Confidential



Agenda for

38th GST Council Meeting

18 December 2019

Volume – 1



File No: 654/38th GSTCM/GSTC/2019
GST Council Secretariat

Room No.275, North Block, New Delhi
Dated: 3rd December 2019

Notice for the 38th Meeting of the GST Council scheduled on 18th December 2019

The undersigned is directed to refer to the subject cited above and to say that the 38th Meeting of the GST Council will be held on 18th December 2019 at NDMC Convention Centre, Sansad Marg, New Delhi. The schedule of the meeting is as follows:

- Wednesday, 18 December 2019 : 14:00 hours onwards

2. In addition, an Officers' Meeting will be held on 17th December 2019 at the same venue as per following schedule:

- Tuesday, 17 December 2019 : 11:00 hours onwards

3. The agenda items for the 38th Meeting of the GST Council will be communicated in due course of time.

4. Please convey the invitation to the Hon'ble Members of the GST Council to attend the 38th GST Council 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, Union Territories of Delhi, Puducherry and Jammu and Kashmir 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. Chairman, CBIC, North Block, New Delhi, as a permanent invitee to the proceedings of the Council.

5. Chairman, GST Network

Agenda Items for the 38th Meeting of the GST Council on 18th December 2019

1. Confirmation of the Minutes of 37th GST Council Meeting held on 20th September 2019
2. Issues concerning GST on Lottery
3. Revenue Analysis
   Recommendations of the GoM on Revenue Analysis and
   Deliberations of the Committee of Officers on Revenue Augmentation
4. Report of GoM on Real Estate
5. Issues recommended by the Fitment Committee for the consideration of the GST Council
6. Issues recommended by the Law Committee for the consideration of the GST Council
7. Creation of Public Grievance Redressal Committee as per Hon'ble High Court of Delhi's order in the case of Sales Tax Bar Association
8. Status of Group of Ministers (GoMs) constituted for various agenda items
9. Deemed ratification by the GST Council of Notifications, Circulars and Orders issued by the Central Government
10. Decisions of the GST Implementation Committee (GIC) for information of the Council
11. Decisions/Recommendations of the IT Grievance Redressal Committee for information of the Council
12. Quarterly Report of the NAA for the quarter July to September 2019 for the information of the GST Council
13. Presentation on developments regarding implementation of
    i. GST EWB System – FASTag Integration
    ii. New Return System
    iii. Integrated refund system with disbursal by single authority
    iv. Generation of electronic Invoice Reference Number
    v. Linking GST registration with Aadhaar and proposed changes in the GST Law and GSTN System
14. Clarification on GST rate on fabrics and articles of textiles falling in Chapters 56 to 59 of the tariff pursuant to the order of the Hon'ble High Court of Delhi in Writ petition (Civil) No. 597 of 2019
15. Any other agenda item with the permission of the Chairperson
16. 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 the 37th GST Council Meeting held on 20th September 2019

The 37th Meeting of the GST Council (hereinafter referred to as 'the Council') was held on 20th September, 2019 at Double Tree by Hilton, Panaji, Goa, under the Chairpersonship of the Hon'ble Union Finance Minister, Smt. Nirmala Sitharaman (hereinafter referred to as the Chairperson). A list of the Hon'ble Members/Ministers of the Council who attended the meeting is at **Annexure 1**. A list of officers of the Centre, the States, the GST Council, the Goods and Services Tax Network (GSTN) and XV Finance Commission, who attended the meeting is at **Annexure 2**.

2. The following agenda items were listed for discussion in the 37th Meeting of the Council:

1. Address/Presentation by the Chairman, Finance Commission, regarding need for a consultative mechanism between the GST Council and the XV Finance Commission
2. Confirmation of the Minutes of 36th GST Council Meeting held on 27th July 2019
3. Deemed ratification by the GST Council of Notifications, Circulars and Orders issued by the Central Government
4. Decisions of the GST Implementation Committee (GIC) for information of the Council
5. Decisions/Recommendations of the IT Grievance Redressal Committee for information of the Council
6. Review of Revenue position
7. Issues recommended by the Law Committee for the consideration of the GST Council:
    i. Proposal for extension of last date for filing of appeals against orders of Appellate Authority before the GST Appellate Tribunal due to non-constitution of benches of the Appellate Tribunal
    ii. Exemption to small taxpayers from filing of Annual Return
    iii. Issues pertaining to interpretation of Section 10 of the IGST Act, 2017
    iv. Restrictions in availing input tax credit in respect of outward supplies not furnished under Section 37 of the CGST Act, 2017
    v. Proposed clarifications on refund related issues
    vi. E-way bill for movement of Gold
    vii. Proposed amendment to sub-rule (5) of Rule 61 of the CGST Rules, 2017 relating to FORM GSTR-3B
    viii. Specifying the due date for furnishing of return in FORM GSTR-3B and details of outward supplies in FORM GSTR-1 for the period October- December, 2019
    ix. Proposal for amendments to CGST Rules, 2017
8. Issues recommended by the Fitment Committee for the consideration of the GST Council
9. Developments regarding implementation of GST EWB System – FASTag Integration
10. Presentation on fake invoice menace, fraudulent refund, etc.

10(i). Interim recommendations of Committee of Officers on Risk Based Management of taxpayers under GST regime

11. Status of Implementation of New Return System
12. Status of integrated refund system with disbursal by single authority
13. Status and progress in generation of electronic Invoice

14. Linking GST registration with Aadhaar and proposed changes in the GST Law and GSTN System
15. Update on change of share capital/ownership structure of Goods and Services Tax Network (GSTN) and transfer of shares of GSTN from Empowered Committee of State Finance Ministers (EC) & Non- Government Institution to Centre, State Governments & Union Territories
16. Minutes of 11th Meeting of Group of Ministers (GoM) on IT Challenges in GST Implementation for information of the Council and discussion on GSTN issues

16(i). Minutes of 12th meeting of the Group of Ministers (GoM)on IT Challenges in GST Implementation for information of the Council and discussion on GSTN issues

17. Quarterly Report of the NAA for the quarter April to June 2019 for the information of the GST Council
18. Creation of the State and Area Benches of the Goods and Services Tax Appellate Tribunal (GSTAT)
19. Amendments in GST Laws in view of creation of UTs of Jammu & Kashmir and Ladakh
20. Special Composition Scheme for Brick kilns, Menthol, Sand Mining Activities and Stone crushers
21. Status of payment of Advance User Charges by the States and CBIC and interest on delayed payment
22. Any other agenda item with the permission of the Chairperson
    i. Resubmission of refund application after filing NIL refund in FORM GST RFD-01A
    ii. Circular No. 107/26/2019-GST dated 18.07.2019on supply of Information Technology enabled Services (ITeS services) –further clarification
    iii. Single disbursement related amendments of rule 91 of the CGST Rules
    iv. Doubts raised on treatment of secondary or post-sales discounts under GST
23. Date of the next meeting of the GST Council

Preliminary discussion

3. The Hon'ble Chairperson expressed deepest condolences on behalf of the Council on passing away of Shri Arun Jaitley, erstwhile Union Finance Minister, who had Chaired 32 GST Council Meetings. She stated that Shri Jaitley would always be remembered in this country as the person who made GST happen. He was a politician, statesman, legal luminary and above all a consensus builder and it was what the country needed to make GST a reality. He had his unique way of bringing most complex issues to the solution where no one ever felt aggrieved and left out from the decision-making process. As the first Chairperson of the GST Council, he had a challenging role cast out for him, which he carried out wonderfully by taking along everyone with him. The warmth that he brought to the GST Council melted most of the strongest stand taken on various issues. She added that he had a very special relationship with many of us including every Member of the GST Council cutting across the party lines. She added that even with the diverse political ideologies within the Council, he ensured that the Council was always one in all the decisions taken by it. While he has left a void, the principles that he has laid down for the functioning of the GST Council will always continue to guide us in our journey ahead. The Hon'ble Chairperson requested Hon'ble Members of the Council to stand up for a minute in the memory of Late Shri Arun Jaitley.

3.1. The Hon'ble Chairperson warmly welcomed Shri Basavaraj Bommai, Minister for Home, Karnataka, Shri T Harish Rao, Finance Minister, Telangana, Shri Suresh Khanna, Finance Minister, Uttar Pradesh who have been nominated as Members of the Council from their respective States. She also welcomed Shri Bikram Singh, Minister (Industries), Himachal Pradesh, Shri Brajendra Singh

Rathore, Commercial Tax Minister, Madhya Pradesh and Shri Madan Kaushik, Minister for Urban Development, Uttarakhand who were nominated for this particular meeting from their respective States. The Council also placed on record its appreciation for contribution made by Shri Rajesh Agarwal, the erstwhile Council Member from Uttar Pradesh to the deliberations of the Council.

3.2. The Hon'ble Chief Minister of Goa formally welcomed the Members of the GST Council, Officials of Central and State Governments on behalf of the State of Goa to the 37th GST Council Meeting and stated that it was an honour to host the meeting of the Council in Goa and that all issues in the agenda items would be discussed and deliberated in arriving at suitable decisions. He stated that our Hon'ble Prime Minister of India had brought laurels to our nation by successfully implementing GST regime and it would be our collective endeavour to take this initiative to the next level and add value to make it comprehensive. He added that there were certain issues pertaining to the State of Goa with respect to hotel Industries and casinos, for which he had written separately to the Hon'ble Chairperson and he expected that both the issues would be resolved in this meeting. At the end, he thanked once again the Hon'ble Chairperson in giving his State an opportunity to host the GST Council Meeting and also appreciated Shri Mauvin Godinho, Council Member from the State of Goa in leaving no stone unturned in successfully organising the meeting.

3.3. After the preliminary discussions, the Hon'ble Chairperson thanked the Hon'ble Chief Minister of Goa and requested Dr. ABP Pandey, the Union Revenue Secretary and the Secretary to the Council (hereinafter referred to as the Secretary) to take up the individual agenda items for consideration of the Council.

Agenda Item 1: Address/Presentation by the Chairman, Finance Commission, regarding need for a consultative mechanism between the GST Council and the XV Finance Commission

4. The Secretary informed that the first Agenda Item was address by the Chairman, XV Finance Commission (FFC) Shri N. K. Singh and requested him to make his address. Chairman, FFC while expressing his gratitude to the Hon'ble Chairperson of the GST Council for having acceded to the FFC's request for granting them an audience before the Council, stated that it was a privilege and opportunity to share their thoughts and the way in which they were looking at macroeconomic framework, with the GST Council. At the outset, he stated that the FFC had a stake in the decisions taken by the GST Council emanating from the Constitution of India and the terms of reference of the FFC. He explained the stake of the FFC in the GST regime by illustrating that about 23.8 per cent of the gross tax revenues of the Union are from GST and that taxes subsumed in GST constitute about 42% of own tax revenues of the States. Therefore, they were greatly interested in the behaviour of how this large contribution of GST to the Union's overall taxes and that of the States really behave themselves in the foreseeable future and more so during the period of their award. It was further stated by him that as per the trends, the overall Tax-GDP ratio of India is about 17.2% while the said ratio by way of time series analyses based on India's current per capita income and GDP should be about 22.6% and therefore there was a gap of about 5.4%. Within this gap, there is a GST compliance gap which was about 2.4% of the GDP and the FFC was interested in understanding the compliance gap of 2.4% between the GST potential and GST realisation.

4.1. The Chairman, FFC stated that when the GST was originally adopted, it was expected that the GST with "one-nation-one-market-one-tax" would have a multiplier effect on growth, improve tax revenue buoyancy, incentivise efficiency and thereby promoting the virtuous cycle which exists between e efficiency and growth and benefit to all the stakeholders which also had been the objective and has been the modalities in which the GST Council had functioned with rare unanimity.

4.2. He added that the experience of GST in the last 25 months reveals that the result has been a mixed-one, owing to several factors such as the GST rate structure and the modalities for compliance which have not been very simple, multiple adjustments in GST rates and its structure have made it difficult to ascertain the impact of GST on economic growth. As opposed to the expected buoyant expectations of the revenues, 21 of the 29 States have had to be compensated for revenue shortfall during 2018-19. He observed that this may be partly due to protection of GST revenue at a high 14% annualised growth from the base year of 2015-16., which was a part of the grand bargain (in the words of the iconic politician Late Shri Arun Jaitley) of the Union with the States. He stated that when the compensation rates were being fixed, at that time, the nominal GDP numbers were close to 12.6%. However, the observed growth in subsumed taxes in the five years preceding the implementation of the GST was only about 8 to 9% per annum whereas the compensation rate was determined at the rate of 14%. Therefore, in view of the relatively better macro-economic condition, the rate of compensation (14%) may not have been too difficult to accommodate which meant a tax revenue buoyancy in excess of one. Post-facto, with the containment of inflation under the targeting regime and some sluggishness in economic activity, the nominal GDP growth itself has been lower than expectations. Hence, the protection of revenues to the States at the annualized rate of 14% has placed a substantial demand on the GST system.

4.3. He further stated that the award period of the FFC was for a period of five years starting with FY 2020-21 and ending with 2024-25. While compensation to the State had been assured till 2022, the calculations by FFC had taken into account revenue growth of 14% for the remaining three years also. This will undoubtedly put a big burden on the Union's Finances. If the GST revenues of the States did not grow at the rate of 14% per annum on account of low tax buoyancy arising from lower efficiency gains then the Central Government and the State Governments had to worry about the certainty of the assured 14% compensation in case of shortfall. He also observed that the gap in amount of realisation from the compensation cess to that of compensation to be paid had also increased over a period of time. As a result of this, Centre's options were limited as to whether the Cess rate would have to be increased or more commodities besides Auto Sector, Coal, Tobacco etc. would have to be covered under the Cess or they could be a change in Act of Parliament to reflect the current macro-economic reality which included a much lower nominal GDP growth than the GDP numbers which were assumed or ., the compensation might have to be paid from the Consolidated Fund of India which would impact the vertical distribution of revenues from the Centre to the States. He informed the Council that almost every State's Finance Minister that the FFC had visited pleaded in one form or the other, either for a straight continuation of the 14% compensation of the balance three years that was covered by the award period of the FFC but not by the period of compensation or in some manner to find a solution which would enable them a softer landing for planning their resources in view of the 14% assured revenue growth. He stated that the FFC had a simple model based on the past estimates and nominal GDP numbers, the FFC gives a rate of growth to each State which would commensurate with the need of State and in a way commensurate with overall GDP of the country.

4.4. In this regard, the Chairman, FFC raised some issues and made some suggestions. The first important question ever since the inception of the GST in July 2017, there had been only GST rates cuts and rarely there had been rate increases. More so, rates had been adjusted downwards for a considerable number of items in the last 10 meetings of the GST Council. The rate revisions occurred in August, September, October and November of the initial year of 2017 and further in January, July and December of 2018 and later in February, March and July of 2019. He stated that this exercise upset the time frame during which all of us had expected that the GST would certainly would be revenue neutral/positive in which all stakeholders benefited. He stated, however as we looked at all decisions taken so far

(downward revisions of rates), it made one feel that it's a race to the bottom where all were seeking competitively lower and lower rates on each commodity. This resulted in a cluttered rate structure, enormous challenges of compliance, challenges of technology. Therefore, he stated that the time had come to go back to the drawing board in spite of the fact that this may or may not be the appropriate time for it or else from where would the FFC consider its awards and devolutions to States. Apart from this, the threshold turnover and exemption limits had also been changed. He added that the multiple downward adjustments in the rate structure had two consequences. First, it had affected the revenue stream. Secondly, there was no clarity on the effective weighted GST rate currently in vogue. It was hence important to re-establish the revenue neutral rate. The Chairman, FFC suggested that rate rationalization was the need of the hour by simplifying the rate structure considerably around a three rate structure consisting of a Standard rate, a higher rate on luxury and sin goods, and, a lower Merit Rate with a view to configure everything around the standard rate which could be, say, 17%.

4.5. He added that the Council also needed to revisit the exemptions to recalibrate and rationalise them further. He also highlighted the need to visit the future course of compensation to States in view of the revenue gap vis-à-vis the assured growth. There were a number of issues centred around the compensation of revenue loss to the States, pre and post June-2022. GST compensation cess was imposed on a select band of items. There was little room for increasing the cess on automobiles given the slowdown currently observed in this sector. Increasing the cess on coal would have considerable cost implications for crucial sectors like electricity where coal is employed as a critical input. This limits the scope of raising the compensation only through a handful of items.

4.6. In view of the above, the Chairman, FFC stated that there was a need for clarity on the above issues to enable them to fulfil their constitutional obligations. There seems to be a certain amount of uncertainty about the gross tax revenue of the Union and its divisible pool of taxes. This assumes significance in so far as the stability of the finances in the States is concerned. Clarity about the net divisible pool of Union taxes over the award period and estimation of the gross tax revenue of the States was the basis for the scheme of fiscal devolution that will be instituted by the Finance Commission. Hence, resolution of the aforementioned issues was crucial to the decision-making of the Finance Commission. The Chairman, FFC ended his address by stating that the work of the GST Council and of the FC are essentially complimentary to each and both are constitutional bodies. He sought advice and guidance from the Hon'ble Members of the GST Council on the conundrum faced by the FFC as highlighted above. He suggested that a regular consultative mechanism between the GST Council and FFC might be established to facilitate a seamless consultation and resolution of issues that have relevance to the fiscal position of the States and resolution of issue that have a bearing on the Constitutional obligations of both the entities.

4.7. The Secretary thanked the Chairman, FFC for his opening address and invited the Hon'ble Members of the GST Council for their response to the suggestions put forth by the Chairman of FFC. Shri Manish Sisodia, the Hon'ble Minister of Delhi appreciated the issues raised by the Chairman, FFC and stated that it was the right time to tell the Council as to where we were headed. He also felt that it had been rightly pointed by Chairman, FFC that all the States should get rightful and equal devolution. He stated that unfortunately Delhi was not considered for the purpose of devolution by the Central Finance Commission since the last 18 years while they were being asked to set up State Finance Commission to devolve funds to the local bodies. He added that this Council treated Delhi as a State while the Central Finance Commission treated it as Union Territory. He stated that while the devolution by the Finance Commission to the States had increased from 32% to 42%, the amount given to Delhi

has remained static at Rs 325 crore since 2011. Therefore, both Delhi and Puducherry should be treated as States by the Finance Commission for the purpose of devolution of funds.

4.8. Shri V. Narayanasamy, the Hon'ble Chief Minister of Puducherry offered his condolences to late Shri Arun Jaitley, the former Chairperson, GST Council and the Union Finance Minister of India and stated that Shri Jaitley was able to carry the entire Council with him. Therefore, this was the opportune time to recognise and remember his services rendered to the nation. He thereafter stated that the devolution of funds from the Central Finance Commission and UT Finance Commission are given to the States and UTs respectively. He stated that from the point of view of GST, the UTs of Delhi and Puducherry were treated as a State whereas they are treated as UT with respect to devolution of Funds by the Central Finance Commission. He stated that with the passage of Bill in Parliament with respect to UT of Jammu & Kashmir, there would soon be three UTs with Legislatures including UT of Delhi and UT of Puducherry. He informed that as per the Act passed in the Parliament, there was a clause that UT of Jammu & Kashmir would be included in the FFC. Therefore, the UTs of Delhi and Puducherry remained left out. He stated that in this regard Puducherry and Delhi were pursuing with Government of India to be included in the FFC devolution. He added that for the Grants given under Centrally Sponsored Schemes and Central Schemes, the UTs of Delhi and Puducherry were treated as a State and the Grants were given in the ratio of 60:40 unlike the past when they were treated as UTs and the Grants were received from Centre in the ratio of 90:10. While the devolution of Funds to States was42% whereas as far as Puducherry is concerned the amount that was originally 90% in the form of Grant had decreased to approximately 26%. He stated that the revenue from Central Taxes that was collected from all the States including that of Delhi and Puducherry were going to the Consolidated Fund of India whereas UT of Puducherry and Delhi, were not getting any amount in the form of devolution therefrom. Therefore, there was every justification for Puducherry and Delhi to be included in the FFC. In this regard he stated that the CGST component of GST is collected in all the States including Delhi and Puducherry. Therefore, like any other States, Delhi and Puducherry are also entitled to 42% of CGST and that this anomaly needs to be addressed. The Chairman, FFC stated that they function in accordance with the terms of reference stipulated by the President of India and if the Terms of Reference had a mandate to include the claims of Delhi and Puducherry regarding devolution, then the same would be considered by the Finance Commission.

4.9. Dr. T. M. Thomas Isaac, the Hon'ble Minister from Kerala stated that he shared the concerns expressed by the Chairman, FFC regarding the current slowdown in the economy in terms of GDP growth. However, he disagreed with his views that because of slowdown the tax collection would remain low, leading to widening of compensation gap and therefore, we might need to re-work the compensation for the States in view of the burden on the finances of the Union. He stated that the Centre and States came together to bring GST based on consensus and in view of certain circumstances it should not be compromised. He was in agreement with the view that Union Finances should not be burdened but there was a mechanism in the Constitution itself to address the issue by which it can be addressed. Further, the Central Government could even borrow from the market which could be recouped by extending the period of levy of compensation cess for an year or two. He added that even during the times of slowdown/recession there is a need to address the concerns of the State but they did not have the right to borrow. Therefore, if the promises were not fulfilled then it would be difficult for the States carry on these obligations.

4.10. The Hon'ble Minister from Kerala stated that he agreed with the view of the Chairman, FFC regarding frequent downward revision and multiplicity of rates in GST and that the present rates were not revenue neutral. However, he disagreed with the idea of restructuring the entire GST edifice as it

would be counterproductive. He added that we must not forget about the position from where we had moved. He stated that it must not be forgotten that in the pre-GST era there were a number of taxes including VAT levied by the State Governments and a multiplicity of VAT rates across the States. He stated that simplification could not be a guise to argue for reduction in tax rates in its third year of GST. He further stated that there was no annual return and no real time data from e-Way bill was being shared. He stated that under the guise of Ease of Doing Business, rates have been reduced and returns had been done away which was against all canons of equity. Most of the consumer durables had a pre-GST rate much higher than 28% while their rate under GST was mostly at 18%. Therefore, in his view, instead of again planning to reduce the taxes further, the system needed time to stabilise and see the experience. The Chairman, FFC responded that it was not his suggestion thet compensation Cess as promised by the Act of Parliament should be changed. There were several options available that could be exercised in the context of the current macro-economic situation by the GST Council. His objective was to increase tax collections by making the tax rates revenue positive and certainly revenue neutral. As enough fiscal space was not available to the Union or States he did not want to decrease the revenue kitty. He had stated earlier that there was a case for increasing the Tax-GDP ratio of India vis-à-vis the peer group of countries in terms of same per capita income and similar stage of economic development. He agreed with the views of Hon'ble Minister from Kerala that equity must be an important driving consideration.

4.11. Shri Manpreet Singh Badal, the Hon'ble Minister from Punjab stated that the Chairman, FFC had shown us the mirror. The C&AG in its report for 2017-18 had stated that Union of India collected 10% less tax in 2017-18 over 2016-17. If it was assumed that there was an organic growth was of 10% to 12%, Government of India collected 20% less taxes in GST. In other words, the tax rates in GST were much lower by approximately 25% than the pre-GST regime. Therefore, there was a need to look at the entire gamut of tax rates and structural changes in tax rates may be carried out, if necessary. He observed that GST was a product of tremendous trust which the States had reposed in the Union . One of the contributing factor for the trust was that the States were given an assurance of 14% growth in revenue year-on-year. In his view, it appeared from this year's budget, the commitment was getting diluted indirectly. While total amount collected through Cesses and Surcharges had grown by 100% during the last year, there was no money available for the States through devolution. Therefore, he too agreed with the views expressed by Hon'ble Minister from Kerala that the tax rates should be revenue neutral in addition to bringing out more clarity on the devolution formula with respect to surcharges and cess.

4.12. Shri Suresh Khanna, the Hon'ble Minister from Uttar Pradesh stated that he agreed with the Hon'ble Chairperson of the GST Council on what she said about Late Shri Arun Jaitley and he offered his tributes to him. He stated that the concerns expressed by the Chairman, FFC were indeed serious and he too believed that there was a need to undertake a review of GST. He stated that just like there were Fitment Committee and Law Committee to look into changes in rates and law, there was a need to set up a Committee to check Tax Evasion.

4.13. Shri T S Singh Deo, the Hon'ble Minister from Chhattisgarh expressed his respects and deep condolences on untimely demise of Late Shri Arun Jaitley. He stated, in the charged political atmosphere where inter-political rivalries were acute, he was pleasantly surprised to see a facet of Shri Jaitley in the GST Council which was very warm and accommodating as Chairperson of the GST Council. In respect of the issues raised by Chairman, FFC regarding GST rates etc., he stated that many viewed that India had got a very complex GST structure and there was a need for its simplification in terms of having lesser number of slabs, may be one, two and certainly not more than three slabs in view

of keeping with the objectives of GST to yield higher revenues and a fair playing field. He stated that while going through the C&AG report, he noticed that the report relating to revenue from Central Excise for the year 2015-16 highlighted that 97.37% of the total Central Excise revenue came from only 8 items and about 90.03% of this revenue came from 5 of these items. Therefore, in view of these, we must concentrate on evasion prone commodities and high revenue generating items rather on increasing tax rates. He stated that businesses with less than Rs 2 crore annual turnover constitute about 82.04% of assessee base while they contributed about 3.36% to the GST revenue and in his State most of the revenues came from very few tax payers, that is about 10% tax payers accounted for 95% of GST collection. Therefore, it was needed to ease the environment of business for smaller taxpayers and at the same time focus on checking leakages in high revenue contributing segments. Regarding the aspect of compensation to States he stated that there was a provision for compensation to States in case of shortfall till the year 2022. He informed that for a State like Chattisgarh, it was not able to increase the revenue on its own by more than 7%. He stated that the production of coal in 2018-19 was about 142 million tonnes and further explained that in pre-GST regime the State levied environmental cess on coal that was used by the State entirely and then there was a VAT of 5% which accrued to revenue of the State but with the new GST regime the GST rate was same as that of VAT rate i.e. 5% and Chhattisgarh got 2.5% as its share. Therefore, there was huge loss on account of revenue from Coal to the State. It was therefore, not desirable to have a discussion regarding having or not having compensatory framework to States at this stage and they might end up losing Rs 5500 to Rs 6000 crore by the year 2022.

4.14. Shri Nitinbhai Patel, the Hon'ble Deputy Chief Minister of Gujarat stated that Chairman, FFC had presented a general view with respect to GST implementation. However, he felt that the discussion regarding review of entire GST framework was not needed as it would undo the work done by the Council in its last 36 Council Meetings. Therefore, he suggested that the Council, based on the suggestions of Chairman, FFC, can discuss a full-fledged agenda separately in the Council. The Hon'ble Chairperson noted the suggestion of Hon'ble Minister from Gujarat and suggested that some more States might like to express their views about address of Chairman, FFC and they should be heard as well.

4.15. Dr. Amit Mitra, the Hon'ble Minister from West Bengal stated that two trends were clearly visible with regard to what the Chairman, FFC had highlighted. Firstly, the burden of development had slowly shifted from the Centre to the States. For instance, Sarva Shiksha Abhiyan, Right to Education, Food Security Act, all these were introduced by Centre and then after a while it was left to the States for implementation. He stated that almost 60% of developmental work in the States were carried out by the State's finances. Therefore, one of the trends was that the States were being made more and more responsible for creation of social and physical infrastructure in their jurisdiction. The second trend was whether GST in its current condition was sufficient as a resource provider for the aforesaid obligations of the States. He invited reference to the reply given by Hon'ble MoS (Finance) in the Parliament that approximately Rs. 45,682 crore worth of GST evasion had been detected. He further stated that on one hand we were looking for resources in GST but the structure was unprepared that such large-scale frauds were happening around. Therefore, the GST revenues have turned out to be less than VAT for the States whereas the contribution of Cesses and Surcharges to the Union's revenue kitty as part of Gross Tax Revenue had increased from about 6.53% in 2009-10 to 12.24%. However, the cess and surcharge were not part of devolution package. Thus, we see a trend that the finances of States were getting squeezed.

4.16. The Hon'ble Minister from Bengal further stated that the Chairman, FFC in his remark suggested to review the basic GST architecture, look at three rate structure, revise the compensation

matter etc. In this regard, he submitted that the tax incidence in many commodities in the pre-GST was much higher than in the GST regime. He stated that he had been saying that we should move away from levy of 28% on goods other than the Sin goods and Luxury items to 18% without cherry-picking when some stability in revenue structure was achieved. He observed that unfortunately, the revenue structure had worsened instead and States were being compensated by the Central Government. He stated that it was not clear as to what would happen to the State's finances post 2021-22 when the compensation as provided for under the Compensation Act was over. He felt that one solution could be by way of increasing devolution to States now or probably by extending the Compensation to States by three years at a lower rate, say 10%, beyond 2022 till the year 2025. He felt that may be by that time the GST structure would stabilise. In this backdrop, he wondered as to whether the Finance Commission could recommend extension of the period of Compensation to States till GST structure stabilised. He further suggested that in the meantime as suggested by Chairman, FFC there was a need to go back to the drawing board. Therefore, he requested to provide the States with a head room because GST was not likely to stabilize for a few more years. As opposed to this, VAT stabilized in three years. The Hon'ble Minister from Gujarat agreed with views expressed by the Hon'ble Minister from West Bengal regarding the possibility that Finance Commission may recommend to the GST Council or the Central Government to extend the period of compensation so that the States were assured that the Centre would continue to help the States for few more years beyond 2022.

4.17. Shri Sushil Kumar Modi, the Hon'ble Deputy Chief Minister of Bihar expressed his condolences on demise of late Shri Arun Jaitley and stated that he was a great consensus builder. He stated that the real tribute to him would be offered to him by continuing the spirit of consensus in the Council. Thereafter, he stated that when VAT was introduced the States were scared of revenue loss and therefore the Government of India promised compensation to them for the loss suffered for three years. However, no compensation was required by any State after two years of introduction of State VAT. He stated that going by the trends, he felt that the revenue figures were not as depressing as it was being projected and that he was confident that after three to four years of implementation very few States would be left eligible for getting compensation from Centre. However, he requested that the Finance Commission may recommend GST Council or the Government of India to extend the period of compensation by two years. He drew reference to clause 18 of the 101st Constitutional of Amendment Act which guaranteed compensation to the States for loss of revenue on account of implementation of GST for a period of five years. Therefore, it would require Constitutional amendment so as to extend the compensation period by another two years. He observed that the revenue shortfall seemed to have reduced in the year 2018 and 2019 vis-à-vis 2017 and 2018. He further stated that the average monthly collection under GST for 25 months was about Rs. 96,438 crore with a standard deviation of about 6.85% which was within the tolerable limits.

4.18. The Hon'ble Minister observed that, apart from Brazil, Canada and few more countries, nowhere in the world dual GST was administered and collected in a dual manner. For instance, Singapore and some other smaller countries had only single rate GST, the European Union also had tax rates between 15% and 29%. Therefore, it might not be possible to have a single rate under GST even in India. He further stated except one or two countries, nowhere in the world invoice matching was carried out. He stated that he agreed with views expressed by Hon'ble Minister from Gujarat that the most of the issues flagged by Chairman, FFC had already been discussed at length in the 36 GST Council Meetings held so far. Therefore, it might not be the right time to discuss restructuring of GST framework. He felt that most of the issues were related to simplification of processes and rationalisation of rates and the Council was working on those lines already. He stated that when decision regarding rate of compensation was being taken, the subsumed taxes growth rate was about 11% but compensation

to States was guaranteed at 14% as grand bargain. He strongly felt that assurance given by the Act of Parliament should be abided and the compensation rate should not be reduced from 14% at any cost for five years, otherwise faith of States would be affected. He added that he would send separate memorandum to FFC with regard to notes circulated earlier on behalf of the FFC. He requested Chairman, FFC Finance Commission to recommend continuation of compensation Cess till the term of FFC .i.e. 2025.

4.19. Dr. Himanta Biswa Sarma, the Hon'ble Minister from Assam stated that it was a historic day for Indian economy as corporate tax rate had been reduced from 30% to 22%/15% and a new era of growth would begin. He felt that there should be no increase in GST tax rate on this historic day. He stated that he was optimistic about the Indian economy and he did not feel that last few months should be made the basis to carry out long-term structural changes in GST. He felt that the efforts of the Government of India, GST Council, States, NITI Aayog and all the stakeholders should be synchronised and that would automatically lead to economic growth and increase the tax revenues. He stated that Compensation to States was guaranteed under the Constitution @14% per annum over the base year 2014-15 as per the deal between the Centre and the States. Therefore, if at a later stage, if the States felt that they needed compensation for another 2 years then they would discuss with the Government of India bilaterally. He requested the FFC to give a balanced award to the States. He wished that the Finance Commission shouldn't dampen the spirits prevalent today.

4.20. Shri Mauvin Godinho, the Hon'ble Minister from Goa expressed his deep condolences on demise of late Shri Arun Jaitley. He stated that Shri Jaitley through his interjections ensured true consensus within the Council and every decision was taken unanimously. With regard to concerns raised by Chairman, FFC, he differed with him based on merit. He stated that India was a very diverse country and Union of several States and therefore it was not proper to compare it with any of the peers. He added that GST was giving monthly revenue of about Rs. 1 crore which spoke of big success of the new regime of Indirect Taxes. Therefore, a slight slowdown in economy should not lead us to taking knee jerk reaction. Our response needs to be matured. He congratulated Hon'ble Union Finance Minister for taking the bold step of reduction in Corporate Tax rates to improve the investment sentiments and boost the economic growth. He stated that the GST rates on few items had been lowered in response to sentiments of Indians and there should be no tinkering with GST architecture as it would send a wrong message. He suggested that efforts such as invoice matching etc should be made to plug revenue leakage on account of evasion which would automatically bring in buoyancy in collection.

4.21. Shri D. Jayakumar, the Hon'ble Minister from Tamil Nadu stated that their views had been recorded in his written speech, which was been laid before the Members of the Council. The Hon'ble Minister from Tamil Nadu in his written speech expressed that the Council must tread very cautiously on reduction of rates on auto and cement as it had serious revenue implication. Further, the pre-GST rates on these items were at the same level as in post-GST era. It was suggested that rationalisation should be considered only when there was high buoyancy in tax revenue and the economic conditions were conducive. Further, Tamil Nadu did not support any withdrawal of exemptions as they were very sensitive and based on items either produced or consumed by vulnerable sections. Tamil Nadu was, in principle, strongly opposed to bringing petroleum products and electricity under the scope of levy of GST as an issue of State's fiscal autonomy. Further that Tamil Nadu did not support any differential treatment of States by FFC. This was for the reason that there was no differential impact on the States arising from GST since compensation was being paid to all the States in proportion to the amount in the base year. It was stated that one of the reasons for the persistent shortfall in GST revenue could be due to repeated reduction in the rates of tax made by the Council in the past two years since the roll out

of GST. Therefore, Tamil Nadu also strongly favoured continuation of compensation to States even after the mandatory five-year period, although the rate at which such compensation was to be provided and other modalities could be worked out by this august Council in future. Alternatively, the Compensation Cess may be merged into the GST rate, which will increase the revenue flowing to States.

4.22. Shri Madan Kaushik, the Hon'ble Minister from Uttarakhand stated that at the time of its formation, the State got about Rs. 233 crore from Uttar Pradesh. He informed that on advice of the then Prime Minister late Shri A.B Vajpayee the State worked to attract industries to Uttarakhand which led to a huge increase in its own tax revenue at the rate of 17-18% every year. When GST came these industries did not have an incentive to remain in Uttarakhand and there had been loss of tax revenue. Therefore, there was a need to extend the compensation to States beyond 5 years.

4.23 Shri Niranjan Pujari, the Hon'ble Minister from Odisha offered his condolences on passing away of Late Shri Arun Jaitley. With regard to observation of Chairman, FFC, he agreed to the suggestion of relook into the rate structure in GST. He stated that State of Odisha also suffered losses in GST regime due to structural changes, the change in levy approach from origin to destination State resulted in the loss arising from CST to the tune of Rs. 1,000 crore. They also suffered loss to the tune of Rs 600 crore on account of Sales Tax. He stated that he concurred with the views expressed by the Hon'ble Minister from Chhattisgarh regarding the loss of revenue with respect to mineral resources such as iron, coal etc in GST regime vis-à-vis pre-GST regime. Therefore, he requested that to fill this revenue gap the Compensation to States must be continued. He further suggested Chairman, FFC to reward the States additionally who performed well in population management criteria.

4.24. Shri Brajendra Singh Rathore, the Hon'ble Minister from Madhya Pradesh stated that the Centre and the State came together for implementation of GST based on trust and therefore it was important for the Centre to uphold the commitments made to States. He also requested for extension of Compensation to States after the five year period, albeit with reduced rates. The Hon'ble Chief Minister of Puducherry stated that the Compensation to States at the rate of 14% had been arrived at after deliberations over four sessions of GST Council. He stated that smaller States like Puducherry has been disadvantaged in GST arising from loss from CST and the change in principle of taxation from origin to destination. Therefore, the suggestion from Chairman, FFC that the compensation to States should be revisited in view of the prevalent macro-economic situation may not be prudent.

4.25. Shri Basavaraj Bommai, the Hon'ble Minister from Karnataka expressed his condolences to Late Shri Arun Jaitley. He stated that the Chairman, FFC had raised two fundamental questions, the first being on Compensation and the other being on rates. In his view, the intention of the FFC was to look into the ways and means to achieve the desirable results. He stated that compensation was the bonding spirit for GST and was critical to the States. He further stated that the growth in revenues during the VAT regime was about 13% to 14%. It was, therefore, essential to extend the period of compensation, as demanded by the States. He suggested that to avoid the abrupt fall at the end of compensation period of 2022, there could be a decremental compensation. He stated that rationalisation of rates had to done at the right time when the revenue stabilised. The GST Council was required to ride two horses of efficiency and equity and had to be done collectively by Centre and States together.

4.26. Shri T. Harish Rao, the Hon'ble Minister from Telangana expressed his condolences on the demise of Late Shri Arun Jaitley and paid tributes for the leadership role played by him. He stated that though tax incidences had reduced after GST, but there has been not much improvement in economy. The reasons for the same are required to be ascertained. Therefore, there should be no further rate cut in GST rates. He stated that petroleum and alcohol should not be brought into GST. Information should

be provided in respect of GST pertaining to other States, which would enable the States to reduce tax evasion.

4.27. The Hon'ble Chairperson subsequently invited the Chairman, FFC, to respond to the views expressed by the Hon'ble Members of GST Council. The Chairman, FFC thanked for the valuable and diverse views expressed by the Hon'ble Council Members. He clarified that it was not the Finance Commission's intension or purpose to detract from the optimism generated by Hon'ble Union Finance Minister's recent announcements and that they did not want to spread pessimism. If the optimism triumphed, it would enable the FFC to conclude better. He assured that the award by the FFC would be just and appropriate. The Chairman, FFC stated that he agreed with the views expressed by Hon'ble Minister from West Bengal on the broader issue of burden of developmental projects on the States and particularly with respect to Centrally Sponsored Schemes. He informed that they were in consultation with the Ministry of Finance to lend more predictability in terms of financing and also to see the outcome of these schemes. He added that a very basic reason for malaise of GST appeared to be system itself and the compliance gap, as stated earlier, and the leakage/misuse needed to be plugged. He also stated that the views on whether or not to continue the Compensation Cess had been varied within the Council itself. In any case, this decision did not vest in the Finance Commission. However, the Finance Commission was obliged to look into the rates of growth of revenue while making Award to the States. He observed that there were variation of opinion regarding the modalities of Compensation being paid to States. He stated that it was a constitutional provision and the Finance Commission was not in a position to decide upon it. He also clarified that the Finance Commission was not giving any signal regarding the rate structure or for raising tax rates, as the decision again vested entirely in the Council. With regard to Cesses and Surcharges, he observed that they were not shareable under the Constitution, and therefore, they could not be devolved. He stated that some of the Members expressed their views on exemptions as to whether it should be continued or not and in his view this feature was again embedded in the Constitution and it was up to the Council as to decide as per the best international practises and its appropriateness.

4.28. The Chairman, FFC stated that the Finance Commission had a broad ranging terms of reference and they were bound to address those obligations. He further stated the Finance Commission was required to strike a balance between various vertical and horizontal imbalances under various macro-economic assumptions. He observed that the revenue deficit grant under Article 275 of the Constitution would depend upon the health of finances of the Union of India. However, they were concerned about the revenues of the Union and the divisible Pool, which together formed part of the gross tax revenues and must remain robust and adequate in terms of absolute numbers, and therefore, the FFC was a stakeholder. Finally, the Chairman, FFC thanked the Members of the GST Council for opportunity to express the FFC's views and stated, while he had to weigh various options, he hoped and prayed that the optimism shared by the Members of the GST Council come true.

5. For **Agenda item 1,** the Council took note of address by the Chairman, FFC and the views expressed by the Members of the Council.

Agenda Item 2: Confirmation of the Minutes of the 36th GST Council Meeting held on 27th July, 2019

6. The Secretary introduced the Agenda Item and stated that it was discussed during the Officer's meeting held on 19th September 2019 and no comments were received from the States regarding the versions recorded in the draft Minutes. Therefore, he requested the Council to approve the Minutes of the 36th GST Council Meeting.

7. For **Agenda Item 2,** the Council adopted and confirmed the Minutes of the 36th GST Council Meeting held on 27th July, 2019.

Agenda Item 3: Deemed ratification by the GST Council of Notifications, Circulars and Orders issued by the Central Government

8. The Secretary informed the Council that the Agenda Item (presentation attached as Annexure 3 to the Minutes) was discussed in detail in the Officer's Meeting and it was agreed by all. Therefore, he requested the Council to approve the agenda item.

9. For **Agenda item 3,** the Council approved the deemed ratification of the following Notifications, Circulars and Orders issued after 27th July, 2019 till 11th September, 2019, under the GST law by the Central Government, which are available on www.cbic.gov.in.

Act/Rules	**Type**	**Notification/Circular/Order Nos**
CGST Act/CGST Rules	Central Tax	35 to 41 of 2019
	Central Tax (Rate)	12 and 13 of 2019
UTGST Act	Union Territory Tax (Rate)	12 and 13 of 2019
ITGST Act	Integrated Tax (Rate)	12 and 13 of 2019
ROD Orders	Under CGST Act	7 of 2019

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

Agenda Item 4: Decisions of the GST Implementation Committee (GIC) for information of the Council

10. The Secretary informed the Council that the Agenda Item (presentation attached as Annexure 3 to the Minutes) was discussed in the Officer's Meeting and it was agreed by all. Therefore, he requested the Council to approve the agenda item.

11. For **Agenda item 4,** the Council took note of the decisions taken by the GIC between 20th July, 2019 and 6th September, 2019.

Agenda Item 5: Decisions/Recommendations of the IT Grievance Redressal Committee for information of the Council

12. Introducing this Agenda item, the Secretary stated that the Minutes containing decisions/recommendations of the 6th and 7th Meeting of the IT Grievance Redressal Committee (ITGRC) were circulated to the States (attached as **Annexure 1 and 2** respectively of the Minutes of the respective ITGRC Meetings in Agenda item 5). The presentation covering the issues relating to the Agenda item was attached as **Annexure 3** to the Minutes.

12.1. As per the Agenda item, of the 32nd GST Council Meeting, Council had approved to extend the scope of ITGRC to also consider on merits, the specific cases covered under the orders of the Hon'ble High Courts as sent by any State or Central authority, to the GST Council Secretariat having certain **non-technical issues** viz. errors apparent on the face of record, where certain conditions were satisfied. The GST Council Secretariat had received 179 cases in response to extended scope of ITGRC and analysis of these cases was also presented before the committee.

12.2. The ITGRC in its 6th Meeting held on 27th May 2019 had decided and recommended the following: -

A. Cases where technical glitches in filing TRAN-1 was claimed by Taxpayers; analyzed and presented by GSTN (682 Cases):

a. To allow filing of TRAN-1 in total **172 cases of Category 'A'**, as per Annexures mentioned in column No. 3 and 4 of Table-2 (of the 6th ITGRC Minutes) on account of technical/system issues as explained at para 6 of Minutes, in accordance with the Law Committee recommendations regarding consequential benefits related to filing of TRAN 1.

b. **Not to allow remaining 510 cases of Category 'B'** as per Annexures mentioned in column No. 3 and 4 of Table-3 (of the 6th ITGRC Minutes), in absence of any evidence of technical/system errors in these cases as explained at para 7 of Minutes, as was decided in similar cases in past five IT-GRC.

B. Cases presented by GST Council Secretariat reported as non-technical glitch in terms of extended scope of ITGRC (179 Cases):

a. **Not to allow re-opening of portal for Category A1 (04 cases), A2 (03 cases), A3 (03 cases), A4 (07), A5 (09 cases)** (**total 26 cases)** as the criteria laid down by 32nd GST Council Meeting were not fulfilled, while some of them could be resubmitted to ITGRC after correcting the deficiencies.

b. Cases of Category **B1 (12 cases), B2 (12 cases) and D (92 cases) (total 116 cases)**, having reported technical error or were not fulfilling parameters as recommended by 32nd GST Council were recommended for forwarding to GSTN for further analysis and placing before the next meeting of ITGRC in terms of circular dated 03.04.2018.

c. Cases at **Category B3 (19 cases)** had been presented in the 1st to 5th ITGRC and recommended by ITGRC, hence no action required.

d. Cases at **Category C** (**18 cases**) had been presented in the 1st to 5th ITGRC but not recommended by ITGRC and now again forwarded by CGST/SGST tax authorities without recommendation, hence Committee had directed State/CBIC tax authorities to re-examine these cases and forward properly, only if they fulfil, the parameters/conditions as decided in 32nd GST Council Meeting.

12.3. The ITGRC in its 7th Meeting held on 11th June 2019 decided and recommended the following: -

a. **To allow** filing of TRAN-1 in total **98 cases** of Category 'A', as per Annexures mentioned in column No. 3 and 4 of Table-2 (of Minutes) on account of technical/system issues as explained at para 4 of Minutes, in accordance with the Law Committee recommendations regarding consequential benefits related to filing of TRAN 1.

b. **Not to allow** remaining **151 cases** of Category 'B' as per Annexures mentioned in column No. 3 and 4 of Table-3 (of Minutes), in absence of any evidence of technical/system errors in these cases as explained at para 5 of Minutes, as was decided in similar cases in past six IT-GRC.

c. It was also decided by the committee that in all such cases where Court had directed to allow the filing of TRAN-1 manually or electronically, without giving any consideration to the fact that technical glitches were there or not, jurisdictional tax authorities should take legal opinion of Government Counsel to file appeal/review petitions as deemed fit and proceed legally as per CGST/SGST/UTGST Act, law and rules. Commissionerate/States might either file an

appeal against the above-mentioned order or, if it was found to be a fit case in terms of 32nd GST Council decision regarding extended scope of ITGRC for non-technical issues also, then the case might be recommended by the Commissioner following the prescribed procedure. The Commissionerate/States may obtain the status of Technical Glitches in the cases where decisions were to be taken for filing of Appeal or enabling taxpayers for filing of TRAN-1/TRAN-2 in compliance of Hon'ble High Courts orders, where ever such information was not available on record.

12.4. The Secretary also stated that the agenda was discussed during the Officers Meeting held on 19th September 2019 and was being placed before the Council for information. The Council took note of the decisions/recommendations of the 6th and the 7th Meeting of the ITGRC.

13. For **Agenda item 5,** the Council took note of the decisions/recommendations of the 6th and 7th Meeting of the IT Grievance Redressal Committee.

Agenda Item 6: Review of Revenue position

14. The Secretary invited Joint Secretary (Revenue), Department of Revenue (DoR), to make a presentation on the GST revenues, trends in Return filing etc. Shri Ritvik Pandey, Joint Secretary (Revenue), DoR, made a presentation on the agenda item (attached as **Annexure 4** to the Minutes) and informed that revenue trends of last 5 months of the Financial Year 2019-20 had been highlighted in the agenda note. He highlighted that the regular IGST settlement between the Centre and the States had increased substantially from July-August, 2019 onwards. This was on account of change in the law. Therefore, the IGST settlement had been on expected lines. He further highlighted that the trends in total gross GST revenues had been captured in Figure 1 at page No. 43 of the Agenda Notes, which showed that the total GST revenues were on the rise. He drew attention of the Members of the Council to page No. 42 of the Agenda Notes relating to compensation fund and stated that Rs. 65,151/- crore had been released as Compensation to States in the FY 2019-20 which also included the last bi-monthly instalment of the year 2018-19. He also stated, the projections indicated that compensation amount available at the end of February, 2019 would be close to compensation requirement at the end of January, 2019. He informed that in general the average revenue shortfall for the period April-August, 2019 had gone up.

14.1. The Secretary added that as seen from Table 3 of the Agenda item, the closing balance of compensation collected and compensation released in the year 2018-19 was Rs 47, 272 crore whereas till end of August 2019, the balance was Rs. 23, 695 crore. He informed the Council that for the month of June-July, 2019, approximately Rs, 28, 000 crore was released as compensation whereas the average monthly collection was around Rs. 7, 000 crore only. The Hon'ble Minister from West Bengal wondered as to what would be the expected shortfall in terms of collection and requirement of compensation to States by February, 2020. The Secretary informed that the shortfall was expected to be around Rs. 10, 284 crore.

14.2. The Hon'ble Minister from Punjab drew attention of the Council to page no 28 of report No 11 of 2019 (Indirect Taxes – Goods & Service Tax) presented by the C&AG wherein it was mentioned that devolution of IGST was in contravention of the provisions of Constitution of India as Article 270 (1) of the Constitution excludes duties levied under Article 269 (A) (i.e. IGST) from list of taxes and duties to be distributed between the Union and the States. Further, devolution of funds using Finance Commission formula also has the impact of distribution of IGST funds among the States in a manner quite different from the ratio in which funds would have gone to the States in normal course as ITC cross utilisation or apportionment is based on Place of Supply concept. He stated that to this the Central

Government had replied that in 2017-18 devolution of IGST was done, pending finalisation of accounting procedure for accounting of IGST balance, with the opinion of the Department of Legal Affairs, Ministry of Law and Justice. The C&AG report stated that the reply of the Ministry was silent on the aspect of corrective action taken by it for setting right the IGST amount devolved during the year 2017-18. The reply of the Ministry was also silent on the aspect of impact on State revenues due to adoption of Finance Commission formula for distribution of IGST balance. In view of the above, he wondered as to whether the States were entitled to get higher amount of revenue than what was given to them out of IGST balance of Rs. 1,76,688 crore shown to have been received by Centre in 2017-18. He stated that in his view, if the correction were carried out then the entire amount were to be distributed in the ratio of 50:50 and out of the balance 50% amount with the Centre, the States were again entitled for 42% through devolution route. He also wondered, if for some reason the devolution of IGST provisionally was not warranted then whether at any stage the States would get their share when the provisionally distributed IGST was finally apportioned either by way of adjustment towards CGST or finally settled for IGST on B2C supplies.

14.3. The Hon'ble Minister from Punjab stated that Rs.1,000 crore had been denied to Punjab on account of Compensation, which was due to the State, based on the Accountant General-certified base year revenue. He further stated that one of the concerns had been highlighted already by him i.e. the States getting less on account of cesses and surcharges as they could not be devolved to the States. He requested the Hon'ble Chairperson to look into these issues objectively without any bias and to evolve a mechanism to resolve these disputes in a fair manner.

14.4. The Hon'ble Deputy Chief Minister of Delhi stated that their State had also suffered a loss of Rs. 3,200 crore on account of distribution of IGST between the Union and the States on the basis of the Finance Commission's formula, which should have been done subsequent to settlement of IGST funds based on Place of Supply Rules. He requested the Chairperson to set things right in view of the report of the C&AG and the issue raised by Hon'ble Minister from Punjab. The Hon'ble Chief Minister of Puducherry stated that they had also suffered losses of approximately Rs. 219 crore for reasons similar to that of Delhi. He stated that Delhi and Puducherry were not being considered in the devolution to States by the Central Finance Commission. He further stated that Puducherry was entitled to 71% of the IGST amount collected by the Centre. However, out of the apportioned IGST amount which was used to give compensation to States, Puducherry and Delhi were left out by the Finance Commission. He too requested the Hon'ble Chairperson to address this issue.

14.5. The Secretary stated that in the year 2017-18, the settlement mechanism was not clearly prescribed. Therefore, as on 31st March 2018, the IGST money lying in the Consolidated Fund of India was devolved as per the Finance Commission's formula to the States. He informed that this was done after taking formal opinion from the Union Ministry of Law and Justice about the constitutional position which was also conveyed to the C&AG. Further, there was no provisional settlement mechanism prescribed/formalised in this period. The Hon'ble Minister from Punjab wanted to understand the implication of what was done in 2017-18. He stated that whereas the States got 42% of the IGST money, they should have got instead 71%. The Secretary stated that the decision was taken as per the prevailing constitutional provision and the money was devolved accordingly. He added that some States might have received little less or more amount in terms of devolution but as far as compensation was concerned the same had been given. He stated that if we were to revisit the devolved shares of the States, then some amount might have to be recovered from few States. The Hon'ble Minister from Delhi stated that prior to the decision taken by the Government of India to put the money in Consolidated Fund of India, there was already a precedence of settling the IGST amount and the same should have been

followed instead of putting the money in Consolidated Fund of India. He requested the Hon'ble Chairperson to correct the anomaly. The Hon'ble Minister from Puducherry concurred with the views of Hon'ble Minister from Delhi.

14.6. The Hon'ble Minister from Chhattisgarh wanted to know whether the IGST funds were required to be split equally between the Union and the States and thereafter, the remaining 50% of the Centre's share was required to be devolved to the States in accordance with the Finance Commission's formula. The Hon'ble Minister from Punjab wondered as to whether the ratio in which the IGST amount was shared with the States had been corrected. The Joint Secretary (Revenue), DoR, responded by stating that the 2017-18 position has been corrected from 2018-19 and now we had a continuous system of *ad hoc* IGST settlement happening every two months between the Union and the States. The IGST funds are apportioned as CGST and the SGST. The SGST component went to the respective States whereas 42% of the CGST amount went to States by way of devolution. Dr. T V Somanathan, Additional Chief Secretary/Commissioner, State Tax, Tamil Nadu stated that the issue regarding settlement of IGST money for the FY 2017-18 had also been raised by Tamil Nadu. He stated that they too had lost substantial amount of IGST money due to them as it was devolved instead of sharing it by way of settlement. Shri V. K. Garg, Advisor (Financial Resources) to Chief Minister, Punjab stated that as clarified, he understood that even if the States got less by way of devolution, the rest of the money was given to the States by way of compensation in FY 2017-18. He further stated that Joint Secretary (Revenue), DoR had clarified that from FY 2018-19 onwards, the States had been getting the 42% of the Centre's share of the IGST money. However, he stated all these had led to one implication i.e. the States should have got 71% of the IGST amount for the FY 2017-18 but got 42% instead. As a result, the Centre ended up utilising the funds collected from compensation cess to pay to the Centre which actually belonged to the States and might have caused deficit in the compensation funds. He stated that if the anomaly was not corrected, the compensation cess stood utilised by the Centre.

14.7. The Hon'ble Chairperson suggested to constitute a Group of Ministers (GoM) to study in detail the issue of IGST settlement as on 31st March, 2018 and to address any possible dispute arising from the same. She stated that the concerns raised by Delhi, Puducherry, Punjab and Tamil Nadu could form the basis for the terms of reference of the GoM. It was also suggested that the GoM could consist of the Hon'ble Ministers from Delhi, Puducherry, Punjab and Tamil Nadu and would be chaired by the Union Finance Minister. It was proposed that the GoM would submit its report within a reasonable time.

15. For **Agenda Item 6,** the Council took note of the latest revenue position. It also decided to constitute a Group of Ministers consisting of Hon'ble Deputy Chief Minister of Delhi, Hon'ble Chief Minister of Puducherry, Hon'ble Minister from Punjab and Hon'ble Minister from Tamil Nadu under the chairpersonship of the Union Finance Minister to study in detail the issue of IGST settlement as on 31st March, 2018 and to address any possible dispute arising from the same.

Agenda Item 7: Issues recommended by the Law Committee for the consideration of the GST Council:

Agenda Item 7(i): Proposal for extension of last date for filing of appeals against orders of Appellate Authority before the GST Appellate Tribunal due to non-constitution of benches of the Appellate Tribunal

16. Introducing the agenda item, the Secretary informed that the issues under this agenda item were discussed in detail in the Officers' Meeting held on 19th September 2019. He invited Shri Yogendra Garg, Pr. Commissioner, GST Policy Wing, CBIC and Co-Convenor, Law Committee to present the

recommendations made by the Law Committee for consideration of the Council. The Co-Convenor of the Law Committee made a presentation (attached as **Annexure 3** to the Minutes). He stated that the Agenda Item 7(i) was discussed during the Officers meeting and there was a unanimity among the Officers that the Removal of Difficulty Order, as enclosed at **Annexure 1** to the Agenda Notes was required to be issued so as to provide for a mechanism to enable filing of appeal before the GST Appellate Tribunal. The subject ROD order was necessitated on account of non-setting up of the GST Appellate Tribunals, which had led to lapsing of the time limit of three months' (six months for appeals by the Government) time for appeals before the Tribunal.

17. For **Agenda item 7(i)**, the Council approved and recommended issuance of Removal of Difficulty Order, as annexed to the said Agenda item so as to extend the period of limitation for filing of appeal by linking it to the date when the President or the State President enters office.

Agenda Item 7(ii): Exemption to small taxpayers from filing of Annual Return

18. The Co-Convenor of the Law Committee introduced this Agenda item and stated that the Law Committee had recommended for waiver of the requirement of filing **FORM GSTR 9A** for Composition taxpayers for the FY 2017-18 and 2018-19 as they would be required to file an annual return only from 2019-20 onwards. With respect to the second proposal of waiver of requirement of filing of **FORM GSTR 9** for taxpayers having an aggregate annual turnover up to Rs.2 crore for FY 2017-18 and 2018-19, he stated that GSTR-9 filing had been far below expectation. He further stated, it was felt the compliance requirement was more challenging for the small taxpayers compared to the large taxpayers, as the cost of compliance could be high in proportion to tax payable by them. He stated that the Law Committee had recommended waiver of requirement of filing of **FORM GSTR 9** for taxpayers having an aggregate annual turnover up to Rs.2 crore for FY 2017-18 and 2018-19 and to find the ways to further simplify the **FORM GSTR-9** to make it easier for rest of the taxpayers. The Secretary informed the Council that two views emerged during the officers meeting held on 19th September 2019 i.e. (i). Either we waive the requirement of filing of **FORM GSTR-9** for FY 2017-18 and 2018-19 for taxpayers having turnover less that Rs. 2 crore; or (ii) we could make certain fields optional as some fields were the means to correct / explain the discrepancy reported in earlier returns filed by them. He requested the Hon'ble Council Members to give their views on the alternate proposals.

18.1. Shri Shanti Kumar Dhariwal, the Hon'ble Minister from Rajasthan stated that he agreed with the proposal regarding the waiver from filing of **FORM GSTR-9A** by Composition taxpayers for the FY 2017-18 and 2018-19. However, he felt that filing of **FORM GSTR-9** may not be waived for small taxpayers but could be simplified as the small taxpayers might also need to carry out changes/corrections in their earlier declarations done in the monthly returns. The Hon'ble Deputy Chief Minister of Bihar supported the recommendations made by the Law Committee. He stated that the proposals are with respect to taxpayers with less turnovers. He added that the new Annual Return was put in public domain in September, 2018, after the end of the Financial Year 2017-18. Therefore, it was very difficult to contemplate in advance the details that may be required to be furnished in the Annual Return. He felt that it might increase the compliance burden on these small taxpayers without adding much to the tax revenue of the government. He, therefore, suggested that taxpayers with turnover less than Rs. 2 crore may be exempted from filing of **FORM GSTR-9** for the FY 2017-18 and 2018-19 and even for taxpayers with turnover more than Rs. 2 crore, the **GSTR FORM-9** may be simplified by constituting a committee of Officers to examine and recommend simplification of annual return.

18.2. The Hon'ble Deputy Chief Minister of Delhi stated that we had been extending the dates for filing of these returns and also hope that the taxpayers would be filing these returns in times to come.

He stated that almost 80% of taxpayers had not filed these returns for the said period. He wondered as to what could be the legal consequences of non-filing of these returns as to whether non-filing of these returns would affect final IGST settlement. The Joint Secretary (Revenue) stated that very less ITC was involved with the taxpayers with lower turnovers. These taxpayers were mostly traders and he opined that there would be no/less reversals. He stated it would have miniscule effect on settlement. He further stated that IGST settlement was linked to only those taxpayers with Annual Return where they were not entitled for credit but they had not shown reversal in their monthly returns. The Hon'ble Minister from Delhi accepted the explanation in view of the ground reality and very little impact on settlement. The Hon'ble Minister from Uttar Pradesh agreed with the proposal of the Law Committee regarding **FORM GSTR-9A** and with respect to **FORM GSTR 9**, he stated that its format needed simplification. For instance, Column 8 of **FORM GSTR-9** was difficult to comply. Shri Arvind Agarwal, Additional Chief Secretary (Finance), Gujarat, stated that issue was discussed in detail in the Officers meeting and there was unanimity in accepting the recommendations made by the Law Committee with a rider that the words "at least initially" appearing in paragraph 5 at page 52 of the Agenda Notes should be deleted as it gave an impression that there would be waiver from filing of these returns by small taxpayers in future also. However, it might not be the intention. He also stated that there was a need to simplify **FORM GSTR-9** but it should not be waived off permanently. The Council accepted the suggestion made by ACS (Finance), Gujarat of deleting the words "at least initially" appearing in paragraph 5 at page 52 of the Agenda Note.

18.3. The Hon'ble Chief Minister of Puducherry stated that the formats of **FORMS GSTR 9, 9A** and **9C** came in September, 2018, and therefore, it was difficult for the taxpayers to fill the said forms for the period 2017-18 and 2018-19. He stated that filing of **FORM GSTR-9** for taxpayers with turnover less than Rs. 2 crore may be waived. He also stated that the **FORM GSTR-9** needs to be simplified. He opined that an option may be given to taxpayers with turnover below Rs. 2 crore for filing **FORM GSTR-9**. The Hon'ble Minister from Kerala stated that invoice matching was very important element of the GST architecture and therefore exemption from Annual Return for any category might not be a good idea. He observed the data indicates that the compliance from the smaller taxpayers were better than the larger ones. He stated that he too believed that the Annual Return forms had to be simplified. But also emphasised that the Annual returns were required if GST had to be self-policing.

18.4. The Hon'ble Minister from Chhattisgarh stated that the Annual Return were the aggregation of the monthly/quarterly returns filed by the taxpayers. So, in his view, it was only providing an opportunity to the taxpayers to correct/explain any anomaly in the already filed returns. He wondered, if the Council was doing away with these returns then what was the way out through which these corrections could be carried out by the taxpayers. He also suggested that the filing of these returns could be made optional for smaller taxpayers. The Co-Convenor, Law Committee stated that, if the taxpayer had a liability then they had an option to file and make the payment through **FORM GST DRC-03**, which is independent of the Annual Return. Shri Sanjeev Kaushal, Additional Chief Secretary (E & T), Haryana stated he had been instructed by the Hon'ble Council Member from Haryana that it was apparent from the data that the taxpayers with turnover less than Rs. 2 crore had filed the maximum returns and there was no real demand for the waiver of this requirement. He also observed that during the initial years of any reform there would be some legacy issues. However, if the requirement of filing of these Annual Return were waived off then there would be expectation for waiver in the subsequent years also. Therefore, the Annual Return forms should be retained but we may continue to simplify the returns further. The Hon'ble Minister from Madhya Pradesh stated that **FORMS GSTR 9 and 9A** should be simplified, particularly column 8 of **FORM GSTR 9** should be removed.

18.5. The Secretary summed up the decision of the Members of the Council that while **FORM GSTR-9A** for Composition taxpayers should be waived off, **FORM GSTR-9** for small taxpayers, whose annual turnover is up to Rs. 2 crore, should be made optional for FY 2017-18 and 2018-19, and a Committee of officers may be constituted look into simplification of the Annual Returns which could suggest deletion of certain columns or making certain fields optional.

19. For **Agenda item 7(ii),** the Council decided to:

i. waive off the requirement of filing **FORM GSTR-9A** for Composition taxpayers for the tax periods FY 2017-18 and FY 2018-19;
ii. make the requirement of filing of **FORM GSTR-9** optional for those taxpayers who were required to file the said tax return having aggregate annual turnover up to Rs. 2 crore for the tax periods FY 2017-18 and FY 2018-19;
iii. constitute a Committee of officers to examine the simplification of forms for annual return and reconciliation statement; and
iv. delete the words "at least initially" appearing in paragraph 5 at page No. 52 of the Agenda Notes.

19.1. The Council also approved that suitable notifications shall be issued after due vetting by the Union Ministry of Law and that the States shall also be required to issue similar notifications.

Agenda Item 7(iii): Issues pertaining to interpretation of Section 10 of the IGST Act, 2017

20. The Co-Convenor of the Law Committee introduced the agenda and stated that the issue was discussed in detail during the Officers meeting held on 19th September, 2019 but there was no unanimity among the officers. He stated that the issue was regarding the supply of goods that were purchased over the counter (on OTC basis) in one State and thereafter transported to another State by the recipient. He informed that the issue relates to interpretation of Place of Supply under the provisions of the Section 10 of the IGST Act. The draft Circular annexed to Agenda Item 7(iii) proposes to clarify that when goods are supplied on OTC basis but the supply involves further movement of goods which is arranged by the recipient, the expression "movement of goods terminates" would mean the place where the movement of goods terminates when the goods reached the place of registration of the recipient or to the address that has been declared in the tax invoice, as the case may be. It was, accordingly, proposed to clarify that the place of supply in case of such supplies, i.e. where the recipient is registered or the address declared in the tax invoice (in case such recipient is not registered) in a State other than the State in which the supplier is located, shall be determined in accordance with the provisions contained in clause (a) of sub-section (1) of section 10 of the IGST Act. Accordingly, such supplies would be treated as inter-State supplies. He further stated that the draft Circular is in accordance with the views of States like Punjab and Himachal Pradesh i.e. such OTC supplies may be treated as the intra-State supplies where the supply was made to an unregistered person and the recipient's address was not available on record and inter-State supplies where the address of recipient is available. Shri Amit Kumar Agarwal, Commissioner, E & T, Haryana stated that they were opposed to the proposal as they felt that the proposal went beyond Section 10(1)(a) of the IGST Act and that the proposed Circular would affect the revenue flowing to his State in the form of GST revenue. The Hon'ble Deputy Chief Minister of Delhi also supported the views expressed by Haryana. The Hon'ble Minister from Kerala suggested to follow the destination principle and agreed with the views expressed by State of Punjab.

20.1. The Hon'ble Minister from Gujarat stated that it appeared that if any person belonging to one State purchased goods in any other State and got the address of his/her residing State recorded in the invoice then the revenue would flow to the native State and not to the State where bill was actually

issued. In his view, this would be a big change and it was not clear as to how would one verify the address of the buyer and what would be the mechanism of the revenue flow to the States etc. The Hon'ble Deputy Chief Minister of Delhi felt that the law was being grossly misinterpreted. In his view, the destination principle meant where the supply chain terminated and not necessarily the address of the buyer.

20.2 The Hon'ble Chairperson felt that the issue should be looked into afresh by the Law Committee as the destination principle was being questioned and the entire edifice of GST was based on it. She requested the States to give their opinion in writing along with reasons thereof for consideration of the issue afresh in the Law Committee.

21. For **Agenda Item 7(iii),** the Council recommended to refer the agenda back to the Law Committee for considering the issue afresh after obtaining opinion of the States in writing along with reasons thereof.

Agenda Item 7(iv): Restrictions in availing input tax credit in respect of outward supplies not furnished under Section 37 of the CGST Act, 2017

22. The Co-Convenor of the Law Committee introduced the agenda and stated that there was a large gap in filing of **FORM GSTR-1** and **FORM GSTR-3B** which resulted in huge unmatched credits. In absence of matching, the taxpayer availed ITC in **FORM GSTR-3B** on self-assessment basis without any restriction or in relation with the ITC reflected in his **FORM GSTR-2A**. With a view to impose reasonable restriction (to encourage the suppliers to file GSTR-1), the Law Committee recommended that ITC allowed to a registered taxpayer in respect of those invoices, the details of which have not been uploaded by the supplier as required under sub-section (1) of Section 37 of the CGST Act i.e. which is not reflected in FORM GSTR-2A shall not exceed 20% of the eligible credit available in respect of invoices and debit notes, the details of which have been uploaded by the supplier under Section 37(1) of GST Act. The Advisor (Financial Resources) to the Chief Minister of Punjab wondered as to whether the restriction imposed was supplier wise or on the total credit available. The Co-Convenor, Law Committee clarified that it was with respect to the total credit available and the wording would be changed accordingly (by the suppliers). The Additional Chief Secretary (E&T), Haryana stated that the credit may not be restricted and instead the existence of the supplier should be verified in a fixed time frame. He added that if the decision was in favour of the proposal then it was acceptable to him. The Hon'ble Minister from Bihar stated that by this proposal the genuine taxpayers who were availing ITC on the basis of **FORM GSTR-3B** were being encouraged to file **FORM GSTR-1**. The Hon'ble Minister from Odisha suggested that there should be a check in GST System where a registered taxpayer should not be allowed to file **FORM GSTR-3B** unless he/she had file **FORM GSTR-1** in previous month.

23. For **Agenda Item 7(iv),** the Council recommended imposition of restrictions such that ITC allowed to a registered taxpayer in respect of those invoices, the details of which have not been uploaded by the suppliers as required under sub-section (1) of section 37 of the CGST Act i.e. which is not reflected in FORM GSTR-2A shall not exceed 20% of the eligible credit available in respect of invoices and debit notes, the details of which have been uploaded by the suppliers under Section 37(1) of CGST Act . 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(v): Proposed clarifications on refund related issues

24. The Co-Convenor of the Law Committee introduced the agenda and stated that there was a complete unanimity during the Officers meeting held on 19th September, 2019 on the proposal to issue the draft Circular, as approved by the Law Committee, which was annexed to the Agenda Item 7(v).

25. For **Agenda Item 7(v),** the Council approved the issuance of a Circular laying down the procedure to claim a refund in **FORM GST RFD 01A** subsequent to favourable order in appeal or any other forum.

Agenda Item 7(vi): E-way bill for movement of Gold

26. The Co-Convenor of the Law Committee introduced the agenda item and stated that the Law Committee had two divergent views on the issue. He stated that the view of Kerala was that the movement of Gold would not be exposed to security issue as the data about e-Way bills were stored in the server and only authorised officials had access to it while others felt that since the movement of gold, diamonds etc. was not carried in a conventional way, e-way bill mechanism for movement which is largely by carriers (*angadias*) would not be suitable and may pose security risk. Therefore, these items should remain exempted from the requirement of e-Way bills. Further, the value limit, prescribed in e-Way bill, would necessitate generation of e-Way bills for virtually every consignment and even the small job worker would be liable to carry e-Way Bill. He further stated that this Agenda item was equally applicable to movement of gold, diamonds and precious stones.

26.1. The Hon'ble Minister from Kerala, while expressing the rationale of e-Way bill for movement of gold, stated that there had been a substantial fall in collections from supply of gold in the GST era *vis-à-vis* pre-GST era in his State. This was in spite of the fact that under VAT, the effective rate of tax on gold was 1.25%, which gave Kerala an annual revenue of Rs. 650 crore in the last year of VAT regime. On the other hand, even though the GST rate on gold was 3%, which was more than the rate under VAT, the annual collection was only Rs.300 crore in his State. There is, therefore, substantial evasion in gold and the question was how to plug it. On the issue that the sender's and the recipient's identity would be known to every one which was a security risk, it was suggested by the Hon'ble Minister from Kerala that the e-Way bill could be encrypted. If any State felt that the e-Way bill was a security risk, then it may exempt the intra-State movement of gold from e-Way bill. The Hon'ble Minister from West Bengal, however, disagreed with the views of Kerala for the reason that gold was not transported in conventional ways like other commodities and the reason that it would also make transportation of gold for job work very cumbersome. He also stated that West Bengal was the first State to introduce e- bills @ 1% for transportation into the State of West Bengal. However, they did not impose it on gold for two reasons stated above. He, therefore, requested Kerala to reconsider their point of view.

26.2. The Hon'ble Deputy Chief Minister of Gujarat stated that many diamond cutting/polishing and related jewellery industries were located in Surat. Gold, diamond and precious stones were being transported in un-conventional ways by *angadias* from Surat to Mumbai. Therefore, there is inter-State movement of these goods. He stated that prescription of e-Way bill could pose security risk to these consignments and carriers as the details of sender, receiver, value of goods etc could be compromised. He was, therefore, against prescription of e-Way bill for their movement. The Hon'ble Minister from Karnataka stated that prior to GST, there was e-Way bill for movement of gold exceeding Rs. 20,000. He supported the views expressed by Kerala and stated that the e-Way bill limit could be increased or the intra-State movement of gold could be made optional and left to the State concerned.

26.3. The Hon'ble Minister from Punjab wondered as to a solution could be found to the issue. He stated that the job workers may be exempted from e-Way bill requirement and its provision should apply to only B2B transactions or by way of increasing the threshold limit for e-Way bill requirement upto Rs 5 lakh for movement of these goods. The Hon'ble Minister from Madhya Pradesh suggested that there should be no e-Way bill in intra-State movement of these goods whereas for inter-State movement the threshold limit for e-Way bill requirement could be raised to Rs. 5 lakh. The Hon'ble Chief Minister of Puducherry stated that evasion in these commodities was enormous and a lot of transactions were taking place outside the domain of GST. Therefore, there should be some regulations or at least the States should have an option to implement e-Way bill for intra-State movement of these goods.

26.4. The Secretary stated that different views were shared by the States and some suggestions were also made like giving an option to the State to mandate the requirement of intra-State e-Way bill for transport of gold, raising the limit for requirement of e-Way Bill or making it secure by way of some encryption etc. Therefore, he suggested that before taking any final decision we could refer the matter back to Law Committee to examine the issue afresh in light of suggestions given by the States. The Hon'ble Minister from Gujarat stated that the matter has been discussed many times in the Law Committee and the Council. Therefore, he stated that there was no need to carry forward this agenda item.

26.5. The Hon'ble Minister from West Bengal stated that the matter was not only intra-State issue but an inter-State issue. Therefore, it could not be left to States to implement or not implement the intra-State e-Way bill requirement of movement of gold. The Additional Chief Secretary (Finance), Gujarat supported the views expressed by the Hon'ble Minister from West Bengal and stated that most of the transactions were inter-State transactions as compared to the intra-State transactions. He also stated that the Law Committee was not able to arrive at any conclusion on the issue even after lot of deliberation. The Hon'ble Deputy Chief Minister of Gujarat stated that the business of job workers and *karigars* from other States coming to their State would be adversely affected if e-Way bill was prescribed for movement of gold. The Hon'ble Minister from Kerala stated that there was loss of revenue to the tune of 70% of the tax revenue potential. He felt that this could be prevented by implementing e-Way bill. He added that the problems of job workers and consumers etc. could be done away with by prescribing e-Way bill on these items for inter-State movements only or by raising the threshold of requirement of e-Way bill even up to Rs. 10 lakh. The Hon'ble Minister from West Bengal stated that there was 3% GST on gold and the issue was whether e-Way bill could prevent leakage of stipulated GST revenue. He stated that two issues were of his concern i.e. (i). Gold was sent to the State of West Bengal from across the country for job work and if e-Way bill was prescribed for inter-State movement of gold then it would affect the business in the State (ii). The Security and safety was the basis for exception to transportation of gold through e-Way and even the encrypted e-Way bill system might not be sufficient to address this issue.

26.6. The Hon'ble Chairperson stated that she saw merit in the argument of the Hon'ble Minister from West Bengal with respect to job workers and security concerns vis-à-vis inter-State movement of gold under e-Way bills and that we had to figure out another way of controlling evasion. She suggested that there could be a Group of Ministers with the Hon'ble Minister from Kerala as the convenor to address the concerns expressed by various States such as Gujrat, Karnataka, Kerala and West Bengal etc and to suggest mechanism for controlling tax evasion without compromising on security aspect that arises from implementation of e-Way bill requirement for movement of the precious metals and stones.

27. For **Agenda Item 7(vi),** the Council approved to constitute a Group of Ministers under the chairmanship of the Hon'ble Minister from Kerala to address the concerns expressed by the States and to suggest mechanism for controlling tax evasion without compromising on security aspect that arises from implementation of e-Way bill requirement for movement of precious metals and stones.

Agenda Item 7(vii): Proposed amendment to sub-Rule (5) of Rule 61 of the CGST Rules, 2017 relating to FORM GSTR-3B

28. Introducing this item, the Co-Convenor of the Law Committee stated that the Hon'ble High Court of Gujarat had passed on order dated 24.06.2019, in the case of AAP & India Vs Union of India stating the **FORM GSTR-3B** was not a return which led to further challenges such as legality of interest payable as **FORM GSTR-3B** was not considered as a valid return etc. Therefore, the Law Committee proposed an amendment to sub-Rule (5) of Rule 61 of the CGST Rules, 2017 to say explicitly that **FORM GSTR-3B** is a return under sub-section (1) of Section 39 of the CGST Act. He added that the proposed amendment was to be carried out retrospectively i.e. from 01.07.2017, so that the legality of tax liability or the interest liability could not be challenged on this account. It was also decided to challenge the order of the Hon'ble High Court of Gujarat.

29. For **Agenda Item 7(vii),** the Council recommended to amend sub Rule (5) of Rule 61 of the CGST Rules to prescribe FORM GSTR-3B as a return under Section 39(1) of the CGST Act retrospectively with effect from 01.07.2017 as provided in the agenda note. 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 also be made in the SGST Rules.

Agenda Item 7(viii): Specifying the due date for furnishing of return in FORM GSTR-3B and details of outward supplies in FORM GSTR-1 for the period October- December, 2019

30. The Co-Convenor of the Law Committee introduced this Agenda item and stated that in view of the revised timelines for introduction of the new return system the present system for filing return on monthly basis in **FORM GSTR-3B** and monthly/quarterly furnishing of details of outward supplies in **FORM GSTR-1** were required to be notified for the period beyond September, 2019. He stated that the Law Committee recommended it to be extended till 31.12.2019. The Hon'ble Minister from West Bengal suggested that **FORM GSTR-3B** may be continued to be filed for the current Financial Year. The Hon'ble Deputy Chief Minister of Bihar stated that the issue of filing of the new returns was discussed during the 12th Meeting of GoM on IT challenges in GST Implementation held on 14th September, 2019. It had recommended that the new return should be launched from 1st April 2020 because a major change in last quarter of a financial year was not desirable. He added the GoM recommended implementation of new return system for all taxpayers (large and small) in a staggered manner. Therefore, if the Council agreed to the proposal of GoM, then the filing of GSTR-1 and GSTR-3B will have to be extended till 31st March 2020.

30.1. The Chairperson suggested that the new return system could be implemented for everyone from 1st April 2020 and the **FORMS GSTR-3B** and **GSTR-1** may be continued to filed till the end of the financial year 2019-20. The Council agreed to the suggestion.

30.2. Shri K. K. Sharma, Advisor to Governor (I/c Finance), Jammu & Kashmir stated that in view of the connectivity issues in the State of Jammu & Kashmir, the taxpayers were not able to file their due returns in time. Therefore, he requested the Council to extend the due dates of filing of various returns in case of Jammu & Kashmir for the months of July and August, 2019 such as **FORM GSTR-**

3B, **FORM GSTR-1** and **FORM GSTR- 7** to 20th October, 2019, 11th October, 2019 and 10th October, 2019 respectively. The Council agreed to the request.

31. For **Agenda Item 7(viii),** the Council decided that the new return system shall be introduced from 1st April, 2020 onwards while the **FORM GSTR-3B** and **FORM GSTR-1** shall continue to be filed for the period till the end of the current Financial Year i.e. 2019-20.

31.1. The Council also decided to extend the due dates of filing of various returns in case of Jammu & Kashmir for the months of July and August, 2019 such as **FORM GSTR-3B**, **FORM GSTR-1** and **FORM GSTR- 7** to 20th October, 2019, 11th October, 2019 and 10th October, 2019 respectively.

Agenda Item 7(ix): Proposal for amendments to CGST Rules, 2017

32. The Co-Convenor of the Law Committee introduced the Agenda item and stated it was discussed in detail during the Officers meeting held on 19th September, 2019. He stated that there was unanimity on all the amendments proposed (Rule 83A, Rule 97, Rule 117, Rule 142, **FORM GST RFD 01**, insertion of **FORM GST DRC-01A** except that of amendment proposed to rule 21A.

32.1. He informed the Council that with respect to the amendment to rule 21A, one view was that the dealer should not be allowed to carry on with the business during the intervening period and the other view was that we should not stop the registered person from doing business, however he should not be issuing taxable invoices during the intervening period. He stated that the Law Committee's proposal was to regularise the intervening period in case where the cancellation got revoked and also to get a consolidated return filed for the entire period based on which the tax could be collected as it was not possible to stop the taxpayers from carrying on his/her business during the period of suspension of his/her registration. Therefore, it was recommended to insert an explanation in Rule 21A of the CGST Rules, 2017 so as to ensure that the registered person did not issue a tax invoice and did not charge tax on supplies made by him during the period of suspension of registration. The Secretary suggested that the proposal of the Law Committee could be accepted for amendment to rule 21A. The Council agreed to the proposal of the Law Committee.

33. For **Agenda Item 7(ix),** the Council approved the proposal for amendments to Rule 21A, Rule 83A, Rule 97, Rule 117, Rule 142, **FORM GST RFD-01**, insertion of **FORM GST DRC-01A** of the CGST Rules, 2017 as proposed in the agenda item. The Council also decided 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 8: Issues recommended by the Fitment Committee for consideration of the Council

34. The Secretary introduced the Agenda item regarding issues recommended by the Fitment Committee for consideration of the Council and requested that the Council might discuss the items in the order of the recommendations that had been proposed by the Fitment Committee in relation to goods: Annexure-I, Annexure-II and Annexure-III.

34.1. He then requested Shri G.D. Lohani, Joint Secretary, TRU-I (JS, TRU-I) to present the Agenda item 8 before the Council. JS, TRU-I then briefed the Council about how the Fitment Committee had come to the decisions about rates and clarifications. He stated that all the representations which came to the Fitment Committee were consolidated, indexed & examined in details. Then they were classified under 3 Annexures/ categories:

- Annexure-I: Items where the Fitment Committee had recommended for rate change or some clarification relating to rates of goods.
- Annexure-II: Items which were deferred by Fitment Committee for want of information and would be further examined when the information would be received; after which these items would be placed before the Council.
- Annexure-III: Items where the Fitment Commitment had recommended no change. A number of these items were already discussed in the GST Council recently but did not find favour for any change by the Council.

34.2. The rate change was in general recommended, only where there was accumulation of credit, inversion of duty/ tax rates which lead to distortion in the rate structure of the sector. After the preliminary details as explained by JS, TRU-I, the Secretary proceeded for seeking item-wise approval in respect of Annexure-I. The Council examined the list item wise.

34.3. Item No. 1 to 6 in Annexure-I were approved by the Council as per the recommendations of Fitment Committee.

34.4. On item No. 7 relating to Fishmeal and Meat cum Bone Meal discussion was initiated by the Hon'ble Minister from Goa stated that Fish meal was basically a waste product from fish which the poor fishing community collected, especially in the coastal areas thereby helping in maintaining clean environment. On the basis of circular the Fishmeal manufacturers were being expected to pay tax @ 5% for the period when nobody had collected the tax under the impression of being exempted which led to a strike. Although, the proposal was to make it exempt for the period from 01.07.17 to 31.12.2018, he requested the Council to exempt it from 01.01.2019 to the present date also.

34.5. The Hon'ble Chairperson intervened and stated that delegations from various coastal States met her on these issues. These delegations had specifically mentioned that since they had not collected tax for the period from 01.07.17 to 31.12.2018 i.e. prior to the clarification issued, it would be difficult for them to pay the tax @ 5%. The Secretary clarified that after the circular dated 31.12.2018 was issued, there was no confusion regarding payment of tax from 1st January, 2019 onwards. The Hon'ble Minister from Goa stated that since fishing activity continued for a limited period in an year, it would be better that exemption could be extended till 30th September, 2019 and it would do justice for this poor fishing community.

34.6. The Hon'ble Minister from Kerala stated that the memorandum he received in his State, was also to make the rate 'NIL' for fish meal wherein they had also stated the waste removable programme was linked with it. The Hon'ble Chairperson stated that essentially the issue of hardship in payment of GST relates to period prior to issuance of circular, the Fitment Committee had accordingly examined and recommended the proposal.

34.7. Shri Buggana Rajendranath, the Hon'ble Minister from Andhra Pradesh stated that if the Fishmeal was not to be used, it would have been a waste. In the pre-GST era, it was not taxed at least in Andhra Pradesh. Moreover, 40% of the country's export was from Andhra Pradesh and hence he would like the same to be exempted. The Hon'ble Minister from Kerala also supported the Hon'ble Minister from Andhra Pradesh and stated that since the revenue implication would be trivial, it could be exempted because the impact on the fishermen community would be large.

34.8. JS, TRU-I stated that Fishmeal is used as inputs in poultry and aquatic feed. These were manufactured items from the wastes of Fish and was rich in protein used as poultry feed & fertilizer. Similar other items like oilcake, soybean cake were also there in the same HSN. Hence, it would have a significant revenue implication as request for exemption would also be pressed for other items in the

same Chapter. The Hon'ble Chairperson asked JS, TRU-I whether the tariff heading was same for Fishmeal and Meat cum Bone Meal in order to have a technical clarity, JS, TRU-I responded in affirmative.

34.9. The Hon'ble Minister from Uttar Pradesh stated that both items i.e. Fishmeal and Meat cum Bone Meal should be treated separately. Although, he agreed to exempting Fish meal as per recommendations of Fitment Committee, he stated that both the items should not be clubbed together but should be dealt in a separate manner. His State favoured Meat cum Bone Meal to be taxed @ 5% as in Uttar Pradesh alone Meat cum Bone Meal from 01.07.2017 onwards had revenue implication of about Rs. 600 crores. ACS (Finance), Gujarat however supported Government of Goa's view regarding exempting Fish meal till 30th September, 2019 and stated that the proposal merited approval of the Council.

34.10. The Hon'ble Chairperson in response to the submissions of the Hon'ble Minister from Andhra Pradesh stated that there were states like Maharashtra and Telangana where oilseeds were produced along with its by-product oilcake which was used as animal feed. She stated that the Hon'ble Minister from Andhra Pradesh should look at it from the point of view of potential export market awaiting outside the country. If the farmer's producer organisations and groups among fishing women could be formed, they could earn much higher profit by tapping the export market. Hence, it would be better if in place of giving temporary relief by exempting Fish meal, a systematic approach to tap potential export area was to be looked at for better prospects of the fishing community.

34.11. The Hon'ble Ministers from Tamil Nadu and Karnataka stated that they supported the proposal of Goa. The Hon'ble Minister from Odisha raised the issue that with this kind of proposal, the tax evaders would be encouraged, as those who did not pay would be benefitted, while those who paid would feel cheated. The JS, TRU-I clarified that the proposal was that those taxpayers who had collected the tax would have to pay the tax even if it was being exempted for a particular period, while those, who had not collected, would not have to pay the tax for the period for which relief is being given, i.e., 01.07.17 to 30.09.2019.

34.12. Hence, in view of the above deliberation, for item at Sl. No 7 of Annexure-I, the Council approved exemption to Fishmeal for the period 01.07.17 to 30.09.2019. The Council did not approve exemption to Meat-cum-Bone Meal for this period.

34.13. The Council thereafter was explained the reasons, as mentioned in the Agenda item 8 about S. No. 8 to 11 of Annexure-I and being satisfied the approved recommendation of the Fitment Committee for these items.

34.14. On item at Sl. No. 12 of Annexure-I, **t**he Hon'ble Chief Minister of Puducherry stated that the Fitment Committee recommended rate rationalization and fixation of GST rate @ 12% for both handmade and mechanized Safety Matches (Sl. No. 12 of Annexure-I). He stated that this equalization of GST rate would penalize the women folk of Sivakasi and adjoining areas where the handmade Safety Matches were manufactured. Hence, the rate of handmade Safety Matches should not be increased from 5% to 12%, as it would penalize the cottage industry, especially where women were involved. Further, it was a significant employment generator also and the tax rate should not be changed at the behest of mechanised industry leading to loss of livelihood for women. However, ACS, Tamil Nadu stated that this proposal actually originated from Tamil Nadu and the fact of matter is that all the industry had now shifted to mechanized mode in some way or the other and there were actually no handmade safety matches industry in Tamil Nadu. Hence, with two different rates the Government was losing revenue as everybody claimed lower tax rate. So, his State had proposed for rate rationalization to 12%. The Hon'ble Chief Minister of Puducherry stated that since he had also received representations

from some MPs of Tamil Nadu, he would look into the matter and bring the issue before the Council for necessary clarification. Hence, in view of the above discussion, the decision on Safety Matches was deferred.

34.15. As regards item No. 13 relating to Polypropylene/Polyethylene Woven and Non-Woven Bags and sacks, whether or not laminated, of a kind used for packing of goods, the ACS Gujarat wanted to know where was the incidence of tax of 5% and 18% on it. The JS-TRU-I explained that 5% tax was leviable on goods under HSN 6305 (below Rs. 1000 per pc); while the same item, if classified under HSN 3923 attracted 18% tax rate. Hence, in order to remove the ambiguity in application of GST tax rate, a uniform tax rate of 12% was proposed. The Council being satisfied, approved the proposal tax rate for items at Sl.No. 13 of Annexure-I.

34.16. As regards item No. 14 of Annexure-I, JS, TRU-I while explaining the agenda stated that the request was received from Tamil Nadu to reduce the tax on wet grinder and rationalise the tax rate across the Flour mill/rice mill/ and other machinery used in milling industry while the request was for reducing the tax rate on Wet Grinders (HSN 8509) comparing it with Atta *Chakki* (HSN 8437). During examination, it was noticed that the *Atta Chakki* was the only machinery at 5% in 8437 and hence instead of reducing the tax on wet grinders, it was proposed to increase the tax rate on *Atta Chakki* to rationalize the tax rate in its HSN entry to 12%. The ACS/CST, Tamil Nadu stated that in the last Council meeting, Tamil Nadu had raised this issue regarding flour mill, rice mill and other machinery used in milling industry and had stated that Wet Grinders should also be taxed @ 5% similar to other similar power operated items like as *Atta Chakki* Chairperson enquired from JS, TRU-I about the ITC availed by the persons manufacturing *Atta Chakki* and inversion, and the Hon'ble Minister from Chhattisgarh asked about revenue involved in the proposal. In response, JS, TRU-I stated that creating too many carve out in the same HSN at different rates leads to dispute and implementation difficulties. Hence, for all electrically operated Milling machines including *Atta Chakki* etc. the tax rate was proposed to be rationalised with GST rate of 12%, since 5% tax rate created inversion also. He further explained that during pre-GST, tax incidence on HSN 8437 was 8% and GST Council after discussion on different items, placed *Atta Chakki* at 5% tax while Wet Grinders were classified at 28% along with other electrically operated mixers and grinders. He further, explained that Tamil Nadu had also agreed to the proposed 12% tax rate for Wet Grinders along with *Atta Chakki*. As regards revenue implication, he informed that while exact volume of wet grinder is not ascertainable, as per available information the broad estimate of turnover volume of wet grinder is in the range of about Rs 3000 crore a year.

34.17. The Hon'ble Minister from Uttar Pradesh proposed that wet grinders should also be classified at lower tax rate instead of raising tax rate of *Atta Chakki*. The ACS/CST, Tamil Nadu explained that Wet Grinder was very sensitive issue in Tamil Nadu and repeated representations were being received for parity between *Atta Chakki* and Wet Grinders as both were of daily use. Thus, Tamil Nadu was pleading for rational unification of tax rate for both of them either at 12% or 5%, even if inversion of tax rate was there. He stated that reduction of GST rate on wet grinder may not have significant revenue implication. The Hon'ble Deputy Chief Ministers from Gujarat and Bihar suggested that Wet Grinders may also be placed at GST rate of 5%. The Hon'ble Minister from Punjab also supported the view. All the other Council members agreed to the proposal for which the Hon'ble Minister from Tamil Nadu thanked all the Council members. The Council therefore, approved the GST rate of 5% for Wet Grinders (consisting stone as a grinder).

34.18. For items at Sl. No. 15 to 18 of Annexure-I, the Council after going through the explanation provided in the proposal, approved the recommendations of the Fitment Committee. As regards items at Sl. No. 19 and 20; JS, TRU-I explained that these items were placed before the Council in terms of the Hon'ble High Court's directions where it had asked the Council to examine the representations made

by the Solar Power Developer Association and Indian Wind Turbine Manufacturers Association against prescribing manner of valuation of the Solar Power plants and Wind Turbine based plants. The details of the issues were contained in Annexure-VIII with the recommendations of the Fitment Committee after detailed examination of representations and all other relevant information. The Fitment Committee after examination of issue had recommended that the *status quo* be maintained. The Council agreed with the proposal that the *status quo* should be maintained in respect of items mentioned at Sl. No. 19 & 20 of Annexure-I.

34.19. Smt. Renu Sharma, Additional Chief Secretary (Finance), Delhi raised the issue in respect of Annexure-I, Part B, Sl No. 1 where the Fitment Committee had suggested to lower the Compensation Cess on vehicles. She stated that the Delhi Government was not in favour of reduction of cess as proposed in this entry. The JS, TRU-I explained that this change had been proposed to bring parity in compensation rate on vehicles that have specification of length below 4000mm; engine capacity of up to 1200 CC for petrol vehicle and 1500 CC for diesel vehicle irrespective of seating capacity. Such vehicle having seating capacity of 9 people attracted compensation cess at the rate of 1%-3%, while vehicle with same specification having seating capacity of 10-13 people attracted higher compensation cess. He stated that a few vehicles with similar specification of length, i.e. below 4000 mm having same length and engine Cubic Capacity as the small vehicles, have been launched especially for rural transport (seating capacity of 10 – 13 people). Further, pre-GST incidence was also same on those two types of vehicles. Thus, parity had been recommended by the Fitment Committee *vis-à-vis* treatment in respect of cess.

34.20. The Hon'ble Minister from Odisha stated that it was not a parity issue, the Council should consider that as the Government was already falling short of revenue & cess, any reduction would further reduce the compensation cess kitty. The Chairperson intervened and explained that JS, TRU-I was using the term parity with reference to the technical specifications and not with reference to the number of seats. All the Members of the Council thereafter agreed with the proposal and approved the reduction in rate of cess for Sl. No. 1 in part B of Annexure-I.

34.21. In part B of Annexure-I proposing changes in the rate of compensation cess, JS, TRU-I explained that at Sl. No. 2 Caffeinated drinks like Red bull classified under Tariff Item 22029990 were similar to Aerated Water. These drinks deserve parity in rates with aerated water. He stated that Ministry of Health had also recommended in past higher tax on such products. Hence, the Fitment Committee had recommended increase of cess rate at par with aerated water. The Council being satisfied for item at Sl. No. 2 of part B i.e. Caffeinated Beverages, decided that the GST rate be increased to 28% from existing GST rate of 18% with a compensation cess of 12% being applicable to it. Further, item No. 3 of part B, Annexure-I being of the nature to plug a loophole in refund arising out of inverted duty structure in compensation cess rates of tobacco products, the Council approved that refund of inverted duty of compensation cess may not be allowed under Sub Section 3 of Section 54 of the CGST Act, 2017 for tobacco products, including the refund claims already filed.

34.22. The JS, TRU-I stated that Sl. No 1 to 9 of the Part C of Annexure-I contained only clarifications in respect of certain products to avoid confusion in levy of the tax.. The Council prima facie being satisfied, approved the recommendations of the Fitment Committee, and sought clarification in respect of Sl. No 8 below which was further discussed.

34.23. The ACS (Finance), Delhi stated that at Sl. No. 8 in Part C of Annexure-I, the Fitment Committee had suggested exemption for Spare parts temporarily imported by Foreign Airlines for repair. Since, Delhi was the hub of Aircraft maintenance, a number of spare parts were imported, hence, Delhi Government was not in favour of the exemption in view of the revenue loss. The JS, TRU-I

explained that although spare parts were imported for maintenance of foreign aircraft all the aircrafts remained in 'Customs Area' and there was no revenue implication as they were re-exported out of the country leading to refund of Customs Duty & IGST (if paid) on it, and also as per Chicago Convention, this relief had to be granted. Further, because of the tax exemption on spares as parts of Maintenance and Repair Operations (MRO activity), revenue on MRO activity would increase i.e. if the activity increased and came to India due to its being profitable, there would be increased tax on this service. The Council members thereafter were satisfied with the explanation of JS, TRU-I and approved the proposal.

34.24. In respect of Annexure-II, the Fitment Committee had deferred its decisions for want of information in respect of certain goods as it required further examination. The Council approved the same for Sl. No. 1 and 2 of Annexure-II. The Hon'ble Minister from Goa referred to Sl. No 3 of Annexure-II regarding Cargo vessels and stated that the shipping industry was already in doldrums, hence, why should the Indian ships be charged 5% IGST and why preferential treatment should be given to foreign vessels and dredgers. The JS, TRU-I explained that as of now there was no exemption on any ship; both Indian and foreign ships attracted 5% tax. The proposal had come from Ministry of Shipping on which Fitment Committee had not taken any view due to lack of data and had deferred it. The Fitment Committee had requested for further inputs from the Ministry of Shipping in respect of volume *vis-à-vis* sizes before taking a final view. He also requested the Hon'ble Minister from Goa, if he had any inputs, the same could be sent to Fitment Committee which could be examined before final recommendations were suggested by the Committee. He further clarified that the item was not regarding taxation of passengers or cruise ships. The Council thereafter approved the Fitment Committee recommendations for the Sl.No. 3 to 10 of Annexure-II.

34.25. In respect of Annexure-II, the Fitment Committee had deferred its decisions for want of information in respect of certain goods as it required further examination. The Council approved the same from Sl.No. 1 to 10 of Annexure-II.

34.26. From item No. 1 to 11 of Annexure-III, the Council approved the recommendation of Fitment Committee. The Hon'ble Minister from Andhra Pradesh drew attention of the Council to Dried Tamarind i.e. item at Serial No.12 of Annexure III. He maintained that Dried Tamarind was staple food in South India, needed for all food preparations and was not considered as spice. Further, in pre-GST era, it was exempted. While in the British era looking at its importance, there was Tamarind Tree Act which banned felling of Tamarind tree so that there was no shortage of an item that was integral part of diet. Moreover, it could not be compared with dried apples, prunes or apricots or with other spices as it was part of poor men's diet. He also suggested that like parched gram, tamarind also did not undergo any change in its form as it was only sundried and hence, should be exempted. The Hon'ble Chairperson also agreed that it formed an important part of the staple diet of South India and could not be treated at par with spices. The Hon'ble Ministers from Tamil Nadu, Bihar, Goa and Chhattisgarh also agreed to the proposal to exempt it from GST. The Hon'ble Minister from Chhattisgarh stated that it was also an important source of income for the tribal people of Bastar, in Madhya Pradesh. JS, TRU-I submitted that if dried tamarind was exempted, similar representations would be received for the spice items like ginger, turmeric, jeera etc. claiming it to be sundried only. The Council unanimously agreed that the same being spices and different from Tamarind.

34.27. Following the above discussion, the Council agreed to exempt Dried Tamarind (i.e. item at Serial No.12 of Annexure III).

34.28. The Hon'ble Minister from Chhattisgarh stated that Mahua flowers listed in item at Sl. No. 6 of Annexure-III, when plucked and dried should be exempted as it was very common staple item for

tribal culture. JS, TRU-I explained that Mahua had been examined earlier and was not exempted by the Council. Further, at the tribal village level, it remained exempted in view of threshold exemption. It got taxed in the hands of organized traders who dealt in bulk and when it was used for making intoxicants. The Secretary further explained that in respect many of the food items, if we started discussion again and asked for exemption citing examples of similar items, then it would set off a chain reaction which would be difficult to stop. If the Council thought it should be re-examined, it might again be referred back to the Fitment Committee for re-examination. Further, for small taxpayers with a Turnover limit of Rs.40 lakh, there was already exemption. Hence, all tribal people and small tax payers had already been exempted.

34.29. From item No. 13 to 41 of Annexure-III, the Council approved the recommendations of the Fitment Committee. ACS (Finance), Gujarat raised the discussion on Roasted Groundnut (item No. 42 of Annexure-III) and stated that there was a case that when the GST tax rate on the *Roasted Chana* was being reduced to 5%, the tax on the Roasted Groundnut should also be reduced to 5% because it was a comparable item. JS, TRU-I explained that Roasted Groundnut was classified under HSN 2008 and all items in the heading were taxed at 12%. The Hon'ble Finance Minister from Uttar Pradesh observed that roasted Groundnut and roasted Chana were two distinct products and roasted Groundnut may continue to be taxed at 12% GST rate. The Hon'ble Finance Minister from Punjab stated that if the Council started examining the food items again, then it would not reach any end result and it could be the never-ending process of exempting such items. Hence, the Council should stick to the agreed principles such as healthy food, unhealthy food etc. while exempting or taxing any food item. The Hon'ble Chairperson also agreed to his views. The Council also did not agree to exempt Roasted Groundnut.

34.30. The Hon'ble Minister from Goa also wanted parity treatment between Bakery items and Sweets which was taxed at 5%. However, the Hon'ble Minister from Kerala reminded that in view of certain principles and the fact that Bakery items and Sweets could not be treated at par because it had huge revenue implications, these items had been distinguished in the past and further suggested that the Council should not be ready to take the brunt of revenue loss when the revenue situation was precarious.

34.31. From item No. 43 to 57 of Annexure-III, the Council had no objection and approved the recommendation of Fitment Committee. The Hon'ble Minister from Uttar Pradesh raised the issue about item at Sl. No. 58 of Annexure III i.e. Extra Neutral Alcohol (ENA). He stated that the Fitment Committee had recommended that the status-quo might be maintained and he agreed to the recommendation of the Fitment Committee. However, he requested for the replacement of a comment at Sl. No. 3 in column 6 of the table, which might be read as, *'However, in the interim period, the States may go by the decision of GST Council as recorded in the Minutes of the Council Meeting dated 5th August, 2017'*. The Council agreed to the proposal of the Hon'ble Minister from Uttar Pradesh. Thereafter, in respect of item No. 59 to 167 of Annexure-III, the Council approved the recommendation of the Fitment Committee regarding no change suggested for various goods.

34.32. Shri Manish Sinha, Joint Secretary, TRU-II, (JS, TRU-II) stated that the Fitment Committee had recommended certain changes in rates and also recommended issuance of clarifications in relation to some services, which were appearing there in Agenda item 8 as Annexure-IV, V and VI. He stated that Annexure-IV contained details of items where Fitment Committee had agreed to change the GST tax rate, Annexure-V contained details of issues which had been deferred for want of information while Annexure VI contained details of issues where no changes in tax rate had been recommended by the Fitment Committee.

34.33. In respect of Sl. No. 1 of Agenda IV, the ACS (Finance), Gujarat, stated that this was a request from Gujarat and his State agreed to the recommendation of the Fitment Committee regarding on rate of GST on job work services on diamonds which were proposed to be reduced to 1.5%. However, Shri H. Rajesh Prasad, Commissioner, State Tax (CST), Delhi stated that Hon'ble Deputy Chief Minister of Delhi had asked them to submit that this would create a new GST rate of 1.5% and that the job work rate of 5% should be maintained for all kinds of job work discouraging any new rate. The JS, TRU-II explained that 1.5% was not a new tax rate and that under construction services, the construction of affordable housing was already having a tax rate of 1.5%. Further, Fitment Committee had proposed it by looking at inversion of tax rate in the sector, and hence, he requested the Council to approve the rate of 1.5% on job work services on diamonds which was agreed to by the Council.

34.34. He further explained that the item no. 2 of Annexure IV was regarding engineering job work where the GST rate was recommended to be reduced from 18% to 12%. He stated that analysis of data showed that GST tax rate of 18% was high, leading to cash flow problems for the sector. Hence, the Fitment Committee had suggested GST tax rate of 12% and there would not be any cash flow problem, as the cash revenue would shift to the principal from job worker. He also explained that this entry did not cover the body building activity of job work on the chassis supplied by the Motor Vehicle manufacturers. There was sufficient credit available to them on inputs, which were mostly at 18% while output was taxed at 28% (if the vehicle was sold) or at 18% (if the service activity of body building was done). The Council agreed and approved the recommendations of the Fitment Committee for Sl. No. 1 and 2.

34.35. Thereafter, Sl. No. 3 and 4 of Annexure IV were taken up for deliberations in the Council regarding rate rationalization in Outdoor Catering services and Hotel Accommodation service having tariff of Rs 7500/ and above. The JS, TRU-II then explained the proposal at item no. 3 i.e. Outdoor Catering to the Council where the Fitment Committee had recommended rates to be reduced to 5% without ITC, so that the GST tax rate could be at par with Restaurant Service. He explained that during the discussion in Fitment Committee, it had emerged that all banquet halls had started declaring a small restaurant inside the premises and were billing the supply of food as service from restaurant and paying GST of 5% (without ITC). Hence, the Fitment Committee had recommended the GST rate of 5% without ITC on outdoor catering. On being asked by ACS (Finance), Haryana about the revenue loss on the proposal, he stated that there might be a notional revenue loss of Rs. 400 crore had the tax authorities been able to collect GST of 18%. The ACS (Finance), Haryana stated that this rate reduction should be cautiously done as it would have huge revenue implication. The Hon'ble Minister from West Bengal stated that statement of JS, TRU-II seemed to be correct that it was a notional revenue loss as the tax authorities were not able to collect revenue from this sector due to malpractices and hence, it would be proper to agree to the recommendation of the Fitment Committee. ACS (Finance), Gujarat, supported the proposal. He stated that there was a question in his mind that in Five Star Hotels, we have put the GST rate of 18%, but since most of the catering i.e. about 95% would be taxed at 5%, would there be any logic to keep the catering in a Five Star Hotel at 5%. In response, JS, TRU-II stated that catering in Five Star hotel was a case of conspicuous consumption, which also had a lot of capital goods credit and hence, GST rate was proposed to be kept at 18% with ITC.

34.36. The Hon'ble Deputy Chief Minister of Bihar also stated that when he went to Bangalore for the meeting of the GoM, a big delegation from the catering association had met him for rate rationalization. He, therefore, suggested that a practical view should be taken while fixing the rate as there was no revenue coming from this sector, otherwise also due to evasion on account of high tax rate. The Hon'ble Minister from West Bengal supported the proposal and stated that as per the experience, these caterers were not paying any tax. He also stated a similar issue relating to GST tariff on hotels as suggested by

the Hon'ble Minister from Goa was pretty similar and connected to this item, so both the items should be discussed together. Moreover, if the recommendation of the Fitment Committee was approved by the Council, compliance would increase due to low incentive for evasion and there would also be no outgo on account of Input Tax Credit (ITC).

34.37. The Hon'ble Minister from Goa stated that the Hon'ble Prime Minister in his speech on 15th August, 2019 had mentioned that India could become a Tourism hub, so all Indians should promote tourism as more jobs with less investment could be generated in this sector and it would strengthen the economy. He also stated that in various Council meetings, he had already raised the issue that in the interest of tourism and employment generation, the Council should lower the tax on the room rents of Five Star Hotels. He informed the Council that the GST rate had to be competitive in the region; in China tax rate was only 9% while in Thailand and Singapore only 7%. Thus, when tax rates were so low in foreign destinations even the domestic tourists preferred going abroad. Similar hotels with better facility have been built in India but the tax rate as high as 28% on room rents of Rs. 7500 and above was detrimental to the growth in tourism sector. In fact, this had led to 30% drop in tourist arrivals in Goa alone. He therefore stated that the Council had to take a long-term view instead of short term, by lowering tax rate, to flat 12%. He further stated that if the rates could be lowered from the present rate, it would generate more revenue. He also reiterated that in a similar manner, at present, many caterers were not paying tax on catering service by managing records. Hence, if the rate was reduced to 5% without ITC, their compliance would also increase. Moreover, if the foreign tourists were visiting India, it would generate employment as well as foreign exchange. In the last few years, the foreign charters had reduced their footfall in India resulting in reduced foreign exchange earnings and therefore, he requested the Council to take a pragmatic approach. He also reminded that earlier when the Union Finance Minister (Late) Shri Arun Jaitley was alive and he chaired the Council meetings, he had promised that when the GST Council meeting would be held in Goa, full relief to the tourism industry would be considered by the Council.

34.38. The Hon'ble Minister from Madhya Pradesh agreed with the submission of Hon'ble Minister from Goa and stated that in Madhya Pradesh also, there were beautiful tourist places. GST rate on hotel accommodation should be reduced as tourism sector involved minimum investment but generated a lot of employment. Further, both the Hon'ble Ministers from Punjab and Chhattisgarh, supported the reduction in tax rate and stated that the notional revenue loss would be made up by the increase in volume and development of the tourism sector. The ACS (Finance), Haryana raised a query at this juncture as to what would be revenue implication of reducing the GST rates in all categories of room rates as well as in the Outdoor Catering. He further desired to know that in case of banquets, which were also very elegant and luxurious ones, since there would be no rooms offered for rent of Rs. 7500/- and above per night, then how would this differential tax rate operate, and they would always pay tax at the rate of 5%.

34.39. The CST, Delhi stated that this rate reduction proposal would have serious revenue consequences for Delhi. He added that in Delhi, there were 37 Five Star Hotels with a capacity of about 10,500 rooms and most of the hotel rooms were charged Rs. 7500 and above per room night. The revenue that accrued to Delhi was around Rs. 360 crore and if GST rate was reduced from 28% to 18%, as suggested, then there would be 35% net loss i.e. Rs. 120 crores for Delhi city alone. He also stated that the Catering Service in Five Star Hotels should continue at 18%, in view of revenue loss but, Outdoor Caterers might be charged at the rate of 5% without ITC in view of rampant evasion in the sector.

34.40. The Hon'ble Minister from Kerala also agreed to the proposal of reducing the rates and stated that at least, the slab of Rs. 7500 should be abolished to have a uniform tax rate across the hotels as it

was causing distortion in the sector. The Hon'ble Deputy Chief Minister of Bihar stated that the proposed new slab of Rs. 10,000 to be created by Fitment Committee should not be agreed and the rate of tax should not be more than 18%. It was not a sin to stay in a Five Star Hotel or a good hotel and it looked awkward when tax was charged at 28% rate. On the other hand, hotels were also manipulating their daily room rate by splitting the charges for breakfast to keep room tariff per night below Rs. 7500. The Advisor to Governor (I/c Finance), Jammu & Kashmir also supported the view of Goa and stated that in pre-GST era there was no tax on hotel industry in Jammu & Kashmir and which added to huge tourists flow in their State. Hence, there was a strong representation from the hotel association of Pahalgam and Gulmarg to reduce the tax rate.

34.41. The Hon'ble Chairman summarised the view of Council Members and stated that the in view of the discussion held so far, the Fitment Committee members were suggesting a new proposal in order to promote tourism and employment, although it might be not agreeable to Delhi. For the consideration of the Council, the new proposal was read out as follows:

The new GST tariff might be framed for different slabs with different rates as below:

Room Rent in Rs.	**Proposed GST rate**
0– 1000	Nil
1001 - 10000	at the rate of 12%
10,001 and above	at the rate of 18%

34.42. The Council Members noted that it was a worth considering proposal and the Hon'ble Minister from Goa supported the proposal. He stated that in the long run, the State of Delhi may not have any problem of revenue loss. The Hon'ble Minister from West Bengal stated that any GST rates fixed should be ad-valorem and not linked to the rack rate. The JS, TRU-II stated that the shift away from the rack rates-based GST tax rate slabs had already been made in GST Council meetings held in the past. He also submitted that with these slabs, there would be serious revenue implications. Further, though slab-wise break up of revenue was not available, but the revenue loss could be around Rs. 2000 crore. The Hon'ble Minister from Chhattisgarh wanted to know as to how the calculation of revenue loss was made by JS, TRU-II i.e. whether it was based on room occupancy or any other criteria.

34.43. JS, TRU-II stated that the Fitment Committee had observed in the past that the rate cuts usually did not lead to revenue growth directly. However, there would be increased room occupancy, but how much it would be, could not be estimated by the Fitment Committee. The Hon'ble Minister from West Bengal observed that since the Fitment Committee did not have any data on the elasticity of demand of various price points, they only seemed to have done a static analysis of revenue loss of around Rs. 2000 crores. However, as per his intuition, it would generate more revenue on account of increase in room occupancy. He asked the CST, Delhi about what was the aggregate revenue of Delhi from GST, who responded that it was around Rs. 26,000 crores. The Hon'ble Minister from West Bengal then remarked that a loss of Rs. 200 crores on Rs. 26,000 crores would have the impact of only 0.8%, which might be compensated by higher room occupancy. The Advisor (Financial Resources) to Chief Minister, Punjab stated that while the Council was recommending lowering of tax rates in Five Star Hotels, one practical aspect should be kept in mind. He elaborated that in a Five Star Hotel about 23 services were provided which were mostly taxed at 18% and when the GST on Accommodation Service was to be reduced to 12% then it would create a sea of evasion and practice of avoidance of tax. He gave an example that Five Star Hotels would provide both In-door and Outdoor Catering Services and they could be applying different rates to each. He, therefore, stated that in the process of encouraging tourism we should not

make mess of GST in the sector because a lot of interpretation issues would surface with slab-wise structure in Hotel and Catering service like composite supply, bundled supply, mixed supply or separate services etc. He, therefore, cautioned the Council about the above issues.

34.44. Shri Bikram Singh, the Hon'ble Minister from Himachal Pradesh agreed to the proposal of reducing tax rates in Five Star Hotels. Dr. Prithvi Raj, Secretary (Finance & Revenue), Rajasthan also supported the proposal and stated that as pointed out by the Hon'ble Minister from Goa, even Rajasthan was facing competition with the hotels of South East Asian countries and there was at least 20% less booking in the hotels of Rajasthan on this account. So, with rate cut, the tourism industry would again be revived in India.

34.45. The Hon'ble Minister from Assam stated that every time when the Council reduced the rates, there were various discussions on tax buoyancy and increase of compliance etc. Hence, it was important to make an impact assessment on the items on which the tax had been reduced. The Hon'ble Chairperson stated that the Hon'ble Minister from Assam should suggest the subjects on which he would suggest impact assessment to be done. The Hon'ble Minister from Assam felt that studies could be made on items like white goods, motor vehicles parts and accessories, housing sector etc. so as to know whether the benefits had been passed to the consumers or not. He observed that the current GST tax rates were even below VAT on many items. The Hon'ble Chairperson then invited suggestions from all the Members present and requested them to submit the proposal in writing on the issues/ subjects they would like to have impact assessment study done so that the buoyancy in revenue could be studied and achieved.

34.46. The Deputy Chief Minister of Bihar stated that the revenue implication of foreign exchange earnings had not been factored in while suggesting the rates on hotels, but it looked very bad to charge tax at the rate of 28%. He stated that with rate reduction, all the States including Delhi would have tax gain and not loss. The Hon'ble Chairperson stated that there was a merit in lowering GST rates and Goa's suggestion was well established, but there would be loss of revenue for Delhi as suggested by them. The CST, Delhi stated that whatever, revenue loss figures, he had stated earlier were based on the proposal of Fitment Committee. However, the instant proposal had gone much beyond that and tax rate applicable was proposed to be brought down to 12% for very high room tariff range. Hence, he would require to go back and do fresh calculations. CST, Delhi further stated that although the Hon'ble Minister from Goa had maintained that there would be more room occupancy if there were lower room rates in Delhi, which could compensate the revenue loss; he had a different view on it. He stated that in Delhi about 4,000 rooms had already been added in the Aero-city Delhi and it was observed that only 60% hotel rooms were occupied in general in Delhi and therefore, there was already an excess capacity in Five Star Hotels. Further, by nature, the Five Star Hotels were more compliant and the revenue was easily collected from these Five Star Hotels. The Hon'ble Chairperson then requested as to what the Council would recommend for the hotels. The Hon'ble Deputy Chief Minister from Bihar suggested that Council could modify the proposal and recommend following GST rates: -

Room Rent in Rs.	**Proposed GST rate**
0 to 1000	Nil
1001 to 7499	at the rate of 12%
7499 +	at the rate of 18%

The Hon'ble Chairperson stated that this was exactly the proposal which the Revenue Secretary also had suggested her.

34.47. The JS, TRU-II stated that the recommendations of the Fitment Committee regarding the rates of 28% was in view of the pre-GST rate incidence and the same had been adopted by the Council after much discussion. However, the Fitment Committee having proposed for modification, would agree to any of the recommendation of the Council. He added, in fact, the proposal was to have 28% tax rate above Rs. 10,000 room rent, which came to US $ 150 and internationally, Hotel room rent above US $ 150 were considered as luxury.

34.48. The ACS(Finance), Gujarat agreed that the proposal made by the Deputy Chief Minister of Bihar seemed practical. He further, stated that the Council should also keep the observation of the Advisor (Financial Resources) to Chief Minister, Punjab in view, because it might create an anomaly of applicable tax rates i.e. with rooms taxable at GST of 12% and other services with GST rate of 18%, the tendency might be to manipulate records. The JS, TRU-II stated that this kind of tariff structure often led to shift of value from 18% to 12%. The Hon'ble Minister from West Bengal stated that market forces would take care of this kind of value shift.

34.49. The ACS (Finance), Haryana reiterated that like Delhi, Haryana also had 35 Five Star Hotels and they also would have rate cut impact on their revenue, but since it was a decision of the Council, they would try to absorb the revenue loss.

34.50. The Hon'ble Chairperson thanked the Council for accepting the proposal of the Deputy Chief Minister of Bihar. The Hon'ble Minister from Goa welcomed the decision and agreed to the proposal requesting for minor modification that instead of slabs being distinguished by Rs. 7499, it be distinguished by Rs.7500/-. Thus, the Council approved to reduce the rate of GST on hotel accommodation service as below: -

Transaction Value per Unit (Rs) per day	**Applicable GST Rate**
Rs 1000 and less	Nil
Rs 1001 to Rs 7500	12%
Rs 7501 and more	18%

The Council also agreed to reduce rate of GST on Outdoor Catering Services other than in premises having daily tariff of accommodation in rooms of Rs. 7501 and more from present 18% with ITC to 5% without ITC. It was also agreed that the rate shall be mandatory for all kinds of catering. Further, catering in premises where daily tariff of accommodation in rooms was Rs 7501 and above, the applicable GST rate shall remain at 18% with ITC.

34.51. Further, as regards Sl. No. 5 to 30 of Annexure IV, the Council after going through the explanation provided in the proposal, approved the recommendation of the Fitment Committee on services.

34.52. The Hon'ble Minister from Goa, thereafter raised the issue pertaining to his State related to Casino which the Secretary explained to him that this would go to GoM on Lottery, as discussed in previous GST Meeting. However, since the Convenor of the GoM on Lottery was the Hon'ble Minister from Maharashtra, it was necessary to appoint a new Convenor as early as possible, since Maharashtra was shortly going to have elections, and the present Convenor might be busy with election related work. The new Convenor of the GoM could then convene meeting of the GoM in the meantime and discuss the issues of Lottery and Casino. Moreover, he stated that no coercive action on Casino should be taken by the Governments to recover the tax based on interpretation, till the GoM took a final view on the same.

34.53. In respect of Sl. No. 1 to 12 of Annexure-V, the Fitment Committee had sought time for further examination to which the Council agreed. Similarly, in respect of items from Sl. No. 1 to 61 of Annexure-VI, the Fitment Committee on services had not proposed any changes, to which also the Council agreed.

34.54. The JS, TRU-II stated that in respect of Annexure VII, there were two issues which had been referred to the Fitment Committee by the Council in its 35th Meeting held on 21st June 2019 and the Hon'ble Finance Minister from Punjab. There, in respect of first item, the Council was to decide on rate of GST on Lottery after the legal opinion of the Ld. Attorney General, as directed by it, was received. The Ld. Attorney General had provided his opinion and mentioned that State run Lottery and State authorized Lottery were two different supplies, therefore, there could be two different tax rates or a uniform rate of GST as the Council might recommend. Moreover, the Ld. Attorney General had also mentioned that Article 304, which applied to State Legislatures, would have no bearing on fixing of differential GST rates on two types of Lottery for the reason that the two kinds of lotteries may well be said not to constitute similar goods and that the state authorised lotteries may also be sold within the boundaries of the state authorising it as also in other states and the GST rate of 28% would apply in both cases. Hence, the GST Council was free to decide any rate they might deem fit for Lottery.

34.55. The Secretary requested the Council to give their views on the issue as the opinion from Ld. Attorney General had come. The Hon'ble Finance Minister from West Bengal stated that the *status quo* should be maintained and his State preferred dual GST rates; for State run Lotteries GST of 12% and higher rate of 28% for State authorized or licensed Lotteries, as it was consistent with the opinion of the Ld. Attorney General. He further stated that since the State collected significant amount of revenue, a Corporation had been formed and it had become acceptable to the people due to transparency. Thus, States having this type of model should be allowed to maintain two rates as any rate reduction would lead to massive revenue loss. Further, he was of the view that if the Council decided to recommend a uniform GST rate, he would like the GST rate to be fixed at 28% as Lottery was a 'sin' good. The Hon'ble Minister from Kerala stated that the Ld. Attorney General's view regarding the rates had up-held his views and arguments on the issue, presented in the Council from time to time, that it was absolutely legal to keep two rates in lottery. Thus, the *status quo* should be maintained.

34.56. The Hon'ble Minister from Assam stated that in North Eastern States, there was no capability to have State-run Lottery, hence they would have to close down the Lottery business and seek compensation from the Government of India for the probable loss of revenue. Further, the proposal of Minister from Kerala, that he had placed in Council earlier stating that he would run the Lottery for North Eastern States; seemed attractive but it undermined the autonomy of State. He added that North Eastern States were having a giant neighbouring State running Lottery and fixing lower rate to State-run Lottery would give protection to neighbouring state run Lottery. Thus, GST rate would protect revenue of their neighbour instead of protection being given to revenues of smaller North Eastern States. He stated that, if in a simple good like Lottery, it was interpreted to be two different goods, one being State run and the other being State authorized Lottery, then this issue might come up in respect of many other goods for example a car manufactured by a PSU and a car manufactured by a private company to be differentiated. Following that logic, there shall be different tax rates for all the supplies under GST based on the distinction of being State-run or otherwise; akin to Lottery. Hence, he requested the Council to keep in view the concerns of the smaller States, so as not to discriminate between State run and State authorized Lotteries. He stated that he had no issue, if the rate was to be raised to 28% for all kinds of Lottery but the distinction should be removed. He, therefore, asked that the revenues of North Eastern States should be protected either by making the tax rate on the State run and State authorised Lotteries equal or providing compensation for longer period, as it was the question of survival.

34.57. The Hon'ble Minister from Punjab thanked the Hon'ble Chairperson for obtaining the Ld. Attorney General's opinion and stated that since the Attorney General's opinion confirmed that these were two distinct supplies, hence, the *status quo* should be maintained, if possible. The Hon'ble Deputy Chief Minister of Bihar further suggested that the Council should ban Online Lottery, as it was causing lot of disruption among youths and though Paper Lottery was banned in Bihar, youth were spending money online. The Hon'ble Finance Minister from West Bengal stated that Online Lottery was already banned in West Bengal.

34.58. The Hon'ble Minister from Kerala stated that he wanted to raise a few points for the consideration of the Council without getting into the argument with the Hon'ble Minister from Assam. He cautioned that let the Council consider as to what income was arising to these States out of lottery before taking any decision. It was two-fold i.e. 'Minimum Guarantee Money' (MGM) offered by the authorised person to run Lottery and the GST on its sale. Further, GST would be shared between Central Government and the destination/consuming State. Thus, the only income North Eastern State Government got was the MGM offered by the authorised person. Hence, he offered that he can guarantee double the income for every North Eastern States from the MGM, which it would otherwise collect from State authorized lottery. In Kerala State, there would be law and order problem as Lottery had its vices which had to be controlled. The Hon'ble Minister from Assam stated that in that case, Kerala should form an agency and participate in the tender, otherwise how the State would know as to what revenue it was being offered as MGM.

34.59. The Hon'ble Chairperson stated that based on the discussion so far, she would come up with a fair proposition which the Council might consider. She further stated that, since every member was of the view that Lottery was a 'sin' good, it should have a uniform rate and the Council might also suggest to Union Ministry of Home Affairs to amend the Lottery Regulation Act, in order to address the issues relating to law and order, monitoring and compliance etc. She also stated that Council might also recommend banning of online lottery. She then asked the views of the House on this three-pronged proposal. The Hon'ble Minister from Kerala suggested for division of votes in the Council. The Hon'ble Minister from West Bengal opined that either the *status quo* should be maintained or the GST rate of 28% might be recommended.

34.60. The Hon'ble Minister from Punjab stated that online Lottery should be banned and to respect the divergent sentiments of the House, the status quo should be maintained. The Hon'ble Minister of Assam was against the differential rate and also asked for division of votes to settle the issue. The Hon'ble Minister from Goa also stated that he was of the same view as the Hon'ble Minister of Assam that there should be a single GST rate. Moreover, banning Online Lottery in Goa would mean losing revenue. So, he appealed to the Council to take some more time and again to have a detailed discussion in the GoM for a final view. The Hon'ble Minister from Uttar Pradesh stated that the Lottery was banned in his State however, the matter should be discussed in the GoM. The Hon'ble Minister from Punjab also favoured that discussion be again done and a view might be taken by the GoM in this regard. The Hon'ble Minister from Goa stated that for best solution, since Casino issues were also referred to the GoM on Lottery, one more round of deliberation in the GoM would be proper. He further explained to the Hon'ble Chairperson as to why this issue was pending in GoM for so long. He stated that the GoM had discussed it amongst themselves and wanted to have a meeting with the then Chairperson also, who was first busy with elections and thereafter unfortunately fell sick. Thus, the matter could not be discussed with him.

34.61. The Hon'ble Minister from Chhattisgarh and Telangana also favoured that the decision of GST rate on Lottery should not be finalized in haste but it should be discussed in the GoM along with Casino and Horse Racing. He further stated that over the past 6-7 months, he had observed that the conflicting

views had mellowed down and the gap between the views had also moved from outright confrontation towards reconciliation. The Hon'ble Minister from Telangana also suggested that the pending issues of Horse Racing be also referred to the GoM on Lottery. The Hon'ble Minister from West Bengal also favoured that since there was skill involved in Horse Racing, the matter should also be discussed in the same GoM.

34.62. The Council then decided to refer the matter to the GoM on lottery along with issues relating to Horse Racing and Casino.

34.63. ACS/CST, Tamil Nadu raised the issue of exclusion of aerated waters from the Composition Scheme. Regarding Composition Scheme on aerated water; the JS, TRU-I explained that this issue had come up for discussion during the Officers' Committee meeting and it was submitted by the officers from various States that there was a lot of evasion in this area. There was a representation from ACS/CST, Tamil Nadu also regarding manufacturers of aerated water to be taken out of the Composition Scheme. He informed that the Fitment Committee had agreed to it and the officers committee on 19.09.2019 had also accepted it. The Council also approved that the manufacturers of Aerated water be henceforth taken out of the benefit of Composition Scheme.

34.64. The Hon'ble Minister from Punjab requested attention of the Hon'ble Chairperson and also of Council regarding the issue of taxation of "Long term Leasing" and stated that the Secretary had informed him that the issue would be taken up in the GoM on Real Estate. The Chairperson agreed that the same might also be referred to the GoM on Real Estate if the Council Agreed. The Council agreed for the same.

34.65. The Hon'ble Chairperson enquired from the Secretary about the status of various GoMs constituted by the Council and asked questions that how many GoMs had been constituted; that when were they constituted; that as to when did they last meet; that whether they had come to the closure of their subject and submitted their final report or not. The Secretary then requested, JS, TRU-II (being the Secretary of some of the GoMs) to inform the House regarding the status of the GoM. JS, TRU-II stated that there was one GoM on Lottery, which was headed by the Hon'ble Minister from Maharashtra. The second GoM was on Real Estate headed by Deputy Chief Minister from Gujarat and the third GoM was on IT Challenges headed by Deputy Chief Minister from Bihar which were still in existence. He further stated that all the GoMs, except GoM on IT Challenges which met frequently; had not met for some time. He also informed that usually, it was the Convenor of the GoM, who called the Meetings. The Hon'ble Minister from Goa pointed out that there was also a GoM on Revenue Analysis which had also not met for some time and submitted its report. The Hon'ble Deputy Chief Minister of Bihar stated that though GoM on IT issues had not met for some time but the Committee of Officers on IT was meeting regularly and sorting out the issues. Then the Hon'ble Chairperson appealed to the Council that, as she understood, GoMs were driven by the Convenors of the GoM. She appealed that GoMs should meet at the earliest and she assured the Members that reports of the GoMs would be brought before the Council.

34.66. The Hon'ble Minister from Punjab raised the issue of Long-Term Leasing of Land and stated that it was against his self-respect and nature of people of Punjab to seek the compensation. Punjab was however, one of the highest revenue deficit State in GST and seemed to have become a deficit state in perpetuity. He stated that while Punjab contributed hugely in producing food grains for whole country for ages, it had become revenue deficit State as it agreed to subsume the purchase tax on food grains. Thus, in GST, the time had come for Punjab's economy to diversify from food grains into industry and services. Drawing the Council's attention to historical perspective, he stated that in 1947, Punjab and West Bengal had borne the brunt of partition. Thereafter, during the 60's and 70's, Punjab saw three

wars – 1962, 1965 and 1971, where people of Punjab were affected. Then terrorism too affected the people in Punjab. He also stated that the special concessions given to their immediate neighbouring States like Himachal Pradesh, Jammu & Kashmir and Uttarakhand too affected industrial growth. Hence, he stated that Punjab's economy was always affected due to various associated circumstances. He further stated that now Punjab wanted to industrialise. 'Invest in Punjab' Summit was to be held soon where investors from Dubai, Japan and Singapore would be invited. Further, land was precious and scarce and Punjab would look forward to transfer of land in large industrial estates for investments on Government to Government basis. He requested the Council to consider the issue of levy of tax on lease of land on long term basis. He stated further that in GST, there was no entry where tax could be levied separately by both Centre and the States except for 'long term leasing of land', which attracted 18% GST. Moreover, there was 5% to 7% of Stamp Duty on it making a total tax of about 25% which would not be eligible for ITC in certain situations and hence made the entire project costly and unviable. Thus, it became a big challenge for a border State like Punjab to attract industry. Most of the companies, he stated, were moving out from China to Vietnam at present. He also reiterated the views held by the Chairman, XV Finance Commission, regarding certain States falling off the cliff in 2022, and stated that it might be true for Punjab if they were not allowed to diversify. Thus, having gone ahead with Corporate Tax reforms recently, the Governments should also look at this aberration in GST. Thereafter, he apologised for taking so much of time of the Council and making an emotional appeal for addressing this issue.

34.67. The Hon'ble Minister from Kerala supported Punjab's view by stating that since land registration and stamp duty had not been subsumed in GST, it was affecting all the States. and the Punjab minister should not apologize for his statement before the Council. Both, The Hon'ble Ministers from West Bengal and Uttar Pradesh also supported the views of Punjab that leasing of land should not suffer levy of GST. The Hon'ble Minister from West Bengal stated that there was 18% tax plus Stamp Duty on registration of long lease which was akin to sale of land. Thus, the new industry had to face double taxation, on same set of transaction. Hence, it would be better if a decision was taken to avoid double taxation on this issue. He further stated that the private sector was building big industrial parks, where they were bringing investors but they were reluctant to move forward due to double taxation. Further, if there could be double taxation avoidance between two nations then why it could not be sorted out between Centre and the States. He therefore, proposed that the council could consider exempting the double taxation of long-term lease of land in a format where the State could utilize the land and give it on lease in partnership with private sector in industrial park kind of format, instead of sending it back to GoM.

36.68. The Hon'ble Chairperson requested ACS (Finance), Gujarat to request his Minister, who was also the Convenor of the GoM on Real Estate, to convene a meeting at the earliest, to take a view on the issue. The ACS (Finance), Gujarat stated that he would convey the message to the Hon'ble Deputy Chief Minister, Gujarat. However, he made following observations on the issue raised by Punjab.

a. If land was leased for long term by a State PSU such as Punjab Industrial Development Corporation or a similar body then GST would not be applicable, as it was already exempted.

b. Further, Punjab had taken one of the arguments behind seeking exemption from the long-term lease of land on the grounds that the exemption had been granted to International Financial Services Centre (IFSC) in Gujarat, which may also be extended to long term leasing for the industrial purpose. However, IFSC in Gujarat, being the only international financial services hub in India, did not draw any parallel with the exemption to the long-term leasing of land from tax. Hence, this argument might be separated and kept aside.

36.69. The Hon'ble Minister from Madhya Pradesh also agreed to the Punjab's views and stated that in Madhya Pradesh also efforts were being made to encourage tourism industry to develop in Madhya Pradesh. For this purpose, a PSU might be formed and hence issue of long-term leasing of land for developing hotel and tourism facilities should also be taken up by the GoM. The Hon'ble Minister from Punjab thanked the Council for its assurance and decision to refer the matter to the GoM on Real Estate.

36.70. The Hon'ble Minister from Punjab requested for a clarification with reference to item at Sl.No. 18 of Annexure IV as to whether there would be a circular or a notification which was proposed to be issued. The JS, TRU-II explained that the decision in this regard to levy no tax on Liquor Licence Fee had been taken by the GST Council long back but there was no legal instrument approved by the Council to implement it. Further, some disputes were being raised by companies before the court of law, such as, in a case relating to levy of GST on Spectrum Fee in telecom, that it was similar to Liquor Licence Fee, hence, it should also not suffer GST. Thus, to address the situation there were three ways suggested by the Fitment Committee, as contained in Agenda. In the Budget 2019 for the past period, the Liquor Licence Fee had been retrospectively exempted from the Service Tax. For future, it would be proper, if a notification under Section 7 (b) (ii) of CGST Act, 2017declaring it as "no supply" would be issued followed by the issue of a suitable clarification that this Notification would not be applicable to other Licences which were granted by Government for a consideration. The Council agreed to the proposal.

36.71. The Secretary stated that one important decision that the Council had to make was regarding the effective date of implementation for the rate changes and decisions taken on the recommendations of Fitment Committee. He suggested that these decisions be made effective from 01.10.19, to which Council members agreed.

37. For **Agenda item 8,** the Council approved the following for Goods and Services: -

A. In respect of GST Rate on Goods, the Council decided as follows:
   a. In respect of Part A of the Annexure I of Agenda item 8 recommending changes in the GST rate of the Goods:
      i. The Council approved the Fitment Committee recommendations in respect of Sl. No 1 to 6, Sl. No 9 to 11 and Sl. No 13 to 20 of the Part A of the Annexure I.
      ii. The Council in respect of Fish meal appearing at Sl. No 7 of the Part A of the Annexure I agreed for granting exemption for the period 01.07.17 to 30.09.19 in view of the doubts as regards taxability of fishmeal in view of the interpretational issues. However, any tax collected for this period shall be required to be deposited. Council did not agree to make any change for meat cum Bone Meal.
      iii. The Council in respect of Sl. No 8 of the Part A of the Annexure I approved 12% GST rate during the period 01.07.2017 to 31.12.2018, on pulley, wheels and other parts (falling under heading 8483) and used as parts of agricultural machinery. However, any tax collected at higher rate for this period shall be required to be deposited.
      iv. The Council deferred the discussion based on Fitment Committee recommendations in respect of Safety Matches appearing at Sl. No 12 of the Part A of the Annexure I and that it would be taken up after the Hon'ble Chief Minister of Pondicherry provided his feedback.
   b. In respect of Part B of the Annexure I of Agenda item 8, recommending changes in the GST rate as well as Compensation Cess rate of the Goods:

i. The Council approved the Fitment Committee recommendations in respect of Sl. No 1 of the Part B of the Annexure I. Passenger vehicles of engine capacity 1500 CC in case of diesel, 1200 CC in case of petrol and length not exceeding 4000 mm designed for transport of upto 9 persons attract compensation cess of 1% for petrol and 3% for diesel vehicle. The Council recommended same compensation cess rate for vehicles having these specifications (length 4000 mm and engine capacity of 1200 CC for petrol vehicle, 1500 CC for diesel vehicle) but designed for transport of 10 to 13 persons. (presently these vehicles attract compensation cess at the rate of 15%)

ii. The Council approved the Fitment Committee recommendations in respect of Caffeinated Beverages appearing at Sl. No 2 of the Part B of the Annexure I to change the GST rate from present 18% to 28%. The Council also approved that it shall also attract Compensation Cess of 12%.

iii. The Council also approved that the refund of Compensation Cess on Tobacco Products arising out of inverted duty structure in Compensation Cess in respect of Sl. No 3 of the Part B of the Annexure I not to be allowed under Section 54 of the CGST Act, 2017, including on the refund claims already filed.

c. In respect of Part C of the Annexure I of Agenda item 8, recommending issue of clarification in respect of the GST rates of the Goods:

i. The Council approved the Fitment Committee recommendations in respect of Sl. No. 1 to 8 of Part C of the Annexure I of Agenda 8, to issue the clarification.

ii. The Council approved the Fitment Committee recommendations in respect of Sl. No. 9 of Part C of the Annexure I of Agenda 8, to issue the notification exempting it.

d. In respect of Annexure-II of Agenda item 8, the Fitment Committee had deferred making any recommendations for want of information, and the Council approved the Sl. No. 1 to 10 of Annexure-II for further examination.

e. In respect of Annexure-III of Agenda item 8, the Council approved the Fitment Committee recommendations for no change in respect of Sl. No. 1 to 11; Sl No. 13 to 57 and Sl No. 59 to 167.

f. In respect of Annexure-III of Agenda item 8, Sl. No. 12; the Council approved that the Dried Tamarind shall be charged 'NIL' rate of GST.

g. In respect of Annexure-III of Agenda item8, Sl. No. 58 i.e. Extra Neutral Alcohol (ENA), the Council approved the Fitment Committee recommendations and for the replacement of the comment at Sl. No. 3 in column 6 of the able, which might be read as, *'However, in the interim period the States may go by the decision of GST Council as recorded in the Minutes of the Council Meeting dated 5th August, 2017'*.

B. In respect of GST Rate on Services, the Council decided as follows:

a. In respect of the Annexure IV of Agenda item 8, recommending changes in the GST rate of the Services or for issuance of clarifications in relation of Services:

i. The Council approved the Fitment Committee recommendations in respect of Sl. No 1 and 2 of the Annexure IV. The Council recommended to reduce rate of GST from 5% to 1.5% on supply of job work services in relation to diamonds and to reduce rate of GST from 18% to 12% on supply of all job work services which are not currently eligible for 5% rate, such as in engineering industry, except supply of job work in relation to bus body building.

ii. The Council recommended in respect of Sl. No 3 of Annexure IV to reduce rate of GST on outdoor catering services, other than in premises having daily tariff of unit of accommodation of Rs 7501 from present 18% with ITC to 5% without ITC. The Council also approved that the rate shall be mandatory for all kinds of catering. Catering in premises with daily tariff of a unit of accommodation of Rs 7501 and above or catering by entities providing such accommodation of entities located in such premises shall remain at 18% with ITC.

iii. The Council recommended in respect of Sl. No 4 of Annexure IV to reduce the rate of GST on hotel accommodation service as below: -

Transaction Value per Unit (Rs) per day	GST
Rs 1000 and less	Nil
Rs 1001 to Rs 7500	12%
Rs 7501 and more	18%

iv. In respect of Sl. No 5 of Annexure IV, the Council recommended to issue a notification under Section 13(13) of IGST Act, 2017 notifying the place of supply of specified R&D services (such as Integrated discovery and development, Evaluation of the efficacy of new chemical/ biological entities in animal models of disease, Evaluation of biological activity of novel chemical/ biological entities in in-vitro assays, Drug metabolism and pharmacokinetics of new chemical entities, Safety Assessment/ Toxicology, Stability studies, Bio Equivalence and Bio Availability Studies, Clinical trials, Bio analytical studies) provided by Indian pharma companies to foreign service recipients, as the place of effective use and enjoyment of a service i.e. location of the service recipient.

v. In respect of Sl. No 6 of Annexure IV, the Council recommended to clarify that the place of supply of chip design software R&D services provided by Indian companies to foreign clients by using sample test kits in India is the location of the service recipient and section 13(3)(a) of IGST Act, 2017 is not applicable for determining the place of supply in such cases.

vi. In respect of Sl. No 7 of Annexure IV, the Council recommended to exempt services provided by an intermediary to a supplier of goods or recipient of goods when both the supplier and recipient are located outside the taxable territory.

vii. In respect of Sl. No 8 of Annexure IV, the Council recommended to exempt prospectively services by way of storage or warehousing of cereals, pulses, fruits, nuts and vegetables, spices, copra, sugarcane, jaggery, raw vegetable fibers such as cotton, flax, jute etc., indigo, unmanufactured tobacco, betel leaves, *tendu leaves*, rice, coffee and tea.

viii. In respect of Sl. No 9 of Annexure IV, the Council recommended to allow RCM to suppliers paying GST at the rate of 5% on renting of vehicles, when supplied by person other than body corporate (LLP, proprietorship etc.) to body corporate entities.

ix. In respect of Sl. No 10 of Annexure IV, the Council recommended to issue a clarification, clarifying the scope of the entry 'services of exploration, mining or drilling of petroleum crude or natural gas or both'.

x. In respect of Sl. No 11 of Annexure IV, the Council recommended to issue a circular giving appropriate clarification in respect of Sl. No. 3(iv)(a) of the Notification 11/2017- Central Tax (Rate) dated 28.06.2017 that the explanation having been issued under Sub-section 3 of Section 11 of the CGST Act, 2017 was effective from 21.09.2017.

xi. In respect of Sl. No 12 of Annexure IV, the Council recommended to delete the word 'Registered' appearing in Para 2A of the Notification No 11/2017-Central Tax (Rate) dtd 28.06.2017.

xii. In respect of Sl. No 13 of Annexure IV, the Council recommended to insert an explanation in the Notification No 4/2018- Central Tax (Rate) dtd 25.01.2018 that *"nothing contained in this notification shall apply where development rights are supplied on or after 01.04.2019".*

xiii. In respect of Sl. No 14 of Annexure IV, the Council recommended to amend the Notification No 7/2019-Central Tax (Rate) dtd 29.03.2019 to provide that on purchase of Cement from an unregistered supplier, the builder shall pay GST under RCM.

xiv. In respect of Sl. No 15 of Annexure IV, the Council recommended to issue clarification clarifying taxability of Passenger Service Fee (PSF) and User Development Fee (UDF) levied by airport operators.

xv. In respect of Sl. No 16 of Annexure IV, the Council recommended to extend the validity of conditional exemption of GST on export freight by air or sea by another year, i.e. till 30.09.2020.

xvi. In respect of Sl. No 17 of Annexure IV, the Council recommended to amend the entries in Notification 12/2017-CT (Rate) to reflect correctly the threshold exemption decision of the GST Council taken in the past.

xvii. In respect of Sl. No 18 of Annexure IV, the Council approved to notify grant of Liquor License by State Governments against payment of license fee as a "no supply" under Clause (b) to Subsection 2 of Section 7 of the CGST Act, 2017 to remove ambiguity in implementation on the subject. The effect of exemption shall apply from 01.07.2017.

xviii. In respect of Sl. No 19 of Annexure IV, the Council recommended to issue clarification to the Truck Operator's Association that compulsory registration under any Act was exempt from GST.

xix. In respect of Sl. No 20 of Annexure IV, the Council recommended to amend and correct the classification entries under Notification No 11/2017-CT (Rate) dtd 29.06.2017 with consequent change in scheme of classification annexed to the said notification so as to align the scheme of classification under GST with the United Nation's Central Product Classification (UNCPC), as proposed and enclosed at 'Enclosure 2 & Enclosure 3' of Annexure IV, Agenda 8.

xx. In respect of Sl. No 21 to 24 of Annexure IV, the Council approved the recommendations of the Fitment Committee to issue appropriate clarification to the respective organization who had made the reference.

xxi. In respect of Sl. No 25 of Annexure IV, regarding taxation of PSLC certificates, the Council recommended to maintain *status quo* as the service providers had settled under RCM method of tax payment.

xxii. In respect of Sl. No 26 of Annexure IV, the Council recommended to exempt services related to FIFA Under-17 Women's World Cup 2020 similar to existing exemption given to FIFA U17 World Cup 2017.

xxiii. In respect of Sl. No 27 of Annexure IV, the Council recommended to exempt services related to "BANGLA SHASYA BIMA" (BSB) crop insurance scheme of West Bengal Government.

xxiv. In respect of Sl. No 28 of Annexure IV, the Council recommended to exempt services related to life insurance business provided or agreed to be provided by the Central Armed Paramilitary Forces (under Ministry of Home Affairs) Group Insurance Funds to their members under the respective Group Insurance Schemes of these Central Armed Paramilitary forces

xxv. In respect of Sl. No 29 of Annexure IV, the Council recommended to allow payment of GST on securities lending service under Reverse Charge Mechanism (RCM) at the merit rate of 18% and to clarify that GST on securities lending service for period prior to RCM period shall be paid on forward charge basis. IGST shall be payable on supply of these services and in cases where CGST/SGST/UTGST have been paid, such taxpayers will not be required to pay tax again

xxvi. In respect of Sl. No 30 of Annexure IV, the Council recommended to allow the registered authors an option to pay GST on royalty charged from publishers under forward charge and observe regular GST compliance.

b. In respect of Sl. No 1 to 12 of the Annexure V of Agenda 8 seeking deferment of certain issues for examination due to lack of information, the GST Council approved the same.

c. In respect of issues at Sl. No 1 to 61 of Annexure VI of Agenda 8 recommending no GST rate change, the GST Council approved the recommendations.

d. In respect of the 2 issues at Sl. No 1 and 2 of Annexure VII of Agenda 8, the GST Council recommended as follows:

i. In respect of Sl. No 1 of Annexure VII, the Council decided to refer the issues of Lottery to the GoM on Lottery for reconsideration along with issues associated with Horse Racing and Casino. The concerned States may refer the outstanding issues, if any, to the GoM through the Secretary to GoM.

ii. In respect of Sl. No 2 of Annexure VII, the Council decided to refer the matter to the GoM on Real Estate along with issue raised by Hon'ble Minister from Madhya Pradesh, who shall refer the issues, if any, to the GoM through the Secretary to GoM.

C. The Council took note of item at Annexure IX relating to filing of SLP in the Hon'ble Supreme Court, against lapsing of accumulated ITC on fabric for the period prior to 31.7.2018.

D. The Council also invited suggestions from all the members present and requested them to submit the proposal in writing on the issues/ subjects they would like to have impact assessment study done so that the buoyancy in revenue could be studied and achieved.

E. The Council Also approved that the Aerated Drinks manufacturers shall henceforth be excluded from the ambit of Composition Scheme.

F. The Council also approved to issue notifications giving effect to the above recommendations of the Council from 1st October, 2019.

Agenda Item 9: Status update on Report of the Committee of Officers on Use of RFID Data for Strengthening of E-Way Bill System Under GST

38. The Secretary stated that the agenda was discussed in the Officers' Meeting held on 19.09.19 and the officers were in agreement of the proposal. The presentation made during the Officers' Meeting is attached as **Annexure 5**. He stated that the status of the Integration of EWB (e-Way Bill) with the FASTag was now placed for the information of the Council. He stated that the Council had earlier agreed, in principle, to the implementation of the recommendations of Committee of Officers (submitted on 2nd August 2019) on use of RFID data for strengthening of e-Way bill system under GST. In pursuance of that decision, it was requested to NIC and GSTN to coordinate and develop a plan of action and implement it. The present status of the NETC-EWBS integration, as per Agenda item, was as follows:

38.1. Two meetings were held between officers of NHAI, GSTN and NPCI to discuss the modalities to integrate EWB with FASTag. It was also discussed that MoRTH was targeting 100% digital toll payments via FASTag by 1st December, 2019 and it was suggested that GST Council might also consider preponing the date of FASTag mandate for EWB generation, from existing timeline of 1st April 2020 to 1st February 2020. Status of work done so far was as follows:

i. Number of APIs prepared by NIC: 5 (heartbeat check, FASTag data push, toll plaza data push, transaction data push, data recon API).
ii. APIs were ready and available on sandbox. Testing to be completed by 15th October, 2019.
iii. NPCI to extend its network to NIC EWBS by end October 2019.

38.2. **Strengthening of E-Way Bill System by Using Data of Vahan**: Another meeting was held on 11.09.2019 under the chairmanship of Additional Secretary (Revenue) with officers from NIC, GSTN, DoR, CBIC, MoRTH and GST Council Secretariat to utilise VAHAN database to identify cases where wrong or non-existent vehicle data was used to generate e-Way bill. The entire data of vehicles used in e-Way bill system, was shared with VAHAN to validate the same. The result shared by VAHAN showed huge gap between e-Way Bill database and VAHAN database, which was significant in some States. Accordingly, it was desired by the Additional Secretary, DoR that MoRTH should conduct the following exercise:

i. Study the data base of some States for correctness.
ii. Identify the duplicate entries in the VAHAN data base and clean them.
iii. Develop a firm strategy to correct discrepancies in data base in time bound manner, so that EWB linkage with FAS Tag for issue of EWB may be made mandatory.

38.3. The Secretary placed the Agenda regarding the status of the Integration of EWB with the FAS Tag for the information of the Council.

39. For **Agenda item 9,** the Council took note of the status of the Integration of EWB with the FASTag.

Agenda Item 10: Presentation on fake invoice menace, fraudulent refund, etc.

40. Introducing the Agenda item, the Secretary stated that it was connected with Table Agenda item 10(i). However, there was very little time to see the presentation, as significant time had been taken up by the discussion on Agenda item 8. Thus, the Council might discuss the Agenda item 10(i) directly. The Hon'ble Minster from West Bengal stated that it was a very important agenda and should not be skipped or hurried like this but should be discussed in detail as some measures were required to check

the tax evasion. The Secretary stated that the presentation was made before the officers in the meeting a day before i.e. on 19.09.2019 and discussed in detail. Hence, in view of the paucity of time to see the presentation, the Council might discuss the more important aspect of as to how to curb the menace of fake invoices as per the recommendation of the Committee of Officers on Risk Based Management of taxpayers. The presentation would be shared with the States subsequent to the meeting. Further, the measures suggested in the Agenda item 10(i) were of administrative & procedural nature and the GSTN would also take time to develop these checks into the work flow. Thus, in principle approval of the Council would be required on priority. The Council agreed to discuss the recommendations of the Committee of officers as per Agenda item 10(i).

Agenda Item 10(i): Interim recommendations of Committee of Officers on Risk Based Management of taxpayers under GST regime

41. The Secretary introduced the agenda and stated that it was discussed in the Officer's Meeting held on 19.09.19. The presentation was attached as **Annexure 3**. He stated that it was necessary to place the agenda before the Council as in principal approval of the Council was required on these administrative and procedural matters. He then requested the Shri Yogendra Garg, Principal Commissioner, GST Policy Wing, CBIC to present the agenda item.

41.1. Principal Commissioner, GST Policy Wing, CBIC stated that the Agenda item was proposed as a follow up of a presentation by Shri Sandeep M. Bhatnagar, Member (GST & Investigation), CBIC on the subject of fake invoices and fraudulent availment of ITC, IGST Refunds and Drawback in the Officers Meeting held on 20.06.2019. It was decided to constitute a Committee of Officers (CoO) on risk-based management of taxpayers with an intent to establish certain checks and balance *vis-à-vis* the risky taxpayers. Accordingly, a CoO on risk-based management of taxpayers, having members from Centre and States had been constituted on 15.07.2019 with the mandate, *inter alia*, to study and suggest the modalities of KYC verification of a taxpayer; parameters for risk-based profiling of a taxpayers; reasonable restrictions/interventions to be imposed on taxpayer based on his risk parameters to regulate issue of invoice, utilization of ITC, passing of ITC, refunds etc. Further, a suggestion was received by the GST Council Secretariat from the GST Policy Wing to assess and recommend offence data requirements and modalities for data sharing between Centre, States and various other agencies. Further, in view of suggestion for sharing of evidences of cases on fake invoices by Shri Rajiv Jalota, CST, Maharashtra, two more Terms of References were added in the mandate of the said CoO and an officer of Maharashtra Government was also invited in the proceeding of the CoO.

41.2. Principal Commissioner, GST Policy Wing, CBIC further stated that the CoO had submitted the following interim recommendations:

a. To initiate the Aadhar based verification process of all new taxpayers.
b. Develop modalities and timelines for similar verification of all the existing taxpayers.
c. In absence of Aadhar validation, compulsory physical verification of premises.
d. For risky new taxpayers (Proprietor, new PAN with no Income Tax or Business turnover, financial credentials) restrict ITC on supplies made by them to Rs. 20 lakh per month i.e. Block GSTR-2A auto population to Rs. 20 lakh per month for first 6 months.
e. Further ITC to be linked to their depositing a certain percentage of the ITC sought to be passed on in cash ledger. Considering that the average cash to allowed credit ratio was 20:80, the credit allowed to be pushed above the limit of Rs. 20 lakh should be 5 times the amount deposited in the cash ledger.
f. GST Council Secretariat with help of GSTN to get an offence database developed and all enforcement wings to share suspect GSTINs, DINs from GST and pre-GST periods in the said database.

g. Till new return was rolled out, transpose information from GSTR-1, GSTR-2A and GSTR-3B to identify taxpayers claiming excess ITC or taking ITC of duty/taxes not paid.

41.3. The Principal Commissioner, GST Policy Wing, CBIC, while referring to his presentation, explained that in the recommendations at paragraph 41.2.(d) above, Rs. 20 lakh ITC per month should be read as ITC of Rs. 3 lakh per month (Turnover was wrongly mentioned as ITC). With these changes, he placed the above interim recommendations before the Council for consideration and for in-principle approval, as a lot of IT related procedural issues had to be taken into consideration before a final view was taken.

41.4. The ACS (Finance), Gujarat stated that under-invoicing was a major component of evasion. In the earlier regime, the inspectors could assess the market value, if they thought any item was under invoiced; but for ease of doing business, that provision had not been kept in GST. Thus, in Gujarat, the Hon'ble High Court had quashed the assessments done by the officers in this situation, quoting that there was no such provision in law for reasonable market value. He requested that the officers' committee should also examine under-invoicing problem. The ACS/CST, Tamil Nadu also expressed that detailed discussion on this issue was required.

41.5. The Secretary stated that the Officers' committee which has already been formed to deliberate on fake invoice-based evasion and other compliance issue, should also study this issue in detail and develop various modalities to check evasion. He further stated that a suggestion had also been received in the Officers' Meeting that this Committee on Risk based Management of Tax payer might be broad based and turned into a Standing Committee to assesses and manage the risky taxpayers on continuous basis. The above proposal was placed before the Council for in principal approval.

42. For **Agenda item 10(i),** the Council in-principle approved, -

a. The recommendations of the committee of officers keeping in mind the necessity to tackle the menace of fake invoices and fraudulent refunds. The Council further approved that the recommendations of the committee on passing of credit by risky taxpayers including other restriction on risky new taxpayers could be analysed by the Law Committee for required changes in the statute and the corresponding Rules.
b. The Council also approved that this Committee on Risk based Management of Tax payer be broad based and turned into a Standing Committee to assesses and manage the risky taxpayers on continuous basis.

Agenda Item 11: Status of Implementation of New Return System

43. The Secretary stated that a detailed presentation was given by Shri Prakash Kumar, CEO, GSTN in the Officer's Meeting held on 19.09.2019 regarding the status of implementation of 'New Return System'. He suggested that in view of the paucity of time, the copy of the presentation would also be circulated to the members of the Council after the meeting. The said presentation is attached as **Annexure 5**.

43.1. The Secretary stated that the GST Council in its 35th Meeting held on 21.06.2019 had decided that the implementation of new return should be carried out in a phased manner. As per agenda item, the trial version of annexures of supplies and inward supplies were to be made available for trial in July, 2019 with following implementation schedule:

a) ANX-1/2 to replace GSTR-1/2A effective Oct'19
b) Run GSTR-3B and ANX-1 in parallel for 2 months for Monthly Filers
c) GSTR-3B would be phased out from Jan'20 for Monthly Filers
d) New Return would become functional for all taxpayers from Jan 2020.

43.2. The transition plan envisaging parallel run of old and new system had many challenges, summarised as below:

(A) Refund of exports made on payment of IGST would be affected as it was dependent on GSTR 3B and GSTR 1 and would have to undergo multiple time changes which would be a challenge in itself.

(B) Facility to amend invoices/documents GST ANX-1A by exporters would also be required to be provided as the exporters might need to make amendment in the earlier reported documents details for the period of transition.

(C) ITC Refund was processed on the basis of GSTR-2A and would be impacted if GSTR-2A is not available for the period when GSTR-1 will not be there. In new regime, refund could be processed based on GST ANX-2 (data auto-drafted from GST ANX-1). Since, no GST RET-1 would be filed during this period, GST ANX-1 would not be frozen till Jan, 2020. Thus, there would be scope of changes in GST ANX-1 after refund was processed, in case GSTR-3B was not integrated with GST ANX-1. Integration of GSTR-3B with ANX-1 was not in the plan and this would be an additional work requiring substantial manpower and time.

(D) Reconciliation of Return Filing data across old and new regimes would be required along with changes in backend processing and linking of old and new return.

Keeping in view the above-mentioned difficulties, complete switchover was proposed from 1st January 2020. RET module along with other modules impacted by New Returns were under development.

43.3. Further, going by past experience, large number of return filing was expected on 10th of following month, especially after end of Quarter when Monthly and Quarterly filers would upload ANX-1. Thus, like staggering of RET filing, staggering of ANX-1 upload was also recommended. Similarly accept/reject action on invoices in system generated ANX-2 would be done for the first time under GST. To ensure smooth filing on last three days, facility of accept/reject might not be allowed in these three days and the same could be done by taxpayers by 17th of the next month.

43.4. In view of the above, the Secretary proposed the following for consideration of the Council:

i. GST Council had approved staggered filing of RET (large taxpayers by 20th and others by 25th of next month). Similarly, last date of upload of ANX-1 might be staggered as 10th and 13th of month following the tax period for monthly and quarterly filers respectively.

ii. To ensure smooth filing on last three days, reject/pending action of invoices appearing in ANX-2 might be allowed upto 17th and not on 18/19 and 20th of the next month.

iii. Parallel run of existing and New Return might be replaced by deployment of new returns for all types of taxpayers with effect from 1st January 2020.

43.5. The Hon'ble Deputy Chief Minister of Bihar during the discussion on Agenda item 7(viii) had stated that in the 12th Meeting of the GoM on IT challenges in GST Implementation held on 14th September 2019, it was suggested to launch of the New Return System from 01.04.2020, with no parallel return filing, no transitional period and all tax payers to implement the same at one go only in staggered manner. Thus, the Council first had to decide on the date of implementation of the New Return, whether 1st January 2020 or 1st April 2020. He submitted that since lot of changes were envisaged in the New Return, it would be preferable not to disturb the last quarter of the Financial Year but to start the same from the beginning of a new Financial Year instead of launching it on 1st January, 2020.

43.6. The Hon'ble Chairperson requested the Council to give their views. The Hon'ble Minister from West Bengal suggested the proposal of launching the New Return from 01.04.2020. However, the

Hon'ble Minister from Punjab stated that although he agreed to the proposal but announcement should be made at a later stage as the tax payers might think that this proposal would again be delayed and would go in a lazy mode. The Council members discussed and concluded that the announcement regarding launch of New Return should be made in the press and the effective date should be 1st April 2020.

44. For **Agenda item 11,** the Council approved the proposal of New return system, earlier proposed from October, 2019, to be introduced from 1st April, 2020, in order to give ample opportunity to taxpayers as well as the GSTN to adapt the new return system. The due date for furnishing of return in **FORM GSTR-3B** and details of outward supplies in **FORM GSTR-1** for the period October, 2019 - March, 2020, might accordingly be modified and extended by the Central and State Governments. The Council also approved staggered filing of ANX-1 on 10th and 13th of the following month and no action of accept/reject/keep pending on 18th, 19th and 20th of the Month.

Agenda Item 12. Status of integrated refund system with disbursal by single authority

45. The Secretary stated that a detailed presentation was given by CEO, GSTN in the Officers Meeting held on 19.09.19 regarding the status of integrated refund system with disbursal by single authority and discussed in detail. The presentation is attached as Annexure 5. However, in view of the paucity of time, he suggested that the Council might discuss its implementation, as this was of administrative & procedural nature.

45.1. At present, the refund under GST System was divided into two parts, namely that relating to export of goods on payment of IGST and the other relating to export of goods on LUT, export of services, ITC refund etc. While the former was fully automated, the latter was semi-automated. For all the Refunds of second type, presently the refund business flow involved online/electronic as well as manual processing and transmission of information between the taxpayers and the tax officers. Though the Refund Sanction order was by one tax authority but disbursement of refund amount sanctioned was done by Centre for the CGST portion and by State/UT for SGST/UTGST portion.

45.2. The limitations of the present refund process due to manual processing of the refund claims were mentioned in the Agenda item as below:

a. Tracking at various stages of the application by the taxpayers was not possible.
b. Due to manual processing, the system was not able to capture the information at various stages of refund processing. It had direct impact on reliable MIS report creation.
c. The complete audit trail of activities performed by the tax officer and the taxpayer was not available in the existing scheme.
d. The disbursal process was tedious as multiple stakeholders involved viz central and state nodal officers, accounting authorities etc lead to delays in disbursal after sanction.
e. There was no validation of the bank account of the taxpayers claiming refund.
f. The percentage of upload of RFD-01 B on GST portal by tax officers was low and even though they might have sanctioned/rejected claims in manual form (Form RFD-06), the details were not available in the system.

45.3. The aforementioned limitations were sought to be addressed by making processing of refunds online along with disbursal of refund by single authority. The end-to-end online processing was ready at GST and the tax officer after processing the refund application would issue the payment order on GST System which would be available online to the disbursement authority for making payment of the refunds sanctioned by both the Central and the State tax authority through the Public Financial Management System (PFMS) of the Controller General of Accounts (CGA), Government of India. The PFMS system would ensure that the bank account details were validated before refund was sanctioned

to the taxpayer. The settlement of accounts between the Centre and the States would happen through the office of the Pr. CCA.

45.4. The Secretary further informed that the testing of refund functionalities had been completed by GSTN, CBIC and Model 1 States. It would be deployed in production by 24th September 2019 along with single disbursement system. After deployment, the entire refund business process would be online. The Secretary placed the agenda before the Council for information and approval for the launch of the of Integrated refund system with disbursal by single authority to from 24th September, 2019.

46. For **Agenda item 12**, the Council approved the proposal of Implementing refund system with disbursal by single authority from 24th September, 2019.

Agenda Item 13: Status and progress in generation of E-Invoicing

47. Introducing the Agenda item, the Secretary mentioned that, the Council in its 35th Meeting held on 21st June, 2019, the GST Council decided to introduce electronic invoicing system (e-invoice) in a phased manner for B2B transactions. Phase 1 was proposed to be voluntary and it was to be rolled out from Jan 2020. In view of the same a Technical Sub-Group was constituted to look into tech aspects of e-invoice, which mentioned that the e-invoice will be generated through GST portal.

47.1. He stated that the sub-group had submitted its recommendations which were of technical nature and required approval so that development could take place. The recommendation of the Technical subgroup, as per the agenda were as follows:

a. The standard of template of e-invoice based on industry consultation.

b. Format of Unique Invoice Reference Number (IRN) that will be based on the computation of hash of GSTIN of generator of document (invoice or credit note etc.), Year and Document number.

c. Creation of multiple registrars to which e-invoice could be reported by taxpayers to obtain Unique Invoice Reference Number to ensure 24X7 operations without any break. NIC will be the first registrar.

d. Digital Signing of e-invoice by registration portal.

e. Generation of QR Code by the e-Invoice Registration Portal (IRP) containing the IRN (hash) along with some important parameters of invoice like GSTIN of seller and buyer, invoice number and date, taxable amount, total tax and HSN Code of major item, to help validation of registered e-invoice in offline mode.

f. Multiple modes for getting invoice registered on IRP like Web, API, SMS, mobile app, offline tool, GSP.

g. Direct printing from JSON to enable small taxpayers to directly print from a mobile app to a compatible printer.

47.2. He also stated that the presentation in this regard was made by CEO, GSTN in the Officer's Meeting held on 19.09.2019. However, due to paucity of time the presentation could not be made before the Council. The same would be circulated to the members of the Council and the issue would be discussed in detail in the next Council meeting. The Presentation is attached as **Annexure 5**. Since implementation of e-invoice would require development, the Secretary placed the Agenda item before the Council for approval.

48. For **Agenda item 13,** the Council took note and approved the recommendations of the technical subgroup on e- invoice as mentioned in paragraph 47.1. above.

Agenda Item 14: Linking GST registration with Aadhar and proposed changes in the GST Law and GSTN System

49. The Secretary stated that a detailed presentation was made during the Officers' Meeting held on 19.09.19 regarding linking GST registration with Aadhar and proposed changes in the GST Law and GST System. He suggested that due to paucity of time the same would be circulated to the States after the Meeting. The same is attached in **Annexure 5**. He stated that the agenda being procedural and urgent in nature might be approved as the development of the facility at GST System by GSTN would take time.

49.1. He stated that the approval of the Council on this issue was required so as to curb/check the menace of tax evasion in view of current easy registration process (granted in 3 working days and no field inspection with no check). GSTN had been asked to put in place mechanism for Aadhar based authentication. The taxpayers coming for new registration would be asked whether they intend to provide their Aadhar details or not. In case Aadhar details were not provided, facility of auto-approval of registration would not be available and a detailed physical verification process would be made operational so as to confirm their identity using other documents.

49.2. The Hon'ble Minister from West Bengal suggested that this issue needed discussion in greater depth later. The Secretary stated that the matter was discussed in detail in the GoM on IT Challenges headed by Hon'ble Deputy Chief Minister of Bihar so as to authenticate the identity of the promoters and authorised signatories; moreover *vide* the Finance Bill, 2019, a provision had already been inserted regarding use of Aadhar for linking the same with the GST registration in CGST Act for curbing the menace of fake invoice. Hence, if the Council agreed to approve the same, at least the implementation could start.

49.3. The Hon'ble Deputy Chief Minister of Bihar also confirmed and stated that the matter was discussed in detail in the GoM and he observed that this would not pose a problem in implementation for any State. He stated that from 1st January 2020 Aadhar based authentication will be made available; however, it would not be mandatory for registration. If the Aadhar was not provided, there would be recourse to physical verification to validate the identity before issue of registration. He also stated that GSTN/Infosys have been asked to work on it as a step to check fake invoices and fake registrants.

49.4. The Hon'ble Minister from Odisha stated that if any taxpayer did not provide the Aadhar number, his refund should be restricted. The Secretary replied that it might not be admissible as per law. The Hon'ble Deputy Chief Minister of Bihar stated that the Minister from Odisha was adding a new dimension and was suggesting that in addition to Aadhar being made mandatory for registration it should be also made mandatory for refund disbursal, which could be beneficial and required discussion. The Secretary placed the agenda for approval of the Council, to which Council agreed.

50. For **Agenda item 14,** the Council gave in-principle approval to link Aadhar with registration module of GSTN.

Agenda Item 15: Update on change of share capital/ownership structure of Goods and Services Tax Network (GSTN) and transfer of shares of GSTN from Empowered Committee of State Finance Ministers (EC) & Non-Government Institution to Centre, State Governments and Union Territories

51. The Secretary stated that a detailed presentation was given by the CEO, GSTN in the Officers Meeting held on 19.09.19 regarding the latest update on change of share capital/ownership structure of Goods and Services Tax Network (GSTN) and transfer of shares of GSTN from Empowered Committee of State Finance Ministers (EC) & Non- Government Institution to Centre, State Governments & Union

Territories. The same is attached as **Annexure 5**. He further stated that the Council in its 27th Meeting held on 4th May, 2018 decided that GSTN would 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 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 States and Union Territories.

51.1. The GST Council in its 31st Meeting held on 22nd December, 2018 and the Department of Revenue (DOR), Government of India *vide* its Letter No. S-31011/5/2018-ST-1-DoR dated 17th January, 2019 both have approved the revised shareholding pattern of GSTN as per Annexure-1 of this agenda.

51.2. In order to facilitate the above decision and consequent to the approval as accorded by the shareholders of GSTN in their Extra-Ordinary General Meeting (EGM) held on 21st June, 2019, the Empowered Committee of State Finance Ministers (EC) & all Non- Government Institutions had already offered their entire existing shareholding in GSTN through Share Transfer Notice for Sale/Transfer to Centre, State Governments and Union Territories accordingly in order to convert GSTN into a 100% Government-owned entity as per Annexure-2 of this agenda.

51.3. It was informed that the respective Transferees (Centre and States) were written letters during July 2019 – September, 2019 in this regard and they were required to acknowledge the receipt of the above Share Transfer Notice and communicate their acceptance through Purchase Notice to the respective Transferor(s) within 30 days from the receipt of Share Transfer Notice. Post acceptance of the offer to purchase the share, Centre, State Governments & Union Territories were required to pay share purchase consideration to them accordingly.

51.4. He further, informed the Council that pursuant to the above Share Transfer Notices, the Central Government, Government. of Madhya Pradesh, Maharashtra, Nagaland, Manipur, Jharkhand, Puducherry and Delhi had accepted the proposal within the above timelines. The required action was still awaited from the remaining State and UT Governments through Purchase Notice, pay the respective share purchase consideration, execute necessary documentations including Shareholders' Agreement and send the same to GSTN.

51.5. The Secretary, therefore, placed the proposal before the Council to take note of the above developments and issue necessary advisory/directions to the remaining State Governments and UTs to accept the proposal within 30 days from the receipt of Share Transfer Notice and to make the Share Purchase Consideration thereafter accordingly, execute necessary documentations including Shareholders' Agreement and send the same to GSTN.

52. For **Agenda item 15,** the Council took note of the developments and requested the States to complete the requirements for conversion of GSTN into 100% Government owned entity. It also agreed that the necessary advisory would be issued by the GST Council Secretariat to the remaining State Governments and UTs to accept the proposal within 30 days from the receipt of Share Transfer Notice and to transfer the Share Purchase Consideration thereafter; execute necessary documentations including Shareholders' Agreement and send the same to GSTN.

Agenda Item 16: Minutes of 11th and 12th Meeting of Group of Ministers (GoM) on IT Challenges in GST Implementation for information of the Council and discussion on GSTN issues

53. The Secretary stated that the issue was discussed during the Officer's Meeting held on 19.09.2019. He further stated that the 12th meeting of GoM on IT was held on 14.09.2019 in Bangalore. The

minutes of the said meeting were placed for the information of the GST Council which broadly discussed the following issues:

a. Overall 50 functionalities out of 51 prioritized functionalities, had already been made operational on GST portal and one remaining functionality of Refund was likely to be completely automated by 24th of September 2019.
b. Linkage of Aadhar with Registration under GST and the modalities thereto.
c. Online refund processing system, disbursement through single authority and status of integration with CBIC/Model I States.
d. New Return Development
    i. Large scale training of taxpayers and tax consultants on Offline and Online Tools of ANX-1, ANX-2, Matching tool etc.
    ii. Proposed deployment from 1/4/2020
e. Status of Annual Return filing
f. Development of more Business Intelligence Reports

53.1. The Secretary accordingly, placed the Minutes of the 11th and 12th Meeting of the Group of Ministers (GoM) on IT Challenges in GST Implementation for information of the Council.

54. For **Agenda item 16,** the Council took note of the Minutes of the Meeting of the Group of Ministers (GoM) on IT Challenges in GST Implementation and discussion on GSTN issues and agreed to the proposed timeline of implementation of New Return System.

Agenda item 17: Quarterly Report of the NAA for the quarter April to June 2019 for the information of the GST Council

55. The Secretary introduced the Agenda item pertaining to various issues related to the National Anti-profiteering Authority (NAA) and stated that the agenda had been discussed in detail in the officers meeting held on 19th September 2019.

55.1. Accordingly, the following performance report of National Anti-Profiteering authority in the 1st quarter (April, 2019 to June, 2019) of financial year 2019-20 was placed before the Council for information:

Performance of National Anti-Profiteering Authority:

Opening Balance	No. of Investigation Reports received from DGAP during the quarter	Disposal of Cases (during Quarter)				Closing Balance	Amount of profiteering established	
		Total Disposal during quarter	No. of cases where Profiteering established	No. of cases where Profiteering not established	No. of cases referred back to DGAP		No. of cases	Amount (Rs in crore)
41	36	27	13	10	4	50	13	4.38

56. For **Agenda item 17,** the Council took note of the performance of the National Anti-profiteering Authority.

Agenda item 18: Creation of the State and Area Benches of the Goods and Services Tax Appellate Tribunal (GSTAT)

57. The Secretary introduced the Agenda and stated that in terms of Section 109 of the CGST Act, 2017, Goods and Service Tax Appellate Tribunal were being constituted by the Government on the recommendation of the GST Council. He further stated that the Council in its 35th Meeting held on 21.06.2019 recommended the creation of State/Area bench as per requests received from States and took note of constitution of Jammu & Kashmir GST Appellate Tribunal in terms of proviso to Section 109(6) of the CGST Act, 2017.

57.1. State and Area benches were accordingly notified vide Notification No. **S.O. 3009(E) —** [F.No. A.50050/150/2018-Ad.1C (CESTAT)] dated 21-08-2019 issued by Department of Revenue. He stated that requests from 4 States had thereafter been received for creation of State/Area benches. Accordingly, a proposal for creating State/Area benches was submitted before the GST Council for consideration as below:

Sl No.	**Name of States/Union Territory**	**Location for State Bench**	**Location for Area Bench**
1	Meghalaya	Shillong	No bench
2	Mizoram	Aizawl	-do-
3	Rajasthan	Jaipur	Jodhpur
4	Karnataka	-	Two Area benches at Bengaluru

57.2. During the course of discussion, the Hon'ble Minister from Uttar Pradesh stated that in view of the orders of the Hon'ble High Court of Allahabad and Lucknow to create the Benches at Allahabad and Lucknow, the proposal from the State government was to create the Bench at Lucknow.

57.3. Shri Anurag Singh Thakur, MoS (Finance), Government of India suggested that the orders of both the Hon'ble High Courts should be carefully studied before taking any final decision. The Hon'ble Chairperson agreed and stated that the orders of both the Courts should be studied carefully to avoid any contempt. She proposed that the Council Secretariat and Department of Revenue should give a thorough reading of the Court orders and take a view keeping in view the proposal of the Hon'ble Minister from Uttar Pradesh.

57.4. In view of the above discussion, the Secretary stated that the GST Council Secretariat and Department of Revenue would do detailed study of the Court Order issued by the Hon'ble Allahabad and Lucknow High Court and consider the records/Orders before taking a final view for the location of State Bench of GSTAT for the state of Uttar Pradesh.

58. For **Agenda item 18,** the Council approved the proposal as per the agenda for creating State/Area Benches. Further, for the state of Uttar Pradesh, DoR would consider the records/Court Orders issued by the Hon'ble High Court benches of Allahabad and Lucknow prior to taking a final view for the location of State Bench of GSTAT in view of the request made by the State of Uttar Pradesh.

Agenda Item 19: Amendments in GST Laws in view of creation of UTs of Jammu & Kashmir and Ladakh

59. The Secretary to the Council introduced this Agenda item and stated that the amendments proposed in the CGST Act, 2017 (as amended), UTGST Act, other States SGST Act and J & K SGST Act arise on account of changes in the status of the erstwhile State of Jammu & Kashmir. He requested the Council to approve the proposal so that the process to amend those laws could be started. The Hon'ble Minister from Punjab enquired as to whether IGST or UTGST would be applicable with respect

to Pakistan Occupied Kashmir. The Hon'ble Chairperson stated that the Parliament of India had already claimed rightfully that POK was an integral part of Jammu & Kashmir. Therefore, the point raised by Hon'ble Minister was valid and before framing any laws legal opinion shall be taken.

60. For **Agenda Item 19,** the Council approved the proposed amendments to the CGST Act (as amended), UTGST Act, other States SGST Act and J&K SGST Act which were necessitated on account of changes in the status of the erstwhile State of Jammu & Kashmir.

Agenda Item 20: Special Composition Scheme for Brick kilns, Menthol, Sand Mining Activities and Stone crushers

61. The Secretary stated that the Agenda was discussed during the Officers' Meeting held on 19.09.2019. He requested Principal Commissioner, GST Policy Wing, CBIC to apprise the Council about the issue. The presentation made during the Officers Meeting held on 19.09.2019 is attached as **Annexure 3.** Introducing the subject, Principal Commissioner, GST Policy Wing, CBIC stated that a Committee of Officers was constituted to examine whether a special Composition scheme for brick kilns, menthol oil and sand mining and stone crusher activities may be devised in view of the deliberations of the GST Council in its 35th Council Meeting. Basically, the issue as flagged by Haryana and Uttar Pradesh was that the revenue from these activities has fallen in the GST regime *vis-à-vis* the VAT era. Therefore, the GoM on Reverse Charge had recommended to consider denying the benefit of Composition to the above industries under GST. The Committee of officers deliberated on these issues and felt that the aforesaid industries could be excluded from normal Composition scheme and they may be brought under a special Composition scheme on the lines of the Composition scheme introduced for services/residual suppliers vide Notification No.2/2019-Central Tax (Rate) dated 7.3.2019. It was felt by the Committee that the option of levying tax on the basis of capacity was a legal challenge in view of the fact that such a method of taxation was not in accordance with the basic feature of GST, which is a consumption base tax (and not production-based tax). The other suggestion made was to increase the rate for normal taxpayers supplying brick kilns, sand mining activities and stone crushing from the present rate of 5% to 12%. Mentha-oil was found to be slightly different from these commodities because in the process of menthe-oil, the primary process of conversion of mint leaves to menthe-oil is generally carried out by the agriculturist himself. Mentha-oil is then aggregated by the traders and sent for further processing. Therefore, a special Composition scheme was not required for this and there was merit in bringing the commodities under reverse charge mechanism in terms of Section 9(3) of the CGST Act.

61.1. However, some of the Council Members observed that the issues covered under the Agenda would require detailed deliberation as there were huge revenue implications. Due to paucity of time the agenda was not discussed in detail. The Secretary proposed that this agenda may be referred back and examined jointly by the Law Committee and the Fitment Committee for further deliberations and come out with viable solution to the problem.

62. For **Agenda Item 20,** the GST Council approved to refer the issue for examination in a joint meeting of the Law Committee and the Fitment Committee so as to decide the entire gamut of the proposed special Composition scheme for brick kilns, sand mining and stone crushers along with the consequent change in the GST rate, if any, and adoption of reverse charge mechanism for collection of GST on supply of mentha-oil.

Agenda item 21: Status of payment of Advance User Charges by the States and CBIC and interest on delayed payment

63. The Secretary stated that in the Officers' Meeting held on 19th September 2019 in detail the agenda regarding the status of payment of Advance User Charges (AUC) by the States and CBIC and interest required to be paid by each of the shareholders on delayed payment.

63.1. As per the Agenda, GSTN had raised demand for the payment of AUC with the Central and State Governments for the FY 2017-18, 2018-19 and 2019-20. The status of AUC demanded and received as on 31st August 2019 was as under:

(Rs. In crores)

Financial Year	Amount demanded	Amount received	Amount Pending	Pending from States
2017-18 – 1st Instalment	306.01	306.01	0	NA
2017-18 – 2nd Instalment	266.06	262.19	3.87	Telangana: 3.87
2018-19 – 1st Instalment	261.43	251.33	10.10	Punjab: 5.29 Telangana: 4.81
2018-19 – 2nd Instalment	261.43	117.69	143.74	As per Annexure -II of Agenda
2019-20 – 1st & 2nd Instalment	181.79	11.15	170.64	As per Annexure -II of Agenda

63.2. The Secretary requested all concerned for timely payment of User Charges to avoid further interest liability, as it was waived of only till July 2019 as per decision taken by the GST Council in its 35th Meeting held on 21st June 2019. A summary of interest payable by the Central and some State Governments for delay in remitting the AUC for the period up to 2018-19, after the expiry of waiver period, i.e. 31st July 2019 was also provided in the Agenda as follows:

Sr. No.	Name of the State/Centre	Interest on delayed payment of AUC (In Rs.)
1.	CBIC	1,57,916
2.	Andhra Pradesh	2,99,390
3.	Maharashtra	18,446
4.	Manipur	7,022
5.	Odisha	16,920
6.	Punjab	1,26,356
7.	Telangana	9,27,327
8.	Lakshadweep	310
	Total	**15,53,687**

The Secretary placed the Agenda item before the Council to take a note of the latest status of payment of Advance User charges.

64. For **Agenda item 21,** the Council took note of the pending payment of Advance User charges by the States & CBIC and also the summary of the Interest payable for delay in remitting the AUC after the expiry of waiver period, i.e. 31st July 2019, for the period up to 2018-19 and requested members to pay the outstanding AUC.

Agenda Item 22: Any other agenda item with the permission of the Chairperson

Agenda Item 22(i): Resubmission of refund application after filing NIL refund in FORM GST RFD-01A

65. The Co-Convenor the Law Committee introduced the Agenda item and stated that based on the representations received the Law Committee recommended to allow registered persons to re-file refund claims in **FORM GST RFD-01A** on the common portal for the period and the category under which a NIL refund claim has been filed inadvertently.

66. For **Agenda item 22(i)**, the GST Council recommended to allow registered persons to re-file refund claims in **FORM GST RFD-01A**, who had filed Nil refund claims inadvertently earlier, in accordance with the draft Circular annexed to the said Agenda item.

Agenda Item 22(ii): Circular No. 107/26/2019-GST dated 18.07.2019 on supply of Information Technology enabled Services (ITeS) –further clarification

67. The Co-Convenor the Law Committee introduced this Agenda item and stated that the existing Circular No.107/26/2019-GST dated 18.07.2019 issued to clarify various aspects of supply of Information Technology-enabled Services (ITeS) had reportedly led to denial of export benefit in some situations. It was, therefore, necessary to clarify the situation. The Council agreed to the same.

68. For **Agenda Item 22(ii),** the Council approved to issue the Circular annexed to the Agenda item so as to clarify further doubts relating to supply of IT-enabled Services after issuance of Circular No.107/26/2019-GST dated 18.07.2019.

Agenda Item 22(iii): Single disbursement related amendments of Rule 91 of the CGST Rules

69. The Co-Convenor of the Law Committee introduced the agenda item and stated that several amendments, related to the single disbursement process, were carried out in Rule 92 of the CGST Rules vide notification No. 31/2019 – Central Tax dated 28.06.2019. Therefore, certain amendments were proposed to be carried out in Rule 91 of the CGST Rules, 2017 to bring it at par with Rule 92 for grant of provisional refund for single disbursement, as annexed to the said Agenda item. The Council agreed to the proposal.

70. For **Agenda item 22(iii),** the Council approved the amendments proposed in Rule 91 of the CGST Rules, 2017, as in Annexure A to this Agenda item.

Agenda Item 22(iv): Doubts raised on treatment of secondary or post-sales discounts under GST

71. Introducing the agenda item, the Co-Convenor of the Law Committee stated that Circular Nos. 92/11/2019-GST dated 07.03.2019 and 105/24/2019-GST dated 28.06.2019 were issued to clarify issues related to treatment of sales promotion schemes under GST. He informed that several representations were received from consumer durable manufacturers and automobile associations with reference to paragraphs 3 and 4 of the Circular 105/24/2019-GST dated 28.06.2019 regarding its implication. Therefore, the issue was deliberated by the Law Committee. The Law Committee felt that the whole issue required a holistic examination and recommended to withdraw Circular No.105/24/2019-GST dated 28.06.2019 *ab-initio*. Accordingly, the Council agreed to the proposal of the Law Committee.

72. For **Agenda item 22(iv),** the Council approved to withdraw Circular No.105/24/2019-GST dated 28.06.2019 *ab-initio*.

Other issues

73. The Secretary informed the Council that the amendments to GST Laws through the Finance Act (No.2) 2019 need to be carried out by the States. He stated that the draft for the SGST (Amendment) Bill, 2019 has already been circulated with the States. He informed that it was proposed to bring the same into effect from 01.01.2020 and that the States should initiate the process to complete the amendments well before that. He requested that the Hon'ble Council may take a decision in this regard.

74. The Council approved the proposal to make the amendments to GST Laws through the Finance Act (No.2) 2019 effective from 1st January 2020. The States were requested to complete the process at an early date.

Agenda Item 23: Date of the next meeting of the GST Council

75. This agenda item was not taken by for discussion.

76. The meeting ended with the thanks to the Chair.

Annexure 1

List of Hon'ble Ministers who attended the 37th GST Council Meeting on 20th September 2019

Sl No	State/Centre	Name of Hon'ble Minister	Charge
1	Govt of India	Ms. Nirmala Sitharaman	Union Finance Minister
2	Govt of India	Shri Anurag Singh Thakur	Minister of State (Finance)
3	Andhra Pradesh	Shri Buggana Rajendranath	Minister for Finance 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	Dr. Pramod Sawant	Chief Minister
9	Goa	Shri Mauvin Godinho	Minister for Panchayat
10	Gujarat	Shri Nitinbhai Patel	Deputy Chief Minister
11	Himachal Pradesh	Shri Bikram Singh	Minister (Industries)
12	Jammu & Kashmir	Shri K. K. Sharma	Advisor to Governor (I/c Finance)
13	Karnataka	Shri Basavaraj Bommai	Minister for Home
14	Kerala	Dr.T.M.Thomas Isaac	Finance Minister
15	Madhya Pradesh	Shri Brajendra Singh Rathore	Commercial Tax Minister
16	Odisha	Shri Niranjan Pujari	Finance Minister
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 and Legal affairs, Parliamentary affairs
20	Tamil Nadu	Shri D. Jayakumar	Minister for Fisheries and Personnel & Administrative Reforms
21	Telangana	Shri T Harish Rao	Finance Minister
22	Uttar Pradesh	Shri Suresh Khanna	Finance Minister
23	Uttarakhand	Shri Madan Kaushik	Minister for Urban Development
24	West Bengal	Dr. Amit Mitra	Finance Minister

Annexure 2

List of Officials who attended the 37th GST Council Meeting on 20th September 2019

Sl No	State/Centre	Name of the Officer	Charge
1	XV Finance Commission	Shri N K Singh	Chairman
2	Govt. of India	Dr. A B Pandey	Revenue Secretary
3	Govt. of India	Shri Pranab Kumar Das	Chairman, CBIC
4	GST Council	Dr. Rajeev Ranjan	Special Secretary
5	Govt. of India	Shri Sandeep M Bhatnagar	Member (GST &Investigation), CBIC
6	XV Finance Commission	Shri Arvind Mehta	Secretary
7	Govt. of India	Shri Anil Kumar Jha	Additional Secretary, DoR
8	Govt of India	Shri Yogendra Garg	Pr. Commissioner, GSTPW, CBIC
9	Govt of India	Shri Sanjay Mangal	Commissioner, GSTPW, CBIC
10	GST Council	Shri Amitabh Kumar	Joint Secretary
11	GST Council	Shri Dheeraj Rastogi	Joint Secretary
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 Vasa Seshagiri Rao,	Chief Commissioner of CGST, Pune Zone
16	Govt of India	Shri V. Soundarajan	Commissioner, CGST, Goa
17	Govt. of India	Shri Rajesh Malhotra	ADG (M&C)
18	Govt. of India	Shri Vipul Bansal	PS to Union Finance Minister
19	Govt. of India	Shri Karma Sonam Zangpo Lhasungpa	First PA to Union Finance Minister
20	Govt. of India	Shri Binod Kumar	PS to MoS (Finance)
21	Govt. of India	Dr. Abhishek Chandra Gupta	OSD to Chairman, CBIC
22	Govt. of India	Shri Suresh Kumar	PA to Chairman, XV Finance Commission
23	Govt. of India	Shri N Gandhi Kumar	Director, DoR
24	Govt. of India	Shri Amaresh Kumar	Joint Comm., GST Policy Wing
25	Govt. of India	Shri Vikash Kumar	Dy. Comm., GST Policy Wing
26	Govt. of India	Shri Siddharth Jain	Dy. Comm., GST Policy Wing
27	Govt of India	Shri Gaurav Singh	DS, TRU-I, DoR
28	Govt of India	Shri Rahil Gupta	TO, TRU-I, DoR
29	Govt of India	Shri Shikhar Pant	TO, TRU-I, DoR
30	Govt. of India	Shri Parmod Kumar	OSD, TRU-II, DoR
31	Govt. of India	Shri Harish Y N	OSD, TRU-II, DoR
32	Govt. of India	Dr. Sumit Garg	Dy.Comm, TPRU, DoR
33	Govt. of India	Shri Vivekananda Reddy	Dy. Commissioner, CGST, Goa
34	Govt. of India	Shri Satheesh Kumar	Asst. Commissioner, CGST, Goa
35	GST Council	Shri Rajesh Agarwal	Director
36	GST Council	Shri G.S. Sinha	Director

Sl No	State/Centre	Name of the Officer	Charge
37	GST Council	Ms. Ujjaini Datta	Director
38	GST Council	Shri Arjun Meena	Under Secretary
39	GST Council	Shri Rakesh Agarwal	Under Secretary
40	GST Council	Shri Rahul Raja	Under Secretary
41	GST Council	Shri Mahesh Singarapu	Under Secretary
42	GST Council	Shri Krishna Koundinya	Under Secretary
43	GST Council	Shri Adesh Nayak	Superintendent
44	GST Council	Shri Rakesh Joshi	Inspector
45	GSTN	Shri Prakash Kumar	CEO
46	GSTN	Ms Kajal Singh	EVP (Services)
47	GSTN	Shri Nitin Mishra	EVP (Technology)
48	GSTN	Shri Sarthak Saxena	OSD to CEO
49	Andaman & Nicobar Islands	Shri Abhishek Dev	Deputy Commissioner/Commissioner (GST)
50	Andhra Pradesh	Dr D. Sambasiva Rao	Special Chief Secretary, Revenue
51	Andhra Pradesh	Shri Peeyush Kumar	Chief Commissione (ST)
52	Andhra Pradesh	Shri T.Ramesh Babu	Commissioner (ST)(GST)
53	Arunachal Pradesh	Shri Tapas Dutta	State Nodal Officer (GST)
54	Assam	Shri Samir Kr. Sinha	Principal Secretary, Finance Department
55	Assam	Shri Anurag Goel	Commissioner of Taxes
56	Bihar	Arun Kumar Mishra	Additional Secretary, CTD
57	Chandigarh	Shri Ramesh Kumar Chaudhary	Asst. Excise & Taxation Commissioner UT Chandigarh
58	Chhattisgarh	Smt Reena Babasaheb Kangale	Secretary and Commissioner, Commercial Tax
59	Delhi	Ms. Renu Sharma	Addl Chief Secretary, Finance
60	Delhi	Shri H. Rajesh Prasad,	Commissioner, State Tax
61	Goa	Shri Daulat Hawaldar	Secretary, Finance
62	Goa	Shri Dipal Banderkar	Commissioner, State Tax
63	Goa	Shri Ashok V Rane	Additional Commissioner, State Tax
64	Goa	Ms Sarita Gadgil	Additional Commissioner, State Tax
65	Gujarat	Shri Arvind Agarwal	Additional Chief Secretary, Finance
66	Gujarat	Shri J.P. Gupta	Chief Commissioner of State Tax
67	Gujarat	Shri Riddesh Raval	Dy Commissioner, State Tax
68	Haryana	Shri Sanjeev Kaushal	Addl. Chief Secretary (E&T)
69	Haryana	Shri Amit Kumar Agrawal	Excise and Taxation Commissioner
70	Haryana	ShriVijay Kumar Singh	Addl. Excise and Taxation Commissioner
71	Haryana	Shri Rajeev Chaudhary	Joint Excise and Taxation Commissioner
72	Himachal Pradesh	Shri Sanjay Kundu	Principal Secretary (E&T)
73	Himachal Pradesh	Dr Ajay Sharma	Commissioner of State Taxes & Excise

Sl No	State/Centre	Name of the Officer	Charge
74	Himachal Pradesh	Shri Rakesh Sharma	Jt. Commissioner of State Taxes & Excise
75	Jharkhand	Shri Prashant Kumar,	Secretary-cum-Commissioner, Commercial Taxes Department
76	Jharkhand	Shri Santosh Kumar Vatsa	Special Secretary Commercial Taxes Department
77	Jammu & Kashmir	Shri P K Bhat	Commissioner of State Tax
78	Karnataka	Shri Srikar M.S	Commissioner of Commercial Taxes (Karnataka)
79	Kerala	Ms Tinku Biswal	Commissioner of State Tax
80	Kerala	Shri Mansur M I	Deputy Commissioner (Internal Audit)
81	Madhya Pradesh	Shri N S. Maravi	Director Commercial Tax
82	Madhya Pradesh	Shri Avinash Lavania,	Addl. Commissioner Commercial Tax
83	Madhya Pradesh	Ms Harshika Singh	Deputy Secretary Commercial Tax Dept
84	Madhya Pradesh	Shri Harish Jain	Asst. Commissioner State Tax
85	Maharahstra	Shri Rajiv Jalota	Commissioner, State Tax
86	Maharashtra	Shri Dhananjay Akhade	Joint Commissioner, State Taxes
87	Manipur	Ms Jaspreet Kaur	Commissioner of Taxes
88	Manipur	Shri.Yumnam Indrakumar Singh	Asst. Commissioner of Taxes
89	Meghalaya	Shri Arunkumar Kembhavi	Commissioner of Taxes
90	Meghalaya	Shri L. Khongsit	Joint Commissioner of Taxes
91	Mizoram	Shri Vanlal Chhuanga	Commissioner & Secretary to the Govt. of Mizoram, Taxation Department
92	Mizoram	Shri Kailiana Ralte	Commissioner of State Tax
93	Nagaland	Shri Kesonyu Yhome	Commissioner of State Tax
94	Nagaland	Shri Y. Mhathung Murry	Addl. Commissioner of State Taxes
95	Nagaland	Shri Wochamo Odyuo	Addl. Commissioner of State Taxes
96	Odisha	Shri Ashok Meena	Principal Secretary Finance
97	Odisha	Shri Sushil Kumar Lohani	Commissioner State GST
98	Puducherry	Shri K. Sridhar	Deputy Commissioner (ST)
99	Puducherry	Shri L. Kumar	Commissioner (ST), Commercial Taxes Department
100	Puducherry	Shri S. Rajamanickam	OSD to Hon'ble Chief Minister
101	Punjab	Shri M.P. Singh	Addl. Chief Secretary (Taxation)
102	Punjab	Shri V.K. Garg	Advisor (Financial Resources) to Chief Minister
103	Punjab	Shri Vivek Pratap Singh	Commissioner of State Tax
104	Rajasthan	Dr. Prithvi Raj	Secretary, Finance (Revenue)
105	Rajasthan	Dr. Preetam B. Yashvant	Commissioner, State Tax
106	Rajasthan	Shri Ketan Sharma	Additional Commissioner (GST)

Sl No	State/Centre	Name of the Officer	Charge
107	Sikkim	Shri Jigmee Dorjee Bhutia	Commissioner, Commercial Taxes Division, Finance Department
108	Telangana	Shri Somesh Kumar	Special Chief Secretary to Government, Revenue (CT & Excise) Department
109	Telangana	Shri N Sai Kishor	Joint Commissioner, State Tax
110	Telangana	Shri Ramakrishna Rao	Finance Secretary
111	Telangana	Shri J. Laxminarayana	Additional Commissioner (ST) (Grade. I)
112	Tripura	Shri Nagesh Kumar B	Chief Commissioner of State Tax
113	Tripura	Dr.Sudip Bhowmik	Deputy Commissioner of State Tax
114	Tamil Nadu	Shri T.V. Somanathan	Additional Chief Secretary/Commissioner of Commercial Taxes
115	Tamil Nadu	Shri. Ka. Balachandran	Principal Secretary to Government
116	Tamil Nadu	Shri K. Gnanasekaran	Additional Commissioner (Taxation)
117	Uttar Pradesh	Shri Alok Sinha	Additional Chief Secretary
118	Uttar Pradesh	Ms Amrita Soni	Commissioner, State Tax
119	Uttar Pradesh	Shri Sanjay Kumar Pathak	Joint Commissioner, State Tax
120	Uttarakhand	Ms. Sowjanya	Secretary Finance & Commissioner of State Tax
121	Uttarakhand	Shri Piyush Kumar	Additional Commissioner, State Tax
122	Uttarakhand	Dr. Sunita Pandey	Deputy Commissioner, State Tax
123	Uttarakhand	Shri S. S. Tiruwa	Deputy Commissioner, State Tax
124	West Bengal	Shri H K Dwivedi	Additional Chief Secretary, Finance
125	West Bengal	Ms. Smaraki Mahapatra	Commissioner, State Tax
126	West Bengal	Shri. Khalid A Anwar	Sr. Jt. Secretary Finance



Agenda (1/2)

Note No.	Description
3	Deemed Ratification of notifications issued post 36th GST Council Meeting
4	Decisions taken by the GIC post 36th GST Council meeting
5	Recommendations of the IT Grievance Redressal Committee
7(i)	Extension of last date of filing of appeal in Appellate Tribunal
7(ii)	Exemption from filing of Annual Returns
7(iii)	Issues pertaining to interpretation of Section 10 of the IGST Act, 2017
7(iv)	Restrictions in availing input tax credit
7(v)	Proposed clarifications on refund related issues
7(vi)	E-way bill for movement of Gold
7(vii)	Proposed amendment to sub-rule (5) of rule 61
7(viii)	Extension of FORM GSTR-1 and GSTR-3B

2

Agenda (2/2)

Note No.	Description
7(ix) / 22(iii)	Proposal for amendments to CGST Rules, 2017
19	Amendments in GST Acts due to J&K Reorg. Act
20	Special Composition Scheme for Brick kilns etc.
22(i)	Clarification on wrongly filed Nil Refund
22(ii)	Circular on treatment of IT/ITeS Services
22(iv)	Clarification on Post Sale Discount
TA	Risk Based Management of Taxpayers under GST

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Agenda Item 3: Deemed Ratification of Notifications (1/2)

Central Tax Notifications and ROD under CGST Act	
Notification No. 35/2019	Extension of the last date for furnishing FORM GST CMP-08 for the quarter April - June 2019 till 31.08.2019.
Notification No. 36/2019	Extension of the date from which the facility of blocking and unblocking of e-way bill facility as per the provision of rule 138E of CGST Rules, 2017 shall be brought into force to 21.11.2019.
Notification No. 37/2019	Extension of the due date for furnishing FORM GSTR-3B for the month of July, 2019.
Notification No. 38/2019	Waiver from filing of FORM ITC-04 for F.Y. 2017-18 & 2018-19.
Notification No. 39/2019	Bringing Section 103 of the Finance (No. 2) Act, 2019 in to force.
Notification No. 40/2019	Extension of the last date in certain cases for furnishing FORM GSTR-7 for the month of July, 2019.
Notification No. 41/2019	Waiver of late fees in certain cases for the month of July, 2019 for FORM GSTR-1 and FORM GSTR-6 provided the said returns are furnished by 20.09.2019.
Order No. 7/2019	Removal of difficulties regarding filing of Annual returns by extending the due date for filing of Annual return / Reconciliation Statement for the Financial year 2017-18 in FORMs GSTR-9, GSTR-9A and GSTR-9C to 30th November, 2019.

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Agenda Item 3 :Deemed Ratification of Notifications (2/2)

Rate Notifications	
Notification No. 12/2019-Central Tax (Rate)	Reduction in the GST rate on Electric Vehicles, and charger or charging stations for Electric vehicles.
Notification No. 13/2019-Central Tax (Rate)	Exemption to the hiring of Electric buses by local authorities from GST.
Notification No. 12/2019-Union Territory Tax (Rate)	Reduction in the GST rate on Electric Vehicles, and charger or charging stations for Electric vehicles.
Notification No. 13/2019-Union Territory Tax (Rate)	Exemption to the hiring of Electric buses by local authorities from GST.
Notification No. 12/2019-Integrated Tax (Rate)	Reduction in the GST rate on Electric Vehicles, and charger or charging stations for Electric vehicles.
Notification No. 13/2019-Integrated Tax (Rate)	Exemption to the hiring of Electric buses by local authorities from GST.

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Agenda Item 4 :GIC decisions post 36th GST Council Meeting (1/3)

Decisions of 31st GIC meeting (13.08.19)

- Waiver of recording of UIN on invoices for Foreign Diplomatic Missions / UN Organizations
  - ✓ Corrigendum to Circular No. 63/37/2018-GST issued on 06.09.2019
- Empower jurisdictional Commissioner to exercise powers for extension of time for receiving back raw materials sent for job work related issue under Section 143, CGST Act, 2017
  - ✓ Removal of Difficulties Order yet to be issued as Law Ministry has opined against issuance of the RoD
- Proposal to waive the requirement of filing declaration in **FORM ITC-04** for the Financial Year (2017-18 and 2018-19)
  - ✓ Notification No. 38/2019 – CT dated 31.08.19 issued
- Extension of date for filing of **FORMs TRAN-1 and TRAN-2** for cases recommended by the ITGRC
  - ✓ Matter to be discussed in the GST Council Meeting

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Agenda Item 4 : GIC decisions post 36th GST Council Meeting (2/3)

Decision by circulation (17.08.19)

- Delay in introduction of the blocking and unblocking of e-way bill facility as per the provision of Rule 138E of CGST Rules, 2017 due to system related issues
  - ✓Notification No. 36/2019 – CT dated 20.08.19 issued

Decision by circulation (21.08.19)

- Extension of the due date for filing Annual return for the Financial Year 2017-18 in **FORM GSTR-9 / GSTR-9A and GSTR-9C** by three months i.e. till 30.11.2019
  - ✓RoD Order No. 7/2019-Central Tax dated 16.08.19 issued
- Extension of due date for filing **FORM GSTR-3B** for the month of July, 2019 by 2 days for all taxpayers, by 1 month for taxpayers in specified flood affected districts and in J&K
  - ✓Notification No. 37/2019 – CT dated 21.08.19 issued

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Agenda Item 4 : GIC decisions post 36th GST Council Meeting (3/3)

Decision by circulation (29.08.19)

- Extension of the due date for filing **FORM GSTR-7** and waiver of late fees for filing of **FORM GSTR-1 and FORM GSTR-6** in by 1 month in specified flood affected districts and J&K
  - ✓Notification No. 40/2019 – CT dated 31.08.19 issued
  - ✓Notification No. 41/2019 – CT dated 31.08.19 issued

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Agenda Item 5 : ITGRC Recommendations (1/3)

- Council decided that GIC to act as IT Grievance Redressal Committee (IT-GRC) for resolving problems of the taxpayers who have not been able to file returns such as TRAN-1, GSTR-3B/GSTR-1 or Registration/ migration etc. **due to technical glitches at Common Portal** and it affects a large section of taxpayers
- Circular No. 39/13/2013 dated 03.04.18 was issued prescribing the procedure for taxpayers for lodging their grievance due to technical glitch in the GST system
- In order to address the issues systematically, GSTN issued a SOP on 12.04.18 which was to be followed by the Nodal officers of the States / Centre while referring the technical glitches to GSTN
- Tax officers required to examine the taxpayers' application and the supporting evidence –if prima-facie found to be a case of technical glitch, send the cases to the GSTN Nodal officer through the designated Nodal officer of Center/State

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Agenda Item 5 : ITGRC Recommendations (2/3)

IT Grievance Redressal Committee (IT-GRC) meetings

- Eight meetings of IT-GRC have been held between June 2018 and August 2019
- Total 2885 TRAN-1 cases (including 327 cases where writ petitions have been filed in various High Courts) were presented and discussed in IT-GRC out of which a total of **1057 cases have been approved.**
- Total 259 TRAN-2 cases have also been approved.
- TRAN 1/TRAN 2 filing has been enabled for the approved taxpayers in the system
- E-mails have been sent by GSTN to the taxpayers asking them to file TRAN 1/TRAN 2.

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Agenda Item 5 : ITGRC Recommendations (3/3)

Pending cases with GSTN

- Around 75 cases of TRAN-1 and 149 cases of TRAN-2 received from Nodal officers till 31.03.2019 (through e-mail/letters) have been technically analysed and will be presented before the next IT-GRC for decision
- Apart from the above around 35 court cases are also under process of analysis

Proposal for extension of dates for approved taxpayers

- The last date of filing TRAN-1 and TRAN-2 for the taxpayers approved was 31-03-19 and 30-04-19 respectively
- The dates are now proposed to be extended until 31-12-2019 and 31-01-2020, respectively, to enable filing of TRAN-1/TRAN-2 for the cases approved by IT-GRC (Rule 117(1A) and proviso to Rule 117(4)(b)(iii) of the CGST Rules, 2017)

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Agenda Item 7(i) : Extension of last date of filing of appeal in Tribunal

- Any person aggrieved by an order passed against him by the Appellate Authority or the Revisional Authority may appeal to the Appellate Tribunal against such order within three months from the date of order
- The Tribunal and its benches have not been constituted in many States/UTs. As a result, there are various cases where the time limit of three months for appeal has elapsed after the passing of order by the Appellate Authority or the Revisional Authority
- It is proposed to extend the last date for filing of appeal before the GST Appellate Tribunal and its benches by issuance of a Removal of Difficulty order to provide for the limitation being three months from the date of order or three months from the date on which the President or the State President of the Appellate Tribunal enter office, whichever is later

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Agenda Item 7(ii) : Exemption from filing of Annual Returns (1/5)

- Annual Return and Reconciliation Statement percentage as on 12.09.2019:

S.No.	Category	No. of Tax Payers
01	No. of Tax Payers Eligible to file GSTR-9	92,58,899
02	Out of 01 above, Tax payers whose current status is active and never in Composition Scheme in F.Y 2017-18	86,30,930
03	Out of 02 above, No. of tax payers who have filed all GSTR-3B & GSTR-1	64,17,471 **(74.35%)**
04	Out of 03 above, No. of tax payers who have filed GSTR-9	21,35,697 **(33.28%)**
05	No. of tax payers required to file GSTR-9C	12,42,238
06	Out of 05, No. of tax payers who have filed GSTR-9	1,76,477 **(14.21%)**
07	Out of 06, No. of tax payers who have filed GSTR-9C	58,585 **(33.20%)**

- The due dates for these returns have been extended 4 times. The last date being 30th November 2019 vide ROD No. 7/2019 dated 26th August 2019.

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Agenda Item 7(ii) : GSTR-9 Distribution on Turnover Slab (2/5)

Slab	SLAB ON TURNOVER	No. of Tax Payers filed all R3B/R1	GSTR-9 Filed	% of Total	% of those enabled to file GSTR-9
1	NIL	1044099	490021	5.29%	**46.93%**
2	Upto 5.0 Lakhs (excl. NIL)	897289	351559	3.80%	**39.18%**
3	5.00 Lakhs to 10.00 Lakhs	529142	201460	2.18%	38.07%
4	10.00 Lakhs to 20.00 Lakhs	712554	265557	2.87%	37.27%
5	20.00 Lakhs to 30.00 Lakhs	469566	167116	1.80%	35.59%
6	30.00 Lakhs to 40.00 Lakhs	338846	114754	1.24%	33.87%
7	40.00 Lakhs to 50.00 Lakhs	260051	84491	0.91%	32.49%
8	50.00 Lakhs to 70.00 Lakhs	377170	116449	1.26%	30.87%
9	70.00 Lakhs to 1.00 Cr	360810	104090	1.12%	28.85%
10	1.Cr to 1.5 Cr	342789	87443	0.94%	25.51%
11	1.5 Cr to 2.0 Cr	201322	41483	0.45%	20.61%
12	2.0 Cr. To 3.0 Cr	233793	39654	0.43%	16.96%
13	3.0 Cr to 4.00 Cr	133157	21769	0.24%	16.35%
14	4.0 Cr to 5.0 Cr	87642	14252	0.15%	16.26%
15	5.0 Cr to 8.0 Cr	146719	23273	0.25%	15.86%
16	8.0 Cr to 10.0 Cr	52956	8273	0.09%	15.62%
17	10.0 Cr to 20.0 Cr	111063	16975	0.18%	15.28%
18	20.0 Cr to 50.0 Cr	69032	10292	0.11%	14.91%
19	50.0 Cr to 100 Cr	23997	3550	0.04%	14.79%
20	100.0 Cr to 500 Cr	20236	3105	0.03%	15.34%
21	Above 500 Crores	5232	991	0.01%	18.94%
	GRAND TOTAL	**6417465**	**2166557 (33.76%)**	**23.40%**	**33.76%**



Note : only Active Tax Payers and never opted for composition in 2017-18 have been considered

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Agenda Item 7(ii) : Exemption from filing of Annual Returns (3/5)

- Considering the challenges reportedly being faced by the taxpayers on account of FORM GSTR-9, GSTR-9A and GSTR-9C, and to ease compliance cost burden on small taxpayers, the Law Committee has recommended the following w.r.t. Annual Returns for FY 2017-18 and FY 2018-19 :
  - Complete waiver from filing FORM GSTR-9A for Composition Taxpayers for the said tax periods (they would anyways file Annual return for 2019-20)
  - Waiver from filing of FORM GSTR-9 for those taxpayers having an aggregate turnover up to Rs. 2 crores for 2017-18 and 2018-19
- In addition, Law Committee constituted a sub-committee of officers which looked into further simplification of the annual return and reconciliation statement for other taxpayers who are required to file FORM GSTR 9 along with GSTR-9C

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Agenda Item 7(ii) : Simplified/Truncated GSTR-9 & GSTR-9C (4/5)

- The Law Committee deliberated on the suggestions provided by the sub-committee but it was decided that any of the recommendations may be implemented looking at the return filing percentage after the proposed exemption for taxpayers below Rs. 2 Crore turnover
- The recommendations of the sub-committee are as following :
- **Masking of data / Optional Fields** : Data which is not required or which is already available in GSTR-1 / GSTR-3B may be masked or made optional for taxpayers. Example- Input level HSN information, break up of credit at input service and inputs etc.
- **Communication reg. optional fields** : Many taxpayers have been reportedly trying to fill columns where there was no liability also. Taxpayers can be informed that optional columns or columns may not be filled where there is no liability

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Agenda Item 7(ii) : Simplified/Truncated GSTR-9 & GSTR-9C (5/5)

- **State wise information in reconciliation statement** : It is difficult to segregate State wise unbilled revenue, credit notes, debit notes, schedule III supplies etc. It has been recommended that only State level audited turnover and its comparison with GST turnover data may be taken whereas the intermittent steps may be masked or made optional.
- **Exemption from filing Reconciliation Statement in States with Nil turnover** :There may be cases where a taxpayer is registered in more than one State, but he may have nil turnover in one State while all his taxable turnover is in another State. In such cases, to save on the cost of getting his books of account audited for the State where turnover is NIL, it has been recommended that filing of reconciliation Statement in FORM GSTR-9C may be exempted for GSTINs with nil turnover.

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Agenda Item 7(iii) : Issues pertaining to interpretation of Section 10 of the IGST Act

- A recipient from State S1 procures over the counter supply from State S2 and gives the GSTIN/address of State S1 in the invoice. There has been representations seeking clarification whether the supply is chargeable of CGST/ SGST or IGST
- Sub-section (1) of Section 10 of the IGST Act provides that the place of supply of goods, where the supply involves movement of goods, whether by the supplier or the recipient or by any other person, shall be the location of the goods at the time at which the movement of goods terminates for delivery to the recipient
- It is proposed that a circular may be issued to clarify that the place of supply for such supplies shall be the place of registration/ address of the recipient and IGST shall be levied on such supplies

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Agenda Item 7(iv) : Restriction in availing credit in GSTR-3B (1/4)

- In absence of matching of ITC, the taxpayer avails ITC in FORM GSTR-3B on self assessment basis without any restriction or relation with the ITC reflected in his FORM GSTR-2A (based on GSTR-1 of the suppliers)
- Large gap between filing rates of FORM GSTR-1 and FORM GSTR-3B (GSTR-1 filing in Apr 19-Jul 19 is around 50% as against almost 80% GSTR-3B) leading to huge unmatched ITC. This issue will get resolved in the new return model
- Centre/State Governments have unearthed many cases of fraudulent credit being passed in the system
- Till then, the law committee recommended that a reasonable restriction may be imposed on the total credit that the taxpayer may take in his FORM GSTR-3B vis-à-vis the credit available in his FORM GSTR-2A on the same lines as in Section 43A(4)
- It is proposed that the same may be operationalized through amendment of Rule 36 of the CGST Rules,2017 and a circular explaining the rule

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Agenda Item 7(iv) : Restriction in availing credit in GSTR-3B (2/4)

- In order to operationalize the same, the following rule may be inserted as 36(4) of the CGST Rules :

  (4) Input tax credit to be availed by a registered taxpayer in respect of invoices or debit notes the details of which have not been uploaded by the supplier under sub-section (1) of section 37 shall not exceed **20%** of the eligible credit available in respect of invoices or debit notes the details of which have been uploaded by the supplier under sub-section (1) of section 37

Illustration : A taxpayer who has received supplies with GST of Rs. 1500, but has credit worth Rs. 1000 only in FORM GSTR-2A may avail maximum credit of Rs. 1200 in credit ledger

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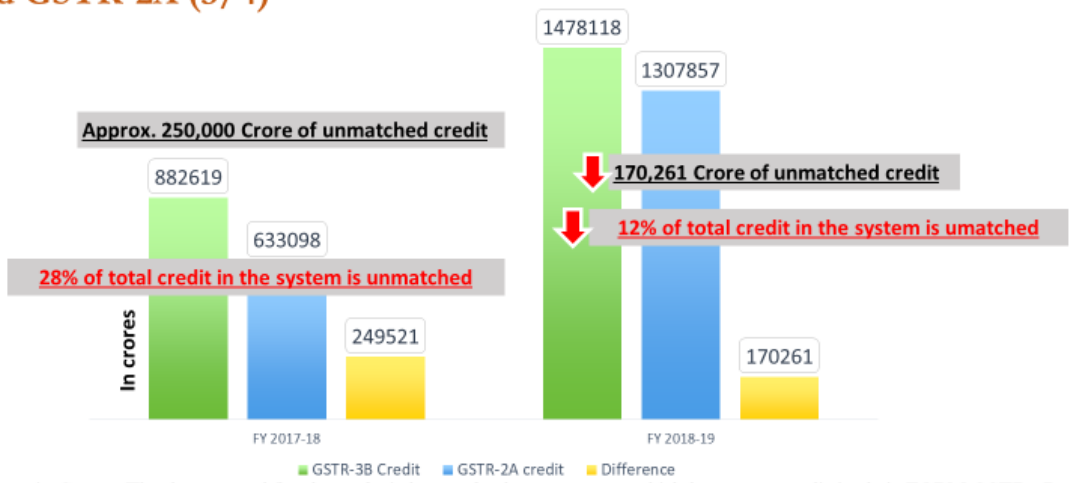
Agenda Item 7(iv) : Insights from difference between GSTR-3B and GSTR-2A (3/4)



All figures in Crores. The dataset used for the analysis have only those taxpayers which have more credit in their FORM GSTR-3B than their FORM GSTR-2A. Negative values have been ignored.

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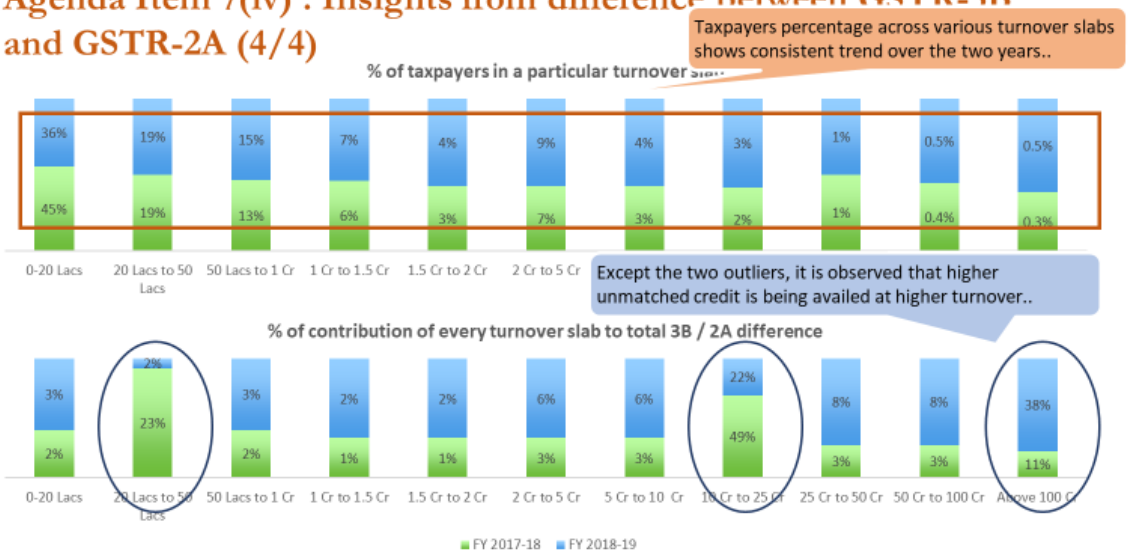
Agenda Item 7(iv) : Insights from difference between GSTR-3B and GSTR-2A (4/4)



22

Agenda Item 7(v) : Clarification on refund related issues

- As per rule 93 of the CGST Rules, where an appeal is filed against the rejection of a refund claim, re-crediting of the amount debited from the electronic credit ledger, if any, is not done till the appeal is finally rejected
- In cases where the appeal is decided in favour of the registered person, doubts are being raised as to the process to be followed to avail the amount of the rejected refund which was rejected by the original adjudicating authority
- Law Committee decided that in such cases the registered person has to file a fresh refund application in FORM GST RFD-01A under the category "Refund on account of assessment/provisional assessment/appeal/any other order"
- A draft circular specifying the procedure is placed for the Council's approval

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Agenda Item 7(vi) : E-way bill for movement of Gold (1/3)

- The GST Council in its 25th Meeting held on 18.01.2018 had recommended that proposal of Kerala regarding introducing e-Way bill for movement of gold shall be examined by the Law Committee.
- The law committee have two divergent views on the issue and are placed before the GST Council deliberation and decision.

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Agenda Item 7(vi): E-way bill for movement of Gold-View I (2/3)

- General view that these items should remain exempted from the requirement of E-way bills
- Gold, diamonds etc. generally not transported through regular transports; and transported personally or privately through a system of trusted couriers, e.g. angadias , who are not aware of the contents and the value of the consignment
- The value limit e-way bills of Rs.50,000/- will necessitate generation of e-way bills for virtually every consignment
- E-way bills will be required for movement for job-work (in this case many small and petty kaarigars)
- Post-interception action required in case of a consignment not carrying E-way bills would entail complications -impoundment/storage of the detained consignment

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Agenda Item 7(vi): E-way bill for movement of Gold: View 2 (3/3)

- The E-way bill system may be implemented in case of gold, precious stones, etc. (Chapter 71) as it will improve compliance
- No security issues, since the data about such E-way bills is stored in the server and only authorised officials have access to this data-*though the angadias (transporter) would get to know about content and value of package*
- Accordingly, serial numbers 4, 5 and 8 of Annexure to rule 138(14) may be omitted

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Agenda Item 7(vii):Proposed amendment to Rule 61(5) of CGST Rules, 2017 (1/3)

- Hon'ble High Court of Gujarat in its order dated 24.06.2019, in the case of AAP & India Vs Union of India, has quashed Para 3 of the press release dated 18th October 2018
- The press release clarified that the last date for availing input tax credit in relation to the invoices issued by the corresponding supplier(s) during the period from July 2017 to March 2018 is the last date for the filing of return in FORM GSTR-3B for the month of September, 2018
- The Court has opined that FORM GSTR-3B is not a return under sub-section (1) of section 39 of the CGST Act and FORM GSTR-3 is the return under the said section. Therefore, the last date for availment of credit shall be in accordance with FORM GSTR-3 and not FORM GSTR-3B

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Agenda Item 7(vii):Proposed amendment to Rule 61(5) of CGST Rules, 2017 (2/3)

- A similar writ has been admitted in the Hon'ble High Court of Telangana wherein the petitioner is contesting levy of interest under Section 50 of the CGST Act on the grounds that GSTR-3B is not a return under Section 39(1) of the CGST Act.
- Due to operational and IT issues, FORM GSTR-2 and FORM GSTR-3 were kept in abeyance since July 2017.
- The law committee proposed that Rule 61(5) may be retrospectively amended specifying more clearly that FORM GSTR-3B is the return under Section 39.
- Retrospective amendment w.e.f. 01.07.2017 is proposed - text in the next slide.

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Agenda Item 7(vii):Proposed amendment to Rule 61(5) of CGST Rules, 2017 (3/3)

61. Form and manner of submission of monthly return.- .- ……..

(5) Where the time limit for furnishing of details in **FORM GSTR-1** under section 37 ~~and~~ or in **FORM GSTR-2** under section 38 has been extended, the return specified in sub-section (1) of section 39 ~~and circumstances so warrant, the Commissioner may, by notification, specify the manner and conditions subject to which the return~~ shall, in such manner and subject to such conditions as the Commissioner may, by notification, specify, be furnished in **FORM GSTR-3B** electronically through the common portal, either directly or through a Facilitation Centre notified by the Commissioner:-

Provided that where a return in **FORM GSTR-3B** is required to be furnished by a person referred to in sub-rule (1) then such person shall not be required to furnish the return in **FORM GSTR-3**.

(6) To be omitted

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Agenda Item 7(viii) Extension of FORM GSTR-1 and GSTR-3B

- The new return model is to be introduced in a phased manner with overlaps with FORM GSTR-1 and FORM GSTR-3B. Currently, FORM GSTR-1/GSTR-3B is notified till September 2019
- New Return is proposed for all taxpayers from January 2020.
- In view of the same, the following is proposed :
  - FORM GSTR-3B be extended for the months of October, November and December 2019 to be filed by 20th of succeeding month
  - Taxpayers with aggregate turnover greater than Rs. 1.5 Crore to furnish monthly FORM GSTR-1 for the months of October, November and December 2019 to be filed by 11th of succeeding month
  - Taxpayers with aggregate turnover less than Rs. 1.5 Crore may furnish quarterly return for the months of October, November and December 2019 to be filed by 31st January 2019

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Agenda Item 7(ix): Amendments in GST Rules (1/3)

Rule to be amended	Rationale
• Rule 21A	In case of revocation of suspension of registration, provisions of clause (a) of sub-section (3) of section 31 of the CGST Act in respect of the supplies made during the period of suspension and the procedure specified in that behalf shall apply. It is proposed to amend and insert sub-rule (5) in rule 21A to specify the same.
• Rule 83A	There is an ambiguity in the CGST Rules in respect of provisions of rule 83A(1) vis-à-vis rule 83A(6)(i). Presently the examination is to be conducted only for practitioners on whom clause (b) of sub-rule (1) of rule 83 of the CGST Rules apply (practitioners in existing law). Rule is amended to remove such ambiguity.
• Rule 97	Sub-rule (4) of rule 97 prescribes that the Government shall constitute a Standing Committee which shall make recommendation for proper utilisation of money credited to the Fund for welfare of consumers. Sub-rule (8) of rule 97 of CGST Rules provides that the committee shall make recommendations, for making available up to 50% of the funds credited to the Fund each year, for publicity/ consumer awareness on GST. Rule is proposed to be amended to provide mandatory allocation and transfer of 50% of the funds from the Consumer Welfare fund to the Central Government. Similar provision will be made for State Government also.

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Agenda Item 7(ix): Rule Amendments in GST Rules (2/3)

Rule to be amended	Rationale
Rule 117	Rule 117(1A) allows extension of last date for filing of GST TRAN-1 up to 31st March, 2019 for registered persons who could not file the said returns on account of technical difficulties (IT GRC cases). Further, proviso to rule 117(4)(b)(iii) provides for extension of date for filing GST TRAN-2 in respect of such persons upto 30th April 2019. For enabling filing of TRAN-1/TRAN-2 in such cases which have been approved by GST Council (through ITGRC) but where filing is still pending these dates are proposed to be extended till 31st December 2019 and 31st January 2020 respectively.
Rule 142	Amendment of rule 142 of CGST Rules is proposed for intimating liability to the taxpayer in view of sub-section (5) of Section 73 and sub-section (5) of Section 74, before the issuance of Show Cause Notice and response thereto by the taxpayer
FORM GST DRC-01A	Consequent to amendment of Rule 142, insertion of new FORM DRC-01A
FORM GST RFD-01	The credit note has been de-linked with the invoice, therefore, it is proposed that suitable amendments in statement 4, 5, 5B (supplier), 5B (recipient) and 6 are made and a new statement 4A is inserted of FORM GST RFD-01

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Agenda Item 22(iii): Rule Amendments in GST Rules (3/3)

Rule to be amended	Rationale
Rule 91	Several amendments, related to the single disbursement process, were carried out in rule 92 (order sanctioning refund) of the CGST Rules vide Notification No. 31/2019 – Central Tax dated 28.06.2019. However, similar amendments also need to be carried out in rule 91 (grant of provisional refund) of the CGST Rules.

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Agenda Item 19: Amendments in GST Acts due to J&K Reorg. Act (1/4)

- Jammu and Kashmir Reorganization Act, 2019 seeks to reorganize the existing State of Jammu and Kashmir for formation of Union territory of Ladakh without legislature and Union territory of Jammu and Kashmir with Legislature
- The Act has received the President's assent and is expected to be notified from 31st October 2019. Consequent changes in the CGST Act, 2017 (as amended), UTGST Act, other States SGST Act and J&K SGST Act are placed for approval of the Council
- These amendments have been recommended by the Law Committee and inputs of the J&K SGST Departments have also been incorporated

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Agenda Item 19: Amendments in GST Acts due to J&K Reorg. Act (2/4)

- **Changes in CGST Act :**
- Amendment in Section 2(114) to incorporate Ladakh in the definition of Union territory
- Amendment in Section 109(6) to enable the Central Government to establish a State Bench of the Appellate tribunal in J&K
- **Changes in UTGST Act :**
- Amendment in Section 1(2) and 2(8) to incorporate Ladakh in the definition of Union territory
- **Changes in SGST Act :**
- Amendment in Section 2(114) to incorporate Ladakh in the definition of Union territory

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Agenda Item 19: Amendments in GST Acts due to J&K Reorg. Act (3/4)

- **Section 95 of the Jammu and Kashmir Reorganization Act, 2019:**
- Jammu and Kashmir SGST Act has been made applicable to both the Union territory of Jammu & Kashmir and Union Territory of Ladakh
- Under the GST structure the Union territory of Jammu & Kashmir shall have an independent SGST Act, the Union territory of Ladakh will be governed by the Central UTGST Act
- This may be amended through the power to remove difficulties under Section 103 of the Jammu and Kashmir Reorganization Act

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Agenda Item 19: Amendments in GST Acts due to J&K Reorg. Act (4/4)

- **Power to adapt laws under Section 96**
- Section 96 of the Bill empowers the Central Government to make modifications on any law as detailed in the Fifth Schedule by an order to facilitate the application of such law in the newly formed Union territories
- The CGST Act or the UTGST Act has not been listed under the Fifth Schedule, it appears that amendment of these Acts through an order is not feasible
- **Changes in J&K SGST Act :**
- Various minor amendments for synchronization of the J&K SGST Acts with other SGST Acts have been recommended by the J&K SGST Department

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Agenda Item 20: Special Composition Scheme for Brick kilns etc. (1/2)

- GoM on reverse charge had recommended considering denying the benefit of composition to Brick kilns, Menthol, Sand Mining Activities and Stone crushers under GST. This view was further reiterated by the Law Committee
- In the 35th Council Meeting, Haryana had reported that the tax yield from these categories of taxpayers has witnessed a drastic fall in the GST regime and denial of composition would thus lead to further loss of revenue since it was difficult to monitor their activities
- A Committee of Officers (CoO) was constituted by the GST Council Secretariat bearing to examine whether a special composition scheme for Brick kilns, Menthol, Sand Mining Activities and Stone crushers may be devised and to suggest suitable mechanism

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Agenda Item 20: Special Composition Scheme for Brick kilns etc. (2/2)

- The recommendation of the Committee of Officers are as follows :-
- Exclusion from normal composition scheme and introduction of a special composition scheme for taxpayers supplying Brick kilns, Sand Mining Activities and Stone crushers with an increased rate of 6% (*similar to the rate for the composition scheme introduced for services/residual suppliers vide notification No. 2/2019-Central Tax (Rate), dated 07.03.2019*);
- Increasing the rate for normal taxpayers supplying Brick kilns, Sand Mining Activities and Stone crushers from the current rate of 5% to 12%; and
- Notifying the supply of Mentha-oil under the provisions of sub-section (3) of section (9) so that tax shall be paid on reverse charge by the recipient of such supplies.
- The recommendations are placed before the GST Council for decision

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Agenda Item 22(i): Clarification on wrongly filed Nil Refund (1/2)

- Several registered persons have inadvertently filed a NIL refund claim for a certain period on the common portal in FORM GST RFD-01A inspite of the fact that they had a genuine claim for refund for that period under the said category
- Once a NIL refund claim is filed, the common portal does not allow the registered person to re-file the refund claim for that period under the said category
- It is proposed that refund applications may be allowed if :
  A. The registered person has filed a NIL refund claim in FORM GST RFD-01A for a certain period under a particular category; and
  B. No refund claims in FORM GST RFD-01A have been filed by the registered person under the same category for any subsequent period.

40

Agenda Item 22(i): Clarification on wrongly filed Nil Refund (2/2)

- Condition B would apply to categories only where the ITC refund is being sought such as exports under LUT, exports to SEZ without payment of tax and inverted duty structure refunds
- Registered persons satisfying the above conditions to be allowed to file the refund claim under "Any Other" category instead of the category under which the NIL refund claim has already been filed. However, the refund claim should pertain to the same period for which the NIL application was filed.
- The Circular is placed before the Council for approval.

41

Agenda Item 22(ii): Circular on treatment of IT/ITeS Services(1/2)

- Several representations have been received from NASSCOM and ASSOCHAM citing confusion on classification of IT / ITeS services as intermediary services in Circular No. 107/26/2019-GST dated 18.07.2019 leading to denial of export benefits on such services.
- 'Intermediary' has been defined in the sub-section (13) of section 2 of the Integrated Goods and Service Tax Act, 2017 (hereinafter referred to as "IGST" Act) as under –

  "Intermediary means a broker, an agent or any other person, by whatever name called, who arranges or facilitates the supply of goods or services or both, or securities, between two or more persons, but does not include a person who supplies such goods or services or both or securities on his own account."
- The definition of intermediary inter alia provides specific exclusion of a person who supplies such goods or services or both or securities on his own account
- The key representation recieved from the trade has been that the Circular does not provide clear criteria /features for a particular services to be classified a services as intermediary service

42

Agenda Item 22(ii): Circular on treatment of IT/ITeS Services(2/2)

- It has been represented that these features were available in the erstwhile service tax regime. It is felt that the same features may help ascertain whetehr a service is an intermediary service or not.
  - **Number of parties**: Intermediary service involves minimum three parties and the service provider providing intermediary service is typically involved with two supplies at any one time
  - **Nature and value**: An intermediary cannot alter the nature or value of the services or goods, the supply of which he facilitates on behalf of his principal, although the principal may authorize the intermediary to negotiate a different price
  - **Separation of value:** The value of an intermediary's service is invariably identifiable from the main supply of service or goods that he is arranging. Generally, the amount charged by an agent from his principal is referred to as "commission".
  - **Identity and title:** The service provided by the intermediary on behalf of the principal is clearly identifiable.
- A new Circular based on the key features above is proposed . The same has been recommended by the Law Committee

43

Agenda Item 22(iv): Clarification on Post Sale Discount (1/2)

- Circular No. 105/24/2019-GST dated 28.06.2019 clarified certain aspects of post sale discount. Trade and industry have reported two issues with the circular.
- Challenges with Para 3 of the Circular :
  - The circular mandates any sales augmentation activity such as advertisements / sales campaign in the hands of the dealer as a separate supply provided by the dealer to the manufacturer where such activity is done on the behest of an extra consideration provided by the manufacturer to the dealer
  - Dealers have represented that undertaking special sales drive and advertisement campaign are very vague leading to further ambiguity in the matter
  - There may be a number of activities which the dealer performs on his own account or undertake to achieve higher sales and therefore derive secondary benefits such as free gifts or future discounts. Such schemes are a regular practice in the trade
  - In the current draft / language of the circular, even those activities which are not linked with post sale discount gets taxed

44

Agenda Item 22(iv): Clarification on Post Sale Discount (2/2)

- Challenges with Para 4 of the Circular :
  - The Circular mandates that if due to depressed sales a discount is announced by the manufacturer then even though the invoice value will decrease but the taxable value will remain the same for both the transactions i.e. manufacturer to the dealer and the dealer to the customer
  - Therefore, even if a discount is announced by a manufacturer the actual discount is not passed to the end customer since the taxable value and therefore the GST leviable would be higher than the transaction value
  - For a car which is taxed at 30%, and the discount offered is Rs. 50,000 then a benefit of Rs. 15,000 will be unavailable to the end customer
  - This has lead to a lot of confusion in the trade and industry especially in auto-sales
- The law committee has examined this issue and has recommended that the whole issue requires holistic examination
- In the interim, recommendation is to rescind Circular No. 105/24/2019-GST dated 28.06.2019 *ab initio*

45

Agenda item 10(i): Risk Based Management of Taxpayers under GST (1/4)

A committee was set up for risk based management of taxpayers under GST by the GST Council. The committee has given the following recommendations :

- To initiate the Aadhar based verification process of all new taxpayers.
- Develop modalities and timelines for similar verification of all the existing taxpayers.
- In absence of Aadhar validation, compulsory physical verification of the premises
- GST Council Secretariat with help of GSTN to get an offence database developed and all enforcement wings to share suspect GSTINs, DINs from GST and pre-GST periods in the said database.

46

Agenda item 10(i): Risk Based Management of Taxpayers under GST (2/4)

- For the risky new taxpayers (for example Proprietor with new PAN having no Income Tax or Business turnover, no financial credentials)
  - Restrict ITC on supplies made by them to Rs. 3 lakh per month i.e. auto population of credit based on their GSTR-1 to be restricted to Rs. 3 lakhs per month for first 6 months
  - Further ITC to be linked to their depositing a certain percentage of the ITC sought to be passed on in cash ledger
  - Considering that the average cash to credit ratio is 20:80, the credit allowed to be pushed above the limit of Rs 3 lakhs can be 5 times the amount deposited in the cash ledger

47

Agenda item 10(i): Risk Based Management of Taxpayers under GST(3/4)

- Further, on the same lines as for new taxpayers, to curb tendency to avoid the said rule by using dormant GSTINs, any abnormal increase in outward supplies by risky suppliers also to be controlled in similar manner
- Parameters for risky suppliers to be identified by Law Committee- say increase in outward supplies exceeding 25% beyond the highest of the value of supplies in last 12 months (as available in case of taxpayers having been registered for less than 12 months) in case of risky suppliers to be restricted
- Further ITC passing to be linked to their depositing 20% of the ITC sought to be passed on in cash ledger
- A State level Committee constituted by the Chief Commissioner Central Tax and the Commissioner State Tax to provide relaxation from such restrictions

48

Agenda item 10(i): ITC Data for new registrants (4/4)

Tax liability in first six months from registration	Number of taxpayers who made supplies worth such tax amount as per FORM GSTR-3B	Percentage	Number of taxpayers who made supplies worth such tax amount as per FORM GSTR-1	Percentage
0 to 36 lakhs	1649674	94%	1419783	94%
36 lakhs to 60 lakhs	8092	0.5%	7438	0.5%
60 lakhs to 120 lakhs	94190	5.4%	79244	5.2%
120 lakhs to 180 lakhs	2766	0.2%	2763	0.2%
180 lakhs to 240 lakhs	1495	0.1%	1510	0.1%
240 lakhs to 300 lakhs	1040	0.1%	1016	0.1%
Above 300 Lakhs	3144	0.2%	3246	0.2%
Grand Total	**1760401**	**100%**	**1515000**	**100%**

Restricting new registrations to pass upto Rs. 3 Lac ITC per month will affect only about 6-6.5% of the taxpayers.

49

GST Revenue Position

37TH GST COUNCIL MEETING (20/09/2019)

1

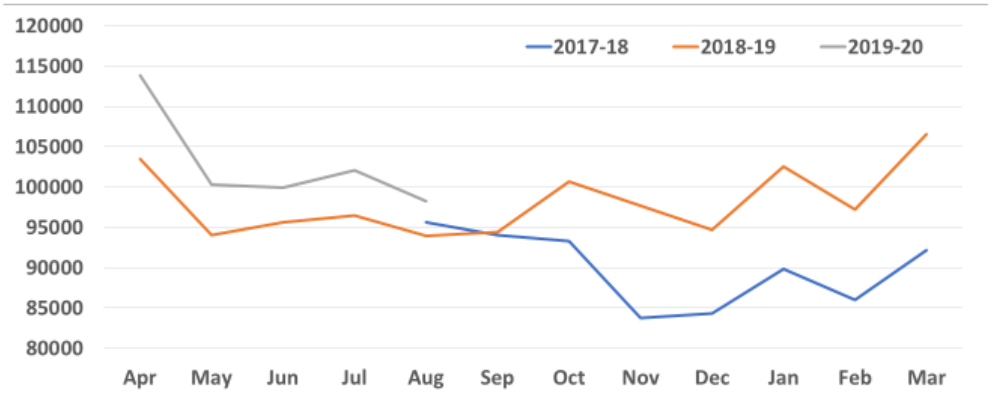
GST revenue during April - August, 2019

(Figures in ₹ Crore)

	Apr-19	May-19	June'19	July'19	Aug'19
CGST	21,163	17,811	18,366	17,912	17,733
SGST	28,801	24,462	25,343	25,008	24,239
IGST	54,733	49,891	47,772	50,612	48,958
Domestic	31,444	25,015	25,792	26,366	24,140
Imports	23,289	24,875	21,980	24,246	24,818
Comp Cess	9,168	8,125	8,457	8,551	7,273
Domestic	8,115	7,172	7,582	7,754	6,432
Imports	1,053	953	876	797	841
Total	**1,13,866**	**1,00,289**	**99,939**	**102,083**	**98,202**

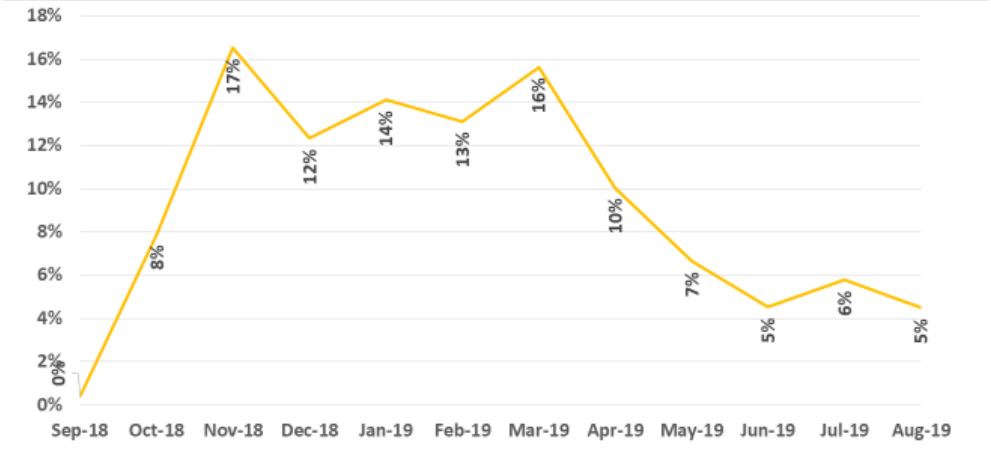
2

Trends in total gross GST Revenues (₹ crore)



3

Month-on-month growth in total gross GST Revenues



4

Net IGST Balance

Fig. In Crore

Month	April'19	May'19	June'19	July'19	August'19	Total
Collections	54,733	49,891	47,772	50,612	48,958	251966
Recovery from IGST Ad-hoc apportionment	0	0	0	8000(+)	6000(+)	14000
Refunds	5,353(-)	6,500(-)	10,723(-)	8,700(-)	6,025(-)	37301(-)
Settlement	36,345(-)	32,536(-)	31,782(-)	57,426(-)	45788(-)	203877(-)
CGST	20,370	18,098	18,169	33,027	26,165	115829
SGST	15,975	14,438	13,613	24,399	19,623	88048
CGST ad hoc	6,000			7,500		13500
SGST ad hoc	6,000			7,500		13500
Net	1,035	10,855	5,267	-22,514	3,145	(-)2212

5

GST Compensation Cess Balance

	2017-18	2018-19	2019-20
1. Opening balance	0	21,466	47,272
2. Compensation Cess Collected	62,612	95,081	41,574
3.a. Compensation required for the year	48,650	81,177	45,745
b. of (a) compensation released in later years	7,504	18,934	0
c. Compensation of previous years released	0	7,032	19,406
d. Compensation released (a-b+c)	41,146	69,275	65,151
4. Closing Balance	21,466	47,272	23,695

6

Revenue Gap during the period April-August (In Percentage)

State/UT	2018-19	2019-20
Arunachal Pradesh	-49.0	-71.8
Mizoram	-53.7	-59.3
Manipur	-29.7	-36.4
Nagaland	-17.9	-33.5
Sikkim	-16.6	-25.1
Meghalaya	14.2	10.4
Andhra Pradesh	-0.8	10.7
Uttar Pradesh	5.0	10.8
Telangana	2.5	11.5
Assam	5.8	12.2
Tamil Nadu	5.2	13.0
West Bengal	7.4	16.4
Maharashtra	4.1	16.7
Tripura	17.4	19.0
Rajasthan	11.8	20.3
Jharkhand	17.2	20.4

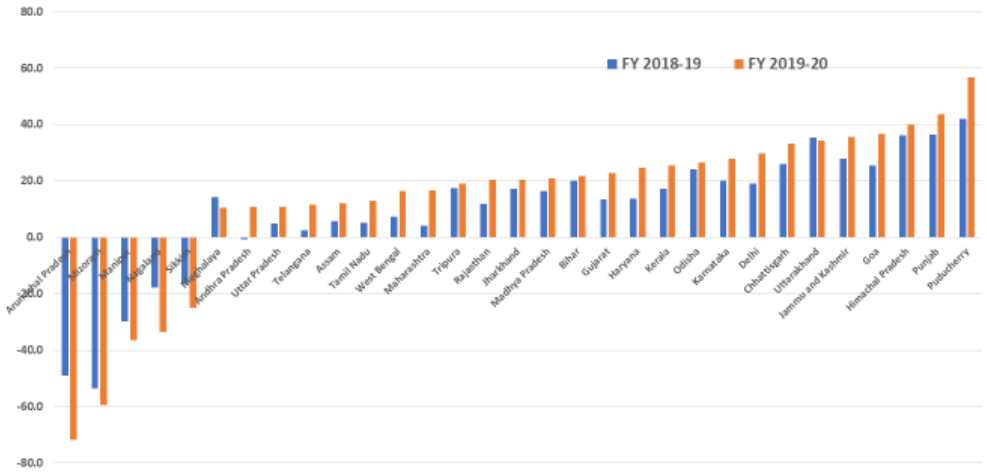
7

Revenue Gap during the period April-August (In Percentage)

State/UT	2018-19	2019-20
Madhya Pradesh	16.3	21.0
Bihar	20.0	21.8
Gujarat	13.5	22.8
Haryana	13.8	24.8
Kerala	17.2	25.4
Odisha	24.0	26.5
Karnataka	20.0	27.7
Delhi	18.9	29.7
Chhattisgarh	25.9	33.3
Uttarakhand	35.4	34.3
Jammu and Kashmir	28.0	35.7
Goa	25.5	36.7
Himachal Pradesh	36.1	39.9
Punjab	36.5	43.5
Puducherry	41.9	56.7
Average	**12.7**	**20.9**

8

Revenue Gap during the period April-August

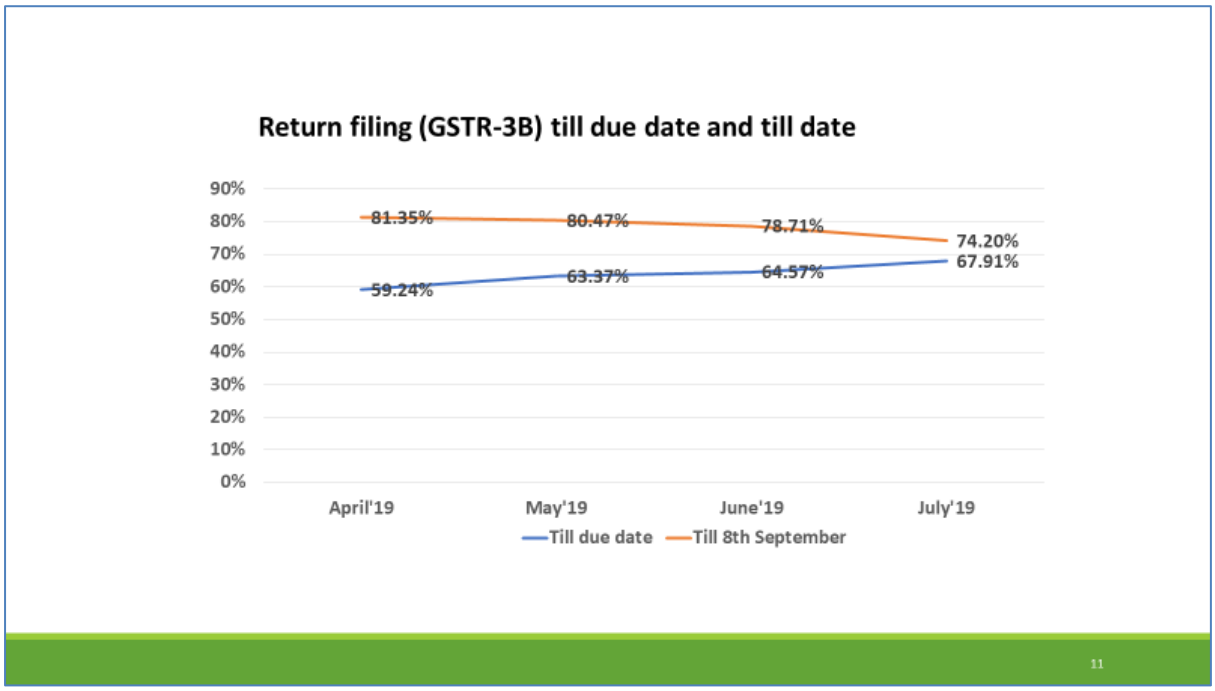


9

Return filing (GSTR-3B) till due date and till date

Return Period	Due Date	Required to file	Till due date		Till 8th September	
			Returns filed	%	Returns filed	%
April'19	20th May'19	10233313	6061978	59.24%	8324486	81.35%
May'19	20th June'19	10286063	6518408	63.37%	8277220	80.47%
June'19	20th July'19	10358399	6688664	64.57%	8153056	78.71%
July'19	22nd Aug'19	10426762	7080475	67.91%	7736519	74.20%

10


Return filing (GSTR-3B) till due date and till date
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
81.35%
80.47%
78.71%
74.20%
59.24%
63.37%
64.57%
67.91%
April'19
May'19
June'19
July'19
Till due date
Till 8th September
11

Annexure 5



37th GST Council Meeting

20th Sept 2019

1

Agenda No. 9: Status on RFID EWBS Integration

2

Recommendations of Committee of Officers

- Report of Committee of Officers finalized on 02nd August 2019
  - **Salient recommendations:**
    - All States with existing RFID systems / tracking systems to integrate with NHAI led NETC system using FASTag only.
    - FASTag based E-way bill tracking mechanism to be adopted.
    - E-way bill system be integrated with NETC (National Electronic Toll Collection) system.
    - Toll plazas be provisioned with common standard design and architecture to ensure compatibility across the country.
  - **Analytics be done and data collected through the EWBS and NETC e.g.**
    - Movement of vehicles without E-way bills.
    - Recycling of e-way bills.
    - E-way bill generation without actual movement of goods.
    - Tracking high risk tax payers/transporters/vehicles/goods.
    - Enhancing accuracy of time-distance relationship of goods movement

3

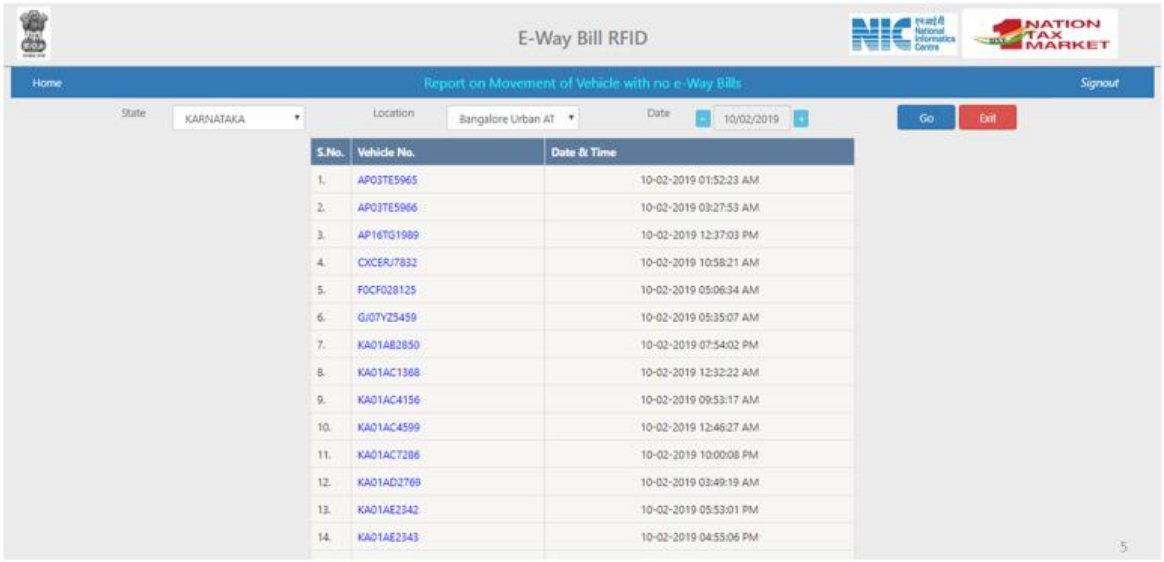
Current Status of RFID – EWBS Integration

- MoRTH has mandated 100 % electronic toll payment using FASTag by 01/12/19.
- Points of Sale (POS) to be ramped up to enable the deadline. Current POS are 10,500. NHAI planning to ensure 35,000 POS by September end.
- Current RFIDs sold: 57.18 lakhs.
- Current # of vehicles affixed with RFIDs: 52.20 lakhs.
- # of Banks associated with RFIDs: 23 Issuer banks and 10 acquirer banks.
- # of toll plazas with NETC system on national highways: 526
- Meeting held with NPCI and NIC on 05th Sept for technical integration discussion. # of APIs prepared by NIC: 5 (heartbeat check, FASTag data push, toll plaza data push, transaction data push, data recon API).
- APIs are ready and available on sandbox. Testing to be completed by 15 Oct '19.
- NPCI to extend its network to NIC EWBS by end October 2019.

4

Movement of Vehicles without e-way bills

based on Fastags at Toll Plaza



E-Way Bill RFID

Home | Report on Movement of Vehicle with no e-Way Bills | Signout

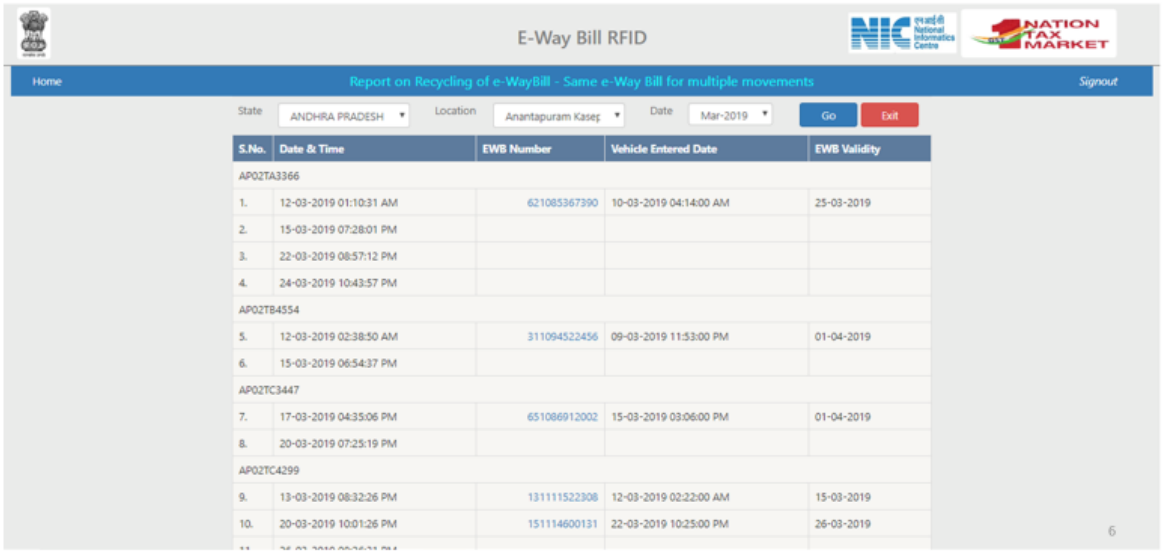
State: KARNATAKA | Location: Bangalore Urban AT | Date: 10/02/2019 | Go | Exit

S.No.	Vehicle No.	Date & Time
1.	AP03TE5965	10-02-2019 01:52:23 AM
2.	AP03TE5966	10-02-2019 03:27:53 AM
3.	AP16TG1989	10-02-2019 12:37:03 PM
4.	CXCERU7832	10-02-2019 10:58:21 AM
5.	F0CF028125	10-02-2019 05:06:34 AM
6.	GJ07YZ5459	10-02-2019 05:35:07 AM
7.	KA01AB2850	10-02-2019 07:54:02 PM
8.	KA01AC1368	10-02-2019 12:32:22 AM
9.	KA01AC4156	10-02-2019 09:53:17 AM
10.	KA01AC4599	10-02-2019 12:46:27 AM
11.	KA01AC7286	10-02-2019 10:00:08 PM
12.	KA01AD2769	10-02-2019 03:49:19 AM
13.	KA01AE2342	10-02-2019 05:53:01 PM
14.	KA01AE2343	10-02-2019 04:53:06 PM

5

Recycling of e-way bills with same Vehicle

based on Fastags at Toll Plaza



E-Way Bill RFID

Home | Report on Recycling of e-WayBill - Same e-Way Bill for multiple movements | Signout

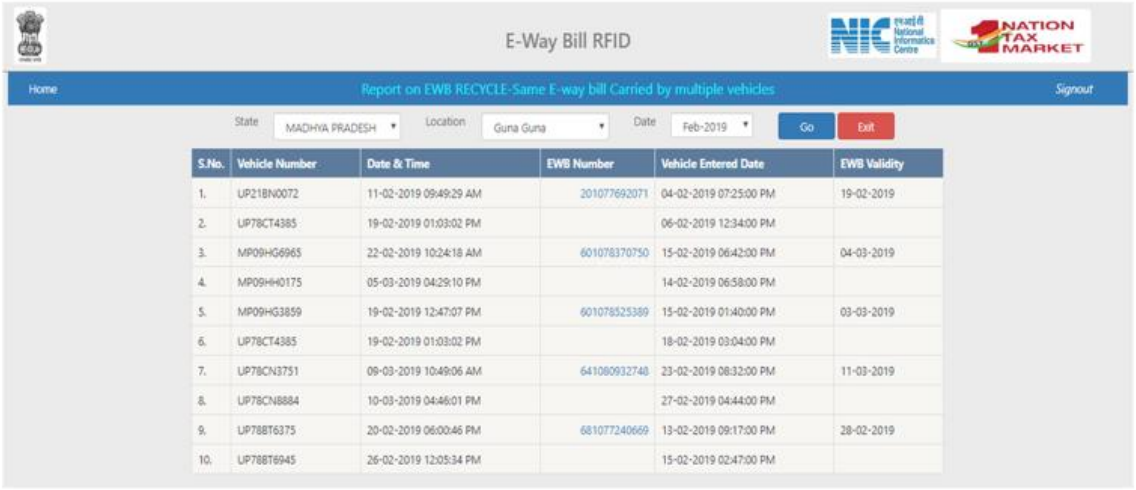
State: ANDHRA PRADESH | Location: Anantapuram Kasej | Date: Mar-2019 | Go | Exit

S.No.	Date & Time	EWB Number	Vehicle Entered Date	EWB Validity
AP02TA3366				
1.	12-03-2019 01:10:31 AM	621085367390	10-03-2019 04:14:00 AM	25-03-2019
2.	15-03-2019 07:28:01 PM			
3.	22-03-2019 08:57:12 PM			
4.	24-03-2019 10:43:57 PM			
AP02TB4554				
5.	12-03-2019 02:38:50 AM	311094522456	09-03-2019 11:53:00 PM	01-04-2019
6.	15-03-2019 06:54:37 PM			
AP02TC3447				
7.	17-03-2019 04:35:06 PM	651086912002	15-03-2019 03:06:00 PM	01-04-2019
8.	20-03-2019 07:25:19 PM			
AP02TC4299				
9.	13-03-2019 08:32:26 PM	131111522308	12-03-2019 02:22:00 AM	15-03-2019
10.	20-03-2019 10:01:26 PM	151114600131	22-03-2019 10:25:00 PM	26-03-2019

6

Recycling of e-way bills with different Vehicles

based on Fastags at Toll Plaza



E-Way Bill RFID

Home | Report on EWB RECYCLE-Same E-way bill Carried by multiple vehicles | Signout

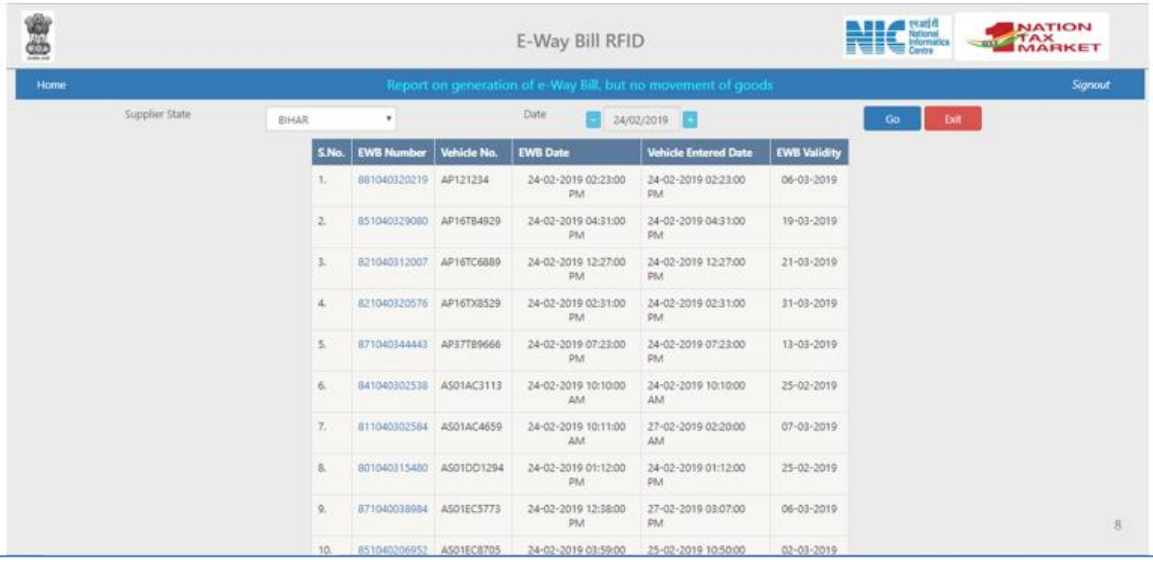
State: MADHYA PRADESH | Location: Guna Guna | Date: Feb-2019 | Go | Exit

S.No.	Vehicle Number	Date & Time	EWB Number	Vehicle Entered Date	EWB Validity
1.	UP21BN0072	11-02-2019 09:49:29 AM	201077692071	04-02-2019 07:25:00 PM	19-02-2019
2.	UP78CT4385	19-02-2019 01:03:02 PM		06-02-2019 12:34:00 PM	
3.	MP09HG6965	22-02-2019 10:24:18 AM	601078370750	15-02-2019 06:42:00 PM	04-03-2019
4.	MP09HH0175	05-03-2019 04:29:10 PM		14-02-2019 06:58:00 PM	
5.	MP09HG3859	19-02-2019 12:47:07 PM	601078525389	15-02-2019 01:40:00 PM	03-03-2019
6.	UP78CT4385	19-02-2019 01:03:02 PM		18-02-2019 03:04:00 PM	
7.	UP78CN3751	09-03-2019 10:49:06 AM	641080932748	23-02-2019 08:32:00 PM	11-03-2019
8.	UP78CN8884	10-03-2019 04:46:01 PM		27-02-2019 04:44:00 PM	
9.	UP78BT6375	20-02-2019 06:00:46 PM	681077240669	13-02-2019 09:17:00 PM	28-02-2019
10.	UP78BT6945	26-02-2019 12:05:34 PM		15-02-2019 02:47:00 PM	

7

e-way bills without movement of goods

based on Fastags at Toll Plaza



E-Way Bill RFID

Home | Report on generation of e-Way Bill, but no movement of goods | Signout

Supplier State: BIHAR | Date: 24/02/2019 | Go | Exit

S.No.	EWB Number	Vehicle No.	EWB Date	Vehicle Entered Date	EWB Validity
1.	881040320219	AP121234	24-02-2019 02:23:00 PM	24-02-2019 02:23:00 PM	06-03-2019
2.	851040329080	AP16TB4929	24-02-2019 04:31:00 PM	24-02-2019 04:31:00 PM	19-03-2019
3.	821040312007	AP16TC6889	24-02-2019 12:27:00 PM	24-02-2019 12:27:00 PM	21-03-2019
4.	821040320576	AP16TX8529	24-02-2019 02:31:00 PM	24-02-2019 02:31:00 PM	31-03-2019
5.	871040344443	AP37TB9666	24-02-2019 07:23:00 PM	24-02-2019 07:23:00 PM	13-03-2019
6.	841040302538	AS01AC3113	24-02-2019 10:10:00 AM	24-02-2019 10:10:00 AM	25-02-2019
7.	811040302584	AS01AC4659	24-02-2019 10:11:00 AM	27-02-2019 02:20:00 AM	07-03-2019
8.	801040315480	AS01DD1294	24-02-2019 01:12:00 PM	24-02-2019 01:12:00 PM	25-02-2019
9.	871040038984	AS01EC5773	24-02-2019 12:38:00 PM	27-02-2019 03:07:00 PM	06-03-2019
10.	851040206952	AS01EC8705	24-02-2019 03:59:00	25-02-2019 10:50:00	02-03-2019

8

Agenda No. 11 New GST Return

9

Transition Plan Approved by GST Council

1. GSTR-1 to be discontinued effective Oct'19
2. Run GSTR-3B and GST ANX-1 in parallel for 2 months
3. Integrate GSTR-3B and GST ANX-1 to take care of refunds (through the Customs system-ICEGATE),
4. Freezing of GST ANX-1 on GSTR-3B filing and move the deferred invoices to next period

Status of Implementation

Functionalities	Beta Ready	Status
Offline Prototype	May-19	Completed
GST ANX-1 Offline – Sahaj, Sugam, Normal	Jun-19 Jul-19	In Beta
GST ANX-1 JSON upload GST ANX-2 JSON download GST ANX-2 JSON upload	Jul-19	In Beta
GST ANX-2 offline	Jul-19	In Beta
Purchase Register Matching tool	Jul-19	In Beta
GST ANX-1 online - Summary Generation and View	Jul-19	In Beta

| 10

Challenges in the Transition option

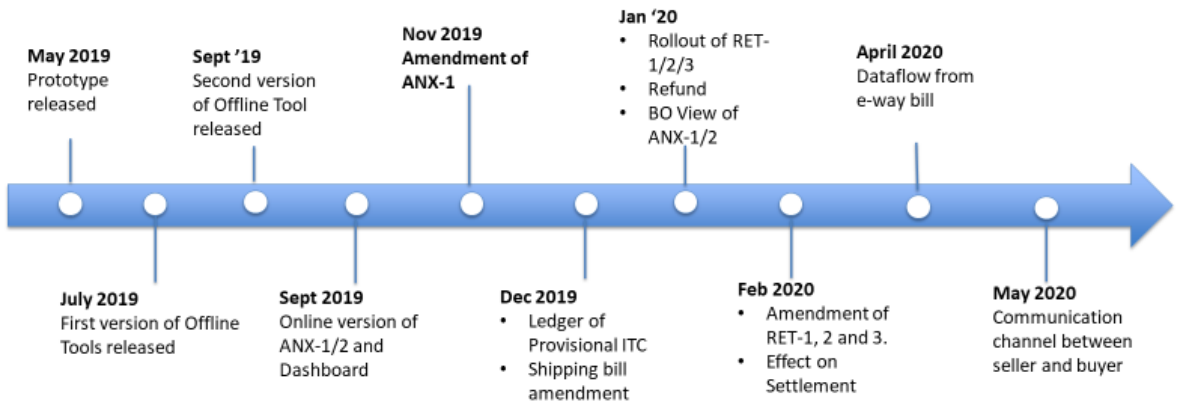
1. Transition plan has challenges from refund perspective: If there is no GSTR-1, there would be no GSTR-2A. ITC refund would be impacted if GSTR-2A is phased out.
2. In new regime, refund can be processed based on GST ANX-2 (data auto-drafted from GST ANX-1) as ANX-1 is frozen on filing GST RET-1. Since no GST RET-1 is filed during this period, GST ANX-1 will not be frozen till Jan 2020. Thus there will be scope of change in GST ANX-1 after refund is processed in case GSTR-3B is not integrated with GST ANX-1
3. Amendment of invoices through GST ANX-1A is required at the time of Go-live for Export refund . This use case is extremely complex and cannot be implemented by 1st Oct 2019
4. Reconciliation of Return Filing data across old and new regimes
5. Developing Back-office and MIS with filing done across two different sets of Return Forms
6. Readiness of the Eco-System involving GSP, ASP and CBIC / Model 1 States that leverage API for data communication.

Recommendations

- New return should be rolled out for all types of taxpayers together
- Date of deployment: wef 1st of Jan 2020

11

New Return Timelines



Trail of Offline Tool to prepare ANX-1 and acceptance/rejection on downloaded ANX-2, Matching of ANX-2 and Purchase Register, Upload of ANX-2 and Creation of summary on dashboard being tried by taxpayers/consultants

12

Update on Trial Run of Offline Tool for Annex 1, Annex 2 & Matching tool)

- Around 11,000 uploads of ANX-1 has taken place.
- To increase awareness, a total of 13 workshops were conducted by GSTN in association with Industry/Trade Associations: FICCI, PHD Chamber of Commerce, ASSOCHAM, CII in the month of August/Sept 2019.
  - **919** taxpayers / tax Consultants
  - **1236** tax officers participated (Highest number in Ranchi-around 250)
- The Cities covered were:

  Ahmedabad, Bengaluru, Hyderabad, Chandigarh, Gurugram, Guwahati, Kochi, Lucknow, Mumbai, New Delhi, Pune, Ranchi
- 15 more cities to be covered.
- Master trainers trained at Tax Office HQ need to impart similar training and demo at District level.
- Each Tax Officer should get at least 20 taxpayers/consultants to try the Offline Tool as well as the Online version

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Approval sought

- Going by past experience, huge filing is expected on 10th of following month, specially after end of Quarter when Monthly and Quarterly filers will upload ANX-1.
- GST Council has approved staggered filing of RET (large taxpayers by 20th and others by 25th of next month). **Similarly, last date of upload of ANX-1 may be staggered as 10th and 13th for them**.
- To ensure smooth filing on last three days, accept/reject action of invoices appearing in ANX-2 may be allowed upto 17th and **not on 18/19 and 20th of the next month.**

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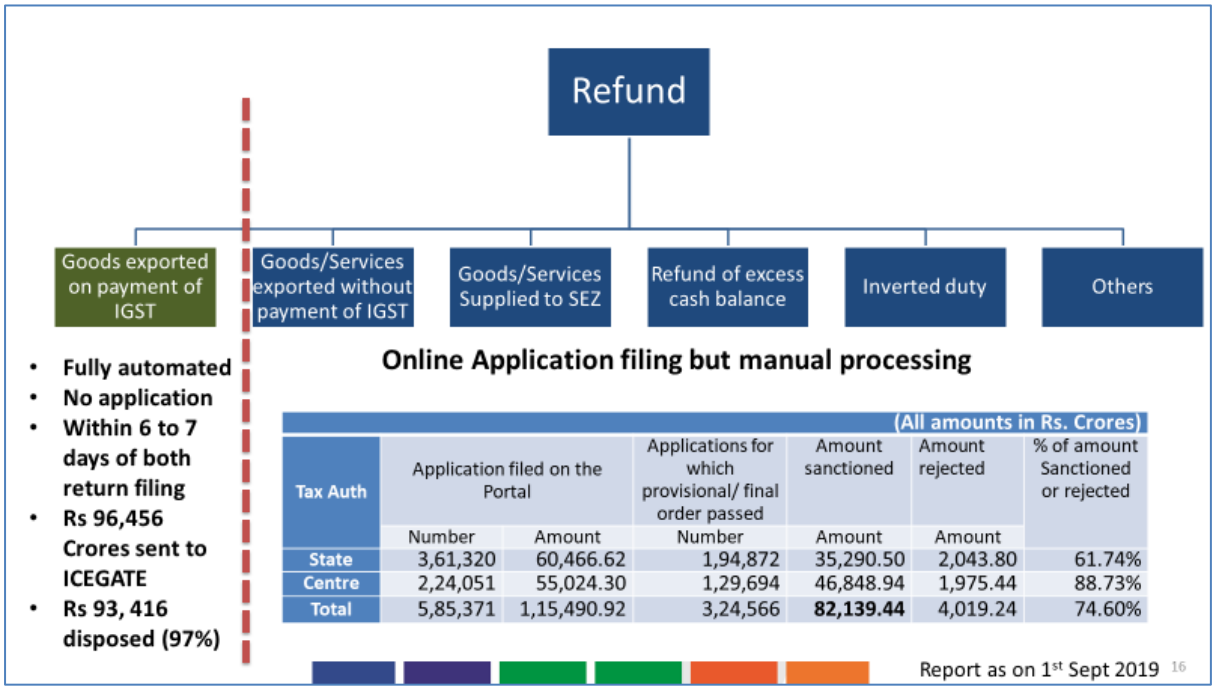
Agenda No 12

Integrated Refund System with Disbursal by Single Authority

15



- **Fully automated**
- **No application**
- **Within 6 to 7 days of both return filing**
- **Rs 96,456 Crores sent to ICEGATE**
- **Rs 93, 416 disposed (97%)**

Online Application filing but manual processing

(All amounts in Rs. Crores)

Tax Auth	Application filed on the Portal		Applications for which provisional/ final order passed	Amount sanctioned	Amount rejected	% of amount Sanctioned or rejected
	Number	Amount	Number	Amount	Amount	
State	3,61,320	60,466.62	1,94,872	35,290.50	2,043.80	61.74%
Centre	2,24,051	55,024.30	1,29,694	46,848.94	1,975.44	88.73%
Total	5,85,371	1,15,490.92	3,24,566	**82,139.44**	4,019.24	74.60%

Report as on 1st Sept 2019 16

Single Authority Disbursement

Highlights

Single Authority Disbursement: All refund Will be paid through PFMS, subsequent settlement

High Level Accuracy: Taxpayers' banks details are validated prior to disbursement

Quick and reliable errors and grievance handling

Timeliness: Disbursement of refund will be faster, since entire process will be ONLINE



Timelines

Sl. No.	Functionalities	Timelines
1	**Taxpayers Master Validation:** Testing and Integration	16th Sept. 19
2	**Disbursement**: Payment Order file transmission to PFMS and disbursement confirmation file from PFMS to GST System testing	16th Sept. 19
3	**Model-1 and CBIC API integration with Common Portal**: i. CBIC, Karnataka and Sikkim completing their testing ii. Tamil Nadu, Andhra, Meghalaya will complete within next 10 days **iii. Goa and Kerala are testing the software**	24th Sept 2019

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REFUND APPLICATIONS AS ON 15th Sep 2019

Reason Code	Reason Description	No. of Application	Amount (In Crores)	%age of Application	%age of Amount
AF-01	Excess balance in Electronic Cash ledger	2,03,271	4,994	34.07%	4.19%
AF-02	Exports of services- With payment of Tax	19,106	3,773	3.20%	3.17%
AF-03	Exports of goods / services- Without payment of Tax, i.e., ITC accumulated	2,09,930	77,179	35.18%	64.77%
AF-04	On account of assessment/provisional assessment/ appeal/ any other order	852	58	0.14%	0.05%
AF-05	ITC accumulated due to inverted tax structure (clause (ii) of proviso to section 54(3)	1,03,411	23,062	17.33%	19.36%
AF-06	On account of supplies made to SEZ unit/ SEZ Developer (with payment of tax)	21,516	1,779	3.61%	1.49%
AF-07	On account of supplies made to SEZ unit/ SEZ developer (without payment of tax)	8,042	3,044	1.35%	2.55%
AF-08	Recipient of deemed export	2,006	486	0.34%	0.41%
AF-10	Tax paid on an intra-State supply which is subsequently held to be inter-State supply and vice versa (change of POS)	110	156	0.02%	0.13%
AF-11	Excess payment of tax, if any	5,615	532	0.94%	0.45%
AF-12	Any Other	21,405	3,573	3.59%	3.00%
AF-13	Supplier of deemed exports	1,451	516	0.24%	0.43%
Total		5,96,715	1,19,151	100.00%	100.00%

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Refund Applications: Export without payment and Inverted duty FY 18-19

REFUND PERIOD : 2018-2019

SLAB ON TURN OVER based on turnover of FY 2018-19	EXPORT WITHOUT PAYMENT				INVERTED DUTY STRUCTURE			
	No. of Refund Applications	% age of Sharing (No. of Tax Payers)	Amount Claimed	%age of Sharing (Amount ClaiMed)	No. of Refund Applications	% age of Sharing (No. of Tax Payers)	Amount Claimed	%age of Sharing (Amount Claijed)
NIL	53	0.08%	1.95	0.01%	40	0.10%	0.57	0.00%
Upto 5 Lakhs	128	0.18%	3.66	0.01%	99	0.24%	1.32	0.01%
5 to 10 Lakhs	142	0.20%	3.00	0.01%	96	0.23%	1.87	0.02%
10 to 20 Lakhs	365	0.53%	4.67	0.01%	229	0.56%	1.83	0.02%
20 to 30 Lakhs	438	0.63%	7.40	0.02%	260	0.63%	2.47	0.02%
30 to 40 Lakhs	451	0.65%	9.02	0.03%	313	0.76%	4.25	0.04%
40 to 50 Lakhs	477	0.69%	8.18	0.02%	362	0.88%	4.09	0.04%
50 to 70 Lakhs	903	1.30%	23.70	0.07%	721	1.75%	11.48	0.10%
70 Lakh to 1 Crore	1358	1.95%	37.15	0.11%	1239	3.01%	22.80	0.20%
1 Crore to 1.5 Crores	1992	2.87%	58.50	0.17%	1964	4.76%	40.56	0.35%
1.5 Crores to 2 Crores	2020	2.91%	64.53	0.18%	1725	4.18%	46.53	0.40%
2 Crores to 3 Crores	3591	5.17%	133.82	0.38%	3257	7.90%	106.44	0.92%
3 Crores to 4 Crores	3309	4.76%	133.19	0.38%	2673	6.48%	110.34	0.96%
4 Crores to 5 Crores	2774	3.99%	132.20	0.38%	2244	5.44%	102.31	0.89%
5 Crores to 8 Crores	6869	9.88%	425.10	1.21%	4882	11.84%	281.38	2.44%
8 Crores to 10 Crores	3470	4.99%	253.41	0.72%	2160	5.24%	157.46	1.36%
10 to 20 Crores	**11067**	**15.92%**	**1146.16**	**3.27%**	**5597**	**13.58%**	**540.45**	**4.68%**
20 to 50 Crores	**12374**	**17.80%**	**2311.07**	**6.59%**	**6902**	**16.74%**	**1044.41**	**9.04%**
50 to 100 Crores	**6479**	**9.32%**	**2167.61**	**6.18%**	**3200**	**7.76%**	**820.09**	**7.10%**
100 to 500 Crores	**8218**	**11.82%**	**6184.74**	**17.64%**	**2506**	**6.08%**	**2149.76**	**18.61%**
Above 500 Crores	**3041**	**4.37%**	**21957.55**	**62.62%**	**759**	**1.84%**	**6099.47**	**52.81%**
GRAND TOTAL	**69519**	100.00%	**35066.62**	100.00%	**41228**	**100.00%**	**11549.89**	100.00%

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Age Analysis of cases reported in System by Tax Officer

State & Centre			STATE		CENTRE	
AGE	No. of App	%age	No. of App	%age	No. of App	%age
<= 10 days	44136	49.33%	**21599**	38.13%	**22521**	68.66%
11-20 days	1481	1.66%	**1327**	2.34%	**153**	0.47%
21-30 days	1730	1.93%	**1461**	2.58%	**269**	0.82%
31-40 days	1738	1.94%	**1400**	2.47%	**338**	1.03%
41-50 days	2032	2.27%	**1598**	2.82%	**432**	1.32%
51-60 days	2081	2.33%	**1614**	2.85%	**466**	1.42%
61-70 days	2135	2.39%	**1543**	2.72%	**592**	1.80%
71-80 days	1931	2.16%	**1437**	2.54%	**493**	1.50%
81-90 days	1947	2.18%	**1410**	2.49%	**537**	1.64%
91-100 days	1836	2.05%	**1347**	2.38%	**488**	1.49%
101-111 days	1796	2.01%	**1321**	2.33%	**475**	1.45%
111-120 days	2059	2.30%	**1544**	2.73%	**515**	1.57%
Above 120 days	24573	27.46%	**19045**	33.62%	**5522**	16.83%
TOTAL	89475	100.00%	**56646**	100.00%	**32801**	100.00%

- 40.55% cases were disposed after mandatory period of 60 days
- For Centre it was 26.28% and for States it was 48.81%
- Time bound reporting of RFD-01B by all tax authorities to have better control on time of disposal

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Agenda No 13
Status of E-Invoice Implementation

21

Current System of Invoice Data Reporting

- Separate reporting of invoice data for GST Return and e-way Bill, which is different from original invoice
- Both have different formats and hence the taxpayer has to prepare them separately every time.
- Taxpayers generate e-way bills themselves but for preparation of Return, they go to tax consultants.

Challenges faced by Tax Administration

- Problem of fake invoices (Taxpayer can generate large number of invoices, push them in the GST system and vanish)
- GSTR-1 and GSTR-3B not linked and hence passing on fake ITC is easier
- Pre-populating Return is not possible

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Advantages of e-Invoice System

Advantages to Trade

- Automation of tax relevant process
- Backward integration with e-way bill, return, refund etc.
- Reduces compliance Cost by taxpayers
- No hard copies of invoices
- Assured Input Tax Credits
- Early settlement of accounts
- Simplified Compliance verification
- Becomes part of business process

Advantages to Govt

- Auto matching of ITC claims
- Reduce fraud such as
  - Carousel fraud
  - Phantom companies
  - Suppression of turnover
  - Clandestine supplies
- Simplified Compliance verification
- Better Tax management
- Better HR usage
- Providing tax reliefs and spurring the economic activities

23

International Scenarios

- Taxpayers are increasingly be required to use near real time clearance models.
- Latin American, Asian & some European countries first implemented clearance model
- They propose to cover all kinds of fiscal documents, such as invoices, payments, receipts, credit notes, debit notes, monthly salary statements
- Implementation and the learning from overseas:

Country	Pilot	Made Compulsory	Coverage	Data Format
South Korea	1997	2008	B to B	UBL
Chile	2002	2014	B to B	Electronic Tax Document DTE
Singapore	2003	2008	B to B	PEPPOL
Mexico	2004	2011	T.O.> Rs1.5 crore	CFDI (Comprobante Fiscal Digital or Internet)
Norway	2005	2011	B to G	PEPPOL
Sweden	2005	2008	B to G	PEPPOL
Denmark	NA	2005	B to G	NemHandel, PEPPOL

Spain, Turkey, Czechoslovakia, Peru, Belgium, Sweden, Colombia, Australia, New Zealand, Italy, USA, Canada etc. are working on e-invoice with UBL as the base.

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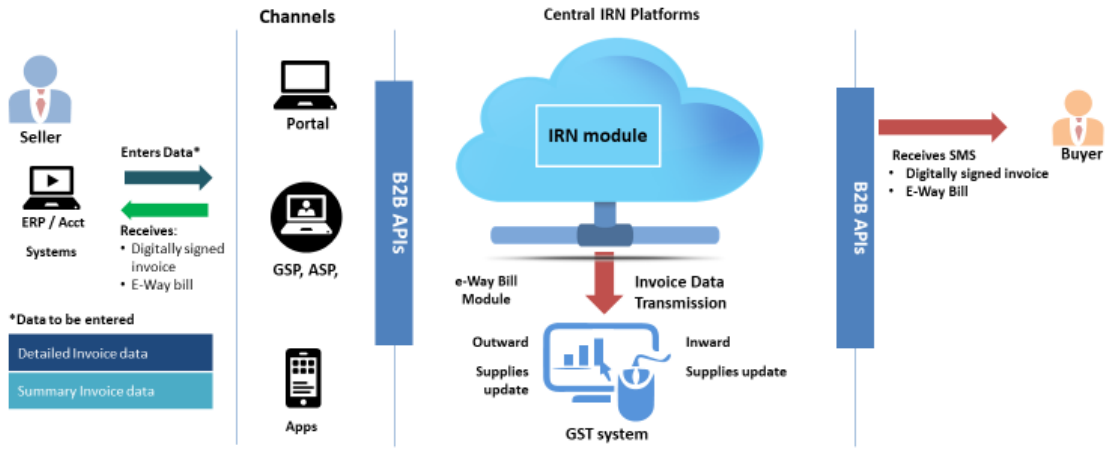
Study of Korean System - Actionable Points for successful implementation

- Providing the preparation period to use, understand and adopt the new system
- Gradual extension on the range of the mandatory e-tax invoice system
- Providing tax credit for taxpayers who accept the mandatory e-invoice system.
- Imposing different types of Penalty, in case of not meeting the obligations of the mandatory e-invoice system.
- Providing various modes of issuing e-invoice to meet diverse taxpayers' needs
- Transmitting and delivering the e-invoice to purchaser and tax authority immediately, so that revising is impossible
- Exemption of submission of some tax reports.
- Awareness/Efforts to increase usage of the e-invoice system
- Enabling alternative IT environment for stake holders

e-Invoice System - Process Flow



Approval of Basic Features of the Solution

- **24X7 operations without any downtime**:
  - The proposal is to make an invoice legal only if it has a unique reference number and signed by Central portal. That demands no downtime of the system. Hence, multiple agencies to report invoice and sign the same and generate QR Code.
- **Scalability:**
  - Multiple options for uploading the invoice (mobile; accounting software, Excel tool etc.)(
  - Multiple agencies to run the system in parallel. Starting first with NIC's system.
  - Highly scalable to take care of the increase in number of invoices for next 7 to 9 years with possibility to support B2C transactions, if Government decides to extend it to B2C invoices.
- **Consistency**:
  - The unique number should be consistent across the entire eco-system for the life-cycle of the invoice.
- **Authenticity of content of invoice/Instant verification**:
  - Invoice should be easily verified for authenticity by online verification/scanning QR code (in case of offline validation).
- **Standard of e-invoice schema proposed by technical committee after national consultation**
- **Rollout based on size of invoice.**

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Suggestion on rollout: Trial Period

No. of invoices reported in GSTR-1

Invoice Value in Rage	18-Jul	18-Aug	18-Sep	% of total (Sep)
Less than Re. 1/-	144522	91303	73944	0.04%
Rs. 1 to 5000	70659111	67050677	84562050	40.77%
Rs. 5K to 10K	18721798	18618066	25376274	12.23%
Rs. 10K to 20 K	18412303	18691949	25240434	12.17%
Rs. 20K to 50 K	23763639	24782813	33330404	16.07%
Rs. 50 K to 70 K	6420343	6740614	8225155	3.97%
Rs. 70 K to 1 Lakh	6124660	6328925	7751131	3.74%
Rs. 1 Lakh to 2 Lakh	8111953	8428748	9561009	4.61%
Rs. 2 Lakh to Rs. 5 Lakh	6685842	7058084	7567706	3.65%
Rs. 5 Lakh to 10 Lakh	2934701	3153725	3214941	1.55%
Rs. 10 Lakh to 50 Lakh	2120413	2344974	2324978	1.12%
Rs. 50 Lakh to Rs. 1 Crore	115510	126537	120112	0.06%
Above Rs. 1 Crore	77440	86014	85435	0.04%
TOTAL	**16,42,92,235**	**16,35,02,429**	**20,74,33,573**	**100.00%**

Proposal for consideration of the Council

- Start with Invoice value above Rs 50,000/- which is the threshold for e-way bill.
- People are already familiar with it.
- Only service sector will have to learn this afresh.
- Other way could be to limit this to Taxpayers having turnover above Rs 50 Crores for invoices above Rs 50,000/ for the trial.

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Agenda No. 14
Linking GST Registration with Aadhaar

29

Why Aadhaar e-KYC based Registration is required

- To curb/check fly-by-night operators who are taking advantage of easy registration system. (3 working days and no field inspection)
- Statistics from e-way bill

Category of persons are covered under Aadhaar Authentication in Phase-1

- Authorized signatory for all types, Proprietor, Managing/Authorized partner (in case of partnership) and Karta in case of HUF.
- For the categories of taxpayers, who are not covered in first phase, the e-KYC authentication will be implemented in second phase,

Aadhaar will not be required in case of

- the person who is not resident/citizen of India,

For existing registrant persons of the above category covered in Phase-1, a screen will be provided for e-KYC authentication from Aadhaar

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Authentication Process

Where Aadhaar is provided

- To maintain privacy of promoters, GST System shall send "link" to the concerned persons at their e-mail and mobile to enter Aadhaar and OTP, if the promoter is not willing to share Aadhaar with Auth Signatory.
- On successful authentication, demographic data of the persons shall be fetched from Aadhaar to GST System,
- Registration process thereafter, will remain the same as it is today

In cases where promoters decline to provide Aadhaar details:

- Site survey will be done and identification documents will be verified.
- In such cases, 3 working days upper cap will not be applicable (no deemed registration).

Work on changes in existing system has just started. Estimated to become operational from 1st January 2020.

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Agenda 15

Update on Change of Share Capital/Ownership Structure of GSTN and transfer of shares of GSTN from EC & Non- Government Institutions to Centre, State Governments & UTs

32

Transfer of GSTN's shares to Government:

1. Centre, State Governments and UTs need to accept the proposal within 30 days from the receipt of Share Transfer Notice and are required to make the Share Purchase Consideration thereafter accordingly. In three cases Share Transfer Notice expired and had to be re-issued as required action was not taken by the Transferees (States/UTs) within 30 days.

2. Pursuant to the above Share Transfer Notices, only **Central Government**, **Govt. of Madhya Pradesh, Maharashtra, Nagaland, Manipur, Jharkhand, Puducherry** and **Delhi** have accepted the proposal within the above timelines.

3. The required action is still awaited from the remaining State Governments through Purchase Notice and pay the respective share purchase consideration and execute necessary documentations including Shareholders' Agreement and send the same to GSTN.

4. The Council may take note of the above and issue necessary advisory/directions to all concerned State Governments in order to complete one of the requirement(s) for conversion of GSTN into 100% Government owned entity.

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Agenda Item 2: Issues concerning GST rate on Lottery

In 32nd GST Council meeting held on 10.01.2019 at New Delhi, a proposal on rationalization of GST on Lottery was moved and consequently the Council decided to constitute a Group of Ministers (GoM) to look into various issues relating to GST on Lottery.

2. GoM on Lottery in its first meeting held on 18.02.2019 deliberated on the issues related to lottery and on the issue of tax rate on lottery, the GoM recommended as under for consideration of the 33rd GST Council on 24.02.2019 [Agenda item 7(i) refers]: -

(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%.

2.1. The interim report of the GoM issued after the first meeting is enclosed as **Annexure 1**. The 33rd GST Council referred above deliberated on the issue and agreed that the issue be examined further by the GoM on Lottery and its recommendations be brought before the Council.

3. In the interregnum, M/s. Skill Lotto Solutions Pvt. Ltd., a lottery distributor filed Writ Petition (C) No. 961/2018 in the Hon'ble Supreme Court on the following grounds: -

(i) GST cannot be levied on lottery as 'goods'.

(ii) GST on lotteries should be imposed after excluding the prize money component of the lottery ticket since the said amount never forms part of income in the lottery trade (Herein and after referred to as the valuation issue).

(iii) GST cannot be levied on lottery at two different rates as it is in violation of article 14, 19(1)(g), 301, 304 of the Constitution of India. The discriminatory rate of tax be set aside and all the lotteries may be taxed at the rate of 12% after adjusting the prize money component from the face value of lottery ticket (Herein and after referred to as the rate issue).

3.1. The Hon'ble Apex Court in its interim order dated 30.04.2019 has taken on record the statement of ld. ASG Shri Vikramjit Bannerji that all issues raised in the writ petition shall be considered by GoM on Lottery in the next meetings.

4. Accordingly, issues agitated in the Writ Petition (C) No. 961/2018 at Hon'ble SC were included for discussion in the second meeting of the GoM held on 11.06.2019. The report of GoM on its second meeting is enclosed as **Annexure 2**.

4.1. On the rate issue, the recommendation of GoM after second meeting is as follows: -

(i) There was no consensus on the need for a new rate of GST on lottery. Assam, Arunachal Pradesh, Goa, Maharashtra supported single rate of GST. However, Kerala, Punjab, West Bengal and Karnataka supported the existing two rates of GST on lottery. Punjab was willing to consider lower

uniform rate, if there were legal difficulties with rate differential. Therefore, the Convener of the GoM directed that the matter be placed before the GST Council and the Council decide appropriate rate structure on the supply of lottery. Given that this is a sin goods, rate of tax should be high i.e. 28% or 18%.

(ii) The constitutional challenge to the dual rate structure may be defended forcefully.

4.2. The report of the GoM was tabled before 35th GST Council meeting held on 20.06.2019 [Agenda Item 7(i)]. The Council accepted the recommendations of the GoM on all the issues except the issue of GST rate on lottery. The Council decided to seek the legal opinion of Ld. AG before deciding further on the rate of GST on lottery.

4.3. The legal opinion of the ld. AG was placed before the 37th GST Council meeting held on 20.09.2019. The Ld. AG opined that having a uniform high rate of GST for 'State Run Lotteries' and 'State Authorised Lotteries', both of which have the same deleterious social effects, cannot be said to impermissible. The ld. AG also opined that the levy of differential tax rates on lottery is not violative of Article 304 of the Indian Constitution. The legal opinion of the Ld. AG is enclosed as **Annexure 3.** The Council referred the matter back to GoM for suitable decision. The relevant excerpts from the draft Minutes of the 37th GST Council Meeting on the matter is enclosed as **Annexure 4**.

5. Meanwhile, the Writ Petition (C) No. 961/2018 was heard on 03.12.2019, by Hon'ble SC. Shri Vikramjit Bannerji, Ld. ASG has informed Department of Revenue vide letter dated 04.12.2019 that Hon'ble Supreme Court has adjourned hearing of writ petition to 15.01.2020, to enable the department to convey the decision of the GST Council on the issue as a final opportunity.

6. The current status on the grounds raised in the writ petitions is as follows: -

S.No	Issue raised in the Writ Petition	Current Status before the GST Council
1	GST cannot be levied on lottery as 'goods'	GoM on lottery recommended that supply of lottery should continue to be treated as actionable claims i.e goods and leviable to GST as per the existing provisions of GST law. Court cases may be defended forcefully. The 35th GST Council on 21st June 2019 accepted the decision of the GoM.
2	Impose GST on lotteries after excluding the prize money component of the lottery ticket since the said amount never forms part of income in the lottery trade [Valuation Issue].	GoM on lottery recommended that GST should continue to be levied on face value of lottery which includes prize money as per the existing provisions i.e Rule 31A of CGST Rules. Court cases may be defended forcefully. The 35th GST Council 21st June 2019 accepted the decision of the GoM.
3	GST cannot be levied on lottery at two different rates as it is in violation of article 14, 19(1)(g), 301, 304 of the Constitution of India. The discriminatory rate of tax be set aside and all the lotteries may be taxed at the rate of 12% after adjusting the prize money component from the face	In the GoM on lottery, there was no consensus on whether a uniform rate of GST be levied on lottery or existing two rates on lottery should continue. GoM referred the matter to 35th GST Council. The Council decided to seek the legal opinion of Ld. AG on the matter. The legal opinion of Ld. AG was placed before 37th GST Council held on 20.09.2019. There was no consensus in the Council on the rate of GST. Therefore, the Council referred the matter to GoM for a suitable decision so that a consensus can be reached on the matter.

	value of lottery ticket [Rate Issue].	

7. The GoM on lottery and GST Council have decided on all the issues agitated by the petitioners except the issue of GST rate. The matter cannot be further deliberated upon in GoM till appointment of a new convener in place of Shri Sudhir Mungantiwar, Hon'ble FM of Maharashtra.

8. There are associated issues which the GoM was considering as listed below, though it was not part of the original reference to the GoM. Therefore, these issues may be appropriately examined in the law committee and placed before the GST Council for decision: -

Supply	**Request made by the industry**
Casinos	Value retained by a Casino after winnings as taxable value.
Horse Racing	Value retained by a club after giving prize money as taxable value.
Online Gaming	Value retained by an online platform after giving prize money as taxable value.

9. Since the next date of hearing in the Hon'ble SC on the matter of lottery is on 15.01.2020, the Council is requested to take decision on the issue of tax rate on lottery [Sl. No. 3 of paragraph 6]. Otherwise also on the rate issue, the recommendation of the GoM (refer paragraph 2 and 4.1) is already there.

10. The agenda may be taken up for deciding the rate of GST on lottery and to approve examination of other issues (refer paragraph 9) though the law committee.

Annexure 1

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).

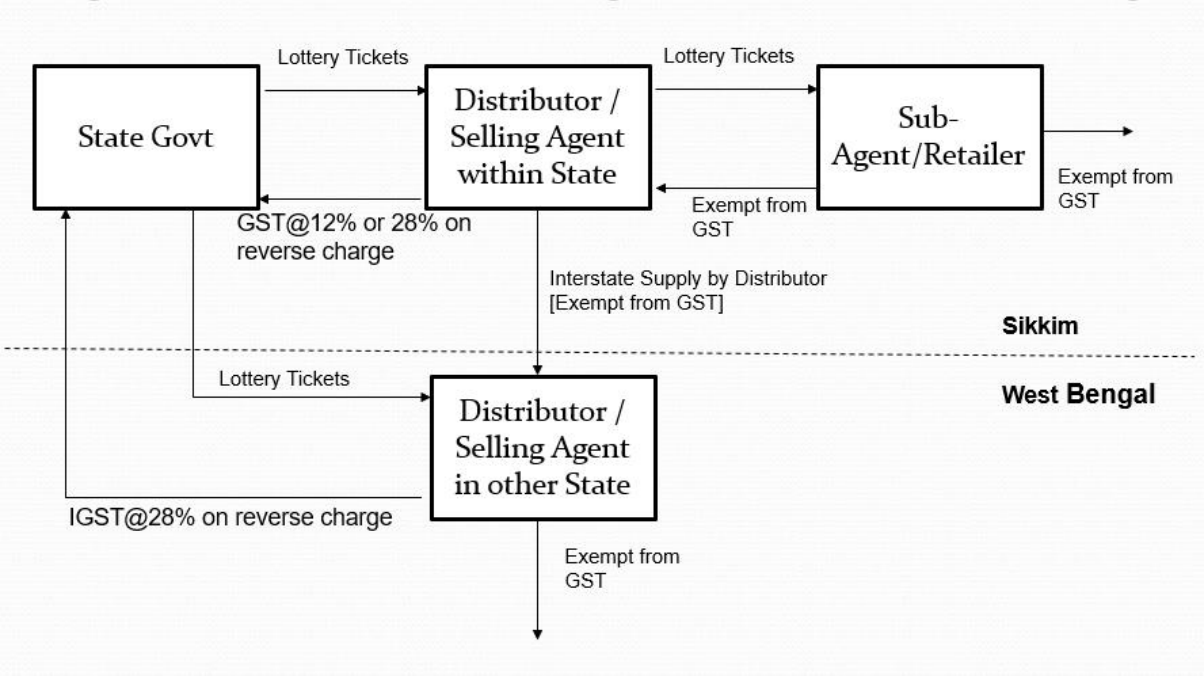
3. The first meeting of GoM on Lottery on 18th February 2019 was chaired by the convener of GoM Shri Sudhir Mungantiwar, Hon'ble FM of Maharashtra. The meeting was attended by Hon'ble Ministers from Assam and Goa. States of West Bengal, Assam, Arunachal Pradesh, Karnataka were represented by Commissioners 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.

Annexure 2

REPORT OF GoM ON LOTTERY

(after 2nd meeting)

1. Introduction

1.1 In 17th GST Council meeting held on 18th June 2017, GST rate of 12% on face value of lottery ticket for Lottery run by the State Government and 28% on face value of lottery ticket for lottery authorized by the State Government were approved. After issue of rate notification, representations were received requesting levy of single rate of GST on face value after deduction of prize payout money as incidence of tax on lottery in pre-GST era was much lower. The dual tax was also acting as trade barrier to lottery of North eastern states. Many writ petitions were also filed before different High Courts and Apex Court challenging the constitutional validity of the levy, adoption of dual rates and manner of valuation of supply.

1.2 In 32nd GST Council meeting held on 10.01.2019 at New Delhi, a Group of Ministers (GoM) on Lottery was constituted. GST Council Secretariat vide its order dated 15.01.2019, constituted an eight members GoM consisting 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 Sarma	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

1.3. 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. Decisions Taken in First Meeting of GoM on Issues Relating To Lottery

The first meeting of the GoM was held on 18.02.2019. The GoM submitted interim report to the GST Council which was placed before GSTC in its 33rd meeting held on 24th February, 2019. The Council directed the GoM to meet again. The summary of issues discussed and observations of the GoM in its interim report are enclosed in Annexure 1.

3. **Interim Development**

3.1. M/s. Skill Lotto Solutions Pvt. Ltd. has filed writ petition in the Supreme Court questioning the leviability of GST on lottery, valuation and two rates of GST. In said case, the Hon'ble Apex Court in order dated 30th April 2019 has taken statement of learned ASG on record that all issues raised in the Writ Petition (WP) shall be considered by GoM on Lottery.The prayers / challenges made by the Petitioner in the WP are: -

i. Validity of levying GST on 'lottery'[Schedule III (Entry 6) of CGST Act, 2017]

ii. Need for exclusion of prize money from the taxable value of lottery

iii. Imposition of single GST rate of 12% on the face value which should exlude prize money.

3.2 The Court has adjourned the hearing of the instant writ petition to the last week of July 2019.

4. **Agenda Before GoM on Lottery in 2nd Meeting held on 11th June 2019, Mumbai**

4.1 Based on the issues referred by the GST Council and the WPs filed before various forums, the agenda for consideration and decision before the GoM were as follows:

i. GST rate on supply of lottery
ii. Ensure destination principle for supply so that GST revenue accrues to the consuming state
iii. Valuation to be adopted for charging GST
iv. Address the Constitutional challenge to levy of GST on Lottery as 'Goods'
v. Regulation of online lottery.
vi. Miscellaneous Representations similar to Lottery

4.2 The Second meeting of GoM was held on 11.6.2019 at Mumbai. The Converner of GoM Shri Mungantiwar, Hon'ble Finance Minister, Govt. of Maharashtra chaired the meeting and Shri Mauvin Godinho, Hon'ble Minister for Panchayats, Govt. of Goa attended the meeting in person. Hon'ble Ministers from Kerala, Dr. T. M. Thomas Isaac, West Bengal, Dr. Amit Mitra and Punjab, Sh. Manpreet Singh Badal attended the meeting through Video Conference and Assam and Karnataka were represented by the officers who also attended the meeting through Video Conference. The views of Arunachal Pradesh were received telephonically. Summary of Recommendations by GoM on Lottery is as under:-

S.No	Agenda Item	Recommendation of GoM
1	GST Rate on Supply of Lottery	(i) There was no consensus on the need for a new rate of GST on lottery. Assam, Arunachal Pradesh, Goa, Maharashtra supported single rate of GST. However, Kerala, Punjab, West Bengal and Karnataka supported the existing two rates of GST on lottery. Punjab was willing to consider lower uniform rate, if there were legal difficulties with rate differential. Therefore, the Convener of the GoM directed that the matter be placed before the GST Council and the Council decide appropriate rate structure on the supply of lottery. Given that this is a sin goods, rate of tax should be high i.e. 28% or 18%. (ii) The constitutional challenge to the dual rate structure (ref. para 5.4) may be defended forcefully

2	Ensure Destination Principle For Supply So That GST Revenue Accrues to Consuming State	(i) The decision has already been taken by 28th GST Council in meeting held on 21.07.2018 [Agenda Item 8(i)] that a circular be issued after lottery organising states have framed the requisite rules. In order to implement this decision, GoM decided that: (a) the States should frame rules expeditiously as approved by the GST Council and (b) a Circular on the operational details would be issued once the necessary changes in the lottery rules have been made by the lottery organising States. (ii) The existing exemption on inter-state supply by a distributor/selling agent in supplying State to the other agents in consuming may be examined in the Fitment Committee for removal, if this is leading to loss of revenue to the consuming State
3	Valuation To Be Adopted For Charging GST	GST should continue to be levied on face value of lottery which includes prize money as per the existing provisions i.e Rule 31A of CGST Rules. Court cases may be defended forcefully.
4	Address Constitutional Challenge To Levy of GST on Lottery as 'Goods'	Supply of lottery should continue to be treated as actionable claims and good, thus, leviable to GST as per the existing provisions of GST law. Court cases may be defended forcefully.
5	Regulation of Online Lottery	The State governments are empowered by existing lottery laws to ban online lottery. Experience shows that banning online lottery leads to good growth of revenue on paper Lottery. Maharashtra volunteered to submit a draft on online lottery regulation.
6	Miscellaneous Representations similar to Lottery	The rate and valuation issues of Casinos, Horse Racing, Online Gaming, Betting may be referred to Fitment/Law Committee and then taken to GST Council either directly or through GoM as approved by the Union Finance Minister.

5. **Agenda Item No 1: GST Rate on Supply of Lottery**

5.1 In so far as GST rates are concerned, at present, two rates of GST apply on supply of lottery as detailed below: -

Nature of Lottery	GST Rate	Reference
Lottery run by State government [sold within the State, not outside]	12%	Sl. No. 242 of Notification No. 1/2017
Lottery authorised by State government [sold within the State, and outside the State also]	28%	Sl. No. 228 of Notification No. 1/2017

5.2. Such dual rates of GST on supply of lottery has created following problems: -

(i) Lower rate of 12% on the lottery run by a State government acts as market barrier to lottery of other states sold within a State as high rate of GST i.e 28% is levied on the lottery of a State sold outside the State. This affects the market of smaller States like Sikkim, Nagaland, Goa etc as several representations have been received by these States. Such smaller States have demanded a uniform rate of GST on lottery as post-GST, India has become integrated market with uniform tax rate and uniform market access .

(ii) Section 2(b) of the Lotteries (Regulation) Act, 1998 [LRA Act] defines single type of lottery i.e "lottery" means a scheme, in whatever form and by whatever name called, for distribution of prizes by lot or chance to those persons participating in the chances of a prize by purchasing tickets. As seen from the definition, lottery Act does not create various class of lotteries and therefore, creation of State run and state authorized lottery for purpose of GST has no legal basis (Though In the recent Calcutta HC Judgement dt 10.10.2018 in case of Teesta Distributors Vs UoI on Lottery, the existing differential levy of GST on lottery was upheld based on the fact that the decision was taken by the GST Council after detailed deliberation).

(iii) Lack of clarity among the trade leading to compliance issues like levying GST@12% where GST@28% is applicable and increase in the litigation from the trade due to such high difference in tax between two types of lottery.

5.3. The possible option for a uniform tax rate on supply of lottery in GST is as follows:

GST @18%/28% on lottery upfront at the face value of the lottery ticket and exempting the lottery distribution chain rather than the present two rate of 12% and 28%.	
18% (one rate)	**28%(one rate)**
1. Lottery is a sin/demerit good and merits a high rate of tax. 2. Full GST will be collected upfront from the State appointed Lottery Distribution / Selling Agent (Under reverse charge mechanism). 3. There will be no GST compliance requirement for the Lottery distribution chain as at present	1. Illegal lottery trade due to high tax rate of 28% on the face value of lottery ticket.Such illegal trade creates social and Law & Order problems. 2. Loss of GST revenue due to lower compliance and growth of grey market. Therefore, 18% seems to be a more appropriate rate. 3. The other points remain identical to 18%

5.4 CONSTITUTIONAL CHALLENGE TO ADOPTION OF TWO DIFFERENT RATES FOR SAME SUPPLY: GST Council in its 17th meeting has considered problem of illegal lottery and has accordingly prescribed separate rates for state run and state authorized lottery, recognizing two as separate class of supplies. Such differential rates for supply of same good and service have been prescribed by GST Council for many other goods and services such as hotel accommodation, supply of food and drinks, travel in air etc. mainly based on spending capacity, geography, level of consumption etc.

5.5 The categorization of sale of lotteries as lotteries organized by States and the lotteries authorised by the State has been approved by the SC in case of J.K. Bharati v. State of Maharashtra, 1984.

5.6. As per Hon'ble SC's judgements in case of Federation of Hotel and Restaurants Association VsUoI, 1989 and Nitdip Textile Processor VsUoI, 2012, the legislature enjoys a very wide latitude in classification for taxation. Further as per SC decision the State is allowed to pick and choose districts, objects, persons, methods and even rates for taxation, if it does so reasonably.

5.7. Lower rate of 12% on the lottery run by a State government acts as market barrier to lottery of other states sold within a State as high rate of GST i.e 28% is levied on the lottery of a State sold outside the State. This differentiation also exists when lottery authorized by the state is sold within the orgainzing state itself. This affects the market of smaller States like Sikkim, Nagaland, Goa etc as several representations have been received by these States. Such smaller States have demanded a uniform rate of GST on lottery as post-GST, India has become integrated market with uniform tax rate and uniform market access.

5.8. The Calcutta HC in case of Teesta Distributors &OrsVs UOI has upheld the differential levy of tax on State-run and State Authorized Lottery. The Hon'ble Court has observed that it was after extensive deliberations that the GST Council had approved the rates as presently obtaining in respect of lottery. It is within the domain of such Council to decide the rate of tax. In such circumstances, the third issue is answered by holding that differential levy of tax is permissible. Though levy of two rates on supply of lottery is legally defensible, it would be desirable to have a uniform rate of tax on lottery in view of arguments advanced in para 5.7

5.9 **Record of Discussions of GoM on Agenda Item No 1**

5.9.1. In his opening remarks, the Convener of the GoM Shri Sudhir Mungantiwar, Hon'ble Finance Minister, Govt. of Maharashtra welcomed all the members and briefly explained the agenda before the GoM for discussion and decision. He asked the JS(TRU-II), CBIC Shri Manish Kumar Sinha to make the presentation. The Joint Secretary made the presentation and the Convener requested the members to give their views on the agenda items.

5.9.2. **Punjab**: Hon'ble FM of Punjab, Shri Manpreet Singh Badal stated that current differential rate of 12% and 28% on lottery should continue. However, State of Punjab is willing to consider single rate of GST on lottery, if the current differential levy is legally not tenable. Also, Hon'ble FM of Punjab opined that a high rate of 28% on lottery would increase the illegal lottery and decrease the revenue due to the government. Therefore, there is a case for reduction of GST on lottery and bringing it to 18%.

5.9.3. **West Bengal:** Hon'ble FM of West Bengal, Dr. Amit Mitra stated that the current rate structure should continue as the State is having good experience with current differential levy of GST on lottery. It is legally tenable and the State would like to continue with the current two rates on lottery. Hon'ble FM referred to recent judgement of Calcutta High Court in case of Teesta Distributors Vs UoI, where the Court has upheld the existing differential levy of GST on lottery and said that as of now, two rates are legally permissible unless Apex Court decides otherwise. Also, high rate of 28% on lottery authorised by State government should not be decreased at any cost as it is a sin good. If decreased, it will lead to a domino effect with similar demands of reduction for other sin goods/services such as gambling, Betting, Casinos, Horse Racing etc. The rate of 12% on lottery run by State government should continue as it has resulted in high GST revenue to State of West Bengal. Finally, Hon'ble Minister concluded that high rate of 28% on lottery authorised by state government should not be decreased and GST at the rate of 12% on lottery run by state government should also continue. Thus, there was clear justification for the present tax structure to continue.

5.9.4 **Assam**: Hon'ble FM of Assam, Dr. Himanta Biswas Sarma could not attend the meeting. However, the view of the Hon'ble Minister were communicated though the representative officer from

Assam. The State of Assam submitted that there should be high tax rate of 28% as lottery as it is a sin good. Reducing the GST from 28% will send wrong signal to people that GST Council is supporting the supply of a sin good like lottery. Assam opined that there is no equity in the existing GST rates on lottery even if the rate structure is legally tenable. Assam strongly opposed the discriminatory rates of GST on lottery and stated that differential levy of GST on lottery has reduced the market of smaller North-Eastern States by acting as market entry barrier, thereby, decreasing the revenue. The differential rate is acting as an entry tax for the lotteries of the smaller State and therefore should not have a place in the GST structure.

5.9.5. **Karnataka**: Hon'ble Minister of Karnataka could not attend the meeting. The view of the Hon'ble Minister were communicated though the representative officer from Karnataka. Karnataka supported existing two rates of GST on lottery supply. Karnataka also stated that levy of differential rates is legally tenable. Also, there is no difference between State run and State authorised lottery when supplied outside the State. The difference exists only when it is supplied within State. Thus the tax rate differential is quite nuanced.

5.9.6 **Kerala**: Hon'ble FM of Kerala, Dr. T.M. Thomas Isaac supported the view taken by West Bengal and Punjab. The Hon'ble FM stated that two rates of GST on lottery have already stood the legal scrutiny (Calcutta HC judgement in case of Teesta Distributors Vs UoI). Therefore, status-quo should be maintained on the rates of GST on lottery. Kerala also offered to be the distributor/selling agent for the lottery of smaller states and in return give more revenue to the smaller States. Taking note of the concerns in rise of illegal lottery as a reason to reduce the GST from 28% on lottery authorised by state government, Kerala opined that, such illegal lottery existed in pre-GST era also and also that such problems should be dealt with enforcement measures. There would be loss of revenue to both Centre and States if rate is reduced from 28%. Ilelgal lottery can be controlled by better enforcement methods by the State governments. By reducing the rate from 28%, neither government nor customers benefit. It is not clear as to who benefits from such rate reduction. Therefore, existing two rates of GST on lottery should continue. Kerala also stated that position represented in their letter dated 10.03.2019 addressed to Union Finance Minister may be taken as their stand on various issues associated with lottery. Hon'ble Minister also brought to the notice of the GoM his views expressed in the letter dated 11.06.2019 (Letter dated 10.03.2019 and 11.06.2019 are enclosed as Annexure '4')

5.9.7 **Goa**: Hon'ble Minister from of Goa, Shri Mauvin Godinho stated that a single rate of GST@18% should be levied on all forms of lottery. The existing rate structure is highly discriminatory as such two rates decreases the market access to the smaller states. The smaller states are voiceless due to protectionist measures of the bigger states. The high rate of 28% on lottery would give flip to illegal forms of lottery, which not only decreases the government revenue but also leads to law and order and other associated problems in the society. Hon'ble Minister stated that when there is a demand for lower GST slabs from people in general and multiple rates on same good should not be continued. GST should move towards one rate, one market tax regime in India as convergence of tax rates is an accepted goal of GST in India. Therefore, lottery should be taxed at a uniform rate of 28%. .

5.9.8 **Arunachal Pradesh**: The representative official from Arunachal Pradesh conveyed telephonically that a single rate of 18% should be applied on lottery for the reasons already elaborated. The same may be taken on record. .

5.9.9 **Maharashtra**: Hon'ble FM of Maharashtra stated that GST has integrated the country in one market with uniform rate of taxes. In the federal spirit it would be desirable to understand the necessities of smaller states too. Therefore, there should be single rate of GST at 18% or 28% on lottery. As no concensus has emerged on the issue of rate of duty, it is recommended that GST Council decide the rate

of tax which should apply on lottery, thoudh his view was that it should be a single rate of either 28% or 18%.

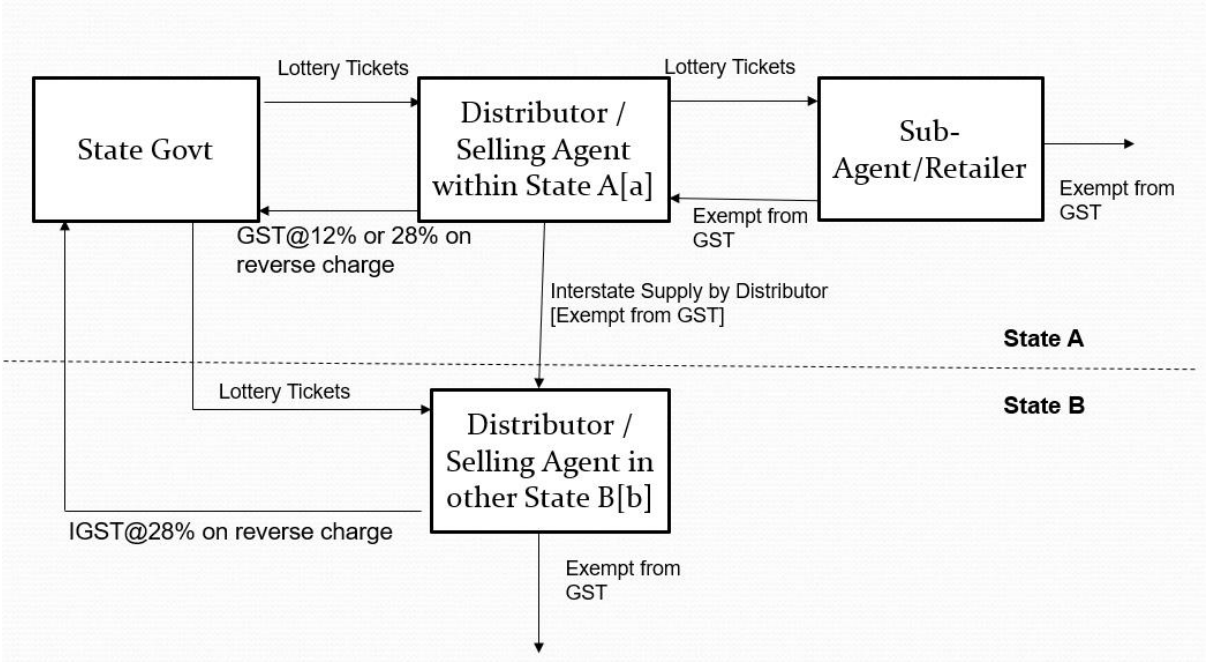
5.10 **Recommendation of GoM on Agenda Item No 1**

(i) There was no consensus on the need for a new rate of GST on lottery. Assam, Arunachal Pradesh, Goa, Maharashtra supported single rate of GST. However, Kerala, Punjab, West Bengal and Karnataka supported the existing two rates of GST on lottery. Punjab was willing to consider lower uniform rate, if there were legal difficultiees with rate differential. Therefore, the Convener of the GoM directed that the matter be placed before the GST Council and the Council decide appropriate rate structure on the supply of lottery. Given that this is a sin goods, rate of tax should be high i.e. 28% or 18%.

(ii) The constitutional challenge to the dual rate structure (ref. para 5.4) may be defended forcefully.

6 Agenda Item No 2: Ensure Destination Principle For Supply So That GST Revenue Accrues to Consuming State

6.1 The supply of lottery by a State Govt to a distributor / selling agent 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].



6.2 In case of intra-State supply of lottery for consumption within the organizing state, the distributor / selling agent receiving the lottery tickets from the organizing state pays GST on RCM basis and supply to and by sub-agents / retailer down the supply chain to ultimate lottery ticket buyer is exempt. This is working well and there is no need for any change.

6.3.1 In case of inter-state supply of lottery by distributor / selling agent of organizing state to the distributor / selling agent in the consuming state, GST does not accrue to the consuming state as such supplies are exempt from GST. This is because the present GST notification exempts supply from distributor / selling agent (a) in State A to distributor / Selling agent (b) in state B, thereby holding the

tax in State A only. In order to ensure that the tax on lottery accrues to the consuming state in line with the destination principle of GST, the following possible change were examined.

6.3.2 The first option therefore is as follows. In case of sale of lottery for consumption outside the organizing state, it was discussed whether the present IGST exemption on inter-state supply needs to be withdrawn (i.e supply from (a) to (b)). Such inter-state supply shall be taxed on RCM basis in the hand of first distributor / selling agent in the consuming state, who receives the supply from the distributor located in the originating state as there appears no bar in law to do so. Further, for such supply, the preceding supply within the organizing state may be exempt subject to payment of IGST by the distributor / selling agent in the consuming state. Subsequent sale by first distributor / selling agent to sub-agent / retailer to ultimate lottery buyer within the consuming state shall also be exempt. Appropriate safegaurd mechanism would be built in the notification so that both (a) and (b) clearly identify themselves to the revenue authorities in the respective States.

6.3.3 In case of supply of lottery by the organising state to a distributor in the consuming state directly, tax shall be paid by the distributor in the consuming State on the reverse changre basis. This arrangement is at present also working and shall continue.

6.4.1 The second option on the issue is as follows. The issue of sale of lottery ticket by distributor / selling agent in the organizing state to distributor / selling agent in the consuming state instead of by organizing state directly and non-payment of IGST and non-accrual of tax to the consuming state was also discussed by the Committee of Officers earlier and the following changes in the lottery rules were suggested:

i. An organising State shall sell lottery tickets meant for another State to a distributor located in such other State only.

ii. A distributor located in a State selling tickets of another organising State shall buy such tickets directly from the organising State Government.

6.4.2 This change was approved by the GST Council in its 28th meeting held on 21st July, 2018. It would appear the State of Kerala has amended its rules / regulation on the above lines. Status of amendment by other States would be ascertained through GST Council. Changes proposed at para 6.4.1 above will address this problem of non-accrual of GST revenue to lottery consuming states and is an alternative which already has the approval of the GST Council.

6.5 Record of Discussions of GoM on Agenda Item No 2

6.5.1 Hon'ble Minisster from Punjab directed the officials to explain as to how the revenue on inter-state sale of lottery was not accruing to the consuming State. The officials expressed the concern about the loss of revenue to the consuming State and suggested that only inter-state supply by a distributor/selling agent in organising state to a distributor /selling agent in other state should be levied under forward charge in order to allow utilisation of input tax credit. However, Punjab was also comfortable with the existing provisions of reverse charge on the supply of lottery.

6.5.2 Officials from West Bengal pointed out that even presently on all sale of lottery organized by other states CGST and SGST is being paid to West Bengal as either these Government or their fixed establishments are registered in their state. The IGST exemption is not available on such sale as no IGST has been paid by the distributors of the organizing state and hence they are liable to pay IGST on RCM basis on such inter-state supply. West Bengal also suggested that existing exemption entry in case of inter-state supply by a distributor/selling agent may be omitted from the existing notification and that

reverse charge mechanism on the supply of lottery by State government to a distributor/selling agent should continue as it is working quite well.

6.5.3 Kerala opined that other option of levying IGST on supply of lottery by a distributor/selling agent from organsing State, when supplied to other distributor/selling agent is against the provisions of Lottery Regulation Act and Rules. Hon'ble Minister from Kerala also alluded to the need for privity of contract between the State and the main distributor of the lottery and many irregularities which were pointed out by CAG when the lottery was supplied through the chain of dealers. State of Kerala stated that the decision taken by 28th GST Council in meeting held on 21.07.2018 [Agenda Item 8(i)] that a circular be issued after lottery organinsing states have framed the requisite rules may be implemented to protect the revenue interests of the consuming States.

6.6 **Recommendation of GoM on Agenda Item No 2**

(i) The decision has already been taken by 28th GST Council in meeting held on 21.07.2018 [Agenda Item 8(i)] that a circular be issued after lottery organinsing states have framed the requisite rules. In order to implement this decision, GoM decided that:

(a) the States should frame rules expeditiously as approved by the GST Council and

(b) a Circular on the operational details would be issued once the necessary changes in the lottery rules have been made by the lottery organising States.

(ii) The existing exemption on inter-state supply by a distributor/selling agent in supplying State to the other agents in consuming may be examined in the Fitment Committee for removal, if this is leading to loss of revenue to the consuming State.

7 **Agenda Item No 3: Valuation To Be Adopted For Charging GST**

7.1 This issue arises out of the Writ Petition filed in the Supreme Court by M/s Skill Lotto Solutions Pvt. Ltd. wherein in the interim order passed on 30.4.2018, the Hon'ble Apex Court has taken the statement of ASG on record that all issues raised in the Writ petition shall be considered by the Group of Ministers and they are under active consideration as on date.

7.2 At present, value of supply of lottery is determined under Rule 31A of the CGST Rules, which is 100/112 of the face value of the ticket or the price notified in the official gazette, whichever is higher, in case of State-run lottery and 100/128 of the face value of the ticket or the price notified in the official gazette, in case of State-authorized lottery.

7.3 Request to revise method of valuation by providing for deduction towards price money is not consistent with the provisions of section 15 of the CGST Act. As per section 15 the value of a supply of goods or services or both shall be the transaction value, which is the price actually paid or payable for the said supply of goods or services or both where the supplier and the recipient of the supply are not related and the price is the sole consideration for the supply. As per section 2(31) "consideration" in relation to the supply of goods or services or both includes—(*a*) any payment made or to be made, whether in money or otherwise, in respect of, in response to, or for the inducement of, the supply of goods or services or both, whether by the recipient or by any other person but shall not include any subsidy given by the Central Government or a State Government. Since face value of the lottery ticket is the amount paid by the lottery player to the organisers, such gross value is the consideration for the supply and has been treated as cum-tax value for the supply in Rule 31A of CGST Rules.

7.3.1 Value for paying GST on lottery specified under Rule 31A of CGST Rules is as per power vested under section 15(4) of the CGST Act. It broadly provides for payment of GST on the gross amount paid by the lottery participant and includes the prize money payable to the lottery winners. Prize payout is not a permissible deduction under section 15(3) of the Act and is also not a pure supply as per the provisions of rule 33 of the CGST Rules. This is also valid from the perspective that a consumption tax is a tax on full consideration for the consumption and not only on the income arising out of the transaction.

7.3.2 Honble Supreme Court has laid the foundation for valuation of lottery in case of Sunrise Associates limited while overruling the case of H.Anraj vs Govt of TN. In H. Anraj case, Hon'ble Supreme Court had held that sale of lottery involved right to participate in lottery and right to win lottery. The two are separate rights. This implicitly acknowledged that value in case of supply of lottery can be split towards supply of right to participate and right to win prize. However, this distinction was not concurred with by the Constitutional Bench of Hon'ble Supreme Court in case of Sunrise Associates Vs Govt. of NCT of Delhi & Ors wherein it held that right to participate and right to win prize are inseparable rights conferred on the lottery buyers and entire consideration is paid for the chance to win.

7.3.3 Accordingly, in the GST Act and rules the two rights in relation to lottery which are inseperable are collectively valued at the face value. There is no case for taking out the prize pay out money from the value to be taxed. The valuation thus provided under Rule 31A is inline with the Hon'ble Apex court decision in case of Sunrise Associates. The request for deduction from value is thus, legally untenable and may not be accepted. (Though it may also be noted that valuation of lottery was not the subject matter of litigation in these judgments).

7.4 **Record of Discussions of GoM on Agenda Item No 3:** The GoM unanimously agreed to levy GST on face value of lottery which includes prize money as per the existing provisions of GST (Rule 31A of CGST Rules). GoM also authorised the Union of India to defend in case of litigation forcefully.

7.4 **RECOMMENDATIONS OF THE GoM**

GST should continue to be levied on face value of lottery which includes prize money as per the existing provisions i.e Rule 31A of CGST Rules. Court cases may be defended forcefully.

8 **Agenda Item No 4: Address Constitutional Challenge To Levy of GST on Lottery as 'Goods'**

8.1. The Writ Petition filed in case of Skill Lotto Solutions Pvt. Ltd. has challenged the Constitutional validity of levying GST on actionable claims and their inclusion in the definition of goods in GST.

8.2 The definition of 'goods' under Article 366(12) of the Constitution of India is an inclusive one. As per decision of Hon'ble Apex Court in case of Sunrise Associates v. Government of NCT of Delhi, lottery is an 'actionable claim' and generally speaking 'goods' or 'moveable property'[decision of Calcutta HC in case of Teesta Distributors &OrsVs UOI].

8.3 The inclusion of 'actionable claim' in the definition of 'goods' is legislative recognition of the judicial pronouncement. Therefore, it cannot be argued that, the Union Parliament or the State Legislature did not have competence to include 'actionable claim' in the definition of 'goods'.

8.4 Hon'be Supreme Court in case of East India Tobacco Co. v. State of Andhra Pradesh has held that in tax matters, "the State is allowed to pick and choose districts, objects, persons, methods and even rates for taxation if it does so reasonably. In case of Raja Jagannath Baksh Singh v. The State of U.P.,

the Apex Court has held that the legislature which is competent to levy a tax must inevitably be given full freedom to determine which articles should be taxed, in what manner and at what rate.

8.4 **Record of Discussions of GoM on Agenda Item No 4:** The GoM unanimously agreed continue current provisions of GST law on classifying 'lottery' as goods and authorised the Union of India to defend in case of litigation forcefully.

8.5 **Recommendation of GoM on Agenda Item No 4**

Supply of lottery should continue to be treated as goods leviable to GST as per the existing provisions of GST law. Court cases may be defended forcefully.

9 **Agenda Item No 5: Regulation of Online Lottery**

9.1 In past GST Council meetings, North-Eastern states have represented that a lot of misreporting was happening in inter-State operations of lottery and was more pronounced in case of online lotteries. The rampant misrepresentation and misreporting especially in online lottery was leading to revenue leakage and need has been expressed for regulating the same.

9.2 The Constitutional and legal provisions governing the regulation and control of Lotteries in India are enclosed as Annexure 'B'. The provisions exist in Lotteries regulation and rules to organize, regulate and prohibit lotteries of any kind. Rule 3 of the Lotteries (Regulation) Rules, 2010 provides that a State Government may organise a paper lottery or online lottery or both subject to the conditions specified in the Act and these rules. As per Rule 2(e) of the lottery rules, "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. of Lottery.*

9.3 The State governments are also empowered to ban online lottery as per Section 5 of the Lotteries (Regulation) Act, 1998 provided the ban is both for the online lottery conducted by the State and the online lottery authorised by other States. In 2005, Kerala State banned online lottery within the State. The decision of Kerala was upheld by the Hon'ble Supreme Court of India [All Kerala Online Lottery Dealers Association Vs State of Kerala, 2007 refers]. West Bengal also banned online lottery in 2013.

9.3 The revenue from paper and online lottery received by lottery organizing and selling states during 2017-18 and 2018-19 (upto December, 2018) is as under:

A. **Revenue from Paper Lottery**

S. No	State	2017-18 (GST Period)			2018-19 (Upto Dec'18)		
		12%	28%	Total	12%	28%	Total
1	West Bengal	5.51	1820.1	1825.61	124.51	2112.8	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	3.9	9.07
6	Sikkim	Nil	Nil	Nil	Nil	Nil	Nil
7	Arunachal	Nil	2.66	2.66	Nil	10.64	10.64
8	Assam (Bodoland)	Nil	12.56	12.56	Nil	0.51	0.51
9	Nagaland	Nil	Nil	Nil	Nil	Nil	Nil
	Total	**856.37**	**2136.78**	**2993.15**	**863.13**	**2301.4**	**3164.53**

B. **Revenue from Online Lottery**

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	0.03	0.36	0.39	0.12	1.21	1.33
7	Arunachal	-	-	-	Nil	162.28	162.28
8	Assam (Bodoland)	Nil	94.49	94.49	Nil	46.1	46.1
9	Nagaland	Nil	Nil	Nil	Nil	0.01	0.01
	Total	**0.03**	**910.28**	**910.31**	**0.12**	**560.67**	**560.8**

9.4 Experience suggests both in West Bengal and Kerala, banning of online lottery has led to higher growth in revenue from paper lottery. Therefore, GoM may consider–appropriateness of following possible steps -

(i) Banning online lottery and leaving it to the State Governments to take individual decision on banning of online lottery.

(ii) Seeking GSTC's in-principle approval for authorizing Central / State Governments in prescribing adequate safeguards and conditions in rate / exemption notifications resulting in effective regulation of online lotteries.

(iii) Writing through GSTC to the Ministry of Home Affairs and State Governments for carrying out necessary amendments in Lotteries(Regulations) Act, 1998 and Lotteries (Regulation) Rules, 2010, as the case may be, to give effect to conditions and safeguards at (ii) above to avoid any challenge to the legality of the same.

9.5 **Record of Discussions of GoM on Agenda Item No 5:** The GoM after discussion concluded that State governments are empowered by existing lottery laws to ban online lottery if needed as per

Section 5 of the Lotteries (Regulation) Act, 1998. Individual States may decide the need for banning the online lottery. The Hon'ble FM from Maharashtra volunteered to submit a draft through Home Minister of the State which if approved by the GST Council, may be sent to the Ministry of Home of the Union Government for suitable implementation.

9.6 **Recommendation of GoM on Agenda Item No 5**

The State governments are empowered by existing lottery laws to ban online lottery. **Experience shows that banning online lottery leads to good growth of revenue on paper Lottery. Maharashtra volunteered to submit a draft on regulation of online lottery.**

10. **Miscellaneous Representations Similar To Lottery**

10.1 There are a series of representations which have been received for various activities such as casinos, horse racing, online gaming, betting and online gambling for which trade has requested that value for the purpose of taxation be defined.

10.2 These are summarised as below: -

Supply	**Possible GST Rates in case of uniform rate**	**Request regarding Value for levy of GST (by industry)**
Casinos	28% or 18%	Value retained by Casino after winnings
Horse Racing	28% or 18%	Value retained by club after giving prize money
Online Gaming	28% or 18%	Value retained by platform after giving prize money
Betting	28% or 18%	Value retained after prize pay out.

10.3 It is proposed that methodology and procedure for deciding face value and bet amount for determining tax may be referred to the Law Committee. The issues of GST rate may be referred to Fitment Committee. GoM may decide on these associated issues in the subsequent meetings after due inputs have been received from the law and the rate committee. These committees may hold a joint meeting, if needed, on the above issues.

10.4 **Record of Discussions of GoM on Agenda Item No 5:** Hon'ble Minister from Punjab Shri Manpreet Singh Badal noted that these issues are not part of the original terms of reference of the GoM. However, Hon'ble Minister from Goa, Shri Mauvin Godinho opined that from the perspective of tourism and revenue, Casino is important and problems in its taxation needs to be addressed. The GoM unanimously agreed that the issues listed in para 10.2 may be referred to Fitment/Law Committee and then taken to GST Council after the approval of Union Finance Minister.

10.5 **Recommendation of GoM**

The rate and valuation issues of Casinos, Horse Racing, Online Gaming, Betting may be referred to Fitment/Law Committee and then taken to GST Council either directly or thorugh GoM as approved by the Union Finance Minister.

OFFICE OF THE ATTORNEY GENERAL FOR INDIA

Three queries, to which I shall presently advert, have been posed for my opinion, in regard to the imposition of Goods and Services Tax (GST) on lotteries. The principal issue emanates from the existence of different rates of GST for 'State Run Lotteries' and 'State Authorized Lotteries'. The rate of GST for 'State Run Lotteries' is 12% and for 'State Authorized Lotteries' is 28%. My opinion has been sought in the backdrop of a proposal to equalize these rates.

For the purpose of this opinion, I shall proceed on the basis that the expression 'State Run Lotteries' refers to lotteries 'organized' by the State Government, covered by Entry 40 of List I of Schedule 7 to the Constitution of India. Entry 40 covers "Lotteries organized by the Government of India or the Government of a State".

It is worth noting that the existence of 'State Run Lotteries' and 'State Authorized Lotteries' has been statutorily recognized for more than 100 years. Section 294A of the Indian Penal Code, 1860, which was inserted in the year 1870, refers to both these kinds of lotteries. To the extent relevant, Section 294A reads thus:

> *"294A. **Keeping lottery office.**—Whoever keeps any office or place for the purpose of drawing any lottery not being a State lottery or a lottery authorised by the State Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both....."* (emphasis supplied)

The distinction between the 'State Run Lotteries' and 'State Authorized Lotteries' was also noted by a Constitution Bench of the Supreme Court of India in *State of Haryana vs. Suman Enterprises* - (1994) 4 SCC 217. The Court observed, *inter alia*, that:

> *"5. If the basic and essential features indicated above are ensured, it might be possible to raise a presumption that the lottery is one that could be said to have been 'organized' by the State itself and not one merely authorized by the State under which the so-called 'agent' himself organizes the lottery....."*

This distinction was again adverted to by the Supreme Court in *B.R. Enterprises vs. State of U.P.* – (1999) 9 SCC 700, where it observed thus:

> *"12. Shri F.S. Nariman, learned Senior Counsel for the State of Nagaland submits that carrying on State-organised lottery is permitted by the Constitution by placing it within the exclusive competence of Parliament (Item 40 of List I of the Seventh Schedule). A distinction is drawn between State-organised lotteries and State-authorised lotteries in State of Haryana v. Suman Enterprises[7] (5 Judges). A reference was also made to Article 298, the executive power of the State*

which extends to carrying on any trade or business, even beyond its territory. It is only because of Article 298 and the premise implicit therein that the business of organising State lotteries by the State was comprehended within its extended executive power."

"82. Before entering to decide the rival contentions within the approved wide field of interpretation, we look back to the history of the law pertaining to lotteries which is the subject-matter for consideration..... .... Even in India this lottery was looked down upon as an evil of the society and diagnosed as pernicious in nature. It is this which ultimately led to bringing in Section 294-A IPC in the 19th Century making it a penal offence. It excludes from its purview the State-authorised lotteries, i.e., both falling under Entry 40 List I and falling under Entry 34 List II. Collection of funds through lotteries was never considered laudable or conscienceable (sic conscionable) but has been and is resorted to in the exigencies of the situations recognised for a limited purpose, maybe for a limited period. Why not "laudable or conscienceable"? Because it is a gambling as we have held. How can gambling be held to be conscienceable though it may be legitimised for limited objectives..... This eliminates or reduces to the minimum the prospering clandestine lotteries. The State lotteries or State-authorised lotteries have been excluded from the purview of Section 294-A IPC. They are placed in distinct entries in the lists of the Seventh Schedule, both in the Government of India Act and the Constitution of India..... ....".

A perusal of the file reveals that the differential rate of GST on 'State Run Lotteries' and 'State Authorized Lotteries' was upheld by the Calcutta High Court in its judgment in *Teesta Distributors vs. Union of India* (WP No. 18424W of 2017). The High Court appears to have relied on the settled legal principle that the legislature enjoys a very wide latitude while classifying goods or items for the purpose of taxation. The High Court observes that the State is allowed to "pick and choose districts, objects, persons, methods and even rates for taxation if it is done reasonably .....". Based, principally, on this reasoning, the High Court concluded thus:

"The rates imposed by the GST Council are decisions which a Writ Court is slow to examine. The rationale for imposing differential rate or the rates by themselves have not been substantiated to be breach of any provision of the Constitution..... ....

.... In the present case, the States of Sikkim, Mizoram, Nagaland and Arunachal Pradesh have supported the writ petitioner on the score that the rates of taxes are discriminatory. Such States were present in the GST Council Meetings. The resolution was carried by requisite majority.

Article 279A contemplates establishment of a mechanism to adjudicate any dispute between one or more States or between the Government of India and any State or States on one side and one more States on the other side or between two or more States. However it should not be construed that, the decisions or the resolutions of the Goods and Services Tax Council is immune from judicial review or that they are not justiciable. In a given case, where, a resolution adopted in the Goods and Services Tax Council Meeting is substantiated to be breaching any fundamental right or any provision of the Constitution of India, the same can be adjudicated upon by a Writ Court.

The Goods and Services Tax Council established under Article 279A of the Constitution of India at its 17th meeting deliberated extensively with regard to the rate of tax to be imposed on lotteries. Differential rate of tax was introduced in the 17th Goods and Services Tax Council Meeting held on June 18, 2017. The States before the Court were present in such meeting. It was after extensive deliberations that, the GST Council had approved the rates as presently obtaining in respect of lottery. It is within the domain of such Council to decide the rate of tax. In such circumstances, the third issue is answered by holding that differential levy of tax is permissible."

The file also reveals that a Writ Petition under Article 32 of the Constitution of India has been filed in the Supreme Court of India, by *M/s. Skill Lotto Solutions Private Limited*. The issues raised in this petition, which is numbered as W.P. (C) No. 961/2018 and is currently pending before the Court, appear to include the constitutionality of the very levy of GST on lotteries. Given that the case is currently pending in the Supreme Court, and the queries posed for my opinion do not pertain to this issue, I need not express any view on this aspect.

In this background, I shall now proceed to answer each of the specific queries posed for my opinion.

(i) Whether or not place of supply of lottery, if made from one state to another through two distributors, one located in organizing state and another in consuming state, with distributor in the consuming state having no direct link with or responsibility towards discharge of non-tax revenue to the organizing state, would be ultra vires of Lotteries (Regulation) Act, 1998?

As I have noted earlier, two categories of lotteries have been recognised in Section 294A of the Indian Penal Code, as well as in the aforementioned judgments of the Supreme Court. This query appears to pertain to 'State Authorised Lotteries', where the right to organise the lottery is conferred on a a private person authorised by the State. In such a case, the prohibitions contained in the Lotteries (Regulation) Act, 1998 would not be applicable, as

this statute would cover only lotteries 'organised', 'conducted' or 'promoted' by a State Government [See Sections 3 and 4 of the Act]. The question of a 'State Authorised Lottery', therefore, violating the provisions of the Lotteries (Regulation) Act, 1998 would not arise, even if the situation mentioned in the query were to exist.

I answer this query accordingly.

(ii) Whether levy of a uniform rate of tax on lottery would be violative of any provisions of the Constitution or any other law for the time being in force?

I am of the opinion that there would be no impediment arising out of the Constitution of India, to the levy of a uniform rate of GST on 'State Run Lotteries' and 'State Authorised Lotteries'. As has been observed by the Supreme Court in the *B.R. Enterprises* case, lotteries have been regarded as "an evil of the society and diagnosed as pernicious in nature". Therefore, having a uniform high rate of GST for 'State Run Lotteries' and 'State Authorized Lotteries', both of which have the same deleterious social effects, in order to discourage public participation in such activities, cannot be said to be impermissible.

I answer this query accordingly.

(iii) Whether the levy of differential tax rates on lottery i.e. @ 12% on State-run lottery and @ 28% on lottery authorized by a State is violative of Article 304 of the Indian Constitution ?

Article 304 of the Constitution, to the extent relevant, reads thus:

"304. Restrictions on trade, commerce and intercourse among States Notwithstanding anything in Article 301 or Article 303, the Legislature of a State may by law

(a) impose on goods imported from other States or the Union territories any tax to which similar goods manufactured or produced in that State are subject, so, however, as not to discriminate between goods so imported and goods so manufactured or produced; and

(b) impose such reasonable restrictions on the freedom of trade, commerce or intercourse with or within that State as may be required in the public interest: Provided that no Bill or amendment for the purposes of clause shall be introduced or moved in the Legislature of a State without the previous sanction of the President....."

Article 304 applies only to the State Legislatures. It authorises the Legislature of any State to tax goods coming from other states or Union

Territories, so as to place the said goods on the same footing as similar goods manufactured or produced within that State itself. This would ensure that the manufacturers of similar goods within that State are not placed at any disadvantage on account of any tax which is being levied on the goods manufactured within that State. The two kinds of lotteries, in this case, could well be said not to constitute 'similar goods' at all. What is more, according to the notings on the file, the 'State Authorized Lotteries' (which bear the higher GST rate of 28%) may be sold not only outside the boundaries of the authorising State but also within that State itself. In either scenario, the same rate (i.e. 28%) of GST is imposed.

In my view, therefore, Article 304 would have no bearing on the levy of differential GST rates on 'State Run Lotteries' and 'State Authorized Lotteries'.

I advise accordingly.

(K. K. Venugopal)
Attorney General for India
09.09.2018

Annexure 4

The relevant excerpts from the draft Minutes of 37th GST Council Meeting held on 20th September, 2019 for the Agenda Item 8 of the said Meeting is reproduced as below:

"*34.52. The Hon'ble Minister from Goa, thereafter raised the issue pertaining to his State related to Casino which the Secretary explained to him that this would go to GoM on Lottery, as discussed in previous GST Meeting. However, since the Convenor of the GoM on Lottery was the Hon'ble Minister from Maharashtra, it was necessary to appoint a new Convenor as early as possible, since Maharashtra was shortly going to have elections, and the present Convenor might be busy with election related work. The new Convenor of the GoM could then convene meeting of the GoM in the meantime and discuss the issues of Lottery and Casino. Moreover, he stated that no coercive action on Casino should be taken by the Governments to recover the tax based on interpretation, till the GoM took a final view on the same.*

34.53. In respect of Sl. No. 1 to 12 of Annexure-V, the Fitment Committee had sought time for further examination to which the Council agreed. Similarly, in respect of items from Sl. No. 1 to 61 of Annexure-VI, the Fitment Committee on services had not proposed any changes, to which also the Council agreed.

34.54. The JS, TRU-II stated that in respect of Annexure VII, there were two issues which had been referred to the Fitment Committee by the Council in its 35th Meeting held on 21st June 2019 and the Hon'ble Finance Minister from Punjab. There, in respect of first item, the Council was to decide on rate of GST on Lottery after the legal opinion of the Ld. Attorney General, as directed by it, was received. The Ld. Attorney General had provided his opinion and mentioned that State run Lottery and State authorized Lottery were two different supplies, therefore, there could be two different tax rates or a uniform rate of GST as the Council might recommend. Moreover, the Ld. Attorney General had also mentioned that Article 304, which applied to State Legislatures, would have no bearing on fixing of differential GST rates on two types of Lottery for the reason that the two kinds of lotteries may well be said not to constitute similar goods and that the state authorised lotteries may also be sold within the boundaries of the state authorising it as also in other states and the GST rate of 28% would apply in both cases. Hence, the GST Council was free to decide any rate they might deem fit for Lottery.

34.55. The Secretary requested the Council to give their views on the issue as the opinion from Ld. Attorney General had come. The Hon'ble Finance Minister from West Bengal stated that the status quo should be maintained and his State preferred dual GST rates; for State run Lotteries GST of 12% and higher rate of 28% for State authorized or licensed Lotteries, as it was consistent with the opinion of the Ld. Attorney General. He further stated that since the State collected significant amount of revenue, a Corporation had been formed and it had become acceptable to the people due to transparency. Thus, States having this type of model should be allowed to maintain two rates as any rate reduction would lead to massive revenue loss. Further, he was of the view that if the Council decided to recommend a uniform GST rate, he would like the GST rate to be fixed at 28% as Lottery was a 'sin' good. The Hon'ble Minister from Kerala stated that the Ld. Attorney General's view regarding the rates had up-held his views and arguments on the issue, presented in the Council from time to time, that it was absolutely legal to keep two rates in lottery. Thus, the status quo should be maintained.

34.56. The Hon'ble Minister from Assam stated that in North Eastern States, there was no capability to have State-run Lottery, hence they would have to close down the Lottery business and seek compensation from the Government of India for the probable loss of revenue. Further, the proposal of Minister from Kerala, that he had placed in Council earlier stating that he would run the Lottery for North Eastern States; seemed attractive but it undermined the autonomy of State. He added that North Eastern States were having a giant neighbouring State running Lottery and fixing lower rate to State-

run Lottery would give protection to neighbouring state run Lottery. Thus, GST rate would protect revenue of their neighbour instead of protection being given to revenues of smaller North Eastern States. He stated that, if in a simple good like Lottery, it was interpreted to be two different goods, one being State run and the other being State authorized Lottery, then this issue might come up in respect of many other goods for example a car manufactured by a PSU and a car manufactured by a private company to be differentiated. Following that logic, there shall be different tax rates for all the supplies under GST based on the distinction of being State-run or otherwise; akin to Lottery. Hence, he requested the Council to keep in view the concerns of the smaller States, so as not to discriminate between State run and State authorized Lotteries. He stated that he had no issue, if the rate was to be raised to 28% for all kinds of Lottery but the distinction should be removed. He, therefore, asked that the revenues of North Eastern States should be protected either by making the tax rate on the State run and State authorised Lotteries equal or providing compensation for longer period, as it was the question of survival.

34.57. The Hon'ble Minister from Punjab thanked the Hon'ble Chairperson for obtaining the Ld. Attorney General's opinion and stated that since the Attorney General's opinion confirmed that these were two distinct supplies, hence, the status quo should be maintained, if possible. The Hon'ble Deputy Chief Minister of Bihar further suggested that the Council should ban Online Lottery, as it was causing lot of disruption among youths and though Paper Lottery was banned in Bihar, youth were spending money online. The Hon'ble Finance Minister from West Bengal stated that Online Lottery was already banned in West Bengal.

34.58. The Hon'ble Minister from Kerala stated that he wanted to raise a few points for the consideration of the Council without getting into the argument with the Hon'ble Minister from Assam. He cautioned that let the Council consider as to what income was arising to these States out of lottery before taking any decision. It was two-fold i.e. 'Minimum Guarantee Money' (MGM) offered by the authorised person to run Lottery and the GST on its sale. Further, GST would be shared between Central Government and the destination/consuming State. Thus, the only income North Eastern State Government got was the MGM offered by the authorised person. Hence, he offered that he can guarantee double the income for every North Eastern States from the MGM, which it would otherwise collect from State authorized lottery. In Kerala State, there would be law and order problem as Lottery had its vices which had to be controlled. The Hon'ble Minister from Assam stated that in that case, Kerala should form an agency and participate in the tender, otherwise how the State would know as to what revenue it was being offered as MGM.

34.59. The Hon'ble Chairperson stated that based on the discussion so far, she would come up with a fair proposition which the Council might consider. She further stated that, since every member was of the view that Lottery was a 'sin' good, it should have a uniform rate and the Council might also suggest to Union Ministry of Home Affairs to amend the Lottery Regulation Act, in order to address the issues relating to law and order, monitoring and compliance etc. She also stated that Council might also recommend banning of online lottery. She then asked the views of the House on this three-pronged proposal. The Hon'ble Minister from Kerala suggested for division of votes in the Council. The Hon'ble Minister from West Bengal opined that either the status quo should be maintained or the GST rate of 28% might be recommended.

34.60. The Hon'ble Minister from Punjab stated that online Lottery should be banned and to respect the divergent sentiments of the House, the status quo should be maintained. The Hon'ble Minister of Assam was against the differential rate and also asked for division of votes to settle the issue. The Hon'ble Minister from Goa also stated that he was of the same view as the Hon'ble Minister of Assam that there should be a single GST rate. Moreover, banning Online Lottery in Goa would mean losing

revenue. So, he appealed to the Council to take some more time and again to have a detailed discussion in the GoM for a final view. The Hon'ble Minister from Uttar Pradesh stated that the Lottery was banned in his State however, the matter should be discussed in the GoM. The Hon'ble Minister from Punjab also favoured that discussion be again done and a view might be taken by the GoM in this regard. The Hon'ble Minister from Goa stated that for best solution, since Casino issues were also referred to the GoM on Lottery, one more round of deliberation in the GoM would be proper. He further explained to the Hon'ble Chairperson as to why this issue was pending in GoM for so long. He stated that the GoM had discussed it amongst themselves and wanted to have a meeting with the then Chairperson also, who was first busy with elections and thereafter unfortunately fell sick. Thus, the matter could not be discussed with him.

34.61. The Hon'ble Minister from Chhattisgarh and Telangana also favoured that the decision of GST rate on Lottery should not be finalized in haste but it should be discussed in the GoM along with Casino and Horse Racing. He further stated that over the past 6-7 months, he had observed that the conflicting views had mellowed down and the gap between the views had also moved from outright confrontation towards reconciliation. The Hon'ble Minister from Telangana also suggested that the pending issues of Horse Racing be also referred to the GoM on Lottery. The Hon'ble Minister from West Bengal also favoured that since there was skill involved in Horse Racing, the matter should also be discussed in the same GoM.

34.62. The Council then decided to refer the matter to the GoM on lottery along with issues relating to Horse Racing and Casino.

34.63. ACS/CST, Tamil Nadu raised the issue of exclusion of aerated waters from the Composition Scheme. Regarding Composition Scheme on aerated water; the JS, TRU-I explained that this issue had come up for discussion during the Officers' Committee meeting and it was submitted by the officers from various States that there was a lot of evasion in this area. There was a representation from ACS/CST, Tamil Nadu also regarding manufacturers of aerated water to be taken out of the Composition Scheme. He informed that the Fitment Committee had agreed to it and the officers committee on 19.09.2019 had also accepted it. The Council also approved that the manufacturers of Aerated water be henceforth taken out of the benefit of Composition Scheme.

34.64. The Hon'ble Minister from Punjab requested attention of the Hon'ble Chairperson and also of Council regarding the issue of taxation of "Long term Leasing" and stated that the Secretary had informed him that the issue would be taken up in the GoM on Real Estate. The Chairperson agreed that the same might also be referred to the GoM on Real Estate if the Council Agreed. The Council agreed for the same.

34.65. The Hon'ble Chairperson enquired from the Secretary about the status of various GoMs constituted by the Council and asked questions that how many GoMs had been constituted; that when were they constituted; that as to when did they last meet; that whether they had come to the closure of their subject and submitted their final report or not. The Secretary then requested, JS, TRU-II (being the Secretary of some of the GoMs) to inform the House regarding the status of the GoM. JS, TRU-II stated that there was one GoM on Lottery, which was headed by the Hon'ble Minister from Maharashtra. The second GoM was on Real Estate headed by Deputy Chief Minister from Gujarat and the third GoM was on IT Challenges headed by Deputy Chief Minister from Bihar which were still in existence. He further stated that all the GoMs, except GoM on IT Challenges which met frequently; had not met for some time. He also informed that usually, it was the Convenor of the GoM, who called the Meetings. The Hon'ble Minister from Goa pointed out that there was also a GoM on Revenue Analysis which had also not met for some time and submitted its report. The Hon'ble Deputy Chief Minister of

Bihar stated that though GoM on IT issues had not met for some time but the Committee of Officers on IT was meeting regularly and sorting out the issues. Then the Hon'ble Chairperson appealed to the Council that, as she understood, GoMs were driven by the Convenors of the GoM. She appealed that GoMs should meet at the earliest and she assured the Members that reports of the GoMs would be brought before the Council.

34.66. The Hon'ble Minister from Punjab raised the issue of Long-Term Leasing of Land and stated that it was against his self-respect and nature of people of Punjab to seek the compensation. Punjab was however, one of the highest revenue deficit State in GST and seemed to have become a deficit state in perpetuity. He stated that while Punjab contributed hugely in producing food grains for whole country for ages, it had become revenue deficit State as it agreed to subsume the purchase tax on food grains. Thus, in GST, the time had come for Punjab's economy to diversify from food grains into industry and services. Drawing the Council's attention to historical perspective, he stated that in 1947, Punjab and West Bengal had borne the brunt of partition. Thereafter, during the 60's and 70's, Punjab saw three wars – 1962, 1965 and 1971, where people of Punjab were affected. Then terrorism too affected the people in Punjab. He also stated that the special concessions given to their immediate neighbouring States like Himachal Pradesh, Jammu & Kashmir and Uttarakhand too affected industrial growth. Hence, he stated that Punjab's economy was always affected due to various associated circumstances. He further stated that now Punjab wanted to industrialise. 'Invest in Punjab' Summit was to be held soon where investors from Dubai, Japan and Singapore would be invited. Further, land was precious and scarce and Punjab would look forward to transfer of land in large industrial estates for investments on Government to Government basis. He requested the Council to consider the issue of levy of tax on lease of land on long term basis. He stated further that in GST, there was no entry where tax could be levied separately by both Centre and the States except for 'long term leasing of land', which attracted 18% GST. Moreover, there was 5% to 7% of Stamp Duty on it making a total tax of about 25% which would not be eligible for ITC in certain situations and hence made the entire project costly and unviable. Thus, it became a big challenge for a border State like Punjab to attract industry. Most of the companies, he stated, were moving out from China to Vietnam at present. He also reiterated the views held by the Chairman, XV Finance Commission, regarding certain States falling off the cliff in 2022, and stated that it might be true for Punjab if they were not allowed to diversify. Thus, having gone ahead with Corporate Tax reforms recently, the Governments should also look at this aberration in GST. Thereafter, he apologised for taking so much of time of the Council and making an emotional appeal for addressing this issue.

34.67. The Hon'ble Minister from Kerala supported Punjab's view by stating that since land registration and stamp duty had not been subsumed in GST, it was affecting all the States. and the Punjab minister should not apologize for his statement before the Council. Both, The Hon'ble Ministers from West Bengal and Uttar Pradesh also supported the views of Punjab that leasing of land should not suffer levy of GST. The Hon'ble Minister from West Bengal stated that there was 18% tax plus Stamp Duty on registration of long lease which was akin to sale of land. Thus, the new industry had to face double taxation, on same set of transaction. Hence, it would be better if a decision was taken to avoid double taxation on this issue. He further stated that the private sector was building big industrial parks, where they were bringing investors but they were reluctant to move forward due to double taxation. Further, if there could be double taxation avoidance between two nations then why it could not be sorted out between Centre and the States. He therefore, proposed that the council could consider exempting the double taxation of long-term lease of land in a format where the State could utilize the land and give it on lease in partnership with private sector in industrial park kind of format, instead of sending it back to GoM.

36.68. The Hon'ble Chairperson requested ACS (Finance), Gujarat to request his Minister, who was also the Convenor of the GoM on Real Estate, to convene a meeting at the earliest, to take a view on the issue. The ACS (Finance), Gujarat stated that he would convey the message to the Hon'ble Deputy Chief Minister, Gujarat. However, he made following observations on the issue raised by Punjab.

a. *If land was leased for long term by a State PSU such as Punjab Industrial Development Corporation or a similar body then GST would not be applicable, as it was already exempted.*

b. *Further, Punjab had taken one of the arguments behind seeking exemption from the long-term lease of land on the grounds that the exemption had been granted to International Financial Services Centre (IFSC) in Gujarat, which may also be extended to long term leasing for the industrial purpose. However, IFSC in Gujarat, being the only international financial services hub in India, did not draw any parallel with the exemption to the long-term leasing of land from tax. Hence, this argument might be separated and kept aside.*

36.69. The Hon'ble Minister from Madhya Pradesh also agreed to the Punjab's views and stated that in Madhya Pradesh also efforts were being made to encourage tourism industry to develop in Madhya Pradesh. For this purpose, a PSU might be formed and hence issue of long-term leasing of land for developing hotel and tourism facilities should also be taken up by the GoM. The Hon'ble Minister from Punjab thanked the Council for its assurance and decision to refer the matter to the GoM on Real Estate.

36.70. The Hon'ble Minister from Punjab requested for a clarification with reference to item at Sl.No. 18 of Annexure IV as to whether there would be a circular or a notification which was proposed to be issued. The JS, TRU-II explained that the decision in this regard to levy no tax on Liquor Licence Fee had been taken by the GST Council long back but there was no legal instrument approved by the Council to implement it. Further, some disputes were being raised by companies before the court of law, such as, in a case relating to levy of GST on Spectrum Fee in telecom, that it was similar to Liquor Licence Fee, hence, it should also not suffer GST. Thus, to address the situation there were three ways suggested by the Fitment Committee, as contained in Agenda. In the Budget 2019 for the past period, the Liquor Licence Fee had been retrospectively exempted from the Service Tax. For future, it would be proper, if a notification under Section 7 (b) (ii) of CGST Act, 2017declaring it as "no supply" would be issued followed by the issue of a suitable clarification that this Notification would not be applicable to other Licences which were granted by Government for a consideration. The Council agreed to the proposal.

36.71. The Secretary stated that one important decision that the Council had to make was regarding the effective date of implementation for the rate changes and decisions taken on the recommendations of Fitment Committee. He suggested that these decisions be made effective from 01.10.19, to which Council members agreed.

*37. For **Agenda item 8,** the Council approved the following for Goods and Services: -*

A. *In respect of GST Rate on Goods, the Council decided as follows:*
   a. *In respect of Part A of the Annexure I of Agenda item 8 recommending changes in the GST rate of the Goods:*
      i. *The Council approved the Fitment Committee recommendations in respect of Sl. No 1 to 6, Sl. No 9 to 11 and Sl. No 13 to 20 of the Part A of the Annexure I.*
      ii. *The Council in respect of Fish meal appearing at Sl. No 7 of the Part A of the Annexure I agreed for granting exemption for the period 01.07.17 to 30.09.19 in view of the doubts as regards taxability of fishmeal in view of the interpretational issues. However, any tax collected for this period shall be*

required to be deposited. Council did not agree to make any change for meat cum Bone Meal.

iii. *The Council in respect of Sl. No 8 of the Part A of the Annexure I approved 12% GST rate during the period 01.07.2017 to 31.12.2018, on pulley, wheels and other parts (falling under heading 8483) and used as parts of agricultural machinery. However, any tax collected at higher rate for this period shall be required to be deposited.*

iv. *The Council deferred the discussion based on Fitment Committee recommendations in respect of Safety Matches appearing at Sl. No 12 of the Part A of the Annexure I and that it would be taken up after the Hon'ble Chief Minister of Pondicherry provided his feedback.*

b. *In respect of Part B of the Annexure I of Agenda item 8, recommending changes in the GST rate as well as Compensation Cess rate of the Goods:*

i. *The Council approved the Fitment Committee recommendations in respect of Sl. No 1 of the Part B of the Annexure I. Passenger vehicles of engine capacity 1500 CC in case of diesel, 1200 CC in case of petrol and length not exceeding 4000 mm designed for transport of upto 9 persons attract compensation cess of 1% for petrol and 3% for diesel vehicle. The Council recommended same compensation cess rate for vehicles having these specifications (length 4000 mm and engine capacity of 1200 CC for petrol vehicle, 1500 CC for diesel vehicle) but designed for transport of 10 to 13 persons. (presently these vehicles attract compensation cess at the rate of 15%)*

ii. *The Council approved the Fitment Committee recommendations in respect of Caffeinated Beverages appearing at Sl. No 2 of the Part B of the Annexure I to change the GST rate from present 18% to 28%. The Council also approved that it shall also attract Compensation Cess of 12%.*

iii. *The Council also approved that the refund of Compensation Cess on Tobacco Products arising out of inverted duty structure in Compensation Cess in respect of Sl. No 3 of the Part B of the Annexure I not to be allowed under Section 54 of the CGST Act, 2017, including on the refund claims already filed.*

c. *In respect of Part C of the Annexure I of Agenda item 8, recommending issue of clarification in respect of the GST rates of the Goods:*

i. *The Council approved the Fitment Committee recommendations in respect of Sl. No. 1 to 8 of Part C of the Annexure I of Agenda 8, to issue the clarification.*

ii. *The Council approved the Fitment Committee recommendations in respect of Sl. No. 9 of Part C of the Annexure I of Agenda 8, to issue the notification exempting it.*

d. *In respect of Annexure-II of Agenda item 8, the Fitment Committee had deferred making any recommendations for want of information, and the Council approved the Sl. No. 1 to 10 of Annexure-II for further examination.*

e. *In respect of Annexure-III of Agenda item 8, the Council approved the Fitment Committee recommendations for no change in respect of Sl. No. 1 to 11; Sl No. 13 to 57 and Sl No. 59 to 167.*

f. *In respect of Annexure-III of Agenda item 8, Sl. No. 12; the Council approved that the Dried Tamarind shall be charged 'NIL' rate of GST.*

g. *In respect of Annexure-III of Agenda item8, Sl. No. 58 i.e. Extra Neutral Alcohol (ENA), the Council approved the Fitment Committee recommendations and for the replacement of the comment at Sl. No. 3 in column 6 of the able, which might be read*

as, 'However, in the interim period the States may go by the decision of GST Council as recorded in the Minutes of the Council Meeting dated 5th August, 2017'.

B. In respect of GST Rate on Services, the Council decided as follows:

a. In respect of the Annexure IV of Agenda item 8, recommending changes in the GST rate of the Services or for issuance of clarifications in relation of Services:

i. The Council approved the Fitment Committee recommendations in respect of Sl. No 1 and 2 of the Annexure IV. The Council recommended to reduce rate of GST from 5% to 1.5% on supply of job work services in relation to diamonds and to reduce rate of GST from 18% to 12% on supply of all job work services which are not currently eligible for 5% rate, such as in engineering industry, except supply of job work in relation to bus body building.

ii. The Council recommended in respect of Sl. No 3 of Annexure IV to reduce rate of GST on outdoor catering services, other than in premises having daily tariff of unit of accommodation of Rs 7501 from present 18% with ITC to 5% without ITC. The Council also approved that the rate shall be mandatory for all kinds of catering. Catering in premises with daily tariff of a unit of accommodation of Rs 7501 and above or catering by entities providing such accommodation of entities located in such premises shall remain at 18% with ITC.

iii. The Council recommended in respect of Sl. No 4 of Annexure IV to reduce the rate of GST on hotel accommodation service as below: -

Transaction Value per Unit (Rs) per day	*GST*
Rs 1000 and less	*Nil*
Rs 1001 to Rs 7500	*12%*
Rs 7501 and more	*18%*

iv. In respect of Sl. No 5 of Annexure IV, the Council recommended to issue a notification under Section 13(13) of IGST Act, 2017 notifying the place of supply of specified R&D services (such as Integrated discovery and development, Evaluation of the efficacy of new chemical/ biological entities in animal models of disease, Evaluation of biological activity of novel chemical/ biological entities in in-vitro assays, Drug metabolism and pharmacokinetics of new chemical entities, Safety Assessment/ Toxicology, Stability studies, Bio Equivalence and Bio Availability Studies, Clinical trials, Bio analytical studies) provided by Indian pharma companies to foreign service recipients, as the place of effective use and enjoyment of a service i.e. location of the service recipient.

v. In respect of Sl. No 6 of Annexure IV, the Council recommended to clarify that the place of supply of chip design software R&D services provided by Indian companies to foreign clients by using sample test kits in India is the location of the service recipient and section 13(3)(a) of IGST Act, 2017 is not applicable for determining the place of supply in such cases.

vi. In respect of Sl. No 7 of Annexure IV, the Council recommended to exempt services provided by an intermediary to a supplier of goods or recipient of goods when both the supplier and recipient are located outside the taxable territory.

vii. In respect of Sl. No 8 of Annexure IV, the Council recommended to exempt prospectively services by way of storage or warehousing of cereals, pulses, fruits, nuts and vegetables, spices, copra, sugarcane, jaggery, raw vegetable fibers such as cotton, flax, jute etc., indigo, unmanufactured tobacco, betel leaves, tendu leaves, rice, coffee and tea.

viii. *In respect of Sl. No 9 of Annexure IV, the Council recommended to allow RCM to suppliers paying GST at the rate of 5% on renting of vehicles, when supplied by person other than body corporate (LLP, proprietorship etc.) to body corporate entities.*

ix. *In respect of Sl. No 10 of Annexure IV, the Council recommended to issue a clarification, clarifying the scope of the entry 'services of exploration, mining or drilling of petroleum crude or natural gas or both'.*

x. *In respect of Sl. No 11 of Annexure IV, the Council recommended to issue a circular giving appropriate clarification in respect of Sl. No. 3(iv)(a) of the Notification 11/2017- Central Tax (Rate) dated 28.06.2017 that the explanation having been issued under Sub-section 3 of Section 11 of the CGST Act, 2017 was effective from 21.09.2017.*

xi. *In respect of Sl. No 12 of Annexure IV, the Council recommended to delete the word 'Registered' appearing in Para 2A of the Notification No 11/2017- Central Tax (Rate) dtd 28.06.2017.*

xii. *In respect of Sl. No 13 of Annexure IV, the Council recommended to insert an explanation in the Notification No 4/2018- Central Tax (Rate) dtd 25.01.2018 that "nothing contained in this notification shall apply where development rights are supplied on or after 01.04.2019".*

xiii. *In respect of Sl. No 14 of Annexure IV, the Council recommended to amend the Notification No 7/2019-Central Tax (Rate) dtd 29.03.2019 to provide that on purchase of Cement from an unregistered supplier, the builder shall pay GST under RCM.*

xiv. *In respect of Sl. No 15 of Annexure IV, the Council recommended to issue clarification clarifying taxability of Passenger Service Fee (PSF) and User Development Fee (UDF) levied by airport operators.*

xv. *In respect of Sl. No 16 of Annexure IV, the Council recommended to extend the validity of conditional exemption of GST on export freight by air or sea by another year, i.e. till 30.09.2020.*

xvi. *In respect of Sl. No 17 of Annexure IV, the Council recommended to amend the entries in Notification 12/2017-CT (Rate) to reflect correctly the threshold exemption decision of the GST Council taken in the past.*

xvii. *In respect of Sl. No 18 of Annexure IV, the Council approved to notify grant of Liquor License by State Governments against payment of license fee as a "no supply" under Clause (b) to Subsection 2 of Section 7 of the CGST Act, 2017 to remove ambiguity in implementation on the subject. The effect of exemption shall apply from 01.07.2017.*

xviii. *In respect of Sl. No 19 of Annexure IV, the Council recommended to issue clarification to the Truck Operator's Association that compulsory registration under any Act was exempt from GST.*

xix. *In respect of Sl. No 20 of Annexure IV, the Council recommended to amend and correct the classification entries under Notification No 11/2017-CT (Rate) dtd 29.06.2017 with consequent change in scheme of classification annexed to the said notification so as to align the scheme of classification under GST with the United Nation's Central Product Classification (UNCPC), as proposed and enclosed at 'Enclosure 2 & Enclosure 3' of Annexure IV, Agenda 8.*

xx. *In respect of Sl. No 21 to 24 of Annexure IV, the Council approved the recommendations of the Fitment Committee to issue appropriate clarification to the respective organization who had made the reference.*

xxi. In respect of Sl. No 25 of Annexure IV, regarding taxation of PSLC certificates, the Council recommended to maintain status quo as the service providers had settled under RCM method of tax payment.

xxii. In respect of Sl. No 26 of Annexure IV, the Council recommended to exempt services related to FIFA Under-17 Women's World Cup 2020 similar to existing exemption given to FIFA U17 World Cup 2017.

xxiii. In respect of Sl. No 27 of Annexure IV, the Council recommended to exempt services related to "BANGLA SHASYA BIMA" (BSB) crop insurance scheme of West Bengal Government.

xxiv. In respect of Sl. No 28 of Annexure IV, the Council recommended to exempt services related to life insurance business provided or agreed to be provided by the Central Armed Paramilitary Forces (under Ministry of Home Affairs) Group Insurance Funds to their members under the respective Group Insurance Schemes of these Central Armed Paramilitary forces

xxv. In respect of Sl. No 29 of Annexure IV, the Council recommended to allow payment of GST on securities lending service under Reverse Charge Mechanism (RCM) at the merit rate of 18% and to clarify that GST on securities lending service for period prior to RCM period shall be paid on forward charge basis. IGST shall be payable on supply of these services and in cases where CGST/SGST/UTGST have been paid, such taxpayers will not be required to pay tax again

xxvi. In respect of Sl. No 30 of Annexure IV, the Council recommended to allow the registered authors an option to pay GST on royalty charged from publishers under forward charge and observe regular GST compliance.

b. In respect of Sl. No 1 to 12 of the Annexure V of Agenda 8 seeking deferment of certain issues for examination due to lack of information, the GST Council approved the same.

c. In respect of issues at Sl. No 1 to 61 of Annexure VI of Agenda 8 recommending no GST rate change, the GST Council approved the recommendations.

d. In respect of the 2 issues at Sl. No 1 and 2 of Annexure VII of Agenda 8, the GST Council recommended as follows:

i. In respect of Sl. No 1 of Annexure VII, the Council decided to refer the issues of Lottery to the GoM on Lottery for reconsideration along with issues associated with Horse Racing and Casino. The concerned States may refer the outstanding issues, if any, to the GoM through the Secretary to GoM.

ii. *In respect of Sl. No 2 of Annexure VII, the Council decided to refer the matter to the GoM on Real Estate along with issue raised by Hon'ble Minister from Madhya Pradesh, who shall refer the issues, if any, to the GoM through the Secretary to GoM.*"

Agenda Item 4: Report of GoM on Real Estate on boosting real estate sector

Based on the recommendation of the 34th GST Council meeting w.e.f. 01.04.2019, effective rate of GST of 1% without ITC for affordable residential apartments and 5% without ITC for other residential apartments are levied. After the new rate changes are made further requests have been received from State Governments to address issues relating to taxation of long term lease of land by private / semi-private body, transfer of development rights in slum rehabilitation projects, services by co-operative housing society and revision of financial limit for affordable housing projects.

2. The Hon'ble Finance Minister in the 37th GST meeting held on 20.9.2019 also desired that a meeting of the GoM on real estate be held to address these issues.

3. Accordingly, a GoM meeting headed by Dy. Chief Minister of Gujarat, Shri Nitinbhai Patel was convened on 21.11.2019 to discuss and examine the following four issues:-

(i) request from the state of Punjab to exempt from GST long term lease of lands by private/ semi private bodies for setting up industrial parks. .

(ii) request from the state of West Bengal for examining the proposal to exempt the supply of construction services provided by the Co-operative Housing Society to its members.

(iii) request from the state of Maharashtra on need to provide preferential tax treatment to free houses provided to slum dwellers in a slum rehabilitation/ redevelopment project and mechanism of taxing TDR handed over to builder by Government thereof.

(iv) request from industry associations on need to review the value limit of Rs. 45 lakhs in the definition of affordable residential apartment for a metropolitan region, if necessary.

4. The report of the GoM (attached as **Annexure 1)** is placed before the council for consideration**.**

Annexure 1

Report of of GoM on boosting real estate sector

(2nd meeting held on 21st November, 2019)

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The real estate is an important sector of the Indian economy that contributes significantly to the GDP and employment generation. GST Council in its 32nd meeting constituted a Group of Ministers to holistically look into the issues faced by the residential Real Estate Sector. A seven member Group of Ministers was constituted with Shri Nitinbhai Patel, Hon'ble Dy. Chief Minister of Gujarat, as the Convenor of the GoM.

2. The first meeting of the GoM was held on 08.02.2019. Based on recommendations of the GoM, effective rate of GST of 1% without ITC for affordable residential apartments and 5% without ITC for other than affordable residential apartments were prescribed by 34th GST Council and the same are effective from 01.04.2019.

3. Post issue of notifications giving effect to the above changes w.e.f. 01.04.2019, requests have been received from States and trade associations to address issues relating to taxation of long term lease of land by private / semi-private body, transfer of development rights in slum rehabilitation projects, services by co-operative housing society and revision of financial limit for affordable housing projects. The Hon'ble Finance Minister in the 37th GST meeting on 20.9.2019 also desired that a meeting of the GoM on real estate be held to address these issues, and accordingly, second GoM meeting was convened to discuss and examine the following four issues:-

1. request from the state of Punjab to exempt from GST long term lease of lands by private/ semi private bodies for setting up industrial parks. .
2. request from the state of West Bengal for examining the proposal to exempt the supply of construction services provided by the Co-operative Housing Society to its members.
3. request from the state of Maharashtra on need to provide preferential tax treatment to free houses provided to slum dwellers in a slum rehabilitation/ redevelopment project and mechanism of taxing TDR handed over to builder by Government thereof.
4. request from industry associations on need to review the value limit of Rs. 45 lakhs in the definition of affordable residential apartment for a metropolitan region, if necessary.

4. Hon'ble Ministers from Gujarat, Goa, Punjab, Kerala and Uttar Pradesh attended the second meeting of the GoM. List of the officials from GST Council Secretariat, Centre and States who attended the meeting is enclosed.

4.1 Meeting commenced with welcome address by the Convenor of GoM, Shri Nitinbhai Patel, Hon'ble Deputy Chief Minister of Gujarat. Special Secretary GST Council, Sh. Rajeev Ranjan asked Shri Manish Kumar Sinha, JS (TRU-II), Secretary to the GoM to make a brief presentation on the agendas for discussion. JS TRU II made a presentation on 1st agenda and explained the background in which demand has been made by State of Punjab for exemption and options available for resolving the problem. He said that there are larger legal issues regarding taxability of land, long term lease and other benefits arising out of land such as transfer of development rights and floor space index. He emphasised that without going into the legality of such issues, present request made by the State of Punjab can be addressed by analysing the merits of granting exemption on long term lease of land for private industrial parks.

He requested with permission of the Convenor, the Hon'ble Finance Minister of Punjab Shri Manpreet Singh Badal to explain the need for this exemption. The Convenor also expressed his desire that

Hon'ble Minister from Punjab may start discussion on agenda No. 1with its justification, as this agenda has been moved by Punjab.

5. **Discussion on agenda item No. 1:**

5.1 Hon'ble Finance Minister of Punjab, Shri Manpreet Singh Badal started the discussion by explaining the issue of long term of lease of land from the point of view of Punjab's New Industrial Policy and the role this exemption can play in promoting and Make-in-India campaign. The Minister stressed that presently double taxation on lease of land (Stamp duty of around 6-8% and GST of 18%) is a major hurdle in promoting industry in Punjab. Hon'ble Minister of Punjab cited historical and geographical context as to why Punjab is pressing for exemption and its need for industrialisation at the present juncture.

5.2 He said that since 1970s Punjab has focused on agricultural revolution, recording highest growth rate in food production. The state continues to be one of the largest producers of food grains for the country. However, presently the contribution of agriculture to the GDP of the country is low and the share is decreasing with industry and services becoming higher contributors. Stagnation of agriculture and growing unemployment in Punjab is a major concern which needs to be addressed. Therefore, their Government has come up with new industrial policy to attract foreign investment and to boost industrial activity in their state. Punjab is also surrounded by States like Jammu and Kashmir, Himachal Pradesh and Uttarakhand, where area-based exemption has been given in past, which has affected Punjab's industrial development with industries preferring the states of Himachal Pradesh, J&K and Uttrakhand. Lately due to growth of infrastructure in Gurgaon, many industries have moved industrial base to Haryana. Due to these factors, Punjab has lagged behind and has very limited base of industry. His State has been lately picking up industrialization which needs to be promoted further.

5.3 Going forward Hon'ble Minister said that the youth of the State needs to be gainfully employed as they are capable of skill up gradation. Since Punjab has limited land resources which is expensive, from a prudent economic perspective, long term lease of land by private / semi-private industrial parks may be exempted from GST as it needs to move towards industrialisation. He further proposed that, if complete exemption to long term lease of land is not feasible due to revenue considerations, then atleast leasing provided by entities having 20% or more ownership of governments may be exempted. This would lead to industrial parks with reasonable government involvement getting exemption.

5.4 Apart from such entities where Government has ownership in the entities which is going to lease out land, there are another set of entities which are purely privately owned. He said as long as the land is being used for industrial purpose, we should not ideally make any distinction between privately owned land and entities where government has ownership. However, taking into considerations of revenue and equity, for these classes of people (purely private), he suggested that GST rate on long term lease may be reduced from 18% to 5%, so that they do get taxed but at the least possible rate.

5.5 Hon'ble convener appreciated the concern of the Hon'ble Minister of Punjab and sought suggestions from other member on how to address the issue. Hon'ble Convener further inquired about the definition that is used for defining industrial activity- whether it would cover construction of hospital, hotel or it would cover only the factories. JS TRU II pointed out that land use and industrial activity is State subject. Therefore, each State has different statutory framework providing for different definition of 'industrial use'. Further each state may have own local and industrial needs and a uniform definition may not be desirable. Therefore, so long a state declares such areas as industrial park, these area are presently covered under the exemption. The exemption at present does not provide any specific definition of industrial area.

5.6 Hon'ble convener further requested other members of the GoM to present their views on this agenda item, so that consensus could be built and the findings be presented before the GST Council.

5.7 Hon'ble Finance Minister from Uttar Pradesh Shri Suresh Kumar Khanna expressed his view that instead of exemption only to entities with 20% ownership of Government, same should also be allowed to lease of land by private entities who do not have any Government ownership. There should not be any distinction between lease of Land by Government entity and Private entity as industrial parks are started with the permission of the State Government and are also monitored from time to time for any violation or misuse. Any government approved industrial park may be completely exempted from GST which also will facilitate the growth of industry in backward areas. Presently industrial parks are mainly located in Noida and in NCR. If blanket exemption is granted on long term lease, then private entities would be encouraged to take up industrial activities in rural and backward areas. He also expressed that safeguards are already in place as industrial parks are opened as per the permission of Government and violation of land use is punishable under the law.

5.8 Hon'ble Minister of Panchayat, Goa, Sh. Mauvin Godinho stated that blanket exemption may not be warranted, if supply of the long term lease provided by an entity having Government ownership of 20% or more solves the purpose. He stated that this would be a more practical solution and will benefit economy especially in view of trade war between US and China. He also cautioned that sufficient safeguard may be built in the exemption so that restriction or exemption to land use for industrial activity is not misused. Any change in land use from industrial activity to non-industrial activity should be dealt with severely. Therefore, safeguard clause may be drafted in the notification.

5.9 Hon'ble FM Minister of Kerala, Dr. T.M. Thomas Isaac expressed that their State has always maintained that short or long term lease are related to land which is a State subject and no GST should be imposed on same. However, at present the legal issues are not being examined, the issue at hand is exemption to private industrial parks, he supported the views expressed by Punjab.

5.10 The official representing the State of Karnataka stated that they have no opinion on this issue but will go with any decision that encourages setting up of the industry in the country.

5.11 After the above deliberations Hon'ble Convenor stated that a convergence of opinion from all the members seems to be arriving on the issue. Therefore, he requested Hon'ble Minister from Punjab to give his final opinion on the matter.

5.12 Hon'ble Finance Minister of Punjab stated that while it would be desirable to exempt all entities (whether having ownership of 20% or more or less, as suggested by UP) but balancing all the factors, GoM may take a decision to exempt long term lease of land by entities having government's ownership of 20% or more (directly or through entities wholly owned by governments) for industrial plots or plots for development of infrastructure for financial business (as provided in existing notification). He also suggested that GST rate of 18% may be reduced to 5% on long term lease of land for similar projects by private entities, i.e. entities having Government's ownership of less than 20%. In other words in the present exemption notification the number 50% may be substituted by "20%" while retaining all the rest of the wordings/conditions. Additionally GST rate of 5% may be prescribed for other entities i.e. those where the ownership by governments or entities wholly owned by governments is less than 20%.

5.13 No opinion contrary to above suggestion of granting exemption on long term lease of land by entities having 20% or more ownership of Government was expressed during the meeting and therefore the GoM arrived at the decision by consensus.

5.14 After the above deliberations, Hon'ble members of the GoM recommended that the following proposal be placed for consideration before the GST Council.

i. **Service by way of grant of long term lease of land (thirty years, or more) of industrial plots or plots for development of infrastructure for financial business, provided by the State Government Industrial Development Corporations/ Undertakings or any other entity having 20% or more ownership of Central Government, State Government, Union Territory to (a) industrial units or (b) developers in any industrial or financial business area, may be exempt from GST.**

ii. **In case of breach of land use subsequently, (i.e. from industrial use to any other use), the exemption may be withdrawn and GST with interest and penalty may be recovered jointly and severally from the entity that has availed the exemption originally and all lessees who have subsequently purchased or entered into agreement with original supplier and subsequent buyers / owners.**

iii. **The condition above (sl. no. ii) shall be monitored and enforced by the State Government.**

iv. **GST @ 5% may be levied on long term lease of land (thirty years, or more) of industrial plots or plots for development of infrastructure for financial business, provided by a *private person or entity, or an entity having less that 20% ownership of the Government. Similar safeguards as at sl. no. (ii) and (iii) above shall apply to this clause as well.**

** The term 'private person' shall be clarified by a circular.*

The existing Explanation appended in the present notification will also apply and the number '50%" therein shall be suitably substituted by 20%.

6. **Discussion on agenda item No. 2:**

6.1 Secretary to the GoM, JS (TRU-II) initiated the second agenda item and informed that State of West Bengal has forwarded the proposal to exempt supply of services by Co-operative Housing Society to its members for providing construction services on any plot which has been allotted by State Government or the Central Government or Union Territory or any Governmental Authority or any Government Entity to such Co-operative Housing Society. He stated that status quo may be maintained as supply is presently taxable on merit rate and more information with appropriate example may be called for from West Bengal to consider the issue on merit.

6.2 Hon'ble Convener asked that before examining this issue, a clear analysis of revenue implication would be placed before the GoM so that the committee can take an informed decision. He further said that it needs to be examined whether the same concept can be applied to other cooperative societies who deal in goods or deliver services to their members after procuring the same from outside without any value addition. He further added that whenever violation of tax law occurs, fixing responsibility on co-operative society is very difficult as the members of the society keeps on changing. Therefore, for ensuring compliance, detailed report and suggestions may be called from State of West Bengal.

6.3 Hon'ble Minister of Panchayat, Goa, Sh. Mauvin Godinho, expressed the view that there was need to seek more information regarding mode of running of Cooperative Societies as many models are working and there is possibility of mis-use.

6.4 Advisor to Punjab Government Shri V.K. Garg emphasized upon the need to look into whether supply by such cooperative societies is covered under the concept of a pure agent and therefore, their would be no liability of tax payment.

6.5 After the above deliberation, the GoM took following decision.

i. **Request State of West Bengal to provide more data and examples to explain that no value addition is involved and that there would be no loss of revenue in the proposal. West Bengal may also suggest safeguards in such a way that the exemption if granted, it would be available only to a very select kind of housing society, who deserve this relief and can't be misused by other cooperative societies.**

7. **Discussion on agenda item No. 3 and 4:**

7.1 These two agendas have been moved by the State of Maharashtra. Hon'ble Convener of GoM said that since President Rule is in operation in Maharashtra and it would be appropriate to defer these issues till new government is formed. Accordingly, the agendas were deferred for consideration after formation of new Government in Maharashtra. Other members agreed.

7.2 JS TRU II also confirmed that officials from Maharashtra also had opined that such a course of action would be prudent in the given situation.

8. The second GoM meeting ended with the Convenor thanking all hon'ble Ministers and officials who participated in the meeting. Special Secretary to the GST Council, Shri Rajeev Ranjan also thanked all the members and officers present in the meeting.

9. Summary of decisions taken by the GoM is as under:

Sl. No.	Proposal	Decision
1	To exempt GST on long term lease of lands by private/ semi private bodies for setting up industrial parks.	i. Service by way of grant of long term lease of land (thirty years, or more) of industrial plots or plots for development of infrastructure for financial business, provided by the State Government Industrial Development Corporations/ Undertakings or any other entity having 20% or more ownership of Central Government, State Government, Union Territory to (a) industrial units or (b) developers in any industrial or financial business area, may be exempt from GST. ii. In case of breach of land use subsequently, (i.e. from industrial use to any other use), the exemption may be withdrawn and GST with interest and penalty may be recovered jointly and severally from the entity that has availed the exemption originally and all lessees who

		have subsequently purchased or entered into agreement with original supplier and subsequent buyers / owners. iii. The condition above (sl. no. ii) shall be monitored and enforced by the State Government. iv. GST @ 5% may be levied on long term lease of land (thirty years, or more) of industrial plots or plots for development of infrastructure for financial business, provided by a *private person or entity, or an entity having less that 20% ownership of the Government. Similar safeguards as at sl. no. (ii) and (iii) above shall apply to this clause as well. ** The term 'private person' shall be clarified by a circular.* The existing Explanation appended in the present notification will also apply and the number 50% therein shall be suitably substituted by 20%.
2	To exempt the supply of construction services provided by the Co-operative Housing Society to its members.	Request State of West Bengal to provide more data and examples to explain that no value addition is involved and that there would be no loss of revenue in the proposal. West Bengal may also suggest safeguards in such a way that the exemption if granted, it would be available only to a very select kind of housing society, who deserve this relief and can't be misused by other cooperative societies.
3	To provide preferential tax treatment to free houses provided to slum dwellers in a slum rehabilitation/ redevelopment project and mechanism of taxing TDR handed over to builder by Government thereof.	GoM felt that these issues may be deferred till President Rule is in operation in Maharashtra and to take them up for examination once new government is formed in the State.
4	To review the value limits of Rs. 45 lakhs in the definition of affordable residential apartment for a metropolitan region, if necessary.	

List of officials attended the 2nd meeting of GoM on real estate:

From Central Government:

Dr. Rajeev Ranjan, Special Secretary- GST Council
Shri Amitabh Kumar, Joint Secretary- GST Council
Shri Manish Kumar Sinha, Joint Secretary- TRU II
Shri Dheeraj Rastogi, Commissioner- GST Council
Shri Parmod Kumar, OSD- TRU II
Shri Susanta Mishra, Technical Officer- TRU II

From State Government:

Shri JP Gupta, CCT- Gujarat
Shri Deepak Bandekar, CCT Goa
Smt. Amrita Soni, CCT- Uttar Pradesh
Shri Anand Singh, CCT- Kerala
Shri MP Ravi Prasad, Joint Commissioner, Karnataka
Shri Sanjay Pathak, Joint Commissioner, Uttar Pradesh

Agenda Item 7: Creation of Public Grievance Redressal Committee as per Hon'ble High Court of Delhi's order in the case of Sales Tax Bar Association

Proposal for suitable mechanism for grievance redressal at ground level -Grievance Redressal Committee –W.P.(C) 9575/2017 & C.M. no. 38987/2017 - Sales Tax Bar Association (regd.) & ANR

During examination of a Writ Petition (WP (C) No. 9575 of 2017) filed by Sales Tax Bar Association and others in Hon'ble High Court of Delhi on non-availability of many functionalities on GST Portal, a meeting was taken by Hon'ble Judges with the officers of GSTN, GST Policy Wing and GST Council Secretariat on 16th Nov 2019, during which query was made about the mechanism of handling of individual grievances for IT related issues. Hon'ble Judges were briefed about the current set up of handling such grievances on IT related issues as well as about the functioning of IT Committee and the Group of Ministers. It was also explained that under Central Excise, Service Tax and VAT regime, there used to be a mechanism of Public Grievance Committees in Zones/ States to handle grievances of stakeholders in a structured manner. The Hon'ble judges were of the view that the current system of grievance redressal was not sufficient and there was a need to constitute a Committee under a retired High Court Judge with representatives of Bar Associations and officers from Tax administration and GSTN to look into issues of GST implementation. In response, it was suggested to the Hon'ble Judges that Grievance Redressal Committees may be required under GST at Zone/ State level rather than constituting a Committee headed by a retired Judge.

2. The Hon'ble High Court has subsequently passed an Order dated 28.11.2019 **(Annexure-A)** seeking details about the grievance redressal committees at local/Commissionerate level viz. as to how and when these Committees would be constituted; what would be their structure; and what mechanism would be adopted by these Committees to address grievances. Hon'ble Court has also desired that for effectiveness, there should be participation of policy makers in the said Committees. Hon'ble Court has also directed that an affidavit on these issues be filed within two weeks. The next date of hearing of this matter is 18th December 2019.

3. There is a need to establish a structured grievance redressal mechanism for the taxpayers under GST. A system of **Public Grievance Committees (PGC)** used to exist in the erstwhile Central Excise/ Service Tax Commissionerates under CBIC. These Committees met on periodic basis and took up specific issues pertaining to grievances of public for redressal of the same. The said PGCs did not deal with the policy issues related to taxation. Further, there used to be another forum in the Central Excise formations in the form of **Regional Advisory Committees (RACs)** under the Zonal Chief Commissioners. The number of members in RAC was prescribed as 16 to ensure representation of all the registered Trade Associations, Chambers within the Zone. Representatives of the State Government, manufacturers, SSI, Exporters' Association, PSU, etc could also be included in the RAC. The Chief Commissioner could also co-opt three members from the industry or assessee group important from the zonal point of view for a specific period for a particular meeting. Meeting of RAC was to be convened on a quarterly basis. The functions of the RAC were purely advisory in nature intended to resolve procedural difficulties of the **general nature**, as against the **specific** issues/ grievances handled by PGCs.

4. As there is no formal arrangement, either in form of Public Grievance Committees (PGCs) or regional Advisory Committees (RACs), under GST regime to tackle grievances of specific/ general nature at the Zonal/ Commissionerate/ State level, it is proposed to operationalize a Grievance Redressal Committee (GRC) at Zonal/State level with membership of both CGST and SGTS officers

and including representatives of trade and industry and other GST stakeholders (GST practitioners etc.) to address this issue. The constitution of the said Grievance Redressal Committee and its functions and mandate are proposed in the following paras:

A. Constitution of the Committee:

The proposed Constitution of the GRC is as follows:

i. Zonal Principal Chief Commissioner/ Chief Commissioner of Central Tax (Co-chair)
ii. Chief Commissioner/ Commissioner of State Tax (Co-chair)
iii. Representatives of various Trade Associations – **12 in number**
iv. Representatives of prominent Associations of Tax Professionals like Chartered Accountants, Tax Advocates, Tax Practitioners etc. – **4 in number**
v. Nodal officer of ITGRC of the Central Tax and Nodal officer of ITGRC of the State Tax.
vi. Representative of GSTN handling the concerned Zone/ State
vii. Any other member with the permission of the Co-chairs.
viii. Additional/Joint Commissioner of office of Zonal Principal Chief Commissioner/ Chief Commissioner of Central Tax and an officer nominated by the Chief Commissioner/ Commissioner of State Tax - Secretaries of the GRC.

B. Term of the Committee - The GRC will be constituted for a period of two (2) years and the term of each member so nominated, shall likewise be for a period of 2 years. Any member of the Committee who is absent for 3 consecutive meetings, without adequate reasons, will be deemed to have been withdrawn from the Committee and his place will be filled by fresh nomination by the Principal Chief Commissioner/Chief Commissioner of Central Tax and the Chief Commissioner/ Commissioner of State Tax

C. Functions and mandate of the Committee:

(i) Examining and resolving all the grievances and issues being faced by the taxpayers, including procedural difficulties and IT related issues pertaining to GST, both of specific and general nature.

(ii) Referring any issue requiring a change in Act/Rules/Notification/ Form/Circular/ Instruction, etc., to the GST Council Secretariat and the relevant Policy Wing of the CBIC.

(iii) Referring any matter related to IT related issue pertaining to GST Portal, to GSTN.

Whenever an issue is referred by the GRC, the concerned Policy Wing of CBIC would examine the said policy issue and if required, would make suitable recommendation on the same for consideration/ approval of the GST Council. Likewise, if the matter is related to IT related issue pertaining to GST portal, the same would be resolved by GSTN in a time bound manner, preferably within one month.

D. Periodicity of Meeting of the Committee – The Committee will meet once every quarter or more often as the Co-chairs may decide.

E. Mechanism of Working of the Committee: The stakeholders will send their grievances/suggestions to the Secretary of the Committee, who shall place the same before the Committee. Further, the Secretary of the Committee shall also submit a quarterly progress report to the GST Council Secretariat as well as to the GST Policy Wing, CBIC.

3. GSTN has proposed **(Annexure B)** that for time bound handling of grievances and accountability, they shall develop a portal for recording all such grievances (including their scanned

images) and their disposal. It shall be the responsibility of the Co-chairs to ensure timely entry of the grievances and updating the status of their disposal on the portal.

4. The nodal officers of GSTN, Policy Wing of CBIC and GST Council Secretariat will also be able to update status of action taken at their end. The details of action taken on all issues will be displayed on the portal, which shall be available for viewing to all stakeholders to check the status of the resolution.

5. The proposal above is placed before the GST Council for consideration and approval.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 9575/2017 & C.M. No. 38987/2017

SALES TAX BAR ASSOCIATION (REGD,) & ANR.

..... Petitioners

Through: Mr.Puneet Agrawal, Mr.Yuvraj Singh, Mr.Sanjay Sharma and Mr.Ashok Sikka, Advocates

versus

UNION OF INDIA & ORS. ..... Respondents

Through: Mr.Anurag Ahluwalia, CGSC with Mr.Abhigyan Siddhant, Advocate for respondent No.1
Mr.Satyakam, ASC with Mr.Akhil Dehlan, Advocate
Mr.Harpreet Singh, Senior Standing Counsel with Ms.Suhani Mathur, Advocate for respondents No. 3, 5 and 7
Mr.Tushar Singh, Mr.Pratyaksh Sharma and Ms.Nidhi Mohan, Advocates for respondent No.4
Mr.Abhishek Gupta, EVP-GSTN and Mr.Vashishtha Chaudhary, SVP-GSTN

\+ W.P.(C) 10284/2018 & CM APPL. 40111/2018

SALES TAX BAR ASSOCIATION (REGD.) & ANR. ..... Petitioners

Through: Mr.Puneet Agrawal, Mr.Yuvraj Singh, Mr.Sanjay Sharma and Mr.Ashok Sikka, Advocates

versus

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UNION OF INDIA & ORS. ..... Respondents

Through: Mr.Anurag Ahluwalia, CGSC with Mr.Abhigyan Siddhant, Advocate for respondent No.1
Mr.Satyakam, ASC with Mr.Akhil Dehlan, Advocate
Mr.Harpreet Singh, Senior Standing Counsel with Ms.Suhani Mathur, Advocate for respondents No. 3, 5 and 7
Mr.Tushar Singh, Mr.Pratyaksh Sharma and Ms.Nidhi Mohan, Advocates for respondent No.4
Mr.Abhishek Gupta, EVP-GSTN and Mr.Vashishtha Chaudhary, SVP-GSTN

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% 28.11.2019

1. We have heard the learned counsel for the parties at substantial length. On 16.11.2019 we had called a meeting in pursuance of our order dated 31.10.2019, the draft minutes of the said meeting have been circulated and agreed to between the learned counsels. The minutes as finalised are annexed to and shall also form part of this order.

2. Mr. Agarwal, learned counsel for the petitioners submits that even those aspects which have been agreed to on 18.09.2019 and thereafter, have not been fully implemented by the respondents till date. Thereafter, under the orders of this Court, meetings were held on 7.10.2019 and 14.10.2019, minutes thereof have also been placed on record. Even the issues which

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were resolved in those meetings have not been fully implemented. The assurances given in the meeting held on 16.11.2019 also remained to be fulfilled.

3. Mr. Harpreet Singh, Senior Standing Counsel for the Revenue submits that in place of 'IT Grievances Redressal Mechanism', which in terms of the order dated 18.09.2019, was required to deal with all kind of grievances, including individual grievances relating to the working of the GSTN, the respondents are in the process of constituting Public Grievance Committees (PGC) at the local and commissionerate level, which would also redress IT Grievances. However, it is not stated as to how and when the said committees would be constituted; what would be the structure and qualification of the persons who would be part of the said grievance committees, and; the mechanism that these committees would adopt to ensure that the grievances are adequately addressed, and do not remain unaddressed. It goes without saying that unless such committees have participation of the decision makers, their word may not matter and the grievance may remain unaddressed. We direct the respondents to file an affidavit within two weeks in this regard, listing all the particulars.

4. In any event, till the constitution of the said committees at the local and commissionerate level, the grievances raised by the registered assessees cannot go un-redressed. Mr. Agarwal, further pointed out that various persons are raising tickets from time to time on issues with which they are confronted, but to no avail.

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5. In the meantime, till the constitution of PGCs, we direct that the Chairman and the CEO, GSTN shall be responsible to monitor, and they shall ensure the rederessal of all grievances relating to the GSTN, including IT related grievances in the working of the GSTN network, and to comply with our orders, as well as the aspects on which agreements have been reached and assurances have been given by the respondents. A status report shall be filed by the Chairman and the CEO, GSTN on the next date with regard to the grievances tickets raised; grievances/tickets addressed and resolved, and; outstanding grievances/tickets.

6. List on 18.12.2019.

7. Copy of this order be given *dasti* under the signature of Court Master.

VIPIN SANGHI, J

SANJEEV NARULA, J

NOVEMBER 28, 2019
v

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Agenda Item 8: Status of various Group of Ministers (GoMs) constituted on the recommendation of the GST Council

The GST Council in its various meetings had decided to constitute various Group of Ministers (GoMs) to examine many important issues. During the deliberations in the 37th GST Council Meeting held on 20th September 2019, the Hon'ble Chairperson and the Council Members desired to know about the status of various GoMs constituted by the Council.

2. Currently**,** 12 GoMs have been constituted on the recommendation of the Council. A brief status for each of the GoMs is as follows:

GoM on IT challenges in GST implementation

3. The GoM was constituted on 14th September 2017 on the recommendation of the Council made during the 21st GST Council Meeting held on 09th September 2017. It has been mandated to monitor and resolve the IT challenges faced in the implementation of GST. It consists of the Hon'ble Ministers from the States of Bihar, Maharashtra, Odisha, Karnataka, Assam, Haryana and Andhra Pradesh. The Hon'ble Member from Bihar is the Convenor of the GoM and the GoM is assisted by CEO, GSTN in its work. The reports of the 12 Meetings of the GoM have been placed before the Council for consideration.

GoM on Composition and tax structure on Restaurants

4. The GoM was constituted on 07th October 2017 on the recommendation of the Council made during the 22nd GST Council Meeting held on 06th October 2017. It has been mandated to examine measures to make the Composition Scheme more attractive and to revisit GST Structure on Restaurants. It consists of the Hon'ble Ministers from the States of Assam, Bihar, Jammu & Kashmir, Punjab, and Chattisgarh. The Hon'ble Member from Assam is the Convenor of the GoM and the GoM is assisted by Additional Secretary/ Special Secretary, GST Council in its work. The report of the GoM was tabled before the Council in its 23rd Meeting held on 10th November 2017, based on which certain decisions had been taken by the Council.

GoM on Reverse Charge Mechanism

5. The GoM was constituted on 21st March 2018 on the recommendation of the Council made during the 26th GST Council Meeting held on 10th March 2018. It had been mandated to examine introduction of RCM on Composition and any other categories of taxpayers. It consists of the Hon'ble Ministers from the States of Bihar, Chhattisgarh, Kerala, Punjab and Uttar Pradesh. The Hon'ble Member from Bihar is the Convenor of the GoM and the GoM is assisted by Additional Secretary/ Special Secretary, GST Council in its work. The report of the GoM was tabled before the Council in its 28th Meeting held on 21st July 2018, based on which certain decisions had been taken by the Council.

GoM on Digital Payments

6. The GoM was constituted on 04th May 2018 on the recommendation of the Council made during the 27th GST Council Meeting held on 04th May 2018. It had been mandated to examine aspects related to 'incentivizing digital payments under GST' such as revenue loss, rural & urban divide, availability of network & debit cards, and to suggest solutions to mitigate the same. It consists of the Hon'ble Ministers from the States of Bihar, Gujarat, Haryana, West Bengal and Punjab. The Hon'ble Member from Bihar is the Convenor of the GoM and the GoM is assisted by Joint Secretary, TRU I, DoR in its

work. The recommendations of the GoM were discussed in the 28th and the 29th GST Council Meeting held on 21st July 2019 and 04th August 2019, based on which certain decisions had been taken by the Council.

GoM on Sugar Cess

7. The GoM was constituted on 04th May 2018 on the recommendation of the Council made during the 27th GST Council Meeting held on 04th May 2018 for considering issues relating to imposition of Cess on Sugar under GST. It consists of the Hon'ble Ministers from the States of Assam, Uttar Pradesh, Maharashtra, Tamil Nadu and Kerala. The Hon'ble Member from Assam is the Convenor of the GoM and the GoM is assisted by Commissioner, GST Policy Wing, CBIC in its work. The recommendations of the GoM were discussed in the 28th Meeting of the Council held on 21st July 2019, based on which certain decisions had been taken by the Council.

GoM for MSME

8. The GoM was constituted on 14th August 2018 on the recommendation of the Council made during the 29th GST Council Meeting held on 04th August 2018 broadly to identify the measures to be taken after examining the recommendations of the Law Committee, the Fitment Committee and the IT Committee on the representations and suggestions relating to MSME received from stakeholders up to 29th Meeting of GST Council held 04th August 2018 etc. The Hon'ble MoS (Finance), Government of India and the Hon'ble Ministers from the State of Bihar, NCT of Delhi, Assam, Kerala and Punjab are the Members of the GoM. The Hon'ble MoS (Finance), GoI is the Convenor of the GoM. The recommendations of the GoM was placed before the Council in its 32nd GST Council Meeting held on 10th January 2019, based on which certain decisions were taken by the Council.

GoM on Revenue Mobilisation in case of Natural Calamities & Disasters

9. The GoM was constituted on 29th September 2018 on the recommendation of the Council made during the 30th GST Council Meeting held on 28th September 2018 to examine the modalities for revenue mobilisation in case of natural calamities and disasters. It consists of the Hon'ble Ministers from the States of Bihar, Assam, Kerala, Maharashtra, Odisha and Uttarakhand. The Hon'ble Member from Bihar is the Convenor of the GoM and the GoM is assisted by Joint Secretary, DoR in its work. The report of the GoM was placed before the Council in its 32nd Meeting held on 10th January 2019, based on which certain decisions were taken by the Council.

GoM on Analysis of Revenue from GST

10. The GoM was constituted on 01st January 2019 on the recommendation of the Council made during the 31st Meeting held on 22nd December 2018 to analyse State-wise trends of revenue collection and the structural patterns emerging out of certain major sectors affecting the revenue collection and to identify underlying reasons for deviations in revenue collection trends vis-à-vis original assumption. It consists of the Hon'ble Ministers from Bihar, Karnataka, Kerala, Punjab, Odisha, Haryana and Goa. The Hon'ble Member from Bihar is the Convenor of the GoM and the GoM is assisted by Joint Secretary, DoR in its work. The recommendations of the GoM are yet to be tabled before the Council for consideration.

GoM on issues relating to Lottery

11. The GoM was constituted on 15th January 2019 on the recommendation of the Council made during the 32nd Meeting held on 10th January 2019 to examine the disparity in tax structure on the same product/commodity be continued or a uniform rate be prescribed for both; whether private persons authorized by States were misusing the lower rate and getting enriched themselves at the cost of the State and suggest measures to curb it; any other issue related to enforcement so as to prevent evasion of tax on lottery. It consists of Hon'ble Ministers from Maharashtra, Kerala, West Bengal, Assam, Goa, Punjab, Karnataka and Arunachal Pradesh. The Hon'ble Member from Maharashtra is the Convenor of the GoM and the GoM is assisted by Joint Secretary, TRU-II, DoR in its work. The interim report of the GoM on Lottery was placed before the Council in its 33rd Meeting held on 20th & 24th February 2019. The Council decided to refer the matter back to GoM on Lottery. The recommendations of the GoM was put before the Council again in its 35th Meeting held on 21st June 2019. The Council decided to refer two issues to the Attorney General of India before taking final views. The issues relating to Lottery was discussed during the 37th Meeting held on 20th September 2019.

GoM on boosting Real Estate under GST regime

12. The GoM was constituted on 15th January 2019 on the recommendation of the Council made during the 32nd Meeting held on 10th January 2019 to broadly examine the tax rates on real estate; to examine and suggest ways for composition scheme or any other scheme for real estate sector; various aspect of levy of GST on Transfer of Development Rights (TDR) and Development Rights in a joint Development Agreement and suitable model etc. It consists of Hon'ble Ministers from Gujarat, Maharashtra, Karnataka, Kerala, Punjab, Uttar Pradesh and Goa. The Hon'ble Member from Gujarat is the Convenor of the GoM and the GoM is assisted by Joint Secretary, TRU-II, DoR in its work. The report of the GoM was placed before the Council in its 33rd Meeting held on 20th & 24th February 2019. The Council took various decisions based on the recommendation of the GoM. Some of the pending issues were referred to the GoM in the 37th GST Council Meeting.

GoM on movement of Gold and Precious Stones

13. The GoM was constituted on 22nd November 2019 on the recommendation of the Council made during the 37th Meeting held on 20th September 2019 to examine feasibility of implementation of e-Way bill requirement for movement of Gold & Precious Stones and to address issues and concerns arising out of it. It consists of Hon'ble Ministers from Kerala, Bihar, Gujarat, Punjab, Karnataka and West Bengal. The Hon'ble Member from Kerala is the Convenor of the GoM and the GoM is assisted by Principal Commissioner, GST Policy Wing, CBIC in its work. The report of the GoM is yet to be tabled before the Council.

GoM on IGST Settlement

14. The GoM was constituted on 07th December 2019 on the recommendation of the Council made during the 37th Meeting held on 20th September 2019 to study in detail the issue of IGST settlement as on 31st March 2018 in view of the concerns expressed by the States of Punjab, Tamil Nadu, NCT of Delhi and Puducherry and to address any possible dispute arising from the same. It consists of the Hon'ble Ministers from the States/UTs of Puducherry, Bihar, NCT of Delhi, Chhattisgarh, Odisha, Punjab and Tamil Nadu. The Hon'ble Minister from Bihar is the Convenor of the GoM and the GoM is assisted by Joint Secretary, Department of Revenue.

15. In view of the above, the following is being proposed regarding the status of GoMs:

i. The report/recommendations of the **GoM on Composition and tax structure on Restaurants, GoM on Reverse Charge Mechanism**, **GoM on Digital Payments, GoM on Sugar Cess**, **GoM for MSME and GoM on Revenue Mobilisation in case of Natural Calamities & Disasters** had been placed before the Council and acted upon. Hence, these GoMs may not continue.

ii. The report/recommendations of the **GoM on IT challenges in GST implementation, GoM on issues relating to Lottery** and **GoM for boosting Real Estate Sector under GST regime** had been placed before the Council. However, some of the issues are yet to be finalised. These GoMs may continue.

iii. The reports/recommendations of the **GoM on Analysis of Revenue from GST, GoM on movement of Gold and Precious Stones, GoM on IGST Settlement** are yet to be placed before the Council. Hence, the GoMs may continue.

16. The brief status of the GoMs is placed before the Council for information and consideration of the proposal at paragraph 15 above.

Agenda Item 9: 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 at 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 37th meeting held on 20th September, 2019, the GST Council had ratified all the notifications, circulars, and orders issued before the 11th September, 2019.

2. In this respect, the following notifications, Circulars and Orders issued after 11th September, 2019 till 10th December, 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.	Description/Remarks
CGST Act/CGST Rules	Central Tax	1. Notification No. 42/2019 - Central Tax dated 24.09.2019	Seeks to bring rules 10, 11, 12 and 26 of the CGST (Fourth Amendment) Rules, 2019 in to force
		2. Notification No. 43/2019 - Central Tax dated 30.09.2019	Seeks to amend notification No 14/2019- Central Tax dated 7.3.2019 so as to exclude manufacturers of aerated waters from the purview of composition scheme
		3. Notification No. 44/2019 - Central Tax dated 09.10.2019	Seeks to prescribe the due date for furnishing of return in FORM GSTR-3B for the months of October, 2019 to March, 2020
		4. Notification No. 45/2019 - Central Tax dated 09.10.2019	Seeks to prescribe the due date for furnishing FORM GSTR-1 for registered persons having aggregate turnover of up to 1.5 crore rupees for the quarters from October, 2019 to March, 2020
		5. Notification No. 46/2019 - Central Tax dated 09.10.2019	Seeks to prescribe the due date for furnishing of return in FORM GSTR-1 for registered persons having aggregate turnover more than 1.5 crore rupees for the months of October, 2019 to March, 2020.
		6. Notification No. 47/2019 - Central Tax dated 09.10.2019	Seeks to make filing of annual return under section 44 (1) of CGST Act for F.Y. 2017-18 and 2018-19 optional for small taxpayers whose aggregate turnover is less than Rs 2 crores and who have not filed the said return before the due date.

		7. Notification No. 48/2019 - Central Tax dated 09.10.2019	Seeks to amend notification No. 41/2019 – Central Tax, dated the 31st August, 2019.
		8. Notification No. 49/2019 - Central Tax dated 09.10.2019	Seeks to carry out changes in the CGST Rules, 2017.
		9. Notification No. 50/2019 - Central Tax dated 24.10.2019	Seeks to extend the last date for filing of FORM GST CMP-08 for the quarter July-September 2019 by four days from 18.10.2019 till 22.10.2019.
		10. Notification No. 51/2019 - Central Tax dated 31.10.2019	Seeks to amend notification No. 2/2017- Central Tax in order to notify jurisdiction of Jammu Commissionerate over UT of J&K and UT of Ladakh
		11. Notification No. 52/2019 – Central Tax dated 14.11.2019	Seeks to extend the due date for furnishing FORM GSTR-1 for registered persons in Jammu and Kashmir having aggregate turnover of up to 1.5 crore rupees for the quarter July, 2019 to September, 2019
		12. Notification No. 53/2019 – Central Tax dated 14.11.2019	Seeks to extend the due date for furnishing of return in FORM GSTR-1 for registered persons in Jammu and Kashmir having aggregate turnover more than 1.5 crore rupees for the months of July, 2019 to September, 2019
		13. Notification No. 54/2019 – Central Tax dated 14.11.2019	Seeks to extend the due date for furnishing of return in FORM GSTR-3B for registered persons in Jammu and Kashmir for the months of July, 2019 to September, 2019
		14. Notification No. 55/2019 – Central Tax dated 14.11.2019	Seeks to extend the due date for furnishing of return in FORM GSTR-7 for registered persons in Jammu and Kashmir for the months of July, 2019 to September, 2019
		15. Notification No. 56/2019 – Central Tax dated 14.11.2019	Seeks to carry out Seventh amendment (2019) in the CGST Rules, 2017. [Primarily related to Simplification of the Annual Return / Reconciliation Statement]
		16. Notification No. 57/2019 – Central Tax dated 26.11.2019	Seeks to extend the due date for furnishing of return in FORM GSTR-1 for registered persons in Jammu and Kashmir having aggregate turnover more than 1.5 crore rupees for the months of July, 2019 to September, 2019

		17. Notification No. 58/2019 – Central Tax dated 26.11.2019	Seeks to extend the due date for furnishing of return in FORM GSTR-1 for registered persons in Jammu and Kashmir having aggregate turnover more than 1.5 crore rupees for the month of October, 2019
		18. Notification No. 59/2019 – Central Tax dated 26.11.2019	Seeks to extend the due date for furnishing of return in FORM GSTR-7 for registered persons in Jammu and Kashmir for the months of July, 2019 to October, 2019.
		19. Notification No. 60/2019 – Central Tax dated 26.11.2019	Seeks to extend the due date for furnishing of return in FORM GSTR-3B for registered persons in Jammu and Kashmir for the months of July, 2019 to September, 2019
		20. Notification No. 61/2019 – Central Tax dated 26.11.2019	Seeks to extend the due date for furnishing of return in FORM GSTR-3B for registered persons in Jammu and Kashmir for the month of October, 2019
		21. Notification No. 62/2019 – Central Tax dated 26.11.2019	Seeks to notify the transition plan with respect to J&K reorganization w.e.f. 31.10.2019
	Central Tax (Rate)	1. Notification No. 14/2019-Central Tax (Rate) dated 30.09.2019	Seeks to amend notification No 1/2017-Central Tax (Rate) dated 28.6.2017 so as to specify effective CGST rates for specified goods, to give effect to the recommendations of the GST Council in its 37th meeting dated 20.09.2019.
		2. Notification No. 15/2019-Central Tax (Rate) dated 30.09.2019	Seeks to amend notification No 2/2017- Central Tax (Rate) dated 28.6.2017 so as to grant exemption to dried tamarind and cups, plates made of leaves, bark and flowers of plants.
		3. Notification No. 16/2019-Central Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 3/2017- Central Tax (Rate) dated 28.6.2017 so as to extend concessional CGST rates to specified projects under HELP/OALP, and other changes.
		4. Notification No. 17/2019-Central Tax (Rate) dated 30.09.2019	Seeks to amend notification No 26/2018- Central Tax (Rate) dated 31.12.2018, so as to exempt CGST on supplies of silver and platinum by nominated agencies to registered persons.
		5. Notification No. 18/2019-Central Tax (Rate) dated 30.09.2019	Seeks to amend notification No 2/2019- Central Tax (Rate) dated 7.3.2019 so as to exclude manufacturers of aerated waters from the purview of composition scheme.

		6. Notification No. 19/2019-Central Tax (Rate) dated 30.09.2019	Seeks to exempt supply of goods for specified projects under FAO.
		7. Notification No. 20/2019-Central Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 11/2017- Central Tax (Rate) so as to notify CGST rates of various services as recommended by GST Council in its 37th meeting held on 20.09.2019.
		8. Notification No. 21/2019-Central Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 12/2017- Central Tax (Rate) to exempt services as recommended by GST Council in its 37th meeting held on 20.09.2019
		9. Notification No. 22/2019-Central Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 13/2017- Central Tax (Rate) so as to notify services under reverse charge mechanism (RCM) as recommended by GST Council in its 37th meeting held on 20.09.2019
		10. Notification No. 23/2019-Central Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 4/2018 - Central Tax (Rate), dated the 25th January, 2018, by adding an explanation on the applicability of provisions related to supply of development rights.
		11. Notification No. 24/2019-Central Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 7/2019 - Central Tax (Rate), dated the 29th March, 2019 by amending the entry related to cement
		12. Notification No. 25/2019-Central Tax (Rate) dated 30.09.2019	Seeks to notify the grant of alcoholic liquor licence neither a supply of goods nor a supply of service as per Section 7(2) of CGST Act, 2017.
		13. Notification No. 26/2019-Central Tax (Rate) dated 22.11.2019	Seeks to insert explanation regarding Bus Body Building in Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017.
UTGST Act	Union Territory Tax (Rate)	1. Notification No. 14/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to amend notification No 1/2017- Union territory Tax (Rate) dated 28.6.2017 so as to specify effective UTGST rates for specified goods, to give effect to the recommendations of the GST Council in its 37th meeting dated 20.09.2019.
		2. Notification No. 15/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to amend notification No 2/2017- Union territory Tax (Rate) dated 28.6.2017 so as to grant exemption to dried tamarind and cups, plates made of leaves, bark and flowers of plants.

		3. Notification No. 16/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to amend notification No 3/2017- Union territory Tax (Rate) dated 28.6.2017 so as to extend concessional UTGST rates to specified projects under HELP/OALP, and other changes.
		4. Notification No. 17/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to amend notification No 26/2018- Union territory Tax (Rate) dated 31.12.2018 so as to exempt UTGST on supplies of silver and platinum by nominated agencies to registered persons.
		5. Notification No. 18/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to amend notification No 2/2019- Union territory Tax (Rate) dated 7.3.2019 so as to exclude manufacturers of aerated waters from the purview of composition scheme.
		6. Notification No. 19/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to exempt supply of goods for specified projects under FAO.
		7. Notification No. 20/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 11/2017- Union Territory Tax (Rate) so as to notify GST rates of certain services as recommended by GST Council in its 37th meeting held on 20.09.2019.
		8. Notification No. 21/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 12/2017- Union Territory Tax (Rate) so as to exempt certain services as recommended by GST Council in its 37th meeting held on 20.09.2019.
		9. Notification No. 22/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 13/2017- Union Territory Tax (Rate) so as to notify certain services under reverse charge mechanism (RCM) as recommended by GST Council in its 37th meeting held on 20.09.2019.
		10. Notification No. 23/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 04/2018 - Union Territory Tax (Rate), dated the 25th January, 2018, by adding an explanation on the applicability of provisions related to supply of development rights.
		11. Notification No. 24/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 07/2019 - Union Territory Tax (Rate), dated the 29th March, 2019 by amending the entry related to cement.
		12. Notification No. 25/2019- Union Territory Tax (Rate) dated 30.09.2019	Seeks to notify the grant of alcoholic liquor licence neither a supply of goods nor a supply of service as per Section 21(i) of UTGST Act read with Section 7(2) of CGST Act, 2017.

		13. Notification No. 26/2019- Union Territory Tax (Rate) dated 22.11.2019	Seeks to insert explanation regarding Bus Body Building in Notification No. 11/2017-Union Territory Tax (Rate) dated 28.06.2017.
IGST Act	Integrated Tax (Rate)	1. Notification No. 14/2019- Integrated Tax (Rate) dated 30.09.2019	Seeks to amend notification No 1/2017-Integrated Tax dated 28.6.2017 so as to specify effective IGST rates for specified goods, to give effect to the recommendations of the GST Council in its 37th meeting dated 20.09.2019.
		2. Notification No. 15/2019- Integrated Tax (Rate) dated 30.09.2019	Seeks to amend notification No 2/2017-Integrated Tax (Rate) dated 28.6.2017 to grant exemption to dried tamarind and cups, plates made of leaves, bark and flowers of plants.
		3. Notification No. 16/2019- Integrated Tax (Rate) dated 30.09.2019	Seeks to amend notification No 3/2017-Integrated Tax (Rate) dated 28.6.2017 so as to extend concessional IGST rates to specified projects under HELP/OALP, and other changes.
		4. Notification No. 17/2019- Integrated Tax (Rate) dated 30.09.2019	Seeks to amend notification No 27/2018-Integrated Tax (Rate) dated 31.12.2018 so as to exempt IGST on supplies of silver and platinum by nominated agencies to registered persons.
		5. Notification No. 18/2019 - Integrated Tax (Rate) dated 30.09.2019	Seeks to exempt supply of goods for specified projects under FAO.
		6. Notification No. 19/2019 - Integrated Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 08/2017-Integrated Tax (Rate) so as to notify GST rates of various services as recommended by GST Council in its 37th meeting held on 20.09.2019.
		7. Notification No. 20/2019 - Integrated Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 09/2017-Integrated Tax (Rate) so as exempt certain services as recommended by GST Council in its 37th meeting held on 20.09.2019.
		8. Notification No. 21/2019 - Integrated Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 10/2017-Integrated Tax (Rate) so as notify certain services under reverse charge mechanism (RCM) as recommended by GST Council in its 37th meeting held on 20.09.2019
		9. Notification No. 22/2019 - Integrated Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 04/2018 - Integrated Tax (Rate), dated the 25th January, 2018, by adding an explanation on the applicability of provisions related to supply of development rights.

		10. Notification No. 23/2019 - Integrated Tax (Rate) dated 30.09.2019	Seeks to amend notification No. 07/2019 - Integrated Tax (Rate), dated the 29th March, 2019 by amending the entry related to cement.
		11. Notification No. 24/2019 - Integrated Tax (Rate) dated 30.09.2019	Seeks to notify the grant of alcoholic liquor licence neither a supply of goods nor a supply of service as per Section 20(i) of IGST Act read with Section 7(2) of CGST Act.
		12. Notification No. 25/2019 - Integrated Tax (Rate) dated 22.11.2019	Seeks to insert explanation regarding Bus Body Building in Notification No. 8/2017 - Integrated Tax (Rate) dated 28.06.2017.
	Integrated tax	1. Notification No. 04/2019 - Integrated Tax dated 30.09.2019	Seeks to notify the place of supply of R&D services related to pharmaceutical sector as per Section 13(13) of IGST Act, as recommended by GST Council in its 37th meeting held on 20.09.2019.
Goods and Services Tax (Compensation to States) Act, 2017	Compensation Cess (Rate)	1. Notification No. 02 /2019-Compensation Cess (Rate) dated 30.09.2019	Seeks to amend notification No. 1/2017-Compensation Cess (Rate), dated 28.6.2017 on the recommendations of the GST Council in its 37th meeting dated 20.09.2019.
		2. Notification No. 03 / 2019-Compensation Cess (Rate) dated 30.09.2019	Seeks to disallow the refund of compensation cess in case of inverted duty structure for tobacco and manufactured tobacco substitutes.
Circulars	Under CGST Act, 2017	1. Circular No. 110/29/2019 – GST dated 03.10.2019	Seeks to clarify the eligibility to file a refund application in FORM GST RFD-01 for a period and category.
		2. Circular No. 111/30/2019 – GST dated 03.10.2019	Seeks to clarify procedure to claim refund in FORM GST RFD-01 subsequent to favourable order in appeal or any other forum.
		3. Circular No. 112/31/2019 – GST dated 03.10.2019	Seeks to withdraw Circular No. 105/24/2019-GST dated 28.06.2019.
		4. Circular No. 113/32/2019 – GST dated 11.10.2019	Clarification regarding GST rates & classification (goods) Circular
		5. Circular No. 114/33/2019 – GST dated 11.10.2019	Clarification on scope of support services to exploration, mining or drilling of petroleum crude or natural gas or both

		6. Circular No. 115/34/2019 – GST dated 11.10.2019	Clarification on issue of GST on Airport levies.
		7. Circular No. 116/35/2019 – GST dated 11.10.2019	Levy of GST on the service of display of name or placing of name plates of the donor in the premises of charitable organisations receiving donation or gifts by individual donors.
		8. Circular No. 117/36/2019 – GST dated 11.10.2019	Clarification on applicability of GST exemption to the DG Shipping approved maritime courses conducted by Maritime Training Institutes of India.
		9. Circular No. 118/37/2019 – GST dated 11.10.2019	Clarification regarding determination of place of supply in case of software/design services related to Electronics Semi-conductor and Design Manufacturing (ESDM) industry.
		10. Circular No. 119/38/2019 – GST dated 11.10.2019	Clarification regarding taxability of supply of securities under Securities Lending Scheme, 1997.
		11. Circular No. 120/39/2019 – GST dated 11.10.2019	Clarification on the effective date of explanation inserted in notification No. 11/2017- Central Tax (Rate) dated 28.06.2017, Sr. No. 3(vi).
		12. Circular No. 121/40/2019 – GST dated 11.10.2019	Clarification related to supply of grant of alcoholic liquor license.
		13. Circular No. 122/41/2019 – GST dated 05.11.2019	Generation and quoting of Document Identification Number (DIN) on any communication issued by the officers of the Central Board of Indirect Taxes and Customs (CBIC) to tax payers and other concerned persons- reg.
		14. Circular No. 123/42/2019 – GST dated 11.11.2019	Seeks to clarify restrictions in availment of input tax credit in terms of sub-rule (4) of rule 36 of CGST Rules, 2017.
		15. Circular No. 124/43/2019 – GST dated 18.11.2019	Seeks to clarify optional filing of annual return under notification No. 47/2019-Central Tax dated 9th October, 2019.
		16. Circular No. 125/44/2019 – GST dated 18.11.2019	Seeks to clarify the fully electronic refund process through FORM GST RFD-01 and single disbursement.

		17. Circular No. 126/45/2019 – GST dated 22.11.2019	Clarification on scope of the notification entry at item (id), related to job work, under heading 9988 of Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017
		18. Circular No. 127/46/2019 – GST dated 04.12.2019	Seeks to ab-initio withdraw the Circular No. 107/26/2019 dated 18.07.2019.
Removal of Difficulty Order	Under CGST Act, 2017	1. Order No.8/2019 - Central Tax dated 14.11.2019	Seeks to extend the last date for furnishing of annual return/reconciliation statement in FORM GSTR-9/FORM GSTR-9C for FY 2017-18 till 31st December, 2019 and for FY 2018-19 till 31st March, 2020
		2. Order No. 9/2019 - Central Tax dated 03.12.2019	Issuance of Removal of Difficulties Order so as to extend the last date for filing of appeals before the GST Appellate Tribunal against orders of Appellate Authority on account of non-constitution of benches of the Appellate Tribunal.

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

Agenda Item 10: Decisions of the GIC Implementation Committee (GIC) for information of the GST Council

The GST Implementation Committee (GIC) took certain decisions between 21st September 2019 and 17th December 2019. Due to the urgency involved, some decisions were taken after obtaining approval by circulation amongst GIC members. The details of the decisions taken are given below:

Decision by Circulation – 10th October 2019

2. The proposal before the GIC related to the scope of the term 'bus body building' and perceived overlap between entries at item (id) and (iv) under heading 9988.

2.1. Regarding the first issue, the GST Council in its 37th meeting recommended reduction in GST rate on all job work services in the machine, engineering and automobile sector, except bus body building, from 18% to 12% and a notification had been issued on 30.09.2019 to give effect to the recommendation of the Council, prescribing GST rate of 18% on 'bus body building' and GST rate of 12% on all other job work services, which earlier attracted 18% rate. It was mentioned that Bus Body Building was a general term that refers in common trade parlance to building of body on chassis of all automobiles including buses, trucks, ambulances etc. However, doubt had been raised whether the higher rate of 18% would apply only to 'bus body building' or also to body building of trucks and other automobiles. It was also informed that the rationale on the basis of which the Council had recommended GST rate of 18% on bus body building was equally applicable to body building of other automobiles. Therefore, it was proposed that to make the scope of the entry clear, an explanation may be inserted in the notification entry prescribing GST rate of 18% on bus body building.

2.2. Regarding the second issue, entry at item (id) under heading 9988 of Notification No. 11/2017-Central Tax (Rate) dated 28-06-2017 inserted with effect from 01-10-2019, prescribed 12% GST rate for all services by way of job work. This made the entry at item (iv) which covers "manufacturing services on physical inputs owned by others" with GST rate of 18%, redundant. The entries at items (id) and (iv) under heading 9988 read as under:

(3)	(4)	(5)
(id) Services by way of job work other than (i), (ia), (ib) and (ic) above;	6	-
(iv) Manufacturing services on physical inputs (goods) owned by others, other than (i), (ia), (ib), (ic), (id), (ii), (iia) and (iii) above.	9	-

2.3. It was also mentioned that the request of the industry as well as the recommendation of the Fitment Committee and the GST Council was to reduce the GST rate only on job work services. The main justification given for this proposal was that the recipient of the job work services takes ITC of GST paid on the same. Therefore, GST paid on job work services did not add to revenue of the Government but caused cash flow difficulties to the job workers. The GST Council had also observed that reduction in GST rate on job work service would not result in any revenue loss but only in shifting of tax liability from job worker to the principal. This was possible only if the services were provided to a registered recipient.

2.4. It was also mentioned that the lower GST rate of 5% on job work services in relation to textiles, leather, leather goods, food & food products, handicrafts, clay bricks etc. had all along been applicable only on the job work services supplied to a registered recipient. The same services supplied to an unregistered recipient had always attracted 18% rate. The same was the case with lower GST rate of 12% on job work services in relation to manufacture of umbrella or of 1.5% on job work services in relation to diamonds. Therefore, the entry at item (id) inserted w.e.f 01.10.2019 was in line with other entries prescribing lower GST rate of 1.5%/5%/12% on job work services.

2.5. In view of the above, it was seen that there was a clear demarcation between scope of the entries at item (id) and item (iv) under heading 9988 of Notification No. 11/2017-Central Tax (Rate) dated 28-06-2017. Entry at item (id) covers only job work services as defined in section 2 (68) of CGST Act, 2017, that is, services by way of treatment or processing undertaken by a person on goods belonging to another registered person. On the other hand, the entry at item (iv) specifically excludes the services covered by entry at item (id), and therefore, covers only such services which are carried out on physical inputs (goods) which are owned by persons other than those registered under the CGST Act. A clarification was therefore proposed to be issued accordingly.

2.6. The GIC approved the proposals regarding the scope the term 'bus body building' and Perceived overlap between entries at item (id) and (iv) under heading 9988. Accordingly, implementing Notification No. 26/2019- Central Tax (Rate) dated 22nd November 2019 and Circular No. 126/45/2019-GST dated 22nd November 2019 were issued.

32nd GIC Meeting - 16th October 2019

3. The 32nd Meeting of the GIC was held on 16th October 2019. The following agenda items were discussed and decided:

Agenda item 1: Issuance of Circular on fully electronic refund process through FORM GST RFD-01 and single disbursement

3.1. The proposal for consideration before the GIC was a Circular on fully electronic refund process through FORM GST RFD-01 and single disbursement. The Council in its 37th Meeting held on 20th September 2019 recommended the launch of the fully electronic refund module along with a mechanism for single source disbursement and the same has been introduced with effect from 26.09.2019. It was mentioned that in order to issue a fresh set of comprehensive guidelines for electronic submission, processing and disbursement of refund claims submitted in **FORM GST RFD-01** and to consolidate the myriad refund related clarifications issued earlier in a single reference document, a draft master refund Circular was discussed and finalized in the Law Committee as the Master Circular was recommended to be issued in supersession of the old Circulars issued on the subject.

3.2. The GIC discussed the draft Circular and the suggestions/comments of Members on the draft Circular during the Meeting in detail and decided as recorded in the Minutes of the said Meeting. Accordingly, it was proposed that the draft Circular may be approved by the GIC.

3.3. The GIC approved the draft Circular subject to modifications as recorded in the Minutes of the said Meeting. It also decided that the Circular should be issued at the earliest and the States would require to issue similar Circular superseding the earlier Circulars. Accordingly, Circular No. 125/44/2019 – GST dated 18th November 2019 was issued.

Agenda item 2: Clarification regarding optional filing of annual return under notification No. 47/2019-Central Tax dated 9th October, 2019

4. The proposal before the GIC for consideration was a Circular with clarifications regarding optional filing of annual returns under Notification No. 47/2019. The GST Council, in its 37th Meeting held on 20.09.2019 recommended making filing of annual return optional for registered persons whose aggregate turnover in a financial year does not exceed two crore rupees for the financial year 2017-18 and 2018-19. Accordingly, notification No. 47/2019 - Central Tax dated 9th October, 2019 was issued by the Central Government under Section 148 of the Central Goods and Services Tax Act, 2017.

4.1. The said notification, *inter-alia*, provides that the annual return shall be deemed to be furnished on the due date if it has not been furnished before the due date for the registered persons whose aggregate turnover in a financial year does not exceed two crore rupees during the said financial years 2017-18 and 2018-19.

4.2. Accordingly, it was proposed that the draft Circular may be issued to ensure uniformity in implementation of the said notification.

4.3. The GIC approved the proposed Circular regarding optional filing of annual return under notification No. 47/2019-Central Tax dated 9th October, 2019. It was further decided that the States are also required to issue similar Circular. Accordingly, Circular No. 124/43/2019 – GST dated 18th November 2019 was issued.

Agenda item 3: Statements in Annexure – 1 of FORM GST-RFD-01

5. The proposal before the GIC was regarding carrying out changes in statement 1A, 2, 3, 4, 5, 5B (supplier), 5B (recipient) and 6 and insertion of a new statement 4A of **FORM GST RFD-01** based on the recommendations of the Law Committee on issues referred by GSTN. With respect to the agenda on changes in statements of **FORM GST RFD-01**, it was informed that the credit note had been de-linked with the invoice, therefore, suitable amendments were approved by the Law Committee in Statements 1A, 2, 3, 4, 5, 5B (supplier), 5B (recipient) and 6 and insertion of a new statement 4A was also approved in **FORM GST RFD-01** (the same were indicated in the Annexure B of this agenda item). Accordingly, Agenda Item7(ix) - Proposal for amendments to CGST Rules, 2017- was placed before the GST Council in its 37th Meeting held on 20th September, 2019. However, instead of 9 statements which required approval of the Council, inadvertently only 6 statements were covered in the agenda note i.e. statements 4, 5, 5B (supplier), 5B (recipient), 6 and 4A of **FORM GST RFD-01**.

5.1. In view of the above, it was proposed that changes in the remaining statements of **FORM GST RFD-01** which were recommended by the Law Committee i.e. in statement 1A, 2 and 3 of **FORM GST RFD-01 (**as in Annexure A of this agenda item) may be approved by the GIC.

5.2. The GIC approved the proposal of carrying out changes in statement 1A, 2 and 3 of **FORM GST RFD-01.** Accordingly, Notification No. 56/2019–Central Tax dated 14th November, 2019 was issued.

Decision by Circulation – 19th October 2019

6. The proposal before the GIC was regarding extension of last date for filing FORM CMP-08 for the quarter of July,2019 to September,2019. CEO, GSTN had informed GST Policy Wing, CBIC by email dated 19.10.2019 that some technical issues were being faced in the system while furnishing of

FORM GST CMP-08 for the quarter July, 2019 to September, 2019 as the due-date of the same (18.10.2019) was coinciding with that of **FORM GSTR-3B** (20.10.2019)**.** Further, GSTN had informed that since the last date of **FORM GSTR-3B** was 20.10.2019, GSTN could not deploy the requisite fix till 21.10.2019. Hence, request was made to extend the due date for furnishing **FORM GST CMP-08** to 22.10.2019.

6.1. The GIC approved the proposal of extending the due date for filing **CMP-08** for quarter July, 2019 to September, 2019 to 22.10.19. Accordingly, implementing Notification No. 50/2019- Central Tax dated 24th October 2019 was issued.

Decision by Circulation – 31st October 2019

7. The proposal before the GIC was regarding extension of due dates for filing of **FORM GSTR-1, FORM GSTR-7** and **FORM GSTR-3B** for the months of July, August, September 2019 for the State of Jammu and Kashmir

7.1. The agenda proposed the following due dates for various returns for the taxpayers of the State of Jammu and Kashmir.

Sl. No.	FORM	Period	Proposed due date	Approved due date
1.	**FORM GSTR-1** for taxpayers having aggregate turnover of more than 1.5 crore rupees in the preceding financial year or the current financial year	July, August, September, 2019	11th November, 2019	15th November, 2019
2.	**FORM GSTR-7**	July, August, September, 2019	10th November, 2019	15th November 2019
3.	**FORM GSTR-3B**	July, August, September, 2019	20th November, 2019	20th November 2019
4.	**FORM GSTR-1** for taxpayers having aggregate turnover less than 1.5 crore rupees in the preceding financial year or the current financial year	July - September, 2019	30th November, 2019	30th November 2019

7.2. The GIC has approved the proposal for extension of the due dates for filing of **FORM GSTR-1, FORM GSTR-7** and **FORM GSTR-3B** for the months of July, August, September 2019 and the subsequent months when Jammu & Kashmir requests specifically for further extension of due dates due to connectivity issues in Jammu & Kashmir. Accordingly, the implementing Notification No. 52/2019-Central Tax, dated 14th November 2019, 53/2019-Central Tax, dated 14th November 2019, 54/2019-Central Tax, dated 14th November 2019, 55/2019-Central Tax, dated 14th November 2019, Notification No. 57/2019-Central Tax, dated 26th November 2019, Notification No. 58/2019-Central Tax, dated 26th November 2019, Notification No. 59/2019-Central Tax, dated 26th November 2019, Notification No.

60/2019-Central Tax, dated 26th November 2019 and Notification No. 61/2019-Central Tax, dated 26th November 2019 were issued.

33rd GIC Meeting - 09th November 2019

8. The 33rd Meeting of the GIC was held on 09th November 2019. The following agenda items were discussed and decided:

Agenda item 1: Simplification of Annual Return and Reconciliation Statement for FY 201:7-18 and 2018-19

8.1. The proposal before the GIC was regarding amendments to be carried out in annual return and reconciliation statement for FY 2017-18 and 2018-19. It was mentioned that an agenda item regarding exemption of small taxpayers from filing of annual returns / reconciliation statement was placed before the 37th GST Council in its meeting held on 20th September, 2019. While approving the agenda, the Council decided that a committee of officers may be constituted to simplify the Annual Return / Reconciliation Statement Forms. Therefore, a Committee of Officers (CoO) was formed to revise the format of Annual Returns & Reconciliation statement and to suggest improvements to make it easier for the taxpayers to file these returns.

8.2. The Committee examined each table of the **FORM GSTR-9** and **FORM GSTR-9C** for its utility and requirement, both for taxpayers as well as tax administration and recommendations were made on various tables of **FORM GSTR-9** and **FORM GSTR-9C**. Based on the recommendations of the committee, it was proposed that certain labels and instructions of **FORM GSTR-9** (Annual Return) and **FORM GSTR-9C** (Reconciliation Statement) be amended.

8.3. Accordingly, the agenda was placed before the GIC for approval. The GIC discussed and decided on the proposed agenda in view of suggestions received from Members.

8.4. The GIC approved the changes to **FORM GSTR-9** and **FORM GSTR-9C** as proposed, also incorporating the suggestions received from the GIC Members. Further GIC decided that the due dates for furnishing annual returns for FY2017-18, FY2018-19 would be 31st December 2019 and 31st March 2020 respectively. Accordingly, implementing Notification No: 56/2019 dated 14th November 2019 and Removal of Difficulties Order No. 8/2019 – Central Tax dated 14th November 2019 were issued.

Agenda item 2: Clarifications on restriction in availment of input tax credit in terms of sub-rule (4) of rule 36 of CGST Rules, 2017

9. The proposal before the GIC was regarding Circular clarifying restrictions in availment of ITC in terms of Rule 36(4) of CGST Rules, 2017. Principal Commissioner, GST Policy Wing, CBIC stated that Sub-rule (4) to rule 36 of the Central Goods and Services Tax Rules, 2017 was inserted vide notification No. 49/2019-Central Tax, dated 09.10.2019. The said sub-rule prescribes reasonable restrictions on availment of input tax credit (ITC) in respect of invoices or debit notes, whose details have not been uploaded by the suppliers under sub-section (1) of section 37 of the Central Goods and Services Tax Act, 2017. ITC in respect of such invoices is allowed only up to 20% of the invoices or debit notes, whose details have been uploaded by the suppliers. He further stated that to ensure uniformity across field formations, a Circular was proposed to be issued to clarify the implementation of sub-rule (4) of rule 36 of the CGST Rule.

9.1. The GIC approved the proposal to issue circular clarifying restrictions in availment of ITC in terms of Rule 36(4) of CGST Rules, 2017 with minor changes. Accordingly, Circular No. 123/42/2019–GST dated 11th November 2019 was issued.

Agenda item 3: Amendment to Notification No. 50/2017-Customs dated 30th June, 2017 with respect to requirement of 'end-use certificates' to be issued by and Bond to be submitted to GST Officers

10. The proposal before the GIC was regarding amendment to Notification No. 50/2017/ - Customs dated 30th June 2017 with respect to requirement of 'end-use' certificates' to be issued by and Bond to be submitted to GST Officers. Principal Commissioner, GST Policy Wing, CBIC stated that the Law Committee in its meeting held on 10-11th December, 2018 discussed a proposal sent by Karnataka for having uniform practice of monitoring of end use certification based on the notifications being followed; the format and the manner of issuance of end use-based certificates; and their monitoring. The Law Committee had recommended that the notification No. 50/2017-Customs may be amended and the duty of issuing end use certificate along with other related responsibilities may be entrusted to the Customs officers. The Agenda Note along with the draft notification was placed before the GIC in its 28th Meeting held on 27th May, 2019 wherein the GIC decided to defer the agenda. The matter was taken back to the Law Committee in its meeting held on 30th October 2019, wherein the LC reconfirmed its earlier recommendation and decided that the matter shall be taken back to the GIC as per the original proposal for its consideration and approval.

10.1. Shri Sanjeev Kaushal, Additional Chief Secretary, Haryana stated that an SOP may be prepared detailing the procedure to be followed in issuing the end-use certificate and shared with the members of the GIC after which a decision could be made whether the proposed amendment in the said notification is necessary or not.

10.2. The GIC agreed that a SOP including the mechanism for recovery of IGST in case of non-fulfilment of certification requirements and imposition of penalty, interest if any, may be prepared and shared. The GIC deferred the agenda item.

Decision by Circulation - 11th November 2019

11. The proposal before the GIC was relating to transition plan for the UT of Jammu and Kashmir in view of the reorganization of the erstwhile State of Jammu and Kashmir into two Union territories w.e.f. 31.10.2019. In order to assess the impact of the said bifurcation and to formulate the responses required both from the system perspective as well under the provisions of the GST laws, a meeting of officers from GST Policy Wing, CBIC, Department of Revenue, Commercial Tax Department of Jammu and Kashmir and GSTN was held on 04.11.2019. Based on the inputs and suggestions from the members in the meeting, the following points were the broadly agreed upon:

i. Revenue from the period beyond 31.10.2019 needs to be collected under the new accounting heads which would get created for such purpose
ii. The registration for the earlier period shall be kept active in order to allow such taxpayers to retain earlier registrations to deal with liabilities for the earlier period
iii. A reasonable period is required for the said transition keeping the changes that might be required in the system and accordingly, 31.12.2019 may be considered as the transition date
iv. It was felt that immediate changes would be required in context of registration, furnishing of return and transition of ITC.

11.1. The proposed transition plan was stated as under:

a. Registration:

i. Taxpayers having principal place of business in UT of J&K and additional place of business, if any, also in only the UT of J&K - Registration will continue to exist as earlier (State code 01)-No change.

ii. Taxpayers having principal place of business in UT of J&K and additional place of business, in new UT of Ladakh - New registration to be obtained by such taxpayers with effect from 31.10.2019 in the UT of Ladakh (New State code 38)

iii. Taxpayers having principal place of business in UT of Ladakh and additional place of business, if any, also in only the UT of Ladakh - New registration to be mandated for the period with effect from 31.10.2019 (State code 38).

iv. Taxpayers having principal place of business in UT of Ladakh and additional place of business in the UT of J&K - The earlier registration (State code 01) to be cancelled on completion of returns filing for period before 31.10.2019. Ladakh registration (State code 38) to be created in the UT of Ladakh with State Code 38

v. Compulsory registration under section 24 (i) of the CGST Act, 2017 to be waived during the transition period for inter-State supplies between the two consequent UTs

b. Return filing:

i. A revised tax period to be notified for the months of October and November, 2019 for the registered tax payers in the jurisdiction of the two new UTs as below:

- October: 1st day of October, 2019 to 30th day of October, 2019.
- November: 31st day of October, 2019 to 30th day of November, 2019.

ii. Registered persons in the consequent UT of Ladakh would be required to file all the returns upto the tax period of October, 2019 in the earlier registration (State code 01) and would file return from November, 2019 onwards under the new registration (State code 38).

iii. In case invoices are raised during the period from 31.10.2019 till date of new/migrated registration as detailed above, with incorrect location code or inappropriate head; the registered tax payer shall have the opportunity to correct the same and report in the FORM GSTR-3B return of November, 2019.

iv. Registered persons in the consequent UT of Ladakh paying tax under section 10 of the CGST Act or under notification 2/2019-Central Tax (rate), dated 07.03.2019 would be required to furnish FORM CMP-08 for the part quarter Oct-Dec, 2019 (from 01.10.2019to 30.10.2019) in the earlier registration (State code 01) and the FORM CMP-08 for remaining part would be furnished under new registration (State code 38).

c. ITC transfer:

i. Optional transfer of ITC from the credit ledger balance after return filing of tax period up to 31st October, 2019, to be allowed, on the basis of ratio of turnover in both the new UTs under the cover of a document issued under intimation to both (transferor and transferee) jurisdictional tax officers, within one month of new registration and through the November 2019 return. Such transfer to be done by way of debit in FORM GSTR-3B by the transferor and by credit in the FORM GSTR-3B by the transferee, after filing the intimation, in any return of the tax periods during the transition phase.

ii. ITC balance in SGST/CGST/IGST existing post the optional transfer of ITC hall be transitioned to UTGST/CGST/IGST for the registrations in UT of Ladakh.

11.2. The GIC approved the proposal of the transition plan for the State of Jammu and Kashmir in view of the reorganization of the erstwhile State of Jammu and Kashmir into two Union territories w.e.f. 31.10.2019 by way of issuance of notification under Section 148 of CGST Act, 2017 as made applicable to the UTGST Act. Accordingly, implementing Notification No. 62/2019 – Central Tax dated 26th November 2019 was issued.

12. The decisions of the GIC are placed for information of the Council.

Agenda Item 11: Decisions/recommendations of the IT Grievance Redressal Committee for information of the Council

Decisions/recommendations of the 8th IT Grievance Redressal Committee

Eighth meeting of the IT grievance Redressal Committee (IT-GRC) was held on 13th August 2019 to resolve grievance of the taxpayers arising out of technical and non-technical problems. (Minutes of the Meeting attached as **Annexure A** of this agenda Item).

2. Total **491 cases of TRAN-1/TRAN-2** had been examined by GSTN (**Agenda 1**) and presented before the committee. Out of these, 442 cases were sent by Nodal officers and 49 were court cases. All above cases had been categorized broadly reason-wise in two major categories as 'A' and 'B' by GSTN team. **Category 'A'** includes cases in which the taxpayer could not apparently file TRAN 1/TRAN 2 because of technical glitches and **Category 'B'** includes cases where no technical issues were found from the system logs in filing TRAN 1/TRAN 2.

3. In pursuance of decision in 32nd GST Council Meeting, regarding extended scope of ITGRC, GST Council Secretariat had received another **22 cases** in response to extended scope of ITGRC and analysis of these cases was also presented before the committee (**Agenda 3**).

4. It was also observed by GSTN that **04 cases of TRAN 1 had been brought twice before the ITGRC in 6th and 7th Meeting** with wrong description and recommendations based on incomplete facts, which need reconsideration**.** GSTN had again examined the system logs of 04 cases and presented them before the Committee (**Agenda 4**),

5. After detailed discussion, the 8th ITGRC decided and recommended as under: -

Recommendation for Agenda 1, Agenda 3 and Agenda 4.

(A) For 491 Cases presented through GSTN (Agenda 1):

- **i)** **To allow** filing of TRAN-1 in total **137 cases of TRAN-1 & TRAN-2** belonging to Category 'A' as per Annexures indicated in column No. 3 and 4 of Table-2 (136 cases of TRAN-1) and Table 4 (01 case of TRAN-2 in Category 'A') on account of technical/system issues as explained at para 5 and para 7 of Minutes, in accordance with the Law Committee recommendations regarding consequential benefits related to filing of TRAN 1.
- **ii)** **Allowed** GSTN to **withdraw two (02) cases** (one of each TRAN-1 and TRAN-2) as mentioned in Table 5 of Minutes without any decision and directed GSTN to present these cases after proper analysis before the next ITGRC Meeting.
- **iii)** **Not to allow** remaining **352 cases of Category 'B'** as per Annexures indicated in column No. 3 and 4 of Table-3 (351 cases of TRAN-1) and Table 4 (01 case of TRAN-2 in Category 'B') in absence of any evidence of technical/system errors in these cases as explained at para 6 and para 7 of Minutes, as was decided in similar cases in past seven IT-GRC meetings.

(B) For 22 Cases presented through GST Council Secretariat as per extended scope of ITGRC (Agenda 3):

Decision on these cases was deferred in view of discussion on the emerging issues as discussed with reference to Agenda 2. This matter would be discussed again in ITGRC in light of decision of Agenda 2 which inter alia includes the issue of re-examining the limited number of non-technical glitch/error cases. The details of discussion on Agenda 2 might be referred for details.

(C) For Cases which had been brought twice in 6th and 7th ITGRC (Agenda 4):

- **(i)** ITGRC Allowed 03 cases of TRAN-1 which were earlier not allowed in 6th ITGRC but they were allowed in 7th ITGRC.

(ii) Committee had also accepted the proposal of fourth case to recall the decision of 7th ITGRC on this case, on account of error reported by GSTN and effectively restoring the decision of 6th ITGRC of allowing the filing/revision of TRAN-1.

Discussion on emerging issues before ITGRC (Agenda 2)

6. During the earlier ITGRC proceedings, it was observed that Nodal officers as well as GSTN had received various references and Writ Petitions where non-technical issues were also involved. The ITGRC could not handle those cases, as it was not empowered to take any decision on these issues. Further, on account of no appeal mechanism in respect of Forms TRAN-1/TRAN-2 under GST law, taxpayers were approaching various Hon'ble High Courts for grievance redressal. In 32nd GST Council Meeting, it was decided to enhance/expand the scope of the ITGRC to include those cases where no technical glitch/problem was evident, and the Commissioners would after examination recommend such cases but GSTN and GST Council Secretariat were receiving cases without proper scrutiny. Till 31st January 2019, 62 cases (with incomplete details and not in conformity with the spirit of the decision of the 32nd GST Council Meeting) were received and placed before 4th ITGRC on 12.02.2019. 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; certified and it should also be clearly stated that the case was covered by the decision of 32nd GST Council Meeting along with clear recommendations from the State/Centre before sending by the concerned Jurisdictional Commissioner. Accordingly, 179 cases received till 31st March 2019 were placed before 6th ITGRC on 27.05.2019 while 22 cases were placed before 8th ITGRC which contained many of the cases that were found incomplete in 6th ITGRC. Till now as no case has been allowed to file TRAN-1/TRAN-2 in accordance with the extended scope of ITGRC, therefore, such emerging issues before ITGRC were also discussed in the Committee as per Agenda 2.

6.1 In respect of Agenda 2 i.e. emerging issues in respect of cases involving non-technical glitches, it was discussed and recommended by ITGRC that for cases involving non-technical glitches, the process of examination by ITGRC might be redesigned and a pragmatic approach was required on the issue of allowing GST TRAN- 1/GST TRAN 2 for those taxpayers who were covered under the 32nd GST Council decision; having High Court decision and had filed the TRAN-1 before due date i.e. 27.12.2017 but not received the transitional credit due to non-technical error. The mechanism would include following aspects:

a. The process would be applicable to the taxpayers who have satisfied the criteria and represented before the nodal officer/Jurisdictional Commissioner for non-technical glitches as per 32nd GST Council decision.
b. Definition of the non-technical error may include cases where TRAN-1/TRAN-2 has been filed before due date i.e.27.12.2017 but credit not received to taxpayer including the scenario where the credit was entered in wrong column.
c. The jurisdictional Commissioners of the State/Centre should get the claim of the taxpayer checked including the verification of credit and ascertain the amount of credit (CGST/SGST) that was claimed in the various tables of GST TRAN 1/GST TRAN 2. Wherever required a certificate from counterpart tax authorities may also be obtained regarding genuineness of claimed credit.
d. After being satisfied about the genuineness of the claim, the details should be sent to GSTN with proper recommendation and specific High Court order copy as per 32nd GST Council decision to enable filing of TRAN-1/TRAN-2. The mode as well as format for such directions and the requisite certificate be finalised by GSTN in order to maintain the audit trail and generate report, if required.

e. If deemed necessary, post audit of the taxpayers could be carried out by tax authorities in a time-bound manner, who would claim transitional credit above a particular threshold.
f. In light of above, ITGRC could revisit the 'Category A' cases identified as non-technical cases placed in Annexure 3 of 6th ITGRC and Agenda 3 of the 8th ITGRC, taking inputs as required from GSTN.

7. The decisions/recommendations as per attached Minutes of the 8th ITGRC are placed for information of the Council.

Annexure A

Minutes of the 8th meeting of IT Grievance Redressal Committee (ITGRC) held on 13th August 2019 at Kalpvriksha, North Block, New Delhi

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The eighth meeting of the IT Grievance Redressal Committee (ITGRC) was held in Kalpvriksha in North Block, New Delhi on 13th August 2019. The list of officers who attended the meeting is attached as **Annexure-4**.

Agenda Note 1: TRAN 1/TRAN 2 Cases as per Circular 03.04.2018:

2. Shri Vashistha Chaudhary, SVP (Services), GSTN appraised the background that a total number of around 2638 cases of TRAN-1 and 149 cases of TRAN-2 had been received from the Nodal officers of Center and States till 31.03.2019 at GSTN, excluding court cases on this issue. Further, a few cases, which were received from Nodal officer containing all the relevant information but were not in the format prescribed in SOP (issued by GSTN in April 2018), had also been included in the agenda. The details of cases discussed in previous meetings were as follows.

Table 1: Details of TRAN 1/TRAN 2 cases presented before IT-GRC through GSTN

S. No.	Meeting Reference	No. of TRAN-1/TRAN 2 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	4th IT-GRC on 12.02.2019	408	53	461	165	296
5	5th IT-GRC on 05.03.2019	203	21	224	80	144
6	6th IT-GRC on 27.05.2019	594	88	682	172	510
7	7th IT-GRC on 11.06.2019	236	13	249	98	151
8	8th IT-GRC on 13.08.2019	442	49	491	To be discussed	
9	Sub Total			2885		

3. SVP (Services) explained further that in previous seven ITGRC Meetings total 2394 TRAN-1/TRAN-2 cases including cases where Writ Petitions were filed in various High Courts were presented to ITGRC. Out of which, a total of 920 cases had been considered and approved up to seventh ITGRC. Further, another 258 TRAN-2 cases had also been approved by ITGRC during these meetings. The filing of TRAN 1/TRAN-2 in above approved cases had been enabled by GSTN at GST Common Portal. The taxpayers who had been enabled for filing TRAN-1/TRAN-2 had been informed through e-mails for filing their TRAN-1/TRAN-2 as the case may be. Further, reminders had been given to the taxpayers who had either not attempted to file their TRAN-1/TRAN-2 or had merely submitted their applications after receiving communication from GSTN. The taxpayers who had still not filed their TRAN-1/TRAN-2 even after reminders, had been contacted telephonically by the officers of GSTN and guided appropriately for filing the same.

4. Now, another **491 cases (488 cases of TRAN-1 and 3 cases of TRAN-2)** (case of M/s Kusum Enterprises Pvt. Ltd. Vs. UOI and Ors, which was presented separately, has also been included here in Court cases for ease of reference) had been examined and presented before 8th ITGRC. Out of these; 442 cases were sent by the Nodal officers of Center/States while 49 cases (including M/s Kusum Enterprises Pvt. Ltd. v/s UOI case) were arising out of writ petitions filed before various High Courts/orders (interim or final). The list of cases received from Nodal officers was at **Annexure 1** of the Agenda and the list of Court Cases was at **Annexure 2** of the Agenda. GSTN had examined all above cases and analyzed the system logs of all cases and categorized them into '**Category A'** which had technical issues and '**Category B'** which did not have technical issues. Some cases, which were received as representations from Nodal officers were presented as case received from Nodal officers in previous ITGRC meetings however, in due course of time they turned up in the form of writ petition. Therefore, the present figure of writ petition cases and figures provided in previous ITGRC may differ and total number of writ petition cases as reflected in Table-1 above may vary. Further, court cases pertaining to TRAN-1 are still being received and referred to ITGRC after technical analysis of the cases and systems logs.

5. SVP, 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-category out of the different sub-categories reported in earlier ITGRC and number of cases pertaining to each subcategory were as per **column 3 and 4 of Table 2** below:

- **Sub Category A1: Cases where the taxpayer received the error as "Processed with Error"** The taxpayer could not claim transitional credit as 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 A2: Cases where, TRAN-1 not attempted as per logs - due to Registration/Migration Issue and Registration got after TRAN1 due date:** The taxpayers were not able to migrate due to technical issues before 27.12.2017.

The details of cases covered under these sub-categories of Category A is reflected in the Annexure 1 and Annexure 2 of the instant Minutes with details as in Table 2 below.

Table-2: TRAN-1 Cases reported as having Technical Glitch

Sub Category	Sub Category Description	Cases received from Nodal Officers	Court Cases
1	2	3	4
A-1	Processed with Error	121 (S. No 01 to 121 of Annexure 1)	08 Cases (S. No 01 to 08 of Annexure 2) including the case of M/s Kusum Enterprises Pvt. Ltd. Vs. UOI & Ors, which was presented separately.
A-2	Cases where, TRAN-1 not attempted as per logs - due to Registration/Migration Issue and	07 (S. No 122 to 128 of Annexure 1)	NIL

	Registration got after TRAN1 due date		
	Sub Total	**128**	**08**

6. **Category 'B'** had cases where no technical issues had been observed in TRAN 1 filing. SVP, 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 08 sub-categories and number of cases pertaining to each sub-category had been mentioned in **column 3 & 4 of Table 3** below: -

- **Sub-Category B-1: Cases in which as per GST system log, there was no evidences of error or submission/filing of TRAN1.** As per GST system log, there were no evidences of error or submission/filing of TRAN1.
- **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 has tried for saving/submitting for the first time or revision of TRAN 1 and 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 examined technical logs.
- **Sub-Category B-4: Cases where the taxpayer had attempted Tran-1 post end date of filing of TRAN 1.** As per logs taxpayer was trying to file TRAN 1 post mid night on last day of filing.
- **Sub-Category B-5: Cases in which TRAN-1 was filed once but credit was not received.** The taxpayer had filed TRAN-1 once successfully but no credit had been posted in ledger and no errors had been observed in system logs. **Sub-Category B-6: Cases where TRAN-1 filed twice but credit not received in ledger. Cases where taxpayer had filed TRAN-1 twice but no credit had been posted.** No technical issues had been observed in system logs. One Court case at S. No. 45 of Annexure 2 was erroneously reported under Category B4 of Agenda Note but actually it was belonging to Category B5. Hence, revised and placed in Category B5 subsequently.
- **Sub-Category B-7: Cases in which Tax payer was not entitled to TRAN 1 credit as it was an ISD** taxpayer.
- **Sub-Category B-10: Case of Mistake by Taxpayer.** The Taxpayers had admitted/ apparently made mistake, inadvertently or due to misunderstanding, in reporting correct values in TRAN 1/TRAN 2. They wanted a chance to revise the filed TRAN 1/TRAN 2 and report correct values. Since the admitted/apparent mistakes are clear from the perusal of the details of reported cases no technical analysis was done in these cases as the same was not required.

The details of cases covered under these sub-categories of Category B is reflected in the Annexure 1 and Annexure 2 of the instant Minutes with details as in Table 3 below.

Table-3: TRAN-1 Cases Not having Technical Glitch

Sub Category	Sub Category Description	Cases received from Nodal Officers	Writ 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.	150 (S. No 129 to 278 of Annexure 1)	25 (S. No 09 to 33 of Annexure 2)
B-2	TRAN-1 filing attempted for first time or revision and No error /No valid error reported.	69 (S. No 279 to 347 of Annexure 1)	05 (S. No 34 to 38 of Annexure 2)
B-3	Successfully Filed as Per Logs with No Valid Error reported	53 (S. No 348 to 400 of Annexure 1)	06 (S. No 39 to 44 of Annexure 2)
B-4	**Cases where the taxpayer had attempted Tran-1 post end date of filing of TRAN 1 (Annexure 1) /** TRAN-1 filed once but credit not received (Annexure 2)	02 (S. No 401 to 402 of Annexure 1)	NIL
B-5	**Cases in which TRAN-1 was filed once but credit was not received.**	26 (S. No 403 to 428 of Annexure 1)	01 (S. No 45 of Annexure 2). The case was erroneously reported under Category B4 of Agenda Note but actually shall belong to Category B5. Hence, revised and placed in Category B5 subsequently.
B-6	**Cases where TRAN-1 filed twice but credit not received in ledger**	01 (S. No 429 of Annexure 1)	NIL
B-7	**Cases in which Tax payer was not entitled to TRAN 1 credit as it was an ISD** taxpayer	03 (S. No 430 to 432 of Annexure 1)	NIL
B-10	**Case of Mistake by Taxpayer**	10 (S. No 433 to 442 of Annexure 1)	NIL
	Sub Total	**314**	**37**

7. In addition to above TRAN-1 cases, following TRAN-2 cases were also presented before the committee.

Table-4: Analysis of TRAN-2 Cases

Sub Category	Sub Category Description	From Nodal Officers	Court Cases
1	**2**	**3**	**4**
A	**Error recorded in logs while filing TRAN-2**: The taxpayer could not file TRAN-2 due to technical glitches.	NIL	01 (S. No 46 of Annexure 2)
B	**No error recorded while filing TRAN-2:** No technical glitches were found in GST System logs.	NIL	01 (S. No 47 of Annexure 2)
	Sub Total	**NIL**	**02**

8. After presenting 491 cases (488 cases of TRAN-1 and 3 cases of TRAN-2) before the committee, GSTN had withdrawn following two Court cases/ Writ Petition cases (one of each TRAN-1 and TRAN-2) for further detailed analysis.

Table-5: Cases Withdrawn by GSTN

S. No	Name/GSTIN/WP No.	Constitution of Business and State	S. No of the Agenda Note	Remarks
1	Vin Petro Chem Pvt. Ltd, 09AABCV8382Q1ZC, Writ Tax 401/2019	Private Limited Company, Uttar Pradesh	S. No 05 of TRAN-1 cases in Annexure 2 (WP Cases) of the Agenda	The issue of **TRAN-1** faced by the Petitioner has not been provided by the nodal officer. GSTN has also not received the Writ Petition.
2	A.B. Print Pack, 07AAHPK6595K1Z3, WP No 9059/2018	Proprietorship, Delhi	S. No 01 of TRAN-2 cases in Annexure 2 (WP Cases) of the Agenda	Petitioner has stated that the Petitioner could not file **TRAN-2** due to technical glitches.

9. Considering the above submissions, Committee discussed the cases of technical glitch of Category 'A' and after further elaboration and discussion, 136 cases of TRAN-1 pertaining to technical glitch categories as per Table 2 above and 01 cases of TRAN-2 pertaining to technical glitch category i.e. Category 'A' as per Table 4 were considered for allowing filing of TRAN 1/TRAN 2 in accordance with the Law Committee recommendations regarding consequential benefits related to filing of TRAN 1 and TRAN 2. Committee had also allowed GSTN to withdraw two cases (one of each TRAN-1 and TRAN-2) as mentioned in Table 5 above without any decision and directed GSTN to present the same in the next ITGRC Meeting.

10. Decision:

10.1 After detailed discussion and considering the above facts, the IT-GRC decided to allow filing of TRAN-1 in total 137 cases of TRAN-1 & TRAN-2 belonging to Category 'A' as per Annexures indicated in column No. 3 and 4 of Table-2 (136 cases of TRAN-1) and Table 4 (01 case of TRAN-2 in Category 'A') on account of technical/system issues as explained at para 5 and para 7 above, in accordance with the Law Committee recommendations regarding consequential benefits related to filing of TRAN 1.

10.2 Committee had also allowed GSTN to withdraw two (02) cases (one of each TRAN-1 and TRAN-2) as mentioned in Table 5 above without any decision and directed GSTN to present these cases after proper analysis before the next ITGRC Meeting.

10.3 The IT-GRC also decided not to allow remaining 352 cases of Category 'B' as per Annexures indicated in column No. 3 and 4 of Table-3 (351 cases of TRAN-1) and Table 4 (01 case of TRAN-2 in Category 'B') in absence of any evidence of technical/system errors in these cases as explained at para 6 and para 7 above, as was decided in similar cases in past seven IT-GRC meetings.

Agenda Note 2: Emerging issues before IT Grievance Redressal Committee (ITGRC):

11. Shri Prakash Kumar, CEO GSTN introduced the Agenda to the Committee and stated that the GST Council, in its 26th meeting held on 10th March 2018, approved setting up of a Grievance Redressal Mechanism to address IT issues where **owing to technical glitches** on GST portal, relief was to be given to a section of taxpayers such as allowing filing of any Form or Return or amending any Form or Return that had already been filed. Problems which were proposed to be addressed through this mechanism were those which related to GST Portal and affected a large section of taxpayers. Accordingly, CBIC Circular 39/13/2018 dated 03.04.2018 was issued and in terms of that circular, the Nodal Officers of State/Center were to collate the cases and after examination send the same to GSTN nodal officer with their recommendation. GSTN had shared a Standard Operating Procedure (SOP) with all tax administrations in order to examine the cases sent in a systematic manner. On receiving the details of the taxpayers, there was a process which involved checking the system logs of the cases received and after detailed examination, the factual details were presented to ITGRC for decision. In view of above circular, GSTN had received around 3000 cases from various tax administrations till end of March 2019. Further, around 400 Writ Petitions pertaining to GST TRAN-1 had been received till the first week of July 2019 out of which GSTN was party in around 350 cases. In seven ITGRC meetings, 2394 cases had been presented out of which 920 cases had been approved for filing TRAN-1/2 while others were not approved as no evidence of technical glitches were found in those cases. Around 800 cases were pending examination by GSTN and would be presented in upcoming ITGRC Meetings.

12. Further, during these ITGRC proceedings, it was observed that Nodal officers as well as GSTN had received various references and Writ Petitions where **non-technical issues were also involved**. The ITGRC could not handle those cases, as it was not empowered to take any decision on these issues. Further, on account of no appeal mechanism in respect of Forms TRAN-1/TRAN-2 under GST law, taxpayers were approaching various Hon'ble High Courts for grievance redressal.

13. Considering the hardship to taxpayers, where **non-technical issues were also involved**, the ITGRC recommended to refer the issue to the Council. Accordingly, in 32nd GST Council Meeting, it was decided to enhance/expand the scope of the ITGRC to include those cases where no technical glitch/problem was evident from the grievance, and the Commissioners would after examination recommend such cases to ITGRC keeping the following in mind while referring the case:

a) Cases pertaining to GST TRAN-1, including revision thereof, should have been filed by tax payer on the GST common portal on or before 27th December, 2017.
b) There was an error apparent on the face of the record.
c) The case should be recommended to the ITGRC through GSTN/GST Council Secretariat 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)
d) Court have directed that the case should be considered by the ITGRC.
e) There should be clear recommendation of the State/Centre Commissioner or an officer authorised by him/her.
f) It should be clearly mentioned that the case is covered by 32nd GST Council Meeting decision.

14. In various orders Courts had directed to follow the process (ITGRC mechanism) laid down in the aforesaid circular, or had ordered for verification of the claim for credit and allowed filing, and, in some cases, filing had been allowed in first instance itself (mainly Hon'ble Allahabad HC). GSTN after investigation in all cases received, had presented the facts before the ITGRC and submitted whether it was due to system problem or otherwise. It was felt that Writ petitions relating to GST TRAN 1/GST TRAN 2 were increasingly getting filed in Courts across the country, and these would increase day by day, as:

a. The Courts were inclined to give relief to taxpayers of the unutilized credit of the previous regime as it was considered a substantive right.
b. In cases where ITGRC had not approved on grounds of no technical glitch, the cases are agitated by the concerned taxpayers.
c. In the 3 cases of Chennai High Court, though the decision of 32nd GST Council Meeting emanated on account of those cases only, yet these cases had been rejected by ITGRC.
d. Various High Courts had given relief in a number of cases to file/revise TRAN-1 and TRAN-2 but compliance seemed to be pending so far. Hence various taxpayers were again moving to Hon'ble Courts with contempt petitions.

15. Apparently in these cases it was gathered by officers that trade felt that the forms were complicated, with instructions not easy to understand, leading to these types of errors. Further, resources in GSTN and Infosys, at various levels, were tied down with this work of examination and analysis of the cases pertaining to GST TRAN-1/2 which was being done at a significant cost and core work relating to development of software modules and operations were suffering with no resolution in sight and precious time and resources were getting clogged.

16. Further, the field formations had been submitting cases to GST Council/ GSTN, at times without giving any fact finding on the nature of error or the genuineness of it and as to whether error was apparent on the face of record; leaving it to ITGRC to do the original fact finding and take appropriate decision.

17. In view of the same, it was proposed and suggested by CEO GSTN that: -

a. the process of examination by ITGRC might be revisited and a pragmatic approach is required on the issue of allowing GST TRAN- 1/GST TRAN 2 for those taxpayers who have filed grievance application due to any reason, technical or otherwise.
b. the Commissioners of the State/Center should get the claim of credit verified from the records of pre-GST regime and ascertain the amount of credit (CGST/SGST) that was proposed to be claimed in the various tables of GST TRAN 1/GST TRAN 2. After being satisfied about the

genuineness of the claim, the details with clear recommendation should be sent to GSTN to enable filing.

c. if deemed necessary, audit of the taxpayers who would claim transition credit above a particular threshold, could be carried out by tax authorities in a time-bound manner.

He opined that this will prevent avoidable litigation and the time, money, manpower & resources being spent by the judiciary, tax administration, taxpayers and GSTN could be channelled in other areas of productive us.

18. Further, Shri Dheeraj Rastogi, Joint Secretary, GST Council Secretariat added to this and clarified that as per decision of 32nd GST Council, **GST Council secretariat had received 179 cases** from CGST/SGST field formations, which were presented before 6th ITGRC held on 27.05.2019. Among these cases **26 cases having non-technical issues which were classified as Category A** cases where mainly, the error was of declaration of Credit at wrong column of the form. Remaining 153 cases were categorized under Category B, C and D. Category B contained technical error cases that ought to have been presented to ITGRC through GSTN. Category C contained cases as reported having technical error and already presented before 1st to 5th ITGRC while Category D contained Cases forwarded without recommendation as per 32nd GST Council decision. After discussion and deliberations all 179 cases were not considered for reopening the TRAN-1/ TRAN-2 portal in 6th ITGRC Meeting. Further, it was a fact that GST Council had empowered ITGRC to consider non-IT glitch cases also while no case had been recommended by ITGRC so far as per extended scope of ITGRC, on account of interpretation that declaration of credit at wrong column did not amount to error apparent from records but it was error in understanding of Law. He suggested that this conclusion of cases at Annexure 3 of 6th ITGRC of rejecting the cases did not seem to be proper with reference to the cases referred from Tamil Nadu which involved the issue of putting values in wrong table of TRAN-1 and where courts directions were there to reconsider. Further, in addition to the Writ petitions mentioned by CEO GSTN, two contempt petitions had also been received seeking compliance of the orders of Hon'ble High Court.

19. CEO GSTN further explained that at the time of filing of TRAN-1; registration number of Central Excise, Service Tax and VAT was to be mentioned and the same was matched with data provided at the time of migration. Many cases got stuck on account of mismatch of old registration number or non-availability of the same in migration record. Hence, TRAN-1 credit could not be claimed despite having the proper credit in their old account. Apart from these, rest of the mistakes of taxpayers had been treated as non-technical errors and no relief was given to them on account of no provision in law. The GSTN could only tell whether some technical glitch was faced by the taxpayer or not, but for rest of the mistakes, some other remedy has to be there. Therefore, taxpayers losing the TRAN-1/ TRAN-2 credit due to such errors, finding no redressal mechanism, had moved to various Courts and of late GSTN was receiving one court case per day. Thus, the approach to deal with the cases having non-technical issues needs to be revisited.

20. Sh. Sanjeev Kaushal, ACS, Haryana was of the view that the issue of re-examination of such cases involved huge revenue implications and both sides of the issue needed to be examined as they had already rejected large number of cases and any blanket extension of dates and relaxation on such issues may open floodgates. Therefore, Committee should take a reasoned decision on the issue.

21. Dr. T. V. Somanathan, CST, Tamil Nadu stated that as per 32nd GST Council decision, few cases of Tamil Nadu were recommended by Commissioner and High Court order was also provided to consider cases. However, those were also not allowed in 6th ITGRC and by this approach GST administration would not be able to come out of these litigations. He further stated that the misunderstanding of the Form should be given due weightage and genuine credit should not be denied.

In this background, he agreed to the suggestion of CEO, GSTN that there should be some mechanism where the jurisdictional Nodal Officers should examine the ITC claims properly to avoid any wrong benefit of credit and the State CCT should be able to consider or reject. Further, since it was not a technical glitch matter, opinion of GSTN might not be required. He further proposed that a clear demarcation should be provided in the mechanism, as prior to 27.12.2017 there was a situation of post-verification of credit but in present situation pre-certification/verification might be built in. Further, he pointed out that GSTN being only an implementing arm of GST system, tax administration should give clear recommendation to GSTN to implement in a specific case after due verification of eligible credit.

22. Ms. Smaraki Mahapatra, CST, West Bengal agreed with the views of Tamil Nadu and expressed that the problem of TRAN-1/TRAN-2 needed to be resolved, otherwise litigation would go on and multiply. The jurisdictional Commissioner should check the taxpayers' claims in cases, where recommended by ITGRC, as they are in possession of pre-GST records and can recommend to the GSTN, if portal had to be opened or not. CST, Gujarat was of the view that while the proposal was agreeable, ITGRC could identify some standard steps to be adopted as standard practice across the country and it would be useful to justify stand of government and intention of field formations in Court of law, as might be required.

23. After listening to the views of Committee members, Sh. Sandeep M. Bhatnagar, Member (GST), CBIC stated that the views of Members were well taken and sought opinion regarding the approach to be taken towards the decision taken in cases at Annexure 3 of 6th ITGRC, as those cases of non-technical glitch should be considered to avoid equity and balance of convenience issues and requested members to comment on that aspect. CST, Tamil Nadu stated that the rejection in earlier ITGRC was on different grounds and if the new parameters were setup for TRAN-1/TRAN-2 cases, those parameters would be for all and no discrimination would be there.

24. Member (GST), CBIC stated that initially, only technical errors were to be considered by ITGRC and after 32nd GST Council decision, non-technical issues were also included in ITGRC domain. Shri Rajeev Ranjan, Special Secretary, GST Council stated that the decision of 6th ITGRC vis-vis non-technical cases at Annexure 3 of 6th ITGRC was required to be examined in view of suggestions of CEO, GSTN and it was the requirement of the day in view of the claims of the taxpayers getting denied on account of minor errors of declaration of the stock at wrong columns, which was otherwise due to him and jurisdictional authorities have also recommended to consider the same. Thus, a mechanism should be spelt out clearly in such a manner that a uniformity in addressing such claims of non- technical errors were effectively considered minimising the recourse of the taxpayers to the Court.

25. Ms. V. Usha, Pr. Commissioner, C. Ex, CBIC was also of the view that clarity on the definition of non-technical error was required. All member agreed to the proposal of Sh. Sandeep M. Bhatnagar, Member (GST), CBIC that the standard steps as deliberated in the meeting be adopted based on which a suitable decision should be taken by ITGRC.

26. Member (GST), CBIC concluded discussions stating that the concern raised by CEO GSTN and CCT Tamil Nadu seemed appropriate.

For Agenda 2, the ITGRC decided as under: For cases involving non-technical glitches, the process of examination by ITGRC might be redesigned and a pragmatic approach was required on the issue of allowing GST TRAN- 1/GST TRAN 2 for those taxpayers who were covered under the 32nd GST Council decision; having High Court decision and had filed the TRAN-1 before due date i.e. 27.12.2017 but not received the transitional credit due to non-technical issue. The mechanism would include following aspects:

a. The process would be applicable to the taxpayers who have satisfied the criteria and represented before the nodal officer/Jurisdictional Commissioner for non-technical glitches as per 32nd GST Council decision.
b. Definition of the non-technical error may include cases where TRAN-1/TRAN-2 has been filed before due date i.e.27.12.2017 but credit not received to taxpayer including the scenario where the credit was entered in wrong column.
c. The jurisdictional Commissioners of the State/Centre should get the claim of the taxpayer checked including the verification of credit and ascertain the amount of credit (CGST/SGST) that was claimed in the various tables of GST TRAN 1/GST TRAN 2. Wherever required a certificate from counterpart tax authorities may also be obtained regarding genuineness of claimed credit.
d. After being satisfied about the genuineness of the claim, the details should be sent to GSTN with proper recommendation and specific High Court order copy as per 32nd GST Council decision to enable filing of TRAN-1/TRAN-2. The mode as well as format for such directions and the requisite certificate be finalised by GSTN in order to maintain the audit trail and generate report, if required.
e. If deemed necessary, post audit of the taxpayers could be carried out by tax authorities in a time-bound manner, who would claim transitional credit above a particular threshold.
f. In light of above, ITGRC could revisit the 'Category A' cases identified as non-technical cases placed in Annexure 3 of 6th ITGRC and Agenda 3 of the 8th ITGRC, taking inputs as required from GSTN.

Agenda Note 3: Cases Received as per Extended Scope of ITGRC in view of 32nd GST Council Decision.

27. 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 in the GST Council, 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:*

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 the 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)."

28. Accordingly, an OM dated 19.02.2019 was written to all States and CBIC to forward list of eligible cases. Thereafter, GST Council Secretariat had received a total of 179 cases *vis a vis* extended scope of ITGRC in 32nd GST Council Meeting and analysis of all these cases was presented in 6th ITGRC. Further, another 22 cases received as per extended scope of ITGRC were analysed and presented in this meeting of ITGRC as **Annexure 3**.

29. In view of the discussion on Agenda Note 2 regarding various aspects and dimensions of the non-technical glitches, Committee agreed to defer this agenda item and did not discuss it further pending decision from the GST Council.

30. **Decision:**

This matter would be discussed again in ITGRC in light of decision of Agenda 2 above which inter alia includes the issue of re-examining the limited number of non-technical glitch/error cases.

Agenda Note 4: Cases which have been brought twice in 6th and 7th ITGRC

31. Shri Vashistha Chaudhary, SVP (Services), GSTN appraised the background that 04 cases had been presented twice before 6th and 7th ITGRC meetings with wrong description and inappropriate recommendations. GSTN had again examined the system logs of 04 cases and presented as follow: -

Table 6: List of Cases which have been brought twice in 6th and 7th ITGRC

Sr. No.	GSTIN	Legal Name	State	Status in 6th ITGRC	Category Description in 6th ITGRC	Status in 7th ITGRC	Category Description in 7th ITGRC
1	37AAMFS3539A1Z7	SRINIVASA MEDICAL CORPORATION, GUNTUR	Andhra Pradesh	Not Approved	Category B10: Mistake by Taxpayer: Cases in which the Taxpayers have admitted to have made mistake, inadvertently or due to misunderstanding in reporting correct values in TRAN 1/TRAN 2. They want a chance to revise the filed TRAN 1/TRAN 2 and report correct values. Since the admitted mistakes/errors are apparent from the perusal of the details of reported cases no technical analysis has been done in these cases as it is not required.	Approved	Category A1: Cases where the taxpayer received the error 'Processed with error.' The taxpayer could not claim transitional credit as the line items requiring declarations of earlier existing law registration were processed with error since the taxpayer had not added them in his registration details.
2	37ACVFS2156G1ZN	SRI RAMESWARA MEDICAL CORPORATION, GUNTUR	Andhra Pradesh	Not Approved	Category B10: Mistake by Taxpayer: Cases in which the Taxpayers have admitted to have made mistake, inadvertently or due to misunderstanding in reporting correct values in TRAN 1/TRAN 2. They want a chance to revise the filed TRAN 1/TRAN 2 and report correct values. Since the admitted mistakes/errors are apparent	Approved	Category A1: Cases where the taxpayer received the error 'Processed with error.' The taxpayer could not claim transitional credit as the line items requiring declarations of earlier existing law registration were

					from the perusal of the details of reported cases no technical analysis has been done in these cases as it is not required.		processed with error since the taxpayer had not added them in his registration details.
3	37ADAFS2198G1ZW	SREE KRISHNA MAHENDRA MEDICAL CORPORATION, GUNTUR	Andhra Pradesh	Not Approved	Category B10: Mistake by Taxpayer: Cases in which the Taxpayers have admitted to have made mistake, inadvertently or due to misunderstanding in reporting correct values in TRAN 1/TRAN 2. They want a chance to revise the filed TRAN 1/TRAN 2 and report correct values. Since the admitted mistakes/errors are apparent from the perusal of the details of reported cases no technical analysis has been done in these cases as it is not required.	Approved	Category A1: Cases where the taxpayer received the error 'Processed with error.' The taxpayer could not claim transitional credit as the line items requiring declarations of earlier existing law registration were processed with error since the taxpayer had not added them in his registration details.
4	36AACCS8670F1Z5	15767/2018-Salicylates& Chemicals Pvt. Ltd	Telangana	Approved	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.	Not Approved	Category B4: Cases where TRAN-1 is filed but credit not received. In this case the taxpayer has filed TRAN1 once but no credit has been posted. No technical issues has been observed in the logs.

32. He had further explained that the first 3 cases (Sl. No. 1 to 3) were brought in 6th ITGRC Meeting under Category B-10 that there was "Mistake made by the Taxpayers". Since taxpayers themselves had accepted that they could not file TRAN-1 and TRAN-2 due to their personal reasons. Therefore, it was brought under category B-10 without examining technical glitches. However, in the 7th ITGRC Meeting, these cases were examined by the technical team since nodal officers had forwarded it again and found that the taxpayers had tried filing it and their TRAN-1 were processed with error. Accordingly, 7th ITGRC had approved these cases under category A-1.

33. The case mentioned at Sl. No. 4 was referred by the nodal officer under court cases category first time. The proposal related to the order of Hon'ble HC of Telangana was examination by technical team and found that the TRAN-1 of the taxpayers was processed with error. Therefore, it was approved by the 6th ITGRC. However, the second proposal under normal representation category was sent by the

nodal officer saying that taxpayer was not able to file GSTR-3B. On examination by the technical team of GSTN, it was found that TRAN-1 was submitted by the taxpayer but not filed. Since GST System does not allow filing of GSTR-3B in case TRAN-1 is initiated but not filed, there was no technical glitch in the case referred by the nodal officer. That was the reason, GSTN recommended this case under category B-4 and the same was not approved in 7th ITGRC meeting. Hence decision of 7th ITGRC in the case of the taxpayer, being on different facts and in respect of GSTR3B shall be ignored and case in this regard is withdrawn by GSTN. Thus, the decision of 6th ITGRC in respect of TRAN-1 shall prevail.

34. **Decision:** Committee had discussion on the issue and accepted the above proposal to allow 03 cases of TRAN-1 which were not allowed in 6th ITGRC but they were allowed in 7th ITGRC. Further, committee had also accepted the proposal of fourth case to recall the decision of 7th ITGRC on this case, on account of error reported by GSTN and effectively restoring the decision of 6th ITGRC.

ANNEXURE-1

Cases sent by Nodal officers of Center/States

	Category	Detailed Description	Count of Taxpayer
A1	Processed with error.	The taxpayer could not claim transitional credit as the line items requiring details of earlier existing law registration were processed with error since the taxpayer had not added them in his registration details.	121
A2	TRAN-1 not attempted as per logs - due to Registration Issue	The taxpayers were not able to migrate due to technical issues. These taxpayers have applied afresh after 27th Dec 2017 and were allotted the same GSTIN as their Provisional ID later.	7
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	150
B2	TRAN-1 Fresh/Revision Attempted with No error/ No valid error reported	As per GST System Logs, the taxpayer has tried for Saving / Submitting /Filing fresh or Revision and there are no evidences of system errors in the log.	69
B3	Succesfully Filed as Per Logs with No Valid Error reported	The taxpayer has successfully filed TRAN1 and no technical error has been found.	53
B4	TRAN-1 attempted post end date	As per logs user first time opened form and tried to save data. No error log captured. As per logs taxpayers were trying to file TRAN-1 post mid night after the last date of filing.	2
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.	26
B6	TRAN1 Filed once and revised thereafter but credit not received	Cases where the taxpayer has filed TRAN1 twice but no credit has been posted. No technical issues has been observed in the logs.	1
B7	ISD Taxpayer	Taxpayer is registered as ISD taxpayer on GST portal	3
B10	Mistakes/errors committed by taxpayers	The Taxpayers have admitted/ apparently made mistake/inadvertently or due to misunderstanding, in reporting correct values in TRAN 1/TRAN 2. They want a chance to revise the filed TRAN 1/TRAN 2 and report correct values.	10
	Total		**442**

Category A1: Cases where the taxpayer received the error 'Processed with error. ' The taxpayer could not claim transitional credit as the line items requiring declarations of earlier existing law registration were processed with error since the taxpayer had not added them in his registration details.

S. No.	GSTIN/ Provisional Id	Legal Name (Name reported by the Nodal Officer is in brackets)	State	Constitution of business	Nodal Officer / Jurisdiction Name	Center/ State	E-Mail ID
1	37AABCM3192M1Z4	MAHRISHI ALLOYS PVT LTD	Andhra Pradesh	Private Limited Company	D. Venkateswara Reddy, Commissioner, CGST Commissionerate, Tirupati	Center	comm.tpt@gov.in
2	37AADCK5280A2ZR	M/S KRISHNAPATNAM SECURITY SERVICES PVT LTD	Andhra Pradesh	Private Limited Company	M. Srihari Rao, Commissioner, CGST Commissionerate, Guntur	Center	srihari.rao@gov.in
3	37AAPPK6932L1Z1	SHRI. KEWALCHAND KANCHAN KANWAR (TRADE NAME- M/S ADARSH CHEMICAL INDUSTRIES)	Andhra Pradesh	Proprietorship	M. Srihari Rao, Commissioner, CGST Commissionerate, Guntur	Center	srihari.rao@gov.in
4	37AAACK5851A1ZU	KBD SUGARS & DISTILLERIES LTD	Andhra Pradesh	Public Limited Company	D. Venkateswara Reddy, Commissioner, CGST Commissionerate, Tirupati	Center	comm.tpt@gov.in
5	18AAEFL4571H1Z6	LALIT POLY WEAVE LLP	Assam	Limited Liability Partnership	Subrata Gogoi, Principal Nodal Officer, State Govt,	State	sugogoi@gmail.com
6	10ANMPP8686Q1ZZ	ANAND PRAKASH	Bihar	Proprietorship	Nitin Anand, Commissioner, CGST & CX Ranchi Zone	Center	nitinanand.irs@gov.in
7	22AAECM4853C1ZV	MARUTI CHEM AND ALLOY CO PRIVATE LIMITED	Chhattisgarh	Private Limited Company	Deepak Giri Deputy Commissioner State Tax, Raipur ,	State	deepakgiri.cctd-cg@gov.in
8	22AAACB2894G1ZX	BHARTI AIRTEL LIMITED	Chhattisgarh	Public Limited Company	Deepak Giri Deputy Commissioner State Tax, Raipur ,	State	deepakgiri.cctd-cg@gov.in
9	07AAFCM3864N1ZY	AIRCAR AIRLINES	Delhi	Private Limited Company	Rajesh Madan, Nodal Officer-1, Trade & Taxes	State	rajesh.madan43@gov.in

		PRIVATE LIMITED			Department, Government of NCT of Delhi,		
10	07ADCFS4375F1Z0	SMSC&IM+ (SMC & IM CAPITALS INVESTMENT MANAGER LLP)	Delhi	Limited Liability Partnership	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi,	State	rajesh.madan43@gov.in
11	07AADCR4170J1ZA	RRCO CONSULTING PVT. LTD.	Delhi	Private Limited Company	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi,	State	rajesh.madan43@gov.in
12	07AAACP8086A1ZJ	TEAMTECH ELECTONICS LTD.	Delhi	Public Limited Company	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi,	State	rajesh.madan43@gov.in
13	07AAJCS4639P1ZL	SHIV SHAKTI METALS PVT. LTD.	Delhi	Private Limited Company	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi,	State	rajesh.madan43@gov.in
14	07AAUCS3214R2ZK	M/S S & S WATER POWER PROJECT PRIVATE LIMITED	Delhi	Private Limited Company	Sh. Nagendra Yadav, Joint Commissioner, CGST & CX Delhi Zone	Center	ccu-cexdel@nic.in
15	07AAFCD4813J1ZO	DIGITAL GUARDIAN TECHNOLOGIES INDIA PRIVATE LIMITED	Delhi	Private Limited Company	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi, Delhi	State	rajesh.madan43@gov.in
16	24AAAFE5036C1Z4	EKON ABRASIVES	Gujarat	Partnership	M. A. Kavatkar, Deputy Commissioner, State Government, Bharuch	State	dc14-vad2-gstn@gujarat.gov.in
17	24AANCA5959Q1ZS	AWAKE CHEMICALS PVT LTD	Gujarat	Private Limited Company	I. T. Keshwani, Deputy Commissioner of State Tax, Rajkot	State	dc22-ct@gujarat.gov.in
18	24AAACH3787Q1Z0	HERANBA INDUSTRIES LIMITED	Gujarat	Public Limited Company	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
19	24AAGCR6157G2ZA	RD CLEANTECH PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in

20	24AABCM0366P1ZB	AMANTA HEALTHCARE LIMITED	Gujarat	Public Limited Company	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
21	24AMBPP4983A1Z8	AMANULLAKHAN FARIDKHAN PATHAN	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
22	24AAPFK5208D1ZJ	KEVISION SYSTEM	Gujarat	Partnership	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
23	24AGNPC0970G1ZN	KHANGARARAM RAVATAJI CHAUDHARY	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
24	24AFOPD6836L2Z2	VINODKUMAR MANOHARLAL DAD	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
25	24AAMFD1874F1ZH	M/S DIYAN PAPERS LLP	Gujarat	Limited Liability Partnership	J. A. Khan, Pr. Commr CGST Gandhinagar	Center	commr-cexamd3@nic.in
26	24AAICP5085D1ZG	PAN HEALTHCARE PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Jt Commr Ahmedabad,	State	jcegov-ct@gujarat.gov.in
27	24AAJFS1858H1Z1	M/S SHILPA CHEMICAL INDUSTRIES	Gujarat	Partnership	Dr. Ashir Tyagi, Commr. CGST Vadodara Zone	Center	commr-cexvdr2@nic.in
28	24ABQFS6976E1ZL	SYNERGY TRANSFORMERS	Gujarat	Partnership	S. M. Saxena, Jt Commr Ahmedabad,	State	jcegov-ct@gujarat.gov.in
29	24AAAFF0442K1ZU	FORAGE CHEMICAL INDUSTRIES	Gujarat	Partnership	S. M. Saxena, Jt Commr Ahmedabad, Gujarat	State	jcegov-ct@gujarat.gov.in
30	06AANFK5306N2ZY	KAPOOR INTERNATIONAL	Haryana	Partnership	Pranesh Pathak, Commissioner, CGST Faridabad	Center	commr-gstfbd@gov.in
31	06AABCI3883K1ZB	LNNOVA TECHNO PRODUCTS(P) LTD.	Haryana	Private Limited Company	Pranesh Pathak, Commissioner, CGST Faridabad	Center	commr-gstfbd@gov.in
32	06AACCT1963A1ZR	TECHNO SPRINGS INDIA PVT. LTD.	Haryana	Private Limited Company	Pranesh Pathak, Commissioner, CGST Faridabad	Center	commr-gstfbd@gov.in
33	06AAIFD8883C1ZA	DEV JI STEEL INDUSTRIES	Haryana	Partnership	Nodal Officer IT issues, Haryana	State	gsttihry@gmail.com
34	06AACCT9290L1ZS	TOYODA GOSEI MINDA INDIA	Haryana	Private Limited Company	Nodal Officer IT issues, Haryana	State	gsttihry@gmail.com

		PRIVATE LIMITED					
35	06AADCG1506B1ZE	GREEN LAND HOSPITALITY PRIVATE LIMITED	Haryana	Private Limited Company	Nodal Officer IT issues, Haryana	State	gsttihry@gmail.com
36	06AAIPA9466E1ZR	VINAY KUMAR AGGARWAL	Haryana	Proprietorship	Sh. Amreshwar Gautam, Asst Commr, CGST Commissionerate, Panchkula	Center	cco.gstpkl@gov.in
37	02AACCH9120M1ZP	(HIMACHAL DEVELOPERS PRIVATE LIMITED)	Himachal Pradesh	Private Limited Company	Anupam Kumar Singh, Dy Commr of State Taxes & Excise (IT), Shimla	State	anupamk.singh@mailhptax.gov.in
38	02AAACH4038E2Z8	H.P TOURISM DEVELOPMENT CORPN. LTD	Himachal Pradesh	Public Sector Undertaking	Anupam Kumar Singh, Dy Commr of State of State Taxes & Excise (IT), Shimla	State	anupamk.singh@mailhptax.gov.in
39	01AVHPB1847J1ZY	REZWAN GLASS HOUSE (MEHRAJ UDDIN BUTT)	Jammu & Kashmir	Proprietorship	Wajahat Mehmood, Programmer, Commercial Taxes Department, State Government,	State	wajahatmehmood@gmail.com
40	20AABCA4466C1ZD	ATIBIR HIGH-TECH (PVT.) LTD	Jharkhand	Private Limited Company	Sh. Nitin Anand, Commissioner, CGST Commissionerate, Patna	Center	nitinanand.irs@gov.in
41	20AAECA7250R1ZJ	(ALOKE STEELS INDUSTRIES PRIVATE LIMITED)	Jharkhand	Private Limited Company	Sh. Nitin Anand, Commissioner, CGST Commissionerate, Patna	Center	nitinanand.irs@gov.in
42	29AACPH4050R1ZD	RAVI CABLES CORPORATIONS (HEMANT KUMAR MEHTA)	Karnataka	Proprietorship	Dr. M. Aamir M. Iqbal Siddiqui, Asst Commr, CGST Commissionerate, Bengaluru West	Center	p.muralidharan@ltu.gov.in
43	29AABFU5072H1ZZ	UNIVERSAL BUILDERS	Karnataka	Partnership	G. Narayanaswamy, Commr, CGST Commissionerate, Bengaluru South	Center	commr-cexblr1@nic.in
44	29AABCO6103C1ZV	ORIGAMI CELLULO PRIVATE LIMITED	Karnataka	Private Limited Company	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com

45	29AAACQ3639G1ZB	QCON BLOCKS PRIVATE LIMITED	Karnataka	Private Limited Company	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
46	29AAECT6092Q1ZE	TRANSPOWER PRODUCTS INDIA PRIVATE LIMITED	Karnataka	Private Limited Company	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
47	29AANCS6671B1Z0	SMRUTHI TELEDISTRIBUTORS PRIVATE LIMITED	Karnataka	Private Limited Company	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
48	23AAACW4013A2Z6	M/S WAIDHAN ENGINEERING & INDUSTRIES PVT LTD.	Madhya Pradesh	Private Limited Company	Neerav Kumar Mallick, Commissioner, CGST Indore,	Center	technicalcex@gmail.com
49	23AJRPM4021D1ZK	M/S NOON PRODUCTS (ZEENAT BEE MULTANI)	Madhya Pradesh	Proprietorship	Neerav Kumar Mallick, Commissioner, CGST, Indore,	Center	technicalcex@gmail.com
50	23AAAFO5052A2ZZ	M/S GENERAL MANAGER, ORDNANCE FACTORY (ORDNANCE FACTORY KATNI)	Madhya Pradesh	Partnership	Neerav Kumar Mallick, Commissioner, CGST, Indore	Center	technicalcex@gmail.com
51	23AABCN0637Q1ZC	M/S NARMADA EQUIPMENT PVT LTD.	Madhya Pradesh	Private Limited Company	Neerav Kumar Mallick, Commissioner, CGST Indore,	Center	technicalcex@gmail.com
52	23AAACJ4930D1Z4	M/S JASH PRECISION TOOLS PVT LTD.	Madhya Pradesh	Private Limited Company	Neerav Kumar Mallick, Commissioner, CGST Indore,	Center	technicalcex@gmail.com
53	23AABCN0638B1Z6	M/S NARMADA TRANSMISSION PVT LTD.	Madhya Pradesh	Private Limited Company	Neerav Kumar Mallick, Commissioner, CGST Indore,	Center	technicalcex@gmail.com
54	23AAACF9423B1Z6	FUSION EVENTS LIMITED	Madhya Pradesh	Public Limited Company	Neerav Kumar Mallick, Commissioner, CGST Indore,	Center	Letter
55	23AABCJ0294K1ZN	JAGDISH CONSTRUCTION LTD	Madhya Pradesh	Public Limited Company	Neerav Kumar Mallick, Commissioner, CGST Indore,	Center	technicalcex@gmail.com
56	27AAACW5629C1ZF	WARKEM BIOTECH PVT. LTD	Maharashtra	Private Limited Company	Merrita Suni, Superintendent,	Center	mumbaieastgstnissues@gmail.com

					CGST, Mumbai East		
57	27AADCP4744N1ZY	PELL TECH HEALTH CARE PRIVATE LIMITED	Maharashtra	Private Limited Company	Sanjay Mahendru, Commissioner, CGST, Bhiwandi, Mumbai	Center	amit.irs@gov.in
58	27AABCL9656K1ZX	LAXMI MOULDS INDUSTRIES PVT LTD	Maharashtra	Private Limited Company	S. K. Vimalanathan, Commissioner, CGST, Mumbai	Center	amit.irs@gov.in
59	27AAQFA3003P1Z8	ACE WELD ENGINEER	Maharashtra	Partnership	Shri Milind Gawai, Commissioner, Central Tax, Pune I Commissionerate,	Center	santosh.vatsa@nic.in
60	27AAEFL8610K2Z3	LAUKIK CONSTRUCTION COMPANY	Maharashtra	Partnership	Vandana K. Jain, Commissioner, CGST Commissionerate, Pune	Center	santosh.vatsa@nic.in
61	27AADCP0079L1Z6	P C SOFT ERP SOLUTIONS PVT LTD	Maharashtra	Private Limited Company	Vandana K. Jain, Commissioner, CGST Commissionerate, Pune	Center	santosh.vatsa@nic.in
62	27AACCA5198A1ZV	AQUA ALLOYS PRIVATE LIMITED	Maharashtra	Private Limited Company	Shri V. N. Thete, Commissioner, CGST Commissionerate, Kolhapur	Center	santosh.vatsa@nic.in
63	27AAACE7652D1ZS	EFTEC INDIA PRIVATE LIMITED	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
64	27AACCP0338D1ZU	PRASANNA PRICISION PVT. LTD.	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
65	27AADCD4817C1ZZ	DIVINE TITANIUM PVT LTD	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
66	27AABCM9798H1ZS	FUSO GLASS INDIA PVT LTD.	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
67	27AAACZ3029P1ZV	MANTRI DWELLINGS PVT. LTD.	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in

68	27AAEFO7798R1Z0	M/S. OMIKU AUTO LLP	Maharashtra	Limited Liability Partnership	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
69	27AADCE0594P1Z5	ELITE FOOD SPECIALITIES PRIVATE LIMITED	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
70	27AAGFN3184L1ZV	NABHRAJ CONSTRUCTION	Maharashtra	Partnership	K. V. S. Singh, Commissioner, CGST Commissionerate, Aurangabad	Center	Letter
71	27AAKFV5674P1Z4	VTP URBAN PROJECTS (PUNE) LLP	Maharashtra	Limited Liability Partnership	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
72	27AAGFR9084B1Z1	RASHTRIYA STEEL & ENGG. CO.	Maharashtra	Partnership	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
73	27AAACP2305G1ZV	M/S PARAG PHARMACEUTICALS INDIA PVT. LTD.	Maharashtra	Private Limited Company	Shri Amit Kumar Sharma, Deputy Commissioner, CGST & Central Excise Commissionerate, Mumbai	Center	amit.irs@gov.in
74	27AACCH1716M1ZJ	HANDMADE FILMS PVT. LTD.	Maharashtra	Private Limited Company	Ganesh Prasad Sharma, Assistant Commissioner, CGST Commissionerate, Mumbai West	Center	amit.irs@gov.in
75	27AAGCM9811N1ZW	MARUTI TEMPERED PROCESS PRIVATE LIMITED	Maharashtra	Private Limited Company	Shri V. N. Thete, Commissioner, CGST Commissionerate, Kolhapur	Center	santosh.vatsa@nic.in
76	27AAECV5907C1ZF	M/S VEDANT TOOLS PRIVATE LIMITED	Maharashtra	Private Limited Company	Shri V. N. Thete, Commissioner, CGST Commissionerate, Kolhapur	Center	commr-cexklhpr@nic.in, santosh.vatsa@nic.in
77	27AHTPG0467D1ZB	SOPAN DAGADU GHATE	Maharashtra	Proprietorship	Vandana K. Jain, Commissioner, CGST Commissionerate, Pune	Center	santosh.vatsa@nic.in
78	27AAACJ4677K1Z5	JAYASHREE POLYMERS PRIVATE LIMITED	Maharashtra	Private Limited Company	Shri Milind Gawai, Commissioner, Central Tax, Pune I Commissionerate,	Center	santosh.vatsa@nic.in

79	27AABCM1758P1ZZ	METALTEK TECHNO PROJECTS INDIA PRIVATE LIMITED	Maharashtra	Private Limited Company	Shri Milind Gawai, Commissioner, Central Tax, Pune I Commissionerate	Center	santosh.vatsa@nic.in
80	27AAECP1516D1ZU	PRATIBIMBFLEX PRIVATE LIMITED	Maharashtra	Private Limited Company	Shri Milind Gawai, Commissioner, Central Tax, Pune I Commissionerate, Central Government, Maharashtra	Centre	santosh.vatsa@nic.in
81	27AABCP0464B1ZW	NAVIN FLUORINE INTERNATIONAL LIMITED	Maharashtra	Public Limited Company	Shri A. P. Bandekar, Assistant Commissioner, Central Government, Mumbai	Center	Letter
82	27AAMPU9278N1ZE	M/S PRASANNA DIESELS (KAMLESH RAMDAS URKUDE)	Maharashtra	Proprietorship	D. P. S. Kushwah, Addl Commr, CGST Commissionerate, Nagpur	Center	Letter
83	27AAAAT4082A1ZT	M/S THE AKOLA URBAN CO-OP BANK LTD.	Maharashtra	Society/ Club/ Trust/ AOP	D. P. S. Kushwah, Addl Commr, CGST Commissionerate, Nagpur	Center	Letter
84	27AAGCB1651B1Z6	BIRLA SUN LIFE PENSION MANAGEMENT LTD (ADITYA BIRLA SUN LIFE PENSION MANAGEMENT LIMITED)	Maharashtra	Public Limited Company	Superintendent, Computer Centre, Mumbai Central GST Commissionerate, Mumbai	Center	comp-gstmcentral@gov.in
85	21ACTPA5296P1Z1	NIRAJ AGARWAL	Odisha	Proprietorship	Dipankar Sahu, Joint Commr of CT & GST (IT), Commissionerate of CT & GST,	State	dcctitp@odishatax.gov.in
86	21AACCE2651G1Z7	M/S. ESSAR BULK TERMINAL PARADIP LIMITED	Odisha	Public Limited Company	Sri J. Sateesh Chandar, Joint Commr, CGST Commissionerate, Bhubaneshwar	Center	sateesh.chandar@gov.in
87	21AAOCS5321F1ZM	SPD COSNTRUCTIONS LTD.	Odisha	Public Limited Company	Sri J. Sateesh Chandar, Joint Commr, CGST Commissionerate, Bhubaneshwar	Center	sateesh.chandar@gov.in

88	34AAACB2894G1ZS	BHARTI AIRTEL LIMITED	Puducherry	Private Limited Company	K. Sridhar, Dy Commr of State Tax, Puducherry	State	dcctax.pon@nic.in
89	08AAMCS5713M1ZT	SANJAY TELECOM PVT. LTD.	Rajasthan	Private Limited Company	Sh. P. K. Singh. Pr Commr, CGST Commissionerate, Jaipur	Center	ccu-cexjpr@nic.in
90	08AABCC4963A1ZZ	CAREER POINT LIMITED	Rajasthan	Public Limited Company	P. K. Singh, PR. Commr, CGST & Commissionerate, Jaipur	Center	ccu-cexjpr@nic.in
91	08AADCP7015J1ZC	PINE LAMINATES PVT LTD	Rajasthan	Private Limited Company	P. K. Singh,Pr. Commr, CGST & Central Excise Commissionerate, Jaipur	Center	ccu-cexjpr@nic.in
92	08AACCN1451B1Z0	NAVRATAN PIPE AND PROFILE LIMITED	Rajasthan	Public Limited Company	P. R. Meena, Asst Commr, Commercial Taxes Department, Bhiwadi	State	dc-it@rajasthan.gov.in
93	08AAJCS8853K1ZL	SHREE BALAJI MULTI COMMODITIES PRIVATE LIMITED	Rajasthan	Private Limited Company	Shri. Alok Gupta, Commissioner, CGST Commissionerate, Jodhpur	Center	Letter
94	08AAGCA9050K1ZF	ANANTA MEDICARE LIMITED	Rajasthan	Public Limited Company	Shri. Alok Gupta, Commissioner, CGST Commissionerate, Jodhpur	Center	Letter
95	33AAACI1800P1ZS	INDO OVERSEAS CONSULTANTS PVT LTD	Tamil Nadu	Private Limited Company	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
96	33AAACL0538P1ZG	L.M.VAN MOPPES DIAMOND TOOLS INDIA PVT. LTD.	Tamil Nadu	Private Limited Company	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
97	33AACCD7684E1ZO	DHANALAKSHMI SRINIVASAN SUGARS PRIVATE LIMITED	Tamil Nadu	Private Limited Company	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
98	33AACCT5237F1ZL	TESMM INDIA PVT LTD	Tamil Nadu	Private Limited Company	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in

99	33AAVFM4188J1ZM	M/S MANGALAM RETAIL VENTURES	Tamil Nadu	Partnership	M. Sreedhar Reddy, Principal Commissioner of GST & Central Excise Commissionerate, Chennai-North	Center	comp.chennainorth@gov.in
100	33AAMFP6305R1ZP	PHI CAPITAL SOLUTIONS LLP	Tamil Nadu	Limited Liability Partnership	M. Sreedhar Reddy, Principal Commissioner of CGST Commissionerate, Chennai-North	Center	comp.chennainorth@gov.in
101	33AAOFP3526A1ZL	PHI CAPITAL MANAGEMENT LLP	Tamil Nadu	Limited Liability Partnership	M. Sreedhar Reddy, Principal Commissioner of CGST Commissionerate, Chennai-North	Center	comp.chennainorth@gov.in
102	36AAECV0937E1ZG	VISWA SANTOSH ENTERPRISES LIMITED	Telangana	Public Limited Company	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
103	36AABCC5680Q1Z3	CREDIBLE ENGINEERING CONSTRUCTION PROJECTS LIMITED	Telangana	Public Limited Company	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
104	36AAFCV0948L1ZX	VEDAMSA AGRO PRODUCTS PRIVATE LIMITED	Telangana	Private Limited Company	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
105	36AAGPK0164K1ZQ	KEWAL CHAND RATHORE	Telangana	Proprietorship	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
106	36AAPPK6932L1Z3	KEWAL CHAND KANCHAN KANWAR	Telangana	Proprietorship	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
107	36AABCM3630N1ZD	MAHIDHARA CHEMICALS PRIVATE LIMITED	Telangana	Private Limited Company	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
108	09AAACE1280F1ZY	ESTER (INDIA) CHEMICALS PRIVATE LIMITED	Uttar Pradesh	Private Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
109	09AFRPA4624G1ZG	MAMTA AGARWAL	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head	State	ctithqlu-up@nic.in

					Quarter, Lucknow,		
110	09AAACF0109J1ZY	UFLEX LTD.	Uttar Pradesh	Public Limited Company	Naresh Kumar Tiwari, Assistant Commissioner, CGST Commissionerate, Noida	Center	nktiwari.66@gov.in
111	09AAECK3218R1Z1	M/S KAJ INFRASTRUCTURE PVT. LTD.	Uttar Pradesh	Private Limited Company	Abhijeet Patel, Nodal Officer, CGST Commissionerate, Ghaziabad	Centre	Abhijeet1.Patel@icegate.gov.in
112	09AARCS2549C1Z3	SCHNEIDER PROTOTYPING INDIA PRIVATE LIMITED	Uttar Pradesh	Private Limited Company	Kharak Chand, Deputy Commissioner, Central Government, Noida	Center	tayal.kc@gov.in
113	09AHAPD2705L1ZL	UNIVERSAL ENTERPRISES (KANAV DIKSHIT)	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow, Uttar Pradesh	State	ctithqlu-up@nic.in
114	05AAACG1395D1Z0	GODREJ & BOYCE MFG. CO. LTD.	Uttarakhand	Public Limited Company	Shri Deepak Shukla, Assistant Commissioner, CGST Commissionerate, Dehradun	Center	acdehradun@gmail.com
115	05AACCV4990K1ZX	M/S VETO SWITCHGEARS AND CABLES LTD	Uttarakhand	Public Limited Company	Anurag Mishra, Deputy Commissioner of State Taxes, Uttarakhand	State	anuragmishra75@gmail.com
116	19AAICS3549K1ZS	SATYAM SMELTERS PRIVATE LIMITED	West Bengal	Private Limited Company	Sima Sarkar, Senior Joint Commissioner, Commercial Taxes, West Bengal	State	sima.sarkar@wbcomtax.gov.in
117	19AAFCR7178A1Z8	R AND D RENEWAL ENERGY PRIVATE LIMITED	West Bengal	Private Limited Company	Sima Sarkar, Senior Joint Commissioner, Commercial Taxes, West Bengal	State	sima.sarkar@wbcomtax.gov.in
118	19AACCT7115Q1ZR	TRANSCEND INFRASTRUCTURE PRIVATE LIMITED	West Bengal	Private Limited Company	Sima Sarkar, Senior Joint Commissioner, Commercial Taxes, West Bengal	State	sima.sarkar@wbcomtax.gov.in
119	19AADCR7995M1ZC	REGENCY STOCK BROKING	West Bengal	Private Limited Company	Sima Sarkar, Senior Joint Commissioner, Commercial	State	sima.sarkar@wbcomtax.gov.in

		PRIVATE LIMITED			Taxes, West Bengal		
120	19AABCH6493G1ZA	HONEY VANIJYA PVT. LTD.	West Bengal	Private Limited Company	Sima Sarkar, Senior Joint Commissioner, Commercial Taxes, West Bengal	State	sima.sarkar@wbcomtax.gov.in
121	19AACCD3898A1ZM	DRUK AIR CORPORATION LIMITED	West Bengal	Branch office of Foreign Company	Shri Rajeev Gupta, Commissioner, CGST Commissionerate, Kolkata South	Center	kolsouth.gst@gov.in

Category A2: TRAN 1 not attempted as per logs - due to Registration Issue and Return filed after TRAN1 due date :The taxpayers were not able to migrate due to technical issues. These taxpayers have applied fresh after 27th Dec 2017 and were allotted the same migrated/Provisional GSTIN.

S.No.	GSTIN/ Provisional Id	Legal Name (Name reported by the Nodal Officer is in brackets)	State	Constitution of business	Nodal Officer / Jurisdiction Name	Center/ State	E-Mail ID
122	24AEZPM4471J1ZU	PANIR MANYGOPAL MUDALIAR	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, State Govt, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
123	24AAGCP7713A1ZT	PANIR PLASTIC PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, State Govt, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
124	24ANVPP6684M1ZV	PATEL RAMESHBHAI SHIVABHAI	Gujarat	Proprietorship	Stella J. Christian, Deputy Commissioner of State Tax, Gandhinagar	State	jcegov-ct@gujarat.gov.in dc7-gnr-gstn@gujarat.gov.in
125	03AAEFS7452C1ZI	SURINDER ARORA ENTERPRISES	Punjab	Partnership	Pawan Garg, Deputy Commissioner of State Tax, Ludhiana Division	State	aetcgstpb@gmail.com
126	33AAACI8958A2ZP	ILINK MULTITECH SOLUTIONS PRIVATE LIMITED	Tamil Nadu	Private Limited Company	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
127	33AAICP5649K1Z0	PREMIER FUSTAL MANAGEMENT PRIVATE LIMITED	Tamil Nadu	Private Limited Company	K. M. Ravichandaran, Commissioner, CGST & Central Excise Commissionerate, Chennai South	Center	comp.chennainorth@gov.in
128	36AADCT0218P1Z6	TOURISM AND TRAVEL MEDIA ENTERTAINMENT PRIVATE LIMITED	Telangana	Private Limited Company	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in

Category B1: Cases where the taxpayer received the 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	Constitution of business	Nodal Officer / Jurisdiction Name	Center/State	E-Mail ID
129	37AAEFR5632H1Z4	RAMA KRISHNA FERTILISER, KAREMPUDI	Andhra Pradesh	Partnership	M. Prakasarao, Dy Commr of State Tax,	State	apdcnrp@gmail.com
130	37CSOPM0677D1ZG	MANIKANTA AGENCIES VENKATARAMANA MEKALA	Andhra Pradesh	Proprietorship	M. Prakasarao, Dy Commr of State Tax,	State	apdcnrp@gmail.com
131	37ACKPG5918R1ZU	SRINIVASA COMMERCIAL CORPORATION (VENKATA SUBBARAO GOLLA)	Andhra Pradesh	Proprietorship	M. Prakasarao, Deputy Commissioner of State Tax, Andhra Pradesh	State	apdcnrp@gmail.com
132	18AETPB6596H1ZV	SHREE SHYAM TEA INDUSTRIES (ARUN KUMAR BAGARIA)	Assam	Proprietorship	Subrata Gogoi, Principal Nodal Officer, State Govt, Assam	State	sugogoi@gmail.com
133	18AAFCS8991L2ZE	SHIVA BOTTLES PRIVATE LIMITED	Assam	Private Limited Company	Subrata Gogoi, Principal Nodal Officer, State Govt,	State	sugogoi@gmail.com
134	18AOGPS3670G8ZG	PRAG RAJ SINGLA	Assam	Proprietorship	Subrata Gogoi, Principal Nodal Officer, State Govt,	State	sugogoi@gmail.com
135	18ABGPC8983R1ZP	SHASHI CHOUDHARY	Assam	Proprietorship	Dr. R. R. Bangar, Commissioner, CGST Commissionerate, Dibrugarh	Center	cexdibrugarh@gmail.com
136	10AASFM4017F1ZM	MAA DURGEY MOTORS	Bihar	Partnership	Mukesh Kumar, Assistant Commissioner State-Tax, Patna	State	mukesh.kumar1982@gov.in
137	10AALFT2088G1Z9	TIRUPATI ENTERPRISES	Bihar	Partnership	Mukesh Kumar, Assistant Commissioner State-Tax, Patna	State	mukesh.kumar1982@gov.in
138	10BHEPK3561N1ZE	BALAJI ENTERPRISES (NAVIN KUMAR)	Bihar	Proprietorship	Mukesh Kumar, Assistant Commissioner State-Tax, Patna	State	mukesh.kumar1982@gov.in

139	10AAQFB4348A1ZZ	BINAY AUTOMOTIVES LLP	Bihar	Limited Liability Partnership	Mukesh Kumar, Assistant Commissioner State-Tax, Patna	State	mukesh.kumar1982@gov.in
140	10ADDPK3814A1ZJ	GAUTAM KANODIA	Bihar	Proprietorship	Mukesh Kumar, Assistant Commissioner State-Tax, Patna	State	mukesh.kumar1982@gov.in
141	10AACCK3061C1ZE	KASHISH DEVELOPERS LIMITED	Bihar	Public Limited Company	Mukesh Kumar, Assistant Commissioner State-Tax, Patna	State	mukesh.kumar1982@gov.in
142	10AHCPK9871C1ZN	PAWAN KUMAR	Bihar	Proprietorship	Mukesh Kumar, Assistant Commissioner State-Tax, Patna	State	mukesh.kumar1982@gov.in
143	10ACSFS2624Q1ZO	SAI AUTO	Bihar	Partnership	Nitin Anand, Commissioner, CGST & CX Ranchi Zone	Center	nitinanand.irs@gov.in
144	07AACCK9209L1Z8	KRISH AUTOMOTORS PVT. LTD.	Delhi	Private Limited Company	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi, Delhi	State	rajesh.madan43@gov.in
145	07AFHPG2627P1Z6	PLG INTERNATIONAL (ARCHANA GUPTA)	Delhi	Proprietorship	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi, Delhi	State	rajesh.madan43@gov.in
146	07AAECA1942J1ZS	APPLAUSE HOSPITALITY SERVICES PVT LTD	Delhi	Private Limited Company	Sidharth Goyal, Assistant Commissioner, Office of Chief Commissioner of CGST & CX, Delhi Zone	Center	ccu-cexdel@nic.in
147	07AGYPA1116D1ZS	CHETAN AGARWAL	Delhi	Proprietorship	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi, Delhi	State	rajesh.madan43@gov.in
148	07AAACT0821F1ZU	TRIVENI NEEDLES PVT LTD	Delhi	Private Limited Company	Technical Branch, O/o the Chief Commissioner, CGST & CX, Delhi Zone	Center	ccu-cexdel@nic.in
149	07AAIPA8739J1ZG	PRITAM ARORA	Delhi	Proprietorship	Adyansh Dabas, Assistant Commissioner, CGST Commissionerate, Rohini	Center	ccu-cexdel@nic.in,

150	07AABCL4556E1ZN	LOCKHEED MARTIN INDIA PRIVATE LIMITED	Delhi	Private Limited Company	Sidharth Goyal, Assistant Commissioner, Office of Chief Commissioner of CGST & CX, Delhi Zone	Center	ccu-cexdel@nic.in
151	24AEUPP6304E1ZF	RAMESH BAGWANDAS PUNJABI (SINDLAL TYRES SALES & SERVICES)	Gujarat	Proprietorship	Shri S. S. Rathod, Deputy Commissioner of State Tax, Vadodara	State	dc10-ct@gujarat.gov.in
152	24AAQFP3483Q1ZD	PASHUPATI INDUSTRIES	Gujarat	Partnership	Ku. D. D. Sodha (D. G. Sarvaiya), Deputy Commissioner of State Tax, Surat	State	dc17-sur2-gstn@gujarat.gov.in
153	24AGBPA9009L1ZM	M/S. GOLDEN TECHNOCAST (SMT. KANCHANBEN DILIPBHAI AKBARI) (KANCHANBEN DILIPBHAI AKABARI)	Gujarat	Proprietorship	Dr. Tejpal Singh, Principal Commissioner, CGST & Central Excise Commissionerate, Ahmedabad	Center	commr-cexamd3@nic.in
154	24AIJPB0789N1ZZ	M/S. VATSAL ENGINEERS (VINESHKUMAR LALJIBHAI BABARIA)	Gujarat	Proprietorship	Dr. Tejpal Singh, Principal Commissioner, CGST & Central Excise Commissionerate, Ahmedabad	Center	commr-cexamd3@nic.in
155	24BCCPP2651M1ZH	M/S APPSTECH SOLUTION (JAYABEN NILESHBHAI PRAJAPATI)	Gujarat	Proprietorship	Dr. Tejpal Singh, Principal Commissioner, CGST & Central Excise Commissionerate, Ahmedabad	Center	commr-cexamd3@nic.in
156	24AANPN0917E1ZX	SURENDRABHAI LALBHAI NANAVATI	Gujarat	Proprietorship	Stella J. Christian, Deputy Commissioner of State Tax, Gandhinagar	State	dc7-gnr-gstn@gujarat.gov.in
157	24AAACJ3799G1ZF	JAY FORMULATION LTD	Gujarat	Public Limited Company	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
158	24ADFPD4986L1Z9	KUMARBHAI MANHARLAL DESAI	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
159	24AAVPJ6737E1ZF	MANGILAL GHISULAL JAIN	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in

160	24AAECV8252E1ZD	VEDIC APPAREL PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
161	24AAPFG5455N1ZT	GELOT AGRI EXPORTS	Gujarat	Partnership	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
162	24AAEFJ2613C1Z2	INNOPHARM HEALTHCARE	Gujarat	Partnership	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
163	24AACCI3445G1ZV	INOS TECHNOLOGIES PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
164	24AFDPC0577L1ZL	MAHEMUDALAM FATHEMOHEMAD CHAUDHRY	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
165	24AEGPS6227K1Z7	SHEETAL RAJANIKANT SHAH	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
166	24AAACV5996R1ZD	SUPER ELECTRO PROCESSORS PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
167	24AABFM1219L1ZJ	MATHARU & SONS	Gujarat	Partnership	Dr. Ashir Tyagi, Principal Nodal Officer, CGST Commissionerate, Vadodara Zone	Center	commr-cexvdr2@nic.in
168	24AAAFU9783E1ZY	YUNESCO TRADING COMPANY	Gujarat	Partnership	J. A. Khan, Pr Commissioner, CGST Commissionerate, Gandhinagar	Center	commr-cexamd3@nic.in
169	24AAKFV2256P1ZM	M/S. VINAYAK ENTERPRISE	Gujarat	Partnership	J. A. Khan, Pr Commissioner, CGST Commissionerate, Gandhinagar	Centre	commr-cexamd3@nic.in
170	24AAFFS5991M2ZJ	SIDDHI DEVELOPERS	Gujarat	Partnership	J. A. Khan, Pr Commissioner, CGST Commissionerate, Gandhinagar	Centre	commr-cexamd3@nic.in
171	24AANFS1715K1Z2	JALESWAR PACKAGING	Gujarat	Partnership	J. A. Khan, Pr Commissioner, CGST Commissionerate, Gandhinagar	Center	commr-cexamd3@nic.in
172	24AAGFS9405F1Z9	JALESWAR TIN INDUSTRIES	Gujarat	Partnership	J. A. Khan, Pr Commissioner, CGST Commissionerate, Gandhinagar	Center	commr-cexamd3@nic.in

173	24AAEFP9923D1ZB	POOJA MARKETING	Gujarat	Partnership	J. A. Khan, Pr Commissioner, CGST Commissionerate, Gandhinagar	Center	commr-cexamd3@nic.in
174	24AARFB1188R1ZQ	BHAGWATI SALES CORPORATION	Gujarat	Partnership	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
175	24AGWPP5728Q1ZA	BHARATKUMAR RUPSINGBHAI PRAJAPATI	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
176	24AACFK2577Q1ZV	KISHAN EQUIPMENTS	Gujarat	Partnership	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
177	24AAKCM1651L1ZC	MANSI AUTOCARE PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
178	24AHVPV6019J1ZN	MEHULBHAI JENTILAL VEKARIYA	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
179	24AGXPA5579R1ZD	NILESHBHAI SHANTILAL ANADKAT	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
180	24BTJPK6783R1ZP	SAVANKUMAR NARSHIBHAI KASUNDRA	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
181	24ABRFS7101G1Z5	SOMNATH AUTO AGENCY	Gujarat	Partnership	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
182	24ACUFS1020N1ZV	SWAMINARAYAN ENGINEERS	Gujarat	Partnership	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
183	24ADSPK1378G2ZB	BHARTIBEN KIRITBHAI KARIA	Gujarat	Proprietorship	I. T. Keshwani, Deputy Commissioner of State Tax, Rajkot	State	dc22-ct@gujarat.gov.in
184	24AQVPS9428F1Z5	KALYAN PROVISION STORE (PIYUSH FULCHAND SHAH)	Gujarat	Proprietorship	S. S. Rathore, Deputy Commiossioner, State Tax, Range-10, Vadodara	State	dc10-ct@gujarat.gov.in
185	24AAGHK0061B1ZZ	KAMLESH BALCHAND SHAH HUF	Gujarat	Hindu Undivided Family	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
186	06AABCE0275B1ZA	ENTEC INDUSTRIAL FURNACES PVT. LTD.	Haryana	Private Limited Company	Pranesh Pathak, Commissioner, CGST Commissionerate, Faridabad	Center	commr-gstfbd@gov.in
187	02AABFG3083A1Z8	GANPAT RAM PREM CHAND	Himachal Pradesh	Partnership	Anupam Kumar Singh, Deputy Commissioner of	State	anupamk.singh@mailhptax.gov.in

					State Taxes & Excise (IT), Shimla		
188	20AAJCA8723A1Z9	AASTHA URJA PRIVATE LIMITED	Jharkhand	Private Limited Company	Sheo Sahai Singh, Joint Commissioner of State Tax, Ranchi	State	gst-comtax@jharkhandmail.gov.in
189	20AADCB4662P1ZL	BARBRIK PROJECT LIMITED	Jharkhand	Public Limited Company	Sheo Sahai Singh, Joint Commissioner of State Tax, Ranchi	State	gst-comtax@jharkhandmail.gov.in
190	29AADCH5871J2Z3	HP COMPUTING AND PRINTING SYSTEM INDIA PRIVATE LIMITED	Karnataka	Private Limited Company	G. Narayanaswamy, Commissioner, CGST Commissionerate, Bengaluru South	Center	commr-cexblr1@nic.in
191	29AADCH5825N1Z2	HP PPS SERVICES INDIA PRIVATE LIMITED	Karnataka	Private Limited Company	G. Narayanaswamy, Commissioner, CGST Commissionerate, Bengaluru South	Center	commr-cexblr1@nic.in
192	29AAMCS4252K1ZT	M/S S I GLOBAL PVT LTD	Karnataka	Private Limited Company	G. Narayanaswamy, Commissioner, CGST Commissionerate, Bengaluru South	Center	commr-cexblr1@nic.in
193	29ABIFS9939D1ZK	SOUTH INDIA CERAMIC CORP	Karnataka	Partnership	G. Narayanaswamy, Commissioner, CGST Commissionerate, Bengaluru South	Center	commr-cexblr1@nic.in
194	29AALFV8453B1ZT	VERVE CLOTHING	Karnataka	Partnership	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
195	29AAIFT3839N1ZD	THE SMART I	Karnataka	Partnership	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
196	29AAKFS2718P1ZG	SHOPPIN	Karnataka	Partnership	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
197	29AAAFH6213N1Z7	HI - STYLE	Karnataka	Partnership	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
198	29AAIFA7024N1Z3	ADARSH AROMATICS	Karnataka	Partnership	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@ka.gov.in
199	29AAACW3621J1Z8	WAVE MECHANICS PRIVATE LIMITED	Karnataka	Private Limited Company	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com

200	29ADRPV1935F1ZZ	LEKHA MARKETING (YERRAGUNTA PHANIRAJA VITAL)	Karnataka	Proprietorship	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
201	29AFGPT4653P1ZI	SWATHI MEDICALS AND GENERAL STORES TARANATHA NAYAK	Karnataka	Proprietorship	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
202	29AFLPP4669Q1Z7	USHA MEDICALS (DINAKAR PRABHU)	Karnataka	Proprietorship	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
203	27AACCS5421N1Z4	SUTRA SYSTEMS INDIA PVT LTD	Maharashtra	Private Limited Company	Vandana K. Jain, Commissioner, CGST Commissionerate, Pune	Center	santosh.vatsa@nic.in
204	27AACCJ5593N1ZW	J B DYECHEM PRIVATE LIMITED	Maharashtra	Private Limited Company	Sanjay Mahendru, Commissioner, CGST Commissionerate, Belapur Navi Mumbai	Center	Mahendra.Patil@icegate.gov.in
205	27AACCM3174A1ZV	MOTHER DAIRY FRUITS & VEGETABLE PVT. LTD.	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
206	27AACCR8424L1Z0	ROHIT PRESS COMP PRIVATE LIMITED	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
207	27AAKPT2341R1ZZ	MANORAMA MEDICAL HALL (VARDHAMAN BHIKCHAND THOLE)	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
208	27AAECD4429P1Z7	DYNAMIK ENGINEERS PVT. LTD.	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
209	27AAKFJ0287A1ZK	JHAVERI PRECIOUS METALS LLP	Maharashtra	Limited Liability Partnership	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
210	27AAAFD3967D1ZL	DEV RAJ RANGWALA	Maharashtra	Partnership	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
211	27AAGCS3065C1ZJ	SHRI BALAJI ENTERTAIN	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy	State	gstit.state@mahagst.gov.in

		MENT PVT LTD			Commissioner of State Tax, Mumbai		
212	27AESPR7990G1ZJ	AMRIT ASHOK RAJANI	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
213	27AADCR7351K1Z1	ROSS PROCESS EQUIPMENT PVT LTD.	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
214	27AAPCS4799A1ZV	SUPREME GOLD IRRIGATIONS LIMITED	Maharashtra	Private Limited Company	K. V. S. Singh, Commissioner, CGST Commissionerate, Aurangabad	Center	Letter
215	27AAJFS2112E1ZK	SHREE REFRIGERATION	Maharashtra	Partnership	K. V. S. Singh, Commissioner, CGST Commissionerate, Aurangabad	Center	Letter
216	27AAFCS0360P3ZZ	SSEC FOUNDRY EQUIPMENT PVT.LTD.	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
217	27AAIFV7082M1ZE	VTP CORPORATION LLP	Maharashtra	Partnership	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
218	27AAECK1865G1ZH	KTS AUTOMOTRS PVT LTD	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
219	27AAACJ8119Q1Z0	JAINAM EXPORTS PRIVATE LIMITED	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
220	27AAACP9904H1ZA	PUNJAB CHEMICALS AND CROP PROTECTION LIMITED	Maharashtra	Public Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
221	27ADRPT8326Q1ZB	SUDHIR DATTATRAY THOMBARE	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
222	27ABYPJ6227F1Z9	RAVINDRA PRATAP CHAND JAIN	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
223	27AAACI5684H1ZC	SKANEM INTERLABELS INDUSTRIES PRIVATE LIMITED	Maharashtra	Private Limited Company	Nilay Bunkar, Assistant Commissioner, CGST Commissionerate, Palghar	Center	amit.irs@gov.in
224	27AKNPJ0913E1ZE	TEJPAL SHANTILAL JAIN	Maharashtra	Proprietorship	C. P. S. Chauhan, Deputy Commissioner, CGST	Center	amit.irs@gov.in

					Commissionerate, Mumbai South		
225	27AABFK5277E1ZC	M/ S. KOLHAPUR INDUSTRIAL SALES CORPORATION.	Maharashtra	Partnership	Shri V. N. Thete, Commissioner, CGST Commissionerate, Kolhapur	Center	santosh.vatsa@nic.in
226	27AFFPP6764E1Z6	M/S. SHRI SANKAR VIJAY SAW MILL (VIRJIBHAI LADHARAM PATEL)	Maharashtra	Proprietorship	Shri V. N. Thete, Commissioner, CGST Commissionerate, Kolhapur	Center	santosh.vatsa@nic.in
227	27AAACG2936N1ZC	M/S GLASSPAANE ALUMINIUM (INDIA) PVT LTD	Maharashtra	Private Limited Company	Shri P. H. Lal, Assistant Commissioner, CGST Commissionerate, Mumbai West	Centre	Letter
228	27AAOCA1227A1Z5	AURUS SHIP MANAGEMENT PRIVATE LIMITED	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
229	27AAKCA2954Q1Z0	ACME MEP SERVICES (I) PVT. LTD.	Maharashtra	Private Limited Company	Superintendent, Computer Centre, Mumbai Central GST Commissionerate, Mumbai	Center	comp-gstmcentral@gov.in
230	27AACPG5367L1ZG	SHAWN ANTHONY GOMES (PROP. OF ACME REFRIGERATION CO.)	Maharashtra	Proprietorship	Superintendent, Computer Centre, Mumbai Central GST Commissionerate, Mumbai	Center	comp-gstmcentral@gov.in
231	21AFRPC1107L1ZT	NABANITA CHELL (PROP- RAJ ENTERPRISES)	Odisha	Proprietorship	Sri J. Sateesh Chandar, Joint Commissioner, CGST Bhubaneshwar	Center	sateesh.chandar@gov.in
232	21AVDPK0516D1ZG	KAMDAR SALES ORGANIZATION (DIPESH KAMDAR)	Odisha	Proprietorship	Sri J. Sateesh Chandar, Joint Commissioner, CGST Bhubaneshwar	Center	sateesh.chandar@gov.in
233	21ABJFS9294C1Z1	M/S. SUNNY MOTORS.	Odisha	Partnership	Sri J. Sateesh Chandar, Joint Commissioner, CGST Bhubaneshwar	Center	sateesh.chandar@gov.in
234	21AASPA3748H1ZU	M/S. VIKASH SALES CORPORATION (VIKASH KUMAR AGARWAL)	Odisha	Proprietorship	Sri J. Sateesh Chandar, Joint Commissioner, CGST Bhubaneshwar	Center	sateesh.chandar@gov.in

235	03AAAFN8429Q1ZV	NAVYUG BICYCLE INDUSTRIES	Punjab	Partnership	Pawan Garg, Deputy Commissioner of State Tax, Ludhiana Division	State	aetcgstpb@gmail.com
236	03AAAFW1149C1ZS	WATSON ENGINEERING WORKS	Punjab	Partnership	Pawan Garg, Deputy Commissioner of State Tax, Ludhiana Division	State	aetcgstpb@gmail.com
237	33AAECK3374L1ZD	KUN AEROSPACE PRIVATE LIMITED	Tamil Nadu	Private Limited Company	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
238	36AAACK9215C1ZU	M/S.SUN AEROSPACE SYSTEMS LIMITED	Telangana	Public Limited Company	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
239	36AACCK4004B1Z9	KESARI FIBRES PRIVATE LIMITED	Telangana	Private Limited Company	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
240	36AADCE7440G1ZQ	EXIMIUS DESIGN INDIA PRIVATE LIMITED	Telangana	Private Limited Company	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
241	36AADCS3986P1ZI	M/S. SUNKAP AUTOMATION LIMITED	Telangana	Private Limited Company	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
242	36AGKPV7773R1Z0	MAHESHKUMAR RAJESHWARRAO VENNA	Telangana	Proprietorship	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
243	09AABCD1608D1Z6	DEY'S MEDICAL STORES (MANUFACTURING) LTD	Uttar Pradesh	Public Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
244	09AABCD4017E1Z3	DEY'S MEDICAL STORES PVT LTD	Uttar Pradesh	Private Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
245	09AAOFK3607R1ZK	KOHINOOR STONE IMPEX	Uttar Pradesh	Partnership	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
246	09AAOFP6769M1Z4	PREMIUM METALS	Uttar Pradesh	Partnership	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
247	09DGDPK8788P1Z7	SONU KUMAR	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in

248	09AJTPB9459Q1Z0	M/S. TIRUPATI PRINT PACK (ARCHIT BANSAL)	Uttar Pradesh	Proprietorship	Abhijeet Patel, Nodal Officer, CGST Commissionerate, Ghaziabad	Center	Abhijeet1.Patel@icegate.gov.in
249	09ABEFA0785B1ZQ	AADITYA AYUSH DISTRIBUTIONS LLP	Uttar Pradesh	Partnership	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
250	09AHCPG8121H1ZJ	ADITYA AGENCY VINOD KUMAR GUPTA)	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
251	09ABEPH7517C1ZW	MAHENDRA KUMAR HIRANI	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
252	09ANCPR1630A1ZH	BALESHWAR RAI	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
253	09AISPR7773F1ZD	PREM NARAYAN RAI	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
254	09AAFCD3061L1ZI	RAMAN KUMAR AGRAWAL (DRESS LAND GLOBAL PRIVATE LIMITED)	Uttar Pradesh	Private Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
255	09AAMFM8571A1Z2	M/S MAK ENGINEERING SERVICES	Uttar Pradesh	Partnership	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
256	09AEVPK5662F1ZY	BHUPENDER KUMAR	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow, Uttar Pradesh	State	ctithqlu-up@nic.in
257	09ALPPG9058E1ZP	HIMANSHU GUPTA	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
258	09AAACM1000D2ZB	MANGLA HOISTS PRIVATE LIMITED	Uttar Pradesh	Private Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
259	09AANCA5405H2ZL	M/S ADITYA CLEAN ENERGY	Uttar Pradesh	Private Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in

		SYSTEMS PVT.LTD.					
260	09AADCB2583M2ZA	BOP PRIVATE LIMITED	Uttar Pradesh	Private Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
261	09ABDPN3089L1Z5	SHIV KUMAR NAGESHWARAN	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
262	09AAYFS2841K1ZE	SAHIB AUTOMOBILES	Uttar Pradesh	Partnership	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
263	09AABCM3446Q1ZY	MANGLA PLYWOOD PRIVATE LIMITED	Uttar Pradesh	Private Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
264	09AAKFN3247J1ZX	NATIONAL EMPORIUM	Uttar Pradesh	Partnership	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
265	09CAKPS6436G1Z7	JRM SOLUTION (ASHISH SRIVASTAV)	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
266	09AACCL9072A1ZL	M/S LUMINOSITY SOLUTIONS PVT.LTD.	Uttar Pradesh	Private Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
267	09AABCF8036H1ZK	FOURWHEELS AUTO PRIVATE LIMITED	Uttar Pradesh	Private Limited Company	S. K. Sharma, Commissioner, Central Government, Kanpur	Centre	commr-cexkpr@nic.in
268	09AABCU5425B1ZM	USL CHEMICALS PVT LTD	Uttar Pradesh	Private Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
269	05AACCR3682E1ZJ	M/S R.C.C DEVELOPERS LTD	Uttarakhand	Private Limited Company	Anurag Mishra, Deputy Commissioner of State Taxes, Uttarakhand	State	anuragmishra75@gmail.com
270	05ABEPC9005C1ZE	VIJAY CHAUHAN	Uttarakhand	Proprietorship	Anurag Mishra, Deputy Commissioner of State Taxes, Uttarakhand	State	anuragmishra75@gmail.com
271	05AGEPS6465R1ZJ	M/S SANGAM SANITARY STORE (RAJAN KUMAR SHARMA)	Uttarakhand	Proprietorship	Anurag Mishra, Deputy Commissioner of State Taxes, Uttarakhand	State	anuragmishra75@gmail.com
272	05CYEPS0787C1ZE	M/S UNIVERSAL SANATRY WORLD	Uttarakhand	Proprietorship	Anurag Mishra, Deputy Commissioner of	State	anuragmishra75@gmail.com

		(MEENAKSHI SHARMA)			State Taxes, Uttarakhand		
273	05AANCS5518H1Z6	SWIFT LIFESCIENCES PVT LTD	Uttarakhand	Private Limited Company	Anurag Mishra, Deputy Commissioner of State Taxes, Uttarakhand	State	anuragmishra75@gmail.com
274	05AGCPB6785B1ZS	INDERPAL SINGH BINDRA	Uttarakhand	Proprietorship	Anurag Mishra, Deputy Commissioner of State Taxes, Uttarakhand	State	anuragmishra75@gmail.com
275	05ADIPB2196B1Z3	INDERJEET SINGH BINDRA	Uttarakhand	Proprietorship	Anurag Mishra, Deputy Commissioner of State Taxes, Uttarakhand	State	anuragmishra75@gmail.com
276	19ACYPA9329E1Z6	SAROJ AGARWALA	West Bengal	Proprietorship	Sima Sarkar, Senior Joint Commissioner, Commercial Taxes, West Bengal	State	sima.sarkar@wbcomtax.gov.in
277	19AABCI6064J1ZB	I T T LINES PRIVATE LIMITED	West Bengal	Private Limited Company	Atanu Majumdar, Addtional Commissioner of Commercial Taxes, West Bengal	State	majumder.ctax@wbcomtax.gov.in
278	19AACFU4577A1Z5	UNIVERSAL TRADING SOLUTIONS	West Bengal	Partnership	Atanu Majumdar, Addtional Commissioner of Commercial Taxes, West Bengal	State	majumder.ctax@wbcomtax.gov.in

Category B2: Cases where TRAN 1 Fresh/Revision Attempted with No error or No valid error reported: As per GST System Logs, the taxpayer has tried for Saving / Submitting/Filing 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	Center/ State	E-Mail ID
279	37AABCP7422K1Z8	PORUS LABORATORIES PRIVATE LIMITED	Andhra Pradesh	Private Limited Company	M. Srihari Rao, Commissioner, CGST Commissionerate, Guntur	Center	srihari.rao@gov.in
280	37AHIPA1686P1ZV	AKUTHOTA PADMA SEKHAR	Andhra Pradesh	Proprietorship	Shri. D. Ramesh, Joint Commissioner, Commercial Taxes Department, Vijayawada	State	ap-addl.it@apct.gov.in

281	37AAECV0408J1ZD	VITAL PAPER PRODUCTS PRIVATE LIMITED	Andhra Pradesh	Private Limited Company	Shri. D. Ramesh, Joint Commissioner, Commercial Taxes Department, Vijayawada	State	ap-jcgstn@apct.gov.in
282	37AAFFR7248L1ZM	RAMA KRISHNA TRADERS, KAREMPUDI	Andhra Pradesh	Partnership	M. Prakasarao, Deputy Commissioner of State Tax, Andhra Pradesh	State	apdcnrp@gmail.com
283	18AASFP7555M1Z7	PARVATI ASSOCIATES	Assam	Partnership	Subrata Gogoi, Principal Nodal Officer, State Govt, Assam	State	sugogoi@gmail.com
284	10AKTPK0734E1ZJ	RAKESH KUMAR	Bihar	Proprietorship	Mukesh Kumar, Assistant Commissioner State-Tax, Patna	State	mukesh.kumar1982@gov.in
285	22ABHPN8512G1ZU	SUKUND RAO NAGPURE	Chhattisgarh	Proprietorship	Deepak Giri Deputy Commissioner State Tax, Raipur ,	State	deepakgiri.cctd-cg@gov.in
286	22AADCJ4385P1Z5	JASWANI HONDA PVT LTD	Chhattisgarh	Private Limited Company	Deepak Giri Deputy Commissioner State Tax, Raipur ,	State	deepakgiri.cctd-cg@gov.in
287	07AAACM6396E2ZC	HITACHI SYSTEMS MICRO CLINIC PVT LTD	Delhi	Private Limited Company	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi,	State	rajesh.madan43@gov.in
288	07AAAAA4677Q1Z8	ASSOCIATION OF INDIAN MAGAZINES	Delhi	Society/ Club/ Trust/ AOP	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi,	State	rajesh.madan43@gov.in
289	07AAJFJ0750H1ZH	JOGINDER MOTOR STORES	Delhi	Partnership	Technical Branch, O/o the Chief Commissioner, CGST & CX, Delhi Zone	Center	ccu-cexdel@nic.in
290	07AAAFS4311C1ZU	SUMAT PERSHAD & SONS	Delhi	Partnership	Technical Branch, O/o the Chief Commissioner, CGST & CX, Delhi Zone	Center	ccu-cexdel@nic.in

291	07AAACS2280F1ZM	SHRINIWASTIN INDUSTRIES PRIVATE LIMITED	Delhi	Private Limited Company	Niharika Gupta, Assistant Commissioner, Central Government, New Delhi	Center	ccu-cexdel@nic.in,
292	07AACCR6439D1ZG	REGENT GARAGE PRIVATE LIMITED.	Delhi	Private Limited Company	Adyansh Dabas, Assistant Commissioner, CGST Commissionerate, Rohini	Center	ccu-cexdel@nic.in,
293	24AABCL2635C1Z3	L&T- MHPS BOILERS PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
294	24ASHPP5983G2ZB	PRAKASH NOTANDAS PARWANI	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
295	24AHHPM5033H1ZJ	DEVANGKUMAR LALTIKUMAR METHA	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
296	24ACEPM6257H1ZK	HOTCHAND HARIRAM MULCHANDANI	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
297	24AFUPM0698B1Z9	NARAYAN HARIRAM MULCHANDANI	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
298	24ADAPP3125C1Z8	KARUNA SURESHBHAI PAREKH	Gujarat	Proprietorship	Bhupendra M. Shrimali, Deputy Commissioner of State Tax, Gandhidham Kutch	State	dc25-rjt2-gstn@gujarat.gov.in
299	24ADFFS3809K1ZX	SUN SHINE SALES	Gujarat	Partnership	M. S. Jani, Deputy Commissioner of State Tax, Rajkot	State	dc22-ct@gujarat.gov.in
300	02AFWPK1297A1ZK	RAKESH KUMAR	Himachal Pradesh	Proprietorship	Anupam Kumar Singh, Deputy Commissioner of State Taxes & Excise (IT), Shimla	State	anupamk.singh@mailhptax.gov.in
301	01ABSPK2292B1ZZ	ASHWANI KUMAR (M/S	Jammu & Kashmir	Proprietorship	Sandeep Kumar, Programmer, Coordinator Jammu Division,	State	sandeep.prog123@gmail.com

		SANDEEPA MOTORS)			State Admin GST, STC, J&K GST, Nodal Officer GST/BAS		
302	01AAZPG5185B1ZS	VIPUL GUPTA (M/S AUTO HOUSE)	Jammu & Kashmir	Proprietorship	Sandeep Kumar, Programmer, Coordinator Jammu Division, State Admin GST, STC, J&K GST, Nodal Officer GST/BAS	State	sandeep.prog123@gmail.com
303	20AACCN4746R1Z5	POORVA MOTORS PRIVATE LIMITED	Jharkhand	Private Limited Company	Sheo Sahai Singh, Joint Commissioner Of State Tax, Ranchi	State	gst-comtax@jharkhandmail.gov.in
304	20AABCJ2852P1ZJ	JAI DURGA IRON PRIVATE LIMITED	Jharkhand	Private Limited Company	Sheo Sahai Singh, Joint Commissioner of State Tax, Ranchi	State	gst-comtax@jharkhandmail.gov.in
305	29AAACI6320E1ZV	IWAVE SYSTEMS TECHNOLOGIES PVT LTD	Karnataka	Private Limited Company	G. Narayanaswamy, Commissioner, CGST Commissionerate, Bengaluru South	Centre	commr-cexblr1@nic.in
306	29AADCM7401K1ZB	MEEN BEEN ELASTOMERS PVT LTD	Karnataka	Private Limited Company	G. Narayanaswamy, Commissioner, CGST Commissionerate, Bengaluru South	Centre	commr-cexblr1@nic.in
307	27BWMPS8006B1ZF	BHARATKUMAR BHAWARLAL SHAH	Maharashtra	Proprietorship	Vandana K. Jain, Commissioner, CGST Commissionerate, Pune	Centre	santosh.vatsa@nic.in
308	27AASFA4125A1ZS	AMIRAJ CONSTRUCTIONS	Maharashtra	Partnership	Ganesh Prasad Sharma, Assistant Commissioner, CGST Commissionerate, Mumbai West	Centre	division10cgstwest@gmail.com
309	27AAUFA0705C1ZS	A CABLE	Maharashtra	Partnership	Kalyaneshwari Patil, Deputy Commissioner	State	gstit.state@ma

					of State Tax, Mumbai		hagst.gov.in
310	27AFOPM1618M1Z0	RAJESH ARJUN MISHRA	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
311	27AAAFR7964G1ZW	ROOPAM TRADING SYNDICATE	Maharashtra	Partnership	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
312	27AACFH6038D1ZN	H ROSHAN TUBES	Maharashtra	Partnership	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
313	27AADFT5306P2ZR	TARACHAND FOJMAL	Maharashtra	Partnership	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
314	27AABCI0121N1ZS	RIDDHYMIC TECHNOLOGIES PVT. LTD.	Maharashtra	Private Limited Company	Shri Amit Kumar Sharma, Deputy Commissioner, CGST, Mumbai	Center	amit.irs@gov.in
315	27AABCM5674J1Z4	MCNROE CONSUMER PRODUCTS PRIVATE LIMITED	Maharashtra	Private Limited Company	Shri Amit Kumar Sharma, Deputy Commissioner, CGST Commissionerate, Mumbai	Center	amit.irs@gov.in
316	27AADCB9592L1Z0	B K LOGISTICS PRIVATE LIMITED	Maharashtra	Private Limited Company	Shri Milind Gawai, Commissioner, Central Tax, Pune I Commissionerate,	Center	santosh.vatsa@nic.in
317	27ABCPB5111C1ZK	PRADEEP DATTATRAYA BANGINWAR	Maharashtra	Proprietorship	Additional Commissioner (CCO), Nagpur Zone	Center	cccexnag@gmail.com
318	27AABCV3633Q1ZU	VIRAJ REALITY PVT.LTD.	Maharashtra	Private Limited Company	Rajiv Magoo, Joint Commissioner, CGST Commissionerate, Nashik	Center	gstnsk1@gmail.com
319	27AAZPN3390B1ZC	M/S INDIA TRADE	Maharashtra	Proprietorship	D. P. S. Kushwah,	Center	Letter

		LINKS (BALJINDER SINGH INDRAJIT SINGH NAYYAR)			Additional Commissioner, CGST Commissionerate, Nagpur		
320	27AAPFM3348E1Z4	MAHAVIR TRADE CENTRE	Maharashtra	Partnership	Superintendent, Computer Centre, Mumbai Central GST Commissionerate,	Center	comp-gstmcentral@gov.in
321	21AABCM5674J1ZG	MCNROE CONSUMER PRODUCTS PRIVATE LIMITED	Odisha	Private Limited Company	Dipankar Sahu, Joint Commissioner of CT & GST (IT), Commissionerate of CT & GST, Odisha	State	dcctitp@odishatax.gov.in
322	21AAMCS5900N1Z6	M/S. SUPRATIK INFRA VENTURES PVT. LTD	Odisha	Private Limited Company	Sri J. Sateesh Chandar, Joint Commissioner, CGST & Central Excise Commissionerate, Bhubaneshwar	Center	sateesh.chandar@gov.in
323	34AAACK8991K1Z0	K U N AUTO COMPANY PRIVATE LIMITED	Puducherry	Private Limited Company	K. Sridhar, Deputy Commissioner of State Tax, Puducherry	State	dcctax.pon@nic.in
324	34AARFS1673G1ZX	M/S. SRI LAXMI SAW MILL	Puducherry	Partnership	Shri U. Niranjan, Commissioner, CGST & Central Excise Commissionerate, Puducherry	Center	pondycex.gst@gov.in
325	03BRXPA1258D1Z2	KUSUM ARORA	Punjab	Proprietorship	Pawan Garg, Deputy Commissioner of State Tax, Ludhiana Division	State	aetcgstpb@gmail.com
326	03ACYPA5055D1ZU	RAJESH ARORA	Punjab	Proprietorship	Pawan Garg, Deputy Commissioner of State Tax, Ludhiana Division	State	aetcgstpb@gmail.com

327	03AAIFD7684D1ZH	DAWA BAZAR	Punjab	Partnership	Pawan Garg, Deputy Commissioner of State Tax, Ludhiana Division	State	aetcgstpb@gmail.com
328	33AAGCA0959B1Z5	M/S.AVG WIRE SCREENS PRIVATE LTD.	Tamil Nadu	Private Limited Company	Shri. G. Sreenivasa Rao, Commissioner, CGST Commissionerate, Coimbatore	Center	comp.chennainorth@gov.in
329	33AACCC7311D1ZB	CHENNAI ENGINEERING COATING COMPANY PRIVATE LIMITED	Tamil Nadu	Private Limited Company	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
330	33AAACT7933Q1ZT	TIRUPPUR TEXTILES PVT LTD	Tamil Nadu	Private Limited Company	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
331	33AAECC6621L1ZP	COGENT AUTOMATION PRIVATE LIMITED	Tamil Nadu	Private Limited Company	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
332	33AAVFM2564J1ZU	MSRINATH ANDCO	Tamil Nadu	Partnership	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
333	33ARMPT3412E1ZY	KADAIKAR REHANA TABASSUM (TRADE NAME:NAFIA LEATHERS)	Tamil Nadu	Proprietorship	M. Sreedhar Reddy, Principal Commissioner of GST Commissionerate, Chennai-North	Center	comp.chennainorth@gov.in
334	33AUOPK1233F1ZY	MOHAMED NASIRUDDIN KADAIKAR(TRADE NAME:M.M.S. LEATHERS)	Tamil Nadu	Proprietorship	M. Sreedhar Reddy, Principal Commissioner of GST Commissionerate, Chennai-North	Center	comp.chennainorth@gov.in
335	09AJBPD0909P1Z5	PARWATI DEVI	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head	State	ctithqlu-up@nic.in

					Quarter, Lucknow,		
336	09AAEFA0979J1Z7	ASIAN HANDICRAFTS	Uttar Pradesh	Partnership	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
337	09ABQPV6240E1Z8	WHI HANDICRAFTS (ASHA VIJ)	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
338	09AABCF0689C1ZR	FOREVER NEW APPARELS (P) LTD	Uttar Pradesh	Private Limited Company	Naresh Kumar Tiwari, Asst Commr, CGST Commissionerate, Noida	Center	nktiwari.66@gov.in
339	09AABCM5674J1Z2	MCNROE CONSUMER PRODUCTS PVT. LTD	Uttar Pradesh	Private Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
340	09AZFPS0446Q1ZO	M/S CITY ELECTRONICS (SIMRAN SUNEJ)	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
341	09ABCFM7577P1ZB	MARUTI INDUSTRIAL CORPORATION	Uttar Pradesh	Partnership	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
342	09AAMPA5889M1ZX	RAJENDRA AGRAWAL	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
343	05AAECM9074F1ZE	M/S MAGIC WIRE PVT LTD, SALEMPUR RAJPUTAN	Uttarakhand	Private Limited Company	Anurag Mishra, Deputy Commissioner of State Taxes, Uttarakhand	State	anuragmishra75@gmail.com

		A, ROORKEE.					
344	05AAGFP5705R1ZS	M/S PAGIA HARDWARE	Uttarakhand	Partnership	Anurag Mishra, Deputy Commissioner of State Taxes, Uttarakhand	State	anuragmishra75@gmail.com
345	19ADOPD0043R1Z7	AVINASH KUMAR DUBEY (M/S DISHA AIRWAYS ENTERPRISE)	West Bengal	Proprietorship	Tarun Majumder, Assistant Commissioner CGST Commissionerate, Kolkata North	Center	kolkatanorth.gst@gov.in
346	19ABRFS0714M1ZM	M/S SPEEDKING COURIER SERVICE	West Bengal	Partnership	Tarun Majumder, Assistant Commissioner CGST Commissionerate, Kolkata North	Center	kolkatanorth.gst@gov.in
347	19ALUPP1900D1Z1	MADHABI PAL	West Bengal	Proprietorship	Sima Sarkar, Senior Joint Commissioner, Commercial Taxes, West Bengal	State	sima.sarkar@wbcomtax.gov.in

Category B3: Cases where the taxpayer has Succesfully 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	Center/ State	E-Mail ID
348	37AAGCA9960N1ZX	APPLE INDUSTRIES LTD	Andhra Pradesh	Public Limited Company	D. Venkateswara Reddy, Commissioner, CGST Commissionerate, Tirupati	Center	comm.tpt@gov.in
349	37AAMFS1080L1ZS	M/S SAKTHI EXPORTS	Andhra Pradesh	Partnership	M. Srihari Rao, Commissioner, CGST Commissionerate, Guntur	Center	srihari.rao@gov.in
350	37ABBPV5404F1ZQ	SRI VENKATA RAMANA FERTILIZERS NERELLA VENKATASUBBARAO	Andhra Pradesh	Proprietorship	M. Prakasarao, Deputy Commissioner of State Tax, Andhra Pradesh	State	apdcnrp@gmail.com
351	10AAACP6474E1ZS	POLYCAB INDIA LIMITED (FORMERLY KNOWN AS POLYCAB WIRES PRIVATE LIMITED)	Bihar	Public Limited Company	Nitin Anand, Commissioner, CGST & Central Excise Commissionerate, Patna-II	Center	nitinanand.irs@gov.in
352	26AABCD1683Q1Z8	HAMILTON HOUSEWARES PRIVATE LIMITED	Dadra and Nagar Haveli	Private Limited Company	Shri. Nilesh Gurav, Deputy Commissioner, VAT / GST, Silvassa	State	ac1-ctd-dnh@nic.in
353	07DYVPS3544D2ZW	LAKSHITA FIRE PROTECTION (NANDAN SINGH)	Delhi	Proprietorship	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi, Delhi	State	rajesh.madan43@gov.in
354	07AABCF6085C1ZT	FALCON TECHNOLOGIES PRIVATE LIMITED	Delhi	Private Limited Company	Assistant Commissioner, O/o the Principal Chief Commissioner, CGST & CX, Delhi Zone	Center	ccu-cexdel@nic.in
355	07AACCB6217H1ZW	BASUKI STEELS PRIVATE LIMITED	Delhi	Private Limited Company	Sidharth Goyal, Assistant Commissioner, Office of Chief	Center	ccu-cexdel@nic.in

					Commissioner of CGST & CX, Delhi Zone		
356	07AACFV3019L1Z3	VIDYADEEP ALLIED TRADERS	Delhi	Partnership	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi, Delhi	State	rajesh.madan43@gov.in
357	07AACCH0670G1ZV	NOVA INTEGRATED SYSTEMS LIMITED	Delhi	Public Limited Company	Sidharth Goyal, Assistant Commissioner, Office of Chief Commissioner of CGST & CX, Delhi Zone	Center	ccu-cexdel@nic.in
358	24ACMFS9580R1ZY	SANKALP RECYCLING	Gujarat	Partnership	Dr. Tejpal Singh, Principal Commissioner, CGST Ahmedabad	Center	commr-cexamd3@nic.in
359	24AABCP5949D1ZI	P P I PUMPS PRVT LTD	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, State Govt, Ahmedabad, Gujarat	State	jcegov-ct@gujarat.gov.in
360	24AAACL2740H1ZW	LATHIA INDUSTRIAL SUPPLIES COMPANY PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, State Govt, Ahmedabad, Gujarat	State	jcegov-ct@gujarat.gov.in
361	24AACCS1023J1ZS	SEAPLAST INDIA PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, State Govt, Ahmedabad, Gujarat	State	jcegov-ct@gujarat.gov.in
362	24AAACB4699K1ZD	BHAGWATI AUTOCAST LTD	Gujarat	Public Limited Company	S. M. Saxena, Joint Commissioner, State Govt, Ahmedabad, Gujarat	State	jcegov-ct@gujarat.gov.in
363	24AAIFN9495J1ZL	NATURAL CROP CARE	Gujarat	Partnership	J. A. Khan, Principle Commissioner, CGST & Central Excise Commissionerate, Gandhinagar	Centre	commr-cexamd3@nic.in
364	24AABCG3701G1Z7	GAJANAND MOTORS PVT. LTD.	Gujarat	Private Limited Company	J. A. Khan, Principle Commissioner, CGST & Central Excise Commissionerate, Gandhinagar	Centre	commr-cexamd3@nic.in
365	24AMJPP1882G1ZW	WORTH INDIS STRIES	Gujarat	Proprietorship	J. A. Khan, Principle Commissioner,	Centre	commr-cexamd3@nic.in

		(BHARATKUMAR RAMLAL PATEL)			CGST & Central Excise Commissionerate, Gandhinagar		
366	24AAOFG9363L1ZR	GRANNY'S SPICES (INDIA) LLP	Gujarat	Limited Liability Partnership	S. M. Saxena, Joint Commissioner, State Govt, Ahmedabad, Gujarat	State	jcegov-ct@gujarat.gov.in
367	24ADAFS9163K1ZR	SHUBHAM STEEL	Gujarat	Partnership	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
368	24AAGFS1163C1ZO	SONA PUMPS	Gujarat	Partnership	S. M. Saxena, Joint Commissioner, Ahmedabad,	State	jcegov-ct@gujarat.gov.in
369	01ATMPG3376J1ZO	DEV RAJ GUPTA (M/S J K TILE HOUSE)	Jammu & Kashmir	Proprietorship	Sandeep Kumar, Programmer, Coordinator Jammu Division, State Admin GST, STC, J&K GST, Nodal Officer GST/BAS	State	sandeep.prog123@gmail.com
370	20AKXPS8371F1ZN	HEMANT KUMAR SINGH	Jharkhand	Proprietorship	Sheo Sahai Singh, Joint Commissioner Of State Tax, Ranchi	State	gst-comtax@jharkhandmail.gov.in
371	20AABCE6875H1ZQ	ELECTRO STEELS LIMITED	Jharkhand	Public Limited Company	Nitin Anand, Commissioner, CGST & CX Ranchi Zone	Center	nitinanand.irs@gov.in
372	29ABCFM9572G1ZT	MAHATHI TRADING LLP	Karnataka	Partnership	Dr. M. Aamir M. Iqbal Siddiqui, Assistant Commissioner, CGST Commissionerate, Bengaluru West	Center	p.muralidharan@ltu.gov.in
373	29AAMFN1523D1ZF	NEYA FASHION	Karnataka	Partnership	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
374	29AAHFH6613B1ZL	HONEY DEW	Karnataka	Partnership	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
375	29AYOPM0849D1Z5	ROHIT PURUSHOTTAM MADIKAR	Karnataka	Proprietorship	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
376	29ASHPM3082H1ZH	NOOR FATHIMA MURMURA INDSTRIES (BALEGAR MOHAMED MUJEEB)	Karnataka	Proprietorship	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
377	29AAACI2953B1ZU	INTEGRAL AUTOMATION	Karnataka	Private Limited	Basavaraj K. S., Joint Commissioner	State	basavaraj.sagar@gmail.com

		PRIVATE LIMITED		Company	of Commercial Taxes,		
378	29AAECN3237B1ZQ	COSTA INFRA PRIVATE LIMITED	Karnataka	Private Limited Company	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
379	29ARRPS9565N2Z9	SUMATHI	Karnataka	Proprietorship	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
380	29CCNPK7809L1ZS	SRI ANNAPURNESHWARI MOBILE CARE (KALAGEVAHALLI LINGARAJU KIRAN KUMAR)	Karnataka	Proprietorship	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
381	29ANEPR2020E1ZB	MOHAMED RAFI	Karnataka	Proprietorship	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
382	29AADFM1794J1ZV	MALNAD CASHEWS	Karnataka	Partnership	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
383	29AACCV0498C1Z9	VIJAYKANT DAIRY AND FOOD PRODUCTS LTD	Karnataka	Private Limited Company	Arun Kumar Sasmal, Asst Commr, Belagavi Rural Division, CGST,	Centre	cgst.divbgmrural@gov.in
384	23AAICS6990E1Z5	SHRIJI POYMERS (INDIA) LTD.	Madhya Pradesh	Public Limited Company	Neerav Kumar Mallick, Commissioner, CGST Commissionerate, Indore,	Centre	technicalcex@gmail.com
385	27AABCS6758H1Z0	M/S SWATI PETRO PRODUCTS PVT. LTD.	Maharashtra	Private Limited Company	C. Dhanasekran, Principle Commissioner, CGST Commissionerate, Thane Rural	Centre	thaneruralgsk@gmail.com
386	27AEXPJ8439B1Z2	SURYAKANT MULTANMAL JAIN	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
387	27AEGPB6471A1ZX	NANDKUMAR GOPAL BENDALE (TARDE NAME-HERAMB POLYPACK)	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
388	27AABCM9244N1ZY	CERA SANITARY WARE LTD.	Maharashtra	Public Limited	Kalyaneshwari Patil, Deputy	State	gstit.state@mahagst.gov.in

				Company	Commissioner of State Tax, Mumbai		
389	27AWUPS3544H1ZV	SHREE BHAWANI SALES (PRAKASH DEVENDRA SAH)	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
390	27BAFPP6687J1ZY	UNIVERSAL COMMERCIAL CORPORATION (MEHIR DIXIT KUMAR PARIKH)	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
391	27AACCI9286M1ZT	IRIS COLOURS & POLYMERS PVT LTD	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
392	27AAACU8358G1Z1	UJJWAL AUTOWHEELS PRIVATE LIMITED	Maharashtra	Private Limited Company	Joint Commissioner, CGST & Central Excise Commissionerate, Nashik	Center	gstnsk1@gmail.com
393	27ACKPA6950H1ZK	VENTURE IMPEX (VIKRANT AGGARWAL)	Maharashtra	Proprietorship	Superintendent, Computer Centre, Mumbai Central GST Commissionerate,	Center	comp-gstmcentral@gov.in
394	08AAYPA4554D1ZM	MUKUND WATCH COMPANY (ANIL KUMAR AGARWAL)	Rajasthan	Proprietorship	Raj Kumar, Joint Commissioner (IT), Commercial Taxes Department, Jaipur	State	dc-it@rajasthan.gov.in
395	33AAECK5314Q1ZB	KSJ METAL IMPEX P LTD	Tamil Nadu	Private Limited Company	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
396	33AAAFQ1319G1ZR	QUEEN AGENCIES QUEEN AGEN	Tamil Nadu	Partnership	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
397	09AADCA6944R1ZX	ACTIA INDIA PVT LTD	Uttar Pradesh	Private Limited Company	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
398	09AEPPU0582A1ZB	MOHIT UPADHYAY	Uttar Pradesh	Proprietorship	Joint Commissioner (I.T.), Commercial Taxes, Head Quarter, Lucknow,	State	ctithqlu-up@nic.in
399	09AABCR6667C1Z9	RAJESH PROJECT (INDIA) PVT LTD	Uttar Pradesh	Private Limited Company	Manoj Kumar Vishwakarma, Deputy Commissioner, Commercial Tax Department,	State	manoj.30111972@gov.in

					Gautam Buddha Nagar		
400	19AUQPS9161C1Z1	UMA DEVI SHARMA	West Bengal	Proprietorship	Sima Sarkar, Senior Joint Commissioner, Commercial Taxes, West Bengal	State	sima.sarkar@wbcomtax.gov.in

Category B4: Cases where the taxpayer has Tran-1 attempted post end date. As per logs, the user for the first time opened form and tried to save data. No error log captured. As per logs taxpayer was trying to file TRAN1 post mid night and at the end of last day of filing.

S.No.	GSTIN/ Provisional Id	Legal Name	State	Constitution of business	Nodal Officer / Jurisdiction Name	Center/ State	E-Mail ID
401	24AKHPP2181Q1ZN	KHIMJI RATNA GAMI	Gujarat	Proprietorship	Bhupendra M. Shrimali, Deputy Commissioner of State Tax, Gandhidham Kutch	State	dc25-rjt2-gstn@gujarat.gov.in
402	24AGOPM3956H1Z2	JIGAR PRABHULAL MEHTA	Gujarat	Proprietorship	Bhupendra M. Shrimali, Deputy Commissioner of State Tax, Gandhidham Kutch	State	dc25-rjt2-gstn@gujarat.gov.in

Category B5: Cases where TRAN-1 is filed but credit not received in ledger. In these cases 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	State	Constitution of business	Nodal Officer / Jurisdiction Name	Center/State	E-Mail ID
403	10AADAP3503F1ZB	PURNEA KRISHAK SSS LTD	Bihar	Society/ Club/ Trust/ AOP	Nitin Anand, Commissioner, CGST & CX Ranchi Zone	Center	nitinanand.irs@gov.in
404	10ACCPJ2438H1Z7	PRAKASH STORE (PRAKASH KUMAR JAIN)	Bihar	Proprietorship	Nitin Anand, Commissioner, CGST & CX Ranchi Zone	Center	nitinanand.irs@gov.in
405	07CFUPR4293H1ZN	ROCKY ENTERPRISES (ROCKY)	Delhi	Proprietorship	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi, Delhi	State	rajesh.madan43@gov.in
406	07BFCPK0698L1Z3	YO YASHIKA OVERSEAS (JITENDRA KUMAR)	Delhi	Proprietorship	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi, Delhi	State	rajesh.madan43@gov.in
407	24AACFP3499G1Z4	PHARMA CHEM	Gujarat	Partnership	M. A. Kavatkar, Deputy Commissioner, State	State	dc14-vad2-gstn@gujarat.gov.in

		ENTERPRISES			Government, Bharuch		
408	24AAGFS9752B1Z7	SHREE GANESH MARKETING	Gujarat	Partnership	M. A. Kavatkar, Deputy Commissioner, State Government, Bharuch	State	dc14-vad2-gstn@gujarat.gov.in
409	24AABCG4138R1ZB	GADRE MARINE EXPORT PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner Ahmedabad,	State	jcegov-ct@gujarat.gov.in
410	24ABAPM7178C1ZU	CHHAYABEN LALITKUMAR MEHTA	Gujarat	Proprietorship	S. M. Saxena, Joint Commissioner,Ahmedabad,	State	jcegov-ct@gujarat.gov.in
411	24AAEFU6214G1ZE	UNI-TECH ENGINEERING (INDIA)	Gujarat	Partnership	S. M. Saxena, Joint Commissioner, Ahmedabad	State	jcegov-ct@gujarat.gov.in
412	29AACPU6865H1Z2	POOJA STEEL AND CEMENT (UDAYRAM)	Karnataka	Proprietorship	Basavaraj K. S., Joint Commissioner of Commercial Taxes,	State	basavaraj.sagar@gmail.com
413	27ALPPK5584M1Z7	CHINTESHWAR RAMCHANDRA KHAPEKAR	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
414	27AAOCS2452B1ZG	SOFT LITE IMPEX PRIVATE LIMITED	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
415	27AAECB0686L1ZE	B. D. INDUSTRIES (PUNE) PVT. LTD.	Maharashtra	Private Limited Company	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
416	27AWNPS1587K1ZO	SHREE BALAJI SALES AGENCY (SUNITA PRAKASH SAH)	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in
417	27ABPPA6075K1ZA	MAHENDRA MACHINARY STORES (BABURAO RAMCHANDRA ALWE)	Maharashtra	Proprietorship	Kalyaneshwari Patil, Deputy Commissioner of State Tax, Mumbai	State	gstit.state@mahagst.gov.in

418	27AADCD5738L1ZA	DESIGNCELL CAD CAM SOLUTIONS PVT. LTD.	Maharashtra	Private Limited Company	Merrita Suni, Superintendent, CGST, Mumbai East	Center	amit.irs@gov.in
419	27AMPPB9434L1ZJ	RASHI PACKERS (NIKHIL SHANKAR LAL BHOOT)	Maharashtra	Proprietorship	Additional Commissioner (CCO), Nagpur Zone	Center	cccexnag@gmail.com
420	08AAACB7093F1ZO	BRITISH HEALTH PRODUCT (I) LTD	Rajasthan	Public Limited Company	Anop Chand, Deputy Commissioner of State Tax, Bhiwadi	State	dc-it@rajasthan.gov.in
421	33AAACD2300B1ZT	PANICKKER SWITCHGEAR PRIVATE LIMITED	Tamil Nadu	Private Limited Company	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
422	33ATKPP9027D2ZM	AGAM GRANITES (PERUMAL NAYAGAR PASUPATHY)	Tamil Nadu	Proprietorship	S. Ramasamy, Joint Commissioner of State Tax, Chennai	State	jccs@ctd.tn.gov.in
423	36ADIFS2867G1ZQ	SYNERGY EARTH MOVERS	Telangana	Partnership	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
424	36ADIFS4333F1Z3	SYNERGY CAR CARE	Telangana	Partnership	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
425	19AACFL8562E1Z5	LAB EQUIPMENTS & CHEMICALS (INDIA)	West Bengal	Partnership	Shri Rajeev Gupta, Commissioner, CGST Commissionerate, Kolkata South	Center	kolsouth.gst@gov.in
426	19AEGPB5128N1ZB	SANGEETA BHATTACHARJEE	West Bengal	Proprietorship	Atanu Majumdar, Addtional Commissioner of Commercial Taxes, West Bengal	State	majumder.ctax@wbcomtax.gov.in
427	19AAACO7727M1ZW	OPTIVAL HEALTH SOLUTIONS PRIVATE LIMITED	West Bengal	Private Limited Company	Tarun Majumder, Assistant Commissioner CGST Commissionerate, Kolkata North	Center	kolkatanorth.gst@gov.in
428	19AACCD7672A8ZJ	DASSAULT SYSTEMES INDIA PRIVATE LIMITED	West Bengal	Private Limited Company	Tarun Majumder, Assistant Commissioner CGST Commissionerate, Kolkata North	Center	kolkatanorth.gst@gov.in

Category B6: Cases where TRAN1 Filed twice but credit not received in ledger. In these cases, the taxpayer has filed TRAN1 twice but no credit has been posted. No technical issues has been observed in the logs.

S.No.	GSTIN/ Provisional Id	Legal Name	State	Constitution of business	Nodal Officer / Jurisdiction Name	Center/State	E-Mail ID
429	07AACCL7472N1ZY	LALA RAM DASS JAIN EDUCATION PRIVATE LIMITED	Delhi	Private Limited Company	Rajesh Madan, Nodal Officer-1, Trade & Taxes Department, Government of NCT of Delhi, Delhi	State	rajesh.madan43@gov.in

Category B7: ISD Taxpayer : Taxpayer is registered as an ISD taxpayer on GST portal. Not entitled to claim transitional ITC.

S.No.	GSTIN/ Provisional Id	Legal Name (Name reported by the Nodal Officer is in brackets)	State	Constitution of business	Nodal Officer / Jurisdiction Name	Nodal officers' Govt.	E-Mail ID
430	07AACCI5365F2ZL	INTEGRATED PROJECT LOGISTICS PRIVATE LIMITED	Delhi	Private Limited Company	O/o the Chief Commissioner, CGST & CX, Delhi Zone	Center	ccu-cexdel@nic.in
431	06AAICM8818K3ZX	MAHARANI INNOVATIVE PAINTS PVT. LTD	Haryana	Private Limited Company	Nodal Officer IT issues, Haryana	State	gsttihry@gmail.com
432	06AAACM6316Q2Z5	MAHARANI PAINTS PVT. LTD.	Haryana	Private Limited Company	Nodal Officer IT issues, Haryana	State	gsttihry@gmail.com

Category B10: Mistake by Taxpayer: Cases in which the Taxpayers have admitted to have made mistake/inadvertently, or due to misunderstanding, in reporting correct values in TRAN 1/TRAN 2. They want a chance to revise the filed TRAN 1/TRAN 2 and report correct values. Since the admitted mistakes/errors are apparent from the perusal of the details of reported cases no technical analysis has been done in these cases as it is not required.

S.No.	GSTIN/ Provisional Id	Legal Name (Name reported by the Nodal Officer is in brackets)	State	Constitution of business	Nodal Officer / Jurisdiction Name	Center/ State	E-Mail ID
433	30AACCA3117H1ZF	M/S. A.W. FABER CASTELL	Goa	Private Limited Company	Shri. K. Anpazhakan, Principle Commissioner,	Center	santosh.vatsa@nic.in

		(INDIA) PVT. LTD.			CGST Commissionerate, Panaji		
434	24AABCC1290L1ZS	CLASSIC COLOUR PVT LTD	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, State Govt, Ahmedabad, Gujarat	State	jcegov-ct@gujarat.gov.in
435	24AAACG8701B1Z8	MARUTI NOUVEAUKNITS PRIVATE LIMITED	Gujarat	Private Limited Company	S. M. Saxena, Joint Commissioner, State Govt, Ahmedabad, Gujarat	State	jcegov-ct@gujarat.gov.in
436	20AAACT8593J1Z4	TOPSEL MARKETING PRIVATE LIMITED	Jharkhand	Private Limited Company	Sheo Sahai Singh, Joint Commissioner Of State Tax, Ranchi	State	gst-comtax@jharkhandmail.gov.in
437	29AAACN7325A1ZR	NMDC LIMITED	Karnataka	Public Sector Undertaking	Gosu Ramesh, Assistant Commissioner, CGST Commissionerate, Belagavi	Center	commr-cexblgm@nic.in
438	27AAEPD8497J1Z8	CHEMSYNTH CORPORATION (BANKIM SHIRISHCHANDRA DALAL)	Maharashtra	Proprietorship	Smt. Kiran Verma, Commissioner, CGST Commissionerate, Navi Mumbai	Center	Naveen.De@icegate.gov.in
439	36AAAFT8170C1ZB	T V CENTRE	Telangana	Partnership	Radha Sindhiya Linga, Assistant Commissioner, Hyderabad	State	ac_gstn@tgct.gov.in
440	36AAYPA1643D1ZV	OMKARMAL DWARKADAS & CO (PROP: GANGADHAR AGARWAL)	Telangana	Proprietorship	Shri. Raghu Kiran B, Joint Commissioner, CGST Commissionerate, Hydarabad	Center	cgst.mdclcommtecomp@gov.in
441	19AABCC2876Q1ZZ	M/S VENUS PAPER MART	West Bengal	Proprietorship	Tarun Majumder, Assistant Commissioner CGST Commissionerate, Kolkata North	Center	kolkatanorth.gst@gov.in
442	19AAACE7582J1Z7	M/S EMC LIMITED	West Bengal	Public Limited Company	Tarun Majumder, Assistant Commissioner CGST Commissionerate, Kolkata North	Center	kolkatanorth.gst@gov.in

ANNEXURE - 2

A. TRAN-1 Writ Petition cases/Court Cases

Category No.	Category	Detailed Description	Count of Taxpayer
A1	Processed with error	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.	8
B1	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.	25
B2	TRAN-1 filing attempted for first time or revision was attempted but no error /no valid error reported	TRAN-1 Fresh/Revision Attempted with No error or No valid error reported	5
B3	Successfully Filed as Per Logs	The taxpayer has successfully filed TRAN-1 and no technical errors has been found. Also, no issue was found while posting of credit in the electronic credit ledger	6
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.	1
	Total		**45**

B. TRAN-2 Writ Petition cases/Court Cases

Category No.	Category	Detailed Description	Count of Taxpayer
A	Error recorded in logs while filing TRAN-2	The taxpayer could not file TRAN-2 due to technical glitches.	1
B	No error recorded while filing TRAN-2	No technical glitches were found in GST System logs.	1
Total			**2**

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.

1. **4091/2019-M/s Umang Boards Limited v. UOI & Ors.**

GSTIN/ Provisional id	State	Constitution of Business
08AAACU3931H1ZE	Rajasthan	Public Limited Company

Issue:- The Petitioner could not file TRAN-1 due to technical glitches.

Status:- GSTN is a party in this matter. Status of the case was apprised to the Commissionerate vide email dated 12.4.2019.

2. **21770/2018-SRK Solenegeri v. UOI & Ors.**

GSTIN/ Provisional id	State	Constitution of Business
08AATCS1912R1ZJ	Rajasthan	Private Limited Company

Issue:- The Petitioner could not file TRAN-1 due to technical glitches.

Status:- GSTN is a party in this matter. Status of the case has been provided to the Commissionerate vide email dated 12.4.2019. Court vide order dated 12.10.2018 has directed the respondents to provisionally entertain the GST TRAN-1 and other returns of the petitioner either by way of opening the portal or manually. The matter is pending.

3. **5543/2019-Bajrang Wire v. UOI & Ors.**

GSTIN/ Provisional id	State	Constitution of Business
08AAACB9919N1Z4	Rajasthan	Private Limited Company

Issue:- The Petitioner could not file TRAN-1 due to technical glitches.

Status:- GSTN is a party in this matter. Status of the case has been provided to the Commissionerate vide email dated 12.4.2019. Court vide order dated 26.03.2019 has directed the respondents to provisionally entertain the GST TRAN-1 and other returns of the petitioner either by way of opening the portal or manually. The matter is pending.

4. **CWP 13927/2018-Silicon Constructions v. UOI & Ors.**

GSTIN/ Provisional id	State	Constitution of Business
03AAKCS0279G1ZF	Punjab	Private Limited Company

Issue:- The Petitioner could not file TRAN-1 due to technical glitches.

Status:- GSTN is not a party in this matter. The matter has been disposed off vide order dated 29.05.2018 with the direction to Respondent No. 2 (Commissioner, CGST Div-1 Dera Bassi) to take a decision on letter dated 08.03.2018 of the Petitioner in accordance with law.

5. W.P. 28745 / 2018- Asian Cast & Forgings Private Limited v. UOI and Others

GSTIN/ Provisional id	State	Constitution of Business
03AAJCA5479M1Z9	Punjab	Private Limited Company

Issue: - The party tried to file TRAN-1 to carry forward ITC which they could not do because system did not accept registration number.

6. 3892/2019-JKB Motors v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
32AAHFJ5118P2Z4	Kerala	Partnership

Issue:- The Petitioner attempted to file TRAN-1 form on 27.12.2017 relating to the excess ITC lying in its CENVAT credit as on 30/06/2017. However, the Petitioner was unable to log into the system on that day and received "TCP_Error" while attempting to connect to the GST Portal. A copy of the screen shot of the error has been attached to the Writ Petition.

TCP_error is a network error which might be due to a communication error occurred: "Operation timed out". The Web Server may be down, too busy, or experiencing other problems preventing it from responding to requests. As per screen shot provided by the taxpayer, he was not able to connect to the GST System to file TRAN1. The taxpayer was not able to login into GST System to file TRAN1.

Status:- GSTN is a party in this case. The matter was disposed off vide order dated 15.2.2019 with the direction to follow ITGRC mechanism.

7. W.P. 536 / 2019- M/s U. P. Paints v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
09AJEPK5567F1Z0	Uttar Pradesh	Proprietorship

Issue:- The Petitioner tried to submit TRAN-1 electronically on Portal during 3rd week of December 2017 but we could not do so due to system error. The system was not showing the details of cause of error, hence they did not take screenshots of all such errors. On 27.12.2017, the website of GST council displayed a message that "time limit for filing TRAN-1 extended to 31.12.2017". Since, the server was not responding and time limit was extended till 31.12.2017. Therefore they decided to wait for few days and file TRAN-1 after 27.12.2017. But when they tried to file TRAN-1 the GST Portal displayed the message "the filing of declaration in TRAN-1 is not available now as the due date is over". The abovementioned details have been received from Petitioner's nodal officer.

Status:- The Writ Petition has not been received by GSTN. Only copy of the order has been received. The Court vide order dated 31.05.2019 has directed the respondents to open the portal within two weeks. In the event they do not do so, they will entertain the GST TRAN-1 of the petitioner manually and pass

orders on it after due verification of the credits as claimed by the petitioner. They will also ensure that the petitioner is allowed to pay its taxes on the regular electronic system also which is being maintained for use of the credit likely to be considered for the petitioner.

Further investigation:- An email dated 11.06.2019 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 details by end of day 13.06.2019. The Petitioner responded vide email dated 13.06.2019. The Petitioner has provided that that after compiling data required for filing TRAN-1, they tried to submit TRAN-1 electronically during the third week of December'2017, and they could not file the same due to system error. The system was not showing the details or cause of such error, hence they could not take the screen shots of all such errors. They have provided screen shot of errors faced as examples. They have further stated that since the server was not responding and time limit was extended till 31.12.2017, hence they decided to wait for few days and file TRAN-1 after 27.12.2017, so that the system may respond.

Considering the screen shots and evidences provided the said taxpayer can be considered as he has not attempted TRAN1 but faced technical issues in filing the same.

8. WP (C) No. 74233/2019 – M/s Kusum Enterprises Pvt.Ltd. Vs. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
07AAACK0018R1ZH	Delhi	Public Limited Company

Brief Facts: - The Petitioner (GSTIN 07AAACK0018R1ZH), who is duly registered with VAT & Excise Department, tried to file its TRAN-1 on 10.11.2017 but could not file the same as the portal was reflecting "System error". The Petitioner again attempted to file TRAN-1 on 22.12.2017 and had filled all the details of the eligible duties and taxes on GST portal. However, when the Petitioner tried to file the same by affixing digital signature, the same could not be uploaded. On 25.12.2017 the petitioner again tried to file its TRAN-1 and attempted to affix digital signature on the TRAN-1 already furnished but the same could not be uploaded. The Petitioner alleged that he was continuously and repeatedly trying to upload its details of eligible credit held as on 30th June, 2017 in Form TRAN-1 on the portal. However, the petitioner was not able to furnish TRAN-1 on account of failure of the system to accept the information on the common portal.

The Writ Petition was received by GSTN on 08.07.2019 and the matter was disposed off by Hon'ble Delhi High Court vide order dated 12.07.2018 with direction to the Respondents to either open the portal so as to enable the Petitioner to again file the TRAN-1 Forms electronically, failing which the Department will accept the manually filed TRAN-1 Forms on or before 31st July, 2019. The Petitioner's claim will thereafter be processed in accordance with law.

Issue: - The petitioner continuously and repeatedly tried to upload its details of eligible credit held as on 30th June, 2017 in Form TRAN-1 on the portal. However, the petitioner was not able to furnish TRAN-1 on account of failure of the system to accept the information on the common portal.

As per GST System logs the Taxpayer (GSTIN 07AAACK0018R1ZH) has saved the record on 27th December, 2017 and the records were saved with error. Tax payer was only able to do the successful addition of the VAT/CENVAT TIN after 27th Dec 2017.The taxpayer has faced technical issues while saving TRAN1.

Status: - GSTN is a party in this matter. The matter has been disposed off vide order dated 12.07.2019 with a direction to the Respondents to either open the portal so as to enable the Petitioner to again file the TRAN-1 Forms electronically, failing which the Department will accept the manually filed TRAN-1 Forms on or before 31st July, 2019.

Category-B1:- As per GST system log, there are no evidences of error or submission/filing of TRAN1.

9. 9251/2018-M/S Jodhpur Tyres VS Union of India & Ors

GSTIN/ Provisional id	State	Constitution of Business
08AAAFJ5853A1ZO	Rajasthan	Partnership

Issue:- The Petitioner was facing technical issue, but failed to take screenshot of the error. GSTN has not received a copy of the Writ Petition. The abovementioned details have been received from Petitioner's nodal officer.

Status:- High Court directed to provisionally entertain the GST Tran-1 and other returns of the petitioner either by way of opening the portal or manually

Further investigation by GSTN:- An email dated 12.3.2019 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 details by 14.3.2019. No response was received from the Petitioner.

10. W.P. 3459/2019-Kreative Solutions v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
07AFPPB3491L1Z3	Delhi	Proprietorship

Issue:- The petitioner tried to upload the TRAN-1 by using offline tool issued by respondent but could not do the same in spite of making all the efforts and even taking the help of GST Help Desk through telephonic conversation.

Status:- Status of the case was sent to the Commissionerate on 01.05.2019. GSTN is not a party in this matter. The matter is pending. The next date of hearing in this matter is 01.08.2019.

Further Investigation by GSTN:- An email dated 10.6.2019 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 details by 12.06.2019. No response was received from the Petitioner.

11. W.P. 408/2019- M/s Balaji Trading Company v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
09AUWPG1404E1ZQ	Uttar Pradesh	Proprietorship

Issue:- The Petitioner tried to submit online its GST TRAN-1 on the last date i.e. 27.12.2017, it was not accepted by the portal due to technical glitch, which continued throughout the day. The Petitioner could not open the GST Portal.

Status:- GSTN is a party in this matter. Status of the case was sent to the Commissionerate on 23.04.2019. The matter is pending. The next date of hearing has not been updated on the court's website. The Court vide order dated 20.03.2019 has directed the respondents to reopen the portal within two weeks. In the event they do not do so, they will entertain the GST TRAN-1 of the petitioner manually and pass orders on it after due verification of the credits as claimed by the petitioner. They will also ensure that the petitioner is allowed to pay its taxes on the regular electronic system also which is being maintained for use of the credit likely to be considered for the petitioner.

Further Investigation by GSTN:- An email dated 10.6.2019 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 details by 12.06.2019. No response was received from the Petitioner.

12. **W.P. 5946/2019- Ganesh Gaurav and Co. v. UOI & Ors**.

GSTIN/ Provisional id	State	Constitution of Business
08AAUPN9134E1Z9	Rajasthan	Proprietorship

Issue:- The petitioner had made multiple attempts on and before 27.12.2019 to file GST Form TRAN-1 on the GST portal. However, on account of technical glitches, the form could not be uploaded on the portal and CENVAT credit of Rs. 337497/- was not carried forward to electronic credit ledger of the Petitioner.

Status:- GSTN is a party in this matter. Status of the case has been sent to the Commissionerate on 23.04.2019. The matter is pending. The next date of hearing in the matter is 05.08.2019. The Court vide order dated 29.03.2019 has directed the respondents to provisionally entertain the GST TRAN- 1 and other returns of the petitioner either by way of opening the portal or manually.

Further Investigation by GSTN:- An email dated 10.6.2019 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 details by 12.06.2019. The Petitioner responded vide email dated 19.06.2019. The Petitioner has provided that their consultant attempted filing of their form TRAN-1 multiple times but on account of technical glitches they were unable to do so. They faced technical difficulties and system error in uploading the form to the portal. In order to resolve this problem, they approached the department, where they were verbally informed that the date for submission of TRAN-1 may be extended. However, the same did not happen so they communicated to the department vide letters dated 10.07.2018, 13.07.2018, 28.08.2018, 18.03.2019, 27.03.2019 and 29.03.2019. No screen shot of the GST Portal evidencing error has been provided by the Petitioner.

13. W.P. 5744/2019- M/s Kanak Resources Management Limited v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
08AADCK2527Q1Z4	Rajasthan	Public Limited Company

Issue:- In accordance with provisions contained in rule 117, the petitioner company through their consultant filled the form GST TRAN-1 on GST portal. Due to technical glitches they could not upload the CENVAT credit details pertaining to Service Tax registration number and hence its CENVAT credit was not carried forward.

Status:- GSTN is a party in this matter. Status of the case was sent to the Commissionerate on 23.04.2019. The matter is pending. The next date of hearing in the matter has not been listed on the website. The Court vide order dated 26.03.2019 has directed the respondents to provisionally entertain the GST TRAN- 1 and other returns of the petitioner either by way of opening the portal or manually.

Further Investigation by GSTN:- An email dated 10.6.2019 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 details by 12.06.2019. The Petitioner has responded to the said email vide e-mail dated 11.06.2019. Petitioner has only provided a screen shot of the GST Portal displaying the message that “the filing of declaration in TRAN-1 is not available now as the due date is over now”.

The abovementioned message is a valid system message that was displayed on the GST Portal after 27.12.2017.

14. W.P. 21366/2018- M/s Agrawal Brothers v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business

08ADPPA0798R1ZQ	Rajasthan	Proprietorship

Issue:- The Petitioner came to know that the stock statement in form GST TRAN-1 for the un availed CENVAT Credit could not be filed due to some technical and inadvertent mistakes of the clerical staff in the office of the counsel while uploading the details on common portal. The petitioner through their consultant tried to upload the information / details on the common portal in form GST TRAN-1 but due to glitches of IT, the clerical staff could not upload the form on GST Portal upto 27.12.2017.

Status:- GSTN is a party in this matter. Status of the case was sent to the Commissionerate on 24.04.2019. The next date of hearing is not available on the court's website. The matter is pending The Court vide order dated 12.10.2018 has directed that, the respondents are directed to provisionally entertain the GST TRAN-1 and other returns of the petitioner either by way of opening the portal or manually.

Further Investigation by GSTN:- An email dated 10.6.2019 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 details by end of day 12.06.2019. No response was received from the Petitioner.

15. W.P. 406/2019- Ram Meher Infradevelopers Private Limited v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
09AADCR8411L1Z2	Uttar Pradesh	Private Limited Company

Issue- The Petitioner tried to log in to the GST Portal on 27.12.2017 but was unable to do so as there was a lot of load on the GST Portal.

Status:- GSTN is a party in this matter. Status of the case has been sent to the Commissionerate on 02.05.2019. The Court vide order dated 30.03.2019 has directed the respondents to reopen the portal within two weeks. In the event they do not do so, they will entertain the GST TRAN-1 of the petitioner manually and pass orders on it after due verification of the credits as claimed by the petitioner. They will also ensure that the petitioner is allowed to pay its taxes on the regular electronic system also which is being maintained for use of the credit likely to be considered for the petitioner.

Further investigation:- An email dated 11.06.2019 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 details by end of day 13.06.2019. No response was received from the Petitioner.

16. W.P. 374/2019- M/S Subhash Traders v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
09AANHS9465G1ZC	Uttar Pradesh	Hindu Undivided Family

Issue:- That the petitioner with a view to claim credit of VAT-ITC and Excise duty filed its form TRAN-1 on GST portal on the last date i.e. 27.12.2017. The petitioner had uploaded the data of VAT-ITC and amount of Excise duty so claimed but as soon as when he clicked submit button after saving data, the Petitioner would automatically log out. The Petitioner could not file TRAN-1 on the portal due to technical error / glitch which continued throughout the day. The above mentioned details have been received from Petitioner's nodal officer.

Status:- Copy of the Writ Petition has not been received by GSTN. Copy of the Writ Petition has been requested for vide email dated 22.4.2019. Status of the case has been sent to the Commissionerate on 02.05.2019. The Court vide order dated 28.03.2019 has directed the respondents to open the portal for the petitioner before 31st of March 2019. In the event they do not do so, they will entertain the GST TRAN-1 of the petitioner manually and pass orders on it after due verification of the credits as claimed by the petitioner. They will also ensure that the petitioner is allowed to pay its taxes on the regular electronic system also which is being maintained for use of the credit likely to be considered for the petitioner.

Further investigation:- An email dated 11.06.2019 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 details by end of day 13.06.2019. No response was received from the Petitioner.

17. W.P. 9011 / 2019- Sunil Kumar Singh v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
10ADLPS8184K1Z1	Bihar	Proprietorship

Issue:- The Petitioner could not file TRAN-1 due to technical glitches.

Status:- GSTN is not a party in this matter. The status of the case has been sent to the Petitioner on 09.05.2019. The matter is pending. The matter is likely to be listed on 25.06.2019.

Further investigation:- An email dated 11.06.2019 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 details by end of day 13.06.2019. The Petitioner responded vide email dated 13.06.2019. The Petitioner provided that he tried to file TRAN 1 form on 27.12.2017, the portal was not accepting the same, because of certain technical glitches. Whenever the Petitioner tried to file my TRAN 1 form on 27.12.2017 the portal response displayed the message "system error".

Later on the Petitioner came to know from the certain sources that the said technical glitches arose because the portal was overloaded on the 27.12.2017.

18. ___/2019-Weldmart International v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
07AACFW2645R1ZK	Delhi	Partnership

Issue:- The Petitioner could not file TRAN-1 on account of failure of the GST System to accept the information on the Common Portal. Everytime an attempt was made to upload TRAN-1 the portal was repeatedly showing some other window instead of TRAN-1 option on the Menu bar. The Petitioner tried to file TRAN-1 on 23.12.2017, 24.12.2017 till 27.12.2017.

Status:- The matter has been withdrawn by the Petitioner on 08.04.2019. Accordingly the matter has been disposed off as withdrawn vide order dated 08.04.2019.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

19. 3801/2019-Sterimed Medical Devices Pvt. Ltd. v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
06AAHCS1858G1Z9	Haryana	Private Limited Company

Issue:- The Petitioner could not file TRAN-1 on account of failure of the GST System to accept the information on the Common Portal. Every time an attempt was made to upload TRAN-1 the portal was repeatedly showing some other window instead of TRAN-1.

Status:- GSTN is a party in this matter. The Court vide order dated 12.04.2019 has recorded that it would be open to the Respondents to pass appropriate orders on the representation made by the Petitioner and place the decision on record. The Court further directed that the Respondents will also take instructions on whether they are willing to revise the deadline for revision of 'Form GST Tran-1'. The matter is pending. Next date of hearing before the registrar for completion of pleadings is 1.08.2019. The next date of hearing before court is 10.10.2019.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

20. Writ Tax no. 319/2019-M/s Gupta Agencies v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
09AKPPG5598Q1ZX	Uttar Pradesh	Proprietorship

Issue:- The Petitioner could not file TRAN-1 due to technical glitches.

Status:- GSTN is a party in this matter. The Court vide order dated 14.03.2019 has directed the respondents to open the portal before 31st of March 2019. In the event they do not do so, they will entertain the GST TRAN-1 of the petitioner manually and pass orders on it after due verification of the credits as claimed by the petitioner. They will also ensure that the petitioner is allowed to pay its taxes on the regular electronic system also which is being maintained for use of the credit likely to be considered for the petitioner.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

21. _____/2019-Balajee Udyog v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
20AAJFB6841P1Z8	Jharkhand	Partnership

Issue- The Petitioner could not file TRAN-1 due to technical glitches. The abovementioned details have been received from Petitioner's nodal officer.

Status:- The Writ Petition has not been received by GSTN. The same has been requested for vide email dated 22.4.2019.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

22. W.P. 41377/2018-Kerala Agencies Kottarakkara v. State Tax Officers & Ors.

GSTIN/ Provisional id	State	Constitution of Business
32AABFK7172N1Z4	Kerala	Partnership

Issue:- The Petitioner could not file TRAN-1 due to technical glitches. The abovementioned details have been received from Petitioner's nodal officer.

Status:- GSTN is not a party in this matter. The matter has been disposed on 01.02.2019 with the direction to follow ITGRC mechanism.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. The Petitioner responded vide email dated 18.06.2019. The Petitioner has provided that they attempted filing TRAN-1 between 7/7/2017 and 27/12/2017 but they do not have any proof of it.

23. W.P. 409 / 2019- M/s Kher Diesels v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
09AAMFK1329A1ZM	Uttar Pradesh	Partnership

Issue:- The Petitioner tried to submit TRAN-I electronically on the GST Portal during 3rd week of Decembers, 2017, but they were unable to do so on account of system error. The system was not showing the details of cause of error, hence they could not take screen shot of all such errors. However, they were able to take screen shot of two errors displayed on the system. On 27.12.2017, the website of GST Council displayed a message that "time limit for filing TRAN-1extended to 31.12.2017'. Since, the server was not responding and time was extended till 31.12.2017, hence they decided to wait for few days and file TRAN-I, after 27.12.2017, but when they tried to do so the system started showing message " the filing of declaration in TRAN-I is not available now as the due date is over.

Status:- GSTN is a party in this matter. GSTN has provided the status of the case to the Commissionerate vide email dated 23.05.2019. The Court vide order dated 30.03.2019 has directed the respondents to open the portal before 31st of March 2019.In the event they do not do so, they will entertain the GST TRAN-1 of the petitioner manually and pass orders on it after due verification of the credits as claimed by the petitioner. They will also ensure that the petitioner is allowed to pay its taxes on the regular electronic system also which is being maintained for use of the credit likely to be considered for the petitioner. The matter is pending.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

24. W.P. 7052 / 2019- M/s R S Enterprises v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
08AXTPS7864A2ZS	Rajasthan	Proprietorship

Issue:- The petitioner could not submit the GST TRAN-1 despite of several efforts up to the last stage of original or revised filing of TRAN-1.

Status:-GSTN is a party in this matter. Status of the case has been provided to the Commissionerate vide email dated 27.05.2019. The matter is pending. The next date of hearing in this matter is 29.07.2019.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

25. W.P. 8870 / 2019- M/s A-One Tiles v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
34ABKPK1608D1Z4	Puducherry	Proprietorship

Issue:- The Petitioner has alleged that the Petitioner tried to file TRAN-1 on 27.12.2017 and while submitting the TRAN-1 the GST Portal displayed the message "Scheduled Downtime". The Petitioner thereafter tried to file TRAN-1 on 28.12.2017. However, the GST Portal displayed the message "The last date to file TRAN-1 has expired".

As per GST Portal records there was no downtime on 27.12.2017 (i.e. the last date for filing TRAN-1).

Status:- GSTN is a party in this matter. The matter is pending. GSTIN provided in the Writ Petition was incorrect therefore correct GSTIN was requested for vide email dated 05.04.2019 from the State Tax Authority. The correct GSTIN was provided vide email dated 28.05.2019.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

26. W.P. 541 / 2019- M/s Sunder Sons Engineers Pvt. Ltd. v. UOI and Others

GSTIN/ Provisional id	State	Constitution of Business
09AACCS0328Q1Z0	Uttar Pradesh	Private Limited Company

Issue:- The Petitioner could not file TRAN-1 due to technical glitches. The GST Portal did not respond.

Status:- GSTN is a party in this matter. Status of the case has been sent to the Commissionerate vide letter dated 04.06.2019. The Court vide order dated 02.05.2019 has directed the respondents to reopen the portal within two weeks from today. In the event they do not do so, they will entertain the application of the petitioner manually and pass orders on it after due verification of the credits as claimed by the petitioner. They will also ensure that the petitioner is allowed to pay its taxes on the regular electronic system also which is being maintained for use of the credit likely to be considered for the petitioner.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

27. CWP No. 9251/2018-M/s Modern Motor Works v. State of Haryana & Ors

GSTIN/ Provisional id	State	Constitution of Business
06AABFM2816M1ZA	Haryana	Partnership

Issue:- In a press release on 10.11.2017 by GST council the last date of filing TRAN-1 was extended from 30.09.2017 to 31.12.2017. The Petitioner tried to file TRAN-1 on 28.12.2017 and could not file TRAN-1 as the facility to file TRAN-1 on the GST Portal was not available.

Status:- The matter has been disposed off vide order dated 21.05.2018 with the direction to follow the ITGRC mechanism.

28. W.P. 13616 / 2018 - M/S Cheran Automobiles v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
32AAGFC4362B1Z2	Kerala	Partnership

Issue:-The Petitioner could not file TRAN-1 due to technical glitches. The abovementioned details have been received from Petitioner's nodal officer. The Writ Petition has not been received by GSTN.

Status:- The Court vide order dated 14.03.2019 has disposed off the matter and directed that the Petitioner be allowed to upload the details of input tax credit available at the time of migration under section 140(3) of the Central Act by 31.3.2019. GSTN is a party in this matter.

Further investigation by GSTN:- An email dated 10.7.2019 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 details by 12.7.2019. No response was received from the Petitioner.

29. W.P. 13488 / 2018 - K.V.P. Sadayandi v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
32AJTPS5915J1ZN	Kerala	Proprietorship

Issue: - The Petitioner could not file TRAN-1 due to technical glitches. The abovementioned details have been received from Petitioner's nodal officer. The Writ Petition has not been received by GSTN.

Status:- The Court vide order dated 14.03.2019 has disposed off the matter and directed that the petitioner be allowed to upload the details of input tax credit available at the time of migration under section 140(3) of the Central Act by 31.3.2019. GSTN is a party in this matter.

Further investigation by GSTN:- An email dated 10.7.2019 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 details by 12.7.2019. No response was received from the Petitioner.

30. W.P. 13555 / 2018 - M/S Pothys Textiles v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
32AABFP2449P1Z1	Kerala	Partnership

Issue: - The Petitioner could not file TRAN-1 due to technical glitches. The abovementioned details have been received from Petitioner's nodal officer. The Writ Petition has not been received by GSTN.

Status:- The Court vide order dated 14.03.2019 has disposed off the matter and directed that the petitioner be allowed to upload the details of input tax credit available at the time of migration under section 140(3) of the Central Act by 31.3.2019. GSTN is a party in this matter.

Further investigation by GSTN:- An email dated 10.7.2019 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 details by 12.7.2019. No response was received from the Petitioner.

31. W.P. 13555 / 2018 - M/S Pothys Garments v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
32AABFP2447D1ZS	Kerala	Partnership

Issue: - The Petitioner could not file TRAN-1 due to technical glitches. The abovementioned details have been received from Petitioner's nodal officer. The Writ Petition has not been received by GSTN.

Status:- The Court vide order dated 14.03.2019 has disposed off the matter and directed that the petitioner be allowed to upload the details of input tax credit available at the time of migration under section 140(3) of the Central Act by 31.3.2019. GSTN is a party in this matter.

Further investigation by GSTN:- An email dated 10.7.2019 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 details by 12.7.2019. No response was received from the Petitioner.

32. W.P. 13555 / 2018 - M/S Pothys Garments v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
32ACVPM6890K1ZS	Kerala	Partnership

Issue: - The Petitioner could not file TRAN-1 due to technical glitches. The abovementioned details have been received from Petitioner's nodal officer. The Writ Petition has not been received by GSTN.

Status:- The Court vide order dated 14.03.2019 has disposed off the matter and directed that the petitioner be allowed to upload the details of input tax credit available at the time of migration under section 140(3) of the Central Act by 31.3.2019. GSTN is a party in this matter.

Further investigation by GSTN:- An email dated 10.7.2019 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 details by 12.7.2019. No response was received from the Petitioner.

33. W.P.7761 / 2019 - M/S Om Metal Auto Pvt. Ltd v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
08AAACO7127K1Z9	Rajasthan	Private Limited Company

Issue:-The Petitioner could not file TRAN-1 due to technical glitches. No screen shot was taken by the Petitioner of the error.

Status:- The abovementioned details have been received from Petitioner's nodal officer. The Writ Petition has not been received by GSTN. The Court vide order dated 03.05.2019 has directed the respondents to provisionally entertain the GST TRAN-1 and other returns of the Petitioner either by way of opening the portal electronically or manually.

Further investigation by GSTN:- An email dated 10.7.2019 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 details by 12.7.2019. The Petitioner vide their email dated 12.07.2019 has provided that the Petitioner tried to file TRAN-1 on the GST Portal however, the Portal was not responding. No screen shots were taken by the Petitioner since the portal was non-responsive and no error was displayed. The Petitioner tried filing TRAN-1 on 23/12/2017, 24/12/2017, 26/12/2017 and 27/12/2017. Communication was sent by the Petitioner to jurisdictional authority on 26/12/2017 intimating the non-responsiveness of common portal along with manual TRAN 1.

Category B2: TRAN-1 Fresh/Revision Attempted with No error or No valid error reported

34. W.P. 405/2019- M/s Skipper Technologies India Pvt Ltd v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
09AARCS4065R1Z9	Uttar Pradesh	Private Limited Company

Issue:- Petitioner could not file TRAN-1 due to technical glitches. The abovementioned details have been received from Petitioner's nodal officer.

Status:- GSTN is a party in this matter. The matter is pending. The case is likely to be listed on 02.07.2019. The Court vide order dated 30.03.2019 has directed the respondents to reopen the portal within two weeks from today. In the event they do not do so, they will entertain the GST TRAN-1 of the petitioner manually and pass orders on it after due verification of the credits as claimed by the petitioner. They will also ensure that the petitioner is allowed to pay its taxes on the regular electronic system also which is being maintained for use of the credit likely to be considered for the petitioner.
Further Investigation by GSTN:- An email dated 10.6.2019 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 details by 12.06.2019. The Petitioner responded to the said email on 12.06.2019. The Petitioner has not provided any screen-shots. The Petitioner has provided "not available" in the nature of error noticed.

35. W.P. 776 / 2019- Sanjay Agencies v. GSTN & Ors.

GSTIN/ Provisional id	State	Constitution of Business
20ACWPD0643E1Z3	Jharkhand	Proprietorship

Issue:- The Petitioner filed TRAN-1 within the due date but did not receive the credit claimed.

Status:- GSTN is a party in this matter. The status of the case was sent to the Commissionerate on 13.05.2019. The matter is pending.

Further investigation:- An email dated 11.06.2019 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 details by end of day 13.06.2019. No response was received from the Petitioner.

36. 17495/2018-Viraya Steels Pvt. Ltd. v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
08AAFCV0662F1ZE	Rajasthan	Private Limited Company

Issue:- The Petitioner could not file TRAN-1 due to technical glitches.
Status:- GSTN is a party in this matter. Status of the case has been provided to the Commissionerate vide email dated 12.04.2019. The Court vide order 03.10.2018 has directed the respondents to provisionally entertain the GST TRAN1 and other returns of the petitioner either by way of opening the portal or manually.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

37. 23080/2018-VS Enterprise v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
08ABCPC2105P1ZW	Rajasthan	Proprietorship

Issue:- The Petitioner could not file TRAN-1 due to technical glitches.

Status:- GSTN is not a party in this matter. Status of the case has been sent to the Commissionerate on 12.4.2019. GSTN is not a party in this matter. The Court vide order 29.10.2018 has directed the respondents to provisionally entertain the GST TRAN1 and other returns of the petitioner either by way of opening the portal or manually.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

38. 21862/2018-Universal Cylinders v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
08AAACU0758N1ZY	Rajasthan	Public Limited Company

Issue:- The Petitioner could not file TRAN-1 due to technical glitches.

Status:- GSTN is a party in this matter. Status of the case has been informed to the Commissionerate vide email dated 12.04.2019. The Court vide order 12.10.2018 has directed the respondents to provisionally entertain the GST TRAN1 and other returns of the petitioner either by way of opening the portal or manually.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. The Petitioner responded to this email vide his email dated 19.06.2019. The Petitioner did not take any screen shots. The GST Portal was not responding when the Petitioner tried to file TRAN-1 and only the cursor was roving around.

Category B3:- Successfully Filed as Per Logs. The taxpayer has successfully filed TRAN-1 and no technical errors has been found. Also no issue were found while posting of credit in the electronic credit ledger

39. W.P No. 25826 of 2018 -M/s. Sri Srinivasa Chemicals v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
37AETPV4291B1ZZ	Telangana	Proprietorship

Issue:-The Petitioner could not file TRAN-1 due to technical glitches. The GST system was displaying the message 'no modifications is allowed'.

Status:- GSTN has not received the copy of the Writ Petition and the order. The Court vide order 25.10.2018 directed to forward the said representation GST Council. The GST council shall take a call and pass appropriate orders in accordance with law. The abovementioned details have been received from Petitioner's nodal officer.

40. W.P. 4898/2018- M/s Shree Bharat Motors Ltd. v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
21AAFCS4922B1ZY	Odisha	Public Limited Company

Issue:- The Petitioner tried to file revised TRAN 1 but could not file due to technical problems. The abovementioned details have been received from Petitioner's nodal officer.

Status:- GSTN has not received copy of the Writ Petition. Copy of the Writ has been requested for vide email dated 01.05.2019. The matter has been disposed off vide order dated 3.4.2019 with the direction to GST Council to reconsider the case.

Further Investigation by GSTN:- An email dated 10.6.2019 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 details by 12.06.2019. The Petitioner responded to the said email vide email dated 12.06.2019. The Petitioner provided that on 27.12.2017, the GST Portal crashed. The Petitioner logged ticker no. 201804302358448 on 17.2.2018. The Petitioner in the email dated 17.2.2018 has provided that the Petitioner tried to file TRAN-1 on 25.12.2017 but due to system issue they were unable to file it. Thereafter, they tried to file TRAN-1 on 28.12.2017 but the GST Portal did not reflect all the data entered by them. The Petitioner had requested for revising TRAN-1. The abovementioned ticket no. was closed on 30.04.2018 with the information that TRAN-1 functionality is not available on the GST Portal now. The Petitioner thereafter raised ticket no. 201809183602609. This ticket was closed on 18.09.2018 requesting the Petitioner to approach his/her nodal officer.

It may also be noted that the GST Portal allowed TRAN-1 filing upto 27.12.2017. The Petitioner admittedly tried revising their TRAN-1 on 28.12.2017.

41. W.P. 3815 / 2019- A M Distributors v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
32AANFM7361D1ZC	Kerala	Partnership

Issue:- Petitioner could not file TRAN 1 within the stipulated time due to IT glitches . The above mentioned details have been

Status:- GSTN has not received the copy of the Writ Petition. The Court vide order dated 11/02/2019 has directed the Respondents to accept Petitioner's manual filing of revised GST TRAN-1 and resultant TRAN-2 form within a period of one month, ordered that "the petitioner shall submit Form GST TRAN -1 and GST TRAN -2 manually within one month and the respondents were directed to accept the same

Further investigation:- An email dated 11.06.2019 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 details by end of day 13.06.2019. No response was received from the Petitioner.

42. 3758/2019-Gayatri Enterprises v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
19AEBPA6609J1ZL	West Bengal	Proprietorship

Issue:- The Petitioner tried to revise its TRAN-1 on 26.12.2017 as well as on 27.12.2017 but the petitioner could not do so. The Portal was not accepting revision of TRAN-1 where there was no credit involved.

Status:- GSTN is a party in this matter. The Court vide order dated 12.04.2019 has recorded that it would be open to the Respondents to pass appropriate orders on the representation made by the Petitioner and place the decision on record. The Court further directed that the Respondents will also take instructions on whether they are willing to revise the deadline for revision of 'Form GST Tran-1'. The matter is pending. Next date of hearing before the registrar for completion of pleadings is 1.08.2019. The next date of hearing before court is 10.10.2019.

Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

43. W.P. 22011 / 2018- M/s Anbu Automobile v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
33AAYFA7800J1Z6	Tamil Nadu	Partnership

Issue:- The petitioner made continuous efforts to upload revised GST TRAN-1 for the Tamil Nadu Registration for availing the ITC of Rs. 10,10,092/- on the closing stock held on the appointed date. The petitioner filed in all the data offline which was uploaded in GSTN portal. However, when the petitioners were trying to submit GST TRAN-1 declaration, they were not able to complete their submission as the GST website is automatically jumping, showing error message and sometimes no response.

Status:- GSTN is not a party in this matter. The status of the case has been informed to the Commissionerate vide email dated 22.05.2019. The Court has disposed off the matter vide order dated 03.12.2018 directing that the GST Portal be reopened to enable the Petitioner to file TRAN-1.
Further investigation:- An email dated 17.06.2019 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 details by end of day 19.06.2019. No response was received from the Petitioner.

44. W.P. 4899/2019- M/s Bharat Motors Ltd. v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
21AABCB3581B1ZE	Odisha	Public Limited Company

Issue:- The Petitioner filed GST TRAN3 on 29.08.2017 where he claimed credit on nine CTDs issued to him by manufacturers. This amount was not provided by the Petitioner in GST TRAN 1. Therefore, they tried to revise TRAN 1 on 27.12.2017 but could not do so due to technical problems.

Status:- GSTN is not a party in this matter. Writ Petition has not been received in this matter. The abovementioned details have been received from Petitioner's nodal officer. The Court vide order dated 20.03.2019 has disposed off the matter with the direction to consider and dispose off the representation of the Petitioner on its merits.
Further investigation by GSTN:- An email dated 10.7.2019 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 details by 12.7.2019. The Petitioner responded vide email dated 12.07.2019. The Petitioner has provided that they tried to revise their TRAN-1 till 27.12.2017 however, they were unable to do so. They raised ticket no. 201803222255097 which was closed by the help desk on 31.03.2018. The Petitioner has provided their letter dated 3.10.2018 and 18.04.2018 to Commissioner GST, Cuttack, Odisha and letter dated 15.10.2018 to Joint Commissioner CT & GST (IT), Cuttack, Odisha. No screen shot of the technical glitch faced by the Petitioner has been provided.

The Petitioner raised ticket number 201803222255097 on 22.03.2018 and provided the following:-

"We have filled our Tran-3 return on time under the head `dealer availing Credit on CTD ` showing 9 nos. of CTDs of Value Rs. 63,88,357/- and Credit availed on these for Rs. 13,13,913/- . But due to some misunderstanding at the time of filling of Tran-1, in Sl. No.5 HSN Code of 8703, Qty shown as 9, Value also Shown as Rs. 63,88,357/- but the Eligible Duty paid on such Inputs was shown as zero (0). So still now we are not getting the Duty Credit of Rs. 13,13,913/- in our Electronic Credit Ledger**. Now we are unable to revise the Tran-1 as the due date is already over.** Kindly allow us either to revise the Tran-1 or suggest any other way to avail the Credit of Rs. 13,13,913/- in our Electronic Credit Ledger."

It may be noted that the Petitioner did not raise any technical glitch while filing/revising TRAN-1 in the abovementioned ticket.

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

45. W.P. 194/2019- M/s Parshwa Builders v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
23AABFP4484A1ZO	Madhya Pradesh	Partnership

Issue:- Petitioner submitted its TRAN-1 on the online GST portal with "0.00" amount under Central Taxes on 15.09.2017 with no details filed for State Taxes. After uploading the same, when the petitioner found that by mistake, it has not claimed credit of State Tax of Rs. 573510/-, as reflected in VAT return, it tried to upload the same on GST portal and revise the form TRAN-1 The petitioner when tried to upload credit of VAT on the portal same could not be uploaded on the GSTN portal till 27.12.2017. Portal displayed the error "Processed with error" with TIN Registration number as invalid.

As per GST System logs the Petitioner opened the TRAN-1 form and filed it once on 28/9/2017 (no other attempts are there as per GST System logs). ARN was generated. But ITC ledger was not updated. No error log were captured.

Status:- GSTN is not a party in this matter. Status of the case has been informed to the Commissionerate on 02.05.2019. The matter has been disposed off vide order dated 24.04.2019. The Court has directed the respondents to place the matter of the petitioner before the Nodal Officer, enabling him to take appropriate action for revising the transitional form known as TRAN-1. The aforesaid exercise should be concluded within a period of 30 days from the date of receipt of certified copy of this order.

Further investigation:- An email dated 11.06.2019 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 details by end of day 13.06.2019. No response was received from the Petitioner.

B. TRAN-2 - Writ Petition cases

Category A:- Error recorded in logs while filing TRAN-2

46. W.P. No.7754/2019-Puran Auto Sales v. UOI & Ors

GSTIN/ Provisional id	State	Constitution of Business
08AAMFP5032D1ZD	Jaipur	Partnership

Issue: The petitioner stated that he was unable to claim the transitional credit since the Petitioner faced technical glitches while filing Tran-2. He tried to file TRAN-2 for July, 2017 on 29.06.2018. The GST Portal displayed the message "Submission in Progress'.

As per GST system logs error has been recorded in logs while filing Tran-2.

Status: The Hon'ble High Court Vide Order dated 02.05.2019 has directed the respondents to provisionally entertain the GST TRAN2 and other returns of the petitioner either by way of opening the portal or manually. The matter is pending before the High Court.

Further investigation:- An email dated 21.06.2019 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 details by end of day 24.06.2019. No response was received from the Petitioner.

Category B:- No error recorded while filing TRAN-2

47. W.P. No. 490/2019-M/s Chedda International Pvt Ltd v. UOI & Ors.

GSTIN/ Provisional id	State	Constitution of Business
27AADCC0654Q1ZC	Maharashtra	Private Limited Company

Issue:- The Petitioner has alleged that the Petitioner successfully filed TRAN-1 on 26.10.2017. The Petitioner tried to file TRAN-2 in the month of March, 2018, the Petitioner realized that figure of other excise transaction in which the duty was not separately charged was not reflecting on the GST Portal. The Petitioner had put all the required data on the GST Portal but the data disappeared. The Petitioner was not permitted to fill any details in table 5 of Form TRAN-2 as the details declared in part 7B of TRAN-1 was not reflecting on the GST Portal.

GST System logs for the Petitioner for TRAN-1 and TRAN-2 were examined in this matter. As per Tran-1 logs the Petitioner filed their TRAN-1 on 26/10/17 without any error reported in logs. ITC ledger has also been updated. The Petitioner was eligible for filing TRAN-2 but as per TRAN-2 Logs the Petitioner has not tried to open TRAN-2 after filing of TRAN-1, within stipulated last date 30/06/2018. No error logs were captured.

As regards the fact alleged by the Petitioner that GST Portal did not permit the Petitioner to fill any details in table 5 of Form TRAN-2 as the details declared in part 7B of TRAN-1 was not reflecting on the GST Portal. This is in accordance with GST System design. Every registered person who was eligible to take credit in his/her Electronic Credit Ledger of eligible duties and taxes paid under earlier taxation laws in respect of inputs, in respect of which he is not in possession of invoice or any other documents evidencing payment of duty or tax, needed to declare such stock in Form GST TRAN - 1. Subsequently he was required to file Form GST TRAN – 2. The taxpayer was required to submit the transition Form GST TRAN - 2 to report the details of supplies made in GST Act in respect of stock of inputs not supported by duty paying invoices under existing laws declared in GST TRAN - 1. (Refer Rule 117 of CGST Rules for details). An advisory informing the taxpayer that in case taxpayer has not declared anything in part 7B of table 7(a) of TRAN-1, the taxpayer will not be permitted to fill any details in Table 4 of TRAN-2 was also provided at https://tutorial.gst.gov.in/userguide/returns/index.htm#t=GST_TRAN_-_2.htm and https://www.gst.gov.in/newsandupdates/read/168 dated 20.12.2017.From the above it is clear that the tax payers claiming credit through TRAN 2 were required to furnish the details of such stock on appointed date in table 7B of TRAN 1. Keeping in mind the legal provisions of GST law the system has been designed with the validation of not allowing a tax to claim credit through TRAN 2 if he had not furnished any stock details in the relevant table of TRAN 1.

Status:- GSTN is not a party in this matter. Status of the case was forwarded to Deputy Commissioner, Maharashtra vide email dated 09.07.2019 and 18.07.2019.

Annexure -3

Analysis of Cases Received as per Extended Scope of ITGRC

Category		Description	No of Cases
A	Sub Category	**Cases reported on account of Non-Technical error**	
	A1	Recommended by jurisdictional tax authority. (i) In 03 cases stock wrongly reported at 7(d) in place of 7(a), (ii) In 01 case uploaded details in Table 7(d) instead of 7(c) of TRAN-1(also filed COCP in Hon'ble HC of Kerala), (iii) In 01 case taxpayer did not get the 50% credit of Ca pital goods and (iv) In 01 case closing balance of Cenvat credit in their ER-1 and ST-3 returns last filed were not transferred to their ledger.	06
	A4	Case of **non-technical error [reflected details in column 7(d) instead of 7(a)];** simply forwarded as per Hon'ble HC order with no recommendation by jurisdictional tax authority. Hon'ble High Court directions to GST Council to reconsider the case taking in to consideration the ratio in the mentioned 09 case laws in order dated 03.04.2019. Nodal officer/Commissioner has forwarded the case **along with CENVAT verification report to GST Council for deciding the same** without any recommendations.	01
	A5	Cases of **non-technical error** recommended by jurisdictional tax authority but Hon'ble High Court order details neither mentioned nor attached/No final order yet.	05
		Sub Total	**12**
B	**Sub Category**	**Cases reported involving Technical error that should have been referred to ITGRC through GSTN.**	
	B2	**Cases of Technical error** which are **not recommended** by jurisdictional tax authority, but Hon'ble Court has directed Nodal Officer to forward to IT Redressal Committee to decide the same.	03
	B3	Cases **of Technical error** already presented before 1st to 7th ITGRC and **also recommended by ITGRC.**	04
		Total	**07**
C	--	Cases already presented before 1st to 7th ITGRC **but not recommended by ITGRC** and now as per 32nd GST Council decision also forwarded without recommendation by jurisdictional tax authority.	02
D	--	Cases forwarded by jurisdictional tax authority without recommendation. Parameters as recommended by 32nd GST Council decision not followed.	01
		Total (A+B+C+D)	**22**

Category A: Cases reported on account of Non-Technical error

Category A1 (06 Cases): Recommended by jurisdictional tax authority.
In 03 cases stock wrongly reported at table 7(d) in place of 7(a) of TRAN-1,
In 01 case uploaded details in Table 7(d) instead of table 7(c) of TRAN-1 (also filed COCP in Hon'ble HC of Kerala),
In 01 case taxpayer did not get the 50% credit of Capital goods and
In 01 case closing balance of Cenvat credit in their ER-1 and ST-3 returns last filed were not transferred to their ledger.

S. No	State/ CGST	GSTIN/ Title of the Case/ WP No. and Date	Brief Issue/ Directions of Hon'ble High Court	Recommendations of Officer of the State /Centre	Remarks
1	Received from GSTN, M/s. Srikanth Seeds, Pesticides	GSTIN: - 36AABHK9816K1ZV, 27824/2018- Sri Katturi Mallesh, Sole Properietor of M/s. Srikanth Seeds, Pesticides, Fertilizers & Grain Merchant	Filed TRAN-1 but uploaded details in Table 7(d) instead of uploading in table 7(a) and also missed some bills to claim ITC of CGST on closing stocks. **Order**: Writ petition is disposed of directing the Joint/Asst. Commissioner, State Tax to forward the representation of the petitioner dated: 06.07.2018 to the Chief Commissioner and further directing the Chief Commissioner to forward the said representation along with his report to the GST council. The GST Council shall take a call and pass appropriate orders in accordance with law within a period of eight weeks. There shall be no order as to costs.	Recommended	Placed in 6th ITGRC in category- A2 as per 32nd GST Council decision but not allowed by Committee because of lack of sufficient information on error involved in the case.
2	Received from GSTN, M/s. Ranjeeth Fertilizers	GSTIN: - 36AADHK3535K1Z5, 27884/2018- M/s. Ranjeeth Fertilizers	Filed TRAN-1 but uploaded details in Table 7(d) instead of uploading in table 7(a) and also missed some bills to claim ITC of CGST on closing stocks. **Order:** Writ petition is disposed of directing the Join/Asst. Commissioner, State Tax to forward the representation of the petitioner dated: 06.07.2018 to the Chief Commissioner and further directing the Chief Commissioner to forward the said representation along with his report to the GST council. The GST Council shall take a call and pass appropriate orders in accordance with law within a period of eight weeks. There shall be no order as to costs.	Recommended	Placed in 6th ITGRC in category- A2 as per 32nd GST Council decision but not allowed by Committee because of lack of sufficient information on error involved in the case the case.

3	Received from GSTN, M/s. Ranjeeth Traders	GSTIN: - 36ACTPK0948C1 ZI, 27892/2018- Sri Kathuri Rupesh sole properietor of M/s. Ranjeeth Traders Forwarded to GSTC Secretariat vide letter dated 11.03.2019.	Filed TRAN-1 but uploaded details in Table 7(d) instead of uploading in table 7(a) and also missed some bills to claim ITC of CGST on closing stocks. **Order:** Writ petition is disposed of directing the Join/Asst. Commissioner, State Tax to forward the representation of the petitioner dated: 06.07.2018 to the Chief Commissioner and further directing the Chief Commissioner to forward the said representation along with his report to the GST council. The GST Council shall take a call and pass appropriate orders in accordance with law within a period of eight weeks. There shall be no order as to costs.	Recommended	Placed in 6th ITGRC in category- A2 as per 32nd GST Council decision but not allowed by Committee because of lack of sufficient information on error involved in the case.
4	SGST, Kerala	Ms. Hemalatha Ranka Prop of Raj Distributors, Ernakulam, Kerala 32AAEPA4171C1 ZK, WPC 18883/2018	Filed TRAN-1 but uploaded details in Table 7(d) instead of uploading in table 7(c). **Order**: HC vide order dated 14.06.2018 directed to take appropriate action to take credit of the input tax available at the time of Migration.	Recommended	**Also filed COCP in Hon'ble HC of Kerala for not following the order dated 14.06.2018 in WP 18883/2018.** The case was presented as per circular 03.04.2018 in 4th ITGRC held on 12.02.2019 in 'B4' category but not allowed by the Committee.
5	CGST, Mysore	M/s AT&S India Limited, GSTIN 29AAECA2930J1Z O, WP No 22368/2019 (T-RES)	Taxpayer filed the TRAN-1 on GSTN Portal on 11.12.2017. They did not get the 50% of Capital goods credit for the period April 2017 to June 2017 in their credit ledger. Taxpayer has mentioned Zero in column 11 of Table 6 of GST TRAN-1 form. They should have mentioned the credit which is pending to the transitioned. **Order**: The court has directed to reconsider the request of the petitioner for redressal of their grievances in accordance with law.	Recommended	The case was presented as per circular 03.04.2018 in 5th ITGRC held on 05.03.2019 in 'B3' category but not allowed by the Committee.

6	Bengaluru, CGST	M/s Yokogawa Inida Ltd. GSTIN 29AAACY0840P1ZV 15854/2019 (T-RES) dtd. 09.04.2019 and order dtd. 25.04.2019	The assessee had filed form GST TRAN-1 on 12.12.2017 before due date but the credit relating to the closing balance of Cenvat credit of Rs. 4,31,32,066/- in their ER-1 and ST-3 returns last filed were not transferred to their ledger. Under the column "Cenvat Credit admissible as ITC" **they had failed to indicate the amount of credit to be transitioned, due to which the credit pertaining to their closing balance was not credited to their electronic credit ledger.** Taxpayer had tried to rectify the error by attempting to revise the TRAN-1 filed before 28.12.2017 but all their all attempts got unsuccessful. As per Tax authorities taxpayer is seeking opportunity to revise the TRAN-1 already filed. **Order:** Request of the petitioner to revise the TRAN1 for the first time cannot be denied on technicalities and glitches not being uncommon, in a new tax regime, a pragmatic approach would sub-serve the ends of justice, directed to reconsider the grievance of the petitioner.	Recommended	Case has not been presented before ITGRC earlier.

Category A4: Case of **non-technical error [reflected details in column 7(d) instead of 7(a)];** simply forwarded as per Hon'ble HC order with no recommendation by jurisdictional tax authority. Hon'ble High Court directions to GST Council to reconsider the case taking in to consideration the ratio in the mentioned 09 case laws in order dated 03.04.2019. Nodal officer/Commissioner has forwarded the case **along with CENVAT verification report to GST Council for deciding the same** without any recommendations.

S. No	State/ CGST	GSTIN/ Title of the Case/ WP No. and Date	Brief Issue/ Directions of Hon'ble High Court	Recommendations of Officer of the State /Centre	Remarks
1	CGST, Bhubaneshwar	M/s Field Motors Pvt. LTd, GSTIN-21AAACF6343E1Z7 WP 17282/2018	Taxpayer has reflected details of credit under column "7(d)-stock of goods" instead of column "7(a)-Duties and taxes on inputs" **Order:** Hon'ble High Court of Odisha vide its order dated 13.03.2019 has directed to reconsider the case of the petitioner. Also, a revised order dated 03.04.2019 of the Hon'ble H.C. was received which had **specific direction for GST Council to reconsider the party's request taking in to consideration the ratio of 09 case laws mentioned in order.**	**No proper recommendation** by Commissioner, vide letter dated 13.05.2019 High Court order was forwarded for perusal and further necessary action.	In 6th ITGRC the case was presented as per 32nd GST Council decision but not allowed being not recommended properly. Again, vide letter 12.06.2019 & 26.07.2019 also no proper recommendation made in the case.

Category A5: Cases of **non-technical error** recommended by jurisdictional tax authority but Hon'ble High Court order details neither mentioned nor attached/No final order yet.

S. No	State/ CGST	GSTIN/ Title of the Case/ WP No. and Date	Brief Issue/ Directions of Hon'ble High Court	Recommendations of Officer of the State /Centre	Remarks
1	Chennai North CGST	33BURPS2116P1Z1 Senthil Vadivelu Senthilnathan / M/s. Shanmugam Agencies	Entry of details by oversight under Entry 7A of Table 7(a), instead of under Entry 7B of Table 7(a) of TRAN-1. The taxpayer is seeking relief in terms of Bombay High Court judgement in W.P No.2086/2018 in the case of M/s. O/E/N India Ltd., & others. **No High Court order in the case**	Recommended	No High Court order in the case.
2	Chennai North	33AQEPPS5122E1Z9 Senthil Vadivelu Palaniappan /M/s. Shanmuganathan Store	Entry of details by oversight under Entry 7A of Table 7(a), instead of under Entry 7B of Table 7(a) of TRAN-1. The taxpayer is seeking relief in terms of Bombay High Court judgement in W.P No.2086/2018 in the case of M/s. O/E/N India Ltd., & others. **No High Court order in the case**	Recommended	No High Court order in the case.
3	Chennai North	33ARKPS5830K1ZE Senthil Vadivelu / M/s. Senthil Agencies	Entry of details by oversight under Entry 7A of Table 7(a), instead of under Entry 7B of Table 7(a) of TRAN-1. The taxpayer is seeking relief in terms of Bombay High Court judgement in W.P No.2086/2018 in the case of M/s. O/E/N India Ltd., & others. **No High Court order in the case**	Recommended	No High Court order in the case.

4	Chennai South	33AAACB5985C1ZW M/s. BHARAT ELECTRONICS LTD W.P. 2937 of 2019 dated 01.02.2019 of Madras high Court	The tax payer has mentioned the C/b of CENVAT in table 5(a) under column 5 (Balance CENVAT carried forward in the said last return) but has mentioned credit available as per the Stock in column no.6 of table 5(a)(CENVAT credit admissible as ITC of central tax in accordance with transitional provisions). they have also mentioned the credit available on stock in table 7(a) also. they have not properly understood the relevance of each column of the respective table and made wrong entries. Hence the Closing balance has not reflected in the ITC ledger. **The case is pending for disposal, no final High Court order in the case.**	Recommended.	The case is still pending for disposal, no final High Court order in the case.
5	Chennai Outer	PAREKH INTEGRATED SERVICES PVT LTD., GSTIN: 33AADCP1503F1Z3 W.P.No.9052 OF 2019 DT.26.03.2019	Taxpayer had declared inputs held in stock for Value of Rs.2,06,62,196/- on the appointed day without documents under Col.7(a) (7B) of Tran-1 and filed Tran-2 for the periods July-2017 and August-2017 and received ITC of Rs.1,66,480/- and Rs.79,583/- respectively for the two months. But the taxpayer claims that he has filed ITC for an amount of Rs.96,41,874/- whereas has received only Rs.18,38,967/- against SGST.taxpayer had filed Tran-1 and filed Tran-2 for the months of July & August 2017. The petitioner/authorised representative will appear before the nodal officer/second respondent on 27.03.2019 at 10.30 AM with all materials in support of his claim.Appropriate orders shall be passed by the officer on or before 29.03.2019. **No HC Order attached**	No Recommendation made	**No proper recommendation and No HC order attached.** The case was presented as per circular 03.04.2018 in 6th ITGRC held on 27.05.2019 in 'B4' category but not allowed by the Committee.

Category B: Cases reported involving Technical error that should have been referred to ITGRC through GSTN.

Category B2: Cases of Technical error which are **not recommended** by jurisdictional tax authority. But Hon'ble Court has directed Nodal Officer to forward to IT Redressal Committee to decide the same.

S. No	State/ CGST	GSTIN/ Title of the Case/ WP No. and Date	Brief Issue/ Directions of Hon'ble High Court	Recommendations of Officer of the State /Centre	Remarks
01	Madurai CGST	M/s Sri Algar Industries, Sivakasi WP(MD)No. 19463/2018 dated 01.09.2018	Tax Payer has tried to submit TRAN 1 Returns on common portal. But they could not file it due to some issues in common portal. Hence, they were unable to carry forward Rs. 23,40,113/- regarding TRAN 1. **Order:** Order dated 17.09.2018 passed by the Hon'ble Madurai Bench of Madras High Court directing that 1.The 5th Respondent (i.e. The Assistant Commissioner of CGST &C.Ex, Sivaksi) forward the Representation of Petitioner dated 30.07.2018 to the 4th Respondent within a period of one week of date of receipt of a copy of this order. 2. on receipt of the same 4th respondent/Nodal officer in consultation with GSTN, shall take the note the grievance expressed by the petitioner and forward the same to grievance committee, with in two week there after the grievance committee, in turn, to take appropriate decision in the matter within a period of four weeks from the date, on which ,the representation is received in proper form.	Nothing recommended	Not filing case. Not placed in any ITGRC earlier.

02	Madurai	M/s Anbu Automobiles, Paramakudi. WP(MD) No. 22011 of 2018 dated 25.10.2018	Unable to file TRAN-1. **Order:** Common order dated 1.11.2018 passed by the Hon'ble Madurai Bench of Madras High Court directing that relying on the decision dated 10.09.2018 taken in WP(MD)No. 18532/2018 filed by M/s Tara Exports, Thoothukudi, disposed of both WP(MD)No. 22010 & 22011 of 2018 with a direction to the respondent to to enable the petitioner to file GST TRAN 1 electronically for claiming the transitional credit and allow the input credit after processing the same, if it is otherwise eligible in law..	Nothing recommended	Not filing case. Not placed in any ITGRC earlier.
03	Madurai	M/s Anbu Motors, Ramanathapuram WP(MD)No. 22010 of 2018 dated 24.10.2018	Unable to file TRAN-1. **Order:** Common order dated 1.11.2018 passed by the Hon'ble Madurai Bench of Madras High Court directing that relying on the decision dated 10.09.2018 taken in WP(MD)No. 18532/2018 filed by M/s Tara Exports, Thoothukudi, disposed of both WP(MD)No. 22010 & 22011 of 2018 with a direction to the respondent to to enable the petitioner to file GST TRAN 1 electronically for claiming the transitional credit and allow the input credit after processing the same, if it is otherwise eligible in law..	Nothing recommended	The case of ANBU MOTORS (33AAQFA5599J1ZU) was presented in Category-B3 of 4th ITGRC and not recommended. GSTIN of this not provided hence the status can not be ascertained.

Category B3: Cases **of Technical error** already presented before 1st to 7th ITGRC and **also recommended by ITGRC.**

S. No	State/ CGST	GSTIN/ Title of the Case/ WP No. and Date	Brief Issue/ Directions of Hon'ble High Court	Recommendations of Officer of the State /Centre	Remarks
01	CGST Tamilnadu	M/S. EAP Infrastructure India Pvt.Ltd GSTIN 33AACCE8198G1ZG W.P.No.22941 OF 2018 dt.04.09.2018	Taxpayer attempted to upload the details of stock holdings through json file on 25.12.2017. However, the json file could not be uploaded due to some technical glitches in the GST portal. **Order:** The petitioner was directed to submit application in accordance with Circular No.39/13/2018 dt.03.4.2018 with in period of two weeks from the date of receipt of this order to their respective assessing/jurisdictional officer/GST officers.The assessing officers are directed to forward the application to the nodal officer with in a period of one week.	taxpayer's request may be considered	The case was presented before 1st ITGRC held on 22.06.2018 and allowed.
02	CGST Tamilnadu	M/S. Lear Automotive India Pvt.Ltd GSTIN 33AAACL1978K1ZC W.P.NO.33193 OF 2017	Prior to GST, taxpayer was having three Central Excise Registrations, three Service Tax Registration and one TNVAT Registration. While migtating from TNVAT to GST, all the registration details were not captured due to an inadvertent mistake. **Order:** The petitioner was directed to submit application in accordance with Circular No.39/13/2018 dt.03.4.2018 with in period of two weeks from the date of receipt of this order to their respective assessing/jurisdictional officer/GST officers.The assessing officers are directed to forward the application to the nodal officer with in a period of one week.	taxpayer's request may be considered	The case was presented before 1st ITGRC held on 22.06.2018 and allowed.

03	CGST Tamilnadu	M/s Surin Automotive Pvt. Ltd. GSTIN 33AACCK8026D1 ZX WPC 12986-12987/2018-DT.16.07.2018	The Taxpayer tried to submit Form GST TRAN-1 electronically on 27.12.2017. but due to technical glitches/problems on the common portal, they were unable to submit TRAN-1 **Order:** The petitioner was directed to submit application in accordance with Circular No.39/13/2018 dt.03.4.2018 with in period of two weeks from the date of receipt of this order to their respective assessing/jurisdictional officer/GST officers. The assessing officers are directed to forward the application to the nodal officer with in a period of one week.	taxpayer's request may be considered	The case was presented in Category-A1, before 3rd ITGRC held on 26.10.2018 and allowed.
04	CGST Tamilnadu	M/S. Schwing Stetter Pvt.Ltd GSTIN : 33AADCS5069D1 ZJ W.P.No.3117 OF 2018 dt.16.07.2018	The Taxpayer tried to submit Form GST TRAN-1 electronically on 26.12.2017. but due to technical glitches/problems on the common portal, they were unable to submit TRAN-1. **Order:** The petitioner was directed to submit application in accordance with Circular No.39/13/2018 dt.03.4.2018 with in period of two weeks from the date of receipt of this order to their respective assessing/jurisdictional officer/GST officers. The assessing officers are directed to forward the application to the nodal officer with in a period of one week.	taxpayer's request may be considered	The case was presented before 1st ITGRC held on 22.06.2018 and allowed.

Category C: Cases already presented before 1st to 7th ITGRC **but not recommended by ITGRC** and now as per 32nd GST Council decision also forwarded without recommendation by jurisdictional tax authority.

S. No	State/ CGST	GSTIN/ Title of the Case/ WP No. and Date	Brief Issue/ Directions of Hon'ble High Court	Recommendations of Officer of the State /Centre	Remarks
1	CGST, Coimbatore	M/s.Precision Rubber Industries Pvt. Ltd., Coimbatore [33AADCG0576B 1Z5], WP 11781 & 11784 of 2019 & 16.04.2019	Taxpayer claimed to have made attempt to file TRAN-1 within the due date 27.12.2017; However, no material evidence has been producted; HC has permitted the petitioner to appear before the Commissioner, Coimbatore on 24.04.2019 along with the requests / objections filed till date and all materials in support of the objections that will be taken into consideration.	It may not be proper to comment on the eligibility criteria on the aspect of Technical Glitches.	**A**ppears to be a case where no TRAN-1 filed. No proper recommendation and No HC order attached. The case was presented as per circular 03.04.2018 in 4th ITGRC held on 12.02.2019 in 'B1' category but not allowed by the Committee.
2	Tirunelveli CGST	M/s.Tara Exports, Tuticorin WP 18532/2018	The taxpayer has not uploaded the TRAN-1 declaration before the extended time limit upto 27.12.2017 in terms of Order NO.9/2017-GST dated 15.11.2017. **Order**: The Hon'ble Court disposed of the WP with a direction to the respondents either to open the portal, so as to enable the petitioner to file the TRAN-1 electronically for claiming the transitional credit or accept the manually filed TRAN-1 on 31.01.2018, or allow the input credits, after processing the same, if it is otherwise eligible in law.	Nothing Recommended	No proper recommendation. Appears to be a case of TRAN-1 not filed which is not covered under 32nd GST Council decision. The case was presented in category B1 of 6th ITGRC held on 27.05.2018 and not recommended.

Category D: Cases forwarded by jurisdictional tax authority without recommendation. Parameters as recommended by 32nd GST Council decision not followed.

S. No	State/ CGST	GSTIN/ Title of the Case/ WP No. and Date	Brief Issue/ Directions of Hon'ble High Court	Recommendations of Officer of the State /Centre	Remarks
01	Madurai	M/s Myers Tyers Supply (india) Ltd. Madurai. WP(MD) No. 18723 of 2018 dated 27.08.2018	Prayer to issue order that the words "within 90 days of appointed day" found under the main part of rule 117(1) of CGST Rule 2017 and proviso there under, as ultra vires, Section 140(3) and section 164 of the CGST Act,2017or pass such further or other orders as may deem fir and proper in the circumstances of the case and render justice.	Nothing recommended	NO High Court Order, no recommendation, no error identified.

Annexure-4

Members (Centre)

- Sh. Sandeep M. Bhatnagar, Member (GST), CBIC
- Sh. Anil Kumar Jha, Additional Secretary, Dept. of Revenue

Member (GST Council Secretariat)

- Dr. Rajeev Ranjan, Special Secretary

Members (States) (through VC)

- Sh. Sanjeev Kaushal, ACS, Haryana
- Sh. T. V. Somanathan, Commissioner, State Tax, Tamil Nadu
- Ms. Smaraki Mahapatra, CST, West Bengal

Special Invitees

- Sh. Yogendra Garg, Pr. Commissioner, GST Policy Wing-I, CBIC
- Sh. Sanjay Mangal, Commissioner, GST Policy Wing-II, CBIC
- Ms V. Usha, Pr Commissioner, Ce.Ex, CBIC
- Sh. Amitabh Kumar, Joint Secretary, GST Council
- Sh. Dheeraj Rastogi, Joint Secretary, GST Council
- Sh Prakash Kumar, CEO, GSTN (through VC)
- Sh Vashistha Chaudhary, SVP (Services), GSTN
- Sh. Samir Vakil, Special CST, Gujarat (through VC)
- Sh. Ridhidesh Rawal, Deputy Commissioner, State Tax, Gujarat (through VC)

Others

- Sh. Rajesh Kumar Agarwal, Director, GST Council
- Sh. Gauri Shankar Sinha, Director, GST Council
- Sh. Amaresh Kumar, Joint Commissioner, GST Policy Wing, CBIC
- Sh. Nimba Ram, Joint Commissioner, GST Policy Wing, CBIC
- Sh. Arjun Kumar Meena, Deputy Commissioner, GST Council
- Sh. Rahul Raja, Under Secretary, GST Council
- Sh. Krishna Koundinya, Under Secretary, GST Council

Agenda Item 12: Quarterly Report of the NAA for the quarter July to September 2019 for the information of the GST Council

In terms of provisions of clause (iv) of Rule 127 of the CGST Rules 2017, National Anti-profiteering Authority (NAA) is required to furnish a performance report to the GST Council by 10th of the closing of each quarter. Anti-profiteering provisions are contained under Section 171 of the CGST Act, 2017 which empowers NAA to determine as to whether benefit of reduced rate of tax or the Input Tax Credit (ITC) has been passed on to the recipient by way of commensurate reduction in the prices and in case of failure, NAA may order reduction in prices, commensurate benefit to recipient, impose penalty and cancel registration, in suitable cases.

2. Anti-profiteering mechanism under GST is a multi-tier mechanism. The methodology of examination of the complaints to determine profiteering is as under:

i. State Level Screening Committee (SLSC) examines State level complaint and recommends to the Standing Committee (SC);

ii. SC, in addition to complaints recommended by SLSC, also receives complaint directly in respect of suppliers having pan India or presence in more than one State/UT;

iii. SC examines and sends recommendation to the DG, Anti-profiteering (DGAP).

iv. DGAP then completes investigation, within a period of 3 months, and furnishes a report of its findings to NAA.

v. Based on the report from DGAP, NAA determines all aspects relating to profiteering, passes its order regarding reduction in prices; return of amount to recipient; imposition of penalty; and cancellation of registration.

3. Accordingly, the performance report of National Anti-profiteering Authority along with performance reports of DGAP, SC and SLSC for the quarter (July, 2019 to September, 2019) of the financial year 2019-20 is as under:

3.1. Performance of **National Anti-Profiteering Authority**:

Opening Balance	No. of Investigation Reports received from DGAP during the quarter	Disposal of Cases (during Quarter)				Closing Balance
		Total Disposal during quarter	No. of cases Where Profiteering established	No. of cases Where Profiteering not established	No. of cases referred back to DGAP	
50	**39**	**2**	**1**	**1**	**3**	**84**

3.2 Performance of **DG (Anti-profiteering)**:

Opening Balance (No. of cases)	Receipt	Category of cases received				Disposal	Mode of disposal of cases		Closing Balance (No. of cases)
		Construction Services	FMCG	Restaurant Services	Others		Report to NAA confirming profiteering	Report to NAA for closure action	
80	4	1	0	1	1	23	21	2	61

3.3 Performance report of the **Standing Committee** on Anti-profiteering:

Opening Balance (No. of cases)	Receipt	Disposal	Closing Balance (No. of cases)
87	232	279	40

3.4 Performance report from the **State Level Screening Committee**:

Opening Balance (No. of cases)	Receipt	Disposal		Closing Balance (No. of cases)
		Cases referred to Standing Committee	Cases Rejected	
40	142	111	29	42

Note: A detailed performance of each State Level Screening Committee is enclosed at Annexure "A".

4. The **final disposal of 2 cases by the NAA** is as under:

Sr. No.	Order No. and Date of Order	Respondent	Amount of Profiteering (Rs.)
1	46/2019 dt. 04.07.2019	HP India Sales	Nil
2	47/2019 dt. 26.09.2019	Paramount Propbuild Pvt. Ltd.	3,69,26,963

5. NAA has been conducting outreach program across the country to sensitize the jurisdictional Officers about their role and responsibility towards check of profiteering. During the tenure of this report, the outreach programmes and zonal review meetings on Anti-Profiteering efforts was held at Indore on 16th September, 2019.

6. The NAA has sent 516 profiteering complaints received by them till 31st July, 2019 via its web portal to 21 State Level Screening Committees.

7. Accordingly, the quarterly performance report of the National Anti-profiteering Authority for the quarter: July to September 2019, is placed before the GST Council.

Annexure A

Quarterly Perfromance Report From the State Level Screening Committee - July 2019 to September 2019

S.No.	States	July						August						September						Quarter-July to Sept					
		R/NR	OB	R	Disposal		CB	R/NR	OB	R	Disposal		CB	R/NR	OB	R	Disposal		CB	R/NR	OB	R	Disposal		CB
					SC	R					SC	R					SC	R					SC	R	
1	Andhra Pradesh	✓	6	0	0	0	6	✓	6	0	0	0	6	✓	6	0	0	0	6	✓	6	0	0	0	6
2	Arunachal Pradesh	✓	0	0	0	0	0	✓	0	0	0	0	0	✓	0	0	0	0	0	X	0	0	0	0	0
3	Assam	✓	0	0	0	0	0	✓	0	0	0	0	0	✓	0	0	0	0	0	X	0	0	0	0	0
4	Bihar	X						X						X						X					
5	Chhattisgarh	X						X						X						X					
6	Goa	✓	0	0	0	0	0	✓	0	0	0	0	0	X							0	0	0	0	0
7	Gujarat	X						X						X						X					
8	Haryana	✓	0	4	4	0	0	X						✓	0	42	42	0	0	✓	0	56	43	13	0
9	Himachal Pradesh	X						X						X						X					
10	Jammu and Kashmir	X						X						X						X					
11	Jharkhand	X						X						X						X					
12	Karnataka	✓	12	7	12	5	2	✓	2	1	0	0	3	✓	3	4	0	0	7	✓	12	12	12	5	7
13	Kerala	X						X						X						X					
14	Madhya Pradesh	✓	3	0	0	0	3	✓	3	0	0	0	3	✓	3	0	0	0	3	✓	3	0	0	0	3
15	Maharashtra	✓	9	41	44	3	3	✓	3	6	0	0	9	✓	9	0	0	0	9	X	9	47	44	3	9
16	Manipur	✓	0	0	0	0	0	✓	0	0	0	0	0	✓	0	0	0	0	0	X	0	0	0	0	0
17	Meghalaya	✓	0	0	0	0	0	✓	0	0	0	0	0	✓	0	0	0	0	0	X	0	0	0	0	0
18	Mizoram	✓	0	0	0	0	0	✓	0	0	0	0	0	✓	0	0	0	0	0	X	0	0	0	0	0
19	Nagaland	✓	0	0	0	0	0	✓	0	0	0	0	0	✓	0	0	0	0	0	✓	0	0	0	0	0
20	NCT of Delhi	X						X						X						X					
21	Odisha	X						X						X						X					
22	Puducherry	X						X						X						X					
23	Punjab	✓	0	2	0	2	0	✓	0	1	0	1	0	✓	0	3	1	2	0	✓	0	6	1	5	0
24	Rajasthan	X						✓	4	0	3	0	1	✓	0	4	0	0	5	✓	2	4	1	0	5
25	Sikkim	X						X						X						X					
26	Tamil Nadu	X						X						✓	5	1	0	2	4	✓	5	1	0	2	4
27	Telangana	X						X						X						X					
28	Tripura	✓	0	0	0	0	0	✓	0	0	0	0	0	✓	0	0	0	0	0	✓	0	0	0	0	0
29	Uttar Pradesh	X						X						✓	2	2	0	0	4	✓	2	4	2	0	4
30	Uttarakhand	X						X						X						X					
31	West Bengal	X						X						X						✓	1	12	8	1	4
		14	30	54	365	10	14	12	18	8	3	1	22	13	28	56	43	4	38	9	40	142	111	29	42

R/NR= Received (✓) /Not Received (X)	Active SLSCs (where receipt & disposal being done
OB= Opening Balance	Inactive SLSCs (where disposal not commensurate with
SC= Forwarded to Standing Committee	States giving NIL receipts & disposal
R= Rejected	States from where reports are not received
CB= Closing Balance	

Page 1 of 1

Agenda Item 13: Presentation on developments regarding implementation of

i. **GST EWB System – FASTag Integration**
ii. **New Return System**
iii. **Integrated refund system with disbursal by single authority**
iv. **Generation of electronic Invoice Reference Number**
v. **Linking GST registration with Aadhaar and proposed changes in the GST Law and GSTN System**

Agenda Item 14: Clarification on GST rate on fabrics and articles of textiles falling in Chapters 56 to 59 of the tariff pursuant to the order of the Hon'ble High Court of Delhi in Writ petition (Civil) No. 597 of 2019

Manufacturers Traders Association & Anr. had filed Writ Petition (Civil) No. 597 of 2019 in the Hon'ble High Court of Delhi, challenging the levy of 12% GST on fabrics of chapters 56 to 59 of the HS on the grounds that as per paragraphs 9.8.10 and 9.8.11 of the Minutes of the 15th GST Council Meeting held on 03.06.2017, all fabrics should be subject to a uniform GST rate of 5% and there is no recommendation of GST rate of 12% on any fabrics by the GST Council.

2. The relevant paragraphs of the minutes of 15th GST Council meeting read as under:

"9.8.10. After discussion, the Council agreed to keep raw silk and raw jute at Nil rate of GST; tax cotton and other natural fibres at the rate of 5%; tax man-made fibre and yarn at the rate of 18%; tax all fabrics at 5 %; tax apparels sold at a value exceeding Rs.1,000 per piece at the rate of 12% and tax apparels sold at a value exceeding Rs. 1,000 per piece at the rate of 5%. The Council also agreed that if there was credit accumulation on account of inverted duty structure at the fibre stage, no cash refund would be given."

9.8.11 The Joint Secretary (TRU-I), CBEC stated that the remaining items in the textile sector were goods falling under Chapters 56, 57,58 and 59. He stated that these Chapters covered products like cordage, twine, carpet, floor, covering, special fabric, tapestry, impregnated, coated fabric ,laminated textile fabric and textile articles of a kind suitable for industrial use and all of these were proposed to be taxed at 12%....."

3. Department of Revenue submitted before the Hon'ble Court that the GST Council had made a specific recommendation to prescribe 12% GST rate on specialized and industrial fabrics of chapters 56 to 59 which was notified by the Central and the State Governments and thus there was no variance in the recommendations of the GST Council on specialized and industrial fabrics of chapters 56 to 59 and the notifications issued by the Central and State Governments issued in pursuance of these recommendations.

4. After considering the submissions made by Department of Revenue and the petitioner the Hon'ble Court passed the following order:

"From what has been argued by Mr. Shah, we are inclined to agree with his submission that the decision of the GST Council was to subject all fabrics at the rate of 5% taxation and it appears that the position stated in the affidavit filed on behalf of respondent No. 3 was only the proposal of the Joint Secretary (TRU-1), CBEC, which was not agreed to or approved by the Council.

Keeping in view the aforesaid controversy, we are of the considered view that the aforesaid controversy should specifically and pointedly be placed before the Council, preferably in the next meeting. A copy of our order should also be circulated so that the controversy is brought before the Council."

5. It is submitted that the GST rates on fabrics was discussed in detail in the 15th GST Council meeting and the GST rates were prescribed on the recommendations of the Council. The rate of 5% was prescribed on fabrics used for making apparels. The GST Council had recommended 12% GST rate on specialized and industrial fabrics. The Council discussed the requests for reduction in tax rates on

fabrics of chapters 56 to 59 from 12% to 5% in various meetings after the rollout of GST. The Council did not recommend any change in the tax structure on these goods i.e technical textiles and specialized fabrics of chapters 56 to 59.

6. As per the direction of the Hon'ble High Court, copy of the order dated 11th October, 2019 of the Hon'ble Delhi Court is placed before the Council with above submission.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 597/2019 & CM APPL. 2690-2691/2019

MANUFACTURERS TRADERS ASSOCIATION & ANR.

..... Petitioner

Through: Mr. Prakash Shah with Ms. Renuka Sahu, Mr. Jaideep Singh Dhillon, Mr. Prabhat K.C. and Mr. Shubham Narula, Advs.

versus

UNION OF INDIA & ORS. ..... Respondent

Through: Mr. Amit Bansal with Mr. Aman Rewaria and Ms. Vipasha Mishra, Advs. for R-2 to R-4.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **11.10.2019**

On 27.08.2019, we had passed the following order:

" *1. During the course of arguments, the counsel for Petitioner relies upon the paragraph No. 9.8.10 of Minutes of the 15th GST Council Meeting held on 03.06.2017, which read as follows:*

> *"9.8.10. After discussion, the Council agreed to keep raw silk and raw jute at Nil rate of GST; tax cotton and other natural fibres at the rate of 5%; tax man-made fibre and yarn at the rate of 18%; tax all fabrics at 5 %;tax apparels sold at a value exceeding Rs.1,000 per piece at the rate of*

12% and tax apparels sold at a value exceeding Rs. 1,000 per piece at the rate of 5%. The Council also agreed that if there was credit accumulation on account of inverted duty structure at the fibre stage, no cash refund would be given."

2. The submission of the learned counsel for the Petitioner is that the GST Council has decided the rate of tax on fabric items. He also refers to Agenda item No.4 wherein the council has approved the rates of GST on supply of goods as listed in Volume – 2 of the detailed agenda notes subject to modification No. (vi) which read as;

"(vi) to tax all the varieties of fabric at the rate of 5% instead of the proposed rate of 12% and not to allow cash refund of any accumulated credit of duty arising out of inversion of tax".

3. Learned counsel for the Respondent submits that he will take instruction in this respect and is presently instructed to state that the reduction of the rate is only related to cotton and natural fabric.

4. Let the Respondent file an affidavit on the aforesaid aspect within four weeks.

5. List on 11.10.2019."

In pursuance of our aforesaid order, an affidavit has been filed on behalf of respondent No. 3 by the Commissioner of Central Goods and Services Tax, Delhi East. In the said affidavit, the stand taken by respondent No. 3 is as follows:

"4. That it is respectfully submitted that the GST rate structure on all goods of the textile value chain was deliberated at length during the 15th meeting of the GST council held on 03.06.2017. Based on the Pre-GST tax incidence, the council recommended

18% GST on Man-made filaments and yams. The pre-GST tax incidence on Man-made fabrics including embedded taxes was more than 11%. Therefore, a GST rate of 12% was recommended on fabrics by the Fitment Committee. However, considering that there was no tax on Man-made fabrics of chapters 50 to 55 and 60 of the tariff in Pre-GST regime and considering the involvement of large number of powerlooms and handloom weavers in the MSME sector in this sector, the council recommended to fix GST rate of 5% on all fabrics, including Manmade fabrics falling under chapters 50 to 55 and 60. Further, the council recommended to restrict the refund of accumulated ITC on manufacture of Man- made fibre fabrics to prevent huge amount of refunds being generated. The discussion in this regard is at Para 9.8.10 of Minutes of the 15th GST Council meeting. That it is further submitted that this recommendation of 5% GST rate was specific to Man-made fabrics used to make apparels as these are made by MSME sector. However, in respect of technical textiles, special fabrics, coated fabrics, laminated fabrics and other textile items like cordage, twine, carpets, tapestry etc, under chapters 56 to 59 of the Tariff, it was recommended by the Council that the rate be kept at 12% as these fabrics are specialised industrial fabrics used in the industry for high value addition and not manufactured by the MSME sector. This has been discussed in para 9.8.11 of the minutes of 15th GST Council meeting.

5.1 The GST Council had made a specific recommendation to prescribe 12% GST rate on specialised and industrial fabrics of chapters 56 to 59. The Council discussed the requests for reduction in tax rates on fabrics of chapters 56 to 59 from 12% to 5% in various meetings after the rollout of GST. All these requests for reduction were examined in detail by the GST Council and was rejected by the GST Council on the grounds that GST rate on technical textiles and specialised fabrics of chapters 56 to 59 shall attract GST at the rate of 12% as these fabrics attracted more than 13% tax incidence in pre-GS'T regime. However, the GST rate on very few items of these chapters were reduced by the GST Council to 5% without refund of ITC, as the trade requested that these fabrics are

apparel fabrics, same as Man-madefabrics of chapter 50 to 55 attracting 5% GST and should not be given the GST rate of technical and industrial fabrics. These included corduroy fabrics and velvet fabrics, narrow woven fabrics of heading 5806 and all woven pile fabrics and chenille fabrics under tariff heading 5801."

In the light of the aforesaid, we have heard further submissions of learned counsels. It is pointed out by Mr. Shah, learned counsel for the petitioner that on a perusal of the minutes of the 15th GST Council Meeting, held on 03.06.2017, it emerges that the decision of the Council is, inter alia, contained in paragraph 9.8.10. The Council agreed to keep raw silk and raw jute at Nil rate of GST and tax cotton and other natural fibres at the rate of 5%. It also decided to tax all fabrics at the rate of 5%.

Reliance placed by Mr. Bansal on paragraph 9.8.11 of the said minutes is challenged by Mr. Shah by stating that the said paragraph, in the opening, only contains the proposal by the Joint Secretary (TRU-1), CBEC that *"the remaining items in the textile sector were goods falling under Chapter 56, 57, 58 and 59. He stated that these Chapters covered products like cordage; twine; carpet; floor covering; special fabric; tapestry; impregnated, coated, fabric laminated textile fabric; and textile articles of a kind suitable for industrial use and all these were proposed to be taxed at the rate of 12%....."* He submits that the said proposal could not be considered as the decision of the council. He further points out that in the said meeting, the council approved the minutes of the previous meeting i.e. 14th GST Council Meeting, held on 18/19.05.2017. From the said minutes, it appears that even in the 14th Meeting of the GST, it had taken a decision *"to tax all varieties of fabric at the rate of 5% instead of the proposed rate*

of 12% and not to allow cash refund of any accumulated credit of duty arising out of inversion of tax".

Mr. Shah has also pointed out that the minutes of the 15th GST Council Meeting were approved in the subsequent meeting i.e. 16th GST Council Meeting, held on 11.06.2017 without any modification on fabrics.

From what has been argued by Mr. Shah, we are inclined to agree with his submission that the decision of the GST Council was to subject all fabrics at the rate of 5% taxation and it appears that the position stated in the affidavit filed on behalf of respondent No. 3 was only the proposal of the Joint Secretary (TRU-1), CBEC, which was not agreed to or approved by the Council.

Keeping in view the aforesaid controversy, we are of the considered view that the aforesaid controversy should specifically and pointedly be placed before the Council, preferably in the next meeting. A copy of our order should also be circulated so that the controversy is brought before the Council.

List on 11.02.2020.

Dasti.

VIPIN SANGHI, J

SANJEEV NARULA, J

OCTOBER 11, 2019
N.Khanna