

TAX INFO

Dated 16/01/2023

Latest update on GST Law: **High Court allowed manual correction in GSTR-1 from B2C to B2B for the year 2017-18** as given in judgement by **Orissa High Court**.

We expressly disclaim liability to any person in respect of anything done in reliance of the contents of this publication.

Name of Petitioner	M/s. Shiva Jyoti Construction
Name of Respondent	The Chairperson, Central Board of Excise & Customs
Authority	Orissa High Court
Date of Judgement	12.01.2023
Appeal No.	W.P.(C) No. 18216 of 2017

Brief Facts of the Case Law:

For the period September, 2017 and March 2018, the invoices pertaining to M/s. Odisha Construction Corporation Limited (OCCL), were wrongly shown as B2C instead of B2B while filing GSTR-1. The last date by which the rectification should have been carried out was 13th April, 2019. But the error came to be noticed after the OCCL held up the legitimate running bill amount of the Petitioner by informing it about the above error on 21st January, 2020. Thereafter it has been making requests to the Department to permit it to correct the GSTR-1 Forms but to no avail.

Contention of the Petitioner:

The fact remains that by permitting the Petitioner to rectify the above error, there will be no loss whatsoever caused to the revenue. It is not as if that there will be any escapement of tax. This is only about the ITC benefit which in any event has to be given to the Petitioner. On the contrary, if it is not permitted, then the Petitioner will unnecessarily be prejudiced. In similar circumstances, the Madras High Court in its order dated 6th October, 2020 in case of M/s. Sun Dye Chem Vs. The Assistant Commissioner accepted the plea of the Petitioner and directed that the Petitioner in that case should be permitted to file the corrected form

Contention of the Department:

According to the Department, once the deadline for rectification of the Forms was crossed, then no further indulgence could be granted to the Petitioner.

Decision of the Court:

The Court permits the Petitioner to resubmit the corrected Form-B2B under GSTR-1 for the aforementioned periods September, 2017 and March, 2018 and to enable the Petitioner to do so a direction is issued to the Department to receive it manually. Once the corrected Forms are received manually, the Department will facilitate the uploading of those details in the web portal within a period of four weeks.

Suresh Aggarwal, Advocate

Compliance & Litigation under GST

Address: House No. 54, Pocket A-3, Sector-5, Rohini- 110085

Phone: 91-9810032846; 011 - 45131427

Email: sureshagg@gmail.com

Website: <http://www.sureshtaxation.com>