



Final Course

Paper 8 : Indirect Tax Laws

Chapter 9 : Registration

Part-1

CA. Gaurav Gupta



# Registration

Importance from Real Life & Examination Perspectives



# Learning Objectives

Legal Provisions

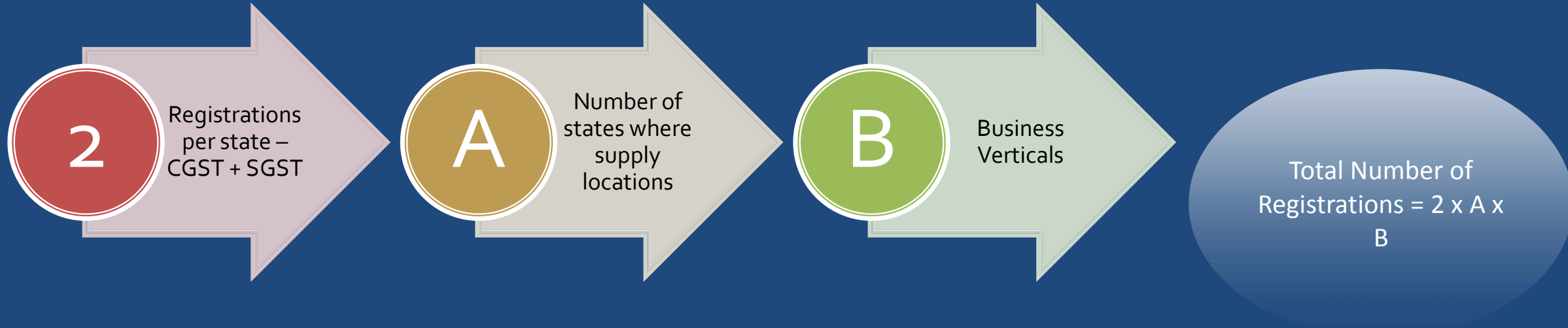
Persons who are required to register

Procedure

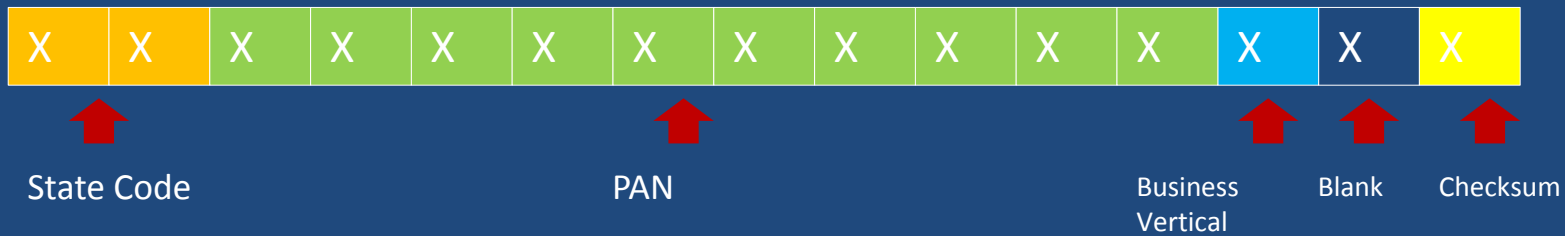
Migration Procedure



# Registration



## GSTIN - Features



1  
GSTIN  
per  
state



# Need for Registration

Person is recognised legally as a supplier of goods or services or both

He is authorised to collect GST from customers and deposit with the government

He can issue tax invoice and pass Input tax Credits to his customers

He shall be required to file returns and comply with all compliances mandated by government



# Legal Provisions



# Levy and Registration

- Section 9 of CGST Act / SGST Act and Section 5 of IGST Act
- GST is levied on all intra-State supplies of goods or services or both and shall be paid by the taxable person.

- Section 2(107)

“taxable person” means a person who is registered or liable to be registered under section 22 or section 24;



# Levy and Registration

Sec. 25 of CGST Act / Sec. 8 of IGST Act – Distinct Persons

Following establishments of a person shall be considered as distinct persons:

- an establishment in India and any other establishment outside India eg. Branch in Paris
- an establishment in a State or Union territory and any other establishment outside that State or Union territory eg. Branch in Delhi and Karnataka
- an establishment in a State or Union territory and any other establishment being a business vertical registered within that State or Union territory





# Levy and Registration

- (18) “business vertical” means a distinguishable component of an enterprise that is engaged in the supply of individual goods or services or a group of related goods or services which is subject to risks and returns that are different from those of the other business verticals.

Explanation.—For the purposes of this clause, factors that should be considered in determining whether goods or services are related include—

- (a) the nature of the goods or services;
- (b) the nature of the production processes;
- (c) the type or class of customers for the goods or services;
- (d) the methods used to distribute the goods or supply of services; and
- (e) the nature of regulatory environment (wherever applicable), including banking, insurance, or public utilities;



# Levy and Registration

## Example

- Mr X has branches has two branches in Delhi. First branch is dealing in sale of Cement and construction material while second branch deals in provision of consultancy services. Both branches qualify as business vertical and can obtain separate registrations



# Levy and Registration

## Section 9

Requirement of tax payment under Section 9(3) as recipient mandates a person to obtain registration under the Act

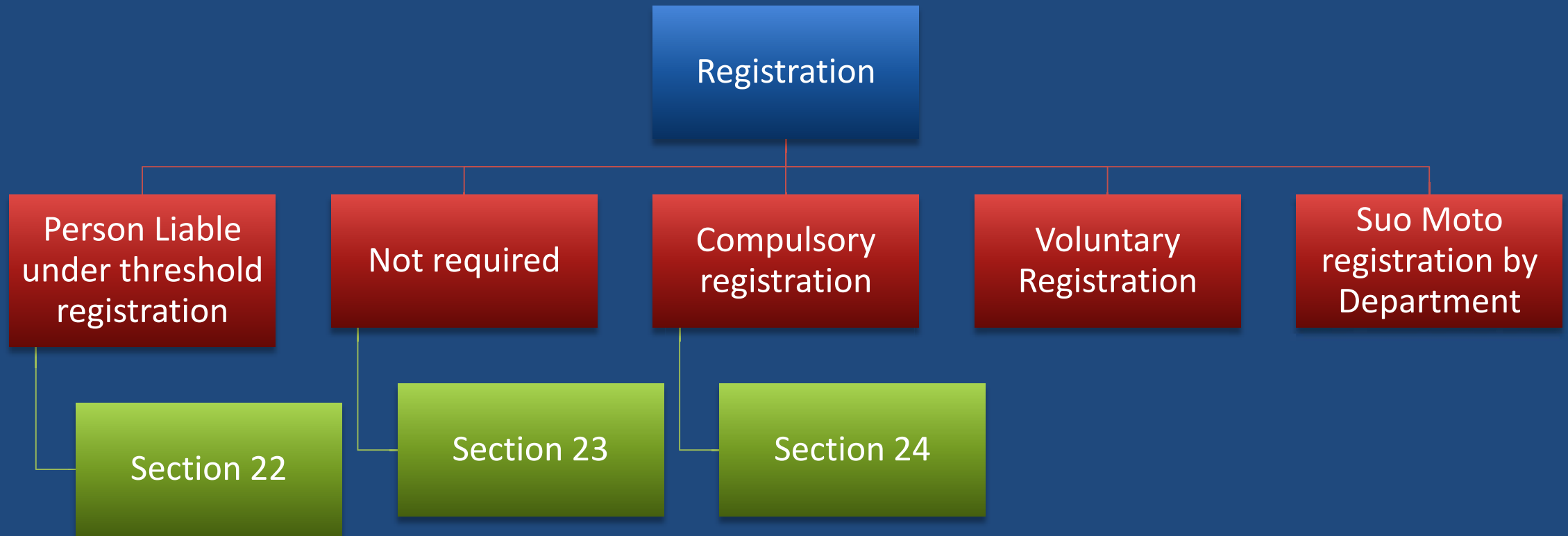
Requirement of tax payment under Section 9(3) as recipient mandates an e commerce operator to obtain registration under the Act



# Persons required to register

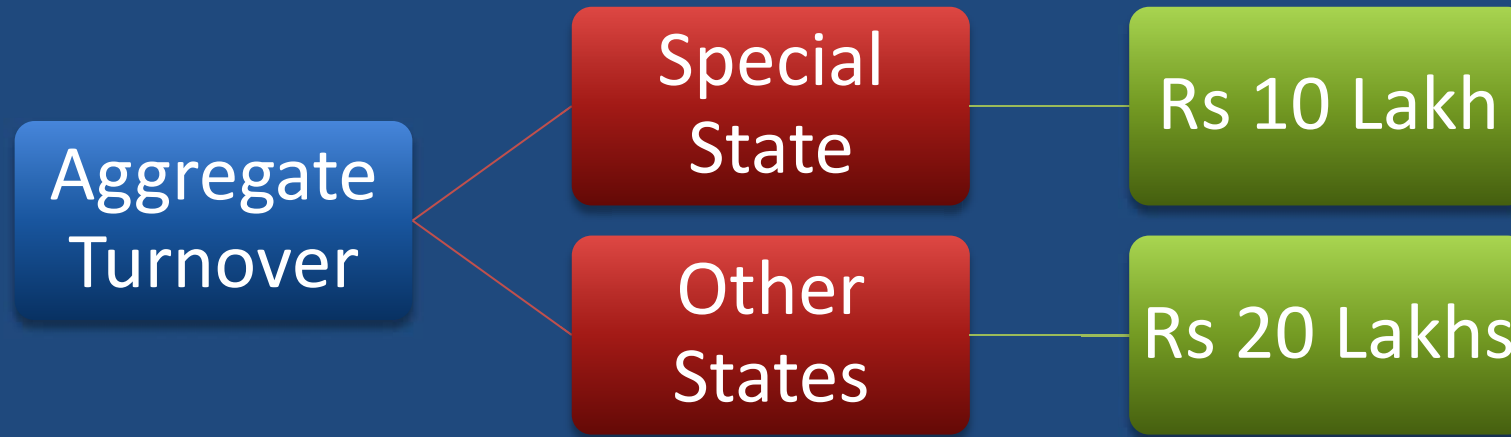


# Registration





# Turnover Limits – Section 22



Special Category States includes States of Arunachal Pradesh, Assam, Himachal Pradesh, Jammu & Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Uttarakhand

(6) “aggregate turnover” means the aggregate value of all taxable supplies (excluding the value of inward supplies on which tax is payable by a person on reverse charge basis), exempt supplies, exports of goods or services or both and inter-State supplies of persons having the same Permanent Account Number, to be computed on all India basis but excludes central tax, State tax, Union territory tax, integrated tax and cess;



# Registration

## Persons not requiring registration

Any person engaged exclusively in the business of supplying goods or services or both which are not liable to tax or are wholly exempt

An Agriculturist.

Any class of person as may be notified by the Government on the recommendation of the Council.

Section 2(7) “agriculturist” means an individual or a Hindu Undivided Family who undertakes cultivation of land—

(a) by own labour, or

(b) by the labour of family, or

(c) by servants on wages payable in cash or kind or by hired labour

under personal supervision or the personal supervision of any member of the family;



# Registration – Section 24

Suppliers holding  
license under earlier  
laws

Buyer of Business

In case of  
Amalgamation/De-  
merger

Inter-state Taxable  
Supplier

Persons required to  
make payment  
under Reverse  
Charge

Persons required to  
deduct tax

Agents of taxable  
Person

Input Service  
Distributor (ISD)

Persons supplying  
goods through  
Electronic  
Commerce Operator

Electronic  
Commerce Operator

Online data base  
access & Retrieval  
service operator

Casual and Non-  
resident Supplier





# Inter State Supply

- Following persons are not required to obtain registration in case they have made an inter-State supplies supply

Category of Persons	Notification No.
Supplier of taxable services and having an aggregate turnover	10/2017 – Integrated Tax
Persons making inter-State taxable supplies of specified handicraft goods	8/2017 – Integrated Tax
Job workers engaged in making inter-State supply of services to a registered person other than those of Jewellery, goldsmiths' and silversmiths' wares and other articles	7/2017 – Integrated Tax
In all above cases, person should not be having an aggregate turnover not exceeding 20 Lakhs (or 10 Lakhs in case of special category states)	



# Casual taxable persons

- “casual taxable person” means a person who occasionally undertakes transactions involving supply of goods or services or both in the course or furtherance of business, whether as principal, agent or in any other capacity, in a State or a Union territory where he has no fixed place of business;
- Other points
  - Casual taxable person shall apply for registration at least five days prior to the commencement of business
  - Casual taxable person shall make taxable supplies only after the issuance of the certificate of registration
  - The certificate of registration issued to a casual taxable person shall be valid for the period specified in the application for registration or 90 days, whichever is earlier . Such period may be extended by another 90 days by proper officer
  - Such person shall be required to make an advance deposit of tax equivalent to the estimated tax liability for the period for which the registration is sought at the time of application



# Non Resident taxable persons

- (77) “non-resident taxable person” means any person who occasionally undertakes transactions involving supply of goods or services or both, whether as principal or agent or in any other capacity, but who has no fixed place of business or residence in India
- Other points
  - Non Resident Taxable Person to be granted registration based on other documents as PAN is not available in his case
  - Non Resident taxable person shall apply for registration at least five days prior to the commencement of business
  - Non Resident taxable person shall make taxable supplies only after the issuance of the certificate of registration
  - The certificate of registration issued to a Non Resident taxable person shall be valid for the period specified in the application for registration or 90 days, whichever is earlier . Such period may be extended by another 90 days by proper officer
  - Such person shall be required to make an advance deposit of tax equivalent to the estimated tax liability for the period for which the registration is sought at the time of application



# Other persons

(61) “Input Service Distributor” means an office of the supplier of goods or services or both which receives tax invoices issued under section 31 towards the receipt of input services and issues a prescribed document for the purposes of distributing the credit of central tax, State tax, integrated tax or Union territory tax paid on the said services to a supplier of taxable goods or services or both having the same Permanent Account Number as that of the said office;

(45) “electronic commerce operator” means any person who owns, operates or manages digital or electronic facility or platform for electronic commerce;

(44) “electronic commerce” means the supply of goods or services or both, including digital products over digital or electronic network;



# Other persons

## Sec. 2(17) of IGST Act

“online information and database access or retrieval services” means services whose delivery is mediated by information technology over the internet or an electronic network and the nature of which renders their supply essentially automated and involving minimal human intervention and impossible to ensure in the absence of information technology and includes electronic services such as,—

- (i) advertising on the internet;
- (ii) providing cloud services;
- (iii) provision of e-books, movie, music, software and other intangibles through telecommunication networks or internet;
- (iv) providing data or information, retrievable or otherwise, to any person in electronic form through a computer network;
- (v) online supplies of digital content (movies, television shows, music and the like);
- (vi) digital data storage; and
- (vii) online gaming;





# Other persons

- Voluntary Registration

- all provisions of this Act, as are applicable to a registered taxable person, shall apply to such person
- No threshold benefit

- Suo Moto by department

- During the course of any survey, inspection, search, enquiry of any other proceeding under the Act, if proper office finds that a person is liable for registration, he may register the said person on a temporary basis and issue an order in Form GST REG-12
- Within 30 days file an application in Form GSTREG1 or Appeal to be filed against such order.



# Other Points

UIN

United Nations Organisation or any Multilateral Financial Institution and Organisation notified under the United Nations (Privileges and Immunities) Act, 1947, Consulate or Embassy of foreign countries; and any other notified person shall be granted a Unique Identity Number in place of GSTIN





# Procedural Provisions







# Registration – Procedural requirements

**Registration can be applied in Form REG 1 by all persons other than**

- a non-resident taxable person
- a person required to deduct tax at source under section 51
- a person required to collect tax at source under section 52
- a person supplying online information and database access or retrieval services from a place outside India to a non-taxable online recipient referred to in section 14 of the Integrated Goods and Services Tax Act, 2017





# Registration – Procedural requirements

## New Registration process

### Application

- Application in Form **GST Reg-01** Part A (PAN, e-Mail, Mobile Verification)
- Part B (Other details)
- Ack. Form **GSTReg-02**
- **TRN given to casual taxable person for deposit of tax**
- Then, Submit the relevant docs

### Verification

- Clarifications/info required – Form **GST Reg-03 (3 days)**
- Applicant furnish clarifications in Form **GST Reg-04 (7 working days)**

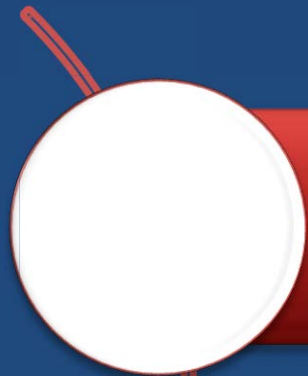
### Approval /Rejection

- Approval within 7 days of clarification
- If clarifications not provided or is not satisfactory- rejection in Form GST REG-05
- Registration in REG 6
- Deemed registration--No action taken within 3/7 working days

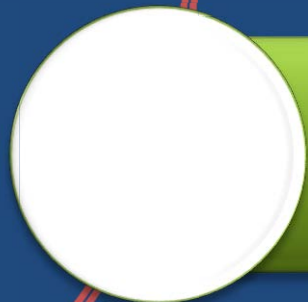


# Validity

Certificate of registration is effective from:



From the date on which the person becomes liable to registration – applied within 30 days.



Date of grant of registration – applied after 30 days.



# Registration – TDS

Person required to deduct TDS / TCS shall apply registration in FORM GST REG-07

Grant of registration after due verification and issue a certificate of registration in FORM GST REG-06 within a period of three working days

Cancellation in case upon an enquiry or other proceeding, proper officer finds that such person is no longer liable and such cancellation shall be communicated to the said person electronically in FORM GST REG-08

SCN before cancellation as per Rule 22



# Registration – Non resident

Non resident taxable person shall apply registration in FORM GST REG-09

Application for registration shall be submitted along with its tax identification number or unique number on the basis of which the entity is identified by the Government of that country or its Permanent Account Number, if available.

TRN and deposit of tax

Other procedure remains same

Extension to be applied in REG 11



# Registration – OIDAR

Any person supplying online information and database access or retrieval services from a place outside India to a non-taxable online recipient shall submit an application for registration in FORM GST REG-10.

The applicant referred to in sub-rule (1) shall be granted registration, in FORM GST REG-06, subject to such conditions and restrictions and by such officer as may be notified by the Central Government on the recommendations of the Council.



# Registration – UIN

Any person requiring Unique Registration Number shall submit an application for registration in FORM GST REG-13.

The applicant referred to in sub-rule (1) shall be granted registration, in FORM GST REG-06, subject to such conditions and restrictions and by such officer as may be notified by the Central Government on the recommendations of the Council.



# Amendment – Procedural requirements

- Amendment to particulars may be intimated in Form GST REG 14 within 15 days of change in such particulars
- Following amendments requires approval of proper officer–
  - Legal name of Business,
  - Address of principal or additional place of Business, and
  - Details of partners or directors, karta, Managing Committee, Board of Trustees, Chief Executive Officer or equivalent, responsible for day to day affairs of the business
- Officer on satisfaction to issue GST REG 15 within 15 days of receiving application, after verification.
- If not satisfied, GST REG 03 may be issued proposing to reject the amendment within 15 days.
- Registered person to reply such show cause in REG 04







# Amendment – Procedural requirements

- Where the reply furnished by assessee is not found to be satisfactory or where no reply is furnished in response to the notice proper officer shall reject the application and pass an order in FORM GST REG -05.
- Deemed amendment of no action by proper officer–
  - within 15 days of application
  - within a period of seven working days from the date of the receipt of the reply to the notice to show cause
- Any rejection/approval of amendments under CGST shall be deemed to be amended for SGST and vice versa.
- PAN change requires new registration





# Cancellation – Procedural requirements

- Proper officer may cancel the registration suo moto or on an application by the assessee in following cases:
    - Business is discontinued
    - Change in constitution of business
    - Taxable person no longer becomes liable to register
  - Registration can be cancelled in following cases:
    - does not conduct any business from the declared place of business; or
    - issues invoice or bill without supply of goods or services in violation of the provisions of this Act, or the rules made thereunder; or
    - violates the provisions of section 171 of the Act or the rules made thereunder
- Proper officer shall issue an order in FORM GST REG-19 within 30 days





# Cancellation – Procedural requirements

- A person seeking cancellation shall submit an application in FORM GST REG-16 within 30 days of event of cancellation
- Such application shall include –
  - the details of inputs held in stock or inputs contained in semi-finished or finished goods held in stock
  - capital goods held in stock on the date from which the cancellation of registration is sought, liability thereon,
  - the details of the payment, if any, made against such liability
- No application for the cancellation of registration shall be considered in case of a voluntary registration before one year from the effective date of registration.





# Cancellation – Procedural requirements

- Cancellation by officer in following cases:
  - a registered person has contravened such provisions of the Act or the rules made thereunder as may be prescribed; or
  - a person paying tax under section 10 has not furnished returns for three consecutive tax periods; or
  - any registered person has not furnished returns for a continuous period of six months; or
  - any person who has taken voluntary registration has not commenced business within six months from the date of registration; or
  - registration has been obtained by means of fraud, wilful misstatement or suppression of facts
- Such office shall issue notice for cancellation in Form REG 17
- The reply to the show cause notice shall be furnished in FORM REG-18 within 7 days
- If reply is satisfactory, notice to be dropped vide REG 20



# Cancellation – Other Points

- Cancellation shall not affect the liability of the person prior to cancellation date.
- Cancellation under CGST – deemed to be cancelled under SGST and vice versa.
- On cancellation – shall pay:
  - An amount, equivalent to the credit of ITC on inputs, WIP and FG; or
  - Output tax payable on such goods
  - In case of CG – pay an amount equal to ITC taken - % as pay be prescribed; or
  - Tax on transaction value – WIH
- Apart from above, he needs to file Final return under section 40 of the Act.





## Other Points

- Every registered person shall display his certificate of registration in a prominent location at his principal place of business and at every additional place or places of business
- Every registered person shall display his Goods and Services Tax Identification Number on the name board exhibited at the entry of his principal place of business and at every additional place or places of business

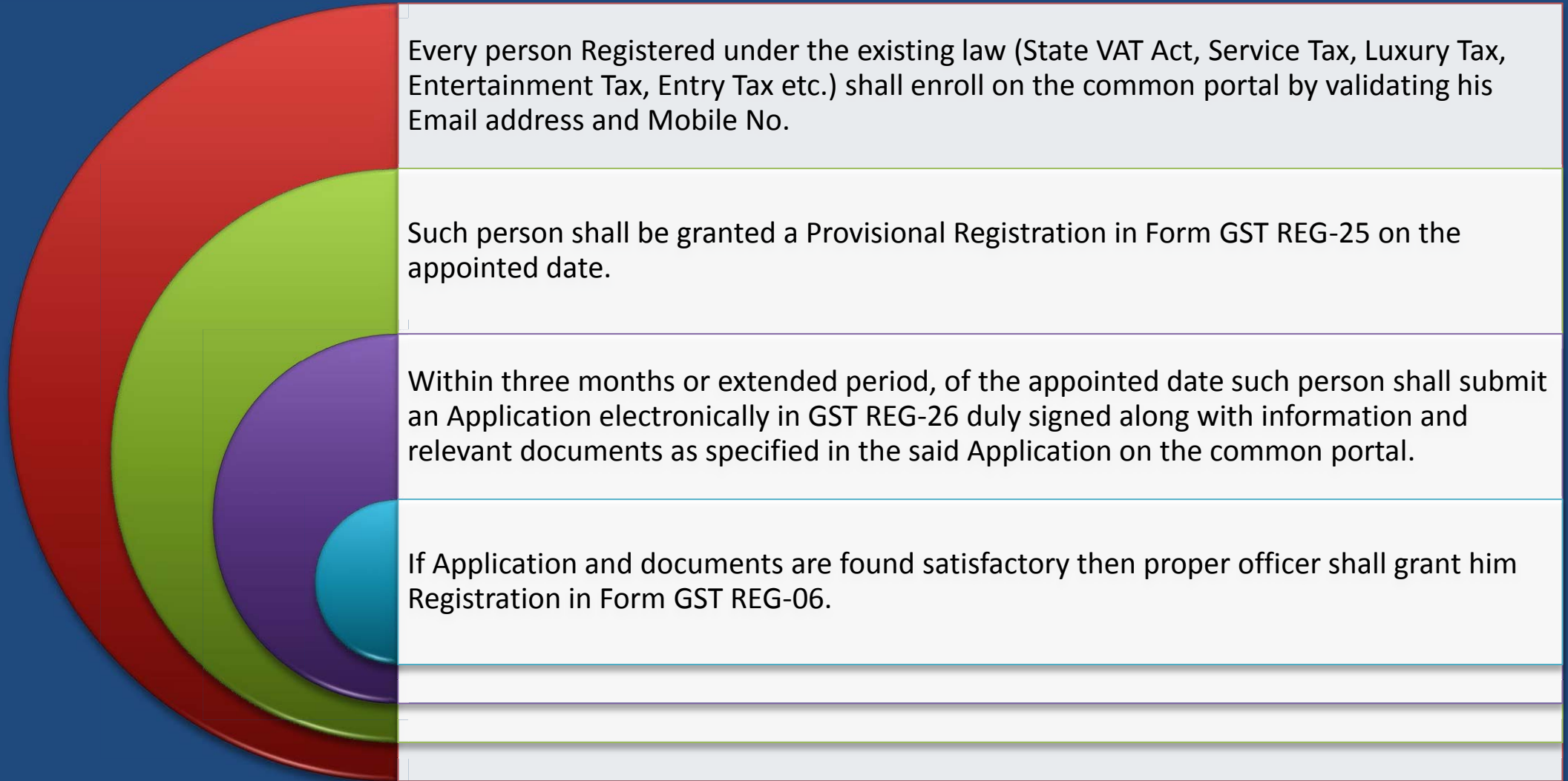


# Migration Provisions





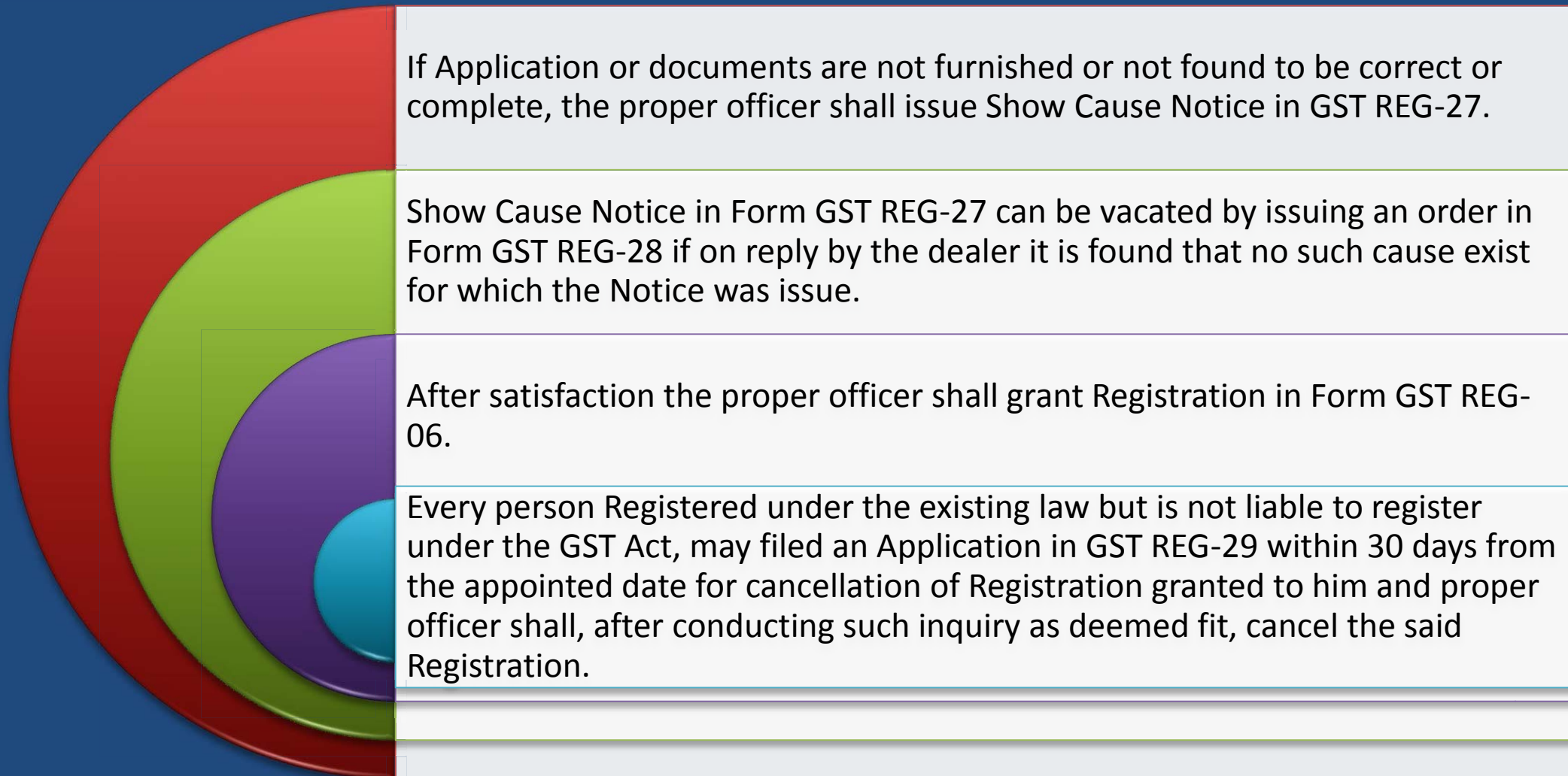
# Migration – Procedural requirements







# Migration – Procedural requirements





Thank you