

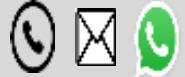


Lawgics

By Nidhi, Advocate



Serial No. 029
Dt.: 15-02-2023



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Section 31 & relevant rules shall be discussed in 3 parts:

Section 31(1) and 31(2) read with Rule 46, Rule 47 and Rule 48

Lawgics Serial No. 029
Dated: 15-02-2023

Section 31(3) read with Rule 49, Rule 46A, Rule 50, Rule 51 and Rule 52

Lawgics Serial No. 030
Dated: 16-02-2023

Section 31(4), 31(5), 31(6) and 31(7) read with Rule 53, Rule 54, Rule 55 and Rule 55A

Lawgics Serial No. 031
Dated: 17-02-2023

Relevant Rule	Subject	Relevant Forms
Rule 46	Tax invoice	NIL
Rule 46A	Invoice-cum-bill of supply	NIL
Rule 47	Time limit for issuing tax invoice	NIL
Rule 48	Manner of issuing invoice	INV-01
Rule 49	Bill of supply	NIL
Rule 50	Receipt voucher	NIL
Rule 51	Refund voucher	NIL
Rule 52	Payment voucher	NIL
Rule 53	Revised tax invoice and credit or debit notes	NIL
Rule 54	Tax invoice in special cases	NIL
Rule 55	Transportation of goods without issue of invoice	NIL
Rule 55A	Tax Invoice or bill of supply to accompany transport of goods	NIL

Section 31(1) and 31(2) read with Rule 46, Rule 47 and Rule 48

Section 31(1)

Tax invoice

A registered person supplying taxable goods shall, before or at the time of, —

(a) removal of goods for supply to the recipient, where supply involves movement of goods; or

(b) delivery of goods or making available thereof to the recipient, in any other case, issue a tax invoice showing the description, quantity and value of goods, the tax charged thereon and such other particulars as may be prescribed:

Provided that the Government may, on the recommendations of the Council, by notification, specify the categories of goods or supplies in respect of which a tax invoice shall be issued, within such time and in such manner as may be prescribed.

Section 31(1)
Interpretation

Tax Invoice in case of supply of Goods

Any registered person supplying taxable Goods, shall issue a tax invoice, containing such prescribed particulars, within the period

	<ul style="list-style-type: none"> ➤ if supply involves movement of Goods, then before or at the time of removal of goods for delivery ➤ If no movement is involved, then before or at the time such goods are made available to the recipient.
Section 31 (2)	<p>A registered person supplying taxable services shall, before or after the provision of service but within a prescribed period, issue a tax invoice, showing the description, value, tax charged thereon and such other particulars as may be prescribed:</p> <p>Provided that the Government may, on the recommendations of the Council, by notification, —</p> <p>(a) specify the categories of services or supplies in respect of which a tax invoice shall be issued, within such time and in such manner as may be prescribed;</p> <p>(b) subject to the condition mentioned therein, specify the categories of services in respect of which—</p> <p>(i) any other document issued in relation to the supply shall be deemed to be a tax invoice; or</p> <p>(ii) tax invoice may not be issued.</p>
Rule 47	<p><u>Time limit for issuing tax invoice.</u></p> <p>The invoice referred to in rule 46, in the case of the taxable supply of services, shall be issued within a period of thirty days from the date of the supply of service:</p> <p>Provided that where the supplier of services is an insurer or a banking company or a financial institution, including a non-banking financial company, the period within which the invoice or any document in lieu thereof is to be issued shall be forty-five days from the date of the supply of service:</p> <p>Provided further that an insurer or a banking company or a financial institution, including a non-banking financial company, or a telecom operator, or any other class of supplier of services as may be notified by the Government on the recommendations of the Council, making taxable supplies of services between distinct persons as specified in section 25, may issue the invoice before or at the time such supplier records the same in his books of account or before the expiry of the quarter during which the supply was made.</p>
Section 31(2) read with Rule 47 Interpretation	<p><u>Tax Invoice in case of supply of Services</u></p> <p>Any registered person supplying taxable services, shall issue a tax invoice within 30 days of providing the services.</p> <p>In case of banking or insurance company, financial institution or NBFC, tax invoice can be issued within 45 days of provision of services. However, in case of banking or insurance company, financial institution or NBFC, telecom services, if services are supplied between distinct persons, then tax invoice can be issued before or at the time such supplier records the same in his books of accounts or before the expiry of relevant quarter.</p> <p>For Example – A Banking company supplies services to its branch on 01.06.2020. The tax invoice may be issued by the bank at the time of recording of the said supply in books of accounts (say 26.07.2020) or before 30.09.2020 (the expiry of the quarter)</p>
Rule 46	<p><u>Tax invoice</u></p> <p>Subject to rule 54, a tax invoice referred to in section 31 shall be issued by the registered person containing the following particulars, namely, -</p> <p>(a) name, address and Goods and Services Tax Identification Number of the supplier;</p> <p>(b) a consecutive serial number not exceeding sixteen characters, in one or multiple series, containing alphabets or numerals or special characters hyphen or dash and slash symbolised as “-” and “/” respectively, and any combination thereof, unique for a financial year;</p> <p>(c) date of its issue;</p> <p>(d) name, address and Goods and Services Tax Identification Number or Unique Identity Number, if registered, of the recipient;</p> <p>(e) name and address of the recipient and the address of delivery, along with the name of the State and its code, if such recipient is un-registered and where the value of the taxable supply is fifty thousand rupees or more;</p> <p>(f) name and address of the recipient and the address of delivery, along with the name of the State and its code, if such recipient is un-registered and where the value of the taxable supply is less than fifty thousand rupees and the recipient requests that such details be recorded in the tax invoice;</p> <p>Provided that where any taxable service is supplied by or through an electronic commerce operator or by a supplier of online information and database access or retrieval services to a recipient who is un-registered,</p>

irrespective of the value of such supply, a tax invoice issued by the registered person shall contain the name and address of the recipient along with its PIN code and the name of the State and the said address shall be deemed to be the address on record of the recipient.

- (g) Harmonised System of Nomenclature code for goods or services;
- (h) description of goods or services;
- (i) quantity in case of goods and unit or Unique Quantity Code thereof;
- (j) total value of supply of goods or services or both;
- (k) taxable value of the supply of goods or services or both taking into account discount or abatement, if any;
- (l) rate of tax (central tax, State tax, integrated tax, Union territory tax or cess);
- (m) amount of tax charged in respect of taxable goods or services (central tax, State tax, integrated tax, Union territory tax or cess);
- (n) place of supply along with the name of the State, in the case of a supply in the course of inter-State trade or commerce;
- (o) address of delivery where the same is different from the place of supply;
- (p) whether the tax is payable on reverse charge basis; and
- (q) signature or digital signature of the supplier or his authorised representative;
- (r) Quick Reference code, having embedded Invoice Reference Number (IRN) in it, in case invoice has been issued in the manner prescribed under sub-rule (4) of rule 48
- (s) a declaration as below, that invoice is not required to be issued in the manner specified under sub-rule (4) of rule 48, in all cases where an invoice is issued, other than in the manner so specified under the said sub-rule (4) of rule 48, by the taxpayer having aggregate turnover in any preceding financial year from 2017-18 onwards more than the aggregate turnover as notified under the said sub-rule (4) of rule 48— "I/We hereby declare that though our aggregate turnover in any preceding financial year from 2017-18 onwards is more than the aggregate turnover notified under sub-rule (4) of rule 48, we are not required to prepare an invoice in terms of the provisions of the said sub-rule.

Provided that the Board may, on the recommendations of the Council, by notification, specify-

- i. the number of digits of Harmonised System of Nomenclature code for goods or services that a class of registered persons shall be required to mention, or
- ii. the class of supply of goods or services for which specified number of digits of Harmonized System of Nomenclature code shall be required to be mentioned by all registered taxpayers; and
- iii. the class of registered persons that would not be required to mention the Harmonised System of Nomenclature code for goods or services:

Provided further that where an invoice is required to be issued under clause (f) of sub-section (3) of section 31, a registered person may issue a consolidated invoice at the end of a month for supplies covered under subsection (4) of section 9, the aggregate value of such supplies exceeds rupees five thousand in a day from any or all the suppliers:

Provided also that in the case of the export of goods or services, the invoice shall carry an endorsement "SUPPLY MEANT FOR EXPORT/SUPPLY TO SEZ UNIT OR SEZ DEVELOPER FOR AUTHORISED OPERATIONS ON PAYMENT OF INTEGRATED TAX" or "SUPPLY MEANT FOR EXPORT/SUPPLY TO SEZ UNIT OR SEZ DEVELOPER FOR AUTHORISED OPERATIONS UNDER BOND OR LETTER OF UNDERTAKING WITHOUT PAYMENT OF INTEGRATED TAX", as the case may be, and shall, in lieu of the details specified in clause (e), contain the following details, namely,-

- i. name and address of the recipient;
- ii. address of delivery; and
- iii. name of the country of destination:

Provided also that a registered person, other than the supplier engaged in making supply of services by way of admission to exhibition of cinematograph films in multiplex screens, may not issue a tax invoice in accordance with the provisions of clause (b) of sub-section (3) of section 31 subject to the following conditions, namely, -

- (a) the recipient is not a registered person; and
- (b) the recipient does not require such invoice, and shall issue a consolidated tax invoice for such supplies at the close of each day in respect of all such supplies.

	<p>Provided also that the signature or digital signature of the supplier or his authorised representative shall not be required in the case of issuance of an electronic invoice in accordance with the provisions of the Information Technology Act, 2000 (21 of 2000).</p> <p>Provided also that the Government may, by notification, on the recommendations of the Council, and subject to such conditions and restrictions as mentioned therein, specify that the tax invoice shall have Quick Response (QR) code.</p>
<p>Rule 46</p> <p>Interpretation</p>	<p><u>Contents of Tax Invoice</u></p> <p>Subject to Rule 54 i.e., ISD tax invoice, a Tax Invoice must contain the following particulars:</p> <ol style="list-style-type: none"> Name, Address & GSTIN of supplier A consecutive Serial number not exceeding 16 characters in one or multiple series which is unique for a financial year. Date of its issue Name, Address & GSTIN or UIN of the recipient Name & Address of Recipient along with Address of delivery with name of state and its code, if supply to un-registered person having value exceeding Rs. 50,000/- Name & Address of Recipient along with Address of delivery with name of state and its code, if supply to un-registered person having value less than Rs. 50,000/- but recipient make request that such details be recorded in the tax invoice <p>Proviso to 46(f) was inserted vide Notification No.26/2022- CT dated 26.12.2022 stating that in the case of taxable services supplied by or through an e-commerce operator or a supplier providing OIDAR (Online information and database access or retrieval) services to an unregistered buyer, the tax invoice issued should contain the name and address of the recipient along with the PIN code and the name of the state. The said address will be deemed to be the address on record of the recipient. This will apply irrespective of the value of supply.</p> <ol style="list-style-type: none"> HSN code for goods or services or both Description of Goods or services Quantity & UQC in respect of Goods Total Value Taxable value Rate of Tax Amount of tax charged Place of supply along with the name of State. In case of Inter-State supply – CBIC vide circular No. 90/09/2019-GST dated 18.02.2019 provided for penalty up to Rs. 25,000 in case of failure to mention these details in the tax invoice Address of delivery where same is different from place of supply i.e., in case of Bill-To Ship-to transactions. Whether tax is payable on RCM or not Signature or digital signature of the supplier or his authorized representative. In case of E-Invoice, Quick Reference code (QR Code), having embedded Invoice Reference Number (IRN) in it. A declaration while generating a tax invoice by the registered person to whom by virtue of AATO, e-invoicing would have been applicable as per rule 48(4) but is not generating e-invoices due to certain exemptions notified by Government. <p>First Proviso means that the number of digits of HSN which needs to be mentioned on invoice may be specified by way of notification. Also, CBIC can give relaxation in indicating the number of digits of HSN /SAC code for the class of registered persons.</p> <p>Second Proviso means that tax invoice in respect of supplies under RCM under section 9(4) can be issued on consolidated basis at the end of each month.</p> <p>Third Proviso means that Export Invoice must contain the words “SUPPLY MEANT FOR EXPORT/SUPPLY TO SEZ UNIT OR SEZ DEVELOPER FOR AUTHORISED OPERATIONS ON PAYMENT OF INTEGRATED TAX or UNDER BOND OR LETTER OF UNDERTAKING WITHOUT PAYMENT OF INTEGRATED TAX”, as the case may be and along with name and address of the recipient, address of delivery; and name of the country of destination.</p>

	<p>Fourth Proviso means that in case of supply of services by way of admission to Cinema Film in multiplex screen, if Recipient is un-registered and does not require tax invoice, then supplier shall issue a consolidated tax invoice for all such supplies at the close of each day in respect of all such supplies.</p> <p>Fifth Proviso means that signature or digital signature of the supplier or his authorized representative is not required in case of issuance of E-invoice in accordance with the provisions of IT Act, 2000.</p> <p>Sixth Proviso means that the Government may require from specified suppliers to specify QR code on the tax invoice.</p>
Rule 48	<p><u>Manner of issuing invoice</u></p> <p>(1) The invoice shall be prepared in triplicate, in the case of supply of goods, in the following manner, namely, -</p> <p>(a) the original copy being marked as ORIGINAL FOR RECIPIENT;</p> <p>(b) the duplicate copy being marked as DUPLICATE FOR TRANSPORTER; and</p> <p>(c) the triplicate copy being marked as TRIPLICATE FOR SUPPLIER.</p> <p>(2) The invoice shall be prepared in duplicate, in the case of the supply of services, in the following manner, namely, -</p> <p>(a) the original copy being marked as ORIGINAL FOR RECIPIENT; and</p> <p>(b) the duplicate copy being marked as DUPLICATE FOR SUPPLIER</p> <p>(3) The serial number of invoices issued during a tax period shall be furnished electronically through the common portal in FORM GSTR-1.</p> <p>(4) The invoice shall be prepared by such class of registered persons as may be notified by the Government, on the recommendations of the Council, by including such particulars contained in FORM GST INV-01 after obtaining an Invoice Reference Number by uploading information contained therein on the Common Goods and Services Tax Electronic Portal in such manner and subject to such conditions and restrictions as may be specified in the notification.</p> <p>Provided that the Commissioner may, on the recommendations of the Council, by notification, exempt a person or a class of registered persons from issuance of invoice under this sub-rule for a specified period, subject to such conditions and restrictions as may be specified in the said notification.</p> <p>(5) Every invoice issued by a person to whom sub-rule (4) applies in any manner other than the manner specified in the said sub-rule shall not be treated as an invoice.</p> <p>(6) The provisions of sub-rules (1) and (2) shall not apply to an invoice prepared in the manner specified in sub-rule (4).</p>
Rule 48 Interpretation	<p><u>Manner of issuing Tax Invoice</u></p> <ol style="list-style-type: none"> As per Rule 48(1), a tax invoice shall be issued in Triplicate for supply of Goods And as per Rule 48(2) a tax invoice shall be issued in Duplicate for Services Rule 48(3) states that details of all tax invoices in serial wise needs be reported in return GSTR-1 on a tax period basis electronically on the common portal. As per rule 48(4), concept of E-invoicing is being explained that E-invoice shall be prepared by such class of registered persons as may be notified by the Government, by including such particulars contained in INV-01 after obtaining an Invoice Reference Number (IRN) by uploading information contained therein on the Common Portal. Therefore, the Specified Persons would be required to obtain an Invoice Reference Number (IRN) by uploading information filled in Form GST INV-01 on the common portal. As per rule 48(5) states that specified persons to whom E-invoicing is applicable shall issue E-invoice only and any other invoice issued by them shall not be treated as an invoice. As per rule 48(6), E-invoice need not be prepared in triplicate in case of goods or duplicate in case of services.

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