

GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
LOK SABHA

UNSTARRED QUESTION NO. 158

TO BE ANSWERED ON MONDAY, THE 21ST JULY, 2025/ASHADHA 30, 1947
(SAKA)

ESTABLISHMENT OF GSTAT

158. SHRI MANISH TEWARI:

Will the minister of FINANCE be pleased to state:

- (a) the total number of Goods and Services Tax Appellate Tribunal (GSTAT) benches, including Principal and State Benches, notified for each State and Union Territory along with their proposed locations;
- (b) the total number of fully operational GSTAT benches, including Principal and State Benches, in the country, State/UT-wise;
- (c) the details of the budget allocated, funds released and utilised so far for the establishment and operationalisation of GSTAT benches, State/UT-wise;
- (d) the reasons for the delay in making the GSTAT benches operational despite the Central Goods and Services Tax Act, 2017 came into effect in 2017; and
- (e) the details of interim measures being adopted to handle pending GST disputes due to the non-availability of an appellate forum under GST?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF FINANCE
(SHRI PANKAJ CHAUDHARY)

(a) There are 31 state benches located at 45 locations and a Principal Bench at New Delhi. Notified vide S.O. 5063(E) dated 26th November, 2024 (as amended from time to time).

(b) None

(c) The Budget allocation for the Good and Services Tax Appellate Tribunal (GATAT) for the FY 2025-26 is Rs. 210,04,70,000/-. The fund utilized till dated is Rs. 3,05,58,376/-.

(d) Delay in making the GSTAT benches operational is due to the following reasons:

1. The original provisions of section 109 and 110 of the CGST Act were challenged in the Revenue Bar Association Vs. Union of India [WP No. 21147 of 2018]; and in the order dated 20.09.2019, Hon'ble High Court of Madras held struck down the relevant provisions of the law.
2. Subsequently, Government amended around 30 laws to rationalize existing Tribunals and bring uniformity in conditions of service like tenure, retirement age, salary and allowances, method of appointment etc. which were also challenged and struck down by the Supreme Court.

3. On this basis the Tribunal, Appellate Tribunal and other Authorities (Qualifications, Experience and other Conditions of Service of Members) Rules, 2020 were issued which were again challenged in the Supreme Court, and the Court directed certain other changes to be incorporated after which, Tribunal Reforms Act 2021 was enacted.
4. Thereafter, a Group of Ministers (GoM) was constituted. Based on the recommendation of the GoM the GST Council in its 49th Meeting dated 18th Feb, 2023 recommended constitution of the Goods and Services Tax Appellate Tribunal. Accordingly, CGT Act was amended by the Finance Act 2023 wherein Section 109 & 110 of the said Act was amended.
5. Further, certain other amendments in the said sections were carried out on 28th December, 2023 vide the CGST (Second Amendment) Act 2023, to align the said sections with the Tribunal Reforms Act.
6. Post this, the appointment of Members, Staffs and other requirements for operationalising GSTAT have commenced.

(e) On the recommendations of the GST Council, a new sub-section 16(5) has been inserted in the CGST Act through the Finance (No. 2) Act, 2024, with retrospective effect from July 1st, 2017 to relax the time limit prescribed under Section 16(4) of the CGST Act for availing input tax credit in respect of any invoice or debit note to make eligible the input tax credit for the financial years 2017-18, 2018-19, 2019-20, and 2020-21 claimed through any GSTR-3B return filed up to November 30, 2021.

Amendment in Section 107 and Section 112 of CGST Act for reducing the amount of pre-deposit required to be paid for filing of appeals under GST to ease cash flow and working capital blockage for the taxpayers. The maximum amount for filing appeal with the appellate authority has been reduced from Rs. 25 crores CGST and Rs. 25 crores SGST to Rs. 20 crores CGST and Rs. 20 crores SGST. Further, the amount of pre-deposit for filing appeal with the Appellate Tribunal has been reduced from 20% with a maximum amount of Rs. 50 crores CGST and Rs. 50 crores SGST to 10 % with a maximum of Rs. 20 crores CGST and Rs. 20 crores SGST.

Insertion of Section 128A in CGST Act has been carried out to provide for an amnesty scheme, which provide for waiver of interest or penalty or both relating to demands raised under Section 73, for FY 2017-18 to FY 2019-20 in cases where the taxpayer pays the full amount of tax demanded in the notice upto 31.03.2025.
