



THE INSTITUTE OF COST ACCOUNTANTS OF INDIA
(Statutory Body under an Act of parliament)
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TAX RESEARCH DEPARTMENT

Frequently Asked Questions.

Q. (1) WHAT IS MONTHWISE LAST DATE OF FILING GSTR2 AND GSTR 3?

Ans. As of now these two returns are on hold and the new dates are not yet announced.

Q. (2) A person is having a wine shop. Whether he can be opt the composition scheme under GST?

Ans. Wine sales is not covered GST , it still attracts VAT.

Q. (3) Under GST, What's the difference between Tax payer and Tax deductor. Please define.

Ans. Tax Deductor is the person who is deducting tax under TDS in GST.

Q. (4) I am working in Public limited Sugar, power & Alcohol manufacturing co. We are purchasing coal for our power plant and paid cess @ Rs.400 PER mt. Whether we can claim refund for cess paid or can we adjust the cess only when at the time of cess applicable goods sales. Suppose if we purchase 4000 mts of coal from supplier, we sale the same to our sister concern in very small level. Hence we have to loose the cess paid amt. Please reply.

Ans. You are not allowed to claim refund of the Compensation Cess paid on the inputs. However, if you have a liability to pay Compensation Cess on the supplies made by you, you can avail the credit of cess paid on inputs. Your example is clear. You can take the credit to the extent of liability on supplies to sister concerns only. Balance will become cost to you.

Q. (5) A small Trader want to register under Composition Scheme of GST during the second week of January 2018. Whether the Trader can be opt the scheme. Is there any time period for obtaining the Composition scheme under GST?

Ans. There is no time limit, they can apply for registration under composition scheme.

Q. (6) what is the maximum cash amount of GST tax invoice in a single invoice?

Ans. Apparently there is no limit for tax invoice. It seems that this query is relating to exemption for paying GST on supply of goods and services from unregistered persons. The limit for such transactions was Rs. 5000/- per day. However, this provision has been kept in abeyance as on date.

Q. (7) What are the documents required for registration (acquire new GSTIN No.) of a Company.

Ans. PAN, Directors PAN, Photos, separate email for each director and phone nos, Other registration no like IEC, CIN etc., Registration certificate, lease document or ownership document etc. HSN codes and SAC for goods and services provided, authorised signatory details, bank details etc. Once you go to the GST Portal, all these will be available through format only.

Q. (8) Please provide clarification on this notification suppose if we had deposited tax under RCM on 20.10.2017. Can be eligible for refund?

Ans. Though deposit is made on 20th Oct, what is the time of supply for the transactions? The basis on that only it can be confirmed that if the amount deposited is eligible for refund or not.

Q. (9) Services were provided and invoices were raised prior to GST for which there is downward revision in price for services and credit note is to be issued. Please suggest whether to reverse GST or service tax in credit note.

Ans. During the Service tax regime there was no credit note adjustment and hence for the credit note for invoice raised prior to 1.7.2017 no GST/Service Tax credit can be adjusted.

Q. (10) Advance received in previous month, GST paid on advance, invoice raise in current month. in GSTR-1 table B2B has shown full invoice amt in current month and adjustment of advance shown in 11b, but tax liability ledger showing full liability. it should show adjustments of tax paid against advances.

Ans. It would have been correct if the GSTR - 2 and GSTR - 3 are in place, but now we do not have them, till such time you should adjust the same in GSTR - 3B and do the process you are doing currently.

Q. (11) GST payable on Advance Received from Customer on Provision of Supply in future?

Ans. GST is payable on advances received for supply of goods and services. However, the provision for paying advance for supply of goods has been kept in abeyance till 31st

March, 2018. Hence, GST needs to be paid on advances received for supply of services.

Q. (12) Can GST applicable on LD ? if yes, what is HSN/SAC code ?

Ans. LD is financial in nature and no GST is applicable.

Q. (13) I have taken Cenvat Credit in TRAN 1 C/Forward from ST-3 (Service Tax + K.K.Cess) but Central Excise Dept said K.K. Cess credit to be reversed, Tran1 window closed, please guide how to reverse K.K. Cess.

Ans. Whatever excess credit is taken in TRAN-1, the same should be reversed through GSTR-3B for current month under Ineligible ITC - Others Column.

Q. (14) We are public limited company having canteen in factory premises.

We have canteen contractors who run the canteen .As per scope we have to provide everything except grocery/grains & man power. From 15/11/2017 GST rate on almost all types of canteen ,restaurants etc has been reduced to 5% from 18%.Contractor is still charging 18% on the pretext that he has 80+units all over india and he has to take credit.

We are a power generating unit and our final product "electricity" is out of purview of GST and hence we cannot take input credit.

Under the situation what should be our final incidence? Contractor is also arguing that he is coming under "outdoor caters" and GST is 18%.He argues the 5% GST is applicable if company runs it s own canteen.

It is ridiculous if company runs it s own canteen where is the question of billing. kindly give your valuable input.

Ans. GST @ 18% is applicable on Industrial Canteen. GST council has to take steps to reduce the GST rate on industrial canteens. Suggested the company sends the representation to reduce the GST rates on Industrial canteens for which the company is not able to avail input tax credit.

Q. (15) My query is related to GST on Rent of Immovable property, many cases we found people charged IGST , please clarify in which case we charge IGST on Rent of Immovable property.

Ans. In case of immovable property, place of supply of service is where the property is located. Hence, if the owner is located in another state than property, then he will charge IGST.

Q. (16) Please advice what is a tax rate for canteen service.

Ans. Vide Notification No. 46/2017 (Central Tax Rate) dt. 14.11.2017, for catering services, the GST rate is 5% and credit of inputs and input services is not allowed.

Q. (17) Unable to revise service tax return due to technical issue of website. There is a difference in amount of Service tax input carried forward. Please suggest me, what should I suppose to do in the current scenario to submit my Tran-1.

Ans. Please update the correct amount in Tran 1 and explain to the audit team during visit if any.

Q. (18) Please advise the SAC for being an Examiner of answer scripts of an Institution and the related expenses incurred?

Ans. Apparently it appears that this will be covered under residual category - 999799 - Other service nowhere else classified.