



Lawgics

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Section 150 of CGST Act, 2017

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150. Obligation to furnish information return.

(1) Any person, being—

- a) a taxable person; or
- b) a local authority or other public body or association; or
- c) any authority of the State Government responsible for the collection of value added tax or sales tax or State excise duty or an authority of the Central Government responsible for the collection of excise duty or customs duty; or
- d) an income tax authority appointed under the provisions of the Income-tax Act, 1961; (43 of 1961) or
- e) a banking company within the meaning of clause (a) of section 45A of the Reserve Bank of India Act, 1934; (2 of 1934) or
- f) a State Electricity Board or an electricity distribution or transmission licensee under the Electricity Act, 2003, (36 of 2003) or any other entity entrusted with such functions by the Central Government or the State Government; or
- g) the Registrar or Sub-Registrar appointed under section 6 of the Registration Act, 1908; (16 of 1908) or
- h) a Registrar within the meaning of the Companies Act, 2013; (18 of 2013) or
- i) the registering authority empowered to register motor vehicles under the Motor Vehicles Act, 1988; (59 of 1988) or
- j) the Collector referred to in clause (c) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013; (30 of 2013) or
- k) the recognised stock exchange referred to in clause (f) of section 2 of the Securities Contracts (Regulation) Act, 1956; (42 of 1956) or
- l) a depository referred to in clause (e) of sub-section (1) of section 2 of the Depositories Act, 1996; (22 of 1996) or
- m) an officer of the Reserve Bank of India as constituted under section 3 of the Reserve Bank of India Act, 1934; (2 of 1934.) or
- n) the Goods and Services Tax Network, a company registered under the Companies Act, 2013; (18 of 2013. or
- o) a person to whom a Unique Identity Number has been granted under subsection (9) of section 25; or
- p) any other person as may be specified, on the recommendations of the Council, by the Government,

who is responsible for maintaining record of registration or statement of accounts or any periodic return or document containing details of payment of tax and other details of transaction of goods or services or both or transactions related to a bank account or consumption of electricity or transaction of purchase, sale or exchange of goods or property or right or interest in a property under any law for the time being in force, shall furnish an information return of the same in respect of such periods, within such time, in such form and manner and to such authority or agency as may be prescribed.

(2) Where the Commissioner, or an officer authorised by him in this behalf, considers that the information furnished in the information return is defective, he may intimate the defect to the person who has furnished such information return and give him an opportunity of rectifying the defect within a period of thirty days from the date of such intimation or within such further period which, on an application made in this behalf, the said authority may allow and if the defect is not rectified within said period of thirty days, or

the further period so allowed, then, notwithstanding anything contained in any other provisions of this Act, such information return shall be treated as not furnished and the provisions of this Act shall apply.

(3) Where a person who is required to furnish information return has not furnished the same within the time specified in sub-section (1) or sub-section (2), the said authority may serve upon him a notice requiring furnishing of such information return within a period not exceeding ninety days from the date of service of the notice and such person shall furnish the information return.

Our Interpretation

Section 150

This is an administrative provision. This section requires specified persons to furnish an information return with the prescribed authority.

A return called an 'information return' would be required to be filed by specified persons. It is expected that this would be used by the Government/s for exchange of information.

Specified persons who would be required to furnish the information return are as under:

1. Taxable Person,
2. Local Authority,
3. Other Public Body or Association,
4. Authority responsible for collecting VAT, Sales Tax, State Excise Duty, Central Excise Duty or Customs Duty,
5. Authority appointed under Income Tax,
6. Banking Company,
7. State Electricity Board,
8. Registrar or Sub-Registrar of Registration Act, 1908,
9. Registrar of Companies,
10. Registering authority of Motor Vehicles,
11. Collector,
12. Recognized Stock Exchange,
13. Depository of Shares,
14. Officer of Reserve Bank of India,
15. Goods & Service Tax Network (GSTN),
16. Person to whom Unique Identity Number (UIN) is granted,
17. Any other specified person on recommendation of the GST Council

Implications of non-compliance

1. If the details filed are defective:

- Defect should be intimated to the person who has furnished such information return.
- Reasonable opportunity should be given to rectify the defect in the return.
- Defect should be rectified within 30 days from the date of such information or within such further period.
- If the defect in the return is not rectified within the time prescribed, the information return should be treated as not submitted and penalty of Rs.100/- per day for each day during which the failure continues, would be payable subject to a maximum of Rs. 5,000/- in terms of section 123 of the CGST Act.

2. If no return is filed:

Authority may serve a notice requiring him to furnish such information return. It should then be filed within 90 days from the date of service of notice.