

# GST amendments

## Inter

May / June / Sept 2025



## GST on Preferential Location Charges w.r.t. sale of residential / commercial properties

PLC paid with the construction services of residential / commercial property = Composite Supply

If sale of R / C property is taxable - PLC shall also be liable to tax

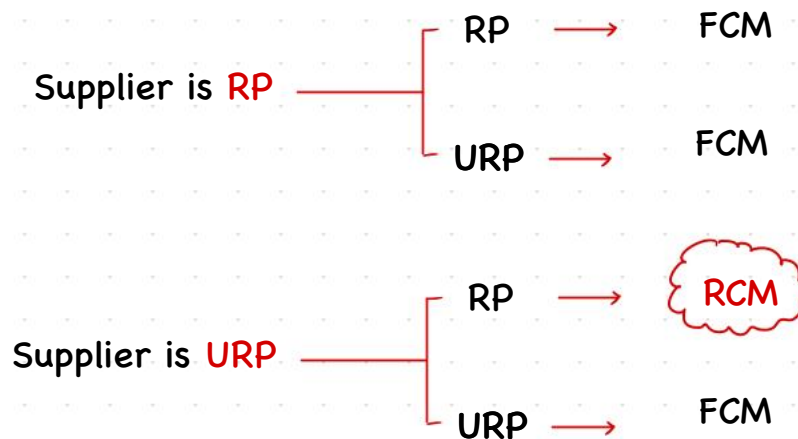
# RCM

## 1 Renting of immovable property by URP other than residential dwellings to RP

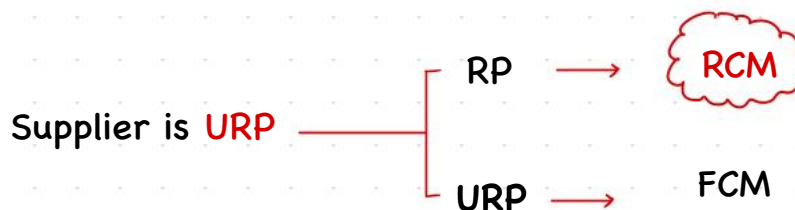


Exception  
In case of a sole proprietor (RP) if he takes a property on rent on his own account for personal purpose  
Exempt

## 2. Other properties



## 2 Supply of metal scrap

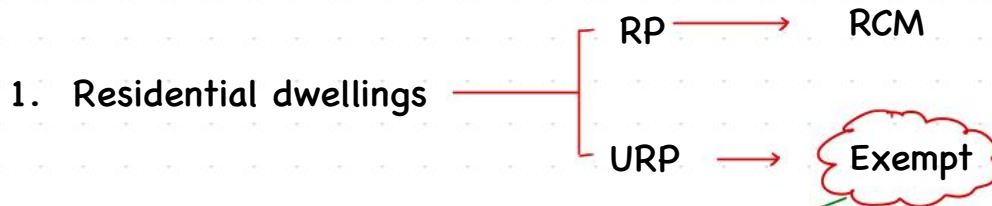


Usually if a person is providing exclusively RCM supply - no need to take registration

But if Supplier is of metal scrap - exception is not applicable i.e. if metal supplier's TO exceeds the threshold - Regn is required.

T

## Inter-linking of accommodation services with exemptions



This exemption is **not available** in the following cases

1. Accommodation services for **students in student residences**
2. Accommodation services provided by **Hostels, camps, PG accommodations and the like.**

- (12A)
- Accommodation service
  - VOS > 20,000
  - Per person Per month
  - Accommodation is given for **continuous** period of **90 days**
- CSTV

What if hotel is given on rent for a longer duration?



Entry 12A will be applicable

Services of hostels for poor and middle class students where hostel is run by charitable trust



Entry 12A will be applicable

## What is Educational Institution?

Cat I



- Pre-school education &
- Education upto 12<sup>th</sup> std

Cat II



- other qualification recognized by Law in India.

Cat III



- Industrial Training Institute.
- ITC
- Modular Employable skill course.

Affiliated to

- National council for vocational training & Educational
- State Council for vocational Training

Cat IV



I I M.

## Affiliation services

Schools established or controlled by CG / SG / UT / LA / Govt Auth / Govt Entity

Exempt

Other schools

Taxable

Affiliation services by Central / State Educational Board or council

To

Services provided by **Ministry of Railways (Indian Railways)** to **individuals** by way of-

- sale of platform tickets;
- facility of retiring rooms/waiting rooms;
- cloak room services;
- battery operated car services.

Services provided by one zone/division under Ministry of Railways (Indian Railways) to another zone(s)/division(s) under Ministry of Railways (Indian Railways)

## Services provided by Special Purpose Vehicles (SPVs) to Ministry of Railways

### Services provided by SPV to MoR by way of

- Allowing MoR to use the infrastructure built and owned by SPV for a consideration

### Services provided by MoR to SPV

Services of maintenance in relation to the said infrastructure built and owned by the SPVs for a consideration

## Electricity transmission and distribution

Supply of services by way of providing

- metering equipment on rent,
- testing for meters/transformers/capacitors etc.,
- releasing electricity connection,
- shifting of meters/service lines,
- issuing duplicate bills etc.,



which are incidental or ancillary to the supply of transmission and distribution of electricity provided by electricity transmission and distribution utilities to their consumers

Research and Development services against consideration received in the form of grants supplied by -

- (a) a Government Entity; or
- (b) a research association, university, college or other institution, notified under clauses (ii) or (iii) of sub-section (1) of section 35 of the Income Tax Act, 1961

## Insurance services

Services by way of reinsurance of the specified schemes - EXEMPT



Included retrocession



## Category R – Skill Development Service

Amendment

Service BY	Service TO
1. National Skill Development Corporation	1. National Skill Development Programme implemented by NSDC
2. Sector Skill Council approved by NSDC	2. Vocational skill development course
3. Assessment agency approved by SSC/NSDC	3. Any other Scheme implemented by NSDC
4. Training partner approved by SSC/NSDC	

~~NSDC~~

National council for vocational education and training (NCVET)

## Place of Supply

Section 10(1)(ca)

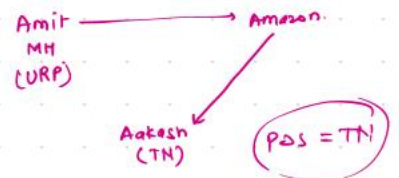
In case of **over-the-counter sale** made to **unregistered person**

POS - **Address of the recipient** mentioned in the **invoice**.

POS if the address is not mentioned - **Location of the supplier**

Sale of goods to **URP** where **billing address is different than address of delivery** where supply is through **ECO**

POS = Delivery address



## Time of Supply

Time of supply for spectrum usage under GST

Services of spectrum, usage, and other similar services, every telecom operator makes payment to the government in instalments

**TOS**

- when installment is
  - Due } Earlier.
  - Paid }

GST is applicable on reverse charge basis

IF the payt is Upfront

- when the payment is
  - Due } Earlier.
  - made }



AMIT MAHAJAN

It is considered as continuous supply service

# Input Tax Credit

Test drive car (Demo Car) = **ITC allowed**

↳ For demonstration of features = **ITC allowed**

↳ For other purposes = **ITC is blocked**

Other cars for sale (SIT) = ITC allowed as not blocked for car dealer

What if the demo vehicle is NOT purchased by the dealer but using manufacturer's car as a demo = **NO QUESTION OF ITC as the car is not purchased by the dealer**

**ITC on the amount paid by insurance company for repairs and maintenance of insured vehicle**

Situation 1 - **Invoice raised in the name of Insurance Co (Cashless mode)**

**ITC is allowed** as the insurance company used these services in their outward supply

Situation 2 - **Invoice NOT raised in the name of Insurance Co (NOT a Cashless mode - reimbursement)**

**ITC is NOT allowed** as the invoice is not raised in the name of insurance company



# Registration under GST

## Registration to be cancelled in certain cases (new clause)

The registration can be cancelled if the person does not file pending returns **within 30 days** from the date of order of revocation of registration

## Payment of Taxes

### Interest not applicable where balance is available in E Cash Ledger

Interest will not apply on the amount which is lying in E-cash Ledger on or before the due date for filing the return from the due date till the date of debit at the time of filing the return.

April

O/w Tax (-) ITC = GST Liab.

₹50K (-) ₹30K = ₹20K.

Due date of Payt & Return → 20 May 2025

Return filed on 22 May ✓

E-cash balance → ₹30K.

Late fee ✓

Interest X

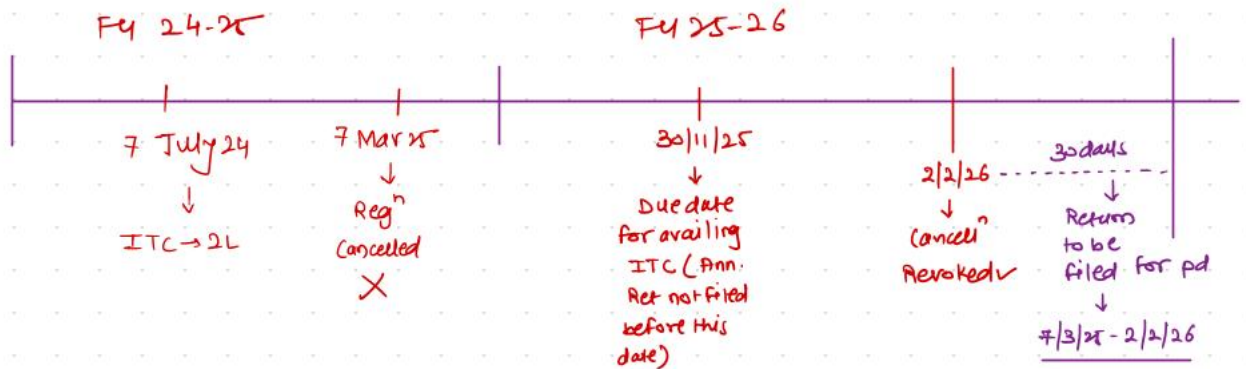
### Biometric Aadhaar Authentication Extended Nationwide

Previously - only in Gujarat, Andhra Pradesh, and Puducherry.

Now - it is applicable across all States and Union Territories for registration applications.

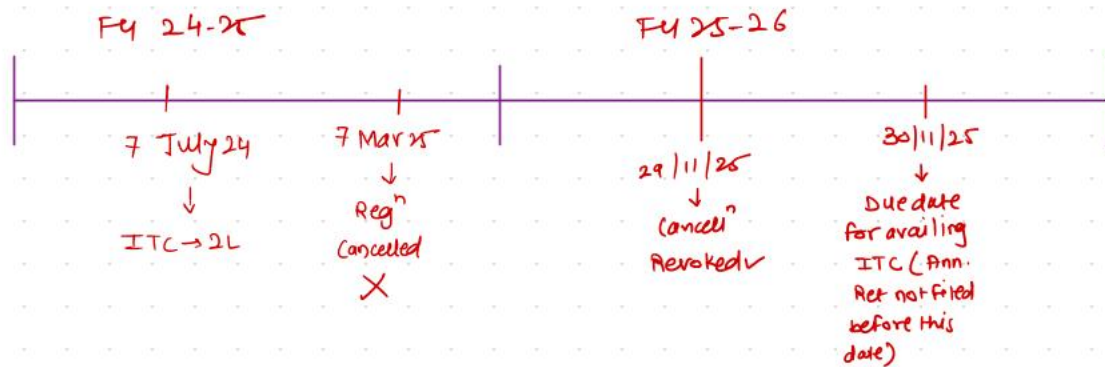
## Interlinking of ITC and Registration chapter

### Situation I



NOTE ITC for FY 24-25 can be availed on before actual date of filing Annual Return or 30 Nov of the subsequent FY but registration was cancelled from 7 March 2025 - this can cause inconvenience to the RP.  
Hence, ITC which could not be claimed can be utilized in the return filed within 30 days.

### Situation II



NOTE → Due date of claiming ITC is

- ① 30 Nov of the subsequent FY or Actual date of Ann Return (earlier)
- OR
- ② 30 days from the date of revocation of cancellation

**LATER**

## TCS

TCS rate has been reduced from 1% to 0.5% (0.25% CGST SGST each)

## TDS

TDS metal scrap

1. Usually, TDS is applicable on the supply to the govt and government deducts the TDS

### Exception

RP → RP → TDS is applicable  
↓  
Metal  
scrap

2. TDS is not applicable where supply is made by PSU to PSU or one specified person to another specified person (**except for metal scrap**)

1 spec. Person → spec. Person.  
TDS X



## Returns under GST

**What is it:!** Form GSTR-1A allows taxpayers to amend outward supply details filed in Form GSTR-1 for the current tax period.

**Is it mandatory?** Filing Form GSTR-1A is optional and can only be done once.

**Amendments of which period:** Amendments in GSTR-1A are restricted to the current tax period and include adding missed details, Modifying already declared details, including those from the Invoice Furnishing Facility (IFF) for QRMP taxpayers.

**Impact on Tax Liability:** Amendments in GSTR-1A affect tax liability, which is auto-populated in Form GSTR-3B for the same tax period.

**ITC Availability to Recipients:** ITC for supplies amended via GSTR-1A is reflected in the recipient's Form GSTR-2B for the subsequent tax period.

**Timeline:** For monthly taxpayers, GSTR-1A is available from the due date or actual filing of GSTR-1 until GSTR-3B is filed. For QRMP taxpayers, GSTR-1A becomes available after the quarterly GSTR-1 filing and is open until the filing of quarterly GSTR-3B.

**No Due Date:** GSTR-1A has no fixed due date but is limited by the filing timeline of GSTR-3B for the same tax period.

### Invoice wise details of inter state supply to unregistered person in GST Return

The invoice value threshold for furnishing invoice-wise details of inter-State supplies made to unregistered persons in Form GSTR-1/1A has been reduced from Rs. 2.5 lakh to Rs. 1 lakh.

Similarly, the upper limit of invoice value for furnishing consolidated details of State-wise inter-State supplies made to unregistered persons for each rate of tax in Form GSTR-1 has been reduced from Rs. 2.5 lakh to Rs. 1 lakh.

## Due date of filing GSTR-4

~~30 April~~ of the subsequent FY

30 June

## Exemption from Filing Annual Return

Registered persons with an aggregate turnover up to Rs. 2 crores in the FY 2023-24 are exempt from filing the annual return in Form GSTR-9 for that FY



**GST amendments**  
**CA Inter - Jan 25**



# Time of supply

Clarification on time of supply in respect of supply of services of construction of road and maintenance thereof of National Highway Projects of National Highways Authority of India (NHAI) in Hybrid Annuity Mode (HAM) model

- Usually contract takes around 15-17 years to complete ✓ → i.e. > 3m

∴ continuous supply of service



SERVICES		RCM	
FCM		Non Associated Enterprises	Associated Enterprises
Whether invoice issues within time?			
YES	NO		
<b>I</b> Issue of Invoice	<b>S</b> Provision of Service	<b>P</b> Date of Payment	<b>P</b> Date of Payment
<b>P</b> Receipt of Payment	<b>P</b> Receipt of Payment	<b>61</b> 61st day from the date of invoice	<b>E</b> Date of Entry in the BOA of the recipient
whichever is earlier		whichever is earlier	
Non Continuous Supply		Continuous Supply	
Normal case	Banks/Insurance/NBFC	due date of payment is ascertainable	due date of payment is NON ascertainable
< 30 DAYS from provision of service	< 45DAYS from provision of service	ON or before DUE DATE OF PAYMENT	before or at the time of receipt of payment
			payment is linked to completion of events ON or before completion of that event

\* In case of interest → include in ROS ✓



# Sec 16(4) → time limit to avail ITC

- 30 Nov of subsequent FY
- OR
- Actual date of filing Annual Return. } earlier



(UK)

23/12/2023



(India)



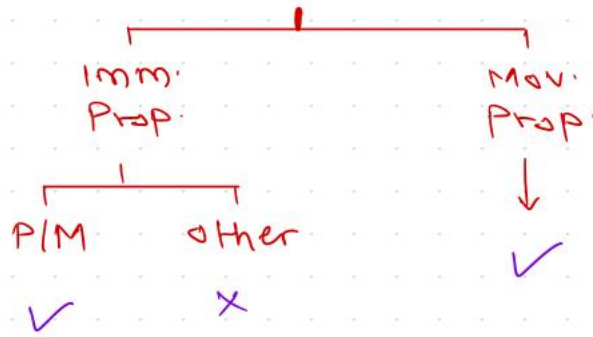
- AM will have to pay tax under RCM ✓
- AM will have to issue self invoice ✓
- once AM makes the payment → eligible for ITC ✓

self invoice → 29/5/26 → Tax + Int Paid ✓

Time limit to avail the ITC → over ✓

Clarification → Time limit Not Applicable for RCM supplier from URP.

Clarification on availability of input tax credit on ducts and manholes used in network of optical fiber cables (OFCs) for providing telecom service in terms of section 17(5)



Ducts & manholes → Treated as P/M

↓  
ITC ✓

\* Availability of ITC for warranty replacements of parts/repairs during warranty period.

**Case I** value includes warranty.

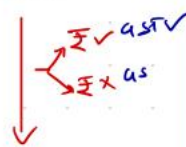
Whether GST is applicable on repairs under warranty by original Equipment Manufacturer?

Check whether extra consid<sup>n</sup> is charged



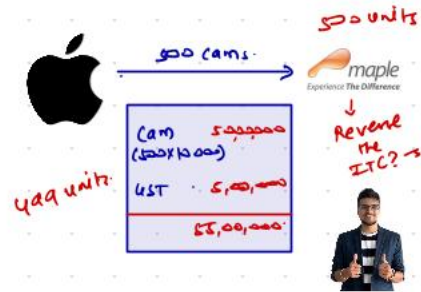
**Case II**

Is distributor required to pay GST when he does the repairs/replacements on behalf of the Mnfgr who taking any consideration from customer?



**Case III**

Part replacement under warranty → is it a taxable supply bet<sup>n</sup> Distributor & Mnfgr??



- 1] Cam not working, went to Maple ✓
- 2] Maple replaced cam
- 3] warranty given by Mnfgr & cam replaced by Maple.

- 1] Maple issues invoice on Apple ✓ for the cam replaced which was available with Maple [either purch from Apple or 3<sup>rd</sup> party by paying the GST ✓ (ITC must be availed ✓)]
- Maple to collect value + GST & GST to be paid by the Distributor i.e. Maple ✓
- ITC not reqd to be reversed by Maple
- Apple can avail the ITC ✓

- 4] Replenishment of Distributor's stock
- Maple used its own stock & Apple sent the goods for restoration of stock ✓  
↳ No GST X
- ITC reversal → Not required.

- 2] Mnfgr supplies part w/o charge ✓
- Apple gives cam to Maple ✓ & Maple replaced the cam.
- No consideration charged X No GST X.
- Apple need not reverse the ITC X



3] Credit Note issued by Mnfgr

- 1] Apple already sold 500 cam to Maple ✓
- 2] Maple is going to sell it further to customers whose cam's turn out to be faulty which are not in warranty.
- 3] If Maple gives 1 cam to customer who was under warranty then 1 cam was given by Maple which was supposed to be given by Apple.



- 4] Why will Maple pay for 500 cam's where 1 cam was sold on behalf of Apple.
- 5] Thus, he should be charged only for 499 & ∴ Credit Note for 1 cam

- ITC reversal reqd??
- By Apple → No  
↳ 499 → to → Maple ✓  
↳ 1 → under warranty.
- By Maple → Yes  
↳ ITC of 1 unit for which he got a credit note.



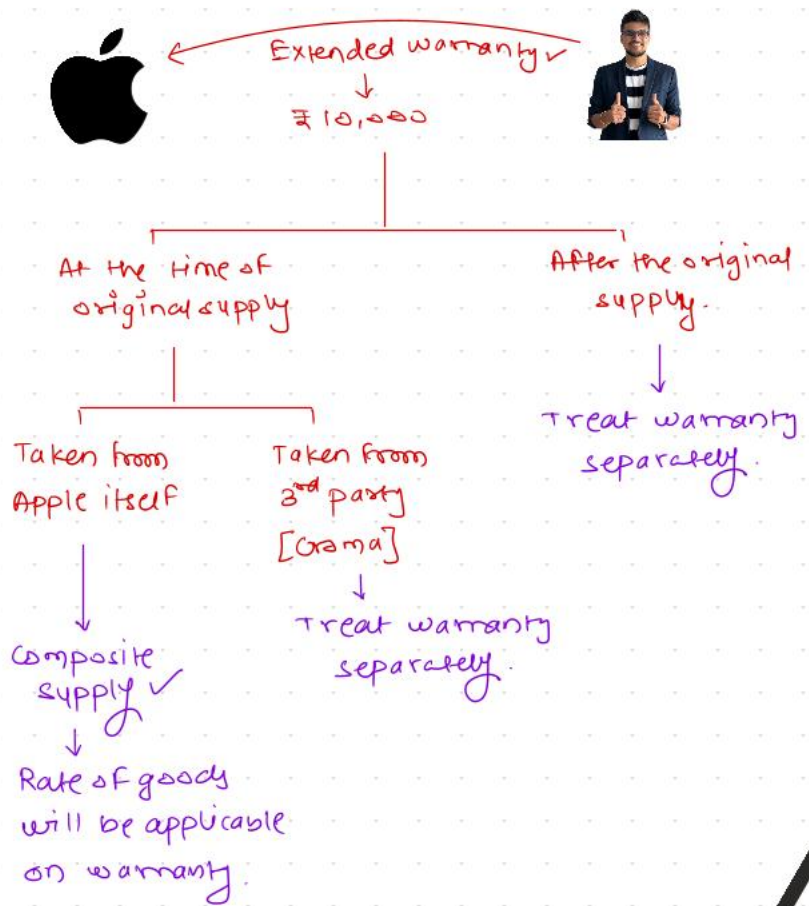
Case IV

- Distributor provides repair service to customer under warranty ✓
- No charge from customer ✓
- charges Mnfgr for services provided to customer free of cost.

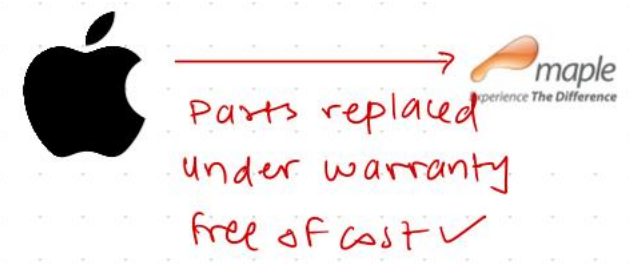
↳ value + GST ✓  
 ↳ to be paid by Distributor. Apple → Maple. (10L 1L)

ITC → can be availed by Mnfgr (Apple)

Case II



consequential impact in ITC ✓



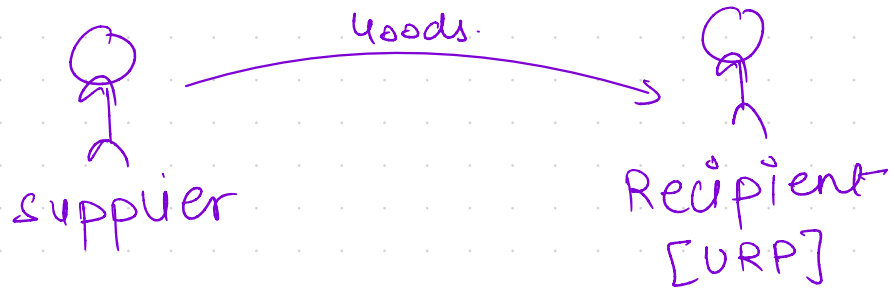
Is Apple required to reverse the ITC??

↳ NO → Apple had already taken money earlier at the time of original supply to customer ✓.



## Place of supply.

section 10(c) over the counter purchase



Pos = Address given by the Recipient ✓

↓  
if not given

↓  
Location of the supplier.

\* supply made through Eco where  
billing address & shipping address are  
different

→ consider shipping address ✓

↓  
destination based tax ✓

## Registration

Risk-based biometric aadhaar authentication of registration applicants – Pilot project in Gujarat extended to Puducherry and Andhra Pradesh

In order to improve the registration process, biometric based aadhaar authentication of the high-risk applicants who opt for authentication of Aadhaar number was introduced on a pilot basis in the State of Gujarat.



An applicant who has opted for authentication of Aadhaar number and is identified on the common portal, based on data analysis and risk parameters,



shall be followed by biometric-based Aadhaar authentication and taking photograph:

- (i) of the applicant where the applicant is an individual or
- (ii) of such individuals where the applicant is not an individual, along with the verification of the original copy of the documents uploaded with the application in Form GST REG-01 at one of the notified Facilitation Centres