

Ex. No.3**Provisions of GST Liability in specified cases**

Whether GST would be payable in following independent cases (provisions):

- a) A Company Secretary makes payment of LLP Registration fees of Rs. 3,000/- on behalf of their clients and charges the client his professional fee of Rs. 15,000/- along with expenses of Rs. 3,000/- incurred in form of payment to Registrar of Companies.

- b) A company provides Subsidized Meal facility to employees. It pays Rs. 70/- per plate to the caterer and deducts Rs. 10/- per plate from the employee's salary.

- c) A pharmaceutical company supplies free samples to doctors.

- d) Raghunath Temple Charitable trust, registered under section 10(23C)(v) of the Income-tax Act gives on rent a community hall, located within temple premises, to public for organizing a Diwali Mela. Rent charged is Rs. 9,500.

- e) Northstar Trucking Ltd. has given on hire 11 trucks to Jaggi Transporters of Mumbai (a goods transport agency) for transporting goods in various parts of the country. The hiring charges for the trucks are Rs. 10,200 per truck per day.

Answer:

- a) Rule 33 of the CGST Rules 2017 provides that the expenditure or costs incurred by a supplier as a pure agent of the recipient of supply shall be excluded from the value of supply.
In view of the same, GST is payable only on Rs. 15,000 and not on Rs. 3,000 which were paid by him while acting as a Pure Agent.

- b) As per the decision of AAR in Kerala, as also affirmed by the App. A.A.R., in the matter of M/s. Caltech Polymers Pvt. Ltd., the recovery of subsidized meal facility from the employees is chargeable to GST at market value. The Authority has held that even though there is no profit as claimed by the company on the supply of food to its

employees, there is "supply" as provided in Section 7(1) (a) of the GST Act, 2017 and the applicant would definitely come under the definition of "Supplier" as provided in sub-section (105) of Section 2 of the GST Act, 2017.

In view of the above, the company would be liable to pay GST on the subsidized meal provided to its employees.

- c) The answer of the question of taxability of free samples can be given after referring to Section 7 and Schedule I of the CGST Act, 2017. According to section 7 Supply includes “All forms of supply of goods or services or both made or agreed to be made for a consideration by a person in the course or furtherance of business; Schedule I specifies activities made or agreed to be made without a consideration and as per that supply made without consideration to unrelated person will not treated as supply.

Therefore, GST will not be levied on free samples distributed, because it is not considered as supply. However, ITC on such purchases are not allowed to supplier.

- d) Renting of community hall by Raghunath Temple Charitable Trust is exempt from GST, as rent is less than Rs.10,000 per day. The Exemption Notification No. 12/2017 Central Tax (Rate) dated 28.06.2017 and Notification No. 9/2017 Integrated Tax (Rate) dated 28.06.2017 has exempted the said service wholly from GST. The said notification provides exemption to services by a person inter alia by way of renting of precincts of a religious place meant for general public, owned or managed by an entity registered as a trust or an institution under section 10(23C)(v) of the Income-tax Act . However, this exemption does not apply where renting charges of premises, community halls, kalyanmandapam or open area are Rs. 10,000 or more per day.

- e) The Exemption Notification No. 12/2017 Central Tax (Rate) dated 28.06.2017/ Notification No. 9/2017 Integrated Tax (Rate) dated 28.06.2017 provides exemption to services by way of giving on hire inter alia to a goods transport agency, a means of transportation of goods.

In view of the above, GST is not payable in case of hiring of trucks to Jaggi Transporters.

GST Registration

According to GST rules, it is mandatory for a business that has a turnover of above Rs.40 lakh to register as a normal taxable entity. This is referred to as the GST registration process. The turnover is Rs.10 lakh for businesses that are present in hill states and North-Eastern states. The registration process can be completed within 6 working days.

GST registration can be done easily at the online GST portal. Business owners can fill a form on the GST portal and submit the necessary documents for registration. It is mandatory for certain businesses to complete the GST registration process. It is a criminal offense if these businesses carry out operations without registering for GST and heavy penalties are levied for non-registration.

Step-by-step procedure to complete GST Registration

The step-by-step procedure that individuals must follow to complete GST Registration is mentioned below:

- First, individuals must visit the GST portal (<https://www.gst.gov.in/>).
- Next, the individual must click on the 'Register Now' link which can be found under the 'Taxpayers' tab.
- Next, the individual must select 'New Registration'.
- On the same page, the individual must fill the below-mentioned details:
 - Under the 'I am a' drop-down menu, select 'Taxpayer'.
 - Select the respective state and district from the drop-down menu.
 - Enter the name of the business.
 - Enter the PAN of the business.
 - Enter the email ID and mobile number in the respective boxes. The entered email ID and mobile number must be active as OTPs will be sent to them.
 - Enter the image that is shown on the screen in the respective box and click on 'Proceed'.

- On the next page, enter the OTP that was sent to the email ID and mobile number in the respective boxes.
- Once the details have been entered, click on 'Proceed'.
- Individuals will be shown the Temporary Reference Number (TRN) on the screen. It is vital that they make a note of the TRN.
- Next, individuals must visit the GST portal again and click on 'Register' which is present under the 'Taxpayers' menu.
- Next, select 'Temporary Reference Number (TRN)'.
- Next, individuals must enter the TRN and the captcha details.
- Once the details have been entered, click on 'Proceed'.
- Individuals will receive an OTP on their email ID and registered mobile number. Enter the OTP on the next page and click on 'Proceed'.
- The status of your application will be available on the next page. On the right side, there will be an Edit icon, click on it.
- There will be 10 sections on the next page. All the relevant details must be filled, and the necessary documents must be submitted. The list of documents that must be uploaded are mentioned below:
 - Photographs
 - Address proof where the business is located.
 - Bank details such as account number, bank name, bank branch, and IFSC code.
 - Authorisation form
 - The constitution of the taxpayer.
- Once all the above-mentioned details have been entered, individuals must visit the 'Verification' page. Once individuals check the declaration, they must submit the application by using one of the below mentioned methods:
 - By using an Electronic Verification Code (EVC). The code will be sent to the registered mobile number of the applicant.
 - By using the e-Sign method. An OTP will be sent to the mobile number that has been linked with the Aadhaar card.
 - In case companies are registering, the application must be submitted by using the Digital Signature Certificate (DSC).

- Once the above step is completed, a success message will be shown on the screen. The Application Reference Number (ARN) will be sent to the registered mobile number and email ID.
- Individuals can check the status of the ARN on the GST portal.

Types of GST Registration

Under the GST Act, GST Registration can be of various types. It is vital that the taxpayer is aware of the different types of GST Registration and selects the appropriate one. The different types of GST Registration are mentioned below:

- **Normal Taxpayer:** Most of the businesses in India fall under this category. The applicant need not provide any deposit in order to become a normal taxpayer. There is also no expiry date for taxpayers who fall under this category.
- **Casual Taxable Person:** Individuals who wish to set up a seasonal shop or stall can opt for this category. An advance amount that is equal to the expected GST liability during the time the stall or seasonal shop is present must be deposited by the taxpayer. The duration of the GST Registration under this category is 3 months and it can be extended or renewed.
- **Composition Taxpayer:** Taxpayers who wish to obtain the [GST](#) Composition Scheme can opt for this type of GST Registration. A flat [GST rates](#) must be deposited by taxpayers who opt for GST Registration under this category. Input tax credit cannot be obtained by taxpayers who come under this category.
- **Non-Resident Taxable Person:** In case individuals live outside India, but supply goods to individuals who stay in India, must opt for this type of GST Registration. Similar to the Casual Taxable Person type of GST Registration, taxpayers must pay a deposit that is equal to the expected GST liability during the time the GST registration is active. The duration for this type of GST registration is usually 3 months, but it can be extended or renewed at the type of expiry.
- Non-Resident Online Service Provider
- Special Economic Zone Developer
- GST TDS Deductor – Government Entities
- UN Embassy/ Body/ other notified individuals
- Special Economic Zone Unit
- GST TDS Collector – E-commerce Companies

GST Registration must be completed by the below-mentioned individuals and businesses:

- Individuals who have registered under the tax services before the GST law came into effect.
- Non-Resident Taxable Person and Casual Taxable Person
- Individuals who pay tax under the reverse charge mechanism
- All e-commerce aggregators are required to register for GST
- Businesses who have a turnover that exceeds Rs.40 lakh. In the case of Uttarakhand, Himachal Pradesh, Jammu & Kashmir, and North-Eastern states, the turnover of the business should exceed Rs.10 lakh.
- Input service distributors and agents of a supplier
- Individuals who supply goods through an e-commerce aggregator.
- Individuals who are providing database access and online information from outside India to people who live in India other than those who are registered taxable persons must complete GST Registration.

Documents that are required to complete the GST Registration

The below-mentioned documents are required to complete the GST Registration:

- Permanent Account Number (PAN) of the applicant
- Aadhaar card of the applicant
- The bank account statement of the applicant, as well as a cancelled cheque, must be submitted
- The address proof where the business is located must be given
- The Incorporation Certificate or the business registration proof must be submitted
- The Digital Signature must be given
- The Director's or Promoter's address proof and identity proof must be submitted along with their photographs.
- The Authorised Signatory must receive the Letter of Authorisation or Board Resolution.

Penalty in case individuals or businesses do not complete GST Registration

In case the offender does not pay tax or makes a payment that is lesser than the amount that must be paid (due to genuine errors), the penalty that is levied is 10% of the tax amount that is due. However, the minimum penalty that must be paid is Rs.10,000.

In case the offender does not complete the GST Registration on purpose and tries to evade tax, the penalty that is levied is 100% of the tax amount that is due.

GST Returns

GST is the single indirect tax that is levied on the supply of goods and services between different entities. GST returns are the tax return forms that are required to be filed by these entities with the Income Tax authorities of India.

All individuals registered under the GST Act has to furnish the details of the sales and purchases of goods and services along with the tax collected and paid. This can be done by filing online returns. GST Returns are the Goods and Services Tax Return forms that taxpayers of all types have to file with the income tax authorities of India under the new GST rules.

Implementation of a comprehensive Income Tax system like GST in India will ensure that taxpayer services such as registration, returns, and compliance are transparent and straightforward. Individual taxpayers will be using 4 forms for filing their returns such as the return for supplies, return for purchases, monthly returns, and annual return. Small taxpayers who have opted for composition scheme will have to file quarterly returns. All filing of returns will be done online.

Filing GST Returns Online:

From manufacturers and suppliers to dealers and consumers, all taxpayers have to file their tax returns with the GST department every year. Under the new GST regime, filing tax returns has become automated. GST returns can be filed online using the software or apps provided by Goods and Service Tax Network (GSTN) which will auto-populate the details on each GSTR forms. Listed below are the steps for filing GST returns online:

- Visit the GST portal (www.gst.gov.in).
- A 15-digit GST identification number will be issued based on your state code and PAN number.
- Upload invoices on the GST portal or the software. An invoice reference number will be issued against each invoice.
- After uploading invoices, outward return, inward return, and cumulative monthly return have to be filed online. If there are any errors, you have the option to correct it and refile the returns.

- File the outward supply returns in GSTR-1 form through the information section at the GST Common Portal (GSTN) on or before 10th of the following month.
- Details of outward supplies furnished by the supplier will be made available in GSTR-2A to the recipient.
- Recipient has to verify, validate, and modify the details of outward supplies, and also file details of credit or debit notes.
- Recipient has to furnish the details of inward supplies of taxable goods and services in GSTR-2 form.
- The supplier can either accept or reject the modifications of the details of inward supplies made available by the recipient in GSTR-1A.

Different Types of Returns applicable under the new GST Law

Return form	Who should file the return and what should be filed?	Due date for filing returns
GSTR-1	Registered taxable supplier should file details of outward supplies of taxable goods and services as effected.	10th of the subsequent month.
GSTR-2	Registered taxable recipient should file details of inward supplies of taxable goods and services claiming input tax credit.	15th of the subsequent month.
GSTR-3	Registered taxable person should file monthly return on the basis of finalization of details of outward supplies and inward supplies plus the payment of amount of tax.	20th of the subsequent month.
GSTR-4	Composition supplier should file quarterly return.	18th of the month succeeding quarter.
GSTR-5	Return for non-resident taxable person.	20th of the subsequent month.
GSTR-6	Return for input service distributor.	13th of the subsequent month.
GSTR-7	Return for authorities carrying out tax deduction at source.	10th of the subsequent month.

Return form	Who should file the return and what should be filed?	Due date for filing returns
GSTR-8	E-commerce operator or tax collector should file details of supplies effected and the amount of tax collected.	10th of the subsequent month.
GSTR-9	Registered taxable person should file annual return.	31 December of the next fiscal year.
GSTR-10	Taxable person whose registration has been cancelled or surrendered should file final return.	Within 3 months of date of cancellation or date of cancellation order, whichever is later.
GSTR-11	Person having UIN claiming refund should file details of inward supplies.	28th of the month, following the month for which the statement was filed.

Various kinds of GST return Forms:

GST return can be filed using different forms depending on the type of transaction and registration of the taxpayer. Return forms for normal taxpayers are:

GSTR-1

GSTR-1 return form has to be filed by a registered taxable supplier with details of the outward supplies of goods and services. This form is filled by the supplier. The buyer has to validate the auto-populated purchase information on the form and make modifications if required. The form will contain the following details:

- Business name, period for which the return is filed, Goods and Services Taxpayer Identification Number (GSTIN).
- Invoices issued in the previous month and the corresponding taxes collected.
- Advances received against a supply order that has to be delivered in the future.
- Revision in outward sales invoices from the previous tax periods.

GSTR-1 has to be filed by 10th of the following month.

GSTR-2

GSTR-2 return form has to be filed by a registered taxable recipient with details of the inward supplies of goods and services. The form will contain the following details:

- Business name, period for which the return is filed, Goods and Services Tax Identification Number (GSTIN).
- Invoices issued in the previous month and the corresponding taxes collected.
- Advances received against a supply order that has to be delivered in the future.
- Revision in outward sales invoices from the previous tax periods.

GSTR-2 has to be filed by 15th of the following month.

GSTR-3

GSTR-3 return form has to be filed by a registered taxpayer with details that are automatically populated by from GSTR-1 and GSTR-2 returns forms. The taxpayer has to verify and make modifications, if any. GSTR-3 return form will contain the following details:

- Details about [Input Tax Credit](#), liability, and cash ledger.
- Details of tax paid under CGST, SGST, and IGST.
- Claim a refund of excess payment or request to carry forward the credit.

GSTR-3 has to be filed by 20th of the following month.

GSTR-4

GSTR-4 return form has to be filed by taxpayers who have opted for the Composition Scheme. Taxpayers with small business or a turnover of up to Rs.75 lakh can opt for the Composition Scheme wherein he or she have to pay tax at a fixed rate based on the type of business. Taxpayers under this scheme will not have input tax credit facility. GSTR-4 quarterly return form will contain the following details:

- The total value of consolidated supply made during the period of return.
- Details of tax paid.
- Invoice-level purchase information.

GSTR-4 has to be filed by 18th of the following month.

GSTR-5

GSTR-5 return form has to be filed by all registered non-resident taxpayers. This form will contain the following:

- Name and address of the taxpayer, GSTIN, and period of return.
- Details of outward supplies and inward supplies.
- Details of goods imported, any amendments in goods imported during the previous tax periods.
- Import of services, amendments in import of services
- Details of credit or debit notes, closing stock of goods, and refund claimed from cash ledger.

GSTR-5 has to be filed by 20th of the following month.

GSTR-6

GSTR-6 return form has to be filed by all taxpayers who are registered as an Input Service Distributor. This form will contain the following:

- Name and address of the taxpayer, GSTIN, and period of return.
- Details of input credit distributed.
- Supplies received from registered persons.
- The amount of input credit availed under the current tax period.
- Details of inward supplies will be auto-populated from GSTR-1 and GSTR-5 return forms.
- Details of the receiver of input credit corresponding to his or her GSTIN.
- Details of credit or debit notes.
- Input tax credit received, input tax credit reverted, and input tax credit distributed as SGST, CGST, and IGST.

GSTR-6 has to be filed by 13th of the following month.

GSTR-7

GSTR-7 return form has to be filed by all registered taxpayers who are required to deduct tax at source under the GST rule. This form will contain the following:

- Name and address of the taxpayer, GSTIN, and period of return.
- TDS details and amendments in invoice amount, TDS amount or contract details.
- TDS liability will be auto-populated. Details of fees for late filing of return and interest on delayed payment of TDS.

- Refund received from Electronic Cash Ledger will be auto-populated.
- GSTR-7 has to be filed by 10th of the following month.

GSTR-8

GSTR-8 return form has to be filed by all e-Commerce operators who are required to collect tax at source under the GST rule. This form will contain details of supplies effected and the amount of tax collected under Sub-section (1) of Section 43C of Model GST Law. Other details include:

- Name and address of the taxpayer, GSTIN, and period of return.
- Details of supplies made to registered taxable person and amendments, if any.
- Details of supplies made to unregistered persons.
- Details of Tax Collected at Source.
- TDS liability will be auto-populated. Details of fees for late filing of return and interest on delayed payment of TDS.

GSTR-8 has to be filed by 10th of the following month.

GSTR-9

GSTR-9 return form is filed by normal taxpayers with details of all income and expenditure for the year. This detail will be regrouped in accordance with the monthly returns. The taxpayer will have the opportunity to make modifications in the information provided if required. GSTR-9 has to be filed by 31st December of the following financial year along with the audited copies of the annual accounts.

GSTR-10

GSTR-10 return form has to be filed by any taxpayer who opts for cancellation of GST registration. This form will contain the following:

- Application Reference Number (ARN).
- Date of cancellation of GST registration.
- Unique ID of cancellation order.
- Date of cancellation order.
- Details of closing stock including amount of tax payable on closing stock.

GSTR-10 final return form has to be filed within 3 months of the date of cancellation or date of cancellation order, whichever is later.

GSTR- 11

GSTR-11 return form has to be filed by everyone who has been issued a Unique Identity Number (UIN) and claims a refund of the taxes paid on inward supplies. This form will contain the following details:

- Name of the government entity, UIN, and period of return.
- All inward purchases from GST registered supplier will be auto-populated.

Based on the above mentioned details, the tax refund will be made. GSTR-11 form has to be filed on 28th of the month, following the month for which supply was received.

File GST return with GSTN

The Goods and Service Tax Network will store information of all GST registered sellers and buyers, combine the submitted details, and maintain registers for future reference. Companies have to file 3 monthly returns every 3 months and one annual return in a financial year (37 returns in total). GSTN has launched a simple excel based template to make filing of returns easier for businesses. This excel workbook can be downloaded from the GST common portal free of charge. Taxpayers can use this template to collate invoice data on a regular basis. The details of inward and outward supplies can be uploaded on the GST portal on or before the due date. The data preparation can be done offline. Only while uploading the prepared file on the GST portal will the taxpayer need Internet.

Penalty for late filing of returns

A penalty will be levied on the taxpayer in case he/she fails to file the returns on time. This penalty is called the late fee. As per the GST Law, the late fee is Rs.100 for each day for each Central Goods and Services Tax (CGST) and State Goods and Services Tax (SGST). Thus, the total fine amount will be Rs.200 per day. However, this rate is subject to changes which will be announced through notifications. The maximum amount of fine that can be levied is Rs.5,000. Integrated GST or IGST does not attract any late fee in case the return filing is delayed. The taxpayer will also be required to pay an interest at the rate of 18% p.a. in addition to the late fee.

This interest has to be calculated by the taxpayer on the amount of tax that is to be paid. The time period will be calculated from the day following the filing deadline till the date when the actual payment is made.

Ex. No.5**Outward supplies and rectification of errors and omissions as per CGST Act, 2017**

Procedure of furnishing details of outward supplies and of revision for rectification of errors and omissions as per CGST Act, 2017.

a) Due date: Every Registered taxable person (other than an Input Service Distributor, a non- resident taxable person and a person paying tax under section 10 (composition scheme) or section 51 (TDS) or section 52 (TCS) by ecommerce operator) shall furnish electronically details of outward supplies of goods or services or both effected during the tax period in Form GSTR-1 by 10th of the month succeeding the tax period.

b) Contents : Details of outward supplies will include invoice relating to zero rated supplies, inter-state supplies, intra state suppliers, Goods/ Services return, Exports, Supplementary invoices, debit notes and credit notes.

c) No revision, but, rectification allowed in subsequent returns: Once return is filed/ uploaded it cannot be revised. The mechanism of filing revised returns for any correction of errors / omissions has been done away with. The rectification of errors/ omissions is allowed in the subsequent returns. However, no rectification is allowed after furnishing the return for the month of September following the end of the financial year to which such details pertain, or furnishing of the relevant annual return, whichever is earlier.

**INDIRECT TAXATION
(PRACTICAL)****Semester – IV
2H – 1C****18PAU412****Instruction Hours / week: L: 0 T: 0 P: 2****Marks: Internal: 40****External: 60****Total: 100****End Semester Exam: 3 Hours****COURSE OBJECTIVES:****To make the students**

1. To Understand the Concept of indirect taxes emphasizing GST, CGST/IGST/SGST/UTGST and customs law.
2. To know how to register GST and apply the GST provisions.
3. To communicate orally and in written form the indirect taxations concepts and provisions.
4. To be familiar with the standards and laws pertaining to the GST and customs and apply the knowledge lifelong.

COURSE OUTCOMES:**Learners should be able to**

1. Comprehend on the Concept of indirect taxes emphasizing GST, CGST/IGST/SGST/UTGST and customs law.
 2. Know the procedure to register GST and apply GST provisions to business situations.
 3. Communicate orally and in written form the indirect taxations concepts and provisions.
 4. Familiar with the standards and laws pertaining GST and customs and apply the knowledge lifelong.
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1. Provision of GST, the provisions related to levy of UTGST.
 2. Whether the following transactions will be considered as supply or not under GST laws (provisions) a) An individual buys a car for personal use and after a year sells it to a car dealer. b) A dealer of air-conditioners permanently transfers an air conditioner from his stock in trade, for personal use at his residence. c) Provision of service or goods by a club or association or society to its members.
 3. Whether GST would be payable in following independent cases (provisions) : a) A Company Secretary makes payment of LLP Registration fees of Rs. 3,000/- on behalf of their clients and charges the client his professional fee of Rs. 15,000/- along with expenses of Rs. 3,000/- incurred in form of payment to Registrar of Companies. b) A company provides Subsidized Meal facility to employees. It pays Rs. 70/- per plate to the caterer and deducts Rs. 10/- per plate from the employee's salary. c) A pharmaceutical company supplies free samples to doctors. d) Raghunath Temple Charitable trust, registered under section 10(23C)(v) of the Income-tax Act gives on rent a community hall, located within temple premises, to public for organizing a Diwali Mela. Rent charged is Rs. 9,500. e) Northstar Trucking Ltd. has given on hire 11 trucks to Jaggi Transporters of Mumbai (a goods transport agency) for transporting goods in various parts of the country. The hiring charges for the trucks are Rs. 10,200 per truck per day.
 4. Procedure for GST Registration and Filing of GST Returns

5. Procedure of furnishing details of outward supplies and of revision for rectification of errors and omissions as per CGST Act, 2017.
6. XYZ Education Advisory promotes the courses of foreign universities among prospective students. It has tied up with various Universities all over the world. These Universities have engaged them for promotional and marketing activities for promotion 17 of the courses taught by them and making the prospective students aware about the course fee and other associated costs, market intelligence about the latest educational trend in the territory and ensuring payment of the requisite fees to the Universities if the prospective students decide upon pursuing any course promoted by the Applicant. XYZ Education Advisory receives consideration in the form of commission from the foreign University for these services rendered to prospective students. It wants to know whether the service provided to the Universities abroad would be considered “export” within the meaning of Section 2(6) of the Integrated Goods and Services Act, 2017, and, therefore, a zero-rated supply under the CGST Act 2017?
7. IGST Model - “export of goods” and “export of services”. How are exports be treated under GST? Siddharth Transports Ltd., is running a regular tourist bus service, carrying passengers and goods from Coimbatore, Tamil Nadu to Trivandrum, Kerala, with effect from 1st August, 2017 and is charging IGST on transportation services under forward charge mechanism. Discuss whether on Inter-state movement of tourist buses from one depot to another of Siddharth Transports Ltd. would be leviable to IGST.
8. Prescribed offences under CGST/SGST Act
9. Provisions for Anti-Profiteering measure and National Anti-Profiteering Authority (NAA).
10. The applicability of GST Rates for hotels and restaurants.
11. Bharghav Pesticieds Ltd., a domestic company, intends to start a business in Kolkata, involving supply of certain goods, mostly meant for foreign buyers in China. There is some difficulty in the classification of the goods. Can the company seek advance ruling from the Authority for Advance Ruling formed under CGST Act, 2017 in respect of the issue of classification of goods? Can the company also seek ruling on issues involving place of supply?
12. Who is a ‘casual taxable person’ under the GST? Mr. A of Ludhiana is participating in Hitex Furniture Expo in Haryana where he has no fixed place of business and exhibiting his products. During the expo, the said products will be sold to the people attending and intending to purchase such products. In such scenario, Mr. A required to obtain registration in the state of Haryana? If yes, how?
13. Basic documents to be filed along with bill of entry

SUGGESTED READINGS :

1. V S Datey, Indirect taxes Law and Practice (2019), 42nd Edition, Taxmann Publication, New Delhi.
2. Dr. H.C. Mehrotra, Prof. V.P. Agarwal (2017), Indirect Taxes, 18th Revised Edition, Sahitya Bhawan Publications, New Delhi.
3. Dr Girish Ahuja , Dr Ravi Gupta (2018), Practical Approach to Direct and Indirect Taxes: Containing Income Tax and GST, 37th edition, Wolters Kluwer India Private Limited, New Delhi.
4. Pawan Dhiman (2018), Direct and Indirect Tax Manual, 1st Edition, KSK Publisher and Distributors, New Delhi.
5. The Institute of Cost Accountants of India (2018), Indirect Taxation, Directorate of Studies/
<https://icmai.in/TaxationPortal/GST/index.php>

Goods and Services Tax (GST):

GST is a destination based tax on consumption of goods and services. It is levied at all stages right from manufacture up to final consumption with credit of taxes paid at previous stages available as set-off. In a nutshell, only value addition will be taxed and burden of tax is to be borne by the final consumer. Destination based tax on consumption means the tax would accrue to the taxing authority which has jurisdiction over the place of consumption which is also termed as place of supply.

The necessary pre-conditions for levy of GST on goods and services:

The conditions required to be satisfied for a transaction to be chargeable to GST, i.e.-

- a) it involves supply of goods or services or both in terms of Section 7 of the CGST Act, 2017;
- b) the supply is a taxable supply; and
- c) the supply is made by a taxable person.

The provisions related to levy of UTGST:

Section 7 of UTGST Act, 2017 is a charging section which provides that Union Territory Goods and Services Tax (UTGST) will be levied on all intra state supplies of goods or services or both within a Union Territory.

Intra-State supply of alcoholic liquor for human consumption is outside the purview of UTGST. Value for levy is guided by Section 15 of the CGST Act.

Rates for UTGST are rates as notified by the Government on the recommendations of the GST Council. Maximum rate of UTGST will be 20%.

Section 7 of UTGST, ACT, 2017 deals only with UTGST. In case of intra-state supply CGST shall also be levied at a rate equal to UTGST.

For Example:

If an Intra-state Supply attracts a rate of GST of 12% then CGST will be levied at 6% and UTGST will be levied at 6%.

Ex. No.2

Provisions of Supply under GST laws – Specified Cases

Whether the following transactions will be considered as supply or not under GST laws (provisions)

- a) An individual buys a car for personal use and after a year sells it to a car dealer.
- b) A dealer of air-conditioners permanently transfers an air conditioner from his stock in trade, for personal use at his residence.
- c) Provision of service or goods by a club or association or society to its members.

Answer:

- a) No, because the sale of old and used car by an individual is not in the course or furtherance of business and hence does not constitute supply. [Section 7 CGST Act]
- b) Yes. As per Sl. No.1 of Schedule-I, permanent transfer or disposal of business assets where input tax credit has been availed on such assets shall constitute a supply under GST even where no consideration is involved.
- c) Yes. Provision of facilities by a club, association, society or any such body to its members shall be treated as supply. This is included in the definition of 'business' in section 2(17) of CGST/SGST Act.