

HARYANA STATE WAREHOUSING CORPORATION

BAYS NO. 15 - 18, SECTOR - 2, PANCHKULA - 134112

E-mail: hwc@hry.nic.in.

EPABX: 0172 -2578829 - 31 FAX: 0172-2578481

Endst No. HSWC/ACCTS/AA-V/GST-4/2017/ *36998-37015* ^{Office Copy.} Dated: **5 DEC 2017**

To

All District Managers,
All SDEs
Haryana State Warehousing Corporation
In the Field

Sub: GST Instructions-4

Kindly find attached following Instructions/advices on following topics. You are requested to kindly get it circulated among all the concerned for effective compliance.

1. Exemption on intra-state supplies from unregistered person u/s 9(4) of Central Goods and Services Act, 2017 advice from Kumar Nohria & Co dated 14/10/2017
2. Exemption on inter-state supplies from unregistered person u/s 5 (4) of Integrated Goods and Services Act, 2017, advice from Kumar Nohria & Co dated 14/10/2017
3. Memo no. 2468/ST-2 Panchkula the dated 26/10/017 From Additional Chief Secretary, Excise & Taxation Department, Government of Haryana regarding provisions under section 51 of GST Act
4. Memo no. 2502/ST-2 Panchkula the dated 27/10/2017 from Excise & Taxation Department, Government of Haryana, regarding registration of Work Contractors under GST Act.
5. Clarification on taxability of custom milling of paddy under circular no. 19/19/2017-GST F NO. 354/263/2017-Tax research unit.
6. Tax Invoice issued by insurer, Banks and NBFCs to the Corporation, advice from Kumar Nohria & Company dated 24/11/2017.

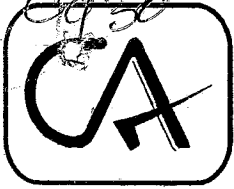
[Signature]
Senior Assistant Manager(Accounts)
For Managing Director

Endst. No. HSWC/Accts/AA-V/GST-3/2017/ *37016-02* > Dated: **5 DEC 2017**

Copy to the following for information and necessary action:-

1. All Branch Heads at Head Office. They are requested to take suitable action for smooth implementation of GST in the HSWC.
2. The SSA, Head Office. He is requested to upload the instructions on the Corporation's website.
3. The SAM(A)-II, Internal Audit Officer, Head Office. They are advised to take suitable action for smooth implementation of GST in the HSWC and guide the staff to perform the date bound work.
4. PA to M.D. for information of Managing Director.

[Signature]



Und

Kumar Nohria & Co.

CHARTERED ACCOUNTANTS

H. NO. 1472, SECTOR 22-B,

CHANDIGARH - 160 022

Phone : 0172-2725470, Fax : 2706802

Email : kumarnohria@gmail.com

The Managing Director
Haryana State Warehousing Corporation
Panchkula

14.10.2017

Sub : Exemption on Inter-state supplies from unregistered person u/s 5(4) of Integrated Goods and Service Tax Act, 2017

Sir,

This is to inform you that as per Notification No. 32/2017 – Integrated Tax (Rate) dated 13.10.2017 issued by Govt of India, reverse charge payable on inter-state supply of goods or services or both received from unregistered person is exempt from tax from 13.10.2017 till 31.03.2018.

This exemption is applicable only on supplies which were earlier chargeable to tax under section 5(4) of the Integrated Goods and Service Tax Act, 2017. . Further no Invoice under Section 31(3)(f) of CGST Act, 2017 read with Section 20 of IGST Act, 2017 is to be issued and no Payment Voucher under Section 31(3)(g) of CGST Act, 2017 read with Section 20 of IGST Act, 2017 is to be issued in respect of above mentioned exempt supplies.

However, no exemption is given on tax on supplies of goods or services or both chargeable to tax under section 5(3) of the Integrated Goods and Service Tax Act, 2017. A list of such supplies of goods or services or both as applicable to the Corporation has already submitted with our letter dated 16.09.2017.

Thanking you.

Yours faithfully

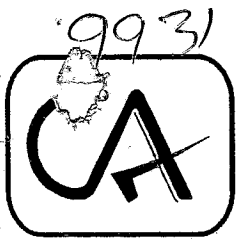
For Kumar Nohria & Co.

Chartered Accountants

(CA. N K Nohria)

Partner

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Tst

Kumar Nohria & Co.
CHARTERED ACCOUNTANTS
H. NO. 1472, SECTOR 22-B,
CHANDIGARH - 160 022
Phone : 0172-2725470, Fax : 2706802
Email : kumarnohria@gmail.com

The Managing Director
Haryana State Warehousing Corporation
Panchkula

14.10.2017

13/10
Sub: Exemption on intra-state supplies from unregistered person u/s 9(4) of Central Goods and Service Tax Act, 2017

16/10
Sir,

16/10
This is to inform you that Notification No.8/2017-Central Tax (Rate) dated 28.06.2017 issued by Govt of India has been amended through Notification No. 38/2017 – Central Tax (Rate) dated 13.10.2017 issued by Govt of India, according to which reverse charge payable on intra-state supply of goods or services or both received from unregistered person is exempt from tax w.e.f. 13.10.2017 till 31.03.2018.

16/10
This exemption is applicable only on supplies which were earlier chargeable to tax under section 9(4) of the Central Goods and Service Tax Act, 2017. Further no Invoice under Section 31(3)(f) of CGST Act, 2017 is to be issued and no Payment Voucher under Section 31(3)(g) of CGST Act, 2017 is to be issued in respect of above mentioned exempt supplies.

However, no exemption is given on tax on supplies of goods or services or both chargeable to tax under section 9(3) of the Central Goods and Service Tax Act, 2017. A list of such supplies of goods or services or both as applicable to the Corporation has already submitted with our letter dated 16.09.2017.

Thanking you.

Yours faithfully
For Kumar Nohria & Co.
Chartered Accountants

(CA. N K Nohria)
Partner

No. 7794 (PS(Agr.))
Dated 29/10/17

No. 9251 (S.A.)
Dated 30/10/17

From

Addl. Chief Secretary Government of Haryana,
Excise & Taxation Department,
Haryana, Chandigarh.

To

All Administrative Secretaries,
Government of Haryana,
Chandigarh.

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31-10-17

Memo No. 2468 /ST-2, Panchkula the dated: 26-10-2017

025/Agri
26/10/17
GST dbis
27/10/17
MD, MZ, RDC
(B-202)

Ref: This office memo No.1741 /ST-2 dated 16.08.2017.

Subject: Guidelines on GST-Role and Responsibility of Government Department under GST.

30/10/17
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Memo

The Department of Excise and Taxation, Haryana issued guidelines listing the roles and responsibilities of various Government Departments and its agencies under GST, vide its communication memo no 1741 dated 16-08-2017. It was intimated by the earlier guidelines that the provisions of GST under section 51 of the GST Act requiring the Government and its agencies to deduct tax under GST had been deferred by two months under para 21 of the said guidelines.

It is hereby intimated that the provisions under section 51 of the GST Act relating to deduction of tax at source by the Government Departments and its agencies has not been made operative. The GST council in its 22nd Meeting decided that the provision of deduction of tax by the Government Departments shall be made operative with effect from 1st April, 2018.

So, presently, the Government Departments and its agencies are not required to deduct tax at source under GST till such time the provisions under section 51 for deducting tax are brought in force. The department of Excise and Taxation shall inform as and when these provisions are made operative.

However, the provisions for registration of Government Departments for the purpose of deduction of tax at source have been made effective. So, the Departments may register themselves under GST as tax deductors by making an application in FORM REG-07 on the national GST portal www.gst.gov.in.

In case the Departments have already deducted tax at source, it is advised that the deducted amount may be returned to the deductee (payee i.e contractors) or may be got deposited in the respective accounts of the Governments for GST collections on behalf of deductees.

mayn 25.10.17
Addl. Excise & Taxation Commissioner(GST),
for Additional Chief Secretary (Excise & Taxation),
Government of Haryana, Chandigarh.

3036

2-11-17

No. 9316 US Agr.
Dt. 2/11/17

From

The Excise & Taxation Commissioner,
Haryana, Panchkula.

To

No. 7868 PS(Agr.)
Date: 31/10/17

All the Administrative Secretaries,
Government of Haryana,
Chandigarh

Memo No. 2502 /ST-2
Panchkula, dated, then 27.10.2017

Subject: - Tax administration under GST.

Memo

I have been directed to refer to the subject cited above and to invite your kind attention to the issue of registration and taxability of works contractors executing contracts under various government departments under GST.

As we know, the Goods and Services Tax has been implemented with effect from 1st July, 2017 wherein Haryana Value Tax and Service Tax have been subsumed along with several other indirect taxes. The supply of Goods or Services or both is taxable under GST. The activity of execution of a works contract also falls under the definition of supply of goods or services and, thus, is leviable to tax under GST. The provisions of GST further mandate that all persons registered under erstwhile taxing laws have to migrate to the GST. It is noted that many of the works contractors have not so far migrated to GST, many of them continue to carry on their businesses without registration in the GST regime evading/ avoiding payment of tax under GST.

Your attention is drawn to the fact that works contractors are liable to pay tax and, therefore, are required to be registered under GST. So you may kindly direct all the departments working under your jurisdiction

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to ensure that all works contractors who were previously registered under Haryana Value Added Tax Act get themselves migrated to GST or obtain GST registration as new registrants.

It is further clarified that the supply of service of manpower also falls under the definition of supply of service taxable under GST.

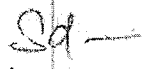
All the Dy. Excise and Taxation Commissioners holding the charge of district under GST have also been directed to ensure that all the previously registered works contractors under VAT are migrated to GST. They have further been directed to ensure that all works contractors executing various works contracts for different engineering departments/wings of the Government are duly registered under GST and file their GST returns after payment of due tax.

DETCs have further been asked to ensure that all the departments and Government agencies who are liable to deduct tax under section 51 of GST Act are registered as tax deductors. They should reach out to all such departments to facilitate and educate them for the purpose of their registration and other obligation under GST.


Dy. Excise & Taxation Commissioner (GST)
for Excise & Taxation Commissioner,
Haryana, Panchkula

Endst. No. /ST-2, Panchkula, dated the 27.10.2017

A copy is forwarded to the Excise and Taxation Commissioner, Haryana for information please.


Dy. Excise & Taxation Commissioner (GST)
for Excise & Taxation Commissioner,
Haryana, Panchkula

F. No. 354/263/2017-TRU
Government of India
Ministry of Finance
Department of Revenue
Tax research Unit

North Block, New Delhi
20th November 2017

To,

The Principal Chief Commissioners/Chief Commissioners/ Principal Commissioners/
Commissioner of Central Tax (All) /
The Principal Director Generals/ Director Generals (All)

Madam/Sir,

Subject: Clarification on taxability of custom milling of paddy – regarding.

Representations have been received seeking clarification on whether custom milling of paddy by Rice millers for Civil Supplies Corporation is liable to GST or is exempted under S. No 55 of Notification 12/2017 - Central Tax (Rate) dated 28th June 2017.

2. The matter has been examined. S. No 55 of Notification 12/2017- Central Tax (Rate) exempts carrying out an intermediate production process as job work in relation to cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products or agricultural produce. Agricultural produce has been defined in the notification to mean, *any produce out of cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products, on which either no further processing is done or such processing is done as is usually done by a cultivator or producer which does not alter its essential characteristics but makes it marketable for primary market.* Job work has been defined under section 2 (68) of the CGST Act to mean *any treatment or process undertaken by a person on goods belonging to another registered person.* Further, under Schedule II (para 3) of the CGST Act, *any treatment or process which is applied to another person's goods is a supply of service.*

3. Milling of paddy is not an intermediate production process in relation to cultivation of plants. It is a process carried out after the process of cultivation is over and paddy has been harvested. Further, processing of paddy into rice is not usually carried out by cultivators but by rice millers. Milling of paddy into rice also changes its essential characteristics. Therefore, milling of paddy into rice cannot be considered as an intermediate production process in relation to cultivation of plants for food, fibre or other similar products or agricultural produce.

4. In view of the above, it is clarified that milling of paddy into rice is not eligible for exemption under S. No 55 of Notification 12/2017 - Central Tax (Rate) dated 28th June 2017 and corresponding notifications issued under IGST and UTGST Acts.

5. GST rate on services by way of job work in relation to all food and food products falling under Chapters 1 to 22 has been reduced from 18% to 5% vide notification No. 31/2017-CT(R) [notification No. 11/2017-CT (Rate) dated 28.6.17, S.No. 26 *refers*]. Therefore, it is hereby clarified that milling of paddy into rice on job work basis, is liable to GST at the rate of 5%, on the processing charges (and not on the entire value of rice).

6. Difficulty if any, in the implementation of the circular should be brought to the notice of the Board. Hindi version would follow.

Yours Faithfully,

Susanta Mishra

Technical Officer (TRU)

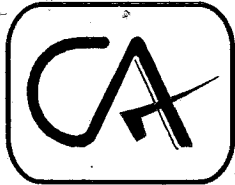
Email: susanta.mishra87@gov.in

Custom Milling of Paddy is taxable under GST from 01-07-17 to 13-10-2017 @ 18% and thereafter it will be taxable @ 5%. As advised by Kumar Nohria & Co. dated 30-11-2017 on Noting.

Vinlesh Kumar
04/12/2017

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Kumar Nohria & Co.
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The Managing Director
Haryana State Warehousing Corporation
Panchkula

24.11.2017

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Sub: Tax invoice issued by insurer, banks and NBFCs to the Corporation

Sir,

In view of the amendment in Central Goods and Service Tax Rules, 2017 vide Notification No. 55/2017 – Central Tax dated 15.11.2017 issued by Govt of India, insurer or a banking company or a financial institution, including a non-banking financial company may issue a consolidated tax invoice or any other document in lieu thereof, by whatever name called for the supply of services made during a month at the end of the month, whether issued or made available, physically or electronically whether or not serially numbered, and whether or not containing the address of the recipient of taxable service but containing other information as mentioned under rule 46.

Thus the Corporation may receive a consolidated tax invoice rather than separate tax invoice in respect of services received by the Corporation from the insurer, banks, NBFCs and other financial institutions during a month. It will be a valid document for the purpose of GST compliance.

Thanking You

Yours faithfully
For Kumar Nohria & Co.
Chartered Accountants

(CA. K Nohria)
Partner