

**(1)- Best Practices in CGST Delhi North for consideration to be adopted by other formations**

Enforcement under GST involves an entire set of actions taken by the tax authorities to curb tax evasion. It includes calling for information, issue of notice, issue of summons, recording statements, search and seizure of goods, etc. The following practices are being followed to curb tax evasion:-

**(a) Developing actionable intelligence after analysis of taxpayer' data:-** The data/ inputs received from DGARM as well as details available on ADVAIT, E-Way Bill and BIFA portals is being used to identify the taxpayers showing abnormal tax payment behaviour viz. high utilisation of Input tax Credit (ITC), wrong availment and utilisation of ineligible ITC, wrong benefit of exemption notifications and non-discharge of tax liabilities under reverse charge mechanism (RCM) on services received from Central Government, State Govt. and local authorities as well as non-payment of taxes under RCM on services received from overseas suppliers. On the basis of data analysis, inspection/ search action is being conducted for recovery of tax dues following due diligence as per the provisions prescribed under GST law.

**(b) Alerts being issued on pan India basis for prevention of bogus ITC cases:-** During the course of investigations, some instances of availment/ utilisation of ITC without actual supply/receipt of goods have been noticed. The fraudulent taxpayers have devised a modus operandi for taking registration in different formations for passing bogus/fake ITC in different formations to evade action by enforcement authorities. To prevent such instances, alert circulars are being issued on pan India basis to the field formations where the beneficiary firms are located for checking genuineness of ITC and recovery action thereof, as applicable under GST law.

**(2). Suggestion to assist GST investigation:-**

**(a) Mechanism for exchange of information with Municipal Corporation of Delhi (MCD) for granting access to data of commercial vehicles paying toll tax at MCD's various border check points.**

During investigation in some cases, it has come to notice that some fraudulent elements are engaged in issuing only goods-less invoices with the sole motive of passing fake/bogus/ ineligible input tax credit (ITC) to defraud the government exchequer. In order to ascertain the actual movement of vehicles shown in E-way bill/ tax invoice, the investigation wing requires access to data of commercial vehicles which pay toll tax while entering Delhi at MCD's various toll barriers/nakas/ check points. This data will help in ascertaining actual movement of commercial vehicles through the MCD tolls. It will further help in expediting investigations to unearth the nexus involved in unscrupulous activities as Department will be able to clearly establish the passing of fake ITC without movement of dutiable goods in commercial vehicles

in the Court of law. Accordingly, it is suggested to sign an MoU with MCD for granting access to data of commercial vehicles paying toll tax at MCD's various border check points.

**(b) Mechanism for exchange of information with Ministry of Road Transport & Highways for granting access to Vahan portal to get registration details of vehicles.**

During investigation in some cases, it has come to notice that some fraudulent elements are engaged in issuing only goods-less invoices with the sole motive of passing fake/bogus/ineligible input tax credit (ITC) to defraud the government exchequer. In order to ascertain the ownership details of vehicles shown to be used in E-way bill/ tax invoice, Anti Evasion requires access to registration data of vehicles. This data will help in expediting investigations to unearth the nexus involved in unscrupulous activities as Department will be able to establish passing of fake ITC without movement of dutiable goods in commercial vehicles in the Court of law. Accordingly, it is suggested to sign an MoU with Ministry of Road Transport & Highways for granting access to Vahan portal to get registration details of vehicles to assist the investigations being conducted by Anti Evasion to safeguard interest of Government Revenue.

**(c) Access to DIN Portal:-**Anti Evasion receives several references from various field formations/ DGGI Units seeking the status of investigations sharing details of DINs generated through DIN portal. Further, there have been some instances of simultaneous investigations by this Anti Evasion and DGGI units which results in duplicity of investigations. However, Anti Evasion does not have any facility to search/view the DINs generated in the DIN portal by other field formations. Presently such facility to search DINs is provided to DG GSTI.

For the sake of administrative convenience and to prevent duplicacy of investigation, it is suggested to provide the facility/access to view /search DINs generated through DIN portal to the Additional Commissioner (A.E.) and Deputy/ Assistant Commissioner (A.E.).

**(d)** In addition, practice of issuing AE-II, in all the GST offence cases booked by the commissionerates of the Zone, is being followed in Delhi Zone. It not only keeps track of the action taken in the cases detected by the Zone, and for the various alert notices regarding fake ITC received from the other zones/state GST authorities/DGGI/other authorities outside the zone: but also ensures the fully matched offence data bank in MPRs and the digit, for further necessary action like SCNs, Adjudication, Recovery & of Prosecution status of the arrest cases.