

ACCOUNTS AND RECORDS



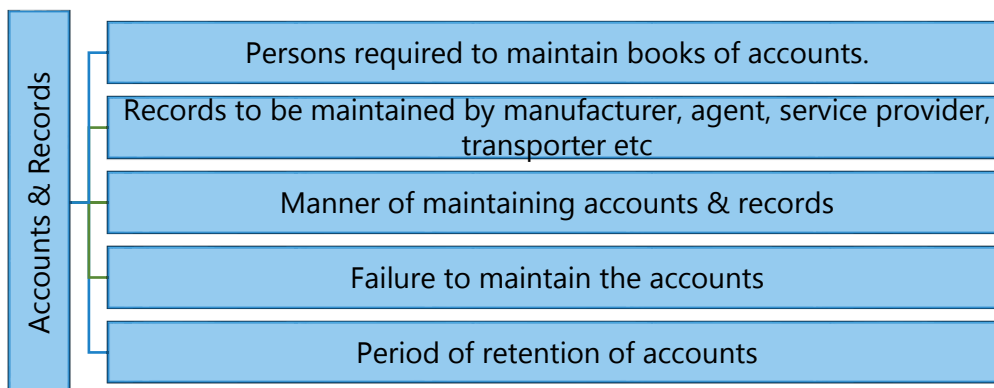
The section numbers referred to in the Chapter pertain to CGST Act, 2017, unless otherwise specified. Examples/Illustrations/Questions and Answers given in the Chapter are based on the position of GST law existing as on 30.04.2023.

LEARNING OUTCOMES

After reading this chapter, you shall be equipped to:

- ❑ enumerate the accounts and other records required to be maintained under GST by registered person.
- ❑ list the additional records required to be maintained by agent, manufacturer, service provider.
- ❑ describe the accounts and records to be maintained by person executing works contract, clearing and forwarding agent.
- ❑ Enumerate the accounts and records to be maintained by owner/operator of a warehouse/godown and transporter.
- ❑ describe the period for which the books of accounts or other records are required to be maintained.

CHAPTER OVERVIEW



1. INTRODUCTION

Assessment in GST is mainly focused on self-assessment by the taxpayers themselves. Every taxpayer is required to self-assess the taxes payable and furnish a return for each tax period i.e. the period for which return is required to be filed.

The compliance verification is done by the Department through scrutiny of returns and/or investigation. Thus, the compliance verification is to be done through documentary checks rather than physical controls. This requires certain obligations to be cast on the taxpayer for keeping and maintaining accounts and records. Such accounts and records may be used by the department for compliance verification.



Every registered person shall keep and maintain all records at his principal place of business. Responsibility has been casted on the owner or operator of warehouse or godown or any other place used for storage of goods and on every transporter to maintain specified records even if they are not registered under GST. They need not enroll for this purpose.

Further, Commissioner is empowered to notify a class of taxable persons to maintain additional accounts or documents for specified purpose or to maintain accounts in other prescribed manner. Similarly, the Commissioner can permit a class of taxable persons to maintain accounts in such manner as may be prescribed if that class of taxable person is not in a position to keep and maintain accounts in accordance with the provisions of GST Laws.



It is not mandatory to maintain the accounts in electronic form. Accounts and records may be maintained either electronically or manually. Further, there is no prescribed format for maintaining the accounts.

Chapter VIII – Accounts and Records [Sections 35 and 36] of the CGST Act and Chapter VII – Accounts and Records [Rules 56 to 58] of the CGST Rules, 2017, enumerates the accounts and records required to be maintained by a taxpayer and the period for which such accounts and records are required to be preserved. State GST laws also prescribe identical provisions in relation to accounts and records.



Provisions relating to Accounts and Records under CGST Act have also been made applicable to IGST Act vide section 20 of the IGST Act.

Before proceeding to understand the accounts and records provisions, let us first go through few relevant definitions.

2. RELEVANT DEFINITIONS

- Agent:** means a person, including a factor, broker, commission agent, arhatia, del credere agent, an auctioneer or any other mercantile agent, by whatever name called, who carried on the business of supply or receipt of goods or services or both on behalf of another [Section 2(5)].

- ❑ **Commissioner:** means the Commissioner of central tax and includes the Principal Commissioner of central tax appointed under section 3 and the Commissioner of integrated tax appointed under the Integrated Goods and Services Tax Act. [Section 2(24)]
- ❑ **Common portal:** means the common goods and services tax electronic portal referred to in section 146 [Section 2(26)].
- ❑ **Invoice or Tax invoice:** means the tax invoice referred to in section 31. [Section 2(66)]
- ❑ **Manufacture:** means processing of raw material or inputs in any manner that results in emergence of a new product having a distinct name, character and use and the term "manufacturer" shall be construed accordingly. [Section 2(72)]
- ❑ **Taxable supply:** means a supply of goods or services or both which is leviable to tax under this Act [Section 2(108)].
- ❑ **Place of business:** includes [Section 2(85)]:



a place from where the business is ordinarily carried on, and includes a warehouse, a godown or any other place where a taxable person stores his goods, supplies or receives goods or services or both; or



a place where a taxable person maintains his books of account; or



a place where a taxable person is engaged in business through an agent, by whatever name called.

- ❑ **Taxable person:** means a person who is registered or liable to be registered under section 22 or section 24 [Section 2(107)].
- ❑ **Principal place of business:** means the place of business specified as the principal place of business in the certificate of registration [Section 2(89)].
- ❑ **Proper officer:** in relation to any function to be performed under this Act, means the Commissioner or the officer of the central tax who is assigned that function by the Commissioner in the Board [Section 2(91)].

- ❑ **Registered person:** means a person who is registered under section 25, but does not include a person having a Unique Identity Number [Section 2(94)].
- ❑ **Tax period:** means the period for which the return is required to be furnished [Section 2(106)].
- ❑ **Document:** includes written or printed record of any sort and electronic record as defined in clause (t) of section 2 of the Information Technology Act, 2000 [Section 2(41)].
- ❑ **Voucher:** means an instrument where there is an obligation to accept it as consideration or part consideration for a supply of goods or services or both and where the goods or services or both to be supplied or the identities of their potential suppliers are either indicated on the instrument itself or in related documentation, including the terms and conditions of use of such instrument [Section 2(118)].
- ❑ **Conveyance:** includes a vessel, an aircraft and a vehicle [Section 2(34)].
- ❑ **Works Contract:** means a contract for building, construction, fabrication, completion, erection, installation, fitting out, improvement, modification, repair, maintenance, renovation, alteration or commissioning of any immovable property wherein transfer of property in goods (whether as goods or in some other form) is involved in the execution of such contract [Section 2(119)]



3. ACCOUNTS AND OTHER RECORDS [SECTION 35]



STATUTORY PROVISIONS

Section 35	Accounts and Other Records
Sub-section	Particulars
(1)	Every registered person shall keep and maintain, at his principal place of business, as mentioned in the certificate of registration, a true and correct account of (a) production or manufacture of goods;

	<p>(b) inward and outward supply of goods or services or both;</p> <p>(c) stock of goods;</p> <p>(d) input tax credit availed;</p> <p>(e) output tax payable and paid; and</p> <p>(f) such other particulars as may be prescribed</p> <p><i>Provided that where more than one place of business is specified in the certificate of registration, the accounts relating to each place of business shall be kept at such places of business:</i></p> <p><i>Provided further that the registered person may keep and maintain such accounts and other particulars in electronic form in such manner as may be prescribed.</i></p>
(2)	<p><i>Every owner or operator of warehouse or godown or any other place used for storage of goods and every transporter, irrespective of whether he is a registered person or not, shall maintain records of the consigner, consignee and other relevant details of the goods in such manner as may be prescribed.</i></p>
(3)	<p><i>The Commissioner may notify a class of taxable persons to maintain additional accounts or documents for such purpose as may be specified therein.</i></p>
(4)	<p><i>Where the Commissioner considers that any class of taxable persons is not in a position to keep and maintain accounts in accordance with the provisions of this section, he may, for reasons to be recorded in writing, permit such class of taxable persons to maintain accounts in such manner as may be prescribed.</i></p>
(6)	<p><i>Subject to the provisions of clause (h) of sub-section (5) of section 17, where the registered person fails to account for the goods or services or both in accordance with the provisions of sub-section (1), the proper officer shall determine the amount of tax payable on the goods or services or both that are not accounted for, as if such goods or services or both had been supplied by such person and the provisions of section 73 or section 74, as the case may be, shall, mutatis mutandis, apply for determination of such tax.</i></p>



ANALYSIS

The provisions relating to accounts and records required to be maintained under GST are contained in sections 35 and 36 read along with Chapter VII - Accounts and Records of CGST Rules, 2017. Relevant provisions of CGST Rules, 2017 have been incorporated at relevant places.

(I) Who is required to maintain books of accounts and at which place? ¹

Every registered person shall keep and maintain, books of accounts at his **principal place of business** (hereinafter referred to as PPOB) and books of account relating to additional place of business (hereinafter referred to as APOB) [as mentioned in the certificate of registration].



Where more than one place of business is specified in the certificate of registration, the accounts relating to each place of business shall be kept at such places of business.

Unless proved otherwise, if any documents, registers, or any books of account belonging to a registered person are found at any premises other than those mentioned in the certificate of registration, they shall be presumed to be maintained by the said registered person.

(II) Which accounts and records are required to be maintained?

A true and correct account of following is to be maintained:

- (a) production or manufacture of goods;
- (b) inward and outward supply of goods or services or both;
- (c) stock of goods;
- (d) input tax credit availed;
- (e) output tax payable and paid
- (f) such other particulars as may be prescribed²



¹ Section 35(1) read with rule 56(7) and 56(10)

The Commissioner may notify a class of taxable persons to maintain additional accounts or documents for such purpose as may be specified therein.³

Where the Commissioner considers that any class of taxable persons is not in a position to keep and maintain accounts in accordance with the provisions of this section, he may, for reasons to be recorded in writing, permit such class of taxable persons to maintain accounts in such manner as may be prescribed.⁴

The additional records to be maintained by specified persons are as under:-

(i) Registered person

In addition to the particulars mentioned in section 35(1), the rules also provide that the registered person⁵ is required to maintain a true and correct account of:



- ☐ the goods/services imported/exported,
- ☐ supplies attracting payment of tax on reverse charge along with relevant documents, including invoices, bills of supply, delivery challans, credit notes, debit notes, receipt vouchers, payment vouchers and refund vouchers⁶.
- ☐ separate account of advances received, paid and adjustments made thereto.
- ☐ particulars of:
 - ✓ names and complete addresses of suppliers **from whom he has received** the goods or services chargeable to tax under the Act;



² Section 35(1)

³ Section 35(3)

⁴ Section 35(4)

⁵ Rule 56(1), (3), (5) and (6)

⁶ The detailed provisions relating to all such documents have already been discussed in Chapter 10: Tax invoice, Credit and Debit Notes of this Module.

- ✓ names and complete addresses of the persons **to whom he has supplied** goods or services, where required under the provisions of this Chapter.
- particulars of the complete address of the **premises where goods are stored** by him, including goods stored during transit along with the particulars of the stock stored therein.

However, if any taxable goods are found to be stored at any place(s) other than those so declared without the cover of any valid documents, the proper officer shall determine the amount of tax payable on such goods as if such goods have been supplied by the registered person.

A supplier is required to maintain following records relating to stock of goods and tax details. However, a supplier who has opted for composition scheme is not required to maintain such records⁷.

- (a) **Stock of goods:** Accounts of stock in respect of goods received and supplied by him, and such accounts shall contain particulars of the opening balance, receipt, supply, goods lost, stolen, destroyed, written off or disposed of by way of gift or free sample and the balance of stock including raw materials, finished goods, scrap and wastage thereof.
- (b) **Details of tax:** Account, containing the details of tax payable (including tax payable under reverse charge), tax collected and paid, input tax, input tax credit claimed, together with a register of tax invoice, credit notes, debit notes, delivery challan issued or received during any tax period.



⁷ Rule 56(2) and (4)

(ii) Agent⁸

Every agent shall maintain accounts depicting the-

- (a) particulars of authorisation received by him from each principal to receive/supply goods/services on behalf of such principal separately;
- (b) particulars including description, value and quantity (wherever applicable) of goods/services received on behalf of every principal;
- (c) particulars including description, value and quantity (wherever applicable) of goods/services supplied on behalf of every principal;
- (d) details of accounts furnished to every principal; and
- (e) tax paid on receipts/ supply of goods/services effected on behalf of every principal.

**(iii) Manufacturer⁹**

Apart from other records, every registered person manufacturing goods has to maintain monthly production accounts showing quantitative details of raw materials/services used in the manufacture and quantitative details of the goods so manufactured including the waste and by products thereof.

**(iv) Service Provider¹⁰**

Every registered person supplying services has to additionally maintain the accounts showing quantitative details of goods used in the provision of services, details of input services utilised and the services supplied.

⁸ Rule 56(11)

⁹ Rule 56(12)

¹⁰ Rule 56(13)

(v) Person executing works contract¹¹

Every registered person executing works contract shall keep separate accounts for works contract showing -

- ☐ the names and addresses of the persons on whose behalf the works contract is executed;
- ☐ description, value and quantity (wherever applicable) of goods/services received for the execution of works contract;
- ☐ description, value and quantity (wherever applicable) of goods/services utilized in the execution of works contract;
- ☐ the details of payment received in respect of each works contract; and
- ☐ the names and addresses of suppliers from whom he received goods or services.

**(vi) Custodian/clearing and forwarding agent¹²**

Any person having custody over the goods in the capacity of a carrier or a clearing and forwarding agent for delivery or dispatch thereof to a recipient on behalf of any registered person shall maintain true and correct records in respect of such goods handled by him on behalf of such registered person and shall produce the details thereof as and when required by the proper officer.

(vii) Owner/operator of a warehouse/ godown and transporter¹³

Every owner or operator of warehouse or godown or any other place used for storage of goods and every transporter, irrespective of whether he is a registered person or not, shall maintain records of the consigner, consignee and other relevant details of the goods in such manner as may be prescribed.

¹¹ Rule 56(14)

¹² Rule 56(17)

¹³ Section 35(2) read with rule 58

Enrolment, if not already registered in GST¹⁴: If such persons are not already registered, they shall obtain a unique enrollment number by applying electronically [In Form GST ENR-01] at the GST Common Portal.

The person enrolled as aforesaid in any other State or Union territory shall be deemed to be enrolled in the State or Union territory.

Such person may also amend the details furnished in the prescribed form.

Such person, once obtained unique enrollment number, shall not be eligible to use any of the GSTIN.

Transporter¹⁵ : Any person engaged in the business of transporting goods shall maintain records of goods transported, delivered and goods stored in transit by him along with GSTIN of the registered consignor and consignee for each of his branches.

Owner/operator of a warehouse/ godown¹⁶:-

Every owner or operator of a warehouse or godown shall maintain books of accounts with respect to the period for which particular goods remain in the warehouse, including the particulars relating to dispatch, movement, receipt, and disposal of such goods.

The owner or the operator of the godown shall store the goods in such manner that they can be identified item-wise and owner-wise and shall facilitate any physical verification or inspection by the proper officer on demand.

¹⁴ Rule 58(1), 58(2) & 58(3)

¹⁵ Rule 58(4)(a)

¹⁶ Rule 58(4)(b) & rule 58(5)

(III) How the accounts and records will be maintained¹⁷?**❑ Records may be maintained manually**

- ✓ **Each volume of books of account maintained manually by the registered person shall be serially numbered.**

❑ Records may be maintained in electronic form

- ✓ Books of account include any electronic form of data stored on any electronic device.
- ✓ The registered person may keep and maintain such accounts and other particulars in electronic form stored on any electronic device and record so maintained shall be authenticated by means of a digital signature.
- ✓ Proper electronic back-up of records shall be maintained and preserved in such manner that, in the event of destruction of such records due to accidents or natural causes, the information can be restored within a reasonable period of time.
- ✓ The registered person maintaining electronic records shall produce, on demand, the relevant records or documents, duly authenticated by him, in hard copy or in any electronically readable format.
- ✓ Where the accounts and records are stored electronically by any registered person, he shall, on demand, provide the details of such files, passwords of such files and explanation for codes used, where necessary, for access and any other information which is required for such access along with a sample copy in print form of the information stored in such files.

**❑ No entry to be erased/overwritten**

- ✓ Any entry in registers, accounts and documents shall not be erased, effaced or overwritten.

¹⁷ Second proviso to section 35(1) read with rule 56(7), (8), (9), (15), (16) and (18) and rule 57

- ✓ All incorrect entries, otherwise than those of clerical nature, shall be scored out under attestation and there after correct entry shall be recorded.
- ✓ Where the registers and other documents are maintained electronically, a log of every entry edited or deleted shall be maintained.
- ❑ Accounts maintained by the registered person together with all the invoices, bills of supply, credit and debit notes, and delivery challans relating to stocks, deliveries, inward supply and outward supply shall be preserved for the period as provided in section 36 *[discussed subsequently in this Chapter]* and shall, where such accounts and documents are maintained manually, be kept at every related place of business mentioned in the certificate of registration and shall be accessible at every related place of business where such accounts and documents are maintained digitally.
- ❑ Every registered person shall, on demand, produce the books of accounts which he is required to maintain under any law for the time being in force.



(IV) What are the consequences of failure to maintain the accounts¹⁸ ?

Where the registered person fails to account for the goods and/or services in accordance with the provisions of section 35(1), the proper officer shall determine the amount of tax payable on the goods or services or both that are not accounted for, as if such goods or services or both had been supplied by such person and the provisions of section 73/section 74¹⁹, as the case may be, shall, *mutatis mutandis*, apply for determination of such tax.

¹⁸ Section 35(6)

¹⁹ The provisions of section 73 and section 74 will be discussed in detail at Final level.

4. PERIOD OF RETENTION OF ACCOUNTS [SECTION 36]

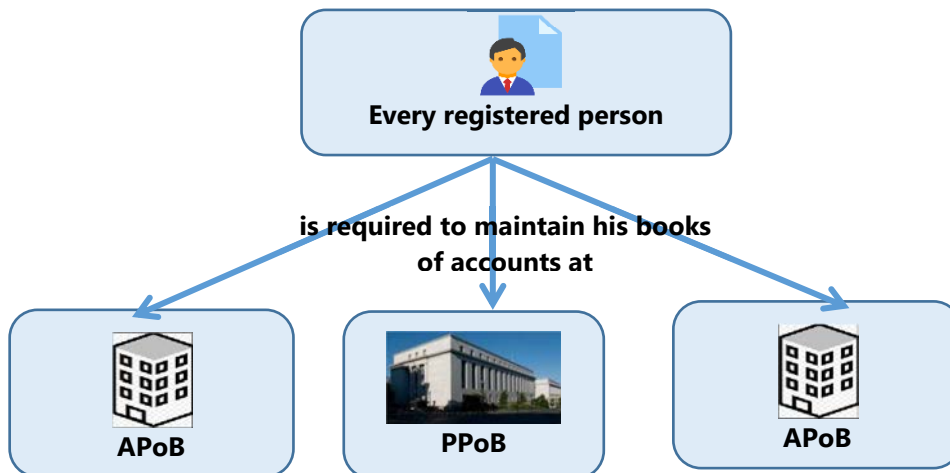
Every registered person required to keep and maintain books of account or other records in accordance with the provisions of section 35(1) shall retain them until the expiry of 72 months from the due date of furnishing of annual return for the year pertaining to such accounts and records.

However, a registered person, who is a party to an appeal or revision²⁰ or any other proceedings before any Appellate Authority or Revisional Authority or Appellate Tribunal or Court, whether filed by him or by the Commissioner, or is under investigation for an offence under Chapter XIX, shall retain the books of account and other records pertaining to the subject matter of such appeal or revision or proceedings or investigation for a period of one year after final disposal of such appeal or revision or proceedings or investigation, or for the period specified above, whichever is later.



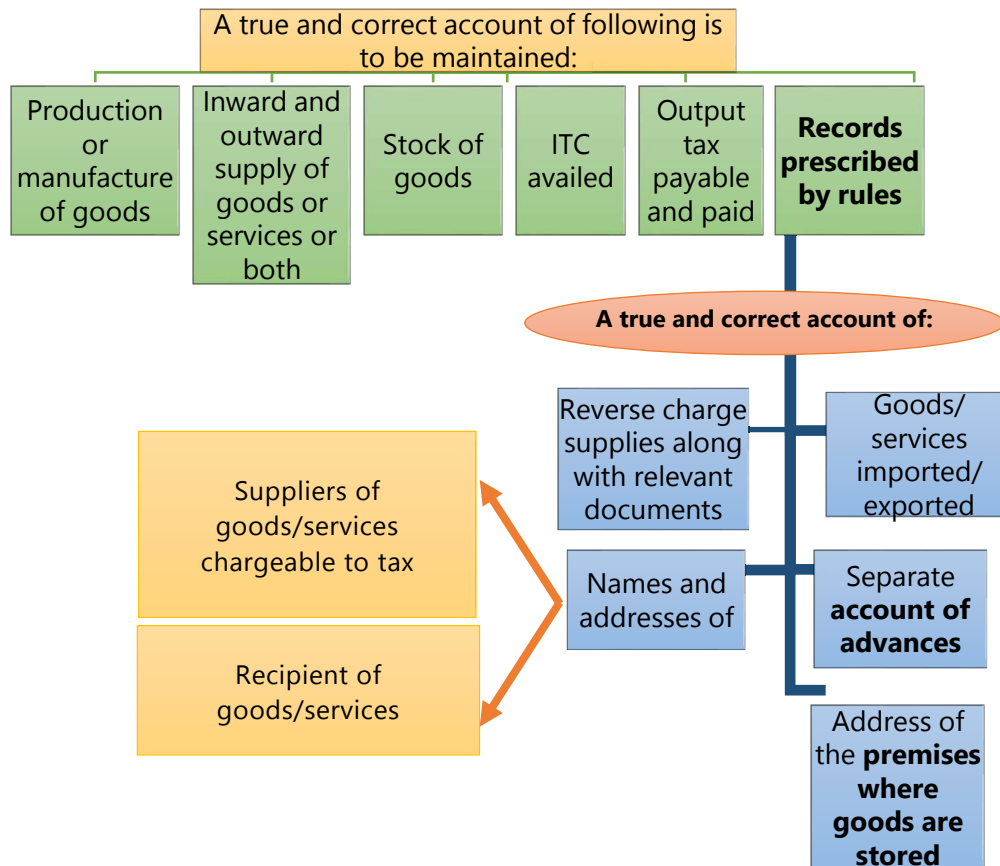
LET US RECAPITULATE

Who is required to maintain his books of accounts and at which place?



²⁰ The provisions pertaining to appeals and revision will be discussed in detail at the Final level.

Accounts and records required to be maintained



Records which are to be maintained only by a supplier other than a supplier opting for composition levy

Account of stock of goods received and supplied including opening balance, receipt, supply, goods lost/stolen, destroyed, written off, gifted, free samples, stock balance.

Account of details of tax payable, collected and paid, ITC claimed, together with register of tax invoice, credit-debit notes, delivery challan issued/received during any tax period

Records to be maintained by agent

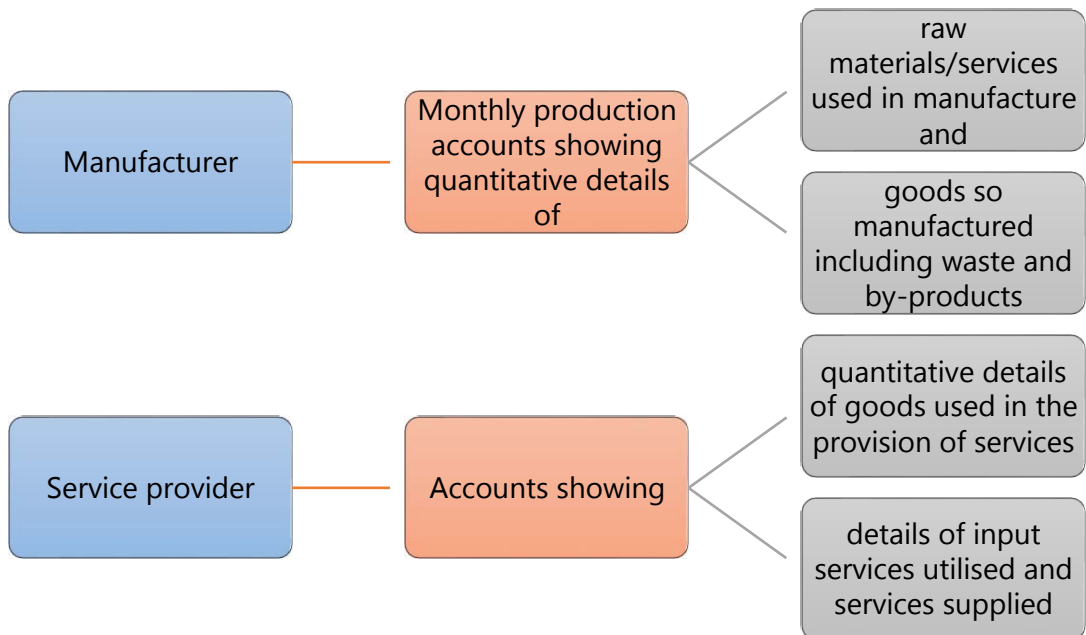
Authorisation received from each principal to receive/supply goods/services on behalf his behalf;

Particulars of goods/services received/supplied on behalf of every principal

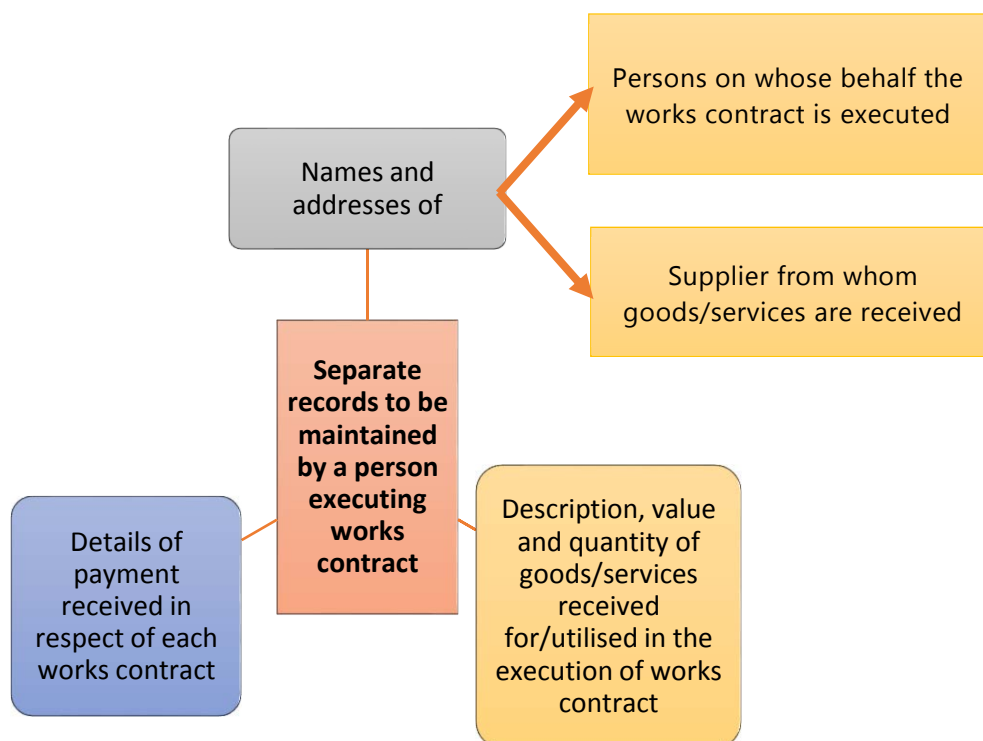
Details of accounts furnished to every principal

Tax paid on receipts/supply of goods/services effected on behalf of every principal

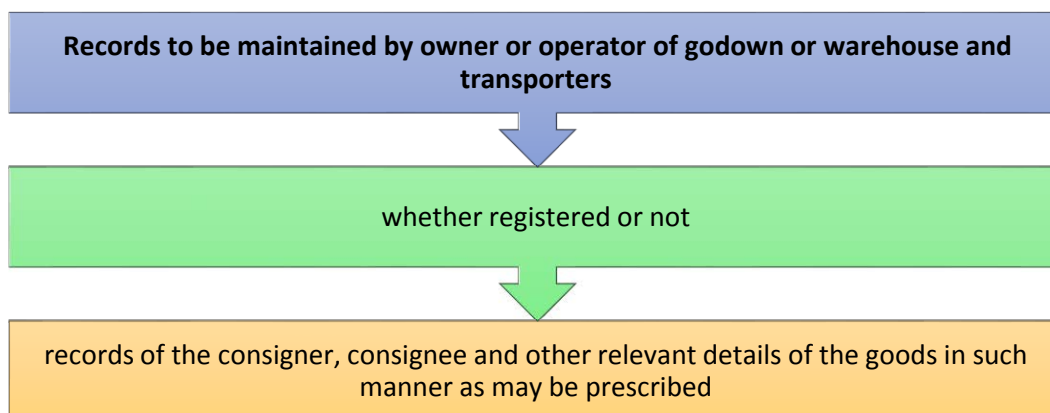
Records to be additionally maintained by a manufacturer and service provider

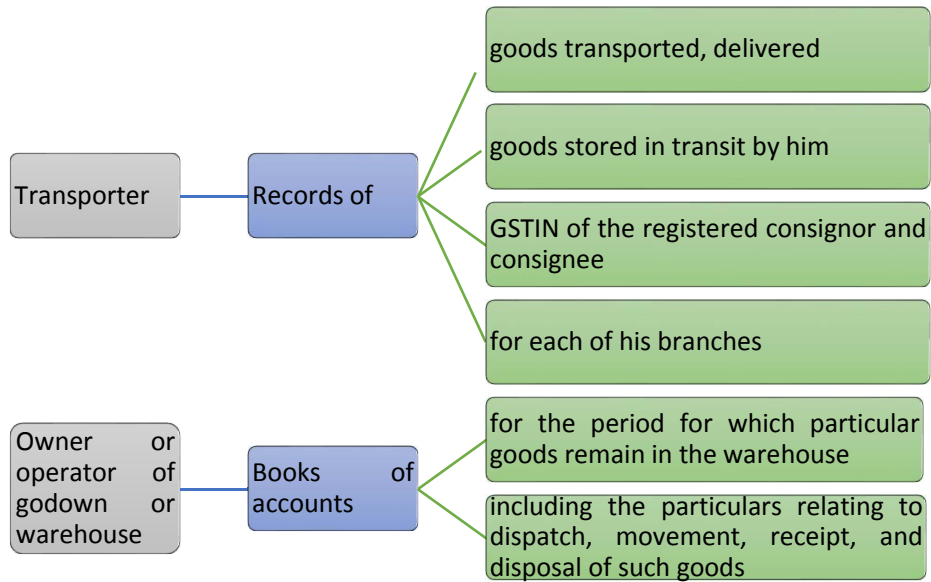


Separate records for works contract to be maintained by a person executing works contract

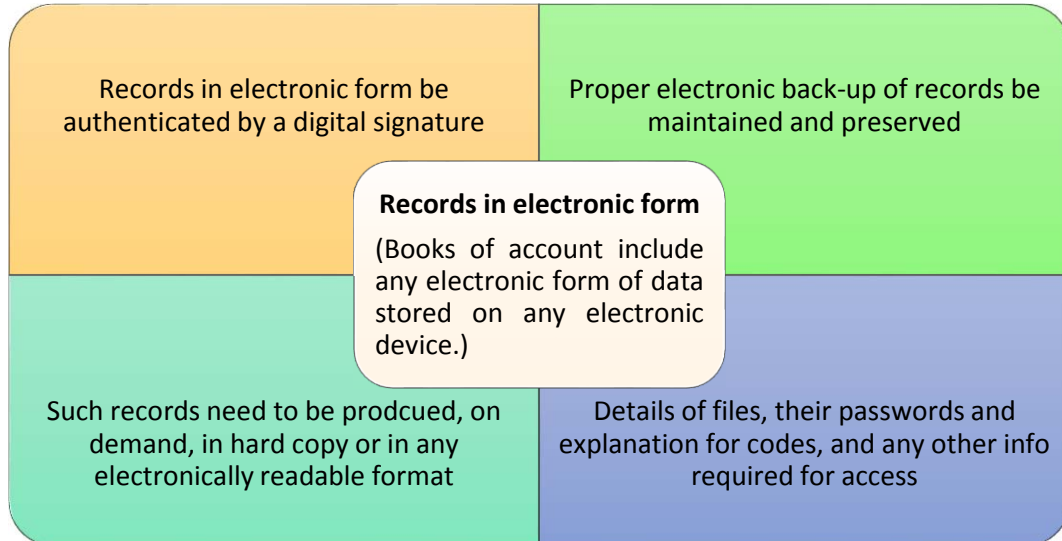


Records to be maintained by owner or operator of godown or warehouse and transporters provider





How the accounts and records will be maintained?



No entry to be erased/overwritten

Incorrect entries, other than those of clerical nature, be scored out under attestation and there after correct entry be recorded.

In case electronic records beng maintained, a log of every entry edited or deleted shall be maintained.

Books of account maintained manually be serially numbered

Books of accounts, are required to be produced, on demand.

Failure to maintain the accounts

Failure to maintain the accounts

- PO shall determine the tax payable on the unaccounted goods and/or services, as if the same had been supplied by such person
- Provisions of section 73/74 shall, *mutatis mutandis*, apply for determination of such tax

Period of retention of accounts

72 months from the due date of furnishing of annual return for the year pertaining to such accounts and records

Where an appeal/revision/ any other proceedings before any Appellate/ Revisional Authority or Appellate Tribunal or Court, or an investigation is going on



1 year after final disposal of such appeal/revision/proceedings/investigation

or

72 months from the due date of furnishing of annual return for the year pertaining to such accounts and records

whichever is later



TEST YOUR KNOWLEDGE

1. *Who is required to maintain books of accounts and at which place in terms of Section 35 read with relevant rules?*
2. *Mr. Sky is engaged in the business of trading of mobiles. He is eligible for composition scheme and has opted for the same. He seeks your advice for records which are not required to be maintained by him as composition taxable person.*
3. *Mr. Harsh Manjula is engaged in the business of works contract services and request your guidance as to specific records required to be maintained by him under GST law, if any.*
4. *Chill Chain Cold is operating cold storage warehouse and seeks your guidance on the GST accounts and records to be maintained by them in terms of Section 35.*
5. *Mr. X is of the view that records are to be mandatorily maintained manually only. You are required to examine the view taken by Mr. X?*



ANSWERS/HINTS

1. Every registered person shall keep and maintain, his books of accounts at his principal place of business and books of account relating to additional place of business as mentioned in the certificate of registration. Where more than one place of business is specified in the certificate of registration, the accounts relating to each place of business shall be kept at such places of business.

2. A supplier who has opted for composition scheme is not required to maintain records relating to;
- (a) **Stock of goods:** Accounts of stock in respect of goods received and supplied by him, and such accounts shall contain particulars of the opening balance, receipt, supply, goods lost stolen, destroyed, written off or disposed of by way of gift or free sample and the balance of stock including raw materials, finished goods, scrap and wastage thereof.
 - (b) **Details of tax:** Account, containing the details of tax payable (including tax payable under reverse charge), tax collected and paid, input tax, input tax credit claimed, together with a register of tax invoice, credit notes, debit notes, delivery challan issued or received during any tax period.

Thus, Mr. Sky is not required to maintain above mentioned records.

3. Mr. Harsh Manjula, executing works contract shall keep separate accounts for works contract showing -
- the names and addresses of the persons on whose behalf the works contract is executed;
 - description, value and quantity (wherever applicable) of goods/services received for the execution of works contract;
 - description, value and quantity (wherever applicable) of goods/services utilized in the execution of works contract;
 - the details of payment received in respect of each works contract; and
- the names and addresses of suppliers from whom he received goods or services.
4. Chill Chain Cold shall maintain records of the consigner, consignee and other relevant details of the goods in the prescribed manner.

Chill Chain Cold shall also maintain books of accounts with respect to the period for which particular goods remain in the warehouse, including the particulars relating to dispatch, movement, receipt, and disposal of such goods.

Chill Chain Cold shall store the goods in such manner that they can be identified item-wise and owner-wise and shall facilitate any physical verification or inspection by the proper officer on demand.

5. The view taken by Mr. X is not valid in law. Books of account include any electronic form of data stored on any electronic device. The registered person may keep and maintain such accounts and other particulars in electronic form stored on any electronic device and record so maintained shall be authenticated by means of a digital signature. The registered person maintaining electronic records shall produce, on demand, the relevant records or documents, duly authenticated by him, in hard copy or in any electronically readable format.

Where the accounts and records are stored electronically by any registered person, he shall, on demand, provide the details of such files, passwords of such files and explanation for codes used, where necessary, for access and any other information which is required for such access along with a sample copy in print form of the information stored in such files.

RAPID FIRE QUIZ



1

•State the correctness of statement -"Place of business includes a place where a taxable person is engaged in business through an agent, by whatever name called".

2

•Is it valid that document includes written or printed record of any sort but does not include electronic record?

3

•Mr. X contends every owner has to maintain records of the consigner & consignee only if he is a registered person ? Is Mr. X correct?

4

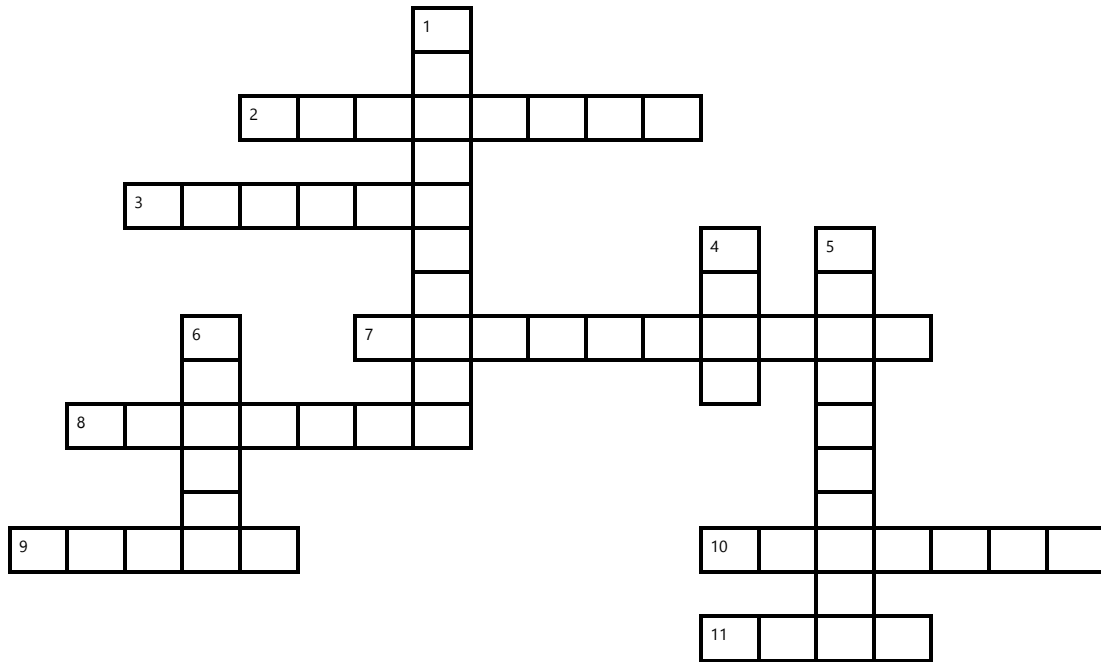
•Mr. Yuvi, a registered person imported raw material to be used in the manufacture of finished goods. He opines that he is not required to maintain account of goods imported. Is he correct?

5

•Miss Taavi, a composition dealer is of the view that she is not mandatorily required to maintain account of goods disposed of by way of gift. Is her view valid in law?



CROSSWORD PUZZLE



ACROSS

2. All incorrect entries, otherwise than those of -----nature, shall be scored out under attestation.
3. Every registered person is required to retain books of account until the expiry of 72 months from the due date of furnishing of -----return.
7. Every----- person shall keep and maintain, books of accounts at his principal place of business and books of account relating to additional place of business.
8. Every transporter shall maintain records of goods transported, delivered and goods stored in----- by him.
9. Stock of -----is not required to be maintained by a supplier who has opted for composition scheme.

10. Every manufacturer has to maintain -----production accounts showing quantitative details of raw materials/services used in the manufacture.
11. Every transporter shall maintain record of GSTIN of the registered consignor and consignee for -----of his branches.

DOWNWARDS

1. The operator of a warehouse is required to obtain a unique ----- number if not already registered.
4. The owner of the godown has to store the goods so that they can be identified -----wise and owner wise.
5. Books of account include any----- form of data.
6. Any entry in registers, accounts and documents shall not be -----

Scan the following QR code for accessing the answers to Rapid Fire Quiz and Cross word puzzle of this chapter.



Scan the code

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