PLACE OF SUPPLY

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PLACE OF SUPPLY

Section 2 (86)
place of supply means the place of supply as referred to in Chapter V of the Integrated Goods and Services Tax Act;

PLACE OF SUPPLY

Intrastate Supply – Section 8 of the IGST Act

Location of the supplier and place of supply of the goods or services are in the same state or union territory.

- Both the supplier and recipient are in the same state
- Place of supply is key to determine this
- Taxes applicable are
  - CGST + SGST
  - CGST +UTGST

The following are not considered as Intra state supplies

- Supply of goods or services to SEZ or SEZ developers
- Goods imported into India till they reach the customs boundaries of India
- Supplies made to foreign tourists as per section 15 of the IGST Act

PLACE OF SUPPLY

Interstate Supply – Subsection 1 Section 7 of IGST Act

- Two different states
- Two different Union Territories
- In a different state and a union territory
- Import of goods or services into India

The following are also treated as inter state supply of goods or services

- when the supplier is located in India and the place of supply is outside India;
- to or by a Special Economic Zone developer or a Special Economic Zone unit; or
- in the taxable territory, not being an intra-State supply and not covered elsewhere in this section

PLACE OF SUPPLY

Export of Goods – Subsection 5, Section 2 of IGST Act

- with its grammatical variations and cognate expressions, means taking goods out of India to a place outside India

PLACE OF SUPPLY

Export of Service – Subsection 6, section 2 of IGST Act

- 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 service is received in the converted foreign exchange (or in Indian Rupees wherever perimitted by the Reserve Bank of India
- The supplier of service and the recipient of service are not merely establishment of a distinct person

PLACE OF SUPPLY

Import of Goods – Subsection 10 of Section 2 of IGST Act

- import of goods" with its grammatical variations and cognate expressions, means bringing goods into India from a place outside India;

Import of Service – Subsection 11 of Section 2 of IGST Act

- The supplier of service is located outside India
- The recipient of service is located in India
- The place of supply of service is in India

Runu is running in an educational consultant
Signed an agreement with a Germany University

PLACE OF SUPPLY

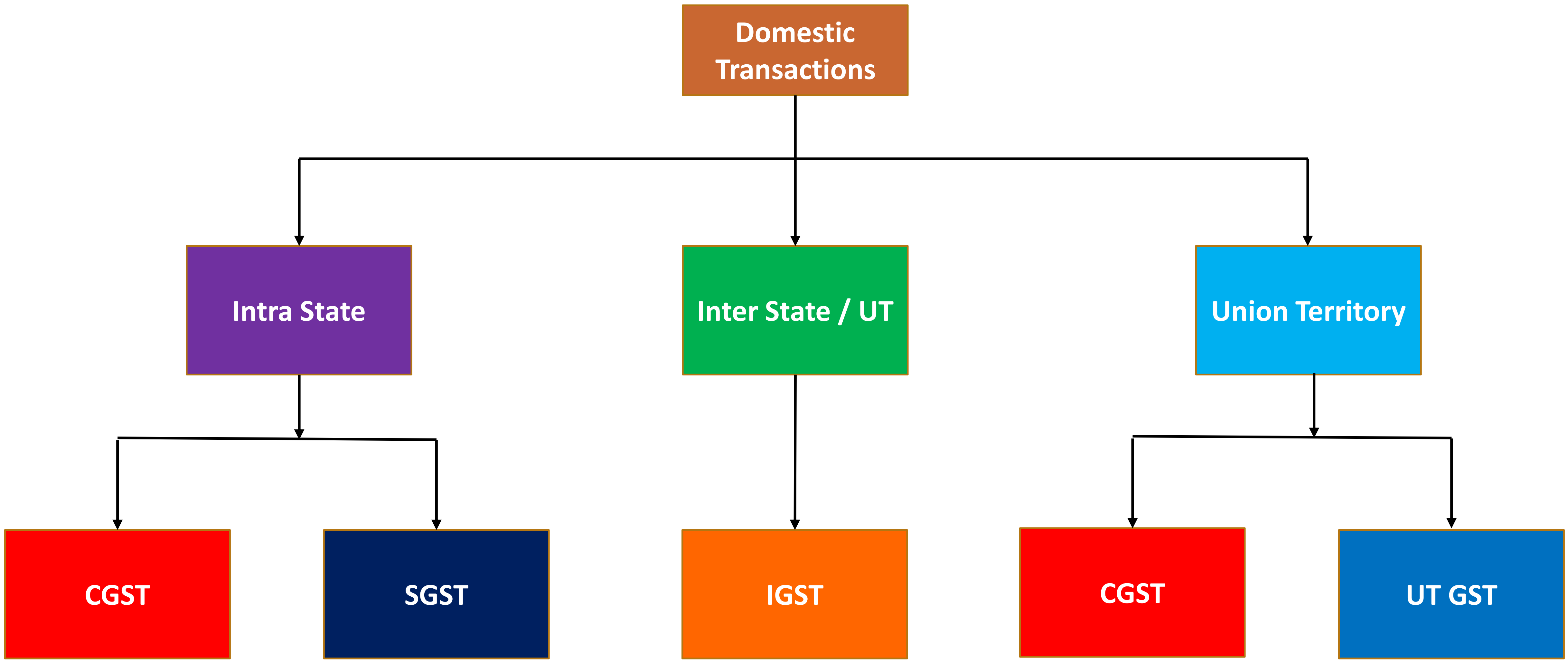
Import of Goods – Subsection 10 of Section 2 of IGST Act

- import of goods" with its grammatical variations and cognate expressions, means bringing goods into India from a place outside India;

Import of Service – Subsection 11 of Section 2 of IGST Act

- The supplier of service is located outside India
- The recipient of service is located in India
- The place of supply of service is in India

PLACE OF SUPPLY

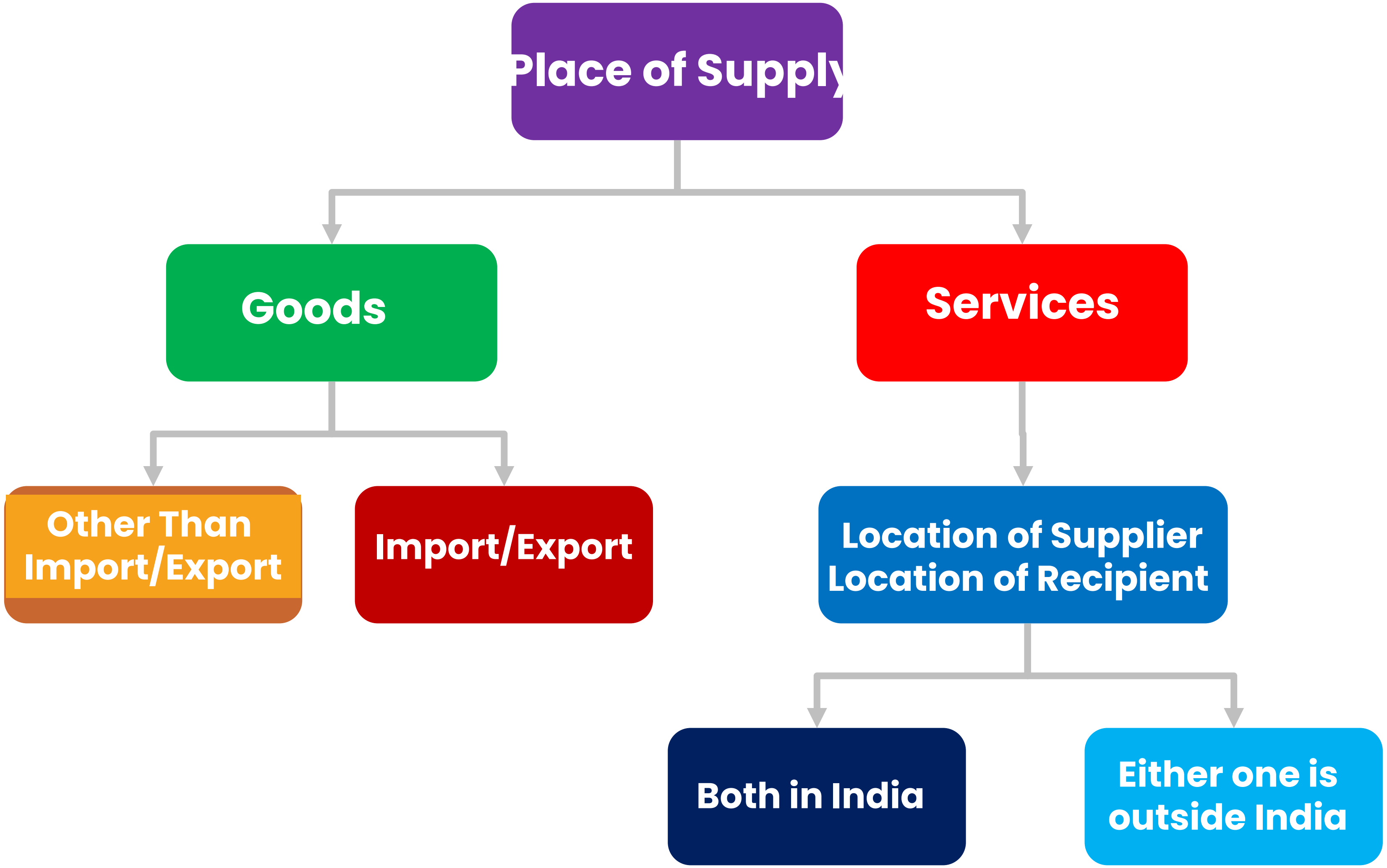


PLACE OF SUPPLY

Place of Supply

Supply	Location of Supplier	Place of Supply	Nature of Supply
Goods	Gujarat	New Delhi	Inter-State (IGST)
Goods	Karnataka	Chandigarh(UT)	Inter-State (IGST)
Goods	Chandigarh(UT)	Chandigarh(UT)	Intra-State (CGST+UT GST)
Goods	Maharashtra	Maharashtra	Intra-State (IGST)
Goods	Telangana	Foreign Tourist (in Hyderabad)	Inter-State (IGST)
Goods	Outside India	India	Inter-State (IGST)
Goods	Bangalore (SEZ)	Bangalore	Inter-State (IGST)

PLACE OF SUPPLY



PLACE OF SUPPLY

Place of Supply - Goods other than goods imported and exported from India –Section 10, Sub-section 1(a) IGST Act where the supply involves movement of goods, whether by the supplier or the recipient or by any other person, the place of supply of such goods shall be the location of the goods at the time at which the movement of goods terminates for delivery to the recipient;

Business Case	Place of Supply
Where moment of goods involved	Location of place where moment of goods terminates

Example : A Ltd registered in TN and B Ltd registered in Karnataka, A Ltd takes delivery of the goods at B Ltd.'s factory gate

PLACE OF SUPPLY

Place of Supply - Goods other than goods imported and exported from India – Sub-section 1(c) of Section 10 IGST Act

Business Case	Place of Supply
Where moment of goods is not involved (sales from a showroom)	Location of the goods at the time of delivery

Example : Ram from Hyderabad goes on a business trip to Mumbai   and purchases books from Crossword. Taxes applicable will be CGST and SGST of MH.

PLACE OF SUPPLY

Place of Supply - Goods other than goods imported and exported from India – Sub-section 1 of Section 10 (d) IGST Act

Business Case	Place of Supply
When goods are assembled or installed on site	Location of assembly of installation of goods

Example : O Ltd supplier from Pune installs lift to B Ltd of Pune at their shopping mall in New Delhi.

Place of supply – New Delhi / Pune ?

PLACE OF SUPPLY

Place of Supply - Goods other than goods imported and exported from India – Sub-section 1 of Section 10 (e) IGST Act

Business Case	Place of Supply
Where goods are supplied on board	Location of embarkment

Example : A passenger boards flight in Mumbai to Kolkata and in   journey buys sandwich.
Place of Supply – Mumbai

PLACE OF SUPPLY

Place of Supply - Goods other than goods imported and exported from India – Sub-section 2 of Section 10 IGST Act

Business Case	Place of Supply
Where the place of supply of goods cannot be determined,	The place of supply shall be determined in such manner as may be prescribed.

PLACE OF SUPPLY

Place of Supply - Goods imported and exported from India Section 11 IGST Act

Business Case	Place of Supply
Goods imported into India	Location of the Importer
Goods exported from India	Location outside India

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 2 Section 12 of IGST Act.

Business Case	Place of Supply
Supply of Services to B2B	Location of the recipient of the service
Supply of Services to B2C	Location of the supplier of services

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 3 (a) Section 12 of IGST Act.

Business Case		Place of Supply
Architects	Any ancillary Services	Location of the Immovable property If immovable property is outside India then location of the Recipient
Interior decorator		
Surveyors		
Engineers and other related exports or estate agents		
Any service provided by way of grant of rights to use immovable Property		
for carrying out or co-ordination of construction work		

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 3 (a) Section 12 of IGST Act.

(a) directly in relation to an 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; or

(d) any services ancillary to the services referred to in clauses (a), (b) and (c),

Hotel H Ltd is located in Gujarat and the Security Service provider S Ltd is registered in Rajasthan and supplies security guards to provide security to H Ltd in Gujarat .

What will be place of supply for provision of security services

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 2 Section 12 of IGST Act.

Business Case	Place of Supply
Accommodation in a hotel, inn, guest house, home stay club, campsite, house boat or called by any other name	Location of the Immovable property If immovable property is outside India then location of the Recipient

PLACE OF SUPPLY

Place of Supply

Place of supply of services where location of supplier and recipient is in India – Subsection 2 Section 12 of IGST Act.

Business Case	Place of Supply
Organizing an event like marriage or reception or matters related thereto, official, social, cultural, religious or business function including services provided in relation to such function at such property	Location of the Immovable property If immovable property is outside India then location of the Recipient

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 2 Section 12 of IGST Act.

Business Case	Place of Supply
Restaurants Catering Personal Grooming Fitness Centers Beauty treatment Cosmetic / Plastic Surgery	Location where the services are actually provided

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 3 Section 12 of IGST Act.

Business Case		Place of Supply
Organizing any	Any ancillary Services	B2B – Location of the Recipient B2C – Location where the event is actually held. If event is held outside India then location of the Recipient
Cultural		
Artistic		
Sporting		
Scientific		
Educational		
Conference,		
Fair, Exhibition or similar event		

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 2 Section 12 of IGST Act.

Business Case	Place of Supply
Transportation of goods	B2B – Location of the recipient B2C – Location where the goods are handed over to the recipient

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 2 Section 12 of IGST Act.

Business Case	Place of Supply
Transportation of passengers	B2B – Location of the recipient B2C – Location from where the journey starts

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 2 Section 12 of IGST Act.

Business Case	Place of Supply
The place of supply of services on board a conveyance, a vessel, an aircraft, a train or a motor vehicle	Place of supply – the first point where the journey starts

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 3 Section 12 of IGST Act.

Business Case	Place of supply
Tele communication services	
Fixed Services – Landline, leased circuits, internet based circuit, cable or dish antenna	Location where they are installed
Mobile connections for telecommunication or internet services – post paid	Location of the recipient
Pre paid services – mobile, DTH, Internet	If sold through a distributor or selling agent or re-seller Location of the Supplier Directly to subscriber Location where payment is received or sold

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 2 Section 12 of IGST Act.

Business Case	Place of Supply
Insurance Services	B2B – location the recipient B2C – location of the recipient of the person to whom insurance is sold

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 2 Section 12 of IGST Act.

Business Case	Place of Supply
Banking, stock broking or other financial services	Location of the recipient of services based on the address If location of the recipient is not available, location of the supplier of services

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 2 Section 13 of IGST Act.

Business Case	Place of Supply
Insurance Services	Location of the recipient of services based on the address If location of the recipient is not available, location of the supplier of services

PLACE OF SUPPLY

Place of supply of services where location of supplier and recipient is in India – Subsection 2 Section 14 of IGST Act.

Business Case	Place of Supply
Advertisements by State or Central or Local body or statutory body	Proportionate to the amount for each state

PLACE OF SUPPLY

Place of supply of services where location of supplier or location of recipient is outside India. Section 13

The place of supply of services except the services specified in sub-sections (3) to (13) shall be the location of the recipient of services:

Business Case	Place of Supply
place of supply of services except the services specified in sub-sections (3) to (13)	location of the recipient of services:

PLACE OF SUPPLY – TERRITORIAL WATERS

Place of Supply

Where the location of the supplier is in the territorial waters, the location of such supplier

OR

Where the place of supply is in the territorial waters, the place of supply

Be deemed to in the coastal State/ UT where nearest point of the appropriate baseline is located.

Example:

- Repair services are provided by a company in Delhi on a ship moored off the coast of Kochi for a shipping company from United Kingdom, the place of supply of the repair services will not be the waters but Kochi, Kerala.

- Lease of ocean exploration equipment by a company in Chennai to a company incorporated in Mumbai to carry out oil exploration off the coast of Andhra Pradesh. the location of supplier will be Andhra Pradesh, albeit of a Chennai company.

PLACE OF SUPPLY

Case Laws

M/s Kardex India Storage Solution Private Limited & AAR Karnataka

1) Whether the applicant can take credit of IGST paid on import of goods?
2) Whether applicant can issue tax invoice with IGST to the customer?
3) Whether applicant needs to obtain registration in the state where the port of clearance is located?

PLACE OF SUPPLY

Case Laws

M/s Kardex India Storage Solution Private Limited & AAR Karnataka

1. The applicant is eligible to claim credit of JUST paid on import of goods as per section 20 of the IGST Act 2017 read with section 16 of the CGST Act, 2017.
2. The applicant can issue tax invoice with IGST to the customer as per section 20 of the IGST Act 2017 read with section 31 of the CGST Act 2017 for the interstate transaction as provided under section 7(1) of the IGST Act 2017, when the goods are directly dispatched from the port of import with invoicing done from the registered place of business.
3. The applicant need not obtain registration in the state where the port of clearance is located, if he is not making any supply from the State in Which the port is located.

PLACE OF SUPPLY

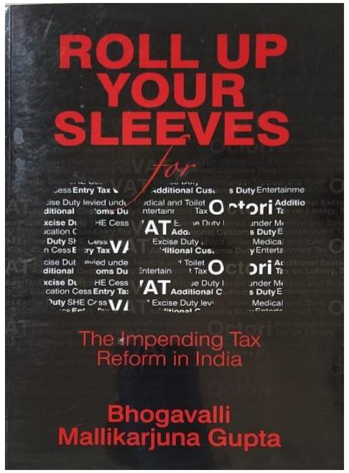
Case Laws

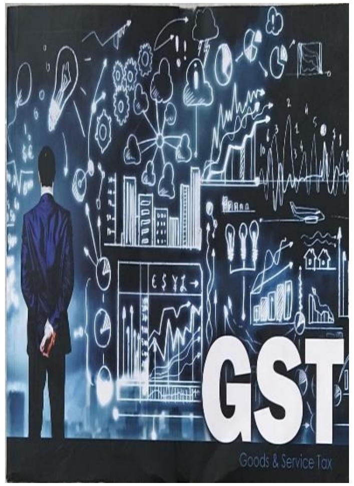
M/s. Global Vectra Helicorp ltd and AAR Gujarat .

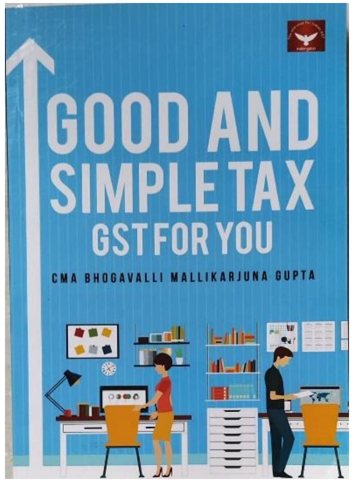
Ruling

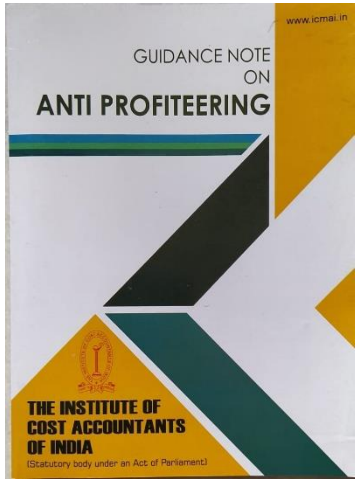
In terms of the valuation provisions under GST legislation, amount recovered as reimbursement (at actual) by the applicant M/s. Global Vectra Helicorp ltd. from the customer, for the fuel procured on behalf of the Customer is required to be included in the value of services provided by the Applicant.

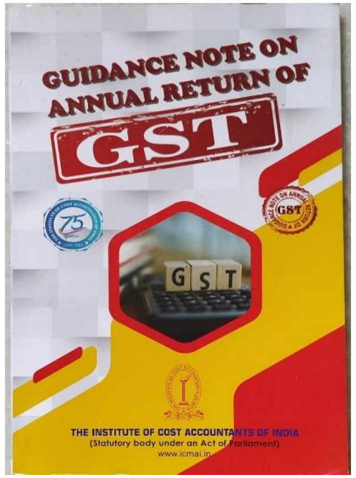
Books – Authored/Co Authored

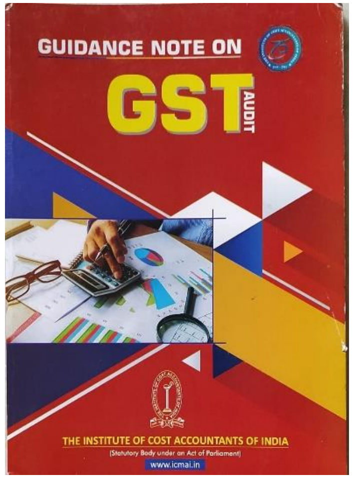


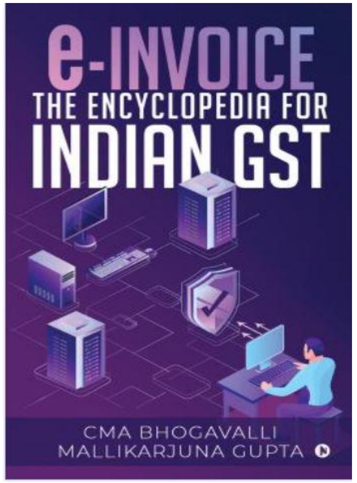


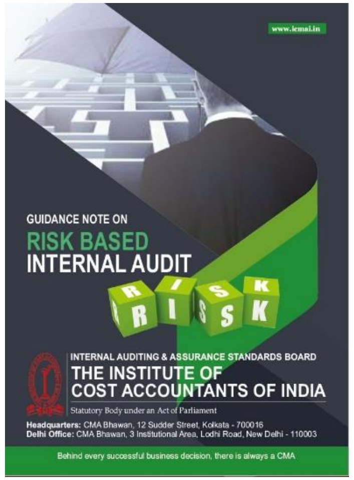


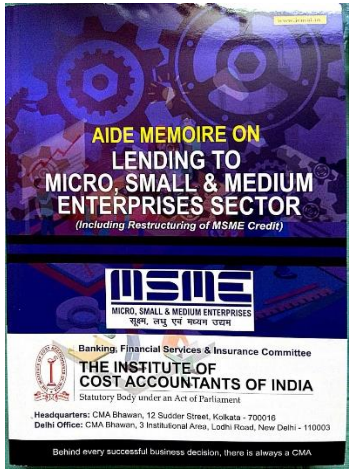


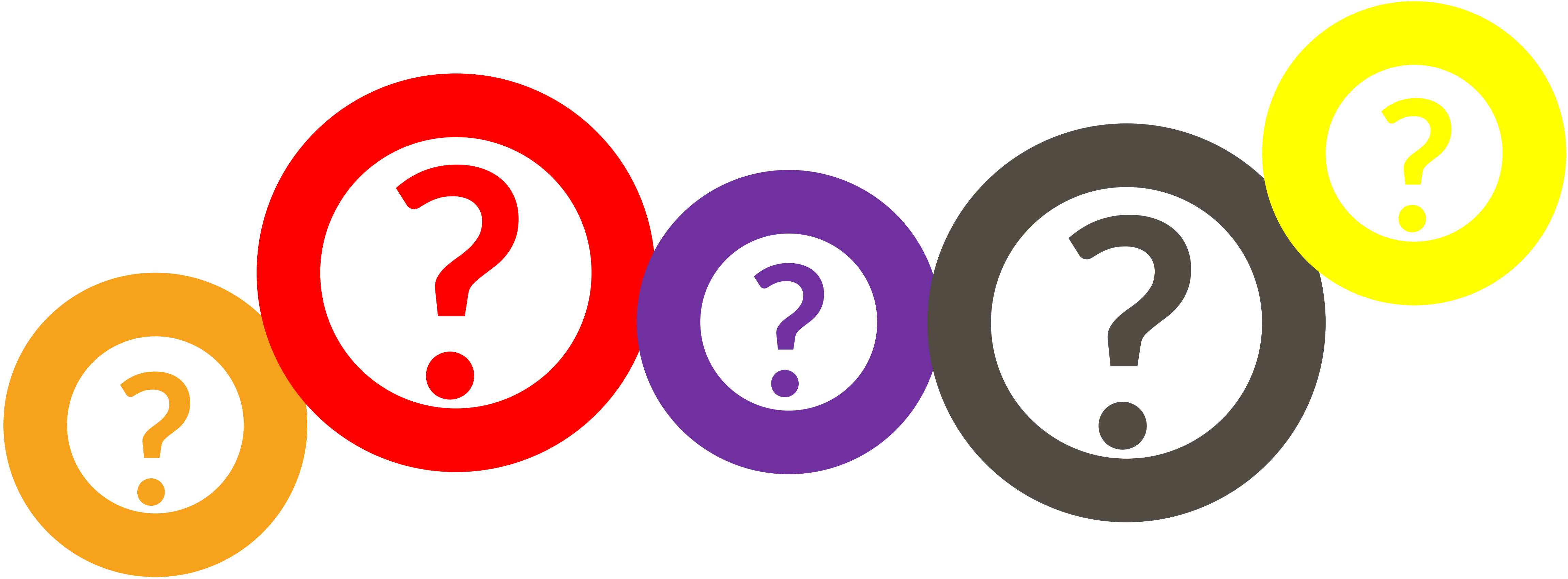












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