

**F.No. 267/40/2017-CX.8**  
**Government of India**  
**Ministry of Finance**  
**Department of Revenue**  
**Central Board of Excise and Customs**  
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North Block, New Delhi  
Dated the 29<sup>th</sup> of June, 2017

To,

The Principal Chief Commissioners/ Chief Commissioners/Principal Commissioners of  
Central Excise  
The Principal Chief Commissioners/ Chief Commissioners/ Principal Commissioners of  
Central Excise & Service Tax  
The Commissioner (Large Tax Payer Unit)  
(Bengaluru/Chennai/Delhi/Kolkata/Mumbai)  
The Commissioner (Large Tax Payer Unit) (Audit)  
(Delhi/Mumbai)

**Subject: Handling of legacy work of LTUs in the GST regime-reg**

Madam/Sir

GST would be implemented from 1<sup>st</sup> July, 2017. It is proposed to wind up Large Taxpayer Units (LTUs) in the new regime as the concept of state wise registration applies in GST. In this regard, reference has been received on the issue of handling of legacy work of the present LTUs in the GST regime.

2. In this regard, the following directions are hereby issued with the approval of the Board to address issues relating to transition:-

(i) The Chief Commissioners of LTUs Bengaluru, Delhi, Chennai, Mumbai and Kolkata may issue instructions for transfer of files to the new formations. For effective monitoring of the movement and smooth transfer of the files to the new GST Commissionerates, a committee consisting of Deputy/ Assistant Commissioner, Superintendents & Inspectors may be constituted. The Committee may make a list of the files pertaining to not only the assesseees but also all other files dealt with by different sections in the LTU Commissionerates so that a view can be taken in the new Commissionerate regarding these files too.

(ii). Each file may be affixed with a sticker (proforma enclosed as annexure-I) as well as a covering letter and annexure (enclosed as annexure-II) complete in all aspects.

3. Appointment of Common Adjudicating Authority for Show Cause Notices issued by LTUs:-

3.1 Immediate attention is required on adjudication of pending show cause notices issued on Central Excise and Service tax matters by LTU formations. The cases pending adjudication will be sent to the proposed jurisdictional CGST Commissionerates for adjudication. In this regard there should be no difficulty in respect of Central Excise adjudications as Central Excise SCNs are generally issued based on the individual registrations. However, if in Central Excise also a common SCN has been issued to a company for a number of its units, the adjudication of the legacy notice may be taken up by the re-organised CGST/ Central Excise Commissionerate exercising control over the principal business location of the Company which was earlier registered under LTU by appointing him as common adjudicating authority through an order of the Board or DGCEI as per the instructions in the Master Circular No. 1053/02/2017-CX, dated 10<sup>th</sup> March, 2017. Proposal, if any, in this regard may be forwarded.

3.2 In case of Service Tax SCNs, there would not be any difficulty where SCNs are issued to assesseees having single service tax registrations or ISD registration. As far as Show Cause Notices issued to the assesseees having Centralised registration is concerned, the jurisdictional authority in the re-organised CGST/ Central Excise Commissionerate exercising control over the business location which had taken Centralised Registration (in the previous regime) may take up the adjudication of the legacy notice irrespective of the fact that Show Cause Notice issued to a particular location or to multiple locations covered under such Centralised Registrations after his appointment as common adjudicating authority. Proposal for appointment of common adjudicating authority may be forwarded to Board or DGCEI in terms of the said Master Circular dated 10<sup>th</sup> March, 2017 which has been made applicable for Service Tax SCNs also to this extent.

4. **Future SCNs:** SCNs in future shall be issued for the past period under Central Excise and Service Tax Law treating each unit as individual assessee under the jurisdictional Commissionerate as notified by Notification No.13/2017-CE(NT), dated 09.06.2017.

5. **Legal Matters:-**

(i) **CESTAT Matters:-** The files pertaining to cases pending in CESTAT spread all over India may be transferred to the respective Jurisdictional GST Commissionerate.

(ii) **High Court /Supreme Court Cases:-** The cases pending in this regard may be transferred to the respective jurisdictional Commissionerate of each units. A legal cell may be

created and named as Large Business Unit (LBU) in any one GST/ Central Excise Commissionerate in the Zone where LTU was situated, which will coordinate with the jurisdictional Commissionerates in handling the cases for ease of continuity of interaction with the Departmental Counsel to ensure all legal steps are completed including the change in appellant or the respondent, if any.

6. **Audit issues:-**

6.1 The assesseees which were earlier audited by the LTU Audit Commissionerate will now be audited by the respective audit Commissionerate having territorial jurisdiction over the assesseees.

6.2 The SCNs issued by the Audit Commissionerate but answerable to the proper officer of the Executive Commissionerate (i.e. LTU) may be adjudicated by the proper officer of the respective Executive Commissionerate having territorial jurisdiction over such assesseees post GST. Once these SCN files are transferred to the Executive Commissionerates having territorial jurisdictions over the assesseees, they may issue corrigendum to such SCNs making them answerable to the proper officer of that Commissionerate. For adjudication of SCNs issued by the LTU audit Commissionerate the same principle has to be followed as enumerated in para 3.1 and 3.2 above.

6.3 All files pertaining to technical/planning sections can be preserved by any nominated CGST Commissionerate as nominated by the local Chief Commissioner for the required period.

6.4 **Special Audit cases:** - In such cases files may be transferred to the territorial jurisdictional Audit Commissionerate, post GST.

7. Further necessary orders, if any, for smooth roll-out may be issued by the Chief Commissioner concerned. Difficulty, if any, in implementation of the above instructions may please be brought to the notice of the Board. Hindi version would follow.

Shankar Prasad Sarma  
Under Secretary to the Government of India

**Annexure-I (On Individual Files)**

Files Pertains to		Commissionerate/Division/Range	
Present Commissionerate (LTU)		GST Commissionerate	
Commissionerate		Commissionerate	
GLT (or as applicable)		Division	
Group		Range	
Section		Section	
Name of the Officer		Name of the Officer	
Designation of the Officer		Designation of the Officer	
Date handed over		Date Received	
Signature		Signature	

**Annexure-II ( List of all files)**

Sl. No	Present Commissionerate			Name of the assessee	Assessee Code (ECC Code, Registration No.)	Address	Pin Code of the Assessee	File No.	No. of pages contained in the file		Amount involved	Present position	Due date, if any	To be transferred to new GST Commissionerate in the State of				Remarks	
	2	3	4						5	6				7	8	9	10		11

Note:-

- 1) Due date should include due dates for issue of SCN, Periodical SCN, review, filing of appeal, disposal of refund etc.
- 2) Reference of connected files should also be mentioned, i.e. connected audit files etc.
- 3) Audit Commissionerate may list files as per new jurisdictional GST Audit Commissionerate/Division/Range/Circle.
- 4) Appeal unit may list files as per new jurisdiction of GST Appeals Commissionerate
- 5) Commissionerate may add columns to the above mandatory columns with regard to the scanning of files.