

TIME OF SUPPLY

## TIME OF SUPPLY



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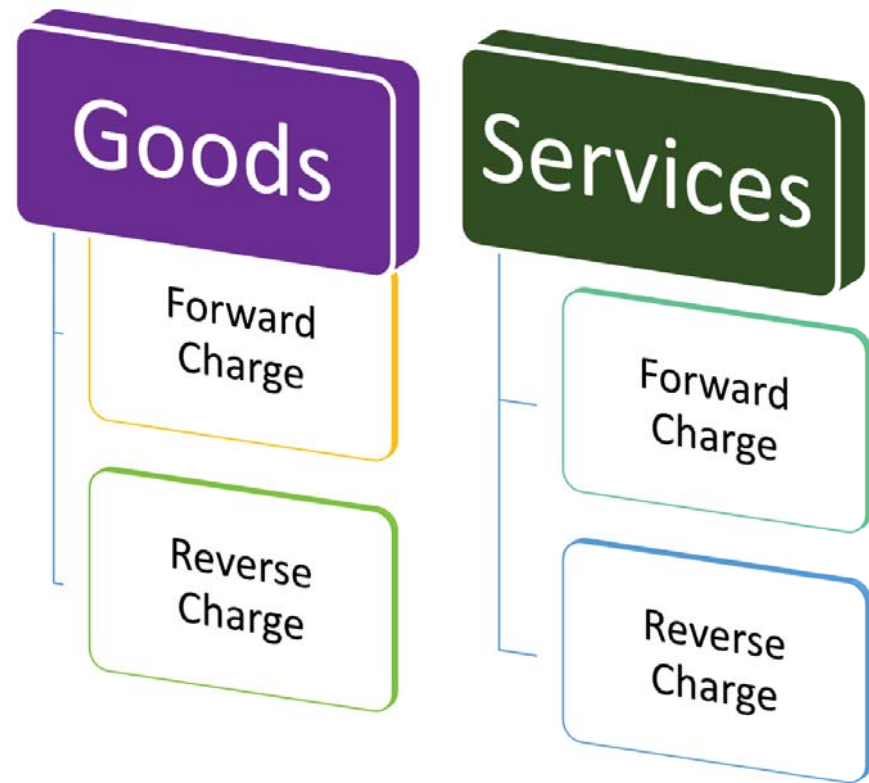
## TIME OF SUPPLY

### What is Time of Supply

The time at which tax liability has to be discharged

## TIME OF SUPPLY

### Sections 12 to 14 of CGST Act



## Time of Supply for Goods – Section 12

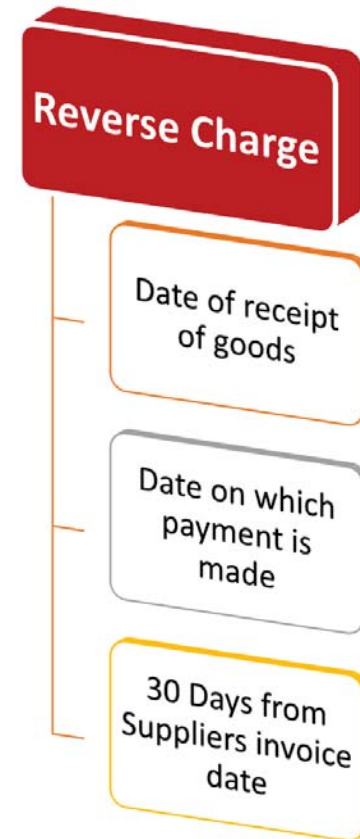


## TIME OF SUPPLY

### Time of Supply for Goods – Section 12

Sl. No	Date of issue of invoice	Date of Receipt of Advance	Time of Supply - earliest of the dates
1	21-July-17	NA	21-July-17
2	22-July-17	10-July-17	10-July-17

## Time of Supply for Goods – Section 12



## TIME OF SUPPLY

### Time of Supply for Goods – Section 12 (Reverse Charge)

Sl. No	Date of Receipt of Goods	Date of Payment	Date on which Supplier issued the invoice	Time of Supply - earliest of the dates
1	14-July-17	15-July-17	14-July-17	14-July-17
2	15-July-17	10-July-17	15-July-17	10-July-17
3	09-Aug-17	13-Aug17	08-July-17	08-July-17

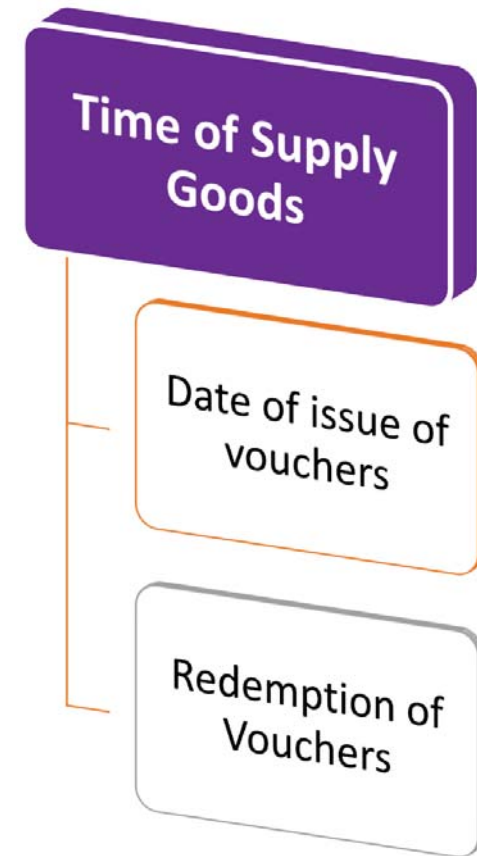


## **Voucher – Section 2(118) of CGST Act 2017**

### **Section 2(118) – voucher**

**means an instrument where there is an obligation to accept it as consideration or part consideration for a supply of goods or services or both and where the goods or services or both to be supplied or the identities of their potential suppliers are either indicated on the instrument itself or in related documentation, including the terms and conditions of use of such instrument**

## Time of Supply for Goods – Section 12



## TIME OF SUPPLY

### **Time of Supply for Goods – Section 12 – Residuary provision**

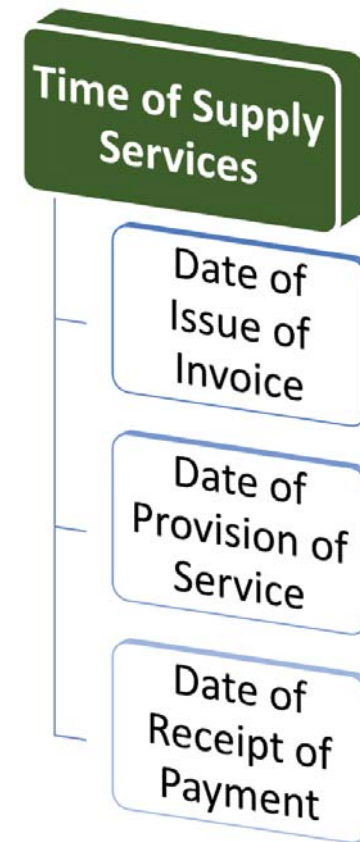
- Where periodical returns have to be filed, the date of filing of returns
- Other cases date of payment of taxes

## TIME OF SUPPLY

### **Time of Supply for Goods – Section 12 – Debit Note**

- Debit notes for late fees, interest, penalty for delayed payments etc.
- Date of receipt of payment

## Time of Supply for Services – Section 13



## TIME OF SUPPLY

### Time of Supply for Services – Section 13

Sl. No	Date of issue of invoice	Date of Provision of Service	Date of Receipt of Payment	Time of Supply - earliest of the dates
<b>1</b>	21-July-17	20-July-17	25-July-17	<b>21-July-17</b>
<b>2</b>	22-Aug-17	21-Jul-17	25-Aug-17	<b>21-Jul-17</b>
<b>3</b>	22-July-17	20-July-17	10-July-17	<b>10-July-17</b>

## TIME OF SUPPLY

### Time of Supply for Services – Section 13 Reverse Charge



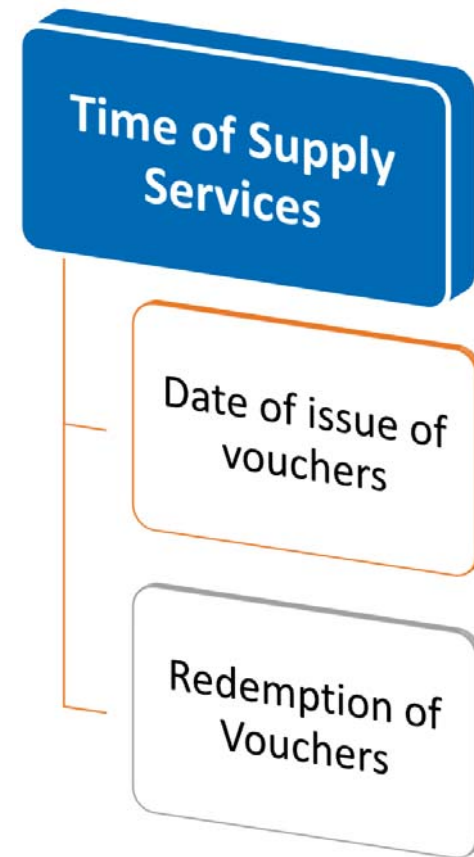
## TIME OF SUPPLY

### Time of Supply for Services – Section 13

Sl. No	Date of Payment	Date on which Supplier issued the invoice	Time of Supply - earliest of the dates
1	15-July-17	14-July-17	14-July-17
2	13-Sep-17	08-July-17	07-Sep-17



## Time of Supply for Services – Section 13 Vouchers



## TIME OF SUPPLY

### **Time of Supply for Goods – Section 13 – Residuary provision**

- Where periodical returns have to be filed, the date of filing of returns
- Other cases date of payment of taxes

## TIME OF SUPPLY

### **Time of Supply for Goods – Section 13 – Debit Note**

- **Debit notes for late fees, interest, penalty for delayed payments etc.**
- **Date of receipt of payment**

## **Time of Supply of Goods or Services for Tax Rates Changes – Section 14**

- **Goods and Services have been supplied before the tax rate changes**
- **Goods and Services have been supplied after the tax rate changes**

## TIME OF SUPPLY

### Goods and Services have been supplied before the tax rate changes

i)) where the invoice for the same has been issued and the payment is also received after the change in rate of tax, the time of supply shall be the date of receipt of payment or the date of issue of invoice, whichever is earliest

ii) where the invoice has been issued prior to the change in rate of tax but payment is received after the change in rate of tax, the time of supply shall be the date of issue of invoice; or

iii) where the payment has been received before the change in rate of tax, but the invoice for the same is issued after the change in rate of tax, the time of supply shall be the date of receipt of payment;

## TIME OF SUPPLY

### Time of Supply of Goods or Services for Tax Rates Changes – Section 14

- Goods and Services have been supplied before the tax rate changes
- Rate is decreased from 28% to 18%

Sl. No	Date of change in Tax Rate	Date of Supply of Goods	Date of Issue of Invoice	Date of Receipt of Payment	Time of Supply	Reason
1	1-Jan-18	25-Dec-17	20-Jan-18	25-Jan-18	20-Jan-18	Earliest of the Invoice or Payment date
2	1-Jan-18	25-Dec-17	24-Dec-17	25-Jan-18	24-Dec-17	Date of Issue of Invoice
2	1-Jan-18	25-Dec-17	20-Jan-18	10-Dec-17	10-Dec-17	Date of Receipt of Payment

## TIME OF SUPPLY

### Goods and Services have been supplied after the tax rate changes

i) where the payment is received after the change in rate of tax but the invoice has been issued prior to the change in rate of tax, the time of supply shall be the date of receipt of payment

ii) where the invoice has been issued and payment is received before the change in rate of tax, the time of supply shall be the date of receipt of payment or date of issue of invoice, whichever is earlier; or

iii) where the invoice has been issued after the change in rate of tax but the payment is received before the change in rate of tax, the time of supply shall be the date of issue of invoice:

## TIME OF SUPPLY

### Time of Supply of Goods or Services for Tax Rates Changes – Section 14

- Goods and Services have been supplied after the tax rate changes
- Rate is decreased from 28% to 18%

Sl. No	Date of change in Tax Rate	Date of Supply of Goods	Date of Issue of Invoice	Date of Receipt of Payment	Time of Supply -	Reason
1	1-Jan-18	25-Jan-18	20-Dec-17	20-Jan-18	20-Jan-18	Date of Receipt of Payment Earliest of the invoice or payment date
2	1-Jan-18	25-Jan-18	24-Dec-17	22-Dec-17	22-Dec-17	
2	1-Jan-18	25-Jan-18	22-Jan-18	10-Dec-17	22-Jan-18	Date of issue of Invoice



## Important Notifications

- Notification No. 66/2017 – Central Tax, 15th November, 2017
- Notification No.4/2017- Central Tax (Rate) - 28th

**What will happen in provisions are not followed?**



## TIME OF SUPPLY

### Penal Provisions

Notices will be issued under Section – 73 & 74 of CGST Act 2017

Penalty can be levied under Section 122 of CGST Act 2017

Goods can be confiscated during transit under Rule 138 of CGST Rule 2017

## TIME OF SUPPLY

### Case Law

#### Kalyan Jewelers & Appellate Authority for Advance Ruling - Tamil Nadu

#### Questions Raised

- I. Whether the issue of own closed PPIs by the 'Applicant' to their customers be treated as supply of goods or supply of service
- II. If yes, is the time of issue of PPI's by the Applicant to their Customers is the time of supply of goods or services warranting tax liability (iii), If yes, what is the applicable rate of tax for such supply of goods or services?"
- III. If yes, whether the issue of PPIs by the Third party PPI issuers subject to GST at the time of issue in their hands?

## TIME OF SUPPLY

### Case Law

#### Kalyan Jewelers & Appellate Authority for Advance Ruling - Tamil Nadu

#### Order Passed by AAR

- I. The Own closed PPIs issued by the Applicant are 'vouchers' as defined under CGST/TNGST Act 2017 and are a supply of goods under CGST/TNGST Act 2017
- II. The time of supply of such gift vouchers / gift cards by the applicant to the customers shall be the date of issue of vouchers if the vouchers are specific to any particular goods specified against the voucher. If the gift vouchers/gift cards are redeemable against any goods bought, the time of supply is the date of redemption of voucher

## TIME OF SUPPLY

### Case Law

#### Kalyan Jewelers & Appellate Authority for Advance Ruling - Tamil Nadu

#### Order Passed by AAR

iii) In the case of paper based gift vouchers classifiable under CTH 4911 the applicable rate is 6% CGST as per Sl.No. 132 of Schedule II of the Notification No. 1/2017-C.T.(Rate) dated 28.06.2017 and 6% SGST as per Sl.No. 132 of Schedule II of Notification Ms. No. II(2)/CTR/532(d-4)/2017 vide G.O. (Ms) No. 62 dated 29.06.2017 as amended. In the case of gift cards classifiable under CTH 8523 the applicable rate is 9% CGST as per Sl.No. 382 of Schedule III of the Notification No. 1/2017-C.T.(Rate) dated 28.06.2017 and 9% SGST as per Sl.No. 382 of Schedule III of Notification Ms. No. II(2)/CTR/532(d-4)/2017 vide G.O. (Ms) No. 62 dated 29.06.2017.

## TIME OF SUPPLY

### Case Law

**Kalyan Jewelers & Appellate Authority for Advance Ruling - Tamil Nadu**

#### Order Passed by AAAR

**The time of supply of the gift vouchers / gift cards by the applicant to the customers shall be the date of issue of such vouchers and the applicable rate of tax is that applicable to that of the goods.**

## TIME OF SUPPLY

### Food for Thought?

What is the time of supply for Mobilization Advance?

What will be the tax rate incase of services, if the contract has multiple line items with different tax rates?

What will be the place of supply in location of provision of service is not known at the time of receipt of Advance?



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