

Proper Filing of Appeal Before GST Appellate Authority



It is to apprise you about an important decision of Central Goods and Services Tax Appellate Authority ('CGST Authority'), Jaipur in the case of **Gravita India Limited v. The State Officer, Gujarat O-I-A No. 11 (JPM) CGST/JPR/2019**, on the maintainability of appeal before Rajasthan CGST Authority against the order passed by a Gujarat Goods and Services Tax ('GST') officers.

A. FACTS

- Appellant, registered in Rajasthan, was bringing goods from Maharashtra to Rajasthan in a purchase deal. The vehicle was intercepted in Gujarat and it was found that Part B of the e-way bill was not generated. Hence, the Gujarat State officer passed the order demanding tax and penalty.
- Appellant challenged the order in its own jurisdiction before the CGST Authority (Jaipur).

B. DECISION

- The CGST Authority (Jaipur) referred to Section 6 of both the CGST Act and Gujarat GST Act. It observed that an appeal against an order passed by a State officer cannot lie with CGST Authority appointed in any State.

- It was, therefore, held that the appeal **shall lie before the Appellate Authority appointed under the State of Gujarat GST Act** and not even before any CGST Authority appointed in Gujarat.

C. GABA & CO. | REMARKS

- While we agree with the decision of CGST Authority, in our opinion, the provision may lead to a lot of confusion in filing an appeal against detention orders. Further, where the taxpayer is not registered in the detention State, it will increase the cost of litigating the matter.
- Since the goods can be detained by any in-transit State or Centre officer, proper representation must be filed before GST Council to come up with multiple single point Appellate Authority for detention matters in case of inter-State supply of goods.
- Nonetheless, taxpayers must exercise caution and ensure that the appeal is filed in the correct jurisdiction.

Disclaimer:

The views expressed in the update are strictly personal, based on our understanding of the underlying law. We are not responsible for any injury, loss or cost arising to any person who refers this update and acts or refrains from any act accordingly. We would suggest that a detailed legal advice must be sought before relying on this update.