

GST Trail

Key Highlights of GST Notifications and Clarification Circulars

November 2023



Notification Updates

Notification 53/2023 – Central Tax – dated 2 November 2023

The Central Board of Indirect Taxes and Customs (CBIC) has notified special procedure for taxable persons who could not file an appeal against the order passed on or before 31 March 23 under Section 73 or 74 of the CGST Act within three months from communication of said order or within a further period of one month, as the case may be, in accordance with Section 107(1) r.w. Section 107(4) of the CGST Act. The procedure notified is summarized below:

1. The said person shall file an appeal in FORM GST APL-01 on or before 31 January 2024.
2. Filing of said appeal shall be subject to payment of the following by the appellant:
 - a) in full, the amount of tax, interest, fine, fee and penalty arising from the impugned order, as is admitted by him; and
 - b) 12.5% of the remaining amount of tax in dispute arising from the said order, subject to a maximum of twenty-five crore rupees, out of which at least 20% is to be paid by debiting from the Electronic Cash Ledger (ECL).
3. No refund shall be granted on account of this notification till the disposal of the appeal in respect of any amount paid by the appellant in excess of the amount specified above, before the issuance of this notification.
4. No appeal under this notification shall be admissible in respect of a demand not involving tax.

Notification 54/2023 – Central Tax – dated 17 November 2023

The CBIC has amended Notification 27/2022 – Central Tax – dated 26 December 2022 to notify biometric-based Aadhaar authentication for GST registration in the State of Andhra Pradesh.



Technical Updates

[Advisory for Pilot Project of Biometric-Based Aadhaar Authentication and Document Verification for GST Registration Applicants of Gujarat and Puducherry](#)

Rule 8 of the CGST Rules, 2017 has been amended to provide that an applicant can be identified on the common portal, based on data analysis and risk parameters for biometric-based Aadhaar Authentication and taking a photograph of the applicant along with the verification of the original copy of the documents uploaded with the application. Said functionality has been developed by GSTN. It was launched in Puducherry on 30 August 2023 and will be rolled out in Gujarat on 7 November 2023. The GSTN now also provides for the document verification and appointment booking process. The advisory elaborates upon the procedure for OTP-based Aadhaar Authentication as well as biometric authentication and document verification post submission of Form GST REG-01.

[Advisory for the procedures and provisions related to the amnesty for taxpayers who missed the appeal filing deadline for the orders passed on or before 31 March 2023](#)

In accordance with Notification [53/2023](#) – Central Tax – dated 2 November 2023, taxpayers can now file an appeal in FORM GST APL-01 on the GST portal on or before 31 January 2024 for the order passed by the proper officer on or before 31 March 2023. It is further advised that the taxpayers should make payments for entertaining the appeal by the Appellate officer as per the provisions of Notification No. 53/2023.

The GST Portal allows taxpayers to choose the mode of payment (electronic Credit/Cash ledger), and it's the taxpayer's responsibility to select the appropriate ledgers and make the correct payments. The advisory also clarifies the procedure for taxpayers who have already filed an appeal who wish to be covered by the benefit of the amnesty scheme by making differential payments to comply with Notification No. 53/2023.

[ITC Reversal on Account of Rule 37\(A\)](#)

As per Rule 37A of CGST Rules, 2017, the taxpayers have to reverse the Input Tax Credit (ITC) availed on such invoices, the details of which have been furnished by their supplier in their GSTR-1/IFF but the return in FORM GSTR-3B for the said period has not been furnished by their supplier till 30 September following the end of the relevant financial year. The said ITC is to be reversed by such taxpayers while furnishing a return in FORM GSTR-3B on or before the 30 November following the end of such financial year. To facilitate the taxpayers, such an amount of ITC required to be reversed on account of Rule 37A of CGST Rules for the financial year 2022-23 has been computed from the system and has been communicated to the concerned recipient. The email communication to this effect has been sent to the taxpayer's registered email address.

Advisory for Online Compliance Pertaining to ITC mismatch – GST DRC-01C

The GSTN has developed a functionality to generate automated intimation in Form GST DRC-01C, which enables the taxpayer to explain the difference in Input tax credit available in the GSTR-2B statement & ITC claimed in GSTR-3B return online as directed by the GST Council. This feature is now live on the GST portal. If the claimed ITC in GSTR 3B exceeds the available ITC in GSTR-2B by a predefined limit or the percentage difference exceeds the configurable threshold, the taxpayer will receive an intimation in the form of DRC-01C. Upon receiving an intimation, the taxpayer must file a response using Form DRC-01C Part B. The taxpayer can either provide details of the payment made to settle the difference using Form DRC-03, or provide an explanation for the difference, or even choose a combination of both options. In case no response is filed by the impacted taxpayers in Form DRC-01C Part B, such taxpayers will not be able to file their subsequent period GSTR-1/IFF.

Comprehensive Guide and Instructions for Direct API Integration with Any of the 6 IRPs for E-Invoice Reporting

The said document can be accessed and downloaded [here](#).



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