

GOODS & SERVICES TAX UPDATE – 19

GOODS & SERVICES TAX

Exemption from registration to a casual taxable person/ person making inter-state taxable supplies of handicraft goods

Central Government vide [Notification No. 32/2017-Central Tax, dt. 15-09-2017](#) & [Notification No. 8/2017 – Integrated Tax, dt. 14-09-2017](#) has provided that the casual taxable persons as well as the persons making inter-State taxable supplies of handicraft goods as the category of persons exempted from obtaining registration if the aggregate value of such supplies, to be computed on all India basis, does not exceed an amount of Rs. 20 lakhs in a financial year (Rs. 10 lakhs for Special Category States other than J&K).

The casual taxable persons or the persons making inter-State taxable supplies, as the case may be, will be required to obtain a Permanent Account Number and generate an e-way bill in accordance with the provisions of rule 138 of the Central Goods and Services Tax Rules, 2017.

The list of eligible 'handicraft goods' and their respective HSN codes for the purpose of aforesaid notifications has also been provided for when they are made by the craftsmen predominantly by hand even though some machinery may also be used in the process.

[[Notification No. 32/2017-Central Tax, dt. 15-09-2017](#) & [Notification No. 8/2017 – Integrated Tax, dt. 14-09-2017](#)]

Job-workers making inter-State supply of services to a registered person exempted from obtaining registration

Central Government vide [Notification No. 07/2017-Integrated Tax, dt. 14-09-2017](#) has provided that the job workers engaged in making inter-State supply of services to a registered person are exempted from obtaining registration

However, said exemption is not available to a job-worker –

(a) who is liable to be registered under sub-section (1) of section 22 or who opts to take registration voluntarily under sub-section (3) of section 25 of the said Act; or

(b) who is involved in making supply of services in relation to the goods mentioned against serial number 151 in the Annexure to rule 138 of the Central Goods and Services Tax Rules, 2017. This means that this exemption will not be available to job work in relation to jewellery, goldsmiths' and silversmiths' wares as covered under Chapter 71 which do not require e-way bill.

[[Notification No. 07/2017-Integrated Tax, dt. 14-09-2017](#)]

Section 51 of the CGST Act, 2017 notified

Central Government vide [Notification No. 33/2017-Central Tax, dt. 15-09-2017](#) has provided that section 51 of the CGST Act, 2017 will be effective w.e.f 18th September 2017 with respect to the

persons specified below:

- (a) an authority or a board or any other body, -
 - (i) set up by an Act of Parliament or a State Legislature; or
 - (ii) established by any Government, with fifty-one percent or more participation by way of equity or control, to carry out any function;
- (b) society established by the Central Government or the State Government or a Local Authority under the Societies Registration Act, 1860 (21 of 1860);
- (c) public sector undertakings

However, the date from which the tax needs to be deducted from the payment made or credited to the supplier of taxable goods or services or both will be notified separately.

[\[Notification No. 33/2017-Central Tax, dt. 15-09-2017\]](#)

Amendments to Central Goods and Services Tax Rules, 2017

Central Government vide [Notification No. 34/2017-Central Tax, dt. 15-09-2017](#) has amended the Central Goods & Services Tax Rules, 2017 as follows:

Rule No.	Existing Provision	Revised Provision	Impact
3 (3A)	-	<p>“(3A) Notwithstanding anything contained in sub-rules (1), (2) and (3), a person who has been granted registration on a provisional basis under rule 24 or who has applied for registration under sub-rule (1) of rule 8 may opt to pay tax under section 10 with effect from the first day of October, 2017 by electronically filing an intimation in FORM GST CMP-02, on the common portal either directly or through a Facilitation Centre notified by the Commissioner, before the said date and shall furnish the statement in FORM GST ITC-03 in accordance with the provisions of sub - rule (4) of rule 44 within a period of ninety days from the said date:</p> <p>Provided that the said persons shall not be allowed to furnish the declaration in FORM GST TRAN-1 after the statement in</p>	This sub rule is inserted to give effect to the extension provided for opting for Composition Scheme upto 30 th September 2017.

		FORM GST ITC-03 has been furnished.”	
3(5)	(5) Any intimation under sub-rule (1) or sub-rule (3) in respect of any place of business in any State or Union territory shall be deemed to be an intimation in respect of all other places of business registered on the same Permanent Account Number.	Any intimation under sub-rule (1) or sub-rule (3) or sub-rule (3A) in respect of any place of business in any State or Union territory shall be deemed to be an intimation in respect of all other places of business registered on the same Permanent Account Number.	To give effect to the newly implemented sub-rule 3A
New Rule 120A	-	120A. Every registered person who has submitted a declaration electronically in FORM GST TRAN-1 within the time period specified in rule 117, rule 118, rule 119 and rule 120 may revise such declaration once and submit the revised declaration in FORM GST TRAN-1 electronically on the common portal within the time period specified in the said rules or such further period as may be extended by the Commissioner in this behalf.	To give effect to the GST council decision that GST TRANS -1 can be revised once.
122(b)	(b) four Technical Members who are or have been Commissioners of State tax or central tax or have held an equivalent post under the existing law, to be nominated by the Council.	(b) four Technical Members who are or have been Commissioners of State tax or central tax for at least one year or have held an equivalent post under the existing law, to be nominated by the Council.	
124(3)	The Technical Member shall be paid a monthly salary of Rs. 2,05,400 (fixed) and shall be entitled to draw allowances as are admissible to a Government of India officer holding Group ‘A’ post carrying the same pay: Provided that where a retired officer is selected as a Technical Member, he shall be paid a monthly salary of Rs. 2,05,400 reduced by the amount of pension.	The Technical Member shall be paid a monthly salary and other allowances and benefits as are admissible to him when holding an equivalent Group 'A' post in the Government of India: Provided that where a retired officer is selected as a Technical Member, he shall be paid a monthly salary equal to his last drawn salary reduced by the amount of pension in accordance with the recommendations of the Seventh Pay Commission, as accepted by the Central Government.	To provide for revised salary norms for the technical members of the Anti-Profiteering authority.
124(4) - Second Proviso	-	Provided further that upon the recommendations of the Council and subject to an opportunity of being heard, the Central	To rest the rights of termination of Chairman of Anti-Profiteering authority with GST Council.

		Government may terminate the appointment of the Chairman at any time.	
124(5) - Second Proviso	-	Provided further that upon the recommendations of the Council and subject to an opportunity of being heard, the Central Government may terminate the appointment of a Technical Member at any time.	To rest the rights of termination of Technical Member of Anti-Profitereing authority with GST Council.
127 (iv) – Second Proviso	-	to furnish a performance report to the Council by the tenth of the close of each quarter	Setting up of performance appraisal norms.
138	-	<p>Provided that where goods are sent by a principal located in one State to a job worker located in any other State, the e-way bill shall be generated by the principal irrespective of the value of the consignment:</p> <p>Provided further that where handicraft goods are transported from one State to another by a person who has been exempted from the requirement of obtaining registration under clauses (i) and (ii) of section 24, the e-way bill shall be generated by the said person irrespective of the value of the consignment.</p> <p>Explanation – For the purposes of this rule, the expression “handicraft goods” has the meaning as assigned to it in the Government of India, Ministry of Finance, notification No.32/2017-Central Tax dated 15.09.2017 published in the Gazette vide number G.S.R 1158 (E) .”;</p>	To give effect to e-way bill requirements cited in <i>Notification No.32/2017-Central Tax dated 15.09.2017</i>

In addition to above amendments/ corrections have also been made to the various GST Forms like FORM GST TRAN-1, FORM GSTR-4, FORM GST EWB-01 etc.

[\[Notification No. 34/2017-Central Tax, dt. 15-09-2017\]](#)

Last Date for filing FORM GSTR 3B extended for the months from August to December 2017

Central Government vide [Notification No. 35/2017-Central Tax, dt. 15-09-2017](#) has extended the due date of filing FORM GSTR 3B electronically through the common portal as provided below:

S. No.	Month	Last Date for filing of return in FORM GSTR-3B
1.	August 2017	20 th September 2017
2.	September 2017	20 th October 2017
3.	October 2017	20 th November 2017
4.	November 2017	20 th December 2017
5.	December 2017	20 th January 2018

Every registered person furnishing the return in FORM GSTR-3B will be required, subject to the provisions of section 49 of CGST Act, to discharge his liability towards tax, interest, penalty, fees or any other amount payable by debiting the electronic cash ledger or electronic credit ledger, as the case may be, not later than the last date on which he is required to furnish the said return.

[Notification No. 35/2017-Central Tax, dt. 15-09-2017]

Recently, Indirect Taxes Committee has taken up an initiative with its Dubai Chapter to support with UAE VAT implementation. In this regard, the following two sessions were held at Dubai link of which are as follows:

- a) UAE Dubai Excise Law Overview 16.9.2017 - <https://www.youtube.com/watch?v=UIQoEFdX8Fs>
b) Professional opportunities in UAE Dubai VAT - <https://www.youtube.com/watch?v=dQaeVYwxk94>*

These videos are available for offline viewing on the respective Youtube links.

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