



सं. एफ-19/जीएसटी/2018-19/भाग-1/फिन/जीएसटी_78

दिनांक: - 19.02.2019

जीएसटी अनुभाग

A. Applicability of Section 9(4) and 5(4) (Reverse charge under GST on procurement from unregistered supplier)

Reference is drawn towards circular no. F-19/GST/2018-19/Fin/GST_64 dated 10.08.2018 vide which instructions regarding exemption of Central Tax leviable as per section 9(4) of CGST Act, 2017 and Integrated Tax leviable as per section 5(4) of IGST Act, 2017 on supplies of goods or services or both received by the registered dealer from any unregistered supplier till 30.09.2019 was issued.

Now, Govt. of India vide CGST (Amendment) Act, 2018 and IGST (Amendment) Act, 2018 effective from 01.02.2019 has made amendment in Section 9(4) of CGST Act, 2017 and Section 5(4) of IGST Act, 2017, detail of same is as under:-

Provisions of Section 9(4) of CGST Act before Amendment	Provisions of Section 9(4) of CGST Act after Amendment	Implication of Amendment
<i>The central tax in respect of the supply of taxable goods or services or both by a supplier, who is not registered, to a registered person shall be paid by such person on reverse charge basis as the recipient and all the provisions of this Act shall apply to such recipient as if he is the person liable for paying the tax in relation to the supply of such goods or services or both.</i>	<i>"The Government may, on the recommendations of the Council, by notification, specify a class of registered persons who shall, in respect of supply of specified categories of goods or services or both received from an unregistered supplier, pay the tax on reverse charge basis as the recipient of such supply of goods or services or both, and all the provisions of this Act shall apply to such recipient as if he is the person liable for paying the tax in relation to such supply of goods or services or both."</i>	Vide above amendment Govt. has limited the scope of levy to include only such class of persons which may be notified by the Government to pay tax on reverse charge from procurement of specified categories of goods / service / both from an unregistered person. Till date Govt. has not notified any such class of persons who are liable to pay GST under reverse charge on procurement of specified goods or services or both from an unregistered person u/s 9(4).
Provisions of Section 5(4) of IGST Act before Amendment	Provisions of Section 5(4) of IGST Act after Amendment	Implication of Amendment
<i>The integrated tax in respect of the supply of taxable goods or services or both by a supplier, who is not registered, to a registered person shall be paid by such person on reverse charge basis as the recipient and all the provisions of this Act shall apply to such recipient as if he is the person liable for paying the tax in relation to the supply of such goods or services or both.</i>	<i>"The Government may, on the recommendations of the Council, by notification, specify a class of registered persons who shall, in respect of supply of specified categories of goods or services or both received from an unregistered supplier, pay the tax on reverse charge basis as the recipient of such supply of goods or services or both, and all the provisions of this Act shall apply to such recipient as if he is the person liable for paying the tax in relation to such supply of goods or services or both"</i>	Vide above amendment Govt. has limited the scope of levy to include only such class of persons which may be notified by the Government to pay tax on reverse charge from procurement of specified categories of goods / service / both from an unregistered person. Till date Govt. has not notified any such class of persons who are liable to pay GST under reverse charge on procurement of specified goods or services or both from an unregistered person u/s 5(4).

Implication on FCI

Due to above amendment, FCI offices are not required to pay GST under Reverse charge on procurement from unregistered persons u/s 9(4) and 5(4) till Govt. notify the specified class of persons, which may covers FCI, who will be liable to pay GST under reverse on procurement of specified goods or services or both from an unregistered person.

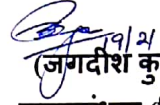
However, GST under reverse charge is still payable by FCI under Section 9(3) of CGST Act and 5(3) of IGST Act on specified services mentioned in circular no. F-19/GST/2018-19/Fin/GST_77 dated 09.01.2019 and its corrigendum dated 08.02.2019.

B. GSTR-7((Return for TDS under GST) filing for Oct. 2018 TO Jan. 2019

As per Notification no. 07/2019 - Central Tax dated 31.01.2019 and Notification no. 08/2019 - Central Tax dated 08.02.2019 (copy enclosed) issued by Ministry of Finance, due date for filing Form GSTR-7 for the period Oct.'18 to Jan.'19 have been extended till 28th February, 2019.

This is for your information and strict compliance.

संलग्न : यथोपरी।


(जगदीश कुमार)
महाप्रबंधक (वित्त)

वितरण:

1. सभी ईडी (जोन) / जीएम (क्षेत्र), एफसीआई;
2. जीएम (एफ एंड ए) / डीजीएम (एफ एंड ए), जेडओ / आरओ, एफसीआई;
3. सभी क्षेत्रीय प्रबंधक, एफसीआई, डीओ;
4. निदेशक (आईएफएस), गुड़गांव;
5. सभी ईडी, एफसीआई, मुख्यालय, नई दिल्ली;
6. पीएस से सीएमडी;
7. एजीएम (बिल), एफसीआई, मुख्यालय, नई दिल्ली;
8. जीएम (एफएपी), एफसीआई, मुख्यालय, नई दिल्ली;
9. एफसीआई वेबसाइट पर अपलोड करने के लिए जीएम (आईटी), एफसीआई, मुख्यालय ...।

Note: Circular is based on instructions as on date. Latest instructions can be accessed at <http://www.cbec.gov.in/htdocs-cbec/gst/index>.