



वर्ष 49 अंक 3
31 मार्च 2019

मेवाड़ चेम्बर पत्रिका

(मेवाड़ चेम्बर ऑफ कामर्स एण्ड इण्डस्ट्री का मासिक पत्र)

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राजसमन्द एवं भीलवाड़ा का सम्भागीय चेम्बर

मेवाड़ चेम्बर ऑफ कामर्स एण्ड इण्डस्ट्री

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2 मार्च 2019 को जीएसटी बदलावों पर कार्यशाला।
मुख्यवक्ता श्री आनन्द नैनावटी को
स्मृति चिन्ह भेंट करते हुए चेम्बर के पदाधिकारीगण।



जीएसटी बदलावों पर कार्यशाला में उपस्थित
चेम्बर के सदस्यगण।



5 मार्च 2019 को पीएम श्रम योगी मानधन योजना पर कार्यशाला
को सम्बोधित करते हुए मानद महासचिव श्री आर के जैन।



पीएम श्रम योगी मानधन योजना के तहत श्रम योगी
कार्ड वितरित करते हुए माननीय सांसद श्री सुभाष बहेडिया।



6 मार्च 2019 को एमएसएमई डवलपमेंट इंस्टीट्यूट के
संयुक्त तत्वावधान में बौद्धिक सम्पदा अधिकार पर कार्यशाला
को सम्बोधित करते हुए वरिष्ठ उपाध्यक्ष श्री जे के बागडोदिया।



26 मार्च 2019 को राष्ट्रीय एड्स नियन्त्रण कार्यक्रम
के तहत निजी क्षेत्र की सहभागिता पर कार्यशाला।

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Confederation of Indian Industry (CII)

National Institute for Entrepreneurship and Small Business Development (NIESBUD), New Delhi.

Confederation of All India Traders, New Delhi

AT THE STATE LEVEL

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- All India Power loom Board, Ministry of Textile, Govt. of India, New Delhi
- National Coal Consumer Council, Coal India Ltd., Kolkata
- State Level Tax Advisory Committee, Govt. of Rajasthan, Jaipur
- State Level Industrial Advisory Committee, Govt. of Rajasthan, Jaipur
- Regional Advisory Committee, Central Excise, Jaipur
- Foreign Trade Advisory Committee, Public Grievance, Customs, Jaipur
- DRUCC/ZRUCC of North Western Railways

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राज्य के उद्योग मंत्री के साथ बैठक

दिनांक 1 मार्च 2019 को मेवाड चेम्बर के अध्यक्ष श्री दिनेश नौलखा, मानद महासचिव श्री आर के जैन जयपुर में राज्य के उद्योगमंत्री माननीय श्री परसादीलाल मीणा की अध्यक्षता में नई औद्योगिक नीति के संबंध में आहुत बैठक में भाग लिया एवं नई उद्योग नीति के संबंध में सुझाव दिये।

चेम्बर की ओर से वर्तमान में लागू राजस्थान औद्योगिक विनिवेश प्रोत्साहन योजना (आर आई पी) 2014 के तहत टेक्सटाइल उद्योग के लिए विशेष पैकेज में जोधपुर, पाली, बालोतरा के साथ योजना का विस्तार कर पूरे राज्य में कहीं भी स्थापित होने वाले पावरलूम उद्योग को यार्न पर जीएसटी में 50 प्रतिशत छूट, डेनिम उद्योग के विकास के लिए भूजल विभाग की एनओसी की अनिवार्यता समाप्त करने की मांग की। साथ ही 10 करोड़ तक के निवेश पर 6 प्रतिशत ब्याज अनुदान एवं 10 करोड़ से अधिक निवेश पर 7 प्रतिशत ब्याज अनुदान देने एवं वर्तमान में लागू रोजगार अनुदान को जारी रखने की बात कही गई। साथ ही राजस्थान औद्योगिक विनिवेश प्रोत्साहन योजना (आर आई पी) 2014 में जिन टेक्सटाइल उद्योगों को टफ योजना के तहत ऋण प्राप्त करने के साथ आर आई पी के अन्तर्गत ब्याज अनुदान स्वीकृत है, उन्हें एक वि.पी.य संस्थान से दूसरे वि.पी.य संस्थान में नियमानुसार ऋण परिवर्तित करने पर भी आर आई पी के अन्तर्गत ब्याज अनुदान जारी रखने के प्रावधान की भी मांग की गई।

महाराष्ट्र एवं गुजरात की टेक्सटाइल नीति के अनुरूप लघु एवं मध्यम टेक्सटाइल उद्योगों को बिजली दरों में 3 रु प्रति यूनिट, वृहत उद्योगों को 2 रु प्रति यूनिट की छूट के साथ रात्रि में 10 से प्रातः 6 बजे तक टेक्सटाइल उद्योगों को 5 रु प्रति यूनिट की फ्लैट दर पर विद्युत आपूर्ति की मांग की। टेक्सटाइल उद्योग में लगे कैप्टिव पावर प्लान्ट एवं सोलर पावर प्लान्टों पर मार्च 2018 से पूर्व दी जा रही विद्युत कर से छूट को पुनः देने की भी आग्रह किया गया।



जीएसटी में बदलाव पर कार्यशाला

2 मार्च 2019 को मेवाड चेम्बर में जीएसटी में हाल ही में हुए बदलावों पर कार्यशाला का आयोजन हुआ। कार्यशाला को देश के प्रसिद्ध कर सलाहकार लक्ष्मीकुमारण एवं श्रीधरण के पार्टनर अहमदाबाद के श्री आनन्द नैनावटी ने सम्बोधित किया।

जीएसटी में हाल ही में किये गये महत्वपूर्ण परिवर्तनों की जानकारी देते हुए उन्होंने बताया कि जीएसटी प्रणाली जुलाई 2017 में देश में लागू की गई तब उद्योग एवं व्यापार के लिए एक नई प्रणाली होने से इसे व्यवहारिक बनाने के लिए कई सुधार किये गये। अब तक प्रणाली में 339 नोटिफिकेशन, 90 से ज्यादा सर्कुलर एवं 173 से ज्यादा प्रेसनोट जारी किये गये। अतः जीएसटी को अच्छी तरह से समझ कर निर्णय लेने के लिए सभी का पूरा ज्ञान होना आवश्यक है। उन्होंने कहा कि आम जनता यह समझती है कि जीएसटी में सभी तरह के कर सम्मिलित होने से सरकार कोई अलग से कर नहीं लगा सकती लेकिन सुप्रीम कोर्ट के निर्णय अनुसार सरकार के पास अन्य कर लगाने के अधिकार हैं। राज्य सरकारें भी प्राकृतिक आपदा आदि स्थिति में राज्य के अन्दर सेस आदि लगा सकती हैं। फरवरी 2019 से कई परिवर्तन लागू किये गये हैं। अगर कोई उद्यमी या व्यापारी दूसरे राज्यों में स्थापित स्वयं की इकाईयों या ऑफिस के लिए हेड ऑफिस से कोई कार्य निष्पादित करता है तो उस पर चुकाये गई वेतन को उस अनुपात में उन कार्यालयों को नाम मांडकर जीएसटी चुकाना होगा।

जुलाई 2017 से पहले कोई आयात किया हो ओर उस पर कस्टम ड्यूटी का अन्तिम निर्णय अभी आने से अगर आईजीएसटी चुकाई जाती है तो उसकी क्रेडिट प्राप्त नहीं होगी। उन्होंने आगे बताया कि सप्लाय ऑफ सर्विस के तहत अब लिक्विडेटेड डेमेज, पेनेल्टी, कम्पनसेशन, ऑउट ऑफ कोर्ट सेटलमेन्ट पर जीएसटी का दायित्व नहीं होगा। लेट पेमेन्ट पर ब्याज अगर पेनेल्टी के रूप में वसूल किया जा रहा है तो उसे व्यापारी पेनेल्टी दर्शा कर जीएसटी के दायित्व से बचा जा सकता है।

जीएसटी प्रणाली लागू होने से पहले का अगर एज्युकेशन सेस या अन्य कोई सेस आपके पास क्रेडिट में था ओर उसकी अगर आपने ट्रांस-1 फार्म में क्रेडिट दर्शायी भी है तो यह क्रेडिट नहीं मिलने योग्य है। ऐसे शेष पड़े सेस आदि को बही खातों में राइट ऑफ करना ज्यादा उचित है। श्री नैनावटी ने बताया कि रिवर्स चार्ज के मामले में यह स्पष्ट हो गया है कि अब केवल स्पेशिफाइड पर्सन एवं स्पेशिफाइड गुड्स पर ही रिवर्स चार्ज लगेगा। उन्होंने इनपुट टेक्स क्रेडिट एवं अन्य विषयों के बारे में भी विस्तार से समझाया।

कार्यशाला के प्रारम्भ में चेम्बर के मानद महासचिव श्री आर के जैन ने श्री नैनावटी एवं अन्य अतिथियों का स्वागत किया। वरिष्ठ उपाध्यक्ष श्री जे के बागडोदिया ने धन्यवाद ज्ञापित किया। कार्यशाला में सहसचिव श्री के.के.मोदी, कोषाध्यक्ष श्री वी के मानसिंगका, टेक्सबार के अध्यक्ष श्री अतुल सोमाणी, चि गैडगढ अरबन बैंक की प्रबंध निदेशक श्रीमति वन्दना विजनानी सहित भीलवाडा, चि गैडगढ, कांकरोली, उदयपुर आदि स्थानों के कर सलाहकार, उद्यमी, वि.पी.य प्रबंधक उपस्थित थे।

बौद्धिक सम्पदा एवं भौगोलिक सम्पदा पर कार्यशाला

6 मार्च 2019 को एमएसएमई डवलपमेन्ट इन्सस्टिट्यूट जयपुर एवं मेवाड चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री के संयुक्त तत्वावधान बौद्धिक सम्पदा अधिकार पर कार्यशाला का आयोजन हुआ।

कार्यशाला में जयपुर से आये बौद्धिक सम्पदा विशेषज्ञ एवं एडवोकेट डॉ रोहित जैन ने बताया कि बौद्धिक सम्पदा एवं भौगोलिक सम्पदा राष्ट्र की, कलाकारों की, साहित्यकारों की, कारीगरों की अमूर्त सम्पत्ति है, जिसकी कानूनी रूप से सुरक्षा आवश्यक है। इनमें आविष्कार, कलात्मक कार्य, साहित्य, संगीत, किसी वस्तु विशेष को बनाने का व्यापार रहस्य सम्मिलित है। भारत सदैव से इन क्षेत्रों में अग्रसर रहा है। लेकिन अब कई दूसरे देशों के लिए नकल करके अपने यहां पेटेन्ट कराकर हमारे देश की इस सम्पदा को हमसे छीनना चाहते हैं। अतः भारत सरकार के कानूनों के तहत इनका पेटेन्ट या रजिस्ट्रेशन आवश्यक है।

उन्होंने बताया कि उदाहरण के तौर पर पड़ पेन्टिंग, नाथद्वारा की पिछवाई, नसीराबाद का कचौरा, सांभर की फिणी आदि हमारे देश में क्षेत्र विशेष की सैकड़ों वर्षों से चली आ रही विशिष्ट उपलब्धियाँ हैं। इनकी सुरक्षा के लिए इनका पेटेंट कराना आवश्यक है। पेटेंट के तहत कोई भी उत्पाद प्रक्रिया या वैज्ञानिक आविष्कार, इसी तरह ट्रेडमार्क के तहत अपने उत्पाद का चिन्ह, साहित्य, नाटक, संगीत आदि कलात्मक कार्यों में कानून के तहत कॉपीराइट रजिस्ट्रेशन किया जाता है। उन्होंने इस विषय में विस्तार से जानकारी दी।

राजस्थान विश्वविद्यालय के कानून के प्रोफेसर डॉ अभिषेक तिवाड़ी ने बताया कि एमएसएमई उद्योग या संस्थान के लिए पेटेन्ट फीस में 50 प्रतिशत की छुट दी जाती है, और अगर आवेदन ई-फाइलिंग से किया गया तो 10 प्रतिशत की अतिरिक्त छुट दी जाती है। एक बार जारी किया गया पेटेन्ट रजिस्ट्रेशन 20 वर्ष के वैध रहता है, लेकिन इसका प्रतिवर्ष निर्धारित शुल्क भरकर नवीनीकरण करना होता है। इसी तरह ट्रेडमार्क 10 वर्ष की अवधि के लिए वैध होते हैं एवं 10 वर्ष बाद नवीनीकरण आवश्यक होता है। कॉपीराइट कानून के तहत साहित्यकार, नाटकीय, संगीत, कलात्मक कार्य आदि कॉपीराइट लेखक के जीवनकाल के बाद मृत्यु के 60 वर्ष बाद तक वैध रहता है।

एमएसएमई डवलपमेन्ट इन्सस्टिट्यूट जयपुर के सहायक निदेशक डॉ गिरीश कुमार शर्मा ने बताया कि आईपीआर अनुदान एवं पंजीकरण के लिए आईपीआर की निर्धारित वेबसाइट पर आवेदन किया जा सकता है। वाणिज्य एवं उद्योग मंत्रालय स्टार्टअप उद्योगों के लिए यह रजिस्ट्रेशन का कार्य करता है। इसी तरह पौधों की किस्म, उन्नत बीज के विकास आदि के रजिस्ट्रेशन के लिए कृषि मंत्रालय के तहत रजिस्ट्रेशन किया जाता है।

कार्यक्रम के प्रारम्भ में संस्थान के सहायक निदेशक श्री प्रशान्त शर्मा ने बौद्धिक सम्पदा एवं भौगोलिक सम्पदा कानूनों की जानकारी दी। मेवाड चेम्बर के वरिष्ठ उपाध्यक्ष श्री जे के बागडोदिया एवं कोषाध्यक्ष श्री वी के मानसिंगका ने अतिथियों माल्यार्पण कर स्वागत किया। इस अवसर पर वरिष्ठ पड़ कलाकर श्री कल्याण जोशी, श्री प्रकाश जोशी, श्री गोपाल जोशी, श्री के जी कदम सहित भीलवाड़ा के कई कलाकार, भीलवाड़ा में इस विषय विशेषज्ञ एडवोकेट एवं चेम्बर के कई सदस्य उपस्थित थे।



पीएम श्रम योगी मानधन योजना का उद्घाटन

5 मार्च 2019 को मेवाड चेम्बर, उप श्रम आयुक्त कार्यालय के सहयोग से चेम्बर भवन में प्रधानमंत्री श्रम योगी मानधन योजना का उद्घाटन समारोह आयोजित हुआ। समारोह के मुख्य अतिथि माननीय सांसद श्री सुभाष बहेडिया थे। इस योजना में घरेलू नौकर, रिक्शा चालक व मनरेगा श्रमिक आदि के अलावा संगठित क्षेत्र के श्रमिकों को भी पेंशन लाभ मिलेगा। समारोह में 21 श्रमिकों को पेंशन कार्ड बांटे गये।

उप श्रम आयुक्त श्री संकेत मोदी ने बताया कि यह स्वेच्छिक एवं अंशदायी पेंशन योजना है। इसमें अभी तक भीलवाड़ा में 400 श्रमिकों का पंजीयन किया गया है। असंगठित कामकारों को 60 साल का होने के बाद न्यूनतम 3 हजार रुपए मासिक पेंशन का प्रावधान है। प्रार्थी की मासिक आय 15 हजार रुपए से कम एवं आयु 18 से 40 साल के मध्य होनी चाहिए। इसके क मन सर्विस सेंटर से आधार एवं बैंक की पासबुक से पंजीयन करा सकते हैं। भविष्य निधि के सहायक आयुक्त श्री विपिन कुमार सोनी, चेम्बर महासचिव श्री आर के जैन ने भी सम्बोधित किया। प्रवर्तन अधिकारी श्री अनिल जैन, ईएसआई शाखा प्रबन्धक श्री आरएस पोरवाल, श्रम निरीक्षक सुश्री संगीता व्यास, वसुन्धरा चौहान, मधुबाला जाट, भामसं नेता श्री प्रभाष चौधरी, श्री लवकुमार जोशी, श्री अरुणसिंह राणावत, श्री सत्यनारायण शर्मा आदि उपस्थित थे।

राष्ट्रीय एड्स नियन्त्रण कार्यक्रम पर कार्यशाला

दिनांक 26 मार्च 2019 को राजस्थान एड्स नियन्त्रण सोसाइटी जयपुर की ओर से जिला श्रम कल्याण अधिकारी, मेवाड चेम्बर ऑफ कॉमर्स एण्ड इण्डस्ट्री तथा जिला उद्योग केन्द्र के सहयोग से मेवाड चेम्बर भवन में राष्ट्रीय एड्स नियन्त्रण कार्यक्रम के तहत निजी क्षेत्र की सहभागिता पर कार्यशाला का आयोजन हुआ।

भीलवाडा जिले में आईसीटीसी सेन्टर्स की जांच के आंकड़ों के आधार पर यह पाया गया है कि भीलवाडा जिले में एचआईवी एड्स की प्रसार दर राज्य के अन्य जिलों से अधिक आ रही है, जो कि चिंता का विषय है। इस स्थिति से निपटने एवं भीलवाडा जिले में एचआईवी की रोकथाम में उद्योग की सहभागिता निश्चित करने के लिए इस कार्यशाला का आयोजन किया गया।

कार्यशाला में राष्ट्रीय एड्स नियन्त्रण सोसाइटी के क्षेत्रीय अधिकारी श्री नहीद मोहम्मद ने एचआईवी एड्स नियन्त्रण कार्यक्रम की जानकारी देते हुए एचआईवी के बारे में लोगों की भ्रांतियां दूर करने की चर्चा की। एचआईवी टेस्ट पर एक लघु फिल्म के द्वारा उन्होंने विभिन्न जांचों की जानकारी दी। डॉ. कुणाल सिंह ने सोसाइटी की एड्स की रोकथाम, नियन्त्रण एवं उपचार के विषय में विस्तार से बताया। पब्लिक हेल्थ फाउन्डेशन ऑफ इण्डिया के प्रोग्राम ऑफिसर श्री हर्ष अग्रवाल ने निजी क्षेत्र की भागीदारी के बारे में एवं श्री सीताराम यादव ने एचआईवी एड्स कानून 2017 के बारे में बताया।

कार्यक्रम में भीलवाडा के स्पिननिंग, प्रोसेसिंग एवं विविंग, आयरन एवं सीमेन्ट पाइप उद्योगों के श्रम अधिकारी, फेक्ट्री प्रबंधकों ने भाग लिया।

इन्वर्टेड रेट ड्यूटी रिफण्ड के विषय में स्पष्टीकरण जारी

मेवाड चेम्बर के सतत प्रयासों से जीएसटी के तहत फेब्रिक्स पर इन्वर्टेड रेट ड्यूटी से सरकार द्वारा 1 अगस्त 2018 से एक्यूमलेटेड ड्यूटी के रिफण्ड के प्रावधान किये थे। इसके लिए आरएफडी-01 फार्म में आवेदन किया जाना है, लेकिन उसमें व्यापारियों को कई कठिनाईयां आ रही थी। मेवाड चेम्बर की ओर से केन्द्रीय वि. 1 सचिव, डायरेक्टर जीएसटी एवं सभी संबंधित अधिकारियों को कई बार प्रतिवेदन भेजे गये, फोन पर सम्पर्क किये गये। 28 मार्च 2019 को जीएसटी पॉलिसी विंग द्वारा इस विषय में स्पष्टीकरण की विज्ञप्ति जारी की गई, जो कि इस पत्रिका में प्रकाशित की जा रही है।

ईपीसीजी के तहत आयात सुविधा 31 मार्च 2020 तक

भारत सरकार के विदेश व्यापार निदेशालय की ओर से 20 मार्च को जारी गजट सूचना के अनुसार ईपीसीजी एवं एडवान्स औथोराइजेशन के तहत टेक्सटाइल मशीनरी के आयात पर आईजीएसटी के भुगतान बिना आयात की अवधि सीमा 31 मार्च 2020 तक बढ़ाई गई है, पूर्व में यह सीमा 31 मार्च 2019 तक थी।

जीएसटी लागू होने के बाद ईपीसीजी के तहत आयात होने वाली मशीनरी पर बिना आईजीएसटी भुगतान के आयात की सुविधा प्रारम्भ में 30 सितम्बर 2018 तक ही प्रदान की गई। मेवाड चेम्बर ने इस विषय को केन्द्र सरकार एवं राज्य सरकार में विभिन्न स्तरों पर लगातार उठाया एवं इसकी अवधि बढ़ाने की मांग की। क्योंकि कोई भी मशीनरी का आयात लम्बी प्लानिंग करके ही हो सकता है। प्रारम्भ में यह सीमा 31 मार्च 2019 तक बढ़ाई गई एवं पुनः चेम्बर के लगातार प्रतिवेदन एवं फोलोअप पर यह सीमा 31 मार्च 2020 तक बढ़ाई गई।

आईटीसी-04 रिटर्न दाखिल करने की सीमा 30 जून 2019 तक बढ़ाई

मेवाड चेम्बर की ओर से पिछले कई माह से केन्द्र एवं राज्य सरकार के स्तर पर जीएसटी संबंधी समस्याओं में इस विषय को उठाया जाता रहा है। 1 अगस्त 2018 को राज्य के माननीय उद्योग मंत्री श्री राजपाल सिंह शेखावत की अध्यक्षता में जयपुर में जीएसटी की एमएसएमई सेक्टर से संबंधित समस्याओं पर विचार विमर्श के लिए एक उच्च स्तरीय बैठक का आयोजन हुआ। इसमें भी इन विषयों को गम्भीरता से उठाया गया। टेक्सटाइल उद्योग में आईटीसी-04 रिटर्न की अनिवार्यता समाप्त करने के लिए आग्रह किया गया था एवं उन्हें इसकी तकनीकी समस्याओं के बारे में विस्तार से बताया। मेवाड चेम्बर के प्रयासों से फिलहाल टेक्सटाइल उद्योग में आईटीसी-04 रिटर्न की सीमा 30 जून 2019 तक बढ़ाई गई है।

REPRESENTATION

Dated 19th March, 2019
The Finance Minister
Government of India
New Delhi

Sub: Payment of IGST under EPCG Scheme under which exemption should be extended up to 31.03.2020.

Respected Sir,

Mewar Chamber of Commerce & Industry is the Divisional Chamber of Southern Rajasthan representing the entire major industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur. It has been functioning as representative body of the industries in the state, leading the cause of the textile industry and making constructive suggestions to the Central and State Government and other agencies in regards to formation of industrial Policy, Taxation Matter and other operational activities. On behalf of our all members of Mewar Chamber of Commerce and Industry, we convey our heartiest gratitude to your honour for resolving various issues of textile industry. We convey our heartiest gratitude for such relief to entire industry. We also appreciate the quick response of the Government of India, GST Council and your honour towards understanding and solving the various problems of Trade, Commerce and Industry.

Please also refer our previous letter dated 20.12.2018, 22.01.2019 and 11.02.2019. We would again like to inform your honour that in the pre-GST era, import of Capital Goods against EPCG Licence was allowed at zero percentage duty as no Custom Duty, Counter Vailing Duty (CVD) and Special Additional Duty (SAD) was payable. Under GST regime the IGST was made applicable on import of Capital Goods. **We would like to submit your honour that the Government of India has issued the Notification No. 66/2018 Cus-Tariff dt. 26.09.2018 and extended the date for exemption from payment of IGST under EPCG Scheme from 30.09.2018 to 31.03.2019.**

Decision regarding Capital Goods should be based on Long Term Policy Framework and such short term relaxation vide notifications make it very difficult for Industries to plan Long Term Projects. Hence, we request that import of Capital Goods of textile Machinery on Zero Duty under EPCG Scheme should be made permanent to promote investment in capital goods or should be atleast extended up to **31.03.2020** and necessary notification should be issued immediately so that power loom weavers can plan for import of capital goods, modern and latest loom etc.

We are sure that your good office would consider our humble request sympathetically and would extend suitable relief to the benefit of trade and industry. We look forward to your kind support and cooperation.

With Best Regards

(CS R.K.Jain)
Hon'y Secretary General

Copy to, Secretary Finance (Revenue), Government of India,



Dated 19th March, 2019
The Finance Minister
Government of India
New Delhi

Sub : To extend the due date of filing of ITC-04

Respected Sir,

Mewar Chamber of Commerce & Industry is the Divisional Chamber of Southern Rajasthan representing the entire major industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur. It has been functioning as representative body of the industries in the state, leading the cause of the Textile and Mining industry and making constructive suggestions to the Central and State Government and other agencies in regards to formation of industrial Policy, Taxation Matter and other operational activities.

Please refer our previous representation dated 22.09.2018, 03.10.2018 and 20.12.2018 in which we had requested to extend the date for filing the ITC-04 form. We further submit that the last date for submission of ITC-04 was extended up to 31.03.2019 in revised format vide Notification No. 78/2018 Central Tax- dated 31.12.2018. We would like to submit your honour that till date "Revised Format" of ITC-04 is not updated in GSTIN.

In view of the above it is requested to please extend the date for filing of ITC-04 for further period of 60 days from the date on which availability of updated form on GSTIN.

We are sure that your good office would consider our humble request sympathetically and would extend suitable relief to the benefit of trade and industry.

We look forward to your kind support and cooperation,

With Best Regards

CS R.K.Jain)
Hon'y Secretary General

Copy to, Secretary Finance (Revenue), Government of India, New Delhi



The Finance Minister
Government of India
New Delhi

Dated 19th March, 2019

Sub : To clarify some ambiguity in Notification no. 20/2018-Central Tax (Rate) dated 26.07.2018 and circular no. 56/30/2018-GST dated 24.08.2018

Ref : Our letter dated 03.10.2018, 27.12.2018 and 15.02.2019, 06.03.2019

Respected Sir,

Mewar Chamber of Commerce & Industry is the Divisional Chamber of Southern Rajasthan representing the entire major industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur. It has been functioning as representative body of the industries in the state, leading the cause of the textile industry and making constructive suggestions to the Central and State Government and other agencies in regards to formation of industrial Policy, Taxation Matter and other operational activities.

On behalf of our all members of Mewar Chamber of Commerce and Industry, we convey our heartiest gratitude to your honour for re-solving various issues of textile industry relating to GST. We also appreciate the quick response of the Government of India, GST Council and your honour towards understanding and solving the various problems of Trade, Commerce and Industry. Please also refer our previous letter dated 03.10.2018, 27.12.2018, 15.02.2019 and 06.03.2019.

We would again like to request your goodself that :-

The Government has amended the Notification 05/2017 Central Tax (Rate) dated 28.06.2017 vide notification 20/2018-Central Tax (Rate) dated 26.07.2018, and by the supra mentioned notification allowed the textile industry to claim refund of the input tax credit accumulated on account of inverted duty structure. The trade and industry reversed the accumulated ITC in the GST-3B for the month of August, 2018 as required and clarified vide circular no. 56/30/2018-GST dated 24.08.2018.

We have received various complaints from our several textile traders/manufacturing members that while filing the refund claim of inverted duty structure/Export for the month of August, 2018 the system is not granting the refund as the system is calculating the refund on the basis of Net ITC for the month of August, 2018 i.e. the system is automatically taking Net ITC after reversal of accumulated ITC as per above mentioned Notification and circular from the ITC for the month of August, 2018. Due to this technical reason none of the person are unable to claim the refund of IDS and Export for the month of August, 2018.

At the time of filling refund application the maximum net ITC on which refund can be claimed is reduced by the amount of ITC lapsed during the period August, 2018. The ITC which is liable to be lapsed has to be reversed from the ITC accumulated till July, 2018 and not from the ITC of the August period, as it has been already categorically provided in the notification 20/2018 ibid. But, while submitting the GST-3B return for the month of August, 2018, the Net ITC was calculated on the basis of reversal from ITC taken during the month of August, 2018 instead of from accumulated ITC.

The intention of the Government was to lapse the ITC accumulated and remaining unutilized on the goods sold till July, 2018 and that has to be reversed from the ITC accumulated till July, 2018 and not from the ITC availed during the period of August, 2018. Therefore, suitable clarification is required in this regard.

We are sure that your good office would consider our humble request sympathetically and would extend suitable relief to the benefit of trade and industry.

We look forward to your kind support and cooperation,
With Best Regards

CS R.K.Jain)
Hon'y Secretary General

Copy to, Secretary Finance (Revenue), Government of India,



Dated 19th March, 2019

The Secretary Finance
Government of India,
New Delhi.

Respected Sir,

Mewar Chamber of Commerce & Industry is the Divisional Chamber of Southern Rajasthan representing the entire major industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur. It has been functioning as representative body of the industries in the state, leading the cause of the textile industry and making constructive suggestions to the Central and State Government and other agencies in regards to formation of industrial Policy, Taxation Matter and other operational activities.

Please refer our previous letters and reminders, we wish to submit again following issues/matters for your kind consideration :

1. PAYMENT OF IGST UNDER EPCG SCHEME UNDER WHICH EXEMPTION SHOULD BE EXTENDED UP TO 31.03.2020.

In the pre-GST era, import of Capital Goods against EPCG Licence was allowed at zero percentage duty as no Custom Duty, Counter Vailing Duty (CVD) and Special Additional Duty (SAD) was payable. Under GST regime the IGST was made applicable on import of Capital Goods. **We would like to submit your honour that the Government of India has issued the Notification No. 66/2018 Cus-Tariff dt.26.09.2018 and extended the date for exemption from payment of IGST under EPCG Scheme from 30.09.2018 to 31.03.2019.**

Decision regarding Capital Goods should be based on Long Term Policy Framework and such short term relaxation vide notifications make it very difficult for Industries to plan Long Term Projects. Hence, we request that import of Capital Goods of textile Machinery on Zero Duty under EPCG Scheme should be made permanent to promote investment in capital goods or should be at least extended up to 31.03.2020. Hence, we request your good self to kindly raise this issue in the GST Council meeting so that power loom weavers can plan for import of capital goods, modern and latest loom etc.

2. TO REDUCE GST RATE ON MAN MADE FIBRE YARN FROM 12% TO 5%

Presently, the GST Rate on Synthetic Man Made Yarn is 12.00% under chapter heading No 5402 to 5406, 5509, 5510, 5511 etc. and GST Rate on all types of Fabric, it is 5.00%. The Government of India vide Notification 20/2018-Central Tax (Rate) dated 26.07.2018 amended the Notification No. 05/2017 Central Tax (Rate) dated 28.06.2017 and thereby allowed refund of Input Tax Credit due to Inverted Duty Rate Structure to textile fabrics. On the request of representation of entire textile industry, GST Council and the Government of India allowed the refund on account of inverted duty rate structure to textile fabrics w.e.f 01.08.2018. But the weaving units have not received refund so far. To end this problem, the GST on man made fibre yarn should be reduced to 5% from present level of 12%. There will be no loss of revenue to the Government as refund on account inverted duty structure is available on textile fabric.

The trade and industry will also be benefited on account of following :-

- 1. Revenue neutrality:** At present rate of GST on Synthetic Man Made Yarn is 12.00% and on Cotton Yarn is 5.00% and Rate of GST on all type of Fabrics is 5.00% and the Government is allowing the refund on account of inverted duty rate structure on textile Fabrics. There will be no negative impact on revenue of Government due to reduction of GST rate on Textile yarn. Hence, it will be better to reduce the rate of GST on textile yarn from 12 to 5%
- 2. Lesser blockage of Working Capital :** Due to reduction of GST rate on Man Made Yarn, the person dealing in textile will have to pay lesser tax at yarn stage and no need to file refund claim with the Department, hence there will be lesser blockage of fund to the extent of refund amount.

- 3. Reduction of work load on trade & department both :** Presently, all the person dealing in textile fabrics required to file monthly refund on account of inverted duty rate structure by online mode and also require lots of statement, papers and documents etc by offline mode also. It leads to unnecessary work load and requires professional services adding to their cost. On reduction of GST rate, there will be no need to file any refund claim with the Department and it will reduce work load both on trade and the department. It will also reduce the harassment and corruption. We request your honour to please raise the issue IN THE Meeting of Council of GST.
- 3. To clarify some ambiguity in Notification no. 20/2018-Central Tax (Rate) dated 26.07.2018 and circular no. 56/30/2018-GST dated 24.08.2018.**

The Government has amended the Notification 05/2017 Central Tax (Rate) dated 28.06.2017 vide notification 20/2018-Central Tax (Rate) dated 26.07.2018, and by the supra mentioned notification allowed the textile industry to claim refund of the input tax credit accumulated on account of inverted duty structure. The trade and industry reversed the accumulated ITC in the GST-3B for the month of August, 2018 as required and clarified vide circular no. 56/30/2018-GST dated 24.08.2018.

We have received various complaints from our several textile traders/manufacturing members that while filing the refund claim of inverted duty structure/Export for the month of August, 2018 the system is not granting the refund as the system is calculating the refund on the basis of Net ITC for the month of August, 2018 i.e. the system is automatically taking Net ITC after reversal of accumulated ITC as per above mentioned Notification and circular from the ITC for the month of August, 2018. Due to this technical reason none of the person are unable to claim the refund of IDS and Export for the month of August, 2018.

At the time of filling refund application the maximum net ITC on which refund can be claimed is reduced by the amount of ITC lapsed during the period August, 2018. The same is depicted in the below in the screenshot reproduced below:-

The intention of the Government was to lapse the ITC accumulated and remaining unutilized on the goods sold till July, 2018 and that has to be reversed from the ITC accumulated till July, 2018 and not from the ITC availed during the period of August, 2018. Therefore, suitable clarification is required in this regard. We request your honour to please raise the issue with GST Council and clarify the issue as soon as possible.

We are sure that your good office would consider our humble request sympathetically and will do the needful in the matter. We look forward to your kind support and cooperation,

With Best Regards

(CS R.K.Jain)
Hon'y Secretary General



Dated 19th March, 2019

Smt. Smriti ji Irani
Hon'ble Minister for Textile,
Government of India,
New Delhi

Sub : Delay in payment of TUF'S Capital / Interest subsidy.

Respected Ma'am,

Mewar Chamber of Commerce & Industry is the Divisional Chamber of Southern Rajasthan representing the entire major industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur. It has been functioning as representative body of the industries in the state, leading the cause of the textile industry and making constructive suggestions to the Central and State Government and other agencies in regards to formation of industrial Policy, Taxation Matter and other operational activities.

We are highly thankful to your honour and the Ministry of Textile for announcement of Amended Technology Up-gradation Fund Scheme (A-TUFS) effective from 13.01.2016 and for detailed guidelines for the implementation of the scheme. In fact the TUFS have been the mile stone in the up gradation of technology in the textile industry throughout the Country.

Please refer our previous letter dated 5th January, 2019 regarding delay in payment of TUF Capital and Interest subsidy. We would also like to inform your honour that the payment of capital/interest subsidy under TUF is being delayed. In some cases, it is pending for more than 2-4 years and in general the payment of **interest subsidy is pending for last Five to Six quarters.**

The textile industry is already facing financial crisis due to several reasons and delay in payment of TUF subsidy is adding to their problem. We request your honour to kindly look in to the issue and to direct the concerned authorities for immediate release of pending subsidy.

We are sure that your good office would consider our humble request sympathetically and would extend suitable relief to the benefit of textile industry.

We look forward to your kind support and cooperation,

With Best Regards

(CS R.K.Jain)

Hon'y Secretary General

CC : The Textile Commissioner of India, Office of the Textile Commissioner, Mumbai and The Director, Regional Office of the Textile Commissioner, Noida



20th March, 2019

Dr. Subhash C. Khuntia,
Chairman

Insurance Regulatory and Development Authority of India
Sy No. 115/1, Financial District,
Nanakramguda, Gachibowli,
Hyderabad – 500032
e-mail: irda@irda.gov.in

Sub : Exorbitant increase in insurance charges for textile industry.

Respected Sir,

Mewar Chamber of Commerce & Industry is the Divisional Chamber of Southern Rajasthan representing the entire major industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur. It has been functioning as representative body of the industries in the state, leading the cause of the textile industry and making constructive suggestions to the Central and State Government and other agencies in regards to formation of industrial Policy, Taxation Matter and other operational activities.

We under stand from our member textile units that fire insurance charges for textile industry including other industries has been increased substantially w.e.f. 01.03.2019 by the insurance companies due to changes imposed in their Reinsurance Treaties.

We wish to submit that after agriculture, the textile industry is the largest employment provider in the Country, both in organized and unorganized sector.

We wish to submit that due to slow down in the international market and domestic market, the textile industry is already passing through a very difficult phase. The increased insurance rates will further burden the economics of the industry. The textile industry in organized sector has undertaken substantial modernization in both plant and machinery. The plants have modern in house fire fighting system. Also with the time, the fire risks in the industries have decreased.

Hence, we request that the increased in the insurance rates should be reviewed and should be lowered at the previous level.

We look forward to your kind support and cooperation,

With Best Regards

(CS R.K.Jain)

Hon'y Secretary General

Copy to The Chief Executive Officer, General Insurance Corporation of India, Mumbai - 400 020

ARTICLE

CRITICAL ANALYSIS OF 'COMPOSITION SCHEME' FOR SERVICE PROVIDERS

GST Council in its Meeting held on 10 January 2019 took a major decision to bring in composition scheme for services. The press release of the meeting itself stated as follows:

3. Composition Scheme for Services: A Composition Scheme shall be made available for Suppliers of Services (or Mixed Suppliers) with a Tax Rate of 6% (3% CGST+3% SGST) having an Annual Turnover in the preceding Financial Year up to INR 50 lakhs.

3.1 The said Scheme shall be applicable to both Service Providers as well as Suppliers of Goods and Services, who are not eligible for the presently available Composition Scheme for Goods.

Therefore, everyone was waiting for the modalities to be rolled out for the composition scheme for services. The modalities were rolled out vide Notification No. 02/2019-Central Tax (Rate), dated 07 March 2019 (hereinafter referred as the “scheme notification”) for the commonly called “composition scheme for services” on 07 March 2019. This article tries to decipher and analyse the scheme and raise issues relevant to the scheme at relevant places.

1. Is this really a composition scheme or a tax rate on services with no input tax Credit?

The scheme notification been issued u/s 9(1), u/s 11(1) and u/s 16(1) of the CGST Act, 2017 whereas notification for composition scheme 08/2017-Central Tax dated 27th June 2017 was issued u/s 10(1) of CGST Act, 2017.

Therefore, it is clear that the present scheme is not a composition scheme for the service providers as normally understood in common parlance subsequent to the meeting of the GST Council. Had the scheme notification been issued u/s 10 of CGST Act, 2017, it would have been treated as a composition scheme for service providers.

One of the questions which arise is why notification 02/2019-Central Tax (Rate), dated 07 March 2019 has been issued u/s 9(1), u/s 11(1) and u/s 16(1) of the CGST Act, 2017. In the article going ahead, we would be discussing the same at relevant places.

2. What is the impact of scheme under Notification No. 02/2019-Central Tax (Rate), 07 March 2019 not being a composition scheme u/s 10 of CGST Act, 2017?

The impact of scheme notification being issued u/s 9(1), u/s 11(1) and u/s 16(1) of the CGST Act, 2017 and not being issued u/s 10 of CGST Act would be the fact that the scheme would not *per se* have the attributes and the conditions mentioned u/s 10 of CGST Act, 2017 read with Rule 5 of CGST Rules 2017. Therefore, tax levied and collected under the scheme notification would not be composition levy in lieu of tax u/s 10 and other conditions like Time limit to opt in or out of composition scheme, Turnover limit, Ineligibility to Input Tax Credit, denial of outward Inter State Supply etc. would have to be provided for in the notification separately. Consequently, none of the forms for opting in and opting out for composition scheme and claim of Input Tax Credit on opting out of composition scheme would be applicable.

Thus, in a nutshell, scheme would have to be a complete code by itself which notification no. 02/2019-Central Tax (Rate), dated 07 March 2019 has sought to laid down and although in common parlance (but not technically) one may call the scheme as a composition scheme for “service providers” but in effect it has no link whatsoever with the provisions of section 10 of CGST Act, 2017.

Further, conditions as set out in scheme notification might be similar to the ones present in Section 10 read with Rule 5 of CGST Rules, 2017 but then since the scheme notification has not been issued in Section 10, therefore it was required that the notification had to prescribe the code in entirety itself.

Therefore, taxpayers opting for the scheme would be governed by the conditions as set out in the scheme notification and not be conditions as set out in Section 10 of CGST Act, 2017 read with rule 5 of CGST Rules, 2017.

One more important aspect is that the scheme notification no. 02/2019-Central Tax (Rate), dated 07 March 2019 gives an option to registered supplier to opt for scheme although modus operandi to exercise this option has not been provided by this scheme notification. It is not a mandatory tax rate which has been provided in the rate notification 11/2017-Central Tax (Rate) Dated 28th June 2017 say in case of restaurants etc.

3. Notification only prescribes rate of tax on the intra-State supply of goods or services or both

The scheme notification at the outset provides that

“Central Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest so to do, hereby notifies that the central tax, on the intra-State supply of goods or services or both...”

Firstly, the tax rate provided in the scheme notification is for supply of goods or services or both. Secondly, rate prescribed is only for intra state supply of goods or services or both. The reason for the same is that Condition 1(iv) of the Notification puts a bar on making outward supply of goods or services or both. Since there is bar on making any inter-state outward

supply, therefore a person opting for the scheme would only be making intra state supply of goods or services and hence notification only prescribes rate for intra state supply.

4. Condition 1-Conditions for opting for Scheme as set out in Notification No. 02/2019-Central Tax (Rate), dated 07 March 2019 –

a) Condition 1(i)-Supplies are made by a registered person whose aggregate turnover in the preceding financial year was INR 50 lakhs or below

The term aggregate turnover has been defined u/s 2(6) of CGST Act, 2017 to include all taxable and exempt supplies by a person having the same Permanent Account Number, to be computed on all India basis. Therefore, turnover of the person having the same PAN on all India Basis has to be INR 50 lakhs or below in the previous year. Therefore, if a person has multiple branches in different states, then turnover of all his branches should be fifty lakh or below in the previous year on an aggregate basis.

Next question is what happens for a person who was not registered in the previous year. There might be two situations in such case-

- ☐ **Person might have started a new business in the current year and thus would not have any turnover in the previous year-** Such person would be eligible to opt for the scheme as his turnover was less than 50 Lakhs in the previous year.
- ☐ **Person could have been exclusively dealing in exempted goods or services in the previous year and thus was not required to be registered-** Such person would be eligible if his turnover of exempted goods or services or both was less than INR 50 Lakhs but if his turnover exempted goods or services or both was more than INR 50 Lakhs (although not required to be registered under GST as dealing exclusively in exempted goods), then he would not be eligible to opt for the scheme.
- b) Condition 1(ii)-Supplies are made by a registered person who is not eligible to pay tax under sub-section (1) of section 10 of the said Act:**

Importantly, the condition sets out that the registered person shall not be eligible to pay tax u/s 10(1) of CGST Act.

Section 10 of CGST Act, 2017 read with Rule 5 of CGST Rules, 2017 sets out provisions for the conditions to be satisfied by a person to be eligible to opt for composition scheme. Therefore, it could be possible that a person might satisfy all conditions as set out therein but still does not opt for composition scheme. Therefore, it is pretty clear that 'eligibility' and 'opting' are two different actions and cannot be held synonym to each other. Now let's consider scenarios have been listed as below:

- ☐ **Situation-1: Eligible** to pay tax u/s 10(1) of CGST Act, 2017 but **not opted** to pay tax therein (as discussed earlier):-
 - ☐ **Situation-2: Not Eligible** to pay tax u/s 10(1) of CGST Act, 2017 therefore did not opt to pay tax therein:-
- Since the scheme notification uses the term “registered person should not be eligible to pay tax u/s 10(1)”, therefore a person who is eligible u/s 10(1) but has not opted (**Situation-1** as narrated above) would not be able to opt for the scheme as set out in notification 02/2019-Central Tax (Rate), dated 07 March 2019. Only person who are falling in Situation-2 as narrated above would be able to opt for the scheme.

In a nutshell, if a person wants to opt for the scheme notified vide 02-2019-Central Tax (Rate) then following would be the process:

- ☐ Want to opt for the scheme notified vide 02-2019-Central Tax (Rate) dated 07 March 2019 – Yes
- ☐ Whether '**Eligible** to pay tax u/s 10(1) of CGST Act, 2017'- If yes then either opt for Composition Scheme u/s 10(1) of CGST Act, 2017 or wait till the person becomes ineligible to opt to pay tax under composition scheme u/s 10(1) of CGST Act.
- ☐ Whether '**Ineligible** to pay tax u/s 10(1) of CGST Act, 2017'- Yes, then opt for the scheme notified vide 02-2019-Central Tax (Rate) dated 07 March 2019.

Therefore, an absurd scenario has been created wherein every person opting to pay tax under the scheme notification 02/2019-Central Tax (Rate), dated 07 March 2019 should either be ineligible to pay tax u/s 10(1) of CGST Act, 2017 at that time or if he is not ineligible therein, then he would have to first opt to pay tax under composition scheme u/s 10(1) of CGST Act or would have to wait till he becomes ineligible to opt to pay tax under composition scheme u/s 10(1) of CGST Act, and then once he becomes ineligible to pay tax therein then only he can opt to pay tax under the scheme notification 02/2019-Central Tax (Rate), dated 07 March 2019.

- c) Condition 1(iii): -Supplies are made by a registered person who is not engaged in making any supply which is not leviable to tax under the CGST Act**

Registered person should not be engaged in making supply which is not leviable to tax under the Act. Supply not leviable to tax has been termed as non-taxable supplies u/s 2(78) of CGST Act, 2017. Supplies of following goods are not leviable under GST

- ☐ Alcoholic liquor for human consumption
- ☐ Petroleum crude,
- ☐ High speed diesel,
- ☐ Motor spirit (commonly known as petrol),
- ☐ Natural gas and
- ☐ Aviation turbine fuel.

d) Condition 1(iv): – Supplies are made by a registered person who is not engaged in making any inter-State outward supply

Registered person should not be engaged in making any inter-state outward supply. The condition might seem to be a simple one and an obvious one but needs to be checked very carefully. The condition casts restriction on making any inter-state outward supply which covers both taxable and exempt supply and supply of goods or services or both. Therefore, there should not be any inter-state outward supply of exempted goods or services or both also.

e) Condition 1(v): – Supplies are made by a registered person who is neither a casual taxable person nor a non-resident taxable person

Registered person should neither be a casual taxable person and nor a non-resident taxable person. The term casual taxable person and non-resident taxable person has been defined u/s 2(20) and 2(77) of CGST Act, 2017 respectively.

f) Condition 1(vi): – Supplies are made by a registered person who is not engaged in making any supply through an electronic commerce operator who is required to collect tax at source u/s 52

Registered person should not be engaged in making any supply through an electronic commerce operator who is required to collect tax at source u/s 52. It would be pertinent to highlight that although registered person engaged in making any supply through an electronic commerce operator who is required to collect tax at source u/s 52 is barred from opting the scheme, but the person who is himself an electronic commerce operator is not barred from opting the scheme.

g) Condition 1(vii): – Supplies are made by a registered person who is not engaged in making supplies of the goods falling under Tariff item, subheading, heading or Chapter 21050000, 21069020 and 24

Supplier should not be engaged in making supplies of the goods specified below falling under Tariff Item, subheading, heading or chapter as detailed out:

Tariff item, sub-heading, heading or Chapter	Description
2105 00 00	Ice cream and other edible ice, whether or not containing cocoa
2106 90 20	Pan masala
24	All goods, i.e. Tobacco and manufactured tobacco substitutes

It would be apt to highlight here that notifications – Central Tax (Rate), dated 07 March 2019 casts restriction supplier making any making supplies of the goods falling under Tariff item, subheading, heading or Chapter as narrated above however, section 10(2)(e) of CGST Act, 2017 only casts restriction on opting for composition for the manufacturer of such goods. Therefore, Section 10(2)(e) casts restriction only on manufacturers but Notification 02/2019-Central Tax (Rate), dated 07 March 2019 casts restriction upon both manufacturer and traders as well. Therefore, the condition as set out in Notification 02/2019-Central Tax (Rate), dated 07 March 2019 is a much wider one than section 10(2)(e) of CGST Act, 2017.

5. Condition 2:- Persons having multiple registrations on Permanent Account Number

Where more than one registered person has same Permanent Account Number, issued under the Income Tax Act, 1961(43 of 1961), tax on supplies by all such registered persons would have to be paid under the scheme notification. Registered persons having same Permanent Account Number can be in the same state or in different states. Hence, if a person is registered in Gujarat as well as Rajasthan, then both registrations would have to pay tax under Notification No. 02/2019-Central Tax (Rate), dated 07 March 2019. There can not be a situation wherein one registration is paying tax under the scheme notification and other one is paying tax otherwise. This condition exists on similar lines to the one prescribed u/s 10(2) of the CGST Act, 2017.

6. Condition 3: Restriction on collection of Tax and Input Tax Credit

Registered person shall not collect any tax from recipient on supplies made by him nor shall he be entitled to any credit of input tax.

a) **Supplier can not collect any tax from recipient:** Scheme notification casts a restriction on the supplier to collect tax from the recipient. Therefore, amount to be paid as tax under this notification would have to be paid by the supplier himself without being collected from the recipient.

The next question is on what amount such tax would be collected and whether amount collected from the recipient would be deemed as inclusive of taxes or otherwise. Supposedly, a person has a receipt of INR 20 lakhs and GST has to be paid @ 6%. Whether such person can pay GST @ 6% treating amount collected as inclusive of such amount i.e. INR 20 Lakh/1.06*.06 or 6% has to be paid at Rs 20 Lakh i.e. Rs 20 Lakh*6%. Since the notification casts restriction on any amount being collected from the recipient as tax, therefore 6% would have to be paid on 20 Lakh and it cannot be deemed that Rs 20 Lakh is inclusive of the tax to be paid.

Further, it would be apt here to highlight that in case of restaurants or passenger transportation services, although the rate has been prescribed at 5% but there is no restriction on the amount being collected from the recipient. This is an additional restriction being placed on the supplier which is not present in case of similar tax rate being prescribed without entitlement of input tax credit

b) **Supplier not eligible to any credit of input tax:** Scheme notification casts a restriction on the entitlement of input tax credit of the supplier. The supplier would not be eligible to claim any input tax credit against the tax payable on the supplies made by him.

c) **Requirement to issue notification u/s 16(1) of CGST Act:** The very fact that the scheme is not covered u/s 10 and scheme notification casts restriction on entitlement of input tax credit of supplier, therefore notification has been issued u/s 16(1) of CGST Act, 2017. Had the notification not been issued u/s 16(1), it would not have been possible to restrict the entitlement of input tax credit of the supplier against the tax payable by him.

7. Condition 4: Registered person to issue Bill of Supply instead of tax invoice

Registered person would be required to issue bill of supply as referred to in clause (c) of sub-section (3) of section 31 of the said Act with particulars as prescribed in rule 49 of Central Goods and Services Tax Rules. The reason behind the restriction stems from the fact that as the supplier cannot collect tax from recipient, therefore instead of tax invoice he would be required to issue bill of supply.

The moot question here is whether a notification issued under sub-section (1) of section 9, subsection (1) of section 11, sub-section (1) of section 16 of CGST Act, 2017 can require a person to issue Bill of Supply without referring to Section 31 of the CGST Act, 2017. It would not have been possible in the present scheme and therefore to remove said anomaly, a Removal of Difficulty order No. 3/2019-Central Tax, dated 08 March 2019 was issued to clarify that provisions of section 31(3)(c) of CGST Act shall apply to a person paying tax under notification No. 2/2019- Central Tax (Rate) dated 07 March 2019.

8. Condition 5: Registered person to mention at top of bill of supply: – 'taxable person paying tax in terms of notification No. 2/2019-Central Tax (Rate) dated 07.03.2019, not eligible to collect tax on supplies'

The condition is similar to the one mentioned in Section 10 of CGST Act, 2017 read with Rule 5 of CGST Rules, 2017. A person opting to pay composition levy in lieu of the tax payable has to mention “**composition taxable person, not eligible to collect tax on supplies**” at the top of the bill of supply issued by him. In the scheme notification, taxable person opting to pay tax under the given notification has to mention at top of bill of supply: – '**taxable person paying tax in terms of notification No. 2/2019-Central Tax (Rate) dated 07.03.2019, not eligible to collect tax on supplies**'.

9. Condition 6: Registered person shall be liable to pay tax at the rate of six percent on all outward supplies notwithstanding any other notification issued under sub-section (1) of section 9 or u/s 11 of said Act

Registered person opting to pay tax under this notification shall be liable to pay tax at the rate of six percent on all outward supplies specified in column (1) notwithstanding any other notification issued under sub-section (1) of section 9 or u/s 11 of said Act. This is one of the most onerous condition prescribed in this notification. This requires the registered person to pay tax at the rate of 6% on all outward supplies whether they are taxable or exempted from the levy of tax. For e.g. Let's take following scenarios for better understanding:

Scenario	Particulars	Tax Liability
Scenario-1	Taxable Supplies of Goods: INR 15 Lakh Exempted Supplies of Services: INR 10 Lakh	INR 1.5 Lakh
Scenario-2	Taxable Supplies of Goods: INR 25 Lakh	INR 1.5 Lakh
Scenario-3	Exempted Supplies of Services: INR 25 Lakh	INR 1.5 Lakh

Thus, it is immaterial whether supplier is supplying exempted or taxable goods or services or both, once opted for payment of tax under this notification, he would be liable to pay tax at the rate of 6% on all supplies irrespective of their nature i.e. taxable or exempt.

This brings us to another question i.e. whether such tax at the rate of 6% is payable on 'Non-GST Supplies' also. In such a case Condition 1(iii) of scheme notification as discussed above clearly spells out the fact that any person engaged in making supplies which are not leviable to tax would not be eligible to opt to pay tax under the given notification. Therefore, such situation would never arise wherein a person is engaged in making supplies not leviable to tax under the Act and who has opted to pay tax under this notification.

a) How notification overrides exemption given to goods or services from levy of Tax under GST?

The next question arises is that supposedly a particular service or goods are exempted from levy of tax. Now scheme notification No. 02/2019-Central Tax (Rate), dated 07 March 2019 requires the registered person to pay tax even on the exempted goods or services or both irrespective of any other notification issued under sub-section (1) of section 9 or u/s 11 of said Act.

The very fact that the scheme notification requires registered person to pay tax even on otherwise exempted supplies, thus it was required that such notification had to be issued u/s 11 of the CGST Act, 2017 to override all other exemption notification. Therefore, to allow to override any other exemption given previously to goods or services or both from levy of tax for persons opting to pay tax under this notification; scheme notification 02/2019-Central Tax (Rate), dated 07 March 2019 has been issued under subsection (1) of section 11 along with sub-section (1) of section 9 and sub-section (1) of section 16 of the CGST Act, 2017. Thus, a supply otherwise exempted from tax vide any other notification has been made leviable to tax under this notification overriding any other previous exemption for the persons opting to pay tax under this notification.

b) Whether supplier would also be liable to pay tax on supplies made by him which are liable to reverse charge and tax is payable by the recipient:

The moot question now arises is whether supplier would be liable to pay tax on supplies made by him which are liable to reverse charge and tax is payable by the recipient. The condition provides that *“registered person opting to pay central tax at the rate of three percent under this notification shall be liable to pay central tax at the rate of three percent on all outward supplies specified in column (1)”*.

Section 2(83) defines the outward supply as below:

“outward supply” in relation to a taxable person, means supply of goods or services or both, whether by sale, transfer, barter, exchange, licence, rental, lease or disposal or any other mode, made or agreed to be made by such person in the course or furtherance of business;

All Outward Supplies specified in Column 1 of the notification are *“First supplies of goods or services or both upto an aggregate turnover of INR 50 lakhs made on or after the 1st day of April in any financial year, by a registered person.”*

Therefore, on a conjoint reading it transpires that registered person opting to pay tax at the rate of 6% under the scheme notification shall be liable to pay tax at the rate of 6% on first supplies of goods or services or both upto an aggregate turnover of INR 50 lakhs made on or after the 1st day of April in any financial year.

Since this condition provides that tax is payable on all outward supplies upto an aggregate turnover of INR 50 lakhs and no specific exclusions have been made for outward supplies liable for payment of tax under reverse charge from aggregate turnover under this notification, therefore it appears that tax is payable @ 6% on the supplies on which tax is payable under reverse charge mechanism by the recipient.

The next question arises whether in such case tax would also be payable by the recipient. It seems so because liability of the recipient is not affected by this notification and notifications in which liability of the recipient has been created have not been override or have been carved out as an exception through this notification. Therefore, liability of the recipient remains unaffected under those notifications and a new liability has been created under this notification on the supplier for such supplies.

However, further clarity in this regard would be welcome.

10. Condition 8:- Registered person shall be liable to pay tax under reverse charge on inward supplies u/s 9(3) or 9(4) of CGST Act

Registered person opting to pay tax under this notification shall be liable to pay tax on inward supplies on which he is liable to pay tax under sub-section (3) or, as the case may be, under sub-section (4) of section 9 of said Act at the applicable rates. The condition is similar to the one prescribed for the persons opting to pay composition levy in lieu of tax payable u/s 9(1) of CGST Act, 2017 wherein they are required to pay tax under reverse charge on inward supplies u/s 9(3) and 9(4) of the CGST Act, 2017.

The issue now arises is what was the need of casting the said condition in this notification or without this condition, whether liability of the registered person to pay tax u/s 9(3) and 9(4) would have been affected.

Composition levy u/s 10(1) is in lieu of tax payable u/s 9(1) of CGST Act, 2017. Section 10(1) starts with a non-obstinate clause “*Notwithstanding anything to the contrary contained in this Act*”. Therefore, section 10(1) was required to be made subject to provisions of section 9(3) and 9(4) so as to maintain liability of the registered person u/s 9(3) and 9(4) of CGST Act, 2017 irrespective of the payment of composition levy in lieu of tax payable u/s 9(1) of CGST Act, 2017. But since the scheme notification does not have a similar overriding impact such as Section 10 of CGST Act, 2017, therefore such condition seems to be more clarificatory in nature.

The second question arises is why reference has been made only to Reverse charge payable u/s 9(3) and 9(4) and not for reverse charge under 5(3) and 5(4). Again, since the reference to liability of reverse charge u/s 9(3) and 9(4) is clarificatory in nature, therefore reference to section 5(3) and 5(4) was not required. Further, since the notification has been issued under the relevant provisions of CGST Act, 2017 therefore as such the levy u/s 5(1) read with 5(3) and 5(4) remains as unaffected.

Thus, reference to liability u/s 9(3) and 9(4) of CGST Act, 2017 seems to have been taken out from the scheme of composition levy u/s 10 of CGST Act, 2017 but, it seems more in the nature of clarification.

11. Condition 9-: The scheme would be applicable till supplies of goods or services or both upto an aggregate turnover of INR 50 lakhs made on or after the 1st day of April in any financial year, by a registered person

A person who has opted for the scheme would be able to continue in the scheme till first supplies of goods or services or both upto an aggregate turnover of INR 50 lakhs made on or after the 1st day of April in any financial year. Once the turnover crosses the threshold limit of Rs Fifty Lakh, then in such case he will have to opt out of the scheme.

The term aggregate turnover has been defined u/s 2(6) of CGST Act, 2017 to include all taxable and exempt supplies by a person having the same Permanent Account Number, to be computed on all India basis. Turnover of the person having the same PAN on all India Basis has to be INR 50 lakhs or below. Therefore, if a person has multiple branches in different states, then he will be eligible for the scheme till the turnover of all his branches is 50 lakh or below on an aggregate basis.

a) What is meant by “first supplies of goods or services or both”

Explanation to the notification classifies meaning of “first supplies of goods or services or both” in two categories i.e.

☐ **For the purposes of determining eligibility of a person to pay tax under this notification**

Explanation to the notification clarifies that “first supplies of goods or services or both” shall, for the purposes of determining eligibility of a person to pay tax under this notification, include the supplies from the first day of April of a financial year to the date from which he becomes liable for registration under the Act.

☐ **For the purpose of determination of tax payable under this notification**

Explanation to the notification clarifies that “first supplies of goods or services or both” shall, for the purpose of determination of tax payable under this notification shall not include the supplies from the first day of April of a financial year to the date from which he becomes liable for registration under the Act.

b) Whether a person who has obtained new registration can opt for the scheme:

Yes, subject to other conditions being satisfied, a person who has obtained a new registration can opt for payment of tax under the scheme notification. The question arises is that supposedly a person applied for registration when his turnover was Rs 19 Lakh. In such case how would be the limit of aggregate turnover of INR 50 lakhs would be worked out. Whether he would get an additional turnover of Rs fifty lakh for the purpose of determining eligibility or he would only get additional turnover of Rs 31 lakh and after that he would have to opt out of the scheme.

For the purpose of determining his eligibility to opt to pay tax under this notification, his turnover would include supplies from the first day of April of a financial year to the date from which he becomes liable for registration under the Act. Therefore, his turnover of Rs 19 Lakh would be includible for determining eligibility upto a limit of INR 50 lakhs and he would only get additional turnover of INR 31 Lakh to be under the scheme notification and after that he would have to opt out of the scheme.

c) How does a person who has obtained a new registration would pay tax under the scheme notification?

Supposedly, a person has obtained a new registration and at that time his turnover was INR 19 lakhs. Now supposedly, he has opted for payment of tax under the scheme notification. The issue arises is whether he would be required to pay tax on the turnover of INR 19 lakhs or he would only be liable to pay tax on the remaining turnover upto the limit of INR 50 lakhs i.e. Rs 31 Lakh.

For the purpose of determination of tax payable under this notification, first supplies of goods or services or both shall not include the supplies from the first day of April of a financial year to the date from which he becomes liable for registration

under the Act. Therefore, such person would only be liable to pay tax on the remaining turnover of Rs 31 Lakh and would not be required to pay tax on the initial Rs 19 Lakh.

12. Condition 10: Treatment of Value of supply of exempt services by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount for the purpose of determining of eligibility of scheme under the scheme notification and taxability thereof

Scheme notification provides that in computing aggregate turnover in order to determine eligibility of a registered person to pay tax under this notification, value of supply of exempt services by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount, shall not be taken into account.

Therefore, for the purpose of computing aggregate turnover in order to determine eligibility of a registered person to pay tax under this notification, value of supply represented by way of interest or discount would be excluded however for the purpose of payment of tax, the notification is silent and therefore tax would be leviable on the value of supply represented by way of interest or discount.

13. Notification is silent on Key Issues: Government needs to clarify at the earliest

The notification is silent on certain key which are as follows:

a) Registered person crosses the aggregate turnover in the FY INR 50 lakhs or violates any conditions required to be fulfilled to opt this scheme, then whether he will be entitled to take the credit on the remaining inputs and capital goods?

Such situations have been catered by provisions of section 18(1)(c) of CGST Act, 2017 for the persons who have opted for composition scheme but subsequently become ineligible for the composition scheme, where he is entitled to take ITC through ITC-01 but no such provisions exist for this scheme.

b) Notification does not provide any time limit for opting in the scheme and opting out of the scheme:

The notification is silent upon the time limit available for opting in the scheme or opting out of the scheme.

c) Whether registered person opting to pay tax under this notification would be required to maintain books of accounts in a similar manner as required by the persons opting for composition scheme?

No corresponding changes have been made in the provision relating to maintenance of books of accounts. Section 35 read with Rule 56, 57 and 58 regulate the provision for books of accounts. It can be observed that provisions relating to maintenance of books of accounts and records by persons registered under the composition scheme are relaxed w.r.t. stock, ITC, tax payable etc [for detail kindly read rule 56(2) and 56(4)] however no corresponding changes have been made for registered person opting to pay tax under this notification.

Rule 56(2): Every registered person, **other than a person paying tax under section 10**, shall maintain the accounts of **stock** in respect of goods received and supplied by him, and such accounts shall contain particulars of the opening balance, receipt, supply, goods lost, stolen, destroyed, written off or disposed of by way of gift or free sample and the balance of stock including raw materials, finished goods, scrap and wastage thereof.

Rule 56(4): Every registered person, **other than a person paying tax under section 10**, shall keep and maintain an account, containing the details of tax payable (including tax payable in accordance with the provisions of sub-section (3) and sub-section (4) of section 9), tax collected and paid, input tax, input tax credit claimed, together with a register of tax invoice, credit notes, debit notes, delivery challan issued or received during any tax period.

In our opinion, there is a requirement to change the rules suitably in this regard. For example, being with the scheme opted under scheme notification, registered supplier can not take ITC then how a law can expect to maintain the records related to ITC.

d) Forms under GST law till date are not yet notified for the persons opting to pay tax under scheme notification

Till date no forms under GST law have been prescribed for the persons opting to pay tax under this notification. The scheme would be effective from 1st April 2019 and forms being released nearing the last date would again create hassles for the person opting to pay tax under this notification.

e) Treatment of balance ITC lying as on the date of opting to pay tax under this notification:

The notification is silent on the issue of treatment of ITC lying unutilized as on the date of opting to pay tax under the scheme notification.

f) Can we say that this once opted, means always applicable?

Under this scheme GST will be levied at 6% on first supplies of goods or services or both (intra state) upto an aggregate turnover of INR 50 lakhs made on or after the 1st day of April in any financial year. However, notification is not clear whether scheme would have to be opted for each year separately or like composition scheme, once opted no need for renewal every year until the conditions are violated or specifically opted out.

Section 171 vis-a-vis 54 of CGST Act: Whether by denying refund to the Suppliers U/Sec 54 of CGST Act, isn't government carrying out Charity through provisions of Section 171 of CGST Act at the expenses of the supplier ?

Complied by: CS PRIYANKA VYAS

When one talks about litigations in GST, one provisions which has been gaining more and more mentions day by day is Section 171 of CGST Act, 2017. The bone of contention being Passing of the benefit of Input Tax Credit. All three major players in GST i.e. Consumer, Registered persons and Government find themselves at crossroads with no definite solution in sight in the very near future.

There are cases where Industries have high balance of unutilized Input Tax Credit and the Government has denied refund citing reasons of the provisions of Section 54 of CGST Act, 2017. The article discusses applicability of provisions of Section 171 of CGST Act, 2017 at the time of availment of Input Tax Credit, case where a supplier is unable to utilize credit against the liability, subsequent denial of refund by the government of unutilized ITC and whether denial by the government of the unutilized ITC is carrying out charity at the expenses of supplier.

a) Stage of Claim of Input Tax Credit to be used for quantifying the amount of benefit to be passed on to the recipient: It is the Input Tax Credit availed or Input Tax Credit utilized

The issue now arises is which stage of claim of input tax credit would be used for quantifying the benefit to be passed on to the recipient. Would it be the Input Tax Credit availed or Input Tax Credit Utilized. Meaning of the Word "ITC Availed" has been clarified vide Circular No. 79/53/2018 Dated 31st December 2018 wherein it has been clarified that ***"Input tax credit can be said to have been "availed" when it is entered into the electronic credit ledger of the registered person. Under the current dispensation, this happens when the said taxable person files his/her monthly return in FORM GSTR-3B."*** Further Input Tax Credit is said to be utilized when the liability is set off against the input tax credit availed.

Therefore, Balance of input Tax Credit lying in the Credit Ledger is "Input Tax Credit availed" and when Input Tax Credit is set off against the liability, it is set to be utilized to the extent it is set off against the liability. Therefore, what we can say is

1. Excess Balance in Electronic Credit Ledger: Input Tax Credit availed but not utilized
2. Input Tax Credit used for setting off the liability: Input Tax Credit availed and utilized
3. Input Tax Credit not credited in Electronic Credit Ledger: Input Tax Credit neither availed and not utilized

Let's analyses Section 171(1) and 171(2) and see what inferences can be drawn from the same. On one hand Section 171(1) provides that ***benefit of input tax credit*** should have been passed on the recipient by way of commensurate reduction in the prices and on the other hand Section 171(2) provides for that the authority shall examine that whether ***benefits of the input tax credit availed have actually resulted in*** a commensurate reduction in the price of the goods or services or both supplied by him.

Thus, as can be seen that whereas Section 171(1) reveals little about the stage of claim of Input Tax Credit to be used for quantifying the amount of benefit to be passed on to the recipient. However, Section 171(2) provides that benefit of input Tax Credit availed has to be passed on to the recipients.

Therefore, on a conjoint reading of both Section 171(1) and 171(2), it can be concluded that Section 171(1) provides for the ***benefit of input tax credit availed*** should have been passed on the recipient by way of commensurate reduction in the prices and Section 171(2) provides for that the authority shall examine that whether such ***benefits of the input tax credit availed have actually resulted in*** a commensurate reduction in the price of the goods or services or both supplied by him.

Hence, benefit to be passed on to buyers would be equal to Input Tax Credit availed rather than Input Tax Credit Utilized.

Supposedly, value of a product of "A Ltd" excluding taxes is Rs 800 and Taxes on Inputs are Rs 150 and his output liability is Rs 100. Therefore, whereas Input Tax Credit availed is Rs 150 but utilized is only Rs 100. Now Section 171 requires that benefit of Input Tax credit availed should be passed on by way of reduced prices to the recipients. Thus, a person is required to pass on the benefit of Rs 150 to the Consumers on the availment of Input Tax Credit and charge Rs 900 as selling price i.e. Rs 800 and Tax of Rs 100.

b) Input Tax Credit availed is more than the Input Tax Credit utilized. Supplier passes on the benefit of Input Tax credit availed to the buyer but is unable to utilize the credit and is left with a balance of Unutilized Input Tax Credit. Refund of unutilized Input Tax Credit denied to the Supplier under Section 54. Whether such denial is correct when

read with provisions of Section 171 of CGST Act, 2017

Input Tax Credit is in the nature of concession granted by the Statute:

It is an admitted fact that concession of ITC is granted by the government as held by **Hon'ble Rajasthan High Court in the Matter of Panwar Trading Corporation V/s State of Rajasthan**

"The availment of ITC is creature of Statute. The concession of ITC is granted by the State Government so that the beneficiaries of the concession are not required to pay the tax or duty which they are otherwise liable to pay under Rajasthan VAT Act.

- ❑ **With insertion of Provisions of Section 171, availment of Input Tax Credit is a benefit being claimed as a custodian of the Government for the benefit to be passed on to the consumer with commensurate reduction in the prices:**

With provisions of Anti-Profiteering been inserted in the statute which were never present in any of the statute till date, it would mean availment of Input Tax Credit by a supplier is nothing but a benefit availed as a custodian wherein it has to be passed on to the consumer.

- ❑ **Provisions of Section 171 require the supplier to pass on the benefit on availment and not on utilization**

As has been discussed earlier, provisions of Section 171 require a supplier to pass on the benefit to recipients with commensurate reduction in the price equivalent to the ITC availed rather than ITC utilized. Therefore, if a supplier has availed a credit of Rs 150 in the return, he has to pass on the benefit of Rs 150 to the consumers with commensurate reduction in the price, irrespective of the fact that he is able to utilize only Rs 100 against its liability.

- ❑ **Denial of Refund of Input Tax Credit, benefit of which has been passed on availment but which never could be utilized by the supplier**

Now if such person does not pass on benefit of reduced prices equal to Input Tax Credit availed, he would be charged under Section 171 but at the same time he also knows that his supplies have an inverted duty structure wherein there would always be a case wherein input taxes are going to be more than the output taxes and if he continues passing to the consumers equal to the availment of Input Tax Credit, he would be left with a balance of unutilized Input Tax Credit which would be adding to the cost of the product.

- ❑ **Isn't denial of refund of ITC which has been availed but remains unutilized and benefit of which has been passed to customers is carrying out charity by the Government at the expense of the supplier**

When a supplier is obligated under the law to pass on the benefit to consumer merely on availment of Input Tax credit and not on utilization of ITC, moot question is whether government can deny refund of unutilised Input Tax Credit which has been passed on as a benefit by way of reduction in selling price to the recipients as a mandate due to the provisions of the law.

Isn't Government by denying refund is indulging itself into a practice wherein it is carrying out charity at the expense of the suppliers because suppliers are obligated under the law to pass on the benefit of ITC to the consumers on availment but they are left with excess ITC being unutilized as a part of their cost on being denied their share of the refund.

Government cannot just shy away by denying refund of Input Tax Credit which has been passed on as a benefit to the customer stating that it's a benefit being provided to the supplier to reduce the cost of the goods. Once such Input Tax Credit has been passed on as a benefit to the consumer under a provision of law and there is an inverted duty structure which does not allow the supplier to recover it from the customers, isn't the government liable to grant the refund of the same.

Either the Government should withdraw itself from the process of Anti-Profiteering and let the business decide for themselves but if the government itself chooses to be the regulator and asks the businesses to pass on the benefit to the customers on availment, ***then it cannot deny refund and retain the revenue which after benefit being passed on the consumer now rightfully belongs to the supplier.***

- c) **Conclusion-**In present scenario, either government should either

1. Change the benchmarking of Anti-Profiteering from availment of Input Tax credit to utilisation of Input Tax Credit, or
2. Allow refund of unutilized Input Tax Credit, or
3. Completely do away with the provisions of anti-profiteering wherein they are forcing suppliers to pass on the benefit of Input Tax Credit availed.

CIRCULAR

Circular No. 92/11/2019-GST

F. No. 20/16/04/2018-GST

**Government of India Ministry of Finance Department of Revenue
Central Board of Indirect Taxes and Customs , GST Policy Wing**

New Delhi, Dated the 7th March, 2019

The Principal Chief Commissioners / Chief Commissioners / Principal Commissioners / Commissioners of Central Tax (All)

The Principal Director Generals/Director Generals (All) Madam/Sir,

Subject : Clarification on various doubts related to treatment of sales promotion schemes under GST - Reg.

Various representations have been received seeking clarification on issues raised with respect to tax treatment of sales promotion schemes under GST. To ensure uniformity in the implementation of the law across the field formations, the Board, in exercise of its powers conferred under section 168(1) of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as "the said Act") hereby clarifies the issues in succeeding paragraphs.

2. It has been noticed that there are several promotional schemes which are offered by taxable persons to increase sales volume and to attract new customers for their products. Some of these schemes have been examined and clarification on the aspects of taxability, valuation, availability or otherwise of Input Tax Credit in the hands of the supplier (hereinafter referred to as the "ITC") in relation to the said schemes are detailed hereunder:

A. Free samples and gifts:

- i. It is a common practice among certain sections of trade and industry, such as, pharmaceutical companies which often provide drug samples to their stockists, dealers, medical practitioners, etc. without charging any consideration. As per sub- clause (a) of sub-section (1) of section 7 of the said Act, the expression "supply" includes all forms of supply of goods or services or both such as sale, transfer, barter, exchange, licence, rental, lease or disposal made or agreed to be made for a consideration by a person in the course or furtherance of business. Therefore, the goods or services or both which are supplied free of cost (without any consideration) shall not be treated as „supply“ under GST (except in case of activities mentioned in Schedule I of the said Act). Accordingly, it is clarified that samples which are supplied free of cost, without any consideration, do not qualify as „supply“ under GST, except where the activity falls within the ambit of Schedule I of the said Act.
- ii. Further, clause (h) of sub-section (5) of section 17 of the said Act provides that ITC shall not be available in respect of goods lost, stolen, destroyed, written off or disposed of by way of gift or free samples. Thus, it is clarified that input tax credit shall not be available to the supplier on the inputs, input services and capital goods to the extent they are used in relation to the gifts or free samples distributed without any consideration. However, where the activity of distribution of gifts or free samples falls within the scope of „supply“ on account of the provisions contained in Schedule I of the said Act, the supplier would be eligible to avail of the ITC.

B. Buy one get one free offer:

- i. Sometimes, companies announce offers like '**Buy One, Get One free**' For example, „buy one soap and get one soap free“ or „Get one tooth brush free along with the purchase of tooth paste“. As per sub- clause (a) of sub-section (1) of section 7 of the said Act, the goods or services which are supplied free of cost (without any consideration) shall not be treated as „supply“ under GST (except in case of activities mentioned in Schedule I of the said Act). It may appear at first glance that in case of offers like „Buy One, Get One Free“, one item is being „supplied free of cost“ without any consideration. In fact, it is not an individual supply of free goods but a case of two or more individual supplies where a single price is being charged for the entire supply. It can at best be treated as *supplying two goods for the price of one*.
- ii. Taxability of such supply will be dependent upon as to whether the supply is a composite supply or a mixed supply and the rate of tax shall be determined as per the provisions of section 8 of the said Act.
- iii. It is also clarified that ITC shall be available to the supplier for the inputs, input services and capital goods used in relation to supply of goods or services or both as part of such offers.

C. Discounts including 'Buy more, save more' offers:

- i. Sometimes, the supplier offers staggered discount to his customers (increase in discount rate with increase in purchase volume). For example- Get 10 % discount for purchases above Rs. 5000/-, 20% discount for purchases above Rs. 10,000/- and 30% discount for purchases above Rs. 20,000/-. Such discounts are shown on the invoice itself.
- ii. Some suppliers also offer periodic / year ending discounts to their stockists, etc. For example- Get additional discount of 1% if you purchase 10000 pieces in a year, get additional discount of 2% if you purchase 15000 pieces in a year. Such discounts are established in terms of an agreement entered into at or before the time of supply though not shown on the invoice as the actual quantum of such discounts gets determined after the supply has been effected and generally at the year end. In commercial parlance, such discounts are colloquially referred to as "volume discounts". Such discounts are passed on by the supplier through credit notes.


- iii. It is clarified that discounts offered by the suppliers to customers (including staggered discount under „Buy more, save more“ scheme and post supply / volume discounts established before or at the time of supply) shall be excluded to determine the value of supply provided they satisfy the parameters laid down in sub-section (3) of section 15 of the said Act, including the reversal of ITC by the recipient of the supply as is attributable to the discount on the basis of document (s) issued by the supplier.
- iv. It is further clarified that the supplier shall be entitled to avail the ITC for such inputs, input services and capital goods used in relation to the supply of goods or services or both on such discounts.

D. Secondary Discounts

- i. These are the discounts which are not known at the time of supply or are offered after the supply is already over. For example, M/s A supplies 10000 packets of biscuits to M/s B at Rs. 10/- per packet. Afterwards M/s A re-values it at Rs. 9/- per packet. Subsequently, M/s A issues credit note to M/s B for Rs. 1/- per packet.
 - ii. The provisions of sub-section (1) of section 34 of the said Act provides as under: *“Where one or more tax invoices have been issued for supply of any goods or services or both and the taxable value or tax charged in that tax invoice is found to exceed the taxable value or tax payable in respect of such supply, or where the goods supplied are returned by the recipient, or where goods or services or both supplied are found to be deficient, the registered person, who has supplied such goods or services or both, may issue to the recipient one or more credit notes for supplies made in a financial year containing such particulars as may be prescribed.”*
 - iii. Representations have been received from the trade and industry that whether credit notes(s) under sub-section (1) of section 34 of the said Act can be issued in such cases even if the conditions laid down in clause (b) of sub-section (3) of section 15 of the said Act are not satisfied. It is hereby clarified that financial / commercial credit note(s) can be issued by the supplier even if the conditions mentioned in clause (b) of sub-section (3) of section 15 of the said Act are not satisfied. In other words, credit note(s) can be issued as a commercial transaction between the two contracting parties.
 - iv. It is further clarified that such secondary discounts shall not be excluded while determining the value of supply as such discounts are not known at the time of supply and the conditions laid down in clause (b) of sub-section (3) of section 15 of the said Act are not satisfied.
 - v. In other words, value of supply shall not include any discount by way of issuance of credit note(s) as explained above in para 2 (D)(iii) or by any other means, except in cases where the provisions contained in clause (b) of sub-section (3) of section 15 of the said Act are satisfied.
 - vi. There is no impact on availability or otherwise of ITC in the hands of supplier in this case.
3. It is requested that suitable trade notices may be issued to publicize the contents of this Circular.
 4. Difficulty if any, in the implementation of this Circular may be brought to the notice of the Board. Hindi version will follow.

(Upender Gupta)
Principal Commissioner (GST)

Circular No. 93/12/2019-GST


F. No. 354/124/2018-TRU
Government of India
Ministry of Finance Department of Revenue
Tax research Unit, Room No. 156, North Block

New Delhi, 8th March, 2019

The Principal Chief Commissioners/ Chief Commissioners/ Principal Commissioners/ Commissioner of Central Tax (All) / The Principal Director Generals/ Director Generals (All) Madam/Sir,

Subject : Nature of Supply of Priority Sector Lending Certificates (PSLC) – regarding

Representations have been received requesting to clarify whether IGST or CGST/ SGST is payable for trading of PSLC by the banks on e-Kuber portal of RBI.

2. In this regard, it is stated that Circular No. 62/36/2018-GST dated 12.09.2018 was issued clarifying that GST on PSLCs for the period 1.7.2017 to 27.05.2018 will be paid by the seller bank on forward charge basis and GST rate of 12% will be applicable on the supply. Further, Notification No. 11/2018-Central Tax (Rate) dated 28.05.2018 was issued levying GST on PSLC trading on reverse charge basis from 28.05.2018 onwards to be paid by the buyer bank.
3. It is further clarified that nature of supply of PSLC between banks may be treated as a supply of goods in the course of inter-State trade or commerce. Accordingly, IGST shall be payable on the supply of PSLC traded over e-Kuber portal of RBI for both periods i.e 01.07.2017 to 27.05.2018 and from 28.05.2018 onwards. However, where the bank liable to pay GST has already paid CGST/SGST or CGST/UTGST as the case may be, such banks for payment already made, shall not be required to pay IGST towards such supply.
4. Difficulty, if any, in the implementation of this circular may be brought to the notice of the Board immediately.

Yours Sincerely,
(Harish Y N)
Technical Officer, TRU

F. No. CBEC-20/16/04/2018 – GST
Government of India
Ministry of Finance Department of Revenue
Central Board of Indirect Taxes and Customs
GST Policy Wing

New Delhi, Dated the 28th March, 2019

The Principal Chief Commissioners / Chief Commissioners / Principal Commissioners
 / Commissioners of Central Tax (All)

The Principal Director Generals / Director Generals (All) Madam/Sir,

Subject : Clarifications on refund related issues under GST– Reg.

Various representations have been received seeking clarifications on certain issues relating to refund. In order to clarify these issues and to ensure uniformity in the implementation of the provisions of law across the field formations, the Board, in exercise of its powers conferred by section 168 (1) of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as “CGST Act”), hereby clarifies the issues as detailed hereunder:

Sr.	Issue	Clarification
1	Certain registered persons have reversed, through return in FORM GSTR-3B filed for the month of August, 2018 or for a subsequent month, the accumulated input tax credit (ITC) required to be lapsed in terms of notification No. 20/2018- Central Tax (Rate) dated 26.07.2018 read with circular No. 56/30/2018-GST dated 24.08.2018 (hereinafter referred to as the “said notification”). Some of these registered persons, who have attempted to claim refund of accumulated ITC on account of inverted tax structure for the same period in which the ITC required to be lapsed in terms of the said notification has been reversed, are not able to claim refund of accumulated ITC to the extent to which they are so eligible. This is because of a validation check on the common portal which prevents the value of input tax credit in Statement 1A of FORM GST RFD-01A from being higher than the amount of ITC availed in FORM GSTR-3B of the relevant period minus the value of ITC reversed in the same period. This results in registered persons being unable to claim the full amount of refund of accumulated ITC on account of inverted tax structure to which they might be otherwise eligible. What is the solution to this problem?	<p>a) As a one-time measure to resolve this issue, refund of accumulated ITC on account of inverted tax structure, for the period(s) in which there is reversal of the ITC required to be lapsed in terms of the said notification, is to be claimed under the category “any other” instead of under the category “refund of unutilized ITC on account of accumulation due to inverted tax structure” in FORM GST RFD-01A. It is emphasized that this application for refund should relate to the same tax period in which such reversal has been made.</p> <p>b) The application shall be accompanied by all statements, declarations, undertakings and other documents which are statutorily required to be submitted with a “refund claim of unutilized ITC on account of accumulation due to inverted tax structure”. On receiving the said application, the proper officer shall himself calculate the refund amount admissible as per rule 89(5) of Central Goods and Services Tax Rules, 2017 (hereinafter referred to as “CGST Rules”), in the manner detailed in para 3 of Circular No. 59/33/2018-GST dated 04.09.2018. After calculating the admissible refund amount, as described above, and scrutinizing the application for completeness and eligibility, if the proper officer is satisfied that the whole or any part of the amount claimed is payable as refund, he shall request the taxpayer, in writing, to debit the said amount from his electronic credit ledger through FORM GST DRC-03. Once the proof of such debit is received by the proper officer, he shall proceed to issue the refund order in FORM GST RFD-06 and the payment advice in FORM GST RFD-05.</p> <p>All refund applications for unutilized ITC on account of accumulation due to inverted tax structure for subsequent tax period(s) shall be filed in FORM GST RFD-01A under the category “refund of unutilized ITC on account of accumulation due to inverted tax structure”.</p>

Sr.	Issue	Clarification
2	<p>The clarification at Sl. No. 1 above applies to registered persons who have already reversed the ITC required to be lapsed in terms of the said notification through return in FORM GSTR-3B. What about those registered persons who are yet to perform this reversal?</p>	<p>It is hereby clarified that all those registered persons required to make the reversal in terms of the said notification and who have not yet done so, may reverse the said amount through FORM GST DRC-03 instead of through FORM GSTR-3B.</p>
3	<p>What shall be the consequence if any registered person reverses the amount of credit to be lapsed, in terms the said notification, through the return in FORM GSTR-3B for any month subsequent to August, 2018 or through FORM GST DRC-03 subsequent to the due date of filing of the return in FORM GSTR-3B for the month of August, 2018?</p>	<p>a) As the registered person has reversed the amount of credit to be lapsed in the return in FORM GSTR-3B for a month subsequent to the month of August, 2018 or through FORM GST DRC-03 subsequent to the due date of filing of the return in FORM GSTR-3B for the month of August, 2018, he shall be liable to pay interest under sub-section (1) of section 50 of the CGST Act on the amount which has been reversed belatedly. Such interest shall be calculated starting from the due date of filing of return in FORM GSTR-3B for the month of August, 2018 till the date of reversal of said amount through FORM GSTR-3B or through FORM GST DRC-03, as the case may be.</p> <p>The registered person who has reversed the amount of credit to be lapsed in the return in FORM GSTR-3B for any month subsequent to August, 2018 or through FORM GST DRC-03 subsequent to the due date of filing of the return in FORM GSTR-3B for the month of August, 2018 would remain eligible to claim refund of unutilized ITC on account of accumulation due to inverted tax structure w.e.f. 01.08.2018. However, such refund shall be granted only after the reversal of the amount of credit to be lapsed, either through FORM GSTR-3B or FORM GST DRC-03, along with payment of interest, as applicable.</p>
4	<p>How should a merchant exporter claim refund of input tax credit availed on supplies received on which the supplier has availed the benefit of the Government of India, Ministry of Finance, notification No. 40/2017-Central Tax (Rate), dated the 23rd October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1320 (E), dated the 23rd October, 2017 or notification No. 41/2017-Integrated Tax (Rate), dated the 23rd October, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R 1321(E), dated the 23rd October, 2017 (hereinafter referred to as the “said notifications”)?</p>	<p>a) Rule 89(4B) of the CGST Rules provides that where the person claiming refund of unutilized input tax credit on account of zero-rated supplies without payment of tax has received supplies on which the supplier has availed the benefit of the said notifications, the refund of input tax credit, availed in respect of such inputs received under the said notifications for export of goods, shall be granted.</p> <p>This refund of accumulated ITC under rule 89(4B) of the CGST Rules shall be applied under the category “any other” instead of under the category “refund of unutilized ITC on account of exports without payment of tax” in FORM GST RFD-01A and shall be accompanied by all supporting documents required for substantiating the refund claim under the category “refund of unutilized ITC on account of exports without payment of tax”. After scrutinizing the application for completeness and eligibility, if the proper officer is satisfied that the whole or any part of the amount claimed is payable as refund, he shall request the taxpayer, in writing, to debit the said amount from his electronic credit ledger through FORM GST DRC-03. Once the proof of such debit is received by the proper officer, he shall proceed to issue the refund order in FORM GST RFD-06 and the payment advice in FORM GST RFD-05.</p>

Sr.	Issue	Clarification
5	Vide Circular No. 59/33/2018-GST dated 04.09.2018, it was clarified that after issuance of a deficiency memo, the input tax credit is required to be re-credited through FORM GST RFD-01B and the taxpayer is expected to file a fresh application for refund. Accordingly, in several cases, the ITC amounts were re- credited after issuance of deficiency memo. However, it was later represented that the common portal does not allow a taxpayer to file a fresh application for the same period after issuance of a deficiency memo. Therefore, the matter was re- examined and it was subsequently clarified, vide Circular No. 70/44/2018- GST dated 26.10.2018 that no re-credit should be carried out in such cases and taxpayers should file the rectified application, after issuance of the deficiency memo, under the earlier ARN only. It was also further clarified that a suitable clarification would be issued separately for cases in which such re-credit has already been carried out. However, no such clarification has yet been issued and several refund claims are pending on this account.	In such cases, the claimant may re- submit the refund application manually in FORM GST RFD-01A after correction of deficiencies pointed out in the deficiency memo, using the same ARN. The proper officer shall then proceed to process the refund application as per the existing guidelines. After scrutinizing the application for completeness and eligibility, if the proper officer is satisfied that the whole or any part of the amount claimed is payable as refund, he shall request the taxpayer, in writing, to debit the said amount from his electronic credit ledger through FORM GST DRC-03 . Once the proof of such debit is received by the officer, he shall proceed to issue the refund order in FORM GST RFD-06 and the payment advice in FORM GST RFD-05 .

2. It is requested that suitable trade notices may be issued to publicize the contents of this Circular.

3. Difficulty, if any, in implementation of this Circular may please be brought to the notice of the Board. Hindi version would follow.

(Upender Gupta)
Principal Commissioner (GST)



Circular No. 95/14/2019-GST

F. No. CBEC-20/16/04/2018 – GST
Government of India
Ministry of Finance Department of Revenue
Central Board of Indirect Taxes and Customs
GST Policy Wing

New Delhi, Dated the 28th March, 2019

The Principal Chief Commissioners / Chief Commissioners / Principal Commissioners / Commissioners of Central Tax (All)
The Principal Director Generals / Director Generals (All)

Madam/Sir,

Subject : Verification of applications for grant of new registration – Reg.

Recently, a large number of registrations have been cancelled by the proper officer under the provisions of sub-section (2) of section 29 of the Central Goods and Services Act, 2017 (hereinafter referred to as „CGST Act“) read with rule 21 of the Central Goods and Services Rules, 2017 (hereinafter referred to as „CGST Rules“) on account of non- compliance of the said statutory provisions. In this regard, instances have come to notice that such persons, who continue to carry on business and therefore are required to have registration under GST, are not applying for revocation of cancellation of registration as specified in section 30 of the CGST Act read with rule 23 of the CGST Rules. Instead, such persons are applying for fresh registration. Such new applications might have been made as such person may not have furnished requisite returns and not paid tax for the tax periods covered under the old/cancelled registration. Further, such persons would be required to pay all liabilities due from them for the relevant period in case they apply for revocation of cancellation of registration. Hence, to avoid payment of the tax liabilities, such persons may be using the route of applying for fresh registration. It is pertinent to mention that as per the provisions contained in proviso to sub-section (2) of section 25 of the CGST Act, a person may take separate registration on same PAN in the same State.

2. In order to ensure uniformity in the implementation of the provisions of law across the field formations, the Board, in exercise of its powers conferred by section 168 (1) of the CGST Act, hereby issues the following instructions.
3. Sub-section (10) of section 25 of the CGST Act read with rule 9 of the CGST Rules provide for rejection of application for registration if the information or documents submitted by the applicant are found to be deficient. It is possible that the applicant may suppress some material information in relation to earlier registration. Some of the information that may be concealed in the application for registration in **FORM GST REG -01** are S. No. 7 „Date of Commencement of Business“, S. No. 8 „Date on which liability to register arises“, S. No. 14 "Reason to obtain registration" etc. Such persons may also not furnish the details of earlier registrations, if any, obtained under GST on the same PAN.
4. It is hereby instructed that the proper officer may exercise due caution while processing the application for registration submitted by the taxpayers, where the tax payer is seeking another registration within the State although he has an existing registration within the said State or his earlier registration has been cancelled. It is clarified that not applying for revocation of cancellation of registration along with the continuance of the conditions specified in clauses (b) and (c) of sub-section (2) of section 29 of the CGST Act shall be deemed to be a "deficiency" within the meaning of sub-rule (2) of rule 9 of the CGST Rules. The proper officer may compare the information pertaining to earlier registrations with the information contained in the present application, the grounds on which the earlier registration(s) were cancelled and the current status of the statutory violations for which the earlier registration(s) were cancelled. The data may be verified on common portal by fetching the details of registration taken on the PAN mentioned in the new application vis-a-vis cancellation of registration obtained on same PAN. The information regarding the status of other registrations granted on the same PAN is displayed on the common portal to both the applicant and the proper officer. Further, if required, information submitted by applicant in S. No. 21 of **FORM GST REG-01** regarding details of proprietor, all partner/Karta/Managing Directors and whole time Director/Members of Managing Committee of Associations/Board of Trustees etc. may be analysed vis-à-vis any cancelled registration having same details.
5. While considering the application for registration, the proper officer shall ascertain if the earlier registration was cancelled on account of violation of the provisions of clauses (b) and (c) of sub-section (2) of section 29 of the CGST Act and whether the applicant has applied for revocation of cancellation of registration. If proper officer finds that application for revocation of cancellation of registration has not been filed and the conditions specified in clauses (b) and (c) of sub-section (2) of section 29 of the CGST Act are still continuing, then, the same may be considered as a ground for rejection of application for registration in terms of sub-rule (2) read with sub-rule (4) of rule 9 of CGST Rules. Therefore, it is advised that where the applicant fails to furnish sufficient convincing justification or the proper officer is not satisfied with the clarification, information or documents furnished, then, his application for fresh registration may be considered for rejection.
6. It is requested that suitable trade notices may be issued to publicise the contents of these instructions.
7. Difficulty, if any, in the implementation of these instructions may be brought to the notice of the Board. Hindi version will follow.

(Upender Gupta)
Principal Commissioner (GST)



Circular No. 96/15/2019-GST

F. No. CBEC-20/16/04/2018 – GST
Government of India
Ministry of Finance Department of Revenue
Central Board of Indirect Taxes and Customs
GST Policy Wing

New Delhi, Dated the 28th March, 2019

The Principal Chief Commissioners / Chief Commissioners / Principal Commissioners / Commissioners of Central Tax (All)
The Principal Director Generals / Director Generals (All)

Madam/Sir,

Subject : Clarification in respect of transfer of input tax credit in case of death of sole proprietor – Reg.

Doubts have been raised whether sub-section (3) of section 18 of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as „CGST Act“) provides for transfer of input tax credit which remains unutilized to the transferee in case of death

of the sole proprietor. As per sub-rule (1) of rule 41 of the Central Goods and Services Rules, 2017 (hereinafter referred to as „CGST Rules“), the registered person (transferor of business) can file **FORM GST ITC-02** electronically on the common portal along with a request for transfer of unutilized input tax credit lying in his electronic credit ledger to the transferee. Further, clarification has also been sought regarding procedure of filing of **FORM GST ITC-02** in case of death of the sole proprietor. In order to clarify these issues and to ensure uniformity in the implementation of the provisions of the law, the Board, in exercise of its powers conferred by section 168 (1) of the CGST Act, hereby clarifies the issues raised as below.

2. Clause (a) of sub-section (1) of section 29 of the CGST Act provides that reason of transfer of business includes “death of the proprietor”. Similarly, for uniformity and for the purpose of sub-section (3) of section 18, sub-section (3) of section 22, sub-section (1) of section 85 of the CGST Act and sub-rule (1) of rule 41 of the CGST Rules, it is clarified that transfer or change in the ownership of business will include transfer or change in the ownership of business due to death of the sole proprietor.
3. In case of death of sole proprietor if the business is continued by any person being transferee or successor, the input tax credit which remains un-utilized in the electronic credit ledger is allowed to be transferred to the transferee as per provisions and in the manner stated below –
 - a. **Registration liability of the transferee / successor:** As per provisions of sub-section (3) of section 22 of the CGST Act, the transferee or the successor, as the case may be, shall be liable to be registered with effect from the date of such transfer or succession, where a business is transferred to another person for any reasons including death of the proprietor. While filing application in **FORM GST REG-01** electronically in the common portal the applicant is required to mention the reason to obtain registration as “death of the proprietor”.
 - b. **Cancellation of registration on account of death of the proprietor:** Clause (a) of sub-section (1) of section 29 of the CGST Act, allows the legal heirs in case of death of sole proprietor of a business, to file application for cancellation of registration in **FORM GST REG-16** electronically on common portal on account of transfer of business for any reason including death of the proprietor. In **FORM GST REG-16**, reason for cancellation is required to be mentioned as “death of sole proprietor”. The GSTIN of transferee to whom the business has been transferred is also required to be mentioned to link the GSTIN of the transferor with the GSTIN of transferee.
 - c. **Transfer of input tax credit and liability:** In case of death of sole proprietor, if the business is continued by any person being transferee or successor of business, it shall be construed as transfer of business. Sub-section (3) of section 18 of the CGST Act, allows the registered person to transfer the unutilized input tax credit lying in his electronic credit ledger to the transferee in the manner prescribed in rule 41 of the CGST Rules, where there is specific provision for transfer of liabilities. As per sub-section (1) of section 85 of the CGST Act, the transferor and the transferee / successor shall jointly and severally be liable to pay any tax, interest or any penalty due from the transferor in cases of transfer of business “in whole or in part, by sale, gift, lease, leave and license, hire *or in any other manner whatsoever*”. Furthermore, sub-section (1) of section 93 of the CGST Act provides that where a person, liable to pay tax, interest or penalty under the CGST Act, dies, then the person who continues business after his death, shall be liable to pay tax, interest or penalty due from such person under this Act. It is therefore clarified that the transferee / successor shall be liable to pay any tax, interest or any penalty due from the transferor in cases of transfer of business due to death of sole proprietor.
 - d. **Manner of transfer of credit:** As per sub-rule (1) of rule 41 of the CGST Rules, a registered person shall file **FORM GST ITC-02** electronically on the common portal with a request for transfer of unutilized input tax credit lying in his electronic credit ledger to the transferee, in the event of sale, merger, de-merger, amalgamation, lease or *transfer or change in the ownership of business for any reason*. In case of transfer of business on account of death of sole proprietor, the transferee / successor shall file **FORM GST ITC-02** in respect of the registration which is required to be cancelled on account of death of the sole proprietor. **FORM GST ITC-02** is required to be filed by the transferee/successor before filing the application for cancellation of such registration. Upon acceptance by the transferee / successor, the un-utilized input tax credit specified in **FORM GST ITC-02** shall be credited to his electronic credit ledger.
4. It is requested that suitable trade notices may be issued to publicize the contents of this circular.
5. Difficulty if any, in the implementation of this Circular may be brought to the notice of the Board. Hindi version would follow.

(Upender Gupta)
Principal Commissioner (GST)

Corrigendum to Circular No. 76/50/2018-GST

F.No. 20/16/04/2018 -GST
Government of India
Ministry of Finance, Department of Revenue
Central Board of Indirect Taxes and Customs
GST Policy Wing

New Delhi, Dated the 7th March, 2019

The Principal Chief Commissioners/ Chief Commissioners/ Principal Commissioners/ Commissioners of Central Tax (All) / The Principal Director Generals/ Director Generals (All)

Madam/Sir,

Subject: Corrigendum to Circular No. 76/50/2018-GST dated 31st December, 2018 issued vide F.No. CBEC-20/16/04/2018-GST- Reg.

Vide serial number 5 of Circular No. 76/50/2018-GST dated 31st December, 2018, it was clarified that the taxable value for the purposes of GST shall include the Tax Collected at Source (TCS) amount collected under the provisions of the Income Tax Act, as the value to be paid to the supplier by the recipient is inclusive of the said TCS.

2. In the light of the representations received from the stakeholders, the matter has been re-examined in consultation with the Central Board of Direct Taxes (CBDT). The CBDT has clarified that Tax collection at source (TCS) is not a tax on goods but an interim levy on the possible “income” arising from the sale of goods by the buyer and to be adjusted against the final income- tax liability of the buyer.
3. Accordingly, in S. No. 5 of the Circular No. 76/50/2018-GST dated 31st December, 2018 :

For

Sr.	Issue	Clarification
5	What is the correct valuation methodology for ascertainment of GST on Tax collected at source (TCS) under the provisions of the Income Tax Act, 1961?	<p>1. Section 15(2) of CGST Act specifies that the value of supply shall include “any taxes, duties cesses, fees and charges levied under any law for the time being in force other than this Act, the SGST Act, the UTGST Act and the GST (Compensation to States) Act, if charged separately by the supplier.”</p> <p>It is clarified that as per the above provisions, taxable value for the purposes of GST shall include the TCS amount collected under the provisions of the Income Tax Act since the value to be paid to the supplier by the buyer is inclusive of the said TCS.</p>

Read

Sr.	Issue	Clarification
5	What is the correct valuation methodology for ascertainment of GST on Tax collected at source (TCS) under the provisions of the Income Tax Act, 1961?	<p>1. Section 15(2) of CGST Act specifies that the value of supply shall include “any taxes, duties cesses, fees and charges levied under any law for the time being in force other than this Act, the SGST Act, the UTGST Act and the GST (Compensation to States) Act, if charged separately by the supplier.”</p> <p>For the purpose of determination of value of supply under GST, Tax collected at source (TCS) under the provisions of the Income Tax Act, 1961 would not be includible as it is an interim levy not having the character of tax.</p>

2. It is requested that suitable trade notices may be issued to publicize the contents of this Circular.
3. Difficulty, if any, in implementation of this Circular may please be brought to the notice of the Board. Hindi version would follow.

(Upender Gupta)
Principal Commissioner (GST)

GOVERNMENT OF RAJASTHAN
FINANCE DEPARTMENT
(TAX DIVISION)

Jaipur, dated : 01.03.2019

NOTIFICATION

In exercise of the powers conferred by clause (c) of sub-rule (1) of rule 58 of the Rajasthan Stamp Rules, 2004 and in supersession of this department's notification number F.4 (4)FD/Tax/2015-231 dated March 9, 2015, as amended from time to time, the State Government hereby determine the rates for assessment of market value of constructed portion as under:-

Sr.	Categories of construction	Rates
1.	Construction with RCC roof other than categories of construction specified against serial number 2,3,4 and 5	Rs. 1200/- per sq. feet
2.	Shopping Malls having multi-storey building with basement, multiplex inside	Rs. 1815/-per sq. feet
3.	Shopping Malls having multi-storey building with basement and without multiplex	Rs. 1430/-per sq.feet
4.	Hotel and Club with five Star and above facilities	Rs. 2090/- per sq. feet
5.	Hotel and Club below five Star facilities	Rs. 1595/-per sq. feet
6.	Construction with Patti roof	Rs. 600/- per sq. feet
7.	Kucha/Mud and Keluposh Construction	Rs. 250/- per sq. feet
8.	Skeleton with roof but without plaster, floor, sanitary, electricity etc.	50% of the rates at serial number 1 & 6 above, as the case may be.
9.	Skeleton without roof	25% of the rate at serial number 1 above.
10.	Construction up to plinth level	10% of the rate at serial number 1 above.
11.	Industrial Shed	Rs. 3000/- per sq. meter
12.	Shed other than Industrial Shed	Rs. 2000/- per sq. meter
13.	Boundary Wall	Rs. 400/- per running meter

Note: Market value of construction not covered by any category mentioned in the above table shall be assessed on the basis of guidelines issued by Inspector General of Stamps.

[No.F.2(38)FD/Tax/2009-164]

By order of the Governor,

(Bishnu Charan Mallick)
Jt. Secretary to the Government



**TO BE PUBLISHED IN PART-I SECTION -1 OF THE GAZETTE OF INDIA EXTRAORDINARY
GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
OFFICE OF THE TEXTILE COMMISSIONER**

No. 7/TDRO/6/2019

Date : 7th March, 2019

HANK YARN PACKING NOTIFICATION (AMENDMENT)

In exercise of the powers conferred on me under clause 3, 8, and 11 of the Textiles (Development and Regulation) Order, 2001 issued under Section 3 of the Essential Commodities Act, 1955, I hereby amend the existing Hank Yarn Packing Notification No. 2/TDRO/8/2003 dated 17.04.2003 read with Amendment Notifications No.04/TDRO/8/2010 dated 31.03.2010, No.05/TDRO/8/2015 dated 02.09.2015 and No.06/TDRO/8/2018 dated 25.05.2018, as under:

Sr.	Existing Para of Hank Yarn Packing Notification No.2/TDRO/8/2003 dated 17.04.2003 read with amendment notification No.04/TDRO/8/2010 dated 31.03.2010 which is to be amended	Existing Provisions	Amended provisions
		Every producer of yarn who packs yarn for civil consumption shall pack yarn in hank form in each quarterly period commencing from January- March, 2003 and in every subsequent quarterly period, in proportion of not less than forty percent (40%) of total yarn packed by him during each quarterly period for civil consumption; Provided that not less than eighty percent of the yarn required to be packed in hank form shall be of counts 80s and below.	Every producer of yarn who packs yarn for civil consumption shall pack yarn in hank form in each quarterly period commencing from January-March, 2019 and in every subsequent quarterly period, in proportion of not less than thirty percent (30%) of total yarn packed by him during each quarterly period for civil consumption; Provided that not less than eighty percent of the yarn required to be packed in hank form shall be of counts 80s and below.

All other terms and conditions mentioned in the Hank Yarn Packing Notification No.2/TDRO/8/2003 dated 17.04.2003 read with amendment Notifications No. 04/TDRO/8/2010 dated 31.03.2010, No. 05/TDRO/8/2015 dated 02.09.2015 and No.06/TDRO/8/2018 dated 25.05.2018, will remain unchanged.

This notification shall come into force w.e.f. the 1st of January, 2019.

(Sanjay Sharan)
Textile Commissioner

(Along with Hindi Version with request to publish the aforesaid Notification at the earliest possible).

Encl: As above.

The Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064.



[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]
GOVERNMENT OF INDIA
MINISTRY OF FINANCE
(DEPARTMENT OF REVENUE)
Notification No. 08/2019-Customs

New Delhi, the 25th March, 2019

G.S.R. (E).- In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in each of the notifications of the Government of India in the Ministry of Finance (Department of Revenue), specified in column (2) of the Table below, in the manner as specified in the corresponding entry in column (3) of the said Table, namely:-

Table

Sr.	Notification number and date	Amendments
1	16/2015-Customs, dated the 1 st April, 2015 [vide number G.S.R. 252(E), dated the 1 st April, 2015]	In the said notification, in the opening paragraph, in the proviso to clause (iii), for the figures, letters and word "31st March, 2019", the figures, letters and word "31st March, 2020" shall be substituted.
2	18/2015-Customs, dated the 1 st April, 2015 [vide number G.S.R. 254 (E), dated the 1 st April, 2015]	In the said notification, in the opening paragraph, in condition (xiii), for the figures, letters and word "31st March, 2019", the figures, letters and word "31st March, 2020" shall be substituted.
3	20/2015-Customs, dated the 1 st April, 2015 [vide number G.S.R. 256(E), dated 1 st April, 2015]	In the said notification, in the opening paragraph, in condition (xiv), for the figures, letters and word "31st March, 2019", the figures, letters and word "31st March, 2020" shall be substituted.

Sr.	Notification number and date	Amendments
4	22/2015-Customs, dated the 1 st April, 2015 [vide number G.S.R. 258 (E), dated the 1 st April, 2015]	In the said notification, in the opening paragraph, in condition (xiii), for the figures, letters and word “31st March, 2019”, the figures, letters and word “31st March, 2020” shall be substituted.
5	45/2016-Customs, dated the 13th August, 2016 [vide number G.S.R. 795(E), dated the 13th August, 2016]	In the said notification, in the opening paragraph, in condition (xii), for the figures, letters and word “31st March, 2019”, the figures, letters and word “31st March, 2020” shall be substituted.

[F.No.605/52/2017-DBK]

(Anand Kumar Jha)
Under Secretary to the Government of India

Note :

- (1) The principal notification No. 16/2015-Customs, dated the 1st April, 2015 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.252 (E), dated the 1st April, 2015 and was last amended by notification No. 66/2018-Customs, dated the 26th September, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 926(E), dated the 26th September, 2018.
- (2) The principal notification No. 18/2015-Customs dated the 1st April, 2015 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 254 (E), dated the 1st April, 2015 and was last amended by notification No. 01/2019-Customs, dated the 10th January, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 18(E), dated the 10th January, 2019.
- (3) The principal notification No. 20/2015-Customs dated the 1st April, 2015 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 256 (E), dated the 1st April, 2015 and was last amended by notification No. 01/2019-Customs, dated the 10th January, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 18(E), dated the 10th January, 2019.
- (4) The principal notification No. 22/2015-Customs dated the 1st April, 2015 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 258 (E), dated the 1st April, 2015 and was last amended by notification No. 66/2018-Customs, dated the 26th September, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 926(E), dated the 26th September, 2018.
- (5) The principal notification No. 45/2016-Customs dated the 13th August, 2016 was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 795 (E), dated the 13th August, 2016 and was last amended by notification No. 66/2018-Customs, dated the 26th September, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 926(E), dated the 26th September, 2018.



[TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

Government of India
Ministry of Finance (Department of Revenue)
Notification No. 2/2019-Central Tax (Rate)

New Delhi, the 7th March, 2019

G.S.R (E).- In exercise of the powers conferred by sub-section (1) of section 9, sub-section (1) of section 11, sub-section (1) of section 16 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (herein after referred to as the “said Act”), the Central Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest so to do, hereby notifies that the central tax, on the intra-State supply of goods or services or both as specified in column (1) of the Table below, shall be levied at the rate specified in the corresponding entry in column (2), subject to the conditions as specified in the corresponding entry in column (3) of the said table below, namely:-

Table

Description of supply	Rate (%)	Conditions
First supplies of goods or services or both upto an aggregate turnover of fifty lakh rupees made on or after the 1st day of April in any financial year, by a registered person.	3	<p>1. Supplies are made by a registered person, -</p> <p>(i) whose aggregate turnover in the preceding financial year was fifty lakh rupees or below;</p> <p>(ii) who is not eligible to pay tax under sub-section (1) of section 10 of the said Act;</p> <p>(iii) who is not engaged in making any supply which is not leviable to tax under the said Act;</p> <p>(iv) who is not engaged in making any inter-State outward supply;</p> <p>(v) who is neither a casual taxable person nor a non-resident taxable person;</p> <p>(vi) who is not engaged in making any supply through an electronic commerce operator who is required to collect tax at source under section 52; and</p> <p>(vii) who is not engaged in making supplies of the goods, the description of which is specified in column (3) of the Annexure below and falling under the tariff item, sub-heading, heading or Chapter, as the case may be, as specified in the corresponding entry in column (2) of the said annexure.</p> <p>2. Where more than one registered persons are having the same Permanent Account Number, issued under the Income Tax Act, 1961(43 of 1961), central tax on supplies by all such registered persons is paid at the rate specified in column (2) under this notification.</p> <p>3. The registered person shall not collect any tax from the recipient on supplies made by him nor shall he be entitled to any credit of input tax.</p> <p>4. The registered person shall issue, instead of tax invoice, a bill of supply as referred to in clause (c) of sub-section (3) of section 31 of the said Act with particulars as prescribed in rule 49 of Central Goods and Services Tax Rules.</p> <p>5. The registered person shall mention the following words at the top of the bill of supply, namely: - 'taxable person paying tax in terms of notification No. 2/2019-Central Tax (Rate) dated 07.03.2019, not eligible to collect tax on supplies'.</p> <p>6. The registered person opting to pay central tax at the rate of three percent under this notification shall be liable to pay central tax at the rate of three percent on all outward supplies specified in column (1) notwithstanding any other notification issued under sub-section (1) of section 9 or under section 11 of said Act.</p> <p>7. The registered person opting to pay central tax at the rate of three percent under this notification shall be liable to pay central tax on inward supplies on which he is liable to pay tax under sub-section (3) or, as the case may be, under sub-section (4) of section 9 of said Act at the applicable rates.</p> <p>Explanation.-For the purposes of this notification, the expression “first supplies of goods or services or both” shall, for the purposes of determining eligibility of a person to pay tax under this notification, include the supplies from the first day of April of a financial year to the date from which he becomes liable for registration under the said Act but for the purpose of determination of tax payable under this notification shall not include the supplies from the first day of April of a financial year to the date from which he becomes liable for registration under the Act.</p>

ANNEXURE

Sr.	Tariff item, sub-heading, heading or Chapter	Descriptio
1	2105 00 00	Ice cream and other edible ice, whether or not containing cocoa.
2	2106 90 20	Pan masala
3	24	All goods, i.e. Tobacco and manufactured tobacco substitutes

2. In computing aggregate turnover in order to determine eligibility of a registered person to pay central tax at the rate of three percent under this notification, value of supply of exempt services by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount, shall not be taken into account.
3. *Explanation.* –For the purpose of this notification, -
 - (i) “tariff item”, “sub-heading”, “heading” and “chapter” shall mean respectively a tariff item, sub- heading, heading and chapters specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975).
 - (ii) the rules for the interpretation of the First Schedule to the said Customs Tariff Act, 1975 (51 of 1975), including the Section and Chapter Notes and the General Explanatory Notes of the First Schedule shall, so far as may be, apply to the interpretation of this notification.
4. This notification shall come into force on the 1st day of April, 2019.

[F. No.354/25/2019-TRU]

(Gunjan Kumar Verma)
Under Secretary to the Government of India



[TO BE PUBLISHED IN THE GAZZETE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

Government of India Ministry of Finance (Department of Revenue)
Notification No. 9/2019-Central Tax (Rate)

New Delhi, the 29th March, 2019

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1) of section 9, sub- section (1) of section 11, sub-section (1) of section 16 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (herein after referred to as the “said Act”), the Central Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest so to do, hereby makes the following amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No.02/2019- Central Tax (Rate), dated the 7th March, 2019, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 189(E), dated the 7th March, 2019, namely:-

In the said notification, -

- (i) in the Table, in column 3, after clause 7, the following clause shall be inserted, namely: -

“8. Where any registered person who has availed of input tax credit opts to pay tax under this notification, he shall pay an amount, by way of debit in the electronic credit ledger or electronic cash ledger, equivalent to the credit of input tax in respect of inputs held in stock and inputs contained in semi-finished or finished goods held in stock and on capital goods as if the supply made under this notification attracts the provisions of section 18(4) of the said Act and the rules made there-under and after payment of such amount, the balance of input tax credit, if any, lying in his electronic credit ledger shall lapse.”;
- (ii) in paragraph 3, in the Explanation, after clause (ii), the following clause shall be inserted, namely: -

“(iii) the Central Goods and Services Tax Rules, 2017, as applicable to a person paying tax under section 10 of the said Act shall, *mutatis mutandis*, apply to a person paying tax under this notification.”.

2. This notification shall come into force on the 1st day of April, 2019.

[F.No.354/25/2019-TRU]

(Pramod Kumar)
Deputy Secretary to the Government of India

Note: -The principal notification No. 02/2019 - Central Tax (Rate), dated the 7th March, 2019 was published in the Gazette of India, Extraordinary, *vide* number G.S.R. 189 (E), dated the 7th March, 2019.

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (ii)]

Government of India
Ministry of Finance (Department of Revenue)
Central Board of Indirect Taxes and Customs

Removal of Difficulty
Order No. 3/2019-Central Tax

New Delhi, the 8th March, 2019

S.O.(E). --- Whereas, clause (c) of sub-section (3) of section 31 the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereinafter referred to as the said Act) provides that a registered person supplying exempted goods or services or both or paying tax under the provisions of section 10 shall issue, instead of a tax invoice, a bill of supply, and therefore any person not covered by the said clause has to issue a tax invoice;

Now, Therefore, in exercise of the powers conferred by section 172 of the said Act, the Central Government, on recommendations of the Council, hereby makes the following Order, to remove the difficulties, namely: —

1. Short title. —This Order may be called the Central Goods and Services Tax (Third Removal of Difficulties) Order, 2019.
2. For the removal of difficulties, it is hereby clarified that provisions of clause (c) of sub-section (3) of section 31 of the said Act shall apply to a person paying tax under Notification No. 2/2019- Central Tax (Rate) dated 07.03.2019 published in the Gazette of India, Extraordinary, vide number G.S.R. No.189 (E), dated the 7th March, 2019.

[F.No. 354/25/2019-TRU]

(Dr. Sreeparvathy S.L.)
Under secretary to the Government of India



[TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

Government of India
Ministry of Finance (Department of Revenue)
Notification No. 10/2019-Central Tax

New Delhi, the 7th March, 2019

G.S.R (E).- In exercise of the powers conferred by sub-section (2) of section 23 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter referred to as the “said Act”), the Central Government, on the recommendations of the Council, hereby specifies the following category of persons, as the category of persons exempt from obtaining registration under the said Act, namely,-

Any person, who is engaged in exclusive supply of goods and whose aggregate turnover in the financial year does not exceed forty lakh rupees, except, -

- (a) persons required to take compulsory registration under section 24 of the said Act;
- (b) persons engaged in making supplies of the goods, the description of which is specified in column (3) of the Table below and falling under the tariff item, sub-heading, heading or Chapter, as the case may be, as specified in the corresponding entry in column (2) of the said Table;
- (iii) persons engaged in making intra-State supplies in the States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Puducherry, Sikkim, Telangana, Tripura, Uttarakhand; and
- (iv) persons exercising option under the provisions of sub-section (3) of section 25, or such registered persons who intend to continue with their registration under the said Act.

Table

Sr.	Tariff item, sub-heading, heading or Chapter	Descriptio
1	2105 00 00	Ice cream and other edible ice, whether or not containing cocoa.
2	2106 90 20	Pan masala
3	24	All goods, i.e. Tobacco and manufactured tobacco substitutes

2. This notification shall come into force on the 1st day of April, 2019.

[F.No.354/25/2019-TRU]
(Gunjan Kumar Verma)
Under Secretary to the Government of India

[TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]
Government of India
Ministry of Finance (Department of Revenue)
Notification No. 11/2019-Central Tax

New Delhi, the 7th March, 2019

G.S.R.....(E).— In exercise of the powers conferred by section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter in this notification referred to as the said Act), the Central Government, on the recommendations of the Council, hereby notifies the registered persons having aggregate turnover of up to 1.5 crore rupees in the preceding financial year or the current financial year, as the class of registered persons, who shall follow the special procedure as mentioned below for furnishing the details of outward supply of goods or services or both.

2. The said registered persons shall furnish the details of outward supply of goods or services or both in **FORM GSTR-1** under the Central Goods and Services Tax Rules, 2017, effected during the quarter as specified in column (2) of the Table below till the time period as specified in the corresponding entry in column (3) of the said Table, namely:

Table

Sr.	Quarter for which details in FORM GSTR-1 are furnished	Time period for furnishing details in FORM GSTR-1
1	(2)	(3)
2	April -June, 2019	31st July, 2019

2. The time limit for furnishing the details or return, as the case may be, under sub-section (2) of section 38 and sub-section (1) of section 39 of the said Act, for the months of July, 2017 to June, 2019 shall be subsequently notified in the Official Gazette.

[F. No. 20/06/16/2018-GST]

(Dr. Sreeparvathy S.L.)
Under Secretary to the Government of India



[TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]
Government of India
Ministry of Finance (Department of Revenue)
Notification No. 12/2019-Central Tax

New Delhi, the 7th March, 2019

G.S.R (E). - In exercise of the powers conferred by the second proviso to sub-section (1) of section 37 read with section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter in this notification referred to as the said Act), the Commissioner, on the recommendations of the Council, hereby extends the time limit for furnishing the details of outward supplies in **FORM GSTR-1** under the Central Goods and Services Tax Rules, 2017, by such class of registered persons having aggregate turnover of more than 1.5 crore rupees in the preceding financial year or the current financial year, for each of the months from April, 2019 to June, 2019 till the eleventh day of the month succeeding such month.

2. The time limit for furnishing the details or return, as the case may be, under sub-section (2) of section 38 and sub-section (1) of section 39 of the said Act, for the months of July, 2017 to June, 2019 shall be subsequently notified in the Official Gazette.

[F. No. 20/06/16/2018-GST]

(Dr. Sreeparvathy S.L.)
Under Secretary to the Government of India

[TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

Government of India
Ministry of Finance (Department of Revenue)
Notification No. 13/2019-Central Tax

New Delhi, the 7th March, 2019

G.S.R...(E).- In exercise of the powers conferred by section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereafter in this notification referred to as the said Act) read with sub-rule (5) of rule 61 of the Central Goods and Services Tax Rules, 2017 (hereafter in this notification referred to as the said rules), the Commissioner, on the recommendations of the Council, hereby specifies that the return in **FORM GSTR-3B** of the said rules for each of the months from April, 2019 to June, 2019, shall be furnished electronically through the common portal, on or before the twentieth day of the month succeeding such month.

2. Payment of taxes for discharge of tax liability as per FORM GSTR-3B.— Every registered person furnishing the return in **FORM GSTR-3B** of the said rules shall, subject to the provisions of section 49 of the said Act, discharge his liability towards tax, interest, penalty, fees or any other amount payable under the said Act by debiting the electronic cash ledger or electronic credit ledger, as the case may be, not later than the last date, as specified in the first paragraph, on which he is required to furnish the said return.

[F. No. 20/06/16/2018-GST]

(Dr. Sreeparvathy S.L.)
Under Secretary to the Government of India



[TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

Government of India
Ministry of Finance (Department of Revenue)
Notification No. 14/2019-Central Tax

New Delhi, the 7th March, 2019

G.S.R. (E).- In exercise of the powers conferred under the proviso to sub-section (1) of section 10 of the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereinafter referred to as the said Act), and in supersession of the notification no 8/2017-Central Tax, dated the 27th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 647 (E), dated the 27th June, 2017, except as things done or omitted to be done before such supersession, the Central Government, on the recommendations of the Council, hereby specifies that an eligible registered person, whose aggregate turnover in the preceding financial year did not exceed one crore and fifty lakh rupees, may opt to pay, in lieu of the tax payable by him under sub-section (1) of section 9 of the said Act, an amount of tax as prescribed under rule 7 of the Central Goods and Services Tax Rules, 2017:

Provided that the said aggregate turnover in the preceding financial year shall be seventy- five lakh rupees in the case of an eligible registered person, registered under section 25 of the said Act, in any of the following States, namely: –

- (i) Arunachal Pradesh,
- (ii) Manipur,
- (iii) Meghalaya,
- (iv) Mizoram,
- (v) Nagaland,
- (vi) Sikkim,
- (vii) Tripura,
- (viii) Uttarakhand:

Provided further that the registered person shall not be eligible to opt for composition levy under sub-section (1) of section 10 of the said Act if such person is a manufacturer of the goods, the description of which is specified in column (3) of the Table below and falling under the tariff item, sub-heading, heading or Chapter, as the case may be, as specified in the corresponding entry in column (2) of the said Table, namely:-

Sr.	Tariff item, sub-heading, heading or Chapter	Descriptio
1	2105 00 00	Ice cream and other edible ice, whether or not containing cocoa.
2	2106 90 20	Pan masala
3	24	All goods, i.e. Tobacco and manufactured tobacco substitutes

Explanation. –

- I. In this Table, “tariff item”, “sub-heading”, “heading” and “chapter” shall mean respectively a tariff item, sub-heading, heading and chapters as specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975).
 - II. The rules for the interpretation of the First Schedule to the said Customs Tariff Act, 1975 (51 of 1975), including the Section and Chapter Notes and the General Explanatory Notes of the First Schedule shall, so far as may be, apply to the interpretation of this notification.
2. This notification shall come into force on the 1st day of April, 2019.

[F. No. 20/06/16/2018-GST (Pt.II)]

(Dr. Sreeparvathy S.L.)

Under Secretary to the Government of India



[TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

Government of India

Ministry of Finance (Department of Revenue)

Central Board of Indirect Taxes and Customs

Notification No. 15/2019-Central Tax

New Delhi, the 28th March, 2019

G.S.R... (E). - In pursuance of section 168 of the Central Goods and Services Tax Act, 2017 (12 of 2017) and sub-rule (3) of rule 45 of the Central Goods and Services Tax Rules, 2017 (hereinafter referred to as the said rules), and in supercession of the notification of the Government of India in the Ministry of Finance, Department of Revenue No. 78/2018- Central Tax, dated the 31st December 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.1255(E), dated the 31st December 2018, except as respects things done or omitted to be done before such supercession, the Commissioner, hereby extends the time limit for furnishing the declaration in **FORM GST ITC-04** of the said rules, in respect of goods dispatched to a job worker or received from a job worker, during the period from July, 2017 to March, 2019 till the 30th day of June, 2019.

[F. No. 20/06/12/2018-GST]

(Gaurav Singh)

Deputy Secretary to the Government of India



Decisions taken by the GST Council in the 34th meeting held on 19th March, 2019 regarding GST rate on real estate sector

GST Council in the 34th meeting held on 19th March, 2019 at New Delhi discussed the operational details for implementation of the recommendations made by the council in its 33rd meeting for lower effective GST rate of 1% in case of affordable houses and 5% on construction of houses other than affordable house. The council decided the modalities of the transition as follows.

Option in respect of ongoing projects:

2. The promoters shall be given a one -time option to continue to pay tax at the old rates (effective rate of 8% or 12% with ITC) on ongoing projects (buildings where construction and actual booking have both started before 01.04.2019) which have not been completed by 31.03.2019.
3. The option shall be exercised once within a prescribed time frame and where the option is not exercised within the prescribed time limit, new rates shall apply.

New tax rates:

4. The new tax rates which shall be applicable to new projects or ongoing projects which have exercised the above option to pay tax in the new regime are as follows.
 - (i) New rate of 1% without input tax credit (ITC) on construction of affordable houses shall be available for,
 - (a) all houses which meet the definition of affordable houses as decided by GSTC (area 60 sqm in metros / 90 sqm in non-metros and value upto RS. 45 lakhs), and

- (b) affordable houses being constructed in ongoing projects under the existing central and state housing schemes presently eligible for concessional rate of 8% GST (after 1/3rd land abatement).
- (ii) New rate of 5% without input tax credit shall be applicable on construction of,-
 - (a) all houses other than affordable houses in ongoing projects whether booked prior to or after 01.04.2019. In case of houses booked prior to 01.04.2019, new rate shall be available on instalments payable on or after 01.04.2019.
 - (b) all houses other than affordable houses in new projects.
 - (c) commercial apartments such as shops, offices etc. in a residential real estate project (RREP) in which the carpet area of commercial apartments is not more than 15% of total carpet area of all apartments.

Conditions for the new tax rates:

5. The new tax rates of 1% (on construction of affordable) and 5% (on other than affordable houses) shall be available subject to following conditions,-
 - (a) Input tax credit shall not be available,
 - (b) 80% of inputs and input services (other than capital goods, TDR/ JDA, FSI, long term lease (premiums)) shall be purchased from registered persons. On shortfall of purchases from 80%, tax shall be paid by the builder @ 18% on RCM basis. However, Tax on cement purchased from unregistered person shall be paid @ 28% under RCM, and on capital goods under RCM at applicable rates.

6. Transition for ongoing projects opting for the new tax rate:

- 6.1 Ongoing projects (buildings where construction and booking both had started before 01.04.2019) and have not been completed by 31.03.2019 opting for new tax rates shall transition the ITC as per the prescribed method.
- 6.2 The transition formula approved by the GST Council, for residential projects (refer to para 4(ii)) extrapolates ITC taken for percentage completion of construction as on 01.04.2019 to arrive at ITC for the entire project. Then based on percentage booking of flats and percentage invoicing, ITC eligibility is determined. Thus, transition would thus be on pro-rata basis based on a simple formula such that credit in proportion to booking of the flat and invoicing done for the booked flat is available subject to a few safeguards.
- 6.3 For a mixed project transition shall also allow ITC on pro-rata basis in proportion to carpet area of the commercial portion in the ongoing projects (on which tax will be payable @ 12% with ITC even after 1.4.2019) to the total carpet area of the project.

Treatment of TDR/ FSI and Long term lease for projects commencing after 01.04.2019

7. The following treatment shall apply to TDR/ FSI and Long term lease for projects commencing after 01.04.2019.
 - 7.1 Supply of TDR, FSI, long term lease (premium) of land by a landowner to a developer shall be exempted subject to the condition that the constructed flats are sold before issuance of completion certificate and tax is paid on them. Exemption of TDR, FSI, long term lease (premium) shall be withdrawn in case of flats sold after issue of completion certificate, but such withdrawal shall be limited to 1% of value in case of affordable houses and 5% of value in case of other than affordable houses. This will achieve a fair degree of taxation parity between under construction and ready to move property.
 - 7.2 The liability to pay tax on TDR, FSI, long term lease (premium) shall be shifted from land owner to builder under the reverse charge mechanism (RCM).
 - 7.3 The date on which builder shall be liable to pay tax on TDR, FSI, long term lease (premium) of land under RCM in respect of flats sold after completion certificate is being shifted to date of issue of completion certificate.
 - 7.4 The liability of builder to pay tax on construction of houses given to land owner in a JDA is also being shifted to the date of completion. Decisions from para 7.1 to 7.4 are expected to address the problem of cash flow in the sector.

Amendment to ITC rules:

8. ITC rules shall be amended to bring greater clarity on monthly and final determination of ITC and reversal thereof in real estate projects. The change would clearly provide procedure for availing input tax credit in relation to commercial units as such units would continue to be eligible for input tax credit in a mixed project.
9. The decisions of the GST Council have been presented in this note in simple language for easy understanding. The same would be given effect to through Gazette notifications/ circulars which alone shall have force of law.



जम्बो टायर जम्बो मुनाफा

SCV के लिए खास टायर : जम्बो किंग
ज्यादा रबड़ और ज्यादा बड़ा टायर यानी ज्यादा मुनाफा



JK TYRE
TOTAL CONTROL

टायर साइज उपलब्ध : 165 D 12, 165 D 13, 165 D 14, 175 D 14, 185 D 14



एक झलक जिंदल सौ लि. के विभिन्न सराहनीय कार्यों पर



सामाजिक दायित्व की गतिविधियों का विवरण

जल स्वावलम्बन अभियान भाभाशाह
के अर्न्तगत जिन्दल सौं लि. द्वारा जिले में
9 कार्य गोद लिये गिनकी लागत 53.00 लाख
जिले में अनुकरणीय योगदान

जिंदल सॉ लि. व नगर परिषद भीलवाड़ा के अनुबंध के अनुसार शहर के पार्को, नालियों एवं नालों के रखरखाव हेतु जिंदल सॉ लि. द्वारा 565 लाख रुपये सालाना दिए जा रहे हैं।

स्वच्छ भारत अभियान के तहत महात्मा गांधी अस्पताल में आन्तरिक परिसर व 110 शौचालयों में हाईजैनेक तरीके से साफ-सफाई हेतु कम्पनी द्वारा 40 लाख रुपये वार्षिक खर्च किए जा रहे हैं।

ए, सुरास, पांसल, समोडी व कोटड़ी के गांवों में सामाजिक सरोकार के तहत विकास कार्यों हेतु 175 लाख की धन राशि व्यय की जा रही है

ग्रांटों में शिक्षा विकास हेतु निर्माण कार्य

सुसुरास पांच वलास रुम निर्माण

कोटडी स्कूल : किचन शेड एवं जल मंदिर

सामोई स्कूल : शौचालय

अध्यापनशिल्प आधार समझाव में उपयोग

गांवों में पेयजल आपूर्ति

ब्लॉक में आयोजित पुर व सुरास का मैत्री वॉलीबॉल मैच

सारास स्कूल : किचन रोड

कोटडी स्कूल : क्लास रूम निर्माण

आसारस कौजवे का निर्माण

शिवों के लिए छह अस्य-अस्य जगमें पर विंलत नाय वर का प्राथम्य

ग्राम पांसल में विभ्रान्ति गृह का निर्माण

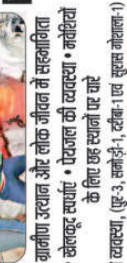
जल संरक्षण की महिम :

नीलावाड़ा थार के सीवरज के दूषित पानी ज़िंदल से हारा लगाये गये सीवरज गटर ट्रीटमेंट प्लांट (STP) के माध्यम से ट्रीट कर 23 कि.मी. पाईप लाईन द्वारा प्लांट में प्रयोग किया जा रहा है। जिसकी लागत 35 करोड़ व क्षमता 10 MLD है। ज़िंदल का यह प्रवास पानी बचाले की दिशा में नई रोशनी लेकर आया है।

महाराष्ट्र राज्य सरकार

आचार्य विद्या साहू (मृत 10 जनवरी)

एक ही डिजाइन को अतिरिक्त ग्राहकों



Jindal Saw Ltd.

Near Tiranga Hills, Village Pur, Tehsil & District: Bhilwara

