

Contents

<i>About the Authors</i>	<i>v</i>
<i>Preface</i>	<i>vii</i>
<i>Short Contents</i>	<i>ix</i>
<i>Specimen Formats</i>	<i>xi</i>
<i>Table of Cases</i>	<i>xxxiii</i>

PART-A

Chapter A1—Concepts and Framework of GST	A1-1
1.1 Basic Concepts of the GST	A1-1
1.2 Legislative Framework.....	A1-3
1.3 Meaning and Scope of the term “Supply”	A1-6
1.4 Concept of distinct persons.....	A1-9
1.5 Taxable event and charging provisions	A1-10
1.6 Rates of GST	A1-12
1.7 Exemptions and exempt supplies	A1-13
1.8 Time and Value of supply.....	A1-14
1.8.1 Time of Supply.....	A1-14
1.8.2 Value of supply.....	A1-16
1.9 Zero Rated Supplies	A1-17
1.10 Export of goods and services	A1-19
1.10.1 Export of goods.....	A1-19
1.10.2 Export of services.....	A1-19
1.10.3 Supplies in territorial waters.....	A1-20
1.11 Supply to SEZ Units and Developers.....	A1-21
1.11.1 Special Economic Zone	A1-21
1.11.2 Special Economic Zone Developer.....	A1-21
1.11.3 Supplies to the SEZ Units and Developer	A1-21
1.11.4 Two options are available for zero rated supplies including those made to the SEZ units/ developers.....	A1-22
1.12 Output Tax	A1-22
1.13 Input Tax Credit (ITC)	A1-23
1.14 Due date of payment of Self-Assessed Tax.....	A1-25
1.15 Persons liable to file returns	A1-26
1.16 Types of returns or reports and periodicity	A1-27
1.17 Person-wise returns	A1-30
1.18 Limitation period for correction/modification.....	A1-31
1.19 Refund (Section 54 & 55 of the GST Act)	A1-31

1.19.1	Circumstances	A1-31
1.19.2	Time limit	A1-32
1.19.3	Procedure for claiming refund	A1-34
1.20	E-way bill.....	A1-35
1.21	Job Work	A1-36
1.22	Tax Invoice, Bill of Supply, Debit/Credit Notes.....	A1-37
1.22.1	E-invoice	A1-37
1.22.2	Tax Invoice/Bill of Supply/Delivery Challan - Features	A1-38
1.22.3	Circumstances when a debit note or credit note is issued.....	A1-39
1.23	Accounts and Records	A1-40
1.23.1	Maintenance of Accounts and Records (Sec 35 of the GST Act) ..	A1-40
1.23.2	Retention of Accounts and Records (Sec 36 of the GST Act)	A1-41
1.24	Interest under GST.....	A1-41
1.24.1	Interest payable by the person	A1-42
1.24.2	Interest payable to the person	A1-42
1.25	Penalties under GST.....	A1-43
1.26	Scrutiny of Returns	A1-48
1.27	Show Cause Notice (SCN) for Recovery of Demand	A1-49

Chapter A2—Major litigation areas in the GST

2.1	Supply, time of supply and its value	A2-1
2.2	Classification and rates of tax	A2-4
2.3	Input tax credit.....	A2-5
2.4	Registration and its cancellation.....	A2-6
2.5	Refund.....	A2-6
2.6	Movement of goods and e-way bill.....	A2-6
2.7	Mismatches.....	A2-7
2.8	Others.....	A2-7

Chapter A3—General Principles of Law

3.1	Principles for interpretation	A3-2
3.1.1	Interpretation should be reasonable and sensible.....	A3-2
3.1.2	Legislative intent	A3-4
3.1.3	No presumption; Give full effect of each word.....	A3-4
3.1.4	Construction, most beneficial to the subject.....	A3-4
3.1.5	Full effect to every word	A3-5
3.1.6	Strict construction to exemption notification	A3-6
3.1.7	Reasonable classification – Discrimination under Constitution.....	A3-6
3.2	Reference to legislative intent/statement of objects and reasons	A3-7
3.3	Law of Precedence	A3-9
3.3.1	Nature and scope.....	A3-9
3.3.2	Judgment vs. Order by the Court.....	A3-10
3.3.3	Whether all judgments/orders have binding precedence?	A3-10

Contents

3.3.4	Decision of the same High Court	A3-11
3.3.5	Decision of the Supreme Court	A3-11
3.3.6	Decision of the High Courts of other States	A3-12
3.4	Principle of purposive construction	A3-13
3.5	Revenue Neutrality	A3-15
3.6	Doctrine of Impossibility	A3-17
3.7	Rule of harmonious construction	A3-17
3.8	Common parlance meaning vs. Technical meaning	A3-19
3.9	Rule of ejusdem generis and noscitur a sociis	A3-20
3.9.1	Meaning - ejusdem generis	A3-20
3.9.2	Meaning - noscitur a sociis	A3-22
3.9.3	Meaning - Illustrations	A3-23
3.9.4	Limitation	A3-24
3.10	Specific over General Provision	A3-25
3.11	Retrospective Amendments	A3-27
3.12	Purpose of “proviso” and “explanation” in Legislation	A3-29
3.13	Substantive vs. Procedural Law	A3-30
3.14	Referential legislation [..... as defined in the Act]	A3-31
3.15	Notifications vs. Circulars	A3-32
3.16	Clarifications by the Department	A3-33
3.17	Can a Form prescribed under the Rule override the Statute?	A3-34
3.18	Definition of Few Terms, generally used in law	A3-34
3.19	Penalties under the GST	A3-37
3.20	Other Principles	A3-39
3.21	Giving False Affidavits	A3-40
3.22	Order on the direction of the Superior Officers	A3-42
3.23	Doctrine of Merger	A3-42
3.23.1	Meaning and scope	A3-42
3.23.2	Case Laws	A3-44
3.24	Types of Writs(Writ Petitions)	A3-45

Chapter A4—*Legal Maxims*

4.1	Legal Maxims – An Introduction	A4-2
4.2	Significance of Legal Maxims in Pleadings	A4-3
4.3	Audi alteram partem	A4-4
4.4	Nemo Debet Esse Judex in propriasuacausa	A4-6
4.5	Lex non cogit ad impossibilia	A4-8
4.6	Ignorantia juris non excusat	A4-9
4.7	Generalia Specialibus non derogant	A4-10
4.8	Actoriincumbit onus probandi	A4-11
4.9	Expressio Unius Est Exclusio Alterius	A4-11
4.10	Ejusdem generis	A4-12
4.11	Noscitur a sociis	A4-12

4.12	Ut res magis valeat quam pereat.....	A4-12
4.13	Substance over form	A4-13
4.14	Contemporanea expositio EST optima et fortissima in lege.....	A4-15
4.15	Cessante Ratione Legis, cessat ipsa lex	A4-16
4.16	Nemo Debet Bis Puniri pro uno delicto	A4-16
4.17	Actus Curiae Neminem Gravabit	A4-16
4.18	Nova Constitutio Futuris Formam Imponere Debet, Non Praeteritis	A4-17
4.19	Falsus in Uno Falsus in Omnibus.....	A4-18
4.20	Other commonly used legal maxims/terms	A4-19

Chapter A5—Pleading & Oral Arguments

5.1	Pleading.....	A5-1
5.1.1	Introduction	A5-1
5.1.2	Whether pleading includes oral arguments?.....	A5-2
5.1.3	Importance of Pleadings.....	A5-2
5.1.4	Pleadings under the Code of Civil Procedures	A5-2
5.1.5	Pleadings under the Code of Civil Procedure vs. a writ petition.....	A5-3
5.1.6	Pleadings under the Public Interest Litigation (PIL).....	A5-3
5.1.7	Pleadings before the Tax Authorities	A5-3
5.2	Oral Arguments	A5-4
5.2.1	Meaning and scope.....	A5-4
5.2.2	Key Characteristics.....	A5-4
5.2.3	Typical Flow in a Tax Hearing.....	A5-4
5.2.4	Suggested Practice Tips.....	A5-5

Chapter A6—Preliminary and Technical Grounds – Three pillars of Natural Justice

6.1	“Opportunity of being heard” – A mandatory, constitutional and legal requirement	A6-1
6.1.1	The term “Opportunity of being heard” – Where used in the GST Act /Rules.....	A6-1
6.1.2	Need for opportunity of being heard	A6-11
6.1.3	Case Laws, which may be referred.....	A6-12
6.1.4	Sample Grounds.....	A6-16
6.2	Rule against Bias (NemoJudex in CausaSua).....	A6-16
6.3	Speaking Order	A6-17
6.3.1	Requirement for passing a speaking order – Where used in the GST Act /Rules	A6-17
6.3.2	Need for a speaking order	A6-17
6.3.3	Case Laws, which may be referred.....	A6-18
6.3.4	Sample Grounds.....	A6-20
6.4	Ex-parte Order	A6-21
6.4.1	Duties of the Authorities in Ex-parte Orders.....	A6-21
6.4.2	Sample Grounds.....	A6-23

Chapter A7—Adjudgment, Condonation and Extension Applications

7.1	Adjudgment	A7-1
7.1.1	GST Act - Legislative provisions	A7-1
7.1.2	Case laws	A7-2
7.1.3	Sample Application for Adjudgment in Appellate Proceedings.....	A7-3
7.2	Condonation for delay in filing the appeal.....	A7-3
7.2.1	GST Act - Legislative provisions	A7-3
7.2.2	Case laws	A7-4
7.2.3	Sample Application for Condonation – Delay in filing of Appeal	A7-11
7.3	Production of Additional Evidence and submitting Additional Grounds by Appellant	A7-12
7.4	Extension of Dates – Application by the Taxpayer	A7-12
7.4.1	Sec 27 - Special provisions relating to casual taxable person and non-resident taxable person	A7-12
7.4.2	Sec 65 - Audit.....	A7-13
7.4.3	Sec 143 - Job work procedure.....	A7-14

Chapter A8—Defenses and Course of actions against SC Nand Order in original

8A	Defences against the illegal SCN.....	A8-1
8A.1	Pre-SCN notice should be issued before issuance of SCN	A8-2
8A.2	SCN should be in proper format.....	A8-3
8A.3	SCN should not be vague and incomplete.....	A8-4
8A.4	Justifiable reasons to invoke sec 74 – Extended period (Up to FY 2023-24) or invoking sec 74A(5)/74A(9)	A8-5
8A.5	SCN should not be with pre-determined notion and give conclusion	A8-5
8A.6	SCN should specify the grounds, reasons and amount in default.....	A8-7
8A.7	Reopening of assessment	A8-8
8A.8	SCN in the name of dead person/non-existing entities.....	A8-9
8A.9	SCN should be issued by the competent officer, who should not lack jurisdiction	A8-10
8B	Defenses against the order in original	A8-14
8B.1	Non-issue of SCN or summary of the SCN.....	A8-14
8B.2	Principle of natural justice - Failed to afford opportunity (or sufficient opportunity) of being heard	A8-14
8B.3	Unbiased and impartial adjudication.....	A8-15
8B.4	Right to cross examination of witness and copies	A8-17
8B.5	Proper Officer should not be guided by the Superior authorities ...	A8-18
8B.6	Pass a speaking order.....	A8-18
8B.7	Order should not travel beyond SCN.....	A8-19
8B.8	Ex-parte orders.....	A8-20

Contents

8B.9 On Merits..... A8-20

8C Defenses against SCN and OIO A8-20

8C.1 Signatures on the SCN/OIO..... A8-20

8C.2 Generation and quoting of Document Identification Number (DIN) A8-21

8C.3 SCN and OIO should be issued within the specified time limit A8-22

8C.4 Manner of service of DRC-01/07 – Uploading on web portal A8-24

8C.5 Bunching of SCN for multiple years..... A8-25

8C.6 Justifiable reasons to invoke sec 74 [Up to FY 2023-24] or sec 74A(5)/74A(9)[from FY 2024-25]– Charge of fraud A8-26

8D Rectification vs. Appeal A8-37

8D.1 Fundamental difference A8-37

8D.2 Circumstances of filing rectification vs. appeal A8-37

8D.3 Risk vs. strategy..... A8-38

8D.4 Relief in rectification application: Full vs. Partial..... A8-38

8D.5 Case laws on rectification of order A8-39

8D.6 Sample rectification application A8-41

8E Appeal vs. Writ A8-42

8E.1 The Distinction A8-42

8E.2 Preference to go for Writ Petition instead of Appeal? A8-44

8E.3 Exclusion of time taken during the filing and disposal of Rectification Application and Writ Petition A8-47

8E.4 Quash vs. Remand – Powers of the High Court in writ A8-47

8F Other common issues A8-49

8F.1 Penalties under the GST – Course of action A8-49

8F.2 Denial of ITC- Receipts from retrospectively cancelled suppliers– Course of action..... A8-49

8F.3 Denial of ITC- Alleged bogus purchases – Course of action..... A8-53

Chapter A9—GSTAT vs. CESTAT – A Glance A9-1

PART-B

Chapter B1—Concept of Appeals & Revision

1.1 Concept of Appeals in Taxation Laws..... B1-1

1.2 Appellate Jurisprudence B1-3

1.3 Formation of Tribunals B1-4

1.4 Nature and scope of the Appeals under the GST B1-4

1.5 Hierarchy of Appeals in the GST Act..... B1-5

1.6 Revisional Authority B1-5

Chapter B2—Appeal by whom and to whom - First Appeal & GSTAT

2.1 Who may file appeal? B2-1

2.1.1	Appeal by a person other than GST Department	B2-1
2.1.2	Appeal by the GST Department before the Appellate Authority/Tribunal.....	B2-2
2.1.3	Appeal to the High Court.....	B2-3
2.1.4	Appeal to the Supreme Court.....	B2-3
2.1.5	Meaning of the term “aggrieved person”	B2-4
2.1.6	Can an appeal be filed by a (third) person, other than against whom demand has been created?.....	B2-6
2.1.6A	Appeal against provisional assessment under sec 60 and summary assessment under sec 64	B2-8
2.1.7	Can an appeal be filed directly to the GSTAT, by-passing the First Appellate Authority?.....	B2-9
2.1.8	Appeal not to be filed by the Department in certain cases.....	B2-9
2.2	To whom, the appeal shall be filed?.....	B2-12
2.2.1	Appeal before the Central GST Authorities	B2-13
2.2.2	Appeal before the State GST Authorities	B2-14
ANNEXURE		B2-14
 Chapter B3—Time Limit and Condonation – First Appeal & GSTAT		
3.1	Time limit for filing of appeal	B3-1
3.1.1	Appeal to the Appellate Authority.....	B3-1
3.1.2	Appeal to the Appellate Tribunal (GSTAT)	B3-1
3.1.3	Appeal to the High Court.....	B3-3
3.1.4	Appeal to the Supreme Court.....	B3-3
3.1.5	Calculation of time limit.....	B3-3
3.1.6	Date of Service of the order.....	B3-4
3.2	Matter being pursued before the wrong forum	B3-5
3.2.1	Time taken during Rectification proceedings	B3-5
3.2.2	Time taken during writ proceedings	B3-6
3.2.3	B3-Supreme Court Judgments.....	B3-8
3.3	Condonation of delay.....	B3-9
 Chapter B4—Non Appealable Orders - First Appeal & GSTAT		
4.1	No right of appeal or non-appealable decisions & orders	B4-1
4.1.1	Appeal can't be filed by the Department in certain cases	B4-1
4.1.2	Non-appealable decisions and orders.....	B4-2
 Chapter B5—Pre-Deposit – First Appeal & GSTAT		
5.1	Pre-deposit - Condition for filing of appeal.....	B5-1
5.2	Admitted Tax.....	B5-4
5.3	Manner of payment of Pre-deposit	B5-6
5.4	Stay of recovery proceedings on payment of pre-deposit.....	B5-9
5.5	Interest on the amount of pre-deposit – Appeal accepted	B5-10
 Chapter B6—Filing Fee – First Appeal & GSTAT		
6.1	Appeal Filing Fee.....	B6-1

6.1.1	Appellate Authority	B6-1
6.1.2	Appellate Tribunal.....	B6-1
6.2	Other Fees.....	B6-3
6.2.1	Schedule of Fees.....	B6-3
6.2.2	Multiple orders in original:	B6-4
6.2.3	Interlocutory application:.....	B6-4
6.3	Manner of payment of Filing Fee	B6-5

Chapter B7-A—*First Appellate Authority – Manner and Procedure of filing Appeal*

7A.1	At a Glance.....	B7A-1
7A.2	Manner of filing Appeal	B7A-2
7A.2.1	Electronically filing.....	B7A-2
7A.2.2	Filing of appeal in off-line mode	B7A-2
7A.2.3	Who may file the appeal?.....	B7A-3
7A.2.4	Time limit of filing of appeal and condonation.....	B7A-3
7A.2.5	Pre-deposit before filing of appeal	B7A-4
7A.2.6	Manner of filing of appeal	B7A-4
7A.2.7	Verification of appeal.....	B7A-4
7A.2.8	Manner of submitting of copy of impugned order / decision before the Appellate Authority	B7A-5
7A.3	Manner of filing Application/Appeal by the Department	B7A-6
7A.4	Filing of appeal against rejection of Revised TRAN-1	B7A-11
7A.5	Stay of recovery proceedings.....	B7A-12
7A.6	Precautions and Suggestions for filing of Appeal	B7A-13
7A.6.1	B7A-Practical check-list	B7A-13
7A.6.2	B7A-Making of Appeal Booklet – Ingredients	B7A-14
7A.7	B7A-Withdrawal of appeal	B7A-17

Chapter B7-B—*First Appellate Authority – Sample Appeal Documents*

7B.1	Sample Index of Appeal	B7B-1
7B.2	Sample Calendar of Events.....	B7B-3
7B.3	Sample Statement of Facts.....	B7B-3
7B.4	Sample Grounds of Appeal	B7B-6
7B.5	Sample grounds (grounds on merits only) - Rejection of refund.....	B7B-12
7B.6	Sample grounds (grounds on merits only) - Refusal order to grant GST registration.....	B7B-13
7B.7	Sample grounds (grounds on merits only) - Cancellation order.....	B7B-16
7B.8	Sample Grounds on merits -Various issues	B7B-23
7B.9	Sample Prayer	B7B-32
7B.10	Complete set of Appellate Documents (In brief).....	B7B-33

Chapter B7-C—*First Appellate Authority – Procedure of filing Appeal – Online Steps*

7C.1	Filing an Appeal against Demand Order	B7C-1
7C.2	Filing an Appeal against Registration Order	B7C-11

Chapter B8—*First Appellate Authority – Disposal*

8.1	Disposal of appeal by the Appellate Authority	B8-1
8.2	Appellate authority should be higher in rank than the Adjudicating Authority	B8-3
8.3	Reasonable and sufficient opportunity to furnish the submissions.....	B8-5
8.4	Adjournments	B8-6
8.5	Submitting additional grounds or producing additional evidence	B8-6
8.5.1	Additional grounds.....	B8-6
8.5.2	Additional Evidence	B8-7
8.5.3	Additional Ground vs. Additional Evidence	B8-9
8.5.4	Sample Application for production of additional evidence:	B8-10
8.6	Hearing of Appeal and Oral Arguments.....	B8-11
8.7	Powers of the Appellate Authority to issue SCN.....	B8-14
8.8	Order of the Appellate Authority	B8-15
8.9	Pass a speaking order.....	B8-18
8.10	Duties of the Authorities	B8-18
8.11	Rectification of errors apparent on the face of record.....	B8-20
8.12	Review of order.....	B8-21
8.13	Finality of the order	B8-21

Chapter B9—*Revision under GST*

9.1	Appeal vs. Revision – At a glance	B9-1
9.2	Revisional powers.....	B9-2
9.2.1	Nature and objective.....	B9-2
9.2.2	Circumstances	B9-2
9.2.3	Initiation of revision	B9-3
9.2.4	Powers of the Revisional Authority	B9-3
9.2.5	Interim stay of operation of order	B9-3
9.2.6	Passing of the Revision Order	B9-4
9.2.7	Appropriate authority (jurisdiction) for revision under the CGST ...	B9-4
9.2.8	Restrictions and time limits for Revision.....	B9-4
9.2.9	Finality of revision order	B9-5

Chapter B10—*GSTAT, its Constitution, Functions and Powers*

10.1	Appellate Tribunals	B10-1
10.1.1	Indian Judicial System.....	B10-1
10.1.2	Primary objectives for creating Tribunal	B10-1
10.1.3	Key Functions of the Tribunal	B10-2
10.1.4	Key Reasons for creating Tribunal.....	B10-2

	10.1.5 Court vs. Tribunal	B10-3
	10.1.6 Duties of the Tribunal	B10-4
10.2	Journey of The GSTAT	B10-6
10.3	GST Appellate Tribunal [GSTAT]	B10-7
	10.3.1 GSTAT and the Constitution of India	B10-7
	10.3.2 Meaning of “Appellate Tribunal” in the GST	B10-8
	10.3.3 Framework of GST Appellate Tribunal Provisions	B10-8
	10.3.4 Constitution of GSTAT under sec 109 – Legislative provisions.....	B10-9
	10.3.5 Few important terms.....	B10-9
	10.3.6 Qualifications and appointment	B10-11
	10.3.7 Emergency events.....	B10-12
	10.3.8 Benches of GSTAT.....	B10-13
	10.3.9 Functions of the GSTAT – Distribution of cases	B10-15
	10.3.10 Transfer of cases.....	B10-16
	10.3.11 Powers of the President	B10-17
	10.3.12 Powers of the Vice-President.....	B10-17
	10.3.13 Single Member Bench vs. Double Members Bench	B10-18
	10.3.14 Transfer of Members	B10-18
10.4	Proceedings before the GSTAT	B10-18
10.5	Other powers and functions of GSTAT	B10-19
10.6	Powers and functions of Registrar	B10-23
	10.6.1 Powers and functions of the Registrar.....	B10-23
	10.6.2 Placing of order of Hon’ble Supreme Court and Hon’ble High Courts before the Appellate Tribunal.	B10-24

Chapter B11-A—GSTAT – Manner and Procedure of filing Appeal

11A.1A	At a Glance.....	B11A-1
11A.1B	Steps of Appeal before GSTAT - At a Glance.....	B11A-2
11A.2	Filing of Appeal by the person	B11A-3
	11A.2.1 Who may file the appeal?.....	B11A-3
	11A.2.2 Time limit of filing of appeal and condonation.....	B11A-3
	11A.2.3 Pre-deposit and Filing Fee.....	B11A-3
	11A.2.4 Manner of filing of appeal – Electronically or Manually	B11A-3
	11A.2.5 Electronic filing and processing of appeals & applications, etc.	B11A-4
11A.3	Filing of Application by the Department.....	B11A-5
11A.4	Structure of appeal	B11A-7
11A.5	Statement of Facts, Grounds of Appeal and Prayer – Suggestions and Precautions.....	B11A-12
	11A.5.1 Statement of facts (SOF, in short) – Suggestions	B11A-12
	11A.5.2 Statement of facts (SOF, in short) – Precautions	B11A-12
	11A.5.3 Grounds of Appeal (GOA, in short) – Suggestions	B11A-13
	11A.5.4 Grounds of Appeal (GOA, in short) – Precautions	B11A-14
	11A.5.5 Prayer – Suggestions	B11A-14

	11A.5.6 Prayer – Precautions	B11A-15
	11A.5.7 Structure of Prayer	B11A-15
	11A.5.8 Synopsis and written submissions/ arguments	B11A-16
11A.6	Suggested Index or Order of Documents	B11A-17
11A.7	Submission of Appeal	B11A-18
	11A.7.1 Statutory provisions.....	B11A-18
	11A.7.2 Electronically filing.....	B11A-18
	11A.7.3 Submission of Appeal/Application	B11A-18
11A.8	Post-submission procedure, before hearing of appeal	B11A-20
	11A.8.1 Endorsing copies to the party	B11A-20
	11A.8.2 Endorsement and scrutiny of appeal or petition.....	B11A-20
	11A.8.3 Rejection or amendment of Form of appeal	B11A-21
	11A.8.4 Registration of admitted appeals	B11A-22
	11A.8.5 Ex-parte amendments	B11A-22
	11A.8.6 Calling for records	B11A-22
	11A.8.7 Submission of authorization letter.....	B11A-22
	11A.8.8 Interlocutory applications	B11A-22
	11A.8.9 Power to exempt.....	B11A-23
11A.9	Cross-objection, Reply and Rejoinder.....	B11A-23
	11A.9.1 Cross objection.....	B11A-24
	11A.9.2 Filing of reply and other documents by the respondents.....	B11A-26
	11A.9.3 Filing of rejoinder	B11A-28
11A.10	Withdrawal of appealfiled before the GSTAT.....	B11A-28

Chapter B11-B—GSTAT –Sample Appeals

11B.1	Issue 1- Disallowing ITC due to Mismatch between GSTR-3B and GSTR-2B	B11B-1
	11B.1A General Guidelines for GSTAT Appeal Filings.....	B11B-1
	11B.1B Appeal in FORM GST APL-05	B11B-2
	11B.1C Cross-Objections in FORM GST APL-06.....	B11B-5
	11B.1D Reply by the Respondent.....	B11B-7
	11B.1E Verification.....	B11B-8
11B.2	Issue 2 – Retrospective cancellation of registration	B11B-9
	11B.2A Appeal in FORM GST APL-05	B11B-9
	11B.2B Reply/Counter-Affidavit.....	B11B-11
11B.3	Application for early hearing	B11B-12
11B.4	Application for submitting additional evidence [Interlocutory Application]	B11B-14
11B.5	Supporting Affidavit to Additional Evidence Application	B11B-17
11B.6	Application for submitting additional grounds of appeal [Interlocutory Application]	B11B-18
11B.7	Application for Cross Examination of another Person	B11B-21

Chapter B11-C—GSTAT – Procedure of filing Appeal – Online Steps& FAQ

11C.1	Registration on the Portal	B11C-1
11C.2	Filing of the Appeal on the Portal	B11C-6
11C.3	Re-Filing of the Appeal on the Portal.....	B11C-16
11C.4	Upload Additional Documents on the Portal.....	B11C-22
11C.5	FAQ Available on GSTAT Portal.....	B11C-25

Chapter B12—GSTAT – Cause list – Preparation for hearing

12.1	Cause List	B12-1
12.2	Service of notices and communication	B12-3

Chapter B13—GSTAT – Hearingand Disposal

13.1	Hearing of appeal.....	B13-1
13.1.1	Legislative Provisions	B13-1
13.2	Single Member Bench vs. Double Members Bench	B13-1
13.2.1	Sec 109(8) of the GST Act -	B13-1
13.2.2	Rule 110A of the GST Rules - Procedure for the Appeals to be heard by a single Member Bench.....	B13-2
13.3	Recusal [Withdrawing oneself by the Member]	B13-2
13.4	Dress for the parties.....	B13-3
13.5	Adjournment	B13-4
13.6	Default to appear – Appellant or Respondent	B13-5
13.7	Other Procedures.....	B13-7
13.8	Difference of opinion of GSTAT Members	B13-8
13.9	Grounds and Additional Evidence	B13-10
13.10	Affidavit.....	B13-11
13.11	Discovery, Production and Return of Documents.....	B13-13
13.12	Cross-Examination based upon request of Appellant.....	B13-14
13.13	Examination of Witnesses and Issue of Commissions	B13-16
13.14	Disposal of appeal and issue of order.....	B13-18
13.15	Rectification and Amendment of order	B13-24
13.16	Duties of the subordinate authorities on remand by the GSTAT	B13-25

Chapter B14—GSTAT –Records&Registersand Inspection of Records

14.1	Record of Proceedings.....	B14-1
14.1.1	Court diary	B14-1
14.1.2	Order sheet.....	B14-1
14.1.3	Maintenance of court diary	B14-2
14.1.4	Statutes or citations for reference.....	B14-2
14.1.5	Calling of cases in court.....	B14-2
14.1.6	Regulation of court work.....	B14-2
14.2	Maintenance of Registers	B14-3
14.2.1	Registers to be maintained	B14-3

14.2.2	Arrangement of records in pending matters.....	B14-3
14.2.3	Contents of main file.....	B14-4
14.2.4	Contents of process file.....	B14-4
14.2.5	Contents of execution file.....	B14-4
14.2.6	File for miscellaneous applications.....	B14-5
14.2.7	Preservation of Record.....	B14-5
14.2.8	Retention, Preservation and Destruction of records.....	B14-5
14.3	Disposal & Order related Records.....	B14-5
14.3.1	Making of entries by Court officer.....	B14-5
14.3.2	Transmission of order by the Court officer.....	B14-6
14.3.3	Indexing of case files after disposal.....	B14-6
14.3.4	Copies of orders in library.....	B14-6
14.3.5	Register of appeals, petitions, etc.....	B14-7
14.3.6	Registrar to ensure compliance of the Supreme Court or the High Courts orders.....	B14-7
14.4	Custody of the Records.....	B14-7
14.5	Inspection of Records.....	B14-7
14.5.1	Inspection of the records.....	B14-7
14.5.2	Grant of inspection.....	B14-8
14.5.3	Time and manner of submitting application for grant of inspection.....	B14-8
14.5.4	Mode of inspection.....	B14-9
14.5.5	Maintenance of register of inspection.....	B14-9
14.5.6	Inspection of Records – At-a-Glance.....	B14-10

Chapter B15—*Appeal before the High Court and the Supreme Court*

15.1	Writ petition vs. Appeal.....	B15-1
15.2	Appeals before the High Court.....	B15-2
15.2.1	Right to Appeal.....	B15-2
15.2.2	Limitation Period.....	B15-2
15.2.3	Meaning of “Substantial Question of Law”.....	B15-2
15.2.4	Pre-deposit Requirement.....	B15-6
15.2.5	Jurisdiction of the High Court:.....	B15-6
15.2.6	Nature of issues to be determined by the High Court.....	B15-7
15.2.7	Powers of the High Court.....	B15-7
15.2.8	Constitution of the High Court and manner of decision.....	B15-8
15.2.9	Binding effect and finality of the judgment.....	B15-8
15.3	Appeals before the Supreme Court.....	B15-9
15.3.1	Right to Appeal.....	B15-9
15.3.2	Limitation Period.....	B15-9
15.3.3	Powers of the Supreme Court.....	B15-10
15.3.4	Applicability of Code of Civil Procedure, 1908.....	B15-10
15.3.5	Binding effect and finality of the judgment.....	B15-10
15.3.6	Vide Kunhayammed vs. State of Kerala (SC).....	B15-10

15.4	Sums due to be paid notwithstanding appeals before the High Court or the Supreme Court.....	B15-13
15.5	Review of judgment or order	B15-13
15.5.1	Key Grounds for Review.....	B15-13
15.5.2	Case Laws.....	B15-14

Chapter B16—*Appeal before the Advance Ruling Appellate Authority*

16.1	Legislative provisions for Appeals against Advance Ruling	B16-1
16.1.1	Sec 100 - Appeal to appellate authority.....	B16-1
16.1.2	Sec 101 - Orders of appellate authority.....	B16-1
16.1.3	Sec 102 - Rectification of advance ruling.....	B16-2
16.1.4	Sec 103 - Applicability of advance ruling.....	B16-2
16.1.5	Rule 106 - Form and manner of appeal to the Appellate Authority for Advance Ruling.....	B16-2
16.1.6	Rule 107 - Certification of copies of the advance rulings pronounced by the Appellate Authority.....	B16-3
16.2	What is Advance Ruling?.....	B16-3
16.2.1	Objectives of Advance Ruling.....	B16-3
16.2.2	Nature and scope of the Advance Ruling Authority (AAR).....	B16-4
16.2.3	Questions to be referred to the Advance Ruling Authority.....	B16-4
16.3	Filing of Appeal.....	B16-5
16.4	Disposal of Appeal.....	B16-6
16.5	Powers of the Appellate Authorities.....	B16-8
16.6	The National Appellate Authority for Advance Ruling (NAAAR).....	B16-8

Chapter B17—*Authorised Representative*

17.1	Authorised Representative (AR) and it's Role	B17-1
17.1.1	Rights of the taxpayers to appear through Authorised Representative (AR).....	B16-1
17.1.2	Who can be an Authorised Representative (AR)?.....	B17-1
17.1.3	Who cannot be an AR?.....	B17-2
17.1.4	Primary Role and Responsibilities.....	B17-2
17.2	GSTAT & Authorised Representative (AR).....	B17-3
17.2.1	Meaning of AR.....	B17-3
17.2.2	Restrictions on appearance.....	B17-4
17.2.3	Appearance of AR.....	B17-5
17.2.4	Consent for change of authorised representative	B17-5
17.2.5	Restriction on party's right to be heard	B17-6
17.2.6	Empanelment of special AR by the Tribunal	B17-6
17.2.7	Dress of AR.....	B17-6

PART-C

Chapter C1—GST Appeals Related Sections

Chapter XVIII C1-1
 Appeals and Revision C1-1
 Appendix C1-21

Chapter C2—GST Appeals Related Rules

Chapter XIII C2-1
 Appeals and Revision C2-1

Chapter C3—GST Appellate Tribunal Rules, 2023

Chapter I C3-1
 Preliminary C3-1
 Chapter II C3-2
 Appointment of President And Member C3-2
 Chapter III C3-4
 Removal of President Or Member C3-4
 Chapter IV C3-4
 Salary and allowances..... C3-4
 Chapter V C3-5
 Pension, provident fund, gratuity and leave C3-5
 Chapter VI C3-6
 Powers of President And Vice President C3-6
 Chapter VII C3-7
 Miscellaneous..... C3-7
 Form I C3-8
 Form II C3-15
 Form III C3-15

Chapter C4—GST Appellate Tribunal (Procedure) Rules, 2025

Chapter I C4-1
 Preliminary C4-1
 Chapter II C4-3
 Powers and Functions..... C4-3
 Chapter III C4-6
 Institution of appeals - Procedure..... C4-6
 Chapter IV C4-12
 Cause list C4-12
 Chapter V C4-15
 Hearing of Appeal..... C4-15
 Chapter VI C4-18
 Record of Proceedings C4-18
 Chapter VII C4-19

Maintenance of Registers	C4-19
Chapter VIII	C4-22
Inspection of Record.....	C4-22
Chapter IX	C4-23
Appearance of authorised representative.....	C4-23
Chapter X	C4-24
Affidavits	C4-24
Chapter XI	C4-25
Discovery, Production and Return of Documents	C4-25
Chapter XII	C4-26
Examination of Witnesses and Issue of Commissions	C4-26
Chapter XIII.....	C4-28
Disposal of Cases and Pronouncement of Orders	C4-28
Chapter XIV	C4-32
Electronic filing and processing of appeals and conduct of proceedings in the Appellate Tribunal in hybrid mode	C4-32
Chapter XV	C4-33
Miscellaneous.....	C4-33
Chapter C5—<i>Appeal Related GST Forms</i>	C5-1
Chapter C6—<i>Appeals Related CGST Notifications, Orders, Circulars, Instructions</i>	
6.1 Notifications	C6-1
6.2 Circulars	C6-11
6.3 Instructions.....	C6-30
Chapter C7—<i>GSTAT Orders and Advisories</i>	
7.1 GSTAT Order	C7-1
7.2 GSTAT Advisories	C7-5