

Best Practices and Practical Approach to SCN reply and appeal filing

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PRACTICAL APPROACH TO SCN REPLY

4 NECESSARY INGREDIENTS OF SCN

ALLEGATIONS

EVIDENCE

CAUSE OF ACTION

INFORMATION

THE SCN NEEDS TO BE CHECKED THOROUGHLY ONCE RECEIVED

CHECKLIST TO BE FILLED PRIOR TO WORKING IN ANY SHOW CAUSE NOTICE

Sl No	Checking Points	Remarks, if any
1	Notice issued under which section? Section 73 or Section 74	
2	If issued within the prescribed time limit	
3	Verify DIN	
4	Whether DRC 01 issued or not (as per rule 142)	
5	If DRC 01 issued in portal check whether SCN is attached along with it or not	
6	If the Proper Officer had issued the SCN	
7	Name, Designation and Signature of the Officer	
8	Whether there is any other notice issued by different department on the same subject matter and for the same FY	
9	Read all RUDs, if any	
10	Difference between amounts of DRC 01 and Show Cause Notice, if any	

Follow Due Process

- Demand for GST cannot **but** be in accordance with the 'due process' laid down.
- When rule 142(1) states that notice will be issued "along with" a summary of the demand, then one cannot be expected to make do with just a notice or just the summary or any other alternate.
- Both these documents with their respective 'reference numbers' are to be issued.
- In case of Nazir Ahmad v. King Emperor AIR 1936 PC 253, Privy Council stated that:
"Where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all".
- SCN issued without summary in Form GST DRC1 and on being objected, Form GST DRC1 issued (with a later date), is also 'not a notice' in the eyes of law.

Circular No. 3/3/2017 - GST

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
CENTRAL BOARD OF EXCISE AND CUSTOMS
GST POLICY WING

New Delhi: 05.07.2017

Circular No. 3/3/2017 - GST

To,

The Principal Chief Commissioners/Chief Commissioners/Principal Commissioners/ Commissioners of Central Tax (All)/ Director General of Systems

Subject: Proper officer relating to provisions other than Registration and Composition under the Central Goods and Services Tax Act, 2017-Reg.

In exercise of the powers conferred by clause (91) of [section 2](#) of the Central Goods and Services Tax Act, 2017 (12 of 2017) read with [Section 20](#) of the Integrated Goods and Services Tax Act (13 of 2017) and subject to sub-section (2) of [section 5](#) of the Central Goods and Services Tax Act, 2017, the Board, hereby assigns the officers mentioned in Column (2) of the Table below, the functions as the proper officers in relation to the various sections of the Central Goods and Services Tax Act, 2017 or the rules made thereunder given in the

Proper Officer – Circulars

Central - In case of 73/74 notice the monetary limits as provided in Circular 31/05/2018 - GST

State - Not Issued by state

1.	Superintendent of Central Tax	Not exceeding Rupees 10 lakhs	Not exceeding Rupees 20 lakhs	Not exceeding Rupees 20 lakhs
2.	Deputy or Assistant Commissioner of Central Tax	Above Rupees 10 lakhs and not exceeding Rupees 1 crore	Above Rupees 20 lakhs and not exceeding Rupees 2 crores	Above Rupees 20 lakhs and not exceeding Rupees 2 crores
3.	Additional or Joint Commissioner of Central Tax	Above Rupees 1 crore without any limit	Above Rupees 2 crores without any limit	Above Rupees 2 crores without any limit

Year	Section	AR Due date	Order + DRC-07	Notice+DRC-01	DRC-01A	ASMT-10/ ADT-02/ ADT-04	Ref Notification for AR/order due date extn
2017-18	73	07-Feb-2020	31-Dec-2023	30-Sep-2023	31-Aug-2023	31-Jul-2023	09/2023 - CT dtd 31-03-23
2017-18	74	07-Feb-2020	07-Feb-2025	07-Aug-2024	07-Jul-2024	07-Jun-2024	06/2020 - CT dtd 03-02-20
2018-19	73	31-Dec-2020	30-Apr-2024	31-Jan-2024	31-Dec-2023	30-Nov-2023	56/2023 - CT dtd 28-12-23
2018-19	74	31-Dec-2020	31-Dec-2025	30-Jun-2025	31-May-2025	30-Apr-2025	80/2020 - CT dtd 28-10-20
2019-20	73	31-Mar-2021	31-Aug-2024	31-May-2024	30-Apr-2024	31-Mar-2024	56/2023 - CT dtd 28-12-23
2019-20	74	31-Mar-2021	31-Mar-2026	30-Sep-2025	31-Aug-2025	31-Jul-2025	04/2021 - CT dtd 28-02-21
2020-21	73	28-Feb-2022	28-Feb-2025	30-Nov-2024	31-Oct-2024	30-Sep-2024	40/2021 - CT dtd 29-12-21
2020-21	74	28-Feb-2022	28-Feb-2027	28-Aug-2026	28-Jul-2026	28-Jun-2026	40/2021 - CT dtd 29-12-21
2021-22	73	31-Dec-2022	31-Dec-2025	30-Sep-2025	31-Aug-2025	31-Jul-2025	30/2021 - CT dtd 30-07-21
2021-22	74	31-Dec-2022	31-Dec-2027	30-Jun-2027	31-May-2027	30-Apr-2027	30/2021 - CT dtd 30-07-21
2022-23	73	31-Dec-2023	31-Dec-2026	30-Sep-2026	31-Aug-2026	31-Jul-2026	30/2021 - CT dtd 30-07-21
2022-23	74	31-Dec-2023	31-Dec-2028	30-Jun-2028	31-May-2028	30-Apr-2028	30/2021 - CT dtd 30-07-21

Above dates for tax not paid/short paid/ ITC wrongly availed or utilized cases (not for erroneous refunds)

APPROACH FOR FILING REPLY TO SCN

**DISCREPANCY
FOUND IN THE SCN**

**SCN MUST BE CHALLENGED BEFORE ANY
FURTHER REPLY**

MATTER OF FACTS

**PREPARE PROPER RECONCILIATIONS AND
REPLY WITH DOCUMENTARY EVIDENCES**

**PAYMENT
ACTUALLY NEEDS TO
BE MADE**

**PAY THROUGH DRC 03 WITHIN PRESCRIBED
TIME LIMIT U/S 73/74 IN ORDER TO GET
RELIEF FROM THE HUGE PENALTY DEMAND**

DISCUSSION ON PRACTICAL SCENARIOS

[SAMPLE NOTICE](#)

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PRACTICAL APPROACH TO APPEAL FILING

APPELABLE ORDERS

**REJECTION OF
REGISTRATION
APPLICATION OR
REGISTRATION
CANCELLATION
ORDER**

**REFUND
REJECTION ORDER**

**ASSESSMENT
ORDER U/S 62 OR
63 FOR NON-
FILERS AND
UNREGISTERED
PERSONS**

**DEMAND ORDER
U/S 73 OR 74**

**DETENTION
ORDER U/S 129**

**CONFISCATION
ORDER U/S 130**

TIME LIMIT TO FILE APPEAL AFTER ISSUANCE OF ORDER

DATE OF RECEIPT OF ORDER

3 MONTHS FROM DATE OF RECEIPT OF ORDER

4 MONTHS FROM DATE OF RECEIPT OF ORDER

FILE APPEAL IN FORM GST APL 01

FILE APPEAL IN FORM GST APL 01 WITH CONDOATION APPLICATION

PROFESSIONAL APPROACH

Sl No	Checking Points	Remarks
1	Check validity of Order Whether, Order passed by Proper Authority Whether, The demand in Order going beyond the SCN Whether, Passed beyond time-limits u/s 73 and 74	
2	Check Demand Order Date and last date to file the Appeal Application	
3	Make Payment of the Pre-deposit	
4	Prepare Annexure with statement of facts, grounds of appeal and prayer All essential facts to be brought on record Facts should be supported by sufficient documentary evidence Details of filing reply, attending personal hearing should be mentioned Any other correspondence after attending the PH shall be mentioned	
5	Download the Acknowledgement immediately after filing APL 01	
6	If filed in Condonation period, then prepare Application of Condonation with Affidavit	
7	Submit acknowledgement and other documents in GST department with Covering letter within 7 days from the date of filing application (not mandatory if Order was uploaded to GST portal)	



DISCUSSION ON PRACTICAL SCENARIOS

[ENTIRE SERIES](#)

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Q & A



THANK
YOU.

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