# Procedure for excise registration and documents needed

### ****Procedure of obtaining registration****

The application for registration is to be filed with the Superintendent of Central Excise having jurisdiction over the premises in respect whereof the registration is to be obtained. The following documents are to be submitted for obtaining the registration

* Possession letter/allotment letter/rent deed of the premises to be registered;
* Article of Association of the company or Partnership deed of the firm, as the case may be;
* List of items with their Tariff sub-headings proposed to be manufactured; list of items with their Tariff sub-headings, if any, obtained, under Chapter X procedure or dealt within;
* Registration certificate issued under Shop and Establishment Act and PAN Number;
* Duly filled in application in the form R-I in triplicate;
* Grounds plan of the premises in duplicate including details of plant & machinery etc.;
* Details of the proprietors/all partners/Directors of the company including

1. Name(s)
2. Address – Official/ residential.

The application for registration in form R-I is either to be signed before the Superintendent of Central Excise or can be submitted duly attested and notarised by the notary public.

### ****Grant of registration****

After receipt of application for registration, the jurisdictional Superintendent is to grant registration within 30 days of the receipt of the application. Even if the registration is not granted, it will be deemed to have been granted. The registration is in respect of premises and not a person.

**Stage of filing application for registration**.

For the goods that attract Central Excise duty right from the beginning, the registration is to be applied for before the removal of the goods. These goods are not covered under Small-Scale Exemption notification. Even where a manufacture of goods eligible for Small-Scale exemption opts for availment of Modvat credit, the registration is to be applied for before the removal of the goods.

Manufacturers of Cosmetics and Refrigeration goods are to apply for registration after crossing the clearances of Rs. 30 lakhs.

Manufacturers of other goods are to apply for registration when the clearances exceed Rs. 50 lakhs.

**Validity of registration certificate.**

A registration certificate is valid till the relevant unit is engaged in manufacturing of excisable goods. The registration certificate is not required to be renewed.

**Transferability of registration certificate**.

Registration certificate is not transferable. When a registered person transfers his business to another person, the transferee has to obtain a fresh registration.

**Requirement of amendment in registration certificate.**

When a registered firm or a company or association of persons undergoes a change in Constitution, the jurisdictional Range Officer is to be intimated within 30 days of such a change for incorporation of this fact in the registration certificate.

In case a registered person desires to manufacture a new product, he is to get the product endorsed on his registration certificate.

**Requirement of exhibition of registration certificate.**

Every registered person is required to exhibit the registration certificate or a certified copy thereof in a conspicuous part of the registered premises.

Whether 100% export oriented unit or unit in free trade zone is required to be registered.

A 100% Export Oriented Unit or a unit in Free Trade Zone licenced or appointed under the provisions of Customs Act, 1962, is deemed to be registered under the Central Excise law.

**Surrender of registration certificate**

When the registered person ceases to carry out the operation for which he is registered, he is required to surrender his registration certificate immediately to the Range Officer.

**How to obtain duplicate registration certificate**

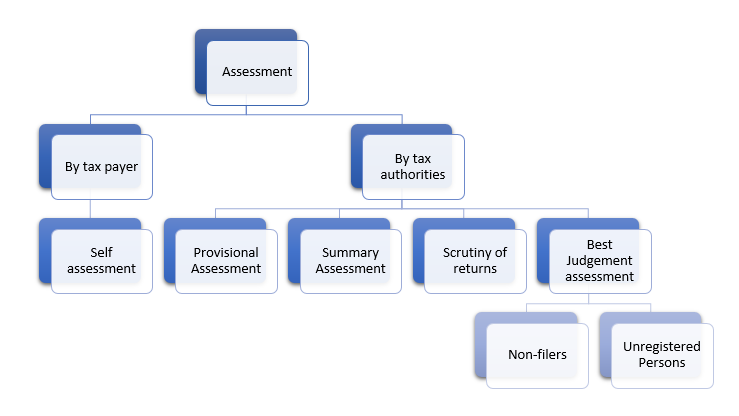
# In case the original registration certificate is lost or destroyed, the assessee can apply for a duplicate registration certificate to the jurisdictional Range Superintendent after depositing a fee of Rs.30/- through a TR-6 challan in any nominated branch of Punjab National Bank.

# Assessment of Tax

### ****Types of Assessment under GST****

* Self-assessment
* Provisional assessment
* Scrutiny assessment
* Best judgment assessment
* Assessment of non-filers of returns
* Assessment of unregistered persons
* Summary assessment

**Only self-assessment is done by the taxpayer himself. All the other assessments are by tax authorities.**



### ****Self-Assessment****

Every registered taxable person shall himself assess the taxes payable and furnish a return for each tax period. This means GST continues to promote self-assessment just like the Excise, VAT and Service Tax under current tax regime.

### ****Provisional Assessment****

An assessee can request the officer for provisional assessment if he is unable to determine value or rate.

Unable to determine **value** due to difficulty in:

* Calculating the transaction value
* Understanding whether certain receipts should be included or not

Unable to determine **rate of tax** due to difficulty in:

* Classifying the goods/services
* Identifying whether any notification is applicable or not

### Provisions of Provisional Assessment

* **Requests for provisional assessments will be given in writing**
* The proper officer can allow paying tax on provisional basis at a rate or on a value specified by him.
* Order will be passed within 90 days from date of request.
* The taxable person has to issue a bond with a security promising to pay the difference between provisionally assessed tax and final assessed tax.
* **Provisional assessments will be followed by final assessments.**The proper officer can ask for information before final assessment.

### Time Limit for Final Assessments

The final assessment will be done within 6 months of the provisional assessment. This can be extended for 6 months by the Joint/Additional Commissioner. However, the Commissioner can extend it for further 4 years as he seems fit.

# .GST offences

[THEINTACTFRONT](https://theintactone.com/author/theintactfront/" \o "View all posts by Theintactfront)[4 SEP 2019](https://theintactone.com/2019/09/04/gst-u4-topic-2-gst-offences/" \o "12:55 PM) [3 COMMENTS](https://theintactone.com/2019/09/04/gst-u4-topic-2-gst-offences/" \l "comments)

There are 21 offences under GST. For easy understanding, we have grouped them as:

### ****Fake/Wrong invoices****

1. A taxable person supplies any goods/services without any invoice or issues a false invoice.
2. He issues any invoice or bill without supply of goods/services in violation of the provisions of GST
3. He issues invoices using the identification number of another bonafide taxable person

### ****Fraud****

1. He submits false information while registering under GST
2. He submits fake financial records/documents or files fake returns to evade tax
3. Does not provide information/gives false information during proceedings

### ****Tax evasion****

1. He collects any GST but does not submit it to the government within 3 months
2. Even if he collects any GST in contravention of provisions, he still has to deposit it to the government within 3 months. Failure to do so will be an offence under GST.
3. He obtains refund of any CGST/SGST by fraud.

* He takes and/or utilizes input tax credit without actual receipt of goods and/or services
* He deliberately suppresses his sales to evade tax

### ****Supply/Transport of goods****

* He transports goods without proper documents
* Supplies/transports goods which he knows will be confiscated
* Destroys/tampers goods which have been seized

### ****Others****

* He has not registered under GST although he is required to by law
* He does not deduct TDS or deducts less amount where applicable.
* He does not collect TCS or collects less amount where applicable.
* Being an Input Service Distributor, he takes or distributes input tax credit in violation of the rules
* He obstructs the proper officer during his duty (for example, he hinders the officer during the audit by tax authorities)
* He does not maintain all the books that he required to maintain by law
* He destroys any evidence

# Penalties and appeals under GST

[THEINTACTFRONT](https://theintactone.com/author/theintactfront/" \o "View all posts by Theintactfront)[15 JUN 2019](https://theintactone.com/2019/06/15/gst-u4-topic-6-penalties-and-appeals-under-gst/" \o "8:44 PM) [3 COMMENTS](https://theintactone.com/2019/06/15/gst-u4-topic-6-penalties-and-appeals-under-gst/" \l "comments)

### ****Offences****

There are 21 offenses under GST. We have mentioned a few here. For the entire list of 21 offenses please go to our main article on offenses.

The major offenses under GST are:

* Not registering under GST, even though required by law. (Read our article for the list of those who have to register mandatorily under GST)
* Supply of any goods/services without any invoice or issuing a false invoice
* The issue of invoices by a taxable person using the GSTIN of another bona fide taxpayer
* Submission of false information while registering under GST
* Submission of fake financial records/documents or files, or fake returns to evade tax
* Obtaining refunds by fraud
* Deliberate suppression of sales to evade tax
* Opting for composition scheme even though a taxpayer is ineligible

### ****Penalty****

If any of the offenses are committed then a penalty will have to be paid under GST. The principles on which these penalties are based are also mentioned by law.

### ****For late filing****

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Late filing attracts penalty called late fee. The late fee is Rs. 100 per day per Act. So it is 100 under CGST & 100 under SGST. Total will be Rs. 200/day\*. The maximum is Rs. 5,000. There is no late fee on IGST in case of delayed filing.

Along with late fee, interest has to be paid at 18% per annum. It has to be calculated by the taxpayer on the tax to be paid. The time period will be from the next day of filing to the date of payment.

### ****For not filing****

If you don’t file any GST return then subsequent returns cannot be filed. For example, if GSTR-2 return of August is not filed then the next return GSTR-3 and subsequent returns of September cannot be filed.  Hence, late filing of GST return will have a cascading effect leading to heavy fines and penalty (see below).

### For the 21 offenses with no intention of fraud or tax evasion

An offender not paying tax or making short payments must pay a penalty of **10%** of the tax amount due subject to a **minimum** of Rs. 10,000.

Consider — in case tax has not been paid or a short payment is made, a minimum penalty of Rs 10,000 has to be paid. The maximum penalty is 10% of the tax unpaid.

### For the 21 offenses with the intention of fraud or tax evasion

An offender has to pay a penalty amount of tax evaded/short deducted etc., i.e., **100%**penalty, subject to a minimum of Rs. 10,000.

Additional penalties as follows-

|  |  |  |  |
| --- | --- | --- | --- |
| **Tax amount involved** | **100-200 lakhs** | **200-500 lakhs** | **Above 500 lakhs** |
| Jail term | Upto 1 year | Upto 3 years | Upto 5 year |
| Fine | In all three cases |  |  |

Cases of fraud also face penalties, prosecution, and arrest.

### Inspection Under GST

The Joint Commissioner of SGST/CGST (or a higher officer) may have reasons to believe that **in order to evade tax**, a person has suppressed any transaction or claimed excess input tax credit etc. Then the Joint Commissioner can authorize any other officer of CGST/SGST (in writing) to inspect places of business of the suspected evader.

### Search & Seizure Under GST

The Joint Commissioner of SGST/CGST can order for a search. He will order a search on the basis of results of inspection (or other reason) if he has reasons to believe:

* There are goods which might be confiscated
* Any documents or books or other things which are hidden somewhere. Such items can be useful during proceedings

Such incriminating goods and documents can be seized.

### Goods in Transit

The person in charge of a vehicle carrying goods exceeding Rs. 50,000 is required to carry the following documents:

* Invoice or bill of supply or delivery challan
* Copy of e-way bill (hard copy or via RFID)

The proper officer has the power to intercept goods in transit and inspect the goods and the documents.

If the goods are in contravention of the GST Act then the goods, related documents, and the vehicle carrying them will be seized. The goods will be released only on payment of tax and penalty.

Before confiscating the goods, the tax officer shall give an option of paying a fine instead of confiscation.

### Compounding of Offences Under GST

Compounding of offenses is a shortcut method to avoid litigation. In case of prosecution for an offense in a criminal court, the accused has to appear before the Magistrate at every hearing through an advocate. This becomes expensive and time-consuming.

 In compounding, the accused is not required to appear personally and can be discharged on payment of compounding fee which cannot be more than the maximum fine as applicable under GST.

Compounding will save time and money. However, compounding under GST is not available for cases where the value involved exceeds 1 crore.

### Prosecution Under GST

The prosecution is conducting legal proceedings against someone in respect of a criminal charge.

A person committing an offense with the **deliberate intention of fraud,**becomes liable to prosecution under GST, i.e., face criminal charges. A few examples of these offenses are:

1. Issue of an invoice without supplying any goods/services- thus taking input credit or refund by fraud
2. Obtaining refund of any CGST/SGST by fraud
3. Submitting fake financial records/documents or files, and fake returns to evade tax
4. Helping another person to commit fraud under GST

### Arrest Under GST

If the Commissioner of CGST/SGST **believes** a person has committed a certain offense he can be arrested under GST by any authorized CGST/SGST officer (click here for the list of offenses for which one can be arrested).

The arrested person will be informed of the grounds for his arrest. He will appear before the magistrate within 24 hours in case of a cognizable offense (Cognizable offenses are those where the police can arrest a person without an arrest warrant. They are serious crimes like murder, robbery, counterfeiting).

### Appeals

A person unhappy with any decision or order passed against him under GST can appeal against such decision.

The first appeal against an order by an adjudicating authority goes to the First Appellate Authority**.**

If the taxpayer is not happy with the decision of the First Appellate Authority they can appeal to the National Appellate Tribunal, then to the High Court, and finally to the Supreme Court.

To avoid the long process of appeal and litigation, a taxpayer may request for the advance ruling under GST. The taxpayer asks for clarification from GST authorities on GST treatment before starting the proposed activity. The tax authority gives a written decision (called advance ruling) to the applicant on the query.