



भारत सरकार  
वित्त मंत्रालय, राजस्व विभाग  
आयुक्त कार्यालय, केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क, नागपुर-II  
तेलंगखेड़ी मार्ग, सिविल लाईन्स, नागपुर-440001



**व्यापार सूचना क्रमांक 01/2020/NGP-II**

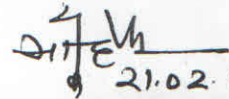
**दिनांक 19.02.2019**

**विषय:-** Standard Operating Procedure to be followed in case of non-filers of returns-reg.

उपरोक्त विषय के संदर्भ में प्रधान आयुक्त (जीएसटी), केंद्रीय अप्रत्यक्ष कर एवं सीमा शुल्क बोर्ड, राजस्व विभाग, वित्त मंत्रालय, भारत सरकार, नई दिल्ली के फा.सं. CBEC-20/06/04/2019-GST दि. 24.12.2019 के अंतर्गत जारी किये गए परिपत्र क्रमांक 129/48/2019-GST की प्रतिलिपि इस व्यापार सूचना के माध्यम से मार्गदर्शन एवं कार्यवाही के लिए प्राप्त करें।

सभी संबंधित संगठनों/ कार्यालयों से अनुरोध है कि वे व्यापार सूचना की जानकारी अपने सभी सदस्य निर्माताओं एवं व्यापारियों को दें।

संगलन : यथोपरी

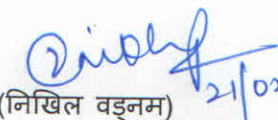
  
21.02.20  
( राधे श्याम माहेश्वरी )  
आयुक्त

फा. सं. IV(16)30-13/Tech/NGP-II/2019/ 408

नागपुर, दि. 19.02.2020  
28

प्रति प्रेषित:-

1. अपर आयुक्त (मुख्य आयुक्त का कार्यालय), केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क, नागपुर ज़ोन।
2. आयुक्त (अपील), केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क, नागपुर।
3. सहायक आयुक्त, केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क, नागपुर-II, प्रभाग शहर/ कलमेश्वर/ अमरावती/ अकोला।
4. सहायक आयुक्त, विधि/ समीक्षा व अधिकरण/ न्यायनिर्णयन/ निवारक/सेवा केन्द्र/संखिखी, केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क, नागपुर-II।
5. सहायक आयुक्त (संगणक कक्षा), केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क, नागपुर को इस अनुरोध के साथ कि वे इस आदेश को कार्यालयीन वेबसाइट पर उपलोड करें।
6. इन्फोरमेशन एवं प्रेस ब्यूरो, पुरानी सचिवालय बिल्डिंग, वीसीए ग्राउंड के सामने, पहली मंज़िल, सिविल लाईन्स, नागपुर-440001
7. नोटिस बोर्ड

  
(निखिल वड्नम) 21/02/20  
सहायक आयुक्त (तकनीकी)  
नागपुर-II

**CBEC-20/06/04/2019-GST**  
**Government of India**  
**Ministry of Finance**  
**Department of Revenue**  
**Central Board of Indirect Taxes and Customs**  
**GST Policy Wing**  
\*\*\*\*\*

New Delhi, Dated the 24<sup>th</sup> December, 2019

To,

The Pr. Chief Commissioners / Chief Commissioners / Principal Commissioners /  
Commissioners of Central Tax (All)  
The Principal Director Generals / Director Generals (All)

Madam/Sir,

**Subject: Standard Operating Procedure to be followed in case of non-filers of returns**  
**- reg.**

Doubts have been raised across the field formations in respect of the appropriate procedure to be followed in case of non-furnishing of return under section 39 or section 44 or section 45 of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as the "CGST Act"). It has further been brought to the notice that divergent practices are being followed in case of non-furnishing of the said returns.

2. The matter has been examined. In order to clarify the issue and to ensure uniformity in the implementation of the provisions of the law across field formations, the Board, in exercise of its powers conferred by section 168 (1) of the CGST Act, hereby issues the following clarifications and guidelines.
3. Section 46 of the CGST Act read with rule 68 of the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the "CGST Rules") requires issuance of a notice in **FORM GSTR-3A** to a registered person who fails to furnish return under section 39 or section 44 or section 45 (hereinafter referred to as the "defaulter") requiring him to furnish such return within fifteen days. Further section 62 provides for assessment of non-filers of return of registered persons who fails to furnish return under section 39 or section 45 even after service of notice under section 46. **FORM GSTR-3A** provides as under:

***"Notice to return defaulter u/s 46 for not filing return***

*Tax Period -*

*Type of Return -*



*Being a registered taxpayer, you are required to furnish return for the supplies made or received and to discharge resultant tax liability for the aforesaid tax period by due date. It has been noticed that you have not filed the said return till date.*

1. *You are, therefore, requested to furnish the said return within 15 days failing which the tax liability may be assessed u/s 62 of the Act, based on the relevant material available with this office. Please note that in addition to tax so assessed, you will also be liable to pay interest and penalty as per provisions of the Act.*
2. *Please note that no further communication will be issued for assessing the liability.*
3. *The notice shall be deemed to have been withdrawn in case the return referred above, is filed by you before issue of the assessment order."*

As such, no separate notice is required to be issued for best judgment assessment under section 62 and in case of failure to file return within 15 days of issuance of **FORM GSTR-3A**, the best judgment assessment in **FORM ASMT-13** can be issued without any further communication.

4. Following guidelines are hereby prescribed to ensure uniformity in the implementation of the provisions of law across the field formations:

- (i) Preferably, a system generated message would be sent to all the registered persons 3 days before the due date to nudge them about filing of the return for the tax period by the due date.
- (ii) Once the due date for furnishing the return under section 39 is over, a system generated mail / message would be sent to all the defaulters immediately after the due date to the effect that the said registered person has not furnished his return for the said tax period; the said mail/message is to be sent to the authorized signatory as well as the proprietor/partner/director/karta, etc.
- (iii) Five days after the due date of furnishing the return, a notice in **FORM GSTR-3A** (under section 46 of the CGST Act read with rule 68 of the CGST Rules) shall be issued electronically to such registered person who fails to furnish return under section 39, requiring him to furnish such return within fifteen days;
- (iv) In case the said return is still not filed by the defaulter within 15 days of the said notice, the proper officer may proceed to assess the tax liability of the said person under section 62 of the CGST Act, to the best of his judgement taking into account all

the relevant material which is available or which he has gathered and would issue order under rule 100 of the CGST Rules in **FORM GST ASMT-13**. The proper officer would then be required to upload the summary thereof in **FORM GST DRC-07**;

- (v) For the purpose of assessment of tax liability under section 62 of the CGST Act, the proper officer may take into account the details of outward supplies available in the statement furnished under section 37 (**FORM GSTR-1**), details of supplies auto-populated in **FORM GSTR-2A**, information available from e-way bills, or any other information available from any other source, including from inspection under section 71;
- (vi) In case the defaulter furnishes a valid return within thirty days of the service of assessment order in **FORM GST ASMT-13**, the said assessment order shall be deemed to have been withdrawn in terms of provision of sub-section (2) of section 62 of the CGST Act. However, if the said return remains unfurnished within the statutory period of 30 days from issuance of order in **FORM ASMT-13**, then proper officer may initiate proceedings under section 78 and recovery under section 79 of the CGST Act;
5. Above general guidelines may be followed by the proper officer in case of non-furnishing of return. In deserving cases, based on the facts of the case, the Commissioner may resort to provisional attachment to protect revenue under section 83 of the CGST Act before issuance of **FORM GST ASMT-13**.
6. Further, the proper officer would initiate action under sub-section (2) of section 29 of the CGST Act for cancellation of registration in cases where the return has not been furnished for the period specified in section 29.
7. It is requested that suitable trade notices may be issued to publicize the contents of this Circular.
8. Difficulty, if any, in implementation of the above instructions may please be brought to the notice of the Board. Hindi version would follow.

(Yogendra Garg)  
Principal Commissioner (GST)