



# GST UPDATE

6<sup>th</sup> MARCH 2024

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*While best efforts have been made to summarise the Judgement for educational purposes, this is not a legal opinion. It is suggested that Judgement passed by the Hon'ble Court must be referred to before making any decisions. In case of any query, please feel free to get in touch with us at [gst@cbcandco.com](mailto:gst@cbcandco.com).*

<b>Citation:</b>	M/s MANSOORI ENTERPRISES - 2024 (2) TMI 1183		
<b>Court:</b>	Hon'ble Allahabad High Court	<b>Date of Judgement:</b>	23rd February 2024
<b>Law:</b>	Goods and Service Tax		
<b>Topic:</b>	Assessment – Monetary Jurisdiction of the Proper Officer		
<b>Facts of the Case:</b>	<p>In the present writ petition the petitioner challenged the order passed by the Superintendent under Section 73 of the CGST Act, disallowing ITC for an amount of Rs. 16,24,247</p> <p>Petitioner submits that the Superintendent did not have jurisdiction to pass such an order. Considering the fact that the Department themselves have issued Circular No. 31/05/2018-GST dated 09.02.2018 assigning the jurisdiction to various authorities in relation to the maximum amount of Central Tax not paid or short paid or erroneously refunded or input tax credit of central tax wrongly availed or utilized.</p> <p>It was stated that according to the circular dated 09.02.2018, power of the Superintendent, Central Goods and Service Tax &amp; Central Excise is limited to the matter not exceeding Rs. 10,00,000/- and in the present case the amount involved being more than Rs. 16,00,000/- and hence, the impugned order passed by it is without jurisdiction</p>		
<b>Held:</b>	<p>In the present case, the respondents have disallowed ITC for an amount of Rs. 16,24,246.88 under Section 73 of the CGST Act, 2017. Whereas, as per the circular dated 09.02.2018, the Superintendent has the power to issue show cause notice / orders where the amount of tax is upto Rs. 10,00,000. Which in this case has been interpreted to be Rs. 10 Lakhs CGST and Rs. 10 Lakhs SGST, totaling to Rs. 20 lakhs which is not the right position.</p> <p>Hence, the ITC of Rs. 16,24,246.88 will be disallowed only on the order of Deputy or Assistant Commissioner of Central Tax because only they have the</p>		

	power of issuance of show cause notices and passing of orders, for the monetary limit of Above, Rs. 10 lakhs and not exceeding Rs. 1 crore.
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For the sake of convenience of the reader, we are reproducing the monetary limits as per the Circular No. 31/05/2018 – GST dated 09.02.2018:

<b>Officer of Central Tax</b>	<b>Monetary Limit for issuance of show cause notice / passing of order under Section 73 / 74 - CGST</b>	<b>Monetary Limit for issuance of show cause notice / passing of order under Section 73 / 74 - IGST</b>	<b>Monetary Limit for issuance of show cause notice / passing of order under Section 73 / 74 – CGST + IGST</b>
Superintendent	Upto Rs. 10 Lakhs	Upto Rs. 20 Lakhs	Upto Rs. 20 Lakhs
Deputy / Assistant Commissioner	Above Rs. 10 Lakhs Not exceeding Rs. 1 Crore	Above Rs. 20 Lakhs Not exceeding Rs. 2 Crore	Above Rs. 20 Lakhs Not exceeding Rs. 2 Crore
Additional / Joint Commissioner	Above Rs. 1 crore	Above Rs. 2 crores	Above Rs. 2 crores