

Form GST DRC-06

[See rule 142(4)]

Reply to the Show Cause Notice

ARN: ZD360724060154H

Date: 16/07/2024

1. GSTIN	36AABCM4761E1ZM		
2. Name	MODI PROPERTIES PRIVATE LIMITED		
3. Details of Show Cause Notice	Reference No. ZD360524064504E	Date of issue 30/05/2024	
4. Financial Year	2019-2020		
5. Reply	Reply to SCN along with annexures is attached		
6. Documents uploaded	Annexures.pdf DRC-06 v1.pdf		
7. Option for personal hearing	☐ Yes	☒ No	

8.Verification-

I hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my/our knowledge and belief and nothing has been concealed therefrom.

Signature of Authorized Signatory
Name : SOHAMMODI
Designation / Status: DIRECTOR
Date: 16/07/2024

FORM GST DRC – 06*[See rule 142(4)]***Reply to the Show Cause Notice**

1.GSTIN	36AABCM4761E1ZM	
2.Name	M/s. Modi Properties Private Limited	
3.Details of Show Cause Notice	ZD360524064504E	Date of issue: 30-05-2024
4.Financial Year	2019-2020	
5.Reply		
Given as Annexure A		
6.Documents uploaded		
I. Reply to Notice.		
7.Option for personal hearing	Yes- Required	No ☐

8.Verification –

I hereby solemnly affirm and declare that the information given hereinabove is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

M/s. Modi Properties Private Limited

Partner

Reply to the Notice:

M/s. Modi Properties Private Limited (hereinafter referred as “noticee”) is engaged in provision of construction and administrative services. They are registered with goods and services tax department vide GSTIN NO: 36AABCM4761E1ZM. Noticee herein makes the below submissions

Submissions

1. Noticee submits that they deny all the allegations made in Show Cause Notice (SCN) as they are not factually/legally correct.
2. Noticee submits that the provisions (including Rules, Notifications & Circulars issued thereunder) of both the CGST Act, 2017 and the Telangana GST Act, 2017 are the same except for certain provisions. Therefore, unless a mention is specifically made to any dissimilar provisions, a reference to the CGST Act, 2017 would also mean a reference to the same provision under the TGST Act, 2017. Similarly, the provisions of CGST Act, 2017 are adopted by IGST Act, 2017 thereby the reference to CGST provisions be considered for IGST purpose also, wherever arises.
3. Noticee submits that the Show cause Notice dated 22-05-2024 points out to difference in turnover as per audited financials and turnover as per GSTR 9 as reported in GSTR 9C Statement of the financial year 2019-20.

Para No.	Particulars	Amount
1	Interest on delayed payment of tax.	Rs.31,200/-
2	Late fee payable on Late filing of GSTR 1 returns	Rs.8,400/-
3	RCM liability on other income reported in financials as per section 9 (4) of CGST Act,2017 and Reversal of ITC for non-payment to supplier within 180 days from date of supply as per provision of Section 16(2) of CGST Act,2017.	Rs.2,16,09,946/-

Para 1 - Interest on delayed payment of tax amounting to Rs.31,200/-

4. This para alleges that the noticee has not paid Interest under section 50(1) of CGST Act,2017 on the taxes paid through DRC-03.

Delay payment of tax under (Rs.)		Due date	Paid on.	ARN	No of days Delay	Interest @ 18% per Annum.	
CGST	SGST					CGST	SGST
53,697	53,697	20-4-2020	30-11-2021	AD361121036030Z	589	15,597.14	15,597.14
5	5	20-4-2020	02-11-2023	AD361123001118Q	1291	3.18	3.18
53,702	53,702					15,600.32	15,600.32

5. Notice in this regard, submits that they have discharged their RCM liability amounting to Rs.1,07,394/- (CGST-Rs. 53,697/- & CGST-RS. 53,697/-) of March, 2020 through form DRC-03 dated 30-11-2021 vide ARN: AD361121036030Z and also paid difference of tax liability declared in GSTR 1 and tax paid in GSTR 3B amounting to Rs.10/- (CGST- Rs.5/- and SGST-Rs.5/-) through DRC-03 dated 02-11-2023 vide ARN: AD361123001118Q. Such DRC-03 forms are attached as **Annexure 1 & 2**.
6. It is submitted that, GST Council in its 53rd meeting has recommended to waive off interest or penalty or both, relating to demands raised under Section 73 of CGST Act,2017 by insertion of Section 128A to CGST Act,2017, for period FY 2017-18 to FY 2019-20, considering the difficulties faced by the taxpayers, during the initial years of implementation of GST, if such tax demanded in the notice is paid before 31-03-2025. Such press release dated 22-6-2024 of recommendation of 53rd GST Council meeting is attached as **Annexure 3**.
7. In our case, the taxes demanded are voluntarily paid before recommended date of 31-03-2025. Hence, in consideration of such recommendation made by the GST council in its 53rd meeting, it is requested to set aside such demand for interest under section 50(1) of CGST Act,2017 read with section 73 of CGST Act,2017 for F.Y.2019-20.

Para 2. Late fees payable on Late filing of GSTR 1 returns

8. This para of the notice points out that noticee has not discharged their late fee liability for late filing of GSTR 1 returns during the period April,2019 to March,2020.

Month	Due date for filing	Actual date of filing	No. of days delayed	Late fee to be paid	
				CGST @ Rs.25/- per day	SGST @ Rs.25/- per day
Apr-19	11-05-2019	15-05-2019	4	100	100
Aug-19	11-09-2019	26-09-2019	15	375	375
Sep-19	11-10-2019	17-10-2019	6	150	150
Jan-20	11-02-2020	12-02-2020	1	25	25
Feb-20	11-03-2020	09-05-2020	59	1475	1475
Mar-20	11-04-2020	03-07-2020	83	2075	2075
				4200	4200

9. It is submitted that, late for late filing of GSTR 1 of March,2020 has been waived off vide Notification No. 53/2020 - Central Tax, dated 24-6-2020, if such GSTR 1 return was filed before 10th July, 2020. In our case, GSTR 1 return of March 2020 was filed on 03-07-2020 hence, late fee for the month of March, 2020 stands waived off. Extract of such notification is provided hereunder and such notification is attached as **Annexure 4**.

Extract of Notification No. 53/2020 - Central Tax

“Provided also that the amount of late fee payable under section 47 of the said Act shall stand waived for the registered persons who fail to furnish the details of outward supplies for the months or quarter mentioned in column (2) of the Table below in FORM GSTR-1 by the due date, but furnishes the said details on or before the dates mentioned in column (3) of the said Table:-“

Table

<i>Sl. No. (1)</i>	<i>Month/ Quarter (2)</i>	<i>Dates (3)</i>
<i>1</i>	<i>March, 2020</i>	<i>10th day of July, 2020</i>

10. In consideration of above submissions, the actual late fee liability under the current notice is arrived at Rs.4,250/- (CGST-Rs.2,125/- & SGST-Rs. 2,125/-). Computation of such late fee liability is provided in Table 1 hereunder.

Table 1**Amount in rupees.**

Month	Due date for filing	Actual date of filing	No. of days delayed	Late fee to be paid	
				CGST @Rs.25/- per day	SGST @Rs.25/- per day
Apr-19	11-05-2019	15-05-2019	4	100	100
Aug-19	11-09-2019	26-09-2019	15	375	375
Sep-19	11-10-2019	17-10-2019	6	150	150
Jan-20	11-02-2020	12-02-2020	1	25	25
Feb-20	11-03-2020	09-05-2020	59	1475	1475
Mar-20	11-04-2020	03-07-2020	Waived of vide Notification No. 53/2020 - Central Tax		
Total Late Liability				2125	2125

11. Noticee has discharged such late fee liability as arrived in the Table 1 given above has been paid through Form DRC-03 vide ARN: AD3607240064554 Dated: 16-07-2024. Hence, all such late fee liability for the F.Y.2019-20 stands paid and it is requested to drop all further proceedings in this regard. Such DRC-03 is attached as **Annexure 5**.

Para 3. RCM liability on other income reported in financials as per section 9 (4) of CGST Act,2017 and Reversal of ITC for non-payment to supplier within 180 days from date of supply as per provision of Section 16(2) of CGST Act,2017.

12. This para proposes to levy tax on following items.

NO.	Particular	Amount	Tax Rate	Tax
A	RCM liability on other income reported in financials as per section 9 (4) of CGST Act,2017	Rs.8,05,08,076/-	18%	Rs.1,44,91,454/-
B	Reversal of ITC for non-payment to supplier within 180 days from date of supply as per provision of Section 16(2) of CGST Act,2017.	Rs.3,93,27,180/-	18%	Rs.70,78,892/-
		Rs.11,98,35,256/-		Rs.2,15,70,346/-

A. RCM liability on other income amounting to Rs.8,05,08,076/- reported in financials as per section 9 (4) of CGST Act,2017.

13. The breakup of other income as reported in financials is provided below.

Table 2

Amount in Rupees.

S. No.	Other Income	As on 31 st March,2020
1	Rent receipts from residential property	19,500
2	Interest on FD	5,86,366
3	Interest from IT refund	1,16,046
4	Miscellaneous receipts	30,000
5	Rounded off	-15
6	Share of income tax refund	800
7	Share of profit from partnership firms	7,97,31,172
8	Forfeit income	23,810
9	Sundry balance written off	396
	Total	8,05,08,076

14. In this regard, it is submitted that liability under reverse charge under section 9(4) of CGST Act,2017 arises on the categories of supply of services as notified by the government vide Notification No. 13/2017-Central Tax (Rate) dated 28-06-2017 as amended from time to time. Further, it is submitted that such incomes received by the noticee as specified in the table above does not fall under the purview of such notification. Hence, noticee is not liable to pay taxes on reverse charge basis on such incomes. Such notification is attached as **Annexure 6** and extract of Section 9(4) of CGST Act,2017 is provided hereunder.

“Section 9(4) The Government may, on the recommendations of the Council, by notification, specify a class of registered persons who shall, in respect of supply of specified categories of goods or services or both received from an unregistered supplier, pay the tax on reverse charge basis as the recipient of such supply of goods or services or both, and all the provisions of this Act shall apply to such recipient as if he is the person liable for paying the tax in relation to such supply of goods or services or both.”

15. And, all such incomes are either non-GST supplies as per Section 7(2) of CGST Act, 2017 or Exempt supplies as notified under section 11 of CGST Act, 2017 read with Notification No. 12/2017-Central Tax (Rate), Dated 28-6-2017, as amended time to time. Such notification is attached as **Annexure 7**.

16. For Share of profit from partnership firms mentioned in Serial No.7 of Table 2 given above, para 7.7 advance ruling pronounced by AAR Karnataka in a matter of Anil Kumar Agarwal dated 04-05-2020 clarifies that such income does not fall under the ambit of GST since it is mere application of funds. Extract of such advance ruling is provided hereunder and such advance ruling is attached as **Annexure 8**.

Extract Of Authority for Advance Rulings, Karnataka, Anil Kumar Agrawal, In Re

“7.7 Partner's salary, received as partner, from applicant's partnership firm: The applicant is in receipt of certain amount termed as partner's salary from the firm where the applicant is also a partner. The applicant has not furnished any documents relevant to the issue, such as copy of agreement, appointment order etc., so as to decide whether the applicant is an employee of the partnership firm or not. In case, if the applicant is a working partner and is getting salary then the said salary is neither supply of goods nor supply of service in terms of clause 1 of Schedule III of CGST Act, 2017. Further, in case if the applicant is in receipt of the amount towards his share of profit from the said partnership firm, then also the said income is not under the purview of GST as the share of profit is nothing but application of money and hence the said salary is not required to be included in the aggregate turnover for registration under the provisions of GST Act.”

17. Therefore, no ITC can be collected nor paid under RCM on such supplies. Nature of such incomes under GST is provided in table 1 given below.

Table 1

Amount in Rupees.

No.	Income	Amount	Nature of supply	Supporting
1	Rent Receipts from Residential Prop	19,500	Exempt	Serial No.12 of with Notification No. 12/2017-Central Tax
2	Interest on FD	5,86,366	Exempt	Serial No.27 of with Notification No. 12/2017-Central Tax
3	Interest from IT refund	1,16,046	Exempt	Serial No.27 of with Notification No. 12/2017-Central Tax
4	Misc Receipts	30,000	Non-GST	
5	Rounded off	-15	Non-GST	
6	Share of IT refund	800	Non-GST	
7	Share of profit from partnership firms	7,97,31,172	Non-GST	With reference to advance ruling pronounced by AAR Karnataka in a matter of Anil Kumar Agarwal dated 04-05-2020.
8	Forfeit	23,810	Taxable	Paid through GSTR-3B returns
9	Sundry balances	396	Non-GST	

18. Hence, it is clearly established that noticee has no reverse charge liability under section 9(4) of CGST Act, 2017, as pointed out in the notice and it is therefore requested to all further proceedings in this regard.

B. Reversal of ITC for non-payment to supplier within 180 days from date of supply as per provision of Section 16(2) of CGST Act, 2017.

19. This para points out to the non-compliance of provision to Section 16 (2) of CGST Act, 2017 which mandates payment to creditors (trade payables) within 180 days from the date of supply. Extract of such provision is provided below. and break up of such trade payables is provided in financials of A.Y. 2020-21 attached as **Annexure 9**.

20. The allegations made under this para are prejudicial and are made based on sundry creditors reported in financials (Trade payables). Such pre-determined conclusions arrived at without actually attempting verifying the facts is against the principles of natural justice.

21. Section 16 of CGST Act,2017 prescribes provisions relating to eligibility and conditions for taking input tax credit. In our case, being in business of rendering construction services, noticee is not eligible to claim or utilise any ITC to discharge their GST liability according to Notification No. 11/2017-Central Tax (Rate), Dated 28-6-2017 (**Annexure 10**) as amended by Notification No. 3/2019-Central Tax (Rate), Dated 29-3-2019 (**Annexure 11**). Compliance of provisions of section 16 of CGST Act,2017 can only be examined if noticee is claiming or utilising such ITC, where there is no question of availment or utilisation of ITC, compliance of Section 16 of CGST Act,2017 does not arise.

22. In pursuant to Section 16(2) of the CGST Act, 2017, noticee is required to reverse the Input Tax Credit availed in respect of supplies for which payment has not been made within a period of 180 days from the date of invoice. However, in the instant case, since no Input Tax Credit has been availed or utilized, the said provision is inapplicable and cannot be invoked. Hence, law without any enforceability is no law and is not applicable in our case. Extract of provisio to Section 16(2) of the CGST Act, 2017 is provided hereunder.

Extract of provisio to Section 16(2) of the CGST Act, 2017.

“Provided further that where a recipient fails to pay to the supplier of goods or services or both, other than the supplies on which tax is payable on reverse charge basis, the amount towards the value of supply along with tax payable thereon within a period of one hundred and eighty days from the date of issue of invoice by the supplier, an amount equal to the input tax credit availed by the recipient shall be 77[paid by him along with interest payable under section 50], in such manner as may be prescribed.”

Notice is vague and is issued on pre-determined and pre-meditated conclusions

23. Noticee submits that the impugned notice is vague and lack details and it is settled law that once there is no specific allegation in the Show Cause Notice based on which the demand is proposed then the demand cannot be sustained as SCN is the basis/foundation for raising any demand. And also impugned SCN was issued with pre-determined and premeditated conclusions on various issues raised in the notice. The proposals made in the notice are concluded before even extracting the statutory provisions which shows that the conclusions have been arrived with pre-determined mind and pre-meditated conclusions. In quasi-judicial proceedings the Justice is not only to do it but should appear as well. The appearance of justice is not available for the given set of facts of the proceedings. That being the case, issuance of SCN in this manner is bad in law and requires to be dropped. In this regard, reliance is placed on **Oryx Fisheries Pvt. Ltd. v. Union of India — 2011 (266) E.L.T. 422 (S.C.)**. In **CCE v. Brindavan Beverages (2007) 213 ELT 487(SC)** the Hon’ble Supreme Court held that *“The show cause notice is the foundation on which the department has to build up its case. If the allegations in the show cause notice are not specific and are on the contrary vague, lack details and/or unintelligible that is sufficient to hold that the noticee was not given proper opportunity to meet the allegations indicated in the show cause notice.”*

The impugned order is time barred and Notification No. 56/2023-CT dated 28.12.2023. is bad in law for the FY 2019-20:

24. Noticee submits that the impugned SCN was issued under section 73 of CGST Act, 2017 which provides for adjudication of demand within 3 years from the due date of the annual return of the corresponding FY. For FY 2019-20, the annual return due date falls on 31.03.2021 and the 3-year time limit expires by 31.03.2024 however citing the difficulties caused due to Covid-19, the Government has extended the time limit from 31.03.2024 to 30.06.2024 by exercising the powers u/s. 168A by the Notification No. 09/2023 dated 31.03.2023. However, again exercising the powers u/s. 168A, ibid the time limit was further extended to 31.08.2024 by the Notification No. 56/2023-C.T dated 28.12.2023 (second extension). In this regard, it is submitted that an extension of the period prescribed for issuance of show cause notice under Section 73 (10) of the Goods and Service Tax Act, 2017 is not sustainable in law, in as much as COVID restrictions were uplifted long back in the year 2022 and the revenue had sufficient time to complete the scrutiny and audit process. Further, the 'force majeure' is as defined u/s. 168A, ibid was never occurred from 2022 till the expiry of the extended due date of 30.06.2024. Hence, the second extension of time runs beyond the mandate of Section 168A and is not sustained in the law. Accordingly, the demand for FY 2019-20 deserves to be dropped as the Show Cause Notice in the instant case is not issued prior to 31.12.2023 (i.e original due date to issue notice without considering extensions) as envisaged under Section 73 of CGST Act, 2017.

25. Since, there is no short payment of taxes to the revenue as alleged in the notice, it is requested that all such further proceedings under the current notice be dropped.

26. The noticee reserves the right to add, to withdraw, to correct, to change, to delete, to modify any submissions at the time of Personal Hearing in the Principal of Natural Justice.

For M/s. M/s. Modi Properties Private Limited

Authorised Signatory

FORM GST DRC - 03

[See rule 142(2)&142(3)]

Intimation of payment made voluntarily or made against the show cause notice (SCN) or statement

ARN :AD361121036030Z

Date :30/11/2021

1.	GSTIN				36AABCM4761E1ZM							
2.	Name				MODI PROPERTIES PRIVATE LIMITED							
3.	Cause of Payment				Annual return							
4.	Section under which voluntary payment is made				73(5)							
5.	Details of show cause notice, if payment is made within 30 days of its issue				Reference No:NA				Date Of issue:NA			
6.	Financial Year				2019-2020							
7.	Details of payment made including interest and penalty, if applicable (Amount in Rs.)											
Sr. No.	Tax Period	Act	Place of supply	Tax/Cess	Interest	Penalty,if applicable	Fee	Others	Total	Ledger utilised (Cash/credit)	Debit entry no.	Date of debit entry
1.	MAR 2020-MAR 2020	CGST	Telangana	53,697.00	0.00	0.00	0.00	0.00	53,697.00	Cash	DC3611210160836	30/11/2021
2.	MAR 2020-MAR 2020	SGST	Telangana	53,697.00	0.00	0.00	0.00	0.00	53,697.00	Cash	DC3611210160836	30/11/2021

8. Reasons, if any -

GST payable on account of RCM

9. Verification -

I hereby solemnly affirm and declare that the information given hereinabove is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom .

DRC-03

Signature of Authorized Signatory

Name: SOHAM MODI

Designation: DIRECTOR

Date: 30/11/2021

FORM GST DRC - 03

[See rule 142(2)&142(3)]

Intimation of payment made voluntarily or made against the show cause notice (SCN) or statement

ARN :AD361123001118Q

Date :02/11/2023

1.	GSTIN						36AABCM4761E1ZM					
2.	Name						MODI PROPERTIES PRIVATE LIMITED					
3.	Cause of Payment						Voluntary					
4.	Section under which voluntary payment is made						73(5)					
5.	Details of show cause notice, if payment is made within 30 days of its issue						Reference No:NA			Date Of issue:NA		
6.	Financial Year						2019-2020					
7.	Details of payment made including interest and penalty, if applicable (Amount in Rs.)											
Sr. No.	Tax Period	Act	Place of supply	Tax/Cess	Interest	Penalty,if applicabl e	Fee	Others	Total	Ledger utilised (Cash/credit)	Debit entry no.	Date of debit entry
1.	APR 2019-MAR 2020	CGST	Telangana	5.00	0.00	0.00	0.00	0.00	5.00	Cash	DC3611230005125	02/11/2023
2.	APR 2019-MAR 2020	SGST	Telangana	5.00	0.00	0.00	0.00	0.00	5.00	Cash	DC3611230005125	02/11/2023

8. Reasons, if any -

Towards Short Fall of GST3B vs GSTr 1 difference amount short fall amount

9. Verification -

I hereby solemnly affirm and declare that the information given hereinabove is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom .

Signature of Authorized Signatory

Name: SOHAM MODI

Designation: DIRECTOR

Date: 02/11/2023

Recommendations of 53rd GST Council Meeting

GST Council recommends waiving interest and penalties for demand notices issued under Section 73 of the CGST Act (i.e. the cases not involving fraud, suppression or wilful misstatement, etc.) for the fiscal years 2017-18, 2018-19 and 2019-20, if the full tax demanded is paid upto 31.03.2025.

GST Council recommends the time limit to avail input tax credit w.r.t. any invoice or debit note under Section 16(4) of CGST Act, through any GSTR 3B return filed upto 30.11.2021 for FY 2017-18, 2018-19, 2019-20 and 2020-21, may be deemed to be 30.11.2021

Council has recommends monetary limit of Rs. 20 lakh for GST Appellate Tribunal, Rs. 1 crore for High Court and Rs. 2 crore for Supreme Court, for filing of appeals by the Department, to reduce litigation

GST Council recommends reduction of the quantum of pre-deposit required to be paid for filing of appeals under GST

GST Council recommends amending provisions of

CGST Act to provide that the three-month period for filing appeals in GST Appellate Tribunal will start from a date to be notified by the Government

To ease the interest burden of the taxpayers, GST Council recommends to not levy interest u/s 50 of CGST Act in case of delayed filing of return, on the amount which is available in Electronic Cash Ledger (ECL) on the due date of filing of the said return

GST Council recommends sunset clause from April 1st, 2025 for receipt of any new application for Anti-profiteering

GST Council recommends exemption from Compensation Cess leviable on the imports in SEZ by SEZ Unit/developer for authorised operations from 1st July, 2017

GST Council recommends 12% GST on milk cans (steel, iron, aluminum) irrespective of use; Carton, Boxes And Cases of both corrugated and non-corrugated paper or paper-board; Solar cookers whether single or dual energy source; and sprinklers including fire water sprinklers.

GST Council recommends exemption of certain

services provided by Indian Railways to common man and also intra railway supplies

GST Council recommends certain exemptions related to accommodation services, providing relief to students and working professionals

GST Council recommends to roll-out the biometric-based Aadhaar authentication of registration applicants on pan-India basis in a phased manner

Posted On: 22 JUN 2024 7:43PM by PIB Delhi

The 53rd GST Council met under the Chairpersonship of Union Minister for Finance & Corporate Affairs Smt. Nirmala Sitharaman in New Delhi today. The meeting was also attended by Union Minister of State for Finance Shri Pankaj Chaudhary, Chief Ministers of Goa and Meghalaya; Deputy Chief Ministers of Bihar, Haryana, Madhya Pradesh, and Odisha; besides Finance Ministers of States & UTs (with legislature) and senior officers of the Ministry of Finance & States/ UTs.



The GST Council *inter alia* made the following recommendations relating to changes in GST tax rates, measures for facilitation of trade and measures for streamlining compliances in GST.

A. Changes in GST Tax Rates:

I. Recommendations relating to GST rates on Goods

A. Changes in GST rates of goods

1. A uniform rate of 5% IGST will apply to imports of 'Parts, components, testing equipment, tools and tool-kits of aircrafts, irrespective of their HS classification to provide a fillip to MRO activities subject to specified conditions.
2. All milk cans (of steel, iron and aluminium) irrespective of their use will attract 12% GST.
3. GST rate on 'carton, boxes and cases of both corrugated and non-corrugated paper or paper-board' (HS 4819 10; 4819 20) to be reduced from 18% to 12%.
4. All solar cookers whether single or dual energy source, will attract 12% GST.
5. To amend existing entry covering Poultry keeping Machinery attracting 12% GST to specifically incorporate "parts of Poultry keeping Machinery" and to regularise past practice on 'as is where is' basis in view of genuine interpretational issues.
6. To clarify that all types of sprinklers including fire water sprinklers will attract 12% GST and to regularise the past practice on 'as is where is' basis in view of genuine interpretational issues.
7. To extend IGST exemption on imports of specified items for defence forces for a further period of five years till 30th June, 2029.
8. To extend IGST exemption on imports of research equipment/buoys imported under the Research Moored Array for African-Asian-Australian Monsoon Analysis and Prediction (RAMA) programme subject to specified conditions.
9. To exempt Compensation Cess on the imports in SEZ by SEZ Unit/developers for authorised operations w.e.f. 01.07.2017.

Other Miscellaneous Changes

10. To exempt Compensation cess on supply of aerated beverages and energy drinks to authorised customers by Unit Run Canteens under Ministry of Defence.
11. To provide Adhoc IGST exemption on imports of technical documentation for AK-203 rifle kits imported for Indian Defence forces.

II. Recommendations relating to GST rates on services

1. To exempt the services provided by Indian Railways to general public, namely, sale of platform tickets, facility of retiring rooms/waiting rooms, cloak room services and battery-operated car services and to also exempt the Intra-Railway transactions. The issue for the past period will be regularized from 20.10.2023 to the date of issue of exemption notification in this regard.
2. To exempt GST on the services provided by Special Purpose Vehicles (SPV) to Indian Railway by way of allowing Indian Railway to use infrastructure built & owned by SPV during the concession period and maintenance services supplied by Indian Railways to SPV. The issue for the past will be regularized on 'as is where is' basis for the period from 01.07.2017 till the date of issue of exemption notification in this regard.
3. To create a separate entry in notification No. 12/2017- CTR 28.06.2017 under heading 9963 to exempt accommodation services having value of supply of accommodation up to Rs. 20,000/- per month per person subject to the condition that the accommodation service is supplied for a minimum continuous period of 90 days. To extend similar benefit for past cases.

Other changes relating to Services

4. Co-insurance premium apportioned by lead insurer to the co-insurer for the supply of insurance service by lead and co-insurer to the insured in coinsurance agreements, may be declared as no supply under Schedule III of the CGST Act, 2017 and past cases may be regularized on 'as is where is' basis.
5. Transaction of ceding commission/re-insurance commission between insurer and re-insurer may be declared as no supply under Schedule III of CGST Act, 2017 and past cases may be regularized on 'as is where is' basis.
6. GST liability on reinsurance services of specified insurance schemes covered by Sr. Nos. 35 & 36 of

notification No. 12/2017-CT (Rate) dated 28.06.2017 may be regularized on 'as is where is' basis for the period from 01.07.2017 to 24.01.2018.

7. GST liability on reinsurance services of the insurance schemes for which total premium is paid by the Government that are covered under Sr. No. 40 of notification No. 12/2017-CTR dated 28.06.2017 may be regularized on 'as is where is' basis for the period from 01.07.2017 to 26.07.2018.
8. To issue clarification that retrocession is 're-insurance of re-insurance' and therefore, eligible for the exemption under Sl. No. 36A of the notification No. 12/2017-CTR dated 28.06.2017.
9. To issue clarification that statutory collections made by Real Estate Regulatory Authority (RERA) are exempt from GST as they fall within the scope of entry 4 of No.12/2017-CTR dated 28.06.2017.
10. To issue clarification that further sharing of the incentive by acquiring bank with other stakeholders, where the sharing of such incentive is clearly defined under Incentive scheme for promotion of RuPay Debit Cards and low value BHIM-UPI transactions and is decided in the proportion and manner by NPCI in consultation with the participating banks is not taxable.

B. Measures for facilitation of trade:

1. Insertion of Section 128A in CGST Act, to provide for conditional waiver of interest or penalty or both, relating to demands raised under Section 73, for FY 2017-18 to FY 2019-20 : Considering the difficulties faced by the taxpayers, during the initial years of implementation of GST, the GST Council recommended, waiving interest and penalties for demand notices issued under Section 73 of the CGST Act for the fiscal years 2017-18, 2018-19 and 2019-20, in cases where the taxpayer pays the full amount of tax demanded in the notice upto **31.03.2025**. The waiver does not cover demand of erroneous refunds. To implement this, the GST Council has recommended insertion of Section 128A in CGST Act, 2017.

2. Reduction of Government Litigation by Fixing monetary limits for filing appeals under GST: The Council recommended to prescribe monetary limits, subject to certain exclusions, for filing of appeals in GST by the department before GST Appellate Tribunal, High Court, and Supreme Court, to reduce government litigation. The following monetary limits have been recommended by the Council:

GSTAT: Rs. 20 lakhs

High Court: Rs. 1 crore

Supreme Court: Rs. 2 crores

3. Amendment in Section 107 and Section 112 of CGST Act for reducing the amount of pre-deposit required to be paid for filing of appeals under GST: The GST Council recommended reducing the amount of pre-deposit for filing of appeals under GST to ease cash flow and working capital blockage for the taxpayers. The maximum amount for filing appeal with the appellate authority has been reduced from Rs. 25 crores CGST and Rs. 25 crores SGST to Rs. 20 crores CGST and Rs. 20 crores SGST. Further, the amount of pre-deposit for filing appeal with the Appellate Tribunal has been reduced from 20% with a maximum amount of Rs. 50 crores CGST and Rs. 50 crores SGST to 10 % with a maximum of Rs. 20 crores CGST and Rs. 20 crores SGST.

4. Applicability of Goods and Services Tax on Extra Neutral Alcohol (ENA) Taxation of ENA under GST: The GST Council, in its 52nd meeting, had recommended to amend GST Law to explicitly exclude rectified spirit/Extra Neutral Alcohol (ENA) from the scope of GST when supplied for manufacturing alcoholic liquors for human consumption. The GST Council now recommended amendment in sub-section (1) of Section 9 of the CGST Act, 2017 for not levying GST on Extra Neutral Alcohol used for manufacture of alcoholic liquor for human consumption.

5. Reduction in rate of TCS to be collected by the ECOs for supplies being made through them: Electronic Commerce Operators (ECOs) are required to collect Tax Collected at Source (TCS) on net taxable supplies under Section 52(1) of the CGST Act. The GST Council has recommended to reduce the TCS rate

from present 1% (0.5% CGST + 0.5% SGST/ UTGST, or 1% IGST) to 0.5 % (0.25% CGST + 0.25% SGST/UTGST, or 0.5% IGST), to ease the financial burden on the suppliers making supplies through such ECOs.

6. Time for filing appeals in GST Appellate Tribunal: The GST Council recommended amending Section 112 of the CGST Act, 2017 to allow the three-month period for filing appeals before the Appellate Tribunal to start from a date to be notified by the Government in respect of appeal/ revision orders passed before the date of said notification. This will give sufficient time to the taxpayers to file appeal before the Appellate Tribunal in the pending cases.

7. Relaxation in condition of section 16(4) of the CGST Act:

a) In respect of initial years of implementation of GST, i.e., financial years 2017-18, 2018-19, 2019-20 and 2020-21:

The GST Council recommended that the time limit to avail input tax credit in respect of any invoice or debit note under Section 16(4) of CGST Act, through any return in FORM GSTR 3B filed upto 30.11.2021 for the financial years 2017-18, 2018-19, 2019-20 and 2020-21, may be deemed to be 30.11.2021. For the same, requisite amendment in section 16(4) of CGST Act, retrospectively, w.e.f. 01.07.2017, has been recommended by the Council.

b) with respect to cases where returns have been filed after revocation:

The GST Council recommended retrospective amendment in Section 16(4) of CGST Act, to be made effective from July 1st, 2017, to conditionally relax the provisions of section 16(4) of CGST Act in cases where returns for the period from the date of cancellation of registration/ effective date of cancellation of registration till the date of revocation of cancellation of the registration, are filed by the registered person within thirty days of the order of revocation.

8. Change in due date for filing of return in FORM GSTR-4 for composition taxpayers from 30th April to 30th June: The GST Council recommended an amendment in clause (ii) of sub-rule (1) of Rule 62 of CGST Rules, 2017 and **FORM GSTR-4** to extend the due date for filing of return in **FORM GSTR-4** for composition taxpayers from 30th April to 30th June following the end of the financial year. This will apply for returns for the financial year 2024-25 onwards. The same would give more time to the taxpayers who opt to pay tax under composition levy to furnish the said return.

9. Amendment of Rule 88B of CGST Rules, 2017 in respect of interest under Section 50 of CGST Act on delayed filing of returns, in cases where the credit is available in Electronic Cash Ledger (ECL) on the due date of filing the said return: The GST Council recommended amendment in rule 88B of CGST Rules to provide that an amount, which is available in the Electronic Cash Ledger on the due date of filing of return in **FORM GSTR-3B**, and is debited while filing the said return, shall not be included while calculating interest under section 50 of the CGST Act in respect of delayed filing of the said return.

10. Insertion of Section 11A in CGST Act for granting power not to recover duties not levied or short-levied as a result of general practice under GST Acts: The GST Council recommended inserting a new Section 11A in CGST Act to give powers to the Government, on the recommendations of the Council, to allow regularization of non-levy or short levy of GST, where tax was being short paid or not paid due to common trade practices.

11. Refund of additional Integrated Tax (IGST) paid on account of upward revision in price of the goods subsequent to export: The GST Council recommended to prescribe a mechanism for claiming refund of additional IGST paid on account of upward revision in price of the goods subsequent to their export. This will facilitate a large number of taxpayers, who are required to pay additional IGST on account of upward revision in price of the goods subsequent to export, in claiming refund of such additional IGST.

12. Clarification regarding valuation of supply of import of services by a related person where recipient is eligible to full input tax credit: The Council recommended to clarify that in cases where the foreign affiliate is providing certain services to the related domestic entity, for which full input tax

credit is available to the said related domestic entity, the value of such supply of services declared in the invoice by the said related domestic entity may be deemed as open market value in terms of second proviso to rule 28(1) of CGST Rules. Further, in cases where full input tax credit is available to the recipient, if the invoice is not issued by the related domestic entity with respect to any service provided by the foreign affiliate to it, the value of such services may be deemed to be declared as Nil, and may be deemed as open market value in terms of second proviso to rule 28(1) of CGST Rules.

13. **Clarification regarding availability of Input Tax Credit (ITC) on ducts and manholes used in the network of Optical Fiber Cables (OFCs):** The Council recommended to clarify that input tax credit is not restricted in respect of ducts and manhole used in network of optical fiber cables (OFCs), under clause (c) or under clause (d) of sub-section (5) of section 17 of CGST Act.
14. **Clarification on the place of supply applicable for custodial services provided by banks:** The Council recommended to clarify that place of supply of Custodial services supplied by Indian Banks to Foreign Portfolio Investors is determinable as per Section 13(2) of the IGST Act, 2017.
15. **Clarification on valuation of corporate guarantee provided between related persons after insertion of Rule 28(2) of CGST Rules, 2017:** GST Council recommended amendment of rule 28(2) of CGST Rules retrospectively with effect from 26.10.2023 and issuance of a circular to clarify various issues regarding valuation of services of providing corporate guarantees between related parties. It is *inter alia* being clarified that valuation under rule 28(2) of CGST Rules would not be applicable in case of export of such services and also where the recipient is eligible for full input tax credit.
16. **Clarification regarding applicability of provisions of Section 16 (4) of CGST Act, 2017, in respect of invoices issued by the recipient under Reverse Charge Mechanism (RCM):** The Council recommended to clarify that in cases of supplies received from unregistered suppliers, where tax has to be paid by the recipient under reverse charge mechanism (RCM) and invoice is to be issued by the recipient only, the relevant financial year for calculation of time limit for availment of input tax credit under the provisions of section 16(4) of CGST Act is the financial year in which the invoice has been issued by the recipient.
17. **Clarification on following issues to provide clarity to trade and tax officers and to reduce litigation:**
 - i. Clarification on taxability of re-imbursement of securities/shares as ESOP/ESPP/RSU provided by a company to its employees
 - ii. Clarification on requirement of reversal of input tax credit in respect of amount of premium in Life Insurance services, which is not included in the taxable value as per Rule 32(4) of CGST Rules.
 - iii. Clarification on taxability of wreck and salvage values in motor insurance claims
 - iv. Clarification in respect of Warranty/ Extended Warranty provided by Manufacturers to the end customers
 - v. Clarification regarding availability of input tax credit on repair expenses incurred by the insurance companies in case of reimbursement mode of settlement of motor vehicle insurance claims.
 - vi. Clarification on taxability of loans granted between related person or between group companies.
 - vii. Clarification on time of supply on Annuity Payments under HAM Projects.
 - viii. Clarification regarding time of supply in respect of allotment of Spectrum to Telecom companies in cases where payment of licence fee and Spectrum usage charges is to be made in instalments.
 - ix. Clarification relating to place of supply of goods supplied to unregistered persons, where delivery address is different from the billing address
 - x. Clarification on mechanism for providing evidence by the suppliers for compliance of the conditions of Section 15(3)(b)(ii) of CGST Act, 2017 in respect of post-sale discounts, to the effect that input tax credit has been reversed by the recipient on the said amount.
 - xi. Clarifications on various issues pertaining to special procedure for the manufacturers of the specified commodities, like pan masala, tobacco etc.
18. The Council recommended amendment in section 140(7) of CGST Act retrospectively w.e.f.

01.07.2017 to provide for transitional credit in respect of invoices pertaining to services provided before appointed date, and where invoices were received by Input Service Distributor (ISD) before the appointed date.

19. The Council recommended providing a new optional facility by way of **FORM GSTR-1A** to facilitate the taxpayers to amend the details in **FORM GSTR-1** for a tax period and/ or to declare additional details, if any, before filing of return in **FORM GSTR-3B** for the said tax period. This will facilitate taxpayer to add any particulars of supply of the current tax period missed out in reporting in **FORM GSTR-1** of the said tax period or to amend any particulars already declared in **FORM GSTR-1** of the current tax period (including those declared in IFF, for the first and second months of a quarter, if any, for quarterly taxpayers), to ensure that correct liability is auto-populated in **FORM GSTR-3B**.

20. The Council recommended that filing of annual return in **FORM GSTR-9/9A** for the FY 2023-24 may be exempted for taxpayers having aggregate annual turnover upto two crore rupees.

21. Amendment was recommended to be made in section 122(1B) of CGST Act retrospectively w.e.f. 01.10.2023, so as to clarify that the said penal provision is applicable only for those e-commerce operators, who are required to collect tax under section 52 of CGST Act, and not for other e-commerce operators.

22. The Council recommended amendment in rule 142 of CGST Rules and issuance of a circular to prescribe a mechanism for adjustment of an amount paid in respect of a demand through **FORM GST DRC-03** against the amount to be paid as pre-deposit for filing appeal.

Other measures pertaining to Law and Procedures

23. **Rolling out of bio-metric based Aadhaar authentication on All-India basis:** The GST Council recommended to roll-out the biometric-based Aadhaar authentication of registration applicants on pan-India basis in a phased manner. This will strengthen the registration process in GST and will help in combating fraudulent input tax credit (ITC) claims made through fake invoices.

24. **Amendments in Section 73 and Section 74 of CGST Act, 2017 and insertion of a new Section 74A in CGST Act, to provide for common time limit for issuance of demand notices and orders irrespective of whether case involves fraud, suppression, willful misstatement etc., or not:** Presently, there is a different time limit for issuing demand notices and demand orders, in cases where charges of fraud, suppression, willful misstatement etc., are not involved, and in cases where those charges are involved. In order to simplify the implementation of those provisions, the GST Council recommended to provide for a common time limit for issuance of demand notices and orders in respect of demands for FY 2024-25 onwards, in cases involving charges of fraud or willful misstatement and not involving the charges of fraud or willful misstatement etc. Also, the time limit for the taxpayers to avail the benefit of reduced penalty, by paying the tax demanded along with interest, has been recommended to be increased from 30 days to 60 days.

25. The Council recommended amendment in section 171 and section 109 of CGST Act, 2017 to provide a sunset clause for anti-profiteering under GST and to provide for handling of anti-profiteering cases by Principal bench of GST Appellate Tribunal (GSTAT). Council has also recommended the sun-set date of **01.04.2025** for receipt of any new application regarding anti-profiteering.

26. **Amendment in Section 16 of IGST Act and section 54 of CGST Act to curtail refund of IGST in cases where export duty is payable:** The Council recommended amendments in section 16 of IGST Act and section 54 of CGST Act to provide that the refund in respect of goods, which are subjected to export duty, is restricted, irrespective of whether the said goods are exported without payment of taxes or with payment of taxes, and such restrictions should also be applicable, if such goods are supplied to a SEZ developer or a SEZ unit for authorized operations.

27. The threshold for reporting of B2C inter-State supplies invoice-wise in Table 5 of **FORM GSTR-1** was recommended to be reduced from Rs 2.5 Lakh to Rs 1 Lakh.

28. The Council recommended that return in **FORM GSTR-7**, to be filed by the registered persons who are required to deduct tax at source under section 51 of CGST Act, is to be filed every month irrespective of whether any tax has been deducted during the said month or not. It has also been recommended that no late fee may be payable for delayed filing of Nil **FORM GSTR-7** return. Further, it has been recommended that

invoice-wise details may be required to be furnished in the said **FORM GSTR-7** return.

***Note:** The recommendations of the GST Council have been presented in this release containing major item of decisions in simple language for information of the stakeholders. The same would be given effect through the relevant circulars/ notifications/ law amendments which alone shall have the force of law.*

NB/KMN

(Release ID: 2027982)

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India
Ministry of Finance
(Department of Revenue)
Central Board of Indirect Taxes and Customs**

Notification No. 53/2020 – Central Tax

New Delhi, the 24th June, 2020

G.S.R.....(E).— In exercise of the powers conferred by section 128 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Government, on the recommendations of the Council, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 4/2018– Central Tax, dated the 23rd January, 2018, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub- section (i) *vide* number G.S.R. 53(E), dated the 23rd January, 2018, namely:—

In the said notification, for the third proviso, the following proviso shall be substituted, namely: –

“Provided also that the amount of late fee payable under section 47 of the said Act shall stand waived for the registered persons who fail to furnish the details of outward supplies for the months or quarter mentioned in column (2) of the Table below in **FORM GSTR-1** by the due date, but furnishes the said details on or before the dates mentioned in column (3) of the said Table:-

Table

Sl. No. (1)	Month/ Quarter (2)	Dates (3)
1.	March, 2020	10 th day of July, 2020
2.	April, 2020	24 th day of July, 2020
3.	May, 2020	28 th day of July, 2020

4.	June, 2020	05 th day of August, 2020
5.	January to March, 2020	17 th day of July, 2020
6.	April to June, 2020	03 rd day of August, 2020.”.

[F. No. CBEC-20/06/09/2019-GST]

(Pramod Kumar)
Director, Government of India

Note: The principal notification No. 4/2018– Central Tax, dated the 23rd January, 2018, was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub- section (i) *vide* number G.S.R. 53(E), dated the 23rd January, 2018 and was last amended by notification No. 33/2020- Central Tax, dated the 3rd April, 2020, published in the Gazette of India, Extraordinary, *vide* number G.S.R. 233(E) dated the 3rd April, 2020.

FORM GST DRC - 03

[See rule 142(2)&142(3)]

Intimation of payment made voluntarily or made against the show cause notice (SCN) or statement

ARN :AD3607240064554

Date :16/07/2024

1.	GSTIN						36AABCM4761E1ZM					
2.	Name						MODI PROPERTIES PRIVATE LIMITED					
3.	Cause of Payment						Voluntary					
4.	Section under which voluntary payment is made						73(5)					
5.	Details of show cause notice, if payment is made within 30 days of its issue						Reference No:NA			Date Of issue:NA		
6.	Financial Year						2019-2020					
7.	Details of payment made including interest and penalty, if applicable (Amount in Rs.)											
Sr. No.	Tax Period	Act	Place of supply	Tax/Cess	Interest	Penalty,if applicable	Fee	Others	Total	Ledger utilised (Cash/credit)	Debit entry no.	Date of debit entry
1.	APR 2019-APR 2019	CGST	Telangana	0.00	0.00	0.00	100.00	0.00	100.00	Cash	DC3607240041753	16/07/2024
2.	APR 2019-APR 2019	SGST	Telangana	0.00	0.00	0.00	100.00	0.00	100.00	Cash	DC3607240041753	16/07/2024
3.	AUG 2019-AUG 2019	CGST	Telangana	0.00	0.00	0.00	375.00	0.00	375.00	Cash	DC3607240041753	16/07/2024
4.	AUG 2019-AUG 2019	SGST	Telangana	0.00	0.00	0.00	375.00	0.00	375.00	Cash	DC3607240041753	16/07/2024
5.	SEP 2019-SEP 2019	CGST	Telangana	0.00	0.00	0.00	150.00	0.00	150.00	Cash	DC3607240041753	16/07/2024
6.	SEP 2019-SEP 2019	SGST	Telangana	0.00	0.00	0.00	150.00	0.00	150.00	Cash	DC3607240041753	16/07/2024
7.	JAN 2020-JAN 2020	CGST	Telangana	0.00	0.00	0.00	25.00	0.00	25.00	Cash	DC3607240041753	16/07/2024

8.	JAN 2020- JAN 2020	SGST	Telangana	0.00	0.00	0.00	25.00	0.00	25.00	Cash	DC360724004 1753	16/07/2024
9.	FEB 2020- FEB 2020	CGST	Telangana	0.00	0.00	0.00	1,475.00	0.00	1,475.00	Cash	DC360724004 1753	16/07/2024
10.	FEB 2020- FEB 2020	SGST	Telangana	0.00	0.00	0.00	1,475.00	0.00	1,475.00	Cash	DC360724004 1753	16/07/2024

8. Reasons, if any -

Late fees for delay in filing of GSTR1 for during several months in GSTR -1

9. Verification -

I hereby solemnly affirm and declare that the information given hereinabove is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom .

Signature of Authorized Signatory

Name: SOHAM MODI

Designation: DIRECTOR

Date: 16/07/2024

NOTIFICATION NO. 13/2017-CENTRAL TAX (RATE)

SECTION 9 OF THE CGST ACT, 2017 - LEVY & COLLECTION OF TAX - REVERSE CHARGE ON CERTAIN SPECIFIED SUPPLIES OF SERVICES

NOTIFICATION NO. 13/2017-CENTRAL TAX (RATE), DATED 28-6-2017, AS AMENDED BY, [NOTIFICATION NO. 22/2017-CENTRAL TAX \(RATE\), DATED 22-8-2017](#), [CORRIGENDUM GSR 1199\(E\), DATED 25-9-2017](#), [NOTIFICATION NO. 33/2017-CENTRAL TAX \(RATE\), DATED 13-10-2017](#), [NOTIFICATION NO. 3/2018-CENTRAL TAX \(RATE\), DATED 25-1-2018](#), [NOTIFICATION NO. 15/2018-CENTRAL TAX \(RATE\), DATED 26-7-2018](#), [NOTIFICATION NO. 29/2018-CENTRAL TAX \(RATE\), DATED 31-12-2018](#), [NOTIFICATION NO. 5/2019-CENTRAL TAX \(RATE\), DATED 29-3-2019](#), [NOTIFICATION NO. 22/2019-CENTRAL TAX \(RATE\), DATED 30-9-2019](#), [NOTIFICATION NO. 29/2019-CENTRAL TAX \(RATE\), DATED 31-12-2019](#), [NOTIFICATION NO. 5/2022-CENTRAL TAX \(RATE\), DATED 13-7-2022](#), [NOTIFICATION NO. 2/2023-CENTRAL TAX \(RATE\), DATED 28-2-2023](#), [NOTIFICATION NO. 8/2023-CENTRAL TAX \(RATE\), DATED 26-7-2023](#) AND [NOTIFICATION NO. 14/2023-CENTRAL TAX \(RATE\), DATED 19-10-2023](#)

In exercise of the powers conferred by sub-section (3) of section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government on the recommendations of the Council hereby notifies that on categories of supply of services mentioned in column (2) of the Table below, supplied by a person as specified in column (3) of the said Table, the whole of central tax leviable under section 9 of the said Central Goods and Services Tax Act, shall be paid on reverse charge basis by the recipient of the such services as specified in column (4) of the said Table:—

TABLE

Sl. No.	Category of Supply of Services	Supplier of service	Recipient of Service																		
(1)	(2)	(3)	(4)																		
1	Supply of Services by a goods transport agency (GTA), 1[***] in respect of transportation of goods by road to— <table><tr><td>(a)</td><td>any factory registered under or governed by the Factories Act, 1948 (63 of 1948); or</td></tr><tr><td>(b)</td><td>any society registered under the Societies Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any</td></tr></table>	(a)	any factory registered under or governed by the Factories Act, 1948 (63 of 1948); or	(b)	any society registered under the Societies Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any	Goods Transport Agency (GTA)	<table><tr><td>(a)</td><td>Any factory registered under or governed by the Factories Act, 1948 (63 of 1948); or</td></tr><tr><td>(b)</td><td>any society registered under the Societies Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any part of India; or</td></tr><tr><td>(c)</td><td>any co-operative society established by or under any law; or</td></tr><tr><td>(d)</td><td>any person registered under the Central Goods and Services Tax Act or the Integrated Goods and Services Tax Act or the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act; or</td></tr><tr><td>(e)</td><td>any body corporate established, by or under any law; or</td></tr><tr><td>(f)</td><td>any partnership firm whether registered or not under any law including association of persons; or</td></tr><tr><td>(g)</td><td>any casual taxable person; located in the taxable territory.</td></tr></table>	(a)	Any factory registered under or governed by the Factories Act, 1948 (63 of 1948); or	(b)	any society registered under the Societies Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any part of India; or	(c)	any co-operative society established by or under any law; or	(d)	any person registered under the Central Goods and Services Tax Act or the Integrated Goods and Services Tax Act or the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act; or	(e)	any body corporate established, by or under any law; or	(f)	any partnership firm whether registered or not under any law including association of persons; or	(g)	any casual taxable person; located in the taxable territory.
(a)	any factory registered under or governed by the Factories Act, 1948 (63 of 1948); or																				
(b)	any society registered under the Societies Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any																				
(a)	Any factory registered under or governed by the Factories Act, 1948 (63 of 1948); or																				
(b)	any society registered under the Societies Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any part of India; or																				
(c)	any co-operative society established by or under any law; or																				
(d)	any person registered under the Central Goods and Services Tax Act or the Integrated Goods and Services Tax Act or the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act; or																				
(e)	any body corporate established, by or under any law; or																				
(f)	any partnership firm whether registered or not under any law including association of persons; or																				
(g)	any casual taxable person; located in the taxable territory.																				

	part of India; or
(c)	any co-operative society established by or under any law; or
(d)	any person registered under the Central Goods and Services Tax Act or the Integrated Goods and Services Tax Act or the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act; or
(e)	any body corporate established, by or under any law; or
(f)	any partnership firm whether registered or not under any law including association of persons; or
(g)	any casual taxable person:

²**Provided** that nothing contained in this entry shall apply to services provided by a goods transport agency, by way of transport of goods in a goods carriage by road, to,

(a)	a Department or
-----	--------------------

	Establishment of the Central Government or State Government or Union territory; or
(b)	local authority; or
(c)	Governmental agencies,

which has taken registration under the Central Goods and Services Tax Act, 2017 (12 of 2017) only for the purpose of deducting tax under section 51 and not for making a taxable supply of goods or services:]

[2a](#) **[Provided further that nothing contained in this entry shall apply where, -**

i.	<i>the supplier has taken registration under the CGST Act, 2017 and exercised the option to pay tax on the services of GTA in relation to transport of goods supplied by him under forward charge; and</i>
ii.	<i>the supplier has issued a tax invoice to the recipient charging Central Tax at the applicable rates and has made a declaration as prescribed in Annexure III on such</i>

	<table><tr><td></td><td>invoice issued by him.]</td></tr></table>		invoice issued by him.]								
	invoice issued by him.]										
2	3[Services provided by an individual advocate including a senior advocate or firm of advocates by way of legal services, directly or indirectly. <i>Explanation.</i>—"Legal service" means any service provided in relation to advice, consultancy or assistance in any branch of law, in any manner and includes representational services before any court, tribunal or authority.]	An individual advocate including a senior advocate or firm of advocates.	Any business entity located in the taxable territory.								
3	Services supplied by an arbitral tribunal to a business entity.	An arbitral tribunal.	Any business entity located in the taxable territory.								
4	Services provided by way of sponsorship to any body corporate or partnership firm.	Any person	Any body corporate or partnership firm located in the taxable territory.								
5	Services supplied by the Central Government, State Government, Union territory or local authority to a business entity excluding,— <table><tr><td>(1)</td><td>renting of immovable property, and</td></tr><tr><td>(2)</td><td>services specified below—</td></tr></table> <table><tr><td>(i)</td><td>services by the Department of Posts 3a[and the Ministry of Railways (Indian Railways)] 3b[***];</td></tr><tr><td>(ii)</td><td>services in relation to an aircraft or a vessel,</td></tr></table>	(1)	renting of immovable property, and	(2)	services specified below—	(i)	services by the Department of Posts 3a [and the Ministry of Railways (Indian Railways)] 3b [***];	(ii)	services in relation to an aircraft or a vessel,	Central Government, State Government, Union territory or local authority	Any business entity located in the taxable territory.
(1)	renting of immovable property, and										
(2)	services specified below—										
(i)	services by the Department of Posts 3a [and the Ministry of Railways (Indian Railways)] 3b [***];										
(ii)	services in relation to an aircraft or a vessel,										

	<table><tr><td></td><td>inside or outside the precincts of a port or an airport;</td></tr><tr><td>(iii)</td><td>transport of goods or passengers.</td></tr></table>		inside or outside the precincts of a port or an airport;	(iii)	transport of goods or passengers.		
	inside or outside the precincts of a port or an airport;						
(iii)	transport of goods or passengers.						
4[5A	Services supplied by the Central Government 3a [excluding the Ministry of Railways (Indian Railways)], State Government, Union territory or local authority by way of renting of immovable property to a person registered under the Central Goods and Services Tax Act, 2017 (12 of 2017)	Central Government, State Government, Union territory or local authority	Any person registered under the Central Goods and Services Tax Act, 2017.]				
4a [5AA	Service by way of renting of residential dwelling to a registered person.	Any person	Any registered person.]				
5 [5B	Services supplied by any person by way of transfer of development rights or Floor Space Index (FSI) (including additional FSI) for construction of a project by a promoter.	Any person	Promoter.				
5C	Long term lease of land (30 years or more) by any person against consideration in the form of upfront amount (called as premium, salami, cost, price, development charges or by any other name) and/or periodic rent for construction of a project by a promoter.	Any person	Promoter.]				
6	Services supplied by a director of a company or a body corporate to the said company or the body corporate.	A director of a company or a body corporate	The company or a body corporate located in the taxable territory.				
7	Services supplied by an insurance agent to any person carrying on insurance business.	An insurance agent	Any person carrying on insurance business, located in the taxable territory.				
8	Services supplied by a recovery agent to a	A recovery agent	A banking company or a financial institution or a non-banking financial company, located in the taxable				

	banking company or a financial institution or a non-banking financial company.		territory.				
6[9	Supply of services by a music composer, photographer, artist or the like by way of transfer or permitting the use or enjoyment of a copyright covered under clause (a) of sub-section (1) of section 13 of the Copyright Act, 1957 relating to original dramatic, musical or artistic works to a music company, producer or the like.	Music composer, photographer, artist, or the like	Music company, producer or the like, located in the taxable territory.]				
7[9A	Supply of services by an author by way of transfer or permitting the use or enjoyment of a copyright covered under clause (a) of sub-section (1) of section 13 of the Copyright Act, 1957 relating to original literary works to a publisher.	Author	Publisher located in the taxable territory: Provided that nothing contained in this entry shall apply where,—<table><tr><td>(i)</td><td>the author has taken registration under the Central Goods and Services Tax Act, 2017 (12 of 2017), and filed a declaration, in the form at Annexure I, within the time limit prescribed therein, with the jurisdictional CGST or SGST Commissioner, as the case may be, that he exercises the option to pay central tax on the service specified in column (2), under forward charge in accordance with section 9(1) of the Central Goods and Services Tax Act, 2017 under forward charge, and to comply with all the provisions of Central Goods and Services Tax Act, 2017 (12 of 2017) as they apply to a person liable for paying the tax in relation to the supply of any goods or services or both and that he shall not withdraw the said option within a period of 1 year from the date of exercising such option;</td></tr><tr><td>(ii)</td><td>the author makes a declaration, as prescribed in Annexure II on the invoice issued by him in Form GST Inv-I to the publisher.]</td></tr></table>	(i)	the author has taken registration under the Central Goods and Services Tax Act, 2017 (12 of 2017), and filed a declaration, in the form at Annexure I, within the time limit prescribed therein, with the jurisdictional CGST or SGST Commissioner, as the case may be, that he exercises the option to pay central tax on the service specified in column (2), under forward charge in accordance with section 9(1) of the Central Goods and Services Tax Act, 2017 under forward charge, and to comply with all the provisions of Central Goods and Services Tax Act, 2017 (12 of 2017) as they apply to a person liable for paying the tax in relation to the supply of any goods or services or both and that he shall not withdraw the said option within a period of 1 year from the date of exercising such option;	(ii)	the author makes a declaration, as prescribed in Annexure II on the invoice issued by him in Form GST Inv-I to the publisher.]
(i)	the author has taken registration under the Central Goods and Services Tax Act, 2017 (12 of 2017), and filed a declaration, in the form at Annexure I, within the time limit prescribed therein, with the jurisdictional CGST or SGST Commissioner, as the case may be, that he exercises the option to pay central tax on the service specified in column (2), under forward charge in accordance with section 9(1) of the Central Goods and Services Tax Act, 2017 under forward charge, and to comply with all the provisions of Central Goods and Services Tax Act, 2017 (12 of 2017) as they apply to a person liable for paying the tax in relation to the supply of any goods or services or both and that he shall not withdraw the said option within a period of 1 year from the date of exercising such option;						
(ii)	the author makes a declaration, as prescribed in Annexure II on the invoice issued by him in Form GST Inv-I to the publisher.]						
8[10.	Supply of services by the members of Overseeing Committee to Reserve Bank of India	Members of Over-seeing Committee constituted by the Reserve Bank of India	Reserve Bank of India.]				
9[11.	Services supplied by individual Direct Selling Agents (DSAs) other than	Individual Direct Selling Agents	A banking company or a non-banking financial company, located in the taxable territory.]				

	a body corporate, partnership or limited liability partnership firm to bank or non-banking financial company (NBFCs).	(DSAs) other than a body corporate, partnership or limited liability partnership firm.	
10 [12.	Services provided by business facilitator (BF) to a banking company	Business facilitator (BF)	A banking company, located in the taxable territory.
13.	Services provided by an agent of business correspondent (BC) to business correspondent (BC)	An agent of business correspondent (BC)	A business correspondent, located in the taxable territory.
14.	Security services (services provided by way of supply of security personnel) provided to a registered person: Provided that nothing contained in this entry shall apply to,— (i) (a) a Department or Establishment of the Central Government or State Government or Union territory; or (b) local authority; or (c) Governmental agencies; which has taken registration under the Central Goods and Services Tax Act, 2017 (12 of 2017) only for the purpose of deducting tax under section 51 of the said Act and not for making a taxable supply of goods or services; or (ii) a registered person paying tax under section 10 of the said Act.	Any person other than a body corporate	A registered person, located in the taxable territory.]
11 [12 [15.	Services provided by way of renting of any motor vehicle designed to carry passengers where the cost of fuel is included in the consideration charged from the service recipient, provided to a body corporate.	Any person, other than a body corporate who supplies the service to a body corporate and does not issue an invoice charging	Any body corporate located in the taxable territory.]

		central tax at the rate of 6 per cent to the service recipient	
16.	Services of lending of securities under Securities Lending Scheme, 1997 ("Scheme") of Securities and Exchange Board of India ("SEBI"), as amended.	Lender <i>i.e.</i> a person who deposits the securities registered in his name or in the name of any other person duly authorised on his behalf with an approved intermediary for the purpose of lending under the Scheme of SEBI	Borrower <i>i.e.</i> a person who borrows the securities under the Scheme through an approved intermediary of SEBI.]

Explanation.—For purpose of this notification,—

- (a) the person who pays or is liable to pay freight for the transportation of goods by road in goods carriage, located in the taxable territory shall be treated as the person who receives the service for the purpose of this notification;
- (b) "Body Corporate" has the same meaning as assigned to it in clause (11) of section 2 of the Companies Act, 2013;
- (c) the business entity located in the taxable territory who is litigant, applicant or petitioner, as the case may be, shall be treated as the person who receives the legal services for the purpose of this notification;
- (d) the words and expressions used and not defined in this notification but defined in the Central Goods and Services Tax Act, the Integrated Goods and Services Tax Act, and the Union Territory Goods and Services Tax Act shall have the same meanings as assigned to them in those Acts;
- [13](#)[(e) a "Limited Liability Partnership" formed and registered under the provisions of the Limited Liability Partnership Act, 2008 (6 of 2009) shall also be considered as a partnership firm or a firm;]
- [14](#)[(f) "insurance agent" shall have the same meaning as assigned to it in clause (10) of section 2 of the Insurance Act, 1938 (4 of 1938);]
- [15](#)[(g) "renting of immovable property" means allowing, permitting or granting access, entry, occupation, use or any such facility, wholly or partly, in an immovable property, with or without the transfer of possession or control of the said immovable property and includes letting, leasing, licensing or other similar arrangements in respect of immovable property;]
- [16](#)[(h) provisions of this notification, in so far as they apply to the Central Government and State Governments, shall also apply to the Parliament [16a](#)[*State Legislatures, Courts and Tribunals*];]
- [17](#)[(i) the term "apartment" shall have the same meaning as assigned to it in clause (e) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);
- (j) the term "promoter" shall have the same meaning as assigned to it in clause (zk) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);
- (k) the term "project" shall mean a Real Estate Project (REP) or a Residential Real Estate Project (RREP);
- (l) the term "Real Estate Project (REP)" shall have the same meaning as assigned to it in clause (zn) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

- (m) the term "Residential Real Estate Project (RREP)" shall mean a REP in which the carpet area of the commercial apartments is not more than 15 per cent of the total carpet area of all the apartments in the REP;
- (n) "floor space index (FSI)" shall mean the ratio of a building's total floor area (gross floor area) to the size of the piece of land upon which it is built.]

2. This notification shall come into force on the 1st day of July, 2017.

[18](#)[ANNEXURE I

FORM

[9A of Table]

(Declaration to be filed by an author for exercising the option to pay tax on the "supply of services by an author by way of transfer or permitting the use or enjoyment of a copyright covered under clause (a) of sub-section (1) of section 13 of the Copyright Act, 1957 relating to original literary works to a publisher" under forward charge on or before 31-10-2019 for the option to be effective from 1-11-2019 or before the commencement of any Financial Year for the option to be effective from the commencement of that Financial Year.)

Reference No.

Date

To

.....
.....
.....

(To be addressed to the jurisdictional Commissioner)

1. Name of the author:
2. Address of the author:
3. GSTIN of the author:

Declaration

1. I have taken registration under the Central Goods and Services Tax Act, 2017 (12 of 2017), and I hereby exercise the option to pay central tax on the service specified against serial No. 9A in column (2) of the Table in the notification No. 13/2017 -Central Tax (Rate), dated the 28th June, 2017, supplied by me, under forward charge in accordance with section 9(1) of CGST Act, and to comply with all the provisions of CGST Act, 2017 (12 of 2017) as they apply to a person liable for paying the tax in relation to the supply of any goods or services or both.

2. I understand that this option, once exercised, shall not be allowed to be changed within a period of 1 year from the date of exercising the option and shall be valid, at least, till the end of Financial Year following the year in which it is made.

Signature

Place

Name

Date

GSTIN

ANNEXURE II

(Declaration to be made in the invoice by the author exercising the option to pay tax on the "supply of service by an author by way of transfer or permitting the use or enjoyment of a copyright covered under clause (a) of sub-section (1) of section 13 of the Copyright Act, 1957 relating to original literary works to a publisher" under forward charge.)

Declaration

[9A of Table]

I have exercised the option to pay central tax on the service specified against serial No. 9A in column (2) of the Table in the notification No. 13/2017-Central Tax (Rate), dated 28th June, 2017 under forward charge.]

[19](#) [ANNEXURE III

Declaration

I/we have taken registration under the CGST Act, 2017 and have exercised the option to pay tax on services of GTA in relation to transport of goods supplied by us ²⁰[from the Financial Year ____ under forward charge and have not reverted to reverse charge mechanism].]

1. Words "who has not paid central tax at the rate of 6%," omitted by [Notification No. 5/2022-Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its omission said words as inserted by Notification No. 22/2017-Central Tax (Rate), dated 22-8-2017.

2. Inserted by Notification No. 29/2018-Central Tax (Rate), dated 31-12-2018, w.e.f. 1-1-2019.

2a. Inserted by [Notification No. 5/2022-Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**.

3. As corrected by Corrigendum GSR 1199(E), dated 25-9-2017.

3a. Inserted by [Notification No. 14/2023-Central Tax \(Rate\), dated 19-10-2023](#), w.e.f. **20-10-2023**.

3b. Words "by way of speed post, express parcel post, life insurance, and agency services provided to a person other than Central Government, State Government or Union territory or local authority" omitted by [Notification No. 5/2022-Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**.

4. Inserted by Notification No. 3/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.

4a. Inserted by [Notification No. 5/2022-Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**.

5. Inserted by Notification No. 5/2019-Central Tax (Rate), dated 29-3-2019, w.e.f. 1-4-2019.

6. Substituted by Notification No. 22/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019. Prior to its substitution, Sl. No. 9 read as under :

"9	Supply of services by an author, music composer, photographer, artist or the like by way of transfer or permitting the use or enjoyment of a copyright covered under clause (a) of sub-section (1) of section 13 of the Copyright Act, 1957 relating to original literary, dramatic, musical or artistic works to a publisher, music company, producer or the like.	Author or music composer, photographer, artist, or the like	Publisher, music company, producer or the like, located in the taxable territory."
----	---	---	--

7. Inserted by Notification No. 22/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.

8. Inserted by Notification No. 33/2017-Central Tax (Rate), dated 13-10-2017, w.e.f. 13-10-2017.

9. Inserted by Notification No. 15/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.

10. Inserted by Notification No. 29/2018-Central Tax (Rate), dated 31-12-2018, w.e.f. 1-1-2019.

11. Sl. Nos. 15 and 16 inserted by Notification No. 22/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.

12. Substituted by Notification No. 29/2019-Central Tax (Rate), dated 31-12-2019, w.e.f. 31-12-2019. Prior to its substitution, Sl. No. 15 read as under :

"15.	Services provided by way of renting of a motor vehicle provided to a body corporate.	Any person other than a body corporate, paying central tax at the rate of 2.5% on renting of motor vehicles with input tax credit only of input service in the same line of business	Any body corporate located in the taxable territory."
------	--	--	---

13. Inserted by Notification No. 22/2017-Central Tax (Rate), dated 22-8-2017.

14. Inserted by Notification No. 3/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.

15. Inserted by Notification No. 15/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.

16. Inserted by Notification No. 29/2018-Central Tax (Rate), dated 31-12-2018, w.e.f. 1-1-2019.

16a. Substituted for "and State Legislatures" by [Notification No. 2/2023-Central Tax \(Rate\), dated 28-2-2023](#), w.e.f. **1-3-2023**.

17. Clauses (i) to (n) inserted by Notification No. 5/2019-Central Tax (Rate), dated 29-3-2019, w.e.f. 1-4-2019.

18. Inserted by Notification No. 22/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.
19. Inserted by [Notification No. 5/2022-Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**.
20. Substituted for "during the Financial Year_____ under forward charge" by [Notification No. 8/2023-Central Tax \(Rate\), dated 26-7-2023](#), w.e.f. **27-7-2023**.

NOTIFICATION NO. 12/2017-CENTRAL TAX (RATE)

SECTION 11 OF THE CGST ACT, 2017 - POWER TO GRANT EXEMPTION FROM TAX - CGST EXEMPT SERVICES (NIL RATED SERVICES)

NOTIFICATION NO. 12/2017-CENTRAL TAX (RATE), DATED 28-6-2017, AS AMENDED BY, [NOTIFICATION NO. 21/2017-CENTRAL TAX \(RATE\), DATED 22-8-2017](#), [NOTIFICATION NO. 25/2017-CENTRAL TAX \(RATE\), DATED 21-9-2017](#), [NOTIFICATION NO. 30/2017-CENTRAL TAX \(RATE\), DATED 29-9-2017](#), [NOTIFICATION NO. 32/2017-CENTRAL TAX \(RATE\), DATED 13-10-2017](#), [NOTIFICATION NO. 47/2017-CENTRAL TAX \(RATE\), DATED 14-11-2017](#), [NOTIFICATION NO. 2/2018-CENTRAL TAX \(RATE\), DATED 25-1-2018](#), [NOTIFICATION NO. 14/2018-CENTRAL TAX \(RATE\), DATED 26-7-2018](#), [NOTIFICATION NO. 23/2018-CENTRAL TAX \(RATE\), DATED 20-9-2018](#), [NOTIFICATION NO. 28/2018-CENTRAL TAX \(RATE\), DATED 31-12-2018](#), [NOTIFICATION NO. 4/2019-CENTRAL TAX \(RATE\), DATED 29-3-2019](#), [NOTIFICATION NO. 13/2019-CENTRAL TAX \(RATE\), DATED 31-7-2019](#), [NOTIFICATION NO. 21/2019-CENTRAL TAX \(RATE\), DATED 30-9-2019](#), [NOTIFICATION NO. 28/2019-CENTRAL TAX \(RATE\), DATED 31-12-2019](#), [NOTIFICATION NO. 4/2020-CENTRAL TAX \(RATE\), DATED 30-9-2020](#), [NOTIFICATION NO. 5/2020-CENTRAL TAX \(RATE\), DATED 16-10-2020](#), [NOTIFICATION NO. 7/2021-CENTRAL TAX \(RATE\), DATED 30-9-2021](#), [NOTIFICATION NO. 16/2021-CENTRAL TAX \(RATE\), DATED 18-11-2021](#), [NOTIFICATION NO. 4/2022-CENTRAL TAX \(RATE\), DATED 13-7-2022](#), [NOTIFICATION NO. 15/2022-CENTRAL TAX \(RATE\), DATED 30-12-2022](#), [NOTIFICATION NO. 1/2023-CENTRAL TAX \(RATE\), DATED 28-2-2023](#), [NOTIFICATION NO. 7/2023-CENTRAL TAX \(RATE\), DATED 26-7-2023](#) AND [NOTIFICATION NO. 13/2023 - CENTRAL TAX \(RATE\), DATED 19-10-2023](#)

In exercise of the powers conferred by ¹[sub-section (3) and sub-section (4) of section 9, sub-section (1) of section 11, sub-section (5) of section 15 and section 148] of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby exempts the intra-State supply of services of description as specified in column (3) of the Table below from so much of the central tax leviable thereon under sub-section (1) of section 9 of the said Act, as is in excess of the said tax calculated at the rate as specified in the corresponding entry in column (4) of the said Table, unless specified otherwise, subject to the relevant conditions as specified in the corresponding entry in column (5) of the said Table, namely:—

TABLE

Sl. No.	Chapter, Section, Heading, Group or Service Code (Tariff)	Description of Services	Rate (per cent)	Condition
(1)	(2)	(3)	(4)	(5)
1	Chapter 99	Services by an entity registered under section 12AA ^{1a} [or 12AB] of the Income-tax Act, 1961 (43 of 1961) by way of charitable activities.	Nil	Nil
2	Chapter 99	Services by way of transfer of a going concern, as a whole or an independent part thereof.	Nil	Nil
3	Chapter 99	Pure services (excluding works contract service or other composite supplies involving supply of any goods) provided to the Central Government, State Government or Union territory or local authority ^{1aa} [***] by way of any activity in relation to any function entrusted to a Panchayat under article 243G of the Constitution or in relation to any	Nil	Nil

		function entrusted to a Municipality under article 243W of the Constitution.										
2[3A	Chapter 99	Composite supply of goods and services in which the value of supply of goods constitutes not more than 25 per cent of the value of the said composite supply provided to the Central Government, State Government or Union territory or local authority 1aa[***] by way of any activity in relation to any function entrusted to a Panchayat under article 243G of the Constitution or in relation to any function entrusted to a Municipality under article 243W of the Constitution.	Nil	Nil]								
2a[3B	Chapter 99	Services provided to a Governmental Authority by way of — (a) water supply; (b) public health; (c) sanitation conservancy; (d) solid waste management; and (e) slum improvement and upgradation.	Nil	Nil]								
4	Chapter 99	Services by 3[***] governmental authority by way of any activity in relation to any function entrusted to a municipality under article 243W of the Constitution.	Nil	Nil								
5	Chapter 99	Services by a 4[3[***] Governmental Authority] by way of any activity in relation to any function entrusted to a Panchayat under article 243G of the Constitution.	Nil	Nil								
6	Chapter 99	Services by the Central Government, State Government, Union territory or local authority excluding the following services— <table border="1"><tr><td>(a)</td><td>services by the Department of Posts 4a[and the Ministry of Railways (Indian Railways)] 4b[***];</td></tr><tr><td>(b)</td><td>services in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;</td></tr><tr><td>(c)</td><td>transport of goods or passengers; or</td></tr><tr><td>(d)</td><td>any service, other than services covered under entries (a) to (c) above, provided to business entities.</td></tr></table>	(a)	services by the Department of Posts 4a[and the Ministry of Railways (Indian Railways)] 4b[***];	(b)	services in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;	(c)	transport of goods or passengers; or	(d)	any service, other than services covered under entries (a) to (c) above, provided to business entities.	Nil	Nil
(a)	services by the Department of Posts 4a[and the Ministry of Railways (Indian Railways)] 4b[***];											
(b)	services in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;											
(c)	transport of goods or passengers; or											
(d)	any service, other than services covered under entries (a) to (c) above, provided to business entities.											
7	Chapter 99	Services provided by the Central Government, State Government, Union territory or local authority to a business entity with an aggregate turnover of up to 5[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]. <i>Explanation.</i> —For the purposes of this entry, it is hereby clarified that the provisions of this entry shall not be applicable to— <table border="1"><tr><td>(a)</td><td>services,—<table border="1"><tr><td>(i)</td><td>by the Department of Posts 4a[and the Ministry of Railways (Indian Railways)] 4b[***];</td></tr><tr><td>(ii)</td><td>in relation to an aircraft or a vessel,</td></tr></table></td></tr></table>	(a)	services,— <table border="1"><tr><td>(i)</td><td>by the Department of Posts 4a[and the Ministry of Railways (Indian Railways)] 4b[***];</td></tr><tr><td>(ii)</td><td>in relation to an aircraft or a vessel,</td></tr></table>	(i)	by the Department of Posts 4a[and the Ministry of Railways (Indian Railways)] 4b[***];	(ii)	in relation to an aircraft or a vessel,	Nil	Nil		
(a)	services,— <table border="1"><tr><td>(i)</td><td>by the Department of Posts 4a[and the Ministry of Railways (Indian Railways)] 4b[***];</td></tr><tr><td>(ii)</td><td>in relation to an aircraft or a vessel,</td></tr></table>	(i)	by the Department of Posts 4a[and the Ministry of Railways (Indian Railways)] 4b[***];	(ii)	in relation to an aircraft or a vessel,							
(i)	by the Department of Posts 4a[and the Ministry of Railways (Indian Railways)] 4b[***];											
(ii)	in relation to an aircraft or a vessel,											

		<table><tr><td></td><td>inside or outside the precincts of a port or an airport;</td></tr><tr><td>(iii)</td><td>of transport of goods or passengers; and</td></tr></table> <table><tr><td>(b)</td><td>services by way of renting of immovable property.</td></tr></table>		inside or outside the precincts of a port or an airport;	(iii)	of transport of goods or passengers; and	(b)	services by way of renting of immovable property.		
	inside or outside the precincts of a port or an airport;									
(iii)	of transport of goods or passengers; and									
(b)	services by way of renting of immovable property.									
8	Chapter 99	Services provided by the Central Government, State Government, Union territory or local authority to another Central Government, State Government, Union territory or local authority: Provided that nothing contained in this entry shall apply to services— <table><tr><td>(i)</td><td>by the Department of Posts 4a[and the Ministry of Railways (Indian Railways)] 4b[***];</td></tr><tr><td>(ii)</td><td>in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;</td></tr><tr><td>(iii)</td><td>of transport of goods or passengers.</td></tr></table>	(i)	by the Department of Posts 4a [and the Ministry of Railways (Indian Railways)] 4b [***];	(ii)	in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;	(iii)	of transport of goods or passengers.	Nil	Nil
(i)	by the Department of Posts 4a [and the Ministry of Railways (Indian Railways)] 4b [***];									
(ii)	in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;									
(iii)	of transport of goods or passengers.									
9	Chapter 99	Services provided by Central Government, State Government, Union territory or a local authority where the consideration for such services does not exceed five thousand rupees: Provided that nothing contained in this entry shall apply to — <table><tr><td>(i)</td><td>services by the Department of Posts 4a[and the Ministry of Railways (Indian Railways)] 4b[***];</td></tr><tr><td>(ii)</td><td>services in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;</td></tr><tr><td>(iii)</td><td>transport of goods or passengers:</td></tr></table> Provided further that in case where continuous supply of service, as defined in sub-section (33) of section 2 of the Central Goods and Services Tax Act, 2017, is provided by the Central Government, State Government, Union territory or a local authority, the exemption shall apply only where the consideration charged for such service does not exceed five thousand rupees in a financial year.	(i)	services by the Department of Posts 4a [and the Ministry of Railways (Indian Railways)] 4b [***];	(ii)	services in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;	(iii)	transport of goods or passengers:	Nil	Nil
(i)	services by the Department of Posts 4a [and the Ministry of Railways (Indian Railways)] 4b [***];									
(ii)	services in relation to an aircraft or a vessel, inside or outside the precincts of a port or an airport;									
(iii)	transport of goods or passengers:									
6 [9A	Chapter 99	Services provided by and to Fédération Internationale de Football Association (FIFA) and its subsidiaries directly or indirectly related to any of the events under FIFA U-17 World Cup 2017 to be hosted in India.	Nil	Provided that Director (Sports), Ministry of Youth Affairs and Sports certifies that the services are directly or indirectly related to any of the events under FIFA U-17 World Cup 2017]						
7 [9AA	Chapter 99	Services provided by and to Fédération Internationale de Football Association (FIFA) and its subsidiaries directly or indirectly related to any of the events under FIFA U-17	Nil	Provided that Director (Sports), Ministry of Youth						

		Women's World Cup 2020 to be hosted in India 7a [<i>whenever rescheduled</i>].		Affairs and Sports certifies that the services are directly or indirectly related to any of the events under FIFA U-17 Women's World Cup 2020.]
7a [9AB]	Chapter 99	<i>Services provided by and to Asian Football Confederation (AFC) and its subsidiaries directly or indirectly related to any of the events under AFC Women's Asia Cup 2022 to be hosted in India.</i>	Nil	Provided that Director (Sports), Ministry of Youth Affairs and Sports certifies that the services are directly or indirectly related to any of the events under AFC Women's Asia Cup 2022.]
8 [9B]	Chapter 99	Supply of services associated with transit cargo to Nepal and Bhutan (landlocked countries).	Nil	Nil]
9 [9C]	Chapter 99	Supply of service by a Government Entity to Central Government, State Government, Union territory, local authority or any person specified by Central Government, State Government, Union territory or local authority against consideration received from Central Government, State Government, Union territory or local authority, in the form of grants.	Nil	Nil]
10 [9D]	Chapter 99	Services by an old age home run by Central Government, State Government or by an entity registered under section 12AA 10a [or 12AB] of the Income-tax Act, 1961 (43 of 1961) to its residents (aged 60 years or more) against consideration upto twenty-five thousand rupees per month per member, provided that the consideration charged is inclusive of charges for boarding, lodging and maintenance.	Nil	Nil]
10	Heading 9954	Services provided by way of pure labour contracts of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of a civil structure or any other original works pertaining to the beneficiary-led individual house construction or enhancement under the Housing for All (Urban) Mission/Pradhan Mantri Awas Yojana.	Nil	Nil
11 [10A]	Heading 9954	Services supplied by electricity distribution utilities by way of construction, erection, commissioning, or installation of infrastructure for extending electricity distribution network upto the tube well of the farmer or agriculturist for agricultural use	Nil	Nil]
11	Heading 9954	Services by way of pure labour contracts of construction, erection, commissioning, or installation of original works pertaining to a single residential unit otherwise than as a part of a residential complex.	Nil	Nil
12 [11A]	Heading 9961 or	13 [Service provided by Fair Price Shops to Central Government, State Government or Union territory by way	Nil	Nil

	Heading 9962	of sale of food grains, kerosene, sugar, edible oil, etc. under Public Distribution System against consideration in the form of commission or margin.]														
11B	14[***]]															
12	Heading 9963 or Heading 9972	Services by way of renting of residential dwelling for use as residence 12a[except where the residential dwelling is rented to a registered person]. 12aa [Explanation. - For the purpose of exemption under this entry, this entry shall cover services by way of renting of residential dwelling to a registered person where, - <table><tr><td>(i)</td><td>the registered person is proprietor of a proprietorship concern and rents the residential dwelling in his personal capacity for use as his own residence; and</td></tr><tr><td>(ii)</td><td>such renting is on his own account and not that of the proprietorship concern.]</td></tr></table>	(i)	the registered person is proprietor of a proprietorship concern and rents the residential dwelling in his personal capacity for use as his own residence; and	(ii)	such renting is on his own account and not that of the proprietorship concern.]	Nil	Nil								
(i)	the registered person is proprietor of a proprietorship concern and rents the residential dwelling in his personal capacity for use as his own residence; and															
(ii)	such renting is on his own account and not that of the proprietorship concern.]															
13	Heading 9963 or Heading 9972 or Heading 9995 or any other Heading of Section 9	Services by a person by way of— <table><tr><td>(a)</td><td>conduct of any religious ceremony;</td></tr><tr><td>(b)</td><td>renting of precincts of a religious place meant for general public, owned or managed by an entity registered as a charitable or religious trust under section 12AA 14a[or 12AB] of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) or a trust or an institution registered under sub-clause (v) of clause (23C) of section 10 of the Income-tax Act or a body or an authority covered under clause (23BBA) of section 10 of the said Income-tax Act:</td></tr><tr><td></td><td>Provided that nothing contained in entry (b) of this exemption shall apply to,—</td></tr></table> <table><tr><td>(i)</td><td>renting of rooms where charges are one thousand rupees or more per day;</td></tr><tr><td>(ii)</td><td>renting of premises, community halls, kalyanmandapam or open area, and the like where charges are ten thousand rupees or more per day;</td></tr><tr><td>(iii)</td><td>renting of shops or other spaces for business or commerce where charges are ten thousand rupees or more per month.</td></tr></table>	(a)	conduct of any religious ceremony;	(b)	renting of precincts of a religious place meant for general public, owned or managed by an entity registered as a charitable or religious trust under section 12AA 14a[or 12AB] of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) or a trust or an institution registered under sub-clause (v) of clause (23C) of section 10 of the Income-tax Act or a body or an authority covered under clause (23BBA) of section 10 of the said Income-tax Act:		Provided that nothing contained in entry (b) of this exemption shall apply to,—	(i)	renting of rooms where charges are one thousand rupees or more per day;	(ii)	renting of premises, community halls, kalyanmandapam or open area, and the like where charges are ten thousand rupees or more per day;	(iii)	renting of shops or other spaces for business or commerce where charges are ten thousand rupees or more per month.	Nil	Nil
(a)	conduct of any religious ceremony;															
(b)	renting of precincts of a religious place meant for general public, owned or managed by an entity registered as a charitable or religious trust under section 12AA 14a[or 12AB] of the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act) or a trust or an institution registered under sub-clause (v) of clause (23C) of section 10 of the Income-tax Act or a body or an authority covered under clause (23BBA) of section 10 of the said Income-tax Act:															
	Provided that nothing contained in entry (b) of this exemption shall apply to,—															
(i)	renting of rooms where charges are one thousand rupees or more per day;															
(ii)	renting of premises, community halls, kalyanmandapam or open area, and the like where charges are ten thousand rupees or more per day;															
(iii)	renting of shops or other spaces for business or commerce where charges are ten thousand rupees or more per month.															
14	15 [***]															
15	Heading 9964	Transport of passengers, with or without accompanied belongings, by— <table><tr><td>16a [(a)</td><td>air in economy class, embarking from or terminating in an airport located in the state of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, or Tripura or at Bagdogra located in West Bengal;]</td></tr></table>	16a [(a)	air in economy class, embarking from or terminating in an airport located in the state of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, or Tripura or at Bagdogra located in West Bengal;]	Nil	Nil										
16a [(a)	air in economy class, embarking from or terminating in an airport located in the state of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, or Tripura or at Bagdogra located in West Bengal;]															

		<table><tr><td>(b)</td><td>non-airconditioned contract carriage other than radio taxi, for transportation of passengers, excluding tourism, conducted tour, charter or hire; or</td></tr><tr><td>(c)</td><td>stage carriage other than air- conditioned stage carriage:</td></tr><tr><td></td><td>16b[Provided that nothing contained in items (b) and (c) above shall apply to services supplied through an electronic commerce operator, and notified under sub-section (5) of Section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017)]</td></tr></table>	(b)	non-airconditioned contract carriage other than radio taxi, for transportation of passengers, excluding tourism, conducted tour, charter or hire; or	(c)	stage carriage other than air- conditioned stage carriage:		16b [Provided that nothing contained in items (b) and (c) above shall apply to services supplied through an electronic commerce operator, and notified under sub-section (5) of Section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017)]												
(b)	non-airconditioned contract carriage other than radio taxi, for transportation of passengers, excluding tourism, conducted tour, charter or hire; or																			
(c)	stage carriage other than air- conditioned stage carriage:																			
	16b [Provided that nothing contained in items (b) and (c) above shall apply to services supplied through an electronic commerce operator, and notified under sub-section (5) of Section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017)]																			
16	Heading 9964	Services provided to the Central Government, by way of transport of passengers with or without accompanied belongings, by air, embarking from or terminating at a regional connectivity scheme airport, against consideration in the form of viability gap funding: Provided that nothing contained in this entry shall apply on or after the expiry of a period of 17 [three years] from the date of commencement of operations of the regional connectivity scheme airport as notified by the Ministry of Civil Aviation.	Nil	Nil																
17	Heading 9964	Service of transportation of passengers, with or without accompanied belongings, by— <table><tr><td>(a)</td><td>railways in a class other than—<table><tr><td>(i)</td><td>first class; or</td></tr><tr><td>(ii)</td><td>an air-conditioned coach;</td></tr></table></td></tr><tr><td>(b)</td><td>metro, monorail or tramway;</td></tr><tr><td>(c)</td><td>inland waterways;</td></tr><tr><td>(d)</td><td>public transport, other than predominantly for tourism purpose, in a vessel between places located in India; and</td></tr><tr><td>(e)</td><td>metered cabs or auto rickshaws (including e-rickshaws):</td></tr><tr><td></td><td>16a[Provided that nothing contained in items (e) above shall apply to services supplied through an electronic commerce operator, and notified under sub-section (5) of Section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017)]</td></tr></table>	(a)	railways in a class other than— <table><tr><td>(i)</td><td>first class; or</td></tr><tr><td>(ii)</td><td>an air-conditioned coach;</td></tr></table>	(i)	first class; or	(ii)	an air-conditioned coach;	(b)	metro, monorail or tramway;	(c)	inland waterways;	(d)	public transport, other than predominantly for tourism purpose, in a vessel between places located in India; and	(e)	metered cabs or auto rickshaws (including e-rickshaws):		16a [Provided that nothing contained in items (e) above shall apply to services supplied through an electronic commerce operator, and notified under sub-section (5) of Section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017)]	Nil	Nil
(a)	railways in a class other than— <table><tr><td>(i)</td><td>first class; or</td></tr><tr><td>(ii)</td><td>an air-conditioned coach;</td></tr></table>	(i)	first class; or	(ii)	an air-conditioned coach;															
(i)	first class; or																			
(ii)	an air-conditioned coach;																			
(b)	metro, monorail or tramway;																			
(c)	inland waterways;																			
(d)	public transport, other than predominantly for tourism purpose, in a vessel between places located in India; and																			
(e)	metered cabs or auto rickshaws (including e-rickshaws):																			
	16a [Provided that nothing contained in items (e) above shall apply to services supplied through an electronic commerce operator, and notified under sub-section (5) of Section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017)]																			
18	Heading 9965	Services by way of transportation of goods— <table><tr><td>(a)</td><td>by road except the services of—<table><tr><td>(i)</td><td>a goods transportation agency;</td></tr><tr><td>(ii)</td><td>a courier agency;</td></tr></table></td></tr><tr><td>(b)</td><td>by inland waterways.</td></tr></table>	(a)	by road except the services of— <table><tr><td>(i)</td><td>a goods transportation agency;</td></tr><tr><td>(ii)</td><td>a courier agency;</td></tr></table>	(i)	a goods transportation agency;	(ii)	a courier agency;	(b)	by inland waterways.	Nil	Nil								
(a)	by road except the services of— <table><tr><td>(i)</td><td>a goods transportation agency;</td></tr><tr><td>(ii)</td><td>a courier agency;</td></tr></table>	(i)	a goods transportation agency;	(ii)	a courier agency;															
(i)	a goods transportation agency;																			
(ii)	a courier agency;																			
(b)	by inland waterways.																			
19	Heading 9965	Services by way of transportation of goods by an aircraft from a place outside India upto the customs station of	Nil	Nil																

		clearance in India.																
18 [19A.	Heading 9965	Services by way of transportation of goods by an aircraft from customs station of clearance in India to a place outside India	Nil	Nothing contained in this serial number shall apply after the 30th day of September, 19 [2022].														
19B	Heading 9965	Services by way of transportation of goods by a vessel from customs station of clearance in India to a place outside India	Nil	Nothing contained in this serial number shall apply after the 30th day of September, 19 [2022].]														
19a [19C	9965	19aa [Satellite launch services.]	Nil	Nil]														
20	Heading 9965	Services by way of transportation by rail or a vessel from one place in India to another of the following goods— <table><tr><td>(a)</td><td>relief materials meant for victims of natural or man-made disasters, calamities, accidents or mishap;</td></tr><tr><td>(b)</td><td>defence or military equipments;</td></tr><tr><td>(c)</td><td>newspaper or magazines registered with the Registrar of Newspapers;</td></tr><tr><td>(d)</td><td>19b [***]</td></tr><tr><td>(e)</td><td>agricultural produce;</td></tr><tr><td>(f)</td><td>milk, salt and food grain including flours, pulses and rice; and</td></tr><tr><td>(g)</td><td>organic manure.</td></tr></table>	(a)	relief materials meant for victims of natural or man-made disasters, calamities, accidents or mishap;	(b)	defence or military equipments;	(c)	newspaper or magazines registered with the Registrar of Newspapers;	(d)	19b [***]	(e)	agricultural produce;	(f)	milk, salt and food grain including flours, pulses and rice; and	(g)	organic manure.	Nil	Nil
(a)	relief materials meant for victims of natural or man-made disasters, calamities, accidents or mishap;																	
(b)	defence or military equipments;																	
(c)	newspaper or magazines registered with the Registrar of Newspapers;																	
(d)	19b [***]																	
(e)	agricultural produce;																	
(f)	milk, salt and food grain including flours, pulses and rice; and																	
(g)	organic manure.																	
21	Heading 9965 or Heading 9967	Services provided by a goods transport agency, by way of transport in a goods carriage of— <table><tr><td>(a)</td><td>agricultural produce;</td></tr><tr><td>(b) & (c)</td><td>19c [***]</td></tr><tr><td>(d)</td><td>milk, salt and food grain including flour, pulses and rice;</td></tr><tr><td>(e)</td><td>organic manure;</td></tr><tr><td>(f)</td><td>newspaper or magazines registered with the Registrar of Newspapers;</td></tr><tr><td>(g)</td><td>relief materials meant for victims of natural or man-made disasters, calamities, accidents or mishap; or</td></tr><tr><td>(h)</td><td>defence or military equipments.</td></tr></table>	(a)	agricultural produce;	(b) & (c)	19c [***]	(d)	milk, salt and food grain including flour, pulses and rice;	(e)	organic manure;	(f)	newspaper or magazines registered with the Registrar of Newspapers;	(g)	relief materials meant for victims of natural or man-made disasters, calamities, accidents or mishap; or	(h)	defence or military equipments.	Nil	Nil
(a)	agricultural produce;																	
(b) & (c)	19c [***]																	
(d)	milk, salt and food grain including flour, pulses and rice;																	
(e)	organic manure;																	
(f)	newspaper or magazines registered with the Registrar of Newspapers;																	
(g)	relief materials meant for victims of natural or man-made disasters, calamities, accidents or mishap; or																	
(h)	defence or military equipments.																	
20 [21A	Heading 9965 or Heading 9967	Services provided by a goods transport agency to an unregistered person, including an unregistered casual taxable person, other than the following recipients, namely:— <table><tr><td>(a)</td><td>any factory registered under or governed by the Factories Act, 1948 (63 of 1948); or</td></tr><tr><td>(b)</td><td>any Society registered under the Societies</td></tr></table>	(a)	any factory registered under or governed by the Factories Act, 1948 (63 of 1948); or	(b)	any Society registered under the Societies	Nil	Nil]										
(a)	any factory registered under or governed by the Factories Act, 1948 (63 of 1948); or																	
(b)	any Society registered under the Societies																	

		<table><tr><td></td><td>Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any part of India; or</td></tr><tr><td>(c)</td><td>any Co-operative Society established by or under any law for the time being in force; or</td></tr><tr><td>(d)</td><td>any body corporate established, by or under any law for the time being in force; or</td></tr><tr><td>(e)</td><td>any partnership firm whether registered or not under any law including association of persons;</td></tr><tr><td>(f)</td><td>any casual taxable person registered under the Central Goods and Services Tax Act or the Integrated Goods and Services Tax Act or the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act.</td></tr></table>		Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any part of India; or	(c)	any Co-operative Society established by or under any law for the time being in force; or	(d)	any body corporate established, by or under any law for the time being in force; or	(e)	any partnership firm whether registered or not under any law including association of persons;	(f)	any casual taxable person registered under the Central Goods and Services Tax Act or the Integrated Goods and Services Tax Act or the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act.		
	Registration Act, 1860 (21 of 1860) or under any other law for the time being in force in any part of India; or													
(c)	any Co-operative Society established by or under any law for the time being in force; or													
(d)	any body corporate established, by or under any law for the time being in force; or													
(e)	any partnership firm whether registered or not under any law including association of persons;													
(f)	any casual taxable person registered under the Central Goods and Services Tax Act or the Integrated Goods and Services Tax Act or the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act.													
21 [21B]	Heading 9965 or Heading 9967	Services provided by a goods transport agency, by way of transport of goods in a goods carriage, to,— <table><tr><td>(a)</td><td>a Department or Establishment of the Central Government or State Government or Union territory; or</td></tr><tr><td>(b)</td><td>local authority; or</td></tr><tr><td>(c)</td><td>Governmental agencies,</td></tr></table> which has taken registration under the Central Goods and Services Tax Act, 2017 (12 of 2017) only for the purpose of deducting tax under section 51 and not for making a taxable supply of goods or services.	(a)	a Department or Establishment of the Central Government or State Government or Union territory; or	(b)	local authority; or	(c)	Governmental agencies,	Nil	Nil]				
(a)	a Department or Establishment of the Central Government or State Government or Union territory; or													
(b)	local authority; or													
(c)	Governmental agencies,													
22	Heading 9966 or Heading 9973	Services by way of giving on hire— <table><tr><td>(a)</td><td>to a state transport undertaking, a motor vehicle meant to carry more than twelve passengers;</td></tr><tr><td>22[(aa)</td><td>to a local authority, an Electrically operated vehicle meant to carry more than twelve passengers; or</td></tr><tr><td></td><td><i>Explanation.</i>—For the purposes of this entry, "Electrically operated vehicle" means vehicle falling under Chapter 87 in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) which is run solely on electrical energy derived from an external source or from one or more electrical batteries fitted to such road vehicle.]</td></tr><tr><td>(b)</td><td>to a goods transport agency, a means of transportation of goods; or</td></tr><tr><td>23[(c)</td><td>motor vehicle for transport of students, faculty and staff, to a person providing services of transportation of students, faculty and staff to an educational institution providing services by way of pre-school education and education upto higher secondary school or equivalent.]</td></tr></table>	(a)	to a state transport undertaking, a motor vehicle meant to carry more than twelve passengers;	22 [(aa)	to a local authority, an Electrically operated vehicle meant to carry more than twelve passengers; or		<i>Explanation.</i> —For the purposes of this entry, "Electrically operated vehicle" means vehicle falling under Chapter 87 in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) which is run solely on electrical energy derived from an external source or from one or more electrical batteries fitted to such road vehicle.]	(b)	to a goods transport agency, a means of transportation of goods; or	23 [(c)	motor vehicle for transport of students, faculty and staff, to a person providing services of transportation of students, faculty and staff to an educational institution providing services by way of pre-school education and education upto higher secondary school or equivalent.]	Nil	Nil
(a)	to a state transport undertaking, a motor vehicle meant to carry more than twelve passengers;													
22 [(aa)	to a local authority, an Electrically operated vehicle meant to carry more than twelve passengers; or													
	<i>Explanation.</i> —For the purposes of this entry, "Electrically operated vehicle" means vehicle falling under Chapter 87 in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) which is run solely on electrical energy derived from an external source or from one or more electrical batteries fitted to such road vehicle.]													
(b)	to a goods transport agency, a means of transportation of goods; or													
23 [(c)	motor vehicle for transport of students, faculty and staff, to a person providing services of transportation of students, faculty and staff to an educational institution providing services by way of pre-school education and education upto higher secondary school or equivalent.]													
23	Heading 9967	Service by way of access to a road or a bridge on payment of toll charges.	Nil	Nil										

23A	24 [***]							
24	Heading 9967 or Heading 9985	Services by way of loading, unloading, packing, storage or warehousing of rice.	Nil	Nil				
25 [24A	Heading 9967 or Heading 9985	Services by way of warehousing of minor forest produce.	Nil	Nil]				
26 [24B	Heading 9967 or Heading 9985	26a [<i>Services by way of storage or warehousing of cereals, pulses, fruits and vegetables.</i>]	Nil	Nil]				
26b [24C	Chapter 9968	<i>Services by the Department of Posts by way of post card, inland letter, book post and ordinary post (envelopes weighing less than 10 grams).</i>	Nil	Nil]				
25	Heading 9969	Transmission or distribution of electricity by an electricity transmission or distribution utility.	Nil	Nil				
26	26c [***]							
27	Heading 9971	Services by way of— <table border="1"><tr><td>(a)</td><td>extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount (other than interest involved in credit card services);</td></tr><tr><td>(b)</td><td>inter se sale or purchase of foreign currency amongst banks or authorised dealers of foreign exchange or amongst banks and such dealers.</td></tr></table>	(a)	extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount (other than interest involved in credit card services);	(b)	inter se sale or purchase of foreign currency amongst banks or authorised dealers of foreign exchange or amongst banks and such dealers.	Nil	Nil
(a)	extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount (other than interest involved in credit card services);							
(b)	inter se sale or purchase of foreign currency amongst banks or authorised dealers of foreign exchange or amongst banks and such dealers.							
27 [27A	Heading 9971	Services provided by a banking company to Basic Saving Bank Deposit (BSBD) account holders under Pradhan Mantri Jan Dhan Yojana (PMJDY).	Nil	Nil]				
28	Heading 9971 or Heading 9991	Services of life insurance business provided by way of annuity under the National Pension System regulated by the Pension Fund Regulatory and Development Authority of India under the Pension Fund Regulatory and Development Authority Act, 2013 (23 of 2013).	Nil	Nil				
29	Heading 9971 or Heading 9991	Services of life insurance business provided or agreed to be provided by the Army, Naval and Air Force Group Insurance Funds to members of the Army, Navy and Air Force, respectively, under the Group Insurance Schemes of the Central Government.	Nil	Nil				
28 [29A	Heading 9971 or Heading 9991	Services of life insurance provided or agreed to be provided by the Naval Group Insurance Fund to the personnel of Coast Guard under the Group Insurance Schemes of the Central Government.	Nil	Nil]				
29 [29B	Heading 9971 or Heading 9991	Services of life insurance provided or agreed to be provided by the Central Armed Police Forces (under Ministry of Home Affairs) Group Insurance Funds to their members under the Group Insurance Schemes of the concerned Central Armed Police Force.	Nil	Nil]				

30	Heading 9971 or Heading 9991	Services by the Employees' State Insurance Corporation to persons governed under the Employees' State Insurance Act, 1948 (34 of 1948).	Nil	Nil																		
31	Heading 9971	Services provided by the Employees Provident Fund Organisation to the persons governed under the Employees Provident Funds and the Miscellaneous Provisions Act, 1952 (19 of 1952).	Nil	Nil																		
30 [31A	Heading 9971 or Heading 9991	Services by Coal Mines Provident Fund Organisation to persons governed by the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948).	Nil	Nil																		
31B	Heading 9971 or Heading 9991	Services by National Pension System (NPS) Trust to its members against consideration in the form of administrative fee	Nil	Nil]																		
32 & 33	30a [***]																					
34	Heading 9971	Services by an acquiring bank, to any person in relation to settlement of an amount upto two thousand rupees in a single transaction transacted through credit card, debit card, charge card or other payment card service. <i>Explanation.</i> — For the purposes of this entry, "acquiring bank" means any banking company, financial institution including non-banking financial company or any other person, who makes the payment to any person who accepts such card.	Nil	Nil																		
30 [34A	Heading 9971	Services supplied by Central Government, State Government, Union territory to their undertakings or Public Sector Undertakings (PSUs) by way of guaranteeing the loans taken by such undertakings or PSUs from the 31 [banking companies and] financial institutions.	Nil	Nil]																		
35	Heading 9971 or Heading 9991	Services of general insurance business provided under following schemes - <table><tr><td>(a)</td><td>Hut Insurance Scheme;</td></tr><tr><td>(b)</td><td>Cattle Insurance under Swarna-jayanti Gram Swarozgar Yojana (earlier known as Integrated Rural Development Programme);</td></tr><tr><td>(c)</td><td>Scheme for Insurance of Tribals;</td></tr><tr><td>(d)</td><td>Janata Personal Accident Policy and Gramin Accident Policy;</td></tr><tr><td>(e)</td><td>Group Personal Accident Policy for Self-Employed Women;</td></tr><tr><td>(f)</td><td>Agricultural Pumpset and Failed Well Insurance;</td></tr><tr><td>(g)</td><td>Premia collected on export credit insurance;</td></tr><tr><td>(h)</td><td>32[Restructured Weather Based Crop Insurance Scheme (RWCIS)], approved by the Government of India and implemented by the Ministry of Agriculture;</td></tr><tr><td>(i)</td><td>Jan Arogya Bima Policy;</td></tr></table>	(a)	Hut Insurance Scheme;	(b)	Cattle Insurance under Swarna-jayanti Gram Swarozgar Yojana (earlier known as Integrated Rural Development Programme);	(c)	Scheme for Insurance of Tribals;	(d)	Janata Personal Accident Policy and Gramin Accident Policy;	(e)	Group Personal Accident Policy for Self-Employed Women;	(f)	Agricultural Pumpset and Failed Well Insurance;	(g)	Premia collected on export credit insurance;	(h)	32 [Restructured Weather Based Crop Insurance Scheme (RWCIS)], approved by the Government of India and implemented by the Ministry of Agriculture;	(i)	Jan Arogya Bima Policy;	Nil	Nil
(a)	Hut Insurance Scheme;																					
(b)	Cattle Insurance under Swarna-jayanti Gram Swarozgar Yojana (earlier known as Integrated Rural Development Programme);																					
(c)	Scheme for Insurance of Tribals;																					
(d)	Janata Personal Accident Policy and Gramin Accident Policy;																					
(e)	Group Personal Accident Policy for Self-Employed Women;																					
(f)	Agricultural Pumpset and Failed Well Insurance;																					
(g)	Premia collected on export credit insurance;																					
(h)	32 [Restructured Weather Based Crop Insurance Scheme (RWCIS)], approved by the Government of India and implemented by the Ministry of Agriculture;																					
(i)	Jan Arogya Bima Policy;																					

		<table><tr><td>(j)</td><td>33[Pradhan Mantri Fasal BimaYojana (PMFBY)];</td></tr><tr><td>(k)</td><td>Pilot Scheme on Seed Crop Insurance;</td></tr><tr><td>(l)</td><td>Central Sector Scheme on Cattle Insurance;</td></tr><tr><td>(m)</td><td>Universal Health Insurance Scheme;</td></tr><tr><td>(n)</td><td>Rashtriya Swasthya Bima Yojana;</td></tr><tr><td>(o)</td><td>Coconut Palm Insurance Scheme;</td></tr><tr><td>(p)</td><td>Pradhan Mantri Suraksha Bima Yojana;</td></tr><tr><td>(q)</td><td>Niramaya Health Insurance Scheme implemented by the Trust constituted under the provisions of the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999);</td></tr><tr><td>34[(r)]</td><td>Bangla Shasya Bima.]</td></tr></table>	(j)	33 [Pradhan Mantri Fasal BimaYojana (PMFBY)];	(k)	Pilot Scheme on Seed Crop Insurance;	(l)	Central Sector Scheme on Cattle Insurance;	(m)	Universal Health Insurance Scheme;	(n)	Rashtriya Swasthya Bima Yojana;	(o)	Coconut Palm Insurance Scheme;	(p)	Pradhan Mantri Suraksha Bima Yojana;	(q)	Niramaya Health Insurance Scheme implemented by the Trust constituted under the provisions of the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999);	34 [(r)]	Bangla Shasya Bima.]		
(j)	33 [Pradhan Mantri Fasal BimaYojana (PMFBY)];																					
(k)	Pilot Scheme on Seed Crop Insurance;																					
(l)	Central Sector Scheme on Cattle Insurance;																					
(m)	Universal Health Insurance Scheme;																					
(n)	Rashtriya Swasthya Bima Yojana;																					
(o)	Coconut Palm Insurance Scheme;																					
(p)	Pradhan Mantri Suraksha Bima Yojana;																					
(q)	Niramaya Health Insurance Scheme implemented by the Trust constituted under the provisions of the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999);																					
34 [(r)]	Bangla Shasya Bima.]																					
36	Heading 9971 or Heading 9991	Services of life insurance business provided under following schemes- <table><tr><td>(a)</td><td>Janashree Bima Yojana;</td></tr><tr><td>(b)</td><td>Aam Aadmi Bima Yojana;</td></tr><tr><td>(c)</td><td>Life micro-insurance product as approved by the Insurance Regulatory and Development Authority, having maximum amount of cover of 35[two lakhs] rupees;</td></tr><tr><td>(d)</td><td>Varishtha Pension BimaYojana;</td></tr><tr><td>(e)</td><td>Pradhan Mantri Jeevan Jyoti Bima Yojana;</td></tr><tr><td>(f)</td><td>Pradhan Mantri Jan Dhan Yojana;</td></tr><tr><td>(g)</td><td>Pradhan Mantri Vaya Vandan Yojana.</td></tr></table>	(a)	Janashree Bima Yojana;	(b)	Aam Aadmi Bima Yojana;	(c)	Life micro-insurance product as approved by the Insurance Regulatory and Development Authority, having maximum amount of cover of 35 [two lakhs] rupees;	(d)	Varishtha Pension BimaYojana;	(e)	Pradhan Mantri Jeevan Jyoti Bima Yojana;	(f)	Pradhan Mantri Jan Dhan Yojana;	(g)	Pradhan Mantri Vaya Vandan Yojana.	Nil	Nil				
(a)	Janashree Bima Yojana;																					
(b)	Aam Aadmi Bima Yojana;																					
(c)	Life micro-insurance product as approved by the Insurance Regulatory and Development Authority, having maximum amount of cover of 35 [two lakhs] rupees;																					
(d)	Varishtha Pension BimaYojana;																					
(e)	Pradhan Mantri Jeevan Jyoti Bima Yojana;																					
(f)	Pradhan Mantri Jan Dhan Yojana;																					
(g)	Pradhan Mantri Vaya Vandan Yojana.																					
36 [36A]	Heading 9971 or Heading 9991	Services by way of reinsurance of the insurance schemes specified in serial number 35 or 36 37 [or 40].	Nil	Nil]																		
37	Heading 9971 or Heading 9991	Services by way of collection of contribution under the Atal Pension Yojana.	Nil	Nil																		
38	Heading 9971 or Heading 9991	Services by way of collection of contribution under any pension scheme of the State Governments.	Nil	Nil																		
39	Heading 9971 or Heading 9985	Services by the following persons in respective capacities - <table><tr><td>(a)</td><td>business facilitator or a business correspondent to a banking company with respect to accounts in its rural area branch;</td></tr><tr><td>(b)</td><td>any person as an intermediary to a business facilitator or a business correspondent with respect to services mentioned in entry (a); or</td></tr><tr><td>(c)</td><td>business facilitator or a business correspondent to an insurance company in a</td></tr></table>	(a)	business facilitator or a business correspondent to a banking company with respect to accounts in its rural area branch;	(b)	any person as an intermediary to a business facilitator or a business correspondent with respect to services mentioned in entry (a); or	(c)	business facilitator or a business correspondent to an insurance company in a	Nil	Nil												
(a)	business facilitator or a business correspondent to a banking company with respect to accounts in its rural area branch;																					
(b)	any person as an intermediary to a business facilitator or a business correspondent with respect to services mentioned in entry (a); or																					
(c)	business facilitator or a business correspondent to an insurance company in a																					

		rural area.										
38 [39A]	Heading 9971	Services by an intermediary of financial services located in a multi services SEZ with International Financial Services Centre (IFSC) status to a customer located outside India for international financial services in currencies other than Indian rupees (INR). <i>Explanation.</i>—For the purposes of this entry, the intermediary of financial services in IFSC is a person,— <table><tr><td>(i)</td><td>who is permitted or recognised as such by the Government of India or any Regulator appointed for regulation of IFSC; or</td></tr><tr><td>(ii)</td><td>who is treated as a person resident outside India under the Foreign Exchange Management (International Financial Services Centre) Regulations, 2015; or</td></tr><tr><td>(iii)</td><td>who is registered under the Insurance Regulatory and Development Authority of India (International Financial Service Centre) Guidelines, 2015 as IFSC Insurance Office; or</td></tr><tr><td>(iv)</td><td>who is permitted as such by Securities and Exchange Board of India (SEBI) under the Securities and Exchange Board of India (International Financial Services Centres) Guidelines, 2015.</td></tr></table>	(i)	who is permitted or recognised as such by the Government of India or any Regulator appointed for regulation of IFSC; or	(ii)	who is treated as a person resident outside India under the Foreign Exchange Management (International Financial Services Centre) Regulations, 2015; or	(iii)	who is registered under the Insurance Regulatory and Development Authority of India (International Financial Service Centre) Guidelines, 2015 as IFSC Insurance Office; or	(iv)	who is permitted as such by Securities and Exchange Board of India (SEBI) under the Securities and Exchange Board of India (International Financial Services Centres) Guidelines, 2015.	Nil	Nil]
(i)	who is permitted or recognised as such by the Government of India or any Regulator appointed for regulation of IFSC; or											
(ii)	who is treated as a person resident outside India under the Foreign Exchange Management (International Financial Services Centre) Regulations, 2015; or											
(iii)	who is registered under the Insurance Regulatory and Development Authority of India (International Financial Service Centre) Guidelines, 2015 as IFSC Insurance Office; or											
(iv)	who is permitted as such by Securities and Exchange Board of India (SEBI) under the Securities and Exchange Board of India (International Financial Services Centres) Guidelines, 2015.											
40	Heading 9971 or Heading 9991	Services provided to the Central Government, State Government, Union territory under any insurance scheme for which total premium is paid by the Central Government, State Government, Union territory.	Nil	Nil								
41	Heading 9972	39[Upfront amount (called as premium, salami, cost, price, development charges or by any other name) payable in respect of service by way of granting of long term lease of thirty years, or more of industrial plots or plots for development of infrastructure for financial business, provided by the State Government Industrial Development Corporations or Undertakings or by any other entity having 40[20] per cent or more ownership of Central Government, State Government, Union territory to the industrial units or the developers in any industrial or financial business area.] 41[<i>Explanation.</i>—For the purpose of this exemption, the Central Government, State Government or Union territory shall have 40[20] per cent or more ownership in the entity directly or through an entity which is wholly owned by the Central Government, State Government or Union territory.]	Nil	42 [Provided that the leased plots shall be used for the purpose for which they are allotted, that is, for industrial or financial activity in an industrial or financial business area: Provided further that the State Government concerned shall monitor and enforce the above condition as per the order issued by the State Government in this regard: Provided also that in case of any violation or subsequent change of land use, due to								

			any reason whatsoever, the original lessor, original lessee as well as any subsequent lessee or buyer or owner shall be jointly and severally liable to pay such amount of central tax, as would have been payable on the upfront amount charged for the long term lease of the plots but for the exemption contained herein, along with the applicable interest and penalty: Provided also that the lease agreement entered into by the original lessor with the original lessee or subsequent lessee, or sub-lessee, as well as any subsequent lease or sale agreements, for lease or sale of such plots to subsequent lessees or buyers or owners shall incorporate in the terms and conditions, the fact that the central tax was exempted on the long term lease of the plots by the original lessor to the original lessee subject to above condition and that the parties to the said agreements undertake to comply with the same.]
43 [41A	Heading 9972	Service by way of transfer of development rights (herein refer TDR) or Floor Space Index (FSI) (including additional FSI) on or after 1st April, 2019 for construction of	Nil Provided that the promoter shall be liable to pay tax at

residential apartments by a promoter in a project, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. The amount of GST exemption available for construction of residential apartments in the project under this notification shall be calculated as under:
[GST payable on TDR or FSI (including additional FSI) or both for construction of the project] × (carpet area of the residential apartments in the project ÷ Total carpet area of the residential and commercial apartments in the project)

the applicable rate, on reverse charge basis, on such proportion of value of development rights, or FSI (including additional FSI), or both, as is attributable to the residential apartments, which remain un-booked on the date of issuance of completion certificate, or first occupation of the project, as the case may be, in the following manner —
[GST payable on TDR or FSI (including additional FSI) or both for construction of the residential apartments in the project but for the exemption contained herein] × (carpet area of the residential apartments in the project which remain un-booked on the date of issuance of completion certificate or first occupation ÷ Total carpet area of the residential apartments in the project):
Provided further that tax payable in terms of the first proviso hereinabove shall not exceed 0.5 per cent of the value in case of affordable residential apartments and 2.5 per cent of the

				value in case of residential apartments other than affordable residential apartments remaining unbooked on the date of issuance of completion certificate or first occupation. The liability to pay central tax on the said portion of the development rights or FSI, or both, calculated as above, shall arise on the date of completion or first occupation of the project, as the case may be, whichever is earlier.
41B	Heading 9972	Upfront amount (called as premium, salami, cost, price, development charges or by any other name) payable in respect of service by way of granting of long term lease of thirty years, or more, on or after 1-4-2019, for construction of residential apartments by a promoter in a project, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. The amount of GST exemption available for construction of residential apartments in the project under this notification shall be calculated as under: [GST payable on upfront amount (called as premium, salami, cost, price, development charges or by any other name) payable for long term lease of land for construction of the project] × (carpet area of the residential apartments in the project ÷ Total carpet area of the residential and commercial apartments in the project).	Nil	Provided that the promoter shall be liable to pay tax at the applicable rate, on reverse charge basis, on such proportion of upfront amount (called as premium, salami, cost, price, development charges or by any other name) paid for long term lease of land, as is attributable to the residential apartments, which remain un- booked on the date of issuance of completion certificate, or first occupation of the project, as the case may be, in the following manner — [GST payable on upfront amount (called as premium, salami, cost, price,

			development charges or by any other name) payable for long term lease of land for construction of the residential apartments in the project but for the exemption contained herein] × (carpet area of the residential apartments in the project which remain un- booked on the date of issuance of completion certificate or first occupation ÷ Total carpet area of the residential apartments in the project); Provided further that the tax payable in terms of the first proviso shall not exceed 0.5 per cent of the value in case of affordable residential apartments and 2.5 per cent of the value in case of residential apartments other than affordable residential apartments remaining un- booked on the date of issuance of completion certificate or first occupation. The liability to pay central tax on the said proportion of upfront amount (called as premium, salami, cost, price, development charges or by any other name) paid for long term lease of land, calculated
--	--	--	--

				as above, shall arise on the date of issue of completion certificate or first occupation of the project, as the case may be.]																		
42	Heading 9973 or Heading 9991	Services provided by the Central Government, State Government, Union territory or local authority by way of allowing a business entity to operate as a telecom service provider or use radio frequency spectrum during the period prior to the 1st April, 2016, on payment of licence fee or spectrum user charges, as the case may be.	Nil	Nil																		
43	43a[***]																					
44	Heading 9981	Services provided by an incubatee up to a total turnover of fifty lakh rupees in a financial year subject to the following conditions, namely:- <table><tr><td>(a)</td><td>the total turnover had not exceeded fifty lakh rupees during the preceding financial year; and</td></tr><tr><td>(b)</td><td>a period of three years has not elapsed from the date of entering into an agreement as an incubatee.</td></tr></table>	(a)	the total turnover had not exceeded fifty lakh rupees during the preceding financial year; and	(b)	a period of three years has not elapsed from the date of entering into an agreement as an incubatee.	Nil	Nil														
(a)	the total turnover had not exceeded fifty lakh rupees during the preceding financial year; and																					
(b)	a period of three years has not elapsed from the date of entering into an agreement as an incubatee.																					
45	Heading 9982 or Heading 9991	Services provided by- <table><tr><td>(a)</td><td>an arbitral tribunal to -<table><tr><td>(i)</td><td>any person other than a business entity;</td></tr><tr><td>(ii)</td><td>a business entity with an aggregate turnover up to 44[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or</td></tr><tr><td>45[(iii)</td><td>the Central Government, State Government, Union territory, local authority, Governmental Authority or Government Entity;]</td></tr></table></td></tr><tr><td>(b)</td><td>a partnership firm of advocates or an individual as an advocate other than a senior advocate, by way of legal services to-<table><tr><td>(i)</td><td>an advocate or partnership firm of advocates providing legal services;</td></tr><tr><td>(ii)</td><td>any person other than a business entity;</td></tr><tr><td>(iii)</td><td>a business entity with an aggregate turnover up to 46[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or</td></tr><tr><td>47[(iv)</td><td>the Central Government, State</td></tr></table></td></tr></table>	(a)	an arbitral tribunal to - <table><tr><td>(i)</td><td>any person other than a business entity;</td></tr><tr><td>(ii)</td><td>a business entity with an aggregate turnover up to 44[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or</td></tr><tr><td>45[(iii)</td><td>the Central Government, State Government, Union territory, local authority, Governmental Authority or Government Entity;]</td></tr></table>	(i)	any person other than a business entity;	(ii)	a business entity with an aggregate turnover up to 44[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or	45[(iii)	the Central Government, State Government, Union territory, local authority, Governmental Authority or Government Entity;]	(b)	a partnership firm of advocates or an individual as an advocate other than a senior advocate, by way of legal services to- <table><tr><td>(i)</td><td>an advocate or partnership firm of advocates providing legal services;</td></tr><tr><td>(ii)</td><td>any person other than a business entity;</td></tr><tr><td>(iii)</td><td>a business entity with an aggregate turnover up to 46[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or</td></tr><tr><td>47[(iv)</td><td>the Central Government, State</td></tr></table>	(i)	an advocate or partnership firm of advocates providing legal services;	(ii)	any person other than a business entity;	(iii)	a business entity with an aggregate turnover up to 46[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or	47[(iv)	the Central Government, State	Nil	Nil
(a)	an arbitral tribunal to - <table><tr><td>(i)</td><td>any person other than a business entity;</td></tr><tr><td>(ii)</td><td>a business entity with an aggregate turnover up to 44[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or</td></tr><tr><td>45[(iii)</td><td>the Central Government, State Government, Union territory, local authority, Governmental Authority or Government Entity;]</td></tr></table>	(i)	any person other than a business entity;	(ii)	a business entity with an aggregate turnover up to 44[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or	45[(iii)	the Central Government, State Government, Union territory, local authority, Governmental Authority or Government Entity;]															
(i)	any person other than a business entity;																					
(ii)	a business entity with an aggregate turnover up to 44[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or																					
45[(iii)	the Central Government, State Government, Union territory, local authority, Governmental Authority or Government Entity;]																					
(b)	a partnership firm of advocates or an individual as an advocate other than a senior advocate, by way of legal services to- <table><tr><td>(i)</td><td>an advocate or partnership firm of advocates providing legal services;</td></tr><tr><td>(ii)</td><td>any person other than a business entity;</td></tr><tr><td>(iii)</td><td>a business entity with an aggregate turnover up to 46[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or</td></tr><tr><td>47[(iv)</td><td>the Central Government, State</td></tr></table>	(i)	an advocate or partnership firm of advocates providing legal services;	(ii)	any person other than a business entity;	(iii)	a business entity with an aggregate turnover up to 46[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or	47[(iv)	the Central Government, State													
(i)	an advocate or partnership firm of advocates providing legal services;																					
(ii)	any person other than a business entity;																					
(iii)	a business entity with an aggregate turnover up to 46[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or																					
47[(iv)	the Central Government, State																					

		Government, Union territory, local authority, Governmental Authority or Government Entity;] (c) a senior advocate by way of legal services to- (i) any person other than a business entity; (ii) a business entity with an aggregate turnover up to ⁴⁶[such amount in the preceding financial year as makes it eligible for exemption from registration under the Central Goods and Services Tax Act, 2017 (12 of 2017)]; or ⁴⁷[(iii) the Central Government, State Government, Union territory, local authority, Governmental Authority or Government Entity.]		
46	Heading 9983	Services by a veterinary clinic in relation to health care of animals or birds.	Nil	Nil
47	Heading 9983 or Heading 9991	Services provided by the Central Government, State Government, Union territory or local authority by way of— (a) registration required under any law for the time being in force; (b) testing, calibration, safety check or certification relating to protection or safety of workers, consumers or public at large, including fire license, required under any law for the time being in force.	Nil	Nil
47A	⁴⁸ [***]			
48	Heading 9983 or any other Heading of Chapter 99	Taxable services, provided or to be provided, by a Technology Business Incubator or a Science and Technology Entrepreneurship Park recognised by the National Science and Technology Entrepreneurship Development Board of the Department of Science and Technology, Government of India or bio-incubators recognised by the Biotechnology Industry Research Assistance Council, under the Department of Biotechnology, Government of India.	Nil	Nil
49	Heading 9984	Services by way of collecting or providing news by an independent journalist, Press Trust of India or United News of India.	Nil	Nil
50	Heading 9984	Services of public libraries by way of lending of books, publications or any other knowledge-enhancing content or material.	Nil	Nil
51	^{48a} [***]			
52	Heading 9985	Services by an organiser to any person in respect of a business exhibition held outside India.	Nil	Nil
^{48b} [52A	Heading 9985	<i>Tour operator service, which is performed partly in India and partly outside India, supplied by a tour operator to a</i>	<i>Nil</i>	<i>Nil]</i>

foreign tourist, to the extent of the value of the tour operator service which is performed outside India:

Provided that value of the tour operator service performed outside India shall be such proportion of the total consideration charged for the entire tour which is equal to the proportion which the number of days for which the tour is performed outside India has to the total number of days comprising the tour, or 50% of the total consideration charged for the entire tour, whichever is less:

Provided further that in making the above calculations, any duration of time equal to or exceeding 12 hours shall be considered as one full day and any duration of time less than 12 hours shall be taken as half a day.

Explanation. — "foreign tourist" means a person not normally resident in India, who enters India for a stay of not more than six months for legitimate non immigrant purposes.

Illustrations:

A tour operator provides a tour operator service to a foreign tourist as follows:—

(a)	3 days in India, 2 days in Nepal; Consideration Charged for the entire tour: Rs. 1, 00, 000/- Exemption: Rs. 40, 000/- (=Rs.1, 00, 000/- x 2/5) or, Rs. 50, 000/- (= 50% of Rs. 1, 00, 000/-) whichever is less, i.e., Rs. 40, 000/-(i.e., Taxable value: Rs. 60, 000/-);
(b)	2 days in India, 3 nights in Nepal; Consideration Charged for the entire tour: Rs. 1, 00, 000/-
	Exemption: Rs. 60, 000 (=Rs.1, 00, 000/- x 3/5) or, Rs. 50, 000/- (= 50% of Rs. 1, 00, 000/-) whichever is less, i.e., Rs. 50, 000/-(i.e., Taxable value: Rs. 50, 000/-);
(c)	2.5 days in India, 3 days in Nepal; Consideration charged for the entire tour: Rs. 1, 00, 000/-
	Exemption: Rs. 54,545 (=Rs.1, 00, 000/- x 3/5.5) or, Rs. 50, 000/- (= 50% of Rs. 1, 00, 000/-) whichever is less, i.e., Rs. 50, 000/-(i.e., Taxable value: Rs. 50, 000/-).

53

Heading
9985

Services by way of sponsorship of sporting events organised -

(a)	by a national sports federation, or its affiliated federations, where the participating teams or individuals represent any district, State, zone or Country;
(b)	by Association of Indian Universities, Inter-University Sports Board, School Games Federation of India, All India Sports Council for the Deaf, Paralympic Committee of India or Special Olympics Bharat;
(c)	by the Central Civil Services Cultural and Sports Board;
(d)	as part of national games, by the Indian

Nil

Nil

		<table><tr><td></td><td>Olympic Association; or</td></tr><tr><td>(e)</td><td>under the Panchayat Yuva Kreedha Aur Khel Abhiyaan Scheme.</td></tr></table>		Olympic Association; or	(e)	under the Panchayat Yuva Kreedha Aur Khel Abhiyaan Scheme.														
	Olympic Association; or																			
(e)	under the Panchayat Yuva Kreedha Aur Khel Abhiyaan Scheme.																			
53A	49 [***]																			
54	Heading 9986	Services relating to cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products or agricultural produce by way of— <table><tr><td>(a)</td><td>agricultural operations directly related to production of any agricultural produce including cultivation, harvesting, threshing, plant protection or testing;</td></tr><tr><td>(b)</td><td>supply of farm labour;</td></tr><tr><td>(c)</td><td>processes carried out at an agricultural farm including tending, pruning, cutting, harvesting, drying, cleaning, trimming, sun drying, fumigating, curing, sorting, grading, cooling or bulk packaging and such like operations which do not alter the essential characteristics of agricultural produce but make it only marketable for the primary market;</td></tr><tr><td>(d)</td><td>renting or leasing of agro machinery or vacant land with or without a structure incidental to its use;</td></tr><tr><td>(e)</td><td>loading, unloading, packing, storage or warehousing of agricultural produce;</td></tr><tr><td>(f)</td><td>agricultural extension services;</td></tr><tr><td>(g)</td><td>services by any Agricultural Produce Marketing Committee or Board or services provided by a commission agent for sale or purchase of agricultural produce;</td></tr><tr><td>(h)</td><td>50 [***]</td></tr></table>	(a)	agricultural operations directly related to production of any agricultural produce including cultivation, harvesting, threshing, plant protection or testing;	(b)	supply of farm labour;	(c)	processes carried out at an agricultural farm including tending, pruning, cutting, harvesting, drying, cleaning, trimming, sun drying, fumigating, curing, sorting, grading, cooling or bulk packaging and such like operations which do not alter the essential characteristics of agricultural produce but make it only marketable for the primary market;	(d)	renting or leasing of agro machinery or vacant land with or without a structure incidental to its use;	(e)	loading, unloading, packing, storage or warehousing of agricultural produce;	(f)	agricultural extension services;	(g)	services by any Agricultural Produce Marketing Committee or Board or services provided by a commission agent for sale or purchase of agricultural produce;	(h)	50 [***]	Nil	Nil
(a)	agricultural operations directly related to production of any agricultural produce including cultivation, harvesting, threshing, plant protection or testing;																			
(b)	supply of farm labour;																			
(c)	processes carried out at an agricultural farm including tending, pruning, cutting, harvesting, drying, cleaning, trimming, sun drying, fumigating, curing, sorting, grading, cooling or bulk packaging and such like operations which do not alter the essential characteristics of agricultural produce but make it only marketable for the primary market;																			
(d)	renting or leasing of agro machinery or vacant land with or without a structure incidental to its use;																			
(e)	loading, unloading, packing, storage or warehousing of agricultural produce;																			
(f)	agricultural extension services;																			
(g)	services by any Agricultural Produce Marketing Committee or Board or services provided by a commission agent for sale or purchase of agricultural produce;																			
(h)	50 [***]																			
55	Heading 9986	Carrying out an intermediate production process as job work in relation to cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products or agricultural produce.	Nil	Nil																
51 [55A	Heading 9986	Services by way of artificial insemination of livestock (other than horses).	Nil	Nil]																
56	50a [***]																			
57	Heading 9988 or any other Heading of Section 8 and Section 9	Services by way of pre-conditioning, pre-cooling, ripening, waxing, retail packing, labelling of fruits and vegetables which do not change or alter the essential characteristics of the said fruits or vegetables.	Nil	Nil																
58	Heading 9988 or	Services provided by the National Centre for Cold Chain Development under the Ministry of Agriculture,	Nil	Nil																

	Heading 9992	Cooperation and Farmer's Welfare by way of cold chain knowledge dissemination.		
59	Heading 9999	Services by a foreign diplomatic mission located in India.	Nil	Nil
60	Heading 9991	Services by a specified organisation in respect of a religious pilgrimage facilitated by 52 [****] the Government of India, under bilateral arrangement.	Nil	Nil
61	Heading 9991	Services provided by the Central Government, State Government, Union territory or local authority by way of issuance of passport, visa, driving licence, birth certificate or death certificate.	Nil	Nil
52a [61A]	Heading 9991	<i>Services by way of granting National Permit to a goods carriage to operate through-out India / contiguous States.</i>	Nil	Nil]
62	Heading 9991 or Heading 9997	Services provided by the Central Government, State Government, Union territory or local authority by way of tolerating non-performance of a contract for which consideration in the form of fines or liquidated damages is payable to the Central Government, State Government, Union territory or local authority under such contract.	Nil	Nil
63	Heading 9991	Services provided by the Central Government, State Government, Union territory or local authority by way of assignment of right to use natural resources to an individual farmer for cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products.	Nil	Nil
64	Heading 9991 or Heading 9973	Services provided by the Central Government, State Government, Union territory or local authority by way of assignment of right to use any natural resource where such right to use was assigned by the Central Government, State Government, Union territory or local authority before the 1st April, 2016: Provided that the exemption shall apply only to tax payable on one time charge payable, in full upfront or in instalments, for assignment of right to use such natural resource.	Nil	Nil
65	Heading 9991	Services provided by the Central Government, State Government, Union territory by way of deputing officers after office hours or on holidays for inspection or container stuffing or such other duties in relation to import export cargo on payment of Merchant Overtime charges.	Nil	Nil
53 [65A]	Heading 9991	Services by way of providing information under the Right to Information Act, 2005 (22 of 2005).	Nil	Nil]
54 [65B]	Heading 9991 or any other Heading	Services supplied by a State Government to Excess Royalty Collection Contractor (ERCC) by way of assigning the right to collect royalty on behalf of the State Government on the mineral dispatched by the mining lease holders. <i>Explanation.</i> —"Mining lease holder" means a person who has been granted mining lease, quarry lease or license or other mineral concession under the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the rules made thereunder or the rules made by a State Government under sub-section (1) of section 15 of the	Nil	Provided that at the end of the contract period, ERCC shall submit an account to the State Government and certify that the amount of goods and services tax deposited by mining lease

		Mines and Minerals (Development and Regulation) Act, 1957.		holders on royalty is more than the goods and services tax exempted on the service provided by State Government to the ERCC of assignment of right to collect royalty and where such amount of goods and services tax paid by mining lease holders is less than the amount of goods and services tax exempted, the exemption shall be restricted to such amount as is equal to the amount of goods and services tax paid by the mining lease holders and the ERCC shall pay the difference between goods and services tax exempted on the service provided by State Government to the ERCC of assignment of right to collect royalty and goods and services tax paid by the mining lease holders on royalty.]																
66	55 [Heading 9992 or Heading 9963]	Services provided— <table><tr><td>(a)</td><td>by an educational institution to its students, faculty and staff;</td></tr><tr><td>56[(aa)</td><td>by an educational institution by way of conduct of entrance examination</td></tr><tr><td></td><td>against consideration in the form of entrance fee;]</td></tr><tr><td>(b)</td><td>to an educational institution, by way of,-</td></tr><tr><td>(i)</td><td>transportation of students, faculty and staff;</td></tr><tr><td>(ii)</td><td>catering, including any mid-day meals scheme sponsored by the Central Government,</td></tr><tr><td></td><td>State Government or Union territory;</td></tr><tr><td></td><td></td></tr></table>	(a)	by an educational institution to its students, faculty and staff;	56 [(aa)	by an educational institution by way of conduct of entrance examination		against consideration in the form of entrance fee;]	(b)	to an educational institution, by way of,-	(i)	transportation of students, faculty and staff;	(ii)	catering, including any mid-day meals scheme sponsored by the Central Government,		State Government or Union territory;			Nil	Nil
(a)	by an educational institution to its students, faculty and staff;																			
56 [(aa)	by an educational institution by way of conduct of entrance examination																			
	against consideration in the form of entrance fee;]																			
(b)	to an educational institution, by way of,-																			
(i)	transportation of students, faculty and staff;																			
(ii)	catering, including any mid-day meals scheme sponsored by the Central Government,																			
	State Government or Union territory;																			

		<table><tr><td>(iii)</td><td>security or cleaning or house- keeping services performed in such educational institution;</td></tr><tr><td>(iv)</td><td>services relating to admission to, or conduct of examination by, such institution; 57[***]</td></tr><tr><td>56[(v)</td><td>supply of online educational journals or periodicals:]</td></tr></table> Provided that nothing contained in 58[sub-items (i), (ii) and (iii) of item (b)] shall apply to an educational institution other than an institution providing services by way of pre-school education and education up to higher secondary school or equivalent: 56[Provided further that nothing contained in sub-item (v) of item (b) shall apply to an institution providing services by way of,— <table><tr><td>(i)</td><td>pre-school education and education up to higher secondary school or equivalent; or</td></tr><tr><td>(ii)</td><td>education as a part of an approved vocational education course.]</td></tr></table>	(iii)	security or cleaning or house- keeping services performed in such educational institution;	(iv)	services relating to admission to, or conduct of examination by, such institution; 57[***]	56[(v)	supply of online educational journals or periodicals:]	(i)	pre-school education and education up to higher secondary school or equivalent; or	(ii)	education as a part of an approved vocational education course.]						
(iii)	security or cleaning or house- keeping services performed in such educational institution;																	
(iv)	services relating to admission to, or conduct of examination by, such institution; 57[***]																	
56[(v)	supply of online educational journals or periodicals:]																	
(i)	pre-school education and education up to higher secondary school or equivalent; or																	
(ii)	education as a part of an approved vocational education course.]																	
67	59[***]																	
68	Heading 9992 or Heading 9996	Services provided to a recognised sports body by- <table><tr><td>(a)</td><td>an individual as a player, referee, umpire, coach or team manager for participation in a sporting event organised by a recognized sports body;</td></tr><tr><td>(b)</td><td>another recognised sports body.</td></tr></table>	(a)	an individual as a player, referee, umpire, coach or team manager for participation in a sporting event organised by a recognized sports body;	(b)	another recognised sports body.	Nil	Nil										
(a)	an individual as a player, referee, umpire, coach or team manager for participation in a sporting event organised by a recognized sports body;																	
(b)	another recognised sports body.																	
69	Heading 9992 or Heading 9983 or Heading 9991	Any services provided by, _ <table><tr><td>(a)</td><td>the National Skill Development Corporation set up by the Government of India;</td></tr><tr><td>(b)</td><td>a Sector Skill Council approved by the National Skill Development Corporation;</td></tr><tr><td>(c)</td><td>an assessment agency approved by the Sector Skill Council or the National Skill Development Corporation;</td></tr><tr><td>(d)</td><td>a training partner approved by the National Skill Development Corporation or the Sector Skill Council, in relation to-<table><tr><td>(i)</td><td>the National Skill Development Programme implemented by the National Skill Development Corporation; or</td></tr><tr><td>(ii)</td><td>a vocational skill development course under the National Skill Certification and Monetary Reward Scheme; or</td></tr><tr><td>(iii)</td><td>any other Scheme implemented by the National Skill Development Corporation.</td></tr></table></td></tr></table>	(a)	the National Skill Development Corporation set up by the Government of India;	(b)	a Sector Skill Council approved by the National Skill Development Corporation;	(c)	an assessment agency approved by the Sector Skill Council or the National Skill Development Corporation;	(d)	a training partner approved by the National Skill Development Corporation or the Sector Skill Council, in relation to- <table><tr><td>(i)</td><td>the National Skill Development Programme implemented by the National Skill Development Corporation; or</td></tr><tr><td>(ii)</td><td>a vocational skill development course under the National Skill Certification and Monetary Reward Scheme; or</td></tr><tr><td>(iii)</td><td>any other Scheme implemented by the National Skill Development Corporation.</td></tr></table>	(i)	the National Skill Development Programme 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 other Scheme implemented by the National Skill Development Corporation.	Nil	Nil
(a)	the National Skill Development Corporation set up by the Government of India;																	
(b)	a Sector Skill Council approved by the National Skill Development Corporation;																	
(c)	an assessment agency approved by the Sector Skill Council or the National Skill Development Corporation;																	
(d)	a training partner approved by the National Skill Development Corporation or the Sector Skill Council, in relation to- <table><tr><td>(i)</td><td>the National Skill Development Programme implemented by the National Skill Development Corporation; or</td></tr><tr><td>(ii)</td><td>a vocational skill development course under the National Skill Certification and Monetary Reward Scheme; or</td></tr><tr><td>(iii)</td><td>any other Scheme implemented by the National Skill Development Corporation.</td></tr></table>	(i)	the National Skill Development Programme 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 other Scheme implemented by the National Skill Development Corporation.											
(i)	the National Skill Development Programme 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 other Scheme implemented by the National Skill Development Corporation.																	
70	Heading 9983 or	Services of assessing bodies empanelled centrally by the Directorate General of Training, Ministry of Skill	Nil	Nil														

	Heading 9985 or Heading 9992	Development and Entrepreneurship by way of assessments under the Skill Development Initiative Scheme.								
71	Heading 9992	Services provided by training providers (Project implementation agencies) under Deen Dayal Upadhyaya Grameen Kaushalya Yojana implemented by the Ministry of Rural Development, Government of India by way of offering skill or vocational training courses certified by the National Council for Vocational Training.	Nil	Nil						
72	Heading 9992	Services provided to the Central Government, State Government, Union territory administration under any training programme for which 59a [75% or more of the] total expenditure is borne by the Central Government, State Government, Union territory administration.	Nil	Nil						
73	59b [***]									
74	Heading 9993	Services by way of— <table border="1"><tr><td>(a)</td><td>health care services by a clinical establishment, an authorised medical practitioner or para-medics:</td></tr><tr><td></td><td>59c [Provided that nothing in this entry shall apply to the services provided by a clinical establishment by way of providing room [other than Intensive Care Unit (ICU)/Critical Care Unit (CCU)/Intensive Cardiac Care Unit (ICCU)/Neo natal Intensive Care Unit (NICU)] having room charges exceeding Rs. 5000 per day to a person receiving health care services.]</td></tr><tr><td>(b)</td><td>services provided by way of transportation of a patient in an ambulance, other than those specified in (a) above.</td></tr></table>	(a)	health care services by a clinical establishment, an authorised medical practitioner or para-medics:		59c [Provided that nothing in this entry shall apply to the services provided by a clinical establishment by way of providing room [other than Intensive Care Unit (ICU)/Critical Care Unit (CCU)/Intensive Cardiac Care Unit (ICCU)/Neo natal Intensive Care Unit (NICU)] having room charges exceeding Rs. 5000 per day to a person receiving health care services.]	(b)	services provided by way of transportation of a patient in an ambulance, other than those specified in (a) above.	Nil	Nil
(a)	health care services by a clinical establishment, an authorised medical practitioner or para-medics:									
	59c [Provided that nothing in this entry shall apply to the services provided by a clinical establishment by way of providing room [other than Intensive Care Unit (ICU)/Critical Care Unit (CCU)/Intensive Cardiac Care Unit (ICCU)/Neo natal Intensive Care Unit (NICU)] having room charges exceeding Rs. 5000 per day to a person receiving health care services.]									
(b)	services provided by way of transportation of a patient in an ambulance, other than those specified in (a) above.									
60 [74A	Heading 9993	Services provided by rehabilitation professionals recognised under the Rehabilitation Council of India Act, 1992 (34 of 1992) by way of rehabilitation, therapy or counselling and such other activity as covered by the said Act at medical establishments, educational institutions, rehabilitation centers established by Central Government, State Government or Union territory or an entity registered under section 12AA 60a [or 12AB] of the Income-tax Act, 1961 (43 of 1961).	Nil	Nil]						
75	61a [***]									
76	Heading 9994	Services by way of public conveniences such as provision of facilities of bathroom, washrooms, lavatories, urinal or toilets.	Nil	Nil						
77	Heading 9995	Service by an unincorporated body or a non-profit entity registered under any law for the time being in force, to its own members by way of reimbursement of charges or share of contribution - <table border="1"><tr><td>(a)</td><td>as a trade union;</td></tr><tr><td>(b)</td><td>for the provision of carrying out any activity</td></tr></table>	(a)	as a trade union;	(b)	for the provision of carrying out any activity	Nil	Nil		
(a)	as a trade union;									
(b)	for the provision of carrying out any activity									

		<table><tr><td></td><td>which is exempt from the levy of Goods and Service Tax; or</td></tr><tr><td>(c)</td><td>up to an amount of 61[seven thousand five hundred] rupees per month per member for sourcing of goods or services from a third person for the common use of its members in a housing society or a residential complex.</td></tr></table>		which is exempt from the levy of Goods and Service Tax; or	(c)	up to an amount of 61[seven thousand five hundred] rupees per month per member for sourcing of goods or services from a third person for the common use of its members in a housing society or a residential complex.						
	which is exempt from the levy of Goods and Service Tax; or											
(c)	up to an amount of 61[seven thousand five hundred] rupees per month per member for sourcing of goods or services from a third person for the common use of its members in a housing society or a residential complex.											
62[77A	Heading 9995	Services provided by an unincorporated body or a non-profit entity registered under any law for the time being in force, engaged in,— <table><tr><td>(i)</td><td>activities relating to the welfare of industrial or agricultural labour or farmers; or</td></tr><tr><td>(ii)</td><td>promotion of trade, commerce, industry, agriculture, art, science, literature, culture, sports, education, social welfare, charitable activities and protection of environment,</td></tr></table> to its own members against consideration in the form of membership fee upto an amount of one thousand rupees (Rs. 1000) per member per year.	(i)	activities relating to the welfare of industrial or agricultural labour or farmers; or	(ii)	promotion of trade, commerce, industry, agriculture, art, science, literature, culture, sports, education, social welfare, charitable activities and protection of environment,	Nil	Nil]				
(i)	activities relating to the welfare of industrial or agricultural labour or farmers; or											
(ii)	promotion of trade, commerce, industry, agriculture, art, science, literature, culture, sports, education, social welfare, charitable activities and protection of environment,											
78	Heading 9996	Services by an artist by way of a performance in folk or classical art forms of— <table><tr><td>(a)</td><td>music, or</td></tr><tr><td>(b)</td><td>dance, or</td></tr><tr><td>(c)</td><td>theatre,</td></tr></table> if the consideration charged for such performance is not more than one lakh and fifty thousand rupees: Provided that the exemption shall not apply to service provided by such artist as a brand ambassador.	(a)	music, or	(b)	dance, or	(c)	theatre,	Nil	Nil		
(a)	music, or											
(b)	dance, or											
(c)	theatre,											
79	Heading 9996	Services by way of admission to a museum, national park, wildlife sanctuary, tiger reserve or zoo.	Nil	Nil								
63[79A.	Heading 9996	Services by way of admission to a protected monument so declared under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) or any of the State Acts, for the time being in force	Nil	Nil]								
80	Heading 9996	63a [Services by way of training or coaching in- <table><tr><td>(a)</td><td>recreational activities relating to arts or culture, by an individual, or</td></tr><tr><td>(b)</td><td>sports by charitable entities registered under section 12AA or 12AB of the Income-tax Act.]</td></tr></table>	(a)	recreational activities relating to arts or culture, by an individual, or	(b)	sports by charitable entities registered under section 12AA or 12AB of the Income-tax Act.]	Nil	Nil				
(a)	recreational activities relating to arts or culture, by an individual, or											
(b)	sports by charitable entities registered under section 12AA or 12AB of the Income-tax Act.]											
81	Heading 9996	64[Services by way of right to admission to— <table><tr><td>(a)</td><td>circus, dance, or theatrical performance including drama or ballet;</td></tr><tr><td>(b)</td><td>award function, concert, pageant, musical performance or any sporting event other than a recognised sporting event;</td></tr><tr><td>(c)</td><td>recognised sporting event;</td></tr><tr><td>(d)</td><td>planetarium,</td></tr></table>	(a)	circus, dance, or theatrical performance including drama or ballet;	(b)	award function, concert, pageant, musical performance or any sporting event other than a recognised sporting event;	(c)	recognised sporting event;	(d)	planetarium,	Nil	Nil
(a)	circus, dance, or theatrical performance including drama or ballet;											
(b)	award function, concert, pageant, musical performance or any sporting event other than a recognised sporting event;											
(c)	recognised sporting event;											
(d)	planetarium,											

		where the consideration for right to admission to the events or places as referred to in item (a), (b), (c) or (d) above is not more than Rs. 500 per person.]		
65 [82]	Heading 9996	Services by way of right to admission to the events organised under FIFA U-17 World Cup 2017.	Nil	Nil]
66 [82A]	Heading 9996	Services by way of right to admission to the events organised under FIFA U-17 Women's World Cup 2020 66a [[<i>whenever rescheduled</i>]].	Nil	Nil]
66b [82B]	Heading 9996	<i>Services by way of right to admission to the events organised under AFC Women's Asia Cup 2022</i>	<i>Nil</i>	<i>Nil]</i>

[67](#)[1A. Value of supply of service by way of transfer of development rights or FSI by a person to the promoter against consideration in the form of residential or commercial apartments shall be deemed to be equal to the value of similar apartments charged by the promoter from the independent buyers nearest to the date on which such development rights or FSI is transferred to the promoter.

1B. Value of portion of residential or commercial apartments remaining unbooked on the date of issuance of completion certificate or first occupation, as the case may be, shall be deemed to be equal to the value of similar apartments charged by the promoter nearest to the date of issuance of completion certificate or first occupation, as the case may be.]

2. Definitions.— For the purposes of this notification, unless the context otherwise requires,—

- (a) "advertisement" means any form of presentation for promotion of, or bringing awareness about, any event, idea, immovable property, person, service, goods or actionable claim through newspaper, television, radio or any other means but does not include any presentation made in person;
- (b) "advocate" has the same meaning as assigned to it in clause (a) of sub-section (1) of section 2 of the Advocates Act, 1961 (25 of 1961);
- (c) "agricultural extension" means application of scientific research and knowledge to agricultural practices through former education or training;
- (d) "agricultural produce" means any produce out of cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products, on which either no further processing is done or such processing is done as is usually done by a cultivator or producer which does not alter its essential characteristics but makes it marketable for primary market;
- (e) "Agricultural Produce Marketing Committee or Board" means any committee or board constituted under a State law for the time being in force for the purpose of regulating the marketing of agricultural produce;
- (f) "aircraft" has the same meaning as assigned to it in clause (1) of section 2 of the Aircraft Act, 1934 (22 of 1934);
- (g) "airport" has the same meaning as assigned to it in clause (b) of section 2 of the Airports Authority of India Act, 1994 (55 of 1994);
- (h) "approved vocational education course" means,—
 - (i) a course run by an industrial training institute or an industrial training centre affiliated to the National Council for Vocational Training or State Council for Vocational Training offering courses in designated trades notified under the Apprentices Act, 1961 (52 of 1961); or
 - (ii) a Modular Employable Skill Course, approved by the National Council of Vocational Training, run by a person registered with the Directorate General of Training, Ministry of Skill Development and Entrepreneurship;
- (i) "arbitral tribunal" has the same meaning as assigned to it in clause (d) of section 2 of the Arbitration and Conciliation Act, 1996 (26 of 1996);
- (j) "authorised dealer of foreign exchange" shall have the same meaning assigned to "Authorised person" in clause (c) of section 2 of the Foreign Exchange Management Act, 1999 (42 of 1999);
- (k) "authorised medical practitioner" means a medical practitioner registered with any of the councils of the recognised system of medicines established or recognised by law in India and includes a

medical professional having the requisite qualification to practice in any recognised system of medicines in India as per any law for the time being in force;

- (l) "banking company" has the same meaning as assigned to it in clause (a) of section 45A of the Reserve Bank of India Act, 1934 (2 of 1934);
- (m) "brand ambassador" means a person engaged for promotion or marketing of a brand of goods, service, property or actionable claim, event or endorsement of name, including a trade name, logo or house mark of any person;
- (n) "business entity" means any person carrying out business;
- (o) "business facilitator or business correspondent" means an intermediary appointed under the business facilitator model or the business correspondent model by a banking company or an insurance company under the guidelines issued by the Reserve Bank of India;
- (p) "Central Electricity Authority" means the authority constituted under section 3 of the Electricity (Supply) Act, 1948 (54 of 1948)*;
- (q) "Central Transmission Utility" shall have the same meaning as assigned to it in clause (10) of section 2 of the Electricity Act, 2003 (36 of 2003);
- (r) "charitable activities" means activities relating to—
 - (i) public health by way of,—
 - (A) care or counselling of
 - (I) terminally ill persons or persons with severe physical or mental disability;
 - (II) persons afflicted with HIV or AIDS;
 - (III) persons addicted to a dependence-forming substance such as narcotics drugs or alcohol; or
 - (B) public awareness of preventive health, family planning or prevention of HIV infection;
 - (ii) advancement of religion, spirituality or yoga;
 - (iii) advancement of educational programmes or skill development relating to,—
 - (A) abandoned, orphaned or homeless children;
 - (B) physically or mentally abused and traumatized persons;
 - (C) prisoners; or
 - (D) persons over the age of 65 years residing in a rural area;
 - (iv) preservation of environment including watershed, forests and wildlife;
- (s) "clinical establishment" means a hospital, nursing home, clinic, sanatorium or any other institution by, whatever name called, that offers services or facilities requiring diagnosis or treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognised system of medicines in India, or a place established as an independent entity or a part of an establishment to carry out diagnostic or investigative services of diseases;
- (t) "contract carriage" has the same meaning as assigned to it in clause (7) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988);
- (u) "courier agency" means any person engaged in the door-to-door transportation of time-sensitive documents, goods or articles utilising the services of a person, either directly or indirectly, to carry or accompany such documents, goods or articles;
- (v) "Customs station" shall have the same meaning as assigned to it in clause (13) of section 2 of the Customs Act, 1962 (52 of 1962);
- (w) "declared tariff" includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air-conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit;
- (x) "distributor or selling agent" means an individual or a firm or a body corporate or other legal entity under law so appointed by the Organising State through an agreement to market and sell lotteries on behalf of the Organising State;

- (y) "educational institution" means an institution providing services by way of,—
- (i) pre-school education and education up to higher secondary school or equivalent;
 - (ii) education as a part of a curriculum for obtaining a qualification recognised by any law for the time being in force;
 - (iii) education as a part of an approved vocational education course;
- (z) "electricity transmission or distribution utility" means the Central Electricity Authority; a State Electricity Board; the Central Transmission Utility or a State Transmission Utility notified under the Electricity Act, 2003 (36 of 2003); or a distribution or transmission licensee under the said Act, or any other entity entrusted with such function by the Central Government or, as the case may be, the State Government;
- (za) "e-rickshaw" means a special purpose battery powered vehicle of power not exceeding 4000 watts, having three wheels for carrying goods or passengers, as the case may be, for hire or reward, manufactured, constructed or adapted, equipped and maintained in accordance with such specifications, as may be prescribed in this behalf;
- [68](#)[(zaa) "financial institution" has the same meaning as assigned to it in clause (c) of section 45-I of the Reserve Bank of India Act, 1934 (2 of 1934).]
- (zb) "general insurance business" has the same meaning as assigned to it in clause (g) of section 3 of the General Insurance Business (Nationalisation) Act, 1972 (57 of 1972);
- (zc) "general public" means the body of people at large sufficiently defined by some common quality of public or impersonal nature;
- (zd) "goods carriage" has the same meaning as assigned to it in clause (14) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988);
- (ze) "goods transport agency" means any person who provides service in relation to transport of goods by road and issues consignment note, by whatever name called;
- [69](#)[(zf) "Governmental Authority" means 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 90 per cent or more participation by way of equity or control, to carry out any function entrusted to a Municipality under article 243W of the Constitution or to a Panchayat under article 243G of the Constitution;
- (zfa) "Government Entity" means an authority or a board or any other body including a society, trust, corporation,
- (i) set up by an Act of Parliament or State Legislature; or
 - (ii) established by any Government,
- with 90 per cent or more participation by way of equity or control, to carry out a function entrusted by the Central Government, State Government, Union Territory or a local authority;]
- (zg) "health care services" means any service by way of diagnosis or treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognised system of medicines in India and includes services by way of transportation of the patient to and from a clinical establishment, but does not include hair transplant or cosmetic or plastic surgery, except when undertaken to restore or to reconstruct anatomy or functions of body affected due to congenital defects, developmental abnormalities, injury or trauma;
- (zh) "incubatee" means an entrepreneur located within the premises of a Technology Business Incubator or Science and Technology Entrepreneurship Park recognised by the National Science and Technology Entrepreneurship Development Board (NSTEDB) of the Department of Science and Technology, Government of India and who has entered into an agreement with the Technology Business Incubator or the Science and Technology Entrepreneurship Park to enable himself to develop and produce hi-tech and innovative products;
- (zi) "inland waterway" means national waterways as defined in clause (h) of section 2 of the Inland Waterways Authority of India Act, 1985 (82 of 1985) or other waterway on any inland water, as

defined in clause (b) of section 2 of the Inland Vessels Act, 1917 (1 of 1917);

- (zj) "insurance company" means a company carrying on life insurance business or general insurance business;
- (zk) "interest" means interest payable in any manner in respect of any moneys borrowed or debt incurred (including a deposit, claim or other similar right or obligation) but does not include any service fee or other charge in respect of the moneys borrowed or debt incurred or in respect of any credit facility which has not been utilised;
- (zl) "intermediary" has the same meaning as assigned to it in insub-section (13) of section 2 of the Integrated Goods and Services Tax Act, 2017;
- (zm) "legal service" means any service provided in relation to advice, consultancy or assistance in any branch of law, in any manner and includes representational services before any court, tribunal or authority;
- (zn) "life insurance business" has the same meaning as assigned to it in clause (11) of section 2 of the Insurance Act, 1938 (4 of 1938);
- (zo) "life micro-insurance product" shall have the same meaning as assigned to it in clause (e) of regulation 2 of the Insurance Regulatory and Development Authority (Micro-insurance) Regulations, 2005;
- (zp) "metered cab" means any contract carriage on which an automatic device, of the type and make approved under the relevant rules by the State Transport Authority, is fitted which indicates reading of the fare chargeable at any moment and that is charged accordingly under the conditions of its permit issued under the Motor Vehicles Act, 1988 (59 of 1988) and the rules made thereunder (but does not include radio taxi);
- (zq) "national park" has the same meaning as assigned to it in clause (21) of section 2 of the Wild Life (Protection) Act, 1972 (53 of 1972);
- (zr) "online information and database access or retrieval services" shall have the same meaning as assigned to it in clause (17) of section 2 of the Integrated Goods and Services Tax Act, 2017(13 of 2017);
- (zs) "original works" means- all new constructions;
 - (i) all types of additions and alterations to abandoned or damaged structures on land that are required to make them workable;
 - (ii) erection, commissioning or installation of plant, machinery or equipment or structures, whether pre-fabricated or otherwise;
- (zt) "print media" means,—
 - (i) 'book' as defined in sub-section (1) of section 1 of the Press and Registration of Books Act, 1867 (25 of 1867), but does not include business directories, yellow pages and trade catalogues which are primarily meant for commercial purposes;
 - (ii) 'newspaper' as defined in sub-section (1) of section 1 of the Press and Registration of Books Act, 1867 (25 of 1867);
- (zu) "port" has the same meaning as assigned to it in clause (q) of section 2 of the Major Port Trusts Act, 1963 (38 of 1963) or in clause (4) of section 3 of the Indian Ports Act, 1908 (15 of 1908);
- (zv) "radio taxi" means a taxi including a radio cab, by whatever name called, which is in two-way radio communication with a central control office and is enabled for tracking using the Global Positioning System or General Packet Radio Service;
- (zw) "recognised sporting event" means any sporting event,—
 - (i) organised by a recognised sports body where the participating team or individual represent any district, State, zone or country;
 - (ii) organised—
 - (A) by a national sports federation, or its affiliated federations, where the participating teams or individuals represent any district, State or zone;
 - (B) by Association of Indian Universities, Inter-University Sports Board, School Games

Federation of India, All India Sports Council for the Deaf, Paralympic Committee of India or Special Olympics Bharat;

(C) by Central Civil Services Cultural and Sports Board;

(D) as part of national games, by Indian Olympic Association; or

(E) under Panchayat Yuva Kreedha Aur Khel Abhiyaan (PYKKA) Scheme;

- (zx) "recognised sports body" means—
- (i) the Indian Olympic Association;
 - (ii) Sports Authority of India;
 - (iii) a national sports federation recognised by the Ministry of Sports and Youth Affairs of the Central Government, and its affiliate federations;
 - (iv) national sports promotion organisations recognised by the Ministry of Sports and Youth Affairs of the Central Government;
 - (v) the International Olympic Association or a federation recognised by the International Olympic Association; or
 - (vi) a federation or a body which regulates a sport at international level and its affiliated federations or bodies regulating a sport in India;
- (zy) "religious place" means a place which is primarily meant for conduct of prayers or worship pertaining to a religion, meditation, or spirituality;
- (zz) "renting in relation to immovable property" means allowing, permitting or granting access, entry, occupation, use or any such facility, wholly or partly, in an immovable property, with or without the transfer of possession or control of the said immovable property and includes letting, leasing, licensing or other similar arrangements in respect of immovable property;
- (zza) "Reserve Bank of India" means the bank established under section 3 of the Reserve Bank of India Act, 1934 (2 of 1934);
- (zzb) "residential complex" means any complex comprising of a building or buildings, having more than one single residential unit;
- (zzc) "rural area" means the area comprised in a village as defined in land revenue records, excluding— the area under any municipal committee, municipal corporation, town area committee, cantonment board or notified area committee; or any area that may be notified as an urban area by the Central Government or a State Government;
- (zzd) "senior advocate" has the same meaning as assigned to it in section 16 of the Advocates Act, 1961 (25 of 1961);
- (zze) "single residential unit" means a self-contained residential unit which is designed for use, wholly or principally, for residential purposes for one family;
- (zzf) "special category States" shall mean the States as specified in sub-clause (g) of clause (4) of article 279A of the Constitution;
- (zzg) "specified organisation" shall mean,—
- (i) Kumaon Mandal Vikas Nigam Limited, a Government of Uttarakhand Undertaking; or
 - (ii) 'Tornrnittee' or 'State Committee' as defined in section 2 of the Haj Committee Act, 2002 (35 of 2002);
- (zzh) "stage carriage" shall have the same meaning as assigned to it in clause (40) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988);
- (zzi) "State Electricity Board" means the Board constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948)*;
- (zzj) "State Transmission Utility" shall have the same meaning as assigned to it in clause (67) of section 2 of the Electricity Act, 2003 (36 of 2003);
- (zzk) "state transport undertaking" has the same meaning as assigned to it in clause (42) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988);
- (zzl) "tiger reserve" has the same meaning as assigned to it in clause (e) of section 38K of the Wild Life (Protection) Act, 1972 (53 of 1972);

- (zzm) "tour operator" means any person engaged in the business of planning, scheduling, organizing, arranging tours (which may include arrangements for accommodation, sightseeing or other similar services) by any mode of transport, and includes any person engaged in the business of operating tours;
- (zzn) "trade union" has the same meaning as assigned to it in clause (h) of section 2 of the Trade Unions Act, 1926 (16 of 1926);
- (zzo) "vessel" has the same meaning as assigned to it in clause (z) of section 2 of the Major Port Trusts Act, 1963 (38 of 1963);
- (zzp) "wildlife sanctuary" means a sanctuary as defined in the clause (26) of section 2 of the Wild Life (Protection) Act, 1972 (53 of 1972);
- (zzq) "zoo" has the same meaning as assigned to it in the clause (39) of section 2 of the Wild Life (Protection) Act, 1972 (53 of 1972).

3. Explanation.—For the purposes of this notification,—

- (i) Reference to "Chapter", "Section" or "Heading", wherever they occur, unless the context otherwise requires, shall mean respectively as "Chapter", "Section" and "Heading" in the scheme of classification of services.
- (ii) Chapter, Section, Heading, Group, or Service Code mentioned in Column (2) of the Table are only indicative.
- [70](#)[(iii) A "Limited Liability Partnership" formed and registered under the provisions of the Limited Liability Partnership Act, 2008 (6 of 2009) shall also be considered as a partnership firm or a firm.]
- [71](#)[(iv) For removal of doubts, it is clarified that the Central and State Educational Boards shall be treated as Educational Institution for the limited purpose of providing services by way of conduct of examination to the students.]
- [71a](#)[(iva) *For removal of doubts, it is clarified that any authority, board or body set up by the Central Government or State Government including National Testing Agency for conduct of entrance examination for admission to educational institutions shall be treated as educational institution for the limited purpose of providing services by way of conduct of entrance examination for admission to educational institutions.*]
- [72](#)[(v) The term "apartment" shall have the same meaning as assigned to it in clause (e) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016).
- (vi) The term "affordable residential apartment" shall have the same meaning as assigned to it in the Notification No. 11/2017-Central Tax (Rate), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated 28th June, 2017 *vide* GSR number 690(E), dated 28th June, 2017, as amended.
- (vii) The term "promoter" shall have the same meaning as assigned to it in clause (zk) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016).
- (viii) The term "project" shall mean a Real Estate Project or a Residential Real Estate Project.
- (ix) The term "Real Estate Project (REP)" shall have the same meaning as assigned to it in clause (zn) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016).
- (x) The term "Residential Real Estate Project (RREP)" shall mean a REP in which the carpet area of the commercial apartments is not more than 15 per cent of the total carpet area of all the apartments in the REP;
- (xi) The term "carpet area" shall have the same meaning as assigned to it in clause (k) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016).
- (xii) "an apartment booked on or before the date of issuance of completion certificate or first occupation of the project" shall mean an apartment which meets all the following three conditions, namely,—
 - (a) part of supply of construction of the apartment service has time of supply on or before the said date;
 - (b) consideration equal to at least one instalment has been credited to the bank account of the registered person on or before the said date; and

(c) an allotment letter or sale agreement or any other similar document evidencing booking of the apartment has been issued on or before the said date.

(xiii) "floor space index (FSI)" shall mean the ratio of a building's total floor area (gross floor area) to the size of the piece of land upon which it is built.]

4. This notification shall come into force on the 1st day of July, 2017.

1. Substituted for "sub-section (1) of section 11" by Notification No. 4/2019-Central Tax (Rate), dated 29-3-2019, w.e.f. 1-4-2019.

1a. Inserted by [Notification No. 7/2021-Central Tax \(Rate\), dated 30-9-2021, w.e.f. 1-10-2021](#).

1aa. Words "or a Governmental authority or a Government Entity" omitted by [Notification No. 16/2021-Central Tax \(Rate\), dated 18-11-2021](#), w.e.f. 1-1-2022.

2. Inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.

2a. Inserted by [Notification No. 13/2023-Central Tax \(Rate\), dated 19-10-2023](#), w.e.f. 20-10-2023.

3. Words "Central Government, State Government, Union territory, local authority or" omitted by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.

4. Substituted for "governmental authority" by Notification No. 32/2017-Central Tax (Rate), dated 13-10-2017, w.e.f. 13-10-2017.

4a. Inserted by [Notification No. 13/2023-Central Tax \(Rate\), dated 19-10-2023](#), w.e.f. 20-10-2023.

4b. Words "by way of speed post, express parcel post, life insurance, and agency services provided to a person other than the Central Government, State Government, Union territory" omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. 18-7-2022.

5. Substituted for "twenty lakh rupees (ten lakh rupees in case of a special category State) in the preceding financial year" by Notification No. 21/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.

6. Inserted by Notification No. 21/2017-Central Tax (Rate), dated 22-8-2017.

7. Inserted by Notification No. 21/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.

7a. Inserted by [Notification No. 7/2021-Central Tax \(Rate\), dated 30-9-2021, w.e.f. 1-10-2021](#).

8. Inserted by Notification No. 30/2017-Central Tax (Rate), dated 29-9-2017, w.e.f. 29-9-2017.

9. Inserted by Notification No. 32/2017-Central Tax (Rate), dated 13-10-2017, w.e.f. 13-10-2017.

10. Inserted by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.

10a. Inserted by [Notification No. 7/2021-Central Tax \(Rate\), dated 30-9-2021, w.e.f. 1-10-2021](#).

11. Inserted by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.

12. Inserted by Notification No. 21/2017-Central Tax (Rate), dated 22-8-2017.

12a. Inserted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. 18-7-2022.

12aa. Inserted by [Notification No. 15/2022-Central Tax \(Rate\), dated 30-12-2022](#), w.e.f. 1-1-2023.

13. Substituted by Notification No. 47/2017-Central Tax (Rate), dated 14-11-2017, w.e.f. 15-11-2017.

14. Omitted by Notification No. 47/2017-Central Tax (Rate), dated 14-11-2017, w.e.f. 15-11-2017.

14a. Inserted by [Notification No. 7/2021-Central Tax \(Rate\), dated 30-9-2021, w.e.f. 1-10-2021](#).

15. Omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. 18-7-2022., Prior to its omission Sl. No. 14 was amended by Notification No. 21/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019 and Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018, read as under:

"14	Heading 9963	<i>Services by a hotel, inn, guest house, club or campsite, by whatever name called, for residential or lodging purposes, having [value of supply] of a unit of accommodation below [or equal to] one thousand rupees per day or equivalent.</i>	Nil	Nil"
-----	-----------------	--	-----	------

16. Inserted by Notification No. 21/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.

16a. Substituted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. 18-7-2022. Prior to its substitution clause (a), read as under:

"(a) air, embarking from or terminating in an airport located in the state of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, or Tripura or at Bagdogra located in West Bengal;"

- [16b.](#) Inserted by [Notification No. 16/2021-Central Tax \(Rate\), dated 18-11-2021](#), w.e.f. **1-1-2022**.
- [17.](#) Substituted for "one year" by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.
- [18.](#) Inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.
- [19.](#) Substituted for "2021" by [Notification No. 7/2021-Central Tax \(Rate\), dated 30-9-2021, w.e.f. 1-10-2021](#). Earlier "2020" was amended by Notification No. 21/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019, "2019" was amended by Notification No. 4/2020- Central Tax (Rate), Dated 30-9-2020, w.e.f. 1-10-2020, "2018" was amended by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.
- [19a.](#) Inserted by Notification No. 5/2020-Central Tax (Rate), dated 16-10-2020, w.e.f. **16-10-2020**.
- [19aa.](#) Substituted for "Satellite launch services supplied by Indian Space Research Organisation, Antrix Corporation Limited or New Space India Limited" by [Notification No. 7/2023-Central Tax \(Rate\), dated 26-7-2023](#), w.e.f. **27-7-2023**.
- [19b.](#) Omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its omission clause (d), read as under:
- "(d) railway equipments or materials;"
- [19c.](#) Omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to their omission clauses (b) & (c) read as under:
- "(b) goods, where consideration charged for the transportation of goods on a consignment transported in a single carriage does not exceed one thousand five hundred rupees;
- (c) goods, where consideration charged for transportation of all such goods for a single consignee does not exceed rupees seven hundred and fifty;"
- [20.](#) Inserted by Notification No. 32/2017-Central Tax (Rate), dated 13-10-2017, w.e.f. 13-10-2017.
- [21.](#) Inserted by Notification No. 28/2018-Central Tax (Rate), dated 31-12-2018, w.e.f. 1-1-2019.
- [22.](#) Inserted by Notification No. 13/2019-Central Tax (Rate), dated 31-7-2019, w.e.f. 1-8-2019.
- [23.](#) Inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.
- [24.](#) Omitted by [Notification No. 15/2022-Central Tax \(Rate\), dated 30-12-2022](#), w.e.f. **1-1-2023**. Prior to its omission, Sl. No. 23A as inserted by Notification No. 32/2017-Central Tax (Rate), dated 13-10-2017, w.e.f. 13-10-2017, read as under:

"23A	Heading 9967	Service by way of access to a road or a bridge on payment of annuity.	Nil	Nil"
------	--------------	---	-----	------

- [25.](#) Inserted by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.
- [26.](#) Inserted by Notification No. 21/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.
- [26a.](#) Substituted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its substitution, entry read as under:
- "Services by way of storage or warehousing of cereals, pulses, fruits, nuts and vegetables, spices, copra, sugarcane, jaggery, raw vegetable fibres such as cotton, flax, jute etc., indigo, unmanufactured tobacco, betel leaves, tendu leaves, coffee and tea."

- [26b.](#) Inserted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**.
- [26c.](#) Omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its omission Sl. No. 26, read as under:

"26	Heading 9971	Services by the Reserve Bank of India.	Nil	Nil"
-----	--------------	--	-----	------

- [27.](#) Inserted by Notification No. 28/2018-Central Tax (Rate), dated 31-12-2018, w.e.f. 1-1-2019.
- [28.](#) Inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.
- [29.](#) Inserted by Notification No. 21/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.
- [30.](#) Inserted by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.
- [30a.](#) Omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to their omission Sl. Nos. 32 & 33, read as under:

"32	Heading 9971	Services provided by the Insurance Regulatory and Development Authority of India to insurers under the Insurance Regulatory and Development Authority of India Act, 1999 (41 of 1999).	Nil	Nil
33	Heading 9971	Services provided by the Securities and Exchange Board of India set up under the Securities and Exchange Board of India Act, 1992 (15 of 1992) by way of protecting	Nil	Nil"

		the interests of investors in securities and to promote the development of, and to regulate, the securities market.		
--	--	---	--	--

- [31.](#) Inserted by Notification No. 28/2018-Central Tax (Rate), dated 31-12-2018, w.e.f. 1-1-2019.
- [32.](#) Substituted for "Weather Based Crop Insurance Scheme or the Modified National Agricultural Insurance Scheme" by Notification No. 21/2017-Central Tax (Rate), dated 22-8-2017.
- [33.](#) Substituted for "National Agricultural Insurance Scheme (Rashtriya Krishi Bima Yojana)" by Notification No. 21/2017-Central Tax (Rate), dated 22-8-2017.
- [34.](#) Inserted by Notification No. 21/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.
- [35.](#) Substituted for "fifty thousand" by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.
- [36.](#) Inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.
- [37.](#) Inserted by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.
- [38.](#) Inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.
- [39.](#) Substituted for "One time upfront amount (called as premium, salami, cost, price, development charges or by any other name) leviable in respect of the service, by way of granting long term (thirty years, or more) lease of industrial plots, provided by the State Government Industrial Development Corporations or Undertakings to industrial units." by Notification No. 32/2017-Central Tax (Rate), dated 13-10-2017, w.e.f. 13-10-2017.
- [40.](#) Substituted for "50" by Notification No. 28/2019-Central Tax (Rate), dated 31-12-2019, w.e.f. **1-1-2020**.
- [41.](#) Inserted by Notification No. 23/2018-Central Tax (Rate), dated 20-9-2018, w.e.f. 20-9-2018.
- [42.](#) Substituted for "Nil" by Notification No. 28/2019-Central Tax (Rate), dated 31-12-2019, w.e.f. **1-1-2020**.
- [43.](#) Inserted by Notification No. 4/2019-Central Tax (Rate), dated 29-3-2019, w.e.f. 1-4-2019.
- [43a.](#) Omitted by [Notification No. 7/2021-Central Tax \(Rate\), dated 30-9-2021, w.e.f. 1-10-2021](#). Prior to its omission S.No. 43, read as under:

"43"	Heading 9973	Services of leasing of assets (rolling stock assets including wagons, coaches, locos) by the Indian Railways Finance Corporation to Indian Railways.	Nil	Nil"
------	--------------	--	-----	------

- [44.](#) Substituted for "twenty lakh rupees (ten lakh rupees in the case of special category States) in the preceding financial year" by Notification No. 21/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.
- [45.](#) Inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.
- [46.](#) Substituted for "twenty lakh rupees (ten lakh rupees in the case of special category States) in the preceding financial year" by Notification No. 21/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.
- [47.](#) Inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.
- [48.](#) Omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its omission Sl. No. 47A as inserted by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018, read as under:

"47A"	Heading 9983 or Heading 9991	Services by way of licensing, registration and analysis or testing of food samples supplied by the Food Safety and Standards Authority of India (FSSAI) to Food Business Operators.	Nil	Nil"
-------	------------------------------	---	-----	------

- [48a.](#) Omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its omission Sl. No. 51, read as under:

"51"	Heading 9984	Services provided by the Goods and Services Tax Network to the Central Government or State Governments or Union territories for implementation of Goods and Services Tax.	Nil	Nil"
------	--------------	---	-----	------

- [48b.](#) Inserted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**.
- [49.](#) Omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its omission Sl. No. 53A as inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018, read as under:

"53A"	Heading 9985	Services by way of fumigation in a warehouse of agricultural produce.	Nil	Nil"
-------	--------------	---	-----	------

[50.](#) Omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its omission clause (h) as inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018, read as under:

"(h) services by way of fumigation in a warehouse of agricultural produce."

[50a.](#) Omitted by [Notification No. 4/2022-Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its omission Sl. No. 56, read as under:

"56	Heading 9988	Services by way of slaughtering of animals.	Nil	Nil"
-----	--------------	---	-----	------

[51.](#) Inserted by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.

[52.](#) Words "the Ministry of External Affairs," omitted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.

[52a.](#) Inserted by [Notification No. 7/2021-Central Tax \(Rate\), dated 30-9-2021, w.e.f. 1-10-2021](#).

[53.](#) Inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.

[54.](#) Inserted by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.

[55.](#) Substituted for "Heading 9992" by Notification No. 28/2018-Central Tax (Rate), dated 31-12-2018, w.e.f. 1-1-2019.

[56.](#) Inserted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.

[57.](#) Words "upto higher secondary" omitted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.

[58.](#) Substituted for "entry (b)" by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.

[59.](#) Omitted by Notification No. 28/2018-Central Tax (Rate), dated 31-12-2018, w.e.f. 1-1-2019. Prior to its omission, Sl. No. 67 read as under :

"67	Heading 9992	Services provided by the Indian Institutes of Management, as per the guidelines of the Central Government, to their students, by way of the following educational programmes, except Executive Development Programme: - (a) two year full time Post Graduate Programmes in Management for the Post Graduate Diploma in Management, to which admissions are made on the basis of Common Admission Test (CAT) conducted by the Indian Institute of Management; (b) fellow programme in Management; (c) five year integrated programme in Management.	Nil	Nil"
-----	--------------	---	-----	------

[59a.](#) Inserted by [Notification No. 7/2021-Central Tax \(Rate\), dated 30-9-2021, w.e.f. 1-10-2021](#).

[59b.](#) Omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its omission Sl. No. 73, read as under:

"73	Heading 9993	Services provided by the cord blood banks by way of preservation of stem cells or any other service in relation to such preservation.	Nil	Nil"
-----	--------------	---	-----	------

[59c.](#) Inserted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**.

[60.](#) Inserted by Notification No. 28/2018-Central Tax (Rate), dated 31-12-2018, w.e.f. 1-1-2019.

[60a.](#) Inserted by [Notification No. 7/2021-Central Tax \(Rate\), dated 30-9-2021, w.e.f. 1-10-2021](#).

[61.](#) Substituted for "five thousand" by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018.

[61a.](#) Omitted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its omission Sl. No. 75, read as under:

"75	Heading 9994	Services provided by operators of the common bio-medical waste treatment facility to a clinical establishment by way of treatment or disposal of bio-medical waste or the processes incidental thereto.	Nil	Nil"
-----	--------------	---	-----	------

[62.](#) Inserted by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.

[63.](#) Inserted by Notification No. 47/2017-Central Tax (Rate), dated 14-11-2017, w.e.f. 15-11-2017.

[63a.](#) Substituted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**. Prior to its substitution, entry as amended by Notification No. 7/2021-Central Tax (Rate), dated 30-9-2021, w.e.f. 1-10-2021, read as under:

"Services by way of training or coaching in recreational activities relating to—

- (a) arts or culture, or
- (b) sports by charitable entities registered under section 12AA or 12AB of the Income-tax Act."

64. Substituted by Notification No. 2/2018-Central Tax (Rate), dated 25-1-2018, w.e.f. 25-1-2018. Prior to its substitution, entry in column 3 read as under :

"Services by way of right to admission to—

- (a) circus, dance, or theatrical performance including drama or ballet;
- (b) award function, concert, pageant, musical performance or any sporting event other than a recognised sporting event;
- (c) recognised sporting event, where the consideration for admission is not more than Rs. 250 per person as referred to in (a), (b) and (c) above."

65. Inserted by Notification No. 25/2017-Central Tax (Rate), dated 21-9-2017.

66. Inserted by Notification No. 21/2019-Central Tax (Rate), dated 30-9-2019, w.e.f. 1-10-2019.

66a. Inserted by [Notification No. 4/2022 -Central Tax \(Rate\), dated 13-7-2022](#), w.e.f. **18-7-2022**.

66b. Inserted by [Notification No. 7/2021-Central Tax \(Rate\), dated 30-9-2021, w.e.f. 1-10-2021](#).

67. Inserted by Notification No. 4/2019-Central Tax (Rate), dated 29-3-2019, w.e.f. 1-4-2019.

*Since repealed. See now section 2(6) of the Electricity Act, 2003 (36 of 2003).

68. Inserted by Notification No. 28/2018-Central Tax (Rate), dated 31-12-2018, w.e.f. 1-1-2019.

69. Clauses (zf) and (zfa) substituted for clause (zf) by Notification No. 32/2017-Central Tax (Rate), dated 13-10-2017, w.e.f. 13-10-2017. Prior to its substitution, clause (zf) read as under :

'(zf) "governmental authority" has the same meaning as assigned to it in the *Explanation* to clause (16) of section 2 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017);'

*Should be read as clause (13).

*Since repealed. See now section 2(7) of the Electricity Act, 2003 (36 of 2003).

70. Inserted by Notification No. 21/2017-Central Tax (Rate), dated 22-8-2017.

71. Inserted by Notification No. 14/2018-Central Tax (Rate), dated 26-7-2018, w.e.f. 27-7-2018.

71a. Inserted by [Notification No. 1/2023-Central Tax \(Rate\), dated 28-2-2023](#), w.e.f. **1-3-2023**.

72. Clauses (v) to (xiii) Inserted by Notification No. 4/2019-Central Tax (Rate), dated 29-3-2019, w.e.f. 1-4-2019.

**THE AUTHORITY FOR ADVANCE RULING
IN KARNATAKA
GOODS AND SERVICES TAX
VANIJYA THERIGE KARYALAYA, KALIDASA ROAD
GANDHINAGAR, BENGALURU – 560 009**

Advance Ruling No. KAR ADRG 30/2020

Date : 04-05-2020

Present:

1. **Dr. Ravi Prasad M.P.**
Additional Commissioner of Commercial Taxes Member (State Tax)
2. **Sri. Mashhood Ur Rehman Farooqui,**
Joint Commissioner of Central Tax Member (Central Tax)

1.	Name and address of the applicant	M/s Anil Kumar Agrawal, Flat # H-801, ETA Garden, Magadi Road, Opp Binny Mills, Bangalore 560023.
2.	GSTIN or User ID	291900000197ARF
3.	Date of filing of Form GST ARA-01	30-09-2019
4.	Represented by	Sri. Abhimanyu Kumar, C A, & Authorised Representative
5.	Jurisdictional Authority – Centre	--NA--
6.	Jurisdictional Authority – State	--NA--
7.	Whether the payment of fees discharged and if yes, the amount and CIN	Yes, discharged fee of Rs.5,000/- under CGST Act & Rs.5,000/- under KGST Act vide CIN ICIC19092900285587 dated 20-09-2019.

**ORDER UNDER SECTION 98(4) OF THE CGST ACT, 2017 &
UNDER 98(4) OF THE KGST ACT, 2017**

1. Mr. Anil Kumar Agrawal, Flat # H-801, ETA Garden, Magadi Road, Opp Binny Mills, Bangalore 560023, an unregistered person having User ID 291900000213ART, has filed an application for Advance Ruling under Section 97 of CGST Act, 2017 read with Rule 104 of CGST Rules 2017 & Section 97 of KGST Act, 2017 read with Rule 104 of KGST Rules 2017, in FORM GST ARA-01 discharging the fee of Rs.5,000-00 each under the CGST Act and the KGST Act.

2. The Applicant is an unregistered person and is in receipt of various types of income / revenue, mentioned as under:

Anil Kumar Agrawaal



- a) *Partner's salary as partner from my partnership firm,*
- b) *Salary as director from Private Limited company*
- c) *Interest income on partners fixed capital credited to partner's capital account*
- d) *Interest income on partners variable capital credited to partner's capital account*
- e) *Interest received on loan given,*
- f) *Interest received on advance given*
- g) *Interest accumulated along with deposit/ fixed deposit*
- h) *Interest income received on deposit/ fixed deposit*
- i) *Interest received on Debentures*
- j) *Interest accumulated on debentures*
- k) *Interest on Post office deposits*
- l) *Interest income on National Savings certificate (NSCs)*
- m) *Interest income credited on PF account*
- n) *Accumulated Interest (along with principal) received on closure of PF account.*
- o) *Interest income on PPF*
- p) *Interest income on National Pension Scheme (NPS)*
- q) *Receipt of maturity proceeds of life insurance policies*
- r) *Dividend on shares*
- s) *Rent on Commercial Property*
- t) *Residential Rent*
- u) *Capital gain /loss on sale of shares*

3. In view of the above, the applicant has sought advance ruling in respect of the following questions:

- i. *Out of the given sources of Income/ Revenue which all revenue income shall be considered for Aggregate Turnover for registration?*



- ii. *Out of given nature of income / revenue, when the supply, even if exempted, need to be considered?*

4. **Admissibility of the application** : The applicant filed the instant application as an unregistered person, in relation to the income / revenue being received by him and sought advance ruling in respect of the questions mentioned at para 3 supra. The applicant claims that the questions raised by him are on the issues covered under Section 97(2)(c) & (f) of the CGST Act 2017. But it is observed that only one question is covered under Section 97(2)(f) of the CGST Act 2017, that too in an indirect way, as the question is about aggregate turnover, for registration. Therefore the application is partially admitted.

5. **Applicant's interpretation of law** : The applicant furnishes his understanding / interpretation of law issue / point wise which is as under:

- a) The income received towards partner's salary, as a partner, from the partnership firm and also the income received towards salary as Director from a Private Limited Company are not includable in the Aggregate Turnover for the reason that any type of salary is not in the purview of GST as the same needs to be treated neither as supply of goods nor as supply of services.
- b) The income received towards rent on commercial property is includable in the Aggregate Turnover as renting of immovable commercial property is a taxable service and whenever rent falls due, on the basis of rental agreement, either monthly or quarterly, the supply of service is deemed to have been done.
- c) The income received towards residential rent is includable in the Aggregate Turnover, for registration, though the renting of residential property is an exempted service.
- d) The income received towards all remaining 15 types / categories is not includable in the Aggregate Turnover, as the said all 15 cases are not under the purview of GST and hence do not amount to supply under GST law.

PERSONAL HEARING / PROCEEDINGS HELD ON 13.12.2019



Amil Kumar Agrawaal

6. Sri. Abhimanyu Kumar, CA & Authorized Representative of the applicant appeared for personal hearing proceedings held on 13.12.2019 & reiterated the facts narrated in their application.

7. DISCUSSION & FINDINGS:

7.1 We have considered the submissions made by the Applicant in his application for advance ruling as well as the submissions made by Sri. Abhimanyu Kumar, CA & Authorized Representative of the applicant during the personal hearing. We have also considered the issues involved, on which advance ruling is sought by the applicant, and relevant facts.

7.2 At the outset, we would like to make it clear that the provisions of both the CGST Act, 2017 and the KGST Act, 2017 are the same except for certain provisions. Therefore, unless a mention is specifically made to such dissimilar provisions, a reference to the CGST Act would also mean a reference to the corresponding similar provisions under the KGST Act.

7.3 The applicant, an unregistered person, is in receipt of various types of income and intend to know whether the income so received in each type is includable in the Aggregate Turnover, for the purpose of registration, under the provisions of GST Act.

7.4 In this regard, we invite to reference to the definition of "Aggregate Turnover", in terms of Section 2(6) of the CGST Act 2017, which reads as under:

"aggregate turnover" means the aggregate value of all taxable supplies (excluding the value of inward supplies on which tax is payable by a person on reverse charge basis), exempt supplies, exports of goods or services or both and inter-State supplies of persons having the same Permanent Account Number, to be computed on all India basis but excludes central tax, State tax, Union territory tax, integrated tax and cess.

It is clearly evident from the above definition that the aggregate turnover is equal to the sum of value of all taxable supplies, value of exempt supplies, value of supplies towards export of goods or services or both and value of inter-state supplies of persons having same Permanent Account Number, to be computed on All India basis excluding the value of inward supplies on which tax is payable by a person on Reverse

Charge basis and also excluding the central tax, State tax, Union territory tax, integrated tax and cess.

7.5 It could be seen from above that the aggregate turnover is sum of different supplies. Therefore any income to be included in the aggregate turnover need to be related to any transaction that amounts to supply in terms of Section 7(1)(a) of the CGST Act 2017.

Section 7(1)(a) of the CGST Act 2017 stipulates that any transaction must consist the following three components to get qualify as 'Supply'.

- i. *The transaction must involve a supply, of goods or services or both, such as sale, transfer, barter, exchange, licence, rental, lease or disposal made or agreed to be made.*
- ii. *The transaction must be for a consideration by a person*
- iii. *The transaction must be in the course or furtherance of business.*

In view of the above, income received from each source has to be examined as to whether it is in relation to any transaction that amounts to supply or not. Therefore we consider different types of sources of income, one at a time.

7.6 **Interest income received from different sources :** The applicant is in receipt of interest income from different sources as mentioned at para 2 under (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p). All these interest income are out of the deposits / loans extended by the applicant. The services by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount (other than interest involved in credit card services), falling under SAC 9971, are exempted under Entry No.27(a) of the Notification No.12/2017-Central Tax (Rate) dated 28.06.2017. Thus the interest earned by the applicant, out of the deposits/loans/advances extended, amounts to consideration and is exempted by virtue of entry number mentioned supra. Therefore in the instant case extending the deposits/loans/advances by the applicant is nothing but exempted service and the actual amounts of deposits/loans/advances become the value of the service. Thus these amounts are to be included in the aggregate turnover for registration, under the provisions of GST Act.



Anil Kumar Agrawaal

7.7 Partner's salary, received as partner, from applicant's partnership firm : The applicant is in receipt of certain amount termed as partner's salary from the firm where the applicant is also a partner. The applicant has not furnished any documents relevant to the issue, such as copy of agreement, appointment order etc., so as to decide whether the applicant is an employee of the partnership firm or not. In case, if the applicant is a working partner and is getting salary then the said salary is neither supply of goods nor supply of service in terms of clause 1 of Schedule III of CGST Act 2017. Further, in case if the applicant is in receipt of the amount towards his share of profit from the said partnership firm, then also the said income is not under the purview of GST as the *share of profit* is nothing but application of money and hence the said salary is not required to be included in the aggregate turnover for registration under the provisions of GST Act.

7.8 Salary received as Director from a Private Limited Company : The applicant is in receipt of certain amount termed as salary as Director of a private limited company. Two possibilities may arise with regard to the instant issue of amount received by the applicant. The first possibility that the applicant is the employee of the said company (Executive Director), in which case the services of the applicant as an employee to the employer are neither treated as supply of goods nor as supply of services, in terms of Schedule III of CGST Act 2017.

The second possibility that the applicant is the nominated director (non Executive Director) of the company and provides the services to the said company. In this case the remuneration paid by the company is exigible to GST in the hands of the company under reverse charge mechanism under section 9(3) of the CGST Act 2017, in the hands of the company, under entry no. 6 of **Notification No. 13/2017-Central Tax (Rate) dated 28.06.2017**.

In the instant case the applicant has not furnished any documentary evidence such as copy of agreement between the applicant and the said private company, copy of appointment order, details of ESI, PF deductions etc., so as to decide whether the applicant is in receipt of salary as an employee or as an independent director. Thus in the absence of any documentary evidence, it is not possible to decide whether the amount received by the applicant is towards his services as an Executive Director or a Non-Executive Director.



In view of the above, the remuneration received by the applicant as Executive Director is not includable in the aggregate turnover, as it is the value of the services supplied by the applicant being an employee. Further if the applicant receives the remuneration as a Non-Executive Director, such remuneration is liable to tax under reverse charge mechanism under section 9(3) of the CGST Act 2017, in the hands of the company, under entry no. 6 of **Notification No. 13/2017-Central Tax (Rate) dated 28.06.2017**. Thus the value of the said services of the applicant being a Non-Executive Director are includable in the aggregate turnover, as it is the value of the taxable services supplied by the applicant, though the tax is discharged by the private limited company, under reverse charge mechanism.

7.9 **Rental income on Commercial Property** : The transaction of rental/lease of commercial property amounts to supply; applicant receives periodical income towards the impugned supply of service & the same is in the course or furtherance of business and hence the said transaction amounts to supply in terms of Section 7(1)(a) of the CGST Act 2017. Thus it is a taxable supply of service having SAC 997212 and therefore the value of such supply is to be included in the aggregate turnover, for registration.

7.10 **Rental income on Residential Property:** The transaction of rental/lease of residential property amounts to supply; applicant receives periodical income towards the impugned supply of service & the same is in the course or furtherance of business and hence the said transaction amounts to supply in terms of Section 7(1)(a) of the CGST Act 2017.

However "Services by way of renting of residential dwelling for use as residence, classified under SAC 997211" are exempted from the tax (GST) in terms of entry number 12 of the Notification No. 12/2017 dated 28.06.2017. Thus the impugned supply of service of renting of residential property becomes an exempted supply. Aggregate Turnover includes the value of the exempted supplies also. Therefore the income received by the applicant towards rent of residential property is to be included in the aggregate turnover.

7.11 The applicant is also in receipt of income out of maturity proceeds of life insurance policies, dividend on shares and capital gain/loss on sale of shares. The term 'Securities', which has the same meaning assigned to it in



clause 2(h) of Securities Contracts (Regulation) Act 1956, in terms of Section 2(101) of the CGST Act 2017, includes shares, scrips, stocks, bonds, derivative instruments etc., that have been explicitly excluded from the purview of GST, by virtue of its exclusion from the definition of 'goods' and 'services', as contained in Section 2(52) and Section 2(102) of the CGST Act respectively. In the instant case the dividend on shares, capital gains/losses on sale of shares are relevant to the shares (securities) and the income earned in this relation is nothing but application of money. Therefore this income earned out of shares, which are excluded from the definition of goods or services, also gets excluded from the said definition of goods / services. Therefore they are not relevant to the aggregate turnover and hence are not required to be added to the aggregate turnover for registration under the provisions of GST Act.

7.12 The applicant is also in receipt of income out of maturity proceeds of life insurance policies. The impugned income would be received on maturity of the insurance policies i.e. on closure of the insurance contract consequent on maturity of the said policies. The insurance premium of policies is taxable under GST, being the consideration for the services provided by the insurance companies. Therefore on completion of the said contract / maturity of the policy, there would not be any service involved between the policy holder and the insurance company. Therefore the amounts received on maturity of the insurance policies are not relevant to the aggregate turnover and hence are not required to be added to the aggregate turnover for registration under the provisions of GST Act.

8. In view of the foregoing, we pass the following

RULING

- 1) The incomes received towards (i) salary/remuneration as a Non-Executive Director of a private limited company, (ii) renting of commercial property and (iii) renting of residential property and (iv) the values of amounts extended as deposits/loans/advances out of which interest is being received are to be included in the aggregate turnover, for registration.

- 2) The income received from renting of residential property is to be included in the aggregate turnover, though it is an exempted supply.



(Dr. Ravi Prasad M.P.)
Member



(Mashhood ur Rehman Farooqui)
Member

Place : Bengaluru,

Date : 04-05-2020

To,

The Applicant

Copy to :



1. The Principal Chief Commissioner of Central Tax, Bangalore Zone, Karnataka.
2. The Commissioner of Commercial Taxes, Karnataka, Bengaluru.
3. The Commissioner of Central Tax, West Commissionerate, Bengaluru
4. The Asst. Commissioner, LGSTO- 70, Bengaluru.
5. Office Folder

MODI PROPERTIES PRIVATE LIMITED
CIN: U65993TG1994PTC017795
GROUPINGS FOR THE YEAR ENDED 31st MARCH 2020

1	Unsecured Loans - Directors	As at 31st March 2020	As at 31st March 2019
	Soham Modi	22,047,507	2,448,994
	Tejal Modi	583,746	553,761
	G V Research Centers Pvt Ltd	500,000	-
	Modi Builders & Infrastructure Pvt. Ltd	15,105,411	-
	Total	38,236,664	3,002,755

2	Deposits from Others	As at 31st March 2020	As at 31st March 2019
	Happy Cards Deposits	379,551	379,551
	Rent Deposits	-	19,500
	VAT Deposits	450,000	450,000
	ESI & PF Depsoit	-	90,000
	Instalments Received	37,498,022	-
	IT Representation Fees Payable	29,768	-
	Total	38,357,341	939,051

3	Statutory Dues	As at 31st March 2020	As at 31st March 2019
	TDS Payable	1,071,516	965,700
	ESI Payable	23,526	25,843
	PF Payable	153,145	53,844
	Professional Tax Payable	15,000	5,650
	GST Payable	4,689,418	1,592,797
	Total	5,952,605	2,643,834

4	Trade Payables	As at 31st March 2020	As at 31st March 2019
	A Ramulu on A/c	10,258	-
	A-105 Rahila Bhanu Liaquat	784,712	-
	A306-Pradeep Kumar Nara	146,165	-
	A502-Razia Ahamed	36,341	-
	A-604 S.A Zaheer Ahmed	2,761,242	-
	A-703 Bahadur Singh Malik	185,949	-
	A803-Kailash Kaur Malik	185,386	-
	A908-K Raghavendra Prasad	331,126	-
	Ajay C Mehta	-	34,459
	Akash Steels	1,271,739	-
	Ashok -Saved Discount Incentive	539,672	-
	Ashruti Consultants LLP	-	2,568
	B Basappa on A/c	2,977	-
	B1002-Thota Surya Kiran	155,800	-
	B402-Dr.V Rajasree	225,000	-
	B704-Bharadwaja Mudigonda/Niharika Kasturi	25,000	-
	B705-Gaddam Shailaja/L.Ramesh Babu	836,250	-
	B905-Kolli Baby Rani	2,106,675	-
	Bhavesh Mehta -Other O/s Payable	20,289	-
	C502-Kodumuri Rama Devi	236,250	-
	C504-Veeraganta Subramanyam/subhadra Devi	236,250	-
	C602-Sai Phani Devi/Arunkanth	26,250	-
	Cemex Infra	4,390,157	-
	Common Exp -BNC	-	7,407
	D-205 Mohd Abdul Razzak	-	14,490



[Handwritten signature]

2
TM

[Handwritten signature]

MODI PROPERTIES PRIVATE LIMITED
CIN: U65993TG1994PTC017795
GROUPINGS FOR THE YEAR ENDED 31st MARCH 2020

	As at 31st March 2020	As at 31st March 2019
Decor Marketing	2,762	-
Dwarak Auto Xerox	-	6,190
Elegant Enterprises	20,042	-
Expert Security Services	61,936	-
G Snehalatha -on A/c	-	243,966
G.P Buildcon Materials	6,990	18,500
Gaurang Kadakia	-	60,000
Gautham Enterprises	-	708
Group -Professional Tax	-	900
Happay Card SLLP-Comman Expenses	-	-
Hi - Tech Infra Projects	2,207,599	-
Homeline-Deepa & Dhruva Running A/c	128,328	128,328
J Selva Kumar -Expense Card	1,360	-
Janardhan Prasad on A/c	491	-
Kadakia & Modi Housing (Admin & Marketing)	-	3,775
Kailash Pandey Construction A/c	5,376,136	-
MCMET	69,588	-
Mehul Mehta- O/s Payable	29,433	-
Modi Builders Methodist Complex -Staff Salaries	-	-
Modi Consultancy Services - Admi & Marketing	-	457
Modi Realty Miryalaguda LLP (Admin & Marketing)	-	1,012
Mody Consultancy Services	-	23
MOHAMMED ILYAS ON A/C	1,499,340	-
Mohammed Nadeem on A/c	8,800	-
Mohd Asim on A/c	206,154	-
MOHD ISHAQ -on A/c	1,001,944	-
Mohmmad Imtiyaz on A/c	29,591	-
N Dharma Rao Construction A/c	2,652,419	-
N Krishna -on A/c	55,237	-
N Ramakrishna Reddy on A/c	26,860	-
Nilgiri Estates - Admin & Marketing	-	3,909
Noor Timber Overseas	45,900	-
P Raghu Expense Card	220	-
Paramount Estates-Admin & Marketing	-	502
Paridhi Ispat	1,526,353	-
Praful Sanitary	51,078	-
Premier Engineering Corporation	7,467	-
Priyanka Printers	600	-
R.S Bajaj and Associates	10,800	-
Reflections Electricals Pvt Ltd	58,279	-
Sai Vishal Enterprises	81,568	-
Shah Traders	4,069	-
Shri Ganesh Pumps & Machinery Centre	2,360	-
Shubham Enterprises	65,558	-
Silver Oak Realty -Staff Salaries	-	-
Silver Oak Villas LLP (Admin & Marketing)	-	843
SL Infra	291,600	-
Social DNA	51,166	-
Soham Mansion Owners Association	34,743	-
Sree Sai Sharanya Enterprises	13,502	-
Sri Balaji Enterprises	208,841	-
Sri Rama Flyash Bricks	55,860	-
SLLP-Common Expenditure	-	31,055
Statutory Payments -(Silver Oak Realty)	821,030	-



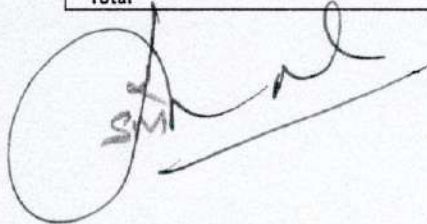
[Handwritten signature]

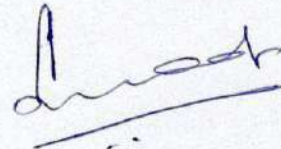
[Handwritten signature]

MODI PROPERTIES PRIVATE LIMITED**CIN: U65993TG1994PTC017795****GROUPINGS FOR THE YEAR ENDED 31st MARCH 2020**

	As at 31st March 2020	As at 31st March 2019
Statutory Payments-Summit Builders	173,607	-
Sudhir Mehta	-	50,000
Summit Builders	34,025	-
Summit Sales Llp Common Expenses	61,819	-
Summit Sales Llp Logistics	411,516	-
Summit Sales LLP- Supplier	-	93,002
Summit Sales LLP-Logistics	-	152
Supreme Agencies	6,348	-
Suspense	54,478	50,532
T Kurmanna	-	1,003
T.L.Services	22,265	-
Varna Media	9,126	18,880
Vasant Enterprises - Steel	7,313,233	-
Venkatramana Stationery & Binding Works	-	537
Vgreen Media Pvt Ltd	8,232	-
Villa Orchids LLP (Admin & Marketing)	-	26,957
Vista Homes (Admin & Marketing)	-	2
Yousuf Ali on A/c	3,039	-
Total	39,327,180	800,158.02

5	Security Deposits Others	As at 31st March 2020	As at 31st March 2019
	Bhavesh V Mehta	6,000,000	4,000,000
	Deepak Uttamlal Mehta	2,435,000	-
	HARDIK MEHTA	805,000	-
	Harsha D Mehta	2,415,000	-
	Ruchi Hardik Mehta	805,000	-
	Sudhir Mehta	3,500,000	-
	Tejal Tejas Mehta	805,000	-
	TEJAS DEEPAK MEHTA	805,000	-
	A P Transco	17,500	17,500
	BPCL Deposit	100,000	100,000
	Cell Phone Deposit	9,000	9,000
	Coffe Machine -Rent Deposit	15,000	15,000
	Internet Deposit	1,000	1,000
	MCMET -1016 Sft Security Deposit	82,200	82,200
	MCMET - Rent Deposit	96,000	96,000
	Mehul V Mehta	9,000,000	6,000,000
	Statutory Payments-Summit Builders-Deposit	50,000	-
	Summit Sales LLP- Deposit	1,500,000	-
	Telephone Deposit	31,552	31,552
	Total	28,472,252	10,352,252






Disclaimer: This updated version of the notification as amended upto 1st April, 2019 has been prepared for convenience and easy reference of the trade and business and has no legal binding or force. Notifications as published in the official Gazette of Government of India have the force of law.

[Updated version of the Notification No. 11/2017-Central Tax (Rate)
dated the 28th June, 2017 as amended upto 1st April, 2019]

Government of India
Ministry of Finance
(Department of Revenue)

Notification No. 11/2017-Central Tax (Rate)

New Delhi, the 28th June, 2017

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1), [sub-section (3) and sub-section (4)]¹ of section 9, sub-section (1) of section 11, sub-section (5) of section 15[,]² sub-section (1) of section 16 [and section 148]³ of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest so to do, hereby notifies that the central tax, on the intra-State supply of services of description as specified in column (3) of the Table below, falling under Chapter, Section or Heading of scheme of classification of services as specified in column (2), shall be levied at the rate as specified in the corresponding entry in column (4), subject to the conditions as specified in the corresponding entry in column (5) of the said Table:-

Table

Sl No.	Chapter, Section or Heading	Description of Service	Rate (per cent.)	Condition
(1)	(2)	(3)	(4)	(5)
1	Chapter 99	All Services		
2	Section 5	Construction Services		
3	Heading 9954 (Construction services)	[(i) Construction of affordable residential apartments by a promoter in a Residential Real Estate Project (herein after referred to as RREP) which commences on or after 1 st April, 2019 or in an ongoing RREP in respect of which the promoter has not exercised	0.75	Provided that the central tax at the rate specified in column (4) shall be paid in cash, that is, by debiting the electronic cash ledger only;

¹ Inserted vide notification No. 03/2019– Central Tax (Rate) dt 29.03.2019

² Substituted vide notification No. 03/2019– Central Tax (Rate) dt 29.03.2019. Prior to substitution it read “and”

³ Inserted vide notification No. 03/2019– Central Tax (Rate) dt 29.03.2019

	option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)		Provided also that credit of input tax charged on goods and services used in supplying the service has not been taken except to the extent as prescribed in Annexure I in the case of REP other than RREP and in Annexure II in the case of RREP; Provided also that the registered person shall pay, by debit in the electronic credit ledger or electronic cash ledger, an amount equivalent to the input tax credit attributable to construction in a project, time of supply of which is on or after 1st April, 2019, which shall be calculated in the manner as prescribed in the Annexure I in the case of REP other than RREP and in Annexure II in the case of RREP; Provided also that where a registered person (landowner- promoter) who transfers development right or FSI (including additional FSI) to a promoter (developer- promoter) against consideration, wholly or partly, in the form of construction of apartments, - (i) the developer-promoter shall pay tax on supply of construction of apartments to the landowner- promoter, and
	(ia) Construction of residential apartments other than affordable residential apartments by a promoter in an RREP which commences on or after 1st April, 2019 or in an ongoing RREP in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)	3.75	
	(ib) Construction of commercial apartments (shops, offices, godowns etc.) by a promoter in an RREP which commences on or after 1st April, 2019 or in an ongoing RREP in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after	3.75	

	its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)		(ii) such landowner – promoter shall be eligible for credit of taxes charged from him by the developer promoter towards the supply of construction of apartments by developer-promoter to him, provided the landowner- promoter further supplies such apartments to his buyers before issuance of completion certificate or first occupation, whichever is earlier, and pays tax on the same which is not less than the amount of tax charged from him on construction of such apartments by the developer- promoter.
	(ic) Construction of affordable residential apartments by a promoter in a Real Estate Project (herein after referred to as REP) other than RREP, which commences on or after 1st April, 2019 or in an ongoing REP other than RREP in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)	0.75	<i>Explanation. -</i> (i) “developer- promoter” is a promoter who constructs or converts a building into apartments or develops a plot for sale,
	(id) Construction of residential apartments other than affordable residential apartments by a promoter in a REP other than a RREP which commences on or after 1st April, 2019 or in an ongoing REP other than RREP in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)	3.75	(ii) “landowner- promoter” is a promoter who transfers the land or development rights or FSI to a developer- promoter for construction of apartments and receives constructed apartments against such transferred rights and sells such apartments to his buyers independently. Provided also that eighty percent of value of input and input services, [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form

			of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], used in supplying the service shall be received from registered supplier only; Provided also that inputs and input services on which tax is paid on reverse charge basis shall be deemed to have been purchased from registered person; Provided also that where value of input and input services received from registered suppliers during the financial year (or part of the financial year till the date of issuance of completion certificate or first occupation of the project, whichever is earlier) falls short of the said threshold of 80 per cent., tax shall be paid by the promoter on value of input and input services comprising such shortfall at the rate of eighteen percent on reverse charge basis and all the provisions of the Central Goods and Services Tax Act, 2017 (12 of 2017) shall apply to him as if he is the person liable for paying the tax in relation to the supply of such goods or services or both; Provided also that notwithstanding anything
--	--	--	--

			contained herein above, where cement is received from an unregistered person, the promoter shall pay tax on supply of such cement at the applicable rates on reverse charge basis and all the provisions of the Central Goods and Services Tax Act, 2017 (12 of 2017), shall apply to him as if he is the person liable for paying the tax in relation to such supply of cement; (Please refer to the illustrations in annexure III) <i>Explanation. -</i> 1. The promoter shall maintain project wise account of inward supplies from registered and unregistered supplier and calculate tax payments on the shortfall at the end of the financial year and shall submit the same in the prescribed form electronically on the common portal by end of the quarter following the financial year. The tax liability on the shortfall of inward supplies from unregistered person so determined shall be added to his output tax liability in the month not later than the month of June following the end of the financial year. 2. Notwithstanding anything contained in Explanation 1 above, tax on cement
--	--	--	--

				received from unregistered person shall be paid in the month in which cement is received. 3. Input Tax Credit not availed shall be reported every month by reporting the same as ineligible credit in GSTR-3B [Row No. 4 (D)(2)].
		(ie) Construction of an apartment in an ongoing project under any of the schemes specified in sub-item (b), sub-item (c), sub-item (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item (d) and sub-item (da) of item (v); and sub-item (c) of item (vi), against serial number 3 of the Table, in respect of which the promoter has exercised option to pay central tax on construction of apartments at the rates as specified for this item. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)	6	Provided that in case of ongoing project, the registered person shall exercise one time option in the Form at Annexure IV to pay central tax on construction of apartments in a project at the rates as specified for item (ie) or (if), as the case may be, by the 10th of May, 2019; Provided also that where the option is not exercised in Form at annexure IV by the 10th of May, 2019, option to pay tax at the rates as applicable to item (i) or (ia) or (ib) or (ic) or (id) above, as the case may be, shall be deemed to have been exercised;
		(if) Construction of a complex, building, civil structure or a part thereof, including,- (i) commercial apartments (shops, offices, godowns etc.) by a promoter in a REP other than RREP, (ii) residential apartments in an ongoing project, other than affordable residential apartments, in respect of which the promoter has exercised option to pay central tax on construction of apartments at the rates as specified for this item in the manner prescribed herein, but excluding supply by way of services specified at items (i), (ia), (ib), (ic), (id) and (ie) above intended for sale to a buyer,	0.75	Provided also that invoices for supply of the service can be issued during the period from 1st April 2019 to 10th May 2019 before exercising the option, but such invoices shall be in accordance with the option to be exercised.; Provided that the central tax

		wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. <i>Explanation.</i> -For the removal of doubt, it is hereby clarified that, supply by way of services specified at items (i), (ia), (ib), (ic), (id) and (ie) in column (3) shall attract central tax prescribed against them in column (4) subject to conditions specified against them in column (5) and shall not be levied at the rate as specified under this entry. (Provisions of paragraph 2 of this notification shall apply for valuation of this service		at the rate specified in column (4) shall be paid in cash, that is, by debiting the electronic cash ledger only; Provided also that credit of input tax charged on goods and services used in supplying the service has not been taken except to the extent as prescribed in Annexure I in the case of REP other than RREP and in Annexure II in the case of RREP; Provided also that the registered person shall pay, by debit in the electronic credit ledger or electronic cash ledger, an amount equivalent to the input tax credit attributable to construction in a project, time of supply of which is on or after 1st April, 2019, which shall be calculated in the manner as prescribed in the Annexure I in the case of REP other than RREP and in Annexure II in the case of RREP; Provided also that where a registered person (landowner- promoter) who transfers development right or FSI (including additional FSI) to a promoter (developer- promoter) against consideration, wholly or partly, in the form of
--	--	--	--	---

				construction of apartments, - (i) the developer-promoter shall pay tax on supply of construction of apartments to the landowner- promoter, and (ii) such landowner – promoter shall be eligible for credit of taxes charged from him by the developer promoter towards the supply of construction of apartments by developer-promoter to him, provided the landowner- promoter further supplies such apartments to his buyers before issuance of completion certificate or first occupation, whichever is earlier, and pays tax on the same which is not less than the amount of tax charged from him on construction of such apartments by the developer- promoter. Explanation. - (i) “developer-promoter” is a promoter who constructs or converts a building into apartments or develops a plot for sale, (ii) “landowner-promoter” is a promoter who transfers the land or development rights or FSI to a developer- promoter for construction of apartments and receives constructed apartments against such transferred rights and sells such apartments to his buyers
--	--	--	--	---

				independently. Provided also that eighty percent of value of input and input services, [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], used in supplying the service shall be received from registered supplier only; Provided also that inputs and input services on which tax is paid on reverse charge basis shall be deemed to have been purchased from registered person; Provided also that where value of input and input services received from registered suppliers during the financial year (or part of the financial year till the date of issuance of completion certificate or first occupation of the project, whichever is earlier) falls short of the said threshold of 80 per cent., tax shall be paid by the promoter on value of input and input services comprising such shortfall at the rate of eighteen percent on reverse charge basis and all the provisions of the Central
--	--	--	--	---

			Goods and Services Tax Act, 2017 (12 of 2017) shall apply to him as if he is the person liable for paying the tax in relation to the supply of such goods or services or both; Provided also that notwithstanding anything contained herein above, where cement is received from an unregistered person, the promoter shall pay tax on supply of such cement at the applicable rates on reverse charge basis and all the provisions of the Central Goods and Services Tax Act, 2017 (12 of 2017), shall apply to him as if he is the person liable for paying the tax in relation to such supply of cement; (Please refer to the illustrations in annexure III) <i>Explanation. -</i> 1. The promoter shall maintain project wise account of inward supplies from registered and unregistered supplier and calculate tax payments on the shortfall at the end of the financial year and shall submit the same in the prescribed form electronically on the common portal by end of the quarter following the financial year. The tax liability on the shortfall of inward supplies
--	--	--	---

				from unregistered person so determined shall be added to his output tax liability in the month not later than the month of June following the end of the financial year. 2. Notwithstanding anything contained in Explanation 1 above, tax on cement received from unregistered person shall be paid in the month in which cement is received. 3. Input Tax Credit not availed shall be reported every month by reporting the same as ineligible credit in GSTR-3B [Row No. 4 (D)(2)].⁴
		***	***	***] ⁵
		[(iii) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017, supplied to the {Central Government, State Government, Union territory, a local authority, a Governmental Authority or a Government Entity}⁶ by way of construction,	6	[Provided that where the services are supplied to a Government Entity, they should have been procured by the said entity in relation to a work entrusted to it by the Central Government, State Government, Union

⁴ Substituted vide notification No. 03/2019 – Central Tax (Rate) dt 29.03.2019. Prior to substitution it read:

“(i) Construction of a complex, building, civil structure or a part thereof, including a complex or building intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)	9	-“
--	---	----

⁵ Omitted vide notification No. 3/2019-Central Tax(Rate) dt. 29.03.2019. The following was omitted:

“(ii) composite supply of works contract as defined in clause 119 of section 2 of Central Goods and Services Tax Act, 2017.	9	-“
---	---	----

⁶ Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read
“Government, a local authority or a Governmental authority”

	erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of, - (a) a historical monument, archaeological site or remains of national importance, archaeological excavation, or antiquity specified under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958); (b) canal, dam or other irrigation works; (c) pipeline, conduit or plant for (i) water supply (ii) water treatment, or (iii) sewerage treatment or disposal.		territory or local authority, as the case may be;] ^{7]} ⁸
	[(iv) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017, other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above] ⁹ supplied by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of,- (a) a road, bridge, tunnel, or terminal for road transportation for use by general public; (b) a civil structure or any other original works pertaining to a scheme under Jawaharlal Nehru National Urban Renewal Mission or Rajiv AwaasYojana; [(c) a civil structure or any other original works pertaining to the “In-situ redevelopment of existing slums using land as a resource, under the Housing for All (Urban) Mission/ Pradhan Mantri Awas Yojana (Urban)] ¹⁰	6	-] ¹⁴

⁷ Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read “-”.

⁸ Inserted vide notification No. 20/2017– Central Tax (Rate) dt 22.08.2017.

⁹ Inserted vide notification No. 3/2019—Central Tax(Rate) dt 29.03.2019.

¹⁰ Substituted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018. Prior to substitution it read “(c) a civil structure or any other original works pertaining to the “In-situ rehabilitation of existing slum dwellers

		(d) a civil structure or any other original works pertaining to the “Beneficiary led individual house construction / enhancement” under the Housing for All (Urban) Mission/Pradhan Mantri Awas Yojana; [(da) a civil structure or any other original works pertaining to the “Economically Weaker Section (EWS) houses” constructed under the Affordable Housing in partnership by State or Union territory or local authority or urban development authority under the Housing for All (Urban) Mission/ Pradhan Mantri Awas Yojana (Urban);]¹¹ [(db) a civil structure or any other original works pertaining to the “houses constructed or acquired under the Credit Linked Subsidy Scheme for Economically Weaker Section (EWS)/ Lower Income Group (LIG)/ Middle Income Group-1 (MIG-1)/ Middle Income Group-2 (MIG-2)” under the Housing for All (Urban) Mission/ Pradhan Mantri Awas Yojana (Urban);]¹² (e) a pollution control or effluent treatment plant, except located as a part of a factory; or (f) a structure meant for funeral, burial or cremation of deceased [(g) a building owned by an entity registered under section 12AA of the Income Tax Act, 1961 (43 of 1961), which is used for carrying out the activities of providing, centralised cooking or distribution, for mid-day meals under the mid-day meal scheme sponsored by the Central Government, State Government, Union territory or local authorities.]¹³		
--	--	---	--	--

using land as a resource through private participation” under the Housing for All (Urban) Mission/Pradhan Mantri Awas Yojana, only for existing slum dwellers;”

¹⁴Inserted vide notification No. 20/2017– Central Tax (Rate) dt 22.08.2017

¹¹ Inserted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018.

¹² Inserted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018.

¹³ Inserted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018.

	[(v) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017, [other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above]¹⁵ supplied by way of construction, erection, commissioning, or installation of original works pertaining to,- (a) railways, [including]¹⁶ monorail and metro; (b) a single residential unit otherwise than as a part of a residential complex; (c) low-cost houses up to a carpet area of 60 square metres per house in a housing project approved by competent authority empowered under the 'Scheme of Affordable Housing in Partnership' framed by the Ministry of Housing and Urban Poverty Alleviation, Government of India; (d) low cost houses up to a carpet area of 60 square metres per house in a housing project approved by the competent authority under- (1) the “Affordable Housing in Partnership” component of the Housing for All (Urban) Mission/Pradhan Mantri Awas Yojana; (2) any housing scheme of a State Government; [(da) low-cost houses up to a carpet area of 60 square metres per house in an affordable housing project which has been given infrastructure status vide notification of Government of India, in Ministry of Finance, Department of Economic Affairs vide F. No. 13/6/2009-INF, dated the 30th March, 2017;]¹⁷	6	-] ¹⁸
--	---	---	------------------

¹⁵ Inserted vide notification No. 3/2019—Central Tax(Rate) dt 29.03.2019.

¹⁶ Substituted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018. Prior to substitution it read “excluding”

¹⁷ Inserted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018.

¹⁸ Inserted vide notification No. 20/2017– Central Tax (Rate) dt 22.08.2017

		(e) post-harvest storage infrastructure for agricultural produce including a cold storage for such purposes; or (f) mechanised food grain handling system, machinery or equipment for units processing agricultural produce as food stuff excluding alcoholic beverages.		
		[(va) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017, other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above, supplied by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of affordable residential apartments covered by sub- clause (a) of clause (xvi) of paragraph 4 below, in a project which commences on or after 1st April, 2019, or in an ongoing project in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if), as the case may be, in the manner prescribed therein,	6	Provided that carpet area of the affordable residential apartments as specified in the entry in column (3) relating to this item, is not less than 50 per cent. of the total carpet area of all the apartments in the project; Provided also that for the purpose of determining whether the apartments at the time of supply of the service are affordable residential apartments covered by sub- clause (a) of clause (xvi) of paragraph 4 below or not, value of the apartments shall be the value of similar apartments booked nearest to the date of signing of the contract for supply of the service specified in the entry in column (3) relating to this item; Provided also that in case it finally turns out that the carpet area of the affordable residential apartments booked or sold before or after completion, for which gross amount actually charged was forty five lakhs rupees or less and the actual carpet area was

				within the limits prescribed in sub- clause (a) of clause (xvi) of paragraph 4 below, was less than 50 per cent. of the total carpet area of all the apartments in the project, the recipient of the service, that is, the promoter shall be liable to pay such amount of tax on reverse charge basis as is equal to the difference between the tax payable on the service at the applicable rate but for the rate prescribed herein and the tax actually paid at the rate prescribed herein] ¹⁹
		[[vi) [Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017, {other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above}²⁰ provided]²¹ to the Central Government, State Government, Union Territory, [a local authority, a Governmental Authority or a Government Entity]²² by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of – (a) a civil structure or any other original works meant predominantly for use other than for commerce, industry, or any other business or profession; (b) a structure meant predominantly for use as (i) an educational, (ii) a clinical, or(iii) an	6	{Provided that where the services are supplied to a Government Entity, they should have been procured by the said entity in relation to a work entrusted to it by the Central Government, State Government, Union territory or local authority, as the case may be}²⁴]²⁵]²⁶

¹⁹ Inserted vide notification No. 3/2019—Central Tax(Rate) dt 29.03.2019.

²⁰ Inserted vide notification No. 3/2019—Central Tax(Rate) dt 29.03.2019.

²¹Substituted vide notification No. 46/2017 – Central Tax (Rate) dt 14.11.2017. Prior to substitution it read “Services provided”

²² Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read “a local authority or a Governmental authority”

²⁴ Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read “-”.

²⁵Substituted vide notification No. 24/2017 – Central Tax (Rate) dt 21.09.2017. Prior to substitution it read “Construction services other than (i), (ii), (iii), (iv) and (v) above.”

²⁶Inserted “Construction services other than (i), (ii), (iii), (iv) and (v) above.” vide notification No. 20/2017– Central Tax (Rate) dt 22.08.2017

	art or cultural establishment; or (c) a residential complex predominantly meant for self-use or the use of their employees or other persons specified in paragraph 3 of the Schedule III of the Central Goods and Services Tax Act, 2017. <i>[Explanation.- For the purposes of this item, the term ‘business’ shall not include any activity or transaction undertaken by the Central Government, a State Government or any local authority in which they are engaged as public authorities.]</i>²³		
	[[vii) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017, involving predominantly earth work (that is, constituting more than 75 per cent. of the value of the works contract) provided to the Central Government, State Government, Union territory, local authority, a Governmental Authority or a Government Entity.	2.5	Provided that where the services are supplied to a Government Entity, they should have been procured by the said entity in relation to a work entrusted to it by the Central Government, State Government, Union territory or local authority, as the case may be]^{27]}²⁸
	[[viii) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017 and associated services, in respect of offshore works contract relating to oil and gas exploration and production (E&P) in the offshore area beyond 12 nautical miles from the nearest point of the appropriate base line.	6	-]²⁹
	[[ix) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017 provided by a sub-contractor to the main contractor providing services specified in item (iii) or item (vi) above to the Central Government, State Government, Union territory, a local authority, a Governmental	6	Provided that where the services are supplied to a Government Entity, they should have been procured by the said entity in relation to a work entrusted to it by the Central Government, State Government, Union

²³ Inserted vide notification No. 17/2018 –Central Tax (Rate) dt 26.07.2018

²⁷Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read “Construction services other than (i), (ii), (iii), (iv), (v) and (vi) above.”

²⁸ Inserted “Construction services other than (i), (ii), (iii), (iv), (v) and (vi) above.” vide notification No. 24/2017- Central Tax (Rate) dt. 21.09.2017.

²⁹ Inserted vide notification No. 31/2017– Central Tax (Rate) dt 13.10.2017

		Authority or a Government Entity.		territory or local authority, as the case may be.] ³⁰] ³¹
		[(x) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017 provided by a sub-contractor to the main contractor providing services specified in item (vii) above to the Central Government, State Government, Union territory, a local authority, a Governmental Authority or a Government Entity.	2.5	Provided that where the services are supplied to a Government Entity, they should have been procured by the said entity in relation to a work entrusted to it by the Central Government, State Government, Union territory or local authority, as the case may be.] ³²
		[(xi) Services by way of house-keeping, such as plumbing, carpentering, etc. where the person supplying such service through electronic commerce operator is not liable for registration under sub-section (1) of section 22 of the Central Goods and Services Tax Act, 2017.	2.5	Provided that credit of input tax charged on goods and services has not been taken [Please refer to <i>Explanation</i> no. (iv)].] ³³
		[(xii) Construction services other than (i), (ia), (ib), (ic), (id), (ie), (if), (iii), (iv), (v), (va), (vi), (vii), (viii), (ix), (x) and (xi) above. Explanation. - For the removal of doubt, it is hereby clarified that, supply by way of services specified at items (i), (ia), (ib), (ic), (id), (ie) and (if) in column (3) shall attract central tax prescribed against them in column (4) subject to conditions specified against them in column (5) and shall not be levied at the rate as specified under this entry.]³⁴	9	-] ³⁵
4	Section 6	Distributive Trade Services;	9	-

³⁰ Substituted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“(ix) Construction services other than (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) above	9	-“
--	---	----

³¹ Inserted

“(ix) Construction services other than (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) above	9	-“
--	---	----

vide notification No. 31/2017– Central Tax (Rate) dt 13.10.2017

³² Inserted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018.

³³ Inserted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018.

³⁴ Substituted vide notification No. 3/2019 – Central Tax (Rate) dt 29.03.2019. Prior to substitution it read:

“(xii) Construction services other than (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x) and (xi) above {and serial number 38 below}^A.”;

A. Inserted vide notification No. 27/2018-Central Tax(Rate) dt. 31.12.2018.

³⁵ Inserted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018.

		Accommodation, Food and Beverage Service; Transport Services; Gas and Electricity Distribution Services		
5	Heading 9961	Services in wholesale trade. <i>Explanation</i>-This service does not include sale or purchase of goods but includes: – Services of commission agents, commodity brokers, and auctioneers and all other traders who negotiate whole sale commercial transactions between buyers and sellers, for a fee or commission’ – Services of electronic whole sale agents and brokers, – Services of whole sale auctioning houses.	9	-
6	Heading 9962	Services in retail trade. <i>Explanation</i>- This service does not include sale or purchase of goods	9	-
7	Heading 9963 (Accommodation , food and beverage services)	[[i) Supply, by way of or as part of any service, of goods, being food or any other article for human consumption or any drink, provided by a restaurant, eating joint including mess, canteen, whether for consumption on or away from the premises where such food or any other article for human consumption or drink is supplied, other than those located in the premises of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having declared tariff of any unit of accommodation of seven thousand five hundred rupees and above per unit per day or equivalent. <i>Explanation 1.-</i> This item includes such supply at a canteen, mess, cafeteria or dining space of an institution such as a [***]³⁶	2.5	Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]^{37]}³⁸

³⁶ Omitted vide notification No. 27/2018-Central Tax(Rate) dt. 31.12.2018. The following was omitted: “school, college”

³⁷ Substituted vide notification No. 13/2018 – Central Tax (Rate) dt 26.07.2018. Prior to substitution it read:

	hospital, industrial unit, office, by such institution or by any other person based on a contractual arrangement with such institution for such supply, provided that such supply is not event based or occasional. <i>Explanation 2.-</i> This item excludes the supplies covered under item 7 (v). <i>Explanation 3.-</i> “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.		
	[(ia) Supply, of goods, being food or any other article for human consumption or any drink, by the Indian Railways or Indian Railways Catering and Tourism Corporation Ltd. or their licensees, whether in trains or at platforms.	2.5	Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to Explanation no. (iv)] ³⁹
	(ii) Accommodation in hotels, inns, guest houses, clubs, campsites or other commercial	6	

“(i) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, whether for consumption on or away from the premises where such food or any other article for human consumption or drink is supplied, other than those located in the premises of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having declared tariff of any unit of accommodation of seven thousand five hundred rupees and above per unit per day or equivalent. <i>Explanation.-</i> “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.	2.5	Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to Explanation no. (iv)] ³⁹
--	-----	---

³⁸Substituted vide notification No. 46/2017 – Central Tax (Rate) dt 14.11.2017. Prior to substitution it read:

“(i) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, neither having the facility of air-conditioning or central air-heating in any part of the establishment, at any time during the year nor having licence or permit or by whatever name called to serve alcoholic liquor for human consumption.	6	-”
---	---	----

³⁹ Inserted vide notification No. 13/2018 – Central Tax (Rate) dt 26.07.2018.

		places meant for residential or lodging purposes having [value of supply] ⁴⁰ of a unit of accommodation of one thousand rupees and above but less than two thousand five hundred rupees per unit per day or equivalent. [***] ⁴¹		-
		[(iii) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, whether for consumption on or away from the premises where such food or any other article for human consumption or drink is supplied, located in the premises of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having declared tariff of any unit of accommodation of seven thousand five hundred rupees and above per unit per day or equivalent. <i>Explanation.-</i> “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.	9	-] ⁴²
		[***	***	***] ⁴³

⁴⁰ Substituted vide notification No. 13/2018 – Central Tax (Rate) dt 26.07.2018. Prior to substitution it read “declared tariff”.

⁴¹ Omitted *Explanation* vide notification No. 13/2018-Central Tax(Rate) dt. 26.07.2018. The following was omitted: “*Explanation.-* “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.”

⁴²Substituted vide notification No. 46/2017 – Central Tax (Rate) dt 14.11.2017. Prior to substitution it read:

“(iii) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, having licence or permit or by whatever name called to serve alcoholic liquor for human consumption.	9	-”
--	---	----

⁴³Omitted item (iv) vide notification No. 46/2017-Central Tax(Rate) dt. 14.11.2017. The following was omitted:

	[(v) Supply, by way of or as part of any service, of goods, being food or any other article for human consumption or any drink, at Exhibition Halls, Events, Conferences, Marriage Halls and other outdoor or indoor functions that are event based and occasional in nature.	9	-] ⁴⁴
	(vi) Accommodation in hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having [value of supply] ⁴⁵ of a unit of accommodation of two thousand five hundred rupees and above but less than seven thousand five hundred rupees per unit per day or equivalent. [***] ⁴⁶	9	-
	(vii) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, including but not limited to food or any other article for human consumption or any drink (whether or not alcoholic liquor for human consumption), where such supply or service is for cash, deferred payment or other valuable consideration, in a premises (including hotel, convention center, club, pandal, shamiana or any other place, specially arranged for organising a function) together with renting of such premises.	9	-
	(viii) Accommodation in hotels including five star hotels, inns, guest houses, clubs, campsites or other commercial places meant	14	-

“(iv) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, having the facility of air-conditioning or central air-heating in any part of the establishment, at any time during the year.	9	-”
--	---	----

⁴⁴ Substituted vide notification No. 13/2018 – Central Tax (Rate) dt 26.07.2018. Prior to substitution it read:

“(v) Supply, by way of or as part of any service or in any other manner whatsoever in outdoor catering wherein goods, being food or any other article for human consumption or any drink (whether or not alcoholic liquor for human consumption), as a part of such outdoor catering and such supply or service is for cash, deferred payment or other valuable consideration.	9	-”
--	---	----

⁴⁵ Substituted vide notification No. 13/2018 – Central Tax (Rate) dt 26.07.2018. Prior to substitution it read “declared tariff”.

⁴⁶ Omitted *Explanation* vide notification No. 13/2018-Central Tax(Rate) dt. 26.07.2018. The following was omitted: “*Explanation*.- “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.”

		for residential or lodging purposes having [value of supply] ⁴⁷ of a unit of accommodation of seven thousand and five hundred rupees and above per unit per day or equivalent. [***] ⁴⁸		
		[(ix) Accommodation, food and beverage services other than (ii), (iii), (v), (vi), (vii) and (viii) above. <i>Explanation.-</i> For the removal of doubt, it is hereby clarified that, supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, whether for consumption on or away from the premises where such food or any other article for human consumption or drink is supplied, other than those located in the premises of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having declared tariff of any unit of accommodation of seven thousand five hundred rupees and above per unit per day or equivalent shall attract central tax @ 2.5% without any input tax credit under item (i) above and shall not be levied at the rate as specified under this entry.]⁴⁹	9	-
8	Heading 9964 (Passenger transport services)	(i) Transport of passengers, with or without accompanied belongings, by rail in first class or air conditioned coach.	2.5	Provided that credit of input tax charged in respect of goods used in supplying the service is not utilised for paying central tax or integrated tax on the supply of the service

⁴⁷ Substituted vide notification No. 13/2018 – Central Tax (Rate) dt 26.07.2018. Prior to substitution it read “declared tariff”.

⁴⁸ Omitted *Explanation* vide notification No. 13/2018-Central Tax(Rate) dt. 26.07.2018. The following was omitted: “*Explanation.-* “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.”

⁴⁹Substituted vide notification No. 46/2017 – Central Tax (Rate) dt 14.11.2017. Prior to substitution it read: “(ix) Accommodation, food and beverage services other than (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) above.”

	(ii) Transport of passengers, with or without accompanied belongings by- (a) air conditioned contract carriage other than motorcab; (b) air conditioned stage carriage; (c) radio taxi. <i>Explanation.-</i> (a) “contract carriage” has the meaning assigned to it in clause (7) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988); (b) “stage carriage” has the meaning assigned to it in clause (40) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988) ; (c) “radio taxi” means a taxi including a radio cab, by whatever name called, which is in two-way radio communication with a central control office and is enabled for tracking using Global Positioning System (GPS) or General Packet Radio Service (GPRS).	2.5	Provided that credit of input tax charged on goods [and]⁵⁰ services used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]
	(iii) Transport of passengers, with or without accompanied belongings, by air in economy class.	2.5	Provided that credit of input tax charged on goods used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]
	(iv) Transport of passengers, with or without accompanied belongings, by air, embarking from or terminating in a Regional Connectivity Scheme Airport, as notified by the Ministry of Civil Aviation.	2.5	Provided that credit of input tax charged on goods used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]
	[(iva) Transportation of passengers, with or without accompanied baggage, by air, by non-scheduled air transport service or charter operations, engaged by specified organisations in respect of religious pilgrimage facilitated by the Government of India, under bilateral arrangement.	2.5	Provided that credit of input tax charged on goods used in supplying the service has not been taken [Please refer to clause (iv) of paragraph 4 relating to <i>Explanation</i>]]⁵¹
	(v) Transport of passengers by air, with or without accompanied belongings, in other than economy class.	6	-
	[[vi) Transport of passengers by any motor vehicle designed to carry passengers where	2.5	Provided that credit of input tax charged on goods and services used in supplying

⁵⁰ Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read “or”

⁵¹ Inserted vide notification No. 27/2018-Central Tax(Rate) dt. 31.12.2018.

		the cost of fuel is included in the consideration charged from the service recipient.		the service, other than the input tax credit of input service in the same line of business (i.e. service procured from another service provider of transporting passengers in a motor vehicle or renting of a motor vehicle), has not been taken. [Please refer to Explanation no. (iv)]
			or	
			6	-] ^{52]} ⁵³
		(vii) Passenger transport services other than (i), (ii) (iii), (iv), [(iva),] ⁵⁴ (v) and (vi) above. (i) Transport of goods by rail (other than services specified at item no. (iv)).	9	-
9	Heading 9965 (Goods transport services)	(i) Transport of goods by rail (other than services specified at item no. (iv)).	2.5	Provided that credit of input tax charged in respect of goods in supplying the service is not utilised for paying central tax or integrated tax on the supply of the service
		(ii) Transport of goods in a vessel.	2.5	Provided that credit of input tax charged on goods (other than on ships, vessels including bulk carriers and tankers) used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]
		[(iii) Services of goods transport agency (GTA) in relation to transportation of goods (including used household goods for personal use). <i>Explanation.-</i> “goods transport agency” means any person who provides service in relation to transport of goods by road and issues consignment note, by whatever name called.	2.5	Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]
			or	
			6	Provided that the goods

⁵² Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read in column (3) “Transport of passengers by motorcab where the cost of fuel is included in the consideration charged from the service recipient.” and in column (5) “Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to Explanation no. (iv)]”

⁵³ Substituted vide notification No. 20/2017 – Central Tax (Rate) dt 22.08.2017. Prior to substitution there was no option to discharge CGST @6% and take full ITC.

⁵⁴ Inserted vide notification No. 27/2018-Central Tax(Rate) dt. 31.12.2018.

				transport agency opting to pay central tax @ 6% under this entry shall, thenceforth, be liable to pay central tax @ 6% on all the services of GTA supplied by it.] ⁵⁵
		(iv) Transport of goods in containers by rail by any person other than Indian Railways.	6	-
		[(v) Transportation of [natural gas, petroleum crude, motor spirit (commonly known as petrol), high speed diesel or aviation turbine fuel] ⁵⁶ through pipeline	2.5	Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to Explanation no. (iv)]
			or	
			6	-] ⁵⁷
		[[vi) Multimodal transportation of goods. <i>Explanation 1.-</i> (a) “multimodal transportation” means carriage of goods, by at least two different modes of transport from the place of acceptance of goods to the place of delivery of goods by a multimodal transporter; (b) “mode of transport” means carriage of goods by road, air, rail, inland waterways or sea; (c) “multimodal transporter” means a person who,- (A) enters into a contract under which he undertakes to perform multimodal transportation against freight; and (B) acts as principal, and not as an agent either of the consignor, or consignee	6	-] ⁵⁹ ⁶⁰

⁵⁵ Substituted vide notification No. 20/2017 – Central Tax (Rate) dt 22.08.2017. Prior to substitution there was no option to discharge CGST@6% and take full ITC subject to condition as mentioned in column (5).

⁵⁶ Substituted vide notification No. 1/2017 – Central Tax (Rate) dt 25.01.2018. Prior to substitution it read “natural gas”

⁵⁷ Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read “Goods transport services other than (i), (ii), (iii) and (iv) above”

⁵⁹ Substituted vide notification No. 13/2018 – Central Tax (Rate) dt 26.07.2018. Prior to substitution it read:

“(vi) Goods transport services other than (i), (ii), (iii), (iv) and (v) above.	9	-”
---	---	----

⁶⁰ Inserted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017.

		or of the carrier participating in the multimodal transportation and who assumes responsibility for the performance of the said contract. [<i>Explanation 2.-</i> Nothing contained in this item shall apply to supply of a service other than by way of transport of goods from a place in India to another place in India.]⁵⁸		
		[(vii) Goods transport services other than (i), (ii), (iii), (iv), (v) and (vi) above.	9	-] ⁶¹
10	Heading 9966 (Rental services of transport vehicles)	[[i) Renting of any motor vehicle designed to carry passengers where the cost of fuel is included in the consideration charged from the service recipient.	2.5	Provided that credit of input tax charged on goods and services used in supplying the service, other than the input tax credit of input service in the same line of business (i.e. service procured from another service provider of transporting passengers in a motor vehicle or renting of a motor vehicle) has not been taken. [Please refer to Explanation no. (iv)]
			or	
			6	-] ⁶² ⁶³
		[[ii) Time charter of vessels for transport of goods.	2.5	Provided that credit of input tax charged on goods (other than on ships, vessels including bulk carriers and tankers) has not been taken [Please refer to <i>Explanation</i> no. (iv)].] ⁶⁴
		[[iii) Rental services of transport vehicles	9	-] ⁶⁵

⁵⁸ Inserted vide notification No. 30/2018 – Central Tax (Rate) dt 31.12.2018.

⁶¹ Inserted vide notification No. 13/2018 – Central Tax (Rate) dt 26.07.2018.

⁶²Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read in column (3) “Transport of passengers by motorcab where the cost of fuel is included in the consideration charged from the service recipient.” and in column (5) “Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to Explanation no. (iv)]”

⁶³Substituted vide notification No. 20/2017 – Central Tax (Rate) dt 22.08.2017. Prior to substitution there was no option to discharge CGST @6% and take full ITC.

⁶⁴ Substituted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“(ii) Rental services of transport vehicles with or without operators, other than (i) above.	9	-”
--	---	----

		with or without operators, other than (i) and (ii) above.		
11	Heading 9967 (Supporting services in transport)	[(i) Services of goods transport agency (GTA) in relation to transportation of goods (including used household goods for personal use). <i>Explanation.-</i> “goods transport agency” means any person who provides service in relation to transport of goods by road and issues consignment note, by whatever name called. [(iii) Rental services of transport vehicles with or without operators, other than (i) and (ii) above. [(i) Services of goods transport agency (GTA) in relation to transportation of goods (including used household goods for personal use). <i>Explanation.-</i> “goods transport agency” means any person who provides service in relation to transport of goods by road and issues consignment note, by whatever name called.	2.5 6	Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)] or Provided that the goods transport agency opting to pay central tax @ 6% under this entry shall, thenceforth, be liable to pay central tax @ 6% on all the services of GTA supplied by it.]⁶⁶
		(ii) Supporting services in transport other than (i) above.	9	-
12	Heading 9968	Postal and courier services.	9	-
13	Heading 9969	Electricity, gas, water and other distribution services.	9	-
14	Section 7	Financial and related services; real estate services; and rental and leasing services.		
15	Heading 9971 (Financial and related services)	(i) Services provided by a foreman of a chit fund in relation to chit. <i>Explanation.-</i> (a) "chit" means a transaction whether called chit, chit fund, chitty, kuri, or by whatever name by or under which a person enters into an agreement with a specified number of persons that every one of them shall subscribe a certain sum of money (or a certain quantity of grain instead) by way of periodical instalments over a definite period and that each subscriber shall, in his turn, as determined by lot or by auction or by tender or in such other manner as may be specified in the chit agreement, be entitled to a prize	6	Provided that credit of input tax charged on goods used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]

⁶⁵ Inserted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018.

⁶⁶Substituted vide notification No. 20/2017 – Central Tax (Rate) dt 22.08.2017. Prior to substitution there was no option to discharge CGST@6% and take full ITC subject to condition as mentioned in column (5).

	amount; (b)“foreman of a chit fund” shall have the same meaning as is assigned to the expression “foreman” in clause (j) of section 2 of the Chit Funds Act, 1982 (40 of 1982).		
	(ii) Transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration.	Same rate of central tax as on supply of like goods involving transfer of title in goods	-
	(iii) Any transfer of right in goods or of undivided share in goods without the transfer of title thereof.	Same rate of central tax as on supply of like goods involving transfer of title in goods	-
	(iv) Leasing of aircrafts by an operator for operating scheduled air transport service or scheduled air cargo service by way of transaction covered by clause (f) paragraph 5 of Schedule II of the Central Goods and Services Act, 2017. <i>Explanation.-</i> (a) “operator” means a person, organisation or enterprise engaged in or offering to engage in aircraft operations; (b) “scheduled air transport service” means an air transport service undertaken between the same two or more places operated according to a published time table or with flights so regular or frequent that they constitute a recognisable systematic series, each flight being open to use by members of	2.5	Provided that credit of input tax charged on goods used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]

		the public; (c) “scheduled air cargo service” means air transportation of cargo or mail on a scheduled basis according to a published time table or with flights so regular or frequent that they constitute a recognisably systematic series, not open to use by passengers.		
		[(v) Leasing of motor vehicles purchased and leased prior to 1st July 2017;	65 per cent. of the rate of central tax as applicable on supply of like goods involving transfer of title in goods. Note:- Nothing contained in this entry shall apply on or after 1st July, 2020.	-] ⁶⁷
		[[vi) Service of third party insurance of “goods carriage”	6	-] ⁶⁸] ⁶⁹
		[(vii) Financial and related services other than (i), (ii), (iii), (iv), (v), and (vi) above.	9	-] ⁷⁰
[16]	Heading 9972	(i) Services by the Central Government, State Government, Union territory or local authority to governmental authority or	Nil	-

⁶⁷Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read “Financial and related services other than (i), (ii), (iii), and (iv) above.”

⁶⁸ Substituted vide notification No. 27/2018 – Central Tax (Rate) dt 31.12.2018. Prior to substitution it read:

“(vi) Financial and related services other than (i), (ii), (iii), (iv) and (v) above.	9	-”
---	---	----

⁶⁹ Inserted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017

⁷⁰ Inserted vide notification No. 27/2018-Central Tax(Rate) dt. 31.12.2018.

		government entity, by way of lease of land.		
		(ii) Supply of land or undivided share of land by way of lease or sub lease where such supply is a part of composite supply of construction of flats, etc. specified in the entry in column (3), against serial number 3, at item [(i), (ia), (ib), (ic), (id), (ie) and (if)]⁷¹. Provided that nothing contained in this entry shall apply to an amount charged for such lease and sub-lease in excess of one third of the total amount charged for the said composite supply. Total amount shall have the same meaning for the purpose of this proviso as given in paragraph 2 of this notification.	Nil	-
		(iii) Real estate services other than (i) and (ii) above.	9	-] ⁷²
17	Heading 9973 (Leasing or rental services, with or without operator)	(i) Temporary or permanent transfer or permitting the use or enjoyment of Intellectual Property (IP) right in respect of goods other than Information Technology software.	6	-
		(ii) Temporary or permanent transfer or permitting the use or enjoyment of Intellectual Property (IP) right in respect of Information Technology software. [Please refer to <i>Explanation</i> no. (v)]	9	-
		(iii) Transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration.	Same rate of central tax as on supply of like goods involving transfer of	-

⁷¹ Substituted vide notification No. 3/2019-Central Tax(Rate) dt 29.03.2019. Prior to substitution it read: "sub-item (b), sub-item (c), sub-item (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item(d) and sub-item (da)of item (v); and sub-item (c) of item (vi)"

⁷² Substituted vide notification No. 1/2018-Central Tax (Rate) dt 25.01.2018. Prior to substitution it read:

"16	Heading 9972	Real estate services.	9	-"
-----	--------------	-----------------------	---	----

			title in goods	
		(iv) Any transfer of right in goods or of undivided share in goods without the transfer of title thereof.	Same rate of central tax as on supply of like goods involving transfer of title in goods	-
		(v) Leasing of aircrafts by an operator for operating scheduled air transport service or scheduled air cargo service by way of transaction covered by clause (f) paragraph 5 of Schedule II of the Central Goods and Services Act, 2017. <i>Explanation.-</i> (a) “operator” means a person, organisation or enterprise engaged in or offering to engage in aircraft operations; (b) “scheduled air transport service” means an air transport service undertaken between the same two or more places operated according to a published time table or with flights so regular or frequent that they constitute a recognisable systematic series, each flight being open to use by members of the public; (c) “scheduled air cargo service” means air transportation of cargo or mail on a scheduled basis according to a published time table or with flights so regular or frequent that they constitute a recognisable systematic series, not open to use by passengers.	2.5	Provided that credit of input tax charged on goods used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]
		[(vi) Leasing of motor vehicles purchased and leased prior to 1 st July 2017;	65 per cent. Of the rate of central tax as applica	-] ⁷³

⁷³Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read “Leasing or rental services, with or without operator, other than (i), (ii), (iii), (iv) and (v) above.”

			ble on supply of like goods involving transfer of title in goods. Note:- Nothing contained in this entry shall apply on or after 1 st July, 2020.	
		[[vii) Time charter of vessels for transport of goods.	2.5	Provided that credit of input tax charged on goods (other than on ships, vessels including bulk carriers and tankers) has not been taken [Please refer to <i>Explanation</i> no. (iv)].] ⁷⁴ ⁷⁵
		{(viia) Leasing or renting of goods	Same rate of central tax as applicable on supply of like goods	-

⁷⁴ Substituted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018. prior to substitution it read:

“(vii) Leasing or rental services, with or without operator, other than (i), (ii), (iii), (iv), (v) and (vi) above.	Same rate of central tax as applicable on supply of like goods involving transfer of title in goods	-“
---	---	----

⁷⁵ Inserted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017.

“(vii) Leasing or rental services, with or without operator, other than (i), (ii), (iii), (iv), (v) and (vi) above.	Same rate of central tax as applicable on supply of like goods involving transfer of title in goods	-“
---	---	----

			involving transfer of title in goods.	
		[(viii) Leasing or rental services, with or without operator, other than (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) above.	9	-] ^{76}} ⁷⁷
18	Section 8	Business and Production Services		
19	Heading 9981	Research and development services.	9	-
20	Heading 9982	Legal and accounting services.	9	-
21	Heading 9983 (Other professional, technical and business services)	(i) Selling of space for advertisement in print media.	2.5	-
		(ii) Other professional, technical and business services other than (i) above [and serial number 38 below] ⁷⁸ .	9	-
[22	Heading 9984 (Telecommunications, broadcasting and information supply services)	(i) Supply consisting only of e-book. <i>Explanation.-</i> For the purposes of this notification, “e-books” means an electronic version of a printed book (falling under tariff item 4901 in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975)) supplied online which can be read on a computer or a hand held device.	2.5	-
		(ii) Telecommunications, broadcasting and information supply services other than (i) above.	9	-] ⁷⁹
23	Heading 9985 (Support services)	(i) Supply of tour operators services. <i>Explanation.-</i> “tour operator” means any person engaged in the business of planning, scheduling, organizing, arranging tours (which may include arrangements for accommodation, sightseeing or other similar	2.5	1. Provided that credit of input tax charged on goods and services used in supplying the service[, other than the input tax credit of input service in the same line

⁷⁶ Inserted vide notification No. 1/2018- Central Tax (Rate) dt 25.01.2018

⁷⁷ Substituted vide notification No. 27/2018 – Central Tax (Rate) dt 31.12.2018. prior to substitution it read:

“(viii) Leasing or rental services, with or without operator, other than (i), (ii), (iii), (iv), (v), (vi) and (vii) above.	Same rate of central tax as applicable on supply of like goods involving transfer of title in goods	-“
---	---	----

⁷⁸ Inserted vide notification No. 27/2018 – Central Tax (Rate) dt 31.12.2018.

⁷⁹ Substituted vide notification No. 13/2018-Central Tax (Rate) dt 26.07.2018. Prior to substitution it read:

“22	Heading 9984	Telecommunications, broadcasting and information supply services.	9	-“
-----	--------------	---	---	----

		services) by any mode of transport, and includes any person engaged in the business of operating tours.		of business (i.e. tour operator service procured from another tour operator)] ⁸⁰ has not been taken [Please refer to <i>Explanation</i> no. (iv)] 2. The bill issued for supply of this service indicates that it is inclusive of charges of accommodation and transportation required for such a tour and the amount charged in the bill is the gross amount charged for such a tour including the charges of accommodation and transportation required for such a tour.
		[(ii) Services by way of house-keeping, such as plumbing, carpentering, etc. where the person supplying such service through electronic commerce operator is not liable for registration under sub-section (1) of section 22 of the Central Goods and Services Tax Act, 2017.	2.5	Provided that credit of input tax charged on goods and services has not been taken [Please refer to <i>Explanation</i> no. (iv)]. ⁸¹
		[(iii) Support services other than (i) and (ii) above.	9	-] ⁸²
24	Heading 9986	(i) Support services to agriculture, forestry, fishing, animal husbandry. <i>Explanation.</i> – “Support services to agriculture, forestry, fishing, animal husbandry” mean – (i) Services relating to cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products or agricultural produce by way of— (a) agricultural operations directly related to production of any agricultural produce including cultivation, harvesting, threshing, plant protection or testing; (b) supply of farm labour;	Nil	-

⁸⁰ Inserted vide notification No. 1/2018- Central Tax (Rate) dt 25.01.2018

⁸¹ Substituted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“(ii) Support services other than (i) above	9	-”
---	---	----

⁸² Inserted vide notification No. 1/2018- Central Tax (Rate) dt 25.01.2018

		(c) processes carried out at an agricultural farm including tending, pruning, cutting, harvesting, drying, cleaning, trimming, sun drying, fumigating, curing, sorting, grading, cooling or bulk packaging and such like operations which do not alter the essential characteristics of agricultural produce but make it only marketable for the primary market; (d) renting or leasing of agro machinery or vacant land with or without a structure incidental to its use; (e) loading, unloading, packing, storage or warehousing of agricultural produce; (f) agricultural extension services; (g) services by any Agricultural Produce Marketing Committee or Board or services provided by a commission agent for sale or purchase of agricultural produce. [(h) services by way of fumigation in a warehouse of agricultural produce.]⁸³ (ii) Services by way of pre-conditioning, pre-cooling, ripening, waxing, retail packing, labelling of fruits and vegetables which do not change or alter the essential characteristics of the said fruits or vegetables. (iii) Carrying out an intermediate production process as job work in relation to cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products or agricultural produce.		
		[(ii) Service of exploration, mining or drilling of petroleum crude or natural gas or both.	6	-] ⁸⁴
		[(iii) Support services to mining, electricity, gas and water distribution other than (ii) above.	9	-] ⁸⁵
[25]	Heading	(i) Services by way of house-keeping, such as	2.5	Provided that credit of input

⁸³ Inserted vide notification No. 1/2018- Central Tax (Rate) dt 25.01.2018

⁸⁴ Substituted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“(ii) Support services to mining, electricity, gas and water distribution.	9	-”
--	---	----

⁸⁵ Inserted vide notification No. 1/2018- Central Tax (Rate) dt 25.01.2018

	9987	plumbing, carpentering, etc. where the person supplying such service through electronic commerce operator is not liable for registration under sub-section (1) of section 22 of the Central Goods and Services Tax Act, 2017.		tax charged on goods and services has not been taken [Please refer to <i>Explanation</i> no. (iv)].
		(ii) Maintenance, repair and installation (except construction) services, other than (i) above [and serial number 38 below] ⁸⁶ .	9	-] ⁸⁷
26	Heading 9988 (Manufacturing services on physical inputs (goods) owned by others)	(i) Services by way of job work in relation to- (a) Printing of newspapers; [(b) Textiles and textile products falling under Chapter 50 to 63 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975)] ⁸⁸ ; [(c) all products falling under Chapter 71 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975);] ⁸⁹ (d) Printing of books (including Braille books), journals and periodicals; [(da) printing of all goods falling under Chapter 48 or 49, which attract CGST @ 2.5per cent. or Nil] ⁹⁰ (e) Processing of hides, skins and leather falling under Chapter 41 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975). [(ea) manufacture of leather goods or foot wear falling under Chapter 42 or 64 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975) respectively;] ⁹¹ [(f) all food and food products falling under Chapters 1 to 22 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975); (g) all products falling under Chapter 23 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975), except dog and	2.5	-

⁸⁶ Inserted vide notification No. 27/2018 – Central Tax (Rate) dt 31.12.2018.

⁸⁷ Substituted vide notification No. 1/2018-Central Tax (Rate) dt 25.01.2018. Prior to substitution it read:

"25	Heading 9987	Maintenance, repair and installation (except construction) services.	9	-"
-----	--------------	--	---	----

⁸⁸ Substituted vide notification No. 20/2017 – Central Tax (Rate) dt 22.08.2017. Prior to substitution it read "Textile yarns (other than of man-made fibres) and textile fabrics;"

⁸⁹ Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read "Cut and polished diamonds; precious and semi-precious stones; or plain and studded jewellery of gold and other precious metals, falling under Chapter 71 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975);"

⁹⁰ Inserted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017

⁹¹ Inserted vide notification No. 1/2018- Central Tax (Rate) dt 25.01.2018

		cat food put up for retail sale falling under tariff item 23091000 of the said Chapter; (h) manufacture of clay bricks falling under tariff item 69010010 in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975);]⁹² [(i) manufacture of handicraft goods. <i>Explanation.-</i> The expression “handicraft goods” shall have the same meaning as assigned to it in the notification No. 32/2017 -Central Tax, dated the 15th September, 2017 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 1158 (E), dated the 15th September, 2017 as amended from time to time.]]⁹³ [****]]⁹⁴		
		[(ia) Services by way of job work in relation to- (a) manufacture of umbrella; (b) printing of all goods falling under Chapter 48 or 49, which attract CGST @ 6 per cent	6	-]] ⁹⁵
		[(ii) Services by way of any treatment or process on goods belonging to another person, in relation to- (a) printing of newspapers; (b) printing of books (including Braille books), journals and periodicals {(c) printing of all goods falling under Chapter 48 or 49, which attract CGST @ 2.5 per cent. or Nil.}] ⁹⁶	2.5	-]] ⁹⁷
		[(iia) Services by way of any treatment or process on goods belonging to another person, in relation to printing of all goods falling under Chapter 48 or 49, which attract	6	-]] ⁹⁸

⁹² Inserted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017

⁹³ Inserted vide notification No. 46/2017-- Central Tax (Rate) dt. 14.11.2017

⁹⁴ Omitted *Explanation* vide Notf 20/2017 – Central Tax (Rate) dt 22.08.2017. The following was omitted

“Explanation.- “man made fibres” means staple fibres and filaments of organic polymers produced by manufacturing processes either, - (a) by polymerisation of organic monomers to produce polymers such as polyamides, polyesters, polyolefins or polyurethanes, or by chemical modification of polymers produced by this process [for example, poly(vinyl alcohol) prepared by the hydrolysis of poly(vinyl acetate)]; or (b) by dissolution or chemical treatment of natural organic polymers (for example, cellulose) to produce polymers such as cuprammonium rayon (cupro) or viscose rayon, or by chemical modification of natural organic polymers (for example, cellulose, casein and other proteins, or alginic acid), to produce polymers such as cellulose acetate or alginates”

⁹⁵ Inserted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017

⁹⁶ Inserted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017

⁹⁷ Substituted vide notification No. 20/2017 – Central Tax (Rate) dt 22.08.2017. Prior to substitution it read in column (3) “Manufacturing services on physical inputs (goods) owned by others, other than (i) above”

⁹⁸ Inserted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017

		CGST @ 6per cent.		
		[[iii) Tailoring services.	2.5	-] ⁹⁹] ¹⁰⁰
		[(iv) Manufacturing services on physical inputs (goods) owned by others, other than (i), (ia), (ii), (ia) and (iii) above.	9	-] ¹⁰¹
27	Heading 9989	[[i) Services by way of printing of all goods falling under Chapter 48 or 49 [including newspapers, books (including Braille books), journals and periodicals], which attract CGST @ 6 per cent. or 2.5per cent. or Nil, where only content is supplied by the publisher and the physical inputs including paper used for printing belong to the printer.	6	-] ¹⁰²] ¹⁰³
		[(ii) Other manufacturing services; publishing, printing and reproduction services; materials recovery services, other than (i) above.	9	-] ¹⁰⁴
28	Section 9	Community, Social and Personal Services and other miscellaneous services		
29	Heading 9991	Public administration and other services provided to the community as a whole; compulsory social security services.	9	-
30	Heading 9992	Education services.	9	-
31	Heading 9993	Human health and social care services.	9	-
[32	Heading 9994	(i) Services by way of treatment of effluents by a Common Effluent Treatment Plant.	6	-
		(ii) Sewage and waste collection, treatment and disposal and other environmental protection services other than (i) above.	9	-] ¹⁰⁵

⁹⁹ Substituted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“(iii) Manufacturing services on physical inputs (goods) owned by others, other than (i) {, (ia), (ii) and (ia)} ^A above.	9	-”
--	---	----

A. inserted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read “and (ii)”

¹⁰⁰ Inserted vide notification No. 20/2017 – Central Tax (Rate) dt 22.08.2017

¹⁰¹ Inserted vide notification No. 1/2018- Central Tax (Rate) dt 25.01.2018

¹⁰²Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read “Services by way of printing of newspapers, books (including Braille books), journals and periodicals, where only content is supplied by the publisher and the physical inputs including paper used for printing belong to the printer.”

¹⁰³Inserted vide notification No. 20/2017 – Central Tax (Rate) dt 22.08. 2017

¹⁰⁴ Substituted vide notification No. 20/2017 – Central Tax (Rate) dt 22.08. 2017. Prior to substitution it read “Other manufacturing services; publishing, printing and reproduction services; materials recovery services.”

¹⁰⁵ Substituted vide notification No. 1/2018-Central Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“32	Heading 9994	Sewage and waste collection, treatment and disposal and other environmental protection services	9	-”
-----	--------------	---	---	----

33	Heading 9995	Services of membership organisations.	9	-
34	Heading 9996 (Recreational, cultural and sporting services)	(i) Services by way of admission or access to circus, Indian classical dance including folk dance, theatrical performance, drama [or planetarium] ¹⁰⁶ .	9	-
		(ii) Services by way of admission to exhibition of cinematograph films where price of admission ticket is one hundred rupees or less.	[6] ¹⁰⁷	-
		[(iia) Services by way of admission to exhibition of cinematograph films where price of admission ticket is above one hundred rupees.	9	-] ¹⁰⁸
		[(iii) Services by way of admission to amusement parks including theme parks, water parks, joy rides, merry-go rounds, go-carting and ballet.	9	-] ¹⁰⁹
		[(iia) Services by way of admission to entertainment events or access to amusement facilities including [***] ¹¹⁰ casinos, race club, any sporting event such as Indian Premier League and the like.	14	-] ¹¹¹
		(iv) Services provided by a race club by way of totalisator or a license to bookmaker in such club.	14	-
		(v) Gambling.	14	-
		(vi) Recreational, cultural and sporting services other than (i), (ii), [(iia)] ¹¹² (iii), [(iia),] ¹¹³ (iv) and (v) above.	9	-
35	Heading 9997	Other services (washing, cleaning and dyeing services; beauty and physical well-being services; and other miscellaneous services including services nowhere else classified).	9	-

¹⁰⁶ Inserted vide notification No. 20/2017 – Central Tax (Rate) dt 22.08.2017

¹⁰⁷ Substituted vide notification No. 27/2018 – Central Tax (Rate) dt 31.12.2018. Prior to substitution it read “g”

¹⁰⁸ Inserted vide notification No. 27/2018 – Central Tax (Rate) dt 31.12.2018

¹⁰⁹ Substituted vide notification No. 1/2018 – Central Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“(iii) Services by way of admission to entertainment events or access to amusement facilities including exhibition of cinematograph films, theme parks, water parks, joy rides, merry-go rounds, go-carting, casinos, race-course, ballet, any sporting event such as Indian Premier League and the like.	14	-”
---	----	----

¹¹⁰ Omitted vide notification No. 27/2018 – Central Tax (Rate) dt 31.12.2018. The following was omitted: “exhibition of cinematograph films,”

¹¹¹ Inserted vide notification No. 1/2018- Central Tax (Rate) dt 25.01.2018

¹¹² Inserted vide notification No. 27/2018 – Central Tax (Rate) dt 31.12.2018.

¹¹³ Inserted vide notification No. 1/2018- Central Tax (Rate) dt 25.01.2018

36	Heading 9998	Domestic services.	9	-
37	Heading 9999	Services provided by extraterritorial organisations and bodies.	9	-
[38.	Heading 9954 or 9983 or 9987	Service by way of construction or engineering or installation or other technical services, provided in relation of setting up of following, - (a) Bio-gas plant (b) Solar power based devices (c) Solar power generating system (d) Wind mills, Wind Operated Electricity Generator (WOEG) (e) Waste to energy plants / devices (f) Ocean waves/tidal waves energy devices/plants <i>Explanation:-</i> This entry shall be read in conjunction with serial number 234 of Schedule I of the notification No. 1/2017-Central Tax (Rate), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) dated 28th June, 2017 vide GSR number 673(E) dated 28th June, 2017.	9	-] ¹¹⁴
[39.	Chapter 99	Supply of services other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI) by an unregistered person to a promoter for construction of a project on which tax is payable by the recipient of the services under sub- section 4 of section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017), as prescribed in notification No. 07 / 2019- Central Tax (Rate), dated 29th March, 2019, published in Gazette of India vide G.S.R. No. __, dated 29th March, 2019. <i>Explanation. -</i> This entry is to be taken to apply to all services which satisfy the conditions prescribed herein, even though they may be covered by a more specific chapter, section or heading elsewhere in this notification.	9	-] ¹¹⁵

¹¹⁴ Inserted vide notification No. 27/2018 – Central Tax (Rate) dt 31.12.2018.

¹¹⁵ Inserted vide notification No. 3/2019- Central Tax (Rate) dt 29.03.2019.

[2. In case of supply of service specified in column (3), in item [(i), (ia), (ib), (ic), (id), (ie) and (if)]¹¹⁶, against serial number 3 of the Table above, involving transfer of land or undivided share of land, as the case may be, the value of such supply shall be equivalent to the total amount charged for such supply less the value of transfer of land or undivided share of land, as the case may be, and the value of such transfer of land or undivided share of land, as the case may be, in such supply shall be deemed to be one third of the total amount charged for such supply.

Explanation. –For the purposes of this paragraph, “total amount” means the sum total of,-
(a) consideration charged for aforesaid service; and
(b) amount charged for transfer of land or undivided share of land, as the case may be including by way of lease or sublease.]¹¹⁷

[2A. Where a registered person transfers development right or FSI (including additional FSI) to a promoter against consideration, wholly or partly, in the form of construction of apartments, the value of construction service in respect of such apartments shall be deemed to be equal to the Total Amount charged for similar apartments in the project from the independent buyers, other than the person transferring the development right or FSI (including additional FSI), nearest to the date on which such development right or FSI (including additional FSI) is transferred to the promoter, less the value of transfer of land, if any, as prescribed in paragraph 2 above.]¹¹⁸

3. Value of supply of lottery shall be 100/112 of the face value or the price notified in the Official Gazette by the organising State, whichever is higher, in case of lottery run by State Government and 100/128 of the face value or the price notified in the Official Gazette by the organising State, whichever is higher, in case of lottery authorised by State Government.

4. *Explanation.* –For the purposes of this notification,-

(i) Goods includes capital goods.

¹¹⁶ Substituted vide notification No. 3/2019- Central Tax – (Rate) dt 29.03.2019. Prior to substitution it read: “sub-item (b), sub-item (c), sub-item (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item (d) and sub-item (da) of item (v); and sub-item (c) of item (vi),”

¹¹⁷ Substituted vide notification No. 1/2018- Central Tax- (Rate) dt 25.01.2018. Prior to substitution it read: “2. In case of supply of service specified in column (3) of the entry [at item (i), item (iv) [sub-item (b), sub-item (c) and sub-item (d)], item (v) [sub-item (b), sub-item (c) and sub-item (d)], item (vi) [sub-item (c)]]^A against serial no. 3 of the Table above, involving transfer of property in land or undivided share of land, as the case may be, the value of supply of service and goods portion in such supply shall be equivalent to the total amount charged for such supply less the value of land or undivided share of land, as the case may be, and the value of land or undivided share of land, as the case may be, in such supply shall be deemed to be one third of the total amount charged for such supply.

Explanation. –For the purposes of paragraph 2, “total amount” means the sum total of,-

(a) consideration charged for aforesaid service; and

(b) amount charged for transfer of land or undivided share of land, as the case may be.”

A. Substituted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017. Prior to substitution it read “at item (i)”

¹¹⁸ Inserted vide notification No. 3/2019- Central Tax – (Rate) dt 29.03.2019.

(ii) Reference to “Chapter”, “Section” or “Heading”, wherever they occur, unless the context otherwise requires, shall mean respectively as “Chapter”, “Section” and “Heading” in the annexed scheme of classification of services (Annexure).

(iii) The rules for the interpretation of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), the Section and Chapter Notes and the General Explanatory Notes of the First Schedule shall, so far as may be, apply to the interpretation of heading 9988.

(iv) Wherever a rate has been prescribed in this notification subject to the condition that credit of input tax charged on goods or services used in supplying the service has not been taken, it shall mean that,-

(a) credit of input tax charged on goods or services used exclusively in supplying such service has not been taken; and

(b) credit of input tax charged on goods or services used partly for supplying such service and partly for effecting other supplies eligible for input tax credits, is reversed as if supply of such service is an exempt supply and attracts provisions of sub-section (2) of section 17 of the Central Goods and Services Tax Act, 2017 and the rules made thereunder.

(v) “information technology software” means any representation of instructions, data, sound or image, including source code and object code, recorded in a machine readable form, and capable of being manipulated or providing interactivity to a user, by means of a computer or an automatic data processing machine or any other device or equipment.

(vi) “agricultural extension” means application of scientific research and knowledge to agricultural practices through farmer education or training.

(vii) “agricultural produce” means any produce out of cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products, on which either no further processing is done or such processing is done as is usually done by a cultivator or producer which does not alter its essential characteristics but makes it marketable for primary market.

(viii) “Agricultural Produce Marketing Committee or Board” means any committee or board constituted under a State law for the time being in force for the purpose of regulating the marketing of agricultural produce.

[(ix) “Governmental Authority” means 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 90 per cent. or more participation by way of equity or control, to carry out any function entrusted to a Municipality under article 243 W of the Constitution or to a Panchayat under article 243 G of the Constitution.

(x) “Government Entity” means an authority or a board or any other body including a society, trust, corporation,-

(i) set up by an Act of Parliament or State Legislature; or

(ii) established by any Government,

with 90per cent. or more participation by way of equity or control, to carry out a function entrusted by the Central Government, State Government, Union Territory or a local authority.]¹¹⁹

[(xi) “specified organisation” shall mean, -

(a) Kumaon Mandal Vikas Nigam Limited, a Government of Uttarakhand Undertaking; or
(b) ‘Committee’ or ‘State Committee’ as defined in section 2 of the Haj Committee Act, 2002 (35 of 2002).

(xii) “goods carriage” has the same meaning as assigned to it in clause (14) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).]¹²⁰

[(xiii) an apartment booked on or before the 31st March, 2019 shall mean an apartment which meets all the following three conditions, namely- (a) part of supply of construction of which has time of supply on or before the 31st March, 2019 and (b) at least one instalment has been credited to the bank account of the registered person on or before the 31st March, 2019 and (c) an allotment letter or sale agreement or any other similar document evidencing booking of the apartment has been issued on or before the 31st March, 2019;

(xiv) the term “apartment” shall have the same meaning as assigned to it in clause (e) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xv) the term “project” shall mean a Real Estate Project or a Residential Real Estate Project;

(xvi) the term “affordable residential apartment” shall mean, -

(a) a residential apartment in a project which commences on or after 1st April, 2019, or in an ongoing project in respect of which the promoter has not exercised option in the prescribed form to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be, having carpet area not exceeding 60 square meter in metropolitan cities or 90 square meter in cities or towns other than metropolitan cities and for which the gross amount charged is not more than forty five lakhs rupees.

For the purpose of this clause, -

(i) Metropolitan cities are Bengaluru, Chennai, Delhi NCR (limited to Delhi, Noida, Greater Noida, Ghaziabad, Gurgaon, Faridabad), Hyderabad, Kolkata and Mumbai (whole of MMR) with their respective geographical limits prescribed by an order issued by the Central or State Government in this regard;

(ii) Gross amount shall be the sum total of; -

- A. Consideration charged for the services specified at item (i) and (ic) in column (3) against sl. No. 3 in the Table;
- B. Amount charged for the transfer of land or undivided share of land, as the case may be including by way of lease or sub lease; and
- C. Any other amount charged by the promoter from the buyer of the apartment including preferential location charges, development charges, parking charges, common facility charges etc.

(b) an apartment being constructed in an ongoing project under any of the schemes specified in sub-item (b), sub-item (c), sub-item (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item (d) and sub-item (da) of item (v); and sub-

¹¹⁹ Inserted vide notification No. 31/2017 – Central Tax (Rate) dt 13.10.2017

¹²⁰ Inserted vide notification No. 27/2018 – Central Tax (Rate) dt 31.12.2018.

item (c) of item (vi), against serial number 3 of the Table above, in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be.

(xvii) the term “promoter” shall have the same meaning as assigned to it in in clause (zk) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xviii) the term “Real Estate Project (REP)” shall have the same meaning as assigned to it in in clause (zn) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xix) the term “Residential Real Estate Project (RREP)” shall mean a REP in which the carpet area of the commercial apartments is not more than 15 per cent. of the total carpet area of all the apartments in the REP;

(xx) the term “ongoing project” shall mean a project which meets all the following conditions, namely-

(a) commencement certificate in respect of the project, where required to be issued by the competent authority, has been issued on or before 31st March, 2019, and it is certified by any of the following that construction of the project has started on or before 31st March, 2019:-

(i) an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972); or

(ii) a chartered engineer registered with the Institution of Engineers (India); or

(iii) a licensed surveyor of the respective local body of the city or town or village or development or planning authority.

(b) where commencement certificate in respect of the project, is not required to be issued by the competent authority, it is certified by any of the authorities specified in sub-clause (a) above that construction of the project has started on or before the 31st March, 2019;

(c) completion certificate has not been issued or first occupation of the project has not taken place on or before the 31st March, 2019;

(d) apartments being constructed under the project have been, partly or wholly, booked on or before the 31st March, 2019.

Explanation.- For the purpose of sub- clause (a) and (b) above , construction of a project shall be considered to have started on or before the 31st March, 2019, if the earthwork for site preparation for the project has been completed and excavation for foundation has started on or before the 31st March, 2019.

(xxi) "commencement certificate" means the commencement certificate or the building permit or the construction permit, by whatever name called issued by the competent authority to allow or permit the promoter to begin development works on an immovable property, as per the sanctioned plan;

(xxii) "development works" means the external development works and internal development works on immovable property;

(xxiii) "external development works" includes roads and road systems landscaping, water supply, sewage and drainage systems, electricity supply transformer, sub-station, solid

waste management and disposal or any other work which may have to be executed in the periphery of, or outside, a project for its benefit, as may be provided under the local laws;
(xxiv) "internal development works" means roads, footpaths, water supply, sewers, drains, parks, tree planting, street lighting, provision for community buildings and for treatment and disposal of sewage and sullage water, solid waste management and disposal, water conservation, energy management, fire protection and fire safety requirements, social infrastructure such as educational health and other public amenities or any other work in a project for its benefit, as per sanctioned plans;

(xxv) the term "competent authority" as mentioned in definition of "commencement certificate" and "residential apartment", means the local authority or any authority created or established under any law for the time being in force by the Central Government or State Government or Union Territory Government, which exercises authority over land under its jurisdiction, and has powers to give permission for development of such immovable property;

(xxvi) The term "carpet area" shall have the same meaning assigned to it in in clause (k) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xxvii) the term "Real Estate Regulatory Authority" shall mean the Authority established under sub- section (1) of section 20 (1) of the Real Estate (Regulation and Development) Act, 2016 (No. 16 of 2016) by the Central Government or State Government;

(xxviii) "project which commences on or after 1st April, 2019" shall mean a project other than an ongoing project;

(xxix) "Residential apartment" shall mean an apartment intended for residential use as declared to the Real Estate Regulatory Authority or to competent authority;

(xxx) "Commercial apartment" shall mean an apartment other than a residential apartment;

(xxxi) "floor space index (FSI)" shall mean the ratio of a building's total floor area (gross floor area) to the size of the piece of land upon which it is built.]¹²¹

5. This notification shall come into force with effect from 1st day of July, 2017.

[F.No. 334/1/2017-TRU]

(Ruchi Bisht)

Under Secretary to the Government of India

¹²¹ Inserted vide notification No. 3/2019- Central Tax (Rate) dated 29.03.2019.

I Real estate project (REP) other than Residential Real estate project (RREP)

Input tax credit attributable to construction of residential portion in a real estate project (REP) other than residential real estate project (RREP), which has time of supply on or after 1st April, 2019, shall be calculated project wise for all projects which commence on or after 1st April, 2019 or ongoing projects in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be, in the prescribed manner, before the due date for furnishing of the return for the month of September following the end of financial year 2018-19, in the following manner:

1. Where % completion as on 31st March, 2019 is not zero or where there is inventory in stock

- (a) Input tax credit on inputs and input services attributable to construction of residential portion in a REP, which has time of supply on or after 1st April, 2019, may be denoted as Tx. Tx shall be calculated as under:

$$Tx = T - Te$$

Where,

- (i) T is the total ITC availed (utilized or not) on inputs and input services used in construction of the REP from 1st July, 2017 to 31st March, 2019 including transitional credit taken on 1st July, 2017;
- (ii) Te is the eligible ITC attributable to (a) construction of commercial portion and (b) construction of residential portion, in the REP which has time of supply on or before 31st March, 2019;
- (b) Te shall be calculated as under:

$$Te = Tc + Tr$$

Where, -

Tc is the ITC attributable to construction of commercial portion in the REP, calculated as under:

$Tc = T * (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP})$ and

Tr is the ITC attributable to construction of residential portion in the REP which has time of supply on or before 31st March, 2019 and which shall be calculated as under,

$$Tr = T * F_1 * F_2 * F_3 * F_4$$

Where, -

$$F_1 = \frac{\text{Carpet area of residential apartments in REP}}{\text{Total carpet area of commercial and residential apartments in the REP}}$$

$$F_2 = \frac{\text{Total carpet area of residential apartment booked on or before 31st March, 2019}}{\text{Total carpet area of the residential apartment in REP}}$$

$$F_3 = \frac{\text{Such Value of supply of construction of residential apartments booked on or before 31st March, 2019 which has time of supply on or before 31st March, 2019}}{\text{Total value of supply of construction of residential apartments booked on or before 31st March, 2019}}$$

(F3 is to account for percentage invoicing of booked residential apartments)

$$F_4 = \frac{1}{\% \text{ Completion of construction as on 31st March, 2019}}$$

Illustration: where one- fifth (twenty percent) of the construction has been completed, F_4 shall be $100 \div 20 = 5$.

Explanation: “% Completion of construction as on 31st March, 2019” shall be the same as declared to the Real Estate Regulatory Authority in terms of section 4 and section 11 of Real Estate (Regulation and Development) Act, 2016 (16 of 2016) and where the same is not required to be declared to the Real Estate Regulatory Authority, it shall be got determined and certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India).

(c) A registered person shall have the option to calculate ‘Te’ in the manner prescribed below instead of the manner prescribed in (b) above,-

Te shall be calculated as under:

$$Te = Tc + T1 + Tr$$

Where, -

Tc is the ITC attributable to construction of commercial portion in the REP, calculated as under:

$T_c = T_3 * (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP});$

Wherein

$$T_3 = T - (T_1 + T_2)$$

T_1 = ITC attributable exclusively to construction of commercial portion in the REP

T_2 = ITC attributable exclusively to construction of residential portion in the REP

and

T_r is the ITC attributable to construction of residential portion in the REP which has time of supply on or before 31.03.2019 and which shall be calculated as under,

$$T_r = (T_3 + T_2) * F_1 * F_2 * F_3 * F_4$$

or

$$T_r = (T - T_1) * F_1 * F_2 * F_3 * F_4$$

(d) The amounts 'Tx' and 'Te' shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

(e) Where, Tx is positive, i.e. $T_e < T$, the registered person shall pay, by debit in the electronic credit ledger or electronic cash ledger, an amount equal to the difference between T and T_e . Such amount shall form part of the output tax liability of the registered person and the amount shall be furnished in FORM GST ITC- 03.

Explanation: The registered person may file an application in FORM GST DRC- 20, seeking extension of time for the payment of taxes or any amount due or for allowing payment of such taxes or amount in installments in accordance with the provisions of section 80. The commissioner may issue an order in FORM GST DRC- 21 allowing the taxable person further time to make payment and/or to pay the amount in such monthly installments, not exceeding twenty-four, as he may deem fit.

(f) Where Tx is negative, i.e. $T_e > T$, the registered person shall be eligible to take ITC on goods and services received on or after 1st April, 2019 for construction of residential portion in the REP, for which he shall not otherwise be eligible, to the extent of difference between T_e and T.

(g) The registered person may calculate T_c and utilize credit to the extent of T_c for payment of tax on commercial apartments, till the complete accounting of Tx is carried out and submitted.

(h) Where percentage completion is zero but ITC has been availed on goods and services received for the project on or prior to 31st March, 2019, input tax credit attributable to construction of residential portion which has time of supply on or after 1st April, 2019, shall be calculated and the amount equal to Tx shall be paid or taken credit of, as the case may be,

as prescribed above, with the modification that percentage completion for calculation of F_4 shall be taken as the percentage completion which, as certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India), can be achieved with the input services received and inputs in stock as on 31st March, 2019.

2. Where % completion as on 31st March, 2019 is zero but invoicing has been done having time of supply before 31st March, 2019, and no input services or inputs have been received as on 31st March, 2019, “Te” shall be calculated as follows: -

(a) Input tax credit on inputs and input services attributable to construction of residential portion in a REP, which has time of supply on or before 31st March, 2019 may be denoted as T_e which shall be calculated as under,

$$T_e = T_c + T_r$$

Where, -

T_c is the ITC attributable to construction of commercial portion in the REP, calculated as under:

$T_c = T_n \times (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP})$ and

T_r is the ITC attributable to construction of residential portion in the REP which has time of supply on or before 31st March, 2019 and which shall be calculated as under,

$$T_r = T_n \times F_1 \times F_2 \times F_3$$

Where, -

T_n = Tax paid on such inputs and input services on which ITC is available under the CGST Act, received in 2019-20 for construction of REP

F_1 , F_2 and F_3 shall be the same as in para 1 above

(b) The registered person shall be eligible to take ITC on goods and services received on or after 1st April, 2019 for construction of residential portion in the REP, for which he shall not otherwise be eligible, to the extent of the amount of T_e .

(c) The amount ‘ T_e ’ shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

3. Notwithstanding anything contained in paragraph 1 or paragraph 2 above, T_e shall be determined in the following situations as under:

(i) where percentage invoicing is more than the percentage completion and the difference between percentage invoicing (per cent. points) and the percentage completion (per cent. points) of construction is more than 25 per cent. points; the

value of percentage invoicing shall be deemed to be percentage completion plus 25 percent. points;

- (ii) where the value of invoices issued on or prior to 31st March, 2019 exceeds the consideration actually received on or prior to 31st March, 2019 by more than 25 per cent. of consideration actually received; the value of such invoices for the purpose of determination of percentage invoicing shall be deemed to be actual consideration received plus 25 percent. of the actual consideration received; and
- (iii) where, the value of procurement of inputs and input services prior to 1st April, 2019 exceeds the value of actual consumption of the inputs and input services used in the percentage of construction completed as on 31st March, 2019 by more than 25 percent. of value of actual consumption of inputs and input services, the jurisdictional commissioner or any other officer authorized in this regard may fix the Te based on actual per unit consumption of inputs and input services based on the documents duly certified by a chartered accountant or cost accountant submitted by the promoter in this regard, applying the accepted principles of accounting.

Illustration 1:

Sl. No	Details of a REP (Res + Com)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		75	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	5250	sqm
5	value of each residential apartment		0.60	crore
6	Total value of the residential apartments	$C2 * C5$	45.00	crore
7	No. of commercial apartments in the project		25	units
8	Carpet area of the commercial apartment		30	sqm
9	Total carpet area of the commercial apartments	$C7 * C8$	750	sqm
10	Total carpet area of the project (Resi + Com)	$C4 + C9$	6000	sqm
11	Percentage completion as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
12	No of residential apartments booked before transition		40	units
13	Total carpet area of the residential apartments booked before transition	$C12 * C3$	2800	sqm
14	Value of booked residential apartments	$C5 * C12$	24	crore
15	Percentage invoicing of booked residential apartments on or before 31.03.2019		20%	
16	Total value of supply of residential apartments having t.o.s. prior to transition	$C14 * C15$	4.8	crore
17	ITC to be reversed on transition, $T_x = T - T_e$			
18	Eligible ITC (T_e) = $T_c + T_r$			
19	T (*see notes below)		1	crore
20	$T_c = T \times (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP})$	$C19 * (C9 / C10)$	0.125	crore
21	$T_r = T \times F1 \times F2 \times F3 \times F4$			
22	F1	$C4 / C10$	0.875	
23	F2	$C13 / C4$	0.533	
24	F3	$C16 / C14$	0.200	
25	F4	$1 / C11$	5	
26	$T_r = T \times F1 \times F2 \times F3 \times F4$	$C19 * C22 * C23 * C24 * C25$	0.467	crore
27	Eligible ITC (T_e) = $T_c + T_r$	$C26 + C20$	0.592	crore
28	ITC to be reversed on transition, $T_x = T - T_e$	$C19 - C27$	0.408	crore
* Note:- 1. The value of T at C19 has been estimated for illustration based on weighted average tax on inputs. 2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.				

Illustration 2:

Sl. No	Details of a REP (Res + Com)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		75	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	5250	sqm
5	value of each residential apartment		0.60	crore
6	Total value of the residential apartments	$C2 * C5$	45.00	crore
7	No. of commercial apartments in the project		25	units
8	Carpet area of the commercial apartment		30	sqm
9	Total carpet area of the commercial apartments	$C7 * C8$	750	sqm
10	Total carpet area of the project (Resi + Com)	$C4 + C9$	6000	sqm
11	Percentage completion (Pc) as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
12	No of residential apartments booked before transition		40	units
13	Total carpet area of the residential apartments booked before transition	$C12 * C3$	2800	sqm
14	Value of booked residential apartments	$C5 * C12$	24	crore
15	Percentage invoicing of booked residential apartments on or before 31.03.2019		60%	
16	Total value of supply of residential apartments having t.o.s. prior to transition	$C14 * C15$	14.4	crore
17	ITC to be reversed on transition, $Tx = T - Te$			
18	Eligible ITC (Te) = $Tc + Tr$			
19	T (*see notes below)		1	crore
20	$Tc = T \times (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP})$	$C19 * (C9 / C10)$	0.125	crore
21	$Tr = T \times F1 \times F2 \times F3 \times F4$			
22	F1	$C4 / C10$	0.875	
23	F2	$C13 / C4$	0.533	
24	F3	$C16 / C14$	0.600	
25	F4	$1 / C11$	5	
26	$Tr = T \times F1 \times F2 \times F3 \times F4$	$C19 * C22 * C23 * C24 * C25$	1.400	crore
27	Eligible ITC (Te) = $Tc + Tr$	$C26 + C20$	1.525	crore
28	ITC to be reversed / taken on transition, $Tx = T - Te$	$C19 - C27$	-0.525	crore
29	Tx after application of cap on % invoicing vis-a-vis Pc			
30	% completion		20%	
31	% invoicing		60%	
32	% invoicing after application of cap ($Pc + 25\%$)	$C11 + 25\%$	45%	
33	Total value of supply of residential apartments having t.o.s. prior to transition	$C14 * C32$	10.80	crore
34	F3 after application of cap	$C33 / C14$	0.45	
35	$Tr = T \times F1 \times F2 \times F3 \times F4$ (after application of cap)	$C19 * C22 * C23 * C34 * C25$	1.05	crore
36	Eligible ITC (Te) = $Tc + Tr$ (after application of cap)	$C20 + C35$	1.18	crore
37	ITC to be reversed / taken on transition, $Tx = T - Te$ (after application of cap)	$C19 - C36$	-0.18	crore
38	Tx after application of cap on % invoicing vis-a-vis Pc and payment realisation			
39	% invoicing after application of cap ($Pc + 25\%$)		45%	
40	Total value of supply of residential apartments having t.o.s. prior to transition	$C33$	10.80	crore
41	Consideration received		8.00	crore
42	Total value of supply of residential apartments having t.o.s. prior to transition after application of cap vis-a-vis consideration received	$8 \text{ cr} + 25\% \text{ of } 8 \text{ Cr}$	10.00	crore
43	F3 after application of both the caps	$C42 / C14$	0.42	
44	$Tr = T \times F1 \times F2 \times F3 \times F4$ (after application of both the caps)	$C19 * C22 * C23 * C43 * C25$	0.97	
45	Eligible ITC (Te) = $Tc + Tr$ (after application of both the caps)	$C20 + C44$	1.10	
46	ITC to be reversed / taken on transition, $Tx = T - Te$ (after application of both the caps)	$C19 - C45$	-0.10	crore
* Note:- 1. The value of T at C19 has been estimated for illustration based on weighted average tax on inputs. 2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.				

[F. No.354/32/2019-TRU]
(Pramod Kumar)

Residential Real estate project (RREP)

Input tax credit attributable to construction of residential and commercial portion in a Residential Real estate project (RREP), which has time of supply on or after 1st April, 2019, shall be calculated project wise for all projects which commence on or after 1st April, 2019 or ongoing projects in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be, in the prescribed manner, before the due date for furnishing of the return for the month of September following the end of financial year 2018-19, in the following manner:

1. Where % completion as on 31st March, 2019 is not zero or where there is inventory in stock

(a) Input tax credit on inputs and input services attributable to construction of residential and commercial portion in an RREP, which has time of supply on or after 1st April, 2019, may be denoted as Tx. Tx shall be calculated as under:

$$Tx = T - T_e$$

Where,

- (i) T is the total ITC availed (utilized or not) on inputs and input services used in construction of the RREP from 1st July, 2017 to 31st March, 2019 including transitional credit taken on 1st July, 2017;
- (ii) T_e is the eligible ITC attributable to construction of commercial portion and construction of residential portion, in the RREP which has time of supply on or before 31st March, 2019;

(b) T_e shall be calculated as under:

$$T_e = T * F_1 * F_2 * F_3 * F_4$$

Where, -

$$F_1 = \frac{\text{Carpet area of residential and commercial apartments in the RREP}}{\text{Total carpet area of apartments in the RREP}}$$

(In case of a Residential Real Estate Project, value of “F₁” shall be 1.)

$$F_2 = \frac{\text{Total carpet area of residential and commercial apartment booked on or before 31st March, 2019}}{\text{Total carpet area of the residential and commercial apartment in the RREP}}$$

$$F_3 = \frac{\text{Such value of supply of construction of residential and commercial apartments booked on or before 31st March, 2019 which has time of supply on or before 31st March, 2019}}{\text{Total value of supply of construction of residential and commercial apartments booked on or before 31st March, 2019}}$$

(F3 is to account for percentage invoicing of booked residential apartments)

$$F_4 = \frac{1}{\% \text{ Completion of construction as on 31st March, 2019}}$$

Illustration: where one- fifth (twenty percent) of the construction has been completed, F_4 shall be $100 \div 20 = 5$.

Explanation: “% Completion of construction as on 31st March, 2019” shall be the same as declared to the Real Estate Regulatory Authority in terms of section 4 and section 11 of Real Estate (Regulation and Development) Act, 2016 and where the same is not required to be declared to the Real Estate Regulatory Authority, it shall be got determined and certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India).

(c) The amounts ‘Tx’ and ‘Te’ shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

(d) Where, Tx is positive, i.e. $T_e < T$, the registered person shall pay, by debit in the electronic credit ledger or electronic cash ledger, an amount equal to the difference between T and T_e . Such amount shall form part of the output tax liability of the registered person and the amount shall be furnished in FORM GST ITC- 03.

Explanation: The registered person may file an application in FORM GST DRC- 20, seeking extension of time for the payment of taxes or any amount due or for allowing payment of such taxes or amount in installments in accordance with the provisions of section 80. The commissioner may issue an order in FORM GST DRC- 21 allowing the taxable person further time to make payment and/or to pay the amount in such monthly installments, not exceeding twenty-four, as he may deem fit.

(e) Where, Tx is negative, i.e. $T_e > T$, the registered person shall be eligible to take ITC on goods and services received on or after 1st April, 2019 for construction of the RREP, for which he shall not otherwise be eligible, to the extent of difference between T_e and T.

(f) Where percentage completion is zero but ITC has been availed on goods and services received for the project on or prior to 31st March, 2019, input tax credit attributable to construction of residential and commercial portion which has time of supply on or after 1st

April, 2019, shall be calculated and the amount equal to Tx shall be paid or taken credit of, as the case may be, as prescribed above, with the modification that percentage completion for calculation of F₄ shall be taken as the percentage completion which, as certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India), can be achieved with the input services received and inputs in stock as on 31st March, 2019.

2. Where % completion as on 31st March, 2019 is zero but invoicing has been done having time of supply before 31st March, 2019, and no input services or inputs have been received as on 31st March, 2019, “Te” shall be calculated as follows: -

(a) Input tax credit on inputs and input services attributable to construction of residential and commercial portion in an RREP, which has time of supply on or before 31st March, 2019 may be denoted as Te which shall be calculated as under,

$$Te = T_n * F_1 * F_2 * F_3$$

Where, -

T_n= Tax paid on such inputs and input services on which ITC is available under the CGST Act, received in 2019-20 for construction of residential and commercial apartments in the RREP.

F₁, F₂ and F₃ shall be the same as in para 1 above

(b) The registered person shall be eligible to take ITC on goods and services received on or after 1st April, 2019 for construction of residential or commercial portion in the RREP, for which he shall not otherwise be eligible, to the extent of the amount of Te.

(c) The amount ‘Te’ shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

3. Notwithstanding anything contained in paragraph 1 or paragraph 2 above, Te shall be determined in the following situations as under:

- (i) where percentage invoicing is more than the percentage completion and the difference between percentage invoicing (per cent. points) and the percentage completion (per cent. points) of construction is more than 25 per cent. points; the value of percentage invoicing shall be deemed to be percentage completion plus 25 percent. points;
- (ii) where the value of invoices issued on or prior to 31st March, 2019 exceeds the consideration actually received on or prior to 31st March, 2019 by more than 25 per cent. of consideration actually received; the value of such invoices for the purpose of determination of percentage invoicing shall be deemed to be actual consideration received plus 25 per cent. of the actual consideration received; and

- (iii) where, the value of procurement of inputs and input services prior to 1st April, 2019 exceeds the value of actual consumption of the inputs and input services used in the percentage of construction completed as on 31st March, 2019 by more than 25 per cent. of value of actual consumption of inputs and input services, the jurisdictional commissioner or any other officer authorized in this regard may fix the Te based on actual per unit consumption of inputs and input services based on the documents duly certified by a chartered accountant or cost accountant submitted by the promoter in this regard, applying the accepted principles of accounting.

Illustration 1:

Sl No	Details of a residential real estate project (RREP)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		100	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	7000	sqm
5	value of each residential apartment		0.60	crore
6	Percentage completion as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
7	No of apartments booked before transition		80	units
8	Total carpet area of the residential apartment booked before transition	$C3 * C7$	5600	sqm
9	Value of booked residential apartments	$C5 * C7$	48	crore
10	Percentage invoicing of booked residential apartments on or before 31.03.2019		20%	
11	Total value of supply of residential apartments having t.o.s. prior to transition	$C9 * C10$	9.6	crore
12	ITC to be reversed on transition, $T_x = T - T_e$			
13	Eligible ITC (T_e)= $T \times F1 \times F2 \times F3 \times F4$			
14	T (*see notes below)		1	crore
15	F1		1	
16	F2	$C8 / C4$	0.8	
17	F3	$C11 / C9$	0.2	
18	F4	$1 / C6$	5	
19	Eligible ITC (T_e)= $T \times F1 \times F2 \times F3 \times F4$	$C14 * C15 * C16 * C17 * C18$	0.8	crore
20	ITC to be reversed on transition, $T_x = T - T_e$	$C14 - C19$	0.2	crore
*Note:- 1. The value of T at C14 has been estimated for illustration based on weighted average tax on inputs. 2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.				

Illustration 2:

Sl No	Details of a residential real estate project (RREP)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		100	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	7000	sqm
5	value of each residential apartment		0.60	crore
6	Percentage completion as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
7	No of apartments booked before transition		80	units
8	Total carpet area of the residential apartment booked before transition	$C3 * C7$	5600	sqm
9	Value of booked residential apartments	$C5 * C7$	48	crore
10	Percentage invoicing of booked residential apartments on or before 31.03.2019		60%	
11	Total value of supply of residential apartments having t.o.s. prior to transition	$C9 * C10$	28.8	crore
12	ITC to be reversed on transition, $Tx = T - Te$			
13	Eligible ITC (Te)= $T \times F1 \times F2 \times F3 \times F4$			
14	T (*see notes below)		1	crore
15	F1		1	
16	F2	$C8 / C4$	0.8	
17	F3	$C11 / C9$	0.6	
18	F4	$1 / C6$	5	
19	Eligible ITC (Te)= $T \times F1 \times F2 \times F3 \times F4$	$C14 * C15 * C16 * C17 * C18$	2.4	crore
20	ITC to be reversed on transition, $Tx = T - Te$	$C14 - C19$	-1.4	crore
21	Tx after application of cap on % invoicing vis-a-vis P_c			
22	% completion		20%	
23	% invoicing		60%	
24	% invoicing after application of cap($P_c + 25\%$)	$C6 + 25\%$	45%	
25	Total value of supply of residential apartments having t.o.s. prior to transition	$C9 * C24$	21.60	crore
26	F3 after application of cap	$C25 / C9$	0.45	
27	$Te = T \times F1 \times F2 \times F3 \times F4$ (after application of cap)	$C14 * C15 * C16 * C26 * C18$	1.80	crore
28	ITC to be reversed / taken on transition, $Tx = T - Te$ (after application of cap)	$C14 - C27$	-0.80	crore
29	Tx after application of cap on % invoicing vis-a-vis P_c and payment realisation			
30	% invoicing after application of cap($P_c + 25\%$)		45%	
31	Total value of supply of residential apartments having t.o.s. prior to transition	$C25$	21.60	crore
32	consideration received		16.00	crore
33	Total value of supply of residential apartments having t.o.s. prior to transition after application of cap vis-a-vis consideration received	$16 \text{ cr} + 25\% \text{ of } 16 \text{ Cr}$	20.00	crore
34	F3 after application of both the caps	$C33 / C9$	0.42	
35	$Te = T \times F1 \times F2 \times F3 \times F4$ (after application of both the caps)	$C14 * C15 * C34 * C26 * C18$	1.67	
36	ITC to be reversed / taken on transition, $Tx = T - Te$ (after application of both the caps)	$C14 - C35$	-0.67	crore
*Note:- 1. The value of T at C14 has been estimated for illustration based on weighted average tax on inputs. 2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.				

[F. No.354/32/2019-TRU]

(Pramod Kumar)

Illustration 1:

A promoter has procured following goods and services [other than capital goods and services by way of grant of development rights, long term lease of land or FSI] for construction of a residential real estate project during a financial year.

Sl. No.	Name of input goods and services	Percentage of input goods and services received during the financial year	Whether inputs received from registered supplier? (Y/ N)
1	Sand	10	Y
2	Cement	15	N
3	Steel	20	Y
4	Bricks	15	Y
5	Flooring tiles	10	Y
6	Paints	5	Y
7	Architect/ designing/ CAD drawing etc.	10	Y
8	Aluminium windows, Ply, commercial wood	15	Y

In this example, the promoter has procured 80 per cent. of goods and services [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], from a GST registered person. However, he has procured cement from an unregistered supplier. Hence at the end of financial year, the promoter has to pay GST on cement at the applicable rates on reverse charge basis.

Illustration 2:

A promoter has procured following goods and services [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], for construction of a residential real estate project during a financial year.

Sl. No.	Name of input goods and services	Percentage of input goods and services received during the financial year	Whether inputs received from registered supplier? (Y/ N)
1	Sand	10	Y
2	Cement	15	Y
3	Steel	20	Y
4	Bricks	15	Y
5	Flooring tiles	10	Y

6	Paints	5	N
7	Architect/ designing/ CAD drawing etc.	10	Y
8	Aluminium windows, Ply, commercial wood	15	N

In this example, the promoter has procured 80 per cent. of goods and services including cement from a GST registered person. However, he has procured paints, aluminum windows, ply and commercial wood etc. from an unregistered supplier. Hence at the end of financial year, the promoter is not required to pay GST on inputs on reverse charge basis.

Illustration 3:

A promoter has procured following goods and services [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], for construction of a residential real estate project during a financial year.

Sl. No.	Name of input goods and services	Percentage of input goods and services received during the financial year	Whether inputs procured from registered supplier? (Y/ N)
1	Sand	10	N
2	Cement	15	N
3	Steel	15	Y
4	Bricks	10	Y
5	Flooring tiles	10	Y
6	Paints	5	Y
7	Architect/ designing/ CAD drawing etc.	10	Y
8	Aluminium windows	15	N
9	Ply, commercial wood	10	N

In this example, the promoter has procured 50 per cent. of goods and services from a GST registered person. However, he has procured sand, cement and aluminum windows, ply and commercial wood etc. from an unregistered supplier. Thus, value of goods and services procured from registered suppliers during a financial year falls short of threshold limit of 80 per cent. To fulfill his tax liability on the shortfall of 30 per cent. from mandatory purchase, the promoter has to pay GST on cement at the applicable rate on reverse charge basis. After payment of GST on cement, on the remaining shortfall of 15 per cent., the promoter shall pay tax @ 18 per cent. under RCM.

[F. No.354/32/2019-TRU]

(Pramod Kumar)

Annexure IV

FORM

(Form for exercising one time option to pay tax on construction of apartments in a project by the promoters at the rate as specified for item (ie) or (if), against serial number 3 in the Table in this notification, as the case may be, by the 10th of May, 2019)

Reference No. _____

Date _____

To _____

(To be addressed to the jurisdictional Commissioner)

1. GSTIN:
2. RERA registration Number of the Project:
3. Name of the project, if any:
4. The location details of the project, with clear demarcation of land dedicated for the project along with its boundaries including the longitude and latitude of the end points of the project:
5. The number, type and the carpet area of apartments for booking or sale in the project:
6. Date of receipt of commencement certificate:

Declaration

1. I hereby exercise the option to pay tax on construction of apartments in the above mentioned project as under :

I shall pay tax on construction of the apartments: (put (✓) in appropriate box)	At the rate as specified for item (ie) or (if), against serial number 3 in the Table in this notification, as the case may be	At the rate as specified for item (i) or (ia) or (ib) or (ic) or (id), against serial number 3 in the Table in this notification, as the case may be

2. I understand that this is a onetime option, which once exercised, shall not be allowed to be changed.
3. I also understand that invoices for supply of the service can be issued during the period from 1st April 2019 to 10th May 2019 before exercising the option, but such invoices shall be in accordance with the option being exercised herein.

Signature _____

Name _____

Designation _____

Place _____

Date _____]¹²²

¹²² Inserted vide notification No. 3/2019- Central Tax (Rate) dated 29.03.2019.

[TO BE PUBLISHED IN THE GAZZETE OF INDIA, EXTRAORDINARY, PART II,
SECTION 3, SUB-SECTION (i)]

Government of India

Ministry of Finance

(Department of Revenue)

Notification No. 03/2019-Central Tax (Rate)

New Delhi, the 29th March, 2019

G.S.R.....(E).- In exercise of the powers conferred by sub-sections (1), (3) and (4) of section 9, sub-section (1) of section 11, sub-section (5) of section 15, sub-section (1) of section 16 and section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No.11/2017- Central Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 690(E), dated the 28th June, 2017, namely:-

In the said notification, -

(i) in the opening paragraph,

- (a) after the word, brackets and figures “conferred by sub-section (1),” the word, brackets and figures “sub-section (3) and sub-section (4)” shall respectively be inserted;
- (b) the word “and” after the words and figures “sub-section (5) of section 15” shall be substituted by the symbol “,”;
- (c) after the word, brackets and figures “section (16)”, the words and figure “and section 148” shall be inserted;

(ii) in the Table, -

- (a) against serial number 3, for item (i), and the entries relating thereto in column (3), (4) and (5), the following items and entries shall be substituted, namely, -

Table

(3)	(4)	(5)
“(i) Construction of affordable residential apartments by a promoter in a Residential Real Estate Project (herein after referred to as RREP) which commences on or after 1 st April, 2019 or in an ongoing RREP in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire	0.75	Provided that the central tax at the rate specified in column (4) shall be paid in cash, that is, by debiting the electronic cash ledger only; Provided also that credit of input tax charged on goods and services used in supplying the service hasnot been taken except to the extent as prescribed in Annexure I in the case of REP other than RREP and in Annexure II in the case of RREP;

consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)		Provided also that the registered person shall pay, by debit in the electronic credit ledger or electronic cash ledger, an amount equivalent to the input tax credit attributable to construction in a project, time of supply of which is on or after 1 st April, 2019, which shall be calculated in the manner as prescribed in the Annexure I in the case of REP other than RREP and in Annexure II in the case of RREP;
(ia) Construction of residential apartments other than affordable residential apartments by a promoter in an RREP which commences on or after 1 st April, 2019 or in an ongoing RREP in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)	3.75	Provided also that where a registered person (landowner- promoter) who transfers development right or FSI (including additional FSI) to a promoter (developer- promoter) against consideration, wholly or partly, in the form of construction of apartments, - (i) the developer- promoter shall pay tax on supply of construction of apartments to the landowner- promoter, and
(ib) Construction of commercial apartments (shops, offices, godowns etc.) by a promoter in an RREP which commences on or after 1 st April, 2019 or in an ongoing RREP in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)	3.75	(ii) such landowner – promoter shall be eligible for credit of taxes charged from him by the developer promoter towards the supply of construction of apartments by developer- promoter to him, provided the landowner- promoter further supplies such apartments to his buyers before issuance of completion certificate or first occupation, whichever is earlier, and pays tax on the same which is not less than the amount of tax charged from him on construction of such apartments by the developer- promoter. Explanation. - (i) “developer- promoter” is a promoter who constructs or converts a building into apartments or develops a plot for sale,
(ic) Construction of affordable residential apartments by a promoter in a Real Estate Project (herein after referred to as REP) other than RREP , which commences on or	0.75	

after 1st April, 2019 or in an ongoing REP other than RREP in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)		(ii) “landowner- promoter” is a promoter who transfers the land or development rights or FSI to a developer- promoter for construction of apartments and receives constructed apartments against such transferred rights and sells such apartments to his buyers independently. Provided also that eighty percent of value of input and input services, [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], used in supplying the service shall be received from registered supplier only; Provided also that inputs and input services on which tax is paid on reverse charge basis shall be deemed to have been purchased from registered person; Provided also that where value of input and input services received from registered suppliers during the financial year (or part of the financial year till the date of issuance of completion certificate or first occupation of the project, whichever is earlier) falls short of the said threshold of 80 per cent., tax shall be paid by the promoter on value of input and input services comprising such shortfall at the rate of eighteen percent on reverse charge basis and all the provisions of the Central Goods and Services Tax Act, 2017 (12 of 2017) shall apply to him as if he is the person liable for paying the tax in relation to the supply of such goods or services or both; Provided also that notwithstanding anything contained herein above, where cement is received from an unregistered person, the promoter shall pay tax on supply of such cement at the applicable
(id) Construction of residential apartments other than affordable residential apartments by a promoter in a REP other than a RREP which commences on or after 1st April, 2019 or in an ongoing REP other than RREP in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)	3.75	

		rates on reverse charge basis and all the provisions of the Central Goods and Services Tax Act, 2017 (12 of 2017), shall apply to him as if he is the person liable for paying the tax in relation to such supply of cement; (Please refer to the illustrations in annexure III) Explanation. - 1. The promoter shall maintain project wise account of inward supplies from registered and unregistered supplier and calculate tax payments on the shortfall at the end of the financial year and shall submit the same in the prescribed form electronically on the common portal by end of the quarter following the financial year. The tax liability on the shortfall of inward supplies from unregistered person so determined shall be added to his output tax liability in the month not later than the month of June following the end of the financial year. 2. Notwithstanding anything contained in Explanation 1 above, tax on cement received from unregistered person shall be paid in the month in which cement is received. 3. Input Tax Credit not availed shall be reported every month by reporting the same as ineligible credit in GSTR-3B [Row No. 4 (D)(2)].
(ie) Construction of an apartment in an ongoing project under any of the schemes specified in sub-item (b), sub-item (c), sub-item (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item (d) and sub-item (da) of item (v); and sub-item (c) of item (vi), against serial number 3 of the Table, in respect of which the promoter has exercised option to pay central tax on construction of apartments at the rates as	6	Provided that in case of ongoing project, the registered person shall exercise one time option in the Form at Annexure IV to pay central tax on construction of apartments in a project at the rates as specified for item (ie) or (if), as the case may be, by the 10th of May, 2019; Provided also that where the option is not exercised in Form at annexure IV by the 10th of May, 2019, option to pay tax at the

specified for this item. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)		rates as applicable to item (i) or (ia) or (ib) or (ic) or (id) above, as the case may be, shall be deemed to have been exercised;
(if) Construction of a complex, building, civil structure or a part thereof, including,- (i) commercial apartments (shops, offices, godowns etc.) by a promoter in a REP other than RREP, (ii) residential apartments in an ongoing project, other than affordable residential apartments, in respect of which the promoter has exercised option to pay central tax on construction of apartments at the rates as specified for this item in the manner prescribed herein, but excluding supply by way of services specified at items (i), (ia), (ib), (ic), (id) and (ie) above intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. Explanation. -For the removal of doubt, it is hereby clarified that, supply by way of services specified at items (i), (ia), (ib), (ic), (id) and (ie) in column (3) shall attract central tax prescribed against them in column (4) subject to conditions specified against them in column (5) and shall not be levied at the rate as specified under this entry. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)	9	Provided also that invoices for supply of the service can be issued during the period from 1st April 2019 to 10th May 2019 before exercising the option, but such invoices shall be in accordance with the option to be exercised.;

- (b) against serial number 3, -
- a. item (ii) and the entries relating thereto in columns (3), (4) and (5) shall be omitted;
 - b. in item (iv) in column (3), -
 - (1) after the figures “2017”, the words, brackets, figures and letters “other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above” shall be inserted;

- c. in item (v) in column (3), -
 (1) after the figures “2017”, the words, brackets, figures and letters “other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above” shall be inserted;
- d. after item (v) and entries relating thereto in column (3), (4) and (5), the following items and entries shall be inserted, namely, -

(3)	(4)	(5)
(va) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017, other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above, supplied by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of affordable residential apartments covered by sub- clause (a) of clause (xvi) of paragraph 4 below, in a project which commences on or after 1 st April, 2019, or in an ongoing project in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if), as the case may be, in the manner prescribed therein,	6	Provided that carpet area of the affordable residential apartments as specified in the entry in column (3) relating to this item, is not less than 50 per cent. of the total carpet area of all the apartments in the project; Provided also that for the purpose of determining whether the apartments at the time of supply of the service are affordable residential apartments covered by sub- clause (a) of clause (xvi) of paragraph 4 below or not, value of the apartments shall be the value of similar apartments booked nearest to the date of signing of the contract for supply of the service specified in the entry in column (3) relating to this item; Provided also that in case it finally turns out that the carpet area

		of the affordable residential apartments booked or sold before or after completion, for which gross amount actually charged was forty five lakhs rupees or less and the actual carpet area was within the limits prescribed in sub- clause (a) of clause (xvi) of paragraph 4 below, was less than 50 per cent. of the total carpet area of all the apartments in the project, the recipient of the service, that is, the promoter shall be liable to pay such amount of tax on reverse charge basis as is equal to the difference between the tax payable on the service at the applicable rate but for the rate prescribed herein and the tax actually paid at the rate prescribed herein”;
--	--	---

- e. in item (vi) in column (3), after the figures “2017”, the words, brackets, and figures “other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above” shall be inserted’;
- f. in item (xii) in column (3), for the entry, the following entry shall be substituted, namely: -
“(xii) Construction services other than (i), (ia), (ib), (ic), (id), (ie), (if), (iii), (iv), (v), (va), (vi), (vii), (viii), (ix), (x) and (xi) above.

Explanation. - For the removal of doubt, it is hereby clarified that, supply by way of services specified at items (i), (ia), (ib), (ic), (id), (ie) and (if) in column (3) shall attract central tax prescribed against them in column (4) subject to conditions specified against them in column (5) and shall not be levied at the rate as specified under this entry.”;

- (c) against serial number 16, in item (ii) in column (3), for the word, brackets and letters “sub-item (b), sub-item (c), sub-item (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item (d) and sub-item (da) of item (v); and sub-item (c) of item (vi)”, the word, brackets figures and letters “ (i) (ia), (ib), (ic), (id), (ie) and (if)” shall be substituted;
- (d) after serial number 38 in column (1) and the entries relating thereto in column (2), (3), (4) and (5) the following serial number and entries shall be inserted, namely: -

(1)	(2)	(3)	(4)	(5)
“39.	Chapter 99	Supply of services other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI) by an unregistered person to a promoter for construction of a project on which tax is payable by the recipient of the services under sub- section 4 of section 9 of the Central Goods and Services Tax Act, 2017 (12 of 2017), as prescribed in notification No. 07 / 2019- Central Tax (Rate), dated 29th March, 2019, published in Gazette of India vide G.S.R. No. __, dated 29th March, 2019. Explanation. - This entry is to be taken to apply to all services which satisfy the conditions prescribed herein, even though they may be covered by a more specific chapter, section or heading elsewhere in this notification.	9	-”;

(iii) in paragraph 2,-

- (a) for the words, brackets, letters and figures “sub-item (b), sub-item (c), sub-item (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item (d) and sub-item (da) of item (v); and sub-item (c) of item (vi),” the word, brackets, letters and figures “ (i) (ia), (ib), (ic), (id), (ie) and (if)” shall be substituted;

(b) in the *Explanation*, after the words “this paragraph” the words “and paragraph 2A below” shall be inserted;

(iv) after paragraph 2, the following paragraph shall be inserted, namely, -

“2A. Where a registered person transfers development right or FSI (including additional FSI) to a promoter against consideration, wholly or partly, in the form of construction of apartments, the value of construction service in respect of such apartments shall be deemed to be equal to the Total Amount charged for similar apartments in the project from the independent buyers, other than the person transferring the development right or FSI (including additional FSI), nearest to the date on which such development right or FSI (including additional FSI) is transferred to the promoter, less the value of transfer of land, if any, as prescribed in paragraph 2 above.”

(v) in paragraph 4 relating to *Explanation*, after clause (xii), the following clauses shall be inserted, namely: -

“(xiii) an apartment booked on or before the 31st March, 2019 shall mean an apartment which meets all the following three conditions, namely- (a) part of supply of construction of which has time of supply on or before the 31st March, 2019 and (b) at least one instalment has been credited to the bank account of the registered person on or before the 31st March, 2019 and (c) an allotment letter or sale agreement or any other similar document evidencing booking of the apartment has been issued on or before the 31st March, 2019;

(xiv) the term “apartment” shall have the same meaning as assigned to it in clause (e) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xv) the term “project” shall mean a Real Estate Project or a Residential Real Estate Project;

(xvi) the term “affordable residential apartment” shall mean, -

(a) a residential apartment in a project which commences on or after 1st April, 2019, or in an ongoing project in respect of which the promoter has not exercised option in the prescribed form to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be, having carpet area not exceeding 60 square meter in metropolitan cities or 90 square meter in cities or towns other than metropolitan cities and for which the gross amount charged is not more than forty five lakhs rupees.

For the purpose of this clause, -

(i) Metropolitan cities are Bengaluru, Chennai, Delhi NCR (limited to Delhi, Noida, Greater Noida, Ghaziabad, Gurgaon, Faridabad), Hyderabad, Kolkata and Mumbai (whole of MMR) with their respective geographical limits prescribed by an order issued by the Central or State Government in this regard;

(ii) Gross amount shall be the sum total of; -

- A. Consideration charged for the services specified at item (i) and (ic) in column (3) against sl. No. 3 in the Table;
 - B. Amount charged for the transfer of land or undivided share of land, as the case may be including by way of lease or sub lease; and
 - C. Any other amount charged by the promoter from the buyer of the apartment including preferential location charges, development charges, parking charges, common facility charges etc.
- (b) an apartment being constructed in an ongoing project under any of the schemes specified in sub-item (b), sub-item (c), sub-item (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item (d) and sub-item (da) of item (v); and sub-item (c) of item (vi), against serial number 3 of the Table above, in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be.

(xvii) the term “promoter” shall have the same meaning as assigned to it in in clause (zk) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xviii) the term “Real Estate Project (REP)” shall have the same meaning as assigned to it in in clause (zn) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xix) the term “Residential Real Estate Project (RREP)” shall mean a REP in which the carpet area of the commercial apartments is not more than 15 per cent. of the total carpet area of all the apartments in the REP;

(xx) the term “ongoing project” shall mean a project which meets all the following conditions, namely-

(a) commencement certificate in respect of the project, where required to be issued by the competent authority, has been issued on or before 31st March, 2019, and it is certified by any of the following that construction of the project has started on or before 31st March, 2019:-

(i) an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972); or

(ii) a chartered engineer registered with the Institution of Engineers (India); or

(iii) a licensed surveyor of the respective local body of the city or town or village or development or planning authority.

(b) where commencement certificate in respect of the project, is not required to be issued by the competent authority, it is certified by any of the authorities specified in sub-clause (a) above that construction of the project has started on or before the 31st March, 2019;

(c) completion certificate has not been issued or first occupation of the project has not taken place on or before the 31st March, 2019;

- (d) apartments being constructed under the project have been, partly or wholly, booked on or before the 31st March, 2019.

Explanation.- For the purpose of sub- clause (a) and (b) above , construction of a project shall be considered to have started on or before the 31st March, 2019, if the earthwork for site preparation for the project has been completed and excavation for foundation has started on or before the 31st March, 2019.

(xxi) "commencement certificate" means the commencement certificate or the building permit or the construction permit, by whatever name called issued by the competent authority to allow or permit the promoter to begin development works on an immovable property, as per the sanctioned plan;

(xxii) "development works" means the external development works and internal development works on immovable property;

(xxiii) "external development works" includes roads and road systems landscaping, water supply, sewerage and drainage systems, electricity supply transformer, sub-station, solid waste management and disposal or any other work which may have to be executed in the periphery of, or outside, a project for its benefit, as may be provided under the local laws;

(xxiv) "internal development works" means roads, footpaths, water supply, sewers, drains, parks, tree planting, street lighting, provision for community buildings and for treatment and disposal of sewage and sullage water, solid waste management and disposal, water conservation, energy management, fire protection and fire safety requirements, social infrastructure such as educational health and other public amenities or any other work in a project for its benefit, as per sanctioned plans;

(xxv) the term "competent authority" as mentioned in definition of "commencement certificate" and "residential apartment" , means the local authority or any authority created or established under any law for the time being in force by the Central Government or State Government or Union Territory Government, which exercises authority over land under its jurisdiction, and has powers to give permission for development of such immovable property;

(xxvi) The term "carpet area" shall have the same meaning assigned to it in in clause (k) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xxvii) the term "Real Estate Regulatory Authority" shall mean the Authority established under sub- section (1) of section 20 (1) of the Real Estate (Regulation and Development) Act, 2016 (No. 16 of 2016) by the Central Government or State Government;

(xxviii) "project which commences on or after 1st April, 2019" shall mean a project other than an ongoing project;

(xxix) "Residential apartment" shall mean an apartment intended for residential use as declared to the Real Estate Regulatory Authority or to competent authority;

(xxx) "Commercial apartment" shall mean an apartment other than a residential apartment;

(xxxi) “floor space index (FSI)” shall mean the ratio of a building’s total floor area (gross floor area) to the size of the piece of land upon which it is built.”.

2. This notification shall come into force with effect from the 1st day of April, 2019.

[F. No.354/32/2019-TRU]

(Pramod Kumar)

Deputy Secretary to the Government of India

Note: -The principal notification No. 11/2017 - Central Tax (Rate), dated the 28th June, 2017 was published in the Gazette of India, Extraordinary, *vide* number G.S.R. 690 (E), dated the 28th June, 2017 and was last amended by notification No. 30/2018-Central Tax (Rate), dated the 31st December, 2018 *vide* number G.S.R. 1271 (E), dated the 31st December, 2018.

Annexure I

Real estate project (REP) other than Residential Real estate project (RREP)

Input tax credit attributable to construction of residential portion in a real estate project (REP) other than residential real estate project (RREP), which has time of supply on or after 1st April, 2019, shall be calculated project wise for all projects which commence on or after 1st April, 2019 or ongoing projects in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be, in the prescribed manner, before the due date for furnishing of the return for the month of September following the end of financial year 2018-19, in the following manner:

1. Where % completion as on 31st March, 2019 is not zero or where there is inventory in stock

- (a) Input tax credit on inputs and input services attributable to construction of residential portion in a REP, which has time of supply on or after 1st April, 2019, may be denoted as Tx. Tx shall be calculated as under:

$$Tx = T - Te$$

Where,

- (i) T is the total ITC availed (utilized or not) on inputs and input services used in construction of the REP from 1st July, 2017 to 31st March, 2019 including transitional credit taken on 1st July, 2017;
 - (ii) Te is the eligible ITC attributable to (a) construction of commercial portion and (b) construction of residential portion, in the REP which has time of supply on or before 31st March, 2019;
- (b) Te shall be calculated as under:

$$Te = Tc + Tr$$

Where, -

Tc is the ITC attributable to construction of commercial portion in the REP, calculated as under:

$Tc = T * (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP})$ and

Tr is the ITC attributable to construction of residential portion in the REP which has time of supply on or before 31st March, 2019 and which shall be calculated as under,

$$Tr = T * F_1 * F_2 * F_3 * F_4$$

Where, -

$$F_1 = \frac{\text{Carpet area of residential apartments in REP}}{\text{Total carpet area of commercial and residential apartments in the REP}}$$

$$F_2 = \frac{\text{Total carpet area of residential apartment booked on or before 31st March, 2019}}{\text{Total carpet area of the residential apartment in REP}}$$

$$F_3 = \frac{\text{Such Value of supply of construction of residential apartments booked on or before 31st March, 2019 which has time of supply on or before 31st March, 2019}}{\text{Total value of supply of construction of residential apartments booked on or before 31st March, 2019}}$$

(F3 is to account for percentage invoicing of booked residential apartments)

$$F_4 = \frac{1}{\% \text{ Completion of construction as on 31st March, 2019}}$$

Illustration: where one- fifth (twenty percent) of the construction has been completed, F_4 shall be $100 \div 20 = 5$.

Explanation: “% Completion of construction as on 31st March, 2019” shall be the same as declared to the Real Estate Regulatory Authority in terms of section 4 and section 11 of Real Estate (Regulation and Development) Act, 2016 (16 of 2016) and where the same is not required to be declared to the Real Estate Regulatory Authority, it shall be got determined and certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India).

(c) A registered person shall have the option to calculate ‘Te’ in the manner prescribed below instead of the manner prescribed in (b) above,-

Te shall be calculated as under:

$$Te = Tc + T1 + Tr$$

Where, -

Tc is the ITC attributable to construction of commercial portion in the REP, calculated as under:

$T_c = T_3 * (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP});$

Wherein

$$T_3 = T - (T_1 + T_2)$$

T_1 = ITC attributable exclusively to construction of commercial portion in the REP

T_2 = ITC attributable exclusively to construction of residential portion in the REP

and

T_r is the ITC attributable to construction of residential portion in the REP which has time of supply on or before 31.03.2019 and which shall be calculated as under,

$$T_r = (T_3 + T_2) * F_1 * F_2 * F_3 * F_4$$

or

$$T_r = (T - T_1) * F_1 * F_2 * F_3 * F_4$$

(d) The amounts 'Tx' and 'Te' shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

(e) Where, Tx is positive, i.e. $T_e < T$, the registered person shall pay, by debit in the electronic credit ledger or electronic cash ledger, an amount equal to the difference between T and T_e . Such amount shall form part of the output tax liability of the registered person and the amount shall be furnished in FORM GST ITC- 03.

Explanation: The registered person may file an application in FORM GST DRC- 20, seeking extension of time for the payment of taxes or any amount due or for allowing payment of such taxes or amount in installments in accordance with the provisions of section 80. The commissioner may issue an order in FORM GST DRC- 21 allowing the taxable person further time to make payment and/or to pay the amount in such monthly installments, not exceeding twenty-four, as he may deem fit.

(f) Where Tx is negative, i.e. $T_e > T$, the registered person shall be eligible to take ITC on goods and services received on or after 1st April, 2019 for construction of residential portion in the REP, for which he shall not otherwise be eligible, to the extent of difference between T_e and T.

(g) The registered person may calculate T_c and utilize credit to the extent of T_c for payment of tax on commercial apartments, till the complete accounting of Tx is carried out and submitted.

(h) Where percentage completion is zero but ITC has been availed on goods and services received for the project on or prior to 31st March, 2019, input tax credit attributable to construction of residential portion which has time of supply on or after 1st April, 2019, shall be calculated and the amount equal to Tx shall be paid or taken credit of, as the case

may be, as prescribed above, with the modification that percentage completion for calculation of F₄ shall be taken as the percentage completion which, as certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India), can be achieved with the input services received and inputs in stock as on 31st March, 2019.

2. Where % completion as on 31st March, 2019 is zero but invoicing has been done having time of supply before 31st March, 2019, and no input services or inputs have been received as on 31st March, 2019, “Te” shall be calculated as follows: -

(a) Input tax credit on inputs and input services attributable to construction of residential portion in a REP, which has time of supply on or before 31st March, 2019 may be denoted as Te which shall be calculated as under,

$$Te = Tc + Tr$$

Where, -

Tc is the ITC attributable to construction of commercial portion in the REP, calculated as under:

$Tc = Tn * (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP})$ and

Tr is the ITC attributable to construction of residential portion in the REP which has time of supply on or before 31st March, 2019 and which shall be calculated as under,

$$Tr = Tn * F_1 * F_2 * F_3$$

Where, -

Tn= Tax paid on such inputs and input services on which ITC is available under the CGST Act, received in 2019-20 for construction of REP

F₁, F₂ and F₃ shall be the same as in para 1 above

(b) The registered person shall be eligible to take ITC on goods and services received on or after 1st April, 2019 for construction of residential portion in the REP, for which he shall not otherwise be eligible, to the extent of the amount of Te.

(c) The amount ‘Te’ shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

3. Notwithstanding anything contained in paragraph 1 or paragraph 2 above, Te shall be determined in the following situations as under:

(i) where percentage invoicing is more than the percentage completion and the difference between percentage invoicing (per cent. points) and the percentage completion (per cent. points) of construction is more than 25 per cent. points; the

value of percentage invoicing shall be deemed to be percentage completion plus 25 percent. points;

- (ii) where the value of invoices issued on or prior to 31st March, 2019 exceeds the consideration actually received on or prior to 31st March, 2019 by more than 25 per cent. of consideration actually received; the value of such invoices for the purpose of determination of percentage invoicing shall be deemed to be actual consideration received plus 25 percent. of the actual consideration received; and
- (iii) where, the value of procurement of inputs and input services prior to 1st April, 2019 exceeds the value of actual consumption of the inputs and input services used in the percentage of construction completed as on 31st March, 2019 by more than 25 percent. of value of actual consumption of inputs and input services, the jurisdictional commissioner or any other officer authorized in this regard may fix the Te based on actual per unit consumption of inputs and input services based on the documents duly certified by a chartered accountant or cost accountant submitted by the promoter in this regard, applying the accepted principles of accounting.

Illustration 1:

Sl. No	Details of a REP (Res + Com)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		75	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	5250	sqm
5	value of each residential apartment		0.60	crore
6	Total value of the residential apartments	$C2 * C5$	45.00	crore
7	No. of commercial apartments in the project		25	units
8	Carpet area of the commercial apartment		30	sqm
9	Total carpet area of the commercial apartments	$C7 * C8$	750	sqm
10	Total carpet area of the project (Resi + Com)	$C4 + C9$	6000	sqm
11	Percentage completion as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
12	No of residential apartments booked before transition		40	units
13	Total carpet area of the residential apartments booked before transition	$C12 * C3$	2800	sqm
14	Value of booked residential apartments	$C5 * C12$	24	crore
15	Percentage invoicing of booked residential apartments on or before 31.03.2019		20%	
16	Total value of supply of residential apartments having t.o.s. prior to transition	$C14 * C15$	4.8	crore
17	ITC to be reversed on transition, $T_x = T - T_e$			
18	Eligible ITC (T_e) = $T_c + T_r$			
19	T (*see notes below)		1	crore
20	$T_c = T \times (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP})$	$C19 * (C9 / C10)$	0.125	crore
21	$T_r = T \times F1 \times F2 \times F3 \times F4$			
22	F1	$C4 / C10$	0.875	
23	F2	$C13 / C4$	0.533	
24	F3	$C16 / C14$	0.200	
25	F4	$1 / C11$	5	
26	$T_r = T \times F1 \times F2 \times F3 \times F4$	$C19 * C22 * C23 * C24 * C25$	0.467	crore
27	Eligible ITC (T_e) = $T_c + T_r$	$C26 + C20$	0.592	crore
28	ITC to be reversed on transition, $T_x = T - T_e$	$C19 - C27$	0.408	crore
* Note:- 1. The value of T at C19 has been estimated for illustration based on weighted average tax on inputs. 2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.				

Illustration 2:

Sl. No	Details of a REP (Res + Com)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		75	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	5250	sqm
5	value of each residential apartment		0.60	crore
6	Total value of the residential apartments	$C2 * C5$	45.00	crore
7	No. of commercial apartments in the project		25	units
8	Carpet area of the commercial apartment		30	sqm
9	Total carpet area of the commercial apartments	$C7 * C8$	750	sqm
10	Total carpet area of the project (Resi + Com)	$C4 + C9$	6000	sqm
11	Percentage completion (Pc) as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
12	No of residential apartments booked before transition		40	units
13	Total carpet area of the residential apartments booked before transition	$C12 * C3$	2800	sqm
14	Value of booked residential apartments	$C5 * C12$	24	crore
15	Percentage invoicing of booked residential apartments on or before 31.03.2019		60%	
16	Total value of supply of residential apartments having t.o.s. prior to transition	$C14 * C15$	14.4	crore
17	ITC to be reversed on transition, $Tx = T - Te$			
18	Eligible ITC (Te) = $Tc + Tr$			
19	T (*see notes below)		1	crore
20	$Tc = T \times (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP})$	$C19 * (C9 / C10)$	0.125	crore
21	$Tr = T \times F1 \times F2 \times F3 \times F4$			
22	F1	$C4 / C10$	0.875	
23	F2	$C13 / C4$	0.533	
24	F3	$C16 / C14$	0.600	
25	F4	$1 / C11$	5	
26	$Tr = T \times F1 \times F2 \times F3 \times F4$	$C19 * C22 * C23 * C24 * C25$	1.400	crore
27	Eligible ITC (Te) = $Tc + Tr$	$C26 + C20$	1.525	crore
28	ITC to be reversed / taken on transition, $Tx = T - Te$	$C19 - C27$	-0.525	crore
29	Tx after application of cap on % invoicing vis-a-vis Pc			
30	% completion		20%	
31	% invoicing		60%	
32	% invoicing after application of cap ($Pc + 25\%$)	$C11 + 25\%$	45%	
33	Total value of supply of residential apartments having t.o.s. prior to transition	$C14 * C32$	10.80	crore
34	F3 after application of cap	$C33 / C14$	0.45	
35	$Tr = T \times F1 \times F2 \times F3 \times F4$ (after application of cap)	$C19 * C22 * C23 * C34 * C25$	1.05	crore
36	Eligible ITC (Te) = $Tc + Tr$ (after application of cap)	$C20 + C35$	1.18	crore
37	ITC to be reversed / taken on transition, $Tx = T - Te$ (after application of cap)	$C19 - C36$	-0.18	crore
38	Tx after application of cap on % invoicing vis-a-vis Pc and payment realisation			
39	% invoicing after application of cap ($Pc + 25\%$)		45%	
40	Total value of supply of residential apartments having t.o.s. prior to transition	$C33$	10.80	crore
41	Consideration received		8.00	crore
42	Total value of supply of residential apartments having t.o.s. prior to transition after application of cap vis-a-vis consideration received	$8 \text{ cr} + 25\% \text{ of } 8 \text{ Cr}$	10.00	crore
43	F3 after application of both the caps	$C42 / C14$	0.42	
44	$Tr = T \times F1 \times F2 \times F3 \times F4$ (after application of both the caps)	$C19 * C22 * C23 * C43 * C25$	0.97	
45	Eligible ITC (Te) = $Tc + Tr$ (after application of both the caps)	$C20 + C44$	1.10	
46	ITC to be reversed / taken on transition, $Tx = T - Te$ (after application of both the caps)	$C19 - C45$	-0.10	crore
* Note:- 1. The value of T at C19 has been estimated for illustration based on weighted average tax on inputs. 2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.				

[F. No.354/32/2019-TRU]

(Pramod Kumar)

Residential Real estate project (RREP)

Input tax credit attributable to construction of residential and commercial portion in a Residential Real estate project (RREP), which has time of supply on or after 1st April, 2019, shall be calculated project wise for all projects which commence on or after 1st April, 2019 or ongoing projects in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be, in the prescribed manner, before the due date for furnishing of the return for the month of September following the end of financial year 2018-19, in the following manner:

1. Where % completion as on 31st March, 2019 is not zero or where there is inventory in stock

(a) Input tax credit on inputs and input services attributable to construction of residential and commercial portion in an RREP, which has time of supply on or after 1st April, 2019, may be denoted as Tx. Tx shall be calculated as under:

$$Tx = T - T_e$$

Where,

- (i) T is the total ITC availed (utilized or not) on inputs and input services used in construction of the RREP from 1st July, 2017 to 31st March, 2019 including transitional credit taken on 1st July, 2017;
 - (ii) T_e is the eligible ITC attributable to construction of commercial portion and construction of residential portion, in the RREP which has time of supply on or before 31st March, 2019;
- (b) T_e shall be calculated as under:

$$T_e = T * F_1 * F_2 * F_3 * F_4$$

Where, -

$$F_1 = \frac{\text{Carpet area of residential and commercial apartments in the RREP}}{\text{Total carpet area of apartments in the RREP}}$$

(In case of a Residential Real Estate Project, value of “F1” shall be 1.)

$$F_2 = \frac{\text{Total carpet area of residential and commercial apartment booked on or before 31st March, 2019}}{\text{Total carpet area of the residential and commercial apartment in the RREP}}$$

$$F_3 = \frac{\text{Such value of supply of construction of residential and commercial apartments booked on or before 31st March, 2019 which has time of supply on or before 31st March, 2019}}{\text{Total value of supply of construction of residential and commercial apartments booked on or before 31st March, 2019}}$$

(F3 is to account for percentage invoicing of booked residential apartments)

$$F_4 = \frac{1}{\% \text{ Completion of construction as on 31st March, 2019}}$$

Illustration: where one- fifth (twenty percent) of the construction has been completed, F_4 shall be $100 \div 20 = 5$.

Explanation: “% Completion of construction as on 31st March, 2019” shall be the same as declared to the Real Estate Regulatory Authority in terms of section 4 and section 11 of Real Estate (Regulation and Development) Act, 2016 and where the same is not required to be declared to the Real Estate Regulatory Authority, it shall be got determined and certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India).

(c) The amounts ‘Tx’ and ‘Te’ shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

(d) Where, Tx is positive, i.e. $T_e < T$, the registered person shall pay, by debit in the electronic credit ledger or electronic cash ledger, an amount equal to the difference between T and T_e . Such amount shall form part of the output tax liability of the registered person and the amount shall be furnished in FORM GST ITC- 03.

Explanation: The registered person may file an application in FORM GST DRC- 20, seeking extension of time for the payment of taxes or any amount due or for allowing payment of such taxes or amount in installments in accordance with the provisions of section 80. The commissioner may issue an order in FORM GST DRC- 21 allowing the taxable person further time to make payment and/or to pay the amount in such monthly installments, not exceeding twenty-four, as he may deem fit.

(e) Where, Tx is negative, i.e. $T_e > T$, the registered person shall be eligible to take ITC on goods and services received on or after 1st April, 2019 for construction of the RREP, for which he shall not otherwise be eligible, to the extent of difference between T_e and T.

(f) Where percentage completion is zero but ITC has been availed on goods and services received for the project on or prior to 31st March, 2019, input tax credit attributable to construction of residential and commercial portion which has time of supply on or after

1st April, 2019, shall be calculated and the amount equal to Tx shall be paid or taken credit of, as the case may be, as prescribed above, with the modification that percentage completion for calculation of F₄ shall be taken as the percentage completion which, as certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India), can be achieved with the input services received and inputs in stock as on 31st March, 2019.

2. Where % completion as on 31st March, 2019 is zero but invoicing has been done having time of supply before 31st March, 2019, and no input services or inputs have been received as on 31st March, 2019, “Te” shall be calculated as follows: -

(a) Input tax credit on inputs and input services attributable to construction of residential and commercial portion in an RREP, which has time of supply on or before 31st March, 2019 may be denoted as Te which shall be calculated as under,

$$Te = T_n * F_1 * F_2 * F_3$$

Where, -

T_n = Tax paid on such inputs and input services on which ITC is available under the CGST Act, received in 2019-20 for construction of residential and commercial apartments in the RREP.

F₁, F₂ and F₃ shall be the same as in para 1 above

(b) The registered person shall be eligible to take ITC on goods and services received on or after 1st April, 2019 for construction of residential or commercial portion in the RREP, for which he shall not otherwise be eligible, to the extent of the amount of Te.

(c) The amount ‘Te’ shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

3. Notwithstanding anything contained in paragraph 1 or paragraph 2 above, Te shall be determined in the following situations as under:

- (i) where percentage invoicing is more than the percentage completion and the difference between percentage invoicing (per cent. points) and the percentage completion (per cent. points) of construction is more than 25 per cent. points; the value of percentage invoicing shall be deemed to be percentage completion plus 25 percent. points;
- (ii) where the value of invoices issued on or prior to 31st March, 2019 exceeds the consideration actually received on or prior to 31st March, 2019 by more than 25 per cent. of consideration actually received; the value of such invoices for the purpose of determination of percentage invoicing shall be deemed to be actual consideration received plus 25 per cent. of the actual consideration received; and

- (iii) where, the value of procurement of inputs and input services prior to 1st April, 2019 exceeds the value of actual consumption of the inputs and input services used in the percentage of construction completed as on 31st March, 2019 by more than 25 per cent. of value of actual consumption of inputs and input services, the jurisdictional commissioner or any other officer authorized in this regard may fix the Te based on actual per unit consumption of inputs and input services based on the documents duly certified by a chartered accountant or cost accountant submitted by the promoter in this regard, applying the accepted principles of accounting.

Illustration 1:

Sl No	Details of a residential real estate project (RREP)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		100	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	7000	sqm
5	value of each residential apartment		0.60	crore
6	Percentage completion as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
7	No of apartments booked before transition		80	units
8	Total carpet area of the residential apartment booked before transition	$C3 * C7$	5600	sqm
9	Value of booked residential apartments	$C5 * C7$	48	crore
10	Percentage invoicing of booked residential apartments on or before 31.03.2019		20%	
11	Total value of supply of residential apartments having t.o.s. prior to transition	$C9 * C10$	9.6	crore
12	ITC to be reversed on transition, $T_x = T - T_e$			
13	Eligible ITC (T_e)= $T \times F1 \times F2 \times F3 \times F4$			
14	T (*see notes below)		1	crore
15	F1		1	
16	F2	$C8 / C4$	0.8	
17	F3	$C11 / C9$	0.2	
18	F4	$1 / C6$	5	
19	Eligible ITC (T_e)= $T \times F1 \times F2 \times F3 \times F4$	$C14 * C15 * C16 * C17 * C18$	0.8	crore
20	ITC to be reversed on transition, $T_x = T - T_e$	$C14 - C19$	0.2	crore
*Note:- 1. The value of T at C14 has been estimated for illustration based on weighted average tax on inputs. 2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.				

Illustration 2:

Sl No	Details of a residential real estate project (RREP)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		100	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	7000	sqm
5	value of each residential apartment		0.60	crore
6	Percentage completion as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
7	No of apartments booked before transition		80	units
8	Total carpet area of the residential apartment booked before transition	$C3 * C7$	5600	sqm
9	Value of booked residential apartments	$C5 * C7$	48	crore
10	Percentage invoicing of booked residential apartments on or before 31.03.2019		60%	
11	Total value of supply of residential apartments having t.o.s. prior to transition	$C9 * C10$	28.8	crore
12	ITC to be reversed on transition, $Tx = T - Te$			
13	Eligible ITC (Te)= $T \times F1 \times F2 \times F3 \times F4$			
14	T (*see notes below)		1	crore
15	F1		1	
16	F2	$C8 / C4$	0.8	
17	F3	$C11 / C9$	0.6	
18	F4	$1 / C6$	5	
19	Eligible ITC (Te)= $T \times F1 \times F2 \times F3 \times F4$	$C14 * C15 * C16 * C17 * C18$	2.4	crore
20	ITC to be reversed on transition, $Tx = T - Te$	$C14 - C19$	-1.4	crore
21	Tx after application of cap on % invoicing vis-a-vis P_c			
22	% completion		20%	
23	% invoicing		60%	
24	% invoicing after application of cap($P_c + 25\%$)	$C6 + 25\%$	45%	
25	Total value of supply of residential apartments having t.o.s. prior to transition	$C9 * C24$	21.60	crore
26	F3 after application of cap	$C25 / C9$	0.45	
27	$Te = T \times F1 \times F2 \times F3 \times F4$ (after application of cap)	$C14 * C15 * C16 * C26 * C18$	1.80	crore
28	ITC to be reversed / taken on transition, $Tx = T - Te$ (after application of cap)	$C14 - C27$	-0.80	crore
29	Tx after application of cap on % invoicing vis-a-vis P_c and payment realisation			
30	% invoicing after application of cap($P_c + 25\%$)		45%	
31	Total value of supply of residential apartments having t.o.s. prior to transition	$C25$	21.60	crore
32	consideration received		16.00	crore
33	Total value of supply of residential apartments having t.o.s. prior to transition after application of cap vis-a-vis consideration received	$16 \text{ cr} + 25\% \text{ of } 16 \text{ Cr}$	20.00	crore
34	F3 after application of both the caps	$C33 / C9$	0.42	
35	$Te = T \times F1 \times F2 \times F3 \times F4$ (after application of both the caps)	$C14 * C15 * C34 * C26 * C18$	1.67	
36	ITC to be reversed / taken on transition, $Tx = T - Te$ (after application of both the caps)	$C14 - C35$	-0.67	crore
*Note:- 1. The value of T at C14 has been estimated for illustration based on weighted average tax on inputs. 2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.				

[F. No.354/32/2019-TRU]

(Pramod Kumar)

Annexure III

Illustration 1:

A promoter has procured following goods and services [other than capital goods and services by way of grant of development rights, long term lease of land or FSI] for construction of a residential real estate project during a financial year.

Sl. No.	Name of input goods and services	Percentage of input goods and services received during the financial year	Whether inputs received from registered supplier? (Y/ N)
1	Sand	10	Y
2	Cement	15	N
3	Steel	20	Y
4	Bricks	15	Y
5	Flooring tiles	10	Y
6	Paints	5	Y
7	Architect/ designing/ CAD drawing etc.	10	Y
8	Aluminium windows, Ply, commercial wood	15	Y

In this example, the promoter has procured 80 per cent. of goods and services [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], from a GST registered person. However, he has procured cement from an unregistered supplier. Hence at the end of financial year, the promoter has to pay GST on cement at the applicable rates on reverse charge basis.

Illustration 2:

A promoter has procured following goods and services [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], for construction of a residential real estate project during a financial year.

Sl. No.	Name of input goods and services	Percentage of input goods and services received during the financial year	Whether inputs received from registered supplier? (Y/ N)
1	Sand	10	Y
2	Cement	15	Y
3	Steel	20	Y
4	Bricks	15	Y
5	Flooring tiles	10	Y
6	Paints	5	N

7	Architect/ designing/ CAD drawing etc.	10	Y
8	Aluminium windows, Ply, commercial wood	15	N

In this example, the promoter has procured 80 per cent. of goods and services including cement from a GST registered person. However, he has procured paints, aluminum windows, ply and commercial wood etc. from an unregistered supplier. Hence at the end of financial year, the promoter is not required to pay GST on inputs on reverse charge basis.

Illustration 3:

A promoter has procured following goods and services [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], for construction of a residential real estate project during a financial year.

Sl. No.	Name of input goods and services	Percentage of input goods and services received during the financial year	Whether inputs procured from registered supplier? (Y/ N)
1	Sand	10	N
2	Cement	15	N
3	Steel	15	Y
4	Bricks	10	Y
5	Flooring tiles	10	Y
6	Paints	5	Y
7	Architect/ designing/ CAD drawing etc.	10	Y
8	Aluminium windows	15	N
9	Ply, commercial wood	10	N

In this example, the promoter has procured 50 per cent. of goods and services from a GST registered person. However, he has procured sand, cement and aluminum windows, ply and commercial wood etc. from an unregistered supplier. Thus, value of goods and services procured from registered suppliers during a financial year falls short of threshold limit of 80 per cent. To fulfill his tax liability on the shortfall of 30 per cent. from mandatory purchase, the promoter has to pay GST on cement at the applicable rate on reverse charge basis. After payment of GST on cement, on the remaining shortfall of 15 per cent., the promoter shall pay tax @ 18 per cent. under RCM.

[F. No.354/32/2019-TRU]

(Pramod Kumar)

FORM

(Form for exercising one time option to pay tax on construction of apartments in a project by the promoters at the rate as specified for item (ie) or (if), against serial number 3 in the Table in this notification, as the case may be, by the 10th of May, 2019)

Reference No. _____

Date _____

To _____

(To be addressed to the jurisdictional Commissioner)

1. GSTIN:
2. RERA registration Number of the Project:
3. Name of the project, if any:
4. The location details of the project, with clear demarcation of land dedicated for the project along with its boundaries including the longitude and latitude of the end points of the project:
5. The number, type and the carpet area of apartments for booking or sale in the project:
6. Date of receipt of commencement certificate:

Declaration

1. I hereby exercise the option to pay tax on construction of apartments in the above mentioned project as under :

I shall pay tax on construction of the apartments: (put (√) in appropriate box)	At the rate as specified for item (ie) or (if), against serial number 3 in the Table in this notification, as the case may be	At the rate as specified for item (i) or (ia) or (ib) or (ic) or (id), against serial number 3 in the Table in this notification, as the case may be

2. I understand that this is a onetime option, which once exercised, shall not be allowed to be changed.
3. I also understand that invoices for supply of the service can be issued during the period from 1st April 2019 to 10th May 2019 before exercising the option, but such invoices shall be in accordance with the option being exercised herein.

Signature _____

Name _____

Designation _____

Place _____

Date _____