

*CA Intermediate*

# ANALYSIS OF AMENDMENTS

**FOR IDT/GST NOV 2022 EXAM**

**CA RAJ KUMAR**

## About CA RAJ KUMAR

CA Raj Kumar is a dynamic & qualified Chartered Accountant. As a brilliant student and a position holder at Graduation & Post Graduation level, during his **14 years of glorious teaching experience** in the field of **Indirect Taxation** he has taught **over 1,40,000 students**.

He is a favorite amongst CA Students for the astute & insightful academic inputs provided by him and for his pleasing & endearing personality and **lucid art of teaching**.

He firmly believes in **blending studies with fun** and this is quite evident in his classes wherein he goes beyond theoretical reading of the subject, makes students **solve practical problems**, gives them practical **real life examples** and pushes them to achieve their goals with full precision.

In the subject Indirect Tax Laws, his students have continued to score **All India Highest Marks for 11 times till now**. He has also been entrusted by Government agencies to **show the ropes to IRS Officers** in training, which is a **testament to his caliber** as a subject matter expert.

He is famous for **concepts linkage** from the very beginning till the end which helps in understanding the topic, acing the exams and in post CA life as well. **His unique use of GST portal during the class** to link theory with Practical makes him stand apart from the crowd. His **classes are practical, conceptual and concise**. He is also the author of bestselling titles 'GST Compact Book'.

**Chapter – Chargeability**

**Section 9(5) of CGST Act 2017**







**Supplies through E-Commerce Operator**

**Notified Services u/s 9(5)**

**Other Services**

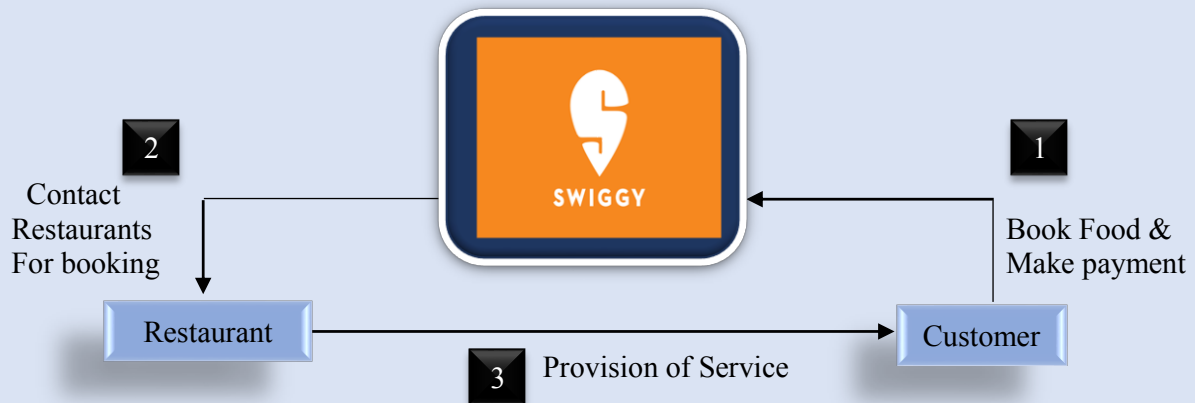
In case of other E-Commerce Operators, Real Suppliers shall be liable to pay GST (Under NCM]

**Notified Services Covered Under Section 9(5)**

<u>Hotel Accommodation</u> <b>H</b>	<u>Miscellaneous Utilities</u> <b>M</b>	<u>Transportation of Passenger</u> <b>T</b>
		
 <p>Hotel → Customer</p>	 <p>ParLOUR → Customer</p>	 <p>Driver → Customer</p>
Hotel Accommodation Service	Beauty Treatment Service Or Painter/ Drycleaners Service Etc.	Passenger Transportation Service by a <b>Radio taxi, motor cab, Maxi cab, motor cycle, omnibus or any other motor vehicle</b>
Real Supplier = Hotel Deemed Supplier = OYO Recipient = Customer	Real Supplier = Beauty Parlour Deemed Supplier = Urban Clap Recipient = Customer	Real Supplier = Driver Deemed Supplier = Uber Recipient = Customer
<b>Big Hotel:</b> (Aggregate Turnover above 10Lakhs/ 20Lakhs, i.e., Registered)	<b>Big Parlour:</b> (Aggregate Turnover above 10Lakhs/ 20Lakhs, i.e., Registered)	<b>Big Driver:</b> (Aggregate Turnover above 10Lakhs/ 20Lakhs, i.e., Registered)
Person liable to pay GST =Supplier = Hotel	Person liable to pay GST =Supplier = Parlour	Person liable to pay GST =Deemed Supplier = Uber
<b>Small Hotel:</b> (Aggregate Turnover Below 10Lakhs/ 20Lakhs, i.e., Not Registered)	<b>Small Parlour:</b> (Aggregate Turnover Below 10Lakhs/ 20Lakhs, i.e., Not Registered)	<b>Small Driver:</b> (Aggregate Turnover Below 10Lakhs/ 20Lakhs, i.e., Not Registered)
Person liable to pay GST =Deemed Supplier = OYO	Person liable to pay GST =Deemed Supplier=UrbanClap	Person liable to pay GST =Deemed Supplier =Uber

**Newly Added****Restaurant Service:**

(Like- Swiggy, Zomato etc.)

**Who is liable to pay GST?**

Ist Choice: **Deemed Supplier**= Swiggy  
 IInd Choice: **Real Supplier** = Restaurant  
 (If it is located in a hotel, whose rent is ₹7,500 or more per unit/ per day)

**Circular No. 167/23/2021- Related to Restaurant Services**

- |       |  |   |
|-------|--|---|
| (i)   | Additional Registration required by ECO?               | = NO  |
| (ii)  | Liability to GST, if Restaurant is unregistered?       | = Even then ECO is liable to pay GST  |
| (iii) | Such Supply shall be counted in Aggregate Turnover of? | = Restaurant  |
| (iv)  | Such service is Inward supply for ECO?                 | = NO  |
| (v)   | ITC can be utilised by ECO for such payment            | = NO  |
| (vi)  | How ECO will show this in GSTR-3B                      | = Clarification needed,<br>Till then it can be shown under<br>head Outward Supply |

## Chapter – Supply

### Part A: What is Supply?

- Section 7(1) = Supply With Consideration
- Schedule I = Supply Without Consideration

### Part B: If it is a Supply, then Supply of What?

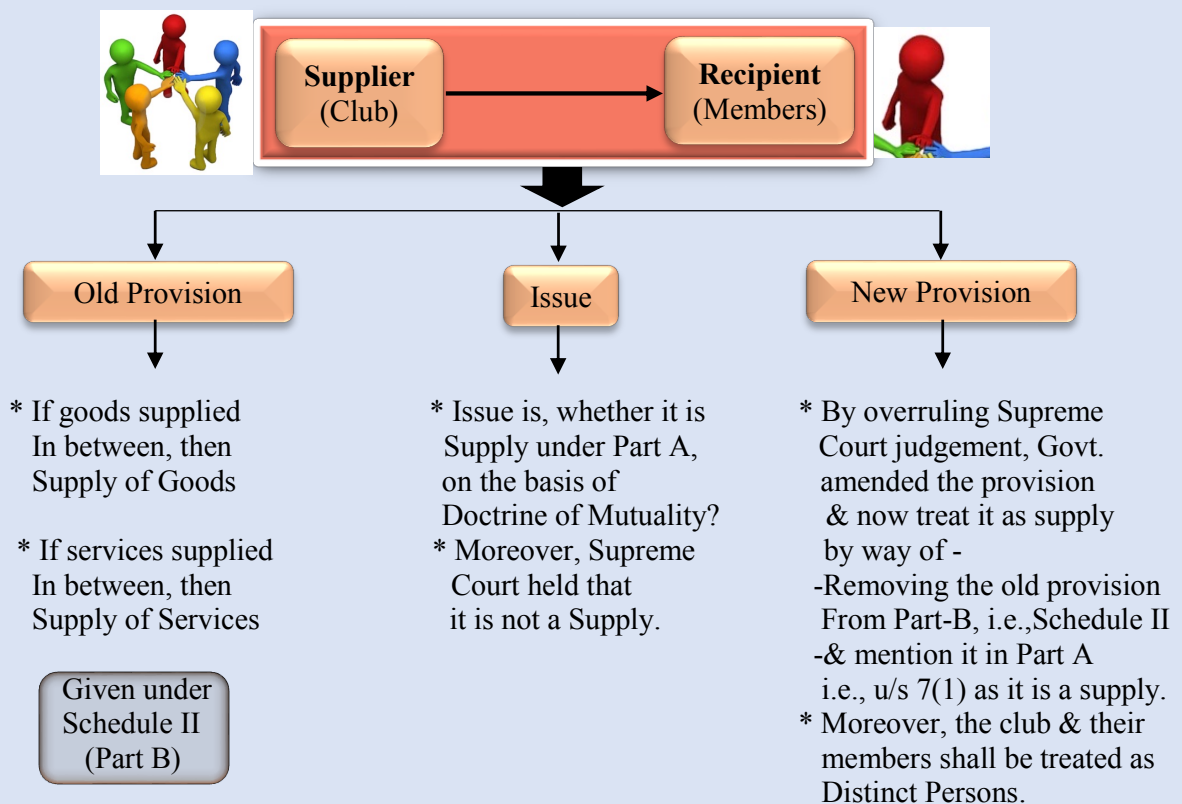
- Schedule II= Supply of Goods / Services

### Part C: What is not a Supply?

- Schedule III= Transactions neither Supply of Goods nor Services

### Part D: Composite Or Mixed Supply?

- Section 8= Composite and Mixed Supply



## Chapter – Exemption

### Education

#### TRAINING:

Service provided “Under any training Programme” to CG/SG/UT i.e. where 75% or more Expenditure total expenditure is born by Govt will be exempted.



### Transportation of Goods

#### National Permit:

Services by way of granting National Permit to a Goods Carriage to operate through- out India/ Contiguous States.

### Government

#### INDIAN RAILWAY:

- Services by Indian Railway Finance Corporation.
- By way of Leasing of Assets (e.g. Wagon, Coaches, Locomotives etc.)
- to Indian Railways.
- will be exempted.



## Transportation Of Passenger



JAL	INLAND WATER- WAYS: eg. BOAT : exempted		Any	--	Exempted
	OTHER WATER- WAYS: (exempted if for public transport)		Public Transport	-	Exempted
			Tourist	-	Taxable
Thal	Road	Contract carriage	AC	Any case	Taxable
			NON AC	Public Transport	Exempted
				Taxable if covered u/s 9(5)	
				Special Bus	Taxable
				Tourist	Taxable
			Any	Radio Taxi	Taxable
				School Bus	Exempted by other SN
				Metered cab, Auto Rickshaw E- Rickshaw	Exempted
				Taxable if covered u/s 9(5)	
				Mortuary vehicle	Not a supply
	Stage carriage	AC	Any case	Taxable	
		NON AC	-	Exempted	
			-	Taxable if covered u/s 9(5)	
Rail	Indian Railway	AC / First class	-	Taxable	
		NON AC	-	Exempted	
	Others eg Metro , Mono, Tram	Any	-	Exempted	

**Note:** Service by way of transportation of goods by an aircraft/vessel from custom station of India to a place outside India. [The exemption extended till 30.09.22]

### Government Services

Services fall under Article no. 243 G/W: Land Reform, Land Consolidation, Urban Town Planning, Public Health, Cattle Pond, Street light, Parking lots, Bus stop, Road and bridges, water supply, Fire services etc				
*Pure Services (100%) Article: 243 G/ W GIVEN TO...	Exempted	CG/SG/LA/UT	Services under Article: 243 G/W Given by..	Not a supply
*Composite service (At least 75% Service) GIVEN TO...				
*Pure Services (100%) Article: 243 G/ W GIVEN TO...	TAXABLE	Governmental Authority/ Government Entity	Services under Article: 243 G/W Given by..	Exempted
*Composite service (At least 75% Service) GIVEN TO...				

## Chapter – Computation of GST “Composition Scheme”

Manufacturer of following goods shall not be eligible  
for Goods focused Composition scheme u/s 10: -

- Pan Masala
- Tobacco
- Ice cream
- Aerated Water
- **Newly Added:**  
**Bricks & Earthen or Roofing Tiles (Not Wall Tiles)**

**NOTE:** Moreover if any supplier engaged in making supply  
of above goods then he will not be eligible for Registration  
limit of Rs.40 lakhs.





# Chapter – Invoice

## E- Invoice

E- Invoice is **mandatory** to be issued, if turnover exceeds **₹20 Crores**

## Dynamic QR Code

Circular: 156/12/2021

Supplier (India)

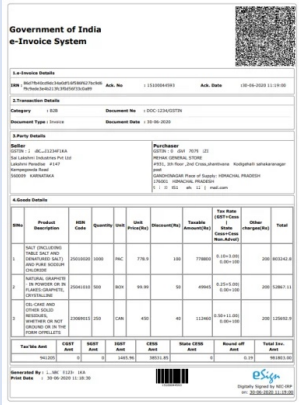
Supply of Service

Recipient (Outside India)

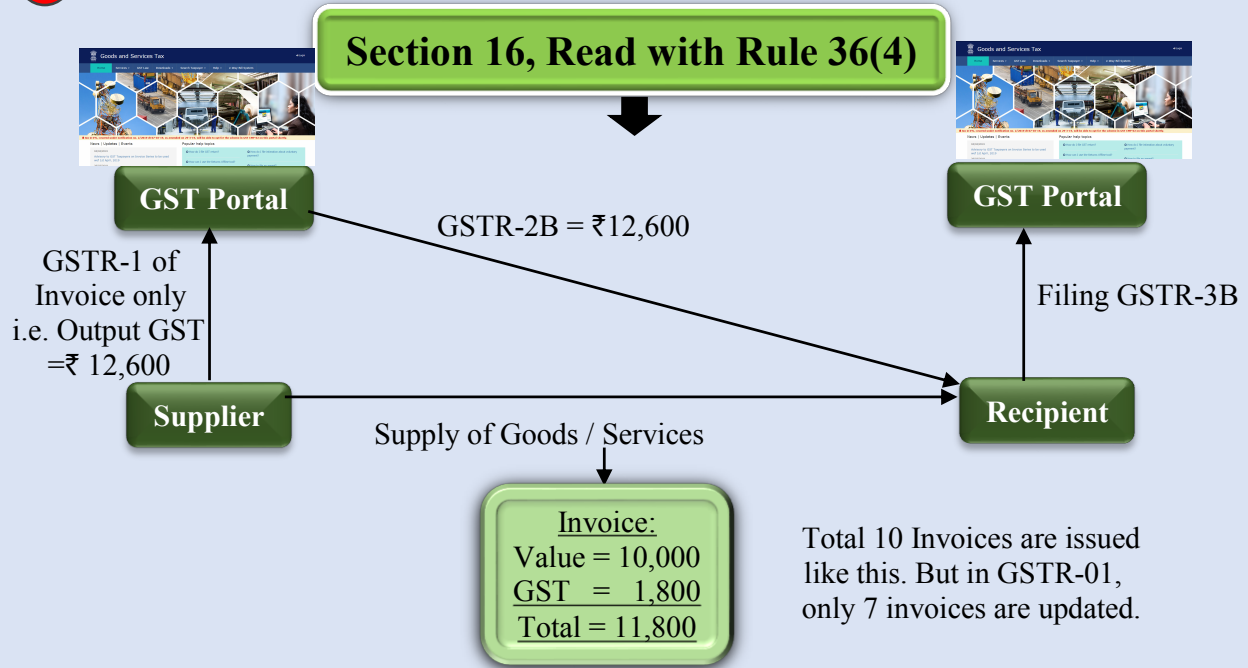
Consideration in-  
\*Foreign Currency (**OR**)  
\*Indian Rupees (Where permitted by RBI)

Question: Is it Export of Service?  
Ans: **NO**

Question: Whether Dynamic QR Code is required?  
(As, in case of other than Export supplies, which is B to C, Dynamic QR Code is mandatory)  
Ans: **No**  
(As Dynamic QR Code can not be used by the recipient located outside India for making payment to supplier in India.)



# Chapter – Input Tax Credit

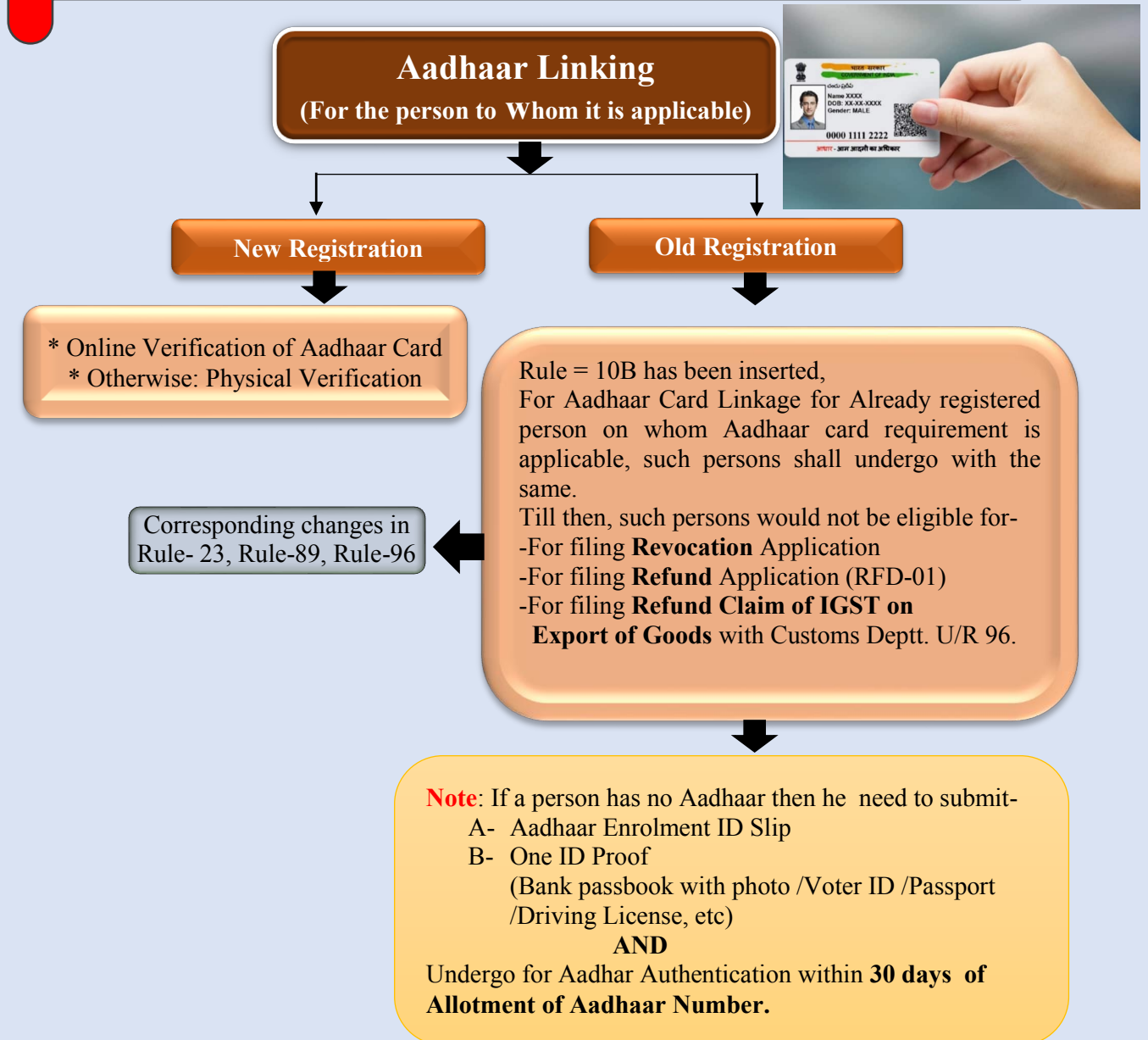


**Question: How much credit can be availed by Recipient?**

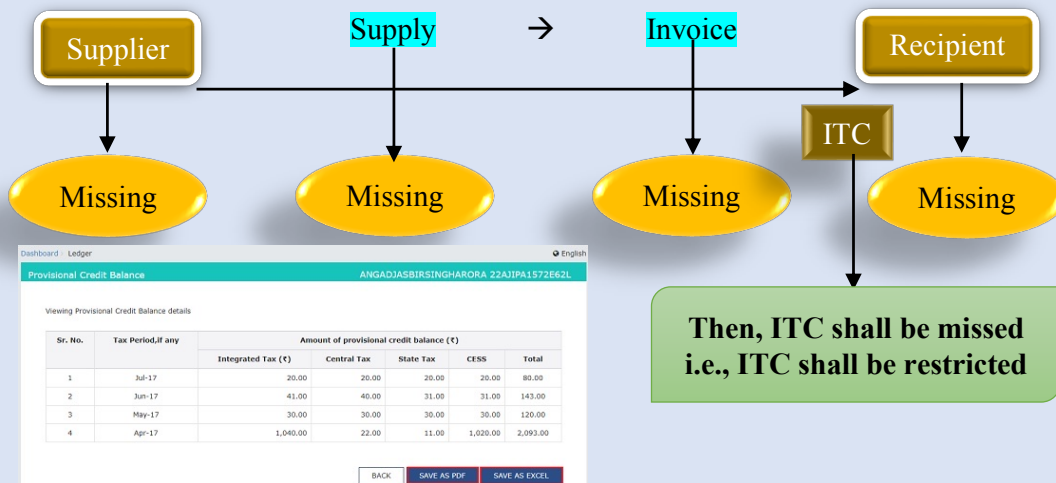
**Answer:**

<u>As per Old Provision</u>	<u>As Per Latest Provision</u>
<ul style="list-style-type: none"> <li>• Clear Credit as shown in GSTR-2B = ₹12,600</li> <li style="text-align: center; font-size: 2em; margin: 10px 0;">+</li> <li>• <b>Disputed Credit</b> (Missing Invoices) = ₹5,400 (OR)</li> <li>• <b>5% of Credit shown in GSTR-2B</b> = ₹12,600 x 5% = ₹630</li> </ul> <p style="text-align: right; margin-right: 20px;">} Whichever is Lower = ₹630</p>	<ul style="list-style-type: none"> <li>• Clear Credit as shown in GSTR-2B = ₹12,600</li> <li style="text-align: center; font-size: 2em; margin: 10px 0;">+</li> <li>• <b>NO CREDITS SHALL BE ALLOWED FOR THE MISSING INVOICES</b> = NIL</li> </ul>
<b>TOTAL = ₹13,230</b>	<b>TOTAL = ₹12,600</b>

## Chapter – Registration



## Chapter – Manner of Payment



### Guidelines for Imposing restrictions

#### ⇒ Person, who can impose restrictions: -

- (1) Commissioner (OR)
- (2) Officer authorised by him

Where **Ineligible ITC** is-

- Upto ₹1 Crore = Assistant Comm. / Deputy Comm.
- Above ₹1 Crore to ₹5 Crore = Additional Comm. / Joint Comm.
- Above ₹5 Crore = Commissioner

#### ⇒ Maximum restricted amount of ITC: -

The **Ineligible ITC** amount, which is supported by proper evidences.

#### ⇒ Partial or Full relaxation: -

Relaxation will depend upon submission of **evidences or reply** by taxpayer.

#### ⇒ Maximum time of restriction: -

Restriction shall be applicable upto maximum **1 year**.

## Chapter – Return

Extended Due date for Annual Return,  
and Reconciliation Statement = 28/02/2022

Maximum Late Fees payable under section 47 for delayed filing of GSTR: 01/3B/04/07 from June 2021/Quarter Ending June 2021 and onwards.... N/N 19 to 22/2021

Form	Description	Late Fess under CGST
<b>Form GSTR 01 and 3B</b>	Nil Return	Rs.250
	Aggregate Turnover in PFY limited to Rs. 1.5 Cr	Rs.1000
	Aggregate Turnover in PFY more than Rs. 1.5 Cr but upto Rs. 5 cr	Rs.2,500
	Others	Rs. 5,000
<b>Form GSTR 4</b>	Nil	Rs.250
	Others	Rs.1000
<b>Form GSTR 7</b>	<b>Delayed Furnishing</b>	<b>Rs. 25 per day for delayed period [Maximum: Rs. 1,000]</b>