



INDIAN JOURNAL OF
LEGAL REVIEW

VOLUME 5 AND ISSUE 12 OF 2025

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 12 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-12-of-2025/>)

Publisher

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GST RATES AND RATIONALIZATION AND TRIBUNAL APPEALS PROCEDURE

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BEST CITATION – SHRIRANG KASHYAP, GST RATES AND RATIONALIZATION AND TRIBUNAL APPEALS PROCEDURE, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (11) OF 2025, PG. 64-66, APIS – 3920 – 0001 & ISSN – 2583-2344.

Next-Generation GST Rate Rationalisation: Inception of a Simplified Tax Regime (Effective 22 September 2025)

In a landmark recalibration of indirect taxation, the GST Council, at its fifty-sixth meeting on 3 September 2025, unveiled a sweeping overhaul—slimming the multiplicity of tax slabs into a more coherent framework that shall take legal effect on **22 September 2025**

Slab Rationalisation and Structural Reconfiguration

The erstwhile labyrinthine quartet of GST rates—5 %, 12 %, 18 %, and 28 %—has now been pruned to:

- **0 % (exempt):** Encompassing staple commodities (e.g., ultra-high-temperature milk, paneer, chapati, khakra), personal life and health insurance, and essential food items
- **5 %:** Applied to packaged food, toiletries, footwear, small appliances, fertilizers, chemicals, and other everyday goods previously taxed higher
- **18 %:** Architected to subsume items hitherto taxed at 12 % or 28 %—including electronics (e.g., TVs, air conditioners), financial and telecom services, restaurant services, and small vehicles up to defined engine capacities
- **40 %:** A premium rate exclusively reserved for luxury and sin goods—luxury cars, high-capacity vehicles, tobacco, cigarettes, aerated drinks—which are now consolidated in this elevated bracket

Impetus and Anticipated Effects

This reform aims to enhance the affordability of essential goods for the common citizen, reduce

inflation (predicted impact up to 1.1 percentage points), and invigorate consumer demand and macroeconomic activity amid external headwinds

Furthermore, industry segments such as hospitality (budget hotel rooms up to ₹7,500 now at 5 % GST) and the automotive sector (notable price reductions across OEMs like Tata, Skoda, Audi, Kia) swiftly followed suit by passing on tax benefits – a testament to the reform's widespread and immediate ripple effects

The GSTAT Appellate Procedure Framework: The Digital Tribunal in Action

Amid the tax-rate restructuring, the Government concurrently operationalised a comprehensive appellate regimen through the **GSTAT (Goods and Services Tax Appellate Tribunal) Procedure Rules, 2025**, notified via G.S.R. 256(E) on **24 April 2025**

Institutional Architecture and Digital Mandate

The tribunal is algorithmically structured, comprising:

- A **Principal Bench** in New Delhi, state-level and regional benches. Each bench is staffed by a judicial member alongside technical members representing the Centre and the respective state—a fusion of jurisprudence and domain expertise

- A fully **digital interface** is mandated for all filings and communications via the GSTAT portal, heralding an era of streamlined, paperless adjudication
- The procedural edifice spans 15 chapters and encompasses standardised cause-lists, court diaries, and registers for appeals and interlocutory applications—each codified through designated GSTAT-CDR forms (e.g., CDR-01 for daily cause lists)

Filing Protocol and Compliance Specifics

Under **Chapter III (Rule 18)**, appeals must be filed electronically on the GSTAT portal using prescribed forms—primarily *Form GST APL-05* or analogous forms—incorporating:

- A cause title beginning with “**In the Goods and Services Tax Appellate Tribunal,**” followed by the order being appealed.
- Consecutively numbered paragraphs each articulating discrete facts, grievances, or grounds of appeal.
- Clear identification of parties (names, parentage, GSTIN, addresses) at the beginning, with all documents page-numbered, indexed, double-spaced, A4 typed, and verified and signed by the appellant or their authorised representative

Temporal, Financial, and Jurisdictional Dimensions

- **Time frame:** Appeals must be lodged within **three months** from receipt of the impugned order; certain delays may be permitted under exceptional circumstances, subject to condonation by the tribunal
- **Filing fees:** Calculated at INR 1,000 per INR 100,000 of disputed tax/interest/fine (min ₹5,000; max ₹25,000). Appeals sans tax demand—such as interlocutory relief or record inspection—are subject to a flat ₹5,000 fee

- **Pre-deposit requirement:** 10 % of the tax amount (capped at ₹20 crore each for CGST and SGST; ₹40 crore for IGST), along with any penalty, must be pre-deposited; this activates an automatic stay on the balance demand. Pre-deposit may be effected using the electronic credit ledger. Interim instructions guide pre-deposit before full GSTAT portal operation commences.
- **Bench allocation:** Single Member Bench hears matters where the tax/credit/penalty in dispute is below ₹5 million and no substantial question of law is involved; Division Bench handles higher-value disputes or those involving legal questions
- **Rectification of order:** The GSTAT may suo motu – or upon application within **one month** of the final order – correct errors apparent on the record under Section 112(10) of the CGST Act
- **Appeals beyond GSTAT:** Parties aggrieved by the Tribunal’s principal bench decisions—or matters concerning place of supply jurisdiction—may approach the **Supreme Court**, particularly when substantial questions of law are at issue

Synthesis and Observations

This dual transformation—**GST-rate simplification** and **operationalisation of GSTAT**—marks a seminal juncture in India’s indirect taxation architecture:

- The restructured slabs (0 %, 5 %, 18 %, 40 %) are designed not only to flatten complexity but to enhance equity, affordability, and economic stimulus.
- The GSTAT mechanism brings procedural rationality, digital transparency, and equitable recourse, enabling taxpayers to seek timely redress under a clearly delineated framework.

These reforms, ushered in almost contemporaneously, exemplify a holistic recalibration of both revenue structure and dispute-resolution modalities—reflecting policy maturity and governance foresight.

Concluding Note

As the GST regime evolves, stakeholders—businesses, legal professionals, and citizens—must attune themselves to the new tax landscape and appellate protocols. The articulation of appeals, precision in digital filings, and strategic navigation of Tribunal provisions will be indispensable in safeguarding rights and adhering to due compliance.

