

Place of Supply – IGST Laws

Place of Supply of Goods and/or Services:

- ❖ As we all know by this time that GST is a destination based consumption tax. That is to say the tax has to be paid/reached in the jurisdiction at where the goods/services are ultimately consumed.
- ❖ But, how to decide where the consumption of goods/services has taken place. Let us assume a situation, where a chartered accountant based in Hyderabad enters an agreement with client located in Hyderabad for stock audit of various branches in India. CA renders services across India. In such case, whether CA should raise invoice to the head office or to each branch where stock audit has been conducted.
- ❖ To decide upon such issues which arise about consumption of goods/services, the Integrated Goods & Services Tax Act, 2017 is brought in to deal with the place of consumption of goods/services. So, let's proceed to understand such provisions.

Levy & Collection:

- ❖ There shall be levied a tax called the Integrated Goods & Services tax (IGST) on all inter-state supplies of goods or services or both except on supply of alcoholic liquor for human consumption, on the value determined under Section 15 of CGST Act, 2017 at such rates not exceeding 40% as may be notified.
- ❖ The IGST on goods imported into India, shall be levied and collected in accordance with the provisions of Section 3 of Customs Act, 1975 on the value determined as per Section 12 of Customs Act, 1975. Necessary amendment in Section 3 of Customs Tariff Act shall be brought in place.
- ❖ IGST on petroleum crude, high speed diesel, motor spirit, natural gas and ATF shall be levied with effect from such dates as may be notified by Government.
- ❖ The Government may notify such services or goods or both, the tax on which shall be paid on reverse charge basis by recipient of such goods/services/both. IGST on supplies made by unregistered person to registered person shall be paid by the recipient under reverse charge.

Levy & Collection:

- ❖ The Government by notification specify categories of services, the tax on inter-state supplies of which shall be paid by electronic commerce operator if such services are supplied through it and all provisions shall apply to such electronic commerce operator as if he is the supplier liable for paying tax in relation to such supply.
- ❖ If such electronic commerce operator does not have any physical presence in taxable territory, any person representing such electronic commerce operator for any purpose shall be liable to pay tax. If such person does not have any physical presence or representative, such electronic commerce operator shall appoint a person for purpose of paying tax and such person shall be liable to pay tax.

Electronic Commerce – 2(44) – means the supply of goods or services or both, including digital products over digital or electronic network.

Electronic Commerce Operator – 2(45) – means any person who owns, operates or manages digital or electronic facility or platform for electronic commerce.

Inter - State Supply:

Inter – State Supply of Goods/Services:

- ❖ Subject to provisions of Section 10 (for supply of goods) and Section 12 (for supply of services), where the **location of the supplier** and the **place of supply** are in –
 - a. Two Different States;
 - b. Two Different Union Territories;
 - c. A State and Union Territory

shall be treated as a supply of goods/services in the course of inter – state trade or commerce.
- ❖ Supply of goods imported into the territory of India, till they cross the customs frontiers of India, shall be treated as Inter – State supply of goods.
- ❖ S 2(11) import of services – means the supply of any service, where –
 - ☐ supplier of service is located outside India;
 - ☐ Recipient of service is located in India;
 - ☐ place of supply of service is in India

Inter - State Supply:

Inter – State Supply of Goods/Services - Deemed:

- ❖ Supply of goods/services/both -
 - a. When the supplier is located in India and Place of Supply is outside India;
 - b. To or by SEZ or a SEZ Unit
 - c. **In taxable territory, not being an intra – state supply and not covered elsewhere in this section**
- shall be treated as a supply of goods/services/both in the course of inter – state trade or commerce.*

Intra – State Supply of Goods/Services:

- ❖ Subject to provisions of Section 10 (in case of supply of goods) and Section 12 (in case of supply of services), where the location of supplier and place of supply are in the same state or UT shall be treated as Intra – State Supply.
- ❖ However, the following supplies shall not be treated as Intra – State Supplies:
 - a. Supply of Goods/Services to SEZ Developer or SEZ Unit;
 - b. Goods imported into the territory of India till they cross customs frontiers of India;
 - c. Supplies made to tourist referred in Section 15 of IGST Act

Intra - State vs Inter- State:

CGST & SGST

IGST

Intra State Supply

Inter State Supply

Same State/UT

Different States/UT/State & UT

Loc of Supplier & PoS

Deemed IGST Supplies

Supplies made to or by SEZ developer or Unit

Supplier located in India and PoS is outside India

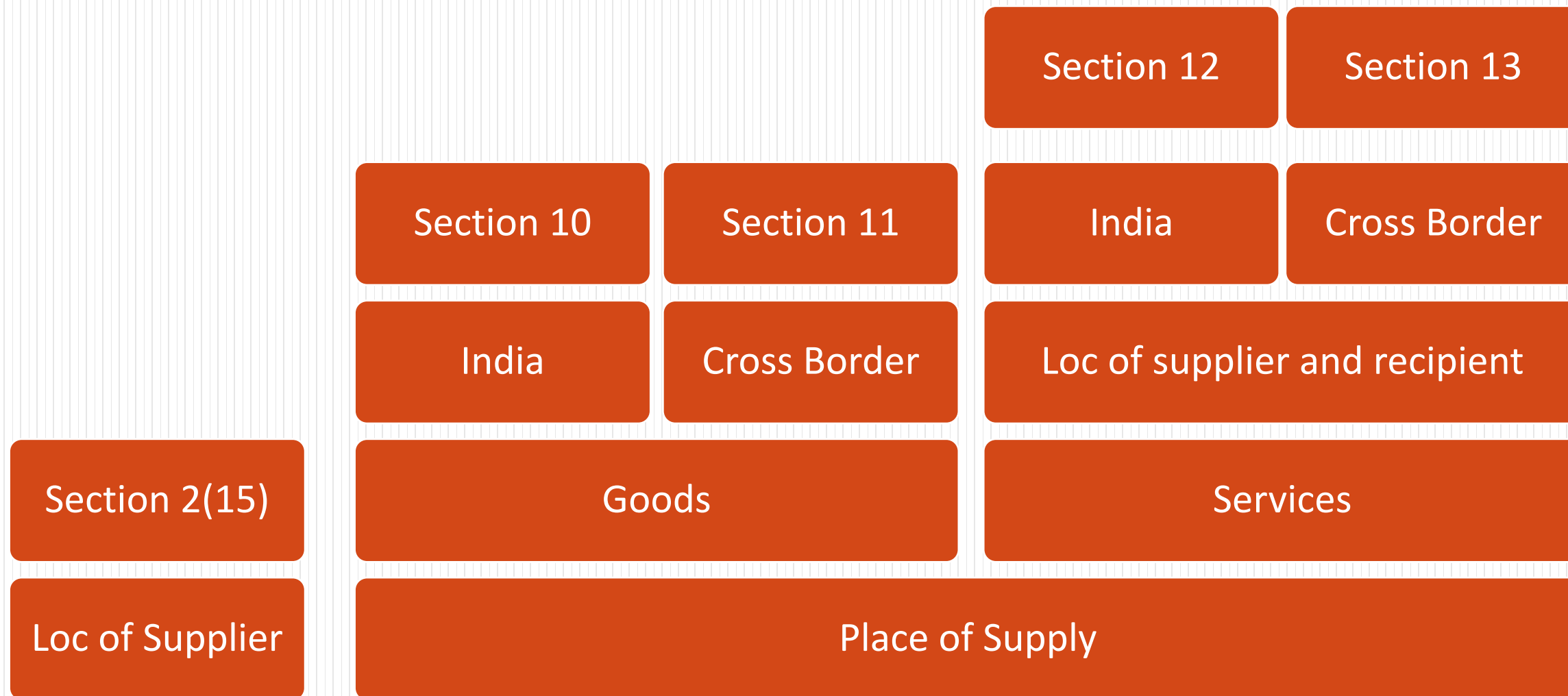
Supplies in TT, not being an intra state supply specified elsewhere

Goods imported into India till they cross customs frontiers

Supplies made to tourist referred in Section 15

Supply of Services imported into territory of India

Intra - State vs Inter- State:



Place of Supply of Goods – Section 10:

Section 10 – Place of Supply of Goods other than for Imports & Exports:

Instance	Place of Supply	Relevant Section
Supply involves movement of goods whether by supplier/recipient/any other person	Location of goods at time which movement of goods terminates for delivery to the recipient	10(1)(a)
Goods are delivered by supplier to a recipient/any other person on (agent/otherwise), goods, either by way of goods or otherwise	It shall be deemed that the 3 rd person has supplied the goods. If place of supply of goods cannot be determined under above, the same shall be determined by rules made in this regard.	10(1)(b)
Supply does not involve movement of goods, whether by supplier/recipient	Place of supply shall be location of such goods at time of delivery to recipient	10(1)(c)
Goods assembled/installed at site	Place of supply shall be the place of such installation or assembly	10(1)(d)
Goods supplied on board/conveyance, such as vessel/aircraft/train/motor vehicle	Place of supply shall be location at which such goods are taken abroad	10(1)(e)

Place of Supply of Goods – Case Studies:

Sit 1 – A Limited in Delhi supplies goods to B Limited in Chennai. The goods are moved from Delhi to Chennai for termination of delivery at Chennai by A Limited. What is the place of supply in such case?

- ❑ Section 10(1)(a) states when supply involves movement of goods, the place of supply shall be the location of goods at time which the movement of goods terminates for delivery to the recipient. In the instant case, the termination for delivery by recipient is completed when goods are delivered at Chennai. Hence, place of supply of goods shall be Chennai.
- ❑ Since the location of supplier is in Delhi and place of supply is in Chennai, the said supply shall be treated as inter-state trade or commerce as per Section 7(1) of IGST Act and accordingly IGST has to be paid on such transaction.

Sit 2 – Consider in the above case, where recipient of supply undertake transportation and moves the goods to Chennai. In such case, what will be the place of supply of such goods?

- ❑ It is irrelevant who has initiated the movement. As the movement of goods is going to be terminated in Chennai, the place of supply shall be considered as Chennai. Accordingly, IGST has to be paid on this.

Place of Supply of Goods – Case Studies:

Sit 1 – A Limited in Delhi on instruction of C Limited in Delhi supplies goods to Mr Harsha, located in Hyderabad. In such case where is the supply of goods?

- ❑ As per Section 10(1)(b), where goods are supplied on instruction of third person, it shall be deemed that the said third person has received the goods and place of such supply shall be the location of principal place of business of such third person.
- ❑ In the instant case, the third person is C Limited and hence the place of supply shall be the location of principal place of business which is Delhi. Accordingly such supply shall be treated as intra state supply and A Limited shall charge CGST & SGST on such supply.

Sit 2 – In the above case, assume C Limited is located in Hyderabad, with other facts remaining the same. In such case where is the supply of goods?

- ❑ Since the place of supply is the principal place of business of C Limited, the place of supply shall be Hyderabad and accordingly the supply shall be treated as inter state supply and A Limited shall charge IGST on such supply.

Place of Supply of Goods – Case Studies:

Sit 1 – In the above case, the transaction between A Limited and C Limited is covered by Section 10(b). What about the transaction between C Limited and Mr Harsha. Assuming C Limited is in Delhi and Mr Harsha is in AP?

- ❑ Section 10(1)(c) deals with a situation where the supply does not involve movement of goods. In the instant case, the goods are supplied from A Limited to Mr Harsha on instruction of C Limited. Once the goods are received by Mr Harsha, from A Limited, there is no further movement of goods.
- ❑ However, if the taxes does not move from Delhi to Andhra Pradesh, it will defeat the principles on which GST is based that is destination based consumption taxation. Hence, Section 10(c) shall be applicable in such cases and it will be deemed that C Limited has made a supply to Mr Harsha and accordingly C Limited shall pay IGST on such supply and the taxes eventually reach Andhra Pradesh, where the goods are ultimately consumed.

Place of Supply of Goods – Case Studies:

Sit 1 – A Limited located in Hyderabad has obtained a contract for installation of certain machinery for B Limited located in Vizag. The installation is happening in Vizag. Assume that the machinery is capable of moving without any substantial damage after installation. In such scenario, what type of tax has to A Limited charge on B Limited?

- ❑ Please note that the above contract is not a works contract as defined in Section 2(119) of CGST Act. The works contract under GST laws covers only immovable properties. Hence, contracts for installation/assembling of goods is dealt by Section 10 of IGST Act.
- ❑ As per Section 10(1)(d), the place of supply for installation/assembling is the location where such installation/assembly is being done. Hence, A Limited has to charged IGST on B Limited.

Place of Supply of Goods – For Imports & Exports:

Section 11 – Place of Supply of Goods for Imports & Exports:

Instance	Place of Supply	Relevant Section
Imported into India	Location of the importer	11(a)
Exported from India	Location Outside India	11(b)

Export of Goods – 2(5): with its grammatical variations and cognate expressions, means taking goods out of India to a place outside India

Import of Goods – 2(10): with its grammatical variations and cognate expressions, means bringing goods into India from a place outside India

Place of Supply of Services – Section 12:

Section 12 – Place of Supply of Services:

- ❖ *The provisions of Section 12 shall apply only if location of supplier of services and location of recipient of services is in India.*
- ❖ Hence the phrases, location of supplier of services and location of recipient of services has to be understood carefully to decide whether Section 12 shall be applicable or not to the transaction in hand.

Location of Recipient of Service – 2(14):

Supply received at PoB for which registration is taken, such PoB.

Location of Recipient of Service

Supply received at a place other than PoB for which registration has been obtained, that is to say, FE elsewhere, such FE

Supply received at more than one establishment, whether PoB/FE, the location of establishment most directly concerned with receipt of supply

In absence of any such places, the location of usual place of residence of recipient

Location of Supplier of Service – 2(15):

Supply is made from a PoB for which registration is taken, such PoB.

Location of Supplier of Service

Supply is made from a place other than PoB for which registration has been obtained, that is to say, FE elsewhere, such FE

Supply is made from more than one establishment, whether PoB/FE, the location of establishment most directly concerned with provision of supply

In absence of any such places, the location of usual place of residence of supplier

Definitions:

Address on Record – 2(3) of CGST Act:

- ❑ means the address of the recipient as available in the records of supplier

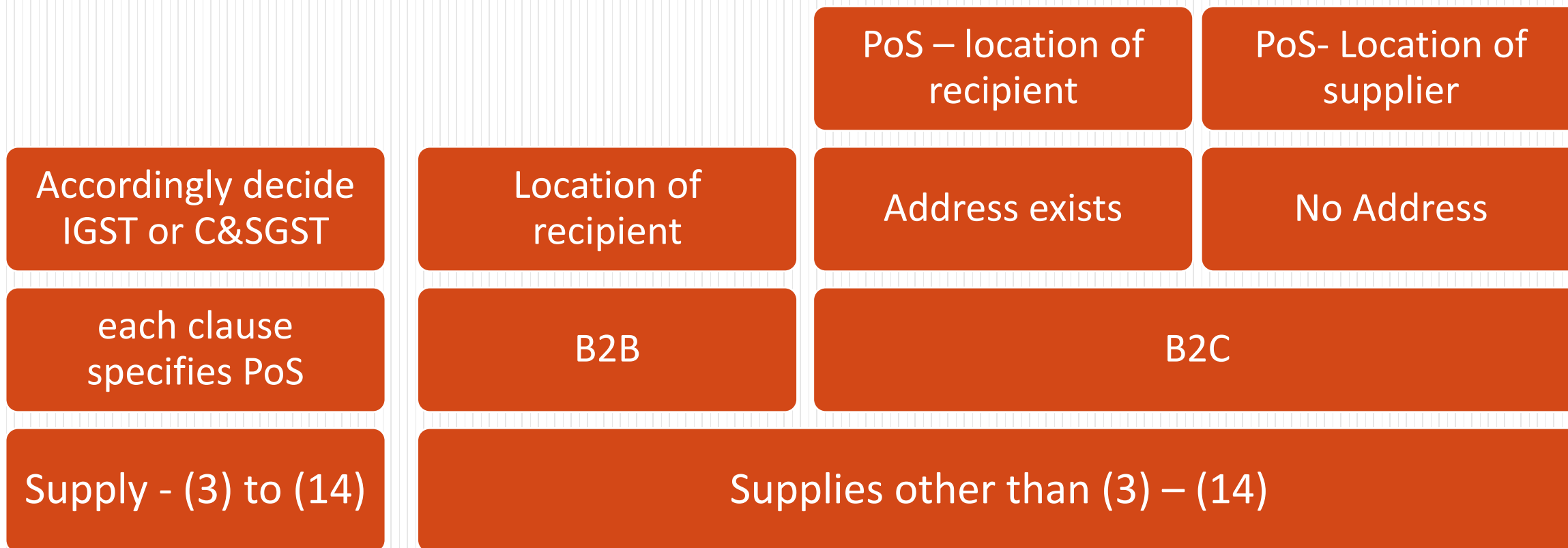
Fixed Establishment – 2(7):

- ❑ means a place (other than registered place of business) which is characterized by a sufficient degree of permanence and suitable structure in terms of human and technical resources to supply services, or to receive and use services for its own needs;

Place of Business – 2(88) of CGST Act: Includes

- ❑ a place where business is ordinarily carried on, and includes a warehouse, a godown or any other place where a taxable person stores his goods, supplies/receives goods and/or services;
- ❑ a place where taxable person maintains his books of accounts;
- ❑ a place where taxable person is engaged in business through an agent, by whatever name called

Place of Supply of Services – Section 12:



Location of Supplier & Recipient - India

Place of Supply of Services – Section 12:

Snapshot:

Instance	Place of Supply	Section
Immovable Property Related	Location of Immovable Property	12(3)
Restaurant, Catering Services, Personal Grooming, Fitness, Beauty Treatment, Health Services including Cosmetic and Plastic Surgery	Location where services actually performed	12(4)
Training and Performance Appraisal	Registered Person – Location of such person; Other than Above – Location where services actually performed	12(5)
Admission to cultural, artistic, sporting, scientific, educational, entertainment event or amusement park or any other place and services ancillary thereto	Location where the event is actually held or where such park or such other place is located	12(6)
Organization of cultural, artistic, sporting, scientific, educational or entertainment event including supply of services in relation to conference, fair, exhibition, celebration or similar events or services ancillary to organization of such events or assigning sponsorship to such events	Registered Person – Location of such person; Other than Above – Location where event is actually held	12(7)

Place of Supply of Services – Section 12:

Instance	Place of Supply	Section
Services by way of Transportation of Goods including mail or courier	Registered Person – Location of such person; Other than Above – Location where such goods are handed over for transportation	12(8)
Passenger Transportation Services	Registered Person – Location of such person; Other than Above – Location where passenger embarks on the conveyance for a continuous journey	12(9)
Services on board a conveyance including vessel, aircraft, train, motor vehicle	Location shall be the first scheduled point of departure of that conveyance for the journey	12(10)
Telecommunication Services	Detailed elsewhere	12(11)
Banking & Other Financial Services including Stock Broking	Location of the recipient of services on the records of supplier. If location of recipient is not available with the supplier, the place of supply shall be the location of supplier	12(12)
Insurance Services	Registered Person – Location of such person; Other than Above – Location of recipient in records of supplier	12(13)

Place of Supply of Services – Section 12:

Instance	Place of Supply	Section
Supply of Advertisement services to CG/SG/Statutory Body/LA meant for State or UT's identified in the contract or agreement	Location in each of such states/UT's	12(14)
Any other services than above	General Rule	12(2)

Place of Supply of Services – Section 12:

General Rule for Determining Place of Supply of Services:

Place of Supply of Services

made to a Registered Person

Location of such person

made to any person other than
Registered Person

Location of Recipient, where address on
record exist

Location of supplier of services in other
cases

However, the above shall not be applicable if services fall under (3) to (14)

Place of Supply of Services - 12(3):

Section 12(3) – The place of supply of services

Instance	Place of Supply	Clause
directly in relation to immovable property, including services provided by architects, interior decorators, surveyors, engineers and other related experts or estate agents, any service provided by way of grant of rights to use immovable property or for carrying out or co-ordination of construction work		(a)
By or Provided that if the location of immovable property/boat/vessel/as the case may be, is located or intended to be located outside India, the place of supply shall be the location of recipient [that is India, since Section 12 applies only if location of recipient is India]		
By way of accommodation in any immovable property for organizing any marriage or reception or matters related therewith, official, social, cultural,	to be located	(c)
Explanation – where the immovable property/boat/vessel is located more than one state, the supply of service shall be treated as made in each of the states in proportion to value for services separately collected or determined, in terms of the contract or agreement entered in this regard or, in absence of such contract or agreement, on such other reasonable basis as may be prescribed		

Place of Supply of Services - 12(3) - Examples:

Sit – 1 – A Limited of Hyderabad enters an agreement for construction of building with B Limited of Hyderabad. The construction of building is being done at Chennai. In such case, where is the place of supply of service?

- ❑ Section 12(3) deals with construction works. As per Section 12(3), the place of supply shall be the place of location of immovable property that is intended to be located. In the instant case, such intended location is Chennai.
- ❑ As per Section 7(3) of IGST Act, if the location of supplier and place of supply are in different states, then on such supply IGST has to be paid. Hence, let us examine where is the location of supplier as defined vide 2(15).
- ❑ From the definition, it is clear that if supply is made from place of business for which registration is obtained, such place shall be called as Location of Supplier. In the instant case, since supply is made from A Limited in Hyderabad, then the location of supplier shall be Hyderabad and place of supply shall be Chennai.
- ❑ Accordingly, it attracts IGST, since location of supplier and place of supply are in different states.

Place of Supply of Services - 12(3) - Examples:

Sit – 2 – Assume in the above case, A Limited in order make an effective supply has opened a branch in Chennai and construction supply is being made from there. In such case, where is the place of supply of service?

- ❑ As per Section 2(15), if supply is being made from a place other than place of business, that is to say, Fixed Establishment, then the location of supplier shall be such Fixed Establishment and not the place of business for which registration has been obtained.
- ❑ In such case, the location of supplier and place of supply shall be in Chennai and accordingly the Fixed Establishment has to raise an invoice and charge CGST & SGST on such supply.

Place of Supply of Services - 12(3) - Examples:

Sit – 3 – Commodity Limited located in Hyderabad has multiple warehouses across India for supplying storage services. Let us assume they have warehouses in Punjab, Gujarat, Hubli, Orissa, Patna and Hyderabad to provide storage services to its clients located in Hyderabad. In such a scenario, where is the place of supply of warehousing services?

- ❑ As per Section 2(15), if supply is made from a fixed establishment, the same shall be treated as location of supplier. Hence, such location has to be registered. Hence all warehouses has to be registered and raise CGST and SGST invoices since the place of supply and location of supply are in the same states.

Place of Supply of Services - 12(4):

Section 12(4) – The place of supply:

Instance	Place of Supply
Restaurant & Catering services	Location where such services are actually performed
Personal grooming	
Fitness	
Beauty Treatment	
Health services including cosmetic and plastic surgery	

Sit 1 – Mr X from Hyderabad has visited Karnataka for delivering a session. He goes to a restaurant in Bangalore and consumes the food. In such case, where is the place of supply?

As per 12(4), the place of supply is the place where restaurant services are actually performed. 2(15) – the location of supplier is the place where the place of business is registered. In the instant case, both are in same states and accordingly CGST & SGST has to be charged.

Place of Supply of Services - 12(5):

Place of supply in relation to training & performance appraisal	made to registered person	Location of such person
	made to any other than above	Location where the services are actually performed

Sit 1 – SBS enters an agreement to train ABC Limited in the areas of taxation. SBS is located in Hyderabad and ABC is located in Vizag. In such case, where is the place of supply ? What tax has to be paid by SBS?

Since ABC Limited is a registered person, the place of supply shall be the location of such registered person that is Vizag. Since location of supplier is Hyderabad and place of supply is Vizag, SBS has to pay IGST.

Assuming training is provided to Mr ABC, resident of Bangalore and training is provided in Bangalore. In such case, place of supply shall be the location where services actually are performed and in instant case, it is Bangalore and accordingly SBS has to charged IGST on such transaction.

Place of Supply of Services - 12(6):

Section 12(6) – The place of supply of services provided by way of admission to:

Instance	Place of Supply
Cultural event	Place where the event is actually held or where the park or such other place is located
Artistic event	
Sporting event	
Scientific event	
Educational event	
Entertainment event	
Amusement Park	
Any other place and services ancillary thereto	

Place of Supply of Services - 12(7):

Place of supply of services provided by way of

organization of a cultural, artistic, sporting, scientific, educational or entertainment event including supply of service in relation to a conference, fair, exhibition, celebration or similar events

made to any Location of such
registered person person

Provided that if the event is held outside India, the place of supply shall be the location of recipient [that is India, since Section 12 applies only if location of recipient is India]

of the above events

Explanation – where the event is held in more than one state and a consolidated amount is charged for supply of services relating to such event, the place of supply of such services shall be taken as being in each of the states in proportion to value for services so provided in each state as ascertained from the contracts or agreement entered into this regard, or in absence of such contract or agreement, on such other reasonable basis as may be prescribed in this behalf.

Place of Supply of Services - 12(8):

made to registered
person

Location of such person

Place of supply by way of
transportation of goods,
including by mail or courier

made to any other than
above

Location where goods are
handed over for their
transportation

Place of Supply of Services - 12(9):

	made to registered person	Location of such person
Place of supply of passenger transportation services	made to any other than above	Place where passenger embarks on the conveyance for a continuous journey

Provided that where the **right to passage is given for future use and the point of embarkation is not known at the time of issue of right to passage**, the place of supply of such service shall be determined in the manner specified in sub-sections (2).

Explanation.- For the purposes of this sub-section, the return journey shall be treated as a separate journey even if the right to passage for onward and return journey is issued at the same time.

Place of Supply of Services - 12(10):

- ❖ The place of supply of services on board a conveyance such as vessel, aircraft, train or motor vehicle, shall be the location of the first scheduled point of departure of that conveyance for the journey.

Place of Supply of Services - 12(11):

Fixed Telecommunication Line, Internet /Leased Circuit, Cable or Dish antenna

Where such telecommunication line, leased circuit or cable connection or dish is installed for receipt of such services

Place of supply of telecommunication services including data transfer, broadcasting, cable and DTH services to any person shall

Mobile connection for telecommunication and internet services provided on post-paid basis

Location of billing address of recipient of service on record for supplier of services

Place of Supply of Services - 12(11):

<i>Place of supply of telecommunication services including data transfer, broadcasting, cable and DTH services to any person shall</i>	Mobile connection for telecommunication and internet services and DTH services made by <u>pre-payment basis through a voucher or other means</u>	Through selling agent/reseller/distributor of SIM card or RCV	Address of selling agent or reseller/distributor as per the record of the supplier at the time of supply
		By any person to the final subscriber	Where such pre-payment is received or such vouchers are sold
	In Other cases	The address of recipient as per the records of the supplier of services and where such address is not available, the place of supply shall be the location of supplier	

Provided that where address of recipient as per the records of the supplier of services and where such address is not available, the place of supply shall be the location of supplier.

Provided that if such pre-paid service is availed or the recharge is made through internet banking or other electronic mode of payment, the location of the recipient of services on record of the supplier of services shall be the place of supply of such service.

Place of Supply of Services - 12(12) & (13):

Section 12(12):

- ❑ The place of supply of banking and other financial services including stock broking services to any person shall be the location of the recipient of services on the records of the supplier of services.

Provided that if location of recipient of services is not on the records of the supplier, the place of supply shall be the location of the supplier.

Section 12(13):

- ❑ The place of supply of insurance services shall:
 - (a) to a registered person, be the location of such person;
 - (b) to a person other than a registered person, be the location of the recipient of services on the records of the supplier of services.

Place of Supply of Services - 12(14):

Section 12(14):

- ❑ The place of supply of advertisement services to the Central Government, a State Government, a statutory body or a local authority meant for identifiable States, shall be taken as located in each of such States and
- ❑ the value of such supplies specific to each State shall be in proportion to amount attributable to service provided by way of dissemination in the respective States as may be determined in terms of the contract or agreement entered into in this regard or, in the absence of such contract or agreement, on such other reasonable basis as may be prescribed in this behalf.

Place of Supply of Services – Section 13:

Section 13 – Place of Supply of Services:

- ❖ ***The provisions of Section 13 shall apply only if location of supplier of services or location of recipient of services is outside India.***

Place of Supply of Services – Section 13:

Snapshot:

Instance	Place of Supply	Section
Services supplied in respect of goods which are required to be made physically available by the recipient to supplier or to a person acting on behalf of supplier.	Location where services actually performed. If services are provided from remote location by electronic means, the place of supply shall be location of goods at the time of supply of services	13(3)(a)
Services supplied to an individual, represented either as recipient or a person acting on behalf of recipient, which require physical presence of recipient or person acting on behalf of recipient	Location where services actually performed	13(3)(b)
Immovable Property Related	Location of Immovable Property	13(4)
Admission to or organization of cultural, artistic, sporting, scientific, educational, entertainment event or celebration, conference, fair, exhibition or similar events and of services ancillary to such admission or organization	Location where the event is actually held	13(5)

Place of Supply of Services – Section 13:

Instance	Place of Supply	Section
Specified Services namely Banking, Intermediary, Hiring	Location of supplier of services	13(8)
Services by way of Transportation of Goods other than by way of mail or courier	Destination of such goods	13(9)
Passenger Transportation Services	where passenger embarks on the conveyance for a continuous journey	13(10)
Services on board a conveyance during the course of passenger transport operation	Location shall be the first scheduled point of departure of that conveyance for the journey	13(11)
Online Information and Database Access or Retrieval Services	Location of recipient of services	13(12)
To prevent double taxation or non-taxation, Govt may notify certain services	The place of effective use and enjoyment of such services	13(13)
Any services not falling under (3) to (13)	Location of recipient of services	13(2)

Place of Supply of Services – Section 13:

General Rule for Determining Place of Supply of Services:

Place of Supply of Services

Location of recipient of services. Provided that where such location is not available in the ordinary course of business, the place of supply shall be the location of supplier of services

However, the above shall not be applicable if services fall under (3) to (13)

Place of Supply of Services – Section 13(3):

Section 13(3)(a) & (b) – Place of Supply of Services shall be:

Instance	Place of Supply
Services supplied in respect of goods which are required to be made physically available by the recipient to supplier or to a person acting on behalf of supplier in order to provide such services	The location where services are actually performed. If services are provided from remote location by electronic means, the place of supply shall be location of goods at the time of supply of services.

Provided further nothing contained in this clause shall apply in the case of services supplied in respect of goods which are temporarily imported into India for repairs and are exported after repairs without being put to any other use in India, than that which is required for such repairs

Instance	Place of Supply
Services supplied to an individual, represented either as recipient or a person acting on behalf of recipient, which require physical presence of recipient or person acting on behalf of recipient, with the supplier for supply of services	Location where services actually performed

Place of Supply of Services - 13(4):

Section 13(4) – The place of supply of services

Instance	Place of Supply	Clause
directly in relation to immovable property, including services supplied in this regards by experts and estate agents	Location where the immovable property is located or intended to be located	(4)
Supply of accommodation by a hotel, inn, guest house, club or campsite, by whatever name called		
Grant of rights to use immovable property, services for carrying out of co-ordination of construction work, including that of architects or interior decorators		

Place of Supply of Services - 13(5):

Section 13(5) – The place of supply of services provided by way of admission to, organization of a:

Instance	Place of Supply
Cultural event	Place where the event is actually held
Artistic event	
Sporting event	
Scientific event	
Educational event	
Entertainment event	
Celebration	
Conference	
Fair, Exhibition or similar events	
Services ancillary to such admission or organization	

Place of Supply of Services - 13(6) & 13(7):

- ❖ Where any services referred in (3) or (4) or (5) is supplied at more than one location, including a location in the taxable territory, its place of supply shall be the location in taxable territory.
- ❖ Where any service referred in (3) or (4) or (5) are supplied in more than one state or UT, the place of supply of such services shall be taken as being in each of respective states or UT's and the value of such supplies specific to each state or UT shall be in the proportion to the value for services separately collected or determined in terms of contract/agreement and in absence of such contract/agreement, on such other basis as may be prescribed.

Place of Supply of Services - 13(8):

Section 13(8) – The place of supply of following services:

Instance	Place of Supply
services supplied by a banking company/FI/NBFC to account holders	Location of Supplier
Intermediary Services	
services consisting of hiring of means of transport, including yachts but excluding aircrafts and vessels, upto period of one month	

‘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 – 2(13)

Place of Supply of Services - 13(9):

Place of supply of services of transportation of goods **other than by mail or courier**

Place of destination of goods

Place of Supply of Services - 13(10):

Place of supply of passenger transportation service

Place where passenger embarks on the conveyance for a continuous journey

Place of Supply of Services - 13(11):

- ❖ The place of supply of services on board a conveyance during the course of a passenger transport operation, including services intended to be wholly or substantially consumed while on board, shall be the first scheduled point of departure of that conveyance for the journey.

Place of Supply of Services - 13(12):

The place of supply of online information and database access or retrieval services shall be the location of recipient of services.

Place of Supply of Services - 13(12):

Section 13(12) – The place of supply:

Instance	Place of Supply
supply of online information and database access or retrieval services	Location of Recipient of Services

“Online Information and Database Access or Retrieval Services” means services whose delivery is mediated by information technology over the internet or an electronic network and the nature of which renders their supply essentially automated and involving minimal human intervention and impossible to ensure in the absence of information technology and includes electronic services such as –

- (i) advertising on Internet;*
- (ii) providing cloud services;*
- (iii) provision of e-books, movie, music, software and other intangibles through telecommunication networks/internet;*
- (iv) providing data/information, retrievable/otherwise, to any person in electronic form through a computer network;*
- (v) online supplies of digital content (movies/tv shows/music and the like);*
- (vi) digital data storage and*
- (vii) online gaming*

Place of Supply of Services - 13(12):

Section 13(12) – The place of supply:

Explanation: For the purposes of this sub-section, person receiving such services shall be deemed to be located in taxable territory, if any two of the following non-contradictory conditions are satisfied, namely-

- i. the location of address presented by recipient of services through internet is in the taxable territory;*
- ii. the debit/credit/store value/charge/smart/any other card by which recipient of services settles payments has been issued in taxable territory;*
- iii. the billing address of recipient of services in the taxable territory;*
- iv. the internet protocol address of the device used by recipient of services in taxable territory;*
- v. bank of the recipient of services in which account used for payment is maintained in taxable territory;*
- vi. country code of the subscriber identity module card used by recipient of services is of taxable territory;*
- vii. location of fixed land line through which the service is received by recipient in taxable territory*

Place of Supply of Services - 13(13):

In order to prevent double taxation or non-taxation of supply of service, or for the uniform application of rules, the government shall have the power to notify any description of services or circumstances in which the place of supply shall be place of effective use and enjoyment of services.

Special Provisions for OIDAR - 14:

- ❖ Supply of OIDAR services by a person located in non-taxable territory and received by a non-taxable online recipient, the supplier of services located in non-taxable territory shall be the person liable for paying integrated tax on such supply of services.

non-taxable online recipient means any government, local authority, governmental authority, an individual or any other person not registered and receiving online information and database access or retrieval services in relation to any purpose other than commerce, industry or any other business or profession, located in taxable territory – 2(16)

- ❖ The intermediary located in NTT, who arranges/facilitates the supply of such services, shall be deemed to be the recipient of such services from the supplier of services in NTT and supplying such services to the non-taxable recipient except when such intermediary satisfies the following conditions:

Zero Rated Supplies:

- ❖ Zero rated supplies are defined vide 2(23) of IGST Act to have the meaning assigned to it in Section 16 of IGST Act. Section 16 defines zero rated supply as under:
 - ❑ export of goods or services or both; or
 - ❑ supply of goods/services/both to a SEZ developer or SEZ Unit
- ❖ A registered person making zero rated supply shall be eligible to claim refund under either of the following options:
 - ❑ Option 1 – he may supply goods/services/both without payment of IGST and claim refund of unutilized ITC;
 - ❑ Option 2 – he may supply goods/services/both with payment of IGST and claim refund of such IGST.

2(6) - Export of services means the supply of any service when—

- (a) the supplier of service is located in India;
- (b) the recipient of service is located outside India;
- (c) the place of supply of service is outside India;
- (d) the payment for such service has been received by the supplier of service in convertible foreign exchange; and
- (e) the supplier of service and the recipient of service are not merely establishments of a distinct person in accordance with Explanation 1 in section 8;

Tax Wrongfully collected and paid to CG/SG:

- ❖ Section 19 deals with a situation where a registered person has made payment of IGST considering a supply as inter state and consequently such supply is held to be an intra-state supply, then he shall be granted refund of amount of IGST in such manner and subjected to such conditions.
- ❖ A registered person who has made payment of CGST/SGST/UTGST on a supply considering it to be a intra-state supply and consequently such supply is held to be an inter-state supply, he shall not be required to pay any interest on IGST payable.

Import of Services on or after Appointed Day

- ❖ Import of services made on or after appointed day shall be liable to be taxed under IGST laws regardless of whether the transactions for such import of services had been initiated before the appointed day.
- ❖ If full tax has been paid under the existing laws, no tax shall be payable under IGST laws. If part of the tax is paid under the existing laws, the balance amount of tax shall be payable on such import under IGST laws.

Transaction shall be deemed to be have been initiated before the appointed day if either the invoice relating to such supply or payment, either in full or part, has been received or made before the appointed day.

Thank you!!!

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