

Suggestions for GST Model Law

Sec-8 (PN-27) Composition Levy :-We Suggest that minimum rate of composition which is 1% in GST should be decrease to 0.50%

Sec-19 (PN-40) Registration :- In registration under GST we suggest that centralized registration system should also be incorporated for those service provider who has centralized billing and accounting system.

Sec-38 (PN57) Refund of Tax :- Provision of certification from The Chartered Accountant or Cost Accountant should mandatory in case of refund is less than five lakh rupees, to reduced litigation and evasion of taxes.

Sec-73 (PN-87) Prosecution :-Provision of prosecution should be relaxed (Due to new law) as under for **"unintentional mistakes"**:-

Year from GST Implantation	Relaxation
1 st Year	Up to 3 Mistakes
2 nd Year	Up to 2 Mistakes
3 rd Year	Up to 1 Mistake
4 th Year	Prosecution Executed

Sec-78 (PN-89& 90) Compounding-
-of offences :-Clause (c) of sub-section (1) of this section says that the compounding shall not available in case where any offence also cover Narcotic Drugs and Psychotropic Substance Act-1985 (NDPS Act-1985), FEMA-1999 or anyother act.

"In Above clause we suggest that the wording "any other act" should be deleted and if required than act should clearly mention.

-We also suggest that the amount of compounding as under:-

As per GST Provision	We Suggest
Minimum Amount is 10000/= or 50% of Tax Involve whichever is greater.	10000/= Or 100% of Tax Involve, Whichever is higher.
Maximum Amount is 30000/= or 150% of Tax whichever is greater.	

Packaging Unit 1 : B-31, Road No. 2, Parsakhera Industrial Area, Bareilly (U.P.)

Packaging Unit 2 : N2-N3, Road No. 1, Parsakhera Industrial Area, Bareilly (U.P.)

Refinery : B-4, Road No. 1, Parsakhera Industrial Area, Bareilly (U.P.). Tel. 0581-2561533, 2560914

Railway Site, Racking System, Refinery & Fractionation Plant : Jauharpur Industrial Area, Near G.T.I., C.B. Ganj, Bareilly (U.P.)

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Advance Ruling (PN-107)

: - Provision of withdrawal of Application of Advance Ruling should be Incorporated. At present GST silent for it.

Sec-125 Indemnity (PN-122)

: - No legal proceeding against GST officer for anything which done in good faith . But drafted GST law silent for proceeding against GST officer for anything which done by him to harassments of assessee.
We suggest that some strict provision also incorporated in GST law against GST officer to protect true assessee.

Sec-129 Rectification of -
Mistakes or errors apparent-
from record (PN-124):-

: - In this Section error should be reported to authority who passes the order, within 3 month from the "date of issue" of such order.
- We suggest that the time limit of 3 month should increase to 6 month (because order is not communicate or late communicated, that creates problem to Tax Payer)
"or"
If above is not Possible to do than at least word "date of issue" replace with "date of Communication".
- Corresponding change also made in time limit mentioned in rectification to be done.

Explanation of Sec.-145-
Regarding "Eligible duties and taxes"-
means (PN-136):-

: - This explanation silent for credit of Krishi Kalan Cess (KKC) levied under Sec-161 of Finance Act-2016. KKC should be also incorporate in this explanation.

Other Suggestions:-

- In GST Sec 80 (PN-97) state about revisional power of commissioner (Where case decided by officer subordinate to him is prejudicial to interest of revenue). This section similar to Sec-263 of Income Tax Act-1961.

But in Income Tax Act-1961 also have a sec. 264 which give power to commissioner to revision of order in favor of assessee. This Power should also be introduce in CGST, SGST & IGST.

[One of the major benefit of this is If time limit expired to file an appeal than assessee go for revision to commissioner]


Matter Creates Confusion/ Not clear Provision in GST:-

- Mismatch of credit in major problem in GST regime. How to resolve cases which arises due to mismatch of credit, because any clerical mistake would trigger demand under this new law. We suggest that the process to resolve this matter should be clearly mentioned in GST.
- Provision of Settlement of Cases is incorporated in IGST only. CGST & SGST is silent for it. Whether this applicable in CGST or SGST also, should be clearly mentioned in GST.
- Parameters of GST Compliance Rating (PN-119) not provided in this draft.
- If registration under CGST is cancelled, then the registration is deemed to be cancelled under SGST also (or vice-a-versa), this is not clearly mentioned in this draft. It should be clarified.

Place:- Bareilly

Date:- 27-06-2016

For B.L. Agro Oils Ltd.


Managing Director

Packaging Unit 1 : B-31, Road No. 2, Parsakhera Industrial Area, Bareilly (U.P.)

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