

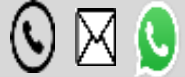


Lawgics

By Nidhi, Advocate



Serial No. 041
Dt.: 06-03-2023



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Section 41 of CGST Act, 2017

41. Availment of Input tax credit

(1) Every registered person shall, subject to such conditions and restrictions as may be prescribed, be entitled to avail the credit of eligible input tax, as self-assessed, in his return and such amount shall be credited to his electronic credit ledger.

(2) The credit of input tax availed by a registered person under sub-section (1) in respect of such supplies of goods or services or both, the tax payable whereon has not been paid by the supplier, shall be reversed along with applicable interest, by the said person in such manner as may be prescribed:

Provided that where the said supplier makes payment of the tax payable in respect of the aforesaid supplies, the said registered person may re-avail the amount of credit reversed by him in such manner as may be prescribed.

Our Interpretation

Section
41

ITC Availment

Earlier, the Concept of provisional ITC existed which shall be final only after filing GSTR-3 upon matching of ITC by the registered taxpayer but such provisions being redundant were amended vide Notification No. 18/2022, dt. 28.09.2022, being effective from 01.10.2022.

Amended provision says that:

(1) Every registered person can claim eligible ITC on self-assessment basis which shall be credited to the electronic credit ledger on claiming such ITC in the return GSTR-3B. This ITC can be utilised to discharge self-assessed liability as shown in the return by the registered dealer.

(2) The ITC availed shall be reversed along with applicable interest on such supplies, whereon the tax has not been paid by the supplier.

It has been provided that the reversed ITC may be re-availed upon payment of tax in respect of the such supplies.

Section 42, Section 43 and Section 43A of CGST Act, 2017

Section 42: Matching, reversal and reclaim of input tax credit

Section 43: Matching, reversal and reclaim of reduction in output tax liability

Section 43A: Procedure for furnishing return and availing input tax credit

These Sections were omitted w.e.f 01.10.2022 vide Notification No. 18/2022- CT, dt. 28.09.2022

Corresponding Rule 69, Rule 70, Rule 71, Rule 72, Rule 73, Rule 74 & Rule 75 of CGST Rules, 2017 were omitted w.e.f 01.10.2022 vide Notification No. 19/2022- CT, dt. 28.09.2022.