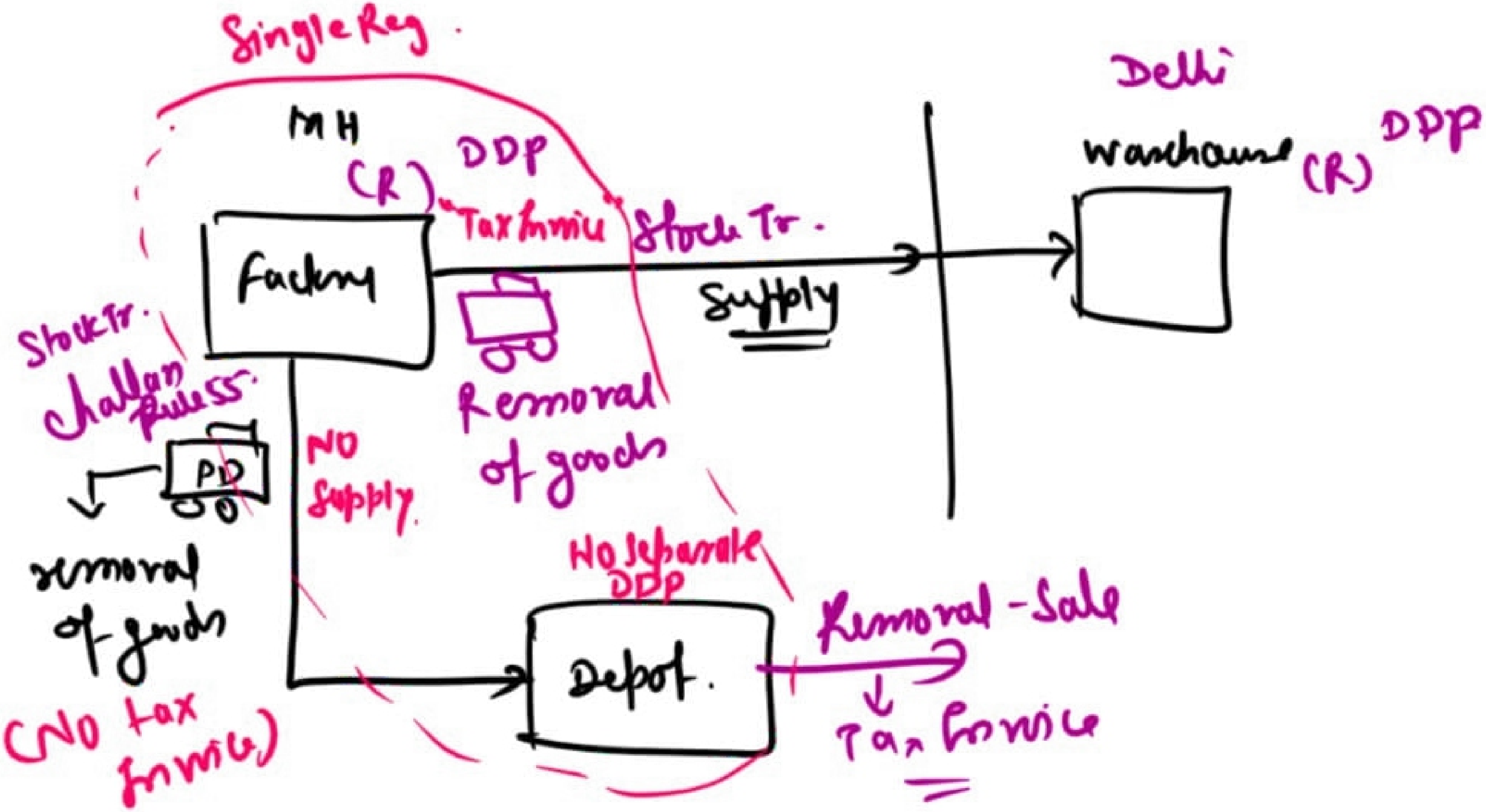
CHAPTER - 6

Time of supply

Tax Invoice = Removal for Supply



Sale

- Normal case
  - Invoice
    - a) M → R - for sure
    - (on or before) b) NOM → dem
  - TOS
    - → Invoice or → Last date Invoice
    - Invoice or Date of removal for supply
- C sale
  - SS | SP
  - If Invoice is given before SS | SP = TOS → Date of issue of Invoice
  - If Invoice is not given till SS | SP : TOS → Last date of Invoice
    - → Date SS
    - → $\boxed{\text{Date SP received}}$
- Goods-sent on Approval or R
  - 1) If acceptance in m → Date of acc
  - 2) n → 6th month
  - TOS
    - If acceptance received in 6th month
      - I → Date of Issue of Invoice
      - or
      - Last date → Date of acceptance.
    - If acceptance not received in 6 month
      - I → Date of Issue of Invoice
      - or
      - Last date → when 6th months get over.

TOS for SOG u/s 12(2) = Forward charge

TOS for All SOG except Specified actionable claims

⇓

TOS = Date of issue of Invoice
or
Last date of Invoice
whichever is earliar.

Note: "Date of receipt of payment" is not be taken for TOS as per N/N 66/2017.

Hence → proviso of "Excess payment upto ₹1000" is not relevant here because ultimately for such excess payment TOS shall be determined only when Invoice is issued for such excess payment on not on Advance.

Specified actionable claims

[Goods includes actionable claims]

⇓

TOS = 1) Date of issue of Invoice
or
2) Last date of Invoice
or
3) Date of receipt of payment
whichever is earliar.

Note: N/N 66/2017 is not applicable in this case.

Hence proviso of "Excess payment upto ₹1000" is relevant here where at the option of supplier TOS for such excess payment shall be fixed on issue of next Invoice rather than Advance.

Interest

- Loan/advances or deposits ⇒ Exempt
- delay payment of Consideration

$\boxed{12(6)}$

S — SOB April — May — June — R.

PD

↓

Invoice

Value 1,00,000

GST @ 18% 18000

TOS = April.

Note: If payment is not made within 30 days, then Interest @ 2% p.m.

→ delay payment of consideration ⇒ Interest / Late fee / Penalty ⇒ GST payable

↓

TOS = when such Amt is received

↓

"debit note"

Invoice for CSS. [R = Recipient]

- **Due date based**
  - Due date of payment by R is acertainable
    ⇓
    Invoice shall be issued on or before due date of payment.
  - Due date of payment by R is not acertainable.
    ⇓
    Invoice shall be issued on or before Supplier of Service receives the payment.
- **Completion of event based**
  ⇓
  Invoice shall be issued on or before completion of event.

Sec 12(3)

TOS = RCM of SOG

A —C.N→ V.Smart (Red)

→ TOS

→ Date of receipt of goods (tangible)

Date of payment
- → book entry of payment
- → bank debit for payment

→ 31st day.

13(3)

TOS = RCM of SOS.

GTA —RCM.→ notified person

⇓

TOS

(Intangible)

→ book entry of payment

→ bank debit for payment

→ 61st day from supplier's of invoice.

Associated Enterprises.

U.SA

India

PQR Ltd

Import Service.

(RCM)

XYZ Ltd

→ TOS = 13(3)

→ Date of payment

⇒ book Entry or

⇒ bank debit

OR

→ 61th day from Supplier's Invoice

ABC Ltd.

[Holding co. of XYZ Ltd]

Import Service.

(RCM)

[Associated Enterprises]

→ TOS = Proviso 2 to Sec 13(3)

⇓

1) Date of Entry of Service in the books of A/c

or

2) Date of payment

In this case criteria of 61th day is not applicable.