



AN OVERVIEW OF EXISTING ISSUES AND CHALLENGES IN GST REGIME IN INDIA

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ABSTRACT

In India, broadly taxes are divided into two main categories: Direct Tax and Indirect Tax. Direct tax is levied on individuals and companies' income and profits, and taxpayers pay it directly to the government. However, Indirect tax is imposed on a consumer who consumes the goods and services, and consumer pays it to the government through an intermediary. GST is an indirect destination-based tax (Jaiswal, 2017; Rani & Rigroha, 2019) which is applied on purchase and sale transactions of Goods and Services in India. It was launched in India on 1st July 2017. GST in India consists of CGST, SGST, UTGST, and IGST. While CGST is levied by the Federal Government and SGST is levied by respective State Governments, UTGST and IGST are collected by the Centre and the Union Territories respectively (Chakraborty, 2021). This paper endeavors to highlight the existing challenges moving around GST and issues raised by various stakeholders, like IT Professionals, Legal consultants, Tax Professionals, Businessmen, etc. In nature, the present study is a descriptive study, and analysis was carried out by using secondary information available in journals, websites, and government reports. The conclusion is drawn from the study that the GST council needs to take certain appropriate measures to wipe-out existing bottlenecks in the GST regime. So that it can become an efficient and convenient tax regime.

Key words: Indirect Tax, History, GST, Issues, Challenges

JEL Classification Codes: H20, H71, H73, H77

I. INTRODUCTION

India is one of the fastest growing economies of the world (World Bank, 2023), and strong economic growth in the first quarter of financial year 2023 helped India overcome the UK to become the fifth-largest economy (Business Today, 2022) after the recovery from the covid-19 pandemic shock. The major source of income for the Indian government is taxation. It accounts for approximately 90 percent of the government's overall revenue. GST has contributed about 13.83 Lakh Crore tax revenue in Financial Year 2022-23.

The word “Tax” is derived from the Latin word “Taxare” meaning to estimate (**Chaturvedi, 2018; Bala, 2018**) or ‘to assess the worth of something’ (**Nandal & Singh, 2022**). Tax plays a key role in ensuring the prosperity of the nation. It is an obligatory monetary charge levied by the government on an individual or entity. It is also regarded as the primary source of funds for the government, which helps them build the economy of the country. These tax revenues are used for various important public services, such as healthcare, infrastructure development, education, and the welfare of the country. In India, taxes are broadly divided into two categories: Direct Tax and Indirect Tax. A direct tax is levied on individuals and companies’ income and profits, and taxpayers pay it directly to the government. However, an indirect tax is levied on a consumer who consumes the goods and services, and the consumer pays it to the government through an intermediary (**Naseema, 2016**).

The history of indirect taxes indicates that the United States of America came up with this tax structure in the 19th century. On July 1, 1862, the Federal Income Tax was introduced as an indirect tax. In India, this kind of indirect tax was initially imposed in 1944 (**Ojha et al., 2022**) in the form of excise duty on Indian commodities as a measure of safeguard for commodities imported from the UK. After independence, the Indian government introduced some new indirect taxes, which were levied by both the central and state governments (**Chaturvedi, 2018**). After several years of political negotiations, GST was introduced in India on July 1, 2017 (**Goyal, 2017**) by the President of India. It was a progressive step towards shifting the economy from the informal to the formal one. In Europe, it has been a part of the tax system for the past 71 years. France was the first nation to introduce the GST in 1954 (**Shrinivas, 2016; Sahani, 2018; Neral & Tirkey, 2019**) and since then, an estimated 175 (**Caragher, 2023**) countries have adopted this tax system around the world. India has adopted the Canadian model of dual GST (**Neral & Tirkey, 2019**). It consists of CGST, SGST/UTGST, and IGST (**Chakraborty, 2021**). CGST and SGST/UTGST are applied on the intra-state transactions, while IGST is applied on the inter-state transactions (**Bhura et al., 2023**). Before the implementation of GST, India had a convoluted indirect tax structure with several levies levied by federal and state governments independently (**Banik & Das, 2017**), with the official implementation of GST, all indirect taxes were merged into GST except the State excise duties on alcoholic products, taxes on petroleum products, electricity duties, and real estate taxes (**Rao, 2022**). The main key objective of GST was to remove existing anomalies in the indirect tax structure and to introduce a new simple and harmonised indirect tax regime for the economic integration and growth of the nation.

II. REVIEW LITERATURE

A review of earlier studies can help researchers grasp many facets and possible directions for future investigation. A number of research papers and articles provide detailed insight on GST. The findings from the literature are presented in this section. The study conducted by **Kapoor (2017)** stated that although the implementation of GST is a challenging task, India can learn from the mistakes of other countries that have already adopted GST or similar kinds of tax regimes before us. According to him, India should be ready to provide the necessary IT infrastructure and training to the staff and various other stakeholders. The author stated that country like India, where the indirect tax system already has many flaws, such as a corrupt administrative system and reluctance to implement reforms, there is a need to develop strategies in advance to deal with such flaws. In another landmark paper, **Gupta (2018)** argued that small businessmen encounter many challenges while filing returns and utilizing provisions of the GST Act. He found that the absence of precision on GST's governing rules and regulations also

impacts small business owners. He also noticed that many business owners raised issues of internet connectivity, IT infra, cash flow issues, and problems in availing of ITC. Research by **Tyagi et al. (2019)** portrayed in their article that India has a great opportunity to learn from the world economies, who adopted the GST earlier than us and overcame the initial challenges to reap the benefits of this tax regime. In addition, they strongly recommended that the government and tax administration requires to develop appropriate IT infrastructure and effective strategic policies to deliver the required training to staff and other stakeholders regarding the functioning of this new taxation system. In a study, **Sathe (2020)** explored that in the current scenario, some provisions under GST are not clear, and a registered person has to file more than three dozen returns in a year. The researcher reported that numerous company establishments brought up the concern of their employees' difficulty in accessing induction training. He additionally quoted that, in some cases, final consumers are now paying more for goods and services because the GST system has higher tax rates. According to **Mehta and Mukherjee (2021)** there is no doubt that GST is a progressive and future-oriented tax system. But it won't succeed unless it is supported by a strong infrastructure and an active learning process that involves all stakeholders, i.e., tax officials, entrepreneurs, legal consultants, tribunals, GSPs, GST professionals etc. Similarly, **Anand (2021)** reported that implementation issues are problematic, especially for India's small business houses, and perhaps more significantly, that public faith in GST has declined. He also said that GSTN-related issues can be managed well if additional time is granted for enrollment of taxpayers through testing of IT infra. Further, he stated that allowing more time frame for CAG to carry out a comprehensive audit would enable for any functional issues with GSTN to be identified, and it would help to regain public trust. The analysis conducted by **Singh (2022)** noted that many provisions of GST and the classification of goods and services are still not clear. Many businesses have not yet been able to transition their accounting software to the new tax regime. According to the author, a GST-registered person is needed to file a minimum of 37 returns in a fiscal year. Lack of skilled workers is also a problem for many businesses, they have to get their employees trained in short intervals. In conclusion, the author has drawn the inference that, overall GST has had a favorable impact on the nation's economy. Most recently, a fascinating research carried out by **Jemes and Tiwari (2023)** highlighted that the ongoing constant reforms to the GST require enterprises to modernize their software systems and train their workforce, thereby, it is hampering the growth of both the company and the nation. Further, they reported that most of the businessmen are facing multiple challenges, like refund issues, availing of ITC, continuous changes in tax rates, etc. Apart from these, they noted in their study that 40 percent of composition suppliers and 30 percent of regular traders do not deposit the tax.

III. RESEARCH GAP

GST is one of the most significant reforms in the Indian indirect tax system. Although many research works have been done on the GST domain but not much attention has been given to discussing the emerging issues and challenges in the GST regime or some of them have remained untouched. Therefore, it is proposed for study, so that a meaningful conclusion can be drawn on the emerging issues and challenges in GST regime in India.

IV. NEED OF THE STUDY

Since its inception, there have been 52 meetings of the GST Council till 7th Oct. 2023, regarding changes in its structure and operation. In addition, the government issues various reports, circulars, notices etc. from time to

time throughout the year. These frequent reforms impact the law, corporate, and tax-related matters not only at the national level but also at the global level. For successful and effective application of these reforms, it becomes necessary to evaluate these reforms from time to time.

V. SCOPE OF THE STUDY

In general, the area of the study was limited to Indian taxable territory as per the GST regime, and empirically, it was restricted to identifying the ongoing issues and challenges in GST.

VI. SIGNIFICANCE OF THE STUDY

The importance of this research is to understand the emerging challenges and issues moving around the GST since its application. The primary goal of this study will be to convey all these existing concerns to the government and the GST council. So that the Council can come-up with strategies to mitigate these challenges and issues for making GST a well-organized and stable tax system.

VII. RESEARCH METHODOLOGY

This research paper is based on descriptive research technique, and the information quoted in this paper was collected from secondary sources like government reports, websites, and national-international journals, which were mainly focused on various aspects of GST, primarily on issues and challenges of the GST regime in India.

VIII. RESEARCH OBJECTIVES

1. To explore the emerging issues in GST regime in India.
2. To study the existing challenges in GST regime in India.
3. To suggest the possible way forward to address the issues and challenges in GST Regime in India.

IX. DISCUSSION AND INTERPRETATION

A. ISSUES

Even after the six and a half-year launch of GST in India, various stakeholders from different arenas who are directly or indirectly engaged with GST are still struggling to accept it completely. To understand their concern, in this section, an endeavor has been made to brief about the issues raised by various stakeholders, like Tax Payers, Legal Consultants, Tax Professionals, IT Professionals (Software Developer), Businessmen, and many more others. These concerns are discussed here under:

1. **Dual Proceedings:** It is one of the significant issues raised by the taxable person that the CGST and SGST authorities were conducting parallel inquiry proceedings in the same fiscal year regarding a similar matter. This clearly violates the CGST Act of 2017's Section 6(2). And it is difficult for a taxpayer to simultaneously supply information, documents, and records to two separate tax agencies. Thus, The GST Council ought to deliberate on these matters and suggest appropriate modifications to the GST laws in order to eliminate ambiguity and attain simplicity.
2. **GST Portal doesn't support Revocation / Restoration of Cancelled Registration:** In GST Portal, there is no online mechanism in support of revocation of cancelled registration and restoration of cancelled registration after passed of appeal orders against cancellation orders or approved suo-motu by the Proper Officers in accordance with Sec. 29 of the CGST Act, 2017. Even the orders from High Courts / Appellate authorities to

reinstate registrations cancelled on their own request. This concern remains as it is even in the present time. Therefore, government intervention is required to resolve the issue of taxpayers' restoration of their registration.

3. **Newer Asset classes:** In this modern era, technology is emerging rapidly. With emerging technology, new asset classes are emerging, such as virtual digital assets or Crypto-Currencies. Hence, there is a need for clarity on whether these digital assets might be categorized as supply of 'goods' or 'services' and what would be the tax rate on these new categories of assets.
4. **Economy outside GST Ambit:** Almost half of the economy is still outside of the GST tax regime. E.g. Petroleum Products, Alcoholic Beverages, Electricity Duty, and Real Estate remain outside the GST tax purview. Bringing all these under GST would help in further broadening the tax base and reducing the cascading effect.
5. **ITC Refund Issues:** ITC refund is the one of leading issue of the taxpayers. Delay in ITC refund leads to liquidity crisis and shortages of working capital for businesses. Consequently, for a businessman investments and growth opportunities are reduced.
6. **Restrictions to Claim ITC:** In some cases, ITC benefits are not available, such as goods lost by fire, accident, theft, and distributed as a gift or free-sample. From the manufacturers' point of view, newly established businesses are demanding from the government to allow them to claim ITC on goods distributed as free-samples for a specific period in their startup phase of business.
7. **Gap in Interest Rate:** The huge difference in interest rates has been an issue for taxpayers since inception. When it comes to charge interest on taxpayers, the government charges interest at the rate of 18-24 percent from taxpayers. And when it comes to pay interest, the same government pays only 6-7 percent interest to the taxpayers. The perspective of the taxpayer is that this is unfair. Hence, the government should try to reduce this gap.
8. **Complexity of tax Filings:** As per the GST law, some taxpayers have to file returns on monthly basis and some of them on quarterly basis. Apart from this, they have to file annual returns. For taxpayers, filing annual returns is a complex and confusing process. In addition, a lot of information that is waived from the monthly and quarterly forms is included in the annual filing.
9. **Inverted Tax Structure:** Inverted tax structure describes a circumstance where the tax rate on acquired inputs, such as raw materials is greater than the tax rate on finished output. This is a significant economic issue which has been raised by the manufacturer. Hence, the government must take step to rectify such inverted duty structure.
10. **Frequent Changes in the Law:** GST rules and regulations have been undergoing frequent changes, perhaps much more than any other tax law in the history of the country. Such frequent changes not only hamper the understanding of the law by the stakeholders, including tax administrators, but also make it difficult for the IT system to keep pace with the changes. Hence, the government must consider ways to minimize these frequent changes as much as possible. And this is possible only when the GST council meets either annually or biannually rather than every three months.
11. **Dominance in GST Council:** GST Council, a joint platform of state and central government has the authority to decide all important aspects of the GST Law, including the base, rates, allocation of tax base among the States, administrative architecture, and compliance procedures. As per the provisions of the GST law, any

action or amendment which directly or indirectly affects the GST provisions needs to be agreed by 3/4th majority at the GST Council, where States together have weightage of 2/3rd majority in any decision and the Centre has the balance of 1/3rd. This gives the Centre a veto power in itself, which is now one of the biggest apprehension of the States. This effectively means that States together won't be able to act on their own or take any decision unless and until the Centre consents to it (**Nangia & Mohon, 2016; Jain & Jain, 2019**).

12. IT Bugs / Defects: The biggest hurdle in the smooth operation of GST is IT-related issues. Right from the beginning, adequate and robust IT infrastructure was not in place for the smooth application of GST. In fact, the rollout happened before the set-up of all the systems, and it was expected that the system would gradually settle down, but it still has not happened. Taxation is a highly technical area that requires domain intensive specific knowledge, and the lack of domain knowledge on the part of the service provider is what is causing technical glitches with GSTN (**Mehta & Mukherjee, 2021**).

B. CHALLENGES

GST was the most significant and biggest tax reform in the Indian taxation system after independence. Like any other reform measure, GST is also in the development and successful implementation phases and is facing some challenges. These challenges are discussed as follows:

1. GST Registration: A taxpayer must go through the registration process in order to get registered under GST. The GST Rules provide a list of papers that must be submitted for registration, and the drop-down list makes it clear which documents must be uploaded in digital format and with what limited options. However, the Registering Authority is demanding a notarized agreement or affidavit, a copy of the owner's Record of Rights, and NOC given by the owner, which goes beyond the law and is occasionally impractical. Therefore, the GST proper officer should adopt a cooperative approach with the new registrant. Such a cooperative approach will increase the number of registered taxpayers in the country as well as the revenue of the government.

2. Cancellation of Registration: For cancellation of a registration, a standard and legal procedure has been laid down in GST law. But the tax officer has been terminating registration without issuing notice as per the amendment of CGST Rules 2020. Such attitude of a tax officer is not only against natural justice but also against the fundamental right to carry on commerce and business. Therefore, while invalidating the registration, the officer should keep in mind the rights of the taxpayers as well as the income of the government.

3. Revenue Neutrality Rate: Revenue neutrality rate is one of the most significant challenges under the GST Act. RNR represents the tax rate at which both the federal government and the state government will receive an equal amount of tax revenue. Due to RNR, a huge amount of revenue is going to the Centre government, and states are losing revenue. Even though the federal government has extended the compensation cess payment to the states till 2026, it is not an appropriate and long-term solution. Therefore, the government should emphasis on permanent solution with everyone's approval.

4. Complex Tax Structure: In a report, the World Bank quoted that India's GST structure is among the utmost complex in the world. It [GST] has main four tax slabs. Additionally, there are special rates for Gold and semi-precious stones. Likewise, composition suppliers are taxed by three different tax slabs. Furthermore, GST law imposes cess in addition to the above GST rates widely varying from 1 percent to 204 percent on the sale transaction of some items. Apart from the above, there is a model of TCS and TDS under GST as well from

October 1, 2018 onwards. This complicated multiple tax structure has made it problematic for businesses to recognize and comply with tax regulations, especially for small-scale businessmen. All of this makes GST complicated for a manufacturer to final consumer. Therefore, it is known as one of the most complicated tax structures in the world.

5. Technology Glitches: Technology Glitches is one of the leading challenges for GST administration since its launch. The GST regime requires technology adoption, from registration to filing online return through the GST gateway. However, the GST gateway has had multiple technical issues that have made it challenging for taxpayers. These technical glitches resulted in incomplete submissions, incorrect filings, and filing delays, which led to penalties and fines for the general taxpayer. Therefore, the GST Network division needs to pay attention to these technology-based glitches to resolve taxpayer problems.

6. High Compliance Costs: The GST compliance comprises a number of tasks, including registering, filing online returns, keeping documents, and undergoing audits. All these activities involve significant costs, which are borne by businesses. The compliance costs have substantially spiked under the GST regime, particularly for small and medium-size traders (**Jaiswal, 2017**). Due to this, it has become difficult for SMEs to bear the high cost of compliance and compete with the sound financial position holders of corporate houses.

7. Input Tax Credit Issues: ITC is a significant feature of GST, which allows businesses to claim credit for the amount of tax paid on the inputs used in the production of goods or services. However, there are several problems with the GST's ITC system. The main problem is that the ITC refund is taking a long time to arrive. The postponement in the amount of refund has resulted in a scarcity of working capital for businesses, leading to cash flow issues.

8. Higher Tax Rates: India's 28 percent GST slab is the topmost among 175 countries worldwide that have introduced GST. The second-highest GST rate is 27 percent in Argentina. Fifty percent of items are under the 18 percent bracket. The high tax charges on necessary products and services have confronted criticism as they directly impact the general public. Although the government has reduced the rates on many goods and services by changing the tax rates. But in some cases, high GST rates still remain a matter of concern for businesses as well as consumers.

9. E-way Bill System: The Electronic Way Invoice (Bill) is an official piece of paper that is needed to be carried by the transporter transporting the cargo of goods valued more than 50,000 rupees. It contains detailed information about goods, consignor, consignee, and the transporter. It has encountered several problems, such as technical malfunctions and delays in bill generation. The delay in generating e-way invoice leads to the detention of the consignment of goods and increased compliance costs for businesses.

10. Increased Litigation: In GST, litigation means disagreements between tax authorities and taxpayers with respect to GST law and its various provisions. A report published by Business Today on August 7, 2023, stated that CGST appeals in GST reached 14,227 in the first quarter of FY 2024, which was 11,899 in the last FY 2023, and 20 percent growth was recorded in the first quarter. The increasing number of legal disputes in GST is a matter of concern. Therefore, the government needs to set up more fast-track appellate tribunal as soon as possible so that litigation can be reduced.

11. Adapting to the New System: Since the application of GST, many business houses have been required to adapt to a new tax structure, which has been a challenging and tedious task for many, especially for small-scale businessmen. Updating or change of software, changes in tax rates, compliance processes, and documentation requirements have made it difficult for businesses to understand and comply with the new system, resulting in increased compliance costs and reduced productivity.

12. Impact on Consumer Spending: The high tax rates on certain supplies have had exclusive impact on customer expenditure. The increased cost of supply has reduced the disposable income of customers, leading to a decline in customer spending. The decline in customer spending has a negative impact on businesses, especially those that rely on consumer spending. Therefore, it has become a challenging task for businessmen as well as the government to minimize tax rates without losing their revenue.

X. CONCLUSION

After several years of deliberations, the GST was introduced in India on July 1, 2017 (Goyal, 2017), to boost the country's economic growth. It is considered one of the biggest taxation reforms in the history of the Indian economy, in which approximately 17 taxes (Sanyal & Dikshit, 2023) of both the central and state governments were removed and a new uniform taxation system was introduced. It was a positive step towards shifting the Indian economy from the informal to the formal one. Since the implementation of the GST, there have been 52 meetings of the GST Council till October 2023 to decide on the changes in the structure and operational details of the tax. As discussed in the analysis section, that GST has been evolving in India, and it is facing many issues and challenges before settling down to an efficient and stable tax system. Therefore, it will be worthwhile for a progressive India that the Government, CBIC, and GST Council all come together to take appropriate steps in time to address various issues and challenges found in the GST system (Mehta & Mukherjee, 2021). And make it more efficient and convenient for all stakeholders, especially entrepreneurs.

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