

GST Appellate Tribunal (GSTAT) Rules – A quick overview

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Introduction

The Ministry of Finance has recently notified the Goods and Services Tax Appellate Tribunal (Procedure) Rules, 2025 (GSTAT Rules or Rules), through Notification No. G.S.R. 256(E) dated 24 April 2025. These rules lay down the comprehensive framework and procedure for the functioning of the GST Appellate Tribunal (GSTAT or Tribunal), which is established under section 109 of the Central Goods and Services Tax Act, 2017 (CGST Act).

Despite ongoing constitutional challenges to the formation of the GSTAT before various High courts, the Central Government has proceeded to operationalize the institution by notifying the GSTAT Rules, 2024. These rules lay down the procedural framework for filing appeals, conducting hearings, issuing orders, and other administrative functions of the Tribunal. This move reflects the Government's intent to address long-standing pendency of GST disputes and provide a dedicated appellate forum, even as questions regarding the Tribunal's legal validity remain under judicial scrutiny.

This Ergo highlights key aspects of the new GSTAT Rules, particularly focusing on the filing procedure, hearings, etc., and compare these with the existing Customs, Excise, and Service Tax Appellate Tribunal (Procedure) Rules, 1982 (CESTAT Rules). Some of the key rules are captured below:

Filing of appeal, applications & amendments

1. ***Time period for filing:*** While computing limitation period for compliance or filing under CGST Act or rules made thereunder, the day from which the period is to be reckoned shall be excluded. Additionally, if the last day falls on a day when the Tribunal is closed, that day and any consecutive days of closure shall also be excluded.
2. ***Appeal form and filing:*** Every appeal or application must be filed electronically on the GSTAT portal. The rules specifies that the appeal must be filed in a prescribed form i.e., FORM GST APL-05, which should include details such as the cause title, a consecutive numbering of paragraphs, and a separate fact or allegation in each paragraph.
3. ***Filing fees:*** The filing fees is calculated at INR 1,000 per INR 1 lakh of tax or penalty involved, capped at INR 25,000. Furthermore, a fee of INR 5,000 is required for filing applications for record inspection, interlocutory applications, or appeals not involving tax, interest, fine, fee, or penalty. All fees for appeals and applications are to be paid via the GSTAT portal.
4. ***Single/multiple appeals:*** Even if a decision or order being appealed covers multiple show cause notices, refund claims, demands, or declarations, the appellant needs to file only one appeal in the prescribed form. However, if the appellate order relates to more than one order-in-original, a separate appeal form must be filed for each order-in-original concerned. Further, where an order affects multiple persons, each aggrieved person must file their own separate appeal, as joint or combined appeals are not permitted.

5. Contents and format of appeal form: Appeals must clearly mention the grounds under distinct, numbered headings in double-spaced typed format. All appeals, applications, or objections should be neatly typed on A4-size paper, paged, indexed, and filed in a separate folder. Each document must be signed and verified by the concerned party or their representative, who must also certify the documents as true copies.
6. Certified copy of order and relied upon documents (RUD): Appeals must include certified copies of the challenged orders and relevant RUDs. Incomplete documentation can result in rejection or return for rectification. The Tribunal may require multiple copies for proper disposal and allows attestation by authorized persons. All documents should be legible, paged, indexed, and tagged.
7. Verification of appeals: Every appeal or pleading must be signed and verified by the party or their authorized representative, with the representative's name and signature clearly appearing alongside all supporting documents.
8. Submission of translated copies: Non-English documents must be filed along with an English translation that is either jointly agreed upon by parties or certified to be a true translated copy by the authorised representative engaged on behalf of parties. Hearings will not proceed until all relevant documents are available in English with the required number of copies.
9. Submission of authorisation letter: Any person representing a party in appeal must submit a verified authorization letter or Vakalatnama (for advocates). The Registrar may request additional proof of authorization at any stage.
10. Permissibility of new grounds: Parties cannot raise new grounds not mentioned in the appeal without the Tribunal's permission. However, the Tribunal can decide based on other grounds, after giving the affected party an opportunity to be heard.
11. Rejection or correction of appeal: The Registrar can accept defective appeals by giving a time for rectification which cannot exceed thirty (30) days. Failure to comply may lead to rejection. Documents filed improperly may be returned, and appeals can be renumbered upon resubmission. The Tribunal has the discretion to restore appeals with sufficient cause.
12. Rejoinder to respondent's reply: If the respondent introduces additional facts, the appellant may be allowed to file a rejoinder within one (1) month or as directed by the Tribunal, ensuring the respondent receives a copy in advance.
13. Online filing and communication: All appeals, applications, responses, and communications must be filed, processed, and managed through the GSTAT online portal including submission of documents, service of notices, replies, and any other procedural communications.
14. Handling orders from High courts or Supreme court: Orders from higher courts related to Tribunal decisions must be promptly presented to the Tribunal President and relevant bench for compliance and filed in the relevant case record.

Hearing and Proceedings

1. Preparation and display of cause list: The Registrar prepares the next day's cause list with full details and displays it on the Tribunal notice board and GSTAT portal. The list follows a prioritised order (e.g., pronouncements, clarifications, admissions) and includes case titles, party names, and representatives.
2. Listing of cases: Any urgent matter filed before 12:00 noon shall be listed on the next working day, provided it is complete in all respects as per these rules. In exceptional cases, filings made between 12:00 noon and 3:00 p.m. may also be listed on the following day, subject to specific permission from the Tribunal or the President.
3. Hybrid model for hearings: Hearings may be conducted in physical mode, or in electronic mode with the prior approval of the President.
4. Order of hearing: On the scheduled day, the appellant is heard first, followed by the respondent, if found necessary by the Tribunal. The appellant shall be entitled to reply to the respondent's arguments.

5. Grant adjournments: Adjournments should generally be requested before the concerned bench. However, in exceptional cases, the Registrar may adjourn a matter if directed by the Appellate Tribunal (in chambers) and place it before the Tribunal accordingly.
6. Default by appellant: If the appellant does not appear, the Tribunal may dismiss the appeal or decide on merits. If later justified, the dismissal may be set aside and the appeal restored.
7. Ex Parte hearings: If the respondent fails to appear, the Tribunal may proceed *ex parte* and decide the appeal based on available submissions.
8. Admission of further evidence: Parties cannot introduce new evidence unless the Tribunal, for reasons to be recorded, finds it essential or if prior authorities did not allow sufficient opportunity to present evidence. The Tribunal may direct that such evidence be produced before it or another authority.
9. Evidence by affidavit: The Tribunal may accept affidavits as evidence and permit cross-examination, including via video conferencing, if necessary for fair adjudication.
10. Confidential witness examination (In-camera proceedings): The Tribunal has discretion to examine witnesses privately (in camera), if deemed necessary.
11. Form of oath: Witnesses are administered an oath or affirmation to speak the truth in a prescribed format invoking truthfulness.
12. Suo Motu summoning (Tribunal's power to summon documents): The Tribunal may on its own issue summons for production of public or official documents in custody of public officers.

Orders and Pronouncements

1. Power to extend time: The Tribunal has the authority to extend the time prescribed by the rules or fixed by an order, for performing any act or proceeding. This can be done even if the request for extension is made after the expiration of the initially allowed time, provided the justice of the case warrants it.
2. Disposal of cases: Upon receiving appeals or petitions, the Tribunal will hear the parties and decide appropriately. It may summarily dismiss an appeal if it is of the opinion that no sufficient grounds exist, with reasons recorded.
3. Pronouncement of order: Orders are to be pronounced within thirty days (30) of the final hearing (excluding holidays). The order must be signed, dated, and a certified copy provided to the parties. Orders can be transmitted to courts for enforcement and must bear the Tribunal's seal. If the order is reserved, the date of final order will be the date on which the order is pronounced. If the order is dictated, the date of dictation will be the date of the final order. In cases where gist of the decision is pronounced without the detailed order, last paragraph of the detailed order shall specify the date on which gist of the decision was pronounced and in such cases date of the final order shall be the date on which the order was signed.
4. Power to impose costs: The Tribunal may impose costs on a defaulting party at its discretion. The Tribunal may order one party to pay the legal expenses of the other, especially in cases of misconduct or abuse of the court process.

Other Miscellaneous provisions

1. Attestation of affidavits: Affidavits must be sworn before an advocate or notary who affixes their official seal.
2. Verifying identity of deponent: If unknown to the attester, the deponent's identity must be certified by someone who knows them, with a signature added for authentication.
3. Annexures to affidavit: Documents attached to affidavits must be marked as annexures by the attester with proper endorsement and signature.

4. *Empanelled experts (Panel of special representatives)*: The Tribunal can empanel experts or representatives for assistance during proceedings. Their remuneration will be determined in consultation with the Tribunal.

Comments

GSTAT has faced numerous legal challenges *qua* its constitution and qualification of its members. These challenges raised concerns about judicial independence and fairness of the adjudication process. Finally, by way of a welcome step, recommendations of the Hon'ble Madras High Court in *Revenue Bar Association vs UOI and Ors*¹ [order dated 20 September 2019, in W. P. Nos. 21147, 21148 and 14919 of 2018] was accepted by the Government. This saw an increase in number of judicial members in State Bench and induction of 'lawyers' as eligible persons for appointment as judicial members. Recently, the Supreme Court decided Public Interest Litigations (PILs), on assurances to make GSTATs functional at the earliest.

Notification of the GSTAT Rules, sets into motion the operationalisation of the GSTAT. The electronic filing system is a commendable move towards digitization and aims to streamline the filing process, making it more efficient and accessible. However, it appears that a new GSTAT portal is going to be introduced is distinct from the existing GST portal. This development raises concerns regarding potential synchronization issues. The implementation of a separate portal imposes an additional burden on taxpayers, necessitating the continuous monitoring of orders, communications, and other relevant information across multiple platforms. It is imperative that the new GSTAT portal be integrated with the existing GST portal to mitigate such challenges. An integrated portal will also serve as a definitive source of authenticated documents that would alleviate the burden on taxpayers and streamline the appeals process.

The manner of computation of time period for filing the appeal is a welcome clarification, as it provides certainty and prevents the inadvertent lapse of rights due to office closures. However, the absence of clear guidelines on certification of order and verification of appeals raise compliance uncertainties. The Rules lacks clarity on whether digital signatures (DSC) or ink signatures are acceptable for filing. It is time, the Tribunal takes a bold step by accepting appeals that are digitally signed. Further insisting on a 'certified copy' of the order appears anachronistic, particularly considering that the impugned order is readily available on the GSTAT portal. Given that the order can be directly accessed and authenticated through official digital means, the requirement of certification serves no substantive purpose and undermines the efficacy of the electronic system established for such proceedings.

Further, while the provisions ostensibly allow for hybrid hearings, the requirement that virtual hearings may be permitted only with the prior approval of the Hon'ble President of the GSTAT, stationed at the Principal Bench in New Delhi, significantly dilutes the efficacy of the mechanism. This condition undermines the intended objectives of accessibility and procedural convenience, particularly for large enterprises with multiple state-wise registrations but centralised legal and tax functions. Requiring such entities to seek permission from the Principal Bench rather than their respective Regional Benches or Registries imposes an impractical burden. In contrast, under the pre-GST regime, the CESTAT, pursuant to directions of its President, has designated Thursdays for virtual hearings upon request from either party, with requests to be made via email to the respective Registry at least two (2) weeks in advance. It is imperative that a similar decentralised and streamlined procedure be instituted by the GSTAT to ensure effective access to virtual hearings without procedural impediments.

GSTAT Rules introduce several advancements compared to the CESTAT Rules. Apart from formalisation of e-filing, the stipulated timeline of thirty (30) days for pronouncement of orders by the GST Appellate Tribunal and strict policy against adjournment of matters reflect emphasis on swift and efficient disposal of cases. Keeping in mind the increasing administrative costs, the filing fees have seen an upward trend as compared to earlier CESTAT Rules.

In conclusion, the new GSTAT rules represent a significant step towards modernizing the appellate process under the GST regime. The emphasis on electronic filing and detailed procedures are expected to enhance transparency and efficiency. While there are differences compared to the CESTAT rules, these changes are likely to benefit taxpayers and the administration alike by providing a more streamlined and accessible process.

¹ 2019 (30) G.S.T.L. 584 (Mad.)

Businesses and professionals must quickly familiarize themselves with the new filing and listing protocols to leverage GSTAT effectively for redressal of disputes.

For further details, refer to the complete document ["GST - Notification No. G.S.R. 256\(E\) - dated 24_04_2025 - Central GST \(CGST\).pdf"](#)

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