

Draft Reply For GST Notices For Mismatch In Form 3B and 2A

Date _____

To:

Assistant Commissioner of GST

Dear Sir,

Sub: Reply to difference in ITC available in GSTR-2A and claimed in GSTR-3B for the month of _____.

GST was supposed to be based on voluntary compliance and non invasive. As we understand GSTR 2A is not available or mandatory and therefore comparison with that document may not be fair and in line with GST Act.

It would have been proper to compare the GSTR1 of the supplier and our 3B which could be confirmed.

The reasons for differences could be as under:

1. Delay in availing the credit of earlier months availed in the month under question.
2. Ineligible credits not claimed by us.
3. Reverse charge payments and consequent credits not considered.
4. Import IGST credits similarly not considered.
5. The non-compliance from the supplier's side due to non payment, incorrect uploading, data entry mistake in figures or GST numbers, classifying at B2C instead of B2B and maybe many more which we are still to see are not in our control.

We understand that only in exceptional cases like missing dealer etc, we would be questioned about non-compliance by the supplier and have to prove our compliance.

We have a system of verification of the credits once in a quarter and would be availing the missed credits and reverse the excess credit availed in the subsequent GSTR3B.

Considering all of the above it appears that the notice is too early and may not be legally valid. Please provide us the list of credits as per your record and also confirm that this reconciliation is required in law.

We as law abiding assesseees would like to be on the right side of law but do not wish to be burdened with additional costs of preparation of statements, getting them verified by our Consultants if there is no requirement under law.

Kindly acknowledge the receipt of this letter and advise on the questions raised especially concerning the legal validity and the request for information from your side.

For _____

Authorised Signatory