

GST Amendments for Sept 25 / Dec 25

Supply under GST

Amendment #1 - Negative List

2 entries have been added in negative list [Section 7(2) read with schedule III]

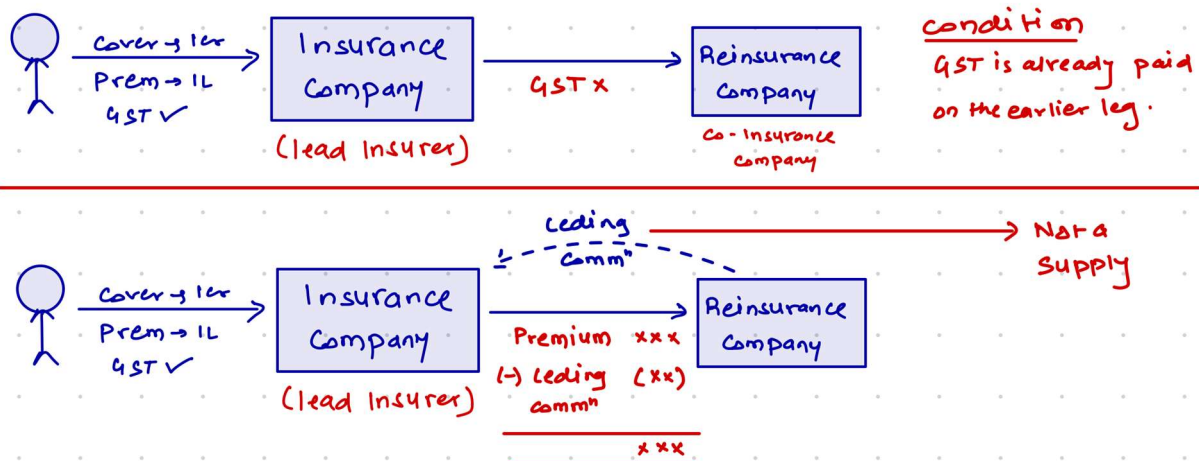
Para 9 - Services of Co-Insurance or reinsurance not to be treated as supply

Short explanation - Insurance company does not bear full risk of the insured party and thus, it apportions the risk between multiple insurers and those are called as co-insurers. Since GST is already getting applied in the first leg between Insured Party and Insurance Co - there will not be any GST on the second leg of Insurance Co and Co-insurers. It is not considered as Supply.

Para 10 - Services by the insurer to Re-Insurer against ceding commission

Insurance Company sells the risk to the other re-insurer against consideration i.e. Ceding Commission for giving a client / business to the re-insurance company along with other services of documentation, paper work and other administrative things of the client. This is NOT a SUPPLY and thus, no GST.

Insurance & co-insurance



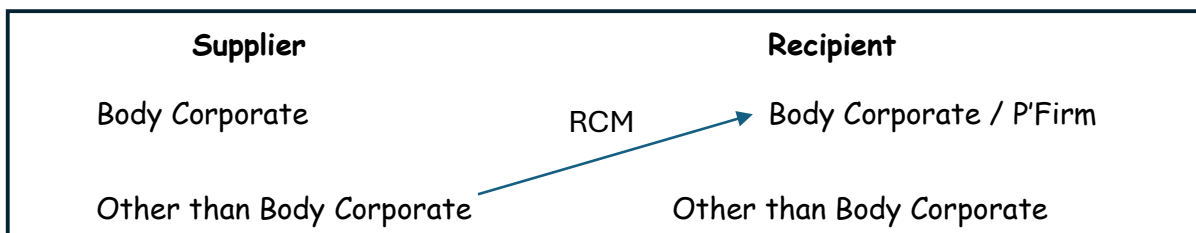
Charge under GST

Amendment #2 - New Entry in RCM

5AB Service by way of renting of immovable property other than residential dwelling.	Any unregistered	Any registered person other than a person who has opted to pay tax under composition levy
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Amendment #3 - Sponsorship fees

4. Sponsorship 	Any Person other than Body Corporate.	Body Corporate or P'ship Firm in TT.
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Amendment #4 - Clarification whether DDA (Delhi Development Authority) can be treated as local authority under GST law?

- Services supplied by local authority to a business entity are taxable under RCM
- **DDA IS NOT CONSIDERED AS LOCAL AUTHORITY**

For knowledge purpose - It has been clarified that DDA cannot be treated as local authority under GST law as DDA does not meet the requirement of local authority as per section 2(69) of the CGST Act, 2017

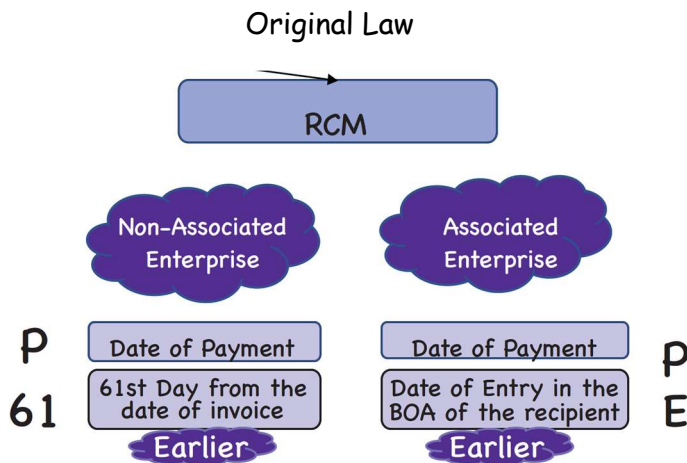
Amendment #5 - Section 9(1)

Section 9(1) - CGST shall be levied on intra state supplies of G/S or both except alcoholic liquor for human consumption and un denatured extra neutral alcohol or rectified spirit used for manufacturing of alcoholic liquor for human consumption

Time of Supply

Amendment #6 - Time of supply in case of services

In case where Supplier is unregistered and supply is taxable under RCM, Service Recipient raises the invoice.



TOS where the recipient raises the invoice

TOS would be earlier of the following:

1. Date of Payment
2. 61st Day from the date of issue of invoice (if invoice is issued by the supplier)
3. Date of issue of invoice (if invoice is issued by the recipient)

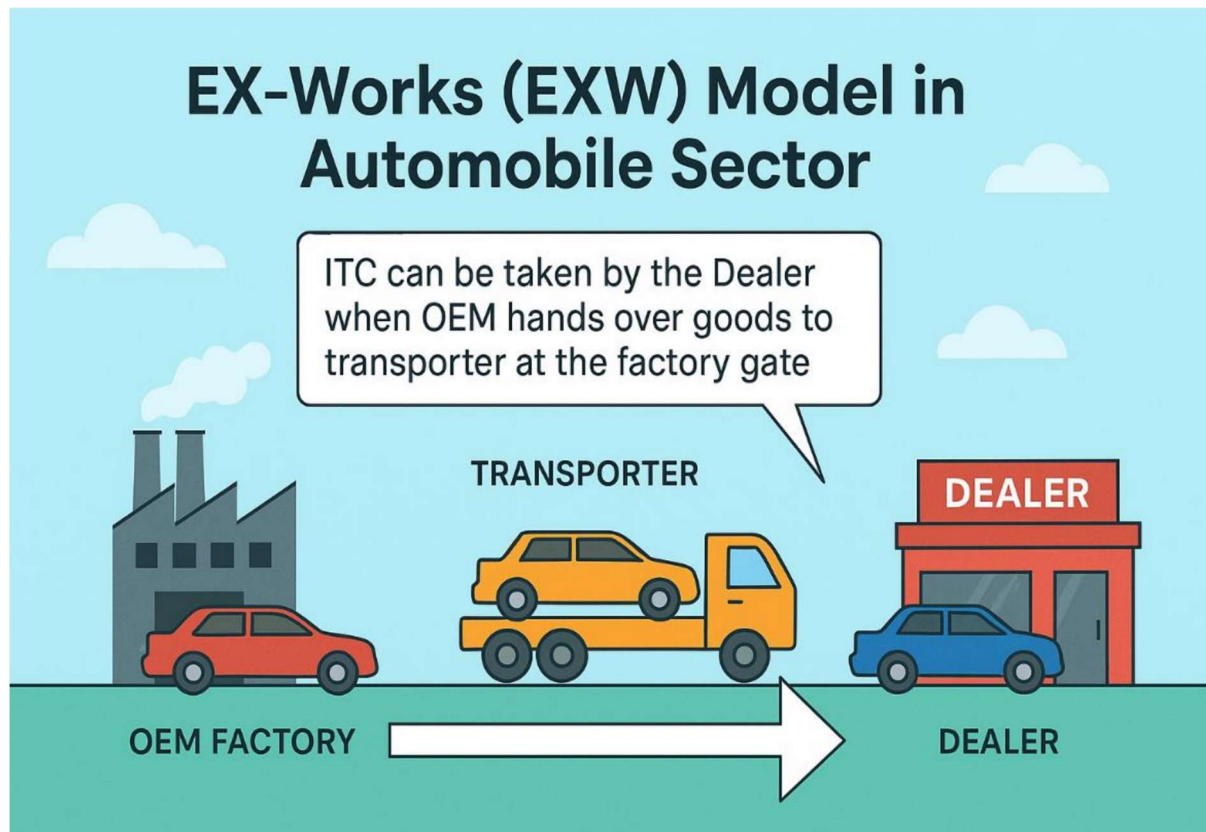
Rule 47A - Time limit to issue invoice - within 30 days from receipt of goods / services / both.

Input Tax Credit

Amendment #7 - ITC in auto-mobile sector

Whether ITC can be availed by the dealer only after the vehicles are physically received by automobile dealers at his business premises or ITC can be availed on the date the vehicles are billed to him and handed over to the transporter by the OEM at his factory gate

Answer - when the goods are handed over to the transporter



Tax Invoice / Dr Note / Cr Note

Amendment # 8

Supplier - URP

Recipient - RP

Service is taxed u/s 9(3) / 9(4)

Who will raise the invoice? Recipient (as per Rule 47A)

Time limit to issue tax invoice? - **30 days** from the receipt of goods / services.



E Way Bill

Amendment #9

Following unregistered persons shall first obtain a **Unique Enrolment Number (UEN)** before generating an e-way bill:

1. URP making inter-State transport of handicraft goods exempted from obtaining compulsory registration and required to generate e-way bill irrespective of the value of the consignment
2. An unregistered person opting to generate e-way bill

Place of Supply

Amendment #10

Place of supply of online services supplied by the suppliers of services to unregistered recipients

Recipient is REGISTERED	Recipient is UNREGISTERED
Tax Invoice to contain	<u>Value of Supply is equal to or more than Rs 50,000</u>
1. Name of recipient	- Name and address of recipient
2. Address of recipient	- Address of delivery
3. GSTIN of the recipient	- Name of state and state code
	<u>Value of Supply is less than Rs 50,000</u>
	Not mandatory to insert these details (Only if requested by the recipient)
Mandatory requirement of recording name of the state of the unregistered recipient irrespective of the value of supply <ol style="list-style-type: none">1. OIDAR2. Online money gaming3. Supply of any online / digital services POS = Location of the recipient	



Returns under GST

Amendment #11

GSTR-7 - TDS return

Due date of filing the return by the TDS deductors - 10th day of the subsequent month

What if there is no deduction in any month - still file GSTR every month - NIL return on or before the same due date mentioned above

Exemptions from GST

Amendment #12

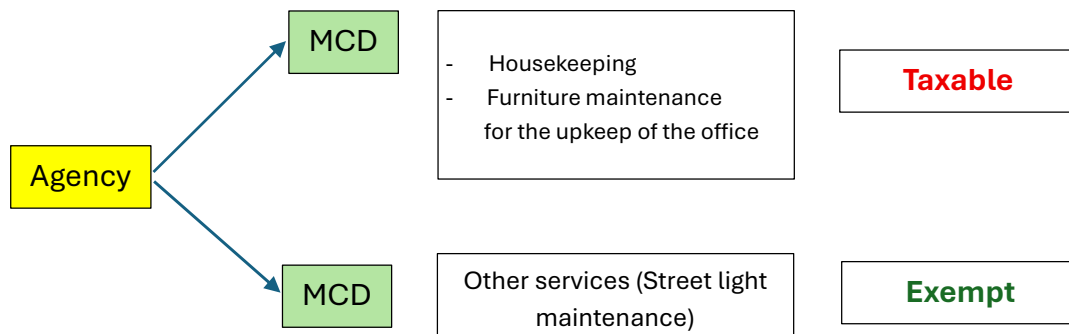
Services provided by NSDC and NCVET are exempt from GST

Services provided by the training partner approved by NSDC shall also be exempt from GST

Amendment #13

Services of insurance provided by the Motor Vehicle Accident Fund, constituted under the Motor Vehicles Act, 1988, against contributions made by insurers out of the premiums collected for 3rd party insurance of motor vehicles

Amendment #14 - Services provided to Municipal Corporation of Delhi (MCD)



Amendment #15

Section 11A - Power not to recover GST not levied or short-levied as a result of general practice

Sometimes due to common trade practice, tax taxpayers do not collect the taxes or collects and pay lesser taxes (without any fraudulent intentions)

Section 11A gives power to the government to not recover short levy of taxes which was not paid due to general trade practice.

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