax liability of any taxpayer issue his notice subject to permission of Assistant Commissioner / Joint Commissioner proceed to tax the liability of such person in the interest of revenue and issue a assessment order.

- On application made by taxable person within 30 days from the date of receipt of order passed or on his motion , AC/JC consider that such order is erroneous may withdraw the order and follow the procedure laid u/s 73 and 74.

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