

Indirect Taxes Committee of ICAI

Major Initiative in Last 2 Years

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- Organized more than 300+ Program on IDT
- E Learning Course on Excise, Custom, Service tax and CST Launched- to learn any where, any time.
- 25+ Web Cast with recorded Lecture for free download and recordings are available on website.
- More than 15 Research based Publication launched
- 'Organized more than 75+ program for CBEC officials for capacity building in Department.
- Online Portal <u>www.idtc.icai.org</u> Launched for better services and various updates for Members.
- Research paper on Transitional aspects of GST, J&K-GST Impact etc.

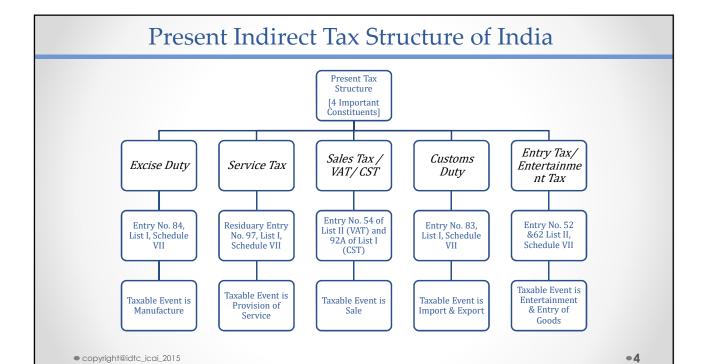
Journey in 2016-17 till now

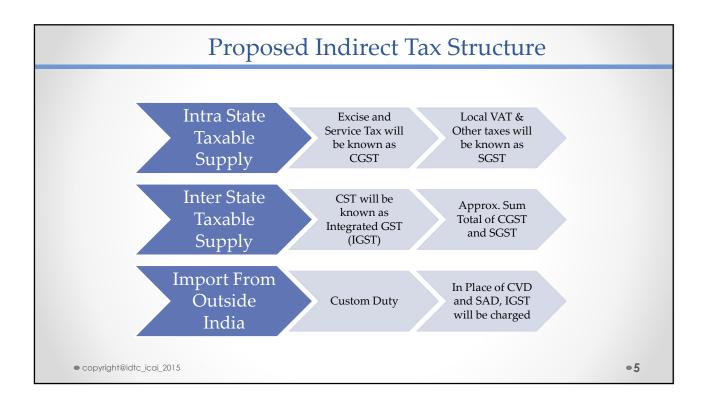
- Organized 25+ Programmes during the period.
- Webcast on Indirect Taxes Continues
- Revision of existing publications in under process and New publication namely CELP on Jewellery launched
- Organized 10+ programs for CBEC officials
- Representations Submitted for KKC and exemption provided on the same
- Developed a Background Material on Model GST Law for departmental officials and submitted on 15th July, 2016
- Recording of Video Lectures on Model GST Law is in the process, will be launched shortly.

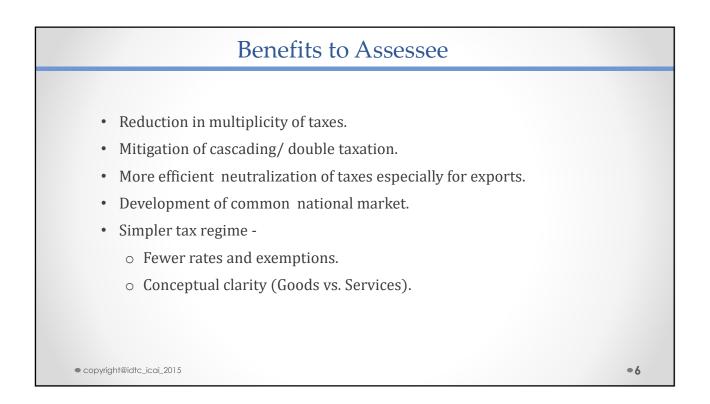
Presentation Plan

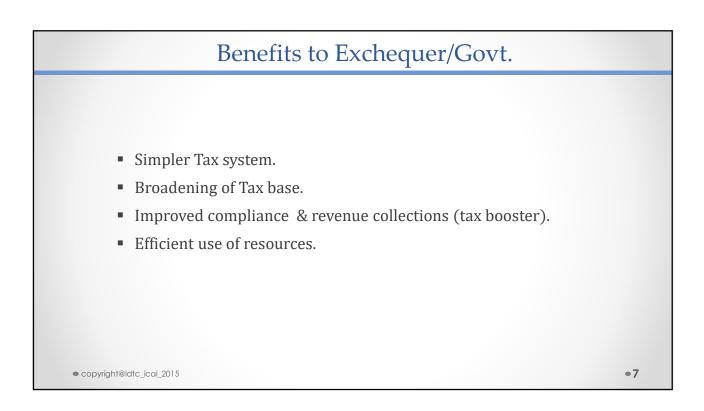
- Present and Proposed Scheme of Indirect Taxation
- GST –Benefits and Challenges
- Challenges in GST Lesson from Present System
- Road to GST Milestones
- Industry' Expectations from GST
- Features of Proposed GST
- Illustration to Showcase Tax Benefit under GST
- Features of Constitution Amendment Bill
- IGST Model
- Features of Place of Supply Rules
- International Perspective in GST
- GST Planning

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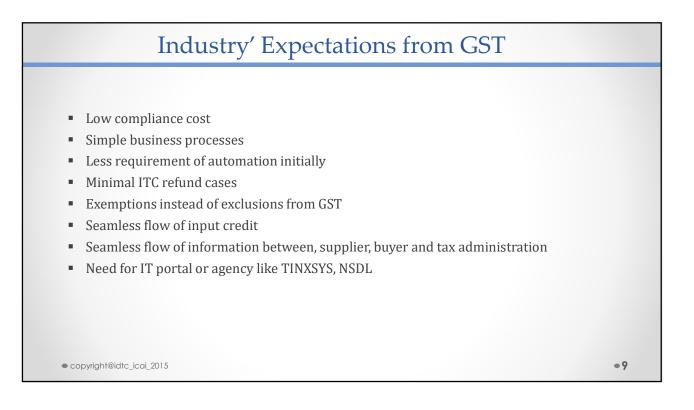


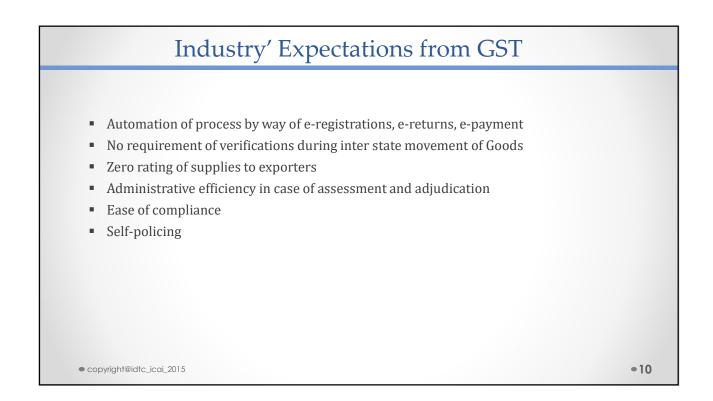


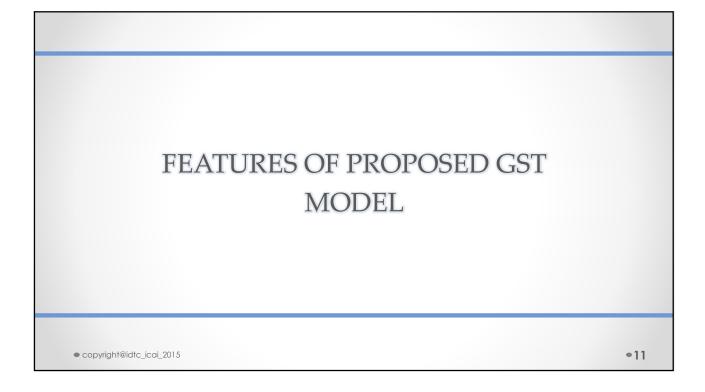
Challenges in GST- Lesson from Present System

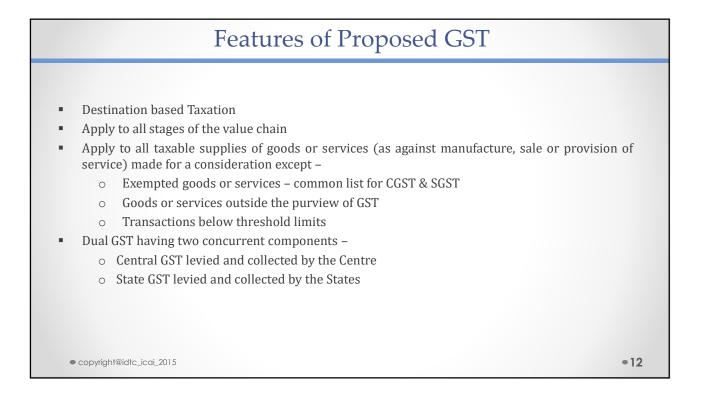
- Legacy issues which will use resources
- Non Harmonization of Tax rates
- Lack of automation
- Lack of Procedural Manuals
- Lack of Skilled officials
- Double Registration- Handling old Registration
- Poor Quality of tax Returns
- No System for 100% Scrutiny of Tax Returns and Tax Audit
- Lack of Cross Verifications with other tax administrations
- Lack of mechanism to control Evasion
- Impact on Prices

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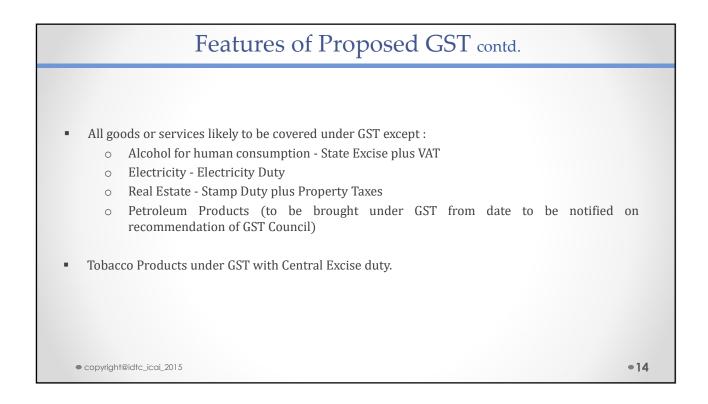


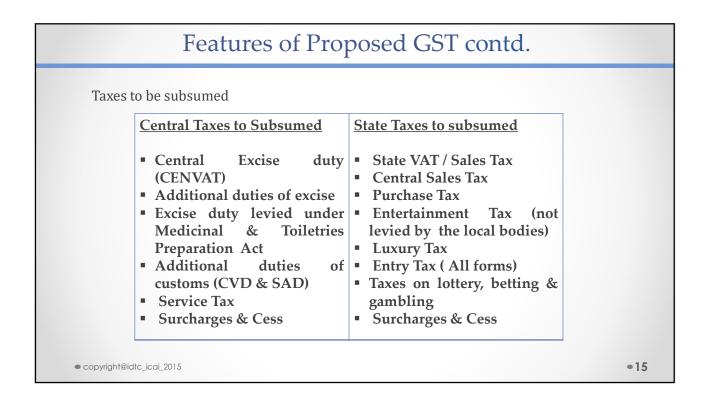






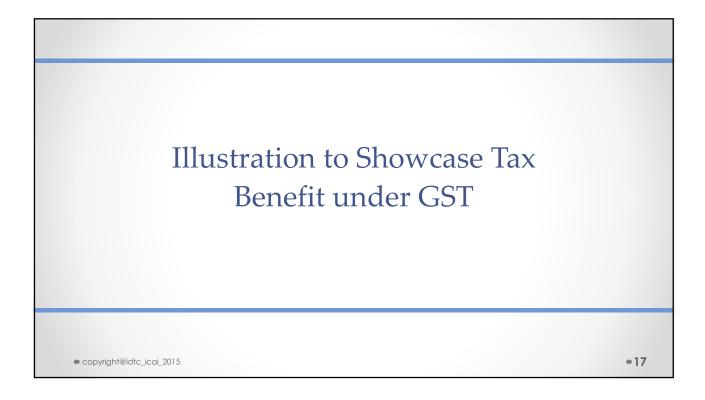
Features of Proposed GST contd. CGST and SGST on intra-State supplies of goods or services in India. IGST (Integrated GST) on inter-State supplies of goods or services in India - levied and collected by the Centre. IGST applicable to Import of goods and services Inter-state stock transfers of goods and services Export of goods and services - Zero rated. Additional Tax of 1% on Inter State Taxable supply of Goods by State of Origin and non CENVATABLE

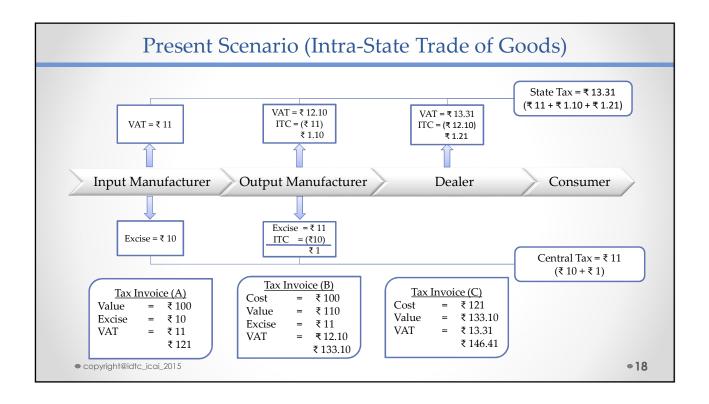


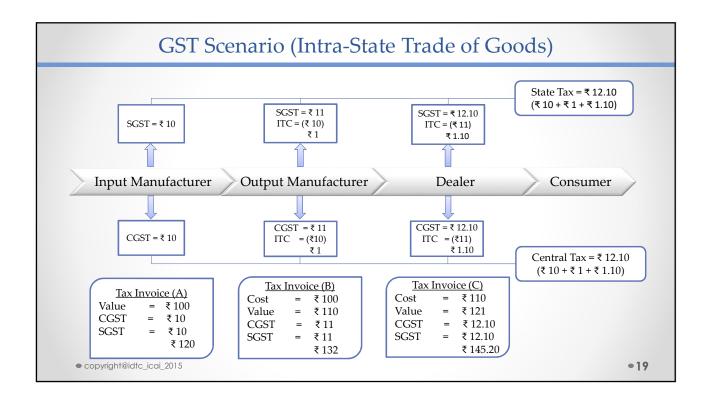


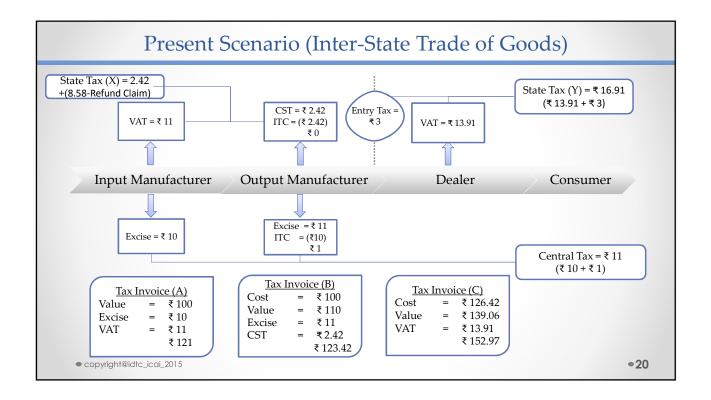
Features of Propo	osed GST contd.
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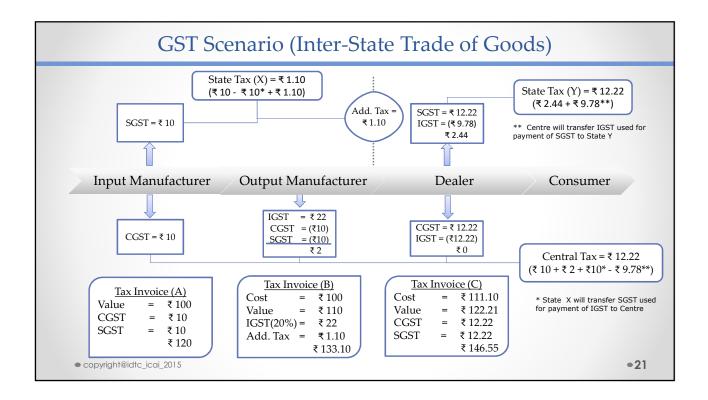
- GST Rates to be based on RNR Four rates
 - Merit rate for essential goods and services
 - Standard rate for goods and services in general
 - Special rate for precious metals
 - o NIL rate
- Floor rate with a small band of rates for standard rated goods or services for SGST
 - This is similar to mandatory guidelines which will be issued by GST Council in line with European Directive 12/2006
- Optional Threshold exemption upto Rs. 10 Lacs (Rs. 5 Lacs in NE) of aggregate Turnover in both components of GST.
- Optional Compounding scheme for taxpayers having taxable turnover up to Rs.50 Lacs if not having inter state supply of goods and/ or services.
- HSN Code likely to be used for classification of goods.
- Present Accounting codes likely to be used for Services.



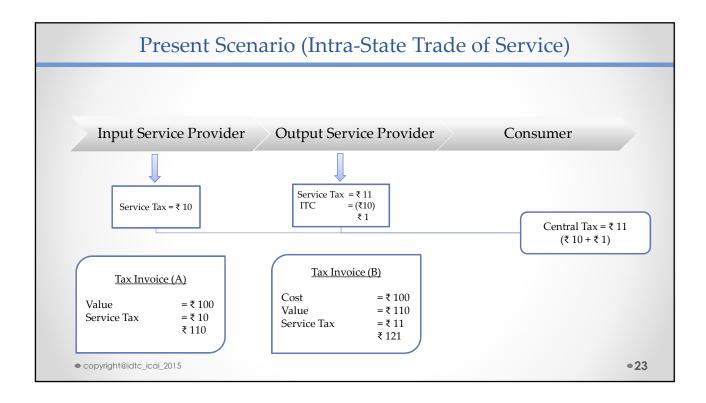


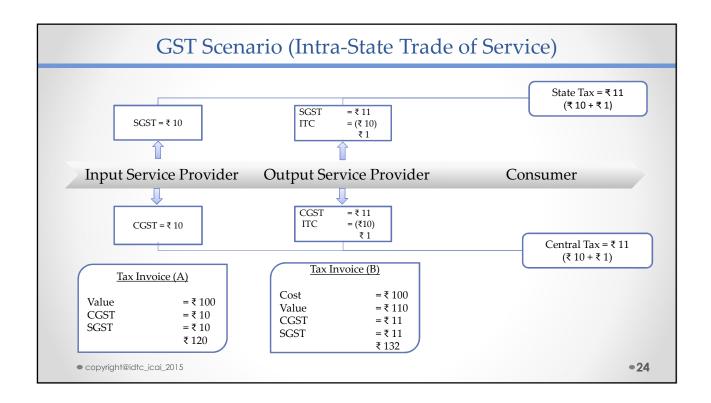


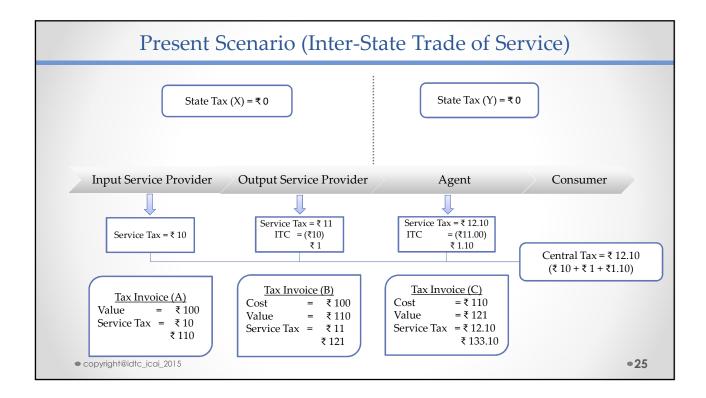


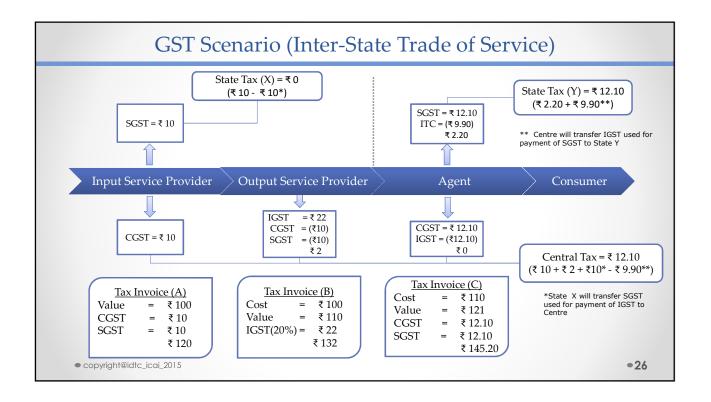


Sr. No.	Particular	Intra	-State	Inter-State	
		Present	GST	Present	GST
1.	Initial Value	₹ 121.00	₹ 120.00	₹121.00	₹120.00
2.	Centre's Tax	₹ 11.00	₹ 12.10	₹ 11.00	₹ 12.22
3.	State (X)'s Tax	₹ 13.31	₹ 12.10	₹ 2.42	₹ 1.10
4.	State (Y)'s Tax	-	-	₹ 16.91	₹ 12.22
5.	State's Total	₹ 13.31	₹ 12.10	₹ 19.33	₹ 13.32
6.	Total Tax paid to Govt.	₹ 24.31	₹ 24.20	₹ 38.91- 8.58 (refund claim) = 30.33	₹ 25.54
7.	Non-Vatable Tax borne by Business & paid by the Consumer indirectly	₹11.00 24.31	₹ 0.00 24.20	₹ 16.42 30.33	₹ 1.10 25.54
8.	Tax paid by end Consumer	₹ 13.31	₹ 24.20	₹ 13.91 J	₹ 24.44
9.	Final value paid by Consumer	₹ 146.41	₹ 145.20	₹ 152.97	₹ 146.65









Sr. No.	Particular	Intra-State		Inter-State	
		Present	GST	Present	GST
1.	Initial Value	₹ 110.00	₹ 120.00	₹110.00	₹120.00
2.	Centre's Tax	₹11.00	₹11.00	₹ 12.10	₹ 12.10
3.	State (X)'s Tax	₹ 0.00	₹11.00	₹ 0.00	₹ 0.00
4.	State (Y)'s Tax	-	-	₹ 0.00	₹ 12.10
5.	State's Total	₹ 0.00	₹11.00	₹ 0.00	₹ 12.10
6.	Total Tax paid to Govt.	₹11.00	₹ 22.00	₹ 12.10	₹ 24.20
7.	Non-Vatable Tax borne by Business	₹ 0.00	₹ 0.00	₹ 0.00	₹ 0.00
8.	Total Tax paid by Consumer	₹ 11.00	₹22.00	₹ 12.10	₹ 24.20
9.	Final value paid by Consumer	₹ 121.00	₹ 132.00	₹ 133.10	₹ 145.20

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Roadmap to GST- Milestones

- 2006, announcement of the intent to introduce GST by 01.04.2010
- November 2009 First Discussion Paper (FDP) released by EC on which Comments were provided by Government of India.
- June 2010- Three sub-working Groups constituted by Government of India on:
 - Business Process related issues.
 - Drafting of Central GST and model State GST legislations.
 - Basic design of IT systems required for GST in general and IGST in particular.

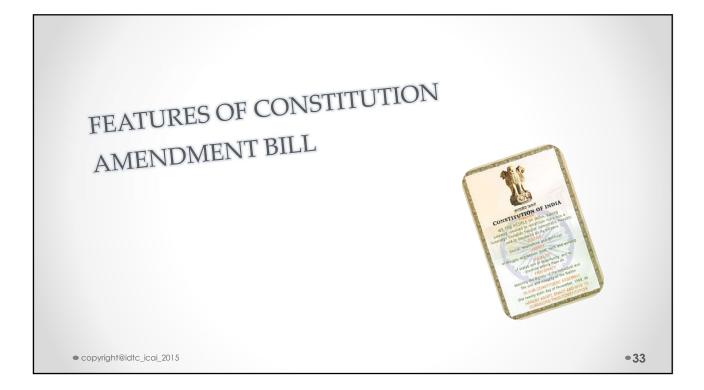
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Roadmap To GST- Milestones contd.

- June 2013- Committee constituted by EC to draft model GST Law
- August 2013- Standing Committee on Finance submitted Report
- April 2014- Committee constituted by EC to examine business processes under GST
- December 2014- 122nd Constitutional Amendment bill introduced in Parliament
- May 2015 122nd Constitutional Amendment bill passed by Lok Sabha and referred to Select Committee of Rajya Sabha.
- Oct 2015 GST Business Processes on Registration, Payment, Refund & Return released.
- Dec 2015 Report on the RNR and Structure of Rates for GST released
- June 2016- Model GST Law –released for comments & suggestions

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Features of Constitutional Amendment Bill

- 122nd Amendment Bill introduced in LS on 19.12.2014 and has been passed on 6th May, 2015 and pending for approval in Rajya Sabha after the report of Select Committee
- Key Features
 - $\circ~$ Concurrent jurisdiction for levy of GST by the Centre and the States –proposed Article 246A
 - Authority for Centre to levy & collection of IGST on supplies in the course of inter-State trade or commerce including imports – proposed Article 269A
 - Authority for Centre to levy non-vatable Additional Tax to be retained by originating State (select committee however put his observation on the same)
 - $\circ~$ GST defined as any tax on supply of goods or services or both other than on alcohol for human consumption proposed Article 366(12A)

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Features of Constitutional Amendment Bill contd.

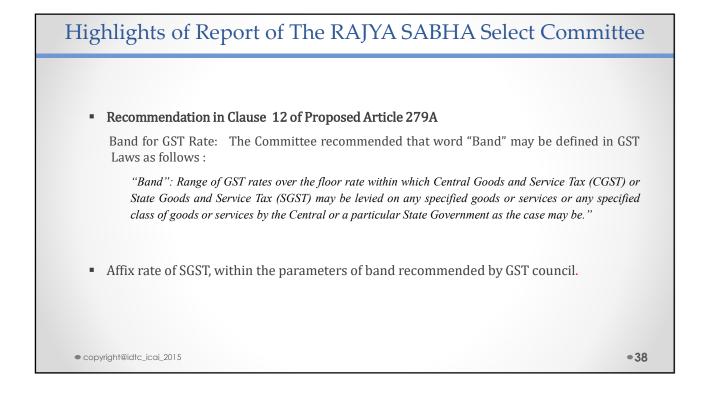
Key Features contd.

- Goods includes all materials, commodities & articles Article 366 (12)
- Services means anything other than goods proposed Article 366 (26A)
- o Goods and Services Tax Council (GSTC) proposed Article 279A
 - \checkmark To be constituted by the President within 60 days from the coming into force of the Constitutional Amendments
 - ✓ Consists of Union FM & Union MOS (Rev)
 - ✓ Consists of all State Ministers of Finance
 - ✓ Quorum is 50% of total members
 - ✓ Decisions by majority of 75% of weighted votes of members present & voting
 - ✓ 1/3rd weighted votes for Centre & 2/3rd for all States together

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Features of Constitutional Amendment Bill contd. Ξ. Key Features contd. ✓ Council to make recommendations on Taxes, etc. to be subsumed in GST Exemptions & thresholds GST rates Band of GST rates Model GST Law & procedures Special provisions for special category States Date from which GST would be levied on petroleum products ✓ Council to determine the procedure in performance of its functions ✓ Council to decide modalities for dispute resolution arising out of its recommendations • Changes in entries in List – I & II o Compensation for loss of revenue to States for five years copyright@idtc_icai_2015 •36





Highlights of Report of The RAJYA SABHA Select Committee Clarification in Clause 13: Definition of term 'Supply Committee clarifies that since the term 'Supply' would be defined in the various GST laws relating to CGST and SGST, it would not be appropriate to insert the definition of 'Supply' in the GST Const. Amendment Bill Clarification in Clause 14: Definition of term 'Services' Committee clarifies 'services' has been so defined in order to give it wide amplitude so that all supplies that are not goods can potentially be covered within the ambit of services and no activity remains outside the taxable net. Mecommendation in Clause 18: Explanation to be added to word "Supply" Supply: All forms of supply made for a consideration to mean that the movement of Goods within the same company will not be subject to the provision of 1% Additional tax.

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Highlights of Report of The RAJYA SABHA Select Committee

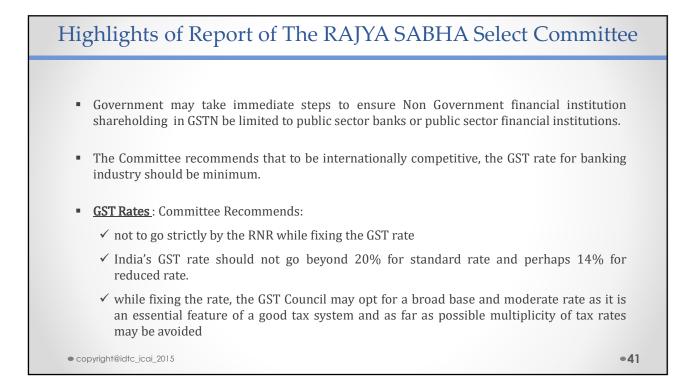
<u>Recommendation in Clause 19: Compensation to States</u>

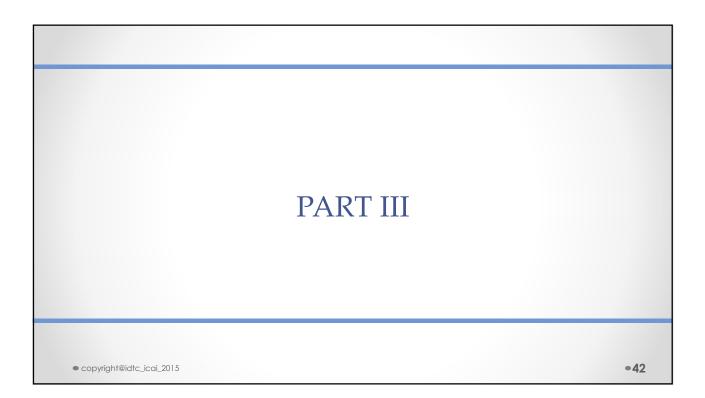
Compensation should be provided for whole period of 5 years to the States for the loss of revenue arising on account of implementation of the Goods and Services Tax

Other Recommendations :

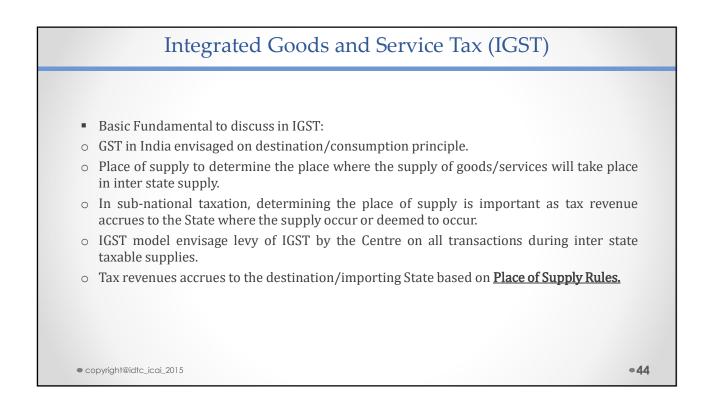
- **Legislative Competence:** the Committee strongly recommends that while drafting the SGST laws due consideration to the third tier of the Government i.e local bodies as has been guaranteed by the Constitution be given and provisions of devolution of taxes to them be made.
- Dispute Settlement Authority: modality to resolve any differences internally lies with the Council and creation of separate Dispute Settlement Authority may hamper the functioning of the GST Council in general and Legislatures (Parliament and States) in particular.

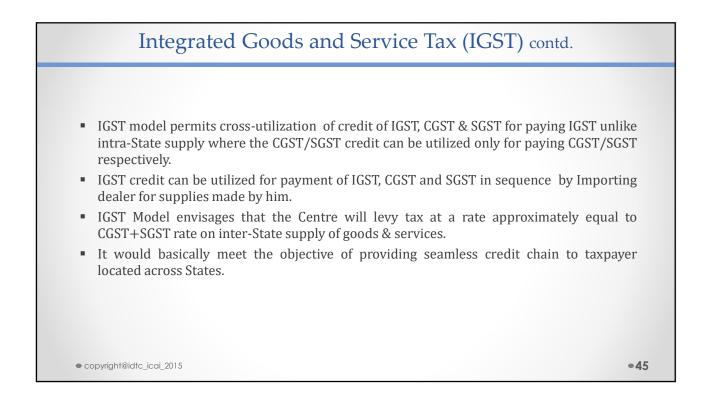
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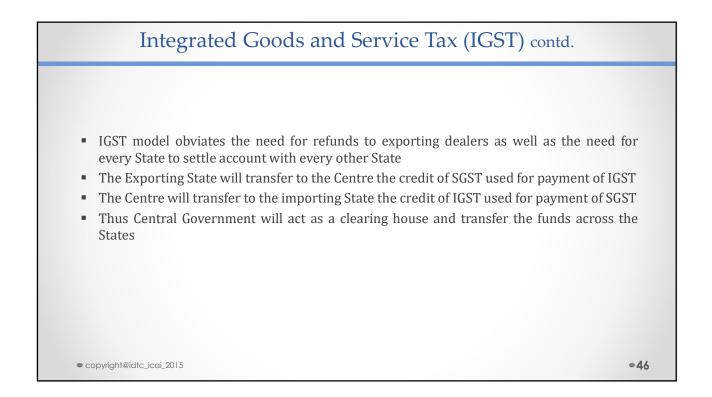


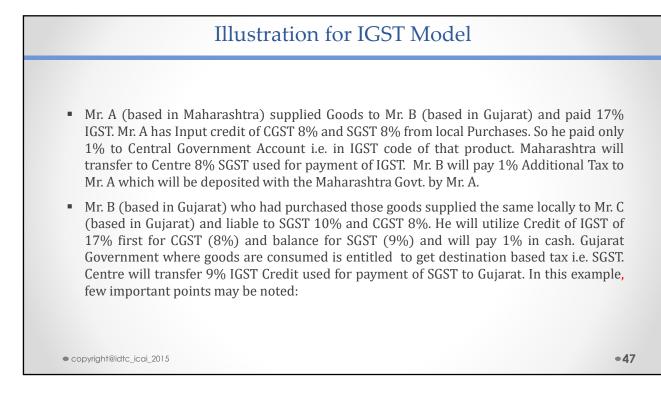


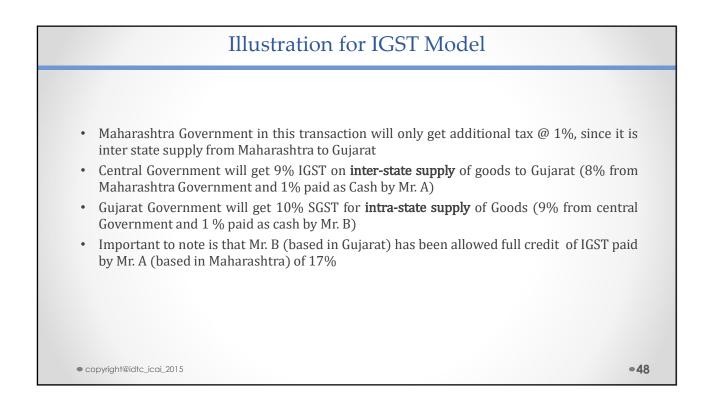


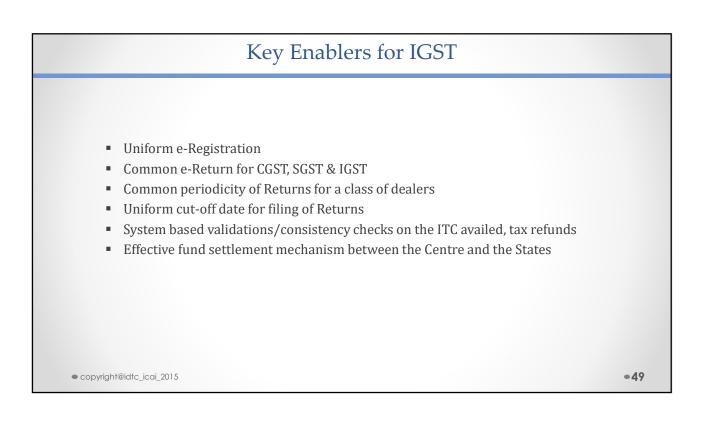




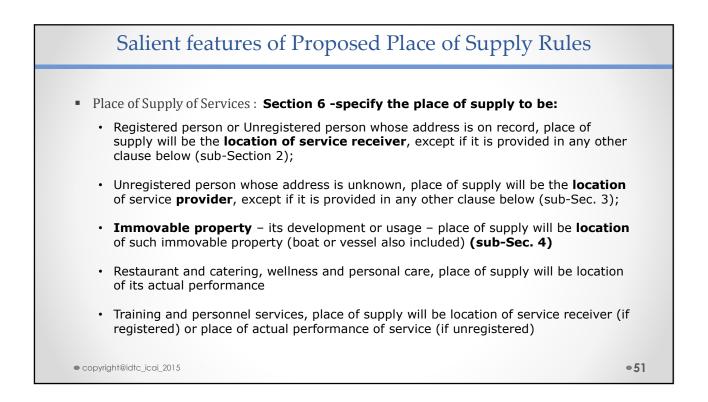


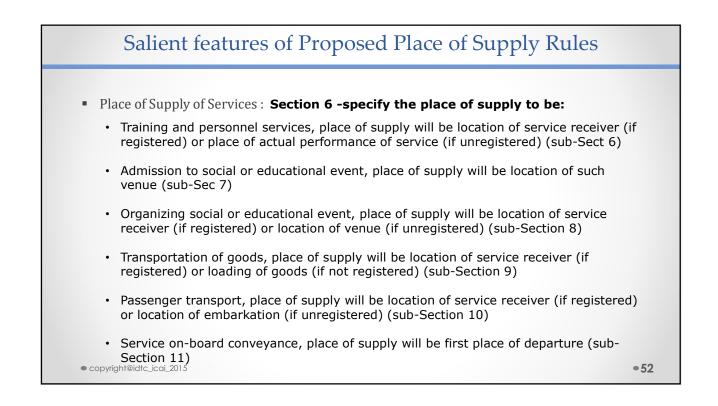
















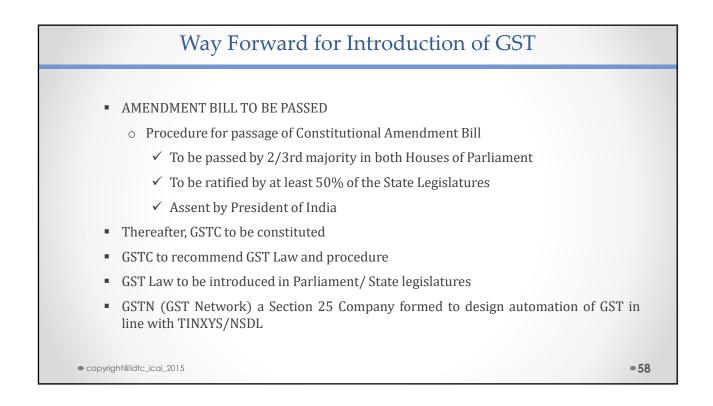
Role of Central/State Government in GST framework

- Central Government to act as clearing house for accounts settlement across States.
- Handling disputes between states over jurisdictional and enforcement issues.
- Develop and maintain GSTN with best of facilities for uninterrupted flow of credit, less litigation and facility to register, file return and in future inbuilt other features like refund, scrutiny of returns.
- Draft model Legislation for CGST, IGST and SGST which will act as a Boundary wall, binding in nature both on Centre and States to legislate their respective GST Acts.
- Affix rate of SGST, within the parameters of band recommended by GST council.
- Formulate mechanism for reconciliation of tax payments.
- Develop systems for scrutiny of returns and record of assesses for GST.
- Establish dispute resolution mechanism for issues relating to levy of GST.

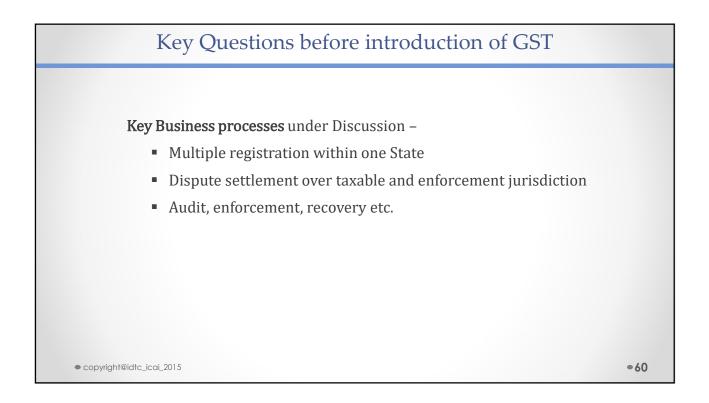
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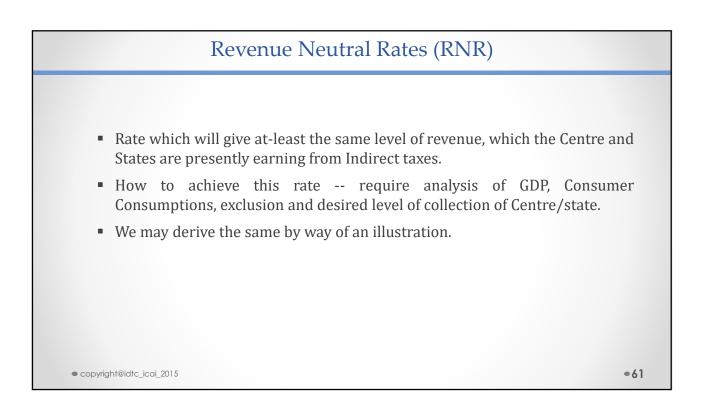
Every dealer has to submit one single GST return consisting information about all his purchases/sales at Invoice level along with line item.
 Accordingly necessary records, registers are to be maintained and consolidation for return will require automation and standard procedures.

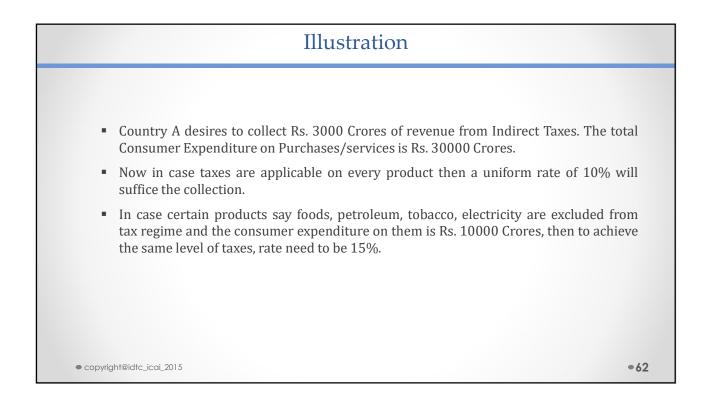


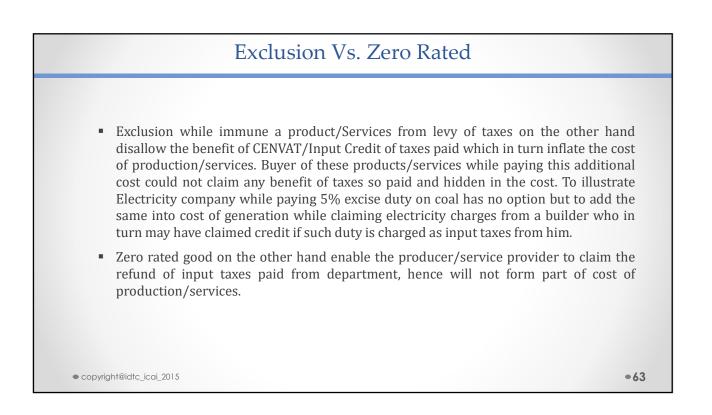


Key Questions before introduction of GST	
Key Design issues under Discussion –	
Extent of Dual Control	
 Rate structure (based on RNR) 	
Exempted Goods or Services	
 Exemption threshold 	
Composition threshold	
 Exclusion Vs. Zero rating of certain goods in GST regime 	
 Role of Centre / States in inter-State Trade 	
 Place of Supply Rules for Goods and Services 	
 Mechanics of IGST model 	
 Account settlement between the Centre and the States under IGST model 	
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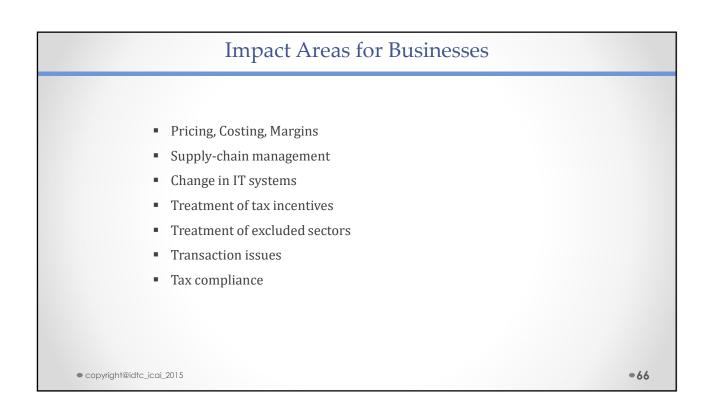


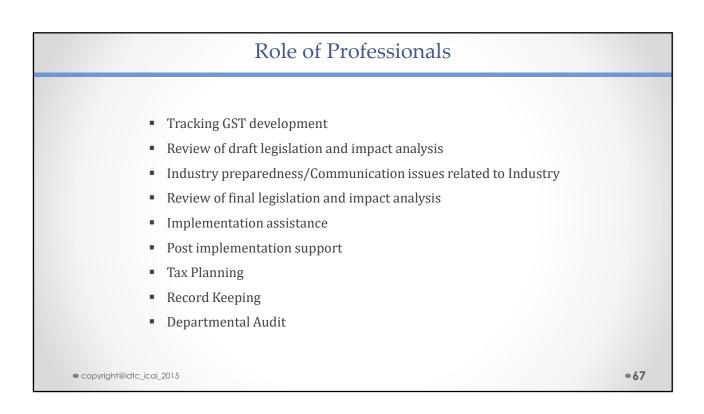




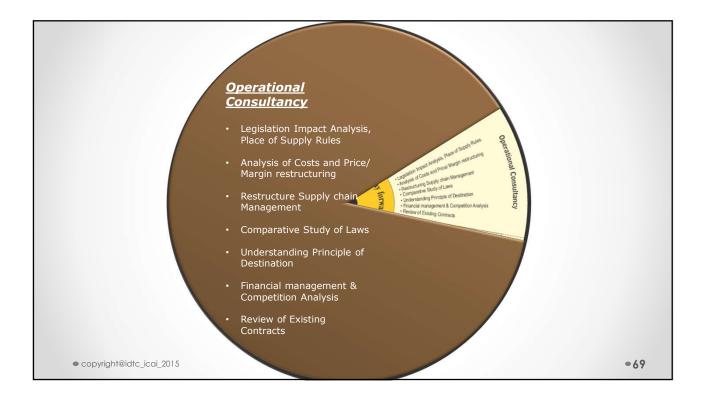


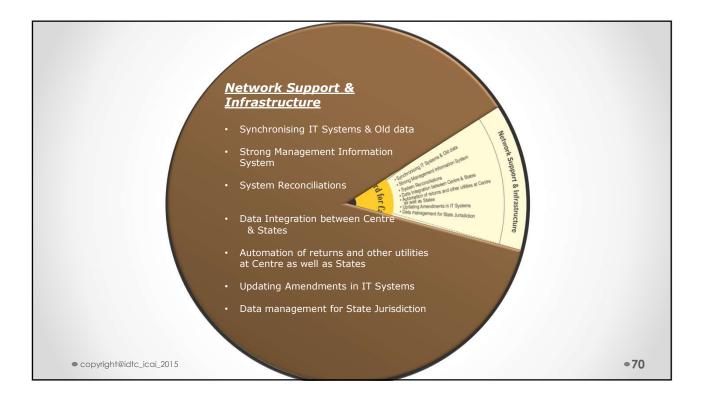






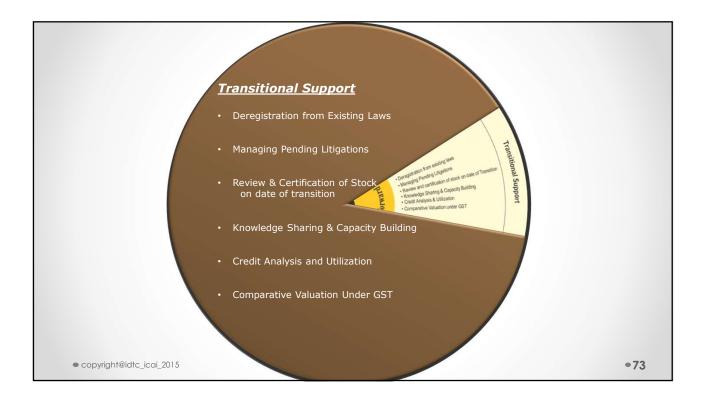


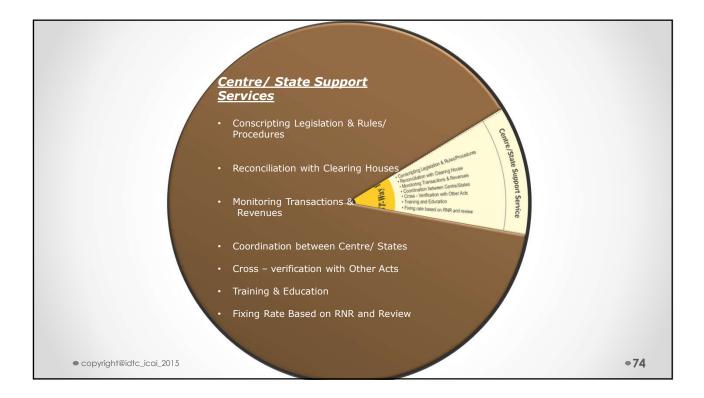


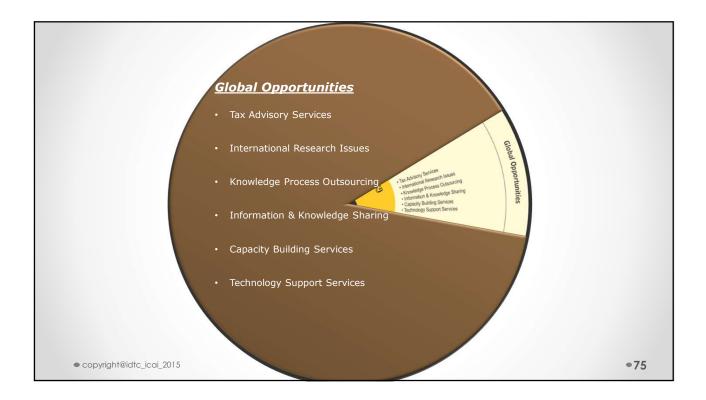


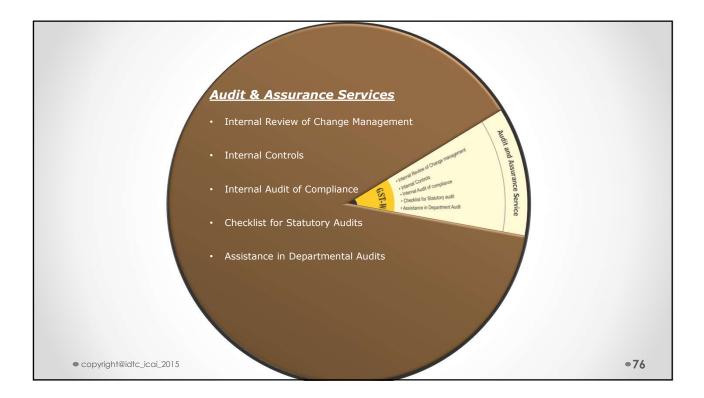


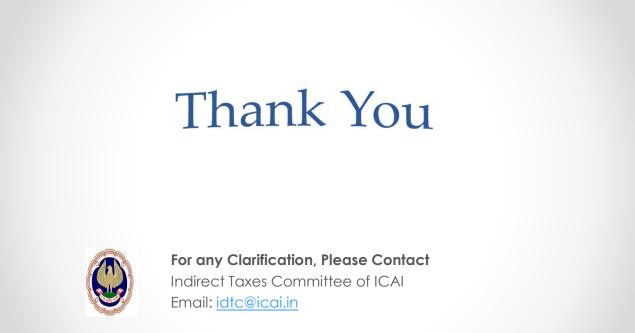












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