



Agenda for 33rd GST Council Meeting

20th February 2019



File No: 53/33rd GSTCM/GSTC/2019
GST Council Secretariat

Room No.275, North Block, New Delhi
Dated: 12th February 2019

Notice for 33rd Meeting of the GST Council on 20th February 2019 through video conferencing

The undersigned is directed to refer to the subject cited above and to say that the 33rd Meeting of the GST Council will be held on 20th February 2019 (Wednesday) through **Video Conferencing** as follows:

- Wednesday, 20th February 2019 : 12:00 hours onwards
2. The agenda items for the 33rd Meeting of the GST Council will be communicated in due course of time.
 3. Respective State NIC units may be contacted for details regarding the Video Conference.
 4. Please convey the invitation to the Hon'ble Members of the GST Council to attend the meeting.

(-Sd-)
(Dr. Ajay Bhushan Pandey)
Secretary to the Govt. of India and ex-officio Secretary to the GST Council
Tel: 011 23092653

Copy to:

1. PS to the Hon'ble Minister of Finance, Government of India, North Block, New Delhi with the request to brief Hon'ble Minister about the above said meeting.
2. PS to Hon'ble Minister of State (Finance), Government of India, North Block, New Delhi with the request to brief Hon'ble Minister about the above said meeting.
3. The Chief Secretaries of all the State Governments, Delhi and Puducherry with the request to intimate the Minister in charge of Finance/Taxation or any other Minister nominated by the State Government as a Member of the GST Council about the above said meeting.
4. Chairperson, CBIC, North Block, New Delhi, as a permanent invitee to the proceedings of the Council.
5. Chairman, GST Network

Agenda Items for the 33rd Meeting of the GST Council on 20th February 2019

1. Confirmation of the Minutes of 32nd GST Council Meeting held on 10th January 2019
2. Deemed ratification by the GST Council of Notifications, Circulars and Orders issued by the Central Government
3. Decisions of the GST Implementation Committee (GIC) for information of the Council
4. Decisions/recommendations of the IT Grievance Redressal Committee for information of the Council
5. Recommendations of the GoM for boosting Real Estate Sector under GST regime
6. Draft notifications and Removal of Difficulty order giving effect to the decisions of 32nd GST Council Meeting regarding MSME (including small traders)
7. Any other agenda item with the permission of the Chairperson
8. Date of the next meeting of the GST Council

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Discussion on Agenda Items

Agenda Item 1: Confirmation of the Minutes of 32nd GST Council Meeting held on 10th January 2019

Draft Minutes of the 32nd GST Council Meeting held on 10th January, 2019

The thirty second Meeting of the Goods and Services Tax Council (hereinafter referred to as 'the Council') was held on 10th January, 2019 at Vigyan Bhawan, New Delhi, under the Chairpersonship of the Hon'ble Union Finance Minister, Shri Arun Jaitley (hereinafter referred to as the Chairperson). A list of the Hon'ble Members of the Council who attended the meeting is at **Annexure 1**. A list of officers of the Centre, the States, the GST Council and the Goods and Services Tax Network (GSTN) who attended the meeting is at **Annexure 2**.

2. The following agenda items were listed for discussion in the 32nd Meeting of the Council:
 1. Confirmation of the Minutes of 31st GST Council Meeting held on 22nd December, 2018
 2. Deemed ratification by the GST Council of Notifications, Circulars and Orders issued by the Central Government
 3. Decisions of the GST Implementation Committee (GIC) for information of the Council
 4. Interim Report of GoM (Group of Minister) on MSMEs
 5. Issues recommended by the Fitment Committee for the consideration of the GST Council
 - i. Proposal for boosting real estate sector under GST regime by providing a composition scheme for residential construction units
 - ii. Proposal regarding rationalisation of GST rates on Lottery
 - iii. Request by CAPSI (Central Association of Private Security Industry) to bring the entire security services sector including body corporate under RCM (Reverse Charge Mechanism)
 6. Issues recommended by the Law Committee for the consideration of the GST Council
 - i. Notification of provisions of the CGST (Amendment) Act, 2018; UTGST (Amendment) Act, 2018, the GST (Compensation to States) Amendment Act, 2018 and the IGST (Amendment) Act, 2018
 - ii. Consequential amendments in notifications issued earlier in light of bringing into force the provisions of the CGST (Amendment) Act, 2018; the UTGST (Amendment) Act, 2018; the GST (Compensation to States) Amendment Act, 2018 and the IGST (Amendment) Act, 2018
 - iii. Consequential amendments in Circulars and Orders issued earlier in light of bringing into force the provisions of the CGST (Amendment) Act, 2018; the UTGST (Amendment) Act, 2018; the GST (Compensation to States) (Amendment) Act, 2018 and the IGST (Amendment) Act, 2018
 - iv. Proposal for amendment in CGST Rules, 2017
 7. Review of Revenue position
 8. Allowing ITGRC (IT Grievance Redressal Committee) to consider non-technical issues (errors apparent on the face of record)
 9. Use of RFID (Radio-frequency Identification) data for strengthening enforcement of e-Way bill system under GST
 10. Quarterly Report of the NAA (National Anti-profiteering Authority) for the quarter October to December 2018 for the information of the GST Council
 11. Report of GoM on Revenue Mobilisation
 12. Any other agenda item with the permission of the Chairperson
 13. Date of the next meeting of the GST Council

Preliminary discussion

3. The Hon'ble Chairperson welcomed everyone to the 32nd Meeting of the Council. He informed that three new Members had joined the Council, namely, Shri T.S. Singh Deo, Shri Priyavrat Singh and Shri Shanti Kumar Dhariwal, Hon'ble Ministers from Chhattisgarh, Madhya Pradesh and Rajasthan respectively. By way of introduction for the newly joined Members, he stated that the Council was a new experiment on co-operative federalism, which met from time to time. He added that he was confident that the three new Members would contribute positively to the working of the Council.

3.1. Before taking up discussion on the Agenda items, Shri Yanamala Ramakrishnudu, Hon'ble Minister from Andhra Pradesh raised an issue that Agenda fixation for the Council Meeting should be in consultation with the States and observed that Agenda of the States was not appearing in the meeting. He added that alternatively, information on the Agenda items should be shared in advance with the States. Dr. A.B. Pandey, Union Revenue Secretary and Secretary to the Council (hereinafter referred to as the Secretary), stated that some of the Agenda items, like Agenda item 1 (Confirmation of the Minutes of the 31st Meeting), Agenda item 2 (Deemed ratification of Notifications, Circulars and Orders issued by the Central Government) and Agenda item 7 (Review of Revenue position) were routine agenda items. Agenda items 5(i) (Proposal for boosting real estate sector under GST regime by providing a composition scheme for residential construction units), 5(ii) (Proposal regarding rationalisation of GST rates on Lottery), 8 (Allowing ITGRC to consider non-technical issues), and 11 (Report of GoM on Revenue Mobilisation) were placed before the Council in pursuance of the decision of the last Council Meeting to discuss these issues in a combined meeting of the Fitment Committee and the Law Committee or in the GoM and place the recommendations in the next meeting of the Council. He added that the only new substantive agenda was Agenda item 9 (Use of RFID data for strengthening enforcement of e-Way bill system under GST) which was discussed during the Officers meeting held on 9th January, 2019 and the Council would be apprised about its deliberations when this Agenda item came up for discussion.

3.2. The Hon'ble Chairperson observed that there should be a procedure by which any pressing issue raised by a State may be brought before the Council. He stated that the Hon'ble Minister of a State could write to him or the Finance Secretary of the State concerned could write to the Union Revenue Secretary. The Hon'ble Minister from Andhra Pradesh stated that they had written to the Council on certain issues and they would write again on those issues. Many of these issues related to fitment of rates, which needed to be considered in either way but they had not been brought before the Council. Shri Manish Sisodia, Hon'ble Deputy Chief Minister of Delhi, stated that there should be a practice to circulate the list of Agenda items forwarded by the States to the Council Secretariat every month or during the meeting of the Council even if these were not part of the Agenda.

3.3. The Hon'ble Chairperson observed that many times, the Hon'ble Members had raised issues orally during the Council Meeting and he always allowed them to be raised. Most of these issues related to rates and these were mostly referred to the Fitment Committee for consideration. He observed that most of the issues, raised by the Hon'ble Minister from Andhra Pradesh also related to rates and as a test case it needed to be verified whether or not all these issues had gone to the Fitment Committee for consideration.

3.4. Shri V. Narayanasamy, Hon'ble Chief Minister of Puducherry, stated that during the last Meeting of the Council, he had raised the issue of IGST settlement for the financial year 2017-2018 and it was decided that the Finance Secretaries of Puducherry and Delhi would meet the Union Revenue

Secretary to find a solution. He urged that a decision on this issue was required to be taken early and requested intervention of the Hon'ble Chairperson in this regard. The Hon'ble Chairperson observed that the Secretary may discuss this issue with Puducherry and Delhi at the earliest possible.

3.5. The Hon'ble Deputy Chief Minister of Delhi stated that the amount lying in the IGST account should be settled by 31st March, 2019 and suggested that the Council could take a decision to this effect. He observed that in the absence of such a decision, the amount would be in the Consolidated Fund of India by default and then it would get devolved to the States to the exclusion of the UTs of Delhi and Puducherry. He further stated that if the money went to the Consolidated Fund of India after the IGST amount had been settled finally, then the problem associated with devolution for his State would not arise. The Hon'ble Chairperson observed that practically it was unlikely that the IGST amount could be kept as nil as collections and refunds would happen right till end of March. Hence, some amount would always remain un-apportioned. The Secretary stated that in March, 2019 also, some IGST amount would come into the Consolidated Fund of India and refunds would be given, and the Government would come to know about the exact amount lying in the Consolidated Fund of India only at the end of March, 2019. He further stated that they were taking legal opinion as to whether the unsettled IGST amount could be kept in the Consolidated Fund of India and whether it was devolvable. He added that this issue was also under discussion with the accounting authorities of the Central Government before taking appropriate decision.

3.6. The Hon'ble Chairperson observed that since the two Union Territories with legislature were not getting any money through devolution, their request to keep only a minimal amount under the IGST head would need to be examined. The Hon'ble Deputy Chief Minister of Delhi stated that an in-principle decision should be taken now that Union of India should keep only a minimal amount under the IGST head as this might be the last meeting of the Council during the current financial year. Dr. T.V. Somanathan, Commissioner, State Tax, Tamil Nadu, stated that the Government of Tamil Nadu held the same view as that of the Hon'ble Deputy Chief Minister of Delhi and the practice of *ad hoc* settlement should continue in March, 2019 and no money should lie in the IGST account at the end of March, 2019. The Hon'ble Chairperson observed that as mentioned by the Secretary, this would need further examination.

3.7. After these preliminary discussions, the Hon'ble Chairperson invited the Secretary to take up the Agenda items for discussion.

Agenda Item 1: Confirmation of the Minutes of 31st GST Council Meeting held on 22nd December, 2018

4. The Secretary stated that during the Officers meeting held on 9th January, 2019, no comments were received on the Minutes of the 31st GST Council Meeting held on 22nd December, 2018. The Hon'ble Chairperson stated that alternatively, if a Member found that he had been inaccurately quoted, then the correction to his version could be forwarded to the Secretary in writing and appropriate corrections could be made. He invited comments, if any, from the Members. Shri Manpreet Singh Badal, Hon'ble Minister from Punjab, stated that they had suggested some editorial corrections in writing, which should be taken on record. The following corrections were suggested:

(i) In paragraph 12.7 of the Minutes, to make corrections in the last three sentences as follows (the suggested additions are underlined in italics and suggested deletions are in strike through mode): 'He explained that the service providers like *Paytm in respect of telecom services provided by* BSNL and MTNL were accounting a large portion of taxes dues to his State, to their head offices in NOIDA based

on the address of the suppliers *and not of the subscribers*. He suggested that a special group should be constituted to look at the possible State-wise distortions and suggest ways for augmentation of revenue and particularly the revenue which had not been reaching the destination States. He further suggested that rate rationalization should be looked at *keeping in mind* July, 2022 and not ~~in~~ *May, 2018 2019.*'

(ii) In paragraph 12.19 of the Minutes, to make corrections in the last two sentences as follows (the suggested changes are underlined and in italics and suggested deletions are in strike through mode): 'On Service Tax, he stated that earlier, a large part of Service Tax was levied on B2B ~~payment~~ *supplies* i.e. between *the stages of* manufacture and retail like renting of immovable properties, C&F agent, business auxiliary service, business support service, advertisement, etc. and the revenue from them was going to be ~~channelized~~ *cannibalized* in GST, *being a levy on the final price*. He stated that as per his estimate, the net revenue from Service Tax was supposed to be around Rs.70,000 crore depending upon the *exemption* threshold.'

(iii) In paragraph 12.20 of the Minutes, to make corrections in the first six sentences as follows (the suggested changes are in italics and underlined and suggested deletions are in strike through mode): 'The Advisor (Financial Resources), Punjab, further stated that ~~during the pre-~~ *at the time* GST period ~~(2008-15)~~ *design was first conceived around 2008*, the rate of State VAT was ~~originally~~ *standard rated @12.54%* and ~~CST~~ *merit rate was* 4% but the rates ~~varied~~ *rose* subsequently ~~among the~~ *across the* States as some States started levying 10% surcharge, some raised tax rates etc. ~~So, GST was rolled out.~~ *At the time GST was ushered, M-most* States had a ~~tax~~ *VAT* rate of 13.5%-14% on a cascaded value, which included *Central* Excise ~~duty~~, in addition to CST of 2% plus the ~~tax of~~ *input tax credit reversals of* 4% on stock transfers. Thus, his estimate was that most of the States had a prevalent ~~tax~~ *VAT* rate of 18% *at the higher end* which had now become 9% (as SGST) and VAT rate of 6% *(together with similar cascading)* had become 2.5% *or 6%* SGST *at the most*. This had an impact on the revenue front. He stated that Punjab's *primary* ~~had two fold~~ problem, ~~namely Purchase Tax and~~ *was the* mismatch between ratio of Punjab's share of GDP in the country's GDP ~~and~~ *when compared with Punjab's* GST revenue *vis-à-vis* country's total GST revenue. He added that share of Punjab in the country's GDP was 2.8% but its share of GST revenue was only 2.4%. *This automatically neutralized all factors such as Purchase Tax.*'

4.1. The Council approved the changes to the Minutes as proposed above. No other Member made any comments on the Minutes of the 31st GST Council Meeting.

5. **For Agenda item 1**, the Council decided to adopt the Minutes of the 31st Meeting of GST Council with changes as recorded in paragraph 4 above.

Agenda Item 2: Deemed ratification by the GST Council of Notifications, Circulars and Orders issued by the Central Government

6. The Secretary informed that during the Officers meeting held on 9th January, 2019, a presentation was made on this Agenda item (attached as **Annexure 3** to the Minutes) informing about the Notifications, Circulars and Orders issued under the GST Laws by the Central Government after 22nd December, 2018 (date of the 31st GST Council Meeting) and till 2nd January, 2019, which were required to be ratified by the Council. He informed that the officers did not raise any issues and proposed that the Council may ratify the Notifications, Circulars and Orders. The Council agreed to the same.

7. **For Agenda item 2**, the Council approved the deemed ratification of the following Notifications, Circulars and Orders issued by the Central Government after 22nd December, 2018 (date

of the 31st GST Council Meeting), till 2nd January, 2019, which are available on the website: www.cbic.gov.in :

| Act/Rules | Type | Notification/Circular/Order Nos. |
|---------------------|----------------------------|--|
| CGST Act/CGST Rules | Central Tax | 67 to 78 of 2018 |
| | Central Tax (Rate) | 24 to 30 of 2018 |
| IGST Act | Integrated Tax | 4 of 2018 |
| | Integrated Tax (Rate) | 25 to 31 of 2018 |
| UTGST Act | Union Territory tax (Rate) | 24 to 30 of 2018 |
| Circulars | Under the CGST Act | 76 to 81 of 2018 and 82 to 86 of 2019 |
| ROD Orders | Under the CGST Act | 2 to 4 of 2018 |

7.1. The Notifications, Circulars and Orders issued by the States, which are *pari materia* with the above Notifications, Circulars and Orders, were also deemed to have been ratified.

Agenda Item 3: Decisions of the GST Implementation Committee (GIC) for information of the Council

8. Introducing this Agenda item, the Secretary stated that the GST Implementation Committee (GIC) took one decision between 22nd December, 2018 (when the 31st GST Council Meeting was held), and 2nd January, 2019 (before the 32nd Council Meeting). The decision related to a provisional settlement on *ad hoc* basis of IGST amount to the tune of Rs.18,000 crore between the Centre and the States. The GIC had agreed to the proposal to settle this additional IGST amount, 50% to the Centre and 50% to the States, on *ad hoc* basis. He stated that this Agenda item was discussed during the Officers meeting held on 9th January, 2019 (presentation on the issue attached as **Annexure 3** to the Minutes) and there were no comments from the Officers. He stated that this Agenda item was placed before the Council for information.

9. For **Agenda item 3**, the Council took note of the decision taken by the GIC between 22nd December, 2018 (when the 31st GST Council Meeting was held), and 2nd January, 2019.

Agenda Item 4: Interim Report of GoM (Group of Ministers) on MSMEs

10. Introducing this Agenda item, the Secretary stated that during the last meeting of the Council, certain issues relating to MSME sector were referred to the Group of Minister (GoM) on MSME. He informed that a meeting of the GoM on MSME was held on 6th January, 2019. The GoM made certain recommendations, which were placed before the Council for consideration. He invited Shri Manish Kumar Sinha, Joint Secretary, TRU-II to make a presentation on the recommendations. The Joint Secretary, TRU-II made a presentation on the five recommendations made by the GoM on MSME (attached as **Annexure 4** to the Minutes). A record of discussion with respect to each of the recommendations of the GoM is as below:

(I) Increase of limit of annual turnover for Composition scheme to Rs.1.5 crore with effect from 1st April, 2019

10.1. The Joint Secretary, TRU-II stated that during the 23rd meeting of the Council held on 10th November, 2017, it was decided to raise the annual turnover threshold for eligibility of taxpayers under the Composition scheme to Rs.1.5 crore from the existing Rs.1.0 crore. In the last meeting of the Council, it was decided that all amendments to the CGST Act, 2017 and the SGST Acts, 2017 (which also includes this amendment) shall come into effect from 1st February, 2019. The GoM proposed that the increase in annual turnover threshold from Composition could be implemented with effect from 1st April, 2019 since the Composition taxpayers were filing quarterly return and the new threshold could be applied from the beginning of the quarter after coming into force of the new law from 1st February, 2019 i.e. with effect from 1st April, 2019. He added that this decision would give relief to manufacturers who were exempt from payment of Central Excise duty up to an annual turnover of Rs.1.5 crore during the pre-GST era. He stated that the annual revenue implication of this decision for all taxes put together was likely to be around Rs.742 crore.

10.2. On an inquiry from the Hon'ble Chairperson regarding the number of persons who would avail the benefit of this scheme, the Joint Secretary, TRU-II stated that about one lakh new taxpayers were likely to take benefit of the increase in annual turnover threshold under the Composition scheme from Rs.1.0 crore to Rs.1.5 crore.

10.3. Shri Krishna Byre Gowda, Hon'ble Minister from Karnataka, stated that from the figures indicated in the presentation, it appeared that when the annual turnover threshold for availing the Composition scheme was Rs.1.0 crore, only 22% of the eligible taxpayers had availed the Composition scheme. He further stated that the proposed increase in the annual turnover threshold for Composition taxpayers now being made was meant to address the grievance of the MSME sector. However, as only 22% of the eligible taxpayers had availed this Scheme, it was clear that this facility was not relieving the sufferings of the bulk of the MSME units. He added that their suffering was more due to compliance burden and not composition or regular rate of tax. He added that the proposed increase in the annual turnover threshold might not solve the problem of the small taxpayers. He stated that while he was not opposed to this proposal, he wanted to put this perspective before the Council.

10.4. The Hon'ble Chairperson stated that the compliance issues were also being simplified. He observed that even where taxpayers were exempted from GST because their annual turnover was less than Rs.20 lakh, many were still taking registration for reasons like remaining within input tax credit chain and to make inter-State supplies. He stated that the proposed increase of Composition threshold would provide a window to those taxpayers who wanted to make supplies within the State and did not want to face too much of compliance burden. The Hon'ble Minister from Karnataka stated that business people wanted to continue in the supply chain but they also wanted easing of compliance requirements. He observed that the new return system had been deferred to 1st July, 2019 and the present measures might not cater to their needs. Shri Sushil Kumar Modi, Hon'ble Deputy Chief Minister of Bihar, stated that to ease the compliance requirements, the return filing by Composition taxpayers would become annual with quarterly payment of tax. The Hon'ble Chairperson suggested that the Council may agree to notify to increase the limit of annual turnover for Composition taxpayers from Rs. 1.0 crore to Rs.1.5 crore for goods from 1st April, 2019. The Council agreed to this proposal.

(II) Simplification under Composition scheme by way of quarterly payment with annual return

10.5. Introducing this proposal, the Joint Secretary, TRU-II stated that it was proposed to make compliance burden for Composition taxpayers simpler as they only needed to pay 1% tax on their turnover and hence the only relevant information required was their turnover declaration. It was proposed to continue with the system of collecting minimal details from Composition taxpayers while making quarterly payment of tax and they could file their return annually. He stated that the Law Committee and the Fitment Committee had agreed to this proposal in their joint meeting held on 4th January, 2019. He stated that a tax payment declaration would be designed by the Law Committee with details necessary for compliance verification and the FORM GSTR-4 would be suitably amended.

10.6. The Hon'ble Chairperson stated that it was a positive step forward and additional steps for simplification could be worked out in due course. The Hon'ble Minister from Karnataka reiterated that businesses wanted to stay in the tax chain as there were benefits for the same and as such there was a need to simplify compliance requirements. The Hon'ble Chairperson stated that the organised sector of business was, by and large, at ease with the GST system, but the small businessmen were finding it burdensome. Therefore, the smaller businesses may require to be offered multiple avenues of simplified system to reduce the compliance burden on them. He suggested that the Council could agree to this recommendation of GoM. The Council agreed to the same.

10.7. The Council agreed to the proposal to simplify the Composition scheme by providing for quarterly payment of tax and filing of only one return in a year with effect from 1st April 2019. The Law Committee to design a tax payment declaration with details necessary for compliance verification and also to suitably amend the FORM GSTR-4 and to place it before the Council.

(III) Increasing threshold exemption for suppliers of goods

10.8. The Joint Secretary, TRU-II introduced the third recommendation of GoM regarding increasing exemption threshold for supplier of goods for registration up to Rs.75 lakh. He informed that during the joint meeting of the Law Committee and the Fitment Committee held on 4th January, 2019, the following two alternatives were suggested: (i) to raise the annual threshold exemption uniformly for goods and services to Rs.40 lakh; or (ii) to raise the annual threshold exemption for goods to Rs.40 lakh and a special composition scheme be provided for services between Rs. 20 lakh and Rs 40 lakh at the rate of 8% of GST. He added that for Special Category States, the preliminary view was to raise the limit uniformly to Rs.20 lakh. However, a separate decision was needed to be taken for the Special Category States after discussing the issue with them. He stated that the joint meeting of the Law Committee and the Fitment Committee held on 4th January, 2019 had also discussed the merits and demerits of the proposal for increasing the annual turnover threshold limit for registration.

10.9. The merits of the proposal were: (i) it would reduce the economic cost to the small traders and the money so saved could be invested in the economy leading to multiplier effect; (ii) there would be buoyancy of reporting in the economy as presently, it was observed that there was crowding of reporting around the existing threshold of Rs.20 lakh; (iii) the revenue implication would also be minimal as the exemption for higher threshold would largely be availed by those making Business to Consumer (B2C) transactions within the State; and (iv) this would help in better administration as a higher threshold would ensure that Tax Administration would not waste energy on non-productive taxpayers, etc. Certain demerits were also outlined, such as: (i) loss of revenue; (ii) higher opportunity for splitting of units and suppressing the turnover threshold and under-reporting of B2C supplies as considerable economic activity may take place below the threshold.

10.10. The Joint Secretary, TRU-II further stated that the GoM went through the various options and also looked at the data. It took note of the fact that even with the existing annual turnover threshold of Rs.20 lakh, several taxpayers whose turnover was below this limit, had taken registration and the same trend was expected when the annual turnover threshold for registration was further increased. He stated that going by the past experience, it was estimated that revenue foregone from regular taxpayers would be theoretically about 50% of the total revenue and similarly, the number of taxpayers who would go out of the GST net would be theoretically about 50% of the total number of taxpayers. Taking these presumptions into consideration in favor of the revenue, he stated that in the worst-case scenario, the total annual revenue that could be impacted would be about Rs.5,225 crore if the annual turnover threshold for registration for supplier of goods was increased to Rs. 40 lakh; it would be Rs.6,450 crore and 9,200 crore respectively if the annual turnover threshold for registration for supplier of goods was raised to Rs.50 lakh and Rs.75 lakh respectively. The total number of taxpayers expected to go out of the GST net would be about 20,64,000 if the annual turnover threshold was increased to Rs.40 lakh; the number would be about 21,91,000 and 23,81,000 if the threshold was increased to Rs.50 lakh and Rs.75 lakh respectively.

10.11. The Joint Secretary, TRU-II further stated that the fundamental argument for raising the threshold was that it would free the business of its expenditure which went into compliance. He informed that the taxpayers with turnover up to Rs. 60 lakh were usually paying only around Rs. 5000 annually as tax but their compliance cost was Rs. 15,000 to Rs. 20,000 per annum. He added that if the threshold was raised, more than the revenue, the money saved by the taxpayer on compliance would rotate in the economy and give a fillip to the smaller businesses. He stated that there was a tendency of crowding of reporting of turnover around the threshold. Therefore, it was likely to see betterment in reporting of turnover if the threshold was increased. He stated that this was likely to be availed only by B2C taxpayers and not by anyone who wished to be a part of input tax credit chain. He stated that there were demerits of increasing the threshold as well. The first being loss of revenue. The second could be an increased opportunity of splitting of the units and B2C declaration would be an issue as well but overall the economy would be benefitted in terms of better administration etc., if the turnover threshold was increased.

10.12. Joint Secretary, TRU-II informed that during the GoM deliberations, the general consensus was in favor of raising the threshold but while discussing the issue, three different sets of views were expressed. The first view was that increasing the exemption limit for GST was against the principle of widening the tax base and it was observed that reducing the rates of tax and the tax base simultaneously was not desirable. The second view point was that although the proposal would be highly beneficial to economically developed centres of the country (like Delhi), it would be rather skewed for those States where the majority of taxpayers were below the proposed threshold and, in this context, it was suggested that State-wise data of number of taxpayers becoming eligible for exemption should be made available. He added that they had compiled the data and any State desirous of looking at the data could request for it separately. He stated that a third view was that under the Central Excise regime, most of the MSMEs below the annual turnover of Rs.1.5 crore were exempt from taking registration and they needed to be facilitated. He stated that in view of the differing opinion, the GoM had taken a view that the annual turnover threshold for payment of tax by suppliers of goods needed to be raised but a final decision could be taken by the Council. He added that the threshold limit of services should not be raised because in services, there was considerable revenue involvement even at the lower threshold base. He further stated that the operational details for differential thresholds for goods and services could be worked out by the Law Committee. He stated that the implementation of the proposal might

require amendment in the GST Law but alternatively it could be done by the exemption notification as well.

10.13. Starting the discussion on this issue, the Hon'ble Minister from Kerala observed that the Council had already agreed to raise the annual turnover threshold for Composition taxpayers to Rs.1.5 crore, charge a reduced tax and had simplified the compliance burden by deciding to take only one return in a year from them. As the compliance cost for MSMEs had been taken care of fully, there was no need to increase the annual turnover threshold for registration as this would undermine the architecture of GST. He observed that the broad philosophy of GST is to keep the tax rate low and to widen the tax base. In order to maintain self-policing nature of GST, input tax credit should be available at each stage of transaction. If about 20-23 lakh taxpayers went out of the GST net due to increase in the annual turnover threshold for registration, this would compromise the efficiency of GST. He further stated that in addition to direct loss of revenue, there would be indirect loss of revenue as increased turnover threshold for registration would give incentive to the suppliers to suppress their turnover. He added that the GoM did not consider to raise the registration threshold to an annual turnover of Rs.75 lakh. There was a suggestion to raise the annual turnover threshold to Rs.40 lakh and the Hon'ble Deputy Chief Minister of Bihar suggested to raise the annual turnover threshold to Rs.50 lakh. He stated that in the presentation, it was proposed to increase the threshold to Rs.75 lakh, which was not acceptable.

10.14. The Hon'ble Deputy Chief Minister of Delhi recalled that when the issue of annual turnover threshold for registration was first discussed in the Empowered Committee, in many States, the annual turnover threshold for registration was Rs. 5 lakh during the VAT regime. He stated that Delhi could agree to increase the annual turnover threshold to Rs.40 lakh but those States which earlier had an annual turnover threshold of Rs.5 lakh also needed to express their views. The Hon'ble Chairperson enquired whether the suggestion was to have differential criteria for different States. The Hon'ble Deputy Chief Minister of Delhi responded that it was important to listen to the views of other States.

10.15. The Hon'ble Chief Minister of Puducherry stated that one was slowly going against the principles of GST. He stated that GST was meant to make the tax base broader. In VAT regime, there was a certain turnover threshold and in GST, the annual turnover threshold was fixed higher at Rs.20 lakh and now the proposal was to increase it to Rs.75 lakh. He expressed apprehension against this proposal and stated that GST was in its initial stages. One should not attempt to wriggle out of the situation of a complicated procedure for return filing through other methods, like increasing the annual turnover threshold for registration. The solution for the people facing complication in return filing was to simplify the return filing system and not to increase the annual turnover threshold for registration. He stated that while Delhi might not face a problem in increasing the threshold, there would be problem for smaller States like theirs. He added that his State was already suffering a severe revenue shortfall because the revenue coming from the consumers of the adjoining States had gone due to equalization of rates of tax across the States under GST. He suggested that the Council should wait for some time before thinking of increasing the annual turnover threshold for registration and take a call once the revenue position had stabilized. He stated that increasing the annual turnover threshold for registration would lead to splitting of units and large-scale tax evasion.

10.16. Shri Mauvin Godinho, Hon'ble Minister from Goa, stated that while he would have normally welcomed the decision of raising the turnover threshold for registration, but the State of Goa would serve as a classic example for deciding on the particular agenda. He stated that if the annual turnover threshold for registration was increased from Rs.20 lakh to Rs.50 lakh, his State would suffer a revenue loss to the extent of 30% and if the registration threshold was increased to Rs.75 lakh, his State would

suffer a revenue loss of 40%. He stated that while discussing this issue, needs of smaller States should also be kept in mind, particularly those like Goa, which was not a Special Category State. He observed that after five years, there would be no compensation. He added that time was not ripe to increase the annual turnover threshold for registration and suggested that the system should be allowed to stabilize before any changes were made.

10.17. Shri T.S. Singh Deo, Hon'ble Minister from Chhattisgarh, stated that the revenue loss projection for his State in 2022 was to the tune of Rs.3,628 crore and this loss would climb up to Rs.5,225 crore if the annual turnover threshold for registration was increased to Rs.40 lakh and to Rs.9,200 crore if the annual turnover threshold for registration was increased to Rs.75 lakh. He observed that his State could not bear any further loss in revenue. He added that if relaxations in compliance requirement worked out, then there was no need to take a hurried decision on increasing the annual turnover threshold for registration. The Hon'ble Minister from Andhra Pradesh supported the concerns expressed by other States. He stated that his State would suffer a loss of Rs.500 crore if the annual turnover threshold for registration was increased to Rs.75 lakh. He stated that such loss could only be met by imposing Cess on a few additional commodities and then distribute it amongst the States. He suggested that decision on this issue should be deferred.

10.18. Shri Priyavrat Singh, Hon'ble Minister from Madhya Pradesh, stated that increasing the annual turnover threshold for registration to Rs.75 lakh would lead to a big revenue loss. He suggested to settle for an annual turnover threshold of Rs.40 lakh. Shri Manoj Rai, Additional Commissioner (State Tax), Sikkim, stated that his State had recently passed the SGST (Amendment) Act, 2018 to raise the annual turnover threshold for registration to Rs.20 lakh which was yet to be implemented and he requested the Council to allow the Special Category States to stay at the threshold limit of Rs 20 lakh.

10.19. The Hon'ble Deputy Chief Minister of Bihar stated that his State was of the opinion that the threshold limit could be raised to Rs 40 lakh but he suggested that the annual turnover threshold for registration could be raised to Rs.50 lakh as the difference in revenue and the number of taxpayers as a result of raising the threshold from Rs.40 lakh to Rs.50 lakh was not very high. He observed that the background for the suggestion to increase the annual turnover threshold for registration was based on the erstwhile Excise Duty structure under which manufacturers up to an annual turnover of Rs.1.5 crore were exempted from Central Excise Duty. He added that the small manufacturers were most affected, and therefore, increasing the annual turnover threshold for registration to Rs.40 lakh or Rs.50 lakh would not result in significant revenue loss but would take out a large number of taxpayers from the GST net. He added that for Goa and other smaller States, one could think of a separate scheme. He further stated that even if the annual turnover threshold was increased, all the taxpayers covered within the new threshold might not go out of the tax net as many would like to continue with their registration for availing input tax credit, etc. and only 50% of the taxpayers were likely to go out of the tax net. He, therefore, suggested to raise the annual turnover threshold for registration to either Rs.40 lakh or Rs.50 lakh.

10.20. The Hon'ble Minister from Kerala stated that even in GoM, the proposal was to raise the threshold limit to Rs 40 lakh. The Hon'ble Deputy Chief Minister of Bihar suggested to increase the annual turnover threshold to Rs.50 lakh but the proposal placed before the Council was for Rs.75 lakh. He strongly objected to such a tweaking in the agenda notes for optics *vis-à-vis* the discussion that took place in the GoM.

10.21. Shri S.P. Shukla, Hon'ble Union Minister of State (Finance) and the Chairman of the GoM on MSMEs stated that the Fitment Committee had recommended an annual turnover threshold of Rs.40 lakh for registration. GoM on MSME had recommended the threshold to be between Rs. 40 to Rs.50 lakh. The Hon'ble Deputy Chief Minister of Bihar added that the turnover threshold of Rs.75 lakh was also discussed in the GoM, but it was felt that this was very high. He further stated that the Hon'ble Deputy Chief Minister of Delhi had suggested the annual turnover threshold figure of Rs.40 lakh and finally the GoM agreed to a figure of Rs.50 lakh.

10.22. Shri Nitinbhai Patel, Hon'ble Deputy Chief Minister of Gujarat stated that the States were assured of compensation for revenue loss for five years. The States could look at the revenue loss after 2022 as till then, 14% growth in revenue was assured to the States. He, therefore, suggested that the annual turnover threshold for registration could be increased to Rs.40 lakh or Rs.50 lakh.

10.23. Shri Manpreet Singh Badal, Hon'ble Minister from Punjab, stated that he seconded the observations of the Hon'ble Minister from Kerala and stated that the Council must maintain a gold standard of procedure, which should always be above board. He stated that his State had a large number of MSMEs and it was likely to lose 60% of revenue if the annual turnover threshold for registration was raised to Rs.75 lakh. He observed that most of the taxpayers would obtain two registrations – one for intra-State supply and the other for inter-State supply. He added that tax evasion through bill-to-ship-to mechanism would increase and only large taxpayers would be left in the tax net. He added that the world over, distinction between goods and services was blurring. For example, in Europe, tyres were also sold as a service in terms of the number of kilometers of travel. He stated that if the annual turnover threshold for registration for goods was to be raised to Rs.40 lakh, there should also be a provision in law to allow supply of services by such units up to 10% of the value of turnover of goods. He also suggested to create certain safeguards, like there should be only one PAN card for every registered taxpayer. He also suggested that there should be a negative list of goods, like *pan masala*, tobacco, ice cream, etc., which need not be given the benefit of increased turnover threshold for registration. He further cautioned that any increase in the turnover threshold for GST registration could also affect income tax collection. He added that if the annual turnover threshold had to be increased, then the Council should also have a re-look at the distribution of taxpayers between the Centre and the States, as a large number of small taxpayers would go out of the tax net.

10.24. Capt. Abhimanyu, Hon'ble Minister from Haryana appreciated the work done by the GoM on MSMEs and lauded its recommendations. He suggested that the annual turnover threshold for registration could be increased to Rs.50 lakh, though his State was ready to adopt even a higher threshold. The Hon'ble Chief Minister of Puducherry stated that as several States had expressed differing views on the issue and no consensus was emerging, the States should be given an option to choose the threshold. He added that the fundamental principle of GST relating to registration should not be diluted. The Hon'ble Minister from Goa suggested that the annual turnover threshold for registration for bigger States could be Rs.40 lakh and for smaller States, it could be Rs.20 lakh. Shri Shanti Kumar Dhariwal, Hon'ble Minister from Rajasthan, supported the statement of the Hon'ble Minister from Punjab regarding loss of revenue and stated that they also stood to lose about Rs.450 crore if the annual turnover threshold for registration was increased to Rs. 75 lakh. He also expressed the fear that there would be revenue loss because of splitting of businesses.

10.25. The Hon'ble Minister from Karnataka stated that every decision should not be looked at in isolation. Every individual decision of the Council involved loss of revenue of a few hundred crore rupees and in his estimation, if revenue loss due to the decisions of only last three to four meetings were

added together, the total loss of revenue could go up to about Rs.20,000 crore annually. He suggested that the cumulative figure of loss of revenue due to decisions of the Council from November, 2018 onwards should be placed before the Council. The Hon'ble Chairperson observed that this was a good proposal and the Council could agree to this. The Council agreed to the same.

10.26. The Hon'ble Minister from Karnataka stated that during the last meeting of the Council, he had expressed serious concern about revenue shortfall. He also reminded that it was not the Central Government that was giving compensation but it was coming from Cess, which was contributed by every State and the Council was the owner of the revenue collected from Cess. Hence, compensation was not coming from the Centre but from the mechanism devised by the Council and was being redistributed among the States. He was very concerned about revenue situation after 2022. He added that while his State could agree to the proposal to increase the annual turnover threshold for registration to Rs.40 lakh, the views of the Hon'ble Members from Kerala, Puducherry, Goa, Chhattisgarh, Madhya Pradesh and Andhra Pradesh who had expressed their concern on this issue, should be respected. He added that one needed to remind oneself that the idea behind GST was to broaden the tax base, but the Central Government seemed to be now going away from this position.

10.27. Dr. Himanta Biswa Sarma, Hon'ble Minister from Assam, stated that though his State was a Special Category State, he was mindful that during the Central Excise regime, the annual turnover threshold for registration was Rs. 1.5 crore and small units were suffering under GST regime. He observed that employment was key to everything. He added that initially the bigger States wanted registration threshold to be Rs.40 lakh so that MSMEs did not suffer adversely but the decision was to keep it at Rs. 10 lakh and Rs. 20 lakh and in the process, the MSME had suffered losses because in the Central Excise regime, their exemption threshold was Rs. 1.5 crore. He added that this aspect should be considered with a view to ameliorate the adverse impact of GST on MSME Sector to boost the employment opportunities. In view of this, he suggested that the annual turnover limit for registration of MSMEs in GST could be kept at least half of the original limit under Central Excise. He stated that although his State was a Special Category State, in order to support the MSMEs, he would go by the view of the Council. He further stated that in 2022, the Council would have the power to relook at the registration threshold and the rate structure. Presently, the States were getting compensation with an annual growth rate of 14%, and therefore, this was the time to support the traders and the MSMEs. He added that Assam could go with the Council's decision of an annual turnover threshold for registration up to Rs.50 lakh, even though it was a Special Category State.

10.28. Shri Somesh Kumar, Principal Secretary (Finance), Telangana stated that earlier, the annual turnover threshold for registration in his State was Rs. 7.5 lakh. He stated that in his State, about 50,000 taxpayers were below annual turnover of Rs. 75 lakh and contributed about Rs.1300 crore of tax every year. He stated that apart from the direct loss of tax on account of this decision, there was also the issue of indirect loss of tax because of splitting of turnover etc. and the decision to increase the threshold upto Rs. 75 lakh would give impetus to such evasion and losses. He added that it was premature to increase the annual turnover threshold for registration. He suggested that an option could be given to the States to choose their annual turnover threshold limit for registration. He also suggested to have some safeguard in the interest of revenue, as suggested by the Hon'ble Minister from Punjab. He stated that there should be a system so that persons in the tax net should not be able to jump out of the net. He suggested that either the proposal to increase the annual turnover threshold for registration could be deferred or the choice could be left to the discretion of the State concerned. The Hon'ble Chairperson invited other States to state their preference regarding the annual turnover threshold for registration.

10.29. Shri Sudhir Mungantiwar, Hon'ble Minister from Maharashtra, stated that he could agree to increase the annual turnover threshold for registration to Rs.40 lakh or Rs.50 lakh. Ms. Smaraki Mahapatra, CCT, West Bengal stated that the Hon'ble Minister from West Bengal had asked to convey that their State was in favor of raising the annual turnover threshold to Rs. 50 lakh. Shri Anirudh S. Singh, Commissioner (Tax & Excise), Arunachal Pradesh, stated that the annual turnover threshold for registration for Special Category States should be kept at Rs.20 lakh whereas for other States, it could be Rs.40 lakh. Shri Jagdish Chander Sharma, Principal Secretary (E&T), Himachal Pradesh, stated that his State would prefer to retain the threshold limit of Rs.20 lakh. He added that the procedure to ascertain the annual turnover of the taxpayer should be well thought of and should be part of an in-built system. He suggested to take up the exercise of determining the annual turnover threshold for registration at the beginning of every financial year i.e. in April and this could be made a part of law.

10.30. Shri Vanlal Chhuanga, Principal Secretary (Tax), Mizoram, stated that presently the States of Mizoram, Manipur, Nagaland and Meghalaya had an annual turnover threshold of Rs.10 lakh for registration and they would find it difficult to move to the threshold of Rs.20 lakh. He added that there were aspects other than revenue involved in taking a decision for increasing the threshold. He explained that there were great disparities amongst the districts in his State and while for a few districts, they could go for increasing the annual turnover threshold for registration to Rs.20 lakh, in many far-flung districts, this would lead to closing down the offices of the Tax Department. He stated that the earlier Government had taken a view of keeping the annual turnover threshold for registration at Rs.10 lakh and the new Government was yet to take a view on this issue. Shri Leonard Khongsit, Joint Commissioner (State Tax), Meghalaya, stated that recently, they had taken a decision to increase the annual turnover threshold for registration to Rs.20 lakh and that they would like to continue with this limit.

10.31. Shri Prakash Pant, Hon'ble Minister from Uttarakhand, stated that the Council had earlier decided to raise the threshold limit for registration from Rs. 10 lakh to Rs. 20 lakh for some Special Category States. He added that raising the registration threshold further to Rs. 40 lakh or Rs. 50 lakh would benefit the small taxpayers and this should also be co-related with the proposed increase in threshold for Composition scheme to an annual turnover of Rs.1.5 crore. Shri Rajesh Agarwal, the Hon'ble Minister from Uttar Pradesh stated that if the annual turnover threshold for registration was increased to Rs.75 lakh, then a large number of taxpayers in his State would go out of the tax net. However, he supported the proposal to increase the turnover threshold to Rs.40 lakh or Rs.50 lakh.

10.32. The Hon'ble Chairperson stated that the general consensus seemed to be to increase the annual turnover threshold for registration to around Rs.40 lakh or Rs.50 lakh. One also needed to take into account the suggestion of the Hon'ble Minister from Punjab that the proposed threshold for registration should be accompanied with a negative list of goods. He enquired whether this aspect had been examined. The Joint Secretary, TRU-II stated that such a scheme would be difficult to implement because a shopkeeper would be selling sin items as well as other items. Shri V.K. Garg, Advisor (Financial Resources) to Hon'ble Chief Minister of Punjab, stated that in Europe, certain safeguards had been built-in. For instance, the benefit of a flat rate of tax was extended only to individuals and not to a Company Act registered entity such as partnership firms, LLPs, private limited companies, etc. as otherwise, one person could take benefit through multiple companies. Secondly, certain evasion-prone commodities and commodities that did not have much input tax credit, like agro based goods, or goods on which no input tax credit had been allowed for some reason were kept out of exemption threshold. He added that the global model was to have higher threshold for registration but very few exemptions. He stated that currently there was a long list of exemptions and if the annual turnover threshold for

registration was to be increased, then the list of exemptions would also need to be reviewed. For example, exemption to *prasad* may need to be reviewed because most *halwais* would be below this annual turnover threshold limit of Rs.50 lakh. He added that certain items, where the rate of tax was high and which had a very high value addition, such as *pan masala*, *gutka*, aerated beverages, air conditioners, etc., should not be given the benefit of higher threshold at the manufacturers' level as otherwise a very huge amount of value addition would go out of the tax chain.

10.33. The Hon'ble Chairperson enquired whether, as a general proposition, could all items on which cess was levied, be kept out of the proposed increase in the annual turnover threshold for registration. The Joint Secretary, TRU-II responded that this would be very difficult to implement because a shopkeeper sold cold drinks along with other items and it would be administratively difficult to monitor their turnover on individual items and would also be discretionary. He added that 90% of the registrants belonged to the category of sole proprietorship or partnership firms and in most cases, the annual turnover was above Rs.50 lakh. The Hon'ble Chairperson observed that the benefit of higher annual turnover threshold for registration could be given to individual or partnership firms but it need not be given to multiple entities on the same PAN. Manufacturers of some sensitive items like *pan masala*, etc. could be kept out of such a scheme. He suggested that the Law Committee could work out a formulation on these issues. The Council agreed to these suggestions.

10.34. The Advisor (Financial Resources), Punjab, stated that whatever annual turnover threshold for registration was kept for goods, there should also be a provision to allow supply of services by such entities upto 10% of the value of supply of goods because a large number of goods suppliers would also be offering some services and earning interest on fixed deposits, etc. He added that without such provision, the scheme could become unworkable. On the issue related to single PAN, he stated that if one was conducting business as an individual and if one wanted to set up a partnership firm again on his/her PAN, he should not be allowed the benefit under such scheme. The Hon'ble Chairperson suggested that the Law Committee could work out a formulation on these issues. The Council agreed to these suggestions. Shri K.K. Sharma, Advisor to Governor, Jammu & Kashmir, stated that though his State was a Special Category State, its annual turnover threshold for registration was Rs.20 lakh and that his State would go by the new registration threshold fixed for the country.

10.35. The Hon'ble Chairperson requested the Joint Secretary, TRU-II to explain the calculation regarding likely revenue loss and the number of taxpayers getting the benefit for the proposed different annual turnovers for registration. The Joint Secretary, TRU-II drew attention to the slide in the presentation containing this data. According to it, if the annual registration threshold was increased to Rs.40 lakh, the total number of taxpayers that were likely to get relief would be 20,64,000 and the revenue foregone would be about Rs. 5,225 crore. If the annual turnover threshold for registration was raised to Rs.50 lakh, then the maximum total number of taxpayers likely to go out of the tax net would be 21,91,000 and the maximum revenue loss would be Rs.6,450 crore and if the annual turnover threshold was increased to Rs.75 lakh, the total number of taxpayers going out of the tax net would be 23,81,000 and the revenue loss would be about Rs.9,200 crore. He explained that these were conservative estimates where the revenue foregone and the taxpayers getting relief had been taken as 50% of the total numbers likely to be affected by the proposed increase in annual turnover threshold for registration. This was based as per the previous experience and also going by the fact that many businesses would be doing inter-State trade. He added that the revenue loss was not likely to be more than Rs.5,000 to Rs. 6,000 crore if the annual turnover threshold for registration was up to Rs.40 lakh or Rs.50 lakh. The Hon'ble Minister from Kerala stated that discussion on revenue loss should also take

into account other causes of revenue loss such as splitting the businesses by suppressing the value of turnover of the unit.

10.36. The Hon'ble Chairperson stated that the discussion had broadly brought to light the various shades of opinion in the Council. The smaller States expressed that for registration under GST, they had recently moved from the annual turnover threshold of Rs.10 lakh to Rs.20 lakh and they were reluctant to move any further. The other Members, in general, had expressed an opinion not to consider increasing the annual turnover threshold for registration to Rs.75 lakh. He added that the general opinion was to consider increasing the annual turnover threshold for registration in the range of Rs.40 lakh to Rs.50 lakh. He observed that the suggestion of the Hon'ble Minister from Punjab regarding exclusion of some commodities from the benefit of higher threshold needed deeper consideration. He added that the Hon'ble Minister from Kerala had raised the issue regarding the risk of splitting of units and the need for working on some guidelines to avoid splitting. The Hon'ble Chief Minister of Puducherry suggested to give an option to the States regarding the annual turnover threshold for registration that they may like to maintain. The Hon'ble Minister from Kerala also observed that consensus could be arrived at Rs.40 lakh. North-Eastern States largely preferred a choice to be given to them regarding the threshold for registration. Assam and Jammu & Kashmir, which are Special Category States, expressed to go along with the threshold fixed at the national level.

10.37. The Hon'ble Chairperson further stated that three broad points emerged – one was an agreement to double the annual turnover threshold for registration to Rs.40 lakh; second was to give an option to the Special Category States, Goa and Puducherry to remain at Rs.20 lakh threshold; and third was that the date of implementation for the new threshold for registration could be 1st April, 2019. He further suggested that the Law Committee could work out the guidelines as to how to avoid splitting of businesses and also the category of goods to be excluded from availing the benefit of the enhanced turnover for registration for goods. He further stated that the representatives from Kerala and Punjab should attend the Law Committee meeting during discussion on these issues.

10.38. The Hon'ble Minister from Chhattisgarh stated that he did not agree with the proposal as there was no consensus in the House. He stated that the decision was being taken in a hurry whereas more thinking was needed on the subject. The Hon'ble Minister from Kerala stated that the States should be given an option to opt out of the proposed increase in annual turnover threshold for registration as the compliance burden on small taxpayers would go down substantially with the decision of the Council to increase the annual turnover threshold for Composition to Rs.1.5 crore along with a facility for Composition taxpayers to file only an annual return.

10.39. The Hon'ble Chairperson observed that the whole concept of GST would suffer if an option was given to States to choose their annual turnover threshold for registration. He stated that perhaps an exception could be made for smaller States. The Joint Secretary, TRU-II stated that if there were too many exceptions, it would make it very complex to calculate the annual turnover threshold at all-India level. Shri Ritvik Pandey, Joint Secretary, DoR, stated that the Constitution had made a special provision for Special Category States in Article 279A(4)(g) but it was a moot question whether any differentiation could be made for other States and this would need to be examined legally. The Hon'ble Chief Minister of Puducherry stated that this was not a Special Category State issue. The Hon'ble Minister from Chhattisgarh stated that no taxpayers had asked for increase in annual turnover threshold for registration in his State.

10.40. The Hon'ble Deputy Chief Minister of Bihar suggested that two options could be given to the States, namely, to either remain at the annual turnover threshold for registration at Rs.20 lakh or to go up to Rs.40 lakh. The Hon'ble Chairperson observed that the Constitutional provision permitted fixation of thresholds under Article 279A(4)(d) and the annual turnover threshold for registration could be kept at Rs.20 lakh and Rs.40 lakh with the States having an option to opt for either one of the two. The Hon'ble Deputy Chief Minister of Gujarat stated that if an option was proposed to be given, then the annual turnover threshold for registration could be fixed at Rs.50 lakh. The Hon'ble Minister from Chhattisgarh stated that States could be given an option to keep their annual turnover threshold for registration at any level, namely, Rs.20 lakh, Rs.40 lakh or Rs.50 lakh. The Hon'ble Chairperson stated that the threshold could not be kept so variable. The Hon'ble Minister from Goa stated that the States could be allowed two annual turnover thresholds for registration, namely Rs.20 lakh or Rs.40 lakh. The Hon'ble Minister from Assam suggested to make the second turnover threshold as Rs.50 lakh.

10.41. Shri Upender Gupta, Principal Commissioner (GST Policy Wing), CBIC, stated that if a taxpayer had businesses in more than one State, it would become difficult to calculate the threshold. The Secretary stated that if there were differential thresholds, then it could lead to other complications and, in future, demand could also crop up to allow different rates of tax for different States.

10.42. The Hon'ble Minister from Goa reiterated that two annual turnover thresholds could be provided, namely, Rs.20 lakh and Rs.40 lakh so as to ensure that the GST architecture of the States was not disturbed. The Hon'ble Deputy Chief Minister of Delhi stated that a choice could be given to the States as to which threshold to adopt. The Hon'ble Chairperson enquired whether the State of Goa was ready to accept the annual turnover threshold of Rs.40 lakh for his State. The Hon'ble Minister from Goa stated that if the Council so decided, then they would join the consensus even if it meant loss of revenue to Goa. The Hon'ble Chairperson stated that this left only the other small Union territory of Puducherry which was unwilling to increase the threshold. The Hon'ble Minister from Uttarakhand stated that his State was a Special Category State and an increase in annual turnover threshold to Rs.40 lakh would affect 41,817 taxpayers. He stated that if the threshold was proposed to be kept at Rs.40 lakh, then sin goods should be kept out of this threshold. The Hon'ble Chairperson stated that it was desirable to follow the past practice of not giving any option to the States.

10.43. The Hon'ble Minister from Kerala supported the proposal that the States be given an option to keep the annual turnover threshold for registration at Rs.20 lakh or Rs.40 lakh. He stated that this would not affect inter-State taxation. The Hon'ble Minister from Goa stated that although he had been pleading for an annual turnover threshold for registration of Rs.20 lakh, it would not be desirable to take State specific decision and decision should be taken for the country as a whole. The Hon'ble Minister from Kerala stated that differentiation was already permitted for Special Category States and there was nothing wrong in recognizing the diversity between the States. The Hon'ble Minister from Goa stated that this would alter the very architecture of GST.

10.44. The Hon'ble Minister from Assam once again urged to fix the annual turnover threshold for registration at Rs.50 lakh and cautioned that if it was not done now, demands would again come to raise the annual turnover limit for registration. The Hon'ble Deputy Chief Minister of Bihar stated that they had recommended an annual turnover threshold for Composition for services at Rs.50 lakh and had noted that the number of taxpayers likely to be affected by adopting this threshold was not very high. The Hon'ble Deputy Chief Minister of Delhi stated that as observed by the Hon'ble Minister from Kerala, having a differential threshold would not affect inter-State trade and, therefore, urged that the States should be allowed to decide the annual turnover threshold for registration at Rs.20 lakh or Rs.40

lakh. The Joint Secretary, DoR, stated that this would lead to a problem where the same person was registered in two different States and the annual turnover in two States was different and it would need to be determined whether he was required to be registered in both the States. The Hon'ble Deputy Chief Minister of Delhi stated that this was already provided for in the case of Special Category States and the situation would be handled in the same way as was being done now.

10.45. The Secretary reiterated that State-wise distinction could lead to many more demands for State specific dispensations except those for Special Category States. He suggested to have only one annual turnover threshold for registration for non-Special Category States. The Hon'ble Deputy Chief Minister of Delhi stated that, almost 90% of traders fell in the category of annual turnover between Rs.20 lakh and Rs.1.5 crore, where the administration of taxpayer was with the State Government. If the annual turnover threshold for registration was raised to Rs.40 lakh, a large number of traders would go out of the tax net of the State administration and the same would be the situation for Composition taxpayers. The Hon'ble Chairperson observed that taxpayers with annual turnover of more than Rs.1.5 crore were equally distributed between the Centre and the States and bulk of revenue came from this segment. Taxpayers below this annual turnover were largely an additional load on the tax administration.

10.46. The Hon'ble Minister from Assam supported the suggestion to have two annual turnover thresholds for registration. He stated that his State had originally opted for the annual turnover threshold of Rs.10 lakh as a Special Category State, but due to public pressure, they later decided to adopt the annual turnover threshold of Rs.20 lakh. He expressed a hope that a similar situation would prevail in future if two annual turnover thresholds for registration were allowed for non-Special Category States. The Hon'ble Chief Minister of Puducherry stated that the experience suggested that even the Special Category States now wanted to come to higher threshold of Rs. 20 lakh. Similarly, in the instant case also, situation would automatically evolve in future. The Hon'ble Chairperson observed that even taxpayers in the exempted category were taking registration. The Hon'ble Minister from Punjab stated that the Council could observe for the next year or two as to how the new system operated. The Hon'ble Minister from Chhattisgarh reiterated that decision was being taken in a very hurried manner. The Hon'ble Chairperson stated that the issue had been deliberated in detail and that a decision would only be taken by consensus. The Hon'ble Minister from Goa stated that his State was ready to adopt the annual turnover threshold of Rs.40 lakh. The Hon'ble Deputy Chief Minister of Bihar reiterated the suggestion to go for two options for annual turnover threshold for registration, namely, Rs.20 lakh and Rs.40 lakh with an option to the States to choose either of them. The Hon'ble Minister from Karnataka stated that he preferred two annual turnover thresholds, namely Rs.20 lakh and Rs.40 lakh.

10.47. The Hon'ble Minister from Rajasthan stated that total revenue implication of the decisions taken so far in recent times should be analysed first and then the matter be considered further. In the written speech circulated by the Hon'ble Minister from Tamil Nadu, it was requested that the States should be given adequate time to examine the pros and cons of the recommendations of the GoM as there could be revenue implications in increasing the annual turnover threshold limit for supplier of goods and in providing for composition scheme for small service providers.

10.48. The Hon'ble Chairperson stated that the consensus seemed to be to have two annual turnover thresholds for registration, namely Rs.20 lakh and Rs.40 lakh, with an option to the States to choose the higher threshold. He suggested that the Council could adopt this decision. The Commissioner, State Tax, Tamil Nadu, stated that while adopting this decision, it should also be taken note of that the Council's decision was guided by the consideration that this would not affect the inter-State trade. The Hon'ble Chairperson stated that this could be part of the decision also. The Council agreed to this

suggestion. The Commissioner, State Tax, Tamil Nadu further stated that a time limit should be given to the States to opt for the higher threshold. The Hon'ble Chairperson suggested that preferably one week's time could be given to the States to convey their decision regarding the annual turnover threshold that they would like to adopt for registration. The Council agreed to this suggestion.

10.49. The Joint Secretary, TRU-II stated that the Council also needed to decide the annual turnover threshold for Composition scheme for Special Category States. The Hon'ble Chairperson stated that this threshold was already Rs.75 lakh, except for Uttarakhand and Jammu & Kashmir. The annual turnover threshold for Composition for States other than the Special Category States was being raised from Rs.1.0 crore to Rs.1.5 crore. The Hon'ble Minister from Assam stated that his State would like to adopt the annual turnover threshold of Rs.1.5 crore for the Composition scheme. The Hon'ble Chairperson observed that the Composition threshold for Special Category States need not be disturbed at this stage and suggested that only those States, which wanted to increase this turnover threshold to Rs.1.5 crore could inform the GST Council Secretariat in writing, preferably within a week's time. The Council agreed to this suggestion as also to the other proposals, in the agenda note. The Advisor to Governor of Jammu & Kashmir stated that his State would also adopt the annual turnover threshold of Rs.1.5 crore for Composition. The Hon'ble Chairperson stated that this should be communicated by the State in writing to the GST Council Secretariat.

(IV) Composition scheme for small service providers

10.50. The Joint Secretary, TRU-II made a presentation on this proposal. He stated that this issue was examined in detail in the joint meeting of the Law Committee and the Fitment Committee held on 4th January, 2019 and it recommended to introduce a Composition scheme for services up to an annual turnover of Rs.50 lakh and to have a tax rate of 8% (4% CGST and 4% SGST). He further stated that this proposal was discussed by the GoM and they had proposed that while they agreed to the suggestion of annual turnover threshold of Rs.50 lakh, they recommended the rate of tax to be 5%. He added that it was felt that those taxpayers who were not eligible for Composition Scheme for goods, should have a scheme to avail composition for services between annual turnover thresholds of Rs. 20 lakh to Rs. 50 lakh, while the threshold for registration for supplier of services would remain at Rs. 20 lakh. He further stated that if a 5% rate of tax was applied under Composition scheme for services, the revenue loss would be in the range of Rs.5,000 crore (Rs.2,500 crore of CGST and Rs.2,500 crore of SGST), on the assumption that 50% of taxpayers would still stay in the input tax credit chain. He further stated that this scheme was proposed to be applied for those who either supplied pure services or made mixed supplies of goods and services. Hence, it would be a residual category of Composition scheme for those who were ineligible to avail the benefit of Composition Scheme for goods up to an annual turnover of Rs.1.5 crore.

10.51. The Hon'ble Chairperson requested the Joint Secretary, TRU-II to present data regarding the number of taxpayers and amount of revenue involved if a Composition scheme was introduced for small service providers. The Joint Secretary, TRU-II drew attention to the relevant slide in the presentation and informed that the total number of taxpayers likely to be covered by the benefit of Composition scheme for small service providers up to an annual turnover of Rs.50 lakh would be about 33,23,766, who paid tax in cash to the tune of about Rs.37,046 crore. He added that these numbers would also have mixed suppliers. The effective rate of tax collection in terms of cash to turnover would be in the range of 7-7.5%. Hence the originally proposed rate was 8%. He stated that despite a Composition scheme, some categories of service providers, like contractors and professionals, were likely to continue in the tax chain because of the input tax credit involved. However, small local service providers, like

beauticians, plumbers, etc. were likely to move out of the tax chain. He stated that at 5% tax rate, the revenue loss would be about Rs.4,500 crore. He added that the GoM took into account these considerations and then suggested the rate of tax as 5%. The Hon'ble Chairperson wondered as to how many pure service providers would be covered under this scheme. The Joint Secretary, TRU-II stated that with the available data, it would appear that the traders constituted much larger percentage and service providers and manufacturers constituted about 25% only. However, he added that it would be difficult to identify the pure service providers. Therefore, the numbers were arrived at by taking out the numbers of traders and manufacturers. He also added that the changes could be made operational from 1st April 2019, and till amendment in law was made, these changes could be effected by notifying exemption from tax as well as exemption from registration.

10.52. The Hon'ble Chairperson invited comments of Members on the proposal. The Hon'ble Minister from Chhattisgarh raised a question as to why the rate of tax was proposed to be fixed at 5%. The Hon'ble Chairperson observed that this rate was proposed keeping in view the revenue consideration and the incentive for compliance. The Hon'ble Minister from Chhattisgarh observed that the estimated revenue loss for their State at 5% tax would be more than Rs.50 crore and they wanted to keep the rate of tax at 8%. The Hon'ble Minister from Karnataka stated that keeping in view the observations of the Hon'ble Minister from Chhattisgarh and the recommendation of the Officers, he suggested to keep the revenue neutral rate (RNR) of 8% so that everyone was at ease with the new Composition scheme. The Hon'ble Minister from Kerala stated that the RNR was 7%, and therefore, 8% was marginally positive and he would be happy to support this rate. The Hon'ble Minister from Karnataka added that the past experience had been that the benefit of tax reduction was not being passed on to the public, and therefore, it was not desirable to give any extra benefit to the taxpayers.

10.53. The Hon'ble Deputy Chief Minister of Bihar stated that the tax rate of 7% to 8% for Composition on services was very high and the difference in rate from the proposed rate was only about 1.7% without much loss in revenue. He suggested that a lower tax rate should be adopted. He stated that the GoM had considered that to start with, a lower rate of tax be applied for service providers under the Composition scheme and had unanimously recommended the rate of 5%. The Hon'ble Chairperson enquired regarding the view of the Officers on this subject during the meeting on 9th January 2019. The Secretary stated that since the recommendation was from the GoM and the decision of the GoM was unanimous, the Officers did not analyse it further. He further stated that while taking a decision in the Council, it needed to be remembered that lower rate of tax would help in higher revenue realization. It was important to make this scheme attractive, and therefore, one need not stick to RNR. He also pointed out that the rate of Composition tax for restaurants was also 5%.

10.54. The Hon'ble Deputy Chief Minister of Delhi stated that the rate of Composition tax for goods suppliers was 1% and a Composition tax rate of 8% for services suppliers would make the difference between the two very huge. He further stated that it was important to incentivize taxpayers in the services sector to adopt the Composition scheme. The Hon'ble Minister from Kerala stated that the Composition scheme for services was being adopted for the first time. He added that there was no such scheme even under the Service Tax regime and therefore a higher rate could be adopted so that there was no loss in revenue. The Hon'ble Chairperson stated that the experience in GST was that response from Service Tax was much below expectation, and therefore, there was a need to get them into the habit of paying the tax. The Hon'ble Minister from Chhattisgarh stated that the Composition limit could be set at an annual turnover of Rs.40 lakh and the rate of tax could then be kept at 5%.

10.55. The Joint Secretary, TRU-II stated that in goods, the RNR was 2% but tax rate was kept at 1% and keeping a tax rate of 8% in services sector would be harsh. He added that the scheme was not only for pure service suppliers but also for those who were making mixed supply of goods and services.

10.56. The Hon'ble Minister from Chhattisgarh stated that if the tax rates were reduced, the Centre would need to continue to compensate the States. The Hon'ble Minister from Karnataka requested that the GST Council Secretariat should place before the Council the cases where revenue and compliance had increased on account of reduction in tax rates. The Council should know as to in which cases the trade had reciprocated the trade friendly decisions. The Hon'ble Chairperson stated that in the first year of GST, the response to the Composition scheme for goods for traders and manufacturers was not encouraging but the response had improved in the second year and in pure services, presently compliance was not encouraging as a lot of them were in informal sector, and therefore, there was a need to encourage them to come into the GST net. He stated that one proposal was to keep the tax rate for Composition on services slightly higher than the RNR. He requested the Members to give their views on this proposal.

10.57. The Hon'ble Minister from Goa stated that the annual turnover threshold of Rs.50 lakh and the tax rate of 5% was appropriate as there was need to bring the services providers in the tax net. He added that the global experience was that lowering the rate of tax led to higher compliance. The Hon'ble Ministers from Maharashtra, Andhra Pradesh, Tamil Nadu, Uttarakhand and the Hon'ble Deputy Chief Minister of Gujarat also supported the proposal to keep the annual turnover threshold at Rs.50 lakh and the rate of tax at 5%. The Hon'ble Minister from Rajasthan stated that the rate of tax should not be less than 8% as services sector had very few inputs and value addition in this sector was very high.

10.58. The Advisor (Financial Resources), Punjab, stated that the rate of tax on goods had been brought down over a period of time and now painters, plywood manufacturers, etc. were paying a lesser rate of tax on their input purchases as compared to the original 28%. He further stated that in the instant case, the calculation of revenue loss was notional and one needed to look at other changes taking place in the economy today, such as service providers suffering lower taxes due to reduction in tax rates on their input goods. He added that all these concessions (of fixing 5% rate of tax) would create havoc to revenue and suggested to keep the rate of tax at 8%. He added that the input tax credit would never be 10% and where the available input tax credit was less, the taxpayer would never opt for Composition scheme. He added that retail services (B2C), like hair dressers, cable operators, dry cleaners, etc. in which there was a high margin, a lower rate of tax would have implication on revenue. The Hon'ble Minister from Karnataka stated that a very reasoned argument had been presented by the State of Punjab to keep the tax rate at 8% and it should be respected. Shri G.D. Lohani, Joint Secretary, TRU-I stated that while fixing the tax rate for composition, one should also keep in mind that the composition taxpayer would be paying the tax on his full turnover including the exempted supplies, and also the threshold exemption i.e. Rs 20 lakh, was available to him.

10.59. The Principal Secretary (E&T), Himachal Pradesh, stated that his State was already suffering revenue loss of 35% and the revenue yield from service sector was quite low. He, therefore, suggested to keep the rate of tax at 7%. The Hon'ble Minister from Chhattisgarh reiterated that if the annual turnover threshold was to be kept at Rs.50 lakh, then the rate of tax should be 8%, but if the threshold was fixed at Rs.40 lakh, then the rate of tax could be 7%.

10.60. The Hon'ble Chairperson stated that there should be a balance between considerations of not losing too much revenue and to incentivize the service sector where compliance till now was not very

high. He stated that if the rate of tax was kept at 6%-7%, it would be in the range of RNR and if the rate of tax was kept higher than RNR, the Composition scheme for services would be a non-starter. The Hon'ble Minister from Karnataka stated that the Council had already extended the benefit of procedural simplification. The Hon'ble Minister from Chhattisgarh reiterated that the rate of tax should be kept at 7% with annual turnover threshold at Rs.40 lakh. The Hon'ble Minister from Punjab observed that those who opted for Composition scheme, did not necessarily opt for paying lower taxes but to ease the burden of compliance for them.

10.61. The Hon'ble Chairperson suggested that a residual category of Composition scheme for services (including those making a mixed supply of goods and services) could be introduced in the GST Law, and the annual turnover threshold in the preceding financial year for this Composition scheme could be fixed at Rs.50 lakh and the rate of tax could be 6% (3%CGST+3%SGST). The Council agreed to this suggestion as also the other proposals in the agenda note.

(V) Provision of free Accounting and Billing Software to small taxpayers by GSTN

10.62. Shri Prakash Kumar, Chief Executive Officer (CEO), Goods and Services Tax Network (GSTN) made a presentation on this Agenda item (attached as **Annexure 5** to the Minutes). He stated that the then Finance Secretary had tasked the GSTN to explore the possibility of providing free accounting and billing software to small taxpayers, with annual turnover upto Rs.1.5 crore. He stated that after rigorous selection process involving national level Expression of Interest (EoI), evaluation by external tech experts and panel of experts from ICAI (Institute of Chartered Accountants of India), they have identified seven companies out of 43 companies, which had submitted the Expression of Interest to provide software for tax compliance purposes under GST. This software would enable a taxpayer to generate invoices, take stock of purchases, auto-prepare FORMS GSTR-1, GSTR-3B, GSTR-4, GSTR-9, etc. and also prepare balance sheet, profit and loss account, etc. He stated that all the selected companies have agreed to provide basic version of software covering above mentioned functionalities free of cost to taxpayers having annual turnover upto Rs 1.5 crore. He further stated that the software was proposed to be introduced in a staggered manner from 1st February, 2019, starting with two States and adding more in a phased manner with an aim to cover all States in two to three months. The Secretary stated that through a rigorous process, GSTN had worked to provide accounting and billing software to small taxpayers free of cost by enlisting service providers. This would be available to those having an annual turnover of up to Rs.1.5 crore.

10.63. The Hon'ble Minister from Kerala stated that there should also be a scheme to provide free computers to small taxpayers. The Secretary stated that over a period of time, it was planned to allow generation of invoices on mobile applications. The Hon'ble Minister from Uttar Pradesh suggested that the free accounting software should be connected to the e-Way bill system. The Secretary stated that ultimately, it would also get connected. The CEO, GSTN, stated that this was not presently planned but this could be done eventually. The Secretary suggested that the present proposal of GSTN could be agreed to. The Council agreed to the same.

11. **For Agenda item 4**, the Council approved the following in relation to the 5 issues discussed under this head:

(I) Increase of limit of annual turnover for Composition scheme to Rs.1.5 crore with effect from 1st April, 2019

11.1. To notify the increase in annual turnover for Composition scheme for goods to Rs. 1.5 crore from 1st April, 2019;

(II) Simplification under Composition scheme by way of quarterly payment with annual return

11.2. Taxpayers under Composition scheme for goods to make quarterly payment of tax and to file only one return in a year. The Law Committee to design a tax payment declaration with details necessary for compliance verification and to also suitably amend the FORM GSTR-4 and to place it before the Council;

11.3. The changes to be made operational from 1st April, 2019;

(III) Increasing threshold exemption for suppliers of goods

11.4. In GST Law, the States shall have an option to adopt one of the two annual turnover thresholds for registration for suppliers of goods, namely Rs.20 lakh or Rs.40 lakh;

11.5. Benefit of higher annual threshold for registration of Rs. 40 lakh not to be given to entities to which an individual with the same PAN is associated; to manufacturers of some sensitive items like *pan masala*, etc.; to allow supply of services to the extent of 10% of turnover; to find means to avoid splitting; and the Law Committee to work out a formulation on these issues (which should have participation from the States of Kerala and Punjab) and present it before the Council;

11.6. The changes to be made operational from 1st April 2019;

11.7. Till amendment in law is made to give effect to this change, the scheme to be made operational by notifying exemptions from tax and registration;

11.8. Council took note that it had agreed to have an option of two annual turnover thresholds for registration to suppliers of goods only on the consideration that it would not affect the inter-State trade;

11.9. The States to convey their decision regarding the applicable annual turnover threshold for registration preferably within a week's time;

11.10. For the Special Category States, to retain the existing annual turnover of Rs. 75 lakh for Composition scheme for goods but those Special Category States desirous of increasing their turnover threshold for Composition scheme to Rs.1.5 crore, to inform the GST Council Secretariat in writing, preferably within a week's time;

11.11. GST Council Secretariat to place before the Council the cumulative figure of loss of revenue due to decisions of the Council from November, 2018 till date;

(IV) Composition scheme for small service providers

11.12. To have a residual category of Composition scheme under the GST Law for service suppliers (including those making a mixed supply of goods and services) i.e. for those who are not eligible for present composition scheme, and for this Composition scheme, the annual turnover threshold in the preceding financial year shall be Rs.50 lakh and the rate of tax shall be 6% (3%CGST+3%SGST);

11.13. The changes to be made operational from 1st April 2019;

11.14. Till amendment in law is made, the scheme to be made operational through a notification;

(V) Provision of free Accounting and Billing Software to small taxpayers by GSTN

11.15. GSTN to operationalize the scheme of providing free accounting and billing software to small taxpayers, with annual turnover upto Rs.1.5 crore, in a staggered manner from 1st February 2019 onwards and to cover small taxpayers in all States in two to three months.

Agenda Item 5: Issues recommended by the Fitment Committee for consideration of GST Council:

Agenda Item 5(i): Proposal for boosting Real Estate Sector under GST regime by providing a Composition Scheme for construction of Residential Units

12. The Secretary invited Joint Secretary, TRU-II, to explain the proposals under this agenda item. The Joint Secretary, TRU-II, made a presentation which is attached as **Annexure 6** to the Minutes. He stated that for the past few years, the Real Estate sector had been performing far below the potential than what it could contribute to the economy and revenue. To address the situation, the current proposal had been brought before the Council which might lead to substantial benefit to buyers and slight gains in revenue also. The proposal, he informed, was based on the representations received from the Confederation of Real Estate Developers Association of India (CREDAI), Ministry of Housing and Urban Affairs and Maharashtra RERA regarding various aspects relating to the sector. The proposal was to levy a flat rate of GST @ 5% (akin to composition scheme) without Input Tax Credit (hereinafter referred as ITC) for under-construction flats before the occupation certificate was issued. He further informed that CREDAI had slightly modified their demand subsequent to their first proposal by stating that either the GST rate @ 5% or @ 8% with ITC would be appropriate. However, both the proposed tax rates would lead to inverted GST rate structure in the sector leading to refund. The proposal was initially brought in the 31st Council Meeting where considering its importance, it was referred to the Law Committee and the Fitment Committee for consideration jointly and the instant proposal was based on the recommendations arising out of such a joint meeting.

12.1. Explaining the proposal, Joint Secretary, TRU-II further stated that:

- a. the proposal was prepared keeping in mind the buyers' perception that GST rate was high and the benefit of ITC was also not being passed on by the builders;
- b. the sector was not in good health and that it was suffering from cash flow problems on account of credit overhang which was aggravated by tax payment to be done on intermediate services such as Transfer of Development rights;
- c. the actual tax payment data of the sector was analyzed and it was found that the total cash payment from the sector was less than 5%;

- d. during the discussions in the Fitment Committee, it was brought out that the impact of proposed tax on lower end flats might lead to price rise; hence, GST @ 3% was proposed on the Affordable Housing category, which were proposed to be defined as per the Reserve Bank of India priority sector lending norms. Houses up to Rs.45 lakh (with population of 10 lakh and above) in the big cities and up to Rs.30 lakh in the smaller cities would be covered under the Affordable Housing category;
- e. due to levying of flat tax rate without input tax credit as proposed, the backward credit chain would be broken. Therefore, it was proposed that 80% or more purchases of Input Services and Capital Goods should be from the registered GST suppliers. Further, where a builder was found to have purchased less than 80% Inputs, Input Services and Capital Goods from Unregistered Dealers, in that case tax under reverse charge mechanism would be recoverable from him on the amount which was less than 80% @ 12% instead of the applicable tax rates on the individual item;
- f. since the final product was proposed to be taxable @ 5%, it was proposed to exempt intermediate services such as Transfer of Development Rights, Development Rights in cases of Joint Development Agreements (JDA). However, the Transfer of Development Rights and similar rights in Joint Development Agreements would be taxable for the portion of the residential properties which were sold after the issue of completion certificate by adjusting the point of taxation.

12.2. The joint meeting of the Fitment Committee and the Law Committee, while considering the proposal, had identified certain benefits as well as the drawbacks of the proposal which were also listed in the Agenda and placed before the Council. He concluded that if the above proposal was accepted by the Council, the details such as definition of 'Residential Property', 'Commercial Property', 'Transfer of Development Rights', 'transitional issues' *vis-à-vis* credit lying in the ledger of the builder pertaining to inputs, input services, etc. lying unused with the builder would be worked out by the Fitment Committee.

12.3. The Hon'ble Deputy Chief Minister of Delhi sought clarification on the treatment of mixed projects involving part commercial and part residential development. Joint Secretary, TRU-II explained that it would be dealt with in a manner similar to a situation in GST where a manufacturer manufactured not only taxable but also exempt goods using common inputs and input services. In such cases, the input tax credit pertaining to the production of exempt goods was liable to be reversed and for this, an elaborate procedure for calculation was provided under the GST Rules.

12.4. The Hon'ble Deputy Chief Minister of Gujarat sought further clarification that in his State, it was common to have construction with first two floors being commercial and floors above it being residential. The Secretary explained that the commercial property would be taxed at the tax rate applicable to the commercial property and the Fitment Committee would appropriately define the residential and commercial property. Joint Secretary, TRU-II added that there were various methods to identify the nature of property such as declaration of type of property in the registration documents, definition of residential property in the local municipal laws, definition under the allied acts such as Income Tax Act etc. which would also be explored by the Fitment Committee before arriving at a proper definition under the GST Act. The Hon'ble Deputy Chief Minister of Gujarat further enquired whether the tax would be applicable on the selling price. The Secretary explained that in case of a big building with some floors commercial and some floors residential, the commercial floors would attract the tax rate applicable to commercial flats whereas the tax rate of 5% or 3% as the case may be, would be attracted on remaining residential floors with no proportionate ITC. The Joint Secretary TRU-II clarified during discussions later that tax would be charged on the full sale price.

12.5. The Hon'ble Minister from Kerala stated that earlier one-third abatement from selling price was given before applying GST rate in case the cost of land was included in the overall value, whereas in this proposal, a flat tax at the rate of 5% was proposed on the entire consideration for the sale of the flat. Thus, it seemed to be in the nature of taxing the immovable property under GST and hence legally not sustainable. Thus, he enquired that since Stamp Duty was imposed on the sale of immovable property which was a taxation subject of the States, whether the proposed tax @ 5% would have any impact on the Stamp Duty legislations across the country. The Joint Secretary, TRU-II replied that it was not proposed to affect the Stamp Duty legislations in any manner, as sale of property was not covered under GST. Similar position existed in the earlier Service Tax regime where Stamp Duty and Service Tax legislations operated parallelly.

12.6. The Hon'ble Chairman summarized the proposal and the challenges faced by the sector. He stated that there was a slowdown in the sector which impacted creation of employment in the economy and consequently affected the allied sectors such as steel, cement, paints and other construction items. It, therefore, impacted the availability of inventory in the market and ultimately the tax revenue. He added that the principal reasons identified for this situation were:

- a. The monetary situation relating to credit and liquidity in the sector created by the crisis in NBFC (Non-Banking Financial Company) sector which had stopped lending due to their own survival issues. It was manageable by taking care of monetary and liquidity situations.
- b. Sale of built up residential/commercial property was out of GST whereas sale of property under construction where the buyer pays in stages was taxed @ 18% giving the one-third abatement for the land component which effectively came to 12% tax rate. The flat buyers were under the impression that if they bought completed property, they would be saving this 12% tax and only paying Stamp Duty and hence waiting for the property to be completed. Since the buyers had stopped buying under construction property, the money supply to the sector had stopped and projects were not getting completed.
- c. It was also a fact that builder paid tax at the rate of 28% on cement, 18% on majority of other input items and 12% on some other materials and the combined ITC available to him for payment of his output tax came to 8-9%. Eventual tax burden on him would be 12% minus the ITC available to him. However, the unscrupulous builders were not passing the benefit of input tax credit to the potential buyers by reducing the base rates but were recovering the entire 12% in cash from the buyers.

12.7. The Hon'ble Chairperson added that a question arose as to how to resolve the issue and to come out of the logjam. The proposed solution was to fix the GST rate at 5% for normal/luxury flats and at 3% for the affordable category flats, and at the same time, to impose the condition of buying 80% of Inputs and Input Services from the registered dealers to prevent the input items going out of GST chain. Thus, the entire situation in the real estate sector where the unscrupulous builders were not passing the input tax credit benefit to the buyers would be eliminated.

12.8. The Hon'ble Minister from Chhattisgarh stated that there was no doubt that the real estate sector was stressed and it had been assured in the current proposal that there was no revenue loss. As per his understanding, for a Rs.15 lakh property, after one-third abatement for land component, the cost would come to Rs.10 lakh and @ 12%, the tax worked out to Rs.1.2 lakh. The Hon'ble Chairman clarified that Rs.10 lakh flat would come under affordable category, where the tax rate was 8% and thus the tax payable would be Rs.80,000 and not Rs.1.2 lakh. The Hon'ble Minister from Chhattisgarh continued that at the moment, in the affordable segment, the entire Rs.80,000 would be recovered from the ITC and no extra tax payment in cash was required. However, if the tax was computed as per the current

proposal, then for Rs.15 lakh property, the tax component would work out to Rs.75,000 which was to be paid in cash and hence the buyer had to bear the burden of extra Rs.75,000 tax. Similarly, he gave the example of a high value property of say Rs.3 crore, where after abatement, the value of the property would be Rs.2 crore and the tax payable would be Rs.36 lakh, out of which Rs.25 - 28 lakh would be the ITC benefit and the potential buyer would have to pay about Rs.8 lakh in cash. Thus, as per the current proposal, if one imposed tax @ 5% on it without ITC, the tax incidence would increase by approximately Rs.10 lakh in cash. Thus, in both the cases, i.e. affordable category and luxury category, there would be increase in tax incidence which would be ultimately borne by the consumer.

12.9. The Secretary explained that in real estate sector, the tax rate was 12% on normal property and with ITC available, the builder was to pay cash to the extent of 4%. However, this was one sector where not only the evasion of tax was there, but at the same time, input cost was being inflated by way of purchasing bills. Thus, a situation existed where neither one was getting any tax nor was the consumer getting any benefit as he was charged tax @12%/ 8% on the invoice depending on the type of property he was purchasing. Thus, the situation was similar to restaurants and by having GST rate of 5% or 3% as proposed in the Agenda, the consumer would see only the above tax rates on invoice which would be substantially lower. The safeguard of 80% purchases from the registered dealers would maintain the credit chain.

12.10. The Hon'ble Chairman further explained that the present tax structure was 8% on the affordable category and 12% on the normal or luxury category and both were covered by ITC benefit, which was to the tune of roughly 8% as per his interaction with the builders. An honest builder would show on the invoice that he was reducing the base price by 8% and thereafter imposing tax of 8% or 12% as the case may be. The problem was that the builders were not operating fairly and the buyers were scared away from the sector instead of actually appreciating the benefits of GST. Thus, the unfair trade practice was to make a profit of 8% by not giving the benefit of ITC to the customers and charging full tax from them.

12.11. The Hon'ble Minister from Punjab stated that the foundation of GST was to reward the honest taxpayers who remained in the credit chain and punish the unscrupulous traders who operated by purchasing the goods and services without bills. The current proposal before the Council seemed to be alien to the spirit of GST. He further stated that as the Hon'ble Minister from Kerala pointed out, GST was a self-policing tax where if any tax was missed at one stage, it would be recovered at the next stage. However, the Council departed from this principle in the past in the case of Restaurants primarily because they were in MSME sector and the ITCs in the sector was very low. However Real Estate Sector was the major sector of the economy contributing 10% of GDP and at the same time, a major generator of black money and therefore, this kind of pitfall had to be avoided. He reminded of the famous speech of the President of U.S. Mr. John F Kennedy and stated that the history would judge us whether we were men of courage and it was not just the courage to stand up against the enemy but the real courage lay in standing up against friends and family, when it was required. Thus, the instant moment required courage to resist public pressure and private greed. He stated that if the current proposal was so good, then entire GST tariff should be brought down to 5% without ITC but with the present kind of proposal, all sorts of evasion, over valuation, under valuation, etc. would follow. He added that in view of Constitutional validity issues involved *vis-à-vis* issue regarding sale of property, it would be proper to refer the matter to a GoM who could go through the proposal in detail.

12.12. The Hon'ble Minister from Karnataka stated that he needed a clarification as to whether the proposed tax @ 5% was payable on full value or on the value after adjusting / abatement for land component. If the proposal was to tax on the full value, then land would be getting taxed under GST.

The current tax rate of 12% which had been arrived at after one-third abatement should not become basis for this situation where tax was proposed to be levied on full value rather than the abated value of sale.

12.13. The Hon'ble Chairperson enquired from Joint Secretary, TRU-II that if the proposal for taxing at the rate of 3% or 5% on the sale value of property was adopted, the question was whether it included the value of land. The Joint Secretary, TRU-II stated that tax rate would be charged on the full value of the flat including the land value and that the proposed tax rate of 3% or 5% might lead to marginal increase in the tax on the builder which would be borne by the buyer ultimately. The Hon'ble Chairperson observed that if it was so, why such a decision should be taken, as unethical conduct of developers could be dealt with by use of Anti-profiteering proceedings or through redressal under RERA proceedings. He observed that this proposal, instead of effectively reining in the builders, might increase the incidence of tax on the consumer which could be counter-productive.

12.14. The Hon'ble Minister from Karnataka submitted that studies available in the public domain showed that the incidence of tax on the high-end houses would come down while on the affordable category, it would go up. DG, Anti-profiteering submitted that there were about 30 complaints under investigation with the DG, Anti-profiteering in case of builders and they were going through the input, output and the other records of the builders to establish whether or not the benefit of ITC had been passed on. The Hon'ble Chairperson observed that addressing the problem by way of Anti-profiteering mechanism or through RERA mechanism would be better. Otherwise, with the remedy that had been proposed, a situation could arise where consumer would be worse off than living with the problem itself.

12.15. The Hon'ble Deputy Chief Minister of Delhi stated that it was better to refer the issue to a Group of Ministers as suggested by the Hon'ble Minister from Punjab. The Hon'ble Deputy Chief Minister of Bihar stated that a day before, in the Times of India, a story on real estate appeared which showed that the prices of affordable houses would go up with the proposed levy while the high-end flats would be cheaper. The Hon'ble Chairperson responded that there was another lobby of builders who were likely to be badly affected by the proposed method of taxation and hence were lobbying through newspapers by intentionally inserting such reports. The Hon'ble Minister from Goa supported the proposal and stated that the present tax rate of 18% was dissuading the buyers from buying flats under construction and hence the issue was required to be addressed.

12.16. The Hon'ble Chairperson proposed that a seven-member Group of Ministers could be formed to consider all aspects of the problem and to propose a solution. The Council agreed to this proposal.

13. For **Agenda item 5(i)**, the Council agreed to constitute a 7 Member Group of Ministers (GoM) to study the issues for boosting Real Estate Sector under GST regime.

Agenda item 5(ii): Rationalisation of GST rates on Lottery

14. Joint Secretary, TRU-II, introduced the agenda and explained that at present, GST rate on lottery run by State government was 12% and GST rate on lottery authorized by State Governments was 28%. However, this differential was being misused by the trade and majority of them were paying tax @12%. He further explained that the proposal was for rationalisation of GST rates on Lottery by increasing tax rate on State run lotteries to 28 % from the present 12%. Further, if the GST rate was increased to 28% from 12%, it would lead to revenue gain of approximately Rs. 1250 crore. He added that the details are contained in agenda for removing the differential tax rates for lotteries which are as follows: -

- i. There was only one type of lottery allowed in the States i.e. the one which conforms to the provisions of Section 4 of the Lotteries Regulations Act, 1998. Discrimination in GST rates was leading to reduction of sales especially in major States of Maharashtra and Punjab.
- ii. It was beyond comprehension as to how two different rates of GST could be fixed on same product when sold in the State itself and when sold in the other States, which was against the provisions of the Competition Act, 2012. Discrimination did not exist in any other category of products.
- iii. The huge variation of 16% between two rates helped the larger States to exploit customers as smaller States could not compete with them. High differential rates encouraged non-compliance by small business.
- iv. Hon'ble Calcutta High Court in a judgement dated 10.10.2018 in the case of M/s Teesta Distributor vs UoI had upheld the prevailing rate structure. Even then, the product being a sin / de-merit good, needed to be taxed at rates higher than 12%. The high differential in tax rate also led to malpractice of attempting to avail tax rate of 12% by mis-representation.

14.1. The Hon'ble Minister from Karnataka stated that from the proposal it was not clear as to from where it had originated. He further stated that as had been pointed out by the Hon'ble Minister from Andhra Pradesh, a number of proposals were sent by the States to the GST Council/Fitment Committee which were not finding mention in the final agenda circulated before the meeting. He, therefore, stated that there was a need to evolve a process of dealing with such representations, else States might lose interest and feel that on the one hand, they had lost autonomy in GST while on the other, they were also not being adequately heard. The Hon'ble Minister from Kerala supported this point and stated that in the October 2018 Meeting of the Council held at New Delhi, a phenomenon of bringing the agenda directly before the Council and by-passing the Fitment Committee was observed. In the last Council Meeting also, the agenda on Lotteries was brought without being circulated prior to the meeting. This should be curtailed as they eroded the faith in the system. The Hon'ble Minister from Tamil Nadu, in his printed speech circulated during the Council meeting also reiterated the pending demands on fitment from his State.

14.2. The Hon'ble Chairman stated that it was not correct to say that States were not being heard in the Council and there was a set precedent in the Council that all the decisions were taken by consensus and wherever differing views emerged, the matter was referred to a Group of Ministers and that he would try to reinforce the tradition further during the conduct of Council Meetings. The Hon'ble Minister from Karnataka stated that he apologised for the statement that the States were not being heard. Instead, what he wanted to convey was that State's issues were not being properly addressed and not that they were not being heard in the Council.

14.3. The Hon'ble Chairperson explained the issue further and stated that when the rates on lottery were fixed by the Council at the time of GST implementation, the issue was thoroughly examined and a two-tier rate structure was adopted. One was lotteries run by State Governments, like Kerala model, where GST was fixed @ 12%. Thus, Kerala ran its own lottery, not allowing any other private lotteries in the State and it was taxable @ 12% and they used the profit earned out of this lottery system for social welfare and health care scheme. Second model was a purely private party run model which attracted GST @ 28%. In addition, there was a third hybrid model where lotteries were run in the name of the State but were effectively private lotteries, i.e. it carried only authorisation by State Governments. In that model, the State took some fixed amount based on some percentage, whereas the whole operation was private thereafter and was misdeclared so as to pay tax @12%. Despite the higher rate of GST being applicable to these lottery owners, there was low GST collection because of this hybrid structure

which was leading to evasion of taxes. Taxation of this model needed to be addressed and it should be taxed @ 28% GST.

14.4. The Hon'ble Minister from Kerala stated that majority of States had banned the lottery, and, therefore, they did not have any direct stake or interest in the instant agenda. However, States, particularly North Eastern States and 5 other major States, viz. Maharashtra, Punjab, West Bengal, Kerala and Goa who were running lotteries had a stake on the issue. One would agree that lottery was not a desirable activity as it had an element of gambling, but it could be allowed only for the purposes of revenue generation. Government of India had promulgated a Central Lottery Act to ensure one did not undertake measures which would make lottery addictive, such as the number of draws that lottery could have, the number of digits in the lottery, price system, etc. Secondly, objective of Central Law was that the benefits would go directly into public service and for that purpose, it was provided in the law that Government had to print the lottery tickets. Further, all revenues from lottery would go directly to the State treasury and all-inclusive expenditure for it would be paid out of State treasury. Now, there were models of some States particularly North Eastern States which did not directly run lottery but had put middle men in return of payment of a percentage or lump-sum amount as small as Rs.10 crore, i.e. they had the right to sell the lottery and once they got the rights, they behaved as if they were law unto themselves, breaking each and every law related to the issue. He further stated that various CAG reports regarding lottery of Sikkim, Mizoram and other States, had pointed out the facts stated by him leading to various other political and social issues. He continued that due to certain reasons, State of Kerala was the most lottery savvy place and therefore, this was a Rs.15,000 crore market with more than Rs.1200 crore profit which everyone would like to penetrate. To control that, Kerala had introduced a law on gambling (being a State subject) and had also put a fee on registration and every draw with lots of regulations for lottery in the State. However, due to GST, Kerala's law on gambling was nullified and not applicable thereafter. GST Council, during initial elaborate discussions, understood these circumstances and decided that a State which was directly running the lottery had to pay GST @ 12% and any middleman/contractor run lottery would attract 28% GST. Punjab, Maharashtra, Goa or any other State which were running lottery directly were liable for tax rate of 12% within the State and contractors should not point out that all lottery supply should be taxed @ 28%.

14.5. The Hon'ble Chairperson stated that on this issue, one would not have too many conflicting views to the situation where States were merely a name lender; but the question was how one could ensure that 28% GST was charged on such private players. Thus, for this purpose, one needed to have some strict guidelines.

14.6. The Hon'ble Minister from Kerala stated that Council took the decision which was challenged in the Hon'ble Kolkata High Court which held that Council had legally the right to take such a decision. Thus, to take benefit, other States may also avoid middlemen and run the lottery by themselves. Kerala Government could provide the technical support to other States who wanted it.

14.7. The Hon'ble Minister from Assam stated that North Eastern States have lottery system, but they lacked proper infrastructure to run it by State machinery and that is why they ran it through somebody else as authorised outsourced agency. The Hon'ble Minister from Kerala stated that private players who had to pay tax at the rate of 28% were not finding it attractive enough to compete with Kerala model. Therefore, such players were campaigning to remove this differential rate and adopt uniform rates for lottery across the country for their personal gains and accessing market in other States. This issue did not concern the majority of States but it was a serious concern for States where lottery operated. One should not upset the present system, allow it to continue and asked as to what was the

rationale for changing the present structure. He stated that Kerala would help create a structure for smaller States or pay the amount that was paid by these private players to those States acting as their agent in lottery distribution but they should avoid giving lottery to these middlemen and upset the order in the society.

14.8. The Hon'ble Minister from Assam stated that before introduction of GST, Kerala had demanded 28% GST on lottery universally from GST Council but now Kerala wanted 12% for their lottery. He further stated that as to who was running the lottery should not matter for the purpose of tax rate. Since North-Eastern States were unable to operate lottery on their own, hence were suffering heavily. Further, when North Eastern States would float the tender for running the lottery, desirous States might participate as outsource partner, and they would give rights to the party who would offer maximum rate/price. However, differential rates in the same commodity was against GST principle and North Eastern States' lottery tickets were not being sold because of higher tax outside the State. Kerala was having 22% growth in the lottery revenue, but North Eastern States were suffering and one should not condemn the outsourcing model *per se* which was being adopted by North Eastern States.

14.9. The Secretary stated that the existing two rates, 12% and 28%, were leading to a lot of distortions and tax evasion. If one analyses the revenue *vis-a-vis* where these lotteries were conducted and where the lottery tickets were sold, the average revenue should be towards 28% rate but the real scenario was that average revenue collection was closer to 12% rate. It showed that lotteries were being shown as run in States but tickets were sold secretly outside States and because of two tax rates, a lot of litigations were also taking place. This being a sin item, needed to be discouraged and therefore, 28% rate should be imposed on the lottery as was the original proposal in the past. However, it was decided in the Council that there should be some distinction between State operated lottery and private lottery but there was now requirement of a uniform rate to plug the revenue leakage and distortions.

14.10. The Hon'ble Minister from Kerala stated that lottery was not a normal commodity and one should question as to whether it was like any other commodity for which a freedom of trade all over India under GST regime had to be given. Lottery was not a normal commodity and that was why central law on lottery existed which had prohibited the middlemen running lottery at other places. CAG report clearly indicated that some middlemen from some States were running it in an inappropriate way. Therefore, the proposal could not be accepted.

14.11. The Hon'ble Minister from Punjab stated that differential rate in lottery was contested by lottery group/associations till the Hon'ble Supreme Court, but present rate structure of 12% and 28% had been upheld even by the apex court and it was clear that State run lottery attracts 12% GST whereas State authorised privately run lottery would attract 28% GST.

14.12. The Hon'ble Minister from Assam stated that the argument of differential tax rates was not proper, and it was like punishing North Eastern States for inability to do certain things. On one commodity two rates should not exist and it was not warranted.

14.13. Shri Manoj Rai, Joint Commissioner, State Tax, Sikkim stated that a lot of misreporting was happening regarding inter-State operations of lottery and that it was more in case of online lotteries. Further, carrying lottery tickets to neighbouring States was not a big task as tickets could be transported easily. He supported the proposal of uniform GST structure to avoid misreporting. Shri Anirudh S. Singh, Commissioner, State Tax, Arunachal Pradesh also stated that misrepresentation and misreporting was rampant, especially in online lottery and was leading to revenue leakage.

14.14. The Hon'ble Chief Minister of Puducherry stated that this issue had already been deliberated earlier in the Council, and the Council took a conscious decision that State-run lottery would be taxed @ 12% and State authorized lottery run by private persons would be taxed @ 28%. Till now, the system was running smoothly and issues of tax evasion, distortion, diversion which were coming up did not prevent any State to run their own lottery. The issues arose when the State authorised somebody else to run the lottery on their behalf, and they wanted to sell tickets in another State apart from their own State. If any particular State government wanted to run it, the infrastructure, mechanism required was not so huge and they could easily replicate it. Similarly, some States had taken a principled decision that they did not want lottery at all. Now when the States were not prevented from running the lottery to get the advantage of tax, why to compare both. If some people were authorised to run the lottery, not directly connected to the State government, paying certain royalty to the government and running the lottery; there could be a different rate slab for these lotteries. It had stood the test of law and the Apex Court had declared that no North Eastern State was punished by these two different rate slabs. The present system was running smoothly, and should not be disturbed.

14.15. The Hon'ble Minister from Assam stated that North Eastern States were lacking resources and should not be compared with other States such as Punjab or Kerala and for their inability to develop a system, they should not be punished. There were various challenges in running a government mechanism for lottery *vis a vis* North East States which needed to be addressed and they needed special consideration.

14.16. The Hon'ble Minister from Goa stated that Goa had lottery in the State but was losing revenue because there was no rationalization in rates for lottery. Kerala was selling lottery outside the State and other States were losing because of twin GST rates. Thus, all should rise, think for the country, and suggest best practices and way forward, i.e. ways to plug revenue leakages. He added that in the Council, one should talk about streamlining the revenue and better working of Tax administration. One had to look to fix leakage in revenue and as to why all taxpayers were not coming in the system, evading GST and needed suggestions on these real issues. He added that discussion should be in the spirit of having a truly functional GST.

14.17. The Hon'ble Deputy Chief Minister of Delhi suggested that if the Council agreed, the issue could be discussed later, and it may be referred to a GoM for detailed examination. Commissioner, State Tax, West Bengal suggested that all the States who run lottery might be members of this GoM as other States were actually not affected.

14.18. The Hon'ble Chairperson observed that in a large group like Council, one might not be able to discuss all aspects of the issue. He added that during the discussion, several issues were discussed such as what was the significance of different tax rates on lottery, why one needed a uniform rate on different types of lottery systems, and what the challenges were. It was also felt that the matter pertained to only few States including many North East States. Hence, the issue required a wider consultation with all lottery States. Therefore, he suggested that a GoM could be constituted on this subject in which States like Kerala, North Eastern States might be given representation and one representative be taken from amongst non-lottery States. Further, the existing Committee of Officers constituted in the past may provide assistance to this GoM. The Council agreed to the suggestion.

15. For **Agenda item 5(ii)**, the Council decided to form a Group of Ministers (GoM) on Lottery in which States dealing in lottery such as Kerala, Maharashtra, Goa, some North Eastern States along with

one representative State from non-lottery States to examine aspects like the disparity in rates of lottery, case of private enrichment at the cost of State, tax evasion aspects, etc.

Agenda Item 5(iii): Request by CAPSI (Central Association of Private Security Industry) to bring the entire security services sector including body corporate under RCM (Reverse Charge Mechanism)

16. The Secretary briefed the Council about the request of CAPSI to bring the entire Security Services sector including the body corporates under Reverse Charge Mechanism (RCM) mode of tax payment on the ground of it being a major employment creator and maintaining law and order. They had also stated in their representation that due to delayed payments from the clients, the security industry was forced to pay GST out of borrowed funds before the actual receipt of payments from the clients. The matter had been taken up in the 31st Council meeting on their earlier representation and a Notification 29 of 2018 dated 31.12.2018 (Sl. No.14 of the Notification) had been issued which provided that the security services provided by any person other than a body corporate to a registered person except Government Departments who had taken registration for TDS and entities registered for Composition scheme had been put under RCM. He further informed that the matter was discussed in the Officers' meeting a day before and the view taken was that no further change was required. The Secretary suggested that in view of the discussion in the Officers' meeting, the recommendation of the TRU to reject the request of the CAPSI to bring the entire Private Security Service sector including body corporates under RCM may be agreed to. The Council agreed to the proposal.

17. For **Agenda item 5(iii)**, the Council decided not to agree to the request of CAPSI (Central Association of Private Security Industry) to bring the entire security services sector including body corporate under RCM (Reverse Charge Mechanism).

Agenda Item 6: Issues recommended by the Law Committee for the consideration of the GST Council

Agenda Item 6(i): Notification of provisions of the CGST (Amendment) Act, 2018; UTGST (Amendment) Act, 2018 and the GST (Compensation to States) Amendment Act, 2018 and the IGST (Amendment) Act, 2018

18. The Secretary invited the Principal Commissioner (GST Policy Wing), CBIC, to make a presentation on this Agenda item. The Principal Commissioner (GST Policy Wing), CBIC, made a presentation (attached as **Annexure 3** to the Minutes). He explained that the Council, in its 31st Meeting held on 22nd December, 2018 had recommended that the Amendment Acts of the CGST Act, the UTGST Act, the GST (Compensation to States) Act and the IGST Act, were to be brought into force with effect from 1st February, 2019. The Law Committee examined the provisions of all the GST (Amendment) Acts, 2018 in conjunction with the CGST Act, 2017, the SGST Acts, 2017, etc. and proposed to bring into force all the provisions of the four GST (Amendment) Acts with effect from 1st February, 2019 except the provisions contained in Sections 8(b), 17, 18 and 20(a) of the CGST (Amendment) Act, 2018 for the time being. These were proposed to be notified later as they related to the new return system which was proposed to be rolled out from 1st July 2019, and therefore, these were to be notified along with the new return system.

18.1. He further stated that Section 28(b)(i) and Section 28(c)(i) of the CGST (Amendment) Act, 2018 was proposed not to be notified as it related to Section 140 of the CGST Act, dealing with transitional arrangement for input tax credit for which a circular would be issued by the Central

Government to clarify the issue and that no such similar provision was there in the respective SGST (Amendment) Acts. He stated that the corresponding amendments to the SGST Act of the respective States would also be notified with effect from 1st February, 2019. He requested the Council to approve the proposal to notify the provisions of the CGST (Amendment) Act, 2018; the UTGST (Amendment) Act, 2018, the GST (Compensation to States) Amendment Act, 2018 and the IGST (Amendment) Act, 2018 except the provisions contained in Sections 8(b), 17, 18, 20(a), 28(b)(i) and 28(c)(i) of the CGST Act, 2018. The States would be required to notify amendments to the enabling provisions of the SGST (Amendment) Acts, except the provisions corresponding to Sections 8(b), 17, 18, 20(a), 28(b)(i) and 28(c)(i) of the CGST (Amendment) Act, 2018. The Amendments shall be issued after due vetting of the notifications by the Union Ministry of Law. The Council approved the proposal.

19. For **Agenda item 6(i)**, the Council approved to notify the provisions of the CGST (Amendment) Act, 2018; the UTGST (Amendment) Act, 2018, the GST (Compensation to States) Amendment Act, 2018 and the IGST (Amendment) Act, 2018 except the provisions contained in Sections 8(b), 17, 18, 20(a), 28(b)(i) and 28(c)(i) of the CGST (Amendment) Act, 2018. The States shall also be required to notify amendments to the enabling provisions of the SGST (Amendment) Acts, except the provisions corresponding to Sections 8(b), 17, 18, 20(a), 28(b)(i) and 28(c)(i) of the CGST (Amendment) Act, 2018.

Agenda Item 6(ii): Consequential amendments in notifications issued earlier in light of bringing into force the provisions of the CGST (Amendment) Act, 2018; the UTGST (Amendment) Act, 2018; the GST (Compensation to States) Amendment Act, 2018 and the IGST (Amendment) Act, 2018

20. Introducing this Agenda item, the Principal Commissioner (GST Policy Wing), CBIC, stated that certain notifications would need to be issued pertaining to the Notifications on the Amendment Acts of the CGST Act, the UTGST Act, the GST (Compensation to States) Act and the IGST Act. The details of the amendments to be carried out were contained in **Annexure A** to Agenda notes for Agenda Item 6(ii). The Council agreed to the proposal.

21. For **Agenda item 6(ii)**, the Council approved to carry out amendments to the Notifications as contained in **Annexure A** to Agenda Item 6(ii) and to also amend the corresponding Notifications issued by the States (except Notification No.02/2017-Central Tax dated 19th June, 2017). Notifications carrying out these amendments shall be issued after due vetting by the Union Ministry of Law.

Agenda Item 6(iii): Consequential amendments in Circulars and Orders issued earlier in light of bringing into force the provisions of the CGST (Amendment) Act, 2018; the UTGST (Amendment) Act, 2018; the GST (Compensation to States) (Amendment) Act, 2018 and the IGST (Amendment) Act, 2018

22. Introducing this Agenda item, the Principal Commissioner (GST Policy Wing), CBIC, stated that certain consequential amendments were required to be carried out in Circulars and Orders issued earlier in the light of bringing into force the CGST (Amendment) Act, 2018; the UTGST (Amendment) Act, 2018; the GST (Compensation to States) (Amendment) Act, 2018 and the IGST (Amendment) Act, 2018. He stated that similar amendments would be required to be carried out in the Circulars and Orders issued by the States. He further stated that the Law Committee had examined those Circulars and Orders issued under the CGST Act, 2017 and the IGST Act, 2017 in conjunction with the provisions of the GST Amendment Acts and proposed to amend certain Circulars and Orders, as contained in the Agenda notes of Item 6(iii). He further stated that the Law Committee also recommended to rescind the Removal

of Difficulty Order No.01/2017-Central Tax dated 13th October, 2017 issued to remove difficulties in implementing provisions of Composition scheme. In its place, the Law Committee had recommended to issue a new Removal of Difficulty Order to provide for extension of the beneficial condition detailed below for all Composition taxpayers:

“that for computing the aggregate turnover in order to determine eligibility for composition scheme, value of supply of exempt services by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount shall not be taken into account.”

22.1. He sought the approval of the Council for the above proposal. The Council approved the same.

23. For **Agenda item 6(iii)**, the Council approved the proposed amendments to the list of Circulars and Orders issued earlier as per **Annexure A** of Agenda notes to Agenda item 6(iii) and to also rescind the Removal of Difficulty Order No.01/2017-Central Tax dated 13th October, 2017 and to issue a new Removal of Difficulty Order providing for extension of the following beneficial condition for all Composition dealers:

“that for computing the aggregate turnover in order to determine eligibility for composition scheme, value of supply of exempt services by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount shall not be taken into account.”

23.1. The Removal of Difficulty Order shall be issued in consultation with the Union Ministry of Law. The States shall also issue similar Circulars and Orders as well as Removal of Difficulty Order.

Agenda Item 6(iv): Proposal for amendment in CGST Rules, 2017

24. The Principal Commissioner (GST Policy Wing), CBIC, stated that the Law Committee in its meeting held on 3rd and 4th January, 2019 had recommended minor amendments in the CGST Rules, 2017 to ease the process of refunds and to extend the date of examination for GST Practitioners. He explained the proposed changes in the Rules and suggested that the Council could approve the proposed changes, as contained in the notes of Agenda Item 6(iv). The Council agreed to the same. It also agreed that *pari materia* changes would be carried out in the SGST Rules.

25. For **Agenda item 6(iv)**, the Council approved the proposals as contained in the Table below the notes of Agenda item 6(iv). The Council also approved that suitable notifications shall be issued after due vetting by the Union Ministry of Law and that *pari materia* changes shall be carried out in the SGST Rules.

Agenda Item 7: Review of Revenue Position

26. Secretary, stated that the revenue position had been discussed by the Council in its 31st meeting about three weeks back and since then not much had changed. Accordingly, if the Council agreed, the revenue position may be discussed in the next Council meeting. The Council agreed to the proposal and agreed to consider the revenue position in the next Council meeting.

27. For **Agenda item 7**, the Council agreed to consider the revenue position in the next Meeting of the Council.

Agenda Item 8: Allowing ITGRC (IT Grievance Redressal Committee) to consider non-technical issues (errors apparent on the face of record)

28. Introducing this Agenda item, the Secretary stated that the IT Grievance Redressal Committee (ITGRC) was set up with the approval of the Council during its 26th Meeting held on 10th March, 2018. The mandate of ITGRC was to address IT related issues or IT glitches where owing to glitches in GSTN, relief was needed to be given to a section of taxpayers, such as allowing filing of any Form or Return prescribed in law or amending any Form or Return that had already been filed. The GSTN received various references through nodal officers and Writ Petitions filed in the Hon'ble High Courts where non-technical issues were involved and the ITGRC could not recommend those cases as it was not empowered to take any decision on those issues that did not fall in the category of technical glitches. He further explained that since there was no appeal mechanism for filing Forms TRAN-1/TRAN-2 under GST law, hence more and more taxpayers were approaching various Hon'ble High Courts for consideration and obtaining favourable orders and in some cases, Hon'ble High Courts had given specific directions to take up the cases as per the Grievance Redressal Mechanism. The ITGRC recommended to refer the issue to the Council to empower it to consider and decide cases for extending the benefit of allowing filing of any Form or Return prescribed in law or amending any Form or Return already filed for *bona fide* non-technical mistakes of the taxpayers. He stated that this Agenda item was discussed in the Law Committee and the formulation recommended by the Law Committee was discussed in the meeting of the Officers held on 9th January, 2019. During the Officers meeting, it was agreed to expand the mandate of the ITGRC to consider cases of non-technical glitches but in a very limited manner.

28.1. The formulation agreed upon during the Officers meeting held on 9th January, 2019 was presented by the Principal Commissioner (GST Policy Wing), CBIC (attached as **Annexure 3** to the Minutes). He stated that the ITGRC shall consider on merits, the specific cases as covered under the orders of the Hon'ble High Court of Madras and by any other Hon'ble High Court as sent by any State or Central authority, to the GST Council Secretariat by 31st January, 2019. The ITGRC shall consider the listed cases (as informed by States / Centre before 31st January, 2019) where the following conditions are satisfied:

- i. TRAN-1, including revision thereof, has been filed on or before 27th December, 2017 and there is an error apparent on the face of the record (such cases of error apparent on the face of the record will not cover instances where there is a mistake like wrong entry of an amount e.g. Rs.10,000/- entered for Rs.1,00,000/-); and
- ii. The case should be recommended to the ITGRC through GSTN by the concerned jurisdictional Commissioner or an officer authorised by him in this behalf (in case of credit of Central taxes/duties, by the Central authorities and in the case of credit of State taxes, by the State authorities, notwithstanding the fact that the taxpayer is allotted to the Central or the State authority).

28.2. The Secretary informed that the above formulation was agreed upon during the Officers meeting held on 9th January, 2019 and proposed that the Council could also approve the same. The Council agreed to the proposal.

29. For **Agenda item 8**, the Council approved to extend the scope of ITGRC to also consider on merits, the specific cases as covered under the orders of the Hon'ble High Court of Madras and by any other Hon'ble High Court as sent by any State or Central authority, to the GST Council Secretariat by 31st January, 2019.

29.1. The ITGRC shall consider the listed cases (as informed by States / Centre before 31st January, 2019) where the following conditions are satisfied:

- i. TRAN-1, including revision thereof, has been filed on or before 27th December, 2017 and there is an error apparent on the face of the record (such cases of error apparent on the face of the record will not cover instances where there is a mistake like wrong entry of an amount e.g. Rs.10,000/- entered for Rs.1,00,000/-); and
- ii. The case has been recommended to the ITGRC through GSTN by the concerned jurisdictional Commissioner or an officer authorised by him in this behalf (in case of credit of Central taxes/duties, by the Central authorities and in the case of credit of State taxes, the State authorities, notwithstanding the fact that the taxpayer is allotted to the Central or the State authority).

Agenda Item 9: Use of RFID (Radio-frequency Identification) data for strengthening enforcement of e-Way Bill system under GST

30. The Secretary informed that during the Officers Meeting held on 9th January, 2019, the Agenda item was discussed and a presentation was made on this Agenda item (attached as **Annexure 7** to the Minutes) and several issues arising out of reports of GSTN and Member (Budget), CBIC and recommendations were identified such as adoption of FASTag, legal requirements thereof and inter-operability of existing systems, etc. The officers were unanimous in implementing Stage-I, where data was used for passive Risk-based intervention as suggested in the proposal at the earliest. As regards Stage-II where data was proposed for active real time intervention, they raised the issue that while implementing it, one should preserve the good attributes of GST and avoid return to the permanent static check posts system.

30.1. The Hon'ble Minister from Tamil Nadu in his written speech relating to the agenda stated that his State was opposed to the recommendations contained in agenda of adopting Option-II (i.e. Stage-II) for stoppage and checking of vehicles in real time near the toll plaza where RFID reader was located. It was further stated that it would pave the way for creation of check post in a new nomenclature with all attendant problems negating the benefits of GST. Further, the RFID technology should be implemented after due consultation with all stakeholders, adequate training and awareness to the Industries, failure free testing and piloting the same with stakeholder.

30.2. Secretary stated that it was felt that the issue required a wider consultation with some other stakeholders who were not part of the exercise so far. Accordingly, it was recommended to form a Committee of Officers from Centre, States and GSTN to deliberate and suggest on following Terms of Reference (ToR):

- i. Building an inter-operable robust system and examine the feasibility and advantages of existing system versus. use of FASTag Data;
- ii. Conduct stakeholders' consultation;
- iii. Identify legal requirements, if any.

30.3. The Secretary suggested that the Council may approve the recommendations as above of the Officers' meeting of 9th January 2019. The Council agreed to the same.

31. For **Agenda item 9**, Council agreed to the suggestion to form a Committee of Officers with following ToR:

- a. Building an inter-operable robust system and examine the feasibility and advantages of existing system vs. use of FASTag Data;
- b. Conduct stakeholders' consultation;
- c. Identify legal requirements, if any.

Agenda Item 10: Quarterly Report of the NAA (National Anti-profiteering Authority) for the quarter October to December 2018 for the information of the GST Council

32. The Secretary informed the GST Council that Rule 127(iv) of the CGST Rules 2017 mandated the NAA to furnish a performance report to the Council and accordingly the NAA had forwarded Performance Report for the quarter ending 31.12.2018.

32.1. The salient features of the report were as per the agenda and the presentation made (attached as **Annexure 8** to the Minutes), i.e. during the period from 01.10.2018 to 31.12.2018, 41 investigation reports were received by the NAA from the Directorate General of Anti-Profiteering (DGAP) while they already had 29 investigation reports pending as on 30.09.2018 forwarded by the DGAP. During this period, out of these 70 investigation reports, NAA had passed orders in 20 cases which were all unanimous. Profiteering was established in 6 cases involving anti-profiteering amount of Rs.542.59 crores. Major among these were the case of M/s. Hindustan Unilever Limited and M/s. Hardcastle Restaurants Private Limited involving profiteering amount of Rs.534.890 crore and Rs.7.59 crore respectively. Profiteering was not established in remaining 14 cases. Thus, as on 01.01.2019, 37 investigation reports were pending disposal with the NAA while 13 cases were referred back to the DGAP for further investigation.

32.2. In the written speech circulated by the Hon'ble Minister from Tamil Nadu, he reiterated his stand taken earlier that the amount lying with the NAA should be shared between the Centre and the States.

33. For **Agenda item 10**, the Council took note of the facts reported by the National Anti-profiteering Authority (NAA) in its report for the quarter 1st October 2018 to 31st October 2018.

Agenda Item 11: Report of the GoM on Revenue Mobilisation

34. Introducing the Agenda, the Joint Secretary (DoR) stated that the Group of Ministers (GoM) held two meetings to discuss the following Terms of Reference:

- i. Whether the mechanism of funding to the States through National Disaster Response Fund (NDRF) is sufficient in case of natural calamities and disaster;
- ii. Whether there should also be a supplementary mechanism for funding natural calamities and disasters through GST, and if so, whether it should be through additional cess or tax, and whether such levy should be State specific or across the country;
- iii. The circumstances in which a State shall become entitled to get funding over and above the funds obtained through NDRF mechanism;
- iv. Whether it is permissible under the relevant provisions of Constitution and the GST law to create an omnibus GST Disaster Relief Fund for natural calamities or whether resources can be raised only for a specific event qualifying as natural calamity or disaster;
- v. If a GST Disaster Relief Fund is created, what should be the mechanism for its collection, accountal and disbursement, including whether such disbursement should only be for a major natural calamity/disaster and the criteria thereof;

- vi. What changes in law, if any would be needed to create a GST Disaster Relief Fund.

34.1. After detailed deliberations, a questionnaire had been made and sent to all the States seeking their views/suggestions on the following points:

- i. Which of the following would be better and convenient mechanism to support the State in case of Natural Calamity or disaster;
 - a) Increase in the borrowing limits of State
 - b) Tweaking of NDRF Norms
 - c) States specific disaster cess
- ii. Whether increase in GST rate or levy of cess would be a better mechanism to raise resources for supporting a State in case of natural calamities.
- iii. Whether increase in GST rate or increase of tax on non-GST goods would be better for mobilization of revenue in case of Natural Calamity.
- iv. In case of State Specific disaster cess, such cess should be levied on all items or only on luxury goods over all GST (CGST/IGST/UTGST) or only on SGST.
- v. What would be the amount of revenue mobilized due to increase of 0.25% or 0.5% in SGST rate as suggested by Kerala Govt? Whether it would be sufficient for meeting the requirement on account of relief and rehabilitation?
- vi. Mechanism for raising of resources for disaster management within the framework of Disaster Management Act, 2005 and how it should be dovetailed with the recommendations of Finance Commission.

34.2. The suggestions received from the States as well as Officers were considered and the following were recommended by the GoM:

- i. The NDRF norms should be considered for revision after due consultation with State Governments.
- ii. The Council might consider allowing levy of a cess on intra-State supply of goods and services within the State of Kerala at a rate not exceeding 1% for a period not exceeding two years.
- iii. Regarding FRBM limits of fiscal deficit, GoM felt that for the purposes of reconstruction after the initial impact of natural calamities, Central Government might consider allowing States to incur a fiscal deficit higher than the FRBM without impacting their ongoing development programmes. GoM felt that this could either be done by excluding the reconstruction expenditure outside the FRBM limits or by providing additional borrowings over and above the FRBM target over a specified number of years.

34.3. The Hon'ble Chairperson asked the Minister from Kerala as to whether the above recommendations were acceptable to him to which he agreed. The Hon'ble Ministers from Assam and Goa also supported the recommendations of the GoM. The Hon'ble Deputy Chief Minister of Delhi stated that the recommendation (i) and (iii) had nothing to do with the GST while recommendation (ii) pertained to GST which was acceptable. The Hon'ble Minister from Kerala stated that though this may not be part of GST Council's mandate but it needed to be understood that for rebuilding after a natural disaster, funds were required which the Government of India allows through borrowing from external agencies. He added that the Government of India should permit external borrowing as a means of additional resource mobilisation. The Hon'ble Chairperson stated that this suggestion was out of direct scope of the GST Council, but the recommendations of the GoM would be taken up with the

Government of India separately. He further suggested that the recommendations of the GoM may be approved by the Council. The Council agreed to the same.

35. For **Agenda item 11**, the Council approved the recommendations of GoM on Revenue Mobilisation, as mentioned at paragraph 34.2 and the action proposed at paragraph 34.3 above.

Agenda Item 12: Any other agenda item with the permission of the Chairperson

36. No issues were discussed under this agenda item.

36.1. The Hon'ble Minister from Tamil Nadu circulated a written speech during the Meeting of the Council. The extracts of the speech relating to the relevant agenda items have been recorded as part of the discussion on those agenda items. In addition to that, he drew attention of the Council Members to the decision of the Council taken in the 31st Meeting held on 22nd December 2018 regarding the implementation of the GST Amendment Act, 2018 from 1st February, 2019. He stated that the State of Tamil Nadu was broadly in agreement with those recommendations wherein it was proposed to notify the provisions relating to new returns at a later date and also for consequential changes proposed in the Notifications/Circulars/Order and Rules.

Agenda Item 13: Date of the next meeting of the GST Council

37. This agenda item could not be taken up for discussion

38. The Meeting ended with a vote of thanks to the Chair.

Annexure 1

| List of Ministers who attended the 32nd GST Council Meeting on 10th January 2019 | | | |
|--|---------------------|---------------------------------|--|
| Sl No | State/Centre | Name of Hon'ble Minister | Charge |
| 1 | Govt of India | Shri Arun Jaitley | Union Finance Minister |
| 2 | Govt of India | Shri S.P. Shukla | Minister of State (Finance) |
| 3 | Andhra Pradesh | Shri Yanamala Ramakrishnudu | Minister of Finance, Planning, CT and Legislative Affairs |
| 4 | Assam | Dr Himanta Biswa Sarma | Finance Minister |
| 5 | Bihar | Shri Sushil Kumar Modi | Deputy Chief Minister |
| 6 | Chattisgarh | Shri T.S. Singh Deo | Minister for Commercial Taxes |
| 7 | Delhi | Shri Manish Sisodia | Deputy Chief Minister |
| 8 | Goa | Shri Mauvin Godinho | Minister for Panchayat |
| 9 | Gujarat | Shri Nitinbhai Patel | Deputy Chief Minister |
| 10 | Haryana | Capt. Abhimanyu | Excise & Taxation Minister |
| 11 | Jharkhand | Shri C.P. Singh | Minister - Department of Urban Development, Housing and Transport |
| 12 | Karnataka | Shri Krishna Byre Gowda | Minister for Rural Development, Law and Parliamentary Affairs |
| 13 | Kerala | Dr. Thomas T M Isaac | Finance Minister |
| 14 | Madhya Pradesh | Shri Priyavrat Singh | Minister (Energy) |
| 15 | Maharashtra | Shri Sudhir Mungantiwar | Finance Minister |
| 16 | Nagaland | Shri Metsubo Jamir | Minister, Urban Development and Municipal Affairs |
| 17 | Puducherry | Shri V. Narayanasamy | Chief Minister |
| 18 | Punjab | Shri Manpreet Singh Badal | Finance Minister |
| 19 | Rajasthan | Shri Shanti Kumar Dhariwal | Minister for Local Self Government, Urban Development and Housing, Law & Legal affairs and Parliamentary affairs |
| 20 | Tamil Nadu | Shri D. Jayakumar | Minister for Fisheries and Personnel & Administrative Reforms |
| 21 | Tripura | Shri Jishnu Dev Varma | Dy. Chief Minister |
| 22 | Uttarakhand | Shri Prakash Pant | Finance Minister |
| 23 | Uttar Pradesh | Shri Rajesh Agarwal | Finance Minister |
| 24 | Jammu and Kashmir* | Shri K K Sharma | Advisor to Governor (I/c Finance) |
| * The representative from Jammu & Kashmir attended the Meeting on behalf of the Hon'ble Governor of Jammu & Kashmir. The matter regarding exact status of the Advisor to the Governor in the GST Council is under consideration in consultation with the Union Ministry of Law | | | |

Annexure 2

| List of officials who attended the 32 nd GST Council Meeting on 10 th January 2019 | | | |
|--|----------------|-------------------------------|--------------------------------|
| Sl No | State/Centre | Name of the Officer | Charge |
| 1 | Govt. of India | Dr. A B Pandey | Revenue Secretary |
| 2 | Govt. of India | Dr. Krishnamurthy Subramanian | Chief Economic Adviser |
| 3 | Govt. of India | Shri Pranab Kumar Das | Chairman, CBIC |
| 4 | Govt. of India | Dr. John Joseph | Member (Budget), CBIC |
| 5 | Govt. of India | Ms. Ameeta Suri | Member (GST), CBIC |
| 6 | Govt. of India | Dr. Rajeev Ranjan | Special Secretary, GST Council |
| 7 | Govt. of India | Shri J P S Chawla | Pr. CCA |
| 8 | Govt. of India | Shri Manoj Sethi | CCA |
| 9 | Govt. of India | Shri P.K. Mohanty | Adviser (GST), CBIC |
| 10 | Govt. of India | Shri P.K. Jain | Pr. DG, DG-Audit, CBIC |
| 11 | Govt. of India | Shri Sandeep M Bhatnagar | Pr. DG, DG Systems, CBIC |
| 12 | Govt. of India | Shri G.D. Lohani | Joint Secretary, TRU-I, DoR |
| 13 | Govt. of India | Shri Manish Kumar Sinha | Joint Secretary, TRU-II, DoR |
| 14 | Govt. of India | Shri Ritvik Pandey | Joint Secretary, DoR |
| 15 | Govt. of India | Shri Upender Gupta | Pr. Commissioner (GST), CBIC |
| 16 | Govt. of India | Shri Yogendra Garg | Pr. ADG, GST, CBIC |
| 17 | Govt. of India | Shri S.K. Rehman | ADG, GST, CBIC |
| 18 | Govt. of India | Shri D.S. Malik | DG (M&C) |
| 19 | Govt. of India | Shri Rajesh Malhotra | ADG (M&C) |
| 20 | Govt. of India | Shri Parmod Kumar | OSD, TRU-II, DoR |
| 21 | Govt. of India | Shri Pramod Kumar | Deputy Secretary, TRU-II, DoR |
| 22 | Govt. of India | Shri N Gandhi Kumar | Deputy Secretary, DoR |
| 23 | Govt. of India | Shri Amaresh Kumar | Joint Comm., GST Policy Wing |
| 24 | Govt. of India | Shri Ravneet Khurana | Joint Comm., GST Policy Wing |
| 25 | Govt. of India | Shri Susanta Mishra | Technical Officer, TRU-II, DoR |
| 26 | Govt. of India | Shri Harsh Singh | Technical Officer, TRU-II, DoR |
| 27 | Govt. of India | Shri Shashikant Mehta | OSD, TRU-II, DoR |
| 28 | Govt. of India | Shri Siddharth Jain | Dy. Comm., GST Policy Wing |
| 29 | Govt. of India | Shri Vikash Kumar | Dy. Comm., GST Policy Wing |
| 30 | Govt. of India | Ms. Meghaa Gupta | Asst. Comm., GST Policy Wing |
| 31 | Govt. of India | Shri Achin Garg | Asst. Comm., GST Policy Wing |
| 32 | Govt. of India | Shri Paras Sankhla | OSD to Union Minister |
| 33 | Govt. of India | Shri Nikhil Varma | OSD to MoS (Finance) |
| 34 | Govt. of India | Shri Mahesh Tiwari | PS to MoS |
| 35 | Govt. of India | Shri Debashis Chakraborty | OSD to Finance Secretary |
| 36 | Govt. of India | Shri Anurag Sehgal | OSD to Chairman, CBIC |
| 37 | Govt. of India | Shri Vikash Shukla | Media Advisor to RS |
| 38 | Govt. of India | Shri Nagendra Goel | Adviser, CBIC |

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| 39 | Govt. of India | Ms Bhagyadevi | Technical Member, NAA |
| 40 | Govt. of India | Shri A K Goel | Secretary, NAA |
| 41 | Govt. of India | Shri Dev Kumar Rajwani | OSD to Chairman, NAA |
| 42 | Govt. of India | Dr Sumit Garg | Dy. Commissioner, TPRU |
| 43 | Govt. of India | Shri Shekhar Kumar | Dy. Commissioner, TPRU |
| 44 | GST Council | Shri Shashank Priya | Joint Secretary |
| 45 | GST Council | Shri Dheeraj Rastogi | Joint Secretary |
| 46 | GST Council | Shri Rajesh Agarwal | Director |
| 47 | GST Council | Shri G.S. Sinha | Director |
| 48 | GST Council | Shri Jagmohan | Director |
| 49 | GST Council | Shri Arjun Meena | Under Secretary |
| 50 | GST Council | Shri Rakesh Agarwal | Under Secretary |
| 51 | GST Council | Shri Rahul Raja | Under Secretary |
| 52 | GST Council | Shri Mahesh Singarapu | Under Secretary |
| 53 | GST Council | Shri Debashish Dutta | Under Secretary |
| 54 | GST Council | Shri Mukesh Gaur | Superintendent |
| 55 | GST Council | Shri Rajeev Mirchia | Superintendent |
| 56 | GST Council | Shri Sandeep Bhutani | Superintendent |
| 57 | GST Council | Shri Vipul Sharma | Superintendent |
| 58 | GST Council | Shri Sarib Sahran | Superintendent |
| 59 | GST Council | Shri Amit Soni | Superintendent |
| 60 | GST Council | Shri Anis Alam | Superintendent |
| 61 | GST Council | Shri Dipendra Kumar Singh | Superintendent |
| 62 | GST Council | Shri Sunil Kumar | Superintendent |
| 63 | GST Council | Ms Sangeeta Dalal | Inspector |
| 64 | GSTN | Shri Prakash Kumar | CEO |
| 65 | GSTN | Ms Kajal Singh | EVP (Services) |
| 66 | GSTN | Shri Jagmal Singh | VP(Services) |
| 67 | Govt. of India | Shri C K Jain | ADG, Audit |
| 68 | Govt. of India | Shri Kishori Lal | Pr. Commissioner, Chandigarh Zone, CBIC |
| 69 | Govt. of India | Shri Pramod Kumar | Pr. Commissioner, Delhi Zone, CBIC |
| 70 | Govt of India | Shri Pradeep Kumar Goel | Pr. Commissioner, Meerut Zone, CBIC |
| 71 | Govt of India | Shri Neerav Kumar Mallick | Commissioner, Bhopal Zone, CBIC |
| 72 | Govt of India | Shri G.V. Krishna Rao | Chief Commissioner, Bengaluru Zone, CBIC |
| 73 | Govt. of India | Shri R.C. Sankhla | Commissioner, Lucknow Zone, CBIC |
| 74 | Govt. of India | Shri S. Kannan | Commissioner, Chennai Zone, CBIC |
| 75 | Govt. of India | Shri Vijay Mohan Jain | Commissioner, Panchkula Zone, CBIC |
| 76 | Govt. of India | Shri Virender Choudhary | Pr. Commissioner, Vadodara Zone, CBIC |
| 77 | Govt. of India | Shri P.K. Singh | Commissioner, Jaipur Zone, CBIC |
| 78 | Govt. of India | Shri Milind Gawai | Commissioner, Pune Zone, CBIC |
| 79 | Govt. of India | Shri Srinivas Mandalika | Pr. Commissioner, Hyderabad Zone, CBIC |
| 80 | Govt. of India | Shri Sadhu Narasimha Reddy | Jt. Commissioner, Vishakhapatnam Zone, CBIC |

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| 81 | Govt. of India | Shri Nitin Anand | Commissioner, Ranchi Zone, CBIC |
| 82 | Andhra Pradesh | Dr D.Sambasiva Rao | Special Chief Secretary, Revenue |
| 83 | Andhra Pradesh | Shri T Ramesh Babu | Commissioner, State Tax |
| 84 | Arunachal Pradesh | Shri Satya Gopal | Chief Secretary |
| 85 | Arunachal Pradesh | Shri Anirudh S Singh | Commissioner (Tax & Excise) |
| 86 | Assam | Shri Anurag Goel | Commissioner, CT |
| 87 | Bihar | Dr Pratima | Commissioner and Secretary, CTD |
| 88 | Bihar | Shri Arun Kumar Mishra | Additional Secretary, CTD |
| 89 | Bihar | Shri Ajitabh Mishra | Jt. Commissioner, CTD |
| 90 | Chhattisgarh | Smt Sangeetha P | Commissioner, CT |
| 91 | Chhattisgarh | Shri S. L. Agarwal | Special Commissioner |
| 92 | Chhattisgarh | Manish Mishra | Dy. Commissioner |
| 93 | Delhi | Ms. Renu Sharma | Pr. Secretary (Finance) |
| 94 | Delhi | Shri H. Rajesh Prasad | Commissioner, State Tax |
| 95 | Delhi | Shri Rajesh Goel | Additional Commissioner, State Tax |
| 96 | Goa | Shri Dipak Bandekar | Commissioner, CT |
| 97 | Gujarat | Shri Arvind Agarwal | Addl. Chief Secretary, Finance Dept. |
| 98 | Gujarat | Shri Ajay Kumar | Special Commissioner, State Tax |
| 99 | Gujarat | Shri Riddhesh Raval | Dy. Commissioner, State Tax |
| 100 | Haryana | Shri Sanjeev Kaushal | Addl Chief Secretary, E & T Dept |
| 101 | Haryana | Shri Vijay Kumar Singh | Addl. Commissioner, E & T Dept |
| 102 | Himachal Pradesh | Shri Jagdish Chander Sharma | Principal Secretary (E&T) |
| 103 | Himachal Pradesh | Shri Rajeev Sharma | Commissioner of State Tax and Excise |
| 104 | Himachal Pradesh | Shri Rakesh Sharma | Joint Comm., State Tax & Excise |
| 105 | Jammu & Kashmir | Shri Navin K. Choudhary | Pr. Secretary, Finance Dept. |
| 106 | Jammu & Kashmir | Shri P K Bhatt | Commissioner, CT |
| 107 | Jharkhand | Shri Prashant Kumar | Secretary & CCT |
| 108 | Jharkhand | Shri Ajay Kumar Sinha | Addl. Commissioner of State Taxes |
| 109 | Jharkhand | Shri Brajesh Kumar | State Tax officer |
| 110 | Karnataka | Shri Ravi Prasad | Jt. Commissioner, CT |
| 111 | Kerala | Smt Tinku Biswal | CCT |
| 112 | Madhya Pradesh | Shri Pawan Kumar Sharma | Commissioner, CT |
| 113 | Madhya Pradesh | Shri Avinash Lavania | Addl. Commissioner |

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| 114 | Madhya Pradesh | Shri Sudip Gupta | Jt. Commissioner, CT |
| 115 | Maharashtra | Shri Rajiv Jalota | Commissioner, State Tax |
| 116 | Maharashtra | Shri Sudhir Rathod | PS to Minister |
| 117 | Manipur | Shri Y Indra Kumar | Asst. Commissioner, CT |
| 118 | Meghalaya | Shri Leonard Khongsit | Jt. Commissioner, CT |
| 119 | Meghalaya | Shri Kitbokson War | Asst. Commissioner, CT |
| 120 | Mizoram | Shri Vanlal Chhuanga | Secretary (Taxation) |
| 121 | Mizoram | Shri R Zosiamliana | Jt. Commissioner, State Tax |
| 122 | Nagaland | Ms. Kalash Jyoti | Pr. Resident Commissioner |
| 123 | Nagaland | Shri Kesonyu Yhome | Commissioner, CT |
| 124 | Odisha | Shri Saswat Mishra | Commissioner, CT |
| 125 | Odisha | Shri Sahadev Sahoo | Addl. Commissioner, CT |
| 126 | Puducherry | Shri L Kumar | Commissioner (ST) |
| 127 | Punjab | Shri M. P Singh | Addl. Chief Secretary-cum-Financial Commissioner (Taxation) |
| 128 | Punjab | Shri V. K. Garg | Advisor (Financial Resources) to CM |
| 129 | Punjab | Shri Vivek Pratap Singh | Excise & Taxation Commissioner |
| 130 | Punjab | Shri Pawan Garg | Dy. Commissioner |
| 131 | Rajasthan | Dr. Prithvi Raj | Secretary Finance (Revenue) |
| 132 | Rajasthan | Dr. Preetam B Yaswant | Commissioner, State Tax |
| 133 | Rajasthan | Shri Ketan Sharma | Addl. Commissioner, GST, State Tax Dept |
| 134 | Sikkim | Shri Manoj Rai | Jt. Commissioner, State Tax |
| 135 | Tamil Nadu | Dr. T.V Somanathan | ACS/CCT |
| 136 | Tamil Nadu | Shri C Palani | Jt. Commissioner (Taxation) |
| 137 | Telangana | Shri Somesh Kumar | Pr. Secretary (Finance) |
| 138 | Telangana | Shri Anil Kumar | Commissioner of State Tax |
| 139 | Telangana | Shri Laxminarayan Jannu | Addl. Commissioner, State Tax |
| 140 | Tripura | Shri Sudip Bhowmik | Dy Commissioner, State Tax |
| 141 | Tripura | Shri Badal Baidya | Superintendent of State Tax |
| 142 | Uttar Pradesh | Shri Alok Sinha | ACS, CT |
| 143 | Uttar Pradesh | Shri C. P. Mishra | Joint Commissioner, CT |
| 144 | Uttar Pradesh | Shri Sanjay Pathak | Joint Commissioner, CT |
| 145 | Uttarakhand | Ms. Sowjanya | Commissioner, State Tax |
| 146 | Uttarakhand | Shri Piyush Kumar | Addl. Commissioner State Tax |
| 147 | Uttarakhand | Shri Roshan Lal | Dy. Comm., State Tax |
| 148 | West Bengal | Ms. Smaraki Mahapatra | Commissioner, CT |
| 149 | West Bengal | Shri Khalid A Anwar | Senior Joint Commissioner, CT |

32nd Meeting of GST Council



Deemed ratification & Issues for consideration

1

Agenda



- **Agenda No. 2** - Deemed Ratification of Notification / Circulars issued post 31st Meeting of GST Council
- **Agenda No. 3** - Decisions taken by GIC post 31st Meeting of GST Council
- **Agenda No. 6(i)** – Notification of provisions of GST Law Amendment Acts
- **Agenda No. 6(ii)** – Consequential amendments to notifications issued earlier
- **Agenda No. 6(iii)** - Consequential amendments to circulars & orders issued earlier
- **Agenda No. 6(iv)** – Proposal for changes in Rules
- **Agenda No. 8** – Expansion of scope of IT-GRC

2

2

Agenda No. 2 (1/1)

- Ratification of following notifications, circulars & orders issued post 31st meeting (dated 22nd December, 2018) of GST Council:

| Act/Rules | Type | Notification / Circular / Order Nos. |
|---------------------|----------------------------|--------------------------------------|
| CGST Act/CGST Rules | Central Tax | 67 to 78 of 2018 |
| | Central Tax (Rate) | 24 to 30 of 2018 |
| IGST Act | Integrated Tax | 4 of 2018 |
| | Integrated Tax (Rate) | 25 to 31 of 2018 |
| UTGST Act | Union territory Tax (Rate) | 24 to 30 of 2018 |
| Circulars | Under the CGST Act | 76 to 81 of 2018 & 82 to 86 of 2018 |
| ROD Orders | Under the CGST Act | 2 to 4 of 2018 |

3

Agenda No. 3 (1/1)

Decision by Circulation (27.12.2018)

- Provisional settlement of another Rs. 18,000 crore, 50% to Centre and 50% to States
 - ✓ Order No. F. No. S-34011/21/2018-ST-I DoR dated 28.12.2018 issued

4

Agenda No. 6 (i) (1/1)

Notification of provisions of the GST Amendment Acts

- Amendment to UTGST Act, IGST Act, GST (Compensation to States Act) to be notified w.e.f. 01.02.2019
- Amendment to CGST Act to be notified w.e.f. 01.02.2019, except:
 - ✓ provisions contained in section 8(b), 17, 18 & 20(a) - to be notified at a later date
 - ✓ provisions contained in section 28(b)(i) and 28(c)(i) - not to be notified
- Corresponding amendment to SGST Acts of the respective States would be notified accordingly w.e.f. 01.02.2019

5

Agenda No. 6 (ii) (1/4)

Consequential amendments in notifications issued earlier in light of bringing into force the provisions of the GST Amendment Acts

- Amendment also to be done by States
- 8 notifications require amendments, out of which
 - ✓ S. No. 1 - Notification No. 02/2017- CT dated 19.06.2017 not required to be carried out by States
 - ✓ S. No. 3- Notification No. 57/2017-CT dated 15.11.2017 to be amended after new return system is implemented
 - ✓ S. No. 5, 6 & 7 – Amendments to notifications issued under Integrated Tax not required to be carried out by States

6

Agenda No. 6 (ii) (2/4)

Details of Consequential amendments in notifications

| Sl. No. | Notification No. | Amendments |
|---------|---|---|
| 1 | 02/2017-CT dated 19.06.2017 | Joint Commissioner (Appeals) to be included as proper officer |
| 2 | 08/2017-CT dated 27.06.2017 (amended vide notification No. 46/2017) | Notification needs to be re-aligned with the Rule 7 of the CGST Rules |
| 3 | 57/2017-CT dated 15.11.2017 | To be finalized after new return system design is brought into force |
| 4 | 65/2017-CT dated 15.11.2017 | Needs to be amended for the special category States. It needs to read as – ‘State or Union territory in accordance with sub-section (1) of section 22 of the said Act, read with clause (iii) of the Explanation to that section’ |

7

Agenda No. 6 (ii) (3/4)

Details of Consequential amendments in notifications

| Sl. No. | Notification No. | Amendments |
|---------|--|---|
| 5 | 07/2017-IT, dated 14.09.2017 | Proviso (b) to be amended “against serial number 5 in the Annexure to rule 138” |
| 6 | 10/2017-IT, dated 13.10.2017 | Needs to be amended for the special category States. It needs to read as – ‘State or Union territory in accordance with sub-section (1) of section 22 of the said Act, read with clause (iii) of the Explanation to that section’ |
| 7 | 09/2017-IT(R) as amended by 42/2017-IT (R) | S. No. 10D of Table of this notification is to be rescinded |

8

Agenda No. 6 (ii) (4/4)

Details of Consequential amendments in notifications

| Sl. No. | Notification No. | Amendments |
|---------|---|-----------------|
| 8 | 08/2017-CT (R), dated 27.06.2017 as amended vide notification No. 38/2017-CT (R), 10/2018-CT (R), 12/2018-CT (R) & 22/2018-CT (R) | To be rescinded |

9

Agenda No. 6 (iii) (1/6)

Consequential amendments in Circulars and Orders issued earlier in light of bringing into force the provisions of the GST Amendment Acts

- 9 Circulars require amendments, out of which
 - ✓ S. No. 1, 3 & 4 - Circulars to be revisited / rescinded after new return system is implemented
 - ✓ S. No. 9 – Amendment to Circular issued under Integrated Tax not required to be carried out by States
- Amended Circulars to be issued on 01.02.2019. Similar circulars to be issued by States

10

Agenda No. 6 (iii) (2/6)

Details of Consequential amendments in Circulars

| Sl. No. | Circular No. | Amendments |
|---------|-----------------------------|--|
| 1 | 7/7/2017 dated 01.09.2017 | To be revisited / rescinded after the new return system is brought into force as FORM GSTR-2 has been kept in abeyance |
| 2 | 8/8/2017 dated 04.10.2017 | Para 2(k) to be amended in order to allow acceptance of LUT for supply of services to any country for which payment is received as per RBI guidelines (by inserting the words 'or in Indian rupees wherever permitted by the Reserve Bank of India') |
| 3 | 15/15/2017 dated 06.11.2017 | To be revisited / rescinded after the new return system is brought into force |

11

Agenda No. 6 (iii) (3/6)

Details of Consequential amendments in Circulars

| Sl. No. | Circular No. | Amendments |
|---------|-----------------------------|---|
| 4 | 26/26/2017 dated 29.12.2017 | To be revisited / rescinded after the new return system is brought into force. |
| 5 | 38/12/2018 dated 26.03.2018 | <ol style="list-style-type: none"> 1. Amendment required in para 2 to replace the time of one year/3 years to read as "within the time period specified in section 143" 2. Similar amendment required in para 3 to replace the time of one year/3years to read as "within the time period specified in section 143" 3. Amendment required in para 6.1 to provide for mentioning threshold limit of States who are special category but have opted for a threshold limit of Rs. 20 lakhs (presently only J & K is mentioned therein) 4. Para 9.4(i) and 9.6 containing reference to section 9(4) of the CGST Act needs to be removed |

12

Agenda No. 6 (iii) (4/6)

Details of Consequential amendments in Circulars

| Sl. No. | Circular No. | Amendments |
|---------|-----------------------------|---|
| 6 | 41/15/2018 dated 13.04.2018 | 7 days to be changed to 14 days at - 7 days to be changed to 14 days at – (i) para 2(k) (ii) MOV08 – 4 th para (iii) MOV 09-10 th para |
| 7 | 58/32/2018 dated 04.09.2018 | i. Recovery vide FORM DRC-03 & FORM DRC-07 also needs to be mentioned in the circular ii. Provision of reversal of transitional credit through FORM GSTR-3B needs to be revised |
| 8 | 69/43/2018 dated 26.10.2018 | Suspension as mentioned in Section 21A of CGST Act needs to be mentioned (by amending para 11 to mention that registration may be suspended and notices may not be issued while processing applications for suspension of registration) |

13

Agenda No. 6 (iii) (5/6)

Details of Consequential amendments in Circulars

| Sl. No. | Circular No. | Amendments |
|---------|-----------------|--|
| 9 | 03/01/2018-IGST | This needs to be rescinded in view of the amendment (section 32 of the CGST (Amendment) Act, 2018) proposed in Schedule III of the CGST Act, 2017 which declares supply of warehoused goods to any person before clearance for home consumption as neither supply of goods nor supply of services. |

| Sl. No. | RoD Order No. | Amendments |
|---------|--------------------------------------|---|
| 1 | 01/2017-Central Tax dated 13.10.2017 | This needs to be rescinded in view of the amendment (section 5 of the CGST (Amendment) Act, 2018) proposed in section 10 of the CGST Act, 2017 making changes to the Composition scheme, difficulties regarding which were removed by the said removal of difficulty order. |

14

Agenda No. 6 (iii) (6/6)

Consequential amendments in Circulars and Orders issued earlier in light of bringing into force the provisions of the GST Amendment Acts

- Removal of difficulty Order No. 01/2017-Central Tax dated 13.10.2017 to be rescinded and fresh Removal of difficulty Order to be issued for extension of the beneficial condition detailed below for all composition taxpayers:
 - ✓ *that for computing the aggregate turnover in order to determine eligibility for composition scheme, value of supply of exempt services by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount shall not be taken into account.*

15

Agenda No. 6 (iv) (1/1)

Amendment in CGST Rules, 2017

- **Second provisio to Rule 83(3):**
 - ✓ period of clearing the examination by GSTP may be extended to 31.12.2019
- **Sub-clause (f) of Clause (2) of Rule 89:**
 - ✓ take declaration that no tax has been collected on such transaction from the supplier providing goods or services to the SEZ Unit or Developer only, so as to reduce the overall delay in the process of refunds
- **Declaration under Rule 89(2)(f) in FORM RFD-01A:**
 - ✓ Consequential to above change in Rule 89. Similar changes to be carried out in **FORM RFD-01** as well
- **Sub-Rule (2) & (3) of Rule 91 and sub-rule (4) of Rule 92:**
 - ✓ To allow for revalidation and to align provisions of CGST Rules with Rule 145 of Receipt & Payments Rules, 1983

16

Agenda No. 8 (1/2)

Expansion of scope of IT- GRC

- Presently scope is limited to deal with issues arising out of technical glitches
- Hon'ble High Court of Madras has ordered 3 specific cases of non-technical nature of Tamil Nadu to be considered on merit by the IT-GRC, as detailed below:
 - ✓ Aa
 - ✓ Bb
 - ✓ Cc
- List of similar cases would be sent by all the States / Central authorities to GST Council Secretariat by 31/01/2019

17

Agenda No. 8 (2/2)

Expansion of scope of IT- GRC

- In the cases so received from States / Centre, IT-GRC may follow the following method: -
 - ✓ TRAN-1, including revision thereof, has been filed on or before 27th December, 2017 and there is an error apparent on the face of the record (such cases of error apparent on the face of the record will not cover instances where there is a mistake like wrong entry of an amount e.g. Rs.10,000/- entered for Rs.1,00,000/-); and
 - ✓ The case should be recommended to the IT-GRC through GSTN by the concerned jurisdictional Commissioner or an officer authorised by him in this behalf (in case of credit of central taxes/duties, by the Central authorities and in the case of credit of State taxes, the State authorities, notwithstanding the fact that the taxpayer is allotted to the Central or the State authority)

18

Agenda Item 4: Interim Report of GoM (Group of Minister) for MSMEs

32ND GST COUNCIL MEETING DATED THE 10TH OF JANUARY 2019

1

Agenda in brief :

- I. Increase of limit of turnover for composition scheme to Rs. 1.5 crore w.e.f. 01.04.2019;**
- II. Simplification under composition scheme by way of quarterly payment with annual return;**
- III. Increasing threshold exemption for suppliers of goods;**
- IV. Composition scheme for small service providers;**
- V. Provision of free Accounting and Billing Software to small taxpayers by GSTN.**

2

I. Increase of limit of turnover for composition scheme to Rs. 1.5 crore w.e.f. 01.04.2019

- ❑ Background: GST Council in its 23rd meeting held on 10th November, 2017, had decided that eligibility for **composition** shall be increased to **Rs.1.5 crore per annum**.
- ❑ Amended CGST Act, 2017 shall become effective from 1st Feb, 2019.
- ❑ The decision to raise eligibility for the composition scheme for goods may be given effect from **1st of April, 2019**.
- ❑ The decision would be a relief to the manufacturers who were exempt from payment of Central Excise duty upto Rs 1.5 Cr.
- ❑ The revenue implication of this decision for all taxes put together is likely to be much less than Rs 1000 cr per year approximated at Rs 65 Cr per month.

3

| Sl No | Range of Turnover of eligible dealers | No of tax payers in Lakhs (Excl NIL filers) | Turnover in Crore | Tax paid in cash in Rs Crore |
|-------|--|---|---------------------------|------------------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1 | 0 to 20 Lakhs Regular | 25 | 1,07,300 | 3168 |
| 2 | 0 to 1 Crore Regular | 48 | 7,57,500 | 17185 |
| 3 | 0 to 1 Crore Composition | 13.5 (22% of 2 and 3 together) | 2,40,000 (24% of 2 and 3) | 2400 |
| 4 | 1 to 1.5 Cr Regular | 4.5 | 3,76,800 | 6800 (5154+1646) |
| 5 | 1 to 1.5 Cr Composition | Likely to Join – 1 | 90,432 | 1646 changes to 904 |
| 6 | Likely Revenue Loss which would help the manufacturers/traders | | | 742 |

4

I. Recommendation of GoM for MSME

The GoM recommended to increase the limit of annual turnover for composition scheme to Rs 1.5 crore with effect from 01st April 2019.

5

II. Simplification of compliance for taxpayers under composition scheme

Recommendation by joint meeting of Law Committee and Fitment Committee held on 04.01.19

- The proposal to pay tax on quarterly basis and filing of annual returns with quarterly payment along with declaration /statements was agreed.
- Payment declaration to be designed with details necessary for compliance verification.
- Annual GSTR-4 to be suitably amended to this effect.

6

II. Recommendation of GoM for MSME

The GoM recommended to simplify composition scheme by providing for quarterly payment of tax (along with suitable declaration statement) and filing of annual return.

7

III. Increasing threshold exemption for goods suppliers

- The Council desired that GOM on MSME examine the proposal to increase the threshold for exemption from registration for supply of goods upto Rs 75 lakhs.
- The joint meeting of Law and Fitment Committee examined the issue in detail on 4th Jan, 2019 and has suggested following further alternatives:–
 - I. To raise the threshold exemption uniformly for goods and services to Rs 40 lakhs,
 - II. To raise threshold exemption for goods to Rs 40 lakhs, and for Special Category States the preliminary view was to raise the limit to Rs 20 lakhs, however separate decision needed to be taken for Special Category States after discussion with them.

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| Threshold limit increased for dealer of goods to | Revenue foregone from composition on taxpayers (Rs cr) | No of existing composition taxpayers getting relief | Revenue foregone from regular taxpayers (Rs cr) [taken as 50% of revenue] | No of regular taxpayers getting relief (excluding nil filers) [taken as 50% of number in the slab] | Total revenue (Rs Cr) | Total Number |
|--|--|---|--|---|-----------------------|--------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| 20 lakh | 870 | 10,93,000 | 1,600 | 5,33,000 | 2,470 | 16,26,000 |
| 40 lakh | 1,725 | 13,35,000 | 3,500 | 7,29,000 | 5,225 | 20,64,000 |
| 50 lakh | 2,050 | 13,95,000 | 4,400 | 7,96,000 | 6,450 | 21,91,000 |
| 75 lakh | 2,600 | 14,63,000 | 6,600 | 9,18,000 | 9,200 | 23,81,000 |

9

Merits advanced in favour of the proposal:

- **Economic cost and Multiplier effect:** The revenue earned from small taxpayers is not commensurate with compliance cost in GST (For a turnover of Rs.60 lakhs the average tax payment per month is about Rs.5000/- while the compliance cost would be significantly higher). The money freed by lowering the compliance burden would add to the economy by way of multiplier effect;
- **Buoyancy of reporting in the economy:** The taxpayers who are showing lower turnover at present may be induced to show an increase in turnover as there is crowding of reporting around the threshold;
- **Limited to intra-State B2C:** Availed by dealers doing B2C transactions within the State and therefore the revenue implication would not be much.
- **Better administration:** Threshold should be high so that tax administration does not waste energy on non-productive taxpayers.

Demerits of raising threshold:

- **Loss of revenue :** Higher threshold would lead to loss of revenue and also loss of data relating to economic activity.
- **Splitting :** Higher threshold offers higher opportunity to suppress the threshold by splitting.
- **B2C reporting reduction :** There would be a tendency to under-report B2C supplies as considerable economic activity can take place below the threshold.

10

III. Discussion in GoM for MSME

- Three different streams of opinions were expressed.
- **1** A view was expressed that increasing the exemption limit was against the principle of GST of having wide tax base.
 - Reducing rate and base simultaneously is not advisable.
 - Exemption limit during the VAT regime in most of the States was even lower at Rs 10 lakh.
 - GST should be given time to stabilize.
 - The tendency of businesses to split before hitting the threshold limit was also pointed out.
 - The compliance burden on the composition taxpayers would be drastically reduced as the limit for composition scheme would be increased.

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III. Discussion in GoM for MSME

- **2** Another view emerged that although the proposal would be highly beneficial to **economically developed centres of the country**, it would be rather skewed for those States where majority of the taxpayers are below the raised threshold limits.
 - It was suggested that State-wise data of taxpayers who would become eligible should be available.
 - The information loss about economic activity that would be coupled with the proposal also got discussed as an area of concern.
 - After taking into consideration the revenue losses at various thresholds, at present threshold should be raised to Rs 40 to 50 lakh.

12

III. Discussion in GoM for MSME

- **3** An alternative view was expressed in light of the background of the proposal, that most of the MSMEs having turnover below Rs 1.5 crore under the Central Excise regime were exempt from taking registration and they needed to be facilitated.
 - It was also noted that high compliance burden on the small tax payers yielded negative economic returns.
 - The revenue earned from small taxpayers is not commensurate with compliance cost in GST (for a turnover of Rs. 60 lakh the average tax payment per month is about Rs.5000/- while the compliance cost would be significantly higher).
 - The money freed by lowering the compliance burden would add to the economy by way of multiplier effect.
 - Accordingly, a view was expressed that the annual turnover threshold should be raised to Rs 75 lakh as the benefits of raising the limits are considerable for the economy.

13

III. Recommendation of GoM for MSME

Following recommendations were made by GoM after due deliberation:

- i. The annual turnover threshold limit for payment of tax for supplier of goods needs to be raised; however, the final decision on new threshold, raising it from Rs 20 lakh to a level upto Rs 75 lakh, may be taken by the GST Council.
- ii. The threshold limit for goods should be raised and not for services as considerable base of service providers is at lower level of turnover. The concerns of compliance for small service providers is proposed to be addressed through a composition scheme separately being recommended.
- iii. Operational details for differential threshold limits for goods and services to be worked out by the Law Committee.
- iv. Till amendment in law is made to give effect to this change, the scheme may be made operational by notifying exemptions from tax as well as exemption from registration.
- v. The scheme may be made operational from the 1st of April, 2019.
- vi. For Special Category States, view may be taken in the Council after due consultation with these States.

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III. Threshold exemption limit and Composition limit to be decided in consultation with Special Category States

➤ Present position:

| Threshold Limit for registration | States |
|----------------------------------|--|
| Rs 10 lakhs | Manipur, Meghalaya, Mizoram, Nagaland (suggested Rs 20 lakhs for goods supplier) |
| Rs 20 lakhs | Arunachal Pradesh, Assam, Sikkim, Tripura, Himachal Pradesh, Uttarakhand (after law amendment) and Jammu & Kashmir |

| Composition Limit | States |
|-------------------|--|
| Rs 75 lakhs | Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Himachal Pradesh |
| Rs 1 Crore | Uttarakhand and Jammu & Kashmir |

15

IV. Composition scheme for small service providers

➤ The joint meeting of Law and Fitment Committee examined the issue in detail on 4th Jan, 2019 had suggested the following as one of the alternatives :-

- to introduce a composition scheme for services upto an annual turnover of Rs 50 lakh;
- with tax rate of 8% (4% CGST+4% SGST), keeping the registration threshold for services unchanged.

16

| Turnover upto | No of taxpayers | Total turnover | Total tax payable | Tax paid in cash | Effective tax rate (%) | Cash tax/ turnover (%) |
|---------------|-----------------|----------------|-------------------|------------------|------------------------|------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| 20 lakh | 25,88,534 | 2,04,797 | 33,861 | 15,433 | 16.5 | 7.5 |
| 30 lakh | 29,13,872 | 3,18,696 | 49,998 | 23,107 | 15.7 | 7.3 |
| 40 lakh | 31,47,078 | 4,35,136 | 66,153 | 30,352 | 15.2 | 7.0 |
| 50 lakh | 33,23,766 | 5,56,840 | 81,949 | 37,046 | 14.7 | 6.7 |

AT 5% COMPOSITION TAX RATE FOR SERVICES, REVENUE LOSS WOULD BE AROUND RS 5000 CR.

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IV. Discussion in GoM for MSME

- The GoM noted that the tax rate of 8% was high as in restaurant a rate of 5% has been prescribed.
- As far as revenue loss due to a rate of 5% is concerned, many service providers are likely to remain in the input tax credit chain.
- Therefore, the revenue loss would be less than **Rs 5000 crore annually**, if 50% of taxpayers stay in the input tax credit chain.
- Composition scheme for services needs amendment in law and till such time it may be made operational through a rate notification.
- Also, to address the issue of mixed suppliers of goods and services, composition scheme for services should be available as a residual scheme.

18

IV. Recommendation of GoM for MSME

➤ Following recommendations were made by GoM after due deliberation:

- i. There should be a composition scheme made available for services with a **tax rate of 5% (2.5% CGST +2.5% SGST)**, to be applicable to service providers **upto** an annual turnover of Rs 50 lakhs.
- ii. The scheme shall be available to **both service providers as well suppliers of goods and services**, who are not eligible for the presently available composition scheme for goods.
- iii. Till amendment in law is made, the scheme has to be **made operational by notifying a rate of 5% without input tax credit** as has been done in the case of restaurants.
- iv. The scheme may be made operational from the 1st of April, 2019.

19

V. Provision of free Accounting and Billing Software to small taxpayers by GSTN

The features of the software under development are as below:

- i. Product with all features is offered free of cost to small tax payers.
- ii. No liability of GSTN.
- iii. Allow portability of data from one product to another.
- iv. Allow purging of data, if tax payer demands.
- v. Product may have Silver/Gold/Platinum packages which can be costed, but basic version remains free.
- vi. Provision not to misuse tax payers' data
- vii. Auto preparation of the relevant return would be done by the software viz GSTR 1 or 3B, 4, 9 etc.
- viii. Business will also get inventory management, Profit & Loss accounting, balance sheet preparation, income tax calculation, etc as basic features (free)
- ix. Easy to use software – both cloud and on-premise options available.

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V. Recommendation of GoM for MSME

➤ **Following recommendations were made by GoM after due deliberation:**

- i. The software may be rolled out in a staggered manner, State-wise, similar to e-Way Bill.
- ii. Planned rollout may be made from the first week of February, 2019.



Need and Purpose for Free Accounting & Billing Software



- Demand from small taxpayers
- The dependence on technology made them apprehensive
- The then Revenue Secretary asked GSTN to explore the possibility of providing a free accounting and billing software to small tax payers
- ***Small tax payers were defined to be those with annual turnover of < INR 1.5 crores***

2

Expression of Interest Floated by GSTN



- Objectives of EoI

- A free utility that would provide an electronic platform that would digitalize their day-to-day business needs e.g. inventory management, accounting, billing, etc.
- The taxpayers would be offered ready to use and mature products from established and professional product companies.
- The utility would seamlessly offer the option of return filing, to enable compliance to GST.
- Alleviate the compliance burden of the business and taxpayers through a software.
- The utility would be chosen so as to be business friendly so that semi-literate businesses could also use it to remain compliant.

3

Methodology of Selection



- Financial Pre qualification criteria for bidders:
 - Paid up capital of at least INR 2 crores
 - Average turnover of at least 5 Crores during last 3 financial years (2014-15, 2015-16, 2016-17)
- Technical qualification criteria
 - Demonstrate all the basic feature set of the accounting and billing software
 - Infrastructure of free bidder should support the tax payers base.
 - Bidder should be able to provide support to the user through voice / mail / chat.
 - The product should be a mature offering by an established financial technology company.

4

Required Feature Set in Free Version



| | Functionalities |
|---|--|
| a | System should have access for Single User |
| b | System should be in English and have all item Units , Financial Years Facility |
| c | Supplier, Customers Master Directory with all the required field |
| d | Sale / Purchase, Cash Bank Ledger |
| e | Should be able to Print invoices and ledger |
| f | Should have easy migration of data from one accounting & billing software to other accounting & billing software |
| a | Item (SKU) Search - Search Item by Bar Code, Short Code or by Description. |
| b | Item master with HSN code, description, Unit of measure (UoM), price, tax rate etc. |
| c | Taxation – Automatic calculation of Taxes (GST) payable. Rate of tax must be editable in the item master |
| d | Charges - Includes other charges in the bill. |
| e | Cancelling/Voiding - Sales Bill can be cancelled any time before submission |
| f | Search Bill from history- By customer, date or bill number. Min 3 month period for search. For archival, period will be 5 years. Goods return facility |
| g | System should be able to issue/display Credit note Debit note including pending & Replacement Notes |

5

Required Feature Set in Free Version



| | Functionalities |
|---|--|
| a | Supplier Selection - Enter purchase bill either by Supplier or Cash Purchase. Manage supplier master. |
| b | Generation of purchase order and maintenance of purchase register |
| c | Linking of suppliers invoice with Purchase Order |
| d | Automated inventory update basis purchase |
| e | Taxation – Automated calculation of GST payable per Purchase Order. |
| f | Search purchase - By supplier, date and bill number, it also should show supplier Wise .Min 3 month period for search. For archival, period will be 5 years. |
| a | Generate Profit and Loss and Balance sheet |
| b | Sales/ Purchase Register Report - Detailed, Day wise, Item wise Month wise, Quarter for the period selected. |
| c | Sales / Purchase receivable and payable Report |
| d | Stock Report ,Return History Report |
| e | Cash and bank book |
| f | System should be able to export reports and all data to Excel/PDF or any other format as required for returns. |
| a | Generate outward supply return like GSTR3B, GSTR-1, GSTR-4 , GSTR 9 or any other returns as the case may be |
| b | Generating mismatch report between downloaded GSTR2A and Local purchase register to help prepare GSTR2. |
| c | Create mismatch report based on GSTR-2A downloaded from GST portal and Purchase register maintained by the system and then create GSTR-2 |
| d | Create draft Annual Return based on monthly/quarterly returns filed. |

6

Steps of Evaluation of Bids to EoI



1. Summary of Bids

| | |
|---|----|
| Total Number of bids received as response to EoI | 43 |
| Bids that met the financial pre-qualification as spelt out in EoI and that were evaluated | 38 |
| Bidders that did not respond | 7 |
| Bids and solutions that were found to be suitable for empanelment | 18 |

2. The **18 selected** bidders asked if they were ready to offer their products free of cost, without any liability of GSTN. Consent provided only by 14.

3. Only **13 companies** appeared for evaluation with their products (out of 14 who provided consent).

- *Span Across IT Ltd did not come for evaluation*

4. Chartered Accountants team from ICAI invited to independently evaluate the 13 offered products for features, Ease of use, compliance to GST, billing, invoicing, return filing features, inventory management, etc.

5. Finally recommended: 7



7

Free offering of Product



Bidders who Agreed to provide basic version free of cost

| Name of Company (Selected) | Product name |
|---|--------------------------|
| 1 Adaequare Info Private Limited | UBooks (Cloud) |
| 2 Zoho Corporation Private Limited | Zohobooks (Cloud) |
| 3 Focus Softnet Private Limited | FocusLyte (Cloud) |
| 4 Intuit India Software Solutions Pvt Limited | QuikBooks (Cloud) |
| 5 Marg ERP Limited | Marg (On-prem) |
| 6 Relyon Softech Limited | Saral Accounts (On-prem) |
| 7 Sessaasai Business Forms Private Limited | GenieBooks (Cloud) |
| Not selected | |
| 8 Karvy Data Management Services Limited | |
| 9 Reliance Corporate IT Park Limited | |
| 10 IRIS Business Services ltd | |
| 11 Span Across IT Solutions Private Limited | |
| 12 Trust Systems & Software (I) Private Limited | |
| 13 Cygnet Infotech Private Limited | |
| 14 Excellon Software Private Limited | |

Bidders who did not Agree

| | |
|---|-------------------------------------|
| 1 | Bodhtree Consulting Limited |
| 2 | Shalibhadra Finance Limited |
| 3 | Pricewaterhouse Coopers Private Ltd |
| 4 | Tally (India) Private Limited |

8

Salient Features



- Product with all features is offered free of cost to small tax payers.
- No liability of GSTN.
- Allow portability of data from one product to another.
- Allow purging of data, if tax payer demands.
- Product may have Silver/Gold/Platinum packages which can be costed, but basic version remains free.
- Do not misuse tax payers' data
- Auto preparation of the relevant return would be done by the software viz GSTR 1 or 3B, 4, 9 etc
- Business will also get inventory management, Profit & Loss accounting, balance sheet preparation, income tax calculation, etc as basic features (free)
- Easy to use software – both cloud and on-premise options available

9

Planned Rollout Dates



- **Staggered Rollout, State-wise, similar to e-Way Bill**
- **Planned rollout is first week of Feb 2019**

10

Annexure 6



Proposals to boost real estate sector 32nd GST Council Meeting 10th January, 2019

Proposal 1:

To levy 5% rate of GST without ITC on residential property where no completion certificate is issued

- Suggestions received from CREDAI, MahaRERA and MoHUA to levy GST of 5% without ITC.
- Perception among property buyer is that the transition from service tax to GST regime has resulted tax rise.
- It is a serious issue of perception! Builders are also not passing the benefit of ITC
- The sector is not in good health and there are cash flow problems.
- There is a problem of input tax credit overhang which becomes cost.

Recap of 31st GST Council meeting

- The proposal was discussed at 31st GST Council meeting, held on 22nd December, 2018.
- GST Council had referred the matter to Joint Law and Finance Committee for re-examination.
- During examination, tax payment details of top builders across India was analyzed.
- RBI's Priority Sector Lending guidelines was also examined for aligning the concessional rate of GST on various affordable housing schemes.

3

Existing tax structure

- In pre- GST regime 4.5% Service Tax was levied and 1 – 5% VAT was levied in many States.
 - 1% (Delhi, Gurgaon, Mumbai, Chennai)
 - 5% (Bangalore)
- Both industry and tax administration have experience of similar composition scheme under VAT and ST

| Sl. No | 12% GST | 8% GST |
|--------|--|--|
| 1 | Construction of residential flats/ buildings | <ul style="list-style-type: none">• Pradhan Mantri Awas Yojana (PMAY):<ul style="list-style-type: none">i. In-situ redevelopment of existing slums usingii. Beneficiary led individual houseiii. Affordable Housing in Partnershipiv. Credit Linked Subsidy Scheme• low-cost houses up to a carpet area of 60 square meters having infrastructure status• Single residential units• Erstwhile schemes of JNNURM/ RAY |

- All the above affordable housing schemes have different carpet area having ranges from 30 sqm to 200 sqm

4

Proposal

1. GST rate of 5% without ITC may be prescribed for construction of all houses including the affordable housing under various schemes,

Another suggestion is ,

2. GST @ 3% without ITC may be prescribed for houses having cost upto Rs. 45 lakh (in metros having population 10lakhs and above) and upto Rs. 30 lakhs in other area. And , GST @ 5% for houses having cost more than Rs. 45 lakhs in metros (and Rs. 30 lakhs for other areas.

| Sl. No. | Description of service | Tax rate |
|---------|--|---|
| 1 | Construction of houses/ flats in a residential complex where gross amount charged from a buyer for the house, excluding stamp duty, in metropolitan centres (with population of ten lakh and above) is up to Rs. 45 lakhs and at other centres upto Rs. 30 lakh ; | 3% without ITC. (Effective rate after 1/3 rd deduction towards value of land) |
| 2 | <u>Treatment of existing projects:</u> Existing projects under various schemes of Government at present attracting GST @ 8%, where the agreement to sale has been signed before 1st February, 2019; | 3% without ITC. (Effective rate after 1/3 rd deduction towards value of land), prospectively |
| 3 | Construction of houses/ flats in a residential complex other than (1) and (2) above. | 5% without ITC (Effective rate after 1/3 rd deduction towards value of land) |

Key safeguards and transition

- Inputs, Capital goods and Input services upto 80% other than TDR (or similar rights) shall be purchased from a GST registered supplier only
- Purchases procured from unregistered persons below 80%, GST at the applicable rate (or rate of 12%) on RCM basis shall be paid in cash without any input tax credit.

Detailing Issues:-

- Definition of residential property
- ITC treatment of mixed projects (residential and commercial)
- TDR calculation for reversal of credit.

Transition issues:-

- Credits in ledger relating to goods or services in store or work in progress or consumed in construction of residential flats shall be required to be reversed/ lapsed.

Supplementary proposal:

To exempt transfer of development of rights (TDR), development rights in a Joint Development Agreement or similar rights

- It is a service by the land owner to the developer/ builder of the property.
- At present 18% GST is leviable on Transfer of development right development rights in a JDA. GST paid on them is available as ITC. Thus, at present it is a wash transaction.
- It is proposed to exempt GST on TDR/ development rights in a JDA on construction of residential property that are booked for sale before issue of completion certificate to address the problem of cash flow.
- Credit overhang and associated cost gets removed which leads to economic efficiency in the sector.

7

Recommendation of the Joint Law and Fitment Committee meeting on 04.01.19

The issue was discussed in detail along with data analysis presented by various States

The Committee noted following advantages of the proposal:

- ☐ It **simplifies the tax structure** for residential houses, particularly from the consumers' perspective;
- ☐ It **addresses the concern of buyers** that builders are not passing the benefit of ITC to the customers;
- ☐ It provides **better perception** (optics) of the rate of taxation on real estate;
- ☐ It will be **a fillip to purchase of flats** as the buyers at present are dissuaded by the headline rate of GST.
- ☐ Problems of intermediate tax like TDR gets addressed

Following concerns were expressed in the Committee:

- ☐ It will lead to **price rise** of residential sector, particularly in the lower cost segment, in view of the fact that the present tax payment in cash is less than 5% of the gross value while in the very high end segment there may be a reduction in prices;
- ☐ The **control on input side** by introducing the clause of minimum of 80% purchase from registered taxpayers is not as strong as maintaining the integrity of credit flow;
- ☐ To bring **real estate into GST** will require a journey in exactly the opposite direction;
- ☐ **Compliance** of composite projects (residential plus commercial) would become difficult.

In view of the above, the Joint Committee recommended that the matter be decided in the Council.

8

Decision before GST Council are:-

1. To levy 5% rate of GST without ITC on residential property where no completion certificate has been issued for construction of **all houses**.

Another suggestion is ,

- GST @ 3% without ITC may be prescribed for houses having **cost upto Rs. 45 lakh** (in metros having population 10lakhs and above) and upto Rs. 30 lakhs in other area. And, GST @ 5% for houses having cost **more than Rs. 45 lakhs** in metros (and Rs. 30 lakhs for other areas).
2. Key safeguard of 80% purchase from registered supplier and tax on RCM basis on purchases less than threshold limit may be approved.
 3. To exempt transfer of development rights (TDR), development rights in JDA or any other similar right for residential properties.

8

Decision before GST Council are:-

4. The scheme would be compulsory for residential construction for which completion certificate is not issued.
5. This proposal shall be implemented from 1st February, 2019 as per the detailing done by the Fitment Committee.

30

Annexure 7

Use of RFID Data for Strengthening enforcement of e-WB System under GST

A report by GSTN

PPT Prepared by GSTN and GST Council Sectt.

1

Background: Committees and Task Force on the issue

Task Force on seamless road transport connectivity: 12th Meeting of GSTC

- Officers from different ministries and State Govt: Chairman Sh. Arun Goyal, Special Secretary, GSTC

Relevant Terms of Reference

- To examine the possibility of integrating the e-Way Bill system with the VAAHAN of MoRTH
- To recommend data sharing protocols with agencies and a uniform risk-assessment strategy

Recommendations of the Task Force (Tabled in 28th Meeting of GSTC on 21.07.2018)

- Real-time updating of data by all RTOs in VAHAN database
- VAHAN DB could be integrated with eWay bill DB
- e-Way bill to be generated only if vehicle fit to play as per VAHAN database
- State permits, National permits fees - integrated with Annual Fitness Certificate
- Recommendations for future:
 - MoRTH to mandate fitment of GPS based Vehicle Tracking System (VTS) devices
 - In GST Acts - a provision to call-for-information from NIC and the GPS service providers
 - GSTN to establish a control centre to track the movement and give information on real-time basis

Committee Headed by Dr John Joseph, Member CBIC on Integration of:

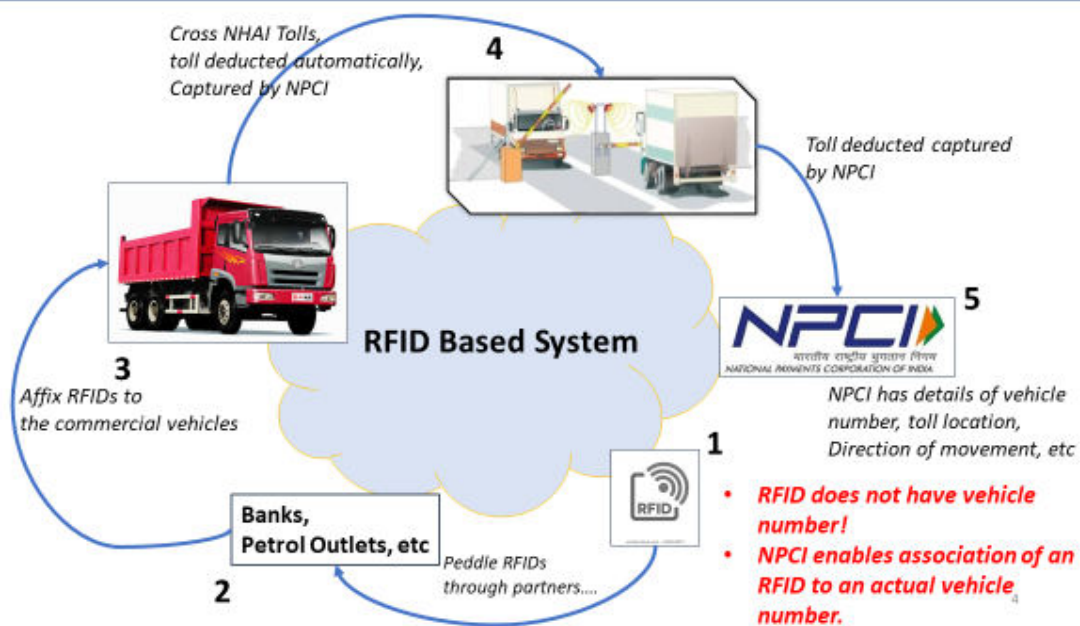
- FAST-ag program (NHAI) with e-Way Bill
- LDB program (DMIDC) with E-seal of CBIC & FAST-ag program
- Committee co-opted officers from NHAI, IHMCL, NPCI, GSTN, NIC and DMIDC

Relevant Recommendations

- Use of FASTag and sharing of data by NPCI with E-Way Bill system as FASTag:
 - More than 25% penetration of toll collection (in value) in just 18 months
 - Infrastructure - already present at the major NH toll plazas and in progress on other Highways
 - Uniformity and interoperability
- Advantage to State tax/ Central tax Authorities
 - Savings on creating a parallel RFID infrastructure.
 - FASTag data merged with e-WB data – could generate alerts for probable violations of GST
 - Removal of operational inefficiencies
- Inter-Ministerial Committee (IMC) duly aided by technical experts required to come up with a comprehensive implementable road map.

3

RFID: in Electronic Toll Collection System



RFID based e-Toll Systems

RFID Tag

- Unique number
- Does not have vehicle number
- mounted on windscreen

NPCI DB - table of Tag Number and Vehicle number is kept for e-toll

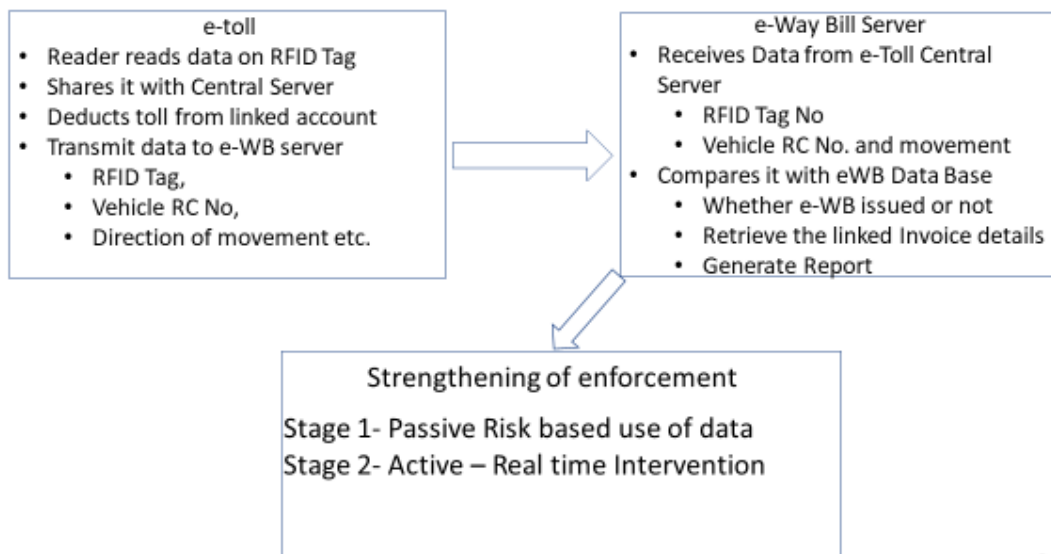
On a toll Plaza, RFID readers read unique id number of tag

Unique RFID tag number - shared with server (like NPCI of e-toll)

Server deducts appropriate amount from linked wallet/ account

5

How RFID data could be used by E-Way Bill System



6

Stage 1- Passive Risk based use of data for enforcement

Generation of Risk Based Reports

Suggested Risk Parameters:

- Commercial Vehicles crossing the Toll Plaza/border without EWB;
- EWB generated but
 - No inter state movement of vehicle
 - e-way bill cancelled while crossing the border
 - e-way bill rejected by consignees while crossing the border
 - Crossing border more than once
 - Generated against vehicle but no inter-state movement during the life of the EWB;
- EWB Rule 138(9) - e-way bill not to be cancelled if it has been verified
- ODC EWBs verification through weight in the weigh-in-motion systems
- Use these reports for Survey and Anti evasion cases

7

Stage 2- Active use of data for enforcement

Generation of Real Time Alerts

Separate intervention team located downstream (distance of 200 - 300 meters)

Risk based vehicles details to be forwarded to intervention team

Infrastructure Requirements:

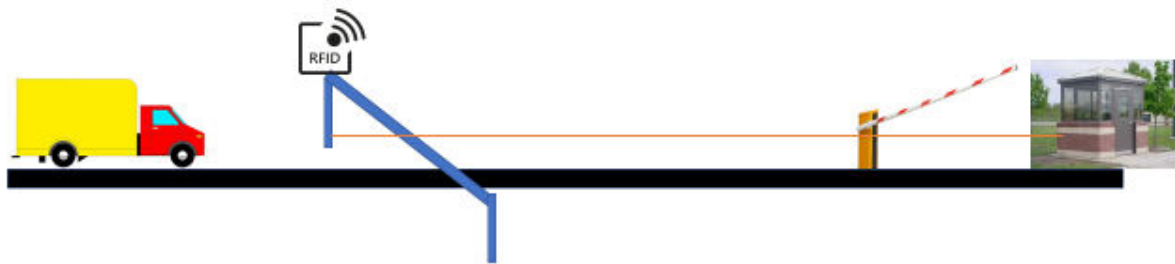
- Computer system of GST department for receiving RFID data from RFID Server
- Readers with Internet connectivity b/w e-Toll system and e-WB system
- GST Computer to make a call to eWB Server and seek details of invoices linked to the EWB
- Infrastructure for identification, detention, checking and parking
- System requirements for NIC – no. of calls made to e-WB Server

Scenario of usage of information:

- EWB is invalid/expired/cancelled and other scenarios as suggested at previous slide
- EWB is valid but tagged to sensitive commodity for which decision has been taken by department
- Random check

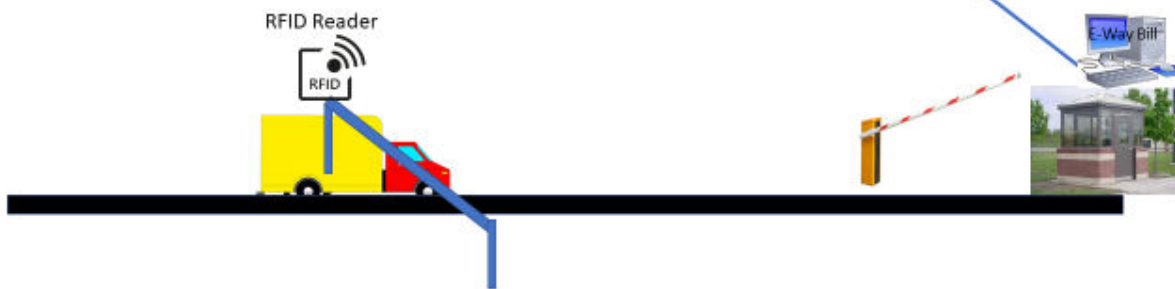
(No one has this type of system so far)

8



9

E-Way Bill Module of GST System



RFID Reader is connected to Facilitation Centre which Pulls records of e-Way Bill connected with the RC of Truck

10

Current Status: Existing Systems in States

| Uttar Pradesh | Maharashtra | Karnataka |
|--|---|---|
| <ul style="list-style-type: none"> 41 RFID readers installed and integrate the data in the Mobile Management System (MMS) of U.P. Government. The MMS contains details of frequent defaulters RFID and MMS data to throw up the instances where intervention required by the Mobile Squad. 150 mobile vans Time gap of 4-5 days in getting eWB data. Hence using it for risk profiling of entities based on RFID and eWB data comparison. | <ul style="list-style-type: none"> SPV - Maharashtra Border Check Posts Network Limited (MBCPNL) formed to build and operate 24 modernized and integrated border check posts. Participating Deptt - Depatt of Transport, Depatt of Sales Tax and Depatt of State Excise- 18 out of 24 border check posts functional & RFIDs distributed free MBCPNL shares data through API with NIC as part of pilot project. NIC has developed reports –available on the dash board No permanent flying squads and emphasizes on use of technology in optimal way for risk profiling of entities. | <ul style="list-style-type: none"> Proof of Concept (PoC) initiated for capturing data on NH and storing it in central Server aim to explore use of unmanned RFID reader to monitor movement of vehicles, Focus on the movement of vehicle on roads where no toll booths/ check posts find challenges in installing and managing unmanned RFID readers PoC now extended to 4 strategic locations, and reports being generated for the use of the officers API integration with the central server is underway |
| <p>Limitation: Inter-operability- RFID readers installed can read and retain FAST-ag data but not vice-versa</p> <p>Advantage: Real time enforcement intervention planned.</p> | <p>Limitation: Real time enforcement intervention not planned.</p> <p>Advantage: Data can be used for passive risk profiling of entities based on EWB data</p> | <p>Limitation: Real time intervention not planned as of yet.</p> <p>Advantage: Data for passive risk profiling of entities based on eWB data as well as RFID system. Can be upgraded for real time intervention</p> |

NPCI Integrated vs Standalone State System

NHAI / NIC

- At 440+ Toll locations
- More than 35 lakh tags issued
- Due diligence done by NHAI
- Can be integrated with E-Way Bill System & GST System (tech options worked out)
- GST System do not have to invest
- Enable near real time sharing of info of National Highway vehicle movement with e-way bill system

Standalone by States

- May lead to non-interoperable system
- States will have to invest in complete infra
- Reinventing the wheel
- Uniformity in GST Lost

12

GSTN Recommendation

Fact: MoRTH has notified RFID as Mandatory on all Commercial Vehicles (CV) manufactured after 01.12.2017

Recommendations requiring approval:

- *To make it mandatory under GST Laws : CV mfd prior to 1/12/2017 to have RFID Tags*
- *Integration of FASTag-IHMCL-NPCI system with e-WB System*
- *Design and operate System in 2 stages:*
 - *Initiate with Stage 1 (Passive Risk based operations based on analytical reports)*
 - *Graduate to Stage 2 (Active real time intervention based on live data analytics)*
- *Making FAST-Tag of NHAI/NCPI as the RFID Tag under GST:*
 - *NPCI may be directed to re-examine the cost of Tags and revise it downwards.*

Considering the security aspect **NPCI-NIC-GST System connectivity be established over MPLS leased lines**

13

Issues arising out of GSTN Recommendation

Requires Inter ministry operations

Adoption of FASTag

- Timeline
- Legal requirements

Existing non-uniformity in e-WB exemptions

- 13 States e-WB exemptions beyond recommendations of GSTC
- Enforcement issues

Uniformity

Inter-operability of existing systems

14

Data that will be shared by NPCI to EWBS/GST System

Data will be shared through APIs

| FASTag Id | | Vehicle Registration Number | | | | | | |
|------------|------------|-----------------------------|------|---------|----------|----------------------------|---------------|----------------|
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| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| State Code | State Name | Toll Plaza Details | | | | Vehicle movement towards/D | Geo- latitude | Geo- longitude |
| | | ID | Name | Address | Pin Code | | | |
| | | | | | | | | |
| | | | | | | | | |
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| | | | | | | | | |

Note: Weigh in Motion data will be shared subsequently, when the systems have been installed

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NPCI – NIC Integration APIs

- EWBS to get the Toll crossing transactions in real time. (NPCI will send bulk transaction data as and when needed).
- The summary reports to be generated of the transactions grouped by toll plaza i.e. count of transactions at each and every toll plaza.
- NPCI will update the Toll plaza and TAG id data periodically
- Masters to be given ab-initio
- Connectivity to be provided by NPCI over NPCINet.

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- RFID tag is mounted on the vehicle's windscreen.
- As the vehicle reaches the toll plaza, a unique identification number that is embedded on the tag is read by roadside RFID reader.
- In one type of system, the amount pre-fed in the tag gets deducted and the boom barrier opens.
- In another case, the unique number of tag is sent to a central computer (RFID Server).
- Applicable toll amount is deducted from a prepaid account that is linked to that particular Tag.

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- As the vehicle reaches the toll plaza, the unique identification number of the tag is read by RFID reader.
- The Unique number of RFID tag is shared with Central server
- If e-toll of NHAI is used then their server (run by NPCI) will share the RFID and connected Vehicle data with e-way bill Server
- E-way Bill Server will then retrieve e-way bill details (whether issued, live and commodity details etc.)
- The data retrieved by EWB System could be used in two ways:
 - ✓ Offline
 - ✓ Online

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Stage -1 (Passive Offline Operation)

- The e-way bill system will generate various reports for the officers of the tax departments:
 - EWB generated against vehicle but no inter-state movement takes place during life of the EWB;
 - EWB generated but while crossing the border, e-way bill validity expired or e-way bill was cancelled or e-way bill was rejected by Consignees;
 - Commercial Vehicles crossing the Toll Plaza (border) without EWB;
 - Vehicle having EWB but crossing border more than once before expiry of validity period on same EWB.
- (Maharashtra and Karnataka have run this on pilot basis)**

The EWB rules 138(9) provides that an e-way bill cannot be cancelled if it has been verified in transit in accordance with the provisions of rule 138B. RFID data may also be considered as verification of the movement of goods and disallow the cancellation of EWBs whose movement is ascertained from RFID data received by EWB System.

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Option-2 (Online)

- Like speed checking by traffic police
- The enforcement team located 200 mtrs downstream can get info about a commercial vehicle passing the RFID reader whether it is having valid e-way bill or not.
- Stop those vehicle which are not having e-way bill
- In case e-way bill is valid, they can seek invoice details.

(No one has this type of system so far)

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Pre-requisites for this Option



- Need readers to be installed and connectivity till the place where enforcement team will be located (This is like radar based speed checking system of traffic police).
- There should be enough space for trucks to park when they are stopped.
- Mechanism to stop one truck out of many.
- NIC needs to know how many queries will be made from all such RFID reader points at any time. This is required to design the system to handle online query coming from RFID System.
- UP's system is closest to this option

21

Readers installed by UP

The readers are installed over each lane.

They are able to detect the vehicle in a 45 degree cone

Multiple readers are installed with overlap.



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| Parameters | Option -1 | Option -2 |
|---|--|-------------------------------------|
| Whether vehicle can be stopped and checked in real time near the toll plaza where RFID reader is located | No | Yes |
| Availability of checking team at Toll Plaza to stop the vehicle | Not Required. Analysis will be done at the backend | Required, 200 to 300 mts downstream |
| Retrieval of EWB data from EWB System based on Vehicle RC number tagged to RFID in real time | No | Yes |
| Internet connectivity at Toll Plaza | Yes | Yes |
| Computer system and software for retrieving the EWB data from EWB System | No | Yes |
| Availability of parking space downstream the toll plaza for stopping the vehicles for checking | No | Yes |
| Separate IT Infrastructure at EWB System to handle lakhs of queries coming to it with vehicle number from toll plaza to retrieve EWB data | No | Yes |

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NPCI Integrated EWB System

RFID TAG Standard

- As approved by MoRTH
- FAST-Tag of NHAI
- Make it mandatory under GST law
- Exchange of weight from NHAI system to check misuse of EWB for oversize cargo

What to avoid

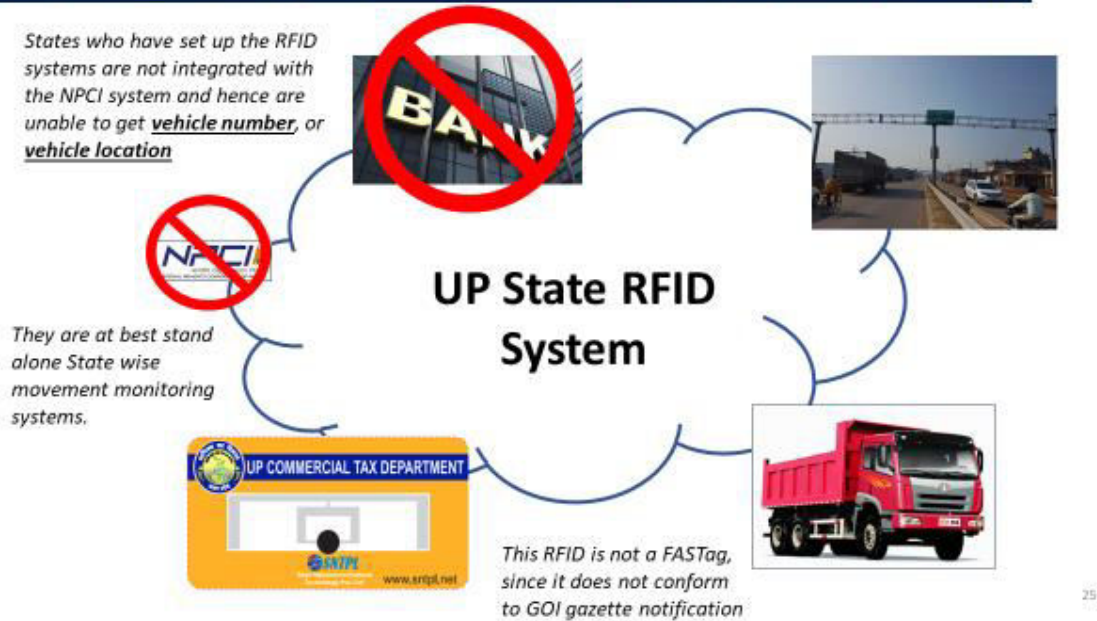
- Disparate systems

NHAI has launched FASTags thru petrol pumps fm 7th Jan 2019 to extend the reach and make it widely available.

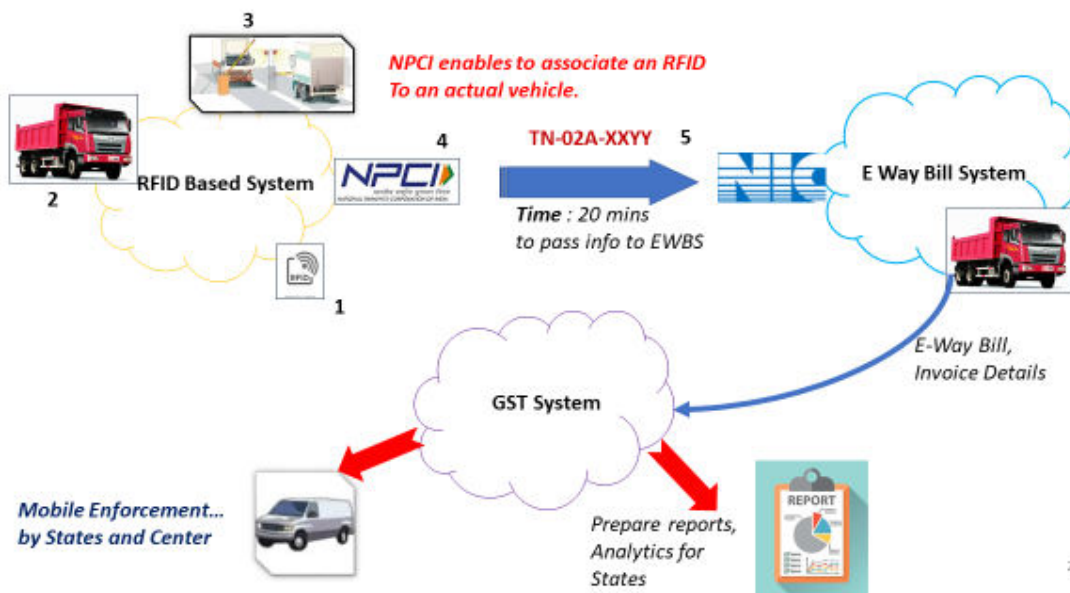
They have also discovered price of RFID Tags which is much lower than earlier price discovered by NPCI and Banks

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UP State RFID System – capture by NPCI is not possible



Proposed RFID based System – To integrate with EWBS & GST System



Annexure 8

Quarterly Report of the NAA for the Q.E. December 2018

- Rule 127(iv) - requires NAA to furnish a performance report to the Council
- 30th Meeting of the GST Council (28.09.2018) - Chairman NAA gave 1st Report
- 2nd Report QE 31.12.2018,
 - OB and Fresh receipt :70 cases
 - Disposal :33 cases
 - CB :37 cases

| Details of disposal | Nos. | Amount (in Rs Cr) |
|--|------|-------------------|
| Cases where profiteering established | 6 | 542.59 |
| Cases where profiteering not established | 14 | Nil |
| Cases referred back to DGAP | 13 | Nil |

- Major cases-
 - M/s Hindustan Unilever Limited (Rs. 534.89 Cr)
 - M/s Hardcastle Restaurants Private Limited (Rs. 7.59 Cr).

1

Other Activities of NAA

- NAA organized 3 Zonal meetings on Anti-profiteering
 - Varanasi on 23rd November, at
 - Cochin on 21-22 December
 - Mumbai on 28th December, 2018.

All headed by the Chairman NAA wherein the Central and State GST officers were present.

- Chairman attended:
 - Interactive sessions on GST Anti-profiteering was organized by CII at Mumbai on 4th October, 2018
 - 15th Annual India Tax Workshop 2018 organized by CII at Goa (24 – 25 Oct, 2018)
- 156 complaints received via different media and appropriate action taken thereon

| | | |
|---|--|----|
| 1 | NAA Portal | 83 |
| 2 | Email | 44 |
| 3 | Physical (by post) | 13 |
| 4 | Local Circle (An online portal for complaints and other consumer issues) | 16 |

2

Agenda Item 2: Deemed ratification by the GST Council of Notifications, Circulars and Orders issued by the Central Government

In the 22nd Meeting of the GST Council held in New Delhi on 06th October, 2017, it was decided that the Notifications, Circulars, and Orders which are being issued by the Central Government with the approval of the competent authority shall be forwarded to the GST Council Secretariat, through email, for information and deemed ratification by the GST Council. Accordingly, in the 32nd meeting held on 10th January, 2019, the GST Council had ratified all the Notifications, Circulars, and Orders issued before the 10th January, 2019.

2. In this respect, the following notifications, Circulars and Orders issued after 10th January, 2019 (date of the 32nd GST Council Meeting), till 13th February, 2019, under the GST laws by the Central Government, as available on www.cbic.gov.in, are placed before the Council for information and ratification: -

| Act/Rules | Type | Notification/Circular/Order Nos. |
|---------------------|----------------------------|----------------------------------|
| CGST Act/CGST Rules | Central Tax | 1 to 8 of 2019 |
| | Central Tax (Rate) | 1 of 2019 |
| IGST Act | Integrated Tax | 1 to 3 of 2019 |
| | Integrated Tax (Rate) | 1 to 2 of 2019 |
| UTGST Act | Union territory tax | 1 of 2019 |
| | Union territory tax (Rate) | 1 of 2019 |
| Circulars | Under the CGST Act | 88 of 2019 |
| | Under the IGST Act | 4 of 2019 |
| ROD Orders | Under the CGST Act | 1 to 2 of 2019 |
| | Under the UTGST Act | 1 of 2019 |
| Orders | Under the CGST Act | 1 of 2019 |

3. The GST Council may grant deemed ratification to the Notifications, Circulars and Orders as listed above.

Agenda Item 3: Decisions of the GST Implementation Committee (GIC) for information of the GST Council

GST Implementation Committee (GIC) took certain decisions between 10th January 2019 (when the 32nd GST Council Meeting was held) and 12th February 2019 (before the 33rd GST Council Meeting scheduled on 20th February 2019). Due to the urgency involved, some decisions were taken after obtaining approval by circulation amongst the GIC Members. The details of the decisions taken is given below:

Decisions by Circulation – 30th January 2019

2. Two proposals for approval of the GIC was received from GST Policy Wing, CBIC relating to (i). Extension of last date for filing **FORM GSTR-7**; and (ii). Extension of time limit for submitting the declaration in **FORM GST TRAN-1** under rule 117(1A) of the Central Goods and Service Tax Rules, 2017 in certain cases.

Agenda item 1: Extension of last date for filing FORM GSTR-7

3. It was mentioned that *vide* notification No. 66/2018-CT dated 29.11.2018, the time limit for furnishing the return by a registered person required to deduct tax at source under the provisions of section 51 of the Central Goods and Services Tax Act, 2017 (CGST Act for short) in **FORM GSTR-7** of the Central Goods and Services Tax Rules, 2017 (CGST Rules for short) under sub-section (3) of section 39 of the said Act read with rule 66 of the CGST Rules for the months of October, 2018 to December, 2018 was extended till 31.01.2019.

3.1. An email dated 29.01.2019 was received at GST Policy Wing, CBIC from CCT, West Bengal, stating therein that the issue of rounding off of TDS deducted in the payment challan by DDOs and the check in the return which was not allowing this rounded off figure in the return has not been sorted out yet because of which the DDOs were unable to file the returns. It was mentioned that in case the facility was not made available by tomorrow i.e. 30.01.2019, date extension would need to be done.

3.2. In this regard, GSTN vide email dated 29.01.2019 to GST Policy Wing, CBIC had stated that “a functionality in the **FORM GSTR-7** was being tested in UAT and may be deployed tomorrow viz., 30.01.2019”. Since the last date for filing the said return is 31.01.2019, it was requested to extend the last date till 15.02.2019.

3.3. In the light of the above, it was proposed to extend the last date for filing **FORM GSTR-7** from 31.01.2019 to 28.02.2019.

4. The GIC approved the proposal to extend the last date for filing **FORM GSTR-7** from 31.01.2019 to 28.02.2019. Accordingly, the implementing Notification No.07/2019 – Central Tax dated 31st January 2019 was issued.

Agenda item 2: Extension of time limit for submitting the declaration in FORM GST TRAN-1 under rule 117(1A) of the Central Goods and Service Tax Rules, 2017 in certain cases

5. It was mentioned that the GST Council had set up the IT Grievance Redressal Committee (ITGRC) to look into the representations made by taxpayers who could not file **FORM GST TRAN-1** by the due date for technical reasons. The ITGRC has recommended the specific cases from time to time based on the SOP issued by GSTN in this regard.

5.1. *Vide* Order No. 4/2018-GST dated 17.09.2018, the last date for submitting the declaration in **FORM GST TRAN-1** for the class of registered persons who could not submit the said declaration by the due date on account of technical difficulties on the common portal and whose cases have been recommended by the ITGRC had been extended till 31.01.2019.

5.2. In this regard, *vide* email dated 29.01.2019 (to GST Policy Wing, CBIC), GSTN had requested to extend the date of filing of **FORM GST-TRAN 1** by the approved taxpayers. It was stated therein that *“the functionality to file FORM GST TRAN-1/ revise TRAN-1 for cases approved by ITGRC has been enabled since September, 2018; for the 403 cases approved by ITGRC, mail was sent to all the taxpayers and as on 24th Jan, 2019, TRAN 1 has been filed by 251 taxpayers. 39 taxpayers have submitted but not filed the said FORM. Others have not tried. We have sent mails to those who have not attempted to file. 408 cases have been examined and sent for decision in the fourth ITGRC. Apart from this, there are another 500 cases which are at various stages of examination. We are still getting cases from tax officers.”*

5.3. In the light of the above submissions made by GSTN, it was proposed to extend the last date for submitting **FORM GST TRAN-1** for the specified taxpayers till 31.03.2019.

6. The GIC approved the proposal to extend the last date for submitting **FORM GST TRAN-1** for the specified taxpayers till 31.03.2019. Accordingly, the implementing Order No. 01/2019-GST dated 31st January 2019 was issued.

Decisions by Circulation – 1st February 2019

Agenda item 1: Extension of last date for filing FORM GSTR-8

7. A proposal for approval of the GIC was received from GST Policy Wing, CBIC regarding extension of last date for filing FORM GSTR-8. It was mentioned that *vide* Removal of Difficulty Order No. 04/2018-Central Tax dated 31.12.2018, the time limit for furnishing the statement under sub-Section (4) of Section 52 of the CGST Act in the **FORM GSTR-8** for the months of October, 2018 to December, 2018 was extended till 31.01.2019 under Section 172 of the CGST Act.

7.1. GSTN *vide* email dated 31.01.2019 (to GST Policy Wing, CBIC) had stated that some technical issue had cropped up in filing of **FORM GSTR-8** and therefore taxpayers were not able to file return for period December, 2018. Further, it was requested to extend the due date for furnishing return of FORM GSTR-8 from 31.01.2019 to 07.02.2019.

7.2. In the light of the above, it was proposed to extend the last date for filing **FORM GSTR-8** for the months of October, 2018 to December, 2018 from 31.01.2019 to 07.02.2019.

8. The GIC approved the proposal to extend the last date for extension of the last date for filing **FORM GSTR-8** for the months of October, 2018 to December, 2018 from 31.01.2019 to 07.02.2019. Accordingly, the implementing Removal of Difficulty Order No. 02/2019-Central Tax dated 1st February 2019 was issued.

Agenda item 2: Relaxation of the condition from requirement to furnish Bank Guarantee for import of aircrafts for participation in Aero Show organised by the Central Government

9. A proposal for approval of the GIC was received from Commissioner (Customs & Export Promotion), CBIC relating to relaxation of the condition from requirement to furnish Bank Guarantee for import of aircrafts for participation in Aero Show organised by the Central Government. It was

mentioned that Aero India 2019 is scheduled to be held in Bengaluru from 20th – 24th February, 2019 and participation of foreign aircrafts depends upon furnishing of Bank Guarantee.

9.1. It was mentioned that the Goods imported for display or use in specified events are exempt from basic customs duty and IGST (notification No 8/2016-Customs dated 05.02.2016 as amended). One of the events specified is Aero Show organised by the Central Government. There are certain conditions to be fulfilled for availing of the aforesaid exemption. For instance, the goods are required to be re-exported within 6 months from the date of import. This period is extendable by 6 months each, upto a maximum of 2 years in case of imports by Central Government, State Government, UT Administration and Diplomatic Mission in India.

9.2. One of the conditions for availing the above exemption was that the importer shall execute a bond equal to the value of goods along with a bank guarantee or cash deposit equal to 110% of the duty payable on the goods. However, no Bank Guarantee or cash deposit is required if imports are by the Central Government, State Government, UT Administration and Diplomatic Mission in India or any of the International Organisations notified under UN (Privileges and Immunities) Act, 1947.

9.3. In this regard, it was submitted that imports of aircrafts for the Aero Show in 12th International Exhibition-Aero India 2019 are temporary and they would be re-exported once the Aero Show is over. To that extent, it is revenue neutral. It was informed by the Department of Defence Production that the importers (static platform exhibitors) will have to arrange for cash guarantee which would run into staggering figures. This was becoming an arduous task for them and was likely to jeopardise their participation in the Aero Show.

9.4. In view of the above, and also considering that the aircrafts are capable of easy identification, not prone to diversion and are being imported for an Aero Show organised by the Central Government (Ministry of Defence), the requirement of furnishing Bank Guarantee (under notification No 8/2016-Customs dated 05.02.2016 as amended) for aircrafts imported temporarily, for participation in an Aero Show organised by the Central Government, may be relaxed/dispensed with. It was proposed to mention that other goods (such as decorative stands, articles for making the stalls etc.), which may be required in the Aero Show would still require a Bank Guarantee to be executed or be brought under an ATA Carnet. Further, an early decision was sought in the matter.

10. The GIC approved the proposed relaxation of the condition from requirement to furnish Bank Guarantee for import of aircrafts for participation in Aero Show organised by the Central Government. Accordingly, the implementing Notification No. 4/2019-Customs dated 7th February 2019 was issued.

Agenda item 3: Approval of the New Return System

11. A proposal for approval of the GIC was received from GST Policy Wing, CBIC regarding approval of the final features of the new return formats. The Council in its 28th Meeting held on 21st July 2018 had approved the new simplified return system in principle. The Council also decided that the final features of the return formats may be finalised with any minor amendments due to inputs received from various stakeholders with the approval of the GIC.

12. The GIC approved the proposed formats of the New Return System (Normal, Sahaj and Sugam).

Decisions by Circulation – 06th February 2019

Agenda item 1: Extension of last date for filing FORM GSTR-7 for the month of January, 2019

13. A proposal for approval of the GIC was received from GST Policy Wing, CBIC regarding extension of last date for filing **FORM GSTR-7** for the month of January, 2019.

13.1. It was mentioned in the agenda that *vide* Notification No.-07/2019-Central Tax, dated 31-01-2019, the last date for furnishing the return by a registered person required to deduct tax at source under the provisions of Section 51 of the CGST Act, 2017, in **FORM GSTR-7**, under sub-Section (3) of Section 39 of the CGST Act, 2017 read with rule 66 of the CGST Rules, 2017, for the months of October, 2018 to December, 2018 was extended till 28.02.2019.

13.2. Further, as per Section 39(3) of CGST Act, 2017, the last date for filing return in **FORM GSTR-7**, for the month of January, 2019 is 10th of February, 2019. As the last date for furnishing the said return for the months of October, 2018 to December, 2018 had already been extended till 28th February, 2019, therefore there was a need to extend the date for furnishing the return for the month of January, 2019.

13.3 In light of the above, it was proposed to extend the last date for furnishing return in **FORM GSTR-7** for the month of January, 2019 till 28.02.2019.

14. The GIC approved the proposal to extend the last date for furnishing return in **FORM GSTR-7** for the month of January, 2019 till 28.02.2019. Accordingly, the implementing Notification No. 08/2019-Central Tax dated 8th February 2019 was issued.

24th GIC Meeting - 12th February 2019

15. The 24th Meeting of the GIC was held on 12th February 2019. The following agenda items were discussed and decided:

Agenda item 1: Examination as prescribed in sub-rule (1) of rule 83 of CGST Rules, 2017

16. Sh. Upender Gupta, Pr. Commissioner, GST Policy Wing, CBIC introduced the agenda and stated that request had been received from Ministry of Skill Development & Entrepreneurship (MSDE) to notify the examination conducted by them under the program 'GST Accounts Assistant Course' under PMKVY (Pradhan Mantri Kaushal Vikas Yojana) under rule 83 (1)(c)(iii) of the CGST Rules, 2017. He stated that the Law Committee had referred the request of MSDE to the Committee of Officers (CoO) formed for conducting the GST Practitioner examination under the second proviso of rule 83 (3) of the CGST Rules, 2017. Subsequently, CoO considered the course duration, course curriculum and eligibility criteria of the proposed course of MSDE and thereafter finalised the course along with increasing the duration of course to 300 hours. Further, CoO decided that the resulting curriculum, after incorporating the suggested modifications, would be fit for being notified under Rule 83(1)(c)(iii) of the CGST Rules, 2017. Further, it was also decided to make the examination open to all eligible candidates, including those who do not undergo the said course. The eligibility qualification for appearing in the examination was decided to be a person with graduation degree.

16.1. He requested GIC to approve the following recommendations of the Law Committee:

- i. Examination conducted for the course by MSDE as finalised by CoO to qualify as an eligibility criterion under rule 83(1) (c) (iii) of the CGST Rules, 2017;
- ii. Minimum academic qualification to be graduation for the said examination;

- iii. The said examination to be open for all, including those who have not undergone training of the said course.

16.2. Dr. P. D. Vaghela, Chief Commissioner, State Tax, (CCST) Gujarat stated that similar proposals from State Governments could also be considered in line with the above proposal. He stated that State of Gujarat would refer it to Committee of Officers under National Academy of Customs, Indirect Taxes & Narcotics (NACIN) for considering a proposal for a skill development course.

17. After discussion, the GIC approved the proposal at paragraph 16.1. It also approved that a suitable notification notifying the said examination under rule 83(1)(c)(iii) of the CGST Rules, 2017 would be issued after vetting by the Union Law Ministry. Similar notification would be issued under the respective SGST Rules also. The implementing Notification is yet to be issued.

Agenda item 2: Mis-match of data reported in Table 3.2. of FORM GSTR 3B and in Table 7B of FORM GSTR – 1

18. Pr. Commissioner, GST Policy Wing, CBIC introduced the agenda and stated that while scrutinizing the returns of suppliers, especially that of insurance and banking service suppliers, mis-match has been noticed with respect to Place of Supply provisions. It has emerged that while supplies made to unregistered persons where invoice value is upto Rs. 2.5 lakh have been reported in Table 7B of **FORM GSTR – 1**, the same have not been reported in Table 3.2. of **FORM GSTR-3B**. It is pertinent to mention that the apportionment of the Integrated Tax collected on inter – State supplies made to unregistered persons, is based on the information reported in Table 3.2. of **FORM GSTR-3B**. As such, it is necessary that details of all inter – State supplies made to unregistered persons where invoice value is upto Rs. 2.5 lakh along with the place of supply are reflected in Table 3.2. of **FORM GSTR – 3B**.

18.1. He added that in order to clarify the provisions of law, Law Committee has recommended the issuance of a Circular wherein it will be instructed that the registered persons making inter-State supplies to unregistered persons shall report the details of such supplies along with the place of supply in Table 3.2 of **FORM GSTR-3B** and Table 7B of **FORM GSTR – 1** as mandated by the law. Contravention of any of the provisions of the Act or the rules made thereunder attracts penal action under the provisions of section 125 of the CGST Act. He requested GIC to consider and approve the recommendation of the Law Committee.

19. After discussion, the GIC approved the circular wherein it is being clarified that the registered persons making inter-State supplies to unregistered persons shall report the details of such supplies along with the place of supply in Table 3.2 of **FORM GSTR-3B** and Table 7B of **FORM GSTR – 1** as mandated by the law. Contravention of any of the provisions of the Act or the rules made there under attracts penal action under the provisions of Section 125 of the CGST Act. It also approved that similar Circular would be issued under the respective SGST Acts also. The implementing Circular is yet to be issued.

Agenda item 3: Mentioning of Place of Supply and the name of State on the invoice in case of supply in the course of inter- State trade or commerce – mandatory compliance of Rule 46(n) of the CGST Rules, 2017

20. Pr. Commissioner, GST Policy Wing, CBIC introduced the agenda and stated that it had been noticed that the suppliers while making inter–State supply of services were issuing invoices without mentioning place of supply which is contrary to the rule 46(n) of the CGST Rules, 2017. The same had

resulted in treating the inter-State supplies as intra-State supplies leading to accrual of tax to the State where supplier was located instead of the destination State. He further drew attention of the GIC to rule 46(n) of the CGST Rules, 2017 which reads as follows: -

“46. Tax invoice - Subject to rule 54, a tax invoice referred to in section 31 shall be issued by the registered person containing the following particulars, namely, -

(a).

....

(n). place of supply along with the name of the State, in the case of a supply in the course of inter-State trade or commerce;”

20.1. He added that in order to clarify the provisions of law, Law Committee has recommended issuance of a Circular wherein it will be instructed that all registered persons making supply of goods or services or both in the course of inter-State trade or commerce shall specify the place of supply along with the name of the State in the tax invoice. The provisions of Sections 10 and 12 of the Integrated Goods and Services Tax Act, 2017 may be referred to in order to determine the place of supply in case of supply of goods and services respectively. Contravention of any of the provisions of the Act or the rules made there under attracts penal action under the provisions of sections 122 or 125 of the CGST Act.

21. After discussion, the GIC approved the Circular wherein it is being clarified that all registered persons making supply of goods or services or both in the course of inter-State trade or commerce shall specify the place of supply along with the name of the State in the tax invoice. The provisions of Sections 10 and 12 of the Integrated Goods and Services Tax Act, 2017 may be referred to in order to determine the place of supply in case of supply of goods and services respectively. Contravention of any of the provisions of the Act or the rules made there under attracts penal action under the provisions of sections 122 or 125 of the CGST Act. It also approved that similar Circular would be issued under the respective SGST Acts also. The implementing Circular is yet to be issued.

Agenda item 4: Clarification regarding tax payment made for supply of warehoused goods while being deposited in a customs bonded warehouse for the period July, 2017 to March, 2018

22. Pr. Commissioner, GST Policy Wing, CBIC introduced the agenda and stated that supply of goods while being deposited in a customs bonded warehouse was an inter-State supply during the period from 01/07/2017 to 31/03/2018 (hereinafter called “the relevant period”) but the common portal did not have the facility to enable the taxpayer to report payment of integrated tax in **FORM GSTR-1** for supplies made while being deposited in a warehouse where the supplier and the recipient were located in the same State or Union territory. Hence, taxpayers reported such supplies as intra-State supplies and discharged Central tax and State tax instead of integrated tax. He added that the Law Committee has recommended that as one-time exception, suppliers who have paid Central tax and State tax on such supplies could be deemed to have complied with the provisions of law for payment of tax on such supplies. He also informed that it was clarified by way of a circular that the said supply does not attract GST with effect from 01/04/2018 and that the said supply has been declared as “No Supply” with effect from 01/02/2019.

22.1. He added that the Law Committee has recommended issuance of a Circular wherein it will be clarified that supply of warehoused goods while deposited in custom bonded warehouses had the character of inter-State supply as per the provisions of Integrated Goods and Services tax Act, 2017. But, due to non-availability of the facility on the common portal, some suppliers have reported such

supplies as intra-State supplies and discharged Central tax and State tax on such supplies instead of integrated tax. In view of revenue neutral position of such tax payment and that facility to correctly report the nature of transaction in **FORM GSTR-1** furnished on the common portal was not available during the relevant period, it has been recommended by the Law Committee that as a one-time exception, suppliers who have paid Central tax and State tax on such supplies would be deemed to have complied with the provisions of law as far as payment of tax on such supplies is concerned as long as the amount of tax paid as central tax and state tax is equal to the due amount of integrated tax on such supplies.

22.2. He further informed that Shri Shashank Priya, Joint Secretary, GST Council had suggested to insert in paragraph 4 of the draft Circular, the words '*was not available during the period July, 2017 to March, 2018*' after the words '*.....furnished on the Common portal*' and the words "*during the said period*" after the words '*... who have paid Central tax and State tax on such supplies*'. The GIC approved the proposed change.

23. After discussion, the GIC approved the Circular wherein it is being clarified that supply of warehoused goods while deposited in custom bonded warehouses had the character of inter-State supply as per the provisions of Integrated Goods and Services Tax Act, 2017. But, due to non-availability of the facility on the common portal, some suppliers have reported such supplies as intra-State supplies and discharged Central tax and State tax on such supplies instead of integrated tax. In view of revenue neutral position of such tax payment and that facility to correctly report the nature of transaction in **FORM GSTR-1** furnished on the common portal was not available during the period 1st July, 2017 to 31st March, 2018, it has been decided that, as a one-time exception, suppliers who have paid Central tax and State tax on such supplies, during the said period, would be deemed to have complied with the provisions of law as far as payment of tax on such supplies is concerned as long as the amount of tax paid as central tax and state tax is equal to the due amount of integrated tax on such supplies. It also decided that similar Circular would be issued under the respective SGST Acts also. The implementing Circular is yet to be issued.

Agenda item 5: Amendment to SOP of TDS

24. Pr. Commissioner, GST Policy Wing, CBIC introduced the agenda and stated that Section 51(3) of the CGST Act, 2017 read with Rule 66(3) of CGST Rules, 2017 cast a liability on the tax deductor to issue a Certificate of deduction in **FORM GSTR-7A** to the deductee. However, various representations have been received regarding challenges being faced in furnishing the certificate on common portal.

24.1. He informed that the Law Committee deliberated on the issue keeping in view the provisions of rule 66(2) of CGST Rules, 2017 regarding the deduction of tax and submission of return in **Form GSTR-7**, the amount deducted is made available in Part C of **Form GSTR 2A/4A** of the registered deductee. He stated that the Law Committee opined that as per the presently followed system, the deductee has the option of either accepting or rejecting the deduction made on his dashboard. On acceptance, the same is credited to his electronic cash ledger. Thus, the deductee is able to utilize this amount of tax deducted at source for discharging his tax liabilities by virtue of the facility provided by the system itself. In that case, the provision of issuing GSTR-7A appears to be an additional burden on Tax Deductor as it remains to be a mere formality to issue such FORM. Also, the liability of late fees on the Deductor in this context provides a bad optics. Since the deductee himself is able to accept the deductions and thus can enjoy the credit of such deducted amount through his electronic cash ledger,

the additional burden of issuing GSTR-7A on the deductor may not be insisted upon if a facility of downloading such FORM can be made available to the deductee once he accepts the deductions.

24.2. Accordingly, it was proposed to amend the SOP on TDS as follows:

“14. Frequently asked questions (FAQs)

Question no. 61

As a DDO I have deducted tax while making payment to various Vendors. I have deposited the amount in the appropriate Government A/c & also filed return within stipulated time. Have I discharged all my liabilities relating to TDS?

Answer: ~~No~~. Yes, as a system generated TDS certificate in FORM GSTR-7A mentioning therein the value on which tax is deducted, and amount of tax deducted and other related particulars shall be available for download from the portal by deductee. This shall be deemed to be sufficient compliance with the provisions of section 51(3) since such certificate cannot be generated/downloaded unless the deductor files the return.

24.3. Shri Gnanasekaran, Additional Commissioner, State Tax, Tamil Nadu stated that **FORM GSTR-7A** is a requirement under the current provisions of law. Ms. Smaraki Mahapatra, Commissioner, State Tax (CST), West Bengal stated that a Certificate could be generated by the System automatically. Dr. P. D. Vaghela, CCST, Gujarat stated that for now the issue should be clarified by way of amendment to the SOP on TDS. However, at a later date, the TDS certificate available as **FORM GSTR-7A** could be omitted and the Certificate available on the GST Portal could be considered as a deemed compliance of Section 51(3) of CGST/SGST Acts.

25. The GIC agreed to amend the question No. 61 on page No. 38 of the said SOP of TDS as stated in paragraph 24.2 above. GIC also took note of the suggestion made at paragraph 24.3 above. The amendment proposed to SOP on TDS is yet to be implemented.

Agenda item 6: Approval of the AOA (Articles of Association) and MOA (Memorandum of Association) of GSTN based on decision of the GST Council

26. Shri Prakash Kumar, CEO, GSTN introduced the agenda and stated that the GST Council in its 27th Meeting held on 4th May 2018 decided that GSTN will be converted into a 100% Government-owned entity by transferring 51% equity shares held by the Non-Government institutions to the Centre and States equally. The Union Cabinet in its Meeting held on 26th September 2018 had approved the proposal to convert GSTN into a fully-owned Government company with 50% equity of the company to be held by the Central Government and the balance 50% to be held by various States and Union Territories. The proposed shareholding pattern post-conversion of GSTN into 100% Government-owned Entity, was approved by the GST Council in its 31st Meeting held on 22nd December 2018.

26.1. He stated that in order to implement change in shareholding pattern of GSTN, the AOA and MOA of GSTN were required to be amended as per the provisions of the Companies Act, 2013 and Rules made thereunder. He added that the GST Council in its 31st Meeting held on 22nd December 2018 also approved, in principle, the Articles of Association and the Memorandum of Association of GSTN and authorised GIC to go through them in detail and finalise the same. Accordingly, he requested GIC to consider and approve the proposed AOA and MOA.

26.2. Shri Shashank Priya, Joint Secretary, GST Council pointed out that in the Proposed AOA of GSTN for the column under Proposed Articles at Sl. No 6 referring to paid up Share Capital, the Table 1 denoting erstwhile paid up share capital appeared to be redundant and the same may be removed. The GIC agreed to the suggestion.

26.3. Shri Gnanasekaran, Additional Commissioner, State Tax, Tamil Nadu stated that there should be a guideline regarding the appointment of key officials and Directors in GSTN. He added that interest of States should be safeguarded. Ms. Smaraki Mahapatra, CST, West Bengal added that she agreed with the principle of rotation in the appointment of Directors to the Board of GSTN which could be done on a formal or informal basis. She also highlighted the importance of retaining high quality manpower in GSTN for which flexibility in hiring needed to be continued. Shri Shashank Priya, Joint Secretary, GST Council stated that GST Council has authorised Chairperson, GST Council to take decisions regarding the appointment of Directors in the Board of GSTN. He added that nominations are being sought from States to be part of Board of Director to GSTN whenever a vacancy arises in the Board of GSTN and the principle of regional representation is kept in mind. He added that the States falling within the geographical region (East and North East, West, North and South) could also consult amongst themselves and send only one nomination from one geographical region. Dr. Rajeev Ranjan, Special Secretary, GST Council stated that while appointing Directors to the Board of GSTN, amongst the nominations received, geographical representation as well as seniority, expertise, IT related experience, etc. are kept in mind. He added that the suggestion of the States would be kept in mind while filling up vacancies in future for Director to the Board of GSTN.

27. The GIC approved the AOA and MOA as proposed with editorial change as mentioned at paragraph 26.2. above. The GIC also took note of the suggestions made at paragraph 26.3. above.

28. The decision of the GIC is placed for information of the Council.

Agenda Item 4: Decisions/recommendations of the 4th IT Grievance Redressal Committee for information of the Council

The fourth Meeting of the IT Grievance Redressal Committee (ITGRC) was held on 12th February 2019 (Minutes of the Meeting attached as **Annexure 1** of this Agenda Item). Following issues were discussed and decided:

Agenda Item on TRAN-1 cases

2. The EVP (Services), GSTN apprised that 1307 cases of TRAN 1 had been received in GSTN till 17.12.2018. The details of cases taken up in first three ITGRC Meetings (including the cases where Writ Petitions had been filed) are as under:

Details of TRAN 1 cases presented up to 3rd IT-GRC

| S. No. | Meeting Reference | Total No of TRAN-1 Cases | Cases Considered | Cases Not Considered |
|--------|--------------------------|--------------------------|------------------|----------------------|
| 1 | 2 | 3 | 4 | 5 |
| 1 | 1st IT-GRC on 22.06.2018 | 170 | 122 | 48 |
| 2 | 2nd IT-GRC on 21.08.2018 | 340 | 213 | 127 |
| 3 | 3rd IT-GRC on 26.10.2018 | 268 | 70 | 198 |
| | Total | 778 | 405 | 373 |

2.1 In the 4th meeting, total 461 cases of TRAN-1 had been examined by GSTN and presented before Committee. The GSTN had categorized these cases broadly reason-wise in two major categories as 'A' and 'B'. **Category 'A'** included cases in which the taxpayer could not apparently file TRAN 1 because of technical glitches and **category 'B'** included cases where no technical issues were found from the system logs in filing TRAN 1.

2.2 After detailed discussion, the 4th IT-GRC recommend as under: -

- To allow** filing of TRAN-1 in total 165 cases of Category 'A', as per Annexures mentioned in column No. 3 and 4 of **Table-3** (of Minutes) on account of technical/system issues as explained at para 7 of Minutes, in accordance with the Law Committee recommendations regarding consequential benefits related to filing of TRAN 1.
- Not to allow** remaining 296 cases of Category 'B' as per Annexures mentioned in column No. 3 and 4 of **Table-4** (of Minutes), in absence of any evidence of technical/system errors in these cases as explained at para 8 of Minutes, as was decided in similar cases in past three IT-GRC meetings.

Status of cases where non-technical issues were involved:

3. In 32nd GST Council it was decided to empower **IT-Grievance Redressal Committee (ITGRC) to consider non-technical issues** (errors apparent on the face of record) and to expand the mandate of the ITGRC. It was decided that ITGRC shall consider on merits, the specific cases as covered under the orders of the Hon'ble High Court of Madras and by any other Hon'ble High Court as sent by any State or Central authority, **to the GST Council Secretariat by 31st January, 2019.**

3.1 Accordingly, a mail dated 16.01.2019 was sent from GST Council Secretariat to all States and Centre to forward the list of such cases by 31.01.2019. So far, responses have been received from 13 States only containing 62 cases. These cases, when categorised for the reason of not being able to file TRAN-1/ carry proper TRAN 1 credit, show that:

- a. In 24 cases, Taxpayer could not file TRAN 1 before 27.12.2018,
- b. In another 24 cases Taxpayer was unable to file and carry TRAN-1/TRAN-2 credit because of technical problem/ internet problem/ GSTN portal not reflecting proper Credit/ data not saved properly/ TRAN-1 processed with Error/,
- c. In 07 cases it was simply reported that these are pending in Hon'ble High Courts,
- d. In 07 cases, it was reported by taxpayer that he had by mistake uploaded details in wrong Column/table.

Thus, cases at (a) do not seem to be eligible for any relief, while cases at (b) seem to be covered by the scope of normal ITGRC process as laid down by circular dated 03.04.2018. Further, in cases at (c), there seems to be no direction at the moment from Hon'ble Court and could be handled in a manner similar to (b).

3.2 Hence, it was recommended by the Committee that GST Council Secretariat might send another reminder to all States and Centre reiterating that the case details be checked and certified before sending by the concerned Jurisdictional Commissioner. Further, it should also be clearly stated that the case is covered by the decision of 32nd GST Council Meeting along with clear recommendations from the State/Centre. Those cases thereafter would be investigated in detail by GSTN and placed before ITGRC for consideration.

4. The decisions/recommendations of the ITGRC are placed for information of the Council.

Minutes of the 4th meeting of IT Grievance Redressal Committee (IT-GRC) held on 12th February 2019 at Kalpvriksha, North Block, New Delhi

4th meeting of the IT Grievance Redressal Committee (IT-GRC) was held in Kalpvriksha in North Block, New Delhi on 12th February 2019. The list of officers who attended the meeting is attached as **Annexure-3**. The Convener welcomed the members of the IT Grievance Redressal Committee and requested EVP (Services) GSTN to present the Agenda points.

2. Ms. Kajal Singh, EVP (Services), GSTN appraised the background that total 1307 cases of TRAN 1 had been received from Nodal Officers till 17.12.2018 with details as follows:

Table 1: Details of TRAN 1 cases presented before IT-GRC

| S. No. | Meeting Reference | No of TRAN-1 Cases | | | Cases Considered and approved | Cases Considered and not approved |
|--------|--|--------------------|-------------|---------|-------------------------------|-----------------------------------|
| | | Nodal Officer | Court Cases | Total | | |
| 1 | 2 | 3 | 4 | 5 (3+4) | 6 | 7 |
| 1 | 1st IT-GRC on 22.06.2018 | 161 | 9 | 170 | 122 | 48 |
| 2 | 2nd IT-GRC on 21.08.2018 | 262 | 78 | 340 | 213 | 127 |
| 3 | 3rd IT-GRC on 26.10.2018 | 252 | 16 | 268 | 70 | 198 |
| 4 | 4 th IT-GRC on 12.02.2019 (Current meeting) | 408 | 53* | 461 | To be discussed | |
| 5 | Sub Total | | | 1239 | | |
| 6 | Total TRAN-1 cases Received till 17.12.2018 | | | 1307 | | |

* In 4th ITGRC Meeting, 33 Court Cases were presented in Annexure 2 and 20 Court Cases were presented in Annexure 2A of the Agenda Note. For the purpose of uniformity, Annexure 2 and Annexure 2A of the Agenda Note had been merged in respective Sub-Categories to arrive at **Annexure 2** of the Minutes, since both of them cover Writ Petition cases only. Hence, the **Annexure 2** of the Minutes having 53 cases as Court cases.

3. EVP (Services) explained that in previous three ITGRC Meetings total 778 TRAN 1 cases (including cases where Writ Petitions had been filed in various High Courts) were presented to ITGRC out of which a total of 405 cases were approved. Subsequent scrutiny had revealed that four duplicate cases had been presented on account of error for examination in the three ITGRC. Out of these three cases were in the approved categories and one was in not approved category. The details of these cases were as per **Table 2** below reflecting as to when these were placed before ITGRC. The main reason behind this error was that these cases got included both in the categories sent by Nodal Officers as well as in the list of Writ Petitions filed in High Courts.

3.1 EVP (Services) GSTN informed that out of 405 cases already approved by the GST Council, only, 251 tax payers had filed TRAN-1 after the same was enabled for them on GST portal. More than 100 had not even attempted and around 40 had submitted but not filed. Subsequently, after repeated e-mails and telephone calls, another 42 more taxpayers filed TRAN-1. Thus, a total of 293 have filed and

65 taxpayers have not attempted to file TRAN-1 and the rest are yet to authenticate and file, despite repeated mails and reminders.

Table 2: List of Duplicate Cases

| S. No. | GSTIN | Name of Firm | IT-GRC Meeting | Category | Status | Nodal Officer / Court |
|--------|------------------------------------|---------------------------------------|--------------------------------|--|--------------|-----------------------|
| 1 | 09AAFFG0398 C1ZI | Golden Trading Agencies | 3rd meeting held on 26/10/2018 | As per GST system log, there are no evidences of error or submission/filing of TRAN1 | Not Approved | Nodal |
| 2 | 09AAFFG0398 C1ZI AAFFG0398C1 ZI | Golden Trading Agencies | 2nd meeting held on 21082018 | No evidences of error or submission/filing of TRAN1 prior to due date | Not Approved | Court |
| 3 | 19AABCK3219 P1Z6 | Kiswok Industries | 3rd meeting held on 26/10/2018 | Processed with error. | Approved | Nodal |
| 4 | 19AABCK3219 P1Z6 | Kiswok Industries | 3rd meeting held on 26/10/2018 | Processed with Error | Approved | Court |
| 5 | 27AAACI1198 L1ZA | Indusind Media & Communication s ltd. | 3rd meeting held on 26/10/2018 | TRAN-1 attempted but could not be filed | Approved | Nodal |
| 6 | 27AAACI1198 L1ZA | Indusind Media & Communication s ltd. | 2nd meeting held on 21082018 | System error, upload in progress, save in progress | Approved | Court |
| 7 | 29AAACE6233 G1ZR | Essae Electronics Private Limited | 1st meeting held on 22.06.2018 | Processed with Error | Approved | Nodal |
| 8 | 29AAACE6233 G1ZR | Essae Electronics Private Limited | 3rd meeting held on 26/10/2018 | Processed with error. | Approved | Nodal |

4. EVP (Services) also appraised ITGRC about the status of various Writ Petitions on TRAN 1 issue which had been received by GSTN. She informed that a total of 191 Writ Petitions had been received by GSTN pertaining to TRAN-1. Cumulatively in the four meetings of ITGRC 171 cases have been considered. In the cases where there was evidence of technical glitch, the cases were approved for filing TRAN1 by ITGRC. The other cases are being examined by GSTN.

4.1 For the fourth ITGRC, these 53 cases were examined by GSTN in detail and as abundant caution where there was no evidence of IT problem, an email was sent to the taxpayers requesting them to inform regarding the exact technical glitch faced while filing TRAN-1, Nature of error noticed, Screen-

shots of technical error/emails reported and sent to help-desk along with ticket numbers. The taxpayers were requested to provide the above mentioned details by 27.12.2018. Only 12 taxpayers responded back to GSTN which had been mentioned in **Annexure 2** of the Agenda as well Minutes appropriately against the name of party.

4.2 Further, it was also informed that three Contempt Petitions had been filed before Hon'ble Punjab and Haryana High Court and **one Contempt Petition** had been filed before Hon'ble Kerala High Court. Details of the Contempt Petitions along with their status was as follows: -

A. COCP No. 3738/2018-M/S Anaesthetic Gases P. Ltd. Chd. V. Sh. Sh. Hasmukh Adhia, Secy. UOI: - The Writ Petition No. 12386/2018 of M/s Anaesthetic Gases Pvt. Ltd. Vs. UOI and Ors., alleging technical glitches, was disposed off by Hon'ble High Court of Punjab and Haryana vide order dated 09.07.2018. Accordingly, Petitioner's case was dealt with in terms of the circular dated 3.4.2018. The taxpayer was requested to provide the following details by **13.07.2018:** -

- i. Exact technical glitch faced while filing TRAN-1
- ii. Nature of error noticed
- iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers.

In response, the Petitioner vide email dated 12.07.2018 only provided screen shots of emails sent to various authorities. The Petitioner did not provide any screen shot of the GST Portal reflecting technical error. The screen shot of the GST Portal taken post 27.12.2017 showed that the last date of filing of TRAN-1 was over. The same was not a technical glitch since the last date of filing TRAN-1 was 27.12.2017. The Petitioner himself in one of the attachments to email dated 12.07.2017 had clearly stated that the Petitioner tried to file TRAN-1 on 29.12.2017 i.e. after the last date of filing of TRAN-1. The Petitioner in the said email stated that he was under the impression that the last date of filing of TRAN-1 was 31.12.2017. **The case of the Petitioner (GSTIN-03AABCA2250N1Z0) was discussed in the 2nd ITGRC meeting held on 21.8.2018** and as no evidence of technical glitch was found and the Petitioner himself had admitted that he was under impression that last date was 31.12.2017, therefore, the case of the Petitioner was not approved for filing TRAN-1.

B. COCP No. 3769/2018-M/s Omega Bright Steel Pvt. Ltd. v. Uday Singh Kumawat & Ors:- GSTIN- 06AAACO0385M1ZB was received by GSTN on 05.11.2018 and was included in the Category A- Processed with error at serial number 49 of Annexure-1 (cases referred by Nodal Officer) to the Agenda of fourth ITGRC. The same finds mention at S. No 49 of Annexure 1 in Category A-1 of the Minutes.

C. COCP No. 3770/2018-M/S Neumann Components Pvt. Ltd. V/S Uday Singh Kumawat & Ors.: - GSTIN- 06AABCN5405A1Z5 was received by GSTN on 05.11.2018 and had been included in the category A- Processed with error at serial number 46 of Annexure-1 (cases referred by Nodal Officer) to the Agenda of fourth ITGRC. The same finds mention at S. No 46 of Annexure 1 in Category A-1 of the Minutes.

D. Contempt Case (Civil)____/2019- Smartguff Glass limited v. K.R. Udaybhaskar & Ors:- GSTIN-32ADBFS7745Q1ZH has been included in Category B1: Case where the taxpayer received the error As per GST system log, there were no evidences of error or submission/filing of TRAN1. As per GST System Logs, the taxpayer had neither tried for Saving / Submitting or Filing TRAN 1 and was covered at serial number 36 of Annexure-1 Category B-1 (cases

referred by Nodal Officer) to the Agenda of fourth ITGRC. The same finds mention at S. No 186 of Annexure 1 in Category B-1 of the Minutes.

5. EVP (Services) explained that, after analysis of system logs by the technical team and examination of total 461 TRAN 1 cases were being placed before ITGRC in the 4th Meeting for consideration. Out of these 461 cases, 408 cases had been forwarded by Nodal Officers and 53 cases pertained to Writ Petitions filed by taxpayers in various High Courts. Further, the detailed list of 408 cases received from Nodal Officers was at **Annexure 1** of Agenda and list of 33 cases pertaining to Writ Petitions was at **Annexure 2** of Agenda and 20 more cases of Writ Petitions were at **Annexure 2A** of the additional Agenda. For the purpose of uniformity Annexure 2 and Annexure 2A of the Agenda had been merged in respective Sub-Categories to arrive at **Annexure 2** of the Minutes, since both of them cover Writ Petition cases only. Hence, the **Annexure 2** of the Minutes having 53 cases as Court cases.

6. EVP, GSTN further explained that all above cases had been examined by the GSTN team and were categorized broadly reason-wise and then further grouped into two major categories as **Category ‘A’ and Category ‘B’**. **Category ‘A’** included cases in which the taxpayer could not apparently file TRAN 1 because of technical glitches whereas Category ‘B’ included cases where detailed analysis at GSTN revealed that no technical issues were there in filing TRAN 1 as per the system logs. Category ‘B’ had 11 different scenarios, based on the claims of taxpayers and hence cases forwarded by Nodal Officers had been categorised in B-1 to B-11. Further the cases involving Writ Petitions and falling under Category ‘B’ were covered only in 6 sub-categories out of Category B-1 to Category B-11 i.e. Category B-1, B-2, B-3, B-4, B-5, B-9.

7. EVP, GSTN thereafter elaborated the nature of technical issues experienced by the taxpayers in filing TRAN-1 along with reasons, under **category ‘A’**, which consisted of following 02 sub-categories and numbers pertaining to each subcategory were as per **column 3 and 4 of Table 3** below: -

- **Sub-Category A-1 Cases where the taxpayer received the error “Processed with Error”** and could not claim transitional credit. The line items requiring declarations of earlier existing Law registration numbers, were processed with error since the taxpayer had not added them in his registration details.
- **Sub- Category A-6 Cases having System Error** where in the taxpayer has attempted to File TRAN 1 but was experiencing System Error and has not saved any records.

Table-3: Cases having Technical Glitch

| S. No. | Category of cases | Cases received from Nodal Officers | Writ Petition Cases |
|--------|----------------------|-------------------------------------|-----------------------------------|
| 1 | 2 | 3 | 4 |
| A-1 | Processed with Error | 150 (S. No 01 to 150 of Annexure 1) | 14 (S. No 01 to 14 of Annexure 2) |
| A-6 | System Error | NIL | 01 (S. No 15 of Annexure 2) |
| | Sub Total | 150 | 15 |

8. **Category ‘B’** had cases where no technical issues had been observed in TRAN 1 filing. EVP, GSTN further elaborated the cases under the Category ‘B’, where no technical issues were found on the basis of GST system logs, as explained below in 11 sub-categories and number of cases pertaining to each sub-category had been mentioned in **column 3 & 4 of Table 4** below: -

- **Sub-Category B-1: Cases in which as per GST system log, there were no evidences of error or submission/filing of TRAN1 found.**
- **Sub-Category B-2: Cases in which TRAN 1 filing attempted for first time or revision was attempted but no error/no valid error reported.** As per GST System Logs the taxpayer had tried for saving/submitting for the first time or revision of TRAN 1 but there were no evidences of system error in logs.
- **Sub-Category B-3: Cases in which TRAN 1 was successfully filed as Per Logs with no valid error reported.** The taxpayer had successfully filed TRAN 1 and no technical errors had been found in the technical logs examined by GSTN. In these type of cases the taxpayers had committed errors at their end in saving or missing out in filling up some details of credits.
- **Sub-Category B-4: Incorrect declaration of stock by taxpayer in TRAN 1 therefore problem in filing TRAN-2.** Incorrect declaration was made by taxpayer in TRAN 1 of Stock not evidencing payment of taxes and duty.
- **Sub-Category B-5: Cases in which TRAN-1 is filed once but credit not received:** The taxpayer has filed Tran-1 once successfully but no credit had been posted in ledger but no errors had been observed in system logs.
- **Sub-Category B-6: Cases in which TRAN1 was filed once and revised thereafter but credit was not received.** No error had been seen in system logs.
- **Sub-Category B-7: Cases in which the taxpayer's registration stood as cancelled/inactive in current date.** As per GST System Logs, the taxpayer had neither tried for Saving / Submitting or Filing TRAN 1 and their registrations stands cancelled as on date.
- **Sub-Category B-8: Cases in which Tax payer was not entitled to TRAN 1 credit as it was an ISD taxpayer.**
- **Sub-Category B-9: Migration User: Got New Registration after last date for filing TRAN-1 i.e. 27.12.2017.** The taxpayer migrated and the registration was cancelled and the taxpayer has got new registration after December 27th 2017.
- **Sub-Category B-10: Case in which the Taxpayer attempted downward revision in Table 8 of TRAN 1.** In this case the taxpayer had attempted downward revision of distributed credit in Table 8 of Tran 1. The system was designed to allow only upward revision and not revision downwards in case of table 8. The reason for this was that in case of downward revision the extra credit availed had to be reversed in the ledger of the person who had filed TRAN1. In case credit was not available liability would be created. The same had been explained in FAQs and through advisory.
- **Sub-Category B-11: Case in which the Taxpayer's Registration was Provisional in current date.** As per GST System Logs, the taxpayer had not submitted Part-B of the registration application and had not migrated therefore as the taxpayer is not registered and has only a PID, he cannot transact on GST portal including filing of TRAN 1.

The details of cases covered under these Sub-Categories is reflected in the Annexure 1 and Annexure 2 of the instant Minutes with details as in Table 4 below.

Table-4: Cases Not having Technical Glitch

| S.No. | Category of cases | Cases received from Nodal Officers | Writ Cases | Petition Cases |
|-------|---|-------------------------------------|----------------------------------|----------------|
| 1 | 2 | 3 | 4 | |
| B-1 | As per GST system log, there are no evidences of error or submission/filing of TRAN 1. | 82 (S. No 151 to 232 of Annexure 1) | 28 (S.No 16 to 43 of Annexure 2) | |
| B-2 | TRAN-1 filing attempted for first time or revision and No error /No valid error reported. | 61 (S. No 233 to 293 of Annexure 1) | 02 (S.No 44 to 45 of Annexure 2) | |
| B-3 | Successfully Filed as Per Logs with No Valid Error reported | 46 (S. No 294 to 339 of Annexure 1) | 04 (S.No 46 to 49 of Annexure 2) | |
| B-4 | Incorrect declaration of stock by taxpayer in TRAN 1 therefore problem in filing TRAN-2. | 45 (S. No 340 to 384 of Annexure 1) | 01 (S.No 50 of Annexure 2) | |
| B-5 | TRAN-1 filed once but credit not received. | 09 (S. No 285 to 393 of Annexure 1) | 02 (S.No 51 to 52 of Annexure 2) | |
| B-6 | TRAN1 Filed once and revised thereafter but credit not received | 09 (S. No 394 to 402 of Annexure 1) | NIL | |
| B-7 | Taxpayer's Registration stands cancel/Inactive in current date | 02 (S. No 403 to 404 of Annexure 1) | NIL | |
| B-8 | ISD Taxpayer | 01 (S. No 405 of Annexure 1) | NIL | |
| B-9 | Migration User - Got New Registration after last date for filing TRAN-1 i.e. 27.12.2017 | 01 (S. No 406 of Annexure 1) | 01 (S.No 53 of Annexure 2) | |
| B-10 | Taxpayer attempted downward revision in Table 8 | 01 (S. No 407 of Annexure 1) | NIL | |
| B-11 | Taxpayer's Registration is Provisional in current date | 01 (S. No 408 of Annexure 1) | NIL | |
| | Sub Total | 258 | 38 | |

9. Considering the above submissions, Committee discussed the cases of technical glitch of Category 'A' and after further elaboration and discussion, 165 cases pertaining to technical glitch categories as per Table 3 above were considered for allowing filing of TRAN 1 in accordance with the Law Committee recommendations regarding consequential benefits related to filing of TRAN 1 and TRAN 2.

Discussion on Additional points:

10. Shri Dheeraj Rastogi, Joint Secretary, GST Council informed to the Committee that in 32nd GST Council Meeting, agenda item 8 pertained to **allowing IT-Grievance Redressal Committee (ITGRC) to consider non-technical issues** (errors apparent on the face of record). *After discussion, it was agreed to expand the mandate of the ITGRC and that the ITGRC shall consider on merits, the specific cases as covered under the orders of the Hon'ble High Court of Madras and by any other Hon'ble High Court as sent by any State or Central authority, to the GST Council Secretariat by 31st January, 2019.* The

ITGRC shall consider the listed cases (as informed by States / Centre before 31st January, 2019) where the following conditions were satisfied:

- iii. *TRAN-1, including revision thereof, has been filed on or before 27th December, 2017 and there is an error apparent on the face of the record (such cases of error apparent on the face of the record will not cover instances where there is a mistake like wrong entry of an amount e.g. Rs.10,000/- entered for Rs.1,00,000/-); and*
- iv. *The case has been recommended to the ITGRC through GSTN by the concerned jurisdictional Commissioner or an officer authorised by him in this behalf (in case of credit of Central taxes/duties, by the Central authorities and in the case of credit of State taxes, the State authorities, notwithstanding the fact that the taxpayer is allotted to the Central or the State authority).*

10.1 Accordingly, a mail dated 16.01.2019 was sent from GST Council Secretariat to all States and Centre to forward the list of such cases by 31.01.2019. As of now only 13 States/UTs namely Gujarat, Himachal Pradesh, Kerala, Andhra Pradesh, Rajasthan, Tamil Nadu, Uttar Pradesh, Chhattisgarh, Goa, Jammu and Kashmir, Meghalaya Puducherry and Punjab had responded to the mail. Other States and Centre (CBIC) had not replied to the mail.

On examination of these cases it was noticed that most of the States had just forwarded list of cases without going through the spirit of the decision of the 32nd GST Council Meeting. He further informed that:

- Gujarat (5 pending out of 7 forwarded cases) and Andhra Pradesh (2 pending out of 6 forwarded cases) had forwarded list of the cases where Hon'ble High Court had not passed any order and it was just mentioned that case was pending on the next date of hearing.
- An analysis of the brief issue reported in the cases was as follows: -

Table-5: Categorisation of Cases reported by States

| Category | Reported brief Gist of the case | State and Cases S.No as per their forwarding list | No of Cases |
|----------|--|--|-------------|
| A | Taxpayer Could not file TRAN 1 before 27.12.2018 | Kerala (2,3,4,5,6,7,8,9,10,11,12,13,14), Punjab (4), Uttar Pradesh (7,8), Rajasthan (2,3,4,5,6,7,8), Himachal (1) * Reasons for not filling TRAN 1 not clear | 24 |
| B | Unable to file TRAN-1/TRAN-2 because of Technical problem | Andhra Pradesh (3, 4, 5, 6), Uttar Pradesh (2,3,4,5,9,10,11), Tamil Nadu (1,6,7,10,11), Rajasthan (1), Gujarat (1, 3) | 19 |
| C | TRAN 1 not filed because of Internet problem | Tamil Nadu (9) | 1 |
| D | TRAN 1 filed but portal is not reflecting proper Credit/ data not saved properly | Punjab (1), Tamil Nadu (5) | 2 |
| E | Processed with Error | Tamil Nadu (8), Uttar Pradesh (6) | 2 |
| F | Case Pending in High Court | Gujarat (2, 4, 5, 6,7), Andhra Pradesh (1,2) | 7 |
| G | Tax payer filed TRAN 1 but by mistake uploaded the details in wrong Column/table | Kerala (1), Punjab (2, 3), Uttar Pradesh (1), Tami Nadu (2,3,4) | 7 |
| | Total | | 62 |

From above table, it was noticed that

- a. for cases at s.no 'B' to 'E'; the procedure laid out under circular dated 03.04.2018 of CBIC seemed applicable and proper prescribed process be followed. These cases should not have been forwarded to the GSTC Secretariat [in view of para 10 (i) above].
- b. Further, cases at 'A' wherein TRAN-1 had not been filed within due date and cases at 'F' which were still pending at various High Courts also do not appear to be ripe and eligible for consideration by ITGRC as per the decision in 32nd GST Council Meeting.
- c. Hence, the category 'G' cases only appear to be eligible which may be looked in detail and decided by ITGRC as per the decision in 32nd GST Council Meeting.
- d. Further, some of the States have just attached the High Court Order which revealed that it was directed to approach Nodal Officer and follow the ITGRC procedure in the order or they were simply directed to allow filing of TRAN 1/modification in the TRAN 1.

10.2 It was also decided by GST Council that all States and Centre shall send reply by 31.01.2019 but reply from Punjab has been received on 11.02.2019 which covers 04 cases where Court has directed petitioner in all cases to approach Nodal Officer. Thus, as of now, only 13 States/UTs including Punjab have replied in this regard that too without proper scrutiny.

10.3 Hence, it was recommended by the Committee that GST Council Secretariat might send another reminder to all States and Centre reiterating that the case details be checked and certified before sending by the concerned Jurisdictional Commissioner. Further, it should also be clearly stated that the case is covered by the decision of 32nd GST Council Meeting along with clear recommendations from the State/Centre. Those cases thereafter would be investigated in detail by GSTN and placed before ITGRC for consideration.

11. Decision:

After detailed discussion considering the above facts, the IT-GRC decided to allow filing of TRAN-1 in total 165 cases of Category 'A' as per Annexures indicated in column No. 3 and 4 of **Table-3** on account of technical/system issues as explained at para 7 above, in accordance with the Law Committee recommendations regarding consequential benefits related to filing of TRAN 1. Further, the IT-GRC decided not to allow remaining 296 cases of Category 'B' as per Annexures indicated in column No. 3 and 4 of **Table-4** in absence of any evidence of technical/system errors in these cases as explained at para 8 above, as was decided in similar cases in past three IT-GRC meetings.

Annexure-1

Count of Cases received from Nodal officers in various categories

| S.No./Category No | Category | Detailed Description | Count of Taxpayer |
|-------------------|---|---|-------------------|
| A1 | Processed with error. | As per GST system logs the taxpayer has attempted to submit fresh or revise TRAN1 but could not file because of errors. | 150 |
| B1 | As per GST system log, there are no evidences of error or submission/filing of TRAN1. | As per GST System Logs there is no evidence that the taxpayer has tried for Saving / Submitting / Filing TRAN1 | 82 |

| | | | |
|-----|--|--|------------|
| B2 | TRAN-1 First time (Fresh) /Revision Attempted with No error/ No valid error reported | As per GST System Logs, the taxpayer has tried for Saving / Submitting /Revision and there are no evidences of system errors in the log. | 61 |
| B3 | Successfully Filed as Per Logs with No Valid Error reported | The taxpayer has successfully filed TRAN1 and no technical error has been found. | 46 |
| B4 | Incorrect declaration of stock by taxpayer in TRAN 1 therefore problem in filing TRAN-2. | There are no technical issues in saving/submitting or filing of TRAN1. The taxpayer is facing issues in filing TRAN-2 due to incorrect declaration made by them | 45 |
| B5 | TRAN-1 filed once but credit not received. | Cases where the taxpayer has filed TRAN1 once but no credit has been posted. No technical issues has been observed in the logs. | 9 |
| B6 | TRAN1 Filed once and revised thereafter but credit not received | Cases where the taxpayer has filed TRAN1 twice (revision) but no credit has been posted. No technical issues has been observed in the logs. | 9 |
| B7 | Taxpayer Registration stands cancel/Inactive in current date | As per GST System Logs, the taxpayer has neither tried for Saving / Submitting or Filing TRAN1 and their registrations stands cancelled as on date. | 2 |
| B8 | ISD Taxpayer | An ISD taxpayer is not supposed to file TRAN1. | 1 |
| B9 | Migration User - Got New Registration post TRAN-1 end date i.e. 27.12.2017 | This taxpayer has got registration after 27th Dec 2017. | 1 |
| B10 | Taxpayer attempted downward revision in Table 8 | Cases in which taxpayer has attempted downward revision of distributed credit in Table 8 of Tran 1. The system was designed to allow only upward revision and not revision downwards in case of table 8. | 1 |
| B11 | Taxpayer's Registration is Provisional on current date | As per GST System Logs, the taxpayer has neither tried for Saving / Submitting or Filing TRAN1 and the taxpayer has not submitted Part-B of the registration application and neither filed returns. | 1 |
| | Total | | 408 |

Category A1: Cases where the taxpayer received the error 'Processed with error.' As per GST system logs the taxpayer has attempted to submit first time/fresh or revise TRAN1 but could not file because of errors.

| S.No. | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constitutio n of business | Nodal Officer / Jurisdiction Name | State/ Centre | E-Mail ID from which received |
|-------|-----------------------------|---|-------------------|---------------------------------|--|------------------|---|
| 1 | 37AABCF73 16A1Z2 | Forel Labs Private Limited | Andhra Pradesh | Private Limited Company | B. Hareram, Pr Commr, CGST Vishakapatnam | Centre | commr- gstvskp@gov.in |
| 2 | 37AHMPA40 55G1ZH | Raviprolu Anjana | Andhra Pradesh | Proprietorsh ip | B. Hareram, Pr Commr, CGST Vishakapatnam | Centre | commr- gstvskp@gov.in |

| | | | | | | | |
|----|---------------------|---|--------------|-------------------------------------|--|--------|--|
| 3 | 18AAMFK57 51A1ZD | Kratos | Assam | Partnership | Subrata Gogoi, Principal Nodal Officer (IT), CGST, Dibrugarh | Centre | sugogoi@gmail.com |
| 4 | 10AAGCA57 03P1ZS | Amrapali Biotech India Private Limited | Bihar | Private Limited Company | Mukesh Kumar, Assistant Commr, Commercial Taxes Department, Patna | State | mukesh.kumar1982@gov.in |
| 5 | 22AABCB04 31E1ZN | Bilaspur Mining Industries Private Limited | Chhattisgarh | Private Limited Company | Shri Sumit Kumar Agrawal, Assistant Commissioner, CGST, Raipur | Centre | cgstrpr2@gmail.com |
| 6 | 22AANFV53 00K1Z6 | Vakrangee Packaging LLP | Chhattisgarh | Limited Liability Partnership | Deepak Giri, Deputy Commr, Office of the Commr, State Tax, Raipur | State | deepakgiri.cctd-cg@gov.in |
| 7 | 22AAQFK67 05N1ZX | Kripal Enterprises | Chhattisgarh | Partnership | Deepak Giri, Deputy Commr, Office of the Commr, State Tax, Raipur | State | deepakgiri.cctd-cg@gov.in |
| 8 | 22AAACB12 90N1ZU | Bharat Aluminium Company Ltd | Chhattisgarh | Public Limited Company | Deepak Giri, Deputy Commr, Office of the Commr, State Tax, Raipur | State | deepakgiri.cctd-cg@gov.in |
| 9 | 22AAACK73 00E1Z9 | Kirloskar Brothers Ltd | Chhattisgarh | Public Limited Company | Deepak Giri, Deputy Commr, Office of the Commr, State Tax, Raipur | State | deepakgiri.cctd-cg@gov.in |
| 10 | 22AABCK86 93D1ZK | Kothari Tubes Private Limited | Chhattisgarh | Private Limited Company | Deepak Giri, Deputy Commr, Office of the Commr, State Tax, Raipur | State | deepakgiri.cctd-cg@gov.in |
| 11 | 30AAACG13 95D1Z7 | Godrej And Boyce Manufacturing Co Ltd | Goa | Public Limited Company | Sarita S. Gadgil, Deputy Commr, Commercial Taxes, Goa | State | acbic-ctax.goa@nic.in |
| 12 | 24AAAFF391 7B1Z3 | Flow Chem Industries | Gujarat | Partnership | Sunil Kumar Singh, Commr, CGST, Gandhi Nagar | Centre | commr-cexamd3@nic.in |
| 13 | 24ABOFS884 0F1ZU | Shree Ambica Board Industries | Gujarat | Partnership | Stella J. Chtistian, Deputy Commr of State Tax, Gandhi Nagar | State | Dc7-gnr-gstn@gujarat.gov.in |
| 14 | 24AAACF28 78C2ZW | Fairdeal Supplies Limited (Fair Deal Supplies Solutions Ltd) | Gujarat | Private Limited Company | Bhupendra M. Shrimali, Deputy Commr of State Tax, Gandhidham | State | dc25-rjt2-gstn@gujarat.gov.in |
| 15 | 24ADEFS307 7J1ZW | Skytouch Polypack (Sky Touch Ploypack) | Gujarat | Partnership | I.T.KESHWANI, Deputy Commr of State Tax, Rajkot | State | dc22-ct@gujarat.gov.in |
| 16 | 24AFTPK664 3P1ZM | Vipin Kumar Aggarwal (Vipin Brothers) | Gujarat | Proprietorship | Kamleshkumar L. Hadula, Deputy Commr of State Tax, Ahmedabad | State | dc5-ahd2-gstn@gujarat.gov.in |
| 17 | 24AADCC74 03M1ZP | Chiripal Poly Films Limited | Gujarat | Public Limited Company | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | jcegov-ct@gujarat.gov.in |

| | | | | | | | |
|----|---------------------|--|---------|-------------------------------|---|--------|--|
| 18 | 24AABCE59 52D1ZY | Elite Conductors Limited | Gujarat | Private Limited Company | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | icegov-ct@gujarat.gov.in |
| 19 | 24AAACN17 36F1ZW | NHB Ball & Roller Limited (M/S. NHB ball & roller ltd. Plot no. 68 to 74 GIDC Antalia Billimora) | Gujarat | Private Limited Company | Dr. Ashir Tyagi, Commr, CGST, Vadodara | Centre | commr-cexvdr2@nic.in |
| 20 | 24AACFN70 36P1ZY | N A Roto Machines & Moulds India | Gujarat | Partnership | S.M. Saxena, Joint Commissioner of State Tax, Ahmedabad | State | icegov-ct@gujarat.gov.in |
| 21 | 24AAEFF880 4H1ZJ | Flexishine Polyblends LLP | Gujarat | Limited Liability Partnership | Sunil Kumar Singh, Commr, CGST , Gandhi Nagar | Centre | commr-cexamd3@nic.in |
| 22 | 24AAIFP154 6N1ZZ | Pragya Flexifilm Industries | Gujarat | Partnership | M.K. Bhanderi, Deputy Commr of State Tax, Ahmedabad | State | icegov-ct@gujarat.gov.in |
| 23 | 24AAACG71 29F2ZV | Grindly Gases And Petrochemicals Private Limited | Gujarat | Private Limited Company | M.K. Bhanderi, Deputy Commr of State Tax, Ahmedabad | State | icegov-ct@gujarat.gov.in |
| 24 | 24AABFB79 47C1ZQ | Balark Chemicals | Gujarat | Partnership | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | icegov-ct@gujarat.gov.in |
| 25 | 24AAACI556 9D1ZQ | INOX Air Products Private Limited | Gujarat | Private Limited Company | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | icegov-ct@gujarat.gov.in |
| 26 | 24AABCM03 91A1Z5 | Mayur Extrusion Private Limited | Gujarat | Private Limited Company | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | icegov-ct@gujarat.gov.in |
| 27 | 24AABCI822 1C1Z3 | Jack Procon Private Limited | Gujarat | Private Limited Company | SHRI S.K. BAROT, Deputy Commr Vadodara | State | dc10-ct@gujarat.gov.in |
| 28 | 24AABCH34 14P1ZL | Hema Dyechem Private Limited | Gujarat | Private Limited Company | S V Vora, Deputy Commr of State Tax, Valsad | State | dc18-sur2-gstn@gujarat.gov.in |
| 29 | 24AAEFI398 2M1Z0 | Incredible Machines (Incredible Machines) | Gujarat | Partnership | Lalit Prasad, Commissioner, CGST, Rajkot | Centre | commr.cgstrjt@gov.in |
| 30 | 24AABCP26 82B1ZU | Philoden Industries Private Limited | Gujarat | Private Limited Company | Shri Mahesh Kumar Sharma, Assistant Commr, Central GST Vadodara-1 | Centre | hqtech@rediffmail.com |
| 31 | 24ACYFS556 8B1ZN | Swastik Industries (Swastik Industries) | Gujarat | Partnership | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | icegov-ct@gujarat.gov.in |
| 32 | 24AADCR76 18D1ZK | Ruparel Polystrap Private Limited | Gujarat | Private Limited Company | S.M. Saxena, Joint Commissioner of State Tax, Ahmedabad | State | icegov-ct@gujarat.gov.in |

| | | | | | | | |
|----|---------------------|---|---------|-------------------------------|--|--------|--|
| 33 | 24AACCA29 12N1ZU | Associated Foreshore Pipe Lines Pvt Ltd | Gujarat | Private Limited Company | Sunil Kumar Singh, Commissioner, CGST., Gandhi Nagar | Centre | commr- cexamd3@nic.i n |
| 34 | 06AADCT70 54P1ZT | Three C Shelters Private Limited | Haryana | Private Limited Company | Abhishek Batra, State Excise & Taxation Officer, Gurugram (East) | State | detcgre@gmail. com |
| 35 | 06AADCK69 98D1Z8 | Koyo Bearings India Private Limited | Haryana | Private Limited Company | Nodal Officer, CGST, Faridabad, | Centre | raunaq.ansari@ gov.in |
| 36 | 06AAACV93 36K1ZZ | VBROS Auto Private Limited | Haryana | Private Limited Company | Siddhartha Bhatti, Superintendent, CGST , Gurugram | Centre | Siddhartha.Bhat ti@icegate.gov. in |
| 37 | 06AAACO21 90C3ZV | OMAX Autos Limited | Haryana | Public Limited Company | Mahesh Yadav, Superintendent, CGST ,Gurugram | Centre | mystax78@gm ail.com |
| 38 | 06AADCB89 86G1ZB | BMW India Financial Services Private Limited | Haryana | Private Limited Company | Mahesh Yadav, Superintendent, CGST ,Gurugram | Centre | mystax78@gm ail.com |
| 39 | 06AAFRC23 04C1Z1 | Revital Reality Private Limited | Haryana | Private Limited Company | Mahesh Yadav, Superintendent, CGST ,Gurugram | Centre | mystax78@gm ail.com |
| 40 | 06AAECA85 45M1ZB | Aggressive Electronics Manufacturing Services Private Limited | Haryana | Private Limited Company | Siddhartha Bhatti, Superintendent, CGST , Gurugram | Centre | Siddhartha.Bhat ti@icegate.gov. in |
| 41 | 06AAACH40 73P2ZA | Hero Cycles Limited | Haryana | Public Limited Company | Nodal Officer, IT Issues, State GST, Haryana | State | gsttihry@gmail. com |
| 42 | 06AAFCA69 06M1ZH | Chimes Private Limited | Haryana | Private Limited Company | Bhartendu Sharma, Superintendent, CGST ,Gurugram | Centre | west1range43@ gmail.com |
| 43 | 06AABCM12 46N2ZF | S K H Metals Limited | Haryana | Public Limited Company | Sanjay Kumar Singh, Superintendent, CGST, Gurugram | Centre | gstggm56@gm ail.com |
| 44 | 06AAHCM24 08G1ZR | Metro Agri Industries Limited | Haryana | Public Limited Company | Nodal Officer, IT Issues, State GST, Haryana | State | gsttihry@gmail. com |
| 45 | 06AADCE78 42C1ZV | Eglo India Production Private Limited | Haryana | Private Limited Company | Dalchand, Assistant Commissioner, CGST ,Faridabad | Centre | dalchand.irs@g ov.in |
| 46 | 06AABCN54 05A1Z5 | Neumann Components Private Limited | Haryana | Private Limited Company | Nodal Officer, IT Issues, State GST, Haryana | State | gsttihry@gmail. com |
| 47 | 06AAACI083 2P1ZJ | Imperial Fastners Private Limited | Haryana | Private Limited Company | Mahesh Yadav, Superintendent, CGST, Gurugram | Centre | mystax78@gm ail.com |
| 48 | 06AADCM72 20J1ZK | Mangla Tubes Private Ltd | Haryana | Private Limited Company | Dalchand, Assistant Commissioner, CGST, Faridabad | Centre | dalchand.irs@g ov.in |
| 49 | 06AAACO03 85M1ZB | Omega Bright Steel Private Limited | Haryana | Private Limited Company | Smt. Deepika Chaudhari, Deputy Excise & Taxation Officer, Faridabad | State | gsttihry@gmail. com |

| | | | | | | | |
|----|-----------------|---|-----------|-------------------------|--|--------|--|
| 50 | 29AABCK9903A1ZP | Stellence Pharmscience Private Limited | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | jccteaudit@gm ail.com, basavaraj.sagar@ka.gov.in |
| 51 | 29AAACC8331M1ZD | Capronics Pvt Ltd (Capronics Pvt Ltd) | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | jccteaudit@gm ail.com, basavaraj.sagar@ka.gov.in |
| 52 | 29AAACK7310G1ZP | Kolte Patil Developers Ltd | Karnataka | Public Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | jccteaudit@gm ail.com, basavaraj.sagar@ka.gov.in |
| 53 | 29ADGPG0605E2Z1 | Abdeally Gandhi | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in, basavaraj.sagar@ka.gov.in |
| 54 | 29AACCH7419M1Z3 | Haselmeier India Private Limited | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in, basavaraj.sagar@ka.gov.in |
| 55 | 29AAGCA0813L1ZO | Ashok Iron Works Private Limited | Karnataka | Private Limited Company | Bijoy Kumar Kar, Commr, CGST Belagavi | Centre | commr-cexblgm@nic.in |
| 56 | 29AABCT9272F1Z0 | Vidal Health Insurance TPA Private Limited | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 57 | 29AACCS8961P1ZD | Pancham Techno Pet Limited (Pancham Techno Pet Ltd) | Karnataka | Public Limited Company | Dr. M. Subramanyam Commissioner, CGST Mangaluru | Centre | comexmng@nic.in |
| 58 | 29ADXPV5415G1ZS | Javali karibasappa veereshkumar (S.S. Enterprise) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 59 | 29AABCM1345A1ZZ | Madhur Pharma & Research Laboratories Pvt Ltd | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 60 | 29AABCH4679J1Z2 | Hothur Ispat Private Limited | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 61 | 29AAACL4386K1Z1 | Leonid Chemicals Private Limited | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 62 | 29AAACK8506E1ZL | Kamtress Automation Systems Pvt.Ltd. | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 63 | 29AADCV1641G1ZD | Vigven Tech Mark Private Limited | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 64 | 29AAFCT5800M1ZZ | Trans Neuron Technologies Private Limited | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |

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| 65 | 29AAFCK84 36Q1ZM | Kemio Solutions Private Limited | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 66 | 29AAACK76 84H1Z2 | Valdel Engineers And Constructors Private Limited | Karnataka | Private Limited Company | R. Sriram, Commr, CGST Bengaluru East | Centre | supdtpro2.st2blr-ka@gov.in |
| 67 | 32AABCW39 89L1ZT | Whisper Generator Sales And Services Private Limited | Kerala | Private Limited Company | Sunil Kumar V, State Tax Officer, SGST, Thiruvananthapuram | State | vksuni.ctd@kerala.gov.in |
| 68 | 32AAGFL50 17L1ZE | Lamit Tubes & Mouldings LLP | Kerala | Limited Liability Partnership | Sunil Kumar V, State Tax Officer, SGST, Thiruvananthapuram | State | vksuni.ctd@kerala.gov.in |
| 69 | 32AAQCS08 57E1ZC | Smlash Ispat Private Limited | Kerala | Private Limited Company | Sunil Kumar V, State Tax Officer, SGST, Thiruvananthapuram | State | vksuni.ctd@kerala.gov.in |
| 70 | 23AADCA17 98F1ZU | Alfa Proteins (P) Ltd | Madhya Pradesh | Private Limited Company | Atul Saxena, Commissioner, CGST ,Bhopal | Centre | tech.hqrs.bpl@gmail.com |
| 71 | 23AAACM47 50A1Z5 | Malwa Strips Pvt Ltd (Malwa Strips) | Madhya Pradesh | Private Limited Company | Dr. Dharampal Sharma, Joint Commr, Commercial Tax, Bhopal | State | dp.sharma@mp.gov.in |
| 72 | 23ADOPS990 8A1ZE | Pradeep Saraf (Sterling Rubber Products) | Madhya Pradesh | Proprietorship | Dr. Dharampal Sharma, Joint Commr, Commercial Tax, Bhopal | State | dp.sharma@mp.gov.in |
| 73 | 23AAFCS491 2H1ZK | Sigma Heavy Engineering Industries Bhopal Pvt Ltd | Madhya Pradesh | Private Limited Company | Dr. Dharampal Sharma, Joint Commr, Commercial Tax, Bhopal | State | dp.sharma@mp.gov.in |
| 74 | 27AABCB26 08K1ZT | Belchem Industries India Pvt Ltd | Maharashtra | Private Limited Company | Shri Pandurang Chate, Deputy Commissioner, CGST, Thane Rural | Centre | thaneruralgsk@gmail.com |
| 75 | 27AADCP78 18B1ZI | Petronas Lubricants (India) Private Limited | Maharashtra | Private Limited Company | D. N. Shetty, Superintendent, CGST , Mumbai East | Centre | mumbaieastgstnissues@gmail.com |
| 76 | 27AAACA53 26Q2ZD | Adnet Infosystems (India) Private Limited | Maharashtra | Private Limited Company | Rahul Raichur, Assistant Commissioner, CGST , Mumbai South | Centre | k.hari@icegate.gov.in |
| 77 | 27AAGCM77 82A1ZD | Mitsubishi Electric India Private Limited | Maharashtra | Private Limited Company | Dr. Sunil Bodhgire, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 78 | 27AAHCR54 62P1ZN | Rainbow Health And Technology Private Limited | Maharashtra | Private Limited Company | Dr. Sunil Bodhgire, Deputy | State | gstit.State@mahagst.gov.in |

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|----|---------------------|--|-------------|-------------------------------|---|--------|--|
| | | | | | Commissioner of State Tax, Mumbai | | |
| 79 | 27AACCV12 21H1ZO | Vedang Radio Technology Private Limited | Maharashtra | Private Limited Company | Dr. Sunil Bodhgire, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 80 | 27ABRFS044 0G1Z3 | Shree Sai Realtors | Maharashtra | Partnership | D. N. Shetty, Superintendent, CGST, Mumbai East | Centre | mumbaieastgstnissues@gmail.com |
| 81 | 27ACWPA80 85D1ZA | Sayed Ishtiyaque Ali | Maharashtra | Proprietorship | Kiran Verma, Commr, CGST Navi Mumbai | Centre | archana1.nayak@icegate.gov.in |
| 82 | 27AAHCS41 14P1ZZ | Labtop Instruments Private Limited | Maharashtra | Private Limited Company | Vinay Kumar Thammi, Assistant Commissioner DIV-I, CGST, Palghar | Centre | gstvasai1@gmail.com |
| 83 | 27AAUCS15 84Q1Z8 | Savnil Engineers Private Limited | Maharashtra | Private Limited Company | Vandna K. Jain, Commissioner, CGST, Pune-II | Centre | santosh.vatsa@nic.in |
| 84 | 27AABCB83 90C1ZR | B V Bio Corp Private Limited | Maharashtra | Private Limited Company | Vandna K. Jain, Commissioner, CGST Commissionerate, Pune-II | Centre | santosh.vatsa@nic.in |
| 85 | 27AABCU09 69Q1ZM | UL Engineering Services And Software Private Limited | Maharashtra | Private Limited Company | Vandna K. Jain, Commissioner, CGST, Pune-II | Centre | santosh.vatsa@nic.in |
| 86 | 27AADCV39 57B1ZC | EMDEP Test Boards Private Limited | Maharashtra | Private Limited Company | Dr. Sunil Bodhgire, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 87 | 27AQHPR25 44K1ZG | Bhamraram Punma Ramji Sutar (M/S Pavan Glass Center) | Maharashtra | Proprietorship | Dr. Sunil Bodhgire, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 88 | 27AAFCC15 98P1ZZ | Complete Corporate Solutions Private Limited | Maharashtra | Private Limited Company | Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 89 | 27AAHCS82 00L1Z4 | Silicon Semi Conductors Pvt Ltd | Maharashtra | Private Limited Company | Milind Gawai, Commr, Central Tax, Pune-I | Centre | commr-cexpune1@nic.in |
| 90 | 27AAAFF057 3D1ZV | Flowtech Industries LLP | Maharashtra | Limited Liability Partnership | D. N. Shetty, Superintendent, CGST, Mumbai East | Centre | mumbaieastgstnissues@gmail.com |
| 91 | 27AAACM31 13H1ZW | Meghraj Capital Advisors Private Limited | Maharashtra | Private Limited Company | Kalyaneshwari Patil, Deputy Commr State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 92 | 27AACCK79 47D1ZE | Kirloskar Corrocoat Private Limited | Maharashtra | Private Limited Company | Santosh Kumar Vatsa, Additional Commr (CCO), GST & Customs, Pune Zone | Centre | santosh.vatsa@nic.in |
| 93 | 27AAFHD14 64G1ZI | Dinesh M Jain Huf (Dinesh M Jain HUF) | Maharashtra | Hindu Undivided Family | S.K Vimalanathan, Commissioner, CGST, Thane | Centre | commrgstthane@gmail.com |

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| 94 | 27AAACV72 47H1Z4 | Venkateshwara Hatcheries Private Limited | Maharash tra | Private Limited Company | Miss Kalyanehwari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 95 | 27AAYPM84 08Q1ZI | Ashok Radhakishen Mehra (Crystal India) | Maharash tra | Proprietorsh ip | C Dhanasekaran, Commissioner, CGST Thane Rural | Centre | thaneruralgsk@gmail.com |
| 96 | 27AAACZ56 69B1Z6 | I Care Learning Private Limited | Maharash tra | Private Limited Company | Sandesh Mudur, Superintendent, CGST, Mumbai East | Centre | mumbaieastgstnissues@gmail.com |
| 97 | 27AACCT62 42L1Z2 | Tata Realty And Infrastructure Limited | Maharash tra | Public Limited Company | C.P.S Chauhan, Deputy Commissioner, CGST, Mumbai South | Centre | mumbaisouth.dct.it@gov.in |
| 98 | 27AAFCC10 89H1ZM | Chavan Auto Wheels Private Limited | Maharash tra | Private Limited Company | Miss Kalyanehwari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 99 | 07AAACP01 64H1ZQ | Pasupati Spinning & Weaving Mills Limited | New Delhi | Public Limited Company | Kuldeep Singh, Principal Nodal Officer for State GST, Delhi | State | kuldeep.s71@gov.in |
| 100 | 07AAACM01 06C1ZD | Mala Kumar Engineers Private Limited | New Delhi | Private Limited Company | Dushyant Kumar, GSTO, Trade & Taxes Department, New Delhi | State | kuldeep.s71@gov.in |
| 101 | 03AAACH01 10P1Z3 | HPL Additives Limited | Punjab | Limited Company | Pawan Garg, Deputy Commr State Tax, Ludhiana | State | aetcgstpb@gmail.com |
| 102 | 03AAACL23 62H1ZY | Leader Valves Limited | Punjab | Private Limited Company | Sunil Singh Katiyar, Commr, CGST Jalandhar | Centre | commr-cexjldr@nic.in |
| 103 | 03ALYPS888 8F1Z2 | Rajpal Singh (RMI Tools) | Punjab | Proprietorsh ip | Sh. Ashutosh Baranwal, Commr, CGST Ludhiana | Centre | cexldh@nic.in |
| 104 | 03AAHCR74 58P1ZP | Radiance Flex Images Private Limited | Punjab | Private Limited Company | Sh. Ashutosh Baranwal, Commr, CGST , Ludhiana | Centre | cexldh@nic.in |
| 105 | 03AAJFR521 7P1ZW | Royal Ispat Udyog | Punjab | Partnership | Sh. Ashutosh Baranwal, Commr, CGST, Ludhiana | Centre | cexldh@nic.in |
| 106 | 03ABHPG92 35B1Z5 | Pasanna Gupta (Auro Mechanical) | Punjab | Proprietorsh ip | Pawan Garg, Deputy Commr State Tax, Ludhiana | State | aetcgstpb@gmail.com |
| 107 | 08AACCA87 49B1ZQ | Ashiana Ispat Limited | Rajasthan | Public Limited Company | K. C. Samria, Deputy Commr State Tax, Bhiwadi | State | dc-it@rajasthan.gov.in |
| 108 | 08AABCL19 84A1ZR | USG Boral Building Products (India) Private Limited | Rajasthan | Private Limited Company | S.K Upadhay, Joint Commr, Jaipur | State | dc-it@rajasthan.gov.in |

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|-----|---------------------|---|------------|-------------------------|---|--------|--|
| 109 | 08AAKFM46 92A1Z8 | Mehta Stone Export House | Rajasthan | Partnership | Arun Kumar, Commissioner, CGST Jaipur | Centre | ccojaipur@gmail.com |
| 110 | 08AAMCS74 81G1ZT | Shikha Packaging India Private Limited | Rajasthan | Private Limited Company | Arun Kumar, Commissioner, CGST , Jaipur | Centre | ccojaipur@gmail.com |
| 111 | 08AABCP70 33J1ZC | Paracoat Products Limited | Rajasthan | Private Limited Company | Arun Kumar, Commr, CGST ,Jaipur | Centre | ccojaipur@gmail.com |
| 112 | 08AADCP94 71G1Z3 | Indo Dutch Carpet Manufacturing Private Limited | Rajasthan | Private Limited Company | Arun Kumar, Commr, CGST , Jaipur | Centre | ccojaipur@gmail.com |
| 113 | 08AAVFS400 2P1ZK | Sarvodaya Mining Services | Rajasthan | Partnership | Arun Kumar, Commr, CGST Jaipur | Centre | ccojaipur@gmail.com |
| 114 | 08AADCI119 7A1ZV | Idana Pet Industries Private Limited | Rajasthan | Private Limited Company | Arun Kumar, Commr, CGST, Jaipur | Centre | ccojaipur@gmail.com |
| 115 | 33AAACL64 42L1ZH | Ultratech Cement Limited (Aditya Birla Ultratech) | Tamil Nadu | Public Limited Company | S. Ramasamy, Joint Commr, Chennai | State | jccs@ctd.tn.gov.in |
| 116 | 33BHBPS606 6D1ZG | Parthasarathy srinivasan (M/s. Powerpoint industries and traders) | Tamil Nadu | Proprietorship | C. Suba Sankari, Assistant Commr, CGST , Chennai | Centre | C.Sankari@icegate.gov.in |
| 117 | 33AAACE17 13F1ZD | Arkema Peroxides India Private Limited | Tamil Nadu | Private Limited Company | M. Sreedhar Reddy, Pr Commr, CGST, Chennai North | Centre | comp.chennainorth@gov.in |
| 118 | 33AAACW53 00Q1Z9 | Woory Automotives India Private Limited | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commr, Office of the Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 119 | 33BAWPS98 54B1Z3 | Radarpa Bhujanga Rao Sivakumar | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commr, Office of the Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 120 | 33ABIPN578 7A2ZM | Jayanthi Narayanaswamy | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commr, Office of the Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 121 | 33AAHCM64 65F1ZF | Mcwane India Private Limited | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commr, Office of the Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 122 | 33AAECM10 53E1Z2 | Motherson Auto Solutions Limited | Tamil Nadu | Public Limited Company | S. Ramasamy, Joint Commr, Office of the Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 123 | 33AAACT79 87L1ZP | Tablets (India) Limited | Tamil Nadu | Public Limited Company | S. Ramasamy, Joint Commr, Chennai | State | jccs@ctd.tn.gov.in |

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|-----|-----------------|---|---------------|-------------------------|---|--------|--|
| 124 | 33AAAF2479A1ZL | Thermodyne Industrial Products | Tamil Nadu | Partnership | R. Savithri, Assistant Commissioner, CGST & Central Excise Commissionerate, Chennai | Centre | Ramasamy.Savithri@icegate.gov.in |
| 125 | 33AAACA9304Q1ZJ | Alkraft Thermotechnologies (Pvt) Ltd | Tamil Nadu | Private Limited Company | M. Sreedhar Reddy, Pr Commr, CGST & Central Excise Chennai North | Centre | comp.chennainorth@gov.in |
| 126 | 33AADCK0575E1ZW | K-Bit Brave Sourcing Private Limited | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commr, Office of the Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 127 | 33AABCV6001E1ZY | Vijay Nirman Company Private Limited | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commr, Office of the Commi, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 128 | 33AEOPR6275E1Z6 | Thulucanam Radhakrishnan | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commr, Office of the Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 129 | 33ABDFS9923N1ZN | Sri Alagar Industries | Tamil Nadu | Partnership | R. Saravana Kumar, Commr, CGST Madurai | Centre | comp.chennainorth@gov.in |
| 130 | 33ACVFS2686M1Z7 | Shree Pet Industries | Tamil Nadu | Partnership | S. Ramasamy, Joint Commr, Office of the Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 131 | 36AAFCP1364C1ZQ | Pervacio India Private Limited | Telangana | Private Limited Company | Assistant Commr, (Computer), Medchal, Telangana | Centre | cgst.mdlcommtecomp@gov.in |
| 132 | 36AABCF7316A1Z4 | Forel Labs Private Limited | Telangana | Private Limited Company | Radha Sindhiya Linga, Assistant Commr, State GST, Hyderabad | State | tg_cto_gstn@tgct.gov.in |
| 133 | 36AAIPU1022G1ZW | Suresh Rao Upadrasta | Telangana | Proprietorship | Radha Sindhiya Linga, Assistant Commr, State GST, Hyderabad | State | tg_cto_gstn@tgct.gov.in |
| 134 | 36AAACB8344B2Z0 | Beaver Tracks Pvt Ltd | Telangana | Private Limited Company | Shri Raghu Kiran B., Joint Commr, CGST , Medchal | Centre | cgst.mdlcommtecomp@gov.in |
| 135 | 36AOBPG2308C1ZP | Akshita Gupta (Durga Poly Packaging Solution) | Telangana | Proprietorship | Shri Raghu Kiran B., Joint Commissioner, CGST, Medchal | Centre | cgst.mdlcommtecomp@gov.in |
| 136 | 09AAACI3484R1ZV | Indian Air Gases Limited | Uttar Pradesh | Private Limited Company | Rajender Kumar, Deputy Commr, CGST , Varanasi | Centre | cexstvn@yahoo.co.in |
| 137 | 09AAACG0177D1ZY | G K Winding Wires Limited | Uttar Pradesh | Public Limited Company | Harish Kumar, Assistant Commr, CGST Commissionrate, G. B. Nagar | Centre | harish8.kumar@icegate.gov.in |
| 138 | 09ARMPK8470B1ZK | Akanksha Kalra (Aarvi Creations) | Uttar Pradesh | Proprietorship | Anup Kumar Maheshwari, Joint Commissioner (IT), | State | ctithqlu-up@nic.in |

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| | | | | | Commercial Taxes, Lucknow | | |
| 139 | 09AAACT89 35C1Z9 | The West India Power Equipments Private Limited | Uttar Pradesh | Private Limited Company | Joint Commissioner (IT), Commercial Taxes, Lucknow | State | ctithqlu- up@nic.in |
| 140 | 09AACCS03 52A1ZX | Sukriti Vidyut Udyog Pvt Ltd | Uttar Pradesh | Private Limited Company | Supriya Yadav, Assistant Commr, CGST , Ghaziabad | Centre | supriya.yadav@ icegate.gov.in |
| 141 | 05AAACN59 86H1Z8 | Flexituff Ventures International Limited | Uttarakha nd | Public Limited Company | Anurag Mishra, Deputy Commr (IT), State Taxes, Uttarakhand | State | anuragmishra75 @gmail.com |
| 142 | 05BPDP5479 0G1ZN | Neeraj Kumar Saini (M/S Perception Health Care) | Uttarakha nd | Proprietorsh ip | Anurag Mishra, Deputy Commr (IT), State Taxes, Uttarakhand | State | anuragmishra75 @gmail.com |
| 143 | 05AAECT52 31B1ZW | The Rishabh Winpro Private Limited | Uttarakha nd | Private Limited Company | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75 @gmail.com |
| 144 | 05AEVPB894 8M1ZP | Harsha Mahendra Bhatt | Uttarakha nd | Proprietorsh ip | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75 @gmail.com |
| 145 | 19AAHCR10 27J1ZB | Rupnarayan Cable & Broadband Services Private Limited | West Bengal | Private Limited Company | Atanu Majumdar, Additional Commissioner, Directorate of Commercial Taxes, West Bengal | State | majumder.ctax @wbcomTax.g ov.in majumder.ctax @nic.in |
| 146 | 19AADFK11 61H1ZI | Kay Engineering Corporation India | West Bengal | Partnership | Atanu Majumdar, Additional Commissioner, Directorate of Commercial Taxes, West Bengal | State | majumder.ctax @wbcomTax.g ov.in majumder.ctax @nic.in |
| 147 | 19AABCR77 58L1ZN | Rashtraudyog Limited | West Bengal | Public Limited Company | Shri Rajeev Gupta, Commissioner, CGST & Central Excise Commissionerate, Kolkata South | Centre | kolosouth.gst@g ov.in |
| 148 | 19AABCO85 13A1ZQ | OSL Scandinavian Private Limited | West Bengal | Private Limited Company | Atanu Majumdar, Additional Commissioner, Directorate of Commercial Taxes, West Bengal | State | majumder.ctax @nic.in |
| 149 | 19AABCH52 61Q1Z1 | Haldia Nirman Projects Private Limited | West Bengal | Private Limited Company | Atanu Majumdar, Additional Commr, West Bengal | State | majumder.ctax @wbcomTax.g ov.in majumder.ctax @nic.in |

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|-----|---------------------|----------------------------|----------------|-------------|--|--------|--|
| 150 | 19AAXFS553 6Q1ZW | Shri Hari International | West Bengal | Partnership | Ajeet Kumar, Deputy Commissioner, CGST & Central Excise Commissionerate, Kolkata North | Centre | kolkatanorth.gst@gov.in |
|-----|---------------------|----------------------------|----------------|-------------|--|--------|--|

Category B1: Cases where the taxpayer say they received error : As per GST system log, there are no evidences of error or submission/filing of TRAN1.' As per GST System Logs, the taxpayer has neither tried for Saving / Submitting or Filing TRAN1.

| S.No. | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constituti on of business | Nodal Officer / Jurisdiction Name | State/ Centre | E-Mail ID |
|-------|-----------------------------|---|--------------|---------------------------------|--|------------------|--|
| 151 | 22ANWPS 3099J1Z6 | HARDEEP SINGH SALUJA | Chhattisgarh | Proprietors hip | Shri Sumit Kumar Agrawal, Assistant Commr, CGST Raipur | Centre | cgstrpr2@gmail.com |
| 152 | 22ACHPJ0 131C1ZL | NIKHIL JAGGI (NIKHIL JAGGI (TRADE NAME JANKI PESTICIDES)00 | Chhattisgarh | Proprietors hip | Shri Sumit Kumar Agrawal, Assistant Commr, CGST Raipur | Centre | cgstrpr2@gmail.com |
| 153 | 24AAACK 8880F1ZG | KARVY THERAPEUTICS PVT LT D | Gujarat | Private Limited Company | Sunil Kumar Singh, Commr, CGST Gandhi Nagar | Centre | commr-cexamd3@nic.in |
| 154 | 24AANPT 1201B1ZA | SURESHKUMAR BHICALAL THAKKER | Gujarat | Proprietors hip | S.M. Saxena, Joint Commissioner of State Tax, Ahmedabad | State | jcegov-ct@gujarat.gov.in |
| 155 | 24AACCG 4754G1ZR | GLOBAL SPECIAL SPRINGS PRIVATE LIMITED | Gujarat | Private Limited Company | S.M. Saxena, Joint Commissioner of State Tax, Ahmedabad | State | jcegov-ct@gujarat.gov.in |
| 156 | 24ABIFA0 960A1Z3 | AVANTE TABLEWARES | Gujarat | Partnership | Jaykant S Dave, Deputy Commr of State, Bharuch | State | dc14-vad2-gstn@gujarat.gov.in |
| 157 | 24AAEFK 7074L1Z1 | KRISHNA ENTERPRISE | Gujarat | Partnership | Jaykant S Dave, Deputy Commr of State, Bharuch | State | dc14-vad2-gstn@gujarat.gov.in |
| 158 | 24ABJFS7 809M1ZL | SIDDHARTH ENTERPRISES (SIDDHARTH ENTERPRISE) | Gujarat | Partnership | Jaykant S Dave, Deputy Commissioner of State, Bharuch | State | dc14-vad2-gstn@gujarat.gov.in |
| 159 | 24AADFT 7893F1ZV | TRADE LINKS (TRADELINKS) | Gujarat | Partnership | Jaykant S Dave, Deputy Commissioner of State, Bharuch | State | dc14-vad2-gstn@gujarat.gov.in |
| 160 | 24ACFPM 3463N1ZC | GIRISHCHANDRA SHANTILAL MEHTA (SHARDA SALES) | Gujarat | Proprietors hip | Kamleshkumar L. Hadula, Deputy Commissioner of State Tax, Ahmedabad | State | dc5-ahd2-gstn@gujarat.gov.in |
| 161 | 24AEZPM 4421J1Z4 | SHAILABEN GIRISHBHAI MEHTA (SHAILABEN GIRISHBHAI MEHTA) | Gujarat | Proprietors hip | Kamleshkumar L. Hadula, Deputy Commissioner of State Tax, Ahmedabad | State | dc5-ahd2-gstn@gujarat.gov.in |
| 162 | 24AAKFS 1788F1ZZ | SURAJ DYE CHEM | Gujarat | Partnership | Jaykant S Dave, Deputy Commissioner of State, Bharuch | State | dc14-vad2-gstn@gujarat.gov.in |
| 163 | 24AACFA 9010E1Z4 | ABDULRAHIM ISMAIL HAYAT & CO | Gujarat | Partnership | S.M. Saxena, Joint Commissioner of State Tax, Ahmedabad | State | jcegov-ct@gujarat.gov.in |
| 164 | 24AAACR 1848N1Z6 | ROHAN DYES & INTERMEDIATES LIMITED | Gujarat | Public Limited Company | K. J. Solanki, Deputy Commissioner of State Tax, Ahmedabad | State | jcegov-ct@gujarat.gov.in |
| 165 | 24AAVPT 8214C1ZH | JAGDISHBHAI PRAGJIBHAI THAKKAR | Gujarat | Proprietors hip | S.M. Saxena, Joint Commissioner of State Tax, Ahmedabad | State | jcegov-ct@gujarat.gov.in |

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|-----|---------------------|--|-----------|-------------------------------|--|-------|---|
| 166 | 24AFPPT3 055G1Z8 | SANJAYKUMAR SEVAKRAM THAKKER | Gujarat | Proprietors hip | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | jcegov- ct@gujarat.gov.in |
| 167 | 24AACFP 0616M1ZE | PANCHVATI OIL INDUSTRIES | Gujarat | Partnership | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | jcegov- ct@gujarat.gov.in |
| 168 | 24AGXPP 4689B1ZU | MULSHANKAR KUBERDAS PATEL | Gujarat | Proprietors hip | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | jcegov- ct@gujarat.gov.in |
| 169 | 24AADCT 4916E1ZL | TKT HIGHTECH CAST PRIVATE LIMITED (TKT HIGHTECH CAST PRIVATE LIMITED) | Gujarat | Private Limited Company | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | jcegov- ct@gujarat.gov.in |
| 170 | 24AAACZ 3924H1ZE | ZUARI AGRO CHEMICALS LIMITED (ZUARI AGRO) | Gujarat | Public Limited Company | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | jcegov- ct@gujarat.gov.in |
| 171 | 24AACFM 8983C1Z8 | MAHESHWARY STEEL CORPORAT ION | Gujarat | Partnership | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | jcegov- ct@gujarat.gov.in |
| 172 | 29AAACA 8676P1ZT | ASIAD PAINTS LIMITED (ASIAD PAINTS LIMITED) | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Office of the Commissioner of Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ ka.gov.in, jccteaudit@gmail.c om, basavaraj.sagar@ka .gov.in |
| 173 | 29AAACU 1411A1Z1 | UNIPLY INDUSTRIES LIMITED (UNIPLY INDUSTRIES LTD) | Karnataka | Public Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | jccteaudit@gmail.c om, basavaraj.sagar@ka .gov.in |
| 174 | 29AAIFP9 998C1ZG | PLASTO INC (PLASTO INC) | Karnataka | Partnership | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | jccteaudit@gmail.c om, basavaraj.sagar@ka .gov.in |
| 175 | 29AADCA 2239B1Z4 | SIPANI PROPERTIES PRIVATE LIMITED | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ ka.gov.in, basavaraj.sagar@ka .gov.in |
| 176 | 29AEPPJ8 529L1ZM | MANOJKUMAR SURESHCHAND JAIN (SUPREME MANOJKUMAR SURESHCHAND JAIN- PORTAL) | Karnataka | Proprietors hip | K.S. Basavaraj, Joint Commr, Office of the Commr of Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ ka.gov.in, jccteaudit@gmail.c om, basavaraj.sagar@ka .gov.in |
| 177 | 29AHJPK7 640L1ZR | MAHAVEER KUMAR (MAHAVEER KUMAR) | Karnataka | Proprietors hip | K.S. Basavaraj, Joint Commissioner, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ ka.gov.in, jccteaudit@gmail.c om, basavaraj.sagar@ka .gov.in |
| 178 | 29ARUPC 4374Q1ZS | VAGTARAM NETHIRAMJI CHOUDHARY | Karnataka | Proprietors hip | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ ka.gov.in, jccteaudit@gmail.c om, |

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|-----|---------------------|---|-------------|-------------------------------------|---|--------|--|
| | | | | | | | basavaraj.sagar@ka.gov.in |
| 179 | 29ABXPN 0980G1Z0 | KONDA VENKATAPATHI NAGARAJA (SHANTHALA INDUSTRIES KONDA VENKATAPATHI NAGARAJA- PORTAL) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in , jccteaudit@gmail.com , basavaraj.sagar@ka.gov.in |
| 180 | 29AAKFK 0612Q1ZX | K S ENTERPRISES | Karnataka | Partnership | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 181 | 29AYXPK 7220R1ZA | DODDAMANE ANANTHA SHASTRY KEERTHI NARAYANA SASTRY (ANU AGENCIES) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 182 | 29AZFPS0 160D1ZI | SHIVASWAMY SUMAMAHESH (SHIVASWAMY SUMAMAHESH) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 183 | 32AADFA 6034F1Z2 | ANURAG PICTURES (ANURAG PICTURES) | Kerala | Partnership | Sunil Kumar V, State Tax Officer, SGST, Thiruvananthapuram | State | vksuni.ctd@kerala.gov.in |
| 184 | 32AACFK 6606L1ZE | KANNANKANDY SALES CORPORATION (KANNANKANDY SALES CORPORATION) | Kerala | Partnership | Sunil Kumar V, State Tax Officer, SGST, Thiruvananthapuram | State | vksuni.ctd@kerala.gov.in |
| 185 | 32DBBPS 5876K1Z5 | PRASANNAKUMARA N SANKARANARAYAN (CB FURNITURE AND INTERIORS) | Kerala | Proprietorship | Biju Thomas, Deputy Commissioner, CGST Kochi | Centre | bijuthomasvk@gmail.com |
| 186 | 32ADBFS 7745Q1ZH | SMARTUFF GLASS LLP (SMARTUFF GLASS LLP) | Kerala | Limited Liability Partnership | Sunil Kumar V, State Tax Officer, SGST, Thiruvananthapuram | State | vksuni.ctd@kerala.gov.in |
| 187 | 32AABCK 6147L1ZH | KURUVITHADAM AGENCIES PRIVATE LIMITED | Kerala | Private Limited Company | Biju Thomas, Deputy Commissioner, CGST Kochi | Centre | bijuthomasvk@gmail.com |
| 188 | 27AACCH 1921N1ZI | HERITAGE LIFESTYLES & DEVELOPERS PRIVATE LIMITED | Maharashtra | Private Limited Company | Kiran Verma, Commissioner, CGST Navi Mumbai | Centre | archana1.nayak@icagate.gov.in |
| 189 | 27ABOFS 6641Q1Z6 | SANJAY TYRES (SANJAY TYRES) | Maharashtra | Partnership | Dr. Sunil Bodhgire, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 190 | 27AAAHH 2596C1ZG | HITESH PRAVINBHAI KOTHARI | Maharashtra | Hindu Undivided Family | Miss Kalyanehwari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 191 | 27AAHCS 5011P1Z1 | SUNJEET COMMUNICATIONS PRIVATE LIMITED | Maharashtra | Private Limited Company | Miss Kalyanehwari Patil, Deputy | State | gstit.State@mahagst.gov.in |

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| | | | | | Commissioner of State Tax, Mumbai | | |
| 192 | 27ABAPM0315M1ZU | ARUN PREMCHAND MITTAL (ROHIT INDUSTRIES) | Maharashtra | Proprietorship | Mr. Milind Gawai, Commissioner, Central Tax, Pune-I Commissionerate. | Centre | commr-cexpune1@nic.in |
| 193 | 27AAECN0471D1ZS | VBPO INDIA PRIVATE LIMITED (VBPO INDIA PVT LTD) | Maharashtra | Private Limited Company | Kiran Verma, Commissioner, CGST & Central Excise Commissionerate, Navi Mumbai | Centre | Naveen.De@icegate.gov.in |
| 194 | 27ADBPJ070H1ZZ | VIJAYSING THANSING JAMADAR | Maharashtra | Proprietorship | Miss Kalyanehwari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 195 | 27AAICA0612R1ZH | ARIHANT ABODE LIMITED | Maharashtra | Public Limited Company | Rajesh Kumar Mishra, Commissioner, CGST Belapur | Centre | Mahendra.Patil@icegate.gov.in |
| 196 | 27AABCS1848L1Z2 | ARIHANT SUPERSTRUCTURES LIMITED | Maharashtra | Public Limited Company | Rajesh Kumar Mishra, Commissioner, CGST Belapur | Centre | Mahendra.Patil@icegate.gov.in |
| 197 | 27AAAFS5063R1ZM | SAGAR ENTERPRISES | Maharashtra | Partnership | K. K. Srivastav, Additional Commissioner, CGST Mumbai Central | Centre | comp-gstmCentral@gov.in |
| 198 | 27ACHPK2599M1ZX | GAUTAM MANIKCHAND KATARIYA (MANIKCHAND KESHRAIMAL) | Maharashtra | Proprietorship | Miss Kalyanehwari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 199 | 27AAJFD9800A1ZQ | DEEP AUTOMOTIVE | Maharashtra | Partnership | Miss Kalyanehwari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 200 | 27AADCC8362K1ZB | CHAVAN MOTORS DIVISION INDIA PRIVATE LIMITED | Maharashtra | Private Limited Company | Miss Kalyanehwari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 201 | 07AAACB1215D2ZH | THE BRITISH MOTOR CAR COMPANY (1934) PRIVATE LIMITED | New Delhi | Private Limited Company | Kuldeep Singh, Principal Nodal Officer for State GST, Delhi | State | kuldeep.s71@gov.in |
| 202 | 21AAFHR1879H1Z3 | RAJESH KUMAR AGARWAL (RAJESH KUMAR AGGARWAL) | Odisha | Hindu Undivided Family | Dipankar Sahu, Joint Commissioner, Commercial Taxes, Cuttack | State | dcctitp@odishatax.gov.in |
| 203 | 33ACYPV8092P1Z6 | MARAM REDDY VENKATA SUDHAKARA REDDY (MARAM REDDY VENKATA SUDHAKARA REDDY) | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commissioner, Office of the Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 204 | 33AACCJ1237B1ZB | RKN FLEXIBLES PRIVATE LIMITED (RKN FLEXIBLES PRIVATE LIMITED) | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commissioner, Office of the Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 205 | 33AAVFM0198A1ZB | M K ENTERPRISES (M K ENTERPRISES) | Tamil Nadu | Partnership | S. Ramasamy, Joint Commissioner, Office of | State | jccs@ctd.tn.gov.in |

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|-----|---------------------|---|---------------|-------------------------|---|--------|--|
| | | | | | the Commissioner, State Tax, Chennai | | |
| 206 | 33AAGFC 5806N1ZC | CALIBRE INDUSTRIES (M/S CALIBRE INDUSTRIES) | Tamil Nadu | Partnership | S. Ramasamy, Joint Commissioner, Office of the Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 207 | 33AAACK 2576L1ZF | CHEMPLAST CUDDALORE VINYL LIMITED (CHEMPLAST CUDDALORE VINYL LIMITED) | Tamil Nadu | Public Limited Company | S. Ramasamy, Joint Commissioner, Office of the Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 208 | 33AEBPR 1540P1ZE | ABRAHAMPANDIAN RAJAMANI (RAJAMANI & CO) | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commissioner, Office of the Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 209 | 33ACOPV 5310J4ZA | IRULANDI THEVAR VETRIVEL (I VETRIVEL CONTRACTOR) | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commissioner, Office of the Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 210 | 33AABFF 5233F1ZY | FASHION TEX CLOTHINGS | Tamil Nadu | Partnership | S. Ramasamy, Joint Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 211 | 33AAHFS 8244F1Z6 | STARTIME APPARELS (STAR TIME APPARELS) | Tamil Nadu | Partnership | S. Ramasamy, Joint Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 212 | 33AAACT 6204C1Z0 | THE FERTILISERS AND CHEMICALS TRAVANCORE LIMITED | Tamil Nadu | Public Limited Company | S. Ramasamy, Joint Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 213 | 33AADCG 0576B1Z5 | PRECISION RUBBER INDUSTRIES PRIVATE LIMITED | Tamil Nadu | Private Limited Company | Shri. G. Sreenivasa Rao, Commr, CGST, Chennai North | Centre | comp.chennainorth@gov.in |
| 214 | 33AADCK 2121Q1ZL | KAFF APPLIANCES INDIA PRIVATE LIMITED | Tamil Nadu | Private Limited Company | M. Sreedhar Reddy, Pr Commr, CGST, Chennai North | Centre | comp.chennainorth@gov.in |
| 215 | 33AABCB 6089L1ZF | BOIS TECHNOLOGIES PRIVATE LIMITED | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commr, Office of the Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 216 | 33AACPB 3619C1ZK | GAUTAMCHAND BAGRECHA (RISHABH ENTERPRISES) | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commr, Office of the Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 217 | 33ADDPV 1906G1ZR | MUTHIAH VELLAIYAPPAN (M/S. SENTHIL MURUGAN MOTORS) | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 218 | 09AAFCM 7855F1Z4 | MASCOT MOTORS PRIVATE LIMITED | Uttar Pradesh | Private Limited Company | Joint Commissioner (IT), Commercial Taxes, Lucknow | State | ctithqlu-up@nic.in |
| 219 | 09AAHC M3648Q1ZO | MASCOT AUTOMOTIVE INDIA PRIVATE LIMITED | Uttar Pradesh | Private Limited Company | Joint Commissioner (IT), Commercial Taxes, Lucknow | State | ctithqlu-up@nic.in |
| 220 | 09AABCS 8137L1ZW | SMC CORPORATION (INDIA) PRIVATE LIMITED (SMC PNEUMATICS INDIA PVT. LTD. | Uttar Pradesh | Private Limited Company | Joint Commissioner (IT), Commercial Taxes, Lucknow | State | ctithqlu-up@nic.in |

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|-----|-------------------------|---|------------------|-------------------------------------|---|--------|--|
| 221 | 09AAUFR 2288R1Z W | RAMA COLONISERS LLP | Uttar Pradesh | Limited Liability Partnership | Nodal Officer, CGST, Varanasi | Centre | cexstvn@yahoo.co.in |
| 222 | 05AAIFP9 936C1Z4 | PEARL PRODUCTS (INDIA) (M/S PEARL PRODUCTS INDIA, ROORKEE) | Uttarakhand | Partnership | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |
| 223 | 05AAHFD 7113L1ZH | DARBARI ENTERPRISES (M/S DARBARI ENTERPRISES) | Uttarakhand | Partnership | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |
| 224 | 05AIKPS5 984P1Z6 | PANKAJ SHARMA (M/S RELIABLE PETRO SOLUTIONS) | Uttarakhand | Proprietors hip | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |
| 225 | 05AAECP 9899F1ZU | PMV MALTINGS PRIVATE LIMITED (M/S PMV MALTINGS PVT LTD) | Uttarakhand | Private Limited Company | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |
| 226 | 05AAKFD 3744N1Z5 | DARBARI VINYL INDUSTRIES | Uttarakhand | Partnership | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |
| 227 | 05AIHPR2 874G1Z2 | RUCHI (KUMAR ASSOCIATS) | Uttarakhand | Proprietors hip | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |
| 228 | 05ADGPK 6643J1ZF | VISHNU KUMAR (KUMAR TRADER) | Uttarakhand | Proprietors hip | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |
| 229 | 05ABBP 7295D2ZQ | SHASHANK KUMAR (KUMAR ENTERPRISES) | Uttarakhand | Proprietors hip | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |
| 230 | 19AALCS 8117Q1ZF | SMS MEER INDIA PRIVATE LIMITED (SMS MEER INDIA PVT LTD) | West Bengal | Private Limited Company | Rajneesh Meena, Assistant Commissioner, CGST Kolkata North | Centre | kolkatanorth.gst@gov.in |
| 231 | 19AABCT 2439G1ZC | TOPSEL PRIVATE LIMITED (M/S. TOPSEL PVT. LTD) | West Bengal | Private Limited Company | Tarun Kumar Majumder, Assistant Commissioner, CGST Kolkata North | Centre | kolkatanorth.gst@gov.in |
| 232 | 19AAACU 6289J1ZP | UNITED CHLORO PARAFFINS PRIVATE LIMITED () | West Bengal | Private Limited Company | Shri Rajeev Gupta, Commissioner, CGST Kolkata South | Centre | comr2.kol-cex@nic.in |

Category B2: TTRAN -1 First time (Fresh)/Revision Attempted with No error or No valid error reported. As per GST System Logs, the taxpayer has tried for Saving / Submitting/ Revision and there are no evidences of system errors in the log.

| S.No | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constitution of business | Nodal Officer / Jurisdiction Name | State/ Centre | E-Mail ID |
|------|-----------------------------|---|-------------------|---------------------------------|---|------------------|--|
| 233 | 37AABCV99 03D1ZB | VRV TEXTILES LIMITED | Andhra Pradesh | Public Limited Company | M. Prakasrao, Deputy Commissioner, State Tax, Guntur | State | apdcnrp@gmail.com |
| 234 | 22AEUPK94 54L1ZS | SHANKAR DAS KOTHARI (SHANKAR DAS KOTHARI (SIVOM WELDING AND INDUSTRIAL WORKS)) | Chhattisgarh | Proprietorship | Deepak Giri, Deputy Commissioner, Office of the Commissioner, State Tax, Raipur | State | deepakgiri.cctd-cg@gov.in |
| 235 | 24AAJCA23 32B1ZE | ARTA BROCH CERAMICS PRIVATE LIMITED | Gujarat | Private Limited Company | Shri Mahesh Kumar Sharma, Assistant Commissioner, Central GST Vadodara-1 | Centre | hqtech@rediffmail.com |
| 236 | 24ADAPP29 77Q1ZX | SIRAZ ISMAILBHAI PIPERWADIYA (AUTO ELECTRICALS) | Gujarat | Proprietorship | I.T.KESHWANI, Deputy Commissioner of State Tax, Rajkot | State | dc22-ct@gujarat.gov.in |
| 237 | 24AAKFV39 94N1ZB | VINAYAK TEXTILES (VINAYAK TEXTILE) | Gujarat | Partnership | Ku.D.D.Sodha, Deputy Commissioner of State Tax, Surat | State | dc17-sur2-gstn@gujarat.gov.in |
| 238 | 24AACCT47 65C1ZJ | TOPLINE SWITCHGEAR PRIVATE LIMITED | Gujarat | Private Limited Company | S.M Saxena , Joint Commissioner of State Tax, Ahmedabad | State | icgov-ct@gujarat.gov.in |
| 239 | 24AACCT82 43P1ZV | TRANSFORMERS & RECTIFIERS (INDIA) LIMITED | Gujarat | Public Limited Company | Sunil Kumar Singh, Commissioner, CGST & Central Excise Commissionerate, Gandhi Nagar | Centre | commr-cexamd3@nic.in |
| 240 | 24AACCV45 12D1ZU | VASANT FABRICATORS PRIVATE LIMITED (VASANT FABRICATORS PRIVATE LIMITED) | Gujarat | Private Limited Company | Sunil Kumar Singh, Commissioner, CGST & Central Excise Commissionerate, Gandhi Nagar | Centre | commr-cexamd3@nic.in |
| 241 | 24AAOCS62 23N1ZW | S E POWER LIMITED (S. E. POWER LTD.) | Gujarat | Public Limited Company | M.K. Bhandari, Deputy Commissioner of State Tax, Ahmedabad | State | icgov-ct@gujarat.gov.in |
| 242 | 24AAATR00 90B1Z4 | RELIANCE MUTUAL FUND (RELIANCE MUTUAL FUND) | Gujarat | Society/ Club/ Trust/ AOP | M.K. Bhandari, Deputy Commissioner of State Tax, Ahmedabad | State | icgov-ct@gujarat.gov.in |
| 243 | 24AACCV84 91K1ZT | VOVANTIS LABORATORIES PRIVATE LIMITED | Gujarat | Private Limited Company | Shri Mahesh Kumar Sharma, Assistant Commissioner, Central GST & Central Excise Commissionerate, Vadodara-1 | Centre | hqtech@rediffmail.com |
| 244 | 24CHVPM01 72P1ZO | SHUBHAM MAHIPAL (SHUBHAM STEEL) | Gujarat | Proprietorship | Shashi Kant Sharma, Assistant Commissioner, CGST Commissionerate, Gandhidham | Centre | Shashi.Sharma@icgate.gov.in |

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|-----|-----------------|--|-----------|-------------------------|---|--------|--|
| 245 | 06AAAFV0219J1ZF | VIJAY SALES (VIJAY SALES) | Haryana | Partnership | Abhishek Batra, State Excise & Taxation Officer, Gurugram (East) | State | detcgre@gmail.com |
| 246 | 06AABCJ9285A1ZN | JFE SHOJI TRADE INDIA PRIVATE LIMITED | Haryana | Private Limited Company | Nodal Officer, IT Issues, State GST, Haryana | State | gsttihry@gmail.com |
| 247 | 06AAACD0225H1ZA | DONALDSON INDIA FILTER SYSTEMS PRIVATE LIMITED (DONALDSON INDIA FILTER SYSTEM PVT. LTD.) | Haryana | Private Limited Company | Nodal Officer, IT Issues, State GST, Haryana | State | gsttihry@gmail.com |
| 248 | 06AACCH5600C1Z9 | SANKO GOSEI TECHNOLOGY INDIA PRIVATE LIMITED | Haryana | Private Limited Company | Babulal, Superintendent, CGST Commissionrate, Gurugram | Centre | gstggm56@gmail.com |
| 249 | 29AACCM3174A1ZR | MOTHER DAIRY FRUIT & VEGETABLE PRIVATE LIMITED | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in jccteaudit@gmail.com , basavaraj.sagar@ka.gov.in |
| 250 | 29AAEFR8969F1ZJ | R K MARKETING (R.K MARKETING) | Karnataka | Partnership | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | jccteaudit@gmail.com , basavaraj.sagar@ka.gov.in |
| 251 | 29AABFW2367H1ZX | WINGS MARKETING (WINGS MARKETING) | Karnataka | Partnership | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | jccteaudit@gmail.com , basavaraj.sagar@ka.gov.in |
| 252 | 29AAFFB1693K1Z4 | BRIGHT CERAMICS (BRIGHT CERAMICS) | Karnataka | Partnership | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | jccteaudit@gmail.com , basavaraj.sagar@ka.gov.in |
| 253 | 29AABFB6793N1ZR | BRIGHT INDUSTRIES (BRIGHT INDUSTRIES) | Karnataka | Partnership | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | jccteaudit@gmail.com , basavaraj.sagar@ka.gov.in |
| 254 | 29AAACL2937J1ZA | LIFESTYLE INTERNATIONAL PRIVATE LIMITED | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 255 | 29AHRPK5185A1Z2 | NAWAB KHAN (A R STEELS) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 256 | 29AAGCK4573M1ZV | KASI PHARMA DISTRIBUTORS PRIVATE LIMITED | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |

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|-----|-----------------|--|-------------|-------------------------------|---|--------|--|
| 257 | 29AAACA1247J1ZS | AHUJA CONTINENTAL PRIVATE LIMITED | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 258 | 32AAPCS0632L1Z9 | SELFISHINE POLYMERS INDIA PRIVATE LIMITED | Kerala | Private Limited Company | Sunil Kumar V, State Tax Officer, SGST, Thiruvananthapuram | State | vksuni.ctd@kerala.gov.in |
| 259 | 32AAAFL8456D1ZK | LEO DISTRIBUTORS (LEO DISTRIBUTORS) | Kerala | Partnership | Biju Thomas, Deputy Commissioner, CGST Kochi | Centre | bijuthomasvk@gmail.com |
| 260 | 32AAECK2911P1ZI | KALPAKA DISTRIBUTORS PRIVATE LIMITED | Kerala | Private Limited Company | Sunil Kumar V, State Tax Officer, SGST, Thiruvananthapuram | State | vksuni.ctd@kerala.gov.in |
| 261 | 32AAICS1550Q1Z3 | SELF RIDGES PVT LTD () | Kerala | Private Limited Company | Biju Thomas, Deputy Commissioner, CGST & Central Excise Commissionerate, Kochi | Centre | bijuthomasvk@gmail.com |
| 262 | 27AADCR1930N1Z6 | HOUSEFULL INTERNATIONAL LIMITED | Maharashtra | Public Limited Company | D. N. Shetty, Superintendent, CGST Mumbai East | Centre | mumbaieastgstnissues@gmail.com |
| 263 | 27AAACR7191Q1ZM | RAMA PHOSPHATES LIMITED | Maharashtra | Public Limited Company | Dr. Sunil Bodhgire, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 264 | 27AAHFH8206Q1ZT | HERITAGE LIFESTYLES LLP | Maharashtra | Limited Liability Partnership | Kiran Verma, Commissioner, CGST Navi Mumbai | Centre | archana1.nayak@icegate.gov.in |
| 265 | 27ABAPM3708Q1ZB | PREMCHAND RAMSARUP MITTAL (PREMCHAND RAMSWARUP MITTAL) | Maharashtra | Proprietorship | Miss Kalyanehwari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 266 | 27AAEFS8620E1Z8 | S S MIRJE AND COMPANY (M/S S.S. MIRJE & COMPANY) | Maharashtra | Partnership | Santosh Kumar Vatsa, Additional Commissioner (CCO), GST & Customs, Pune Zone | Centre | santosh.vatsa@nic.in |
| 267 | 27AADCT5780G1Z3 | TKG INDUSTRIES PRIVATE LIMITED | Maharashtra | Private Limited Company | Miss Kalyanehwari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 268 | 27AAKCS7585D1ZW | SCIVIC ENGINEERING INDIA PRIVATE LIMITED () | Maharashtra | Private Limited Company | Mr. Milind Gawai, Commissioner, Central Tax, Pune-I Commissionerate | Centre | santosh.vatsa@nic.in |
| 269 | 27AGSPA8239M1ZR | NITIN JAIPRAKASH AGRAWAL () | Maharashtra | Proprietorship | Miss Kalyanehwari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 270 | 07AARCS1760K1ZV | SIRONA DENTAL SYSTEMS PRIVATE LIMITED | New Delhi | Private Limited Company | Kuldeep Singh, Principal Nodal Officer for State GST, Delhi | State | kuldeep.s71@gov.in |
| 271 | 07AAGCM1285N1Z2 | MAHESH CHAND JAIN AND SONS SARRAF PRIVATE LIMITED | New Delhi | Private Limited Company | Kuldeep Singh, Principal Nodal Officer for State GST, Delhi | State | kuldeep.s71@gov.in |

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|-----|---------------------|---|------------------|-------------------------------|---|--------|--|
| 272 | 07AADCM6 630J2ZD | MOUNTAIN VALLEY SPRINGS INDIA PRIVATE LIMITED | New Delhi | Private Limited Company | Kuldeep Singh, Principal Nodal Officer for State GST, Delhi | State | kuldeep.s71@gov.in |
| 273 | 07AAPCS61 24B1ZG | UNINAV DEVELOPERS PRIVATE LIMITED | New Delhi | Private Limited Company | Kuldeep Singh, Principal Nodal Officer for State GST, Delhi | State | kuldeep.s71@gov.in |
| 274 | 07AABCU55 93N1ZO | AAGMAN SERVICES PRIVATE LIMITED | New Delhi | Private Limited Company | Kuldeep Singh, Principal Nodal Officer for State GST, Delhi | State | kuldeep.s71@gov.in |
| 275 | 07ADRP36 37M1Z2 | USHA GUPTA | New Delhi | Proprietorship | Kuldeep Singh, Principal Nodal Officer for State GST, Delhi | State | kuldeep.s71@gov.in |
| 276 | 03AAEFF69 79M1ZW | FLAURATEK COMMUNICATIONS | Punjab | Partnership | Pawan Garg, Deputy Commissioner of State Tax, Ludhiana | State | aetcgstpb@gmail.com |
| 277 | 03AADCM6 630J1ZM | MOUNTAIN VALLEY SPRINGS INDIA PRIVATE LIMITED | Punjab | Private Limited Company | Pawan Garg, Deputy Commr of State Tax, Ludhiana | State | aetcgstpb@gmail.com |
| 278 | 08AAGCM8 269C1Z9 | MG POLYPLAST INDUSTRIES PRIVATE LIMITED | Rajasthan | Private Limited Company | Arun Kumar, Commissioner, CGST Jaipur | Centre | ccojaipur@gmail.com |
| 279 | 33AEKPP97 06N1ZV | RAGAVAN PRASAD (MAXFAB) | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 280 | 33AAMFK2 550P1ZZ | KANAGAJOTHI AGENCIES | Tamil Nadu | Partnership | S. Ramasamy, Joint Commr, Chennai | State | jccs@ctd.tn.gov.in |
| 281 | 33AAFCG08 61R1ZA | MYERS TYRE SUPPLY (INDIA) LIMITED | Tamil Nadu | Public Limited Company | S. Ramasamy, Joint Commr, Chennai | State | jccs@ctd.tn.gov.in |
| 282 | 33AAHCA83 41E1ZY | AMPO VALVES INDIA PRIVATE LIMITED | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commr, Chennai | State | jccs@ctd.tn.gov.in |
| 283 | 33AAPFB49 60P1ZV | BRITE APPARELS | Tamil Nadu | Partnership | S. Ramasamy, Joint Commr, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 284 | 33AABCO11 04F1Z9 | OSWAL WELDMESH PRIVATE LIMITED | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 285 | 33AECPK40 27M1ZK | RAMASAMY KALAIMANI (PENGUIN ENGINEERS) | Tamil Nadu | Proprietorship | Shri. G. Sreenivasa Rao, Commr, CGST Chennai North | Centre | comp.chennainorth@gov.in |
| 286 | 33AACCI04 63J1ZT | ITALINDIA PACKPLUS PRIVATE LIMITED | Tamil Nadu | Private Limited Company | Shri. G. Sreenivasa Rao, Commissioner, CGST Chennai North | Centre | comp.chennainorth@gov.in |
| 287 | 33AAIFG928 4A1ZH | GREENWOOD TRADING COMPANY | Tamil Nadu | Partnership | S. Ramasamy, Joint Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 288 | 09AGUPC81 91J1ZO | SHYAMA CHAUDHARY (SHYAN CHAUDHARY) | Uttar Pradesh | Proprietorship | Joint Commissioner (IT), Commercial Taxes, Lucknow | State | ctithqlu-up@nic.in |
| 289 | 09AACCJ18 14E1ZX | J H V STEELS LIMITED (JHV. STEELS PVT LTD) | Uttar Pradesh | Public Limited Company | Sayan Debberma, Assistant Commissioner, CGST Varanasi | Centre | cexstvns@yahoo.co.in |
| 290 | 05AVIPP864 5F1ZA | SANTOSH PATHAK (M/S BHAGWATI SANITATION, | Uttarakha nd | Proprietorship | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |

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|-----|---------------------|---|-----------------|-------------------------------|--|--------|---|
| | | RAMPUR ROAD HALDWANI) | | | | | |
| 291 | 05ADGPS65 33D1ZN | DINESH KUMAR SOMANI (M/S JAI MATA DI INDUSTRIES) | Uttarakha nd | Proprietorshi p | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@ gmail.com |
| 292 | 05ADCPV22 26N1ZD | SACHIN KUMAR VISHNOI (SACHIN KUMAR VAISHNO (COLOUR WORLD PAINT & CEMETN) | Uttarakha nd | Proprietorshi p | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@ gmail.com |
| 293 | 19AABCM5 674J1Z1 | MCNROE CONSUMER PRODUCTS PRIVATE LIMITED | West Bengal | Private Limited Company | Ajeet Kumar, Deputy Commissioner, CGST & Central Excise Commissionerate, Kolkata North | Centre | kolkatanorth.gst@ gov.in |

Category B3: Taxpayer has Successfully Filed as Per Logs with No Valid Error reported. The taxpayer has successfully filed TRAN1 and no technical errors has been found.

| S.No | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constitution of business | Nodal Officer / Jurisdiction Name | State/ Centre | E-Mail ID |
|------|-----------------------------|---|--------------|-----------------------------|---|------------------|---|
| 294 | 10AZDPG1 996R1Z0 | RAJENDRA PRASAD GUPTA (KHANAK ENTERPRISE) | Bihar | Proprietorship | Mukesh Kumar, Assistant Commissioner, Commercial Taxes Department, Patna | State | mukesh.kumar 1982@gov.in |
| 295 | 22AAYFS4 738F1ZT | SHIVAM AGRO & STEEL INDUSTRIES (SHIVAM AGRO) | Chhattisgarh | Partnership | Deepak Giri, Deputy Commissioner, Office of the Commissioner, State Tax, Raipur | State | deepakgiri.cctd -cg@gov.in |
| 296 | 24AACCG 2934J1ZQ | GALLANTT METAL LIMITED | Gujarat | Public Limited Company | Bhupendra M. Shrimali, Deputy Commissioner of State Tax, Gandhidham | State | dc25- ct@gujarat.gov .in |
| 297 | 24AAECR7 068L1ZY | RSK INDUSTRIES PRIVATE LIMITED | Gujarat | Private Limited Company | M.K. Bhandari, Deputy Commr Ahmedabad | State | icegov- ct@gujarat.gov .in |
| 298 | 24ABCPT7 217M1ZC | PRAVINKUMAR POPATLAL THAKKAR | Gujarat | Proprietorship | S.M. Saxena, Joint Commr State Tax, Ahmedabad | State | icegov- ct@gujarat.gov .in |
| 299 | 24ABQP6 888A1Z2 | JYOTI VERMA (TIRUPATI MARKETING) | Gujarat | Proprietorship | S.M. Saxena, Joint Commr Ahmedabad | State | icegov- ct@gujarat.gov .in |
| 300 | 24AEJPS2 23C1ZR | DIPAKKUMAR MAFATLAL SHAH (PRECISION PROCESS) | Gujarat | Proprietorship | Kamleshkumar L. Hadula, Deputy Commr Ahmedabad | State | dc5-ahd2- gstn@gujarat.g ov.in |
| 301 | 24AADCS3 050L1ZG | SIDDHARTH WEAVES PVT LTD | Gujarat | Private Limited Company | Ku.D.D.Sodha, Deputy Commr State Tax, Surat | State | dc17-sur2- gstn@gujarat.g ov.in |
| 302 | 06AKNPS8 742C1ZU | AJAY SINGAL (CHIRAG TRADING CO) | Haryana | Proprietorship | Nodal Officer, IT Issues, State GST, Haryana | State | gsttithry@gmail .com |
| 303 | 06AAACL 0140P6ZI | LARSEN & TOUBRO LIMITED | Haryana | Public Limited Company | Nodal Officer, IT Issues, State GST, Haryana | State | gsttithry@gmail .com |
| 304 | 29AAACB 7461R1ZZ | BIOCON LIMITED (BIOCON LTD) | Karnataka | Public Limited Company | G. Narayanaswamy, Commissioner, CGST Bengaluru South | Centre | commr- cexblr1@nic.in |
| 305 | 29APYPK5 759B1Z8 | SANDEEP KUMAR SURESH (SANDEEP KUMAR SURESH) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | jccteaudit@gm ail.com, basavaraj.sagar @ka.gov.in |
| 306 | 29AACCA 8907B1ZU | ATRIA CONVERGENCE TECHNOLOGIES LIMITED | Karnataka | Public Limited Company | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | jccteaudit@gm ail.com, basavaraj.sagar @ka.gov.in |
| 307 | 29AACCF6 446N1Z2 | FIKKA TECHNOLOGIES PRIVATE LIMITED | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | basavaraj.sagar @ka.gov.in |

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|-----|---------------------|--|-----------|----------------------------|---|--------|---|
| 308 | 29ANCPS8 280K1Z9 | PRADEEPKUMAR SOMANI (PRADEEP KUMAR SOMANI) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | jccteaudit@gmail.com, basavaraj.sagar@ka.gov.in |
| 309 | 29CGIPS00 58Q2ZJ | RAGHAV SOMANI (RAGHAV SOMANI) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | jccteaudit@gmail.com, basavaraj.sagar@ka.gov.in |
| 310 | 29AADCK 4934D1ZK | KAVVERI TELECOM INFRASTRUCTURE LIMITED (KAVERITELECOM INFRASTRUCTURE LTD) | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | jccteaudit@gmail.com, basavaraj.sagar@ka.gov.in |
| 311 | 29AGXPR1 683H1ZI | HOODI GOVINDAPPA RAGHAVENDRA (HOODI GOVINDAPPA RAGHVANDERA) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | jccteaudit@gmail.com, basavaraj.sagar@ka.gov.in |
| 312 | 29AAGCR 4375J1ZU | RAZORPAY SOFTWARE PRIVATE LIMITED (RAZORPAY SOFTWARE PVT LTD) | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | jccteaudit@gmail.com, basavaraj.sagar@ka.gov.in |
| 313 | 29AAFCB7 435E1ZN | BIOCON ACADEMY (BIOCON ACADEMY) | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | jccteaudit@gmail.com, basavaraj.sagar@ka.gov.in |
| 314 | 29AAECA 8940N1Z2 | ASTER VINYL LIMITED | Karnataka | Public Limited Company | K.S. Basavaraj, Joint Commr Bengaluru | State | basavaraj.sagar@ka.gov.in |
| 315 | 29CKDPS6 262H1ZP | KHANGAR SINGH (KHANGAR SINGH(JAIN COMPUTERS)) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr,, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 316 | 29AEYPA0 438E1ZH | JAKKAMPOTI ANANDKUMAR (JAKKAMPOTI ANANDKUMAR) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 317 | 29AAECK 9558L1ZO | KAVERI MEDI HOUSE PRIVATE LIMITED (KAVERI MEDI HOUSE (P) LTD) | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commissioner, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 318 | 32AEWPP6 007J1Z5 | PRASANNAKUMARAN UNNITHAN CHANDRASEKHARA PILLAI (C.B ELECTRICALS) | Kerala | Proprietorship | Sunil Kumar V, State Tax Officer, SGST, Thiruvananthapuram | State | vkuni.ctd@kerala.gov.in |
| 319 | 32AAACL 0140P2ZR | LARSEN & TOUBRO LIMITED (LARSEN & TOUBRO LIMITED (INFRASTRUCTURE VERTICAL)) | Kerala | Public Limited Company | Biju Thomas, Deputy Commissioner, CGST Kochi | Centre | bijuthomasvk@gmail.com |
| 320 | 32AABCF7 004K1ZY | FRIDGEHOUSE RETAIL PRIVATE LIMITED | Kerala | Private Limited Company | Biju Thomas, Deputy Commissioner, CGST Kochi | Centre | bijuthomasvk@gmail.com |

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|-----|---------------------|--|-----------------|------------------------------|--|--------|--|
| 321 | 27ABFPT8 857N1ZL | VINOD KUMAR TATER (SUPER PLYWOOD) | Maharash tra | Proprietorship | Sruti Vijayakumar, Assistant Commissioner DIV-VI, CGST Commissionerate, Thane | Centre | sruti.vijayakumar@gov.in |
| 322 | 27AAVCS0 117N1ZU | SNEHANJALI ELECTRONICS AND TRADING PRIVATE LIMITED | Maharash tra | Private Limited Company | Shri Ashutosh Nath, Deputy Commissioner Div-II, CGST Commissionerate, Thane | Centre | d2tech.thanegst@gov.in |
| 323 | 27AAAFLO 135F1ZV | LIBA ENTERPRISE (LIBA ENTERPRISE) | Maharash tra | Partnership | S.K Vimalanathan, Commissioner, CGST Thane | Centre | commrgstthane@gmail.com |
| 324 | 27AAACA 3427G1Z1 | APCOTEX INDUSTRIES LIMITED | Maharash tra | Public Limited Company | Kalyanehsuari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstt.State@mahagst.gov.in |
| 325 | 27APQPB6 561A1Z1 | SACHIN RAMCHANDRA BAIT (SACHIN RAMCHANDRA BAIT , PROP OF S3 SECURITY TECHNOLOGY) | Maharash tra | Proprietorship | Dr. Sunil Bodhgire, Deputy Commissioner of State Tax, Mumbai | State | gstt.State@mahagst.gov.in |
| 326 | 27ALMPS3 607E1ZZ | HASMUKHA MANGAL SHAH (AKAR ENTERPRISE) | Maharash tra | Proprietorship | D. N. Shetty, Superintendent, CGST Mumbai East | Centre | mumbaieastgstnissues@gmail.com |
| 327 | 27BKFPK4 264E1Z8 | SURESH KATEKHAYE (SURESH KATEKHAYE) | Maharash tra | Proprietorship | Miss Kalyanehsuari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstt.State@mahagst.gov.in |
| 328 | 33AAWFS 1291D1Z2 | SRI VINAYAGA AGENCIES (SRI VINAYAGA AGENCIES) | Tamil Nadu | Partnership | S. Ramasamy, Joint Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 329 | 33AADCB 8986G1ZE | BMW INDIA FINANCIAL SERVICES PRIVATE LIMITED | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 330 | 33ADJPF2 936N1ZE | OLIMOHAMMED FATHUMA BIVI (TVL.REYAS SHOPPING) | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 331 | 33AAFCR3 702G1ZS | ROYAL WINGS AUTO PRIVATE LIMITED | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commir, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 332 | 33AAQFA 5599J1ZU | ANBU MOTORS | Tamil Nadu | Partnership | S. Ramasamy, Joint Commir, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 333 | 33AZZPB7 286P1ZC | JAVANTARAM BABULAL (TVL. MAHALAKSHMI ELECTRICALS) | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 334 | 33AAJCA0 977A1Z2 | ASCENT E DIGIT SOLUTIONS PRIVATE LIMITED | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 335 | 33AMJPS8 465L1ZA | RAJA MOHAMED SABI AHAMED | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commissioner, State Tax, Tamil Nadu | State | jccs@ctd.tn.gov.in |
| 336 | 05ACMPM 4522F1ZS | ASHISH MITTAL (M/S U.P. AUTOMOBILES, 264/2, NEW ADARSH NAGAR, ROORKEE.) | Uttarakha nd | Proprietorship | Anurag Mishra, Deputy Commr (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |
| 337 | 05AANHS 1785D1ZZ | SUNIL KUMAR AND SONS (M/S ROORKEE STEELS) | Uttarakha nd | Hindu Undivided Family | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |
| 338 | 05AADCM 1667M1Z9 | MITTAL MACHINES PVT LTD (M/S MITTAL MACHINES PVT LTD) | Uttarakha nd | Private Limited Company | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |

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|-----|---------------------|---------------------------------|----------------|----------------------------|---|--------|--|
| 339 | 19AAACO 9500C1ZQ | OSL PRESTIGE PRIVATE LIMITED | West Bengal | Private Limited Company | Tarun Kumar Majumder, Assistant Commr, CGST Kolkata North | Centre | kolkatanorth.gst@gov.in |
|-----|---------------------|---------------------------------|----------------|----------------------------|---|--------|--|

Category B4: Cases where the taxpayer received the error: 'Incorrect declaration of stock. Problem in filing TRAN-2.' There are no technical issues in saving/submitting or filing of TRAN1. The taxpayer is facing issues in filing TRAN-2.

| S.No. | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constitution of business | Nodal Officer / Jurisdiction Name | State/ Centre | E-Mail ID |
|-------|--------------------------|---|-------------------|-------------------------------------|---|------------------|--|
| 340 | 37AAACA544 3N1ZH | APOLLO HOSPITALS ENTERPRISE LTD | Andhra Pradesh | Public Limited Company | M. Srihari Rao, Commissioner, CGST Guntur | Centre | srihari.rao@gov.in |
| 341 | 24AAAFE720 1P1ZI | ELEMBICA SERVICES (ELEMBICA SERVICES) | Gujarat | Partnership | M.K. Bhandari, Deputy Commr of State Tax, Ahmedabad | State | icgov-ct@gujarat.gov.in |
| 342 | 24ALQPS4184 C1ZV | JATINBHAI MANHARLAL SHAH | Gujarat | Proprietorship | M.K. Bhandari, Deputy Commr of State Tax, Ahmedabad | State | icgov-ct@gujarat.gov.in |
| 343 | 24AAGFA028 7M1ZE | AMBASPEED ENGINEERS (AMBA SPEED ENGINEERS) | Gujarat | Partnership | M.K. Bhandari, Deputy Commr of State Tax, Ahmedabad | State | icgov-ct@gujarat.gov.in |
| 344 | 24AABFC660 4M1ZK | CHOKHAWALA DISTRIBUTORS | Gujarat | Partnership | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | icgov-ct@gujarat.gov.in |
| 345 | 24AACC5981 3J1Z6 | SUNRISE POLYMERS & INDUSTRIES (INDIA) LIMITED | Gujarat | Public Limited Company | S.M. Saxena, Joint Commr of State Tax, Ahmedabad | State | icgov-ct@gujarat.gov.in |
| 346 | 24AAAFV021 9J1ZH | VIJAY SALES (VIJAY SALES) | Gujarat | Partnership | Jayendra Kumar H. Desai, Deputy Commr of State Tax, Surat | State | dc16-surl-gstn@gujarat.gov.in |
| 347 | 29AACCP125 1H1ZK | PRAKASH RETAIL PRIVATE LIMITED | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstt.grievance@ka.gov.in |
| 348 | 29AACCV990 7G1ZX | V - RETAIL PRIVATE LIMITED | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstt.grievance@ka.gov.in |
| 349 | 29BZRPS4435 C1ZX | BHAGWAN SINGH (BHAGWAN SINGH) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstt.grievance@ka.gov.in |
| 350 | 29BZQPS7015 D1ZY | KARAN SINGH (KARAN SINGH) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstt.grievance@ka.gov.in |
| 351 | 29AAWPP315 3F1Z8 | JEEVAN SINGH RAJPUROHIT | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstt.grievance@ka.gov.in |
| 352 | 29AAQPP2156 G1ZB | RAMPRASAD PAREEK (RAMPRASAD PAREEKH) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstt.grievance@ka.gov.in |
| 353 | 29AALFD300 7B1ZV | D5 LIFESCIENCES LLP | Karnataka | Limited Liability Partnership | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstt.grievance@ka.gov.in |
| 354 | 29AGDPB461 8A1ZZ | ASHOK SHARMILA BOHRA | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstt.grievance@ka.gov.in |

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|-----|---------------------|--|--------------|-------------------------------|---|--------|--|
| 355 | 29AAMFT493 2E1ZW | TEKNO COMPU MOBILES (TEKNO COMPU MOBILES) | Karnataka | Partnership | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 356 | 29AADFE856 7F1Z3 | EASTERN TRADELINK (EASTERN TRADELINK) | Karnataka | Partnership | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 357 | 29AFQPK3975 F1ZV | SUJITH KUMAR (K CHAMPLAL JEWELLERS) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 358 | 29ACMPK190 6H1ZI | HEMANTH KUMAR (LUNKED ELECTRIC STORES) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 359 | 29ADRP219 8R1ZA | MITTHULAL KUSHALRAJ (MK ELECTRIC CO) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 360 | 29AAXPC726 9E1Z5 | MAHAVEER CHAND (MM LUNKAD ELECTRICALS) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 361 | 29ADKPJ0387 N1ZX | NIRMAL JAIN (NIHAL IMPORTS) | Karnataka | Proprietorship | K.S. Basavaraj, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 362 | 29AADFO455 8N1ZL | ORBIT CABLES (ORBIT CABLES) | Karnataka | Partnership | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 363 | 29AAOFP6028 P1ZC | PRIME STEELS (PRIME STEELS) | Karnataka | Partnership | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 364 | 29AQGPC021 1R1ZU | KIRAN PANKAJ CHANDAK (AMBIKA ENTERPRISES) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 365 | 29AAAH691 9C1ZI | CHAND MAHAVEER (LUNKAD ASSOCIATES) | Karnataka | Hindu Undivided Family | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 366 | 29AAOFG803 7H1ZX | GALA KITCHEN WORLD (GALA KITCHEN WORLD) | Karnataka | Partnership | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 367 | 29AAJCM685 8Q1ZA | MD RETAIL INDIA PRIVATE LIMITED (MD RETAIL INDIA PRIVATE LIMITED) | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstit.grievance@ka.gov.in |
| 368 | 32AAEPA417 1C1ZK | HEMALATHA RANKA (HEMALATHA RANKA) | Kerala | Proprietorship | Sunil Kumar V, State Tax Officer, SGST, Thiruvananthapuram | State | vksuni.ctd@kerala.gov.in |
| 369 | 27AAACN129 9D1ZK | NEON LABORATORIES LIMITED | Maharashtra | Public Limited Company | D. N. Shetty, Superintendent, CGST Mumbai East | Centre | mumbaieastgstissues@gmail.com |
| 370 | 27AADCK052 8K1ZJ | SCOPE INGREDIENTS PRIVATE LIMITED | Maharashtra | Private Limited Company | S.K Vimalanathan, Commr, CGST Thane | Centre | commrgstthane@gmail.com |
| 371 | 07AENPK546 8H1Z2 | CHARU KAPOOR (CHARU KAPOOR) | New Delhi | Proprietorship | Kuldeep Singh, Principal Nodal Officer for State GST, Delhi | State | kuldeep.s71@gov.in |
| 372 | 07AAECA642 1C1Z7 | AVS DECOR PRIVATE LIMITED (AVS DÉCOR PRIVATE LIMITED) | New Delhi | Private Limited Company | Kuldeep Singh, Principal Nodal Officer for State GST, Delhi | State | kuldeep.s71@gov.in |

| | | | | | | | |
|-----|---------------------|---|---------------|-------------------------------|---|--------|--|
| 373 | 07AAACL605 3B1ZY | LEASE PLAN INDIA PRIVATE LIMITED | New Delhi | Private Limited Company | Dushyant Kumar, GSTO, Trade & Taxes Department, New Delhi | State | dushyant.kumar43@gov.in |
| 374 | 07AAACT482 5H1ZE | TRIVEDI & SONS P LTD (TRIVEDI & SONS) | New Delhi | Private Limited Company | Dushyant Kumar, GSTO, Trade & Taxes Department, New Delhi | State | dushyant.kumar43@gov.in |
| 375 | 03AAICP0987 G1ZD | PHILIPS LIGHTING INDIA LIMITED | Punjab | Public Limited Company | Pawan Garg, Deputy Commr of State Tax, Ludhiana | State | aetcgstpb@gmail.com |
| 376 | 03AAPFK5336 E1ZG | KITE COMMERCE (KITE COMMERCE) | Punjab | Partnership | Pawan Garg, Deputy Commr of State Tax, Ludhiana | State | aetcgstpb@gmail.com |
| 377 | 03AACHN246 8M1Z2 | NARESH AGGARWAL HUF (NARESH DISTRIBUTOR) | Punjab | Hindu Undivided Family | Pawan Garg, Deputy Commr of State Tax, Ludhiana | State | aetcgstpb@gmail.com |
| 378 | 03ABSFS3611 E1ZD | SUPER MARKETING CO (SUPER MARKETING CO.) | Punjab | Partnership | Pawan Garg, Deputy Commr of State Tax, Ludhiana | State | aetcgstpb@gmail.com |
| 379 | 08AAQPN929 0B1ZA | SHYAM NAGRANI (SHYAM NAGRANI) | Rajasthan | Proprietorship | Smt. Kavita Chandak, S. T. O. Commercial Tax Department, Ajmer | State | dc-it@rajasthan.gov.in |
| 380 | 08AAACP407 2C1ZR | PROCTER & GAMBLE HOME PRODUCTS PRIVATE LIMITED | Rajasthan | Private Limited Company | Arun Kumar, Commissioner, CGST, Jaipur | Centre | cexjaipu@nic.in |
| 381 | 33AAACE478 4E1ZU | ELGI EQUIPMENTS LIMITED | Tamil Nadu | Public Limited Company | S. Ramasamy, Joint Commr, , State Tax, Chennai | State | jccs@ctd.tn.gov.in |
| 382 | 36AABCM369 0C1ZO | MAHAVIR AUTO DIAGNOSTICS PRIVATE LTD | Telangana | Private Limited Company | Radha Sindhiya Linga, Assistant Commissioner, State GST, Hyderabad | State | tgcto_gstn@tgct.gov.in |
| 383 | 05AAGCS202 0M1ZJ | SHAKUMBARI AUTOMOBILES PRIVATE LIMITED (M/S SHAKUMBARI AUTOMOBILES PVT. LTD., ROORKEE) | Uttarakhand | Private Limited Company | Anurag Mishra, Deputy Commissioner (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |
| 384 | 05AADFH517 5J1ZB | HANS RAJ BRAHMANAND (RAJAN BHASHIN) | Uttarakhand | Partnership | Anurag Mishra, Deputy Commr (IT), State Taxes, Uttarakhand | State | anuragmishra75@gmail.com |

Category B5: TRAN-1 filed but credit not received.Cases where the taxpayer has filed TRAN1 once but no credit has been posted. No technical issues has been observed in the logs.

| S.No. | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constitution of business | Nodal Officer / Jurisdiction Name | State/ Centre | E-Mail ID |
|-------|--------------------------|---|---------------|-------------------------------|---|------------------|---|
| 385 | 24ABNPD9075 A1ZU | SIRAJ HASANBHAI DHANANI (SIRAJ HASANBHAI DHANANI) | Gujarat | Proprietorship | S.M. Saxena, Joint Commissioner of State Tax, Ahmedabad | State | icegov- ct@gujarat.gov.i n |
| 386 | 24AAHCP0086 B1ZU | PARTHVIMEDA GAU PHARMA PRIVATE LIMITED | Gujarat | Private Limited Company | C. L. Patel, Deputy Commissioner of State Tax, Ahmedabad | State | icegov- ct@gujarat.gov.i n |
| 387 | 06ADGPA3839 G1ZU | PARDEEP AGARWAL (PRADEEP AGGARWAL) | Haryana | Proprietorship | Nodal Officer, IT Issues, State GST, Haryana | State | gsttithry@gmail.c om |
| 388 | 29AAJCA4308 D1ZW | ABKJ INFRASTRUCTURE AND DESIGN SOLUTIONS PRIVATE LIMITED | Karnataka | Private Limited Company | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgsit.grievanc e@ka.gov.in, jccteaudit@gmai l.com, basavaraj.sagar @ka.gov.in |
| 389 | 29AAAFX2338 N1ZP | XOLO PHARMACEUTICALS LLP (XOLO PHARMACEUTICALS LLP) | Karnataka | Partnership | K.S. Basavaraj, Joint Commissioner, Office of the Commissioner of Commercial Taxes, Bengaluru | State | ctdgsit.grievanc e@ka.gov.in |
| 390 | 27AIKPG4467 H2Z0 | DILIP ASHOK GUPTA (DILIP ASHOK GUPTA) | Maharashtra | Proprietorship | Sandesh Mudur, Superintendent, CGST Commissionerate, Mumbai East | Centre | mumbaieastgstni ssues@gmail.co m |
| 391 | 27AALCA7378 R1ZL | A2G CIVIL ENGINEERING SERVICES PRIVATE LIMITED (A2G CIVIL ENGINEERING SERVICES PRIVATE LIMITED) | Maharashtra | Private Limited Company | D. N. Shetty, Superintendent, CGST Commissionerate, Mumbai East | Centre | mumbaieastgstni ssues@gmail.co m |
| 392 | 33AAAF0379 A1Z7 | CALCUTTA CANVAS CO (CALCUTTA CANVAS CO) | Tamil Nadu | Partnership | S. Ramasamy, Joint Commissioner, Office of the Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.i n |
| 393 | 33AABCS0425 K1ZO | SOLARIS COMPUTERS PRIVATE LTD (SOLARIS COMPUTERS PRIVATE LTD) | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commissioner, Office of the Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.i n |

Category B6: TRAN 1 Filed twice (revision) but credit not received. No technical issues has been observed in the logs.

| S.No. | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constitution of business | Nodal Officer / Jurisdiction Name | State/ Centre | E-Mail ID |
|-------|-----------------------------|---|-------------|---------------------------------|---|------------------|--|
| 394 | 24AAECP5 699R1ZF | POWER PALAZZO PRIVATE LIMITED | Gujarat | Private Limited Company | M.K. Bhandari, Deputy Commissioner of State Tax, Ahmedabad | State | icegov-ct@gujarat.gov.in |
| 395 | 24AAQHS 8226N1ZD | SAMIR PRAVINSAGAR PANDYA HUF (SAMIR PRAVINSAGAR PANDYA HUF (SUN INFO SOLUTION)) | Gujarat | Proprietorship | SHRI S.K. BAROT, Deputy Commissioner of State Tax, Vadodara | State | dc10-ct@gujarat.gov.in |
| 396 | 29CIKPB0 703R1Z0 | BABU RAM (BABU RAM) | Karnataka | Proprietorship | K.S. Basavaraj, Joint Commr, Commercial Taxes, Bengaluru | State | ctdgstt.grievance@k.a.gov.in |
| 397 | 32AATFR5 687H1ZK | ROVERZ MOTORS (ROVERZ MOTORS) | Kerala | Partnership | Sunil Kumar V, State Tax Officer, SGST, Thiruvananthapuram | State | vksuni.ctd@kerala.gov.in |
| 398 | 27AAAAT 3981A1ZN | THE KARAD URBAN CO OP BANK LTD KARAD | Maharashtra | Society/ Club/ Trust/ AOP | Shri. Ashwinkumar Ukey, Deputy Commissioner, CGST Kolhapur | Centre | Ashwin.uker@guv.in |
| 399 | 27AAACF 4449H1ZM | UNI WORTH TEXTILES LIMITED | Maharashtra | Public Limited Company | Dr. Sunil Bodhgire, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 400 | 07AARFM 5990J1ZH | MEKO AUTO COMPONENTS INC | New Delhi | Partnership | Dushyant Kumar, GSTO, Trade & Taxes Department, New Delhi | State | dushyant.kumar43@gov.in |
| 401 | 07AAGHA 8675K1ZU | ALKESH TACKER HUF (ALKESH TACKER HUF) | New Delhi | Hindu Undivided Family | Dushyant Kumar, GSTO, Trade & Taxes Department, New Delhi | State | dushyant.kumar43@gov.in |
| 402 | 33AKXPR 5847B1ZQ | RENGA THANABAL (SRS BATTERIES) | Tamil Nadu | Proprietorship | S. Ramasamy, Joint Commissioner, Office of the Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |

Category B7: Taxpayer Registration stand cancel/Inactive in current date. As per GST System Logs, the taxpayer has neither tried for Saving / Submitting or Filing TRAN 1 and their registrations stands cancelled as on date.

| S.No. | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constitutio n of business | Nodal Officer / Jurisdiction Name | State/ Cent re | E-Mail ID |
|-------|--------------------------|---|-----------------|---------------------------------|---|----------------------|--|
| 403 | 27AADCB663 3L1ZG | BIRDESHWAR CONSTRUCTIONS PRIVATE LIMITED | Maharas htra | Private Limited Company | Kalyanehsuari Patil, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |
| 404 | 33AAHCA088 1F1ZZ | AEMS ENGINEERING WORKS PRIVATE LIMITED | Tamil Nadu | Private Limited Company | S. Ramasamy, Joint Commissioner, Office of the Commissioner, State Tax, Chennai | State | jccs@ctd.tn.gov.in |

Category B8: Taxpayer is ISD. An ISD taxpayer is not supposed to file TRAN1.

| S.No. | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constitutio n of business | Nodal Officer / Jurisdiction Name | State/ Cent re | E-Mail ID |
|-------|-----------------------------|---|-----------------|---------------------------------|---|----------------------|--|
| 405 | 27AAACS076 4L2Z5 | SIEMENS LIMITED (SIEMENS LIMITED) | Maharas htra | Public Limited Company | Dr. Sunil Bodhgire, Deputy Commr of State Tax, Mumbai | State | gstit.State@mahagst.gov.in |

Category B9: Taxpayer got New Registration post TRAN-1 end date.

| S.No. | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constituti on of business | Nodal Officer / Jurisdiction Name | State/ Centr e | E-Mail ID |
|-------|--|--|---------------------|---------------------------------|---|----------------------|---|
| 406 | 27AGWPK3698 Q1Z0 INACTIVE (27AGWPK369 8Q2ZZ) ACTIVE | NAVJEETSINGH MANMOHANSIN GH KOCHHAR (BALEWADI TECHPARK PVT.LTD) | Maha rashtr a | Proprietors hip | Dr. Sunil Bodhgire, Deputy Commissioner of State Tax, Mumbai | State | gstit.State@m ahagst.gov.in |

Category B10: Taxpayer has attempted downward revision of distributed credit in Table 8 of TRAN 1. The system was designed to allow only upward revision and not revision downwards in case of table 8.

| S.N o. | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constitutio n of business | Nodal Officer / Jurisdiction Name | State/ Cent re | E-Mail ID |
|-----------|--------------------------|---|-------------|---------------------------------|---|----------------------|--|
| 407 | 24AAACV017 7G1ZL | VIP INDUSTRIES LIMITED (VIP INDUSTRIES) | Gujar at | Public Limited Company | S.M. Saxena, Joint Commissioner of State Tax, Ahmedabad | State | icgov- ct@gujarat.go v.in |

Category B11: Taxpayer Registration Provisional in current date. As per GST System Logs taxpayer has not submitted Part-B of the registration application

| S.No. | GSTIN/ Provisional Id | Legal Name (Name reported by the Nodal Officer is in brackets) | State | Constitutio n of business | Nodal Officer / Jurisdiction Name | State/ Centre | E-Mail ID |
|-------|--------------------------|---|---------|---------------------------------|--|------------------|--|
| 408 | 24AICPA4803H1Z X | AGRAWAL TRUPTIBEN (AGRAWAL TRUPTIBEN) | Gujarat | NA | M.K. Bhanderi, Deputy Commissione r of State Tax, Ahmedabad | State | icegov-ct@gujarat.gov.in |

Annexure-2

Writ Petition Cases of TRAN 1

| S.No./Categor y No. | Category | Detailed Description | Count of Taxpayer |
|------------------------|---|--|----------------------|
| A 1 | Processed with error | As per GST system logs the taxpayer has attempted to submit fresh or revise TRAN1 but could not file because of errors. | 14 |
| A 6 | System Error | The taxpayer has attempted to File TRAN1 but was experiencing System Error and has not saved any records | 1 |
| B 1 | As per GST system log, there are no evidences of error or submission/filing of TRAN1. | As per GST system log, there are no evidences of error or submission/filing of TRAN1. | 28 |
| B 2 | Trans-1 Fresh/Revision Attempted with No error or No valid error reported | As per GST System Logs, the taxpayer has tried for Saving / Submitting Revision and there are no evidences of system errors in the log. | 2 |
| B 3 | Successfully Filed as Per Logs | The taxpayer has successfully filed TRAN1 and no technical errors has been found. Also no issue were found while posting of credit in the electronic credit ledger | 4 |
| B 4 | Incorrect declaration of stock. | There are no technical issues in saving/submitting or filing of TRAN1. | 1 |
| B 5 | TRAN-1 filed twice | TRAN1 Filed twice but credit not received and no errors were reported | 2 |

| | | | |
|-----|---|---|-----------|
| | | | |
| B 9 | Taxpayer applied for new Registration post TRAN-1 end date. | This taxpayer applied for registration after 27th Dec 2017. | 1 |
| | Total | | 53 |

Category A1: Cases where the taxpayer received the error 'Processed with error.' As per GST system logs the taxpayer has attempted to submit first time/fresh or revise TRAN1 but could not file because of errors.

| S. No. | GSTIN/ Provisional id | Name reported by the Taxpayer in Writ Petition | State | Constitution of Business | Issue and Status |
|--------|-----------------------|---|------------------|--------------------------|--|
| 1 | 02AAIFH0012P1ZQ | CWP No. 1498/2018 Higgs Healthcare v. UOI | Himachal Pradesh | Partnership | The Petitioner claims that he was unable to file GST TRAN-1 due to processing/system error at GSTN Portal. He further alleges that due the malfunctioning and glitches of GSTN software, only part of transitional credit was credited the Electronic Credit Ledger on 27.12.2017 with no affirmation for the same. The Petitioner prays for the reopening of the portal and filing of the TRAN-1. |
| 2 | 08AACCA0368A1Z9 | WP No. 19217/2018- M/s Anusika Industries Ltd. V. Union of India and Anr. | Rajasthan | Public Limited Company | The Petitioner could not file TRAN-1 due to technical glitches |
| 3 | 09AACCH0198K1ZB | Writ Tax 893 of 2018- M/s Hi Tech Medicare Devices Pvt. Ltd. v. UOI | Uttar Pradesh | Private Limited Company | The Petitioner could not file TRAN-1 due to technical glitches |
| 4 | 09AADCS8959E1ZV | W.P. 1047/2018-M/s Swarup Chemicals v. UOI | Uttar Pradesh | Private Limited Company | The Petitioner received the message "Some upload are in progress, kindly submit once processed" and therefore could not file TRAN-1 |
| 5 | 32AHAPA0120E1ZP | W.P. 25172/2018-M/s Vector Surgical & Disposable | Kerala | Proprietorship | While uploading the JSON file the screen would remain stuck. While trying to enter data online, the connection would log out automatically |
| 6 | 37AKCPJ2550N1Z0 | WP No. 28946/2018-M/s JSK Containers Vizinagaram | Andhra Pradesh | Proprietorship | The Petitioner has not received his credit in electronic credit ledger |
| 7 | 34AAECA3639E3ZY | WP 21337/2018 Ankit Ispat Pvt. Ltd. v. UOI & Ors | Tamil Nadu | Private Limited Company | Issue:- The Petitioner was unable to file TRAN-1 due to technical glitches. The matter is pending. Status: Next date of hearing is not known since the matter is listed on day prior. GSTN is a party in this matter. |

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|----|---------------------|---|---------------|-------------------------|--|
| 8 | 24AAACJ7628J 1ZG | SCA No. 10828/2018 M/s Jay Chemicals Industries v. UOI | Gujarat | Public Limited Company | <p>Issue:- The petitioner states that they filed GST REG-14 to amend the non-core field data pertaining to Excise Registration No, as they came to know about the error in their TRAN-1 form. However while attaching DSC, it showed 'System Error to Occurred'. Due to this they were unable to successfully file TRAN-1.</p> <p>Status:- The matter is pending before Allahabad High Court. The next date of hearing has not been updated on website. As per the website the court is not on list.</p> |
| 9 | 09ABIFA2189B 1ZK | CMW 1155/2018-ASG Distributors v. UOI & Ors. | Uttar Pradesh | Partnership | <p>Issue:- The Petitioner successfully uploaded its GST TRAN-1 online on 27.12.2017. The invoices of the Petitioner were also processed but thereafter submit/file buttons were not available.</p> |
| 10 | 33ABDFS9923 N1ZN | W.P. (MD) 19463/2018- Sri Alagar Industries v. UOI & Ors | Tamil Nadu | Partnership | <p>Issue:- The Petitioner tried to file TRAN-1 on 28.09.2017 however could not file TRAN-1 due to technical glitches.</p> <p>Status:- The matter is pending. Next date of hearing is not known since the matter is listed on day prior. GSTN is a party in this matter.</p> |
| 11 | 08AAACP6660 N1ZY | CWP 12284/2018-Prem Cables Pvt Ltd v. UOI & Ors | Rajasthan | Private Limited Company | <p>Issue:- The Petitioner received the message Processed with error.</p> <p>Status:- This matter is pending before Jodhpur High Court. Last date of hearing in this matter was 23.1.2019.</p> |
| 12 | 09AABCS9328 K1ZV | 1041/2018- M/s Super House Ltd v. UOI & Ors. | Uttar Pradesh | Public Limited Company | <p>Issue:- The Petitioner could not upload TRAN-1 due to technical glitches.</p> <p>Status:- The matter is pending before Allahabad High Court. The next date of hearing in this matter is 14.03.2019.</p> |
| 13 | 09AAFCS4898 E1ZV | Writ Tax 1306/2018- M/s Sampark Industries v. UOI & Ors. | Uttar Pradesh | Public Limited Company | <p>The Petitioner has received part credit.</p> <p>Status:- The matter is pending. The next date of hearing has not been updated on the Court's website.</p> |
| 14 | 32AACFR5753 M1ZZ | W.P. 32350/2018 Ramesh Iron & Steel Company v. UOI & Ors | Kerala | Private Limited Company | <p>Issue:- The Petitioner was not able to file TRAN-1 due to technical glitches.</p> <p>Status:- The matter has been disposed off with the directions to follow the ITGRC mechanism. GSTN is a party in this matter.</p> |

Category A 6: The taxpayer has attempted to File TRAN1 but was experiencing System Error and has not saved any records.

| S. No. | GSTIN/ Provisional id | Name reported by the Taxpayer in Writ Petition | State | Constitution of Business | Issue and Status |
|--------|--------------------------|--|------------------|-----------------------------|---|
| 15 | 09AACPB3716E1Z 9 | Writ Tax 1099/2018- M/s Rabyte Electronics v. UOI & Ors | Uttar Pradesh | Proprietorship | Issue:- The Petitioner tried filing TRAN-1 on 25.12.2017, 26.12.2017 and 27.12.2017 however, the system did not respond. Status:- The matter is pending before Allahabad High Court. GSTN is a party in this matter. Next date of hearing has not been updated on the Court's website. As per the court's website the matter is not on list. |

Category B 1: Cases where the taxpayer say they received error: As per GST system log, there are no evidences of error or submission/filing of TRAN1.' As per GST System Logs, the taxpayer has neither tried for saving / submitting or Filing TRAN1 before the due date.

| S. N o. | GSTIN/ Provisio nal id | Name reported by the Taxpayer in Writ Petition | State | Constitu tion of Business | Issue | Status and Action by GSTN |
|------------|------------------------------|--|------------------|-----------------------------------|---|---|
| 16 | 09AAFC V6611C 1ZH | 823/2018-M/s Vrindavanesh waree Automotive Pvt. Ltd. v. UOI | Uttar Pradesh | Private Limited Compan y | Allegation in in the Writ:- The Petitioner tried to submit online its GST TRAN-1 on 27.12.2017 however was unable to file it due to technical glitches. Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018. Response received by the Petitioner:- The Petitioner has simply stated that they have already filed writ for various reasons such as improper functioning of the GST Portal, lack of reporting mechanism etc. No screen-shots were taken by the Petitioner and | The matter is pending. The next date of hearing in the matter has not been listed. The Court vide its order dated 23.05.2018 has directed that Petitioner's TRAN-1 be processed manually. |

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| | | | | | therefore the same has not been provided. | |
| 17 | 09AADC R5114N 1Z4 | 829/2018- Radha Govind Automobiles Pvt. Ltd. | Uttar Pradesh | Private limited Compan y | <p>Allegation in in the Writ:- The Petitioner tried to submit online its GST TRAN-1 on 27.12.2017 however was unable to file it due to technical glitches.</p> <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>Response received by the Petitioner:- The Petitioner has not provided any screen-shot or other details vide its response to GSTN's email dated 24.08.2018. In the email Petitioner has stated that he could file TRAN-1 however he did not receive the credit.</p> | The matter is pending. The next date of hearing in the matter has not been listed. The Court vide its order dated 23.05.2018 has directed that Petitioner's TRAN-1 be processed manually. |
| 18 | 27AACC T0357N1 Z2 | W.P. 15847/2018 Tatanet Service Ltd. V. UOI | Mahara shtra | Public Limited Compan y | <p>Allegation in in the Writ:- The Petitioner attempted to file TRAN-1 on 27.12.2017 however, could not file the same due to system related issues. The Petitioner could not upload its details on 27.12.2017 and reported the issue on 27.12.2017 at 5:38 PM to helpdesk@gst.gov.in.</p> <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>Response received from the Petitioner:- The Petitioner could not upload TRAN-1 due to technical error on 27.12.2017.</p> | The matter is pending. The next date of hearing in the matter can only be known one week before the matter is being listed. |

| | | | | | | |
|----|-------------------|---|-------------|-------------------------|--|---|
| | | | | | Further, GST Council Website displayed the message that TRAN-1 filing has been extended to 31.12.2017. No screen-shot has been submitted by the Petitioner | |
| 19 | 19AAAC E5646H1 ZJ | 11516/2018- Eskag Pharma Private Ltd. v. UOI & Ors | West Bengal | Private Limited Company | <p>Allegation in the Writ Petition:-The Petitioner could not log in to the GST System since the GST Portal was unresponsive and slow.</p> <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>Response received from the Petitioner:- The Petitioner responded to the abovementioned email vide his email dated 28.12.2018. The Petitioner has provided that they were unable to log in to the GST Portal. No screen shots have been taken by the Petitioner. They have also logged a ticket on CBIC's & GSTN's help desk on 28.12.2018.</p> | The matter is pending. The next date of hearing in this matter is not known. |
| 20 | 33AADF T3009K1 ZD | W.P. - 11879/2018- The R&R Marketing Company v. UOI & Ors | Tamil Nadu | Partnership | <p>Allegation in the Writ Petition:-The Petitioner has not been able to file his TRAN-1 due to technical glitches.</p> <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>Response received from the Petitioner:-In response to</p> | The matter is pending. The next date of hearing in this matter is not known since matters in Madras High Court are listed one day prior to the date of hearing. |

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|----|-------------------------|---|---------------------|-------------------------------|--|---|
| | | | | | GSTN's email dated 24.08.2018 the Petitioner had raised the Grievance Tracking Number GA330418001205N. No screen shots have been provided by the Petitioner. | |
| 21 | 02AACC K8957B 1ZQ | CWP 1370/2018 M/s Flexipack v. UOI & Ors | Himachal Pradesh | Private Limited Company | <p>Allegation in the Writ Petition:-Due to processing error the portal did not function properly and the petitioner could not file TRAN-1 and credit was not posted.</p> <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>Response provided by the Petitioner:-The Petitioner in response to GSTN's email dated 24.08.2018 provided that when they tried to file Tran-1 they were being logged out of the system automatically. No screen shots have been provided.</p> | The matter has been disposed off vide order dated 16.08.2018 with the liberty to file again. The Petitioners did not press the Writ Petition therefore no directions were passed. |
| 22 | 08AADC C3190M 1ZF | 8066/2018- M/s Ceramic Tableware Pvt. Ltd. | Rajasthan | Private Limited Company | <p>Allegation in the Writ Petition:-The Petitioner could not file TRAN-1 due to technical glitches.</p> <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>Response provided by the Petitioner:-The Petitioner in response to GSTN's email dated has provided screen shots of GSTN's grievance redressal portal and email to help desk.</p> | The matter is pending and the next date of hearing in this matter is 5.2.2019 |

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| | | | | | The tickets have been raised on 2/5/2018 and 17/2/2018. The exact technical glitch and its screen shot has not been provided. | |
| 23 | 23ADJP C9693D 1ZJ | 13838/2018- RK Enterprises | Madhya Pradesh | Proprietorship | <p>Allegation in the Writ Petition:-The Petitioner could not file TRAN-1 due to technical glitches. He received the error message some uploaded records are in progress, kindly submit once it is processed.</p> <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>No response has been received from the Petitioner in response to GSTN's email dated 24.08.2018.</p> | The matter is pending. The next date of hearing in this matter is 11.1.2019. |
| 24 | 02AAAC A0907F1 ZK | WP(C)1710/2 018 - Zamil Air Conditioners India Pvt. Ltd. v. UOI & Ors | Himachal Pradesh | Private Limited Company | <p>Allegation in the Writ Petition:-The Petitioner could not file TRAN-1 due to processing error at the GST Portal.</p> <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>No response has been received from the Petitioner in response to GSTN's email dated 24.08.2018.</p> | The matter is pending. The next date of hearing in this matter has not been given. |
| 25 | 09ADJP S0918B1 ZN | Civil Misc. Writ (Tax) Petition No. 984 of 2018- M/s B.R. | Uttar Pradesh | Proprietorship | <p>Allegation in the Writ Petition:-The Petitioner could not file TRAN-1 due to processing error at the GST Portal.</p> | The matter is pending. Next date of hearing in this matter is not listed. The Court has directed that Petitioner's TRAN-1 be processed manually. |

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| | | Industries v. UOI & Ors. | | | <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:-</p> <p>i. Exact technical glitch faced by you while filing TRAN-1</p> <p>ii. Nature of error noticed</p> <p>iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers.</p> <p>The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>No response has been received from the Petitioner in response to GSTN's email dated 24.08.2018.</p> | |
| 26 | 09AAXP G0996N 1ZO | Civil Misc. Writ (Tax) Petition No. 999 of 2018- M/s Saurabh Steels v. UOI & Ors. | Uttar Pradesh | Proprietorship | <p>Allegation in the Writ Petition:-The Petitioner could not file TRAN-1 due to processing error at the GST Portal.</p> <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:-</p> <p>i. Exact technical glitch faced by you while filing TRAN-1</p> <p>ii. Nature of error noticed</p> <p>iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers.</p> <p>The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>No response has been received from the Petitioner in response to GSTN's email dated 24.08.2018.</p> | The matter is pending. Next dated of hearing in this matter is not listed. The Court has directed that Petitioner's TRAN-1 be processed manually. |
| 27 | 09AABF B8470G 1ZE | Civil Misc. Writ (Tax) Petition No. 964 OF 2018- M/s B.R. Agriculture Industries Bima Nagar Soot Mill, Aligarh v. UOI & Ors. | Uttar Pradesh | Partnership | <p>Allegation in the Writ Petition:- The Petitioner could not file TRAN-1 due to processing error at the GST Portal.</p> <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:-</p> <p>i. Exact technical glitch faced by you while filing TRAN-1</p> <p>ii. Nature of error noticed</p> <p>iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers.</p> | The matter is pending. Next dated of hearing in this matter is not listed. The Court has directed that Petitioner's TRAN-1 be processed manually. |

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| | | | | | <p>The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>No response has been received from the Petitioner in response to GSTN's email dated 24.08.2018.</p> | |
| 28 | 09AAGF B8391P2 ZL | Civil Misc. Writ (Tax) Petition No. 57750 OF 2018- M/s BKG Overseas v. UOI & Ors. | Uttar Pradesh | Partnership | <p>Allegation in the Writ Petition:-The Petitioner could not file TRAN-1 due to processing error at the GST Portal. Prays for benefit of the credit available to it.</p> <p>Further investigation by GSTN:- An email was sent on 24.08.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 28.08.2018.</p> <p>No response has been received from the Petitioner in response to GSTN's email dated 24.08.2018.</p> | The matter is pending. Next date of hearing in this matter is not listed. The Court has directed that Petitioner's TRAN-1 be processed manually. |
| 29 | 08AADC S4522P1 ZZ | W.P. 12649/2018- Saurabh Agrotech v. UOI | Rajasthan | Private Limited Company | <p>Allegation in the Writ Petition:- The Petitioner could not file his TRAN-1 due to technical glitches</p> <p>Further investigation by GSTN:- An email was sent on 26.12.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 27.12.2018.</p> <p>No response has been received from the Petitioner.</p> | The matter is pending and is to be listed on 5.2.2018. |
| 30 | 09AAAC C4756G 1ZN | W.P. 944/2018-M/s Chamunda Papers Pvt. V. UOI | Uttar Pradesh | Private Limited Company | <p>Allegation in the Writ Petition:- The Petitioner could not file TRAN-1 due to technical glitches</p> | The matter is pending however the next date of hearing has not been updated on the website. |

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| | | | | | <p>Further investigation by GSTN:- An email was sent on 26.12.2018 to the taxpayers requesting for the following:-</p> <ul style="list-style-type: none"> i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. <p>The taxpayers were requested to provide the abovementioned details by end of day 27.12.2018.</p> <p>No response has been received from the Petitioner</p> | |
| 31 | 09AAAC D7971L1 Z4 | Civil Misc. WP No. 1002/2018 DeoriPapers Mills Ltd. V. UOI | Uttar Pradesh | Private Limited Compan y | <p>Allegation in the Writ Petition:- The petitioner claims that he was unable to file GST TRAN-1 due to processing/system error at GSTN Portal.</p> <p>Further investigation by GSTN:- An email was sent on 26.12.2018 to the taxpayers requesting for the following:-</p> <ul style="list-style-type: none"> i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. <p>The taxpayers were requested to provide the abovementioned details by end of day 27.12.2018</p> <p>No response has been received from the Petitioner</p> | The matter is pending however the next date of hearing has not been updated on the website. |
| 32 | 09AAM PY6799 A1ZV | W.P. 1143/2018- M/s Shankar Rice Mills v. UOI | Uttar Pradesh | Proprieto rship | <p>Allegation in the Writ Petition:- The Petitioner tried to submit online its GST TRAN-1 on 27.12.2017 however was unable to file it due to technical glitches</p> <p>Further investigation by GSTN:- An email was sent on 26.12.2018 to the taxpayers requesting for the following:-</p> <ul style="list-style-type: none"> i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. <p>The taxpayers were requested to provide the abovementioned details by end of day 27.12.2018.</p> | The matter is pending however the next date of hearing has not been updated on the website. |

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| | | | | | No response has been received from the Petitioner | |
| 33 | 09ABTF S7280G1 ZF | Writ Tax 1174/2018-SS Enterprises v. UOI & Ors | Uttar Pradesh | Partnersh ip | <p>Allegation in the Writ Petition:-The Petitioner tried to submit online its GST TRAN-1 on 27.12.2017 however was unable to file it due to technical glitches</p> <p>Further investigation by GSTN:- An email was sent on 26.12.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 27.12.2018.</p> <p>No response has been received from the Petitioner</p> | The matter is pending however the next date of hearing has not been updated on the website. |
| 34 | 27AABC I9109G1 ZL | M/s Inabata Indian Pvt. Ltd. | Mahara shtra | Private Limited Compan y | <p>The Petitioner could not file GST TRAN-1 due to technical glitches.</p> <p>Further investigation by GSTN:- An email was sent on 26.12.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 27.12.2018.</p> <p>No response has been received from the Petitioner</p> | The Petitioner could not file GST TRAN-1 due to technical glitches |
| 35 | 32AAJF S8754J1 ZQ | WP(c)20978- 2018 filed by Naga Distributors | Kerala | Partnersh ip | <p>Allegation in the Writ Petition:- The Petitioner tried filing TRAN-2 on 21.12.2017 and 28.12.2017. While uploading JSON the screen would remain stuck and when he tried to enter data online the Petitioner would be logged out automatically.</p> <p>Further investigation by GSTN:- An email was sent on 26.12.2018 to the taxpayers requesting for the following:-</p> | The matter has been disposed off with the directions that the circular dated 3.4.2018 should be followed. |

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| | | | | | <p>i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 27.12.2018</p> <p>Response received from the Petitioner:- The Petitioner responded vide email dated 26.12.2018. No screen shot of the technical error was forwarded by the Petitioner. The Petitioner however, forwarded screen shot of the GSTC website extending the date of filing TRAN-1 to 31.12.2017 and screen shots of the GST Portal post 27.12.2017. The Petitioners have further stated that they believed the release by the GST Council dated 31.12.2017 that appeared in the social media as correct and tried to file TRAN-1 on 29.12.2017 and 30.12.2017. At that time TRAN-1 could not be filed on the GST Portal.</p> | |
| 36 | 33AAAP R6503P1 ZI | WP No. 20892/2018-M.B. Enterprises | Tamil Nadu | Proprietorship | <p>Allegation in the Writ Petition:- The Petitioner made several efforts on the last date for filing of the application, the GST Portal did not respond.</p> <p>Further investigation by GSTN:- An email was sent on 26.12.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 27.12.2018</p> <p>Response received from the Petitioner:- The Petitioner vide his email dated 27.12.2018 has provided that the Petitioner tried to file the TRAN 1 many times but was not able to file the same on the GST Portal due to technical reasons. The Petitioner has requested GSTN, to find out logging in details from the GST</p> | The matter is pending. The next date of hearing is known one day before. |

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| | | | | | System which will make it clear that the Petitioner logged on the GST Portal lot of times. No screen shots have been provided by the Petitioner. | |
| 37 | 32ACFP A4148L1 ZV | W.P. 36812/2018-Shanjan Abraham v. UOI & Ors. | Kerala | Proprietorship | The Petitioner could not file TRAN-1 due to technical glitches. The Petitioner received an error message every time Petitioner tried to upload TRAN-1. | <p>Status:- Kerala High Court has disposed off this matter with the directions to follow the ITGRC mechanism. GSTN is a party in this Writ Petition.</p> <p>Action by GSTN:- An email dated 31.1.2019 was sent to the Petitioner requesting for the following information:- i.Exact technical glitch faced by you while filing TRAN-1 ii.Nature of error noticed iii.Screen-shots of technical error/emails sent to help-desk along with ticket numbers.</p> <p>The Petitioner was requested to provide the details by 1.2.2019. The Petitioner responded vide their email dated 2.2.2019. The Petitioner provided that they could not upload JSON file in windows. The received the message errors encountered while uploading the file. No screen shots were taken by the Petitioner because they presumed that it is a technical glitch and the same will be rectified.</p> |
| 38 | 32AAFF L9432Q1 ZU | W.P. No. 54/2019-Leo Logistics v. UOI & Ors | Kerala | Partnership | The Petitioner could not file TRAN-1 between the Period 21.12.2017 to 28.12.2017. While uploading the screen would remain stuck. While trying to enter data online, the connection would automatically log out. | <p>Status:- Kerala High Court has disposed off this matter with the directions to follow the ITGRC mechanism. GSTN is a party in this Writ Petition.</p> <p>Action by GSTN:- An email dated 31.1.2019 was sent to the Petitioner requesting for the following information:- i.Exact technical glitch faced by you while filing TRAN-1 ii.Nature of error noticed iii.Screen-shots of technical error/emails sent to help-desk along with ticket numbers.</p> <p>The Petitioner was requested to provide the details by 1.2.2019. No response was received from the Petitioner.</p> |

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| 39 | 09ABOP A4624P1 Z8 | CWP 856/2018- Aggarwal Sanitary House v. UOI & Ors | Uttar Pradesh | Proprieto rship | The Petitioner's TRAN-1 form was not accepted by the GST Portal owing to technical glitches. | <p>Status:- The matter is pending before Allahabad High Court. The Court in its interim order has directed that Petitioner may be allowed to file TRAN-1 on the GST Portal or manually.</p> <p>GSTN is a party in this matter. The next date of hearing has not been updated on website. As per the Court's website this case is not on list.</p> <p>Action by GSTN:- An email dated 31.1.2019 was sent to the Petitioner requesting for the following information:- i)Exact technical glitch faced by you while filing TRAN-1 ii)Nature of error noticed iii)Screen-shots of technical error/emails sent to help-desk along with ticket numbers.</p> <p>The Petitioner was requested to provide the details by 1.2.2019. No response was received from the Petitioner.</p> |
| 40 | 05AIKP S5984P1 Z6 | W.P. No. 1763/2018- Reliable Petro Solutions v. Commissione r of Commercial Tax & Ors | Uttarak hand | Proprieto rship | The Petitioner could not upload TRAN-1 details due to network issues and TRAN-1 issue. | <p>Status:- GSTN is not a party in this matter. The matter is pending and next date of hearing in this matter is 25.03.2019.</p> <p>Action by GSTN:- An email dated 8.1.2019 was sent to the Petitioner requesting for the following information:- i)Exact technical glitch faced by you while filing TRAN-1 ii)Nature of error noticed iii)Screen-shots of technical error/emails sent to help-desk along with ticket numbers.</p> <p>The Petitioner was requested to provide the abovementioned information by 10.01.2019. No response has been received from the Petitioner.</p> |
| 41 | 09AAAC W4910E 1ZJ | Writ Tax 947/2018- Electro Mart Stores v. UOI & Ors | Uttar Pradesh | Private Limited Compan y | The Petitioner tried filing TRAN-1 on 27.12.2017 however, could not file the same due to technical glitches. The site could not be accessed by the Petitioner | <p>Status:- The matter is pending before Allahabad High Court. The next date of hearing has not been updated on Court's website. As per the website the court is not on list. GSTN is a party in this matter.</p> <p>Action by GSTN:- An email dated 8.1.2019 was sent to the Petitioner requesting for the following information:-</p> |

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| | | | | | | <p>i)Exact technical glitch faced by you while filing TRAN-1 ii)Nature of error noticed iii)Screen-shots of technical error/emails sent to help-desk along with ticket numbers.</p> <p>The Petitioner was requested to provide the abovementioned information by 10.01.2019. No response has been received from the Petitioner.</p> |
| 42 | 32AADF J0880A1 Z1 | WP 36508/2018- Jelitta Publicity v. UOI & Ors | Kerala | Partnership | The Petitioner could not upload TRAN-1 due to technical glitches. | <p>Status: - Kerala High Court has disposed off this matter with the directions to follow the ITGRC mechanism. GSTN is a party in this Writ Petition.</p> <p>Action by GSTN: - An email dated 8.1.2019 was sent to the Petitioner requesting for the following information:- i)Exact technical glitch faced by you while filing TRAN-1 ii)Nature of error noticed iii)Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The Petitioner was requested to provide the abovementioned information by 10.01.2019. The Petitioner responded vide email dated 9.1.2019. The Petitioner in their email stated that they were unable to upload their text file. However, the Petitioner provided no screen shot to support his claim. No errors were recorded in his logs.</p> |
| 43 | 09ACRP G3608D 1ZO | W.P. 1251/2018- Container Corporation of India v. UOI & Ors | Uttar Pradesh | Proprietorship | Petitioner tried to file TRAN-1 in the month of Dec,2017 but could not file the same due to technical glitches. | <p>Status: - The matter is pending before Allahabad High Court. The next date of hearing has not been updated on Court's website. As per the website the court is not on list. GSTN is a party in this matter.</p> <p>Action by GSTN:- An email dated 8.1.2019 was sent to the Petitioner requesting for the following information:- i)Exact technical glitch faced by you while filing TRAN-1 ii)Nature of error noticed iii)Screen-shots of technical error/emails sent to help-desk along with ticket numbers.</p> <p>The Petitioner was requested to provide the abovementioned</p> |

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| | | | | | | information by 10.01.2019. No response has been received from the Petitioner |
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Category B2: Cases where the taxpayer said they received the error during TRAN 1 first time or Fresh/Revision Attempted with No error or No valid error reported. As per GST System Logs, the taxpayer has tried for Saving / Submitting /Revision and there are no evidences of system errors in the log.

| S. No. | GSTIN/ Provisional id | Name reported by the Taxpayer in Writ Petition | State | Constitution of business | Issue | Status |
|--------|-----------------------|--|---------|--------------------------|---|---|
| 44 | 24AAACW6775D1ZA | SCA No. 4252/2018 Willowood Chemicals Pvt. Ltd v. UOI | Gujarat | Private Limited Company | <p>Allegation in the Writ Petition: - The Petitioner claims that he was unable to upload its GST TRAN-1 online on 27.12.2017 due to technical glitch. Consequently, he approached the jurisdictional GST authorities to submit the duly filed TRAN-1 manually. However, he was informed that the law does not support the filing of the form in the physical form.</p> <p>Further investigation by GSTN: - An email was sent on 26.12.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the above mentioned details by 27.12.2018.</p> <p>But, No response has been received from the Petitioner</p> | The matter has been disposed off vide order dated 19.09.2018 with the directions to follow circular dated 3.4.2018. |
| 45 | 32AAECT4660N1Z3 | W.P. 25531/2018- Ting Tong International Pvt Ltd. v. UOI | Kerala | Private Limited Company | <p>Allegation in the Writ Petition:-The Petitioner could not file TRAN-1 due to technical glitches.</p> <p>Further investigation by GSTN:- An email was sent on 26.12.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by 27.12.2018.</p> <p>Response received from the Petitioner:- The Petitioner vide email dated 27.12.2018 has stated that the Petitioner could not submit TRAN-1 form. Whenever, the Petitioner tried to submit the TRAN-1 form he would be logged out of the GST Portal. The Petitioner has provided screen-shots of data filled in TRAN-1 form.</p> | The matter has been disposed off vide order dated 30.07.2018 with the directions to follow circular dated 3.4.2018. |

Category B 3: Successfully Filed as Per Logs.: The taxpayer has successfully filed TRAN1 and no technical errors has been found. Also no issue were found while posting of credit in the electronic credit ledger.

| S. No. | GSTIN/ Provisional Id | Name reported by the Taxpayer in Writ Petition | State | Constitution of Business | Issue and Action by GSTN | Status |
|--------|-----------------------|--|---------------|--------------------------|---|---|
| 46 | 09AFMPV7637R1Z2 | 1030/2018- Uttam Agrotech v. UOI & Ors | Uttar Pradesh | Proprietorship | <p>Allegation in the Writ Petition:-The Petitioner tried to revise its TRAN-1 on 27.12.2017 however, he was unable to do so due to technical glitches</p> <p>Further investigation by GSTN:- An email dated 24.08.2018 was sent to taxpayer to the abovementioned taxpayers stating that As per our records you have successfully filed your TRAN 1. Please revert back by end of day 28.08.2018 in case your issue has not been resolved yet. If no response is received from your side by the mentioned time, it will be presumed that your technical issue pertaining to TRAN-1 stands resolved and accordingly it will be submitted with appropriate authorities including Courts of Law, where needed.</p> <p>No response was received from the Petitioner.</p> | The matter is pending. Next date of hearing in this matter is not listed. The Court has directed that Petitioner's TRAN-1 be processed manually. |
| 47 | 09AAAH A7233D1Z R | Civil Misc. Writ (Tax) Petition No. 881 OF 2018- M/s Agrawal Traders v. UOI & Ors. | Uttar Pradesh | Hindu undivided family | <p>Allegation in the Writ Petition:-The Petitioner could not file TRAN-1 due to processing error at the GST Portal.</p> <p>Further investigation by GSTN:- An email dated 24.08.2018 was sent to taxpayer to the abovementioned taxpayers stating that As per our records you have successfully filed your TRAN 1. Please revert back by end of day 28.08.2018 in case your issue has not been resolved yet. If no response is received from your side by the mentioned time, it will be presumed that your technical issue pertaining to TRAN-1 stands resolved and accordingly it will be submitted with appropriate authorities including Courts of Law, where needed.</p> <p>No response was received from the Petitioner.</p> | The matter is pending. Next dated of hearing in this matter is not listed. The Court has directed that Petitioner's TRAN-1 be processed manually. |
| 48 | 19AAACT4033H1ZH | W.P. No 18088/2018 Vertiv Energy Pvt Ltd v. | West Bengal | Private Limited | <p>Allegation in the Writ Petition:- The petitioner claims that inadvertently due to interpretation issue of Column 6 S.No. 5(a) of the TRAN-1, he was</p> | The matter is pending. The next date of hearing in the matter is not |

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| | | Union of India & Ors | | Company | <p>unable to properly file the form. Thus, could not claim credit.</p> <p>Further investigation by GSTN:- An email was sent on 26.12.2018 to the taxpayers requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers. The taxpayers were requested to provide the abovementioned details by end of day 27.12.2018.</p> <p>No response has been received from the Petitioner.</p> | listed on the website. |
| 49 | 27AFYPG 1252R1ZO | W.P. 1857/2018-VJ Enterprises v. UOI & Anr | Maharashtra | Proprietorship | <p>The Petitioner did not have access to table 7b of TRAN-1 form. The matter has been disposed off however, Mumbai High Court has directed that the Petitioner's case should be examined and the ITGRC mechanism should be completed latest by 31.1.2019.</p> <p>Action by GSTN:- An email dated 28.1.2019 was sent to the Petitioner requesting for the following information:- i) Exact technical glitch faced by you while filing TRAN-1 ii) Nature of error noticed iii) Screen-shots of technical error/emails sent to help-desk along with ticket numbers. iv) Whether you faced any technical issues/errors while filing your application for Non-core amendment. The Petitioner was requested to provide the abovementioned information by 29.01.2019. No response has been received from the Petitioner.</p> | <p>Status:- The matter has been disposed off by Mumbai High Court with the directions that In facts of the case, we request the concerned Commissioner/ Nodal Officer to take appropriate decision on the representations of the respective Petitioners before us. The entire exercise of examining the cases of the Petitioners through the channel explained before us as noted above, shall be completed latest by 31st January, 2019. GSTN is not a party in the Writ Petition. The Writ Petition was received by GSTN along with the judgment on 14.1.2019. The Nodal Officer of the Petitioner forwarded the grievance of the Petitioner to GSTN's nodal officer on 15.1.2019.</p> |

B Category 4: TRAN-1 filed but credit not received. TRAN-1 filed but credit not received.
There were no error logged in filing for TRAN-1.

| S.No. | GSTIN/ Provisional Id | Name reported by the Taxpayer in Writ Petition | State | Constitu- tion of business | Issue | Status |
|-------|-----------------------------|--|-------|----------------------------------|---|---|
| 50 | 07AANPK 4159R1ZV | W.P. ____/2018 Sushil Agencies v. UOI | Delhi | Proprietorship | <p>Allegation in the Writ Petition: - The Petitioner in paragraph 9 of the Writ Petition has submitted that in terms of Section 140 of CGST Act they filed and claimed a credit of Rs. 11,97,849/- by filing TRAN-1. However, they inadvertently filled the credit amount in incorrect column. The Petitioner submitted TRAN-1 on 14.12.2017 vide ARN AA0711171125598. However, later on Petitioner realised that the correct column was 7a. The ITC is available to the Petitioner and filled the amount of stock in hand and credit available as on 30.6.2017 under the heading of column 7d which also states the heading "stock of goods".</p> <p>Further investigation by GSTN:- In this cases also considering the fact that the taxpayer has made an effort to file a Writ Petition alleging technical glitches further investigation was carried out by GSTN. An email was sent on 24.08.2018 to the taxpayer requesting for the following:- i. Exact technical glitch faced by you while filing TRAN-1 ii. Nature of error noticed iii. Screen-shots of technical error/emails sent to help-desk along with ticket numbers.</p> <p>Response received from the Petitioner:- The taxpayer did not provide any of the abovementioned details and only provided that they have filed a writ wherein notice has been issued and the issue has been explained in the Writ Petition.</p> <p>The taxpayer has made a mistake in filing TRAN-1 form and no technical glitch was found.</p> | The matter was pending the last date of hearing in this matter was 16.1.2019. |

B Category 5: TRAN1 Filed twice but credit not received and no errors were reported

| S. No. | GSTIN/ Provisional id | Name reported by the Taxpayer in Writ Petition | State | Constituti on of Business | Issue and Status |
|--------|-----------------------------|--|----------------|---------------------------------|--|
| 51 | 19AAJCA02 87D1ZR | W.P. 16295/2018- Impression Motors Pvt. Ltd. v. UOI & Ors | West Bengal | Private Limited Company | <p>Issue:- The Petitioner has submitted his TRAN-1 form and was stuck in submitted stage. When he tried to file TRAN-1 after the circular dated 3.4.2018 he found that the data filled and submitted by the Petitioner has changed. After receiving notice under GSTR 3A the Petitioner filed his TRAN-1 under protest.</p> <p>Status:- The matter is pending. The next date of hearing in this matter has not been updated on the Court's website. GSTN is a party in this matter. No further investigation in this matter was carried out since the Petitioner has filed TRAN-1 twice and no error logs were there in Petitioner's logs.</p> |
| 52 | 19AAACO8 838K1ZU | W.P. 16292/2018-OSL Automotives Pvt. Ltd. v. UOI & Ors | West Bengal | Private Limited Company | <p>Issue:- The Petitioner has submitted his TRAN-1 form and was stuck in submitted stage. When he tried to file TRAN-1 after the circular dated 3.4.2018 he found that the data filled and submitted by the Petitioner has changed. After receiving notice under GSTR 3A the Petitioner filed his TRAN-1 under protest.</p> <p>Status:- The matter is pending. The next date of hearing in this matter has not been updated on the Court's website. GSTN is a party in this matter. No further investigation in this matter was carried out since the Petitioner has filed TRAN-1 twice and no error logs were there in Petitioner's logs.</p> |

Category B9: Taxpayer got New Registration post TRAN-1 end date.

| S. No. | GSTIN/ Provisiona l id | Name reported by the Taxpayer in Writ Petition | State | Constitu tion of Business | Issue and Status |
|--------|------------------------------|--|------------------|-----------------------------------|--|
| 53 | 09AAFCB 5062P1Z7 | Writ Tax 1199/2018-M/s Bajrang Kripa Agro Industries Pvt. Ltd. v. UOI & Ors | Uttar Pradesh | Private Limited Compan y | <p>Issue:- The Petitioner tried to file its form TRAN-1 on GST Portal on 27.12.2017 but it was not accepted by the Portal due to technical glitch.</p> <p>Status:- The matter is pending before Allahabad High Court. The next date of hearing in this matter is has not been updated on the website. As per the court's website the matter is not on list.</p> <p>The Petitioner applied for new registration post 27/12/2017 which was approved on 21/05/2018. The Petitioner has selected voluntary basis as reason for getting new registration. Therefore, no further investigation in this matter was conducted.</p> |

Members (Centre)

- Ms. Ameeta Suri, Member (GST), CBIC
- Sh. P.K. Jain, Pr. Director General, DG-GST, CBIC

GST Council Secretariat

- Dr. Rajeev Ranjan, Special Secretary, GST Council

Members (States) (through VC)

- Dr. P.D. Vaghela, CCST, Gujarat
- Ms. Smaraki Mahapatra, CST, West Bengal
- Sh. Amit Kumar Agarwal, ETC, State Tax, Haryana (On behalf of ACS, Haryana)
- Sh. Gnanasekaran, Additional Commissioner, State Tax, Tamil Nadu (On behalf of CST, Tamil Nadu)

Special Invitees

- Sh. Shashank Priya, Joint Secretary, GST Council
- Sh. Upender Gupta, Pr. Commissioner, GST Policy Wing, CBIC
- Sh. Dheeraj Rastogi, Joint Secretary, GST Council
- Sh. Prakash Kumar, CEO, GSTN (through VC)
- Ms. Kajal Singh, EVP (Services), GSTN

Others

- Sh. Rajesh Kumar Agarwal, Director, GST Council
- Sh. Arjun Kumar Meena, Under Secretary, GST Council

Agenda Item 5: Recommendations of the GoM for boosting Real Estate Sector under GST regime

1. Background:

The real estate sector is an important sector of Indian economy that significantly contribute to the GDP. However, the sector is not in good health. There is serious cash flow problem in this sector. Perception among the property buyer is that the transition from service Tax regime to GST regime has resulted tax rise. Currently, properties sold after the issue of completion certificate attracts 'nil' rate of GST. Therefore, buyers are waiting and purchasing completed property. So, the demand for booking of under completion property has gone down. Further, there is a serious issue of perception of GST. Builders are not passing the benefits of input tax credit to the buyers. On the other hand, builders are also complaining that due to mismatch of input tax credit cycle and tax payment cycle, a huge chunk of credit remains unutilised. There is a problem of ITC overhang which becomes cost.

2. Present rate structure:

2.1 At present, construction of houses/ residential units under non-affordable category attracts effective rate of GST of 12% (headline rate of 18% and after deduction of 1/3rd value of land, effective rate becomes 12%), and affordable category under the following schemes attracts effective rate of GST of 8% (headline rate of 12% and after deduction of 1/3rd value of land, effective rate becomes 8%).

2.2 Following categories of housing are classifiable as affordable housing: -

(i) Pradhan Mantri Awas Yojana (PMAY):

- a. In-situ redevelopment of existing slums using
 - b. Beneficiary led individual house
 - c. Affordable Housing in Partnership (60 sqm)
 - d. Credit Linked Subsidy Scheme
- EWS: 30 sqm
LIG: 60 sqm
MIG I: 160 sqm *
MIG II: 200 sqm *

(ii) Low-cost houses up to a carpet area of 60 square meters:

- a. having infrastructure status
- b. any housing scheme of a State government

(iii) Single residential units or 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 CGST Act, 2017.

(iv) Erstwhile schemes of JNNURM/ RAY

All the above housing schemes such as PMAY etc. have different carpet area ranging from 30 sqm to 200 sqm* and cater to MIG group also.

3. The GST Council in its 32nd meeting held on 10th January, 2019 at New Delhi decided to constitute a 7-member Group of Ministers to holistically look into the issues faced by residential segments of real estate sector. A meeting of GoM was held on 8th February, 2019 at New Delhi and the report of the GoM is placed as **Annexure** to this agenda item. The GoM discussed the following issues and now their recommendations may be considered by the GST Council for approval.

3.1 To prescribe a rate for construction of residential units for which completion certificate has not been issued.

Discussion:

The breakup of a typical housing projects received from NBCC and CPWD is as follows.

| Calculation of GST payable as pre present rate structure | | | | | | |
|---|---------------------------------|---------------------------|------------------------|-------------------|--------------------------|-------------------|
| Sl. No. | Category of Housing Unit | High Rise Building | | | Low Rise Building | |
| | | Low end finish | Premium Quality | Affordable | Low end finish | Affordable |
| 1 | Cost of property (per sq. ft.) | 4000 | 10000 | 3000 | 3000 | 2500 |
| 2 | Cost of construction | 1700 | 3000 | 1500 | 1400 | 1100 |
| 3 | Input tax credit | 280.5 | 495 | 247 | 231 | 181 |
| 4 | GST payable (cash + credit) | 480 | 1200 | 240 | 360 | 200 |
| 5 | Net GST payable | 199.5 | 705 | 0 | 129 | 19 |
| 6 | Percentage GST Payable | 4.99% | 7.05% | 0.00% | 4.30% | 0.76% |

Source: NBCC

From the NBCC data it is seen that for non- affordable housing, in a typical high rise building project (say up to 6-7 floors) for a low end finish house net GST payable in cash to the government should be around 5% and for a premium quality home net GST payable in cash should be around 7.05%. Similarly, for a typical low rise building project (say up to 2-3 floors) for a low end finish house, net GST payable in cash to the government should be around 4.30%.

For affordable housing category (PMAY), both in a high rise building and low rise building project, net GST payable in cash is less than 1%.

From the NBCC data it is seen that at the unit sqft. prices of houses at Rs. 4000/- per sqft, 5% GST in cash without ITC is break- even point vis-à-vis the present GST rate. Meaning thereby, for houses having price more than Rs. 4000/- per sqft present GST payment in cash should be 5% or more and for houses having price less than Rs. 4000/- per sqft. present GST payment in cash should be lower than 5%.

| Sl. No. | Description | Cost (INR) |
|---------|---|------------|
| | Cost of Flat including land (Rs. 3731/ sq. ft.) | 3731748 |
| 1 | Cost of Flat excluding land | 2487832 |
| 2 | ITC Available | 268797 |
| 3 | Total GST payable (cash + credit) | 447810 |
| 4 | GST Payable in cash | 179013 |
| 5 | Net GST payable as percent of gross value | 4.80% |

Source: CPWD

The above data received from CPWD for a typical 1000 sqft house has also been analysed. It is seen that for a house having price Rs. 3731/- per sqft, net GST payable in cash to the government should be around 4.8%. Cash Component will increase and reach to 5%, -where the price of the house is Rs. 4000/ sqft or more, reaffirming the correctness of NBCC data.

From the both of the above tables, it is seen that in non- affordable housing the expected cash component of GST should be around 5% or more. However, when the tax payment details from GSTR-3B return of top 88 builders of India was analysed, it is seen that payment of tax in cash is very low.

| Sl. No. | CGST Zone | Effective Tax Rate (in %) | Tax paid in cash (in %) | Range (in %) |
|---------|----------------|---------------------------|-------------------------|--------------|
| (1) | (2) | (3) | (4) | (5) |
| 1 | Meerut (Noida) | 6.9 | 0.4 | 0 - 2.8 |
| 2 | Bengaluru | 9.3 | 1.0 | 0.1 - 2.0 |
| 3 | Kolkata | 10.3 | 1.4 | 0 - 4.7 |
| 4 | Chennai | 11.6 | 4.8 | 0 - 11.7 |
| 5 | Hyderabad | 9.3 | 0.5 | 0 - 4.9 |
| 6 | Bhubaneswar | 9.9 | 2.0 | 0 - 9.0 |
| 7 | Mumbai | 10.8 | 2.1 | 0 - 6.2 |
| Summary | | 8.8 | 1.7 | 0 - 11.7 |

ITC claimed by the developers is much higher than what should be the ITC as per NBCC and CPWD figures. The reasons for the low revenue in cash may be the following-

- Highly evasion prone sector where ITC is claimed on fake invoices.
- Slow moving inventory leading to higher ITC utilization, as construction is taking place without sale, making ITC available higher.

Therefore, it would be justifiable to bring down the GST rate on housing to 5% without ITC credit as it would meet multiple objectives. Based on discussions as recorded in the report at annexure, the GoM recommended the following which may be considered by the GST Council.

Recommendation of GoM to the GST Council:

- Effective GST @ 5% without ITC for non-affordable residential properties, and
- Effective GST @ 3% or less without ITC for affordable residential properties may be levied.
- Transitional provisions would be examined by the Fitment Committee.

3.2 Issue:

To prescribe appropriate safeguard to maintain the integrity of supply chain and protect revenue from evasion.

Discussion:

Real estate being an evasion prone sector, payment of tax in cash is very low. ITC claimed by the developer is much higher than the NBCC and CPWD figures. ITC is being claimed by the builders through fake invoice and slow moving inventory is also leading to high utilisation of input tax credit. Based on discussions as recorded in the report at annexure, the GoM recommended the following which may be considered by the GST Council.

Recommendation of GoM to the GST Council:

- GoM has proposed to permit purchase of inputs, capital goods and input services upto 80% other than TDR (or similar rights) from a GST registered supplier only to maintain the integrity of the supply chain.
- It is also proposed that applicable tax rate on shortfall of purchases below this threshold limit will be on merit rate on RCM basis may be decided in the Fitment Committee.

3.3 Issue:

To prescribe criteria for defining affordable housing

Based on the discussions recorded in the report at annexure, the GoM recommended the following which may be considered by the GST Council.

Recommendation of GoM to the GST Council:

After discussion the GoM made following recommendations and left the decision on GST Council-

- Definition of affordable housing may be revised which inter alia include- the existing schemes of State and Central Government covered under GST notification No. 11/2017 Central tax (Rate) dated 28th June, 2017,

And

An additional criteria of RBI's priority sector lending guidelines having financial limit of Rs. 30 lacs in non-Metro and Rs.45 lacs in metro cities.

- Definition of metropolitan city to be examined as the definition for banking purpose is very wide.
- Existing affordable housing shall also pay taxes as per the new rates for the remaining instalments.

3.4 Issue:

To determine the transitional provisions and detailing issues pertaining to mixed properties (residential and commercial) under proposed tax structure.

Discussion:

Pure residential property virtually does not exist, as all the housing projects invariably consists of some commercial units to cater to the needs of residents. Based on the discussions recorded in the report at annexure, the GoM recommended the following which may be considered by the GST Council.

Recommendation of GoM to the GST Council:

- The proposed rate should apply only to the residential property
- The ITC reversal methodology, i.e. ITC required to be reversed with respect of commercial units in a mixed property (residential and commercial) under proposed tax structure may be decided by the Fitment Committee.

3.5 Issue:

Treatment of land under the proposed tax structure

Discussion:

It was noted that while designing the proposed rate notification, the effective rate will be highlighted along with an explanation that the new effective rate would be after the one- third abatement of land. Notification would be designed/ drafted as under:

| Sl. No. | Description of service | Tax rate | Tax rate (post abatement) |
|---------|--|-------------------|---------------------------|
| 1 | Non affordable housing | 7.5 % without ITC | 5% |
| 2 | Affordable Housing | 4.5% without ITC | 3% |
| 3 | Existing projects under various affordable housing schemes of Government | 4.5% without ITC | 3% |

Recommendation of GoM to the GST Council:

- GoM noted that there is no proposal for taxing land under this proposal.
- Stamp duty will continue to be levied by State Government as existing presently.

3.6 Issue:

To exempt transfer of development rights (TDR), development rights in a joint development agreements (JDA), FSI, long term lease (premium) and other similar rights related to construction on land or in a redevelopment project.

Discussion:

It was noted that for the new tax rate to become operational GST exemption may have to be granted to all intermediate rights of construction on land which is a supply of service such as FSI, long term lease and sublease of land (premium). Very detailed discussion took place on this issue. Based on the discussions recorded in the report at annexure, the GoM recommended the following which may be considered by the GST Council.

Recommendation of GoM to the GST Council:

- Intermediate tax on development right, such as TDR, JDA, lease (premium), FSI shall be exempted both in its first supply and in its subsequent supplies for residential property only for which no completion certificate is issued at the time of supply.
- Calculation for withdrawal of exemption and reversal of ITC credit to be worked out by the Fitment Committee for flats which are sold after issuance of completion certificate as no GST is payable on them.
- Issues raised by CCT, Maharashtra relating to real estate sectors would be discussed in the joint meeting of Law Committee and Fitment Committee, to be placed before the GST Council.

4. Summary listing of GoM recommendations before the GST Council for consideration:

- Effective GST @ 5% without ITC for non- affordable residential properties, and
- Effective GST @ 3% or less without ITC for affordable residential properties may be levied.
- Transitional provisions would be examined by the Fitment Committee.
- GoM has proposed to permit purchase of inputs, capital goods and input services upto 80% other than TDR (or similar rights) from a GST registered supplier only to maintain the integrity of the supply chain.
- It is also proposed that applicable tax rate on shortfall of purchases below this threshold limit will be on merit rate on RCM basis may be decided in the Fitment Committee.
- Definition of affordable housing may be revised which inter alia include -

The existing schemes of State and Central Government covered under GST notification No. 11/2017-Central Tax (Rate) dated 28th June, 2017.

And

An additional criteria of RBI's priority sector lending guidelines having financial limit of Rs. 30 lacs in non-Metro and Rs.45 lacs in metro cities.

- Definition of metropolitan city to be examined as the definition for banking purpose is very wide.
- Existing affordable housing shall also pay taxes as per the new rates for the remaining instalments.
- The proposed rate should apply only to the residential property
- The ITC reversal methodology, i.e. ITC required to be reversed with respect to commercial units in a mixed property (residential and commercial) under proposed tax structure may be decided by the Fitment Committee.
- GoM noted that there is no proposal for taxing land under this proposal.
- Stamp duty will continue to be levied by State Government as existing presently.
- Intermediate tax on development right, such as TDR, JDA, lease (premium), FSI shall be exempted both in its first supply and in its subsequent supplies for residential property only for which no completion certificate is issued at the time of supply.

- Calculation for withdrawal of exemption and reversal of ITC credit to be worked out by the Fitment Committee for flats which are sold after issuance of completion certificate as no GST is payable on them.
- Issues raised by CCT, Maharashtra relating to real estate sectors would be discussed in the Joint meeting of Law Committee and Fitment Committee, to be placed before the GST Council.

Recommendations of the GoM for boosting Real Estate Sector under GST regime

1. Introduction:

The issue of real estate sector was discussed in 31st and 32nd GST Council Meeting. The GST Council in its 32nd meeting held on 10th January, 2019 at New Delhi decided to constitute a 7-member Group of Ministers to holistically look into the issues faced by residential segments of real estate sector. GST Council Secretariat vide its order dated 15.01.2019, constituted a 7 members GoM consisting following members:

| Sl. No. | Name | Designation and State | Details |
|---------|---------------------------|--|----------|
| 1 | Shri Nitinbhai Patel | Hon'ble Dy. Chief Minister, Govt. of Gujarat | Convenor |
| 2 | Shri Sudhir Mungantiwar | Hon'ble Finance Minister, Govt. of Maharashtra | Member |
| 3 | Shri Krishna Byre Gowda | Hon'ble Finance Minister, Govt. of Karnataka | Member |
| 4 | Dr. T. M. Thomas | Hon'ble Finance Minister, Govt. of Kerala | Member |
| 5 | Shri Manpreet Singh Badal | Hon'ble Finance Minister, Govt. of Punjab | Member |
| 6 | Shri Rajesh Agarwal | Hon'ble Finance Minister, Govt. of U.P. | Member |
| 7 | Shri Mauvin Godinho | Hon'ble Finance Minister, Govt. of Goa | Member |

2. Terms of reference:

The terms of reference (ToR) for the GoM prescribed by Council are as under -

- (i) Analyse tax rate of GST, including inter alia issues/ challenges in view of proposal for boosting real estate sector under GST regime by providing a composition scheme for residential construction units referred to GoM in 32nd meeting of GST Council held on 10th January, 2019;
- (ii) Examine and suggest ways for composition scheme or any other scheme, for boosting real estate sector and suggest scheme for transition vis-à-vis introduction of suggested scheme;
- (iii) Examine various aspects of levy of GST on Transfer of Development Rights (TDR) and Development Rights in a Joint Development Agreement and suitable model;
- (iv) Examine legality of inclusion/ exclusion of land or any other ingredients, in composition and suggest valuation mechanism;
- (v) Examine and suggest any other aspect relevant to boost real estate sector, which may be brought to the notice of GoM.

3. GoM meeting:

A meeting of GoM was held on 8th February, 2019 at New Delhi. Ministers from Gujarat, Goa, Punjab and Maharashtra attended the meeting. Officers from Uttar Pradesh attended the meeting.

Meeting was called to order by the Special Secretary, GST Council Shri Rajeev Ranjan. Thereafter, Convenor, Shri Nitinbhai Patel said that the Council has given a very important task to the

GoM. He added that real estate sector is one of the largest contributors to the national GDP. After agriculture, real estate sector provides employment opportunity to large numbers of people. Hon'ble convenor suggested that the GoM should make recommendations such that every citizen would have a house and particularly in the urban areas, as it would lead them becoming free from slum dwelling. He emphasised that the GoM should take a positive decision so that effective GST rate on residential housing would be low and government would get revenue as it is expected from the sector.

Secretary to the GoM, Shri Manish Sinha made a presentation before the GoM. He presented the revenue trends of top builders of metro areas along with the GST payment expected in cash on affordable and premium quality houses based on data received from CPWD and NBCC.

4. Decisions:

Summary of the proposals before the GoM and the respective recommendations made by the GoM to be placed before the GST Council are as under:

4.1 Issue:

To prescribe a rate for construction of residential units for which completion certificate has not been issued.

Discussion:

Secretary to GoM presented the break up data for typical residential housing projects received from NBCC and CPWD.

| Calculation of GST payable as pre present rate structure | | | | | | |
|--|--------------------------------|--------------------|-----------------|------------|-------------------|------------|
| Sl. No. | Category of Housing Unit | High Rise Building | | | Low Rise Building | |
| | | Low end finish | Premium Quality | Affordable | Low end finish | Affordable |
| 1 | Cost of property (per sq. ft.) | 4000 | 10000 | 3000 | 3000 | 2500 |
| 2 | Cost of construction | 1700 | 3000 | 1500 | 1400 | 1100 |
| 3 | Input tax credit | 280.5 | 495 | 247 | 231 | 181 |
| 4 | GST payable (cash + credit) | 480 | 1200 | 240 | 360 | 200 |
| 5 | Net GST payable | 199.5 | 705 | 0 | 129 | 19 |
| 6 | Percentage GST Payable | 4.99% | 7.05% | 0.00% | 4.30% | 0.76% |

Source: NBCC

From the NBCC data it is seen that for non- affordable housing, in a typical high rise building project (say up to 6-7 floors) for a low end finish house net GST payable in cash to the government should be around 5% and for a premium quality home net GST payable in cash should be around 7.05%. Similarly, for a typical low rise building project (say up to 2-3 floors) for a low end finish house, net GST payable in cash to the government should be around 4.30%.

For affordable housing category (PMAY), both in a high rise building and low rise building project, net GST payable in cash is less than 1%.

From the NBCC data it is seen that at the unit sqft. prices of houses at Rs. 4000/- per sqft, 5% GST in cash without ITC is break- even point vis-à-vis the present GST rate. Meaning thereby, for houses having price more than Rs. 4000/- per sqft present GST payment in cash should be 5% or more and for houses having price less than Rs. 4000/- per sqft. present GST payment in cash should be lower than 5%.

| Sl. No. | Description | Cost (INR) |
|---------|---|------------|
| | Cost of Flat including land (Rs. 3731/ sq. ft.) | 3731748 |
| 1 | Cost of Flat excluding land | 2487832 |
| 2 | ITC Available | 268797 |
| 3 | Total GST payable (cash + credit) | 447810 |
| 4 | GST Payable in cash | 179013 |
| 5 | Net GST payable as percent of gross value | 4.80% |

Source: CPWD

The above data received from CPWD for a typical 1000 sqft house has also been analysed. It is seen that for a house having price Rs. 3731/- per sqft, net GST payable in cash to the government should be around 4.8%. Cash Component will increase and reach to 5%, -where the price of the house is Rs. 4000/ sqft or more, reaffirming the correctness of NBCC data.

From the both of the above tables, it is seen that in non- affordable housing the expected cash component of GST should be around 5% or more. However, when the tax payment details from GSTR- 3B return of top 88 builders of India was analysed, it is seen that payment of tax in cash is very low.

| Sl. No. | CGST Zone | Effective Tax Rate (in %) | Tax paid in cash (in %) | Range (in %) |
|---------|----------------|---------------------------|-------------------------|--------------|
| (1) | (2) | (3) | (4) | (5) |
| 1 | Meerut (Noida) | 6.9 | 0.4 | 0 - 2.8 |
| 2 | Bengaluru | 9.3 | 1.0 | 0.1 - 2.0 |
| 3 | Kolkata | 10.3 | 1.4 | 0 - 4.7 |
| 4 | Chennai | 11.6 | 4.8 | 0 - 11.7 |
| 5 | Hyderabad | 9.3 | 0.5 | 0 - 4.9 |
| 6 | Bhubaneswar | 9.9 | 2.0 | 0 - 9.0 |
| 7 | Mumbai | 10.8 | 2.1 | 0 - 6.2 |
| Summary | | 8.8 | 1.7 | 0 - 11.7 |

ITC claimed by the developers is much higher than what should be the ITC as per NBCC and CPWD figures. The reasons for the low revenue in cash may be the following-

- Highly evasion prone sector where ITC is claimed on fake invoices.
- Slow moving inventory leading to higher ITC utilization, as construction is taking place without sale, making ITC available higher.

Therefore, it would be justifiable to bring down the GST rate on housing to 5% without ITC credit as it would meet multiple objectives.

Hon'ble Finance Minister from Goa, Shri Mauvin Godinho said that real estate sector has virtually become stand still. So the issues pertaining to real estate sector should be addressed on war footing. More delay in decision making would further aggravate the matter. He said that across all segments of real estate, GST @ 8% with ITC would be a practical rate, as it would be easy to monitor and detailing issues related to transitional provisions and ITC utilisation would not arise.

Hon'ble from Punjab, Shri Manpreet Singh Badal suggested that there should be a lower GST rate for affordable housing. CCT Punjab, Shri VP Singh emphasized that the proposed rate should meet twin objective of low tax rate and higher revenue augmentation.

Taking discussion forward Hon'ble Convenor of the GoM said that that the perception plays an important role for the buyers of the property. Buyer always see the tax what he is paying to the exchequer. If there is higher outgo from the pocket of the buyer towards tax, he feels cheated. Therefore, we must propose a lower rate for residential housing sector. Despite the current high rate of GST of 12% and 8% on residential units, Government is not getting the required revenue. Hence, this perception has to change. In effect, GST rate should be low and Government should get its revenue. Therefore, a low rate optically without ITC may indeed help the sector.

| Recommendation by GoM: |
|--|
| Accordingly, GoM recommended following- <ul style="list-style-type: none">• Effective GST @ 5% without ITC for non- affordable residential properties, and• Effective GST @ 3% or less without ITC for affordable residential properties may be levied.• Transitional provisions would be examined by the Fitment Committee. |

4.2 Issue:

To prescribe appropriate safeguard to maintain the integrity of supply chain and protect revenue from evasion.

Discussion:

Real estate being an evasion prone sector, payment of tax in cash is very low. Secretary to GoM said that ITC claimed by the developer is much higher than the NBCC and CPWD figures. ITC is being claimed by the builders through fake invoice and slow moving inventory is also leading to high utilisation of input tax credit.

GoM noted the revenue trend and agreed for prescribing safeguard that 80% or more of the purchases shall be made from the registered suppliers. Applicable tax rate on shortfall of purchases from registered supplier will be on merit rate on RCM basis and will be decided by the Fitment committee. Fitment committee will also determine some criteria (such as FIFO or capturing purchase details) on the basis of which the tax rate on shortfall purchase would be charged. This safeguard would address the concern that in GST, integrity of supply chain should be maintained as it leads to formalisation of economy.

Recommendation by GoM:

Accordingly, GOM recommended following-

- GoM has proposed to permit purchase of inputs, capital goods and input services upto 80% other than TDR (or similar rights) from a GST registered supplier only to maintain the integrity of the supply chain.
- It is also proposed that applicable tax rate on shortfall of purchases below this threshold limit will be on merit rate on RCM basis may be decided in the Fitment Committee.

4.3 Issue:**To prescribe criteria for defining affordable housing****Discussion:**

Hon'ble Convenor, Shri Nitin Bhai Patel noted that the existing affordable housing schemes have the different carpet area ranging from 30 sqm to 200 sqm. MIG II houses under Credit Linked Subsidy Scheme would cover a house as high as 2000 sqft. If we take the cost of the property for an affordable housing as low as 2500/ sqft, then also the MIG II house cost would be upto Rs. 50 lacs. Therefore, the definition of affordable housing scheme should be carefully designed so that needy people can afford it and out go towards tax should be a low burden for them.

Recommendation by GoM:

After discussion the GoM made following recommendations and left the decision on GST Council-

- Definition of affordable housing may be revised which inter alia include- the existing schemes of State and Central Government covered under GST notification No. 11/2017 Central tax (Rate) dated 28th June, 2017,

And

An additional criteria of RBI's priority sector lending guidelines having financial limit of Rs. 30 lacs in non-Metro and Rs.45 lacs in metro cities.

- Definition of metropolitan city to be examined as the definition for banking purpose is very wide.
- Existing affordable housing shall also pay taxes as per the new rates for the remaining instalments.

4.4 Issue:

To determine the transitional provisions and detailing issues pertaining to mixed properties (residential and commercial) under proposed tax structure.

Discussion:

CCT Punjab, Shri VP Singh stated that pure residential property virtually does not exist, as all the housing projects invariably consists of some commercial units to cater to the needs of residents. Every housing society would have small shops, computer labs etc. Many projects are truly mixed projects.

Therefore, he said that commercial units up to certain cut off percentage may be prescribed for considering it as residential.

Hon'ble Convenor, Shri Nitin Bhai Patel agreed with the Chief Commissioner Gujarat, DR. PD Vaghela that we should not complicate the proposal as the cut of limit would vary from place to place and location to location. Therefore, it would not be appropriate to propose a cut-off limit for commercial units and commercial units should continue to be taxed at the present rate.

Recommendation by GoM:

Accordingly, GoM recommended following-

- The proposed rate should apply only to the residential property
- The ITC reversal methodology, i.e. ITC required to be reversed with respect of commercial units in a mixed property (residential and commercial) under proposed tax structure may be decided by the Fitment Committee.

4.5 Issue:

Treatment of land under the proposed tax structure

Discussion:

Secretary of the GoM, Shri MK Sinha explained that while designing the proposed rate notification, the effective rate will be highlighted along with an explanation that the new effective rate would be after the one- third abatement of land. Notification would be designed/ drafted as under:

| Sl. No. | Description of service | Tax rate | Tax rate (post abatement) |
|---------|--|-------------------|---------------------------|
| 1 | Non affordable housing | 7.5 % without ITC | 5% |
| 2 | Affordable Housing | 4.5% without ITC | 3% |
| 3 | Existing projects under various affordable housing schemes of Government | 4.5% without ITC | 3% |

| |
|---|
| Recommendation by GoM: |
| Accordingly, GoM recommended following- |
| <ul style="list-style-type: none">• GoM noted that there is no proposal for taxing land under this proposal.• Stamp duty will continue to be levied by State Government as existing presently. |

4.6 Issue:

To exempt transfer of development rights (TDR), development rights in a joint development agreements (JDA), FSI, long term lease (premium) and other similar rights related to construction on land or in a redevelopment project.

Discussion:

Secretary to GoM, while describing the proposal said that GST exemption may be granted to all intermediate rights of construction on land which is a supply of service such as FSI, long term lease and sublease of land (premium). He explained that this exemption would only be applicable for under construction properties where completion certificate has not been issued and it is here that GST shall be payable. For properties that are sold after the issuance of completion certificate, this exemption would not be applicable and hence builder would have to pay GST on these rights. This would be necessary as without ITC chain, tax on these rights would become additional cost over the proposed rate of GST.

Dr. P. D. Vaghela, Chief Commissioner, Gujarat said that there are various schemes of state governments where land is provided at free of cost for slum redevelopment/ rehabilitation projects. Therefore, the proposed exemption should cover such land rights provided by governments to the builders.

CCT Maharashtra, Shri Rajiv Jalota said that many projects are constructed in leasehold or sub lease hold lands. A clear cut definition (say lease more than 30 years) towards lease of land may be prescribed for proposed exemption.

In Maharashtra, various redevelopment schemes are carried out such as SRA, re-development of residential properties and JDA of land owner and builder. In case of SRA, it gets divided in two parts: (i) service of construction to eligible slum dwellers free of cost and (ii) out-sider on payment basis. As construction services for slum dwellers is not free of cost but as against the consideration in form of FSI, DR or TDR awarded to the builder. Such portion may be taxed on construction cost or any other suitable method as may be decided. Similar is the situation in re-development scheme in case of residential properties where original residence are provided construction services by the builder against the development right he receives. Here also, tax may be levied on such portion on construction cost incurred by the builder or any other suitable method as may be decided. In case of JDA, the State has proposed to levy tax on the portion made available on area sharing basis to original land owner on the commercial basis of like kind and quality or any other suitable method as may be decided.

Hon'ble Minister from Maharashtra, Shri Sudhir Mungantiwar desired that various redevelopment models in operation should be examined so that redevelopment works start picking up.

In addition, CCT Maharashtra raised the following issues for deliberation and decisions:

i. Cancellation of flat booking:

Regarding cancellation of the flat booked by the flat buyers, the act allows a tax adjustment on account of cancellation of tax invoice or credit of input taxes only before 30th September of the following financial year in which such supply was made. It is the contention of real estate sector that window of such cancellation may be reasonable for any other sector however, such time limit is not practicable for a real estate project, which has a long gestation period ranging from 3 to 6 years. RERA permits flat holders to cancel the bookings for many reasons without any time limit.

CCT Maharashtra viewed that the issue deserves consideration. However, the same may be referred to law committee by the GoM for decision. The law Committee may look into the possibility of mis-use also.

ii. ITC sought to be made available on the premises on rent:

It is the contention of real estate sector that denial of ITC to the constructed property leased out vis-à-vis the sold property is discriminatory and hence such discrimination may be removed by providing ITC.

CCT Maharashtra viewed that in the above case the ownership of the property remains with the developer. Further, the appreciation in the property value is accrued to the developer. No GST is payable on the sale of property after Occupational Certificate (OC) is issued. Also, in leasing model, all the recipients are business entities and hence it is B2B supply. So the 18% GST levied as lease rental is available as ITC for business recipients. Taking into consideration the above points providing ITC on constructed leased property shall not be considered.

iii. Issue of long term lease liable to GST.

In India, the long term lease is considered as mode for transfer of title to the land. The banks finance such lease costs. The long term lease attracts the stamp duty similar to the duty applicable to the Conveyance of land. Most Government Departments/State Government provides land to the developers for development purposes on lease hold basis. The real estate sector raised the concern that the lease premiums in pre-GST era and post-GST era have substantial difference in value. The long term lease premium are liable to be taxed under GST which in fact is akin to transaction of land therefore exemption is sought on such transactions.

CCT Maharashtra viewed that the issue deserves consideration. The Government or Government authorities or government Agencies as a policy never give up right in the title. Hence the general policy is to lease out the property. This is akin to sale of land. The disparity between the leased hold land and bought out land can be removed by exempting the GST on lease hold lands. Provided it is a lease of land only in the hand of Government /government agencies or Government authorities for the lease tenure of 30 years or above.

Hon'ble Minister from Maharashtra, Shri Sudhir Mungantiwar desired that the long term lease a term is required to be defined. Hon'ble Convenor, Shri Nitin Bhai Patel also consented the proposal.

iv. Transitional issues:

The real estate sector has objected to the circular issued NO. 23A dt. 1st September 2018 by Maharashtra State Tax Dept. wherein the inputs lying in stock which are in the form of work in progress is denied as transitional credit to be carried forward to GST. The arguments advanced is that if the material once consumed becomes part of the structure which permanently attached to earth and hence immovable property, then whether the sale of under construction property can be deemed to include the sale of immovable property to the extent the work is already completed? Erstwhile MVAT Act 2002 had provided that the sale of under construction properties to the extent of work completed is outside the purview of MVAT Act. Applying the same ratio, one can argue that the sale to that extent is in respect of immovable property and hence outside the purview of GST Act. Therefore, the sector sought withdrawal of the said circular.

In this regard, CCT Maharashtra viewed that the reasoning for the denial of transitional ITC has been well explained in the circular hence, there finds no justification to withdraw the circular. However, the issue is being referred to the Law committee.

Dr. P. D. Vaghela, Chief Commissioner, Gujarat stated that issues raised by Maharashtra (excluding the transitional issue) have been listed out by Gujarat also in the note submitted to Dy. CM of Gujarat for deliberation in the GoM.

Hon'ble Convenor, Shri Nitinbhai Patel also desired this issue needs to be examined as it is very important, but he suggested that issue of GST on redeveloped property it should not be linked with the current proposal. The present proposal to exempt supply of service related to construction rights where GST is payable should be considered.

| Recommendation by GoM: |
|---|
| <p>Accordingly, GoM recommended following-</p> <ul style="list-style-type: none">• Intermediate tax on development right, such as TDR, JDA, lease (premium), FSI shall be exempted both in its first supply and in its subsequent supplies for residential property only for which no completion certificate is issued at the time of supply.• Calculation for withdrawal of exemption and reversal of ITC credit to be worked out by the Fitment Committee for flats which are sold after issuance of completion certificate as no GST is payable on them.• Issues raised by CCT, Maharashtra relating to real estate sectors would be discussed in the joint meeting of Law Committee and Fitment Committee, to be placed before the GST Council. |

5. Summary listing of GoM recommendations:

- Effective GST @ 5% without ITC for non- affordable residential properties, and
- Effective GST @ 3% or less without ITC for affordable residential properties may be levied.
- Transitional provisions would be examined by the Fitment Committee.
- GoM has proposed to permit purchase of inputs, capital goods and input services upto 80% other than TDR (or similar rights) from a GST registered supplier only to maintain the integrity of the supply chain.
- It is also proposed that applicable tax rate on shortfall of purchases below this threshold limit will be on merit rate on RCM basis may be decided in the Fitment Committee.
- Definition of affordable housing may be revised which inter alia include -

The existing schemes of State and Central Government covered under GST notification No. 11/2017-Central Tax (Rate) dated 28th June, 2017.

And

An additional criteria of RBI's priority sector lending guidelines having financial limit of Rs. 30 lacs in non-Metro and Rs.45 lacs in metro cities.

- Definition of metropolitan city to be examined as the definition for banking purpose is very wide.
- Existing affordable housing shall also pay taxes as per the new rates for the remaining instalments.
- The proposed rate should apply only to the residential property
- The ITC reversal methodology, i.e. ITC required to be reversed with respect to commercial units in a mixed property (residential and commercial) under proposed tax structure may be decided by the Fitment Committee.
- GoM noted that there is no proposal for taxing land under this proposal.
- Stamp duty will continue to be levied by State Government as existing presently.
- Intermediate tax on development right, such as TDR, JDA, lease (premium), FSI shall be exempted both in its first supply and in its subsequent supplies for residential property only for which no completion certificate is issued at the time of supply.
- Calculation for withdrawal of exemption and reversal of ITC credit to be worked out by the Fitment Committee for flats which are sold after issuance of completion certificate as no GST is payable on them.

- Issues raised by CCT, Maharashtra relating to real estate sectors would be discussed in the Joint meeting of Law Committee and Fitment Committee, to be placed before the GST Council.

6. Further issues to be examined:

Hon'ble Minister from Punjab, Shri Manpreet Singh Badal subsequently forwarded in writing views on long term lease which he had explained in brief during the meeting. Similarly, Maharashtra has sent a note on various aspects of development rights and models practiced by industry. These proposals are under examination and data collection on the same is under process. So, these issues may be decided in subsequent meetings. It is proposed to examine them separately on merit and at present to finalise the proposal at hand.

Agenda Item 6: Draft notifications and Removal of Difficulty order giving effect to the decisions of 32nd GST Council Meeting regarding MSME (including small traders)

The GST Council in 32nd Meeting held on 10th January 2019, took the following decisions to give relief to MSMEs (including small traders):

(i) Increasing annual turnover threshold for registration for the suppliers of goods and the States shall have option to adopt one of the annual turnover threshold, namely Rs 20 lakh or Rs 40 lakh.

(ii) To provide a residual category of composition scheme for suppliers of services (or mixed suppliers) with a tax rate of 6% (3% CGST +3% SGST) who have an annual turnover upto Rs 50 lakhs in preceding financial year. The said scheme is to be made applicable to both service providers as well as suppliers of goods and services, who are not eligible for the presently available composition scheme for goods.

2. It was decided that the decisions are to be made operational from the 1st of April, 2019. Further it was also decided that till amendment in law is made, the decisions have to be made operational by way of notifications.

3. In this regard, draft notifications and removal of difficulty order were drafted and taken to the joint meeting of Fitment Committee and Law Committee held on 15.02.2019. In the said joint meeting of Fitment Committee and Law Committee, the draft notifications and removal of difficulty order were discussed and approved after incorporating certain changes.

4. The joint Fitment and Law Committee recommended that the notifications and removal of difficulty order may be placed before the GST Council for consideration and approval before issuance.

5. The notifications and removal of difficulty order shall be issued after due vetting by the Union Ministry of Law.

6. Draft notifications and removal of difficulty order are at **Annexure 1**.

Annexure 1

[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. /2019-Central Tax (Rate)

New Delhi, the stFebruary, 2019

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1) of section 9, sub-section (1) of section 11, sub-section (1) of section 16 of the Central Goods and Services Tax Act, 2017 (12 of 2017)(herein after referred to as the “said Act”), 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 goods or services or both as specified in column (1) of the Table, shall be levied at the rate specified in the corresponding entry in column (2), subject to the conditions as specified in the corresponding entry in column (3) of the table below, namely:-

TABLE

| Description of supply | Rate (per cent.) | Conditions |
|---|------------------------|---|
| (1) | (2) | (3) |
| First supplies of goods or services or both upto an aggregate turnover of fifty lakh rupees made on or after the 1 st day of April in any financial year, by a registered person | 3 | <p>1. Supplies are made by a registered person, -</p> <p>(i) whose aggregate turnover in the preceding financial year was fifty lakh rupees or below;</p> <p>(ii) who is not eligible to pay tax under sub-section (1) of section 10 of the said Central Goods and Services Tax Act;</p> <p>(iii) who is not engaged in making any supply which is not leviable to tax under the said Act;</p> <p>(iv) who is not engaged in making any inter-State outward supply;</p> <p>(v) who is neither a casual taxable person nor a non-resident taxable person;</p> <p>(vi) who is not engaged in making any supply through an electronic commerce operator who is required to collect tax at source under section 52; and</p> <p>(vii) who is not engaged in making supplies of the goods, the description of which is specified in column (3) of the Annexure below and falling under the tariff item, sub-heading, heading or Chapter, as the case may be, as specified in the corresponding entry in column (2) of the said annexure.</p> <p>2. Where more than one registered person are having the same Permanent account Number, issued under the Income Tax Act, 1961(43 of 1961), central tax on supplies by all such registered persons is paid at the rate specified in column (2) under this notification.</p> |

| | |
|--|---|
| | <p>3. The registered person shall not collect any tax from the recipient on supplies made by him nor shall he be entitled to any credit of input tax.</p> <p>4. The registered person shall issue, instead of tax invoice, a bill of supply as referred to in clause (c) of sub-section (3) of section 31 of the said Act with particulars as prescribed in rule 49 of CGST Rules.</p> <p>5. The registered person shall mention the words “taxable person paying tax in terms of notification No. __/2019-Central Tax (Rate) dated __.02.2019, not eligible to collect tax on supplies” at the top of the bill of supply issued by him.</p> <p>6. The registered person opting to pay central tax @ 3 per cent. under this notification shall thenceforth, be liable to pay central tax @ 3 per cent. on all outward supplies specified in column (1) notwithstanding any other notification issued under sub-section (1) of section 9 or under section 11 of this Act.</p> <p>7. The registered person opting to pay central tax @ 3 per cent. under this notification shall be liable to pay central tax on inward supplies on which he is liable to pay tax under sub-section (3) or, as the case may be, under sub-section (4) of section 9 of this Act at the applicable rates.</p> <p>Explanation.- For the purposes of this notification, the expression “first supplies of goods or services or both” shall, for the purposes of determining eligibility of a person to pay tax under this notification, include the supplies from the first day of April of a financial year to the date from which he becomes liable for registration under the Act but for the purpose of determination of tax payable under this notification shall not include the supplies from the first day of April of a financial year to the date from which he becomes liable for registration under the Act.</p> |
|--|---|

ANNEXURE

| Sl. No. | Tariff item, sub-heading, heading or Chapter | Description |
|---------|--|--|
| (1) | (2) | (3) |
| 1 | 2105 00 00 | Ice cream and other edible ice, whether or not containing cocoa. |
| 2 | 2106 90 20 | Pan masala |
| 3 | 24 | All goods, i.e. Tobacco and manufactured tobacco substitutes |

2. In computing aggregate turnover in order to determine eligibility of a registered person to pay central tax @ 3 per cent. under this notification, value of supply of exempt services by way of extending deposits, loans or advances in so far as the consideration is represented by way of interest or discount, shall not be taken into account.

3. *Explanation.* –For the purpose of this notification, -

(i) “tariff item”, “sub-heading”, “heading” and “chapter” shall mean respectively a tariff item, sub-heading, heading and chapters specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975).

(ii) the rules for the interpretation of the First Schedule to the said Customs Tariff Act, 1975 (51 of 1975), including 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 this notification.

4. This notification shall come into force on the 1st day of April, 2019.

[F. No.354/25/2019-TRU]

(Gunjan Kumar Verma)
Under Secretary to the Government of India

[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)
Notification No. /2019-Central Tax

New Delhi, the th February, 2019

G.S.R (E).- In exercise of the powers conferred by sub-section (2) of section 23 of the Central Goods and Services Tax Act, 2017 (12 of 2017)(hereafter referred to as the “said Act”), the Central Government, on the recommendations of the Council, hereby specifies the following category of persons, as the category of persons exempt from obtaining registration under the said Act, namely,-

Any person, who is engaged in exclusive supply of goods and whose aggregate turnover in the financial year does not exceed forty lakh rupees, except, -

- (i) persons required to take compulsory registration under section 24 of the said Act;
- (ii) persons engaged in making supplies of the goods, the description of which is specified in column (3) of the Annexure below and falling under the tariff item, sub-heading, heading or Chapter, as the case may be, as specified in the corresponding entry in column (2) of the said annexure; and
- (iii) persons engaged in making intra-State supplies in the States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Puducherry, Sikkim, Telangana, Tripura, Uttarakhand.

ANNEXURE

| Sl. No. | Tariff item, sub-heading, heading or Chapter | Description |
|---------|--|--|
| (1) | (2) | (3) |
| 1 | 2105 00 00 | Ice cream and other edible ice, whether or not containing cocoa. |
| 2 | 2106 90 20 | Pan masala |
| 3 | 24 | All goods, i.e. Tobacco and manufactured tobacco substitutes |

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

[F.No.354/25/2019-TRU]

(Gunjan Kumar Verma)
Under Secretary to the Government of India

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

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

**Removal of Difficulty
Order No. /2019-Central Tax**

New Delhi, the February, 2019

S.O.(E). --- Whereas, clause (c) of sub-section (3) of section 31 the Central Goods and Services Tax Act, 2017 (12 of 2017) (hereinafter referred to as the said Act) provides that a registered person supplying exempted goods or services or both or paying tax under the provisions of section 10 shall issue, instead of a tax invoice, a bill of supply, and therefore any person not covered by the said clause has to issue a tax invoice.

Now, therefore, in exercise of the powers conferred by section 172 of the Central Goods and Services Tax Act, 2017, the Central Government, on recommendations of the Council, hereby makes the following Order, to remove the difficulties, namely: —

1. Short title. —This Order may be called the Central Goods and Services Tax (Removal of Difficulties) Order No. 2 of 2019.
2. For the removal of difficulties, it is hereby clarified that provisions of section 31(3)(c) of CGST Act, 2017 shall apply to a person paying tax under notification No.____ dated____ published in the Gazette of India, Extraordinary, vide number G.S.R. No.____ (E), dated the ____th February, 2019.

[F.No.____/____/2019-GST]

(Gunjan Kumar Verma)
Under secretary to the Government of India



Additional agenda for 33rd GST Council Meeting

20 February 2019



File No: 53/33rd GSTCM/GSTC/2019
GST Council Secretariat

Room No.275, North Block, New Delhi
Dated: 12th February 2019

Notice for 33rd Meeting of the GST Council on 20th February 2019 through video conferencing

The undersigned is directed to refer to the subject cited above and to say that the 33rd Meeting of the GST Council will be held on 20th February 2019 (Wednesday) through **Video Conferencing** as follows:

- Wednesday, 20th February 2019 : 12:00 hours onwards
2. The agenda items for the 33rd Meeting of the GST Council will be communicated in due course of time.
 3. Respective State NIC units may be contacted for details regarding the Video Conference.
 4. Please convey the invitation to the Hon'ble Members of the GST Council to attend the meeting.

(-Sd-)
(Dr. Ajay Bhushan Pandey)
Secretary to the Govt. of India and ex-officio Secretary to the GST Council
Tel: 011 23092653

Copy to:

1. PS to the Hon'ble Minister of Finance, Government of India, North Block, New Delhi with the request to brief Hon'ble Minister about the above said meeting.
2. PS to Hon'ble Minister of State (Finance), Government of India, North Block, New Delhi with the request to brief Hon'ble Minister about the above said meeting.
3. The Chief Secretaries of all the State Governments, Delhi and Puducherry with the request to intimate the Minister in charge of Finance/Taxation or any other Minister nominated by the State Government as a Member of the GST Council about the above said meeting.
4. Chairperson, CBIC, North Block, New Delhi, as a permanent invitee to the proceedings of the Council.
5. Chairman, GST Network

Agenda Items for the 33rd Meeting of the GST Council on 20th February 2019

1. Confirmation of the Minutes of 32nd GST Council Meeting held on 10th January 2019
2. Deemed ratification by the GST Council of Notifications, Circulars and Orders issued by the Central Government
3. Decisions of the GST Implementation Committee (GIC) for information of the Council
4. Decisions/recommendations of the IT Grievance Redressal Committee for information of the Council
5. Recommendations of the GoM for boosting Real Estate Sector under GST regime
6. Draft notifications and Removal of Difficulty order giving effect to the decisions of 32nd GST Council Meeting regarding MSME (including small traders)
7. Any other agenda item with the permission of the Chairperson
8. Date of the next meeting of the GST Council

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Discussion on Agenda Items

Agenda Item 7: Any other agenda item with the permission of the Chairperson

Agenda Item 7(i): Interim Report of GoM on Lottery:

Following Agenda Items were taken up for discussion in the first meeting of Group of Ministers (GoM) on Lottery held on 18th February, 2019.

- (i) Whether or not disparity in the tax structure on lottery be continued;
- (ii) Find ways to curb illegal Lottery;
- (iii) Discuss issues related to Online Lottery.

2. The interim report of the GoM is attached as Annexure to this Agenda Item. Pursuant to the discussions, GoM on Lottery recommended the following on tax rates for consideration of the Council:

-

- (i) **A single rate of GST should be levied on lottery instead of existing two rates. (Presently, the lotteries run by the State are taxed at the rate of 12% whereas the lotteries authorized by State Government are taxed at the rate of 28%). A uniform rate would be in conformity with GST principles.**
- (ii) **Lottery is a sin/demerit good and should be taxed at high rate of GST. GST Council may take the final decision on the appropriate single rate of tax on lottery either at the rate of 28% or 18%.**

3. On issues of illegal lottery, online lottery etc, the GoM recommended that a Group of Officers may be constituted to study issues related to online lottery and illegal lottery trade and submit report on the following:

- (i) **Best practices of enforcement and compliance verification methods;**
- (ii) **Legal framework to check illegal lottery and regulate online lottery including international online lottery sold in India and suggest improvement in legal framework and IT methods for better compliance and checking evasion.**

4. The interim report of the Group of Ministers on Lottery is placed before the GST Council for consideration.

Interim report of the GOM on Lottery to be presented before the 33rd GST Council Meeting on 20th February 2019.

1. Introduction

In 32nd GST Council meeting held on 10.01.2019 at New Delhi, a GoM on Lottery was constituted. GST Council Secretariat vide its order dated 15.01.2019, constituted a 8 member GoM consisting of the following members:

| Sl. No. | Name | Designation and State | Details |
|---------|---------------------------|--|----------|
| 1 | Shri Sudhir Mungantiwar | Hon'ble Finance Minister, Govt. of Maharashtra | Convenor |
| 2 | Dr. T. M. Thomas Isaac | Hon'ble Finance Minister, Govt. of Kerala | Member |
| 3 | Dr. Amit Mitra | Hon'ble Finance Minister, Govt. of West Bengal | Member |
| 4 | Dr. Himanta Biswas Sharma | Hon'ble Finance Minister, Govt. of Assam | Member |
| 5 | Shri Mauvin Godinho | Hon'ble Minister for Panchayats, Govt. of Goa | Member |
| 6 | Shri Manpreet Singh Badal | Hon'ble Finance Minister, Govt. of Punjab | Member |
| 7 | Shri Krishna Byre Gowda | Hon'ble Minister of Rural Development, Law and Parliamentary Affairs, Govt. of Karnataka | Member |
| 8 | Shri Jarkar Gamlin | Hon'ble Minister, Taxes and Excise, Govt. of Arunachal Pradesh | Member |

2. Terms of Reference

2.1 The Terms of Reference of GoM on Lottery included the following:

- I. Whether the disparity in the tax structure on the same product/commodity be continued or a uniform rate be prescribed for both;
- II. Whether private persons authorized by States are misusing the lower rate and getting enriched themselves at the cost of the State and suggest measures to curb it;
- III. Examine any other legal issue related to enforcement, including the legal framework, so as to prevent evasion of tax on lottery and suggest appropriate tax rate to address the problem.

2.2 Following Agenda Items were taken for discussion in the first meeting of Group of Ministers (GoM) on Lottery held on 18th February, 2019 by video conference.

- (i) Whether or not disparity in the tax structure on lottery be continued (With reference to TOR I);
- (ii) Find ways to curb illegal Lottery (With reference to TOR II and III);
- (iii) Discuss issues related to Online Lottery (With reference to TOR III).

3. The first meeting of GoM on Lottery on 18th February 2019 was chaired by the convener of GoM Shri Sudhir Mungantiwar, Hon'ble FM of Maharashtra. The meeting was attended by

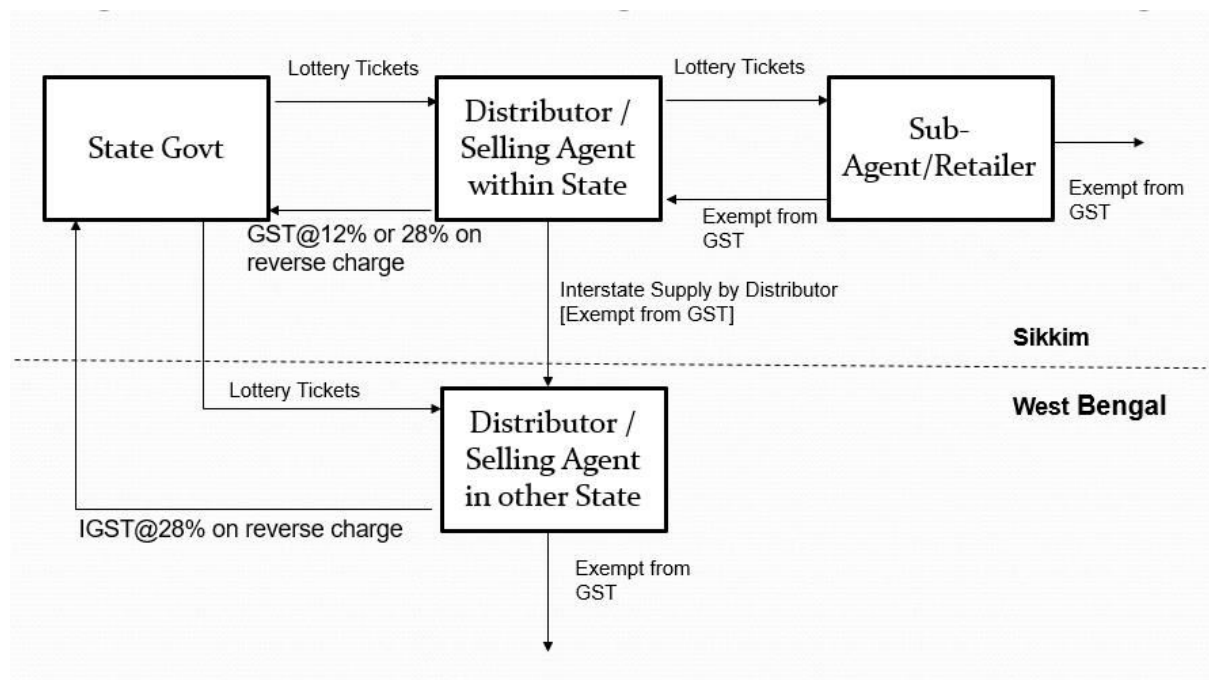
Hon'ble Ministers from Assam and Goa. States of West Bengal, Assam, Arunachal Pradesh, Karnataka were represented by Commissioners of State Tax.

4. Agenda Item 1: Whether or not disparity in the tax structure on lottery be continued

4.1 Lottery is an actionable claim, deemed to be goods. [Section 2(52) read with Schedule-III, Clause-6 of CGST Act]. GST@12% is levied on lottery run by State government [sold within the State, not outside; Sl. No. 242 of Notification No. 1/2017-CT(R)] and GST@28% is levied on lottery authorised by State government [sold within the State, and outside the State also; Sl. No. 228 of Notification No. 1/2017-CT(R)].

4.2 Also, the supply of lottery by a State Govt to a distributor is charged GST on reverse charge basis [Sl. No. 5 of Notification No.4/2017-Central Tax (Rate) dated 28.06.2017]. GST is exempt on supply of lottery by distributor/selling agents to sub-agents/retailers/customers [Sl. No. 149 of Notification No. 1/2017-CT(Rate) dated 28.06.2017].

4.3 Taxability of lottery business in GST is as follows: -



4.4 Current GST Revenue from Lottery

4.4.1 From Paper Lottery

Rs. crore

| S. No | State | 2017-18 (GST Period) | | | 2018-19 (Upto Dec'18) | | |
|-------|-------------|----------------------|-------------|-------------|-----------------------|-------------|--------------|
| | | 12% | 28% | Total | 12% | 28% | Total |
| 1 | West Bengal | 5.51 | 1820.10 | 1825.61 | 124.51 | 2112.80 | 2237.31 |
| 2 | Kerala | 841 | Nil | 841 | 725.34 | Nil | 725.34 |
| 3 | Maharashtra | 7.15 | 27.94 | 35.09 | 8.11 | 32.84 | 40.95 |
| 4 | Goa* | Nil | 269.69 | 269.69 | Nil | 140.71 | 140.71 |
| 5 | Punjab | 2.71 | 3.83 | 6.54 | 5.17 | 3.90 | 9.07 |
| 6 | Sikkim | Nil | Nil | Nil | Nil | Nil | Nil |
| 7 | Arunachal* | Nil | 2.66 | 2.66 | Nil | 10.64 | 10.64 |
| 8 | Nagaland | | | | | | |
| 9 | Mizoram | | | | | | |
| 10 | Assam | | | | | | |
| | Total | 856.4 | 2124 | 2981 | 863 | 2301 | 3164 |

* - Value computed on proportional basis

4.4.2 From Online Lottery

Rs. crore

| S. No | State | 2017-18 (GST Period) | | | 2018-19 (Upto Dec'18) | | |
|-------|-------------|----------------------|------------|------------|-----------------------|------------|---------------|
| | | 12% | 28% | Total | 12% | 28% | Total |
| 1 | West Bengal | Nil | Nil | Nil | Nil | Nil | Nil |
| 2 | Kerala | Nil | Nil | Nil | Nil | Nil | Nil |
| 3 | Maharashtra | Nil | 719.93 | 719.93 | Nil | 304.41 | 304.41 |
| 4 | Goa* | Nil | 40.53 | 40.53 | Nil | 21.14 | 21.14 |
| 5 | Punjab | Nil | 54.97 | 54.97 | Nil | 25.53 | 25.53 |
| 6 | Sikkim | Nil | 0.39 | 0.39 | Nil | 1.10 | 1.1 |
| 7 | Arunachal* | - | - | - | Nil | 162.28 | 162.28 |
| 8 | Nagaland | | | | | | |
| 9 | Mizoram | | | | | | |
| 10 | Assam | | | | | | |
| | Total | 0 | 816 | 816 | 0 | 514 | 514 |

* - Value computed on proportional basis

4.4.3 States were requested to verify and confirm the data on GST revenue from lottery and also make data available where missing. Maharashtra has since updated the data.

4.5 State Governments from North East, Goa and trade have represented and requested that the differential rate of tax on lottery be removed. Two rates of GST create entry barriers for trade. High difference of 16% between two rates is causing lotteries of smaller States not getting market outside the State. Lottery royalty/license payment to States gets affected by the volume of business. GST was expected to create one pan India market and this goal is getting defeated in the case of lottery.

4.6 Apart from above, there is only one definition of Lottery under Section 4 of the Lotteries Regulations Act, 1998. Two tax rates are also against the provisions of the Competition Act, 2012. Such discrimination does not exist in any other category of products. As far as the tax rate is concerned, lottery is a sin/demerit good whose consumption should be discouraged and therefore lottery merits levy of GST at a high rate.

4.7 Record of Discussions of GoM on Agenda Item No 1

4.7.1 In his opening remarks, the Hon'ble Convener of the GoM welcomed all the members and requested members of GoM to give their views on the above agenda item. Hon'ble Minister of Goa suggested that two rates of GST on lottery should be removed as such dual rates has affected the revenues of Goa. CCT, Karnataka observed that such two rates on lottery may lead to classification issues, thereby, forcing enforcement measures to prevent any revenue loss. CCT, Karnataka also pointed out that rate differential also exists in transport of goods by railways (Comment: However, railway is not allowed major portion of input tax credit while paying tax@5%). Nominated officer from Arunachal Pradesh suggested that a single rate of GST at 12% or 18% be applied on lottery. Hon'ble FM of Assam observed that two rates of GST have adversely affected revenue and market access for smaller North East States as a high difference of 16% is acting as market barrier for the smaller States. He suggested to levy a single rate of GST at 28% on lottery as goods without differentiating on the ground whether lottery is run by the State or authorised by the State Government. Further, he stated that lottery being a sin good, cess deserves to be imposed on supply of lottery. He also observed that the Court judgements have upheld the previous recommendations of the GST Council on two rates of lottery and such judgements *per se* do not bar the GST Council to prescribe a single rate of GST on lottery. The Secretary of GoM communicated the view of the Central Government that a single rate of tax be levied on lottery as GST has converted India into a single unified market. Further since lottery is a demerit/sin good, a high tax rate should be levied on lottery. CCT, West Bengal communicated the views of Hon'ble FM of West Bengal that any changes in GST rates on lottery may be deferred till the Lok Sabha elections, the subject being sensitive. She also pointed out that the concept of State run and State authorised lottery has been approved judicially. Hon'ble Minister of Maharashtra opined that very high rate leads to grey market and a balanced view needs to be taken while making the rate uniform. Hon'ble Minister of Maharashtra concluded with the suggestion that a single rate of GST at 18% or 28% may be levied on lottery as decided by GST Council.

4.8 In view of the above discussions, for Agenda item 1, the GoM decided to recommend to GST Council the following: -

(1) A single rate of GST should be levied on lottery instead of existing two rates. (Presently, the lotteries run by the State are taxed at the rate of 12% whereas the lotteries authorized by State Government are taxed at the rate of 28%). A uniform rate would be in conformity with GST principles.

(2) Lottery is a sin/demerit good and should be taxed at high rate of GST. GST Council may take final decision on the appropriate single rate of tax on lottery at either 28% or 18%.

5. Agenda Item 2: Rise of Illegal Lottery Trade

5.1 Illegal lottery has increased in the GST era due to high incidence of tax at 28% or 12% on the face value of lottery and two rates of tax when compared to pre-GST era tax incidence of around 9.68% on the face value. Lottery trade resorts to various modes of illegal lottery trade to avoid tax.

5.2 Some of the methods of illegal lottery are as follows: -

- a) Printed Illegal Lottery: No logo of the Organizing State is generally printed on the ticket. The ticket does not bear the signature of the Lottery Director or the Secretary. There is no name of the organizing State mentioned on the ticket.
- b) Scratch Coupons: Scratch coupons are not actually Lottery. In a lottery, the ticket is bought first and a result is drawn later. But in the case of a scratch coupon, the result has already been drawn and the customer has to simply scratch the coupon that he has purchased and tally the number with the winning number that is already declared.
- c) Handwritten Chits (Matka): These are bets placed by customers on certain numbers. No tickets are printed in this type and the customer is given a handwritten chit against the number he has played.
- d) Parallel Illegal Lottery: Illegal lottery is played under the garb of legal lottery in this mode. The terminal operator has a legal lottery operational at his terminal. The terminal operator uses all the legal infrastructure (like the PC, printer, ticket, TV screen, and the result) to run his illegal lottery with the help of a CD or pen drive.
- e) Virtual Illegal Lottery: No prints or handwritten chits are given to the customer in this type of illegal lottery. The customer is asked to select a number and only a photograph of that number is sent through WhatsApp.

5.3 Record of Discussions of GoM on Agenda Item No 2

5.3.1 Hon'ble Convener of GoM observed that illegal lottery trade has become a menace to society adversely affecting tax collection and suggested to constitute a Committee of Officers to study the matter. He also suggested that stringent punishment must be prescribed in lottery laws and regulations for dissuading matka/illegal lottery. Hon'ble Minister of Goa observed that illegal lottery trade, especially handwritten chits without printed tickets (Matka), is prevalent in Goa also. CCT, Karnataka observed that illegal lottery trade has wider implications and officers from other departments may also be included in the Committee of Officers. CCT, West Bengal emphasized that there is increase in GST revenue in the State due to better enforcement measures and banning of the online lottery.

6. Agenda Item 3: Issues related to Online Lottery

6.1 The Central Government framed the Lotteries (Regulation) Rules, 2010 (in short ‘the Rules’) under sub-section (1) of Section 11 of the Lottery Regulation Act, 1998 (in short ‘Act’) The online Lottery has been defined under Rule 2(1)(e) which is as under-

(i) *“‘online lottery’ means a system created to permit players to purchase lottery tickets generated by the computer or online machine at the lottery terminals where the information about the sale of a ticket and the player’s choice of any particular number or combination of numbers is simultaneously registered with the central computer server;”*

(ii) Rule 3 permitted the State Government to organize a paper lottery or online lottery or both subject to the conditions specified in the Act and these rules.

(iii) At present, Kerala and West Bengal do not organise online lottery. Online lottery is present in Maharashtra, Punjab, Sikkim, Mizoram, Nagaland, Goa, Assam (Bodoland Territory Council) and Arunachal Pradesh.

6.2 The issues related to online lottery are many. They include no clear legal frame work to control the online lottery trade. There are problems of tax administration in IT spaces such as server location and data access, user validation, quantification etc. The shifting of paper lottery to online lottery may lead to loss of tax revenue. The consuming States have no data access to the online lottery trade. Also, there are several international online lottery players selling lottery illegally in India.

6.3 Record of Discussions of GoM on Agenda Item No 3

6.3.1 Secretary to GoM started the discussions by observing that online lottery needs to be regulated and controlled in order to increase the GST revenue and suggested to GoM to constitute a Committee of Officers to study the issues related to online lottery in detail. Hon’ble Minister of Goa suggested suitable guidelines for regulating online lotteries. CCT, Karnataka observed that online lottery issues are complex and needs a detailed study. Hon’ble Convener of GoM suggested to constitute a Committee of Officers to study online lottery issues and submit a report to GoM in the next meeting of the GST Council. Hon’ble Minister of Goa suggested that issues relating to casinos may be taken up in subsequent meeting.

6.4 The GoM recommended to GST Council on the above agenda item no 2 and 3 as follows: -

A Group of Officers may be constituted to study issues related to online lottery and illegal lottery trade and submit report on –

- (i) Best practices about enforcement and compliance verification methods.**
- (ii) Legal framework to check illegal lottery and regulate online lottery including international online lottery sold in India and suggest improvement in legal framework and IT methods for better compliance and checking evasion.**

Addendum to Agenda Item 5 (Recommendations of the GoM for boosting Real Estate Sector under GST regime) – Record of discussion of Fitment Committee held on 23/4/19.

The GST Council in its 33rd Meeting on 20th February, 2019 had directed that the Fitment Committee may work out the operational requirements and examine other issues raised by the States with regard to the recommendations of the GoM for boosting Real Estate, and to submit a report when the Council resumes the meeting on 24th February, 2019. The issues involved were examined by the Fitment Committee in its meeting held on 23rd February, 2019.

2. The views and suggestions of the Fitment Committee on issues related to each recommendation of the GoM are as under:

I. Rate of tax

GoM recommendations before the GST Council for consideration

- Effective GST @ 5% without ITC on non- affordable residential properties, and
- Effective GST @ 3% or less without ITC on affordable residential properties may be levied.

Fitment Committee's view:

Regarding affordable residential properties many officers felt that rate of 3% appears to be higher and effective rate of 1% without ITC would be appropriate.

II. Definition of affordable housing

GoM recommendation before the GST Council for consideration

Definition of affordable housing may be revised to, inter alia, include -

- The existing schemes of State and Central Government covered under GST notification No. 11/2017-Central Tax (Rate) dated 28th June, 2017.

And

- An additional criteria of RBI's priority sector lending guidelines having financial limit of Rs. 30 lacs in non-Metro and Rs. 45 lacs in metro cities.
- Definition of metropolitan city to be examined as the definition for banking purpose is very wide.
- Existing affordable housing shall also pay tax as per the new rates for the remaining instalments.

Fitment Committee's suggestion:

Metropolitan Cities should include only Bengaluru, Chennai, Delhi NCR (limited to Delhi, Noida, Greater Noida, Ghaziabad, Gurgaon, Faridabad), Hyderabad, Kolkata, Mumbai (MMR).

III. Safeguards to maintain the integrity of supply chain and protect revenue **GoM recommendations before the GST Council for consideration**

- Purchase of inputs, capital goods and input services other than TDR (or similar rights) from a GST registered supplier to be minimum 80% to maintain the integrity of the supply chain.
- Applicable tax rate on shortfall of purchases below this threshold limit will be on merit rate on RCM basis may be decided in the Fitment Committee

Issues raised by the States:

1. **Issue:** What should be the applicable rate on the shortfall to meet the condition of mandatory sourcing of 80% from registered person?

2. Issue: Which supplies should be subjected to GST under RCM, as merit rate across the supplies would vary, and the registered entity may simply opt to pay GST under RCM on the supplies attracting lowest GST rate.

Fitment Committee's suggestion:

- (i) Tax rate on such shortfall may be fixed at flat rate of 18% with Cement as exception.
- (ii) Cement, in case procured from unregistered person, shall be charged at 28% on RCM basis.

3. Issue: The inputs may be procured on basis of fake invoices etc to meet the mandatory purchase requirement. For properly ensuring integrity of the credit chain, the cap may be increased to 90%.

Fitment Committee Recommendations:

- (i) The method of apportionment may be made through GSTR 3B to make it similar to ITC procedure.
- (ii) Further, where supply has been shown to be received from a GST registered person who is non-existent, it shall be deemed that the purchase has been made from a non-registered person.
- (iii) RCM payment to be done on pro-rata basis, every month, to be adjusted at the end of the year.

(Fitment Committee was of the view that the proposal may be simplified by shifting tax liability on all purchases from unregistered persons on the developers under RCM at the merit rate of each purchase.)

4. Issue: 80% limit should be applied only to building materials which go into the construction and should not include capital goods of the builder.

Fitment Committee' suggestion:

Capital goods to be procured only from registered person, and shall not be used for computing the 80:20 ratio (neither in numerator nor in denominator)

5. Issue: With regard to 80% mandatory sourcing, there is lack of clarity whether the requirement of 80% will be for a project or a registration.

Fitment Committee Recommendation:

80:20 ratio shall be verified for residential property at the end of the year and at the end of the project.

IV. Transitional provisions and detailing issues pertaining to mixed properties (residential and commercial) under proposed tax structure

GoM recommendations before the GST Council for consideration

- The proposed rate should apply only to the residential property.
- The ITC reversal methodology, i.e. ITC required to be reversed with respect of commercial units in a mixed property (residential and commercial) under proposed tax structure may be decided by the Fitment Committee.

1. Issue: Transition provisions for ongoing projects

Principles agreed upon by Fitment Committee:

- (i) ITC shall be available only to the extent (calculated on pro-rata basis) of the value of the supply made out of the total value of supply for the project till the date of transition. ITC taken less vis-à-vis the supply made shall be

quantified and can be used to adjust the future tax liability. ITC taken in excess of supply made (calculated on pro-rata basis) shall be recovered.

- (ii) The ITC with respect to work in progress and inputs lying in stock shall lapse.
- (iii) The ITC balance lying in the ledger after paying the liability relating to supplies made prior to the date of transition shall lapse.
- (iv) The above principles shall apply to such residential and residential cum commercial properties to which the new tax rate applies.
- (v) Credit pertaining to Capital Goods shall be distributed between residential and commercial property on pro-rata basis. Life cycle of capital goods shall be considered 60 months. ITC reversal on capital goods to the extent of the remaining part of life cycle after 01.04.2019 and utilized in projects to which above rate applies shall be done.

2. Issues pertaining to Mixed Immovable Properties:

Concern was raised by States in the meeting that in case of supplies of mixed nature i.e. residential cum commercial properties, commercial construction up to certain percentage of the overall construction should be allowed as such segregation would be a problem for small builders.

Fitment Committee's suggestion:

- (i) In mixed properties commercial portion to be allowed upto 15% (on carpet area basis). The commercial property in such mixed properties shall attract GST @ 5% in case of both affordable housing and non affordable housing complex.

(ii) The mixed property which is not eligible for the new tax rate (i.e cases where percentage of commercial property exceeds 15%), shall be taxed as follows:

- a) Commercial property shall be taxed at the merit rate as operational now along with ITC facility.
- b) Residential property shall be taxed at new rate without ITC.
- c) The ITC in relation to the residential property shall not be eligible (to be lapsed as per the design of the new scheme).
- d) For the mixed property transition treatment in relation to residential property shall be the same as for the main transition provisions (as per principles detailed at Issue 1 above).

V. Procedure to implement exemption on transfer of development rights, development rights in a joint development agreements (JDA), long term lease (premium), FSI and other similar rights and modalities of calculation for withdrawal of exemption and reversal of ITC credit

GoM recommendations before the GST Council for consideration

- Intermediate tax on development right, such as TDR, JDA, lease (premium), FSI shall be exempted both in its first supply and in its subsequent supplies for residential property only for which no completion certificate is issued at the time of supply.
- Calculation for withdrawal of exemption and reversal of ITC credit to be worked out by the Fitment Committee for flats which are sold after issuance of completion certificate as no GST is payable on them.
- Issues raised by CCT, Maharashtra relating to real estate sectors would be discussed in the joint meeting of Law Committee and Fitment Committee, to be placed before the GST Council.

Issues raised by States:

1. Issue: Regarding withdrawal of tax exemption on TDR etc. in respect of completed properties

- Valuation of the property unsold at the time of issuance of completion certificate is difficult to ascertain and becomes further complex, if it is put to self use.
- Value of property sold from time to time will change even though the inputs used are largely same, hence reversal may be adversely affected.
- Under construction commercial properties attract standard GST rate with ITC, this will result in huge evasion by booking credits against projects that are taxable
- To tax premiums on such long term leasing @18% for completed properties may result in a situation where GST on such rights itself may be higher than 5% of the full value of the completed properties.

Fitment Committee's Recommendations:

- (i) It is proposed that the withdrawal of exemption on TDR, Long Term lease (premium) etc. attributable to property remaining unsold on completion may be done as per the following formula:

GST payable on TDR, Long term lease (premium), FSI etc. attributable to immovable property for which completion certificate(CC) has been received during the relevant return period X (Total area of residential property unsold on the date of issuance of CC ÷ Total area of the residential property in respect of which CC has been issued during the relevant return period).

- (ii) Liability to pay GST on development rights, long term lease of land (premium), FSI etc. shall be shifted to the date of issuance of completion certificate under section 148, so that the interest liability starts after issuance of completion certificate and not from the time of supply.
- (iii) Liability to pay GST on TDR etc may be placed on the recipient under RCM.
- (iv) Further the withdrawal may be limited to 5% (1% in case of affordable) of value of unsold property.
 - a) On unsold residential property (unsold at the time of issuance of completion certificate): GST to be levied on transfer of development rights (TDR), long term lease of land (premium) or FSI at merit rate and the tax payable shall not exceed 5% (1% for affordable) of the gross value of unsold residential property.
 - b) Unsold commercial property (unsold at the time of issuance of completion certificate) : GST to be levied on transfer of development rights (TDR), long term lease of land (premium) or FSI at merit rate and shall not exceed 5% of the gross value of unsold commercial property.
- (v) Value of unsold property may be deemed to be the value of the property sold nearest to completion.
- (vi) Value of supply of service by way of transfer of development rights or FSI by a person to the builder/developer against consideration in the form of constructed dwelling or commercial units shall be deemed to be equal to the value of similar dwelling or commercial units charged by the builder/developer from the independent buyers nearest to the date on which such development rights or FSI is transferred to the builder/developer.

Fitment Committee Comments:

Regarding the issue of withdrawal of exemption of tax exemption on TDR, long term lease (premium) etc, concern has been raised to ensure that the tax liability arising due to withdrawal of exemption on account of unsold property does not exceed 5% (1% for affordable housing) of the value of unsold property. In case where it exceeds, it shall result in a situation where the effective tax paid on the unsold property is more than tax paid on property sold prior to issuance of completion certificate, thereby creating differential tax treatment for the two properties. To address this issue, it has been proposed to cap the tax liability arising out of such withdrawal of exemption to the amount that would have been payable assuming that such property were sold prior to issuance of completion certificate.

2. Issue: Operation of withdrawal of exemption in case of Co-Developer model of JDA

Fitment Committee Recommendation:

- (i) In case of unsold property in Co-Developer model (unincorporated Association of Person, i.e of land owner(s) and developer(s)):
 - a) The liability to pay GST on the supply of construction service shall be upon the co-developers respectively for their respective portions of immovable property sold before completion.
 - b) The liability for reversal of exemption on TDR in respect of property remaining unsold in the hand of co-developers shall be on the respective co-developers in whose hands the unsold properties remain. In this case the responsibility of not availing ITC on inputs and input services shall rest on the person supplying works contract who is part of the unincorporated AoP.

- (ii) In case a partnership is created for such developments the liability of GST as well as TDR(on withdrawal of exemption) shall be on the partnership.

3. Issue: Apportionment of ITC for blockage between different projects, i.e. between commercial and residential projects and between immovable property sold before and after issuance of completion certificate.

Fitment Committee Recommendations:

(i) Apportionment between residential and commercial project: It shall be done on self assessment basis by the developer. The same shall be subject to audit and intelligence based enforcement. Guidelines to apportion the purchases between residential and commercial projects are as under:

- Purchases exclusively for commercial property may be apportioned to commercial projects.
- Purchases exclusively for residential property may be apportioned to residential projects.
- Purchases common to both commercial and residential construction may be apportioned in the ratio of the carpet area of residential and commercial projects under construction.
- 80:20 ratio shall be verified for residential segment at the end of the year and at the end of the project.

(ii) Apportionment between immovable property sold “before Completion certificate” and “after Completion certificate”: This shall not be required as ITC will not be available in both the cases.

VI. Other issues which were mentioned on 20/2/19.

1. Issue: The date of implementation of the proposed scheme should be 1st April 2019.

Fitment Committee Comment:

The compliance burden shall be reduced if the scheme is implemented from new financial year. Further it shall give time to the industry to make transition to the new tax structure.

2. Issue: Whether the scheme is to be made optional or mandatory?

Fitment Committee Comments:

The scheme may be made optional for the ongoing projects as it shall ease the compliance burden and avoid the ordeal of transition provision compliance.

3. Issue: To keep long term lease and TDR outside the GST for all purposes and leave them exclusively for States until real estate is fully brought in GST. Definition of immovable property under General Clauses Act defines it to include both land as well as the benefits arising out of land

Fitment Committee Comments:

- General clauses Act does not define land. [It defines "immovable property" according to which immovable property shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth.]
- What has been kept out of GST is supply of land and buildings and not benefits arising out of land.

- Para 2 of Schedule II to the CGST Act states that any lease, tenancy, easement, license to occupy land is a supply of service.
- In the WP 12194/2017 in the case of Builders Association of Navi Mumbai vs Government of India and others, the Hon'ble Bombay High Court has unequivocally held that the demand for payment of GST on the supply of land on lease, the consideration for which is in the form of one time lease premium, is in accordance with the law. The High Court has held as under:
 - *“The substantive provision section 7 in clearest terms says that the activities specified in Schedule I made or agreed to be made without a consideration and the activities to be treated as supply of goods or supply of services referred to in Schedule II would be included in the expression “supply”. However, clause (a) of sub-section (1) of section 7 includes all forms of supply of goods or services or both such as sale, transfer, barter, exchange, licence, rental, lease or disposal made or agreed to be made for a consideration by a person in the course or furtherance of business. We referred to the definitions simply to reinforce our conclusion that the CIDCO is a person and in the course or in furtherance of its business, it disposes of lands by leasing them out for a consideration styled as one-time premium. Therefore, if one refers to Schedule II, section 7, then, Item No. 2 styled as land and building and any lease, tenancy, licence to occupy land is a supply of service. Any lease or letting out of a building, including commercial, industrial or residential complex for business, either wholly or partly is a supply of service. It is settled law that such provisions in a taxing statute would have to be read together and harmoniously in order to understand the nature of the levy, the object and purpose of its imposition. No activity of the nature mentioned in the inclusive*

provision can thus be left out of the net of the tax. Once this law, in terms of the substantive provisions and the Schedule, treats the activity as supply of goods or supply of services, particularly in relation to land and building and includes a lease, then, the consideration there for as a premium/one-time premium is a measure on which the tax is levied, assessed and recovered. We cannot then probe into the legislation any further.”

- As regard levy of stamp duty on long term lease of land, it is submitted that stamp duty is payable on renting of immovable property for even 1 year or shorter. Stamp duty is also payable on insurance policies and sale of ships and vessels. The fact is that Stamp duty is payable on conveyance document and not on supply and therefore has no relevance in determining taxability of a supply covered under GST.

Fitment Committee’s view: Therefore, there is no legal challenge to levy of GST on supply of development rights or long term lease of land.

- 4. Issue:** Deeming fiction of abatement for value of land encroaches upon power of the State to tax Land.

Fitment Committee Comments:

- Supply of construction services is a continuous service, payment of which is made in installments by the buyer. Tax is payable on each installment. To provide abatement of actual value of land in each installment will place huge compliance burden on the developer, particularly because value of land will fluctuate over the period of construction.

- Price at which the developer purchased the land cannot be taken as a basis to value the land or undivided share of land transferred to the buyer of the flat as it may increase by the time it is transferred to the buyer and moreover, builder may charge a higher price.
- In taxation, machinery provisions can be made for approximations.
- Furthermore, if the tax liability is calculated on property by providing actual abatement and subjecting high end property to higher GST rate and treating the same to the effective rate of 5% with deemed abatement, it results into comparable tax incidence.

$\text{Tax} = \text{Value} \times \text{Rate}$ [Value = 100]

(i) at 33% abatement and 7.5% tax rate;

$\text{Tax} = 100 \times 7.5\% \times 67\% = \text{Rs } 5$

(ii) at 50% abatement and tax rate of 10.5%

$\text{Tax} = 100 \times 10.5\% \times 50\% = \text{Rs } 5.25$

- **Fitment Committee's view: Therefore, the issue raised does not impact the proposal to implement the GoM recommendations.**

5. **Issue:** To bring real estate into GST

Fitment Committee Comments:

It involves larger issue of taxation of land and would require changes in the Act. A committee may be constituted to work out the details.

VII. Other issues which would be examined in due course of time-

1. Cancellation of booking of flats
2. Surrender / relinquishment of tenancy rights.

3. Exemption of long term lease(30 years or more) in all situations, excluding the present exemptions.
