



Lawgics

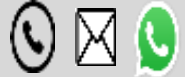
By Nidhi, Advocate



Serial No. 022
Dt.: 06-02-2023

Part- 1

Section 25(1) to 25(6D) of CGST Act, 2017
read with Rule 8,9,10,10A,10B & 11



<https://chat.whatsapp.com/Ie4VxuhvToe76Us7e5mkrL>

CLICK TO JOIN
WHATSAPP GROUP

Section 25 (1)	<p>Every person who is liable to be registered under section 22 or section 24 shall apply for registration in every such State or Union territory in which he is so liable within thirty days from the date on which he becomes liable to registration, in such manner and subject to such conditions as may be prescribed:</p> <p>Provided that a casual taxable person or a non-resident taxable person shall apply for registration at least five days prior to the commencement of business.</p> <p>Provided further that a person having a unit, as defined in the Special Economic Zones Act, 2005, in a Special Economic Zone or being a Special Economic Zone developer shall have to apply for a separate registration, as distinct from his place of business located outside the Special Economic Zone in the same State or Union territory.</p> <p>Explanation. —Every person who makes a supply from the territorial waters of India shall obtain registration in the coastal State or Union territory where the nearest point of the appropriate baseline is located.</p>
Section 25(1) Interpretation	<p><u>Procedure for Registration</u></p> <p>Every person liable for registration shall apply for registration in every state in which he become so liable within 30 days from the date on which he becomes liable to registration.</p> <p>First proviso says, casual taxable person or non-resident taxable person shall apply for registration at least 5 days prior to the commencement of business.</p> <p>Second proviso to section 25(1) says that a person having unit in SEZ would have to take two separate registrations simultaneously, one for the state in which he is working and another for SEZ unit being distinct person as per GST Act and has to comply all provisions separately for both the registration.</p> <p>Explanation to section 25(1) clarify that in case of any person making any supplies from territorial water, then the supplier as such is under an obligation to get himself registered in the state which is the nearest point of the appropriate baseline. Every person who makes a supply from the territorial waters of India shall obtain registration in the coastal State or Union territory where the nearest point of the appropriate baseline is located.</p>
Section 25 (2)	<p>A person seeking registration under this Act shall be granted a single registration in a State or Union territory:</p> <p>Provided that a person having multiple places of business in a State or Union territory may be granted a separate registration for each such place of business, subject to such conditions as may be prescribed.</p>

<p>Section 25(2) read with Rule 11 Interpretation</p>	<p><u>Multiple registration for multiple places within a state</u></p> <p>Earlier there was a concept of multiple business vertical, in which separate registration was possible when business vertical is entirely distinguishable from the whole business like supplying a particular products or services but this restriction was removed via CGST (Amendment) Act, 2019. Vide Notification No. 42/2019- Central Tax dated 24.09.2019, this condition of distinct business was removed and this means that even if the business is same but at multiple places within the same state, separate registration each for such place of business within the same state can be taken subject to the following conditions:</p> <ul style="list-style-type: none"> ➤ Such person must have multiple places of business in same state ➤ ALL Registrants either opt for regular scheme or composition scheme simultaneously. It is not possible that one registrant chooses regular scheme, another one chooses composition scheme, under same PAN ➤ The transactions between each unit are subject to GST and needs to issue Tax Invoice for each transaction. Output tax of one unit would be Input for another unit under same PAN. ➤ The process of Registration and all other compliances needs to be complied by all the registrants separately as per law.
<p>Section 25 (3)</p>	<p>A person, though not liable to be registered under section 22 or section 24 may get himself registered voluntarily, and all provisions of this Act, as are applicable to a registered person, shall apply to such person.</p>
<p>Section 25(3) Interpretation</p>	<p><u>Voluntary Registration</u></p> <p>A person, though not liable for registration, may get himself registered voluntary at any time. Once registered then all compliances need to be done as applicable on regular registered dealer.</p>
<p>Section 25 (4)</p>	<p>A person who has obtained or is required to obtain more than one registration, whether in one State or Union territory or more than one State or Union territory shall, in respect of each such registration, be treated as distinct persons for the purposes of this Act.</p>
<p>Section 25(4) Interpretation</p>	<p><u>Distinct person in same state or multiple states</u></p> <p>This section provides that each registrant would be a distinct person even under same PAN whether registered in same state or multiple states. Each registration has to comply the law as a separate or distinct person. Each GST registration even under same PAN is a distinct person in the eyes of the law.</p>
<p>Section 25 (5)</p>	<p>Where a person who has obtained or is required to obtain registration in a State or Union territory in respect of an establishment, has an establishment in another State or Union territory, then such establishments shall be treated as establishments of distinct persons for the purposes of this Act.</p>
<p>Section 25(5) Interpretation</p>	<p><u>Registered person in a state having establishment in another state or states</u></p> <p>Where a tax payer is registered in a state and has an establishment in another state or states, then such establishment shall be treated as establishment of distinct person for the purposes of this Act.</p>
<p>Section 25 (6)</p>	<p>Every person shall have a Permanent Account Number issued under the Income- tax Act, 1961 in order to be eligible for grant of registration:</p> <p>Provided that a person required to deduct tax under section 51 may have, in lieu of a Permanent Account Number, a Tax Deduction and Collection Account Number issued under the said Act in order to be eligible for grant of registration.</p>
<p>Section 25 (6) Interpretation</p>	<p><u>Possession of PAN is must for Registration</u></p> <p>Every person shall have a PAN to be eligible for Registration. GST registration is a PAN based registration.</p> <p>However, for registration for the purpose of TDS under section 51 under GST, if such person does not have PAN, then TDS registration can be granted to such person on the basis of TAN issued under Income Tax Act, to such person.</p>

Section 25(6A)	<p>Every registered person shall undergo authentication, or furnish proof of possession of Aadhaar number, in such form and manner and within such time as may be prescribed:</p> <p>Provided that if an Aadhaar number is not assigned to the registered person, such person shall be offered alternate and viable means of identification in such manner as Government may, on the recommendations of the Council, prescribe:</p> <p>Provided further that in case of failure to undergo authentication or furnish proof of possession of Aadhaar number or furnish alternate and viable means of identification, registration allotted to such person shall be deemed to be invalid and the other provisions of this Act shall apply as if such person does not have a registration.</p>
Section 25(6A) Interpretation	<p><u>Aadhar Card is mandatory for existing registrations</u></p> <p>Every person, who is already having a registration shall undergo authentication /furnish proof of possession of Aadhaar number.</p> <p>Provided that if Aadhaar number is not assigned to the registered person, then such person shall be offered alternate and viable means of identification.</p> <p>Provided further that in case of failure to undergo authentication /furnish Aadhaar number or alternate and viable means of identification, registration allotted to such person shall be deemed to be invalid and other provisions of this Act shall apply as if such person does not have a registration.</p>
Section 25(6B)	<p>On and from the date of notification, every individual shall, in order to be eligible for grant of registration, undergo authentication, or furnish proof of possession of Aadhaar number, in such manner as the Government may, on the recommendations of the Council, specify in the said notification:</p> <p>Provided that if an Aadhaar number is not assigned to an individual, such individual shall be offered alternate and viable means of identification in such manner as the Government may, on the recommendations of the Council, specify in the said notification.</p>
Section 25(6B) Interpretation	<p><u>Aadhar Card is mandatory for new registrations</u></p> <p>Every individual shall, in order to be eligible for grant of fresh registration, undergo authentication/ furnish proof of possession of Aadhaar number.</p> <p>Provided that if an Aadhaar number is not assigned to an individual, such individual shall be offered alternate and viable means of identification.</p>
Section 25(6C)	<p>On and from the date of notification, every person, other than an individual, shall, in order to be eligible for grant of registration, undergo authentication, or furnish proof of possession of Aadhaar number of the Karta, Managing Director, whole time Director, such number of partners, Members of Managing Committee of Association, Board of Trustees, authorised representative, authorized signatory and such other class of persons, in such manner, as the Government may, on the recommendation of the Council, specify in the said notification:</p> <p>Provided that where such person or class of persons have not been assigned the Aadhaar Number, such person or class of persons shall be offered alternate and viable means of identification in such manner as the Government may, on the recommendations of the Council, specify in the said notification.</p>
Section 25(6C) Interpretation	<p><u>HUF, BOI, COMPANY, TRUST, AOP etc</u></p> <p>Every person, other than an individual, shall, in order to be eligible for grant of registration, undergo authentication /furnish proof of possession of Aadhaar number of the Karta, Managing Director, whole time Director, such number of partners, Members of Managing Committee of Association, Board of Trustees, authorized representative, authorized signatory.</p> <p>Provided where Aadhaar number is not assigned to such concerned person, such concerned person shall be offered alternate and viable means of identification.</p>

Section 25(6D)	<p>The provisions of sub-section (6A) or sub-section (6B) or sub-section (6C) shall not apply to such person or class of persons or any State or Union territory or part thereof, as the Government may, on the recommendations of the Council, specify by notification.</p> <p>Explanation. —For the purposes of this section, the expression “Aadhaar number” shall have the same meaning as assigned to it in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.”</p>
Section 25(6D) Interpretation	<p><u>EXEMPTED CLASS</u></p> <p>The government on the recommendation of GST Council, can exempt by notification a person or class of persons or any State or Union Territory or part thereof from Aadhar Authentication.</p>
Rule 8 Interpretation	<p><u>Registration Process</u></p> <p>(1) The process starts with filing an application in REG-01. Before applying for registration, a person needs to declare his PAN and State or Union Territory in Part-A of REG-01 on the common portal. The requirement of providing mobile number and email address has been omitted vide Notification No. 26/2022 – Central Tax dated 26.12.2022.</p> <p>(2) The PAN shall be validated online by the common portal from the database maintained by the Central Board of Direct Taxes and shall also be verified through separate one-time passwords sent to the mobile number and e-mail address linked to the Permanent Account Number.</p> <p>(3) On successful verification of the PAN, mobile number and e-mail address, a temporary reference number (TRN) shall be generated and communicated to the applicant on the said mobile number and e-mail address.</p> <p>(4) Using the TRN, the applicant shall electronically submit an application in Part B of REG-01, duly signed or verified through electronic verification code, along with the documents specified in the said Form at the common portal.</p> <p>(4A) The application for registration shall be deemed to be complete only after the biometric-based Aadhaar authentication and taking photograph of the applicant, along with the verification of the original copy of the documents uploaded with the application in REG-01 at one of the notified Facilitation Centres.</p> <p>(4B) The Central Government may, on the recommendations of the Council, by notification specify the States or Union territories wherein the provisions of sub-rule (4A) shall not apply. Vide Notification No. 27/2022-Central Tax, dated 26.12.2022, the Central Government specified that the provisions of sub-rule (4A) shall not apply in all the States and Union territories except the State of Gujarat.</p> <p>(5) On receipt of an application, an acknowledgement shall be issued electronically to the applicant in REG-02 on the common portal.</p> <p>(6) In case of casual taxable person, firstly temporary reference number is given for deposit of advance tax and after deposit of the said tax, the acknowledgement in REG-02 is electronically issued to the applicant.</p>
Rule 9 Interpretation	<p><u>Verification of the application and its approval</u></p> <p>(1) The application in REG-01 is forwarded to the proper officer for its verification. If everything found in order, then RC in REG-06 is issued to applicant within 7 working days. However, if applicant fails to undergo Aadhar Authentication or the proper officer deems it fit to carry out physical verification of places of business, then the RC shall be granted within 30 days of submission of application, after physical verification of the place of business in the presence of the said person, in the manner provided under Rule 25.</p> <p>(2) In case any information or any document or any clarification is required, a notice in REG-03 is issued within 7 working days and such information shall be furnished electronically in REG- 04, within 7 working days from the date of the receipt of such notice. However, if applicant fails to undergo Aadhar Authentication or the proper officer deems it fit to carry out physical verification of places of business, then the RC shall be granted within 30 days of submission of application, after physical verification of the place of business in the presence of the said person, in the manner provided under Rule 25.</p> <p>(3) If officer is satisfied, then RC in REG-06 is issued within 7 working days from the date of the receipt of such clarification or information.</p> <p>(4) If no reply is furnished or the officer is not satisfied with the information or clarifications, then he might after recording the reasons in writing, reject the application in electronically in REG-05.</p>

	<p>(5) If a proper officer fails to take any action on the application or conduct physical verification of the premises whenever required or reply within the stipulated time, then the application for grant of registration shall be deemed to have been approved.</p>
<p>Rule 10 Interpretation</p>	<p><u>Issue of registration certificate</u></p> <p>(1) GSTIN- Where the application for grant of registration has been approved under rule 9, A certificate of registration in REG-06 is issued via the common portal showing the principal place of business and additional place(s) of business. GSTIN shall be assigned (a) 2 characters for the State code; (b) 10 characters for the PAN/TIN; (c) 2 characters for the entity code; and (d) 1 checksum character.</p> <p>(2) Effective date- The registration shall be effective from the date on which the person becomes liable to registration where the application for registration has been submitted within a period of 30 days from such date.</p> <p>(3) Effective date- Where an application for registration has been submitted by the applicant after the expiry of 30 days from the date of his becoming liable to registration, the effective date of registration shall be the date of the grant of registration under Rule 9.</p> <p>(4) Verified certificate- Every certificate of registration shall be duly signed/ verified through electronic verification code by the proper officer under the Act.</p> <p>(5) Registration certificate for Deemed Registration- Where the registration has been granted under Rule 9(5), the applicant shall be communicated the registration number, and the certificate of registration under sub-rule (1), duly signed or verified through electronic verification code, shall be made available on the common portal within a period of 3 days.</p>
<p>Rule 10A Interpretation</p>	<p><u>Furnishing of Bank Account Details</u></p> <p>After a certificate of registration in REG-06 has been made available on the common portal and GSTIN has been assigned, then the registered person, shall furnish information w.r.t. details of bank account, or other information, as required on the common portal in order to comply with any other provision. It is to be done not later than 45 days from the date of grant of registration or the date on which the return required under section 39 is due to be furnished, whichever is earlier.</p>
<p>Rule 10B Interpretation</p>	<p><u>Mandatory Aadhar Authentication</u></p> <p>The Central Government vide N. No. 38/2021-CT dated 21.12.2021 has notified 01.01.2022 as the implementation date for Rule 10B of CGST Rules, 2017.</p> <p>In the said rule, it is mandatory for the registered person to undergo Aadhaar authentication for the below purposes:</p> <ol style="list-style-type: none"> 1. Filing of application for revocation of cancellation of registration in FORM GST REG-21 under Rule 23 of CGST Rules,2017 2. Filing of refund application in FORM RFD-01 under Rule 89 of CGST Rules, 2017 3. Refund of the IGST paid on goods exported out of India under Rule 96 of CGST Rules, 2017. <p>The taxable person, who have not yet authenticated their Aadhaar, should go through this authentication process before filing the above-mentioned applications and enabling GST system to validate and transmit the IGST refund data from GST system to ICEGATE system.</p> <p>If Aadhaar number has not been assigned to the concerned person for Aadhaar authentication, such person may undergo e-KYC verification by furnishing the following:</p> <ol style="list-style-type: none"> 1. AADHAAR Enrolment ID and the acknowledgment; and 2. Any of the following documents: <ul style="list-style-type: none"> (i) Bank passbook with photograph; or (ii) Voter Identity Card issued by Election Commission of India; or (iii) Passport; or (iv) Driving license issued by the Licensing Authority as per the MV Act, 1988 (59 of 1988) <p>Furthermore, once the registered taxable person receives the AADHAAR number, he/she shall complete the AADHAAR authentication process within 30 days.</p>

We expressly disclaim liability to any person in respect of anything done in reliance of the contents of this publication.