



**The Institute of  
Cost Accountants  
of India (ICAI)**

**Goods & Services Tax (GST) Certification Course**

# Disclaimer

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The presentation has been prepared to provide an overview of the applicable law pertaining to the subject matter. For detailed insight and for better understanding, its is advised to refer to relevant provisions in the Act and the related rules & notifications.

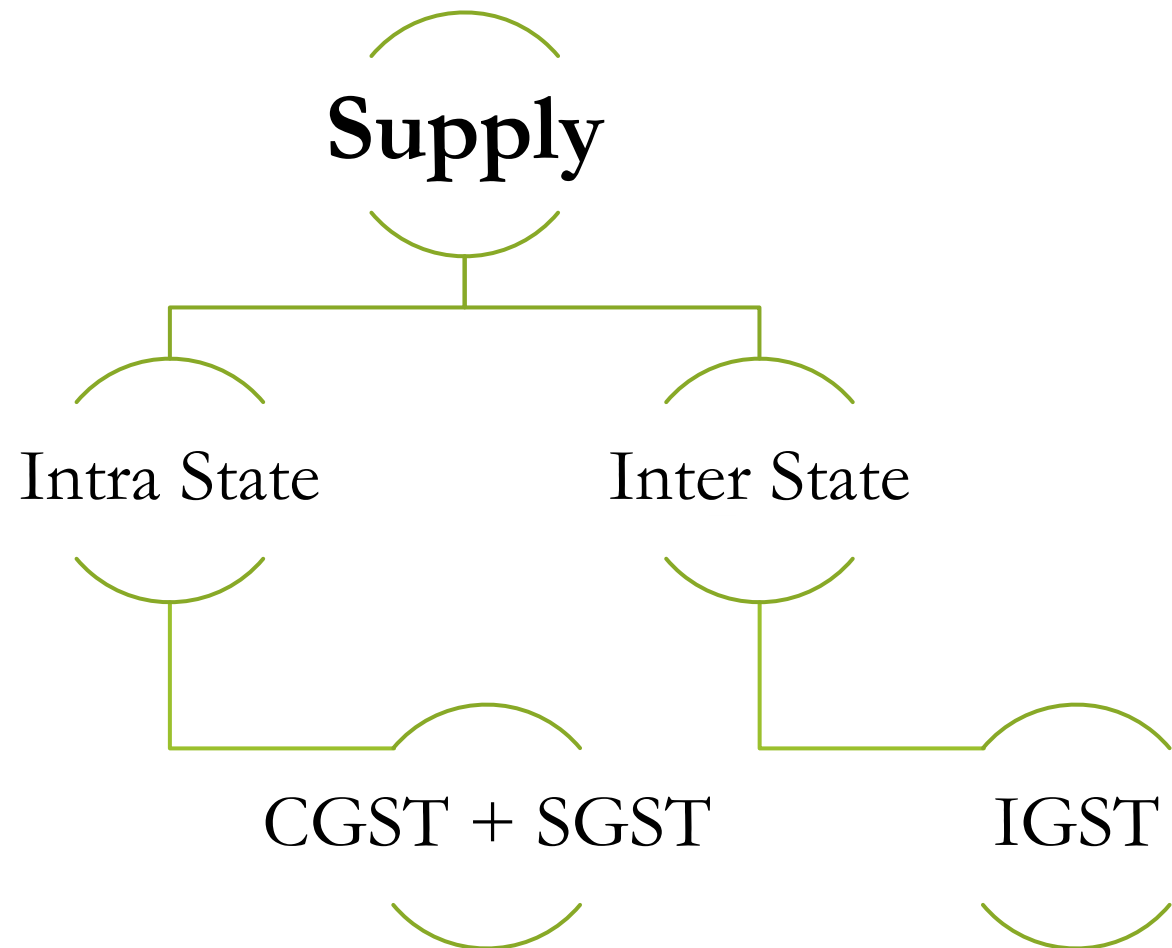


# Supply under GST

# Place of Supply



- On the basis of place of supply, we can ascertain whether the supply is in the course of intra-state trade or inter-state trade.
- This in turn shall help in ascertaining whether, on a supply, CGST+SGST is payable or IGST is payable



## *Sec 7 of IGST Act*

- Where the location of the supplier and the place of supply are in—
  - two different States;
  - two different Union territories; or
  - a State and a Union territory,
- Import of goods or services into India
- when the supplier is located in India and the place of supply is outside India
- Supply to or by a Special Economic Zone developer or a Special Economic Zone unit shall be treated as a supply in the course of inter-State trade or commerce.

## *Sec 8 of IGST Act*

- Where the location of the supplier and the place of supply are in the same State or same Union territory shall be treated as intra-State supply.

# Some terminologies

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- *Sec 2(15) of IGST Act*, “location of the supplier of services” means,
  - where a supply is made from a place of business for which the registration has been obtained, the location of such place of business
  - where a supply is made from a place other than the place of business for which registration has been obtained (a fixed establishment elsewhere), the location of such fixed establishment;
  - where a supply is made from more than one establishment, whether the place of business or fixed establishment, the location of the establishment most directly concerned with the provision of the supply; and
  - in absence of such places, the location of the usual place of residence of the supplier;
- *Sec 2(5) of IGST Act*, “export of goods” with its grammatical variations and cognate expressions, means taking goods out of India to a place outside India.

# Some terminologies

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- *Sec 2(6) of IGST Act*, “export of services” means the supply of any service when,
  - the supplier of service is located in India;
  - the recipient of service is located outside India;
  - the place of supply of service is outside India;
  - the payment for such service has been received by the supplier of service in convertible foreign exchange; and
  - 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;
- *Sec 2(10) of IGST Act*, “import of goods” with its grammatical variations and cognate expressions, means bringing goods into India from a place outside India.
- *Sec 2(11) of IGST Act*, “import of services” means the supply of any service, where
  - the supplier of service is located outside India;
  - the recipient of service is located in India; and
  - the place of supply of service is in India;



# Place of Supply of goods (domestic)

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## Section 10(1)(a)

Supply involves movement of Goods

Location of goods at the time at which movement terminates for delivery to recipient

## Section 10(1)(b)

Goods supplied on direction of third person (buyer)

Principal Place of Business of the third person (i.e., address on Registration Certificate)

## Section 10(1)(c)

Supply does not involve movement of goods

Location of goods at the time of delivery to the recipient

## Section 10(1)(d)

Goods are assembled or installed at site

Place of installation or assembly

## Section 10(1)(e)

Goods supplied on board a conveyance

Location at which such goods are taken on board

*Sec 10(2) - Where none of the above rules apply, place of supply would be determined in the manner to be prescribed*

# Place of Supply of goods - Illustration

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## Section 10(1)(a): Supply involves movement of goods

Particulars	Supplier's factory from where goods are removed	Termination of movement for delivery	Place of supply	Tax Payable
Movement of goods by the supplier (goods dispatched by supplier)	Orissa	Assam	Assam	IGST
Movement of goods by the recipient (goods collected by recipient)	Kerala	Goa	Goa	IGST

# Place of Supply of goods - Illustration

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**Section 10(1)(b): Supply involves movement of goods, and delivered to a person on the instruction of a third person**

Case	Location of Supplier A	Place of delivery of goods to C	Principal place of buyer B who instructed delivery to C	Place of supply for A	<u>Type of tax payable by A</u>
1	Ahmedabad	Ahmedabad	Amritsar	Amritsar	IGST
2	Ahmedabad	Amritsar	Amritsar	Amritsar	IGST
3	Ahmedabad	Bangalore	Bangalore	Bangalore	IGST
4	Ahmedabad	Chandigarh	Udaipur	Udaipur	IGST

Case	Location of Supplier A	Place of delivery of goods to C	Principal place of buyer B who instructed delivery to C	Place of supply for B	<u>Type of tax payable by B</u>
1	Ahmedabad	Ahmedabad	Amritsar	Ahmedabad	IGST
2	Ahmedabad	Amritsar	Amritsar	Amritsar	CGST + Pun GST
3	Ahmedabad	Bangalore	Bangalore	Bangalore	CGST + Kar GST
4	Ahmedabad	Chandigarh	Udaipur	Chandigarh	IGST

# Place of Supply of goods - Illustration

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## Section 10(1)(c): Supply does not involve movement of goods

Particulars	Location of supplier	Location of recipient	Location of goods	Place of supply	Tax Payable
Sale of pre-installed DG Set	Delhi	Bhopal	Bhopal	Bhopal	IGST
Manufacture of moulds by job-worker (supplier), sold to the Principal, but retained in job worker's premises	Tamil Nadu	Kerala	Tamil Nadu	Tamil Nadu	CGST + TN GST
A businessman in Noida (regd. In Sikkim too) has an old car lying unused in his hometown in Sikkim	Sikkim	Sikkim	Sikkim	Sikkim	CGST + Sikkim GST

# Place of Supply of goods - Illustration

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## Section 10(1)(d): Supply of goods assembled/ installed at site

Particulars	Location of supplier	Registered office of recipient	Installation/ Assembly Site	Place of supply	Tax Payable
Installation of weigh bridge	Delhi	Bhopal	Bhopal	Bhopal	IGST
Servers supplied and installed at the office of a marketing firm	Karnataka	Goa	Karnataka	Karnataka	CGST + Kar GST
Supply of work-stations	Gujarat	Gujarat	Kerala	Kerala	IGST

# Place of Supply of goods - Illustration

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## Section 10(1)(e): Supply of goods supplied on board a conveyance

Particulars	Location of supplier	Loading of goods	Passenger boards at	Place of supply	Tax Payable
Supply of canned aerated drinks on a flight	Punjab	Punjab	Delhi	Punjab	CGST + Punjab GST
Sale of Haldirams mixtures by their sales person during the journey	Pune	Goa	Hyderabad	Goa	IGST
Sale of sunglasses on a ship	Bangalore	Chennai	Cochin	Chennai	IGST

# Place of Supply of goods – Import/ Export

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- ▶ **Export of goods:** Means taking goods out of India to a place outside India;
- ▶ **Import of goods:** Means bringing goods into India from a place outside India;

Section	Situation	Place of supply
11(a)	Goods imported into India	Location of importer
11(b)	Goods exported from India	Location outside India

*Sec 5 of IGST Act provides that **IGST shall be levied** on goods imported into India as per Sec 3 of Customs Tariff Act*

- *Point of taxation - When duties of customs are levied on the said goods*
- *Value - As determined as per Customs Act*

# Place of supply of services (domestic)

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For Supply of any other  
Service,  
Place of supply is:  
(General Rule)

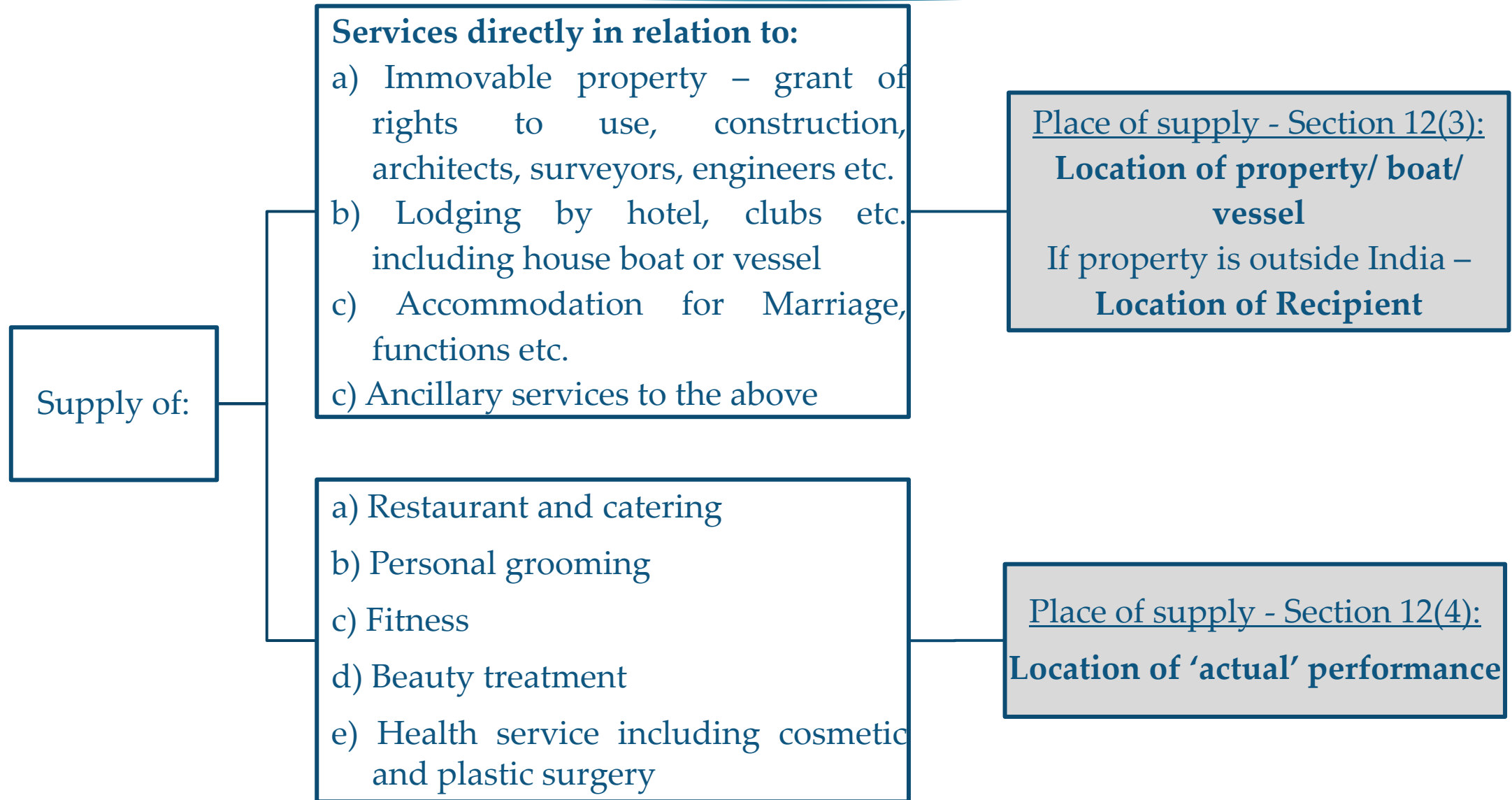
**Section 12(2)(a): Registered recipient:**  
**Location of recipient**

**Section 12(2)(b): Unregistered recipient:**  
Location of **recipient** if address in supplier's records  
Location of **supplier** if address not available



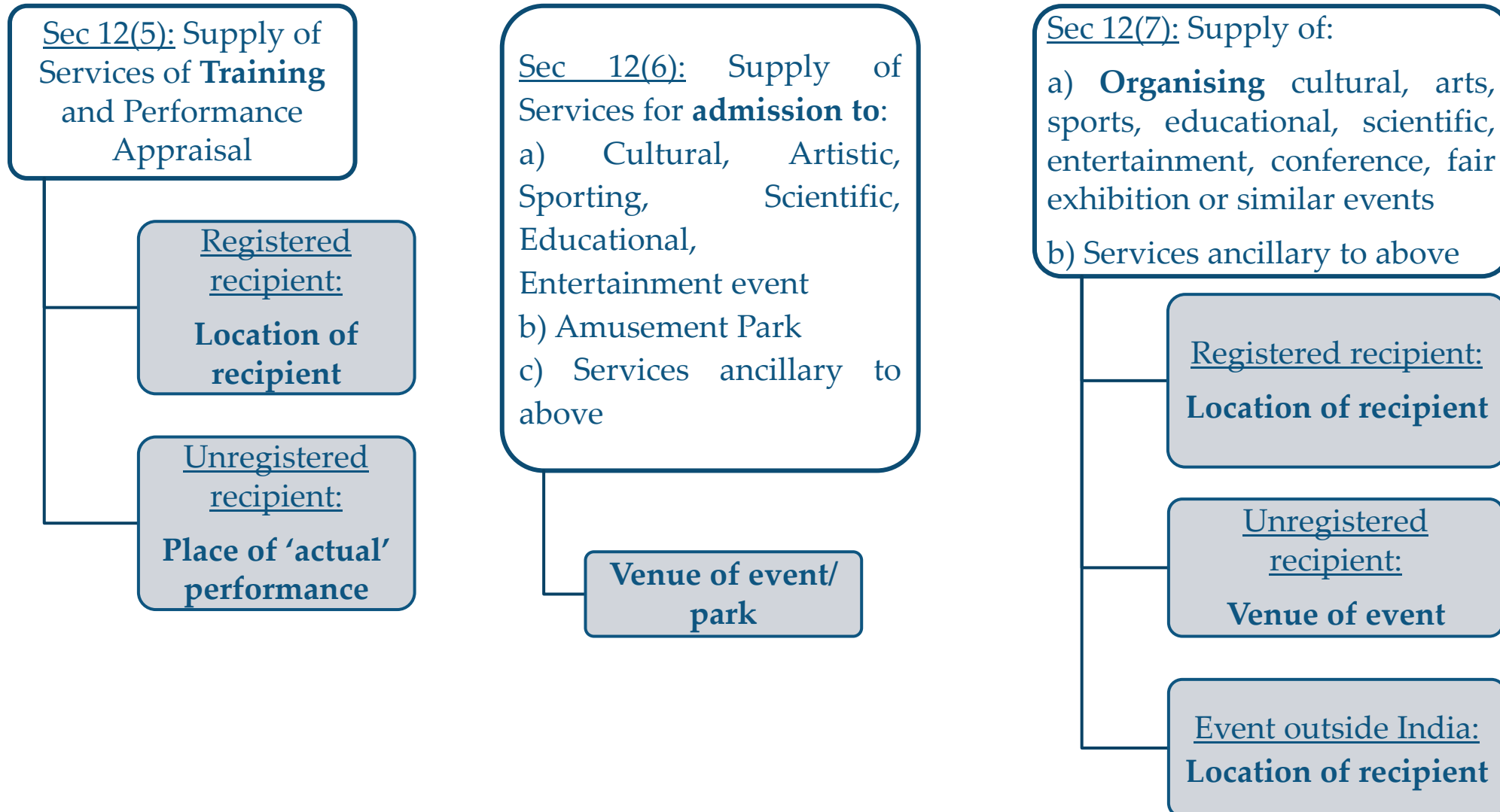
# Place of supply of services (domestic)

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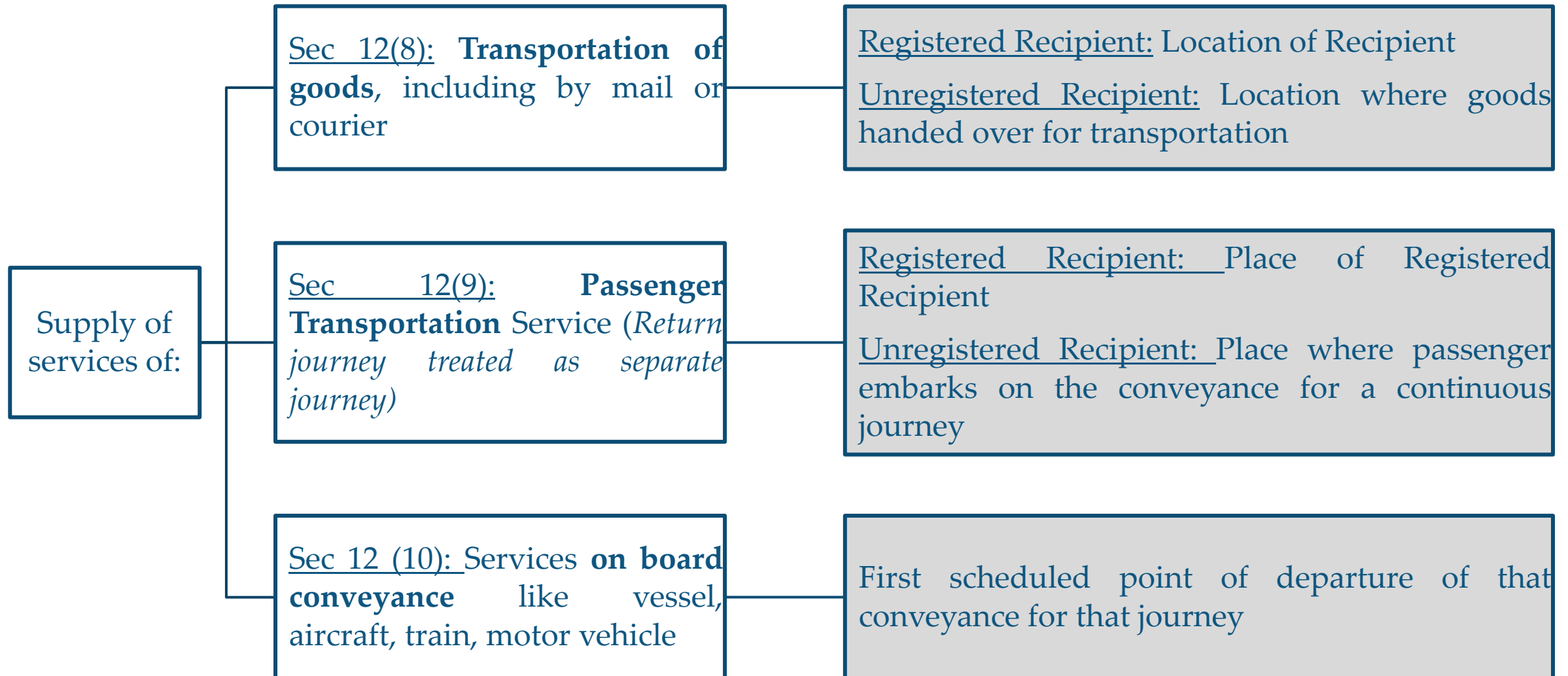
# Place of supply of services (domestic)

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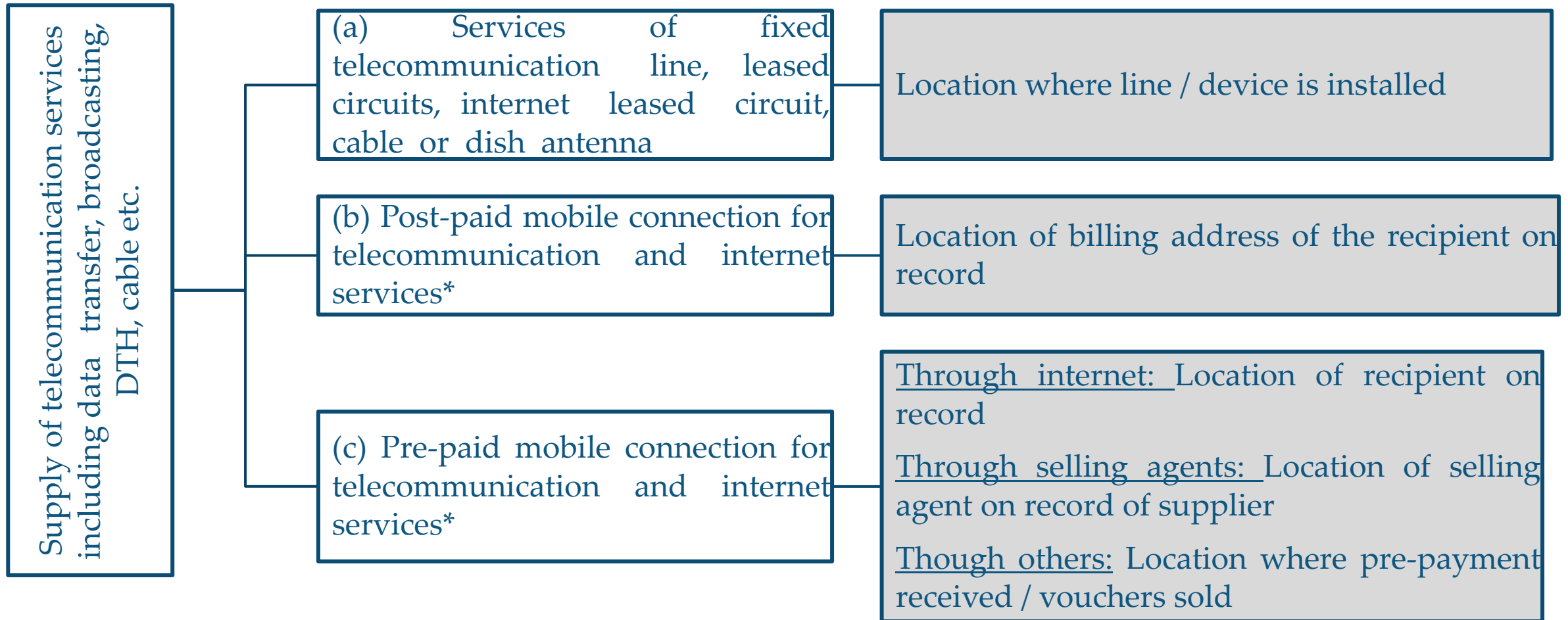
# Place of supply of services (domestic)

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# Place of supply of services (domestic)

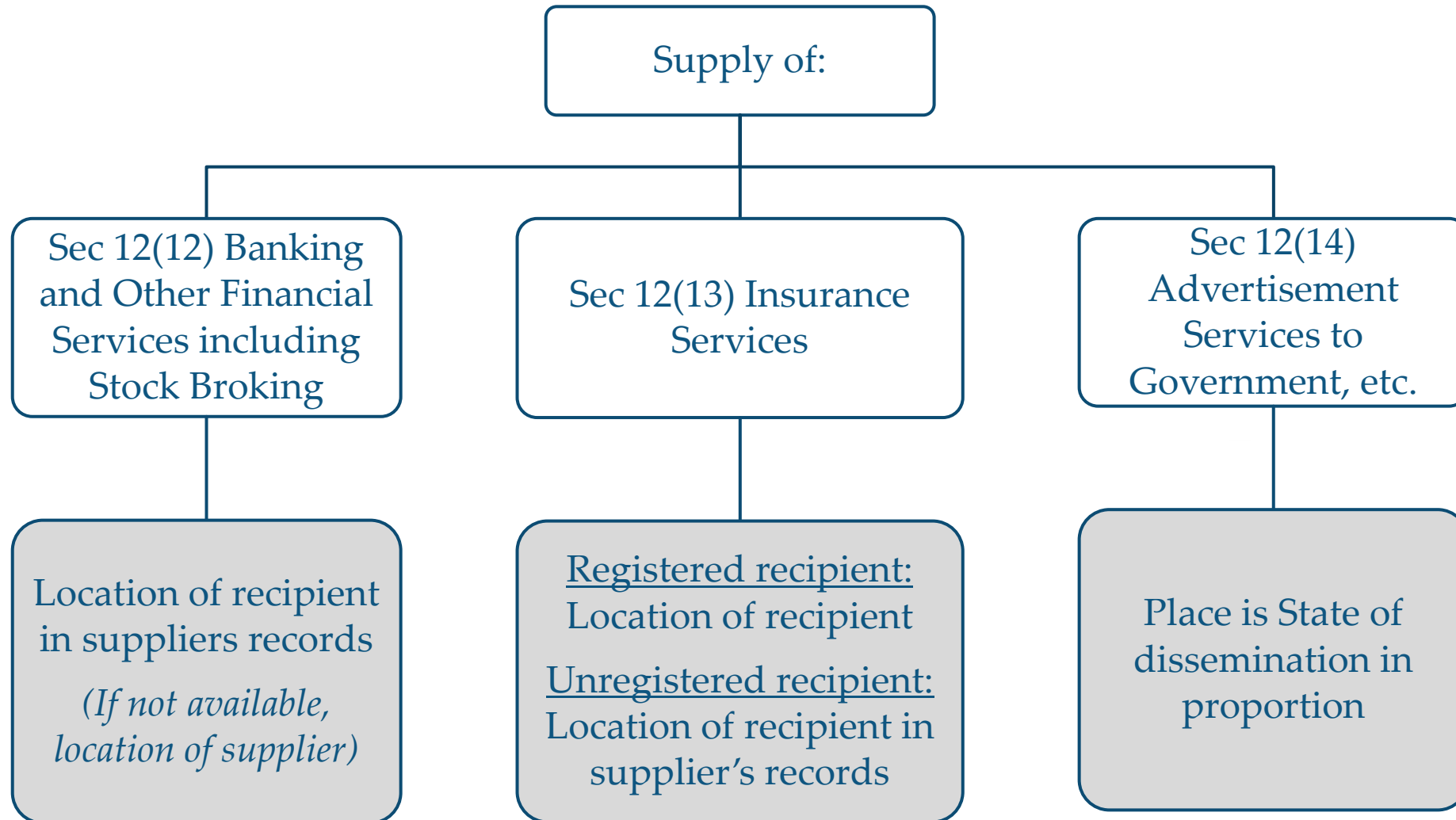
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- In cases not covered, address of recipient on records shall be the place of supply;
- Where no address of the recipient available in records, location of the supplier shall be the place of supply

# Place of supply of services (domestic)

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# Place of supply of services (Outside)

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## Sec 13(3)

Goods required to be made physically available/ physical presence of recipient required

Location where services actually performed

## Sec 13(4)

directly in relation to immovable property

Location of such immovable property (or where it is intended to be located)

## Sec 13(5)

admission to/ organising event, etc. & ancillary services

Place where the event is actually held

## Sec 13(8)

Bank/ FI services to A/c holders, intermediary services, hiring transport (excl aircraft/ vessels) upto 1 month

Location of supplier

## Sec 13(9)

Transportation of goods (other than by way of mail/ courier)

Destination of the goods

# Place of supply of services (Outside)

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Sec 13(10)

Passenger  
transportation  
service

Place where  
passenger  
embarks on the  
conveyance for  
a continuous  
journey

Sec 13(11)

Service provided  
on board a  
conveyance

1st scheduled  
point of  
departure of  
that  
conveyance  
for that  
journey

Sec 13(12)

Online information  
and database  
access or retrieval  
services

Location of  
recipient

Sec 13(13)

To prevent double  
taxation/ non-  
taxation/ uniform  
application of  
rules, Govt has  
power to notify  
services

Place of  
effective use  
and enjoyment  
of a service

Sec 13(2)

General Rule  
(Residual  
provision)

Location of  
recipient  
*If not available,*  
location of  
supplier