

C. B. Thakar

Q (1) I have a query: Whether the amount deposit during search proceedings thru DRC-03 can be adjusted with mandatory pre-deposit required at the time of filing of 1st Appeal under GST? Reply1: If it is deposit it is adjustable. In judicial precedents, it is held that normally the amount paid in search proceedings is under protest. As no statutory recovery can be made without passing of order, such payments are in nature of advance payment or payment under protest, eligible to adjustment towards pre-payment for appeal. Reference can be made to judgment of Hon. Bombay High Court in case of Vinod Metal (WP. No.(1)17026 of 2023 dt.18.7.2023)(Bom) wherein such adjustment is allowed. Q (2)A businessman had purchased truck for the transportation of his tax-free goods as such no ITC was claimed. Now he sells the truck. Whether he is liable to pay tax? If yes on which value? .....