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1. GST COMPLIANCE REVIEW

GST in India has been implemented from 1.7.2017. With introduction of GST, way of doing business has changed throwing ample opportunities for structured businesses to optimise tax and costs. It has thrown up challenges as well for the business as the law is comparatively new with regular amendments presently at a rapid pace.

Our experience over last few years in indirect taxation and experience in handling GST implementation support including extensive research in GST domain makes us your ideal partner in ensure compliance with GST law and other value added support services. The services offered are as follows:

GST COMPLIANCE REVIEW ON PERIODICAL BASIS

We could expect regular developments in the new GST law as GST council would be considering the interests of various stakeholders from time to time. The level and need of compliance is also high in GST and organization may need help of professionals to ensure compliance with changing law. We may provide assistance in ensuring compliance by conducting GST compliance review on periodical basis covering all functions having impact in GST. This could include sales, procurements, inventory, finance etc. Such review would also be helpful for GST annual audit which is mandatory as per GST provisions for assesses with turnover of more than Rs.2 crore in a financial year. Periodical review could help the organization to ensure compliance, take benefits of credits, update with changes in rate of taxes et. Broadly, this would cover the following:

- Review of GST outward supplies, tax rates applied, concessions, exemptions claimed, fulfillment of related conditions, export benefits claimed etc.
- Review of GST input tax credits claimed to assess eligibility, ineligibility, completeness, documentation for credits, transitional credits carry forward etc.
- Review of procedural compliances including GST registrations obtained, payment of taxes, filing of returns, disclosure of ITC & outward supplies in returns, movement of goods for job work, carry forward of credits etc.
- Review of reverse charge compliance by reviewing the expense ledgers on sampling basis, payments made, availment of re-credit after payment, eligibility of such credits, rate and abatements if any claimed including documentation.

GST AREA SPECIFIC REVIEWS

Review could also be conducted for specified areas as discussed below:

Specific areas review: Area specific reviews could also be a need of few organisations such as sales, procurements, exports, GST credits, refunds etc. We carry out area specific review to meet the purpose.

Review of systems: Compliance burden in GST is high as many of the processes are being automated. There is need for having proper system in place as to process, procedures, documentations and other aspects for easy compliance. We could assist in designing the systems by reviewing the systems to suit the business requirement and at the same time, ensure the full compliance of GST.

Agreement review: Review of existing agreements and suggestion could be provided for compliance with GST and optimizing the benefits.

Review of disputes and refund cases: Advent of GST has resulted in repeal of indirect taxes such as service tax, central excise and VAT. There is need for assessing the impact of GST on pending disputed cases and refund claims. We assess the impact of these cases under new regime and suggest the course of actions to be taken to mitigate the adverse impact.

GST DUE DILIGENCE REVIEW

In business restructuring deals, tax due diligence of buyer side is required. This may required to be done voluntarily by buyer or based on specific direction by seller. The review is intended to highlight the tax exposure which may carry to new entity. This becomes more critical in cases where entity is exposed to multiple indirect tax laws. We have tax experts having in-depth knowledge in due diligence review to support the parties to deal or other professional advisors. The team identifies areas of non compliance, potential threats thereof and suggest remedial measures. Based on review, we are able to suggest alternative structuring strategy to optimise tax incidence.

GST REVIEW BEFORE DEPARTMENTAL AUDIT

Departmental audit is undertaken to gauge revenue leakage. This may ultimately culminate into litigation proceeding against the assesseees. The cost of such unearthing is very high especially due to higher rate of interest and imposition of penalty upto 100%. With our experience, we know the possible target areas of department and methodology adopted for audit. We carry out the review before department officers come to your office and highlight areas which need immediate actions to minimise/avoid the risk of possible future litigation.

GST COMPLIANCE REVIEW TO SUPPORT AUDITORS

In recent years, reporting obligations of statutory, tax and internal auditor have increased manifold. They are required to mention the extent of non compliance under indirect taxation also. We support chartered accountants and other professionals in undertaking compliance review during the course of their statutory, tax and internal audit so that they are able to meet their statutory obligations. This sometimes, also opens up huge tax planning opportunities for the client.

2. GST AUDIT

Section 35(5) of CGST Act 2017 requires a registered taxable person with turnover of more than Rs.2 crore in a year to get his books of account audited by a chartered accountant or cost accountant. The due date for submission of audited financial accounts including reconciliation statement for a financial year would be 31st December of subsequent year.

We conduct audit of books of accounts under GST which would cover following aspects:

- Review of outward supplies declared in return to ensure that it included all outward supplies made
- Review of inward supplies declared in return to ensure that it included all inward supplies made
- Review of all deductions claimed including sales returns, abatements, exemptions
- Review of classification, rate of goods which should be according to provisions of GST
- Assessment of registrations obtained
- Review of input tax credits claimed on inputs, input services and capital goods
- Review of reconciliation statements are to be filed along with certified audit report.
- Conducting audit in accordance with all other requirements as per GST Act

Audit certification should not be considered merely as attestation function. A good auditor should be able to add great value to the auditee within the four corners of law. We strive to achieve the objective of value addition for client along with performance of statutory obligation of conducting audit as mandated under the law.

3. GST - Refund Services

REFUND ON EXPORT OF GOODS OR SERVICES

It is stated policy of the government that only goods and services should be exported out of India not the tax associated with them. This is achieved either by allowing purchase of inputs net of taxes or by granting refund of taxes embedded in the publication of final product/services. There are multiple modes of claiming refund. The decision to choose particular option depends on multiple factors. We, at H&A, have in-depth knowledge of interconnections among various indirect tax laws, understand the intricacies in different refund options, undertake cost-benefit analysis and suggest best workable options in your peculiar case. It includes the following services:

- Evaluating alternative modes of refund/rebates and suggesting best option
- Designing system for generation of necessary documentation for preparing refund claim
- Assistance in retrieval of supporting documents
- Preparing refund claim as per statutory requirement
- Filing refund claim with department and making follow up
- Making representation in case refund claim rejected

INVERTED DUTY STRUCTURE REFUND

Inverted duty structure refund arises where tax paid on input is higher than tax payable on outward supply. We advise the client in classification of goods or services under proper categories and evaluate if they are entitled for refund under inverted duty structure, support them in computation of refund, filing of necessary documentations and follow up with department to ensure that they get the refund.

OTHER REFUND

There could be other instances where refund could arise. We have separate dedicated team working on refund practice to support the client in making all necessary documentations, filing and follow up for claiming the refund.

4. GST - Advisory & Consultancy

The greatest value we provide to our clients is transfer of indirect tax knowledge and expertise gained through advising thousands of clients during last 3 decades ranging from small proprietor to large MNCs on a variety of indirect tax issues. The coverage ranges from the present Goods and Services Taxes Law [GST], Customs law, Foreign Trade Policy and erstwhile Central Excise, Service Tax, VAT laws.

We are known for suggesting workable solution and ability to solve complex issues and deliver strategy and implementation from a business and technical view within the framework of law. We assist in improving the performance and effectiveness of client's business by examining all the indirect tax aspects of core management and business process for further growth of the business.

Illustrative services under GST Advisory services are of the following nature:

- Advisory services to under Goods & Services Taxes, Customs & Foreign Trade Policy (and under erstwhile Central Excise, Service Tax & VAT).
- Tax and Credit Optimisation
- Tax Compliant advise for start-ups & e-commerce.
- Strategic consulting especially for long term contracts from Government, PSU's.
- Project planning and transaction structuring including in the areas of real estate-construction and allied areas, ITSS and ITES, e-commerce.
- Analysis on the implications of GST for a specific client/industry and optimal solution to client issue.
- Cost control and tax planning including optimisation of taxes leading to least tax incidence within four corners of the law.
- Maximization of input tax credit for the entities including those which have multiple units, multi-locational companies, many business verticles, SEZ, 100% EOU and DTA units.
- Post implementation advice on GST for future and ongoing projects and orders.
- Value added consultancy including limited reviews of activities to indicate possibility of large savings to SME's by way of credit availment, correct tax payments and availment of admissible exemptions.
- Vetting the agreements contracts in terms of GST optimisation.
- Other value additive services such as classification of goods/services/tax rates and coverage in exemptions.
- Hand-holding through GST advisory on regular basis
- Support for understanding and working under GST regime

5. GST - REPRESENTATION & LEGAL SUPPORT

All tax laws are bound to have uncertainties and possibility of multiple interpretations. Even GST would not be free from such interpretations. These differences may ultimately result into disagreement between taxpayer and department leading to rising of legal proceedings. Handling such differences requires proficiency in domain and experience in dealing with authorities at various levels. We have been able to establish our credibility in handling litigation through ethical practice. Our experience in handling litigations in laws such as Central Excise, Service tax, Customs and VAT would help in practice in GST as well.

Reply to Departmental Audit Objections

Most of legal disputes commence with audit objections / investigation by department officers and we believe that if the same is addressed properly at this stage, litigation could be avoided/ mitigated to a large extent. We suggest fair opinion to client whether the case is worth contesting or admit the audit objections / investigation points to avoid frivolous litigation. Our legal team is well equipped to address audit objections raised by revenue officers diligently and have proven track record of successfully handling the case to drop the litigation at this stage only. Our experience in Indirect Taxation coupled with the knowledge of possible litigation prone area could mitigate the risk of litigation.

Reply of Show Cause Notice

Show cause notice is foundation of any litigation process. Replying the notice addressing all aspects is very critical to get ultimate outcome of litigation process. At H&A, we have team of experienced legal team having in-depth experience in drafting reply and handling show cause notices. We always look for opportunities of value addition to client in the course of handling show cause notice. We also attend personal hearing on behalf of client.

Filing of Appeal and representation upto Tribunal

Matter escalated beyond notice stage needs filing of appeal before quasi judicial or judicial authorities. These could be commissioner (appeals), Tribunal, revisionary authority, or before similar other authorities. Our legal team understands the matter; prepare & file appeals appropriately considering the legal, factual aspects and represent the matter during hearing before authorities. Favourable result in large number of cases represented by firm speaks our success story.

Assistance in filing appeal and representation before High Court & Supreme Court

The firm has team of able professionals who can assist attorney in filing of an appeal and representing the case before High Court and Supreme Court. We fill the gap between the counsel and client. We also have association with leading lawyers who can take up the case before higher courts.

Applying for Advance Ruling

Since the GST is the new law, there are more possibilities of divergent interpretations of law. One way to avoid the future litigation is to take a ruling/decision from the Advance Ruling.

This may help to avoid the future litigation. We advise and assist client in filing application to advance ruling. Our team undertakes preparation and filing of an application and also representation before the Authority for Advance Ruling (AAR) and Appellate Authority for advance Ruling (AAAR).

Representation before Government/Tax Bodies/GST COUNCIL

We have motto of making indirect tax law simple in India and have been very actively engaged in making representation to government, CBEC, TRU and tax authorities to achieve this objective. We have been assisting industry and trade association to take up their case before governmental authorities to address the issue affecting members at large. Our pro-activeness in this including GST has benefitted many industries by way of pulling out of trade regressive steps by government and extending the benefits which the industry deserves.

Handling Litigation under erstwhile Indirect Taxation Laws

All earlier indirect tax laws (except Customs) have got subsumed in the GST. However, this does not mean that proceedings under old laws cannot be initiated. Audit, enquiry, search & investigation by department initiated under earlier laws could result in litigation. Our experience of 3 decades in Indirect Tax could assist the business under the implication of such actions by department and representation on behalf of them to avoid/minimize the adverse implication.

Applying for settlement commission under Central Excise & Service Tax

We have been advising the client to settle the cases and avoid litigation, if it is not worth in contesting the issue/s raised by the revenue officer. This will reduce the unnecessary cost of legal proceedings as well as valuable time of the client. We possess expertise knowledge in preparation of application and representation before Settlement Commission.

6. GST- TRAINING

Management Training

The training program could be organised for senior management, middle management or operational staff handling accounts, finance, marketing or procurement functions. The objective of training programs is to give understanding of legal and practical aspects of law for effective decision making and to ensure that tax function of entity is performed error free. This ensures skill and up-to-date knowledge necessary for effective compliance are instilled and maintained in staff.

Customised Training

We organise customised training programs to cater to specific needs of corporate and other professionals. The program could be basic or advanced level depending upon the specific needs of important function areas.