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Input Tax Credit and Supplier Compliance under GST: A Critical Legal Analysis

Zeba*

LL.M Candidate, Faculty of Law, Jamia Hamdard University, India

***Corresponding Author:**
Zeba, LL.M Candidate, Faculty of Law, Jamia Hamdard University, India.

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Abstract

The Goods and Services Tax (GST) system was introduced in India to establish a unified and transparent indirect tax framework. A crucial component of the GST structure is the Input Tax Credit (ITC), which prevents cascading taxation and promotes a seamless flow of credit throughout the supply chain. However, the practical implementation of ITC regulations has resulted in considerable disputes, particularly in cases involving supplier defaults and inconsistencies in returns. According to Section 16(2)(c) of the Central Goods and Services Tax Act, 2017, a purchasing dealer's entitlement to claim ITC depends on the supplier's remittance of tax to the government. Consequently, legitimate taxpayers often face denial or reversal of ITC, even after fulfilling all their responsibilities.

This paper critically examines the legal framework regarding the denial of ITC due to supplier defaults and analyses the judicial approach adopted by Indian courts. The research utilizes both doctrinal and analytical methods to evaluate the real-world challenges that taxpayers encounter within the GST system. It argues that an excessive dependence on supplier compliance undermines the principle of seamless credit and places undue burdens on honest taxpayers. Furthermore, it reviews key judicial decisions and emphasizes the need for procedural and legislative reforms to balance revenue protection with taxpayer rights. The paper concludes that a more equitable and technologically advanced framework is vital for ensuring fairness, certainty, and effective GST implementation in India. The research is doctrinal and analytical in nature and is based on statutes, judicial decisions, and secondary legal sources. The paper advocates a balanced approach that protects government revenue while safeguarding bona fide taxpayers.

Keywords: Goods and Services Tax, Input Tax Credit, Supplier Default, GST Litigation, Taxpayer Rights, GST Compliance, Indirect Taxation

Introduction

The Goods and Services Tax (GST) was implemented in India as a significant reform in indirect taxation, aimed at simplifying the tax structure and facilitating a smooth flow of tax credits. A key feature of GST is the Input Tax Credit (ITC) mechanism, which permits registered taxpayers to claim credits for taxes paid on business-related purchases. The ITC concept is crucial as it prevents cascading taxation and ensures that tax is applied solely on value addition.

Despite the legislative intent of GST to enable a seamless credit flow, its practical application has led to numerous disputes and compliance issues. A particularly contentious aspect of GST is the denial of ITC due to supplier defaults. According to Section 16(2)(c) of the Central Goods and Services Tax Act, 2017, ITC can only be claimed if the tax charged on the supply has been paid to the government. This stipulation makes the recipient's right to claim ITC contingent upon the supplier's compliance.

In reality, many taxpayers encounter ITC denials due to supplier non-compliance, discrepancies in GSTR-2A or GSTR-2B, late return submissions, or suppliers failing to remit tax. Such denials frequently occur even when the recipient has acted in good faith and met all obligations within their control. This scenario generates uncertainty in commercial dealings and escalates litigation within the GST framework.

Indian courts have raised significant inquiries about fairness, taxpayer protection, and the distribution of responsibility under GST legislation. It also creates a conflict between revenue protection and the principle of seamless credit flow, which is fundamental to the GST system. This study also provides a critical analysis of the legal framework surrounding ITC denial due to supplier defaults and evaluates the judicial response to such disputes. Additionally, it examines the practical challenges faced by taxpayers and proposes reforms to enhance fairness and certainty within the GST system.

Research Objectives

- To examine the legal framework governing Input Tax Credit under GST.
- To analyze the impact of supplier default on ITC claims.
- To evaluate judicial approaches regarding denial of ITC.
- To identify practical challenges faced by taxpayers.
- To suggest reforms for a fairer GST framework.

Research Questions

- Whether ITC can be denied due to supplier default?
- Whether Section 16(2)(c) imposes unfair liability upon recipients?
- Whether existing GST mechanisms adequately protect bona fide taxpayers?

Hypothesis

The present GST framework disproportionately burdens bona fide recipients by linking ITC eligibility with supplier compliance.

Research Methodology

The present study is doctrinal and analytical in nature. The research is based on statutes, judicial precedents, books, journal articles, and other secondary legal materials relating to GST and Input Tax Credit.

Legal Framework Governing Input Tax Credit

The Input Tax Credit is primarily regulated by Section 16 of the Central Goods and Services Tax Act, 2017. This section states that every registered individual is entitled to claim credit for input tax levied on goods or services utilized in the course of business, provided certain conditions are met.

The Main Conditions for Claiming ITC are:

- Possession of a valid tax invoice
- Receipt of goods or services
- Payment of tax to the government
- Filing of returns by the recipient

Among these stipulations, Section 16(2)(c) has sparked significant debate as it ties ITC eligibility to the actual payment of tax by the supplier to the government. This provision specifies that the tax charged on the supply must have been paid to the government, either in cash or through the use of input tax credit.

The intent behind this provision is to deter fraudulent ITC claims and protect government revenue. However, its practical application has caused difficulties for legitimate taxpayers, as recipients typically lack direct control over supplier compliance. The GST framework also depends on the electronic matching of invoices via GSTR-2A and GSTR-2B statements. Any discrepancies between supplier and recipient returns can lead to the denial or reversal of ITC. This reliance on supplier behavior creates a structural imbalance within the GST system.

Consequently, the Legislative Framework seeks to Reconcile two Conflicting Goals:

- Prevention of tax evasion and fraudulent invoice claims
- Ensuring a smooth credit flow for legitimate taxpayers

Nevertheless, the stringent enforcement of supplier compliance conditions has frequently compromised the latter objective.

Nature of Supplier Default and ITC Mismatch

Supplier default happens when a supplier neglects to remit tax collected from the recipient to the government. This can also encompass failure to file returns, late submissions, inaccurate invoice reporting, or discrepancies in GST portal records. Under the GST framework, ITC claims are tied to supplier submissions via GSTR-1 and automatically generated documents like GSTR-2A and GSTR-2B. Consequently, even minor errors by suppliers can negatively impact recipients.

The situation worsens as recipients typically have limited ability to confirm whether suppliers have actually paid the tax to the government. While businesses can check GST registration and invoices, they cannot directly oversee supplier tax remittances.

As a result, honest taxpayers frequently face financial and procedural difficulties despite their good intentions. The Denial or Reversal of ITC Results in:

- Increased tax liability
- Working capital blockage
- Compliance burden
- Litigation costs
- Commercial uncertainty

Small and medium enterprises are especially at risk since they may lack advanced compliance systems or ongoing supplier monitoring processes.Supplier defaults have also undermined commercial confidence, as businesses become reluctant to work with suppliers whose compliance status is unclear. This indirectly raises transaction costs and administrative burdens within the GST system.

Judicial Approach towards Supplier Default

Indian courts have significantly contributed to resolving disputes related to supplier defaults and the denial of ITC. Judicial rulings demonstrate a continuous effort to strike a balance between revenue protection and fairness for legitimate taxpayers. In the case of D.Y. Beathel Enterprises v State Tax Officer, the Madras High Court ruled that authorities must first pursue recovery actions against the defaulting supplier before denying ITC to the purchasing dealer. The Court noted that genuine recipients should not face automatic penalties for supplier defaults without a thorough investigation.

In a similar vein, the Calcutta High Court in Suncraft Energy Pvt Ltd v Assistant Commissioner highlighted that ITC cannot be denied merely based on discrepancies without proper verification. The Court underscored the necessity of natural justice and fair investigation prior to denying significant tax benefits.

These rulings reflect a judicial inclination towards safeguarding bona fide taxpayers who have acted in good faith. Courts are increasingly acknowledging that recipients may lack the practical ability to verify supplier compliance. However, judicial interpretation has not been entirely consistent. Some courts have taken a stricter view of Section 16(2)(c), insisting that statutory requirements must be met regardless of the difficulties faced.

This variation in judicial perspectives has led to uncertainty for both taxpayers and tax authorities. While certain rulings emphasize fairness and commercial practicality, others concentrate mainly on statutory adherence and revenue implications. The inconsistency underscores the necessity for legislative clarification and more explicit administrative guidelines.

Practical Challenges Faced by Taxpayers

The practical application of GST has revealed various compliance challenges for taxpayers concerning ITC claims and supplier defaults. One significant issue that businesses encounter is their reliance on supplier behavior. A recipient may meet all legal obligations by acquiring tax invoices, making payments, and accurately recording transactions, yet still forfeit ITC due to supplier non-compliance. Additionally, technological limitations of the GST portal present another hurdle. Taxpayers often face problems such as:

- Delayed invoice reflections
- Incorrect auto-population of returns
- Technical issues
- Server outages
- Data discrepancies
- Inability to correct mistakes

These technological challenges frequently lead to the denial or reversal of ITC, even when there is no fraudulent intent.

The compliance burden under GST has also escalated considerably, as taxpayers are required to consistently reconcile invoices and track supplier submissions. This task is both time-consuming and expensive, particularly for smaller enterprises. Another significant impact of ITC denial is the blockage of working capital. Businesses may find themselves needing to pay additional taxes despite having already paid their suppliers. This financial pressure can adversely affect liquidity and operational efficiency.

Furthermore, the apprehension of future ITC disputes forces businesses to work exclusively with highly compliant suppliers, which in turn limits market flexibility and commercial freedom.

Practical Issues under the GST Framework

Issues Relating to ITC Mismatch

One of the major difficulties faced by taxpayers under GST is the mismatch between GSTR2A/GSTR-2B statements and Input Tax Credit claims. Such mismatches generally arise due to supplier non-compliance, delayed filing of returns, or incorrect invoice details uploaded on the GST portal.

Technological Difficulties

Taxpayers also encounter several technical problems while using the GST portal. Delayed reflection of invoices, portal errors, and reconciliation-related issues often create confusion and make the compliance process more complicated.

Financial Impact on Businesses

The denial or reversal of ITC places an additional financial burden on businesses. It affects working capital and increases compliance-related expenses, particularly for small and medium enterprises that depend heavily on regular cash flow.

Commercial Uncertainty

Supplier-related compliance issues have also created uncertainty in commercial transactions. Businesses tend to be cautious while dealing with suppliers whose compliance records are doubtful, which ultimately affects business flexibility and commercial confidence.

Critical Analysis

The problem of supplier default reveals a core vulnerability in the GST framework. While the legislation seeks to prevent fraudulent credit claims and protect revenue, its execution frequently places an unfair burden on legitimate taxpayers. The concept of seamless credit is the cornerstone of GST. However, linking ITC to supplier compliance compromises this goal, as recipients may forfeit credit even when acting in good faith.

Legally speaking, Section 16(2) (c) shifts the burden of supplier default onto recipients. This distribution of responsibility seems unjust, given that recipients have no real control over supplier tax payments. Additionally, the existing framework introduces uncertainty into commercial transactions. Companies are forced to constantly oversee supplier behavior, which escalates compliance costs and administrative responsibilities. Judicial intervention has offered some relief by highlighting the importance of fairness and natural justice. However, inconsistent court rulings continue to create confusion and lead to litigation.

Suggestions and Reforms

Several reforms could be implemented to enhance the current framework concerning supplier defaults and ITC denial.

Protection for Genuine Taxpayers

The legislation ought to include protections for legitimate recipients who have acted in good faith. If a taxpayer has valid invoices, received goods or services, and made payments including tax, ITC should not be denied automatically.

Measures against Defaulting Suppliers

Tax authorities should focus on recovery actions against defaulting suppliers instead of immediately penalizing recipients.

Enhancements in Technology

The GST portal needs to be fortified to minimize technical issues and enhance data accuracy. Taxpayers should also have access to flexible correction options.

Safe Harbour Regulations

The legislature might consider introducing safe harbour regulations that protect recipients who perform reasonable due diligence before engaging with suppliers.

Consistent Administrative Guidelines

Clear and consistent guidelines should be established regarding mismatch verification, ITC denial, and actions against defaulting suppliers.

Conclusion

The Input Tax Credit is a crucial aspect of the GST system as it promotes tax neutrality and avoids cascading taxation. Nevertheless, the denial of ITC due to supplier defaults has become a significant obstacle that impacts the efficiency of the GST framework.

This study illustrates that an over-reliance on supplier compliance imposes difficulties on legitimate taxpayers and compromises the principle of uninterrupted credit flow. Judicial rulings indicate a continuous effort to reconcile revenue protection with fairness and practical business considerations.

Thus, a more equitable and taxpayer-centric approach is essential. Enhancing technological infrastructure, streamlining compliance processes, and safeguarding legitimate recipients would significantly enhance the efficiency and equity of the GST system. Unless legislative and technological reforms are introduced, the objective of seamless credit under GST may remain substantially compromised, thereby affecting both taxpayer confidence and commercial certainty. In conclusion, the success of GST relies not only on the rigorous enforcement of legal provisions but also on fostering certainty, fairness, and trust within the taxation framework.

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