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sec 17(5)(h) cgst

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Kishor Lulla 18 August 2019

PATHANI LAW...SEC 17(5)(h) of CGST ACT

My clients sugar of rs 50 laks destroyed in flood. His N P is hardly 2%. To cover this loss, he has to do turnover of rs 25 cr. The Govt is not going to pay him a single rupee which it should do to support him.

Now the law will reverse his I T C of rs 245000 plus interest plus penalty.

Is it not a Pathani Law? We should point out this issue to F M.

Kishor.

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Pankaj Rawat (GST Practitioner) 18 August 2019

I .don't think ITC reversal is mandatory in case goods destroy due to natural calamities (Flood) , but if department asking .for reversal , then it's ridiculous. Infact govt should support the business giving them relief grants & support them

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••• [Uttam](#) (employee) [🕒 07 September 2019](#)
unfortunately, as per law it looks like reversal is required.

↳

••• [Dasarath singh Rajpurohit](#) [🕒 07 September 2019](#)
i hope that is not the intention of the law though

↳

••• [Uttam](#) (employee) [🕒 07 September 2019](#)
the wording of sec 17 (5) requires to be read strictly. So goods lost due to fire or natural calamity requires ITC reversal sadly.

↳

••• [Dasarath singh Rajpurohit](#) [🕒 07 September 2019](#)
i hope there should not be any notice issued in this line. In case it is then it is against the nature of justice

↳

••• [Uttam](#) (employee) [🕒 07 September 2019](#)
In my opinion, you can reverse under protest and file appeal if you have received any notice. So that if the outcome is favourable that would help.

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••• [Dasarath singh Rajpurohit](#) [🕒 07 September 2019](#)

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yes, instead of reversal. reversal under protest would be safer one as mentioned above



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