



ICSI - GST

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GOODS AND SERVICES TAX

A futuristic regime unfolding growth opportunities

GST



**THE INSTITUTE OF
Company Secretaries of India**

भारतीय कम्पनी सचिव संस्थान

IN PURSUIT OF PROFESSIONAL EXCELLENCE

Statutory body under an Act of Parliament

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MESSAGE FROM PRESIDENT

“I believe government has no business to do business. The focus should be on Minimum Government but Maximum Governance”

– Hon'ble Prime Minister

Under the transforming move of vision New India 2022, India is ventering an emerging market, registering itself as one of the biggest and fastest growing economies in the world. Recently, while unveiling the Budget 2018-19, the Union Finance Minister said that India is expected to register a growth rate of 7.2-7.5 per cent in the second half of the current fiscal and is on way to becoming the 5th largest economy of the world.

Indeed, this progressive move of becoming the 5th largest economy of the world is duly assisted by various flagship initiatives and governance reforms taken place in the preceding years including the enactment of GST, Insolvency and Bankruptcy Code, improved position in the Ease of Doing Business Index, Reduction of Corruption, Enhanced Transparency under a solicited move towards Maximum Governance and Minimum Government. Inter-alia, Goods and Services Tax has been an imperious edge for advancing the growth perspective of Indian economy at an equilibrium with the contemporary global market. The success story of GST is duly venerated in Budget 2018-2019, which calls that “Central revenue for FY17-18 would be Rs 21.57 lakh crore as against the target of Rs 21.47 lakh crore”. With this, another milestone GST sets in facilitating a transparent, just, equitable and fair taxation system along with hassle-free administration.

Aligning our appreciation towards the Budget 2018-19 and fortifying our efforts towards the successful implantation of Goods and Services Tax in India, we are pleased to release our next edition of GST Newsletter for year 2018. This edition alike the previous issues confirms our out and out dedication in the service of the Nation while apprising the members, professionals, students, academicians and public about latest updates and news on GST.

I am sure that the series of GST Newsletter would be a vital support to our governance professionals in implementing the contours of GST with Maximum Governance and Minimum Government.

I look forward to your valuable feedback for the GST Newsletter.

CS Makarand Lele
President, ICSI

GLIMPSES: GST PROGRAMMES



ICSI celebrates Guinness World Records for the “Largest Taxation Lesson on Tax Regime in India & Convergence of Indirect Taxes into GST – One Nation One Tax” in Jaipur on January 16, 2018 in august presence of CS(Dr.) Shyam Agarwal, the then President, ICSI.

GST NEWS

1. 25th meeting of GST Council concludes

- The day-long 25th GST Council meet ended in Delhi on January 18, 2018. Among the key points picked up in the meet included:
 - GST Council rejigs rates of 29 items, 53 services including cuts in the rates on 20-litre packaged drinking water, biodiesel, diamonds and precious stones, sugar candies, tailoring services, amusement parks and low-cost housing construction services
 - It approved a definition for handicrafts and the designation of 40 items as handicrafts
 - E-way bill system testing continues till January 25, loading will be made must from Feb 1, 2018
 - 3B Returns filing may continue and suppliers may continue to load invoices
 - 15 states agree on intra-state e-way bill
 - 29 Handicraft items have been put in 0% slab
 - GST rates have also been reduced in few agricultural products
 - The GST Council also discussed how buyers should upload purchases invoices, and the sellers should upload sale invoices
 - Collection under composite scheme only Rs 307 crore.
 - The fitment committee will fix the rates for about 40 handicraft items.
 - Rs 35,000 crore of Integrated GST will be provisionally divided between the Centre and states

2. Government relaxes norms for rectification of returns under GST

- The Finance Ministry has permitted businesses to rectify mistakes in their monthly returns - GSTR-3B - and adjust tax liability, a move that will help them file correct returns without fear of penalty
- CBEC said while making adjustments in the output tax liability or input tax credit, there can be no negative entries in GSTR-3B
- The amount remaining for adjustment, if any, may be adjusted in the returns in Form GSTR-3B of subsequent months and, in cases where such adjustment is not feasible, refund may be claimed

3. Government notifies 1 per cent GST for manufacturers under composition scheme

- The government has notified lower 1 per cent GST rates for manufacturers who have opted for composition scheme as against 2 per cent earlier as well as easier norms for traders opting for it
- Besides, traders opting for composition scheme would now have to pay the tax at 1 per cent on their turnover of taxable supplies instead of total turnover, which included turnover from exempt supplies like fruits, vegetables
- Over 15 lakh businesses opted for composition scheme

4. **Standard procedure for GST profiteering complaints soon**
 - Faced with increasing number of complaints under the anti-profiteering rules, the Finance Ministry will soon come out with a standard operating procedure (SOP) for handling grievances relating to over-charging after GST roll out
 - As many as 170 complaints have been filed before the standing committee and screening committee by consumers against businesses for not passing on benefits of tax rate reduction since the roll out of GST
 - The Standard Operating Procedure (SOP) being worked out by the Ministry will lay down guidelines for the Standing Committee and the screening committee for handling of consumer complaints

5. **Budget FY19 may see changes in GST Laws; Simplified GST Returns likely from New Fiscal**
 - In an effort to simplify the process of GST returns, Ministry of Finance is looking to bring about changes in GST law by introducing a finance bill in the upcoming budget session in the Parliament
 - Centre and states are preparing proposals to amend GST laws

6. **GST panel proposes centralised registration of big service providers**
 - The GST Council's law review committee has recommended centralised registration for large service providers operating across ten or more states with an annual aggregate turnover exceeding Rs 500 crore, which could offer big compliance-related relief for big service sector firms
 - The 10-member committee has also recommended broadening of certain categories for availment of input tax credit.

7. **E-way bill trial run; system can handle up to 50 lakh bills per day**
 - In a bid to bring uniformity across the states for seamless inter-state movement of goods, the government is set to implement the electronic way bill or e-way bill system from February 1
 - GSTN CEO said that the e-way bill system is designed to handle around 50 lakhs e-way bills per day
 - The GSTN expects 10 lakh bills for interstate and 35-40 lakh bills for intra-state

8. **Six more states start trial for e-way bills under GST**
 - Under GST, e-way bills will be implemented across the country for all inter-state movement of goods from 1 February and for all intra-state movement from 1 June
 - Six Indian states started trial runs for e-way bills under GST, taking the number of states who have rolled out the e-way bill system to 10
 - While Karnataka, Rajasthan, Uttarakhand and Kerala had already started using e-way bills, Haryana, Bihar, Maharashtra, Gujarat, Sikkim and Jharkhand started the trial runs



CREDIT OF LEGACY CESSES IN GST REGIME – CONTRADICTIONARY POSITIONS*

Transition of pre-GST tax credits to GST electronic credit ledger was probably the most critical action which was to be completed in the course of implementing GST. While the quantification of such credit was always a challenge, there were few interpretational issues which actually caused doubts on the eligibility of certain duties and taxes for being taken to the GST regime.

In this note, we will be dealing with the credit of pre-GST cesses namely Education Cess, Secondary and Higher Education Cess and Krishi Kalyan Cess where the legal position appears debatable. It has apparently been tweeted on two occasions where the transfer of credit pertaining to these cesses has been denied. Tweets are reproduced as below:

Q. Can ITC of Swachh Bharat Cess or Krishi Kalyan Cess be carried forward under GST?

A. No

Q. Whether closing balance of edu cess and higher secondary education cess prior to 1st Mar 2015 can be carried forward in GST?

A. No it will not be carried forward in GST as it is not covered by definition of “eligible duties and taxes” Section 140 of the CGST Act.

If we go by the above tweets, credit of Krishi Kalyan Cess, Education Cess and Secondary and Higher Education Cess, as may be availed by the registered person in pre-GST regime is not allowed to be carried forward to GST electronic credit ledger under Section 140 of the CGST Act, 2017. However, the strict legal position suggests otherwise and needs discussion especially when the letters in hordes are being issued by the GST authorities to the registered persons requesting reversal of such credit. As a part of this discussion process, let us first read the text of Section 140(1) of the CGST Act which entitles the registered person to transfer credit of taxes and duties as reflected in pre-GST returns to the GST electronic credit ledger.

“Section 140 (1) A registered person, other than a person opting to pay tax under section 10, shall be entitled to take, in his electronic credit ledger, the amount of CENVAT credit carried forward in the return relating to the period ending with the day immediately preceding the appointed day, furnished by him under the existing law in such manner as may be prescribed :

**Contributed by Mr. Gurinder Singh, Head Indirect Taxes, L&T Power; Member ICSI-GST Core Advisory Group*

The above mentioned provision entitles a registered person to take in his GST electronic credit ledger, the amount of CENVAT Credit carried forward in the return relating to the period expiring immediately preceding the appointed date. In other words, any amount lying in the pre-GST return and qualifies to be called as “CENVAT Credit” shall, in principle, be allowed to be taken to GST regime, which appears logical.

However, whether a particular category of tax qualifies to be called as “CENVAT Credit” is a moot question. Pertinently, the expression “CENVAT Credit” has not been explicitly defined anywhere, however, its meaning and scope can be understood from the reading of Rule 3 of CENVAT Credit Rules, 2004 which lists down various duties, taxes and cesses which have been considered as eligible for availing CENVAT credit by a manufacturer or service provider.

A close reading of said rule reveals that the credit of Education Cess, Secondary and Higher Education Cess and Krishi Kalyan Cess was available as “CENVAT Credit” respectively under Rule 3(1)(x), Rule 3(1)(xi) and Rule 3(1A) of the said rules. In other words, the said category of cesses falls within the purview of the expression “CENVAT Credit”. **If the above is true, credit thereof carried forward in pre-GST returns is also allowed to be taken to GST returns in terms of Section 140(1) of the CGST Act.**

Although, the legal position as explained above is crystal clear, the confusion still prevails. The source of such confusion is not formally known, however it may be emanating from the text of Rule 117(1) of the CGST Rules which reads as follows, *“Every registered person entitled to take credit of input tax under section 140 shall, within ninety days of the appointed day, submit a declaration electronically in FORM GST TRAN-1, duly signed, on the common portal specifying therein, separately, the amount of input tax credit of eligible duties and taxes, as defined in Explanation 2 to section 140, to which he is entitled under the provisions of the said section....”*

The plain reading of the aforesaid Rule 117(1) appears to have restricted the scope of Section 140(1) CGST Act to duties and taxes which have been specially defined in Explanation 2 to section 140 of the CGST Act. If the above rule is accepted as it is, the vires of Rule 117(1) are doubtful.

There appears a clear contradiction between the provision and the subsidiary rule inasmuch as the provision allows credit to be carried forward in relation to all taxes and duties which qualifies to be called as “CENVAT Credit”, however, the subsidiary rule takes us to an altogether separate list of taxes and duties contained in Explanation 2 appended to the main provision.

It is pertinent to mention here that Explanation 2 to Section 140 of the CGST Act, which contains the list of duties and taxes, is not relevant for transfer of credit under Section 140(1) of the Act inasmuch

as the said Explanation 2 is relevant for transfer of credit under Section 140(5) of the CGST Act [not for transfer of credit under Section 140(1)]. The relevant text of Explanation 2 reads as follows, “For the purposes of sub-section (5), the expression “eligible duties and taxes” means --.....”. Thus, the reference to Explanation 2 in Rule 117 of CGST Rules and application thereof to the whole of Section 140 of CGST Act [including Section 140(1)] appears incorrect.



Going by the principle that the law passed by the Parliament always prevails over the delegated legislation, Section 140(1) of CGST Act entitles the registered person, to take to its electronic credit ledger, the carried forward CENVAT Credit which *inter alia* includes Education Cess, Secondary and Higher Education Cess and Krishi Kalyan Cess.

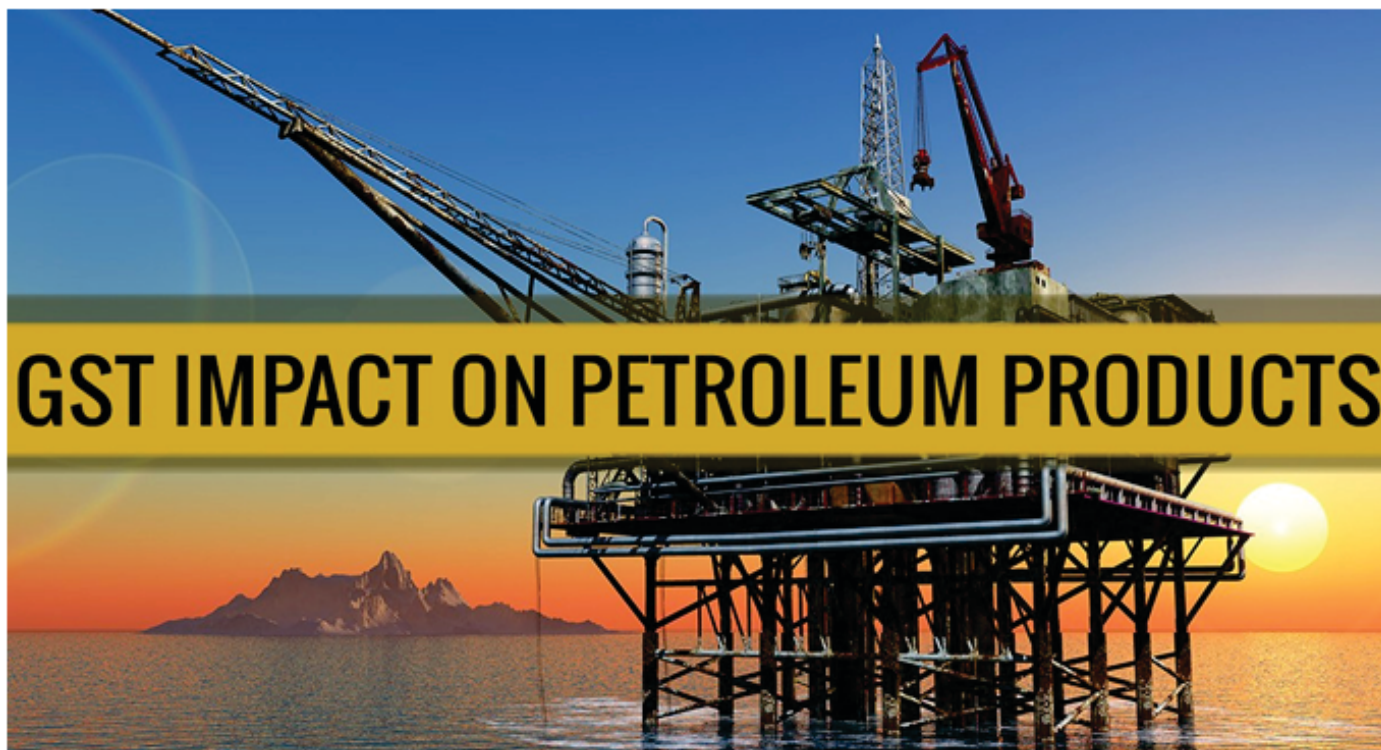
The above discussion was focused on the eligibility of credit which is carried forward in pre-GST returns and sought to be transferred to GST electronic credit ledger in terms of Section 140(1) CGST Act. There is another *specie* of credit covered by Section 140(5) which pertains to goods and/ or services billed in pre-GST regime but received by the registered person post the appointed date. Such credit particularly In respect of inward services contain portion of Krishi Kalyan Cess which was being levied as “service tax” in the pre-GST regime. The eligibility of credit under Section 140(5) of CGST Act is admittedly determined viz. a viz. Explanation 2 appended to Section 140 of the CGST Act. Explanation 2 to Section 140 explicitly contains an item at clause (viii), “the service tax leviable under Section 66B of the Finance Act, 1994”. We are aware the introduction of Krishi Kalyan Cess under Section 161 of the Finance Act, 2016 was levied as 'service tax' and all the provisions of Chapter V [which *inter alia* includes Section 66B applies to such levy of Krishi Kalyan Cess]. Thus, it appears that the service tax under Section 66B included within its ambit the Krishi Kalyan Cess and credit thereof under Section 140(5) of the CGST Act remains eligible for being taken to GST electronic credit ledger.

Even logically, considering that such credit of Krishi Kalyan Cess was available for services received before the appointed date, there is no reason to bar such credit for services received after the appointed date.

In view of the above, it is advisable for the Government to clarify the correct position of law and avoid unnecessary litigation on this issue.



IMPACT OF GST ON PETROLEUM SECTOR*



Goods and Services Tax is applicable on all products except on supply of alcoholic liquor for human consumption.

Article 366(12A) of the Constitution as amended by 101 Constitutional Amendment Act, 2016 defines the Goods and Services Tax as a tax on supply of goods or services or both, except supply of alcoholic liquor for human consumption. So alcohol for human consumption is kept out of GST by way of definition of GST in Constitution.

Five petroleum products viz. petroleum crude, motor spirit (petrol), high speed diesel, natural gas and aviation turbine fuel have temporarily been kept out and GST Council shall decide the date from which they shall be included in GST. Hence petroleum products are GST products, however, they will be treated as non-taxable as defined under Section 2(78) of CGST Act, 2017.

Impact:

1. For manufacturing of various petroleum products different types of input, input services and capital goods are being used. All goods used in manufacturing of petroleum products, will be procured on payment of applicable GST. However, on sale of petroleum products, Excise duty will be levied and hence no Input Tax Credit (ITC) can be availed by the manufacturer. Hence, it will become cost to the manufacturer and ultimately it will hit bottom-line of the profit and loss statement.

**Contributed by Mr. Sachin Kumar Jain, LL.B., FCA, MBA ; Member ICSI-GST Core Advisory Group*

2. Also, if a company along with petroleum products is manufacturing other products i.e. GST products, full ITC cannot be availed by that manufacturer, as Section 17(1) & (2) of the CGST Act, 2017 restrict ITC only for taxable supplies including zero rated supplies, unless it can be identified that input/ input services were used exclusively for GST as well as non GST products. However this type of segregation in petroleum industries may not be feasible. Moreover, compliance regarding filing of returns, assessment etc. needs to be made under both the laws.
3. Moreover, in GST, reversal is also required as per Rule 43 of the CGST Rules, 2017 in respect of capital goods used partly for effecting taxable supplies as well as partly for exempt supplies, which was not there in Excise regime.
4. Hence, government needs to think on bringing petroleum products into the GST regime in consultation with each of the states of the India as rates of VAT & Excise are different in each state.

Recent Notification in relation to sale of Natural Gas issued under VAT is as under:

- After the introduction of the GST, credit was not admissible of the VAT paid on purchase of natural gas and it was leading to increase in cost.
- Hence to overcome such situation, Government of Gujarat has issued Notification No. (GHN76) VAT- 2017- S. 41(1)(18)/Th: Dated 5th September, 2017 w.r.t. sale of Natural Gas which provides that, instead of charging 15 % tax on sale of Natural Gas within the state, selling dealer shall charge 6% from purchasing dealers subject to conditions prescribed in the aforementioned notification.
- Notification can be accessed from link
https://www.commercialtax.gujarat.gov.in/vatwebsite/download/cir_noti/NOTI/Remission%20of%20Tax%20on%20Natural%20Gas.pdf



IMPORTANT JUDGEMENTS*

GST Important Judgements Update



GST Important Judgements Update:-

1. In **Modern Pipe Industries v. State of U.P (2017) 84 taxmann.com 254 (Allahabad)** where the assessee was registered as sole proprietor instead of partnership firm, it was held and directed to the department that the necessary GST ID/ pass word in the name of partnership firm shall be issued within a period of two weeks and the registration certificate be corrected within a week thereafter.
2. In **WS Retail Services (P.) Ltd. v Union of India (2017) 84 taxmann.com 92 (Punjab & Haryana)** where the assessee supplied goods to customer of Punjab, which it brought from its warehouse situated outside State of Punjab to its delivery hub located in Punjab and mentioned its TIN of Punjab in VAT -36 return, it was held that the said supply shall have to be treated as inter-state supply

**Source: Taxmann; Contributed by Mr. Sachin Kumar Jain, LL.B., FCA, MBA; Member ICSI-GST Core Advisory Group*

3. **In Sachdeva Overseas v. State of U.P (2017) 86 taxmann.com 181/(10) TMI 252 (Allahabad)** where the assessee on enforcement of GST regime got itself migrated for purposes of GST as a partnership firm, but Adjudicating Authority had registered it as a sole proprietorship, it was held that Adjudicating Authority shall have to rectify this mistake.
4. **In Rajasthan Tax Consultants Association v. Union of India (2017) 63 GST 552/86 taxmann.com 183/(10) TMI 254 (Rajasthan)** where the period for applying under Composition Scheme was extended upto 30.9.2017, it was held that those assesseees who could not apply under Composition Scheme upto 16.8.2017, their applications would be accepted and shall have effect from 1.7.2017
5. **In GNG Enterprises v. State of U.P. (2017) 86 taxmann.com 182/(8) TMI 44 (Allahabad)**, the assessee was permitted to avail benefit of a Scheme issued under UP Entertainments and Betting Tax Act, 1979 even after shift to GST regime with effect from 1.7.2017 as there is no notification repealing the benefit as in the past till 31.3.2020 and to retain percentage of it, subject to final disposal of writ.
6. **In Hind Energy and Coal Benefication (India) Ltd. v. Union of India (2017) 4 GSTL 437/(10) TMI 251 (Delhi)**, where the assessee has already paid clean energy cess on purchase of coal, it was held that the assessee may be given credit for such payment and will not be required to make any further payment under GST for effecting sales and clearances, subject to the furnishing of proof of such payment by assessee to officers.
7. **In Union of India v Dr Kanaga Sabpathy Sundaram Pillai, Founder, My Integrating Society India Net NGGO (2017) TIOL 01 HC ;(2017) 9 TMI 389 (Mumbai)** it was held that petition shall not be entertained with the observation that since the Government machinery was geared up, the petitioner could not urge or seek directions to postpone the decision of implementation from 01.07.2017.
8. **8. In Kumar Traders And Company v. State of Assam (2017) 9 TMI 749; 4 GSTL 120 (Gauhati)** where it was suspected that the areca nuts stored in the godown, were of Burmese origin and were smuggled through Mizoram border and was stored in the Guwahati godown, for onward transportation to other parts of the country, it was held that the stored areca nuts were neither stolen nor were kept in suspicious circumstances. At best, tax is payable for dealing in areca nuts but that would be in the domain of the Finance & Taxation Department under Assam Goods & Services Tax Act, 2017.



GST QUIZ*

Q 1. GST Council was constituted on	<ul style="list-style-type: none">a) 15.09.2016b) 13.09.2016c) 12.09.2016d) 20.09.2016
Q 2. Liability to pay tax arises only when	<ul style="list-style-type: none">a) Taxable person provides taxable supplyb) Taxable person crosses exemption thresholdc) Only ad) Only B
Q 3. Person includes	<ul style="list-style-type: none">a) Individualb) HUFc) LLPd) All the above
Q 4. Intra State supply of service mentioned in which section of IGST Act,2017	<ul style="list-style-type: none">a) Section 8b) Section 18c) Section 12d) Section 14
Q 5. Money means	<ul style="list-style-type: none">a) Indian legal tenderb) Foreign currencyc) Cheque/promissory noted) All the above

Ans - Q1 - c, Q2-d, Q3-d, Q4- a, Q5- d

*Contributed by Mr. A. Rengarajan, Practising Company Secretary; Member ICSI-GST Core Advisory Group

FAQ: TRANSPORT & LOGISTICS*

Question 1: I am a single truck owner-operator and I ply my truck mostly between States, carrying the goods booked for my truck by an agent; aggregate value of service which I provided exceeded twenty lakh rupees during last year. Am I supposed to take registration?

Answer: You are not liable to registration, as services provided by way of transportation of goods by road are exempt. Notification number 12/2017-Central Tax (Rate), dated 28th June, 2017 refers.

Question 2: I own a single truck and I rent it to a major player, who provides GTA service; should I take a registration? Does my monthly rental/lease income attract GST?

Answer: Registration is not required since services by way of giving on hire, a means of transportation of goods to a GTA are exempt from tax vide entry no. 22 of Notification number 12/2017-Central Tax (Rate) dated 28th June, 2017.

Question 3: In my truck, I only carry fruits and vegetables, in relation to whose transportation service GST is exempt; should I take registration?

Answer: Services by way of transportation of goods by road other than by a GTA or a courier agency are exempt from tax under entry no. 18 of notification No. 12/2017-Central Tax (Rate) dated the 28th June, 2017 and thus you are not liable for registration.

Question 4: I am a truck supplier/broker. My job is to get orders for truck owners. I quote the rate for transportation to GTA on behalf of truck owners and I get a small amount as commission out of the truck hire fixed with the GTA. This brokerage is paid by the truck owners. As the services provided by way of transportation of goods by road are exempt from tax, am I liable to registration?

Answer: You are liable to registration if the aggregate amount of commission received by you in a financial year exceeds Rs. 20 lakhs (Rs. 10 lakhs in special category States except J & K).

Question 5: As a transporter, am I required to maintain any records of my services of transportation?

Answer: Yes, in terms of section 35(2) of the CGST Act, 2017 you are required to maintain records of the consigner, consignee and other relevant details of the goods. Further, in terms of rule 56 of the CGST Rules, 2017 you are required to maintain records of goods transported, delivered and goods stored in transit by you along with the GSTIN of the registered consigner and consignee for each of your branches.

Question 6: Are intermediary and ancillary services, such as, loading/unloading, packing/unpacking, transshipment and temporary warehousing, provided in relation to Page 2 of 5 transportation of goods by road to be treated as part of the GTA service, being a composite supply, or these services are to be treated as separate supplies.

Answer: The GTA provides service to a person in relation to transportation of goods by road in a goods carriage, which is a composite service. The composite service may include various intermediary and ancillary services, such as, loading/unloading, packing/unpacking, transshipment and temporary warehousing, which are provided in the course of transport of goods by road. These services are not provided as independent services

*Source: http://www.cbec.gov.in/resources/htdocs-cbec/gst/27122017FAQ_TransportandLogistics.pdf

but as ancillary to the principal service, namely, transportation of goods by road. The invoice issued by the GTA for providing the said service includes the value of intermediary and ancillary services.

In view of this, if any intermediary and ancillary service is provided in relation to transportation of goods by road, and charges, if any, for such services are included in the invoice issued by the GTA, such service would form part of the GTA service and would not be treated as a separate supply. In fact, any service provided along with the GTA service that is part of the composite service of GTA shall be taxed along with GTA service and not as separate supplies.

However, if such incidental services are provided as separate services and charged separately, whether in the same invoice or separate invoices, they shall be treated as separate supplies.

Question 7: As per Notification number 05/2017-Central Tax dated 19th June, 2017, the persons who are only engaged in making supplies of taxable goods or services or both, the total tax on which is liable to be paid on reverse charge basis by the recipient of such goods or services or both under sub-section (3) of section 9 of the CGST Act, 2017 are exempted from obtaining registration under the said Act. Please clarify whether a GTA providing service in relation to transportation of goods by road under reverse charge mechanism (RCM) can avail of the benefit of this exemption.

Answer: Yes, a GTA providing service in relation to transportation of goods by road under RCM can avail of the benefit of this exemption.

Question 8: Can a GTA obtain registration for one vertical (Rail, Cargo, Renting, Warehousing etc.) for which tax needs to be paid while not obtaining registration for another vertical (GTA under RCM) on which there is no tax liability.

Answer: No, because the business entity is not engaged exclusively in the supply of services liable to tax under reverse charge mechanism.

Question 9: In transport industry, old vehicles, old tyres, scrap material etc, on which no input tax credit (ITC) has been taken, are disposed of after completion of their useful life. As a truck owner disposing of these goods, am I required to pay GST considering that no ITC has been taken at the time of their initial purchases? Would levy of tax in such cases not amount to double taxation, as tax has already been paid at the time of initial purchases? Page 3 of 5

Answer: Under section 7 of the CGST Act, 2017 supply includes all forms of supply of goods 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. Sale or disposal of old vehicles, old tyres and scrap material for a consideration would therefore attract GST regardless of whether ITC has been availed or not.

Question 10: Please clarify whether input tax credit is available to the recipient of service, when the GST paid by him is at a concessional rate of 5% under RCM.

Answer: Yes, input tax credit is available in such cases.

Question 11: When a GTA hires a truck (with driver) from another GST registered entity for the purpose of providing goods transport service to a registered recipient, whether tax credit is available to the GTA on the GST paid by him to the owner of the truck registered under GST.

Answer: Services by way of giving on hire to a GTA, a means of transportation of goods are exempt from GST under Notification number 12/2017-Central Tax (Rate) dated 28th June 2017. When the tax is not payable, the question of taking any tax credit does not arise.

Question 12: *In terms of section 12(9) of the IGST Act, 2017 the place of supply of passenger transportation service to a person other than a registered person, shall be the place where the passenger embarks on the conveyance for a continuous journey.*

In section 2 (3) of the IGST Act, 2017, the term "continuous journey" has been defined to mean a journey for which a single or more than one ticket or invoice is issued at the same time, either by a single supplier of service or through an agent acting on behalf of more than one supplier of service, and which involves no stopover between any of the legs of the journey for which one or more separate tickets or invoices are issued.

Do all stopovers cause a break in continuous journey? Does the definition of "continuous journey" include instances whereby the stopover is for any period of time?

Answer: The term "stopover" has been explained in section 2(3) of the IGST Act, 2017 to mean a place where a passenger can disembark either to transfer to another conveyance or break his journey for a certain period in order to resume it at a later point of time. However, all stopovers do not cause a break in continuous journey. Thus a travel on Delhi-London-New York on a single ticket with a halt at London will be covered by the definition of continuous journey. However, the return journey of New York-London-Delhi will be treated as a separate journey and will be outside the scope of a continuous journey.

Question 13: *How GST is to be charged on a multi-leg international journey, say Delhi-Dubai-Boston-Dubai-Delhi? Is GST chargeable for the entire journey and discharged at Delhi, or the GST is to be charged for Delhi-Dubai sector alone and discharged at Delhi, or GST is to be charged up to the farthest point of return, i.e. Delhi-Dubai-Boston at Delhi? Page 4 of 5*

Answer: In this case if a single ticket or invoice has been issued for the Delhi-Dubai-Boston then it is a continuous journey even if there is a stopover at Dubai and the tax (CGST + SGST) would be charged at Delhi. The return journey of Boston-Dubai-Delhi would not be a continuous journey. The return journey not being a continuous journey and its place of supply being outside India, the said journey, would be liable to tax if the location of the supplier is in India.

Question 14: *Is the electronic ticket receipt acceptable as a tax invoice for the purpose of GST? Is there any requirement for the Airlines to issue a proper tax invoice?*

Answer: Yes, the electronic ticket in the global standard format (and without further modifications) is acceptable as a tax compliant invoice for GST purposes, regardless of the value of the transaction. Rule 54 (4) of the CGST Rules, 2017 refers. However, for B2B supplies, a tax invoice may be provided to enable the registered business customer to claim input tax credits.

Question 15: *Is there any requirement for electronic ticket receipts issued to be signed or digitally signed for GST purposes?*

Answer: No. In terms of Rule 54 (4) of the CGST Rules, 2017 in the case of passenger transportation service, a

tax invoice shall include ticket in any form, whether or not serially numbered, and whether or not containing the address of the recipient of service but containing other information as mentioned under Rule 46 of the Rules *ibid*. As the electronic tickets issued by the Airlines are in the global standard format, such electronic ticket receipts are not required to be signed or digitally signed.

Question 16: Whether the Airlines are required to issue invoice to the customers transaction-wise, (i.e. Airway Bill-wise, Ticket Journey-wise) or a consolidated invoice, capturing the details of all individual invoices for a particular entity, can be issued on a monthly or fortnightly basis?

Answer: A single invoice incorporating the details of all the supplies for a particular entity can be issued subject to provisions of section 31 of the CGST Act, 2017. In such a case the ticket issued by the Airlines would not take the character of an invoice.

Question 17: Would GST be applicable on air travel undertaken on or after 1st July 2017 on tickets issued prior to 1st July 2017 on which service tax was collected and discharged.

Answer: As service tax has already been collected and discharged by the Airlines on tickets issued prior to 1st July, 2017, there shall be no GST on such tickets even though the travel date is on or after 1st July 2017.

Question 18: Does the GST treatment on fees for ancillary services in relation to air transport follow that of the underlying air transport service?

Answer: Yes, ancillary services are part of the service of transporting a passenger by air and do not constitute a separate supply of service. In this respect, ancillary services include Page 5 of 5 services that are incidental to the transport of passengers by air (e.g., excess baggage charges, date change charges, un-accompanied minor fees, preferred seat charges, cancellation fees etc.).

Consequently, ancillary services shall be treated within the same category of service as „transport of passengers by air“ and shall attract the same rate of GST as applicable to the transport of passengers by air.

Question 19: Will Airlines be entitled to input tax credits under the GST transitional rules if the liability to pay service tax arises, due to resolution of litigation or disputes, after implementation of GST?

Answer: Yes, Section 142 6 (a) of the CGST Act, 2017 provides that every proceeding of appeal, review or reference relating to a claim for CENVAT credit initiated whether before, on or after the appointed day under the existing law shall be disposed of in accordance with the provisions of the existing law, and any amount of credit found to be admissible to the claimant shall be refunded to him in cash, notwithstanding anything to the contrary contained under the provisions of the existing law other than the provisions of section 11B (2) of the Central Excise Act, 1944.

Note: Reference to CGST Act, 2017/CGST Rules, 2017 includes reference to SGST Act, 2017/SGST Rules, 2017 and UTGST Act, 2017/UTGST Rules, 2017 also.





GST (GOODS AND SERVICES TAX)

GST on Education Services*

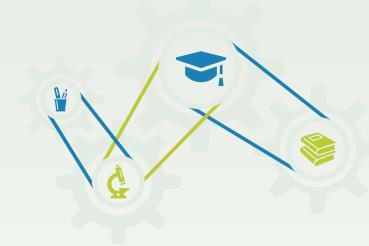
“Education” is not defined in the CGST Act but as per Apex Court decision in “Loka Shikshana Trust v/s CIT”, education is process of training and developing knowledge, skill and character of students by normal schooling.

Taxing the Education Sector has always been a sensitive issue, as education is seen more as a social activity than a business one. The government has a constitutional obligation to provide free and compulsory elementary education to every child. Thus, to promote education, it would be beneficial if educational services are exempted from tax. However, commercialisation of education is also a reality. The distinction between core and ancillary education is blurring and education is now an organised industry with huge revenues. The GST Act tries to maintain a fine balance whereby core educational services provided and received by educational institutions are exempt and other services are sought to be taxed at the standard rate of 18%.

Classification of Education Services: Education Services are classified in heading 9992 (as per Notification No. 11/2017-Central Tax (Rate)) and are further sub-divided into six groups (as per the Annexure to the same notification) comprising of Pre-primary, primary, secondary, higher, specialised and other educational & support services as below:

Heading and Group	Service Code (Tariff)	Service Description
Heading no. 9992		Education services
Group 99921		Pre-primary education services
	999210	Pre-primary education services
Group 99922		Primary education services
	999220	Primary education services
Group 99923		Secondary Education Services
	999231	Secondary education services, general
	999232	Secondary education services, technical and vocational

Heading and Group	Service Code (Tariff)	Service Description
Group 99924		Higher education services
	999241	Higher education services, general
	999242	Higher education services, technical
	999243	Higher education services, vocational
	999249	Other higher education services
Group 99925		Specialised education services
	999259	Specialised education services
Group 99929		Other education & training services and educational support services
	999291	Cultural education services
	999292	Sports and recreation education services
	999293	Commercial training and coaching services
	999294	Other education and training services n.e.c.
	999295	services involving conduct of examination for admission to educational institutions
	999299	Other Educational support services



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*Source: http://www.cbec.gov.in/resources//htdocs-cbec/gst/GST%20on%20Education%20Services_Web.pdf;jsessionid=AC539B3D800272FCB705B3D7AAA2E304



GST (GOODS AND SERVICES TAX)

GST on Education Services

Rate of GST

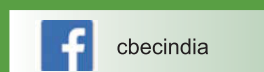
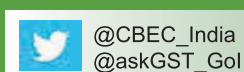
The rates of GST on education services (as per Notification No. 11/2017-Central Tax (Rate), Notification No. 11/2017-Central Tax (Rate) and Notification No. 12/2017-Central Tax (Rate) all dated 28.06.2017 as amended) are as below:

Chapter/Section/Heading	Description of Service	Rate / Notification
9992	Education Services	18% (9% Central Tax + 9% State Tax)/ Serial No. 30 of Notification No. 11/2017-Central Tax (Rate) dated 28th June, 2017
9992	Services provided – (a) by an educational institution to its students, faculty and staff; (b) to an educational institution, by way of, - (i) transportation of students, faculty and staff; (ii) catering, including any mid-day meals scheme sponsored by the Central Government, State Government or Union territory; (iii) security or cleaning or housekeeping services performed in such educational institution; (iv) services relating to admission to, or conduct of examination by, such institution; up to higher secondary: Provided that nothing contained in entry (b) shall apply to an educational institution other than an institution providing services by way of pre-school education and education up to higher secondary school or equivalent	NIL / Serial No. 66 of Notification No. 12/2017- Central Tax (Rate) dated 28th June, 2017

Chapter/Section/Heading	Description of Service	Rate / Notification
9992	Services provided by the Indian Institutes of Management, as per the guidelines of the Central Government, to their students, by way of the following educational programmes, except Executive Development Programme: - (a) two year full time Post Graduate Programmes in Management for the Post Graduate Diploma in Management, to which admissions are made on the basis of Common Admission Test (CAT) conducted by the Indian Institute of Management; (b) fellow programme in Management; (c) five year integrated programme in Management.	NIL / Serial No. 67 of Notification No. 12/2017- Central Tax (Rate) dated 28th June, 2017
90 or any chapter	Technical aids for education, rehabilitation, vocational training and employment of the blind such as Braille typewriters, braille watches, teaching and learning aids, games and other instruments and vocational aids specifically adapted for use of the blind Braille instruments, paper etc.	5%/ Serial No. 257 of Schedule I of the Notification No.1/2017-Central Tax (Rate) dated 28th June, 2017
9023	Instruments, apparatus and models, designed for demonstrational purposes (for example, in education or exhibitions), unsuitable for other uses	28 %/ Serial No. 191 of Schedule IV of the Notification No.1/2017-Central Tax (Rate) dated 28th June, 2017

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GST (GOODS AND SERVICES TAX)

GST on Education Services

Thus, services provided by an educational institution to students, faculty and staff are exempt. Educational Institution means an institution providing services by way of:

- (i) Pre-school education and education up to higher secondary school or equivalent;
- (ii) Education as a part of a curriculum for obtaining a qualification recognised by any law for the time being in force;
- (iii) Education as a part of an approved vocational education course.

Within the term “educational institution”, sub-clause (ii) covers institutions providing services by way of education as a part of curriculum for obtaining a qualification recognised by any law for the time being in force. This is an area where doubts have persisted as to what would be the meaning of “education as part of curriculum for obtaining qualification recognised by law”. GST on services being a legacy carried forward from the Service Tax regime, the explanation given in the Education guide of 2012 can be gainfully referred to understand the meaning of the term which reads as under;

What is the meaning of ‘education as a part of curriculum for obtaining a qualification recognised by law’?

It means that only such educational services are in the negative list as are related to delivery of education as ‘a part’ of the curriculum that has been prescribed for obtaining a qualification prescribed by law. It is important to understand that to be in the negative list the service should be delivered as part of curriculum. Conduct of degree courses by colleges, universities or institutions which lead grant of qualifications recognized by law would be covered. Training given by private coaching institutes would not be covered as such training does not lead to grant of a recognized qualification.

Are services provided by way of education as a part of a prescribed curriculum for obtaining a qualification recognized by a law of a foreign country covered in the negative list entry?

No. To be covered in the negative list a course should be recognized by an Indian law.

Within the term “educational institution”, sub-clause (iii) covers institutions providing services by way of education as a part of approved vocational course, and institutions providing the above courses will come within the ambit of the term educational institution. Notification No. 12/2017- Central Tax (Rate) dated 28th June, 2017, defines approved vocational education course as under: An “approved vocational education course” means, -

- (i) A course run by an industrial training institute or an industrial training centre affiliated to the National Council for Vocational Training or State Council for Vocational Training offering courses in designated trades notified under the Apprentices Act, 1961 (52 of 1961); or
- (ii) A Modular Employable Skill Course, approved by the National Council of Vocational Training, run by a person registered with the Directorate General of Training, Ministry of Skill Development and Entrepreneurship.

It is to be noted that only those institutions whose operations conform to the specifics given in the definition of the term “Educational Institution”, would be treated as one and entitled to avail exemptions provided by the law. This would mean that private coaching centres or other unrecognized institutions, though self-styled as educational institutions, would not be treated as educational institutions under GST and thus cannot avail exemptions available to an educational institution.

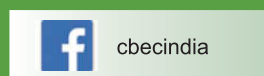
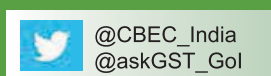
Thus, educational institutions up to Higher Secondary School level do not suffer GST on output services and also on most of the important input services. Some of the input services like canteen, repairs and maintenance etc. provided by private players to educational institutions were subject to service tax in pre-GST era and the same tax treatment has been continued in GST regime.

Thus output services of lodging/boardings in hostels provided by such educational institutions which are providing pre-school education and education up to higher secondary school or equivalent or education leading to a qualification recognised by law, are fully exempt from GST. Annual subscription/fees charged as lodging/boarding charges by such educational institutions from its students for hostel accommodation shall therefore, not attract GST.

Similarly, output services related to the specified courses provided by IIM’s would be exempt. Executive Development Programs run by the IIM’s are specifically excluded, hence such courses would be subject to GST.

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GST (GOODS AND SERVICES TAX)

GST on Education Services

Regarding, input services, it may be noted that where output services are exempted, the Educational institutions may not be able to avail credit of tax paid on the input side. The four categories of services known as Auxiliary Education services, which educational institutions ordinarily carry out themselves but may obtain as outsourced services from any other person, have been exempted (as per Notification No. 12/2017- Central Tax (Rate)). Auxiliary education services other than what is specified above would not be entitled to any exemption. The exemption also comes with a rider. Such services are exempt only for educational institutions providing services by way of education upto higher secondary or equivalent. (from pre-school to HSC). Thus if such auxiliary education services are provided to educational institutions providing degree or higher education, the same would not be exempt. For instance, the services of conducting admission tests for admission to colleges in case of educational institutions are providing qualification recognized by law for the time being in force shall not be liable to GST.

Who will pay GST?

Education Services are under forward charge. Therefore, GST shall be paid by the supplier of services.

What will be the Place of Supply of Educational Services where the location of supplier of services and the location of the recipient of services is in India?

As per section 12(6) of the IGST Act, 2017, the place of supply of services provided by way of admission to an educational or any other place and services ancillary thereto, shall be the place where the event is actually held or such other place is located.

As per section 12(7) of the IGST Act, 2017, the place of supply of services provided by way of, — (a) organisation of a cultural, artistic, sporting, scientific, educational or entertainment event including supply of services in relation to a conference, fair, exhibition, celebration or similar events; or (b) services ancillary to organisation of any of the events or services referred to in clause (a), or assigning of sponsorship to such events: –

- (i) To a registered person, shall be the location of such person;
- (ii) To a person other than a registered person, shall be the place where the event is actually held

and if the event is held outside India, the place of supply shall be the location of the recipient.

What will be the Place of supply of Educational Services where the location of the supplier of services or the location of the recipient of services is outside India?

As per section 13(5) of the IGST Act, 2017, the place of supply of services supplied by way of admission to, or organisation of a cultural, artistic, sporting, scientific, educational or entertainment event, or a celebration, conference, fair, exhibition or similar events, and of services ancillary to such admission or organisation, shall be the place where the event is actually held.

Educational Institution run by charitable organizations

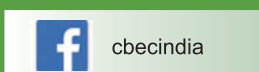
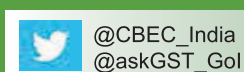
Charitable Trusts running institutions conforming to the definition of Educational Institution as specified in the notification would be entitled to the exemptions discussed above. Apart from the general exemption available to all educational institutions, charitable activities of entities registered under Section 12AA of the Income Tax Act is also exempt. The term charitable activities are also defined in the notification. Thus, if trusts are running schools, colleges or any other educational institutions or performing activities related to advancement of educational programmes specifically for abandoned, orphans, homeless children, physically or mentally abused persons, prisoners or persons over age of 65 years residing in a rural area, activities will be considered as charitable and income from such services will be wholly exempt from GST in terms of Notification No.12/2017- Central Tax (Rate) dated 28th June, 2017.

Composite and Mixed Supply in so far as Education is concerned

Boarding schools provide service of education coupled with other services like providing dwelling units for residence and food. This may be a case of bundled services if the charges for education and lodging and boarding are inseparable. Their taxability will be determined in terms of the principles laid down in section 2(30) read with section 8 of the CGST Act, 2017. Such services in the case of boarding schools are naturally bundled and supplied in the ordinary course of business. Therefore, the bundle of services will be treated as consisting entirely of the principal supply, which means the service which forms the predominant element of such a bundle. In this case since the predominant nature is determined by the service of education, the other service of providing residential dwelling will not be considered for the purpose of determining the tax liability and in this case the entire consideration for the supply will be exempt.

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GST (GOODS AND SERVICES TAX)

GST on Education Services

Let's take another example where a course in a college leads to dual qualification only one of which is recognized by law. Would service provided by the college by way of such education be covered by the exemption notification? Provision of dual qualifications is in the nature of two separate services as the curriculum and fees for each of such qualifications are prescribed separately. Service in respect of each qualification would, therefore, be assessed separately.

If an artificial bundle of service is created by clubbing two courses together, only one of which leads to a qualification recognized by law, then by application of the rule of determination of taxability of a supply which is not bundled in the ordinary course of business, it shall be treated as a mixed supply as per provisions contained in section 2(74) read with section 8 of the CGST Act, 2017. The taxability will be determined by the supply which attracts highest rate of GST.

However incidental auxiliary courses provided by way of hobby classes or extra-curricular activities in furtherance of overall well-being will be an example of naturally bundled course, and therefore treated as composite supply. One relevant consideration in such cases will be the amount of extra billing being done for the unrecognized component viz-a-viz the recognized course. If extra billing is being done, it may be a case of artificial bundling of two different supplies, not supplied together in the ordinary course of business, and therefore will be treated as a mixed supply, attracting the rate of the higher taxed component for the entire consideration.

The Education guide of 2012 for the purpose of service tax has given the following important clarifications in respect of educational services. The same can be gainfully referred to, for the purpose of clarity under the GST regime:

“The supply of placement services provided to educational institutions for securing job placements for the students shall be liable to service tax. Similarly, educational institutes such as IITs, IIMs charge a fee from prospective employers like corporate houses/ MNCs, who come to the institutes for recruiting candidates through campus interviews in relation to campus recruitments. Such services shall also be liable to service tax.”

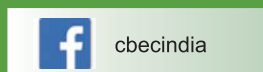
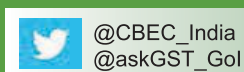
Conclusion

Education is fundamental to the nation building process. Right to Education is now a fundamental right of every child in India. GST Law recognises this and provides exemption to educational institutions, providing education up to higher secondary school or equivalent, from the levy of GST. Auxiliary services received by such educational institutions for the purpose of education up to Higher Secondary level is also exempt from GST. Other services related to education, not covered by the exemption, would be taxed at a standard rate of 18% with full admissibility of ITC for such taxable services in cases where the output service is not exempt. In a nutshell, every attempt is made to ensure that the core educational services are fully exempt from GST.



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GST (GOODS AND SERVICES TAX)

NON-RESIDENT TAXABLE PERSON IN GST*

Introduction

“Non-resident taxable person” means any person who occasionally undertakes transactions involving supply of goods or services or both, whether as principal or agent or in any other capacity, but who has no fixed place of business or residence in India.

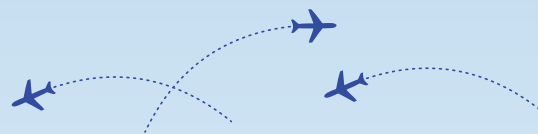
A non-resident taxable person making taxable supply in India has to compulsorily take registration. There is no threshold limit for registration. A non-resident taxable person cannot exercise the option to pay tax under composition levy. He has to apply for registration at least five days prior to commencing his business in India using a valid passport (and need not have a PAN number in India). A business entity incorporated or established outside India, has to submit the application for registration along with its tax identification number or unique number on the basis of which the entity is identified by the Government of that country or its Permanent Account Number, if available.

A non-resident taxable person has to make an advance deposit of tax in an amount equivalent to his estimated tax liability for the period for which the registration is sought.

Registration

A non-resident taxable person is not required to apply in normal application for registration being filed by other taxpayers. A simplified form GST REG-09 is required to be filled. A non-resident taxable person has to electronically submit an application, along with a self-attested copy

of his valid passport, for registration, duly signed or verified through EVC, in FORM GST REG-09, at least five days prior to the commencement of business at the Common Portal either directly or through a Facilitation Centre notified by the Commissioner.



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*Source: <http://www.cbec.gov.in/resources/htdocs-cbec/gst/non-resident-taxpayer-gst.pdf>



GST (GOODS AND SERVICES TAX)

NON-RESIDENT TAXABLE PERSON IN GST

In case the non-resident taxable person is a business entity incorporated or established outside India, the application for registration shall be submitted along with its tax identification number or unique number on the basis of which the entity is identified by the Government of that country or its PAN, if available.

The application for registration made by a non-resident taxable person has to be signed by his authorized signatory who shall be a person resident in India having a valid PAN. On successful verification of PAN, mobile number and e-mail address the person applying for registration as a non-resident taxable person will be given a temporary reference number by the Common Portal for making the mandatory advance deposit of tax for an amount equivalent to the estimated tax liability of such person for the period for which the registration is sought. The registration certificate shall be issued electronically only after the said deposit appears in his electronic cash ledger. The amount deposited shall be credited to the electronic cash ledger of the Non-resident person.

The non-resident taxable person can make taxable supplies only after the issuance of the certificate of registration. The certificate of registration shall be valid for the period specified in the application for registration or ninety days from the effective date of registration, whichever is earlier.

In case the non-resident taxable person intends to extend the period of registration indicated in his application of registration, an application in FORM GST REG-11 shall be submitted electronically through the Common Portal, either directly or through a Facilitation Centre notified by the Commissioner, before the end of the validity of registration granted to him. The validity period of ninety days can be extended by a further

period not exceeding ninety days. The extension will be allowed only on payment of the amount of an additional amount of tax equivalent to the estimated tax liability for the period for which the extension is sought has to be deposited.

Input Tax Credit

Input tax credit shall not be available in respect of goods or services or both received by a non-resident taxable person except on goods imported by him. The taxes paid by a non-resident taxable person shall be available as credit to the respective recipients.

Returns

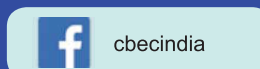
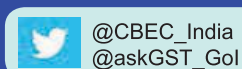
The non-resident taxable person shall furnish a return in FORM GSTR-5 electronically through the Common Portal, either directly or through a Facilitation Centre notified by the Commissioner, including therein the details of outward supplies and inward supplies and shall pay the tax, interest, penalty, fees or any other amount payable under the Act or these rules within twenty days after the end of a calendar month or within seven days after the last day of the validity period of registration, whichever is earlier.

Refund

The amount of advance tax deposited by a non-resident taxable person under, will be refunded only after the person has furnished all the returns required in respect of the entire period for which the certificate of registration granted to him had remained in force. Refund can be applied in the serial no. 13 of the FORM GSTR-5.

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GST ACCOUNTS ASSISTANT



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IN PURSUIT OF PROFESSIONAL EXCELLENCE
Statutory body under an Act of Parliament
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January 22, 2018

Dear Participants,

We are proud to share with you that the Institute has entered into the Golden Jubilee Year which was marked by the inauguration of the Golden Jubilee Celebrations by the Hon'ble Prime Minister, Shri Narendra Modi on 4th of October, 2017.

The Prime Minister of India, Shri Narendra Modi, in his address to the CS fraternity conveyed the need of the hour for the CSs to play an active role in producing a new business culture. Shri Narendra Modi shared that nearly 19 lakh new citizens have come under the scope of indirect taxes following the implementation of GST. He emphasised that a small trader or a big trader, everyone should adopt the honest tax system inbuilt in the GST and it was also the duty of, CSs to encourage the business community in this regard. The Prime Minister asked the ICSI to take the responsibility to train one lakh youth about small-small things related to GST so that they can help small businesses and traders in their area linking them with GSTN, in filing returns after receiving a short term training.

The Institute has taken up this opportunity given to us by the Hon'ble Prime Minister. **Consequently, the Institute joined hands with National Skill Development Corporation (NSDC) to organize a Training Program on GST.** The Institute is inviting all of you for taking up this Training Programme being organized all across the nation through the NSDC. We also invite students, who enrolled in the CS course earlier but could not complete the same, to register for the GST Accounts Assistant Course and benefit from this course.

About the Course - GST Accounts Assistant:

This program is aimed at training candidates for the job of a "Goods & Services Tax (GST) Accounts Assistant", in the "BFSI" Sector/Industry and aims at building the key competencies amongst the learners about GST. With access to around 500 Training Centre, the course will be accessible across India. The course will enable the students to help the small/big size business entities, traders and others in understanding GST and help them in filing their taxes and maintaining the proper systems/data for the same. This will open a source of earning for the students.

After completing this programme, participants will be able to:

- Compute tax liabilities namely GST, making to the Government, filing of returns and maintaining records of the same for audit purpose
- Fill the form and register under GST
- Make payment electronically of such amount of tax liability
- Fill-up the tax return form in the prescribed format with relevant transaction details
- File periodic GST Returns independently.

The Course detail is attached to this mailer. The interested participants may confirm their willingness for the GST Course by filling up the form at: www.goo.gl/tE6MDU

For more information please speak to the following helpline number: 88000-55555 (NSDC)

We look forward to your active participation to enhance your skills and get benefitted from the same.

Best Regards

Team ICSI

Goods & Services Tax (GST) Accounts Assistant

Curriculum

This program is aimed at training candidates for the job of a “Goods & Services Tax (GST) Accounts Assistant”, in the “BFSI” Sector/Industry and aims at building the following key competencies amongst the learner.

Program Name	Goods & Services Tax (GST) Accounts Assistant		
Qualification Pack Name & Reference ID. ID	BSC/Q0910		
Version No.	1.0	Version Update Date	20 th June, 2017
Pre-requisites to Training	Graduation in commerce or allied subject		
Training Outcomes	<p>After completing this programme, participants will be able to:</p> <ul style="list-style-type: none"> • Compute tax liabilities namely GST, making to the Government, filing of returns and maintaining records of the same for audit purpose. • Fill the form and register under GST • Make payment electronically of such amount of tax liability. • Fill-up the tax return form in the prescribed format with relevant transaction details. • File periodic GST Returns independently 		

This course encompasses 2 out of 2 National Occupational Standards (NOS) of “Goods and Services Tax (GST) Accounts Assistant” Qualification Pack issued by “BFSI”.

Sr. No.	Module	Key Learning Outcomes	Equipment Required
1	<p>Understanding GST Concepts</p> <p>Theory Duration (hh:mm) 09:00</p> <p>Practical Duration (hh:mm) 06:00</p> <p>Corresponding NOS Code BSC/N0910</p>	<ul style="list-style-type: none"> Describe Goods & Services with their cross linkages Identify the Fundamental Concepts of GST Identify cases where CGST and SGST will work simultaneously Explain how IGST is levied Identify whether a transaction is taxable under CGST, IGST or SGST 	White board, Marker, Overhead projector, Laptop, Internet access
2	<p>Incidence of Taxation</p> <p>Theory Duration (hh:mm) 06:00</p> <p>Practical Duration (hh:mm) 04:00</p> <p>Corresponding NOS Code BSC/N0910</p>	<ul style="list-style-type: none"> Identify the Incidence of Taxation Learn about Time of Supply of Goods Learn on Purpose of place of supply Define Location of supplier of goods Define the recipient with respect to supplies involving payment and supplies not involving payment 	White board, Marker, Overhead projector, Laptop, Internet access
3	<p>Registration</p> <p>Theory Duration (hh:mm) 06:00</p> <p>Practical Duration (hh:mm) 04:00</p> <p>Corresponding NOS Code BSC/N0911</p>	<ul style="list-style-type: none"> Outline the PAN based Registration Process, its rules, and the Purpose of registration Explain single or separate registration for business vertical Identify whether registration should be done centrally or selectively in each state List the details to be furnished during registration Identify common mistakes made during registration Differentiate between Taxable Person vs. Registered Person Identify the Registration Timelines – Migrations Explain the benefits of registration Demonstrate form filling with case studies 	White board, Marker, Overhead projector, Laptop, Internet access
4	<p>Calculation of Tax Liability</p>	<ul style="list-style-type: none"> Define Input Credit Identify Input Tax Credit eligibility using case studies Explain the concept of reversal of VAT Define tax liability for Goods in Transit 	White board, Marker, Overhead projector, Laptop,

Sr. No.	Module	Key Learning Outcomes	Equipment Required
	<p>Theory Duration (hh:mm) 19:00</p> <p>Practical Duration (hh:mm) 14:00</p> <p>Corresponding NOS Code BSC/N0911</p>	<ul style="list-style-type: none"> Define Consideration Value transactions having non-monetary consideration 	Internet access
5	<p>Maintenance of Books & Records</p> <p>Theory Duration (hh:mm) 09:00</p> <p>Practical Duration (hh:mm) 15:00</p> <p>Corresponding NOS Code BSC/N0911</p>	<ul style="list-style-type: none"> Maintain different types of ledgers Prepare documents such as Invoice, Credit Note and Debit Note. Identify the different types of returns and their applicability to the business- Monthly Returns, Quarterly Returns Navigate the GST Websites-GSTN, CBEC etc. File periodic returns online 	Marker, Overhead projector, Laptop, Internet access
6	<p>Payment under GST</p> <p>Theory Duration (hh:mm) 04:00</p> <p>Practical Duration (hh:mm) 04:00</p> <p>Corresponding NOS Code BSC/N0911</p>	<ul style="list-style-type: none"> Identify the Types of Payment, Modes of Payment, Rules of Collection of Tax Prepare different Challans, CPIN & CIN Distinguish between TDS and TCS Identify cases for reversal of credit Calculate tax based on various Case studies Memorize the due dates for payment List the Penalties for late payments Demonstrate the process of online payment 	Marker, Overhead projector, Laptop, Internet access
	<p>Total Duration</p> <p>Theory Duration 53:00</p> <p>Practical Duration 47:00</p>	<p>Unique Equipment Required: Laptop, white board, marker, projector, Internet Access</p>	

Grand Total Course Duration: **100 Hours, 0 Minutes**

Criteria For Assessment Of Trainees

Job Role : GST Accounts Assistant

Qualification Pack : BSC/0910

Sector Skill Council BFSI Sector Skill Council

Guidelines for Assessment

1. Criteria for assessment for each Qualification Pack will be created by the Sector Skill Council. Each Performance Criteria (PC) will be assigned marks proportional to its importance in NOS. SSC will also lay down proportion of marks for Theory and Skills Practical for each PC.
2. The assessment for the theory part will be based on knowledge bank of questions created by the SSC.
3. Assessment will be conducted for all compulsory NOS, and where applicable, on the selected elective/option NOS/set of NOS.
4. Individual assessment agencies will create unique question papers for theory part for each candidate at each examination/training centre (as per assessment criteria below).
5. Individual assessment agencies will create unique evaluations for skill practical for every student at each examination/training centre based on this criterion.
6. To pass the Qualification Pack, every trainee should score a minimum of 70% of aggregate marks to successfully clear the assessment.
7. In case of *unsuccessful completion*, the trainee may seek reassessment on the Qualification Pack.

Compulsory NOS				Marks Allocation	
Total Marks: GST Account Assistant - 150					
BSC/N0910 : Identifying GST Taxable Event – 50					
BSC / N0911: Maintaining GST Records and Filing GST Returns - 100					
Assessment outcomes	Assessment Criteria for outcomes	Total Marks (150)	Out Of	Theory	Skills Practical
1. BSC/N0910: Identifying GST Taxable Event	PC1. Recognise the applicability of SGST, CGST and IGST		50	20	30
	PC2. Define the concept of supply				
	PC3. Differentiate between taxable and non-taxable supply				
	PC4. Define the taxable event with respect to supply of goods				
	PC5. Identify the place of supply so as to decide the applicability of the tax				
	PC6. Define what is meant by the location of supplier of goods				
2. BSC / N0911	PC1. List down the registration process for single or separate business		25	10	15

Maintaining GST Records and Filing GST Returns :	PC2. Note down the details to be furnished during the registration				
	PC3. Differentiate between taxable person verses registered person				
Registration under GST	PC4. Understand the benefits of registration				
	PC5. Register an Assessee under GST Independently				
3. BSC/N0911 Maintaining GST Records and Filing Returns: Calculation of Tax Liability	PC6. Identify instances for eligibility of input credit				
	PC7. Identify set-offs under GST wherever applicable				
	PC8. Identify in detail carry over credit, capital goods credit, embedded credits etc.	25	10	15	
	PC9. Differentiate between consideration and valuation				
4. BSC/N0911 Maintaining GST Records and Filing Returns: Maintenance of Books and Records and Filing of Returns	PC10. Maintain the different types of ledgers				
	PC11. Prepare different types of periodic returns to be filed	25	10	15	
	PC12. File Returns Online				
5. BSC/N0911 Maintaining GST Records and Filing Returns: Payment under GST	PC13. List the different types of payment, due dates, modes of payment with rules and collection of tax, penalties etc.				
	PC14. Differentiate on TDS versus TCS	25	10	15	
	PC15. Calculate the amount of tax payable				
	PC24. Make the payment online				
	Total	150	150	60	90



Motto

“ सत्यं वद। धर्मं चर।
इष्टकारं कृते तृप्तये। क्लेशोद्वेगं ह्यु कृते ह्यज्ज। ”

Vision

“ To be a global leader in promoting
good corporate governance ”

Mission

“ To develop high calibre professionals facilitating
good corporate governance ”



THE INSTITUTE OF Company Secretaries of India

भारतीय कम्पनी सचिव संस्थान

IN PURSUIT OF PROFESSIONAL EXCELLENCE

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