Section Wise Details of Penalty payable under GST Provisions

Follow SGST + CGST = IGST logic on all penalty in money terms

Section of CGST	Details of Failure/Person liable to pay	Penalty
47(1)	Any Registered person who fails to furnish returns i.e. Details of Outward supplies U/s 37 or returns U/s 39 or Final Return U/s 45	Late Fees of Rs. 100 per day per Act subject to maximum of Rs. 5000 per Act (Rs. 10000 CGST + SGST)
47(2)	Failure to furnish Annual return u/s 44	Late Fees of Rs. 100 per day per Act subject to maximum of 0.25% of turnover in State/UT
51	TDS shall be paid within 10 days after the end of the month of deduction. A certificate shall be furnished within 5 days of payment.	Rs. 100 per day from the day after the expiry of such five days, subject to a maximum of Rs. 5000
52	Electronic Commerce operator failing to furnish information required through Notice U/s 52(12)	Penalty which may extend to Rs. 25000
73/ 122(2)(a)	Person liable to pay Tax if the same: – not paid, or – short paid, or – erroneously refunded, or – input tax wrongly availed, or utilized for any reason other than fraud or wilful misstatement or suppression of facts. Time Limit for issue of Notice (Sec. 73(2)): – 33 months (i.e. 3 months prior to the time limit for issuance of order as per section 73(10)) Time Limit for issuance of Order (Sec. 73(10)): – 3 years from the due date of furnishing of Annual return for the relevant FY, or – 3 years from the date of erroneous refund	– Nil if amount due is paid with interest prior to or within 30 days of SCN – 10% of amount due or Rs. 10000 whichever is higher as per the adjudication order – 10% of amount due or Rs. 10000 whichever is higher if self-assessed tax or amount collected as tax has not been paid within period of 30 days from the due dates of payment of such tax
74/ 122(2)(b)	Person liable to pay Tax if the same: – not paid, or – short paid, or – erroneously refunded, or – input tax wrongly availed, or utilized by reason of fraud or wilful misstatement or suppression of facts. Time Limit for issue of Notice (sec 74(2)):	– 15% if amount due is paid with interest prior to issuance of SCN. – 25% of amount if the same is paid with interest within 30 days of issuance of SCN

CA Amit Jain {CA, CIMA (UK), DIFRS (ACCA, UK), DBF, Cert. in Der.}
Ex-Top Management (CFO/FC) of Multi National & Indian Companies

	– 54 months (i.e. 6 months prior to the time limit for issuance of order as per section 74(10)) Time Limit for issuance of Order (sec 74(10)): – 5 years from the due date of furnishing of Annual return for the relevant FY, or – 5 years from the date of erroneous refund	– 50% of amount if the same is paid with interest within 30 days of issuance of adjudication order. – 100% of amount due or Rs. 10000 whichever is higher
122(1)	Any taxable person for the below 21 reasons: i. Supplying goods or services without issue of any invoice or incorrect or false invoice; ii. Issues any invoice without supplying any goods or services or both in violation of this Act or rules; iii. Collects the tax but fails to deposit the same with Govt. within 3 months of due date; iv. Collects the tax in violation of this Act but fails to deposit the same with Govt. within 3 months of due date; v. Fails to deduct TDS & fails to deposit the TDS with Govt; vi. Fails to deduct TCS & fails to deposit the TCS with Govt; vii. Takes or utilizes ITC without actual receipt of goods or services; viii. Obtains refund of tax fraudulently; ix. Takes or distributed ITC in violation of law; x. Falsification / substitution of records or production of false accounts/documents or furnishing of any false information or return with intention to evade payment of tax; xi. Fails to take registration; xii. Submission of false information for taking registration & subsequently; xiii. Obstructs or prevents any officer from discharge of his duties; xiv. Transport any taxable goods without proper documents xv. Suppresses turnover to evade tax; xvi. Fails to maintain proper accounts & documents; xvii. Fails to furnish information or documents in any proceedings	1. Rs. 10000 or 2. An amount equivalent to: – Tax evaded or – TDS not deducted or short TDS deducted or not deposited with Govt. – TCS not collected or short TCS collected or not deposited with Govt. – Wrong ITC availed or utilized – Wrong ITC passed or distributed – Wrong refund claimed Whichever is higher

	xviii. Supplies, transport, stores any goods which he knows are liable to confiscation under the Act; xix. Issues any invoice or document using the registration number of another registered person; xx. Tampers with, destroys any material evidence or document; xxi. Disposes off or tampering with any goods that have been detained, seized or attached under the Act.	
122(3)	Any person for the below 5 reasons:- i. Who aids or abets any offences U/s 122(1); ii. Acquires possession of, or in any way concerns himself in transporting, removing, depositing, keeping, concealing, supplying or purchasing or in any other manner deals with any goods which know or has reasons to believe are liable to confiscation under this Act; iii. Receives or is in any way connected with the supply or in any other manner deals with any goods which know or has reasons to believe are liable to confiscation under this Act; iv. Fails to appear before the officer on being summoned; v. Fails to issue invoice or account for an invoice in his books of accounts as per the Act.	Upto Rs. 25000
123	Person covered U/s 150 for failure to furnish information return or willfully furnishing false information return	Rs 100 per day per Act subject to maximum of Rs. 5000
124	Person covered U/s 151 for failure to furnish (statistics) information return or willfully furnishing false information return	– Rs. 10000 and – In case of continuing default, Rs. 100 per day subject to maximum of Rs. 25000
125	General Penalty on any person for contravention of any provision of this Act for which no separate penalty is provided for	Upto Rs. 25000
126	Minor breaches of tax regulations or procedural requirements, any omission or mistake in documentation which is easily	No Penalty

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<tr><td></td><td>rectifiable and made without any fraudulent intention or gross negligence.
– A breach is minor breach if the amount of tax involved is less than Rs. 5000
– A omission or mistake in document shall be considered as rectifiable if the same is an error apparent on the face or record.</td><td></td></tr>
<tr><td>129</td><td colspan="2">If any person transports or stores goods in transit in contravention of the provisions of this Act or rules, such goods & conveyance used for transport & documents relating to such goods & conveyance shall be liable to detention or seizure & shall be released, on payment of penalty given below:-
<table>
<tr><th>Person who pays such tax & penalty</th><th>Type of goods</th><th>Penalty</th></tr>
<tr><td>Owner</td><td>Taxable goods

Exempted goods</td><td>100% of tax amount

2% of value of goods or Rs. 25000 whichever is less</td></tr>
<tr><td>Transporter</td><td>Taxable goods

Exempted goods</td><td>50% of the value of goods reduced by tax amount paid
5% of value of goods or Rs. 25000 whichever is less</td></tr>
</table>
If the transporter or owner fails to pay such amount within 14 days of such detention or seizure, further proceedings shall be initiated u/s 130.</td></tr>
<tr><td>130</td><td colspan="2">If a person commits any of the following offences, then such goods or conveyances is liable to confiscation & penalty U/s 122 shall be paid:-

➢ Supplies or receives any goods in contravention of provisions
➢ Does not account for goods on which he is liable to pay tax
➢ Supplies any goods liable to tax without having applied for registration
➢ Contravenes any provisions with intent to evade tax
➢ Uses any conveyance for transportation of goods in contravention of
➢ provisions (Unless the owner of the conveyance proves that it was so used without his knowledge)</td></tr>
<tr><td>132</td><td colspan="2">Person commits or attempts to commit or abets any of the following offences:
➢ Does not issue invoice
➢ Issues invoice without supply & avails ITC on such invoice
➢ Collects any tax which is not paid to the government within 3 months from due date of payment
➢ Evades tax or fraudulently avails ITC or refund
➢ Possesses, transports, stores, supplies , purchases etc. goods which he believes are liable to confiscation</td></tr>
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- Receives or deals with supply of **services** which believes are in **contravention** of any provisions
- Fails to supply **information** or furnishes false information without intention to avoid tax

<table>
<tr><th>Tax evaded or ITC wrongly availed or refund wrongly taken exceeds</th><th>Fine &/or imprisonment up to</th></tr>
<tr><td>Exceeding Rs. 5 crores</td><td>5 years</td></tr>
<tr><td>Exceeding Rs. 2 crores upto Rs. 5 crores</td><td>3 years</td></tr>
<tr><td>Exceeding Rs. 1 crores upto Rs. 2 crores</td><td>1 year</td></tr>
</table>

Person who commits or abets commission of following offences shall be punishable with imprisonment up to 6 months or with fine or both:

- **Falsifies** financial records, accounts or documents or furnishes false information
- **Obstructs** or prevents any **officer** in the discharge of his duties
- **Tampers** with or destroys any material **evidence** or documents

In case of repetitive offences without any specific/special reason will entail an imprisonment term of not less than 6 months and extend upto 5 years with a fine.

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<tr>
<td>20 of IGST Act</td>
<td>Penalty if leviable under CGST Act and SGST Act or the UTCGST Act</td>
<td>Sum total of penalties imposed under these Acts.</td>
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