

Guidelines for filing or revising Form Tran-1 / Tran-2

In accordance with the recent Supreme Court decision in the case of *Filco Trade Centre Private Limited*¹, the Central Board of Indirect Taxes and Customs ('CBIC') shall open the GST portal for filing the declaration in Tran-1 / Tran-2 or revising the earlier filed Tran-1 / Tran-2 for a period of two months from 01.10.2022 to 30.11.2022. *Vide* a recent Circular², CBIC has specified detailed guidelines for taxpayers to follow when filing or revising Form Tran-1 / Tran-2. A summary of the guidelines is provided below:

Summary of the Guidelines

Broad Procedure

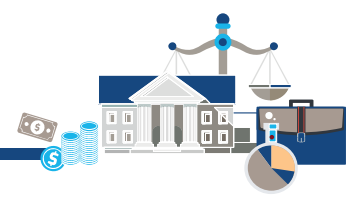
- Filing or revising the transitional credit forms is a one-time opportunity.
- This facility is available only for aggrieved taxpayers. Hence, in case a taxpayer has furnished Form Tran-1/Tran-2 earlier and does not wish to make any revisions therein is not required to furnish this declaration form again.
- In cases of revision, form filed earlier will be available for download on the portal (GSTN).
- The jurisdictional tax officers shall verify the claim within 90 days of filing and shall pass appropriate order on merits, after providing the taxpayer reasonable opportunity of being heard.
- Allowed transitional credit shall reflect in taxpayers Electronic Credit Ledger of the taxpayer.

Eligible Persons

- Any aggrieved taxpayer may file / revise the already filed form whether or not, he/she has:
 - Preferred a writ petition before High Court; or
 - Their case has been decided by IT Grievance Redressal Committee.
- Where credit availed by a taxpayer on the basis of Form Tran-1 / Tran-2 has been wholly or partly rejected by proper officer, then the taxpayer should prefer an appeal against the said order instead of filing / revising the declaration form.
- Taxpayers claiming transitional credit in respect of C/F/H/I Forms issued after due date of Tran-1 i.e., after 27.12.2017 are not eligible to avail of this window and file a declaration. Such taxpayers will be required to follow the refund procedure as per the respective State Goods and Services Tax Act.

¹ 2022-VIL-38-SC

² Circular No. 180/12/2022-GST dated September 9, 2022

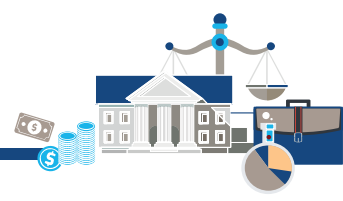


Summary of the Guidelines

Claim of transitional credit	<ul style="list-style-type: none">• The functionality for filing / revising Form Tran-1 or Tran-2 will be made available on GST portal (GSTN) from 01.10.2022 to 30.11.2022.• Along with Form Tran-1 / Tran-2 form (fresh or revised), taxpayer will be required to file a declaration as per format specified in Annexure-A of the Circular. The declaration <i>inter-alia</i> contains details of previously filed form, status of litigation on transitional credit claimed, affirmation on possession of documents pertaining the credit etc.• Claim for transitional credit in Form Tran-2 needs to be filed in one consolidated statement and not as per the respective tax period.
Other requirements	<ul style="list-style-type: none">• Taxpayers claiming credit on the basis of Credit Transfer Document (CTD) are required to upload pdf copy of Form Trans-3 on the common portal.• Supporting documents of the claim must be kept ready for verification by the concerned officer.

Dhruva Comments

The opportunity for filing / revising the transitional credit forms is a relief for taxpayers who had faced technical glitches on the portal or had made errors while filing the forms or for other reasons were unable to file their claims in the prescribed time. The window to file / revise the forms is short and so the taxpayers will have to gear up, collate all the information / documents / records / returns required to finalize the credit to be claimed and carefully file the claim on the GSTN.





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