

CA Inter: Amendments Summary: May /Nov 2024 Exams : BY CA Raj kumar

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Chapter	Amendment in Existing Provisions	Newly Added Provisions	Omitted Provisions
Definitions	Supplier Definitions now includes supplier of actionable claims	<ul style="list-style-type: none"> • Online Gaming means: offering game on internet. • Online Money Gaming means: in which players pay entry fee to win money etc. which is contingent. • Specified actionable claims means: Lottery, betting, gambling, casinos, horse racing, Online Money Gaming. 	-
Chargeability	Section 9(5) Passenger Transportation Services In case of Omni Bus: <ul style="list-style-type: none"> - Where company supplies Omni bus service through ECO then company liable to pay GST - Otherwise ECO liable to Pay GST Omni Bus = 7 seater including Driver	In case of Supply of Online money gaming (Actionable claims = Goods) from outside India to India: IGST is levied as per IGST Act and collected by GST department.	-
Supply	Schedule III: No Supply : Actionable claims other than Specified actionable claims shall not be treated as supply.	Circulars: <ul style="list-style-type: none"> - Shares held by holding company of subsidiary company will not be treated as supply hence NO GST. - Supply of food in cinema hall <ul style="list-style-type: none"> ▪ Combo Supply with Ticket = Composite Supply and classification will goes to cinematography services, ▪ Independent Supply = Restaurant Service. 	
Place of Supply	-	Section 10(1) (ca) of IGST Act: Supply of goods to unregistered person (B to C): [Including Online Money gaming] <ul style="list-style-type: none"> - Location as per the address of recipient as recorded in the said invoice. - Otherwise Location of Supplier - Will be the place of supply. 	Section 12(8) of IGST Act: Transportation of Goods Destination Outside India then POS Outside India.

		<p><u>Advertisement Service</u> In case of sale of space or sale of Right to use space: It is an immovable property related Services hence place of supply will be the location of Immovable property under section 12(3) of IGST Act. In case of sub contract of Advertisement Services: Place of supply shall be determined under section 12(2) of IGST Act ie Location of Recipient [if Known] or Location of Supplier.</p> <p><u>Co- Location Services / Data Centre Services:</u> In case of packaged service [infra + I.T. + Hosting + Data Security + Upkeep of Server + Etc]: Place of supply shall be determined under section 12(2) ie Location of Recipient [if Known] or Location of Supplier.</p> <p>In case of service of JUST giving Space of Server Room with Basic Infra eg Light etc without Component: place of supply shall be determined under section 12(3) ie location of Property.</p>	
Taxable Person	-	<p>Section 24: Mandatory Registration Required:</p> <ul style="list-style-type: none"> - Every person Supplies online Money Gaming from a place outside India to a person in India. - Micro level Businessman Supplying goods through ECO- (The person having aggregate turnover in P.F.Y and C.F.Y within threshold limit can supply goods in one State through ECO without registration but need to obtain Enrolment number and with enrolment number he is not liable to pay GST till formal registration.) 	-
Exemptions	<p>Following Services fall under 243 G/W to Govt. Authority will be exempted –</p> <ul style="list-style-type: none"> - Water supply, public health, sanitation Conservancy, Solid waste Management, Slum improvement or upgradation. 		*Import of Services by RBI related to Forex now taxable under RCM.

	<p>Indian Railways</p> <ul style="list-style-type: none"> ▪ AC/ First Class Taxable @ NCM ▪ Goods Transport = Generally: Taxable but goods wise exemption available eg Floor, Pulses, Rice etc ▪ Renting of Immovable Property: Taxable @NCM ▪ Non-Business Entity, Garib Business Entity [T/O in PFY limited to threshold limit], other Government Department, Small Services (upto Rs. 5000) Taxable: With NCM <p>Satellite Launching services provided by ANYONE will be Exempted</p>		*Now Export Cargo freight liable to GST by 5%.
Valuation	-	<p>In case of online Money Gaming; AV – Entry Fess Composition Scheme Now allowed for those suppliers who supplies goods through ECO.</p>	-
RCM	<p>*Renting of Immovable Property by Ministry of Railways = NCM *Other Government services by ministry of railways to Business Entity = NCM</p>	Services supplied by a director to company in personal capacity not fall under RCM.	GST on Ocean freight on import cargo taxability provision omitted. le now it is exempted.
Invoice	E - Invoicing Limit now: 5 Crore	<p>Circulars:</p> <ul style="list-style-type: none"> - E invoicing applicable for supplies made to Government Department, Government Agencies, Local Authority, PSU which are registered as TDS Deductor only. <p>Rules:</p> <ul style="list-style-type: none"> - Invoice contain name of state of recipient in case of online money gaming supplied to Unregistered person. [also applicable for online money gaming] - 	

TOS	<p>N/N 66/2017 Payment Condition comparison applicable for registered person supplies specified actionable Claims. ie invoice or payment (whichever is earlier)</p>		
Input Tax Credit	<p>Section 16: Booking of ITC Fails to pay the bill amount to the supplier within 180 days shall pay along with Interest.</p> <p>Section 17 Common Credit Value of exempt supplies shall include goods lying in custom warehouse.</p>	<p>Section 17(5) Blocked Credit: ITC shall be blocked for goods and services received by Taxable person for corporate social responsibility.[CSR]</p> <p>Circulars</p> <ul style="list-style-type: none"> - During <u>Original Warranty</u> period replacement of parts or supply of services without consideration not liable to GST and manufacturer will be eligible to claim ITC on that parts as he has already paid GST in form of warranty charges in each and every case. - <u>Extended Warranty</u> at the time of supply becomes composite supply and will be classified with main supply ie car otherwise shall be treated as independent supply of services. 	
Registration	<p>Revocation Application: Application time for Revocation of Cancellation of Registration: now 90+180 Days.</p> <p>Bank Details: Rule 10 A Furnishing bank account details within 30 days of grant of registration or before furnishing GSTR 01 (Whichever is Earlier)</p> <p>Physical Verification: [During physical Verification presence taxpayer not required]</p> <p>Before Registration in case of :</p> <ul style="list-style-type: none"> - Not to opt for Aadhaar Authentication - Opt for, but failed - Suggested by Artificial Intelligence - Suggested by officer 	<p>Bio-matric at the time of Registration: Now Applicable in GUJRAT and Pondicherry.</p> <p>Suspension of Registration Where-</p> <ul style="list-style-type: none"> - Anomaly in ITC and output Liability as per Rule 21 or - Contravention of Rule 10A <p>Then Notice to the person Within 30 days why registration should not be cancelled.</p> <p>Withdraw of suspension:</p> <ul style="list-style-type: none"> - Registration Suspended but not cancelled due to above reason then - Suspension shall be revoked - after filling of return or Compliance of Rule 10A. 	

	<p>and maximum Time to upload report by Officer : 5 days in advance of Granting Registration.</p> <p>After Registration in case of :</p> <ul style="list-style-type: none"> - Suggested by Artificial Intelligence - Suggested by officer <p>and maximum Time to upload report by Officer: 15 days.</p>		
Manner of Payment		<p>Online money gaming</p> <ul style="list-style-type: none"> - Online money gaming supplier from outside India - may make deposit through International Money Transfer. <p>Rule 88D :ITC Comparison @ Available in 2B and claimed in 3B then –</p> <ul style="list-style-type: none"> - Intimation to registered person on email - Pay an amount of difference amount with Interest or - Explain the reason - Within 7 days. - If no reply provided or not paid or reply not acceptable then a show cause notice shall be issued and demand order will be made. 	
TDS /TCS		<p>Composition dealer of Goods</p> <ul style="list-style-type: none"> - ECO shall Collect TCS and Furnish GSTR 8. <p>Multiple ECOs Involved</p> <ul style="list-style-type: none"> - TCS Compliances shall be fulfilled by Supplier Side ECO only. - Where Supplier is also ECO then buyer side ECO shall fulfil TCS compliance. 	
Return	<ul style="list-style-type: none"> • 	<p>Online money gaming</p> <p>Return form GSTR 5A: to be filed by 20th of Next Month</p> <p>Maximum time to file Return /Statements</p> <ul style="list-style-type: none"> - GSTR 1 u/s 37 - GSTR 3B and other Returns under section 39 - Annual Return u/s 44 - GSTR 9B (TCS Statement under section 52) <p>Can be filed only upto 3 years from due date.</p>	

		New Restriction on filing GSTR 1 In case of non-compliance of <ul style="list-style-type: none">- Rule 88 D [ITC Comparison]and- Rule 10A [Furnishing bank Details] Then GSTR 1 can not be filed.	
E Way Bill		New Rule 138 F Information to be furnished in case of Intra state movement of Gold, precious stone etc. Where Consignment Value > 2 Lakh or more as specified by commissioner. <ul style="list-style-type: none">- Only Part "A" of E- way Bill is required to be furnished.- Rest of the provisions shall apply normally.	

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