



GOVERNMENT OF INDIA
OFFICE OF THE COMMISSIONER
OF CENTRAL GST, DELHI EAST, CENTRAL REVENUE BUILDING,
I.P. ESTATE, NEW DELHI-110002

C. No. IV(16)08/T/Delhi-East/Trade Notice/17-18

1751

Dated 28.09.2022

TRADE NOTICE No 01/ 2022

Subject: Guidelines for filing/revising TRAN-1/TRAN-2 in terms of order dated 22.07.2022 & 02.09.2022 of Hon'ble Supreme Court in the case of Union of India vs. Filco Trade Centre Pvt. Ltd.

Kind attention of the Trade & Industries, Field Formations and Departmental Officers is invited to the Circular No. 180/12/2022-GST dated 09.09.2022 issued by the Central Board of Indirect Taxes & Customs (CBIC) subsequent to the Hon'ble Supreme Court order dated 22.07.2022 in the matter of Union of India vs. Filco Trade Centre Pvt. Ltd., SLP(C) No. 32709-32710/2018. The said circular is available on CBIC website <https://www.cbic.gov.in/> and <https://cbic-gst.gov.in/>

2. In accordance with the directions of Hon'ble Supreme Court, the facility for filing TRAN-1/ TRAN-2 or revising the earlier filed TRAN-1/TRAN-2 on the common portal by an aggrieved registered assessee (hereinafter referred to as the 'applicant') will be made available by GSTN during the period from **01.10.2022 to 30.11.2022**. In order to ensure uniformity in implementation of the directions of Hon'ble Supreme Court, the Board in exercise of powers conferred under section 168(1) of the CGST Act, 2017 clarified the matter.

3. Guidelines for the applicant for filing TRAN-1/TRAN-2 or revising earlier filed TRAN-1/TRAN-2:

3.1 The applicant may file declaration in FORM GST TRAN-1/TRAN-2 or revise earlier filed TRAN-1/TRAN-2 duly signed or verified through electronic verification code on the common portal. In cases where the applicant is filing a revised TRAN-1/TRAN-2, a facility for downloading the TRAN-1/TRAN-2 furnished earlier by him will be made available on the common portal.

3.2. The applicant shall at the time of filing or revising the declaration in FORM GST TRAN-1/TRAN-2, also upload on the common portal the pdf copy of a declaration in the format as given in **Annexure 'A'** of this circular. The applicant claiming credit in table 7A of FORM GST TRAN-1 on the basis of Credit Transfer Document (CTD) shall also upload on the common portal the pdf copy of TRANS-3, containing the details in terms of the Notification No. 21/2017-CE (NT) dated 30.06.2017.

3.3 No claim for transitional credit shall be filed in table 5(b) & 5(c) of FORM GST TRAN-1 in respect of such C-Forms, F-Forms and H/I-Forms which have been issued after the due date prescribed for submitting the declaration in FORM GST TRAN-1 i.e. after 27.12.2017.

3.4 Where the applicant files a claim in FORM GST TRAN-2, he shall file the entire claim in one consolidated FORM GST TRAN-2, instead of filing the claim tax period wise as referred to in sub-clause (iii) of clause (b) of sub-rule (4) of rule 117 of the Central Goods and Services Tax Rules, 2017. In such cases, in the column 'Tax Period' in FORM GST TRAN-2, the applicant shall mention the last month of the consolidated period for which the claim is being made.

3.5 The applicant shall download a copy of the TRAN-1/TRAN-2 filed on the common portal and submit a self-certified copy of the same, along with declaration in Annexure 'A' and copy of TRANS-3, where ever applicable, to the jurisdictional tax officer within 7 days of filing of declaration in FORM TRAN-1/TRAN-2 on the common portal. The applicant shall keep all the requisite documents/records/returns/invoices, in support of his claim of transitional credit, ready for making the same available to the concerned tax officers for verification.

3.6 It is pertinent to mention that the option of filing or revising TRAN-1/TRAN-2 on the common portal during the period from 01.10.2022 to 30.11.2022 is a one-time opportunity for the applicant to either file the said forms, if not filed earlier, or to revise the forms earlier filed. The applicant is required to take utmost care and precaution while filing or revising TRAN-1/TRAN-2 and thoroughly check the details before filing his claim on the common portal.

3.6.1 In this regard, it is clarified that the applicant can edit the details in FORM TRAN-1/TRAN-2 on the common portal only before clicking the "Submit" button on the portal. The applicant is allowed to modify/edit, add or delete any record in any of the table of the said forms before clicking the 'Submit' button. Once —Submit button is clicked, the form gets frozen, and no further editing of details is allowed. This frozen form would then be required to be filed on the portal using "File" button, with Digital signature certificate (DSC) or an EVC. The applicant shall, therefore, ensure the correctness of all the details in FORM TRAN-1/TRAN-2 before clicking the "Submit" button. GSTN will issue a detailed advisory in this regard and the applicant may keep the same in consideration while filing the said forms on the portal.

3.6.2 It is further clarified that pursuant to the order of the Hon'ble Apex Court, once the applicant files TRAN-1/TRAN-2 or revises the said forms filed earlier on the common portal, no further opportunity to again file or revise TRAN-1/TRAN-2, either during this period or subsequently, will be available to him.

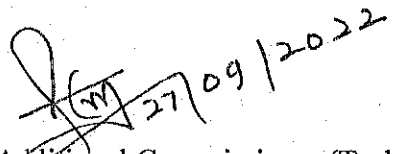
3.7 It is clarified that those registered persons, who had successfully filed TRAN-1/TRAN-2 earlier, and who do not require to make any revision in the same, are not required to file/ revise TRAN-1/TRAN-2 during this period from 01.10.2022 to 30.11.2022. In this context, it may further be noted that in such cases where the credit availed by the registered person on the basis of FORM GST TRAN-1/TRAN-2 filed earlier, has either wholly or partly been rejected by the proper officer, the appropriate remedy in such cases is to prefer an appeal against the said order or to pursue alternative remedies available as per law. Where the adjudication/ appeal proceeding in such cases is pending, the appropriate course would be to pursue the said adjudication/ appeal.

In such cases, filing a fresh declaration in FORM GST TRAN-1/TRAN-2, pursuant to the special dispensation being provided vide this circular, is not the appropriate course of action.

4. The declaration in FORM GST TRAN-1/TRAN-2 filed/revised by the applicant will be subjected to necessary verification by the concerned tax officers. The applicant may be required to produce the requisite documents/ records/ returns/ invoices in support of their claim of transitional credit before the concerned tax officers for verification of their claim. After the verification of the claim, the jurisdictional tax officer will pass an appropriate order thereon on merits after granting appropriate reasonable opportunity of being heard to the applicant. The transitional credit allowed as per the order passed by the jurisdictional tax officer will be reflected in the Electronic Credit Ledger of the applicant on the common portal.

5. Difficulty, if any, in implementation of the above instructions may please be brought to the notice of this office at e-mail id commr.delhieast@gmail.com or Board (gst-cbec@gov.in).

This issues with the approval of the Commissioner of CGST, Delhi East.


Additional Commissioner (Tech)
CGST Delhi East

To:

The members of RAC/Trade associations/ Chambers of Commerce in Delhi.

Copy to:-

1. The Member, GST, CBIC, North Block, New Delhi
2. The Director General, Directorate General of Taxpayers Services, CR Building, IP Estate, New Delhi – 110002
3. The Directorate General of Systems and Data Management, Hotel Samrat, Chanakyapuri, New Delhi-110021
4. PS to Principal Chief Commissioner, Central Tax, Delhi Zone.
5. PS to Principal Commissioner/Commissioner, Central Tax, Delhi North, Delhi South, Delhi East, Delhi West.
6. AC (Systems) for getting it uploaded on Commissionerate website.
7. All Divisional ACs/DCs of CGST Delhi East.
8. All the officers and staff of CGST, Delhi East Commissionerate.
9. Notice Board/Guard File.


Deputy Commissioner (Tech)
CGST Delhi East

Declaration to be uploaded by the Applicant on the common portal along with TRAN-1/TRAN-2 (in accordance with para 4.2 of the Circular)

PART A

1. Name and Style of Business:
2. GSTIN:
3. Registration effective from: (specify Date)
4. Whether TRAN-1/TRAN-2 furnished earlier: YES NO
If reply to point 4 is 'Yes', then fill 4.1 to 4.9, else proceed to point 5 below:
- 4.1 Details of TRAN-1/TRAN-2 furnished earlier:
 1. Date of furnishing TRAN-1:
 2. Date(s) of furnishing TRAN-2:
- 4.2 Amount of credit claimed earlier through TRAN-1:
CGST-
SGST/UTGST-
- 4.3 Amount of credit claimed earlier through TRAN-2:
CGST-
SGST/UTGST-
- 4.4 Whether notice or order u/s 73/74 of CGST Act,2017 issued in respect of the credit availed through TRAN-1/TRAN-2 filed earlier: YES NO
- 4.5 If reply to point 4.4 is 'Yes', then mention the reference number and date of notice/ order referred to in 4.4 above:
- 4.6 Amount of credit determined as in-eligible, if any, vide order referred to in 4.5 above:
CGST-
SGST/UTGST-
- 4.7 Whether Appeal preferred u/s 107 of CGST Act/ petition before Hon'ble High Court against order referred to in point 4.5 above----- YES NO
- 4.8 If reply to 4.7 is 'Yes', then whether Appeal/Petition referred to in point 4.7 above disposed off: YES NO
- 4.9 If reply to point 4.8 above is 'Yes', then amount of credit determined as in-eligible:
CGST-
SGST/UTGST-
5. Amount of credit claimed through TRAN-1/TRAN-2 being filed now:
CGST-
SGST/UTGST-

5.1 Whether any notice issued or order passed under existing law with regard to admissibility of the credit claimed as transitional credit: YES NO

5.2 If reply to point 5.1 above is 'Yes', then date of issuance of notice/ passing the order:

5.2.1 Amount of credit claimed in TRAN-1/TRAN-2 disputed/ held as in-admissible under existing law vide notice/ order referred to in 5.2 above:(provide details under each of the existing law)

PART B

I,.....(name and designation of person making this declaration on behalf of the registered person) on behalf of (Name of registered person) bearing GSTIN-----, do hereby solemnly declare and affirm that:

- 1) I/We have submitted all returns for the period January, 2017 to June, 2017 required under the existing law;
- 2) I/We are in possession of all documents, evidences, invoices, accounts, statutory declarations and other records necessary for substantiation of claim of transitional credit being made in FORM GST TRAN-1/TRAN-2;
- 3) (a) *I/We have not claimed any credit, within the meaning of sections 140, 141 and 142 of the Central/ State/ UT Goods and Services Tax Act, 2017, in any return in FORM GSTR-3B filed by me/us;**OR**
- 4) (b) *I/We have claimed credit, within the meaning of sections 140, 141 and 142 of the Central/ State/ UT Goods and Services Tax Act, 2017, amounting to Rs..... on account of central tax and Rs.----- on account of State/ union territory tax in my/ our return in FORM GSTR-3B filed by me/ us for the period and I/ we have reversed an amount of Rs.----- on account of central tax and Rs.----- on account of State/ union territory tax, along with an interest of Rs..... vide <<details of such debit/ payment to be provided>>*/ have not** reversed the said amount, along with applicable interest. I/We have neither been refunded nor have claimed refund or would claim refund of the credit of tax carried forward in accordance with sub – section (1) of Section 140 of the Central/State/UT Goods and Services Tax Act, 2017, in the return relating to the period ending with the day immediately preceding the appointed day, furnished by me/us under the existing law, in respect of which this claim of transitional credit is made.
- 5) I/We have not utilized or adjusted any amount of credit under the existing law, in response to any demand/ liability arising out of self-determination or assessment or audit

or investigation, out of the amount being claimed as transitional credit in FORM GST
TRAN-1/ TRAN-2;

6) The information furnished in **Part A** hereinabove is based on the accounts,
information, records, documents and other necessary evidences in my possession and is
true and correct to the best of my knowledge and belief, and nothing has been concealed
therefrom.

Place

Signature

Date

Name

Designation in relation to registered person

** Only (a) or (b) of Paragraph 3 of Part B to be filled up, as applicable*

*** Strike off, whichever is not applicable*