

Ans to Q No. 1

Introduction to GST

- 1) Kelkar Task Force / France (1954) / 160 Countries / GST - Consumption based Tax / No Difference in Goods or Services - Both taxed at Single Rate / 01-07-2017
- 2) GST Act - CGST / SGST / UTGST / IGST / GST (C to S) Act
- 3) Why GST - ED then VAT including ED / CENVAT Credit allowed only to Manufacturer / No adjustment of VAT ITC to ED or Vice-versa / No ITC of CST / No ITC of Various State Levies.
- 4) CGST / UTGST / IGST / C to S → Central Govt
SGST / UTGST (D, P, J & K) → State Govt
- 5) Inter State Supply - IGST / Intra State Supply - CGST and SGST or UTGST
- 6) Restriction on ITC Utilisation
CGST ITC ~~X~~ SGST / UTGST Payable / SGST / UTGST ITC ~~X~~ CGST Payable
- 7) HSN / Taxes Merged → CG (CE, ST, CVD, CST) SG (VAT, ET, Lottery, Adv., Luxury Tax, Entertainment tax)
Except levied by LA.
- 8) Benefits - Unified National Market, Mitigate Cascading, Eliminate Multiple Tax, Increase in Govt Revenue, Enhanced Investment and Employment, Use of IT, Reduction in Compliance Cost.

9) GST - All over India / India - 12 NM (TW from base) + CS (200 NM from TW) + EEZ (200 NM from base) / Airspace also included.

10) SPV is Setup i.e. GSTN to provide shared IT Infra. to CG/SG/Tax payer for Implementation of GST
Functions - Registration, Returns, MIS to CG, Matching of GST, Tax payer Profile
GSTN Selection IT and Financial Companies i.e. GST Suvidha Provider [GSP] to develop application for Tax payer to interact with GSTN. GSP may take help of Application Service Provider [ASP] who act as a Link between GSP and Taxpayer.

11) GST (CtOS) Act 2017 Imposed on Luxury and Sin products to Compensation the States To be Charged on Value of Supply.

12) Alcoholic Liquor for HC - State Matter - No GST Instead State ED and VAT/CST

Five Product (Crude/Petrol/Diesel/ATF/Natural Gas)
अभी इन पर GST नहीं लगता but in future लग सकता है जब तक नहीं लगता इस पर Central ED & VAT/CST लगेगा !

Tobacco - CG Matter - GST लगेगा PLUS CG retain power to impose Central ED also.

Opium Indian Hemp and Narcotic Drugs - State Matter - GST लगेगा PLUS SG retain power to impose State ED.

13) Real Estate Sector - No GST

14) CI - 25 Parts - 448 Articles and XII Schedules

Article 265 - No tax levied unless Authority of Law

Article 245 Part XI - Parliament - Law for India or any part - Law valid even having Extra Territorial operation / State - Law for state or any part.

Article 246 - Gives power to Union & State to Levy taxes - Schedule VII - List I (Union) Entry 82 to 91
List II (State) Entry 45 to 63

Article 246A (CAA 2016) - Power to make Law for Goods and Services to CG & SG (Intra) / Exclusive Power to CG to make law for Goods and Services (Inter)
Place of supply determine करने की Power CG के पास है।

GST (ctos) Act - 5 Years from Implementation of GST
CAA 2016 - 20 Sections

Article 279A - Gives Power to President to Constitute GST Council 12-09-2016 and President Constituted the same on 15-09-2016 / Union FM (Chairman) and members nominated by States.

GST Council - Quorum - 50% / Decision - by Majority - 3/4 Weighted of member Present and Vote - CG Member Vote Cast Weightage 1/3 of Total Vote - SG Members Vote Cast Weightage 2/3 of Total Vote.

Proceedings not Invalid - Vacancy / Defect in Constitution of GST Council / Defect in appointment of member / Procedural Irregularity not affecting merit of Case.

GST Council to adjudicate the disputes

Union Vs State (s) / Union Vs State(s) Vs State(s)
State(s) Vs State(s)

GST Council Recommendation may include GST Rates, Exemption, threshold Limit for registration etc.

Article 248 - Residuary Power to Union - If matter not in State List and Concurrent List - This Power Subject to the Article 246A.

Article 249 - Union Can make law if matter Stated in State list - If in National Interest - Council of state(s) pass resolution in favor with 2/3 Majority - This Power can also be Used for Article 246A.

Article 250 - Union Can make if matter stated in State List - If Emergency is in operation - This Power can also be Used for Article 246A.