

SELF ASSESSMENTFCO2/CTPM/UNIT-5/MB-3

SELF ASSESSMENT as the name suggests is a process where by a person first assesses, tax payable by him, pays the tax and then files the return furnishing the details of how he has arrived at the tax payable by him. The assessment as made by the registered person would be treated as final.

Provisional Assessment of a person would be conducted on the request of the registered person in either of the two circumstances.

→ He is unable to determine the value of the goods or services or both.

→ He is unable to determine the rate of tax applicable on the goods or services or both.

If the registered person fails to furnish return within the prescribed period or even after a notice of demand for submission of return, proper officer can proceed to assess such person to the best of his judgment after taking into account all the materials available on ~~the~~ record.

However, if registered person submits a valid return within 30 days of the service of said order, the assessment order made would be ^{with} drawn.

(2)

The provisional assessment would be subject to final assessment. Final assessment would have to be passed within a period of 6 months from the date of communication of the order for provisional assessment.

If a taxable person fails to take registration even though he is liable to take registration or a person whose registration has been cancelled, even though such person is liable to pay tax proper officer can proceed to assess such person to the best of his judgement after taking into account all the material available on record.

Such assessment can be made within a period of 5 years from the due date of filing of annual return for the financial year for which tax has not been paid.

SECTION 59

Clearly say that Taxable person is required to pay tax on the basis of self-assessment done by himself. Hence, all GST return filings are based on Self-Assessment by the taxpayer.

In this regard, provision of section 59 of the GST Act is reproduced here under:

"Every registered person shall self-assess the taxes payable under this act and furnish a return for each tax period as specified under section 39".

Section 60 of GST is concerned with provisional assessment. which is discuss in starting the note but some point will also want to discuss on the point of procedure, interest & refund.

After the final assessment, if taxable person liable to pay more tax than the tax paid at the time of provisional assessment, then the taxable person should pay the interest on such tax payment. Interest would be calculated from the actual due date of tax till the date of actual payment of tax.

REFUND: In case of refund, interest will be paid on such refund as provided u/s 56.

Section 61 — The proper officer would inform registered person of the discrepancies noticed during the course of scrutiny of return. The proceeding.

④
would be dropped if the explanation submit
by the Reg. Person is found acceptable.

However, if no explanation is furnished within
the stipulated period by the registered person
or no corrective action is taken by the reg. person
after accepting discrepancy, proper officer
may initiate appropriate action against the
registered person.

Section 62 Failure to file GST return. —

BEST JUDGEMENT ASSESSMENT

When a R.P. (Reg. Person) fails to furnish to
required return even after service of notice U/S 46,
an assessment would be conducted by the GST
officer. The GST officer would proceed to
assess the tax liability of the taxpayer to
the best of his judgement taking into account
all the relevant material ~~and~~ ~~which~~ which is
already discussed) [but again discuss] which
is available or which he has gathered
and issue an assessment order within a
period of 5 year from the date of formation of
the annual return for the F.Y. to which the
tax not paid relates. On receipt of the
said order (Assessmt), If the registered person
furnishes a valid return within a period of
30 days from the date of issuance of the
Assessment order. Then in such case,

(5)

The (A) order would be deemed to have withdrawn.
However, the registered person will be liable to pay interest U/s 50(1) and or liable to pay a late fee U/s 47.

SECTION 63 This relates to assessment of Unregistered Person - (Best Judgment)

Same criteria as section 62 but this section for, when a taxable person fails to obtain registration or whose registration has been canceled U/s 29(2) but who liable to pay tax

Section 64

A Cst officer can on any evidence showing a tax liability of a person coming to his notice, proceed to assess the tax liability of such person to protect the interest of revenue and issue an assessment order if he has sufficient grounds to believe that any delay in doing so may adversely affect the interest of revenue. In order to undertake assessment U/s 64, the proper officer should obtain previous permission of ADD COM or joint commissioner. Such an assessment is called summary assessment.

SELF ASSESSMENT → PROVISIONAL ASSESSMENT →
↳ Scrutiny → Non Filer of Return (Assessment)
↳ Assessment of unregistered person →
→ SUMMARY ASSESSMENT IN SPECIAL CASES