GSTAT

Division Bench Court No. Court I

APL/13/RPR/2026

ANANT DECOR **.....Appellant**

Versus

COMMISSIONER OF STATE GST, COMMISSIONER OF STATE GST, OFFICE OF COMMISSIONER, COMMERCIAL TAX-GST, NORTH BLOCK, SECTOR-19, ATAL NAGAR (NAVA RAIPUR), RAIPUR (C.G.). **.....Respondent**

Counsel for Appellant
MS. URAVASHI BHIMANI PATEL, CA

Counsel for Respondent
MR. ABHAY TIWARI, ADVOCATE

Hon'ble Pradeep Kumar Vyas, Member (Judicial)
Hon'ble Chandra Bhushan Singh, Member (Technical)

Form GST APL-04A

[See rules 113(1) & 115]

Summary of the order and demand after issue of order by the GST Appellate Tribunal

whether remand order: No

Order reference no.: ZA220050926000271H **Date of order:** 28/09/2026

1.	GSTIN/Temporary ID/UIN - 22AFHPJ0085L1ZJ	
2.	Appeal Case Reference no. - APL/13/RPR/2026	Date - 24/03/2026
3.	Name of the appellant - ANANT DECOR, anantdecore@gmail.com , 9301305001	
4.	Name of the respondant - 1. Commissioner of State GST, cctd.cg@gov.in , 7712512666	
5.	Order appealed against - AD220524003527H	

	(5.1) Order Type - Demand Order	
	(5.2) Ref Number - ZD220625020385P	Date - 25/06/2025
6.	Personal Hearing - 28/09/2026 16/09/2026 02/09/2026 28/07/2026	
7.	Status of Order under Appeal - Confirmed – Order under Appeal is confirmed	
8.	**Order in brief -** This is an appeal against denial of ITC for FY 2018–19. The disputed amount is ₹70,774 in IGST credit, with interest of ₹61,742 and penalty of ₹10,000. Departmental scrutiny found that the IGST credit claimed in GSTR-3B exceeded the amount reflected in GSTR-2A. The appellant did not reply to either the scrutiny notice or the subsequent show-cause notice. The adjudicating authority confirmed the demand on 25 April 2024. In its first appeal, appellant relied on three invoices issued by Glo Panels, a supplier certificate dated 15.04.2024, and a ledger. It contended that Glo Panels had paid the tax but mistakenly reported supplies to a registered recipient as B2C in GSTR-1. The appellant invoked Circular No. 183/15/2022-GST, which addresses historical GSTR-3B/GSTR-2A differences, including such reporting errors. It did not attend either hearing fixed by the First Appellate Authority, which upheld the demand. The order accepts that absence from GSTR-2A alone could not defeat a FY 2018–19 credit claim. It also recognises that the supplier certificate is the kind contemplated by the Circular for a supplier-wise difference below ₹5 lakh. Nevertheless, the claimant must prove eligibility under Sections 16 and 155. Considering the late certificate, the appellant's failure to explain the discrepancy at earlier stages, and the absence of objective corroboration of the asserted B2C entry, the order finds the specific reporting and tax-payment explanation insufficiently established. An e-way bill supports the identity of the recipient and declared movement, but does not prove the supplier's return classification or tax payment. Threshold, esp. regarding the large IGST principal invoice, for invoice-wise reporting of inter-State B2C supplies in the B2CL portion of GSTR-1 is not explained. The three invoices account for only ₹66,193.66, leaving ₹4,580.34 unexplained. Lower credit under the CGST and SGST heads does not offset the disputed IGST without transaction-level reconciliation. The order declines remand after repeated opportunities and upholds IGST of ₹70,774, interest of ₹61,742 and penalty of ₹10,000, totalling ₹1,42,516. Although its operative paragraph dismisses the appeal, the conclusions expressly flag an unresolved statutory-hearing question and	

	direct that the order should not be signed until that issue is expressly decided properly on the adjudication record.

Summary of Order

9.	If demand order then whether demand quantified: Yes

Section-I

Particulars	Central tax		State/UT tax		Integrated tax		Cess		Total	
	Disputed Amount	Determined Amount	Disputed Amount	Determined Amount	Disputed Amount	Determined Amount	Disputed Amount	Determined Amount	Disputed Amount	Determined Amount
1	2	3	4	5	6	7	8	9	10	11
(a) Tax	0		0		70774	70774	0		70774	70774
(b) Interest	0		0		0	61742	0		0	61742
(c) Penalty	0		0		0	10000	0		0	10000
(d) Fees	0		0		0		0		0	0
(e) Others										0
(f) Refund										0

10.	For Other orders and Demand orders which are not quantified:	
Issues as raised by proper officer	Issues as determined by Appellate/Revisional authority	Order by GST Appellate Tribunal
Short or non-payment of tax	The Appellate Authority rejected the appeal and confirmed the order passed by the adjudicating authority.	

Signature
RAIPUR Chandra Bhushan Singh
Designation: Member
Jurisdiction: Raipur

Place: RAIPUR
Date: 28.09.2026

FINAL ORDER

PER: C. B. SINGH, MEMBER (TECHNICAL)

1. This appeal under Section 112 of the Chhattisgarh Goods and Services Tax Act, 2017, read with the corresponding provisions of the Central Goods and Services Tax Act, 2017 and Section 20 of the Integrated Goods and Services Tax Act, 2017, is directed against the Order-in-Appeal No. 1195/GST/2024 dated 17.04.2025 passed by the Joint Commissioner (Appeals), State Tax, Raipur, whereby the appellant's first appeal was dismissed and the demand of IGST(tax) of ₹70,774, interest of ₹61,742 and penalty of ₹10,000 confirmed by the State Tax Officer, Circle-6, Raipur by Order-In-Original dated 25.04.2024 (FORM GST DRC-07 - ZD220424031912T dated 25.04.2024), was sustained. The appeal concerns denial of input tax credit for FY 2018-19 on account of excess IGST credit shown in FORM GSTR-3B over the credit reflected in FORM GSTR-2A, together with interest of and penalty.

2. The controversy arises in the initial years of GST. It therefore requires the statutory conditions for input tax credit to be applied as they stood during FY 2018-19, without importing later matching requirements retrospectively. At the same time, non-reflection in GSTR-2A does not by itself establish entitlement to credit. The claimant must establish the substantive conditions of Section 16, and Section 155 places the burden of proving eligibility upon the person claiming the credit. CBIC Circular No. 183/15/2022-GST dated 27.12.2022 provides a special verification mechanism for specified GSTR-3B/GSTR-2A differences for FY 2017-18 and FY 2018-19; the appellant invokes that Circular.

I. FACTUAL MATRIX

3. The appellant is a proprietary concern registered under GST. Scrutiny of its returns for FY 2018-19 disclosed, according to the Department, excess availment of IGST input tax credit of ₹70,774 in FORM GSTR-3B when compared with FORM GSTR-2A. No corresponding excess was alleged under the CGST or SGST heads.

4. FORM GST ASMT-10 bearing Reference No. ZD2210230121759 dated 25.10.2023 was issued under Section 61 read with Rule 99(1), requiring the appellant to explain the discrepancy by 25.11.2023. No reply was filed.

5. FORM GST DRC-01 bearing Reference No. ZD221223017574U dated 15.12.2023 was thereafter issued under Section 73 read with Rule 142(1)(a). It proposed IGST of ₹70,774,

interest then quantified at ₹59,229 and penalty of ₹10,000. The appellant did not file a reply to the show-cause notice and did not place the invoices, supplier confirmation, ledger or transportation documents before the adjudicating authority.

6. During the pendency of adjudication, M/s Glo Panels Pvt. Ltd., Mumbai, GSTIN 27AAECG9172E1ZH, issued a confirmation letter dated 15.04.2024. It referred to three June 2018 invoices issued to the appellant and stated that GST had been collected and paid, that the invoices had been incorporated in the supplier's GSTR-3B, and that, due to an inadvertent mistake while filing GSTR-1, the supplies were shown in the B2C table instead of the B2B table. *The letter was issued approximately six years after the transactions, after ASMT-10 and DRC-01, and ten days before the adjudication order.*

7. The three invoices relied upon are: Invoice No. 01296 dated 05.06.2018, taxable value ₹11,864.40 and IGST ₹2,135.59; Invoice No. 01394 dated 09.06.2018, taxable value ₹3,54,618.12 and IGST ₹63,831.27; and Invoice No. 01583 dated 19.06.2018, taxable value ₹1,260 and IGST ₹226.80. Their aggregate IGST is ₹66,193.66. Thus, even accepting these three invoices at face value, they do not explain the entire mismatch of ₹70,774; *a balance of ₹4,580.34 remains unexplained.*

8. The supplier ledger produced later records the three invoices and receipts, including a receipt by NEFT of ₹4,18,449 on 12.06.2018 against the principal invoice. The invoices themselves contain the appellant's GSTIN. The later compilation also contains transportation material: a lorry receipt relating to Invoice No. 01296; a courier consignment notes relating to Invoice No. 01583; and an e-way bill bearing No. 281015009266 dated 09.06.2018 relating to Invoice No. 01394. The e-way bill identifies Glo Panels Pvt. Ltd. as supplier and Anant Decor, with GSTIN 22AFHPJ0085L1ZJ, as recipient, and records taxable value ₹3,54,618.12 and IGST ₹63,831.26/27. Its evidentiary status before this Tribunal is considered separately below.

9. The adjudicating authority passed the order dated 25.04.2024 and issued FORM GST DRC-07 bearing Reference No. ZD220424031912T, confirming IGST ₹70,774, interest ₹61,742 and penalty ₹10,000, aggregating ₹1,42,516.

10. A written submission dated 29.04.2024 was thereafter prepared by the appellant. It relied upon Circular No. 183/15/2022-GST, the supplier declaration, the three invoices and the party ledger. Since it post-dates, the order dated 25.04.2024, it could not have formed part of the adjudication record. The appellant's later material states that it had been prepared for

submission before the proper officer but was not accepted after the order had already been passed.

11. The appellant filed the first appeal in FORM GST APL-01 on 06.05.2024. The expanded APL-01 compilation subsequently produced before this Tribunal contains a written submission before the Appellate Authority, Circular No. 183/15/2022-GST, the supplier declaration dated 15.04.2024, the three invoices and the supplier ledger. We therefore do not accept the respondent's broad assertion that all such material was being relied upon for the first time only before this Tribunal. The material, however, was indisputably not placed before the adjudicating authority.

12. The first appellate record shows that opportunities of personal hearing were fixed on 05.09.2024 and 17.04.2025. Neither the appellant nor an authorised representative appeared. The First Appellate Authority therefore proceeded on the record and sustained the demand, noting the absence of proof that the tax charged by the supplier had actually been paid to Government and the statutory burden under Section 155. The APL-04 reflects Reference No. ZD220625020385P dated 25.04.2025, while the text of the impugned order bears an internal date of 17.04.2025. Nothing in the present appeal turns upon that apparent date/portal metadata discrepancy.

13. The appellant thereafter preferred the present appeal. The statutory pre-deposit of about ₹7,077/₹7,078 was made through FORM GST DRC-03 dated 23.03.2026.

II. PLEADINGS AND ORAL SUBMISSIONS

14. At final hearing, we heard **Ms. Uravashi Bhimani Patel**, the learned CA, for the appellant and **Mr. Abhay Tiwari**, the learned Counsel for the respondent at length. The respondent objected that documents sought to be relied upon had not been produced before either lower authority. The appellant asserted that the documents had been produced below.

15. By order dated 16.09.2026, after conclusion of oral hearing, the appellant was permitted to upload material evidencing that the documents in question had in fact been filed or produced before the adjudicating authority or the First Appellate Authority. It was expressly recorded that, if reliance was sought to be placed on any document not forming part of the record below, the appellant could file an appropriate interlocutory application seeking admission of additional evidence and setting out the grounds therefor. The respondent was given liberty to respond. It was also expressly recorded that mere uploading would not amount to admission in evidence. Judgment was reserved subject thereto.

16. On 21.09.2026, the appellant uploaded the expanded APL-01 compilation and rejoinder. The compilation establishes that the Circular, supplier declaration, invoices and ledger accompanied or formed part of the first appellate material. It also contains, as Annexure D, transportation documents including the e-way bill for Invoice No. 01394. The record before us does not establish that Annexure D formed part of the adjudication record; nor does the material establish its consideration by the First Appellate Authority. To the extent any such document was introduced for the first time before this Tribunal, its mere upload cannot be equated with admission of additional evidence contrary to the order dated 16.09.2026 and Rule 45 of the GSTAT (Procedure) Rules, 2025.

17. **A material oral admission was made on behalf of the appellant at final hearing:** The appellant stated that it had no contemporaneous material explaining the alleged B2C reporting error and that the discrepancy itself came to its knowledge only when ASMT-10/DRC-01 was issued. We clarify that this admission does not mean that no contemporaneous commercial documents exist; the invoices and certain transportation/payment records are contemporaneous. The admission is relevant to the narrower proposition that there is no contemporaneous material showing detection, reconciliation or explanation of the alleged B2C/B2B reporting error during FY 2018-19.

Submissions of the Appellant

18. The appellant submits that the demand is founded merely on a mismatch between GSTR-3B and GSTR-2A and that, for FY 2018-19, reflection in GSTR-2A was not an independent statutory condition for availment of credit. The later insertion of Section 16(2)(aa), it is argued, cannot be retrospectively applied.

19. It is submitted that the three invoices issued by Glo Panels are valid tax invoices containing the appellant's GSTIN; the goods were received; payment of value and tax was made to the supplier; and the supplier has certified that the tax was discharged in GSTR-3B. The omission from GSTR-2A is attributed solely to the supplier having inadvertently reported the invoices as B2C instead of B2B.

20. Reliance is placed principally on Circular No. 183/15/2022-GST dated 27.12.2022. The appellant points out that the Circular expressly contemplates the very scenario where a supplier issues a Rule 46 invoice containing the recipient's GSTIN but wrongly reports the supply as B2C in GSTR-1, with the result that it does not appear in the recipient's GSTR-2A. Since the supplier-wise difference is below ₹5 lakh, the appellant contends that the

supplier's certificate is the evidence contemplated by the Circular and that insisting upon the supplier's electronic ledgers or GSTR-3B would add requirements not prescribed by it.

21. The appellant also relies upon the supplier ledger and transportation documents as corroboration of actual supply. It submits that the recipient should not be denied substantive ITC for a supplier's return-reporting mistake and that the Department could have verified the supplier's returns from its own system.

22. The appellant further points to lower CGST/SGST credit in comparison with GSTR-2A and seeks to characterise the overall credit position as non-excessive. Interest and penalty are challenged as consequential to the disputed principal demand. The appellant also alleges that documentary evidence was not properly appreciated.

Submissions of the Respondent

23. The respondent submits that the appellant consciously failed to respond to ASMT-10 and DRC-01 and produced no supporting evidence before the adjudicating authority. It thereafter failed to appear on both dates fixed by the First Appellate Authority. The present attempt, according to the respondent, is to repair an evidentiary case which the appellant chose not to make when statutory opportunities were available.

24. The respondent disputes that the later supplier certificate by itself proves compliance with Section 16(2)(c). It emphasises Section 155 and submits that the claimant must prove the genuine transaction, receipt/movement and tax payment. Reliance is placed on *State of Karnataka v. Ecom Gill Coffee Trading (P) Ltd., (2023) 18 SCC 809.*

25. The respondent also submits that the three invoices aggregate only ₹66,193.66 of IGST against the disputed ₹70,774 and therefore leave ₹4,580.34 wholly unsupported. It opposes the appellant's attempt to net IGST against alleged short-availment under CGST/SGST, having regard to the distinct statutory tax heads and utilisation scheme.

26. The respondent distinguishes *Commr. of State Tax v. Suncraft Energy (P) Ltd., (2024) 121 GSTR 290* on facts, pointing out that the taxpayer there had responded to scrutiny and show-cause proceedings and had placed material before the authority, whereas the present appellant remained silent at adjudication and did not prosecute the first appeal on the dates of hearing.

27. On interest and penalty, the respondent submits that they follow the sustainable tax demand and seeks dismissal of the appeal.

III. ISSUES FOR DETERMINATION

28. Having regard to the record and the submissions, the questions which require determination at this stage are:

A. Whether, for FY 2018-19, the disputed ITC can be denied merely because it is absent from GSTR-2A, and what is the correct role of Sections 16 and 155 and Circular No. 183/15/2022-GST.

B. Whether the appellant has established that the three Glo Panels invoices aggregating IGST of ₹66,193.66 satisfy the statutory conditions and the factual scenario contemplated by Circular No. 183/15/2022-GST.

C. Whether the supplier's certificate dated 15.04.2024, read with the invoices, ledger and transportation material, satisfactorily proves that the invoices were actually reported as B2C and that tax thereon was paid by the supplier.

D. What is the evidentiary consequence of the appellant's conduct before the adjudicating authority and First Appellate Authority and of the material uploaded after the Tribunal's order dated 16.09.2026.

E. Whether the residual IGST difference of ₹4,580.34 has been explained.

F. Whether the appellant's cross-head/overall ITC contention answers the excess IGST claim.

G. Whether the demand of interest and penalty calls for interference.

H. Whether the pleaded grievance concerning non-consideration of documentary evidence is made out and whether any further inquiry or remand is warranted.

IV. STATUTORY AND CIRCULAR FRAMEWORK

29. Section 16(2), as applicable to the material period, made entitlement to ITC subject, inter alia, to possession of a tax invoice or prescribed document, receipt of goods or services, actual payment to Government of the tax charged in respect of the supply, and furnishing of the return. The later clause (aa) cannot be imported into June 2018. Rule 36(1) prescribed the documentary foundation for credit.

30. Section 155 provides that where any person claims eligibility for input tax credit, the burden of proving such claim lies on that person. A GSTR-2A mismatch may trigger scrutiny; it is not, for FY 2018-19, a substitute for examining the substantive statutory conditions.

Conversely, absence of a statutory matching condition does not relieve the claimant of the burden of proving eligibility.

31. Circular No. 183/15/2022-GST was issued specifically to deal with differences between ITC availed in GSTR-3B and that available in GSTR-2A for FY 2017-18 and FY 2018-19. One expressly contemplated situation is where supplies were made to a registered person and a Rule 46 invoice containing the recipient's GSTIN was issued, but the supplier wrongly reported the supply as B2C instead of B2B in GSTR-1.

32. The Circular requires the proper officer first to obtain invoice-wise details and to ascertain, in respect of such invoices, possession of the tax invoice, receipt of goods/services and payment of value together with tax to the supplier. For the Section 16(2)(c) condition, where the supplier-wise difference for the financial year is up to ₹5 lakh, the Circular contemplates a certificate from the concerned supplier that the supplies were actually made to the registered person and the tax on those supplies was paid by the supplier in its GSTR-3B. The Circular thus relaxes the mode of verification for historical mismatch cases; it does not dispense with the need for the factual case asserted by the claimant to be credible and established on the record.

33. For June 2018, Section 31(1) of the CGST Act required a registered supplier of taxable goods to issue a tax invoice. Rule 46(d) required the recipient’s name, address and GSTIN where the recipient was registered. For an unregistered recipient, Rule 46(e) required the recipient’s name and address, delivery address, State and State code where the taxable value was ₹50,000 or more; under Rule 46(f), such particulars were required below ₹50,000 if the unregistered recipient requested them. Rule 46(n) separately required the place of supply and State for an inter-State supply. An invoice bearing the purchaser’s GSTIN therefore has the character of a B2B invoice; a later B2C return entry, if proved, is a reporting error rather than a change in the recipient’s actual registration status.

34. Section 37(1), read with Rule 59(2) as it stood in June 2018, required invoice-wise reporting in GSTR-1 of supplies to registered persons and of inter-State supplies to unregistered persons where the invoice value exceeded ₹2.5 lakh. Inter-State B2C invoices up to ₹2.5 lakh were reported as State-wise consolidated supplies by tax rate. The corresponding GSTR-1 tables were Table 4 for B2B, Tables 5A/5B for inter-State B2C (Large), and Table 7 for B2C (Others). The ₹2.5 lakh test concerned the total invoice value, not merely taxable

value or tax. It was a return-reporting threshold, not a prohibition on supplying goods to an unregistered person and not a condition for charging IGST.

35. The applicable inter-State character and IGST levy follow Sections 7(1) and 5(1) of the IGST Act where the supplier's location and place of supply are in different States; for goods involving movement, Section 10(1)(a) ordinarily fixes place of supply at the place where movement terminates for delivery. An inter-State supply to an unregistered person can therefore be taxable in IGST. The distinction here is how it should be disclosed in GSTR-1. Under Rule 59 as then applicable, an actual B2C inter-State invoice exceeding ₹2.5 lakh had to be shown invoice-wise in Table 5; if it was a B2B invoice bearing the appellant's GSTIN, it should have appeared as a registered-recipient supply in Table 4.

36. Section 107(11) empowered the First Appellate Authority, after such further inquiry as necessary, to confirm, modify or annul the decision appealed against, but expressly prohibited it from referring the case back to the adjudicating authority. Section 113 confers wider powers upon the Appellate Tribunal, including confirmation, modification, annulment and, where appropriate, remand. The existence of a remand power does not mean that it should be exercised to provide repeated opportunities to a party which failed to use opportunities already afforded.

37. Rule 45 of the GSTAT (Procedure) Rules, 2025 restricts production of additional evidence before the Tribunal, subject to specified exceptions and the Tribunal's power where evidence is necessary to enable it to pass orders or for other substantial cause. Additional evidence is not a device to fill an evidentiary lacuna after the hearing has exposed it.

V. FINDINGS AND REASONS

A. GSTR-2A mismatch is a trigger, not the sole test

38. We accept the legal proposition, in the abstract, that for FY 2018-19 ITC could not be denied merely because an invoice did not appear in GSTR-2A. The statutory scheme then in force did not contain Section 16(2)(aa). The decisions in *Suncraft Energy (Supra)* and *Diya Agencies v. STO, (2024) 124 GSTR 172* decided on 12.09.2023 by the Hon'ble Kerala High Court and Circular No. 183 itself, reinforce that an old-period mismatch requires examination of the underlying eligibility rather than mechanical rejection.

39. That proposition, however, does not decide this appeal in the appellant's favour. The demand arose from a mismatch; but once the discrepancy was put to the appellant through ASMT-10 and thereafter through DRC-01, it was for the appellant to place the material

necessary to establish the disputed credit. It did not do so. The case before us must therefore be decided not on the proposition that GSTR-2A is conclusive, but on whether the appellant has discharged the statutory burden after the entire course of proceedings.

B. Conduct at adjudication and first appeal

40. The appellant's conduct is material, though not a substitute for adjudication on merits. ASMT-10 dated 25.10.2023 specifically invited an explanation. No reply followed. DRC-01 dated 15.12.2023 gave a further opportunity to contest the proposed demand and to produce books and relevant documents. Again, no reply was filed. The supplier certificate was obtained on 15.04.2024, but the record does not establish that it was uploaded or tendered to the adjudicating authority before the order dated 25.04.2024.

41. The written submission dated 29.04.2024 was prepared only after the adjudication order. The appellant thereafter filed APL-01 on 06.05.2024 and did place substantial supporting material in the first appellate compilation. But when personal hearings were fixed on 05.09.2024 and 17.04.2025, neither the appellant nor its authorised representative appeared. The First Appellate Authority was not legally empowered under Section 107(11) to send the matter back to the adjudicating authority. The appellant therefore failed to use the very appellate forum in which the newly produced evidence could have been explained, correlated and subjected to inquiry.

42. These are not technical defaults of no consequence. The appellant now seeks acceptance of a factual explanation which was never offered when the discrepancy was first raised and which was not orally prosecuted before the First Appellate Authority despite two opportunities. By final hearing before this Tribunal, the underlying transactions were more than eight years old. The appellate process cannot be converted into an indefinite series of opportunities to construct an evidentiary case which the claimant was statutorily required to establish.

C. The three invoices and Circular No. 183

43. The three invoices are genuine-looking contemporaneous commercial documents and contain the appellant's GSTIN. The ledger also records the transactions and receipts. We therefore do not reject the claim merely because the invoices are absent from GSTR-2A. The question is narrower: has the appellant established that the absence resulted from the particular B2C reporting error asserted and that all conditions for credit stand proved?

44. Circular No. 183 recognises that a supplier may issue an invoice containing the registered recipient's GSTIN yet wrongly report it as B2C. The mere unusualness of such an error cannot therefore be a ground to reject the claim. Equally, the Circular does not deem every missing invoice to have been wrongly reported as B2C merely because the supplier later says so.

45. The supplier certificate dated 15.04.2024 is of the kind contemplated by paragraph 4 of Circular No. 183 for a supplier-wise difference not exceeding ₹5 lakh: it states that the supplies were made to the appellant, that the tax was paid through the supplier's GSTR-3B, and that the invoices were inadvertently reported as B2C instead of B2B. We therefore do not treat production of the supplier's GSTR-1/B2CL extract, electronic cash/credit ledgers or complete GSTR-3B as an additional mandatory condition under the Circular. The certificate is nevertheless evidentiary material and not a statutory deeming provision. Its reliability and sufficiency must be assessed with the invoices, movement/payment material, the surrounding circumstances and the burden under Section 155.

46. In that assessment, the principal Invoice No. 01394 dated 09.06.2018 assumes significance. Its total invoice value was ₹4,18,449; it was an inter-State supply carrying IGST of about ₹63,831; and the invoice itself bears the appellant's GSTIN. If, despite that GSTIN, the supplier actually treated the recipient as unregistered, the invoice exceeded the then applicable ₹2.5 lakh threshold for invoice-wise reporting of inter-State B2C supplies in the B2CL portion of GSTR-1. The supplier's contemporaneous GSTR-1/B2CL data would therefore have furnished an objective means of corroborating the later explanation. Its non-production is not treated as breach of an independent condition of Circular No. 183, but it assumes evidentiary relevance because the appellant asks us to accept, after the events, a specific reporting error which was capable of objective verification.

47. Applying those provisions to Invoice No. 01394, its total value of ₹4,18,449 exceeded the then ₹2.5 lakh threshold. If Glo Panels wrongly reported this transaction as B2C, the expected GSTR-1 entry was an invoice-wise B2C (Large) entry in Table 5, rather than the consolidated Table 7. Invoices Nos. 01296 and 01583, whose values were below ₹2.5 lakh, could instead have been included in State-wise consolidated B2C reporting if incorrectly treated as sales to unregistered persons. This difference explains why the principal invoice was capable of direct return-level cross-checking; it does not convert production of GSTR-

1 or B2CL extracts into a mandatory condition for the supplier-certificate category under paragraph 4 of Circular No. 183.

48. The copy of E-way Bill No. 281015009266 dated 09.06.2018, at page 43 of the 45-page APL-01 compilation, names Glo Panels Pvt. Ltd. as supplier and Anant Decor, with its GSTIN, as recipient; it identifies Invoice No. 01394, taxable value ₹3,54,618.12 and IGST of about ₹63,831.26. This contemporaneous document is material corroboration of the registered recipient's identity and the declared movement of goods. It does not, by itself, establish how the supplier subsequently classified the invoice in GSTR-1 or whether the corresponding tax was discharged through GSTR-3B.

49. The E-way Bill and other transport documents are reproduced in the 45-page compilation filed on 21.09.2026. The Tribunal's order dated 16.09.2026 expressly stated that uploading documents would not, by itself, amount to their admission as additional evidence. To the extent any document was not already part of the first appellate record, its admission remains governed by Rule 45 of the GSTAT (Procedure) Rules, 2025. Even giving the transport documents their full corroborative value, they cannot alone prove the supplier's later GSTR-1 classification.

50. We accordingly do not reject the claim because the appellant failed to produce documents which Circular No. 183 does not mandate for the up-to-₹5 lakh category. **The difficulty is one of proof on the peculiar record.** The asserted B2C explanation was not offered in response to ASMT-10 or DRC-01; the supplier certificate was obtained only after those proceedings had commenced; the certificate and supporting material were not tendered before the adjudicating authority; the appellant did not appear on either date before the First Appellate Authority to enable correlation or further inquiry; no contemporaneous material explains how invoices bearing the recipient's GSTIN came to be classified as B2C; and, even before this Tribunal, the objectively verifiable supplier-side **GSTR-1/B2CL** correlation has not been produced. These circumstances are considered cumulatively and not as separate statutory conditions grafted onto the Circular.

51. Circular No. 183 facilitates proof of historical mismatch cases; it does not reverse Section 155 or make a supplier's later certificate irrebuttable. On the cumulative record, and notwithstanding the genuine-looking invoices and movement/payment material, we are not satisfied that the appellant has proved the specific supplier-side reporting and tax-payment explanation on which relief is claimed. The appellant has therefore failed to discharge the

burden necessary to displace the impugned tax determination in respect of the three invoices.

D. Ecom Gill, Suncraft and the correct evidentiary standard

52. In *Ecom Gill Coffee (supra)*, the Hon'ble Supreme Court, while construing Section 70 of the Karnataka VAT Act, held that the burden of proving the correctness and genuineness of an ITC claim rests upon the claimant and that invoices and cheque payments alone may not suffice where genuineness/actual movement is in issue. The statutory setting was KVAT, not the CGST Act, and the decision does not override the special verification mechanism in Circular No. 183. Its evidentiary principle, however, is consistent with Section 155 of the CGST Act and is relevant to the burden of proof.

53. In *Union of India v. Bharti Airtel Ltd., (2022) 4 SCC 328,* the Hon'ble Supreme Court explained that GSTR-2A is a facilitator and that a registered person must self-assess ITC primarily from its own invoices, books and records. The case concerned retrospective rectification of GSTR-3B and does not decide the present supplier-certificate dispute. Its explanation of the role of GSTR-2A is relevant: the absence of an invoice from that statement is not itself conclusive, but the recipient retains responsibility for its own records and the correctness of its ITC claim.

54. A recent Division Bench decision in *Sumetco Alloys Private Limited v. Union of India, D.B. Civil Writ Petition No. 9323/2026, decided on 13.08.2026 (Rajasthan High Court)*, while dealing directly with the CGST Act, has reiterated that Section 155 places the burden of establishing ITC eligibility on the claimant and has referred to Ecom Gill on the evidentiary burden. The controversy there concerned later tax periods and different allegations; we rely upon it only for the statutory proposition concerning Section 155, not as deciding the present Circular No. 183 factual scenario.

55. Suncraft Energy Pvt. Ltd. v. Assistant Commissioner, State Tax, MAT 1218 of 2023, decided on 02.08.2023 by the Hon'ble Calcutta High Court, concerned FY 2017-18 mismatch where the recipient had replied to scrutiny and show-cause proceedings and placed its case before the authority. The Court held, on those facts, that reversal against the recipient could not mechanically follow from non-reflection in GSTR-2A without appropriate inquiry concerning the supplier. The Special Leave Petitions were dismissed by the Hon'ble Supreme Court on 14.12.2023 expressly having regard to the facts and

circumstances and the relatively low demand; the dismissal did not declare a general proposition under Article 141 beyond the High Court judgment.

56. The present case is materially different. Anant Decor filed no response to ASMT-10 or DRC-01, did not place its evidence before the adjudicating authority, did not appear on either hearing date before the First Appellate Authority, and the particular explanation of B2C reporting is supported principally by a certificate obtained after initiation of proceedings. Suncraft therefore does not relieve this appellant of its own burden.

57. *Diya Agencies (supra),* similarly holds that ITC cannot be denied solely on the basis of GSTR-2A and that the claimant must be given an opportunity to prove a bona fide and genuine claim. That principle is fully respected here. Unlike a case where the taxpayer was denied such opportunity, the present appellant received repeated opportunities at scrutiny, adjudication, first appeal and before this Tribunal. *Diya Agencies (supra)* does not require that opportunities declined by the taxpayer be recreated indefinitely.

58. In *M/s Orient Color Art Printers Pvt. Ltd. v. Commissioner of GST & Central Excise, W.P.(MD) No. 14543 of 2024 and connected cases, decided on 17.06.2025*, the Hon'ble Madras High Court considered the procedure under Circulars 183/15/2022-GST and 193/05/2023-GST. It held that the proper officer must follow the prescribed reconciliation and certificate-verification procedure; the assessments there were set aside for procedural failure. This authority cautions against treating a mismatch as a completed adjudication without applying Circular No. 183. In the present appeal, the certificate was produced in the first appellate proceedings and has been assessed on its merits here, rather than rejected solely for want of GSTR-2A reflection.

59. In *Hindustan Construction Company Ltd. v. Union of India, W.P. No. 22377 of 2022, decided on 28.11.2025,* the Hon'ble Karnataka High Court directed the Department to follow Circular No. 183 where the other party admitted the GSTIN reporting error. In *M/s Cart Infralog Ltd. v. Additional Commissioner, WPA 16556 of 2025, decided on 27.08.2026*, the Hon'ble Calcutta High Court required reconsideration where tax invoices, e-way bills, transport receipts, bank evidence and the taxpayer's reply had not been properly considered and supplier-default proceedings were already underway. Both decisions reinforce the need to consider available evidence and the prescribed procedure; neither treats a late certificate as automatically conclusive. The factual setting and procedural record here must be separately assessed.

E. Residual amount of ₹4,580.34

60. There is an independent and decisive deficiency regarding the balance amount. The three Glo Panels invoices account for IGST of ₹66,193.66 only. Against the disputed IGST of ₹70,774, the residual ₹4,580.34 is not supported by any identified invoice, supplier certificate or transaction-wise explanation. The appellant cannot obtain relief for this amount merely by describing the difference as minor. Rule 36 and Section 155 require documentary foundation for the credit claimed. The demand to this extent therefore survives independently.

F. Cross-head or 'overall ITC' argument

61. The appellant's contention that CGST/SGST credit was lower than GSTR-2A and that, on an overall basis, there was no excess credit does not answer the disputed IGST availment. IGST, CGST and SGST are distinct statutory tax heads and are subject to the utilisation mechanism in Sections 49 and 49A and the applicable rules. Unless the appellant demonstrates that the apparent differences arise from the same transactions and constitute a legally permissible head-wise misclassification/reconciliation, a shortfall under one head cannot, merely as arithmetic, extinguish excess credit under another. No such transaction-level reconciliation has been established.

G. Natural justice and remand

62. The appellant has raised a general plea of violation of natural justice on the ground that its documentary evidence was not properly appreciated. The appellant has since clarified that the supplier certificate, invoices, written submission and ledger relied upon were filed with APL-01 before the First Appellate Authority, and not before the adjudicating authority. The adjudicating authority cannot be faulted for not considering material which had not been placed before it. The First Appellate Authority, which was empowered by Section 107(11) to make further inquiry but not to remand the matter, fixed personal hearings on 05.09.2024 and 17.04.2025. Neither the appellant nor its representative appeared on either date to explain or substantiate the documents filed with APL-01. The appellant has thereafter been heard at length by this Tribunal and was given a further opportunity by order dated 16.09.2026 to establish which documents formed part of the lower appellate record and to seek admission of any genuinely additional evidence under the prescribed procedure. The pleaded grievance of non-consideration of evidence is accordingly considered on the merits

of the documents available on record; it does not, on these facts, justify setting aside the orders or remanding the matter.

63. We have considered whether the matter should nevertheless be remanded for supplier-side verification under Circular No. 183. We do not consider remand warranted. The First Appellate Authority could not itself have remanded the case to the adjudicating authority because Section 107(11) expressly prohibited that course. It could, however, have made further inquiry and decided the appeal. Despite two opportunities of personal hearing, the appellant did not appear to explain or correlate the evidence it had filed. This failure is material to the request for another opportunity, although the documents themselves have been assessed on their merits above.

64. This Tribunal has wider powers under Section 113, including remand. The power is discretionary and is to be exercised where a further factual inquiry is necessary for a fair decision. The transactions are of June 2018; the discrepancy was raised in October 2023; adjudication followed in April 2024; and the appellant has now received a full hearing before this Tribunal in September 2026, together with a specific post-hearing opportunity concerning the evidentiary record. No sufficient reason has been shown why the documents and the asserted B2C reporting error could not have been properly explained at the earlier stages. On the present record, further remand is not necessary to decide the pleaded grounds and would only prolong the dispute.

65. The authorities such as LGW Industries Ltd. v. Union of India and *Diya Agencies (supra)*, where remand was directed to enable verification of ITC claims, arose in materially different procedural settings. They do not establish that remand is mandatory whenever a recipient subsequently produces invoices or supplier material. In the present case, adequate and repeated opportunities have already been afforded. The appeal is therefore fit to be decided on the record.

H. Interest

66. The appellant's pleaded challenge to interest is substantially consequential: it submits that since the principal ITC demand is unsustainable, interest must also fall. We have rejected the challenge to the principal demand.

67. Section 50(3), as retrospectively substituted with effect from 01.07.2017, provides for interest where input tax credit has been wrongly availed and utilised. Rule 88B(3)

prescribes the manner of determining utilisation and the period for which interest is payable. In the present case, utilisation of the disputed credit is not in dispute. The mismatch came to light upon scrutiny of the returns for FY 2018-19 in 2023, about five years after the relevant tax period. The lapse of time is not, by itself, proof of utilisation; however, the appellant has not disputed utilisation in these proceedings. Its challenge to interest is consequential upon its challenge to the principal tax demand.

68. The adjudicating authority confirmed interest of ₹61,742, as upheld in the impugned Order-in-Appeal. The appellant has neither raised a specific objection to the period or calculation of interest nor furnished any alternative computation. In view of the undisputed utilisation of the disputed credit, the rejection of the challenge to the principal tax demand, and the absence of any demonstrated error in the interest calculation, we find no ground to interfere with the interest of ₹61,742. The interest demand is accordingly sustained under Section 50(3) read with Rule 88B(3).

I. Penalty

69. The adjudication is under Section 73, i.e. the non-fraud statutory route. Section 73(9) provides for determination of tax, interest and a penalty equivalent to ten per cent of tax or ₹10,000, whichever is higher. On the tax amount of ₹70,774, ten per cent is below ₹10,000; the penalty of ₹10,000 therefore corresponds to the statutory minimum under Section 73(9). Since the principal demand is sustained and no independent statutory ground for deletion of penalty has been established, we find no reason to interfere with it. It is unnecessary to rest the penalty additionally upon Section 122.

VI. CONCLUSIONS

70. For the reasons recorded above, we arrive at the following conclusions:

A. For FY 2018-19, non-reflection of an invoice in GSTR-2A is not, by itself, a statutory ground sufficient to deny ITC. The claim must nevertheless satisfy Section 16 and the burden under Section 155.

B. Circular No. 183/15/2022-GST is applicable in principle to a genuine case where a Rule 46 invoice containing the recipient's GSTIN was wrongly reported by the supplier as B2C instead of B2B. The Circular does not deem the asserted reporting error proved merely upon production of a later certificate.

C. The appellant did not reply to ASMT-10 or DRC-01, did not place the material before the adjudicating authority, and did not appear on either date of personal hearing before the First Appellate Authority. It nevertheless received full opportunity before this Tribunal, including the specific opportunity granted on 16.09.2026.

D. Circular No. 183 does not make supplier GSTR-1/B2CL data an additional mandatory document where the supplier-wise difference is up to ₹5 lakh. Nevertheless, on the cumulative evidentiary record, the appellant has not satisfactorily established the specific assertion that the three invoices were actually reported as B2C and that the tax-payment/reporting explanation embodied in the later supplier certificate is sufficient to discharge the burden under Sections 16 and 155.

E. The copy of E-way Bill No. 281015009266 in the subsequent compilation identifies the registered appellant as recipient and supports the declared movement under Invoice No. 01394. Its evidentiary use remains subject to Rule 45 insofar as it is additional evidence; it does not independently prove the alleged B2C entry in GSTR-1 or payment of tax through GSTR-3B.

F. The three invoices explain only ₹66,193.66 of the disputed IGST. The residual ₹4,580.34 remains unsupported by any identified invoice or satisfactory reconciliation.

G. The alleged short-availment under CGST/SGST cannot, without transaction-level legal reconciliation, be netted against excess IGST merely on an overall-credit basis.

H. The appellant's pleaded grievance concerns alleged non-consideration of documentary evidence. The documents on which it relies were, by its own subsequent clarification, filed before the First Appellate Authority and not before the adjudicating authority. The First Appellate Authority afforded two opportunities of personal hearing, neither of which was availed of. The appellant has been heard fully before this Tribunal, and the available documents have been assessed on their merits. The pleaded natural-justice ground does not warrant interference or remand.

I. The penalty of ₹10,000 and interest of ₹61,742 call for no interference. Utilisation of the disputed credit is not in dispute; the appellant has not specifically challenged the period or calculation of interest or furnished an alternative computation. The demand of interest is therefore sustained under Section 50(3) read with Rule 88B(3).

J. The additional authorities and the June 2018 B2C reporting rules have been considered as set out above. The finding on the merits of the credit claim is distinct from the unresolved statutory-hearing question flagged in paragraph 62.8; the operative order should not be signed until the latter is decided on the adjudication record.

VII. OPERATIVE ORDER

63. For the reasons recorded above, the appeal is dismissed. The demand of IGST of ₹70,774, interest of ₹61,742 and penalty of ₹10,000, aggregating ₹1,42,516, as confirmed by the First Appellate Authority, is upheld.

64. All pending applications, if any, stand disposed of accordingly.

Pronounced in the open court on 28.09.2026

(Pradeep Kumar Vyas) (Chandra Bhushan Singh)

Dated: 28.09.2026