



ICSI - GST

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GOODS AND SERVICES TAX

“A REGIME UNFOLDING GROWTH OPPORTUNITIES”



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

Russell B. Long quoted well that 'Tax reform means, 'Don't tax you, and don't tax me. Tax that fellow behind the tree.' Netting the spirit of the saying in consonance with the demand of nurturing accountability and transparency for the leading economy of our Nation, we all have witnessed one historic transformation in the regime of indirect tax, through the enactment of Goods and Services Tax.

Inter-alia, GST is one such government initiative, which is transforming India's economic paradigm to 'Sabal Bharat-Samartha Bharat' (Young India-Vibrant India). Recently, from being a member of Fragile Five, the country is now poised to more than double in size to a \$5 trillion economy. This is owing to the change of approach and new work culture of the corporates subsumed under various business-friendly initiatives of the government including Goods and Services Tax.

Friends, business and industry have been integrated contributors of our economic growth and with the countless demands of industry along with subsuming the vision of good governance, GST has been enacted successfully. Post enactment also, the GST Council is unceasingly working towards smoothening the implementation of GST. The GST Council holds meetings wherein decisions are taken regarding further trimming the items in tax slabs as well as simplifying the return filing and matching mechanism. Recently among all, has held the 26th Meeting of GST Council on March 10, 2018, which has made fair recommendations on issues like Return Filing System, Reverse Charge Management, Introduction of e-Way Bill for Inter-State movement of goods across the country from April 1, 2018, Grievance Redressal Mechanism and alike.

Indeed, with all these constant initiatives of the government, when GST is paving the way for one common national market, the dedicated efforts of professionals are also contemporary in efficaciously implementing GST throughout the country.

Along with the professionals including Company Secretaries, the Institute of Company Secretaries of India (ICSI) too is playing a vivacious role in facilitating and accomplishing successful implementation of GST pan India. Therefore, ICSI releases 12th in the series, March, 2018 issue of ICSI-GST Newsletter as our step forward for building capacity of the members, professionals, students and populace with latest updates and apprises under new indirect tax regime.

CS Makarand Lele
President, ICSI

GST NEWS

1. Real estate, natural gas may soon be brought under GST- Union Finance Minister

- Union Finance Minister hinted at the possibility that the government may soon bring cooking gas and real estate under the ambit of the goods and services tax (GST), to be followed by a similar move with regard to petrol, diesel and potable alcohol
- Any such decision will need to be cleared by the GST Council which includes finance ministers of all states and the central government.

2. Sticking to fiscal deficit target will be easier due to GST implementation- Union Finance Minister

- For the next financial year 2018-19, fiscal deficit target is pegged at 3.3 percent of Gross Domestic Product
- As the GST software system matures, with two-three anti-evasion measures put in place, compliance will automatically improve. That will improve (tax) collections
- Therefore, sticking to fiscal deficit target will be much easier than current year- Finance Minister at a post-budget industry interaction session

3. B2B companies seek certification from vendors on GST gains

- Fearing that anti-profiteering mechanism may be triggered against them, many companies that are primarily in business to business segments are asking their vendors to certify that they are passing on the benefits accrued under Goods and Services Tax
- These companies – in sectors such as shipping, ports, electricity distribution and oil and gas – also suspect vendors may not be passing on benefits as prices in several cases haven't changed despite rate reduction under GST
- Under anti-profiteering rules, any company or vendor whose profits jump due to the new tax regime must pass on benefits

4. Tamil Nadu earns 22% more under GST till December

- Data of the state commercial tax department show that the state received Rs 23,317.76 crore under GST from July to December 2017, as against Rs 19,017.87 crore under VAT during the corresponding period the previous year
- The state GST, called SGST, was around Rs 15,008.10 crore between July and December last year.

The state will add a few more crores to its coffers from the inter-state GST as many assesseees are yet to file their returns.

- It has been proven that Tamil Nadu is not only a manufacturing state but also a consumption state too
- Tamil Nadu has the second highest number of companies and individuals registered under GST

5. Centre sees its GST compensation to states at Rs 900 billion for FY19

- Estimated compensation to states is almost 4% of total Budget size and the amount is likely to stay unchanged for Financial Year 2020 and Financial Year 2021 as well
- The Narendra Modi Government has budgeted for Rs 900 billion to be paid as compensation to states to make good their losses on account of GST in 2018-19
- This represents a 47 per cent increase over the Rs 613 billion it plans to distribute in 2017-18

6. GST on tickets to amusement parks lowered to 18%

- Tickets to amusement parks, including theme parks, water parks and merry-go-rounds, have 18 per cent GST with effect from January 25, lower than 28 per cent earlier
- The ministry hoped that states through authorities, like panchayats and municipalities, would not increase the local taxes on entertainment and amusement and help keep the tax burden low

7. GST return simplification panel to meet industry this week

- The government appointed panel on GST returns under GSTN chairman will meet industry and traders this week to seek their views on simplification of return filing process
- The committee is likely to submit its report to the Group of Ministers, headed by Bihar Deputy Chief Minister, which will finalise its recommendations by the month end and place it before the GST Council
- The government had set up the return simplification committee in November last year to ease the burden on businesses to file three returns in a month along with initial sales return GSTR-3B
- Ahead of the GST Council meeting on 10 March, a ministerial panel under Bihar deputy Chief Minister will meet to firm up the simplified 'single-stage' return filing process

8. Tax department to set up GST grievance redressal system

- Government has decided to allow individual firms to continue to claim transitional credits even though an earlier deadline was December 27, 2017
- Separately, the indirect tax department will also establish a grievance redressal system after the Bombay High Court highlighted the need for the same
- The grievance redressal mechanism will also ensure that individual cases do not end up in court
- We will allow the petitioners access to the GSTN system so that they can claim transitional credit. If there are similar cases with genuine grievance, they will also be allowed to file the claim but TRAN-1 form will not be opened for all taxpayers- the official said

9. **55 lakh GST returns filed in January**

- The last date for filing initial GSTR-3B returns for a month is the 20th of the subsequent month. Hence, the sales returns for January have to be filed by February 20. However, businesses can continue to file returns after payment of late fee
- The total number of 3B GST returns filed in the month of January till date is 55 lakh

10. **GST Network simplifies returns filing process**

- In a move to make filing of returns taxpayer friendly and error-free, the Goods and Service Tax Network (GSTN), the firm that processes tax returns in the indirect tax regime, has simplified the monthly return of sales summary that businesses and traders have to file
- One area of improvement is the utilization of tax rebates and making the remaining payment in cash, which was an area where a few taxpayers were frequently erring

11. **Quarterly GST returns filing may be extended to all companies**

- The government may change the goods and services tax (GST) returns filing periodicity from monthly to quarterly to make it simpler for all businesses to file their taxes
- The requirement of filing three GST returns in a month is also likely to be brought down to one, government sources said

12. **E-way bill to be implemented from April 1**

- The group of minister (GoM) formed to oversee the implementation of the GST has recommended implementation of e-way bill for inter-state movement of goods from April 1 this year
- Final decision on the date would be taken by GST Council which is meeting on 10 March
- Earlier, 15 states had implemented intra-state e-way bill along with mandatory inter-state e-way bill that was brought in force from February 1, before the deadline was deferred.

13. **GST Council to further trim list of items in 28% tax slab: Union Finance Minister**

- GST Council will continue to prune the list of items in the highest tax slab of 28%, but merging of the 12% and 18% slabs will have to wait till tax compliance increases- Finance Minister
- In February, total GST receipts stood at Rs86,318 crore, nearly the same as the amount collected in January – Rs86,703 crore
- Punjab recorded the highest compliance in February with over 83% of those required to file monthly returns doing so



CUSTOMS FRONTIERS AND THE CHARGE OF IGST*

Taxation of transactions occurring beyond the customs frontiers of India has always been a contentious issue in the history of Indirect Taxes. This note will make an effort to discuss the position of such transactions in GST regime.

Basic Law

Section 7(2) of the IGST Act, 2017 provides that “Supply of goods imported into the territory of India, till they cross the customs frontiers of India, shall be treated to be a supply of goods in the course of inter-State trade or commerce”.

While, Section 5(1) of the IGST Act, 2017 levies tax on all inter-State supplies of goods or services or both.

The above provisions apparently intends to levy tax on supply of goods even the goods have not entered the customs frontier of India.

However, the proviso to Section 5(1) of the IGST Act provides that the tax on goods imported into India shall be levied and collected in accordance with the provisions of section 3 of the Customs Tariff Act, 1975 at the point when duties of customs are levied on the goods under section 12 of the Customs Act, 1962.

The aforesaid proviso appears to have cleared the air by providing that the tax on imported goods shall be levied along with the levy of duties of customs at the time of clearance of goods, not any time before. **However, issues surrounding the taxation of supplies made before the goods cross customs frontier still continue.**

What are “imported goods”?

Section 2(25) of the Customs Act defines the term “imported goods” to mean any goods brought into India from a place outside India but does not include goods which have been cleared for home consumption.

Thus, until the goods have been cleared for home consumption [upon filing of Bill of Entry], they continue to attain the character of “imported goods”.

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

What are “Customs Frontiers of India”?

The expression, “crossing the customs frontiers of India” has been defined in Section 2(ab) of the CST Act, 1956 to mean crossing in the limits of the area of a customs station in which imported goods or export goods are ordinarily kept before clearance by customs authorities.

Thus, we can take a position that until the goods are cleared by the customs authorities for home consumption, they continue to be considered as “Not yet crossed the customs frontier of India” and also are “imported goods”.

In other words, until the Bill of Entry for home consumption is filed under Section 46 of the Customs Act and the order for clearance is made under Section 47 of the Act, the goods are in the nature of “imported goods” and the tax on supply of such imported goods appears not leviable in the light of aforementioned proviso to Section 5(1) of the IGST Act.

In the light of the above mentioned legal provisions and brief discussion, let us now find out what kind of transactions usually occur before the goods cross customs frontier of India. In the trade parlance, such category of supplies are generally of the following nature;

1. **High Sea Sales**
2. **In-Bond Sales**

Let us study and analyse each such category of supply and understand the taxation more particularly in GST regime.

1. **HIGH SEA SALES**

As such, the expression “High Sea Sale” is not explicitly defined in any legislation, however in trade parlance, it represent the transactions effected by way of transfer of documents of title before the goods cross customs frontiers of a country. The expression “customs frontiers” has been discussed above in the light of the definition of “crossing the customs frontiers of India” as per Section 2(ab) of the CST Act to mean crossing in the limits of the area of a customs station in which imported goods or export goods are ordinarily kept before clearance by customs authorities. The expression “customs area” is defined in Section 2(11) of the Customs Act, 1962 to mean the area of a customs station or a warehouse and includes any area in which imported goods or export goods are ordinarily kept before clearance by Customs Authorities. Thus, we can safely say that until the Bill of Entry for home consumption is filed and an order for clearance is passed by the proper office of Customs, the goods are deemed to have not crossed the customs frontiers and any sale/ supply of goods during such period are *inter alia* termed as “High Sea Sales”.

The taxation of “High Sea Sales” has always been a litigated area under the pre-GST regime. Section 5(2) of the CST Act provides that a sale or purchase of goods shall be deemed to take place in the course of the import of the goods into the territory of India only if the sale or purchase either occasions such import or is effected by a transfer of documents of title to the goods before the goods have crossed the customs frontiers of India. Thus, in pre-GST regime, High Sea Sales was considered as a sale or purchase in the course of import of goods as distinguished from the sale or purchase of goods in the course of inter-state trade or commerce. Pertinently, there was no levy of tax on the sale of goods made in the course of import under the charging section i.e. Section 6 (1) of the CST Act, 1956. Thus, High Sea Sales was not chargeable to tax in pre-GST regime.

In the forgoing paragraphs, we have discussed the legal provisions impacting the transactions occurring before the goods cross customs frontiers particularly Sec 7(2) of the IGST Act which considers supply of goods imported into the territory of India, till they cross the customs frontiers of India, to be a supply of goods in the course of inter-State trade or commerce. Thus, the major shift has taken place in GST regime as to the character of High Sea Sales inasmuch such transactions in pre-GST regime were being considered as made in the course of import of goods unlike in GST regime where same are considered as made in the in the course of inter-state trade or commerce.

However, immediately with the onset of GST, confusion prevailed in industry circles on the taxation of High Sea Sale transactions especially with the apparent interpretation of Section 7(2) read with Section 5(1) of the IGST Act. However, timely clarification was issued by the Government vide Circular No. 33 dated 01-08-2017 wherein the Government clarified that although the supply of goods on High Seas are akin to inter-state transaction, it intends to tax the “imported goods” only at the time of importation i.e. when bill of entry is filed before the customs authorities for customs clearance purpose for the first time. In other words, the tax on imported goods shall be levied only once when the bill of entry for home consumption is filed by the importer.

The position as regards High Sea Sales therefore is crystalized in a way that such sales/ supplies shall continue to be beyond the purview of tax levy even in GST regime.

What is the character of High Sea Sales? Is that an exempted supply or a non-taxable supply?

ITC Reversal

We have concluded above that the supply of goods on High Seas shall not be leviable to tax under GST provisions even though the same have been considered as effected in the course of Inter-state trade and commerce. What is the character of High Sea Sales? Is that an exempted supply or a non-taxable supply? Whatever be the answer, it is provided in Section 17 (2) of the CGST Act that where the goods or services are partly used for effecting taxable supplies and partly for effecting exempt supplies [*which inter alia* includes non-taxable supplies], the amount of credit shall be restricted to so much of the input tax as is attributable to the taxable supplies. Since, High Sea Sales are non-taxable supplies, thus input tax credit attributable to inward goods or services meant for effecting High Sea Sale transaction shall be liable to be reversed in terms of Section 17(2) of the CGST ACT. For Example, ITC on services used in engineering, ordering, procurements, inward transportation of goods [sold on High Seas] shall not be available.

Whether High Sea Sales is fully tax free in the hands of a High Sea Sale supplier. The answer is NO as the input tax incidence suffered by such supplier surely flows into the coffers of the Government. Is that position really correct? Can we take a position that High Sea Sales is not 'supply' *per se*? If it is not a supply in the first instance, then where is case to construe it as 'non-taxable supply'? It is a larger question which probably will be answered only with a passage of time. Let us move further with the procedural aspects of High Sea Sales.

Documentation

In pre-GST regime, the supplier of goods on High Seas was used to issue a commercial invoice for effecting such transaction. However, the GST regime has prescribed strict discipline by providing specific documents to be issued for effecting each category of supply. Section 31(3)(a) of the CGST Act provides that a registered person supplying exempted goods or services shall issue bill of supply [instead of tax invoice]. The expression “exempt supply” has been defined to mean supply of goods or services which attract nil rate of tax or which may be wholly exempt from tax and includes non-taxable supply. High Sea Sales being a non-taxable supply and falling within the definition of exempt supply would therefore require issuance of Bill of Supply in the prescribed format.

Time of Supply

The time of supply shall be the date on which document of title [bill of lading] is endorsed in favour of the High Sea Sale buyer and High Sea Sale agreement is entered into between the parties. With this, we will now move on to the second category of sales which also happens before the goods enter customs frontier.

2. SUPPLY OF GOODS STORED IN CUSTOMS BONDED STORES/WAREHOUSE.

At times, we import goods and, instead of clearing for home consumption, store in a customs bonded warehouse. The importer in such a case file bill of entry under Section 46 of the Customs Act, 1962 commonly called as into bond bill of entry. Upon completion of certain conditions such as execution of bond, etc. under Section 59 of the Act, the proper officer under section of 60 of the Act makes an order for deposit of such goods in a warehouse. As and when the goods are required, the importer files a bill of entry under Section 68 of the Act for clearance of goods for home consumption. Such bill of entry is commonly called as ex bond bill of entry. Upon payment of assessed duty, the proper officer makes an order for clearance of goods for home consumption.

What would be the position if goods are sold while they are still lying in a customs bonded warehouse? Whether IGST is payable on such transactions. We will find out the answer to this question in later part of this note.

There are situations, where the goods while stored in a bonded warehouse are sold by the original importer to another buyer. In such cases, the goods are finally cleared from customs by the subsequent buyer on filing of ex bond bill of entry and on payment of appropriate duties of customs which inter alia includes countervailing duties (CVD) and special additional duties (SAD) in pre-GST regime and IGST in GST regime.

Here, the question arises as to the taxability of “in-bond sales” i.e. sale transaction which takes place in respect of goods which are stored in a customs bonded warehouse and not yet cleared for home consumption.

Apparently, it appears that the taxation of High Sea Sales equally applies to In-bond Sales as the goods in both the cases have not yet crossed the customs frontiers of India. However, Circular No. 46/2017-Customs dated 24.11.2017, issued by the Government with regard to the taxability of “in-bond sales” has taken a contradictory position to the one it had taken and clarified with regard to High Sea Sales vide its Circular No. 33/2017-Cus dated 01.08.2017.

The above referred circular No. 46/2017-Customs dated 24.11.2017 has clarified that while the goods remain deposited in a customs bonded warehouse and are transferred by the importer to another person, the transaction will be subject to payment of IGST in terms of Section 7(2) of the IGST Act, 2017 read with Section 9 of the CGST Act, 2017. It has further clarified by way of an illustration that the goods shall again be subject to IGST [along with customs duties] when the subsequent buyer, as importer, files a bill of entry for clearance of goods for home consumption.

Although, the said illustration has demonstrated that the payment of IGST in the first stage [i.e. in-bond sale] would be available to the subsequent buyer as Input Taxes Credit and therefore the payment of IGST at the time of customs clearance by the later shall not amount to double taxation, the question remains whether the levy of tax on in-bond sales is actually within the realms of law. Furthermore, the claim of the Government that the payment of tax on two occasions would not amount to double taxation may not sustain especially where the subsequent buyer/ importer is not eligible for input tax credit either because he is the end consumer or he is engaged in the sale of non-GST goods like electricity and petroleum.

Let us first make an effort in the following paragraphs to understand the validity of legal position propounded vide Circular No. 46/2017-Customs dated 24.11.2017.

In this discussion, the proviso to Section 5(1) of the IGST Act is relevant which provides that the tax on goods imported into India shall be levied and collected in accordance with the provisions of section 3 of the Customs Tariff Act, 1975 at the point when duties of customs are levied on the goods under section 12 of the Customs Act, 1962. Section 15 (1)(b) of the Customs Act provides that the date for determination of rate of duty and tariff valuation of imported good in the case of goods cleared from a warehouse under section 68 shall be the date on which a bill of entry for home consumption [i.e. *ex bond* bill of entry] in respect of such goods is presented before the proper officer. In effect, the date of clearance for home consumption is relevant to determine the levy on imported goods which are stored in a warehouse. Guidance is also available from proviso to Section 68 of the Customs Act which provides that the owner of any warehoused goods may, at any time before an order for clearance of goods for home consumption has been made in respect of such goods, relinquish his title to the goods upon payment of penalties that may be payable in respect of the goods and upon such relinquishment, he shall not be liable to pay duty thereon.

Therefore, it comes out that until the goods are cleared for home consumption, the incidence of customs duty [and IGST] effectively does not arise.

The definition of “imported goods” as per section 2 (25) of the Customs Act also appears relevant in the present discussion. It provides that imported goods to mean any goods brought into India from a place outside India but does not include goods which have been cleared for home consumption. Whether the goods which are stored in a warehouse are “imported goods”. The answer appears in affirmative inasmuch as the definition excludes from its purview the goods which have been cleared for home consumption. As a corollary, it can be said that the goods which have not been cleared for home consumption continue to be “imported goods” and tax thereon is levied only when cleared for home consumption.

The present issue is also deliberated by the Hon'ble Supreme Court and High Courts on various occasions. In the matter of **HOTEL ASHOKA Versus ASSISTANT COMMISSIONER OF COMMERCIAL TAXES** Civil Appeal No. 2560 of 2010 with C.A. Nos. 10404-10412 of 2010, decided on 3-2-2012, the Apex Court unequivocally held that when the goods are lying in the bonded warehouses, they are deemed to have been kept outside the customs frontiers of the country. The Hon'ble Supreme Court further dealt with the similar matter in **GARDEN SILK MILLS LTD. Versus UNION OF INDIA 1999 (113) E.L.T. 358 (S.C.)** where it held that “.....It would appear to us that the import of goods into India would commence when the same cross into the territorial waters but continues and is completed when the goods become part of the mass of goods within the country; the taxable event being reached at the time when the goods reach the customs barriers and the bill of entry for home consumption is filed.” The Hon'ble Supreme Court also dealt the similar issue in the

matter of **KIRAN SPINNING MILLS Versus COLLECTOR OF CUSTOMS 1999 (113) E.L.T. 753 (S.C.)** where the Court held that “...in the case of goods which are in the warehouse the customs barriers would be crossed when they are sought to be taken out of the customs and brought to the mass of goods in the country.” Further, the Madras High Court in the matter of **The State of Tamil Nadu vs Tvl. Rajan Universal Export, (2010) 28 VST 279, 282-83 (Mad)** held that the goods cannot be regarded as having crossed the customs frontier, when it was warehoused.

It has thus been sufficiently held by the courts that until the goods are lying in a customs bonded warehouse, the same cannot be said to have crossed customs frontiers and once the goods have not crossed customs frontiers, they continue to be in the nature of “imported goods” and duties of customs and IGST thereon shall be governed by proviso to Section 5(1) of the IGST Act similar to the treatment given to High Sea Sales.

Thus, it appear that Circular No. 46/2017-Customs dated 24.11.2017, issued by the Government with regard to the taxability of “in-bond sales” may not withstand the test of law and requires re-consideration.

While the Government is expected to consider in-bond sales at par with High Sea Sales, there appears a connecting issue which needs to be re-looked by the Government while dealing with the present issue. With regard to High Sea Sales, vide Circular No. 32/2004-Cus., dated 11-5-2004, it was clarified by the Government that the actual high-seas-sale-contract price paid by the last buyer would constitute the transaction value under Rule 4 of Customs Valuation Rules, 1988. Similar position has been maintained in the GST regime vide Circular No. 33/2017-Cus, dated 1-8-2017.

The basis for the taking the above position viz. a viz. valuation was on the premise that the High Sea Sale is a transaction taken place in the course of international trade. **However, in case of in-bond sales, the Government took a contradictory view vide Circular No. 11/2010-Cus., dated 3-6-2010 wherein it held that the sale of imported goods after they are warehoused on Indian territory cannot be termed as made in the course of international trade and therefore the value at which such transaction took place will not qualify as the transaction value, as per Section 14.** In effect, the Government held that the value at which into bond bill of entry is filed for storage of goods in customs bonded warehouse shall continue to be considered as value when ex-bond bill of entry is filed. This position of the Government is causing difficulty in exempting in-bond sales from the levy of IGST inasmuch as in cases where the goods lying in a warehouse are sold at a higher price than the price declared while filing into-bond bill of entry, the differential of the two set of prices will escape the charge of IGST. Probably, the Government has a pecuniary reason in levying IGST on in-bond sales regardless of whether it will withstand the test of law.

Correction course

However, the Government appears to have understood the implications of the aforesaid position particularly the possibility of double taxation in case of in-bond sales and therefore it has initiated the correction measures. In Finance Bill, 2018, the Government has proposed insertion of Sub-Section 8A in Section 3 of the Customs Tariff Act, 1975 which provides that that where the goods deposited in a warehouse under the provisions of the Customs Act, 1962 are sold to any person before clearance for home consumption or export under the said Act, the value of such goods for the purpose of calculating the integrated tax shall be the value determined under Customs provisions or the transaction value of such goods [sale price], whichever is higher. Once, the Finance Bills is passed by the Parliament, the position maintained by the Government all along with regard to the value to be adopted for ex-bond bill of entry shall change to the effect that the value for the purpose of filing ex bond bill of entry shall now be the last transaction value at which the goods stored in a warehouse are sold to last buyer before the goods are finally cleared for home consumption.

However, the above amendment will only be one step closer to arrangement which the Government needs to organise to avoid double taxation in case of in-bond sales.

In other words, it would be expected from the Government to withdraw the Circular No. 46/2017-Customs dated 24.11.2017 which actually reveals the possibility of double taxation in in-bond sales. The Government must clarify that in-bond sale of goods shall not be chargeable to IGST on the lines of the treatment given to High Sea Sales. Additionally, the Government may also either suitably amend Section 7(2) of the IGST Act, 2017 so as to exclude from its purview the sale of goods made before the goods enter customs frontier or in the alternative bring exemption notification exempting such sales/ supplies from the charge of IGST. Needless to say that the amendments/ clarifications be made / issued retrospectively from 1.7.2017.



FAQ ON EDUCATION SERVICES*

1. FAQ on Education Services*1.What are the provisions inserted in Constitution of India to provide free and compulsory education?

The Constitution (86th Amendment) Act, 2002 inserted Article 21A in Constitution to provide free and compulsory education to all children in the age group of 6 to 14 years as Fundamental Right in such a manner as the state may, by law, determine. The Right of Children to Free and compulsory Education Act 2009 represents consequential legislation.

2. Mr. Kapoor is running Commerce Coaching Centre. Are services provided by him exempt under GST?

No exemption to Coaching Centres and currently they are liable to charge tax at the rate of 18%

3. Vidya Public High School is affiliated with CBSE. Will school liable to charge GST on Fees charged from students?

It will not charge GST on fees charged from students. They are exempt as per Notification No 12/2017-Central Tax (Rate) dated 28th June, 2017

4. IIM Lucknow is providing Executive development programme on weekends to working Professionals. Is fees charged able to GST?

Yes It will charge tax on Executive Development Programme

5. What will be place of supply of Educational Services if both supplier and recipient are located in India?

As per section 12(6) of IGST Act 2017, the place of supply of services provided by way of educational Institute, shall be the place where the event is actually held or where such other place is located

As per section 12(7) of 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.

6. Are Education Institutes run by Charitable organisation exempt under GST?

Charitable Institutes registered under section 12AA of Income Tax Act 1961 and running Institute under definition of Educational Institute are exempt

7. Mission Boarding School providing facility of residence and food to students. Is Dwelling and food taxable under GST?

If lodging and boarding are naturally bundled in terms of provisions of section 8 of CGST Act 2017 then it is exempt.

**Contributed by FCS Payal Kataria, Special Invitee ICSI-GST Core Advisory Group*

8. **Microsoft Company paid Rs 5 lakh to IIT Delhi as fee for recruiting candidates through campus interviews. Is fees paid by company to IIT liable to GST?**

Yes GST will be charged on this transaction.

9. **Best Pvt Limited providing Security and Housekeeping services to recognised school . Will company charge GST on these services? If same services provided to Saras Coaching Centre, what will be implications?**

If services provided to recognised School then GST will not be charged by Best Pvt Ltd but in second situation when same services are provided to Coaching Centre, GST will be charged.

10. **Recognised School bought 5 CCTV Cameras from ABC cam Pvt Limited. Will ABC Company charge GST on supply of CCTV cameras to school?**

Yes GST will be charged by Company

11. **I am service provider and providing Transportation facility to school for their students staff and teacher. Am I come under exemption service list?**

Transporter will not charge GST under this scenario

12. **What is the clarification given with respect to College Hostel Mess fee?**

Clarification regarding the taxability and rate of GST on services by a college hostel mess.

“2.1 If the catering services is one of the services provided by an educational institution to its students, faculty and staff and the said educational institution is covered by the definition given under para 2(y) of notification No. 12/2017-Central Tax (Rate), then the same is exempt. [Sl. No. 66(a) of notification No. 12/2017-Central Tax (Rate) refers]

2.2 If the catering services, i.e., supply of food or drink in a mess or canteen, is provided by anyone other than the educational institution, then it is a supply of service at entry 7(i) of notification No. 11/2017-CT (Rate) [as amended vide notification No. 46/2017-CT (Rate) dated 14.11.2017] to the concerned educational institution and attracts GST of 5% provided that credit of input tax charged on goods and services used in supplying the service has not been taken, effective from 15.11.2017.”



GST QUIZ*

Q1.	Non-taxable territory means	<ul style="list-style-type: none"> a) Outside taxable territory b) Inside taxable territory c) Inter state taxable territory d) None of the above
Q2.	Goods and Service Tax council referred in which section	<ul style="list-style-type: none"> a) 279A of the constitution b) 276 of the constitution c) 277 of the constitution d) 279 of the constitution
Q3.	Conveyance is	<ul style="list-style-type: none"> a) An Vessel b) An aircraft c) A vehicle d) All the above
Q4.	Appointed day	<ul style="list-style-type: none"> a) date on which the provisions of this Act shall come into force b) Date on which President assent c) Date of which both houses passed the act d) Date on which sent to Finance Ministry
Q5.	Associated enterprise mentioned	<ul style="list-style-type: none"> a) Income tax act 1961 b) Companies Act 2013 c) Central GST Act 2017 d) State GST Act 2017

Ans - Q1- A , Q2- A, Q3- D, Q4- A, Q5- A

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

ADVANCE RULING MECHANISM*



Advance Ruling Mechanism in GST (Goods and Services Tax)

Introduction

An advance ruling helps the applicant in planning his activities, which are liable for payment of GST, well in advance. It also brings certainty in determining the tax liability, as the ruling given by the Authority for Advance Ruling is binding on the applicant as well as Government authorities. Further, it helps in avoiding long drawn and expensive litigation at a later date. Seeking an advance ruling is inexpensive and the procedure is simple and expeditious. It thus provides certainty and transparency to a taxpayer with respect to an issue which may potentially cause a dispute with the tax administration. A legally constituted body called Authority for Advance Ruling (AAR) can give a binding ruling to an applicant who is a registered person or is desirous of obtaining registration. The advance ruling given by the Authority can be appealed before an Appellate authority for Advance Ruling (AAAR). There are time lines prescribed for passing an order by AAR and by AAAR.

Objectives of Advance Ruling

The broad objectives for setting up a mechanism of Advance Ruling include:

- i. provide certainty in tax liability in advance, in relation to an activity proposed to be undertaken by the applicant;
- ii. attract Foreign Direct Investment (FDI);
- iii. reduce litigation;
- iv. pronounce ruling expeditiously in transparent and inexpensive manner;

What is an Advance Ruling?

“Advance ruling” means a decision provided by the Authority or the Appellate Authority to an applicant on matters or on questions specified in sub-section (2) of section 97 or sub-section (1) of section 100 of the CGST Act, 2017, in relation to the supply of goods or services or both being undertaken or proposed to be undertaken by the applicant.

The definition of Advance ruling given under the Act is a broad one and an improvement over the existing systems of advance rulings under Customs and Central Excise Laws. Under the present dispensation, advance rulings can be given only for a proposed transaction, whereas under GST, Advance ruling can be obtained for a proposed transaction as well as a transaction already undertaken by the appellant.

What are the matters/questions specified in Section 97(2) & Section 100(1) of the CGST Act, 2017

- (a) Classification of any goods or services or both;
- (b) Applicability of a notification issued under the provisions of CGST Act;
- (c) Determination of time and value of supply of goods or services or both;
- (d) Admissibility of input tax credit of tax paid or deemed to have been paid;
- (e) Determination of the liability to pay tax on any goods or services or both;
- (f) Whether applicant is required to be registered;
- (g) Whether any particular thing done by the applicant with respect to any goods or services or both amounts to or results in a supply of goods or services or both, within the meaning of that term.



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



Advance Ruling Mechanism in GST (Goods and Services Tax)

Section 100(1) of the CGST Act, 2017 provides that concerned officer, the jurisdictional officer or an applicant aggrieved by any advance ruling pronounced by the Authority for Advance Ruling, may appeal to the Appellate Authority.

Thus it can be seen that a decision of the Appellate authority is also treated as an advance ruling.

'Authority for advance ruling' (AAR) and 'Appellate authority for advance ruling' (AAAR)

The Authority for Advance Ruling (AAR) and the Appellate Authority for Advance Ruling (AAAR) constituted under the provisions of a State Goods and Services Tax Act or Union Territory Goods and Services Tax Act shall be deemed to be the Authority for advance ruling (AAR) and Appellate Authority for Advance Ruling (AAAR) in respect of that State or Union territory under the CGST Act, 2017 also.

Thus it can be seen that both the Authority for Advance Ruling (AAR) & the Appellate Authority for Advance Ruling (AAAR) is constituted under the respective State / Union Territory Act and not the Central Act. This would mean that the ruling given by the AAR & AAAR will be applicable only within the jurisdiction of the concerned state or union territory. **It is also for this reason that questions on determination of place of supply cannot be raised with the AAR or AAAR.**

To whom the Advance Ruling is applicable

An advance ruling pronounced by AAR or AAAR shall be binding only on the applicant who has sought the advance ruling and on the concerned officer or the jurisdictional officer in respect of the applicant. This clearly means that an advance ruling is not applicable to similarly placed other taxable persons in the State. It is only limited to the person who has applied for an advance ruling.

Time period for applicability of Advance Ruling

The law does not provide for a fixed time period for which the ruling shall apply. Instead, it has been provided that advance ruling shall be binding till the period when the law, facts or circumstances supporting the original advance ruling have not changed.

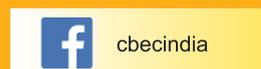
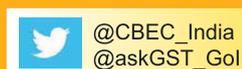
However, an advance ruling shall, by an order passed by the AAR/AAAR, be declared to be ab initio void if the AAR or AAAR finds that the advance ruling was obtained by the applicant by fraud or suppression of material facts or misrepresentation of facts. In such a situation, all the provisions of the CGST/SGST Act shall apply to the applicant as if such advance ruling had never been made (but excluding the period when advance ruling was given and up to the period when the order declaring it to be void is issued). An order declaring advance ruling to be void can be passed only after providing an opportunity of hearing to the applicant.

Procedure for obtaining Advance Ruling

The applicant desirous of obtaining advance ruling should make application to AAR in a prescribed form and manner. The format of the form and the detailed procedure for making application have been prescribed in Rule 104 of the CGST Rules, 2017. An application for obtaining an advance ruling under sub-section (1) of section 97 shall be made on the common portal in FORM GST ARA-01 and shall be accompanied by a fee of five thousand rupees, to be deposited in the manner specified in section 49 (Section 49 deals with procedure of payment of tax/interest/penalty and the mechanism to make payment through Electronic Cash and Credit Ledgers). The application, the verification contained therein and all the relevant documents accompanying such application shall be signed in the manner specified in rule 26 of the CGST Rules, 2017. Rule 26 provides for the manner of authenticating documents through

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Advance Ruling Mechanism in GST (Goods and Services Tax)

Digital Signature Certificate (DSC) or e-signature as specified in the Information Technology Act.

Upon receipt of an application, the AAR shall send a copy of application to the officer in whose jurisdiction the applicant falls and call for all relevant records. The AAR may then examine the application along with the records and may also hear the applicant. Thereafter the AAR will pass an order either admitting or rejecting the application.

Application for advance ruling shall not be admitted in cases where the question raised in the application is already pending or decided in any proceedings in the case of an applicant under any of the provisions of CGST Act.

If the application is rejected, it should be only after an opportunity of being heard is provided to the applicant and by way of a speaking order giving the reasons for rejection.

If the application is admitted, the AAR shall pronounce its ruling within ninety days of receipt of application. Before giving its ruling, it shall examine the application and any further material furnished by the applicant or by the concerned departmental officer.

Before giving the ruling, AAR must hear the applicant or his authorised representative as well as the jurisdictional officers of CGST/SGST.

If there is difference of opinion between the two members of AAR, they shall refer the point or points on which they differ to the AAAR for hearing the issue. If the members of AAAR are also unable to come to a common conclusion in regard to the point(s) referred to them by AAR, then it shall be deemed that no advance ruling can be given in respect of the question on which difference persists at the level of AAAR.

Appeals against order of AAR

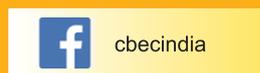
If the applicant is aggrieved with the finding of the AAR, he can file an appeal with AAAR. The form and manner of filing appeal with AAAR is given in Rule 106 of the CGST Rules, 2017. An appeal against the advance ruling shall be made by an applicant on the common portal in FORM GST ARA-02 and shall be accompanied by a fee of ten thousand rupees to be deposited in the manner specified in section 49. Similarly, if the prescribed or jurisdictional officer of CGST/SGST does not agree with the finding of AAR, he can also file an appeal with AAAR. The word prescribed officer of CGST/SGST means an officer who has been designated by the CGST/SGST administration in regard to an application for advance ruling. In normal circumstances, the concerned officer will be the officer in whose jurisdiction the applicant is located. An appeal against the advance ruling shall be made by the concerned officer or the jurisdictional officer referred to in section 100 on the common portal in FORM GST ARA-03 and no fee shall be payable by the said officer for filing the appeal. The appeal (by the applicant or jurisdictional officer), the verification contained therein and all the relevant documents accompanying such appeal shall be signed, -

- (a) In the case of the concerned officer or jurisdictional officer, by an officer authorised in writing by such officer; and
- (b) In the case of an applicant, in the manner specified in rule 26 (DSC/e-signature).

Any appeal must be filed within thirty days from the date on which the advance ruling is communicated to the concerned officer, the jurisdictional officer and applicant.

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Advance Ruling Mechanism in GST (Goods and Services Tax)

The Appellate Authority must pass an order after hearing the parties to the appeal within a period of ninety days of the filing of an appeal. If members of AAAR differ on any point referred to in appeal, it shall be deemed that no advance ruling is issued in respect of the question under appeal.

Manual Filing of applications before AAR & AAAR

As per rules 104 and 106 of the CGST Rules, 2017 the application for obtaining an advance ruling and filing an appeal against an advance ruling shall be made by the applicant on the common portal. However, due to the unavailability of the requisite forms on the common portal, a new rule 107A has been inserted vide notification No. 55/2017-Central Tax, dated 15.11.2017, which states that in respect of any process or procedure prescribed in Chapter XII, any reference to electronic filing of an application, intimation, reply, declaration, statement or electronic issuance of a notice, order or certificate on the common portal shall, in respect of that process or procedure, include the manual filing of the said application, intimation, reply, declaration, statement or issuance of the said notice, order or certificate in such Forms as appended to the CGST Rules. Circular no. 25/25/2017-GST dated 21.12.2017 prescribing the detailed procedure for manual filing of applications for Advance Ruling and appeals before Appellate Authority for Advance Ruling has been issued.

Therefore, till the advance ruling module is made available on the common portal, the following conditions and procedure have been prescribed for the manual filing and processing of the applications.

Form and Manner of Application to the Authority for Advance Ruling

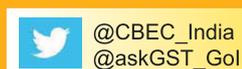
An application for obtaining an advance ruling under sub-section (1) of section 97 of the CGST Act and the rules made thereunder, shall be made in quadruplicate, in FORM GST ARA-01. The application shall clearly state the question on which the advance ruling is sought. The application shall be accompanied by a fee of five thousand rupees which is to be deposited online by the applicant, in the manner specified under section 49 of the CGST Act. It is reiterated that though the application shall be filed manually till the advance ruling module is made available on the common portal, the fee is required to be deposited online in terms of section 49 of the CGST Act.

In order to make the payment of fee for filing an application for Advance Ruling on the common portal, the applicant has to fill his details using "Generate User ID for Advance Ruling" under "User Services". After entering the email id and mobile number, a One Time Password (OTP) shall be sent to the email id. Upon submission of OTP, Systems shall generate a temporary ID and send it to the declared email and mobile number of the applicant.

On the basis of this ID, the applicant can make the payment of the fee of Rs. 5,000/- each under the CGST and the respective SGST Act. The applicant is then required to download and take a print of the challan and file the application with the Authority for Advance Ruling.

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Advance Ruling Mechanism in GST (Goods and Services Tax)

The application, the verification contained therein and all the relevant documents accompanying such application shall be signed-

- (a) In the case of an individual, by the individual himself or where he is absent from India, by some other person duly authorised by him in this behalf, and where the individual is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;
- (b) In the case of a Hindu Undivided Family, by a Karta and where the Karta is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of such family or by the authorised signatory of such Karta;
- (c) In the case of a company, by the Chief Executive Officer or the authorized signatory thereof;
- (d) In the case of a Government or any Governmental agency or local authority, by an officer authorised in this behalf;
- (e) In the case of a firm, by any partner thereof, not being a minor or the authorized signatory thereof;
- (f) In the case of any other association, by any member of the association or persons or the authorised signatory thereof;
- (g) In the case of a trust, by the trustee or any trustee or the authorised signatory thereof; or
- (h) In the case of any other person, by some person competent to act on his behalf, or by a person authorised in accordance with the provisions of section 48 of the CGST Act.

Form and Manner of Appeal to the Appellate Authority for Advance Ruling

An appeal against the advance ruling issued under sub-section (6) of section 98 of the CGST Act and the rules made thereunder shall be made by an applicant in quadruplicate, in FORM GST ARA-02 and shall be accompanied by a fee of ten thousand rupees to be deposited online, in the manner specified in section 49 of the CGST Act. It may be noted that though the application shall be filed manually till the advance ruling module is made available on the common portal, the fee is required to be deposited online in terms of section 49 of the CGST Act. The payment of fee shall be made as per the procedure detailed earlier.

An appeal made by the concerned officer or the jurisdictional officer referred to in section 100 of the CGST Act and the rules made thereunder shall be filed in quadruplicate, in FORM GST ARA-03 and no fee shall be payable by the said officer for filing the appeal. As per section 100 (2) of the CGST Act, the appeal shall be filed within a period of thirty days from the date on which the ruling sought to be appealed against is communicated to the applicant or the concerned officer or the jurisdictional officer, as the case maybe. The appeal, the verification contained therein and all the relevant documents accompanying such appeal shall be signed-

- (a) In the case of the concerned officer or jurisdictional officer, by an officer authorised in writing by such officer; and
- (b) In the case of an applicant, in the manner specified above

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Advance Ruling Mechanism in GST (Goods and Services Tax)

The application for advance ruling or the appeal before the Appellate Authority shall be filed in the jurisdictional office of the respective State Authority for Advance Ruling or the State Appellate Authority for Advance Ruling respectively.

If the space provided for answering any item in the Forms is found to be insufficient, separate sheets may be used. Further, the application, the verification appended thereto, the Annexures to the application and the statements and documents accompanying the Annexures must be self-attested.

The contact details of all the AARs for all States are available at http://www.gstcouncil.gov.in/sites/default/files/Details-of-AAR-as-on_22-11-2017.pdf

Rectification of Mistakes

The law gives power to AAR and AAAR to amend their order to rectify any mistake apparent from the record within a period of six months from the date of the order. Such mistake may be noticed by the authority on its own accord or may be brought to its notice by the applicant or the prescribed or the jurisdictional CGST/SGST officer. If a rectification has the effect of enhancing the tax liability or reducing the quantum of input tax credit, the applicant must be heard before the order is passed.

Powers and procedure of AAR and AAAR

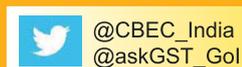
Both the AAR and AAAR are vested with the powers of a civil court under Code of Civil Procedure, 1908, for discovery and inspection, enforcing the attendance of a person and examining him on oath, and compelling production of books of account and other records. Both the authorities are deemed to be a civil court for the purposes of section 195 of the Code of Criminal Procedure, 1973. Any proceeding before the authority shall be deemed to be judicial proceeding under section 193 and 228 and for the purpose of section 196, of the Indian Penal Code, 1860. The AAR and AAAR also have the power to regulate their own procedure.

Conclusion

To conclude it can be stated that the law makes a comprehensive provision for advance rulings to ensure that disputes are minimal. Timelines are also given within which the ruling is to be given by the concerned authority. The aim is to provide certainty to the taxpayer with respect to his obligations under the GST Act and an expeditious ruling, so that the relationship between the taxpayer and administration is smooth and transparent and helps to avoid unnecessary litigation.

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GST PRACTITIONERS*



GST (Goods & Services Tax) **Practitioners**

Section 48 of the CGST Act provides for authorisation of an eligible person to act as approved GST practitioners. A registered person may authorise an approved GST practitioner to furnish information, on his behalf, to the government. The manner of approval of goods and services tax practitioners, their eligibility conditions, duties and obligations, manner of removal and other conditions relevant for their functioning have been prescribed in rule 24 and 25 of the Return Rules. Standardised formats from GST PCT- 1 to GST PCT-5 have been prescribed for making application for enrolment as GST practitioner, certificate of enrolment, show cause notice for disqualification, order of rejection of application of enrolment, list of approved GST practitioners, authorisation letter and withdrawal of authorisation. A goods and services tax practitioner enrolled in any other State or Union Territory shall be treated as enrolled in the State/ Union territory



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



GST (Goods & Services Tax) Practitioners

Eligibility Criteria for becoming GST practitioner:

Rule 24 of the Return rules, provides the eligibility conditions to get enrolled as GST Practitioner for any person who

- (i) Is a citizen of India;
- (ii) Is a person of sound mind;
- (iii) Is not adjudged as insolvent;
- (iv) Has not been convicted by a competent court for an offence with imprisonment not less than two years, -

In addition, the person should also satisfy any of the following conditions: -

- (a) He is a retired officer of the Commercial Tax Department of any State Government or of the CBEC and had worked in a post not lower in rank than that of a Group-B gazetted officer for minimum period of two years; or
- (b) He has been enrolled as a sales tax practitioner or tax return preparer under the existing law for a period of not less than five years;
- (c) He has passed:
 - (i) A graduate or postgraduate degree or its equivalent examination having a degree in Commerce, Law, Banking including Higher Auditing, or Business Administration or Business Management from any Indian University established by any law for the time being in force; or

- (ii) A degree examination of any Foreign University recognized by any Indian University as equivalent to the degree examination mentioned in sub clause (i); or

- (iii) Any other examination notified by the Government, on the recommendation of the Council, for this purpose; or

- (iv) Any degree examination of an Indian University or of any Foreign University recognized by any Indian University as equivalent of the degree examination or

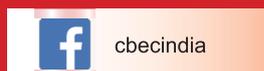
- (v) **Has passed any of the following examinations, namely. –**

- (a) Final examination of the Institute of Chartered Accountants of India; or
- (b) Final examination of the Institute of Cost Accountants of India; or
- (c) Final examination of the Institute of Company Secretaries of India.

A person desirous of becoming GST Practitioner has to submit an application in the form GST PCT-1. The application shall be scrutinised and GST practitioner certificate shall be granted in the form GST PCT-2. In case, the application is rejected, proper reasons shall have to be mentioned in the form GST PCT-4. The enrolment once done remains valid till it is cancelled. But no person enrolled as a goods and services tax practitioner shall be eligible to remain enrolled unless he passes such examination conducted at such periods and by such authority as may be notified by the Commissioner on the recommendations of

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GST (Goods & Services Tax) Practitioners

the Council. Any person who has been enrolled as goods and services tax practitioner by virtue of he being enrolled as a sales tax practitioner or tax return preparer under the existing law shall remain enrolled only for a period of one year from the appointed date i.e. 1st July, 2017 unless he passes the said examination within the said period of one year.

Activities by GST practitioner:

A goods and services tax practitioner can undertake any or all of the following activities on behalf of a registered person:

- (a) Furnish details of outward and inward supplies;
- (b) Furnish monthly, quarterly, annual or final return;
- (c) Make deposit for credit into the electronic cash ledger;
- (d) File a claim for refund; and
- (e) File an application for amendment or cancellation of registration.

But it has been provided that a confirmation form registered person shall be sought where an application relating to a claim for refund or an application for amendment or cancellation of registration has been submitted by the goods and services tax practitioner. In addition, a GST practitioner shall also be allowed to appear as authorised representative before any officer of department, Appellate Authority or Appellate Tribunal, on behalf of such registered person who has authorised him to be his GST practitioner.

Conditions for GST Practitioner

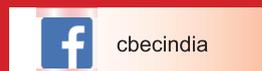
Any registered person may give consent and authorise a GST practitioner in the form GST PCT-5 by listing the authorised activities in which he intends to authorise the GST practitioner. The registered person authorising a GST Practitioner shall have to authorise in standard form Part A of form GST PCT-5 and the GST practitioner will have to accept the authorisation in Part B of the form GST PCT-5. The GST practitioner shall be allowed to undertake only such tasks as indicated in the authorisation form GST PCT-5. The registered person may, at any time, withdraw such authorisation in the prescribed form GST PCT-5.

Responsibility for correctness of particulars: The responsibility for correctness of any particulars furnished in the return or other details filed by the GST practitioners shall continue to rest with the registered person on whose behalf such return and details are furnished.

Any statement furnished by the GST practitioner shall be made available to the registered person on the GST Common Portal. For every statement furnished by the GST practitioner, a confirmation shall be sought from the registered person over email or SMS. The registered person before confirming, should ensure that the facts mentioned in the return are true and correct before signature. However, failure to respond to request for confirmation shall be treated as deemed confirmation.

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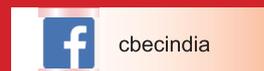
The GST practitioner shall prepare all statements with due diligence and affix his digital signature on the statements prepared by him or electronically verify using his credentials. If the GST practitioner is found guilty of misconduct, his enrolment will be liable to be cancelled. A show cause notice would be issued to him in the form GST PCT-3.

List of Formats (GST Practitioner)

Sr. No.	Form No.	Description
1.	GST PCT - 1	Application for Enrolment as Goods and Services Tax Practitioner
2.	GST PCT-02	Enrolment Certificate for Goods and Services Tax Practitioner
3.	GST PCT-03	Show Cause Notice for disqualification
4.	GST PCT-04	Order of Rejection of Application for enrolment as GST Practitioner/ Or Disqualification to function as GST Practitioner
5.	GST PCT-05	Authorization/ withdrawal of authorization of Goods and Service Tax Practitioner

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Motto

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

Vision

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

Mission

“ To develop high calibre professionals facilitating
good corporate governance ”



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