सुरेन्द्र नाथ त्रिपाठी, भा.प्र.से. अपर सचिव एवं विकास आयुक्त (सू.ल. और म.उ.)

Surendra Nath Tripathi, IAS

Additional Secretary & Development Commissioner (MSME)





मारत सरकार सूक्ष्म, लघु एवं मध्यम उद्यम मंत्रालय निर्माण भवन, नई दिल्ली—110108

GOVERNMENT OF INDIA
MINISTRY OF
MICRO, SMALL & MEDIUM ENTERPRISES
NIRMAN BHAWAN, NEW DELHI-110 108

Dated the 21st November, 2016

Dear All

Enclosed please find herewith a copy of Goods & Services Tax – Concept Note & Status and Power Point presentation in PDF form for information and necessary action at your end.

Introduction of Goods and Services Tax (GST) is the most important reform of Indirect tax system in the country, made possible by Constitution (One Hundred and First Amendment) Act, 2016. Indirect tax structure in India is highly complex with hidden costs for trade and industry. Non uniformity across the States, cascading of taxes due to 'tax on tax' and multiplicity of taxes in the current tax laws are huge deterrents for the businesses. Introduction of GST will simplify the system, broaden the tax base and improve tax compliance.

Impact of GST's introduction will be felt by all the sectors of Indian economy. Although its benefits will start flowing right from the beginning, various stakeholders need to be familiarized with the new taxation system to ensure smooth transition. Senior government officials can contribute to this in a major way by educating the different stakeholders.

I would request you to organize a seminar / discussion with the Industry Associations and other stakeholders at your level at the earliest and undersigned may be informed about action taken in this regard. This is urgent.

Encl.: As above

Yours sincerely,

(Surendra Nath Tripathi)

To

All MSME-DIs / MSME-TCs

/ Tool Rooms

GOODS & SERVICES TAX (GST)

PRESENTATION PLAN

- **❖ EXISTING INDIRECT TAX STRUCTURE**
- ❖ WHY GST . PERCEIVED BENEFITS
- ❖ FEATURES OF CONSTITUTION AMENDMENT ACT (CAA)
- ❖ GST COUNCIL
- FEATURES OF DRAFT GST LAW (MGL)
- ❖ GSTN
- WAY FORWARD

EXISTING INDIRECT TAX STRUCTURE

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EXISTING INDIRECT TAX STRUCTURE





WHY GST?

PERCEIVED BENEFITS

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WHY GST. PERCEIVED BENEFITS

- ❖ To Trade
 - Reduction in multiplicity of taxes
 - ☐ Mitigation of cascading/ double taxation
 - ☐ More efficient neutralization of taxes for exports
 - ☐ Development of common national market
 - □ Simpler tax regime
 - Fewer rates and exemptions
 - Distinction between Goods & Services no longer required

- ❖ To Consumers
 - ☐ Simpler Tax system
 - Reduction in prices of goods & services due to elimination of cascading
 - Uniform prices throughout the country
 - Transparency in taxation system
 - Increase in employment opportunities

FEATURES OF CONSTITUTION AMENDMENT ACT (CAA)

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FEATURES OF CAA....

- CAB passed by Rajya Sabha on 03.08.2016 & Lok Sabha on 08.08.2016
- Notified as Constitution (101st Amendment) Act, 2016 on 08.09.2016
- Key Features.
 - □ Concurrent jurisdiction for levy & collection of GST by the Centre & the States Article 246A
 - ☐ Centre to levy & collect IGST on supplies in the course of inter-State trade or commerce including imports – Article 269A
 - to be apportioned between Union & States on recommendations of the GST Council (GSTC)
 - Place of Supply Rules will be as decided by the Parliament

....FEATURES OF CAA....

Key Features (contd.).

- □ Compensation for loss of revenue to States for five years on recommendation of GSTC Clause 19
- □ Goods includes all materials, commodities & articles Article 366 (12)
- □ Services means anything other than goods Article 366 (26A)
- ☐ GST defined as any tax on supply of goods or services or both other than on alcohol for human consumption Article 366 (12A)
- □ GST on petroleum crude, high speed diesel, motor spirit (commonly known as petrol), natural gas & aviation turbine fuel to be levied from a later date on recommendations of GSTC

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....FEATURES OF CAA....

Key Features (contd.).

- ☐ GSTC Article 279A
 - To be constituted by the President within 60 days from the coming into force of the Constitution Amendment
 - Consists of Union FM & Union MOS (Rev) and Ministers in charge of Finance / Taxation of each State
 - Chairperson Union FM
 - Vice Chairperson to be chosen amongst the Ministers of State Government
 - Quorum is 50% of total members
 - Decisions by majority of 75% of weighted votes of members present & voting

....FEATURES OF CAA

- * Key Features (contd.).
 - ☐ GSTC Article 279A
 - Weightage of votes.
 - o Centre − 1/3rd of total votes cast
 - o States (all taken together) 2/3rd of total votes cast
 - · Council to be guided by need for
 - o a harmonized structure of GST; and
 - o a harmonized national market for goods & services
 - Council to make recommendations on
 - o Taxes, etc. to be subsumed in GST
 - Exemptions & thresholds
 - o GST rates
 - o Band of GST rates
 - o Model GST Law & procedures

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GST COUNCIL

GST COUNCIL

- ❖ GST Council constituted w.e.f. 12.09.2016
- Four Meetings held so far. Decisions
 - ☐ Threshold limit for exemption to be Rs. 20 Lakhs (Rs. 10 lakhs for special category States)
 - ☐ Compounding threshold limit to be Rs. 50 Lakhs not permissible to manufacturers and service providers
 - ☐ Government may convert existing area based exemption schemes into refund based scheme
 - □ Formula for calculating compensation finalized
 - □ Tax rate structure 0%, 5%, 12%, 18%, 28%, special rate for Gold & Cess on certain luxury items and SIN goods

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FEATURES OF DRAFT GST LAW (MGL)

FEATURES OF MGL.... VATI Excise Sales Tax Entertainment Surcharges & Tax (not levied Cesses Additional by local bodies) Surcharge & duties of excise entra Purchase Central Sales Tax Taxes Tax levice mider Taxes on lottery. Tax betting & Additional Luxury gambling duties of & SADY Central & State Taxes to be subsumed in GST

....FEATURES OF MGL....

- Destination-based Consumption Taxation
- Tax on supply of goods or services rather than manufacture / production of goods, provision of services or sale of goods
- On Intra-State supplies of goods or services CGST & SGST shall be levied by the Central and State Government respectively, at the rate to be prescribed
- On Inter -State supplies of goods or services IGST shall be levied by the Central Government, at the rate to be prescribed
- Elaborate provisions for determining place of supply
 - Intra-State where location of the supplier and place of supply are in the same State
 - Inter-State. where location of the supplier and place of supply are in different States

- Export of goods / services Zero rated
- All goods or covered under GST except.
 - ☐ Alcohol for human consumption State Excise + VAT
 - □ Electricity Electricity Duty
 - □ Sale / purchase of Real Estate Stamp Duty + Property Taxes
- Five specified petroleum Products to be brought under GST from a later date on recommendation of GSTC
- ❖ Tobacco Products under GST + Central Excise
- Provision for levy of tax at fixed rate on aggregate turnover up to a prescribed limit in a financial year (composition scheme) without participation in ITC chain
 - □ Not for manufacturers and service providers

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....FEATURES OF MGL....

* Registration.

- ☐ PAN based State wise Registration
- ☐ Liability to be registered.
 - Every person who is registered or who holds a license under an earlier law
 - Every person whose turnover in a year exceeds the threshold
- ☐ A person, though not liable to be registered, may take voluntary registration
- ☐ Certain suppliers liable for registration without threshold
- ☐ Registration to be given by both Central and State Tax Authorities on a common e-application

Registration (cont.).

- ☐ Deemed registration after three common working days from date of application unless objected to
- □ Self –serviced Amendments except for certain core fields
- ☐ Provision for surrender of registration and also for suo-moto cancellation by the tax authorities

* Payment.

- □ Liability to pay tax arises only when the taxable person crosses the exemption threshold
- ☐ System of electronic cash ledger and electronic ITC ledger
- ☐ Tax can be deposited by internet banking, NEFT / RTGS, Debit/Credit card and Over The Counter
- □ Liability to pay tax is discharged by way of debit in electronic cash or credit ledger

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....FEATURES OF MGL....

* Payment (cont.).

- ☐ Hierarchy for discharging payments of various tax liabilities
- Provision for TDS on certain entities
- □ E-Commerce Operators, facilitating supplies by other suppliers, to collect Tax at source (TCS) out of payments to be made to such suppliers

Return.

- □ E-filing of returns
- □ Normal taxpayers, Composition taxpayers, Casual taxpayers, Non-resident taxpayers to file separate electronic returns with different cut-off dates
- ☐ Annual return to be filed by 31st December of the following Financial Year along with a reconciliation statement

* Refund.

- □ E-filing of Refund claim
- Refund application can be filed within two years
- □ Refund to be granted within 60 days from the date of receipt of complete application
- ☐ Interest is payable if refund is not sanctioned within 60 days
- ☐ Immediate provisional sanction of 90% of refund claim on account of exports
- ☐ Principle of "Unjust enrichment" to be satisfied
- ☐ Tax refund will be directly credited to the bank account of applicant

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....FEATURES OF MGL....

Valuation.

- ☐ Tax to be paid on Transaction value (TV) of supply generally i.e. the price actually paid or payable for the supply of goods and/or services
- □ Value to be determined under Valuation Rules in special cases

❖ Input Tax Credit (ITC).

- ☐ ITC is available in respect of taxes paid on any supply of goods or services used or intended to be used in the course or furtherance of business (i.e. for business purposes)
- □ Negative list approach for non-allowance of ITC

* ITC (cont.).

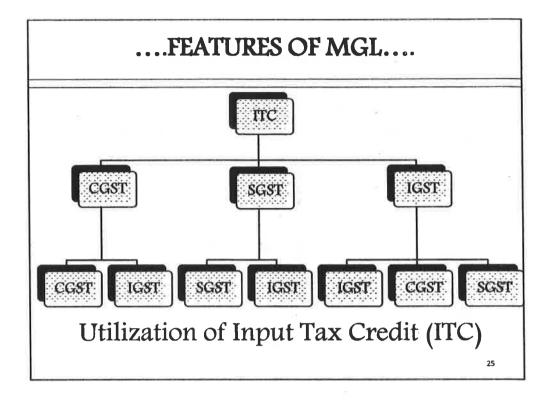
- ☐ ITC of tax paid on goods and / or services used for making taxable supplies by a taxable person allowed subject to four conditions.
 - possession of invoice
 - receipt of goods or services
 - tax actually paid by supplier to government
 - furnishing of return
- ☐ ITC available only on provisional basis for a period of two months until payment of tax and filing of valid return by the supplier

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....FEATURES OF MGL....

* ITC (cont.).

- ☐ Matching of supplier's and recipient's invoice details
 - ITC to be confirmed only after matching of such information
 - ITC to be reversed in case of mis-match



. Time of supply.

- Time of supply of goods or services with following being crucial determinants with certain exceptions.
 - Date on which supplier issues invoice
 - Date on which supplier receives the payment, whichever is earlier

* Assessment/Adjudication, Audit.

- □ Self –assessment of tax
- □ Provision for provisional assessment on request of taxable person to be finalized in six months
- □ Provision for audit of the taxable person to be completed within 3 months, extendable by a further period of 6 months
- On conclusion of audit, the taxable person to be informed about findings, his rights and obligations and reasons for the findings

Assessment/Adjudication, Audit (cont.).

- ☐ Time Limit for raising of demand is 3/5 years of filing of annual return in normal cases & fraud / suppression cases respectively
- ☐ Taxable person can settle tax liability at any stage of demand proceedings

* Miscellaneous.

- ☐ Provisions for search, seizure and prosecution with inbuilt safeguards
- ☐ Elaborate appeal provisions up to Supreme Court
- □ Comprehensive transitional provisions for smooth transition to GST
- ☐ System of GST Compliance rating

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GST NETWORK (GSTN)

GSTN

- Incorporated on 28.03.2013 as Section 25 private limited company with authorized equity of Rs. 10 crore
- * Strategic control to remain with Government
- Equity Holders
 - ☐ Central Government 24.5%
 - ☐ EC and all States together 24.5%
 - ☐ Financial Institutions 51%
- * To function as a Common Pass-through portal for taxpayers-
 - submit registration application
 - □ file returns
 - make tax payments
- Appointed Infosys as Managed Service Provider (MSP)

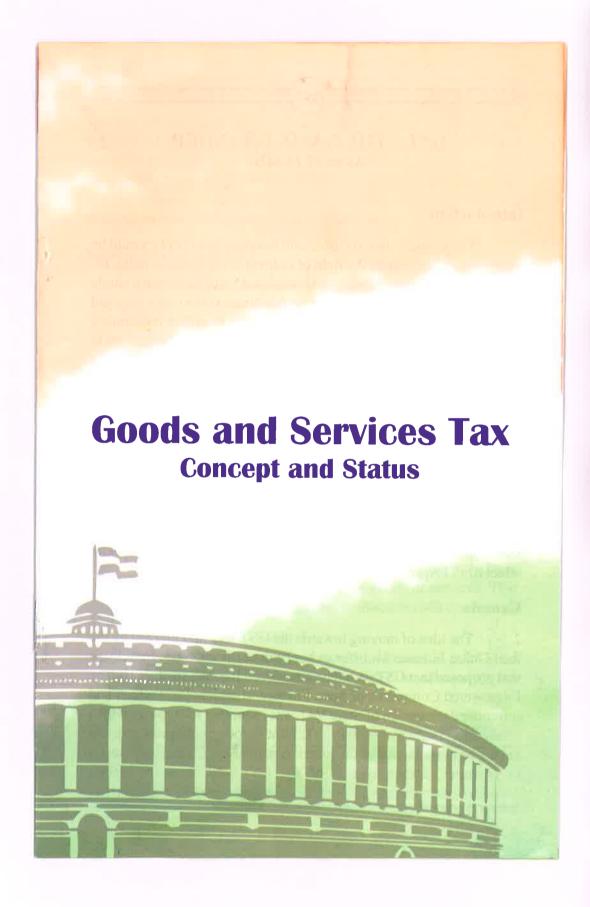
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WAY FORWARD

WAY FORWARD

- * Recommendation of Model GST laws by GST Council
- Cabinet Approval for the CGST and IGST laws by Centre and for SGST laws by all States
- * Passage of CGST and IGST laws by Parliament and passage of SGST laws by all State legislatures
- * Recommendation of Model GST Rules by GST Council
- Notification of GST Rules
- Establishment and upgradation of IT framework
- Meeting implementation challenges
- Effective coordination between Centre & State tax administrations





GST – THE GAME CHANGER As on 07.11.2016

Introduction

The introduction of Goods and Services Tax (GST) would be a very significant step in the field of indirect tax reforms in India. By amalgamating a large number of Central and State taxes into a single tax, it would mitigate cascading or double taxation in a major way and pave the way for a common national market. From the consumer's point of view, the biggest advantage would be in terms of reduction in the overall tax burden on goods, which is currently estimated to be around 25%-30%. It would also imply that the actual burden of indirect taxes on goods and services would be much more transparent to the consumer. Introduction of GST would also make Indian products competitive in the domestic and international markets owing to the fuller neutralization of input taxes across the value chain of production and distribution. Studies show that this would have a boosting impact on economic growth. Last but not the least, this tax, because of its transparent and self-policing character, would be easier to administer. It would also encourage a shift from the informal to formal economy. The Government proposes to introduce GST with effect from 1 April 2017.

Genesis

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2. The idea of moving towards the GST was first mooted by the then Union Finance Minister in his Budget for 2006-07. Initially, it was proposed that GST would be introduced from 1st April, 2010. The Empowered Committee of State Finance Ministers (EC) which had formulated the design of State VAT was requested to come up with a roadmap and structure for the GST. Joint Working Groups of officials having representatives of the States as well as the Centre were set up to examine various aspects of the GST and draw up reports

specifically on exemptions and thresholds, taxation of services and taxation of inter-State supplies. Based on discussions within and between it and the Central Government, the EC released its First Discussion Paper (FDP) on the GST in November, 2009. This spells out the features of the proposed GST and has formed the basis for discussion between the Centre and the States so far.

Salient Features of GST

- 3. The salient features of GST are as under:
- (i) GST would be applicable on "supply" of goods or services as against the present concept of tax on the manufacture of goods or on sale of goods or on provision of services.
- (ii) GST would be based on the principle of destination-based consumption taxation as against the present principle of origin-based taxation.
- (iii) It would be a dual GST with the Centre and the States simultaneously levying it on a common base. The GST to be levied by the Centre would be called Central GST (CGST) and that to be levied by the States would be called State GST (SGST).
- (iv) An Integrated GST (IGST) would be levied on inter-State supply (including stock transfers) of goods or services. This would be collected by the Centre so that the credit chain is not disrupted.
- (v) Import of goods or services would be treated as inter-State supplies and would be subject to IGST in addition to the applicable customs duties.
- (vi) CGST, SGST & IGST would be levied at rates to be mutually agreed upon by the Centre and the States under the aegis of

the GST Council (GSTC). In a recent meeting, the GST Council has decided that GST would be levied at four rates viz. 5%, 12%, 18% and 28%. The schedule or list of items that would fall under each of these slabs is yet to be worked out. In addition to these rates, a cess would be imposed on "demerit" goods to raise resources for providing compensation to States that lose revenue owing to the implementation of GST.

- (vii) GST would replace the following taxes currently levied and collected by the Centre:
 - a) Central Excise duty
 - b) Duties of Excise (Medicinal and Toilet Preparations)
 - c) Additional Duties of Excise (Goods of Special Importance)
 - d) Additional Duties of Excise (Textiles and Textile Products)
 - e) Additional Duties of Customs (commonly known as CVD)
 - f) Special Additional Duty of Customs (SAD)
 - g) Service Tax
 - h) Cesses and surcharges in so far as they relate to supply of goods or services.
- (viii) State taxes that would be subsumed within the GST are:
 - a) State VAT
 - b) Central Sales Tax
 - c) Purchase Tax

- d) Luxury Tax
- e) Entry Tax (All forms)
- f) Entertainment Tax (except those levied by the local bodies)
- g) Taxes on advertisements
- h) Taxes on lotteries, betting and gambling
- I) State cesses and surcharges in so far as they relate to supply of goods or services.
- (ix) GST would apply to all goods and services except Alcohol for human consumption.
- (x) GST on five specified petroleum products (Crude, Petrol, Diesel, ATF & Natural gas) would be applicable from a date to be recommended by the GSTC.
- (xi) Tobacco and tobacco products would be subject to GST. In addition, the Centre would continue to levy Central Excise duty.
- (xii) A common threshold exemption would apply to both CGST and SGST. Tax payers with an annual turnover not exceeding Rs. 20 Lakh (Rs. 10 Lakh for special category States) would be exempt from GST. A compounding option (i.e. to pay tax at a flat rate without credits) would be available to small taxpayers (except manufacturers and service providers) having an annual turnover of upto Rs. 50 Lakh. The threshold exemption and compounding scheme would be optional.
- (xiii) The list of exempted goods and services would be kept to a minimum and it would be harmonized for the Centre and the States as well as across States as far as possible.

- (xiv) Exports would be zero-rated. Thus goods or services that are exported would not suffer input taxes or taxes on finished products.
- (xv) Credit of CGST paid on inputs may be used only for paying CGST on the output and the credit of SGST paid on inputs may be used only for paying SGST. ITC of CGST cannot be used for payment of SGST and vice versa. In other words, the two streams of input tax credit (ITC) cannot be cross-utilised, except in specified circumstances of inter-State supplies for payment of IGST. The credit would be permitted to be utilised in the following manner:-
 - ITC of CGST allowed for payment of CGST & IGST in that order;
 - ITC of SGST allowed for payment of SGST & IGST in that order;
 - ITC of IGST allowed for payment of IGST, CGST & SGST in that order.
- (xvi) Accounts would be settled periodically between the Centre and the States to ensure that the credit of SGST used for payment of IGST is transferred by the Exporting State to the Centre. Similarly, the IGST used for payment of SGST would be transferred by the Centre to the Importing State. Further, the SGST portion of IGST collected on B2C supplies would also be transferred by the Centre to the destination State. The transfer of funds would be carried out on the basis of information contained in the returns filed by the taxpayers.
- (xvii) The laws, regulations and procedures for levy and collection of CGST and SGST would be harmonized to the extent possible.

GST and Centre-State Financial Relations

- Currently, fiscal powers between the Centre and the States are 4. clearly demarcated in the Constitution with almost no overlap between the respective domains. The Centre has the powers to levy tax on the manufacture of goods (except alcoholic liquor for human consumption, opium, narcotics etc.) while the States have the powers to levy tax on sale of goods. In case of inter-State sales, the Centre has the power to levy a tax (the Central Sales Tax) but, the tax is collected and retained entirely by the originating States. As for services, it is the Centre alone that is empowered to levy Service Tax. Since the States are not empowered to levy any tax on the sale or purchase of goods in the course of their importation into or exportation from India, the Centre levies and collects this tax as additional duties of customs. which is in addition to the Basic Customs Duty. This additional duty of customs (commonly known as CVD and SAD) counterbalances excise duties, sales tax, State VAT and other taxes levied on the like domestic product. Introduction of the GST required amendments in the Constitution so as to empower the Centre and the States concurrently to levy and collect the GST.
- 4.1 The assignment of concurrent jurisdiction to the Centre and the States for the levy of GST required a unique institutional mechanism that would ensure that decisions about the structure, design and operation of GST are taken jointly by the two. For it to be effective, such a mechanism also needed to have Constitutional force.

Constitution (One Hundred and First) Amendment Act, 2016

5. To address all these and other issues, the Constitution (122nd Amendment) Bill was introduced in the 16th Lok Sabha on 19.12.2014. The Bill provides for a levy of GST on supply of all goods or services except for Alcohol for human consumption. The tax shall be levied as Dual GST separately but concurrently by the Union

(CGST) and the States (SGST). The Parliament would have exclusive power to levy GST (IGST) on inter-State trade or commerce (including imports) in goods or services. The Central Government will have the power to levy excise duty in addition to the GST, on tobacco and tobacco products.

- Lok Sabha in May, 2015. The Bill was referred to the Select Committee (consisting of 21 members led by Shri Bhupendra Yadav, Hon'ble MP) of Rajya Sabha on 12.05.2015. The Select Committee had submitted its Report on the Bill on 22.07.2015. The Bill with certain amendments has finally been passed in the Rajya Sabha and thereafter by Lok Sabha in August, 2016. Further the bill has been ratified by the required number of States and has since received the assent of the President on 8th September, 2016 and enacted as Constitution (101st Amendment) Act, 2016. The GST Council (GSTC) has also been notified w.e.f. 12th September, 2016. GSTC is being assisted by a Secretariat.
- 5.2 The Goods and Services Tax Council (hereinafter referred to as, "GSTC") comprises of the Union Finance Minister, the Minister of State (Revenue) and the State Finance Ministers to recommend on the GST rate, exemption and thresholds, taxes to be subsumed and other features. This mechanism would ensure some degree of harmonization on different aspects of GST between the Centre and the States as well as across States. One-half of the total number of members of GSTC form quorum in meetings of GSTC. Decision in GSTC are taken by a majority of not less than three-fourth of weighted votes cast. Centre has one-third weightage of the total votes cast and all the States taken together have two-third of weightage of the total votes cast.

Other Legislative Requirements

6. Suitable legislation for the levy of GST (Central GST Bill and

State GST Bills) drawing powers from the Constitution would be introduced in Parliament or the State Legislatures on the recommendation by the GSTC. Unlike the Constitutional Amendment, the GST Bills would need to be passed by a simple majority. Obviously, the levy of the tax can commence only after the GST Law has been enacted by the respective legislatures. Also, unlike the State VAT, the date of commencement of this levy would have to be synchronized across the Centre and the States. This is because the IGST model cannot function unless the Centre and all the States participate simultaneously.

Committees under EC on GST Related Tasks

- 7. Six Committees were constituted by the Empowered Committee of State Finance Ministers (EC) to deal with the various aspects of work relating to the introduction of GST. The Committees are:-
- (i) The Committee on the issue of Dual Control, Threshold and Exemptions in GST Regime;
- (ii) The Committee on Revenue Neutral Rates for State GST & Central GST and Place of Supply Rules (A Sub-Committee was constituted to examine issues relating to the Place of Supply Rules);
- (iii) The Committee on IGST & GST on Imports (A Sub-Committee was set up to examine issues pertaining to IGST model);
- (iv) The Committee to examine Business Processes under GST Regime (Three Sub-Committees were constituted to examine issues pertaining to Registration & Returns, Refunds and Payments);
- (v) The Committee to draft model GST Law (Three Sub-

Committees were constituted to draft various aspects of the

- The Committee to draft model GST Rules. (vi)
- 7.1 First five Committees have submitted their final reports which had been approved by the Empowered Committee and are at various stages of consideration.
- The Reports on four business processes, viz. registration, 7.2 return, payment and refunds were put in public domain for comments and feedback of stakeholders in October, 2015. Interactive workshops for trade and industry were conducted at various places for educating them. The feedback so received has since been examined and necessary changes are being incorporated in the Model GST Law.
- 7.3 The Report of the Committee to draft Model GST Law was put in public domain, in the form of draft Model GST Law / draft IGST Act, for comments and feedback of stakeholders in June, 2016. The feedback so received is being examined to carry out necessary changes in the draft Model GST Law.
- 7.4 The Committee to draft model GST Rules have framed draft GST Rules on Registration, Return, Payment, Refund and Invoice which have been put in public domain on 26th September, 2016. The comments and feedback on these rules is under examination for incorporation in the final version of these Rules.

Goods and Services Tax Council (GSTC)

- Since its constitution four meetings of the GSTC have been held so far. The following decisions have been taken by GSTC:-
- (i) The threshold exemption limit would be Rs. 20 lakh. For special category States enumerated in Article 279A of the Constitution, threshold exemption limit has been fixed at Rs.

10 lakh.

- (ii) Composition threshold shall be Rs. 50 lakh. Composition scheme shall not be available to manufacturers and service providers.
- (iii) Existing tax incentive schemes of Central or State governments may be continued by respective government by way of reimbursement through budgetary route. The schemes, in the present form, would not continue in GST.
- (iv) Four slab tax rates have been discussed in the Council. It is proposed that in the GST regime, goods and services will be taxed at rates of 5%, 12%, 18% and 28%.

Goods and Services Tax Network

9. Goods and Services Tax Network (GSTN) has been set up by the Government as a private company under erstwhile Section 25 of the Companies Act, 1956. GSTN would provide three front-end services, namely registration, payment and return to taxpayers. It will also assist some States with the development of back-end modules. GSTN has already appointed M/s Infosys as the Managed Service Provider at a total project cost of around Rs. 1380 Crore for a period of five years.
