## **CONTENTS**

		PAGE
Acrony	yms in GST	I-17
	PART I	
	BASICS OF GST	
	<u>1</u>	
	BACKGROUND	
1.1	Background of GST	3
1.2	What is Goods and Services Tax?	5
1.3	Broad definition of 'service'	7
1.4	Rates of GST	10
1.5	GST Compensation Cess on goods and services	11
1.6	Definition of 'deemed sale' to continue	11
1.7	Taxation powers of district council	12
1.8	Goods and Services Tax Network (GSTN)	12
1.9	IGST for inter-state transactions	13
1.10	Union Territory Goods and Services Tax (UTGST)	16
1.11	CGST Act	17
1.12	SGST Act	17
	2	
	TAXABLE EVENT IN GST	
2.1	Meaning of taxable event	19
2.2	Supply as per GST law	20

CONTENTS	1-6	

		PAGE
2.3	Transactions that will be taxable as 'supply' even if no consideration	21
2.4	Business	26
2.5	Deemed supply of goods and services	26
2.6	Activities or transactions which are neither supply of goods nor supply of services	30
2.7	Services provided by Government or local authority which are not taxable	34
2.8	Tax liability in case of Mixed supply and composite supply	34
2.9	Meaning of 'goods'	35
2.10	Actionable claim	36
2.11	Supply of goods at future date - Hire purchase and financial lease	37
2.12	Securities are neither 'goods' nor 'service'	37
2.13	Supply of Services	38
	CLASSIFICATION OF GOODS AND SERVICES  Need for classification  Overview of HSN	39 41
	Application of GIR in Tariff	44
	Classification in case of conflict between various headings	45
	Other provisions relating to classification	46
	Classification of services	47
	4	
	VALUE OF TAXABLE SUPPLY OF GOODS OR SERVICES OR BOTH	
4.1	Transaction value is basis for valuation	49
4.2	Subsidies directly linked to supply other than Government subsidies	52
4.3	Discount or incentive given after supply	52
4.4	Meaning of 'consideration'	54
4 =	Meaning of 'related person'	55

I-7 CONTENTS

		PAGE
4.6	Rate of exchange of currency for determination of value	56
4.7	Determination of value when value not ascertainable	56
4.8	Value of supply of goods or services or both between distinct or related persons, other than through an agent	58
4.9	Value of supply of goods or services or both based on cost	60
4.10	Residual method for determination of value of supply of goods or services or both	61
4.11	Margin scheme for valuation in buying and selling second hand goods	61
4.12	Value of supply of services in case of pure agent	63
4.13	GST on Reimbursement of expenses	64
	<b>5</b>	
	<u>5</u>	
	INPUT TAX CREDIT (ITC)	
5.1	ITC is core provision of GST	66
5.2	Manner of taking input tax credit	69
5.3	Requirements for availing Input Tax Credit	72
5.4	Blocked credit - Supply of goods and services ineligible for ITC	76
5.5	Input Tax Credit of capital goods	84
5.6	Merger, amalgamation or sale of business	85
5.7	Recovery of ITC wrongly taken	87
	6	
	INPUT TAX CREDIT WHEN EXEMPTED AS WELL AS TAXABLE SUPPLIES MADE	
6.1	Proportionate ITC when partly used for business or taxable supplies	88
6.2	Special provisions in respect of Banks, FI and NBFC	91
6.3	Determination of input tax credit when partly used for taxable supply and partly for exempt supply	92
6.4	Determination of input tax credit in respect of capital goods used partly for taxable supply and partly for exempt supply	99
6.5	exempt supply  Reversal of Input Tax Credit means ITC not taken	99 105
2.0	The following of this will be come income the control to the contr	100

CONTENTS	I-8

	7	PAGE
	7 INPUT SERVICE DISTRIBUTOR (ISD)	
7.1	Purpose of Input Service Distributor	106
	Manner of distribution of credit by Input Service	
	Distributor	107
7.3	Tax Invoice by Input Service Distributor	109
7.4	Monthly return by ISD	110
7.5	Procedure for distribution of input tax credit by Input Service Distributor	110
	8	
	PLACE OF SUPPLY OF GOODS OR SERVICES	
8.1	Importance of place of supply	113
	Place of supply of goods other than imports and exports	117
8.3	Bill to ship to transaction	119
8.4	Place of supply of services if location of supplier and recipient of service is in India	120
8.5	Place of supply of service except export or import of services - Residuary provision	123
8.6	The place of supply of services in cases directly relating to immovable property or lodging in boat or vessel	123
8.7	Performance bases services <i>i.e.</i> Restaurant, beauty treatment, health services	124
8.8	Training and performance appraisal service	125
8.9	Admission to events	125
8.10	Other event based services	125
8.11	Transportation of goods	126
8.12	Passenger transportation service	127
	Service on board a conveyance originating	127
	Telecommunication service, data transfer, broadcasting, DTH	127
8.15	Banking and other financial services	128
	Insurance service	128
8.17	Advertisement services to Government	128

I-9 CONTENTS

		PAGE
	Place of supply in case Residuary services	128
8.19	Place of supply in case of exports and imports	129
	9	
	TIME OF SUPPLY OF GOODS AND SERVICES	
0.1		120
	Liability of GST on basis of time of supply	130
	Time of supply of goods	130
9.3	Time of supply when GST on goods payable on reverse charge basis	132
9.4	Time of supply in case of supply of vouchers for goods	132
	Time of supply in other situations	132
	Time of supply of services	133
	Time of supply of service when GST on services is payable on basis of reverse charge	134
9.8	Time of supply in reverse charge when service received from Associated Enterprise outside India	134
9.9	Supply of voucher for services	135
9.10	Time of supply of service in other cases	135
9.11	Time of supply when interest, late fee or penalty for late payment is received	135
9.12	Time of supply in case of change in rate of tax in respect of supply of goods or services or both	135
	<u>10</u>	
	REVERSE CHARGE	
10.1	Meaning of reverse charge	138
10.2	General provisions applicable where reverse charge applies	139
10.3	When 'payment is made' under reverse charge and when ITC is available	140
10.4	Inter-State transactions - Whether IGST payable or CGST and SGST/UTGST payable under reverse charge	141
10.5	Persons supplying services where service recipient is liable to pay GST under reverse charge need not register	1.40
10.	under GST	142
10.6	Procedure for reverse charge	142

	CONTENTS	I-10
10.7	Supply of goods where GST payable under reverse charge	PAGE 143
	Supply of services liable for reverse charge	144
	11	
	PROCEDURES IN GST	
11.1	Background	149
	Administration of GST	151
11.3	Proper Officer	154
11.4	Common Portal	155
11.5	Accounts and other records	156
11.6	Audit by Chartered/Cost Accountant	158
11.7	Period of retention of accounts	159
11.8	Requirement of registration	159
11.9	Persons who are not required to register under GST	162
11.10	Persons requiring registration without threshold limit of $20/10$ lakhs	162
11.11	Requirements and procedure for registration	164
11.12	Multiple registrations for multiple places of business in a State or Union Territory	167
11.13	Voluntary registration	168
11.14	Registration by person liable to deduct tax at source (TDS)	168
11.15	Registration by non-resident taxable person	169
11.16	Unique Identity Number (UIN) to UN Agencies, Embassy, Consulates and other persons without registration	169
11.17	Registration of casual taxable person and non-resident taxable person	169
11.18	Grant of registration to a person supplying online information and data base access or retrieval services (OIDAR) from a place outside India to a non-taxable online recipient	171
11.19	Grant of registration to persons required to deduct tax at source or to collect tax at source	171
11.20	Amendment of registration	172
	Invoice for supply of goods or services or both	173
11.22	Tax Invoice in respect of services	176

I-11 CONTENTS

11.00		PAGE
	Contents of tax invoice	178
	Bill of Supply when no tax invoice is required	181
	Receipt voucher in case of receipt of advance	182
11.26	Invoice and payment voucher when GST payable under reverse charge, if supplier not registered	184
11.27	Credit note, debit notes or supplementary invoice	184
11.28	Tax payment	189
11.29	Electronic payment of tax, interest, penalty and other amounts	190
11.30	Utilisation of amount in electronic credit ledger	192
11.31	Electronic Liability Register (ELR) for recording liability of a taxable person	196
11.32	Sequence of discharge of tax and dues by taxable person	196
11.33	Returns - A big failure in GST	199
11.34	Furnishing details of outward supplies within ten days in form GSTR-1	200
11.35	Monthly/Quarterly Return	203
11.36	Annual Return and Audit Report	209
11.37	Late fee for late filing of details and returns	212
	<u>12</u>	
	E-WAY BILL FOR TRANSPORT OF GOODS	
12.1	Background of e-way bill provisions	214
12.2	Generation of e-way Bill	219
12.3	Part B of the Form GST EWB-01	226
12.4	When Part B is not required to be filled in	227
12.5	Generation of e-way bill by portal	228
12.6	Procedure by transporter after generation of e-way bill	229
12.7	Intimation of acceptance of details by recipient/supplier	232
12.8	Transport of goods for which e-way bill is not required	233
12.9	Other provisions relating to e-way bill	235
12.10	Road checks and Verification of documents and conveyances	236
12.11	Penalty for transporting goods without valid documents	240

	CONTENTS	I-12
		PAGE
	<u>13</u>	
	MISCELLANEOUS ISSUES IN GST	
13.1	Anti-Profiteering Measure	245
13.2	Tax deduction at source (GST TDS)	249
13.3	Advance Ruling	256
	PART II	
	TAXABILITY OF WORKS CONTRACTS AND REAL ESTATE TRANSACTIONS	
	<u>14</u>	
	TRANSACTIONS RELATING TO REAL ESTATE	
14.1	Coverage of GST on transactions relating to real estate	263
14.2	Surrender of tenancy rights	265
	15	
	REAL ESTATE PROJECTS	
15.1	Background	266
	Definitions of various terms used	271
15.3	GST Rate w.e.f. 1-4-2019 on various types of real estate projects	278
15.4	Value for GST when total amount charged includes value of land	283
15.5	Reverse charge if receipts of input and services and capital goods received from registered supplier	285
15.6	Provisions in respect of ongoing projects where promoter opts to avail Input Tax Credit	289
15.7	Apportionment of ITC between taxable supply and exempt supply on basis of value except in case of real estate services	291
15.8	Contracts for construction of affordable residential apartments	292
15.9	Unresolved issues in case of GST on real estate transactions	293

I-13 CONTENTS

	16	PAGE
	TDR/FSI/UPFRONT AMOUNT IN LONG TERM LEASE IN REAL ESTATE TRANSACTIONS	
16.1	Tax on real estate transactions except sale of land or completed building/apartment	295
16.2	Transfer of development rights	296
16.3	Transferable Development Rights i.e. transfer of FSI	296
16.4	GST on Upfront amount payable for long term lease of land	297
16.5	GST on Development Rights/FSI/Upfront Amount in real estate transactions by promoter under reverse charge	300
16.6	Transfer of development rights/FSI after 1-4-2019 for construction of residential apartments exempt, if sold before completion	300
16.7	GST on Development Rights/FSI transferred or long term lease amount paid before 31-3-2019	306
16.8	Valuation of transfer of development rights and construction service provided by promoter	308
16.9	Accommodation/rent given to earlier tenants/owners during transition period	311
16.10	Joint Development by land owner and promoter	311
16.11	Summary of liability in case of transfer of development rights or FSI or long term lease of land	312
16.12	Liability of landowner-promoter who makes further sale of apartments received by him from promoter developer	315
	17	
	LEASING AND RENTING OF REAL ESTATE	
17.1	Leasing or renting of land and building is 'supply of services'	318
17.2	Renting of Immovable Property	319
17.3	Renting Service supplied jointly by co-owners	320
17.4	Renting of precincts of a religious place exempt upto limit	321
17.5	Reverse charge in respect of service of renting of immovable property supplied by Government	321

CONTENTS	I-14
CONTENTS	1-14

	10	PAGE
	18 CONSTRUCTION AND WORKS CONTRACT SERVICES	
10.1		222
	Tax on construction activity	323
	Works contract service  Toy Pote of works contract as composite comply	323 331
	Tax Rate of works contract as composite supply	331
18.4	Works contract service of renewable energy plant and equipment	333
18.5	Construction of residential or commercial industrial complex	336
18.6	Distinction between construction service and works contract service	338
18.7	GST $@$ 12% in case of certain infrastructure related works contract	339
18.8	Exemptions in respect of services supplied to Government	344
18.9	Main contractor is entitled to partial or full exemption does not mean sub-contractor is also exempt or entitled to concessional rate	344
	19	
	GOVERNMENT RELATED ACTIVITIES	
19.1	Public administration services	345
	Services provided by Government which will not be subject to GST	351
19.3	Exemptions in respect of services supplied by Government	353
	Exemptions in respect of services supplied to Government	358
	Concessional rate in respect of certain services provided to Government	363
19.6	Reverse charge in respect of services provided by Government	367
	APPENDICES	
APPEN	DIX I: RELEVANT SECTIONS OF CENTRAL GOODS AND SERVICES TAX ACT, 2017	375
APPEN	DIX II: RELEVANT SECTIONS OF INTEGRATED GOODS AND SERVICES TAX ACT, 2017	397

I-15 CONTENTS

		PAGE
APPENDIX III :	RELEVANT EXTRACTS FROM CENTRAL GOODS AND SERVICES TAX RULES, 2017	408
APPENDIX IV:	RELEVANT EXTRACTS FROM NOTIFICATION 11/2017-CENTRAL TAX (RATE), DATED 28-6-2017	442
APPENDIX V:	RELEVANT EXTRACTS FROM NOTIFICATION 12/2017-CENTRAL TAX (RATE), DATED 28-6-2017	465
APPENDIX VI:	CALCULATION OF ITC ATTRIBUTABLE TO RESIDENTIAL PORTION IN REAL ESTATE PROJECT	47.4
APPENDIX VII:	(REP) OTHER THAN RREP CALCULATION OF ITC ATTRIBUTABLE TO RESIDENTIAL PORTION IN RESIDENTIAL REAL ESTATE PROJECT (RREP) OTHER THAN REP	474 482
APPENDIX VIII:	CALCULATION OF GST PAYABLE UNDER REVERSE CHARGE WHEN INPUTS AND INPUT SERVICES PROCURED FROM UNREGISTERED PERSONS	488
APPENDIX IX:	DECLARATION FOR EXERCISING OPTION TO AVAIL ITC IN RESPECT OF ONGOING PROJECTS	490
APPENDIX X:	REVERSE CHARGE IN RESPECT OF SERVICES	492
APPENDIX XI:	TIME OF SUPPLY WHEN PROMOTER IS LIABLE TO PAY GST UNDER REVERSE CHARGE	498
APPENDIX XII:	PERSON LIABLE TO PAY TAX UNDER REVERSE CHARGE ON SUPPLIES RECEIVED FROM UNREGISTERED PERSON IN REAL ESTATE	
	PROJECTS	500
APPENDIX XIII:	GST RATE PAYABLE UNDER REVERSE CHARGE BY PROMOTER ON RECEIPTS OF INPUT AND SERVICES FROM REGISTERED SUPPLIER	502
APPENDIX XIV:	TIME OF SUPPLY WHEN LAND OWNER TRANSFERS DEVELOPMENT RIGHTS OR FSI TO PROMOTER IN RESPECT OF RIGHTS TRANSFERRED PRIOR TO	
	31-3-2019	504
SUBJECT INDEX		505