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GST

AMENDMENTS

For Jan 26 Exam

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CONCEPT OF SUPPLY

Sec 9(1) of CGST Act & Sec 5(1) of IGST Act

Inserted by F.A. 2024

Subject to the provisions of sec 9(2), there shall be levied a CGST (SGST/IGST) on all intra-State /inter State supplies of goods or services or both, except

- on the supply of alcoholic liquor for human consumption **and**
- **un-denatured extra neutral alcohol or rectified spirit used for manufacture of alcoholic liquor, for human consumption**

Q.1: ABC Liquors Ltd. is a well-known liquor manufacturer in India. It uses Extra Neutral Alcohol (ENA) & rectified spirit as raw materials to manufacture alcoholic liquor for human consumption, primarily whisky and vodka. It also supplies ENA to some industrial manufacturers for use in making perfumes & other industrial chemicals. Discuss the taxability on purchase of ENA & rectified spirit as well as on supply of ENA for other industrial uses by ABC Liquors Ltd.

Answer :-

1. ENA & Rectified Spirit for Alcoholic Liquor:

- As per **section 9(1)**, **alcoholic liquor for human consumption** and **ENA/rectified spirit** used to manufacture it are outside GST.
- Thus, **purchase** of ENA and rectified spirit by **ABC Liquors Ltd.** for making whisky/vodka is **not taxable** under GST.

2. ENA for Industrial Use:

- **Industrial use of ENA** (not for human consumption) falls **within GST** under **sec 9(1)**.
- So, **GST is payable** when ABC Liquors Ltd. supplies ENA for **industrial purposes**.

SCHEDULE III

Para 9: Apportionment of co-insurance premium

Inserted by F.A. 2024

Activity of apportionment of co-insurance premium by the lead insurer to the co-insurer for the insurance services jointly supplied by the lead insurer and the co-insurer to the insured in coinsurance agreements, subject to the condition that the lead insurer pays the CGST, SGST, UGST & IGST on the entire amount of premium paid by the insured.

Para 10: Services by insurer to the reinsurer

Inserted by F.A. 2024

Services by insurer to the reinsurer for which ceding commission or the reinsurance commission is deducted from reinsurance premium paid by the insurer to the reinsurer, subject to the condition that the CGST, SGST, UGST & IGST is paid by the reinsurer on the gross reinsurance premium payable by the insurer to the reinsurer, inclusive of the said ceding commission or the reinsurance commission.

Q.2: Go-Solar Pvt. Ltd. (Go-Solar) has 2 comprehensive insurance policies with Safal Ltd. for its operations. To manage its risk exposure, Safal Ltd. decides to reinsure part of risk of policy 1 with Weefal Re Ltd., a reinsurance co. For policy 2, Safal Ltd. opts for a co-insurance agreement with Success Ltd.
Details of Reinsurance Agreement between Safal Ltd. & Weefal Re Ltd.:

- i. Gross Reinsurance Premium to be paid by Safal Ltd. to Weefal Re Ltd.: ₹78,00,000.
- ii. Ceding Commission allowed by Weefal Re Ltd: ₹8,00,000.
- iii. Net Reinsurance Premium Paid to Weefal Re Ltd: ₹70,00,000 (after deducting ceding commission).

Details of Co-insurance Agreement between Safal Ltd. & Success Ltd.:

- i. Lead Insurer: Safal Ltd. (70% share) who is liable to pay GST on entire premium.
- ii. Co-Insurer: Success Ltd. (30% share).
- iii. Total Premium: ₹80,00,000 paid by Go-Solar to Safal Ltd. who issued invoice for full premium & GST.
- iv. Safal Ltd. retains ₹56,00,000 & Success Ltd. receives ₹24,00,000 from Safal Ltd. as per agreement.

Discuss the tax implications (gross basis) & person liable to pay the tax in all the above cases.

Answer:

1.	Legal Provision: Services provided by an insurer to a reinsurer, where a ceding or reinsurance commission is deducted from the reinsurance premium, are not considered a supply of goods or services, provided the reinsurer pays GST on the gross reinsurance premium, inclusive of the commission. Tax Portal [Para 10 of Schedule III,] Conclusion: In this case, Weefal Re Ltd. (the reinsurer) is liable to pay GST on the gross reinsurance premium of ₹78,00,000. The ceding commission of ₹8,00,000 received by Safal Ltd. (the insurer) is not subject to additional GST, as this service is not treated as a supply under Para 10 of Schedule III.
2.	Legal Provision: The apportionment of co-insurance premium by the lead insurer to the co-insurer is not considered a supply of goods or services, provided the lead insurer pays GST on the entire premium received from the insured. [Para 9 of Schedule III] Conclusion:- Safal Ltd., as the lead insurer, is responsible for paying GST on the full premium of ₹80,00,000 received from GoSolar. The subsequent apportionment of ₹24,00,000 to Success Ltd. (co-insurer) is not treated as a supply under Para 9 of Schedule III, and thus, Success Ltd. has no additional GST liability on this amount.

Taxability of Penal Charges by Banks etc.[Cir. No. 245/02/2025]

Issue:- Applicability of GST on penal charges levied by the banks/NBFC or other Regulated Entities (REs) directing such Regulated Entities (REs) to levy penal charges in place of penal interest.

Clarification:-

- ➔ The RBI has **instructed** REs that instead of penal interest, they should charge penal charges for non-compliance with loan terms. (Not applicable to credit cards, external commercial borrowings, etc.)
- ➔ It was clarified that payments such as liquidated damages for breach of contract are not a consideration for tolerating an act or situation.
- ➔ Thus, it is now clarified that **no GST is required to be paid** on the penal charges imposed by banks and NBFCs for non-compliance with important loan terms by the borrower.



REVERSE CHARGE & ECO

Amendment in CGST Act, 2017

4. Sponsorship Services

Substituted by
N/n 07/2025

Reverse Charge

In relation to Sponsorship Service	By Any person other than a body corporate	To Any body corporate or partnership firm located in TT (Liable to pay tax)
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Determination of Taxability for Sponsorship Services

S.No.	Supplier of Services	Recipient of Services	Forward / Reverse Charge	Who will pay tax to govt.
1	XYZ. Ltd. in India	PQR Ltd. in India	Forward Charge	Supplier
2	Mr. X [Individual]	ZQ [partnership firm in India]	Reverse Charge	Recipient
3	XYZ Ltd.	Mr. X [Individual]	Forward Charge	Supplier
4	XYZ Ltd	ABC Ltd. [USA]	Forward Charge	Supplier

5AB. Renting of any immovable property other than residential dwelling

Reverse Charge

Service by way of Renting of any immovable property other than residential dwelling	By Any unregistered person Substituted by N/n 07/2025	To Any registered person other than a person who has opted to pay tax under composition levy (Liable to pay tax)
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Q.3: Mr. Arun Kumar, an individual based in Delhi, owns a commercial office space in Connaught Place. He is not registered under GST, as his total turnover falls below the prescribed threshold. Mr. Arun rents out this commercial property to M/s TechNova Pvt. Ltd., a GST-registered private limited IT company that uses the premises for business purposes. Determine who is liable to pay tax. Would your answer, differ if M/s TechNova Pvt. Ltd. opt for Composition Scheme.

Answer:

Legal Provision: If an unregistered person provides a service by way of renting of immovable property other than a residential dwelling to a registered person other than one paying tax under the composition scheme, the GST liability falls under the **Reverse Charge Mechanism**. [Sec 9(3)]

Conclusion:

- ➔ In the first case, M/s TechNova Pvt. Ltd. is liable to pay tax under RCM
- ➔ In the Second case, No tax is payable as M/s TechNova Pvt. Ltd. opts for Composition scheme.



Composition Scheme

Sec 10(5) : Recovery and Penalty

If the proper officer has reasons to believe that a taxable person has **paid tax u/s 10(1)/(2A) despite not being eligible**, then such person shall be liable to:-

- **pay tax** payable by him under any other provisions (of sec 73/74/**74A** shall mutatis & mutandis apply for tax and penalty) of CGST Act & **penalty**.



Time of Supply

Sec 13(3) TOS of services under Reverse Charge

The TOS of services on which GST is payable on reverse charge basis u/s 9(3) & 9(4), shall be determined **earliest** of the following date:

a) **Payment Recording Date:**

- Either when the **payment is recorded** in the recipient's books of account or
- when it's debited in the bank account, **whichever is earlier or**

b) 61th day from the supplier's invoice issue date or its equivalent documents **by the supplier, in cases where invoice is required to be issued by the supplier or.**

← Newly inserted by F.A. 2024

c) the date of issue of invoice by the recipient, in cases where invoice is to be issued by the recipient.

Proviso 1

Provided that where it is not possible to determine the TOS under clause (a) or clause (b) **or clause (c)**, the TOS shall be the date of entry in the books of account of the recipient of supply

← Newly inserted by F.A. 2024

Q.4: XYZ Pvt. Ltd. received legal services from ABC Consultants who is not registered under GST on March 1, 20XX. The legal services are subject to GST under the RCM. XYZ Pvt. Ltd. issued an invoice for the services on March 10, 20XX & supplier has not issued the invoice as it is unregistered. XYZ Pvt. Ltd. made the payment for the legal services on May 02, 20XX. Determine Time of Supply. What would be your answer if ABC Consultants is registered under GST & invoice is issued by it only & not by XYZ Pvt. Ltd. on March 5, 20XX.

Answer: Legal Provision: If supply of services is liable under reverse charge, then time of supply of services shall be **the earliest** of the following dates: **[Sec 13(3)]**

- Date of payment by recipient (i.e., earlier of book entry or debit to bank)
- 61st day from supplier's invoice, in cases where invoice is required to be issued by the supplier or
- Date of issue of invoice by the Recipient, in cases where invoice is to be issued by the recipient.

Discussion & Conclusion:

➔ In given case, ABC Consultants is **not registered** under GST, so it is not required to issue invoice, so condition of 61st day from issuance of invoice by supplier is **not relevant here**.

➔ Thus, Time of Supply will be **earlier** of following:

- Date of payment is May 02, 20XX.
- Date of issue of invoice by XYZ Pvt. Ltd. (recipient) is March 10, 20XX.

➔ Therefore, TOS will be **March 10, 20XX**.

➔ In the second case, invoice is issued by ABC Consultants, So TOS will be **earlier** of:

- Date of payment is May 02, 20XX
- 61st date from the invoice issuance date by the supplier i.e May 5, 20XX

➔ Thus, TOS will be **May 02, 20XX**.



Place of Supply

POS of Online Services supplied to unregistered recipients. [Cir. No. 242/36/2024]

Issue	Suppliers who provide online services either directly or through e-commerce platforms to unregistered recipient under GST, are not following the correct rules for mentioning the place of supply on their invoices.
Legal Provision	Refer Sec 12(2)(b) of IGST Act
Clarification	➤ The name of the State of the unregistered recipient must be recorded on the Tax invoice, irrespective of the Value of supply. ➤ Suppliers must implement mechanisms to collect and record the Recipient's State name before making supplies. The recorded state name serves as the deemed address of the recipient for GST Compliance. ➤ Thus, POS for such services shall be considered as location of the recipient u/s 12(2)(b)(i).



EXEMPTIONS FROM GST

Sec 11A (Sec 6A of IGST Act)

Newly Inserted
by 2nd F.A. 2024

Power not to recover GST not levied or short-levied due to general practice:-

Government's Authority

Prevalent Practice: A practice must be generally prevalent regarding the levy or non-levy of GST on certain goods and services.

Incorrect Levy: The practice resulted in either:

- No GST being levied where it should have been, or
- A lower amount of GST being levied than what should have been charged.

Conditions for Intervention

The Government may, on the recommendation of the Council, by notification in the Official Gazette, direct that GST payable on such supplies

- ➡ will not be required to be paid if it was not levied according to the practice.
- ➡ will relieve the excess amount of GST that was not required to be paid because of short levy.

Tax Relief

The Government has the power to address issues related to the levy of CGST based on prevalent practices.

CaseStudy :-

Case of hostel accommodation services provided by educational institutions and charitable trusts:

From the introduction of GST in July 2017 until Dec 2022, many schools, colleges, and NGOs provided hostel facilities to students and did not charge GST. They believed these services were exempt, as N/n. 12/2017 exempted services related to education, including boarding. This belief was commonly held across India, and most educational bodies followed this practice in good faith. However, during tax audits, authorities pointed out that if the hostel was operated by a separate entity or trust, it did not fall under the exemption and GST should have been charged at 18%. Notices were issued for tax, interest, and penalty for the past years.

Thus, the Government used its powers under Section 11A. On the GST Council's recommendation, it issued a notification stating that no GST would be recovered on such hostel accommodation services for the period from July 1, 2017, to December 31, 2022, if the non-levy was due to the common practice. This gave relief to many institutions that were otherwise facing huge tax demands.

This case shows how Section 11A helps protect honest taxpayers from penalties when they follow a widely accepted but later-corrected interpretation of the law. It maintains fairness in tax administration and avoids punishing businesses for genuine misunderstandings.

Services to Government

Sl.NO. 25A

Ancillary Services in Electricity Transmission & Distribution

Exemption :- Supply of services by way of

- ➔ providing metering equipment on rent, testing for meters / transformers / capacitor etc., releasing electricity connection,
 - ➔ shifting of meters/service lines, issuing duplicate bills etc.,
- Substituted by N/n 06/2025
- which are incidental or ancillary to the supply of transmission **and or** distribution of electricity provided by electricity transmission **and or** distribution utilities to their consumers.

Miscellaneous Sector

Sl.NO. 36B

Re-Insurance Services

Newly Inserted by N/n 06/2025

Exemption: Services of insurance provided by the Motor Vehicle Accident Fund, constituted under section 164B of the Motor Vehicles Act, 1988, against contributions made by insurers out of the premiums collected for third party insurance of motor vehicles.

Training Sector

Sl.NO. 69

Service by NSDC etc.

Exemption:- Any services provided by –

- a. the National Skill Development Corporation set up by the Government of India;
 - b. the National Council for Vocational Education and Training;
 - c. an Awarding Body recognized by the National Council for Vocational Education & Training;
 - d. an Assessment Agency recognized by the National Council for Vocational Education and Training;
 - e. a Training Body accredited with an Awarding Body that is recognized by the National Council for Vocational Education and Training,
 - f. a training partner approved by the National Skill Development Corporation**
- in relation to–
- i) the National Skill Development Programme or any other scheme implemented by the National Skill Development Corporation; or
 - ii) a vocational skill development course under the National Skill Certification and Monetary Reward Scheme; or
 - iii) any National Skill Qualification Framework aligned qualification or skill in respect of which the National Council for Vocational Education and Training has approved a qualification package.

Newly inserted
by N/n 06/2025

Sl.NO. 3A

Service to Govt. by way of any Activity in relation to article 243G or 243W

Exemption

Composite supply of goods and services in which the value of supply of goods constitutes **not more than 25 %** of the value of the said composite supply

- ➔ provided to the CG, SG, UT or LA
 - ➔ a Government or Union territory or local authority or
- by way of any activity in relation to any function entrusted to a Municipality under article 243W of the Constitution or Panchayats under article 243G of the Constitution.



Issue: GST on Facility Management Services to MCD.

Clarification:

- ➔ Municipal Corporation of Delhi (MCD) is receiving the services of facility management such as housekeeping, civil maintenance, furniture maintenance and horticulture agency for the upkeep of their office.
- ➔ These services are not supplied in relation to performing any functions entrusted to a Municipality under Article 243W of The Constitution of India. Such services are **not covered** under the scope of entry at Sl. No 3A.
- ➔ Thus, these services are **taxable** under GST.



Input Tax Credit

Sec 17(5) :- Blocked Credit

- i) any tax paid in accordance with the provisions of ~~sections 74, 129 and 130.~~ **Section 74 in respect of any period upto FY 2023-24.** **Substituted by F.A. 2024**

IMP CBIC Clarification

Clarification on availability of ITC as per Sec 16(2)(b) for goods which have been delivered by the supplier at his place of business under Ex-Works Contract. [Circular No. 241/35/2024]

Issue	Dealers in the automobile sector avail ITC when vehicles are handed over to the transporter at the Original Equipment Manufacturer's (OEMs) factory gate under Ex-Works (EXW) contracts. However, some field officers argue that ITC should be claimed only after physical receipt, leading to SCN for alleged wrongful ITC availment.
Explanation	➔ Under EXW contracts, when OEM hands over goods to a transporter at the factory gate (on behalf of dealer), it is deemed that the dealer has "received" the goods under explanation to Sec 16(2)(b). ➔ Transport & insurance may be arranged by the supplier(OEMs) on behalf of the dealer. The dealer is liable for claims in case of loss during transit.
Clarification	➔ It is now clarified that for ITC purposes, goods are deemed to be received when they are handed over to the transporter at the supplier's factory gate as per terms of contract. ➔ Also, ITC is available only for goods used or intended to be used in the course or furtherance of business & if goods are diverted for non-business purposes or subsequently lost, stolen, destroyed or disposed as gifts/free samples, ITC on such goods is disallowed. ➔ Dealers must ensure compliance with other conditions u/s 16 & 17 of the CGST Act.



PAYMENT OF TAX & TDS-TCS

Order of discharging liabilities Sec 49 (8)

Every taxable person shall discharge his tax and other dues under this Act or the rules made thereunder in the following order, namely:-

- Self-assessed tax, and other dues** related to returns of **previous tax periods**;
- Self-assessed tax, and other dues** related to the return of the **current tax period**;
- Any other amount payable** under this Act or the rules made thereunder including the demand determined under section 73 or section 74 or **section 74A**. **Inserted by F.A. 24**

Sec 50 (1) – Interest on Delayed Payment of Tax

3. Manner of Calculating Interest (Rule 88B)

Interest shall be levied on the portion of tax paid by debiting the **Electronic Cash Ledger** if the tax return is furnished after the due date but before the initiation of proceedings under Section 73, Section 74, or **Section 74A**. **Inserted by N/No. 20/2024**

Note:- Section 74A shall be discussed in detail at the Final level.

TDS-TCS

Sec 51(7):- Tax deduction at source

The determination of the amount in default under this section shall be made in the manner specified in section 73 or section 74 or **section 74A**. **Inserted by F.A. 24**

Form and manner of submission of return by a person required to deduct tax at source [Rule 66 (1)]:-

Inserted by N/No. 20/2024

Every registered person required to deduct tax at source under section 51 (hereafter in this rule referred to as deductor) shall furnish a return in FORM GSTR-7, **on or before the tenth day of the month succeeding the calendar month**, electronically through the common portal either directly or from a Facilitation Centre notified by the Commissioner.



Registration

Sec 23 : Person not liable for registration

Clarification regarding Dried paper [Cir. No. 247/04/2025]

- ➔ Agriculturist supplying dried pepper to the extent of supply of produce out of cultivation of land is **not liable to get registered u/s 23(1)** as it is **exempt** from GST.
- ➔ Agriculturist supplying raisins is **not liable to get registered u/s 23(1)** as it is **exempt** from GST.

Rule 8:- Procedure for Application for Registration

8(4A):- Aadhaar Authentication

- For applicants who don't choose Aadhaar authentication (**except those under Sec 25(6D)**):
 - **Photographs** of the applicant (individual) or specified individuals (non-individual entities) will be taken.
 - **Original documents** uploaded in **Form GST REG-01** will be verified at a **Facilitation Centre**.
- Application is deemed **complete** post successful verification.

Newly Inserted by N/n 09/2025

Section 30 :- Revocation of cancellation of Registration

The **PO** may either revoke cancellation of the registration or reject the application within the prescribed time and manner.

- **1st Proviso:** Before rejecting the application, the officer must give the applicant a chance to be heard.
- **2nd Proviso:** **The revocation of cancellation will be allowed only if certain conditions and restrictions are followed.**

Newly inserted F.A. 2024

Rule 16A: Grant of temporary identification number.

**Newly Inserted by
N/n 07/2025**

Where a person is not liable to registration under the Act but is required to make any payment under the provisions of the Act, the proper officer may grant the said person a temporary identification number and issue an order in Part B of FORM GST REG-12.



TAX INVOICE, DEBIT NOTE & CREDIT NOTE

Particulars of a tax invoice [Sections 31(1) & (2) read with rule 46]

(s)	A taxpayer whose turnover in any previous year since 2017-18 is above the notified limit can declare that they are not required to issue invoices in the special manner specified under Rule 48(4), even if an invoice is issued differently.
2nd Proviso (omitted)	Where an invoice is required to be issued u/s 31(3)(f), a registered person may issue a consolidated invoice at the end of a month for supplies covered u/s 9(4), the aggregate value of such supplies exceeds 5000 in a day from any or all suppliers
3rd Proviso (Words inserted)	For exports of goods or services, the invoice must have a special endorsement indicating the supply is for export or for a SEZ unit/developer, either on payment of integrated tax or under bond/letter of undertaking without payment of integrated tax. Inserted by N/No. 20/2024

Self Invoice and Payment Voucher in Case of RCM [Section 31(3)(f) & (g) read with second proviso to rule 46 and rule 52]

- ➔ **Payment Voucher:** At the time of making payment to the supplier under reverse charge (Section 9(3)/(4)), the recipient must issue a payment voucher (Rule 52).
- ➔ **Self Invoice:** When goods or services are received from an unregistered supplier **(including those registered only for TDS u/s 51)** and the recipient is liable to pay tax under reverse charge (Section 9(3)/(4)), the recipient must issue a self-invoice (Sec 31(3)(f) read with second proviso to Rule 46).
 - **Time Limit:** As per Rule 47A, the recipient must issue the self-invoice **within 30 days from the date of receipt** of goods or services. **Newly Inserted by N/No. 20/2024**



Accounts, Records & E-Way Bill

Failure to Account for Goods or Services [Section 35(6)]

Inserted by F.A. 2024

Subject to section 17(5)(h), PO shall determine amount of tax payable u/s 73 or 74 **or 74A** on goods &/or services that are not accounted for as per sec 35(1), as if such goods &/or services has been supplied by him.

Generation of unique enrolment number [Rule 138(3)]

Process to generate e-way bill by an URP

Newly Inserted by N/n no. 09/2025

Following persons required to generate the e-way bill shall submit the details electronically on the common portal in prescribed form and, upon validation of the details so furnished, a **unique enrolment number** shall be generated and communicated to the said person:-

- (i) An unregistered person 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.
- (ii) An unregistered person opting to generate e-way bill



RETURNS

Sec 39(3) : Furnishing of returns by TDS deductor

Old Provision	Every registered person required to deduct tax at source under the provisions of section 51 shall furnish, in such form and manner as may be prescribed, a return, electronically, for the month in which such deductions have been made within ten days after the end of such month.
Amendment	Every RP who is required to deduct tax at source (TDS) u/s 51 must file a return every month in the prescribed form, even if no tax was deducted in that month. Note: As per Rule 66(1), the return must be filed in Form GSTR-7 on or before 10th of the following month , electronically on the GST portal, either directly or through a Facilitation Centre notified by the Commissioner.

Substituted by F.A. 2024

Rule 88D :- Manner of dealing with difference in ITC available in autogenerated statement containing the details of ITC and that availed in return:-

3	Non payment of tax or no reply by RP Inserted by N/No. 20/2024	Where any amount specified in the intimation referred to in sub-rule (1) remains to be paid within the period specified in the said sub-rule and ➤ where no explanation or reason is furnished by the registered person in default or ➤ where the explanation or reason furnished by such person is not found to be acceptable by the proper officer, the said amount shall be liable to be demanded in accordance with the provisions of section 73 or section 74 or Section 74A , as the case may be.
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