

DIRECTORATE OF TRAINING,
EXCISE AND TAXATION DEPARTMENT,
PUNJAB, PATIALA

GST UPDATE
(JAN 2025)

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GIST of GST Notification

Centre's Tax Notification No.	Subject
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Notification No. 08/2025-Integrated Tax (Rate), [G.S.R. 48(E).]	IGST Notification 08/2025: “Specified Premises” Definition

Notification Centre Tax Page No- 8 to 36

FORM GSTR-1 Filing Deadline Extended for Dec 2024

In order to benefit taxpayers, who could not file their returns in time due to technical glitches, the time limit for filing of FORM GSTR-1 of the tax period December 2024, has been extended till 13.01.2025. Further, the time limit for filing of FORM GSTR-1 of the tax period October 2024 to December 2024, for the taxpayers who have opted to pay tax under QRMP Scheme, has been extended till 15.01.2025.

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)

CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS

Notification No. 01/2025-Central Tax | Dated: 10th January, 2025

G.S.R. 22(E).—In exercise of the powers conferred by the first proviso to sub-section (1) of section 37 read with section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017) the Commissioner, on the recommendations of the Council. hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 832020 — Central Tax, dated the 10th November, 2020, published in the Gazette of India, Extraordinary. Part II, Section 3, Sub-section (i) vide

number G.S.R. 699(E), dated the 10th November, 2020, namely:— In the said notification, after the fifth proviso, the following proviso shall be inserted, namely:- “Provided also that the time limit for furnishing the details of outward supplies in FORM GSTR-I of the said rules for the registered persons required to furnish return under sub-section (1) of section 39 of the said Act for the tax period December, 2024, shall be extended till the thirteenth day of January, 2025 and for the registered persons who are required to furnish return under proviso of the said sub-section, for the tax period October to December, 2024, shall be extended till the fifteenth day of January, 2025.”

[F. No. CBIC-20001/10/2024-GST]

(Raushan Kumar)

Under Secretary

Note: The principal notification No. 8312020 –Central Tax, dated the 10th November, 2020 was published in the Gazette of India, Extraordinary vide number G.S.R. 699(E), dated the 10th November, 2020 and was last amended by notification No. 09/2024 –Central Tax, dated the 12th April 2024, published in the Gazette of India, Extraordinary vide number G.S.R. 246(E), dated the 12th April 2024.

Notification Centre Tax Page No- 8 to 36

GSTR-3B Filing Deadlines Extended for December & QRMP

Government of India, through Notification No. 02/2025-Central Tax dated January 10, 2025, has extended the deadline for filing Form GSTR-3B returns under the Goods and Services Tax (GST) framework. Taxpayers filing monthly returns for December 2024 now have until January 22, 2025, to submit their returns electronically via the common portal. Additionally, for taxpayers enrolled in the Quarterly Return Filing and Monthly Payment of Taxes (QRMP) scheme, the deadline for filing Form GSTR-3B for the quarter October–December 2024 has also been extended. The revised due dates are based on the principal place of business of the taxpayer. For those located in states such as Chhattisgarh,

Madhya Pradesh, Gujarat, Maharashtra, Karnataka, and others, the extended deadline is January 24, 2025. Taxpayers in states such as Himachal Pradesh, Punjab, Uttar Pradesh, and the northeastern states, as well as union territories like Delhi, Jammu & Kashmir, and Ladakh, have until January 26, 2025, to file their returns. The extensions have been made under the provisions of the Central Goods and Services Tax Act, 2017, on the recommendation of the GST Council. The notification is aimed at ensuring compliance by providing additional time for taxpayers to file their returns. Registered persons are advised to adhere to the updated deadlines to avoid any penalties.

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(DEPARTMENT OF REVENUE)

CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS

Notification No. 02/2025 – Central Tax | Dated: 10th January,

G.S.R. 23(E)- In exercise of the powers conferred by sub-section (6) of section 39 read with section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Commissioner, on the recommendations of the Council, hereby extends the time limit for furnishing the return in FORM GSTR-3B electronically, through the common portal, by the registered persons, as specified under-

(i) sub-section (1) of section 39, for the month of December 2024, till twenty-second day of January, 2025:

(ii) proviso to sub-section (1) of section 39, for the quarter of October, 2024 to December, 2024, for the class of registered persons mentioned in column (2) of the Table given below, till the date mentioned in the corresponding entry in column (3) of the said Table, namely: –

TABLE

S. No.	Class of registered persons	Due Date
<u>(1)</u>	<u>(2)</u>	<u>(3)</u>
<u>I.</u>	Registered persons whose principal place of business is in the States of Chhattisgarh, Madhya Pradesh, Gujarat, Maharashtra, Karnataka, Goa, Kerala, Tamil Nadu, Telangana, Andhra Pradesh, the Union territories of Daman and Diu and Dadra and Nagar Haveli, Puducherry, Andaman and Nicobar Islands or Lakshadweep	Twenty-fourth day of January, 2025

<u>2.</u>	Registered persons whose principal place of business is in the States of Himachal Pradesh, Punjab, Uttarakhand, Haryana, Rajasthan, Uttar Pradesh, Bihar, Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya, Assam, West Bengal, Jharkhand or Odisha, the Union territories of Jammu and Kashmir, Ladakh, Chandigarh or Delhi.	Twenty-sixth day of January, 2025
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**[F.No. CBIC-20001/10/2024-GST]
(Raushan Kumar)
Under Secretary**

Notification Centre Tax Page No- 8 to 36

CBIC extends due date or furnishing FORM GSTR-5 for December, 2024

Seeks to extend the due date for furnishing FORM GSTR-5 for the month of December, 2024 Central Board of Indirect Taxes and Customs (CBIC), under the Ministry of Finance, has extended the deadline for non-resident taxable persons to file GSTR-5 returns for December 2024. This notification, issued on January 10, 2025, under Notification No. 03/2025 – Central Tax, extends the due date to January 15, 2025. The extension, granted under the authority of Section 39(6) of the Central Goods and Services Tax Act, 2017 and Rule 63 of the GST Rules, 2017, aims to provide additional time for compliance. Non-resident taxpayers are required to file the return as per the prescribed format. The notification reflects the

government's measures to ensure smooth compliance with GST regulations.

MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)

Notification No. 03/2025 – Central Tax | Dated: 10th January, 2025

G.S.R. 24(E).—In exercise of the powers conferred by sub-section (6) of section 39 read with section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Commissioner, on the recommendations of the Council, hereby extends the time limit for furnishing the return by a non-resident taxable person, in FORM GSTR-5, under sub-section (5) of section 39 of the said Act read

with rule 63 of the Central Goods and Services Tax Rules, 2017 for the month of December, 2024 till the 15th day of January, 2025.

[F. No. CBIC-20021/2/2025-GST]

RAUSHAN KUMAR,

Under Secy.

Notification Centre Tax Page No- 8 to 36

Deadline Extended for GSTR-6 Filing by Input Distributors for December, 2024

CBIC extends the due date for furnishing FORM GSTR-6 for the month of December, 2024 vide Notification No. 04/2025–Central Tax Dated: 10th January, 2025

The Central Board of Indirect Taxes and Customs (CBIC), under the Ministry of Finance, has issued Notification No. 04/2025 – Central Tax, dated January 10, 2025. The notification extends the deadline for Input Service Distributors to file their GSTR-6 return for December 2024. The new due date is January 15, 2025. This extension has been granted under Section 39(6) of the Central Goods and Services Tax Act, 2017, and Rule 65 of the GST Rules, 2017, following recommendations from the GST Council. Input Service

Distributors are required to submit their returns in the prescribed format to ensure compliance with GST regulations. The measure is intended to facilitate timely compliance and streamline the reporting process.

MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)

Notification No. 04/2025 – Central Tax | Dated: 10th January, 2025

25(E).— In exercise of the powers conferred by sub-section (6) of section 39 read with section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Commissioner, on the recommendations of the Council, hereby extends the time limit for furnishing the return by an Input Service Distributor in FORM GSTR-6 under sub-section (4) of section 39 of the said Act read with rule

65 of the Central Goods and Services Tax Rules, 2017, for the month of December, 2024 till the 15th day of January, 2025.

[F. No. CBIC-20021/2/2025-GST]
RAUSHAN KUMAR,
Under Secy.

Notification Centre Tax Page No- 8 to 36

Deadline Extended for GSTR-7 Filing by TDS Deductors for December, 2024

CBIC extends the due date for furnishing FORM GSTR-7 for the month of December, 2024 vide Notification No. 05/2025 – Central Tax Dated: 10th January, 2025

Central Board of Indirect Taxes and Customs (CBIC), under the Ministry of Finance, issued Notification No. 05/2025 – Central Tax on January 10, 2025. The notification extends the deadline for registered persons required to deduct tax at source (TDS) under Section 51 of the GST Act to file their GSTR-7 returns for December 2024. The new deadline is January 12, 2025. This extension is granted under Section 39(6) of the Central Goods and Services Tax Act, 2017, and Rule 66 of the GST Rules, 2017, based on the recommendations of the GST Council. Registered TDS deductors

must file their returns in the prescribed format within the revised timeline to ensure compliance with GST regulations.

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)

Notification No. 05/2025 – Central Tax | Dated: 10th January, 2025

G.S.R. 26(E).— In exercise of the powers conferred by sub-section (6) of section 39 read with section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Commissioner , on the recommendations of the Council, hereby extends the time limit for furnishing the return by a registered person, required to deduct tax at source under the provisions of section 51 of the said Act, in FORM GSTR-7 under sub-section (3) of section 39 of the said Act read with

rule 66 of the Central Goods and Services Tax Rules, 2017, for the month of December, 2024, till the 12th day of January, 2025.

[F. No. CBIC-20021/2/2025-GST]

RAUSHAN KUMAR,

Under Secy.

Notification Centre Tax Page No- 8 to 36

GSTR-8 Filing Deadline Extended for E-Commerce Operators for December, 2024

CBIC extends due date for furnishing FORM GSTR-8 for the month of December, 2024 vide Notification No. 06/2025 – Central Tax Dated: 10th January, 2025

Central Board of Indirect Taxes and Customs (CBIC), under the Ministry of Finance, issued Notification No. 06/2025 – Central Tax on January 10, 2025. This notification extends the deadline for e-commerce operators to file the GSTR-8 statement for December 2024. Under Section 52(4) of the GST Act and Rule 67 of the GST Rules, e-commerce operators are required to furnish details of outward supplies of goods or services made through their platform. The revised due date for filing the GSTR-8 statement is January 12,

2025. This extension, based on the recommendations of the GST Council, is granted under the provisions of the Central Goods and Services Tax Act, 2017. E-commerce operators are advised to adhere to the revised timeline to avoid penalties and ensure compliance.

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)
Notification No. 06/2025 – Central Tax | Dated: 10th January,
2025

G.S.R. 27(E).— In exercise of the powers conferred by first proviso to sub-section (4) of section 52 read with section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Commissioner, on the recommendations of the Council, hereby extends the time limit

for furnishing the statement, containing the details of outward supplies of goods or services or both, effected through an e-commerce operator, in FORM GSTR-8, under sub-section (4) of section 52 of the said Act read with rule 67 of the Central Goods and Services Tax Rules, 2017 for the month of December, 2024 till the 12th day of January, 2025.

[F. No. CBIC-20021/2/2025-GST]

RAUSHAN KUMAR,

Under Secy.

Notification Centre Tax Page No- 8 to 36

Amendment to CGST Rules: Temporary IDs for GST Payments

On January 23, 2025, the Ministry of Finance issued Notification No. 07/2025 – Central Tax to amend the Central Goods and Services Tax (CGST) Rules, 2017. The amendments introduce new provisions for granting temporary identification numbers (TIN) to individuals or entities not required to register under the Act but obligated to make payments under it. Rule 16A is inserted to allow the proper officer to grant a temporary ID and issue an order in FORM GST REG-12. The amendment also modifies Rule 19 and Rule 87 to reflect the new changes. Furthermore, FORM GST REG-12 has been updated to include details such as personal information, reasons for temporary registration, and bank account details. The order ensures businesses can temporarily comply with the tax

obligations while waiting for formal registration. The changes will come into force on a date yet to be notified.

MINISTRY OF FINANCE
(Department of Revenue)
(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)
New Delhi

Notification No. 07/2025 – Central Tax | Dated: 23rd January, 2025

G.S.R. 72(E).— In exercise of the powers conferred by section 164 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following rules further to amend the Central Goods and Services Tax Rules, 2017, namely:

– 1. (1) These rules may be called the Central Goods and Services Tax (Amendment) Rules, 2025.

(2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette. 2. In the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), with effect from a date to be notified, after rule 16, the following rule shall be inserted, namely: –

“16A. Grant of temporary identification number. – Where a person is not liable to registration under the Act but is required to make any payment under the provisions of the Act, the proper officer may grant the said person a temporary identification number and issue an order in Part B of FORM GST REG-12.”.

3. In the said rules, with effect from a date to be notified, in rule 19, in sub-rule (1), after the words, letters and figures “FORM GST REG-10”, the words, letters and figures “or in the intimation furnished by the composition taxpayer in FORM GST CMP-02” shall be inserted.

4. In the said rules, with effect from a date to be notified, in rule 87, in the sub-rule (4), after the words “common portal”, the words, figures and letters “as per rule 16A” shall be inserted.

5 In the said rules, with effect from a date to be notified, for FORM REG-12, the following form shall be substituted, namely:–

[F. No. CBIC-20001/15/2024-GST]

RAUSHAN KUMAR,

Under Secy.

Notification Centre Tax Page No- 8 to 36

CBIC waived Late Fee for FORM GSTR-9C for FY 2017-18 to 2022-23

The Ministry of Finance, through Notification No. 08/2025 – Central Tax dated 23rd January 2025, has announced a waiver of excess late fees under Section 47 of the Central Goods and Services Tax (CGST) Act, 2017. This waiver applies to late fees incurred for filing reconciliation statements in FORM GSTR-9C along with annual returns in FORM GSTR-9 for financial years 2017-18 through 2022-23. Registered persons who missed submitting FORM GSTR-9C along with annual returns in FORM GSTR-9 for financial years 2017-18 through 2022-23. Registered persons who missed submitting FORM GSTR-9C, along with FORM GSTR-9 but later furnish the reconciliation statement by 31st March 2025 will benefit from this waiver. However, late fees already paid for delayed filing of FORM GSTR-9C will not be refunded.

**MINISTRY OF FINANCE
(Department of Revenue)**

(CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS)

Notification No. 08/2025 – Central Tax | Dated : 23rd January, 2025

S.O. 419 (E).—In exercise of the powers conferred by section 128 of the Central Good and Services Tax Act, 2017 (12 of 2017) (hereinafter referred to as the said Act), the Central Government, on the recommendations of the Council, hereby waives the amount of late fee referred to in section 47 of the said Act in respect of the return to be furnished under section 44 of the said Act, for the financial years 2017-18 or 2018-19 or 2019-20 or 2020-21 or 2021-22 or 2022-23, which is in excess of the late fee payable under section 47 of the said Act upto the date of furnishing of FORM GSTR-9 for the said financial year, for the class of registered persons, who were required to furnish reconciliation statement in FORM GSTR-9C along with the annual return in FORM GSTR-9 for the said financial

year but failed to furnish the same along with the said return in FORM GSTR-9, and furnish the said statement in FORM GSTR-9C, subsequently on or before the 31st March, 2025: Provided that no refund of late fee already paid in respect of delayed furnishing of FORM GSTR-9C for the said financial years shall be available.

[F. No. CBIC-20001/15/2024-GST]
RAUSHAN KUMAR,
Under Secy

Notification Centre Tax Rate Page No- 37 to 65

Amendments to Pre-Packaged and Labelled Definition & GST Rates for FRK

Ministry of Finance has issued Notification No. 01/2025–Central Tax (Rate), dated January 16, 2025, Reduces the GST rate on Fortified Rice Kernel (FRK), classifiable under HSN 1904, to 5%. Amendment in the definition of ‘pre-packaged and labelled’ – to now cover all commodities that are intended for retail sale and containing not more than 25 kg or 25 litre, which are ‘pre-packed’ as defined under the Legal Metrology Act, or a label affixed thereto is required to bear the declarations under the provisions of the Act and rules. This notification shall come into force from 16th January, 2025.

MINISTRY OF FINANCE
(Department of Revenue)

Notification No. 01/2025- Central Tax (Rate) | Dated: 16th January, 2025

G.S.R. 50(E).— In exercise of the powers conferred by sub-section (1) of section 9 and sub-section (5) of section 15 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby makes the following further amendments in the notification of the Government of India, Ministry of Finance (Department of Revenue), notification No. 1/2017- Central Tax (Rate), dated the 28th June, 2017), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 673(E), dated the 28th June, 2017, namely:-
In the said notification,

(a) in the Schedule I – 2.5%, after S. No. 98A and the entries

relating thereto, the following S. No. and entries shall be inserted, namely:

- (b) in the Schedule III – 9%, against S. No. 15, in column (3), after the words “commonly known as Murki”, the words “, Fortified Rice Kernel (FRK)” shall be inserted;
- (c) after the Schedule VII, in the Explanation, for clause (ii) and the proviso appended to it, the following clause shall be substituted, namely: –

“(ii) The expression ‘pre-packaged and labelled’ means all commodities that are intended for retail sale and containing not more than 25 kg or 25 litre, which are ‘pre-packed’ as defined in clause (l) of section 2 of the Legal Metrology Act, 2009 (1 of 2010) where, the package in which the commodity is pre-packed or a label securely affixed thereto is required to bear the declarations under the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the rules made

thereunder.”.

2. This notification shall come into force with immediate effect.

[F. No. 190354/2/2025-TRU]

AMREETA TITUS, Dy. Secy.

Note: -The principal notification No. 1/2017- Central Tax (Rate), dated the 28th June, 2017, was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 673(E), dated the 28th June, 2017, and was last amended vide notification No. 5/2024 - Central Tax (Rate), dated the 08th October, 2024, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 611(E), dated the 08th October, 2024.

and was last amended vide notification No. 11/2021 – Central Tax (Rate), dated the 30th September, 2021, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 696(E), dated the 30th September, 2021.

Notification Centre Tax Rate Page No- 37 to 65

GST Rate Increased to 18% on Old and Used Vehicles including Evs

Ministry of Finance issued Notification No. 04/2025 – Central Tax (Rate) on January 16, 2025, amending Notification No. 08/2018– Central Tax (Rate). The amendment involves an increase in the GST rate from 12% to 18% on the sale of all old and used vehicles, including electric vehicles (EVs), except for those already specified at 18% GST rate. This change applies to all transactions involving these vehicles and aims to streamline the GST framework for used vehicle sales. The new rate will be effective immediately upon issuance of this notification, ensuring a swift transition. The notification, made under Section 11(1) of the Central Goods and Services Tax Act, 2017, reflects the government's intent to revise taxation rates based on the economic environment and public interest.

MINISTRY OF FINANCE
(Department of Revenue)

**Notification No. 04/2025-Central Tax (Rate) | Dated: 16th
January, 2025**

G.S.R. 59(E).— In exercise of the powers conferred by sub-section (1) of section 11 of the Central Goods and Services Act, 2017 (12 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 8/2018-Central Tax (Rate), dated the 25th January, 2018, published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i) vide number G.S.R. 82(E), dated the

25th January, 2018, namely :- In the said notification, in the TABLE, against S. No. 4, in column (4), for the entry "6%", the entry "9%" shall be substituted. This notification shall come into force with immediate effect.

[F. No. 190354/2/2025-TRU]

AMREETA TITUS, Dy. Secy.

Note:- The principal notification No. 8/2018-Central Tax (Rate), dated the 25th January, 2018, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), vide number G.S.R. 82(E), dated the 25th January, 2018.

Notification Centre Tax (Rate) Page No- 37 to 65

GST Rate Changes for Hotels and Restaurant Services wef 01.04.2025

Ministry of Finance, through Notification No. 05/2025-Central Tax (Rate), introduces significant amendments regarding the GST rates for hotel accommodation and restaurant services. Effective from April 1, 2025, the notification omits the definition of “declared tariff” and revises the definition of “specified premises.” The revised definition links the GST rate for restaurant services in hotels to the value of hotel accommodation supplied in the previous financial year. If the accommodation exceeds ₹7,500 per unit per day, the GST rate for restaurant services will be 18% with Input Tax Credit (ITC), and 5% without ITC otherwise. It also allows hotels to opt for 18% GST with ITC for restaurant services, provided they file a declaration before the start of the financial year or upon

registration. Furthermore, new declarations for “specified premises” must be filed by registered persons or new applicants. Annexures VII, VIII, and IX introduce formats for “opt-in” and “opt-out” declarations, to be submitted by January 31 of the preceding financial year, with a 15-day window for new The amendments aim to streamline the tax structure and provide clarity on applicable GST rates for the hospitality sector.

MINISTRY OF FINANCE
(Department of Revenue)
New Delhi

**Notification No. 05/2025-Central Tax (Rate) | Dated: 16th
January, 2025**

G.S.R. 38 (E)-In exercise of the powers conferred by sub-sections (1), (3), and (4) of section 9, sub-section (1) of section 11, sub-

section (5) of section 15 and section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby makes the following further amendments in the notification number 11/2017-Central Tax (Rate), of the Government of India, in the Ministry of Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i) vide number G.S.R 690(E), dated the 28th June, ,2017, namely:-

In the said notification, –

- (i) in paragraph 4 relating to Explanation, with effect from the 1st day of April, 2025,-
 - (a) clause (xxxv) shall be omitted;
- (b) for clause (xxxvi), the following clause shall be substituted, namely:“ (xxxvi) “Specified premises”, for

a financial year, means,-

- (a) clause (xxxv) shall be omitted;
- (b) for clause (xxxvi), the following clause shall be substituted, namely:“ (xxxvi) “Specified premises”, for a financial year, means,-
 - (a) a premises from where the supplier has provided in the preceding financial year, ‘hotel accommodation’ service having the value of supply of any unit of accommodation above seven thousand five hundred rupees per unit per day or equivalent; or
 - (b) a premises for which a registered person supplying ‘hotel accommodation’ service has filed a declaration, on or after the 1st of January and not later than 31st of March of the preceding financial year, declaring the said premises to be

a specified premises; or

- (c) a premises for which a person applying for registration has filed a declaration, within fifteen days of obtaining acknowledgement for the registration application, declaring the said premises to be a specified premises;”;

after Annexure VI, the following Annexures shall be inserted, namely:—

[F. No. 190354/2/2025-TO (TRU-II)]

MD. ADIL ASHRAF, Under Secy

Note- The principal notification number 11/2017 -Central Tax (Rate) was published in Copyright © Tax guru.inn the Gazette of India, Extraordinary, vide number G.S.R. 690 (E), dated the 28th

June, 2017 and last amended vide notification number 07/2024-Central Tax (Rate) published in the Gazette of India vide number G.S.R. 617(E), dated the 8th October, 2024.

Notification Centre Tax (Rate)Page No- 37 to 65

GST Exemption on Insurance Contributions to Motor Vehicle Accident Fund

On January 16, 2025, the Central Board of Indirect Taxes and Customs (CBIC) issued Notification No. 06/2025- Central Tax (Rate), which exempts GST on contributions made by general insurance companies to the Motor Vehicle Accident Fund. This fund, constituted under Section 164B of the Motor Vehicles Act, 1988, aims to provide compensation and cashless treatment to victims of road accidents, including hit-and-run cases. The exemption applies to contributions from third-party motor vehicle insurance premiums collected by insurers. This amendment further alters previous provisions of the 2017 GST notification, specifying that these services will be treated as exempt, ensuring no GST is levied

on contributions to the fund. Additionally, it includes modifications to other sections of the GST rates, including updates related to transmission or distribution services and training partners approved by the National Skill Development Corporation.

MINISTRY OF FINANCE
(Department of Revenue)

New Delhi

**Notification No. 06/2025- Central Tax (Rate) | Dated: 16th
January, 2025**

G.S.R. 41(E).—In exercise of the powers conferred by sub-sections (3) and (4) of section 9, sub-section (1) of section 11, sub-section (5) of section 15 and section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby makes the following amendment further to amend the notification number 12/2017-Central Tax (Rate), of the Government of India, in the Ministry of

Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 691(E), dated the 28th June, 2017, namely:—

- (i) In the said notification, in the table, –
 - (A) against serial number 25A, in column (3), for the words “transmission and distribution” wherever occurring, the words “transmission or distribution” shall be substituted;
 - (B) after serial number 36A and the entries relating thereto, the following serial numbers and entries shall be inserted, namely:—
 - (C) against serial number 69, in the entry in column (3), after item (e), the following item shall be inserted, namely :- “
 - (f) a training partner approved by the National Skill

Development Corporation,”

(ii) in paragraph 2 of the said notification,-

(A) item (w) shall be omitted with effect from the 1st day of April, 2025;

(B) after item (zj), the following item shall be inserted, namely: – “(zja) “insurer” has the same meaning as assigned to it in sub-section (9) of section 2 of the Insurance Act, 1938 (4 of 1938).”.

F. No. 190354/2/2025-TO (TRU-II)]

MD. ADIL ASHRAF, Under Secy.

Note:- The principal notification number 12/2017 – Central Tax (Rate) was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 691 (E), dated the 28th June, 2017 and was last amended vide notification number 08/2024-Central Tax (Rate) published in the Gazette of India, Extraordinary, vide number G.S.R. 620(E), dated the 8th October, 2024.

Notification Centre Tax (Rate) Page No- 37 to 65

CBIC Excludes Composition Taxpayers from Reverse Charge

January 16, 2025, the Central Board of Indirect Taxes and Customs (CBIC) issued Notification No. 07/2025-Central Tax (Rate), which amends the provisions of Notification No. 09/2024-CTR dated October 8, 2024. The amendment excludes taxpayers registered under the January 16, 2025, the Central Board of Indirect Taxes and Customs (CBIC) issued Notification No. 07/2025-Central Tax (Rate), which amends the provisions of Notification No. 09/2024-CTR dated October 8, 2024. The amendment excludes taxpayers registered under the composition levy scheme from the reverse charge mechanism applicable to the renting of commercial or immovable property (other than residential dwellings) by unregistered persons to registered persons. This change addresses

the concerns of businesses registered under the composition scheme, exempting them from the reverse charge obligations. The notification also clarifies that this exclusion applies retroactively, from October 10, 2024, the effective date of the original notification, until the issuance of the new notification, thus regularizing the period on an “as is where is” basis. Supply of the sponsorship services provided by the body corporates will now fall under Forward Charge Mechanism.

**MINISTRY OF FINANCE
(Department of Revenue)**

New Delhi

**Notification No. 07/2025- Central Tax (Rate) | Dated: 16th
January, 2025**

G.S.R. 44(E).—In exercise of the powers conferred by sub-section (3) of section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following further amendments in the notification number 13/2017-Central Tax (Rate), of the Government of India, in the Ministry of Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 692(E), dated the 28th June, 2017, namely:—

In the said notification, in the Table,—

- (A) against serial number 4, in column (3), after the words “Any person”, the words “other than a body corporate” shall be inserted.
- (B) against serial number 5AB, in column (4), after the words “Any registered person”, the words “other than a person who has opted to pay tax under composition levy” shall be inserted.

[F. No. 190354/2/2025-TO (TRU-II)]

MD. ADIL ASHRAF, Under Secy.

Note: –The principal notification number 13/2017 – Central Tax (Rate) was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 692 (E), dated the 28th June, 2017 and was last amended vide notification no. 09/2024 –

Central Tax (Rate) published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 623(E), dated the 08th October, 2024.

Notification Centre Tax (Rate) Page No- 37 to 65

CGST Notification 08/2025: Definition of “Specified Premises”

Notification No. 08/2025–Central Tax (Rate), dated January 16, 2025, introduces an amendment to the Central Goods and Services Tax (CGST) Act, specifically addressing the definition of “specified premises.” This update replaces item (c) in the previous Notification No. 17/2017– Central Tax (Rate), dated June 28, 2017. The revised notification aligns the term “specified premises” with the definition given in clause (xxxvi) of paragraph 4 of Notification No. 11/2017–Central Tax (Rate). The amendment will take effect from April.

MINISTRY OF FINANCE
(Department of Revenue)

New Delhi

Notification No. 08/2025-Central Tax (Rate) | Dated: 16th January, 2025

G.S.R. 47(E).—In exercise of the powers conferred by sub-section (5) of section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following further amendments in the notification number 17/2017- Central Tax (Rate), of the Government of India, in the Ministry of Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 696(E) dated the 28th June, 2017, namely:-

1. In the said notification, in the Explanation, for item (c), the following shall be substituted, namely,- “

“specified premises” has the same meaning as assigned to it in clause (xxxvi) of paragraph 4 of notification number 11/2017-Central Tax (Rate) dated 28.06.2017.”.

2. This notification shall come into force with effect from the 1st day of April, 2025.

[F. No. 190354/2/2025-TO (TRU-II)]

MD. ADIL ASHRAF, Under Secy.

Note: -The principal notification number 17/2017 -Central Tax (Rate), was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 696(E), dated the 28th June, 2017 and was last amended by notification number 16/2023-

Central Tax (Rate), published in the Gazette of India, Extraordinary, vide number G.S.R. 771(E), dated 19th October, 2023.

IGST Notification Integrated Tax (Rate) Page No- 66 to 83

New Rules & IGST Rates for Specified Hotel Premises wef 1st April 2025

Ministry of Finance has issued Notification No. 05/2025-Integrated Tax (Rate) on January 16, 2025, amending the GST framework under notification 8/2017-Integrated Tax (Rate). Effective April 1, 2025, the definition of “specified premises” for hotel accommodation services has been updated. The new rules require premises providing hotel accommodation services above ₹7,500 per unit per day, or those declared by registered suppliers or new applicants, to be classified as “specified premises.” Declarations for classification or declassification must be filed with jurisdictional GST authorities within defined timeframes. Annexures VII, VIII, and IX provide

formats for opt-in and opt-out declarations. These amendments aim to streamline compliance for hotel service providers under the Integrated Goods and Services Tax Act.

MINISTRY OF FINANCE
(Department of Revenue)

New Delhi

**Notification No. 05/2025-Integrated Tax (Rate) | Dated: 16th
January, 2025**

G.S.R. 39(E).—In exercise of the powers conferred by sub-sections (1), (3) and (4) of section 5, sub-section (1) of section 6 and clauses (iii), (iv) and (xxv) of section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), read with sub-section (5) of section 15 and section 148 of the Central Goods and Services Tax

Act, 2017 (12 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby makes the following further amendments in the notification number 8/2017-Integrated Tax (Rate), of the Government of India, in the Ministry of Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 683(E), dated the 28th June, 2017, namely:- In the said notification, – (ii) in paragraph 5 relating to Explanation, with effect from the 1st day of April, 2025,-

1. The above declaration, declaring the premises as not a 'specified premises', for a Financial Year, shall be filed on or after 1st of January of the preceding Financial Year but not later than 31 st of March of the preceding Financial Year. 2. The above declaration shall have to be filed separately for each premises." .

[F. No. 190354/2/2025-TO (TRU-II)]

MD. ADIL ASHRAF, Under Secy.

Note:- The principal notification number 8/2017-Integrated Tax (Rate) was published in the Gazette of India, Extraordinary, vide number G.S.R. 683 (E), dated the 28th June, 2017 and last amended vide notification no. 07/2024- Integrated Tax (Rate) published in the Gazette of India vide number G.S.R. 619(E), dated the 8th October, 2024.

IGST Notification Integrated Tax (Rate) Page No- 66 to 83

IGST Exemption on Insurance Contributions to Motor Vehicle Accident Fund

Ministry of Finance has issued Notification No. 06/2025-Integrated Tax (Rate) on January 16, 2025, amending Notification No. 9/2017-Integrated Tax (Rate). Key updates include replacing the term “transmission and distribution” with “transmission or distribution” for clarity. A new entry (37B) introduces a GST exemption for insurance services provided by the Motor Vehicle Accident Fund, funded through contributions from third-party motor insurance premiums. Additionally, GST exemptions are extended to

training partners approved by the National Skill Development Corporation under serial number 72. Effective April 1, 2025, item (w) in paragraph 2 is omitted, and a new definition (zja) is added to define “insurer” as per the Insurance Act, 1938. These changes aim to refine the GST structure for integrated taxes, focusing on insurance and skill development sectors.

MINISTRY OF FINANCE
(Department of Revenue)
New Delhi

**Notification No. 06/2025- Integrated Tax (Rate) | Dated: 16th
January, 2025**

G.S.R. 42(E).—In exercise of the powers conferred by sub-sections (3) and (4) of section 5, sub-section (1) of section 6 and clause (xxv) of section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), read with sub-section (5) of section 15 and section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby makes the following amendment further to amend the notification number 9/2017-Integrated Tax (Rate), of the

Government of India, Ministry of Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 684(E), dated the 28th June, 2017, namely:-

(i) In the said notification, in the table, –

(A) against serial number 26A, in column (3), for the words “transmission and distribution” wherever occurring, the words “transmission or distribution” shall be substituted;

(a) after serial number 37A and the entries relating thereto, the following serial numbers and entries shall be inserted, namely:-

(C) against serial number 72, in the entry in column (3), after item (e), the following item shall be inserted, namely :- “

(f) a training partner approved by the National Skill Development Corporation,”.

(ii) in paragraph 2 of the said notification,-

(A) item (w) shall be omitted with effect from the 1st day of April, 2025;

(B) after item (zj), the following item shall be inserted, namely: - “

(zja) “insurer” has the same meaning as assigned to it in sub-section (9) of section 2 of the Insurance Act, 1938 (4 of 1938).”

[F. No. 190354/2/2025-TO (TRU-II)]

MD. ADIL ASHRAF, Under Secy.

Note:- The principal notification number 9/2017-Integrated Tax (Rate) was published in the Gazette of India, Extraordinary, vide number G.S.R. 684 (E), dated the 28th June, 2017 and last amended vide notification number 08/2024 -Integrated Tax (Rate) published in the Gazette of India Extraordinary, vide number G.S.R. 622(E), dated the 8th October, 2024.

IGST Notification Integrated Tax (Rate) Page No- 66 to 83

Notification No. 07/2025-Integrated Tax (Rate) | Dated: 16th January, 2025

Notification No. 07/2025-Integrated Tax (Rate), issued on January 16, 2025, modifies Notification No. 10/2017-Integrated Tax (Rate) under the Integrated Goods and Services Tax (IGST) Act. The amendment changes the language in the table of the notification under serial number 5. It inserts the phrase “other than a body corporate” after “Any person” in column (3), thus clarifying that the provisions apply to individuals and entities other than body corporates. This change is made to specify the type of entities that fall under the purview of the IGST provisions. The amendment aims to provide greater clarity regarding the scope of the tax

application. Supply of the sponsorship services provided by the body corporates will now fall under Forward Charge Mechanism.

MINISTRY OF FINANCE
(Department of Revenue)
New Delhi

**Notification No. 07/2025-Integrated Tax (Rate) | Dated:
16th January, 2025**

G.S.R. 45(E).—In exercise of the powers conferred by sub-section (3) of section 5 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following further amendment in the notification number

10/2017-Integrated Tax (Rate), of the Government of India, in the Ministry of Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 685(E), dated the 28th June, 2017, namely:-

In the said notification, in the Table, against serial number 5, in column (3), after the words "Any person", the words "other than a body corporate" shall be inserted.

[F. No. 190354/2/2025-TO (TRU-II)]

MD. ADIL ASHRAF, Under Secy.

Note:-The principal notification number 10/2017-Integrated Tax (Rate) was published in the Gazette of India,

Extraordinary, vide number G.S.R. 685(E), dated the 28th June, 2017 and was last amended vide notification no. 09/2024 -Integrated Tax (Rate) published in the Gazette of India, Extraordinary, Part II , Section 3 , Subsection (i) vide number G.S.R. 625(E), dated the 08th October, 2024.

IGST Notification Integrated Tax (Rate) Page No- 66 to 83

IGST Notification 08/2025: “Specified Premises” Definition

Notification No. 08/2025-Integrated Tax (Rate), dated January 16, 2025, makes an amendment to the Integrated Goods and Services Tax (IGST) Act. It revises the definition of “specified premises” by replacing item (c) in Notification No. 14/2017-Integrated Tax (Rate), published on June 28, 2017. The updated definition aligns with clause (xxxvi) of paragraph 5 of Notification No. 08/2017-Integrated Tax (Rate). This change will come into effect on April 1, 2025.

MINISTRY OF FINANCE
(Department of Revenue)
New Delhi

**Notification No. 08/2025-Integrated Tax (Rate) | Dated:
16th January, 2025**

G.S.R. 48(E).—In exercise of the powers conferred by sub-section (5) of section 5 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following further amendments in the notification number

14/2017-Integrated Tax (Rate), of the Government of India, in the Ministry of Finance (Department of Revenue), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 689(E) dated the 28th June, 2017, namely:-

1. In the said notification, in the Explanation, for item (c), the following shall be substituted, namely,-

1. In the said notification, in the Explanation, for item (c), the following shall be substituted, namely,- “

“specified premises” has the same meaning as assigned to it in clause (xxxvi) of paragraph 5 of notification No. 08/2017-Integrated Tax (Rate)

dated 28.06.2017.”.

2. This notification shall come into force with effect from 1st day of April, 2025.

[F. No. 190354/2/2025-TO (TRU-II)]

MD. ADIL ASHRAF, Under Secy.

Note: The principal notification number 14/2017 – Integrated Tax (Rate), was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 689(E), dated the 28th June, 2017, and was last amended by notification number 19/2023 –Integrated Tax (Rate), published in the Gazette of India, Extraordinary, vide number G.S.R. 772(E), dated 19th October, 2023.

JUDGEMENTS Page No 84 to 108

AP HC Upholds Penalty for Willful Suppression/non-filing of GST Returns

Case Name : Sriba Nirman Company Vs Commissioner (Appeals) (Andhra Pradesh High Court)

Appeal Number : W.P. No. 25826 of 2023

Date of Judgement/Order : 29/01/2025

Related Assessment Year :

Courts : All High Courts Andhra Pradesh HC

Sriba Nirman Company Vs Commissioner (Appeals) (Andhra Pradesh High Court)

In *Sriba Nirman Company vs. Commissioner (Appeals)*, the Andhra Pradesh High Court addressed the invocation of Section 74 of the CGST Act regarding non-filing of returns and non-payment of taxes by the petitioner. The petitioner argued that penalties were unjust as they had not committed fraud or willfully suppressed facts. The case delved into the interpretation of Section 74, which mandates proof of fraud, willful misstatement, or suppression of facts to evade tax for penalties to apply. The petitioner contended that non-payment of taxes occurred due to financial constraints stemming from unpaid dues by their client. However, the appellate authority found that

partial payments had been received, leaving no impediment for remitting taxes. The petitioner also claimed that they had time to file annual returns, but the court clarified that monthly GST returns (GSTR-3B) must be filed as per Sections 37–39 of the CGST Act, rendering this argument invalid. Relying on judicial precedents, including Northern Operating Systems Pvt. Ltd. (Instruction No. 5/2023-GST), the court reiterated that non-payment of taxes alone does not constitute fraud or willful suppression. There must be clear evidence of intent. Additionally, the court emphasized that penalties under Section 74 can be reduced if taxpayers voluntarily comply with provisions under Section 74(5) and 74(8). In this case, the petitioner failed to meet these requirements as interest and penalties

were not paid within stipulated timeframes. This decision reinforces the importance of timely compliance with GST filing requirements and payment obligations under the CGST Act. It also clarifies the scope of Section 74 penalties, underscoring the need for intent to evade tax to invoke such provisions. The petitioner's inability to demonstrate a lack of willfulness led to the dismissal of their appeal. The Case revolved around non-filing of GSTR-3B returns and subsequent Inspection by tax authorities, which led to penalties, interest, and additional charges under Sections 50, 122, and 125 of the CGST Act. Despite the taxpayer making delayed payments and filing pending returns, authorities imposed penalties, citing intentional tax evasion. The appellate authority upheld these penalties, concluding

that the taxpayer had sufficient funds to remit GST but failed to do so. The High Court ruled that suppression must be willful to warrant penalties under Section 74, and in this case, the taxpayer's conduct met that threshold. The writ petition was dismissed, affirming the original and appellate orders, with no relief granted to the petitioner.

JUDGEMENTS Page No 84 to 108

GSTR-3B & E-Way Bill: Jharkhand HC directs department to explain differences

Case Law Details

Case Name : VE Commercial Vehicles Ltd. Vs Union of India
(Jharkhand High Court)

Appeal Number : W.P.(T) No. 25 of 2025

Date of Judgement/Order : 20/01/2025

Related Assessment Year :

Courts : All High Courts Jharkhand High Court

VE Commercial Vehicles Ltd. Vs Union of India (Jharkhand High Court)

In the case of VE Commercial Vehicles Ltd. vs Union of India, the Jharkhand High Court examined a writ petition challenging an order dated August 31, 2024, issued under Section 73 of the JGST Act, 2017, for the financial year 2019-20. The petitioner contested the assessment order issued by the 5th respondent following ASMT-10 notices under Rule 99. The petitioner argued that it did not understand the basis for comparing taxes declared in GSTR-3B returns with e-way bill data, emphasizing that the two datasets differ fundamentally in their source and structure. Additionally, the petitioner raised concerns about the technical feasibility of such a comparison. Despite the detailed reply

submitted on May 24, 2024, the respondent dismissed the petitioner's contentions without addressing them, stating only that the reply was "not satisfactory." The court observed that the purpose of ASMT-10 is to invite and consider responses from taxpayers, which was not appropriately done in this case. As a result, the court set aside the impugned order, directing the respondent to provide the petitioner with a detailed breakdown of the tax differences within two weeks. The petitioner was granted an additional four weeks to respond. Furthermore, the court instructed the respondent to provide a personal hearing and issue a reasoned, detailed order addressing the petitioner's reply. The court emphasized procedural fairness in tax assessment and remitted the matter back to the 5th

respondent for fresh consideration. The judgment underscores the importance of transparency and due process in tax proceedings under the JGST Act, 2017.

Heard both sides.

Petitioner in this writ petition has challenged order dated 31.08.2024 passed by the 5th respondent under section 73 of the JGST Act, 2017 for the financial year 2019-20.

3. No doubt the 5th respondent had issued ASMT-10 under Rule 99 to which there was a reply submitted on 24.05.2024 (Annexure-4). In the reply the petitioner specifically raised a plea that it has not understood the basis of comparing taxes paid in GSTR3B with e-way bill data as technically the base information of both the statements is different. It is also contended that

comparison of GSTR3B and e-way bill, document, taxes is not possible for certain reasons enumerated therein. 4. In the impugned order passed by the 5th respondent there is no reference to this contention raised by the petitioner at all and it is simply stated that the reply of the petitioner is not satisfactory. 5. Since the purpose of issuing ASMT-10 is to invite a reply and then consider the said reply. We fail to understand why the 5th respondent did not aver to the contention raised in the reply filed by the petitioner and brushed it aside by simply saying it is not satisfactory. Therefore, the impugned order dt. 31.08.2024 is set aside, and the matter is remitted to the 5th respondent who shall furnish to the petitioner the basis of making the demand i.e. breakup as to how the difference amount was arrived at; such information be furnished within two

weeks from today; petitioner is permitted to file a reply thereto within four weeks from the date of furnishing of the said information by the 5th respondent; personal hearing shall be afforded to the petitioner; and then a reasoned order be passed after considering the reply of the petitioner and the same shall be communicated to the petitioner.

JUDGEMENTS Page No 84 to 108

Kerala High Court Grants Bail in GST Input Tax Credit Case

Case Law Details

Case Name : Nassar Vs State of Kerala (Kerala High Court)

Appeal Number : Bail Appl. No. 1066 of 2025

Date of Judgement/Order : 28/01/2025

Related Assessment Year :

Courts : All High Courts Kerala High Court

Nassar Vs State of Kerala (Kerala High Court)

Kerala High Court granted bail to Nassar, accused of fraudulently availing Input Tax Credit (ITC) under the GST Act by using invoices from dummy registrants without actual receipt of goods. Arrested on January 7, 2025, Nassar applied for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS). The prosecution opposed the bail, citing the seriousness of the offense and the ongoing investigation. However, the court considered that the maximum punishment under the alleged offenses was five years and noted the Supreme Court's principles on bail, which emphasize that imprisonment should be an exception rather than a rule. The court referred to Arnesh Kumar v. State of Bihar and P v. Directorate of Enforcement, reiterating that bail should not be denied unless necessary for investigation or to prevent tampering with evidence. Considering that Nassar had already spent significant time in

custody, the court ruled in his favor but imposed strict conditions. These included executing a bond of ₹50,000 with two sureties, cooperating with the investigation, surrendering his passport, and refraining from similar offenses. The court clarified that any violation of these conditions would allow the jurisdictional court to revoke bail. This ruling reinforces the legal stance that bail should not be used as a punishment but should be granted unless there is a valid reason for continued detention. The case highlights the judiciary's approach to balancing individual rights with the need for effective law enforcement in financial fraud cases.

his Bail Application is filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS). 2. Petitioner is an accused in a crime registered by the State Goods and Services Department alleging commission of offences punishable under Sections 131(1)(b) (c)) of the SGST/CGST Act, 2017. 3. The prosecution case is that, the

petitioner accepted input tax credit (ITC) originated from the inward supply made by dummy registrants without actual acceptance of goods and that he has utilized the ITC to set off his tax liability. The accused was arrested when he appeared on summons on 07.01.2025. Hence, this bail application.

4. Heard counsel for the petitioner and the Special Government Pleader, Tax.

5. The counsel for the petitioner submitted that, even if the entire allegations are accepted, no offence is made out. The counsel submitted that the maximum punishment that can be imposed to the petitioner is five The counsel submitted that the petitioner is in custody from 07.01.2025.

6. The Special Government Pleader seriously opposed the bail application. The Special Government Pleader submitted that the offence alleged against the petitioner is very He submitted that this

Court may not release the petitioner on bail at this stage because, the investigation is going on.

7. This Court considered the contention of the petitioner and the Special Government Pleader. It is true that the allegation against the petitioner is serious. But, the petitioner is in custody from 07.01.2025. The maximum punishment that can be imposed as per the offence alleged against the petitioner is five years. The Apex Court in *Arnesh Kumar State of Bihar and Another* [(2014) 8 SCC 273], observed like this: " 7.1. From a plain reading of the aforesaid provision, it is evident that a person accused of an offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years with or without fine, cannot be arrested by the police officer only on his satisfaction that such person had committed the offence punishable as aforesaid. A police officer before arrest, in such cases has to be

further satisfied that such arrest is necessary to prevent such person from committing any further offence; or for proper investigation of the case: or to prevent the accused from causing the evidence of the offence to disappear; or tampering with such evidence in any manner; or to prevent such person from making any inducement, threat or promise to a Witness so as to dissuade him from disclosing such facts to the court or the police officer; or unless such accused person is arrested, his presence in the court whenever required cannot be ensured. These are the conclusions, which one may reach based on facts. 7.2. The law mandates the police officer to state the facts and record the reasons in writing which led him to come to a conclusion covered by any of the provisions aforesaid. while making such arrest. The law further requires the police officers to record the reasons in writing for not making the arrest. 7.3. In pith and core, the police officer before arrest must put a question himself, why arrest? Is it really required?

What purpose it will serve? What object it will achieve? It is only after these questions are addressed and one or the other conditions as enumerated above is satisfied, the power of arrest needs to be exercised. In fine, before arrest first the police officers should have reason to believe on the basis of information and material that the accused has committed the offence. Apart from this, the police officer has to be satisfied further that the arrest is necessary for one or the more purposes envisaged by sub-clauses (a) to (e) of clause (1) of Section 41 Cr.P.C.” 8. Keeping in mind the above principle, this Court considered the allegation against the petitioner. I am of the considered opinion that, the petitioner can be released on bail after imposing stringent conditions, in the light of the above principle, and also in the light of the fact that the petitioner is in custody from 07.01.2025. There can be a direction to the petitioner to surrender his passport. If there is no passport, the petitioner shall file an affidavit before the Jurisdictional Court to

that effect. 9. Moreover, it is a well accepted principle that the bail is the rule and the jail is the exception. The Hon'ble Supreme Court in P v Directorate of Enforcement [2019 (16) SCALE 870], after considering all the earlier judgments, observed that, the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial.

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Orissa HC directs Vedanta to Respond to ₹8.02 Cr GST ITC SCN

Case Law Details

Case Name : Vedanta Ltd. Vs Union of India and others (Orissa High Court)

Appeal Number : W.P.(C) No. 24191 of 2024

Date of Judgement/Order : 21/01/2025

Related Assessment Year : Courts : All High Courts Orissa High Court

Vedanta Ltd. Vs Union of India and others (Orissa High Court)

The Orissa High Court has directed Vedanta Ltd. to respond to a show-cause notice (SCN) issued by tax authorities regarding an ₹8.02 crore Input Tax Credit (ITC) dispute for the GST period from July 2017 to March 2018. The discrepancy between Vedanta's accounts and its GST annual return was first identified by Vedanta itself and later flagged in a Comptroller and Auditor General (CAG) audit. Despite an explanation provided to tax authorities, the case remained pending, and a show-cause notice was issued on 5th August 2024, invoking the extended limitation period. Vedanta contended that the notice was issued on the last day of the extended timeframe without sufficient grounds. The tax department argued that Vedanta's response to the audit

findings was unsatisfactory, and the SCN allows Vedanta another opportunity to explain its stance before a final decision is made. The High Court directed Vedanta to submit its reply, ensuring it can raise all legal objections, including the validity of the limitation period. The tax authorities are set to issue a final order by 5th February 2025, after which Vedanta can decide on further legal action. With these directives, the court disposed of the writ petition.

1. Mr. Sridharan, learned senior advocate appears on behalf of petitioner and submits, in respect of tax period July, 2017 to March, 2018 there happened discrepancy between his client's account and goods and services tax (GST) annual return. It was a discrepancy, of which his client became aware and pointed out to the taxing authorities. The discrepancy was also noticed in the audit directed by the Comptroller and Auditor General.

2. The jurisdictional officer sought for explanation, pursuant to the audit report. His client furnished explanation to satisfaction of the officer. It was duly reported. However, the audit case was not closed but kept pending. In those facts, the authority invoked the extended period of limitation on bare allegations, to issue impugned show-cause notice dated 5th August, 2024 on the last date of the extended prescribed time. His further submission is, the authority might continue the proceeding as his client will then reply to impugned notice, for order to be made by 5th February, 2025. The writ petition be kept pending for adjudication on the order to be made, with appropriate interim protection. He seeks interference

3. Pattanayak, learned advocate, Central Government Counsel appears on behalf of opposite party no.1 (Union of India). Mr. Satapathy, learned advocate, Senior Standing Counsel appears on behalf of revenue (opposite party nos.2 to 4).

4. Satapathy relies on impugned show-cause notice to submit, discrepancies reported on the audit were not satisfactorily explained. It is only a show-cause notice. By it petitioner has further opportunity to explain. On consideration of the explanation order will duly be made. No interference is warranted. 5. It appears from impugned show-cause notice that in respect of a sum of ₹8,02,84,232/- there is an issue between petitioner-assessee and revenue. Petitioner says it is a discrepancy while revenue says petitioner wrongly availed input tax credit (ITC). Impugned show-cause notice bears record of explanation sought for by the jurisdictional officer, furnished and satisfaction recorded. All the above in respect of said sum of ₹8,02,84,232/-.

6. In view of last preceding paragraph petitioner will reply to impugned show-cause notice. In it, petitioner will be at liberty to

take all points, including the point of limitation. The authority says and will pass order by 5th February, 2025. On communication of the order to petitioner, it will obtain advise on next course of action.