



**CIRCULAR NO. 241/35/2024-GST DT 31ST DECEMBER,  
2024**

## **WHAT IS EX-WORKS OR EX-FACTORY CONTRACTS?**

**EX-WORKS OR EX-FACTORY CONTRACTS ARE AGREEMENTS WHERE IN GOODS ARE DELIVERED TO BUYER OR RECIPIENT AT SUPPLIERS' PREMISES OR FACTORY OR BUSINESS PLACE.**

**SO, AFTER SUCH DELIVERY OF GOODS, TITLE OF GOODS AND ALL RISKS ARE OF BUYER.**

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**IS IT NECESSARY FOR RECIPIENT TO RECEIVE GOODS PHYSICALLY TO AVAIL ITC?**

**NO, IT IS NOT MANDATORY UNDER GST FOR RECIPIENT TO RECEIVE GOODS PHYSICALLY AT HIS PREMISES TO AVAIL ITC.**

**YES, IN EXCISE REGIME IT WAS NECESSARY TO RECEIVE GOODS PHYSICALLY AT PREMISES TO AVAIL CENVAT.**

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## **FOR ITC PURPOSES, WHAT IS THE MEANING OF 'RECEIPT OF GOODS' BY RECIPIENT?**

**SUPPLY OF GOODS OR RECEIPT OF GOODS FOR ITC PURPOSES CAN BE EITHER WAY...**

- GOODS SUPPLIED OR HANDED OVER TO RECIPIENT AT SUPPLIER PREMISES/FACTORY GATE**
- GOODS SUPPLIED OR HANDED OVER TO TRANSPORTER OF THE RECIPIENT**
- THE GOODS MAY BE DEEMED TO BE DELIVERED BY WAY OF TRANSFER OF DOCUMENTS OF TITLE TO GOODS DURING TRANSIT OR OTHER WISE**
- THE GOODS ARE DEEMED TO BE DELIVERED BY THE SUPPLIER TO A RECIPIENT OR TO ANY OTHER PERSON ON THE DIRECTION OF SUCH RECIPIENT/ REGISTERED PERSON, WHETHER ACTING AS AN AGENT OR OTHERWISE**
- GOODS ACTUALLY RECEIVED AT RECIPIENT PREMISES.**

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**IS IT NECESSARY TO MENTION PLACE OF SUPPLY (POS) IN WORKS CONTRACTS OR PURCHASE ORDERS TO AVOID ANY NON-COMPLIANCE OF PROVISIONS OF SECTION 16(2) OF CGST ACT, 2017?**

**YES, IT IS NECESSARY AND IMPORTANT TO MENTION THE POS FOR GOODS SUPPLIED BY THE SUPPLIER TO THE RECIPIENT.**

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**WHO IS ENTITLED TO FILE INSURANCE CLAIM IF AS PER CONTRACT, POS IS FACTORY GATE OF SUPPLIER?**

**IF IT HAPPENS, INSURANCE CLAIM SHALL BE FILED BY THE RECIPIENT EVEN IF INSURANCE IS ARRANGED BY THE SUPPLIER ON BEHALF OF RECIPIENT.**

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## **ARE PENAL CHARGES LEVIED BY BANKERS (REGULATED ENTITIES) SUBJECT TO GST?**

**AS PER RBI GUIDELINES DT 18.08.2023 BANKERS (REGULATED ENTITIES) INCLUDING NON-BANKING INSTITUTIONS SHOULD NOT CHARGE PENAL INTEREST FOR NON-COMPLIANCE OF LOANS TERMS. BANKERS MUST CHARGE PENAL CHARGES TO SUCH CASE.**

**PENAL CHARGES LEVIED BY SUCH ENTITIES, IN COMPLIANCE WITH RBI DIRECTIONS DATED 18.08.2023, ARE ESSENTIALLY IN THE NATURE OF CHARGES FOR BREACH OF TERMS OF CONTRACT AND HENCE NO GST IS PAYABLE ON THE PENAL CHARGES LEVIED BY REGULATED ENTITIES, IN COMPLIANCE WITH RBI DIRECTIONS DATED 18.08.2023, FOR NON-COMPLIANCE WITH MATERIAL TERMS AND CONDITIONS OF LOAN CONTRACT BY THE BORROWER**

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## **IS GST APPLICABLE ON THE SERVICES OF PAYMENT AGGREGATORS FOR SETTLEMENT OF ACCOUNTS (BELOW RS 2000/-) ?**

**THE EXEMPTION UNDER SL. NO. 34 OF NOTIFICATION NO. 12/2017-CT(RATE) DATED 28.06.2017 IS AVAILABLE TO ACQUIRING BANKS AND IT INCLUDES PAYMENT AGGREGATORS (PAS). HENCE SERVICES OF PAS TO SETTLE ACCOUNTS UP TO RS. 2000/- FOR PAYMENTS MADE THROUGH CREDIT CARDS, DEBIT CARDS CHARGE CARDS OR OTHER PAYMENT CARD SERVICES THROUGH ESCROW ACCOUNT MANAGEMENT ARE EXEMPTED FROM GST.**

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**ARE PAYMENT GATEWAYS (PGS) COVERED UNDER ACQUIRING BANKS DEFINITION AND ARE EXEMPTED FROM GST UNDER SL. NO. 34 OF NOTIFICATION NO. 12/2017-CT(RATE) DATED 28.06.2017?**

**PAYMENT AGGREGATORS** ARE DEFINED AS ENTITIES WHO RECEIVE PAYMENTS FROM CUSTOMERS, POOL AND TRANSFER THEM ON TO THE MERCHANTS WITHIN A SPECIFIED TIME PERIOD.

ON THE OTHER HAND, **PAYMENT GATEWAYS (PA)** ARE DEFINED AS ENTITIES THAT PROVIDE TECHNOLOGY INFRASTRUCTURE TO ROUTE AND FACILITATE PROCESSING OF AN ONLINE PAYMENT TRANSACTION WITHOUT ANY INVOLVEMENT IN HANDLING OF FUNDS.

PA FALL WITHIN THE DEFINITION OF 'ACQUIRING BANK' GIVEN IN THE EXPLANATION TO THE SAID EXEMPTION ENTRY AND LIMITED TO PAYMENT SETTLEMENT FUNCTION ONLY, WHICH INVOLVES HANDLING OF MONEY, AND **DOES NOT COVER PAYMENT GATEWAY (PG) SERVICES.**

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**IS RESEARCH AND DEVELOPMENT SERVICES PROVIDED BY GOVERNMENT ENTITIES OR RESEARCH ASSOCIATIONS, UNIVERSITIES, COLLEGES OR OTHER INSTITUTIONS, NOTIFIED UNDER CLAUSES (II) OR (III) OF SUB-SECTION (1) OF SECTION 35 OF THE INCOME TAX ACT, 1961, AGAINST CONSIDERATION IN THE FORM OF GRANTS?**

**YES, SUCH SERVICES ARE EXEMPTED FROM GST (NOTIFICATION NO. 08/2024-CT(RATE) DATED 8.10.2024)**

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**ARE SKILLING SERVICES PROVIDED BY TRAINING PARTNERS APPROVED BY THE NATIONAL SKILL DEVELOPMENT CORPORATION (NSDC) EXEMPTED FROM GST?**

**THE ENTRY AT SL. NO. 69 OF THE NOTIFICATION NO. 12/2017-CTR DATED 28.06.2017, SKILLING SERVICES BY TRAINING PARTNERS APPROVED BY NSDC ARE EXEMPTED FROM GST (NOTIFICATION NO. 06/2025-CT(RATE) DATED 16.01.2025 WITH EFFECT FROM 16.01.2025.)**

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## **IS GST ON 'FACILITY MANAGEMENT SERVICES' PROVIDED TO MUNICIPAL CORPORATIONS (MCS) OR SUCH OTHER ORGANISATIONS OR ENTITIES EXEMPTED?**

**ENTRY AT SR. NO. 3A OF NOTIFICATION NO. 12/2017-CTR DATED 28.06.2017 PROVIDES EXEMPTION TO COMPOSITE SUPPLY OF GOODS AND SERVICES IN WHICH THE VALUE OF SUPPLY OF GOODS CONSTITUTES NOT MORE THAN 25% OF THE VALUE OF THE SAID COMPOSITE SUPPLY PROVIDED TO THE GOVERNMENT OR LOCAL AUTHORITY BY WAY OF ANY ACTIVITY IN RELATION TO ANY FUNCTION ENTRUSTED TO A PANCHAYAT UNDER ARTICLE 243G OF THE CONSTITUTION OF INDIA OR IN RELATION TO ANY FUNCTION ENTRUSTED TO A MUNICIPALITY UNDER ARTICLE 243W OF THE CONSTITUTION OF INDIA**

**MCS ARE RECEIVING THE SERVICES OF FACILITY MANAGEMENT SUCH AS HOUSEKEEPING, CIVIL MAINTENANCE, FURNITURE MAINTENANCE AND HORTICULTURE AGENCY FOR THE UPKEEP OF THEIR OFFICE. THESE SERVICES ARE NOT SUPPLIED IN RELATION TO PERFORMING ANY FUNCTIONS ENTRUSTED TO A MUNICIPALITY UNDER ARTICLE 243W OF THE CONSTITUTION OF INDIA.**

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**WHETHER DELHI DEVELOPMENT AUTHORITY (DDA) IS A LOCAL AUTHORITY AS PER SECTION 2(69) OF THE CGST ACT, 2017?**

**IT IS SEEN THAT DDA DOES NOT MEET THE REQUIREMENT OF LOCAL AUTHORITY AS PER SECTION 2(69) OF THE CGST ACT, 2017.**

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**IF SERVICES OF DDA ARE COVERED UNDER ENTRY AT SR. NO. 5 OF NOTIFICATION NO. 13/2017-CTR DATED 28.06.2017 FOR GST UNDER RCM?**

**AS DDA DOES NOT MEET THE CRITERIA OF LOCAL AUTHORITY U/S 2(69) OF CGST ACT, 2017, HENCE ITS SERVICES ARE NOT COVERED UNDER ENTRY AT SR. NO. 5 OF NOTIFICATION NO. 13/2017-CTR DATED 28.06.2017**

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**IS RENTING A COMMERCIAL PROPERTY BY UNREGISTERED PERSON TO TAXPAYERS REGISTERED UNDER COMPOSITION LEVY COVERED UNDER RCM?**

**NOTIFICATION NO. 07/2025-CT(RATE) DATED 16.01.2025 HAS EXEMPTED 'TAXABLE PERSON UNDER COMPOSITION LEVY' TO PAY GST ON COMMERCIAL PROPERTY UNDER RCM.**

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## **IS LATE FEE APPLICABLE IF GSTR-9 & 9C NOT FILED?**

**YES, LATE FEE IS APPLICABLE IF GSTR-9 & 9C NOT FILED BY DUE DATES.**

**FROM 01.08.2021 ONWARDS, SUB-RULE (3) OF RULE 80 OF CGST RULES PROVIDES THAT TAXPAYER WITH AGGREGATE TURNOVER DURING A FINANCIAL YEAR EXCEEDING FIVE CRORE RUPEES, SHALL FURNISH A SELF-CERTIFIED RECONCILIATION STATEMENT AS SPECIFIED UNDER SECTION 44 OF THE CGST ACT IN FORM GSTR-9C ALONG WITH THE ANNUAL RETURN IN FORM GSTR-9 ON OR BEFORE THE THIRTY-FIRST DAY OF DECEMBER FOLLOWING THE END OF SUCH FINANCIAL YEAR**

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## HOW LATE FEE FOR NON-FILING OF GSTR-9& 9C IS CALCULATED?

SECTION 47(2) STATED THAT IF COMPLETE ANNUAL RETURNS ARE NOT FILED ON OR BEFORE DUE DATE, LATE FEE @ RS. 200/- PER DAY (RS. 100/- CGST AND RS 100/- SGST) FOR DELAYED DAYS SUBJECT TO MAXIMUM OF RS. 0.25% OF STATE/UT TURNOVER SHALL BE PAID.

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**IF ONLY GSTR-9 IS FILED WHERE TURNOVER IS MORE THAN FIVE CRORE RUPEES, IS IT MANDATORY TO FILE GSTR-9C TOO?**

**YES , WHERE TURNOVER IS MORE THAN FIVE CRORE RUPEES, BOTH GSTR-9 & 9C IS MANDATORY TO BE FILED ON OR BEFORE DUE DATE.**

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**IS LATE FEE APPLICABLE, IF GSTR-9 FILED ON OR BEFORE DUE DATE AND GSTR-9C IS FILED AFTER DUE DATE?**

**YES, LATE FEE U/S 47 OF CGST ACT, 2017 IS APPLICABLE IF BOTH GSTR-9 & 9C NOT FILED ON OR BEFORE DUE DATE.**

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## **HOW LATE FEE SHALL BE CALCULATED IF GSTR-9 AND GSTR-9C ARE FILED (AFTER DUE DATE) AT DIFFERENT DATES?**

**LATE FEE IS APPLICABLE IF COMPLETE ANNUAL RETURNS IE GSTR-9 & 9C ARE NOT FILED BY DUE DATE AND FEE SHALL BE CALCULATED FROM THE PERIOD OF DUE DATE OF FURNISHING THE RETURN TILL THE DATE OF FILING THE COMPLETE RETURNS:**

**I. IN CASES WHERE FORM GSTR-9C IS NOT REQUIRED TO BE FURNISHED, THE DATE OF FURNISHING OF FORM GSTR-9;**

**II. IN CASES WHERE FORM GSTR-9C IS REQUIRED TO BE FURNISHED ALONG WITH FORM GSTR-9,**

- A. THE DATE OF FURNISHING OF FORM GSTR-9, IF FORM GSTR-9C IS FURNISHED ALONG WITH FORM GSTR-9; OR**
- B. THE DATE OF FURNISHING OF FORM GSTR-9C, IF FORM GSTR-9C IS FURNISHED SUBSEQUENT TO FURNISHING OF FORM GSTR-9.**

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**EXAMPLE: 1, WHEN GSTR-9 AND GSTR-9C IS FILED AFTER DUE DATE.....**

M/S MEHTA TRADING HAVING ANNUAL TURNOVER OF ₹5.50 CRORE FOR THE FY 2023-24, A REGISTERED TAXPAYER WAS REQUIRED TO FILE GSTR-9 & GSTR-9C BY 31ST DECEMBER 2024. HE FILED BOTH THE RETURNS ON 15 APRIL, 2025 AFTER DUE DATE. ADVISE MEHTA TRADING THE CONSEQUENCES FOR LATE FILING OF GSTR -9 & GSTR-9C.

**ANS:** LAST DATE OF FILING GSTR-9 & 9C IS 31ST DECEMBER ,2024 OF THE SUCCEEDING FINANCIAL YEAR. SINCE, MEHTA TRADING FILED HIS GSTR-9 & 9C AFTER 31ST DECEMBER,2024 HE HAVE TO PAY LATE FEE AT THE TIME OF FILING GSTR-9 & 9C.

**CALCULATION OF LATE FEE :**

NO. OF DAYS DELAY IN FILING OF GSTR 9 & 9C = 105 DAYS (01.01.2025 TO 15.04.2025)

CGST LATE FEE-  $100 \times 105 = ₹10500/-$ , SGST LATE FEE- $100 \times 105 = ₹10500/-$ , TOTAL =RS. 21000/-, **SUBJECT TO MAXIMUM LATE FEE PAYABLE =0.25% OF TURNOVER. IE  $5,50,00,000 \times 0.25\% = ₹1,37,500/-$  FOR CGST & ₹1,37,500/- FOR SGST**

TOTAL AMOUNT OF LATE FEE PAYABLE IS = ₹21,000/-

SINCE LATE FEE HAS BEEN PAID AT THE TIME OF FILING OF GSTR-9 AND BOTH GSTR -9 & 9C ARE FILED ON SAME DAY NO LATE FEE WILL BE PAID FOR GSTR-9C.

**EXAMPLE: 2, WHEN GSTR-9 IS FILED ON DUE DATE AND GSTR-9C IS FILED AFTER DUE DATE**

M/S JAGANNATH ENTERPRISE HAVING ANNUAL TURNOVER OF ₹7.00 CRORE FOR THE FY 2023-24 A REGISTERED TAXPAYER, WAS REQUIRED TO FILE GSTR-9 & GSTR-9C BY 31ST DECEMBER 2024. HE FILED GSTR-9 ON DUE DATE AND FORGOT TO FILE GSTR-9C. HE FILED GSTR-9C AFTER DUE DATE ON 17TH JANUARY, 2025. CALCULATE LATE FEE FOR JAGANNATH ENTERPRISE FOR LATE FILING OF GSTR-9C.

**ANS:** LAST DATE OF FILING GSTR-9 & 9C IS 31ST DECEMBER OF THE SUCCEEDING YEAR FINANCIAL YEAR.

SINCE, M/S JAGANNATH ENTERPRISE FILED HIS GSTR-9 ON DUE DATE AND GSTR-9C AFTER 31ST DECEMBER, 2024. IT HAS TO PAY LATE FEE AT THE TIME OF FILING GSTR-9C, **BECAUSE UNTIL BOTH THE RETURNS GSTR-9 & 9C ARE NOT FILED, IT IS CONSIDERED TO BE INCOMPLETE RETURNS.**

**CALCULATION OF LATE FEE** = NO. OF DAYS DELAY IN FILING OF GSTR-9C – 17 DAYS (01.01.2025 TO 17.01.2025)

CGST LATE FEE-  $100 \times 17 = ₹1700/-$ , SGST LATE FEE-  $100 \times 105 = ₹1700/-$ . **TOTAL LATE FEE PAYABLE = ₹3400/-**

## Is there any amnesty scheme for late filing of annual return GSTR-9 or 9C?

**VIDE NOTIFICATION NO. 08/2025 – CENTRAL TAX DT 23.01.2025 GOVERNMENT HAS WAIVED LATE FEE PAYABLE U/S 47 IN RESPECT OF ANNUAL RETURNS (GSTR-9C) TO BE FILED U/S 44 FOR THE FY 2017-18 TO 2022-23 IF ALL DELAYED RETURNS (GSTR-9C) ARE FILED ON OR BEFORE 31.03.2025.**

**IN OTHER WORDS, IF GSTR-9 IS FILED AFTER DUE DATE, BUT GSTR-9C IS NOT FILED ALONG WITH GSTR-9 OF RESPECTIVE FINANCIAL YEAR, THAN LATE FEE SHALL BE CALCULATED AND PAID UP TO THE DATE OF FURNISHING OF GSTR-9 ONLY IF GSTR-9C IS FILED ONE OR BEFORE 31.03.2025.**

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## Is there any amnesty scheme for late filing of annual return **GSTR-9** or **9C**?

**FOR EXAMPLE:** ON 15.02.2025 DURING DEPARTMENTAL AUDIT, CFO OF ABC LTD., KOLKATA CAME TO KNOW THAT GSTR-9C IS NOT FILED FOR THE FY 2021-22 AND GSTR-9 FOR THE FY 2021-22 WAS FILED ON 31.01.2023. TURNOVER OF THE COMPANY FOR THE FY 21-22 IN WEST BENGAL IS RS 565.00 LAKH. HE CALLED UPON MR A. SHARMA, GST CONSULTANT WHO ADVISED TO FILE THE SAME BY 31.03.2025 POSITIVELY BY GIVING REFERENCE OF NOTIFICATION NO. 08/2025 – CENTRAL TAX DT 23.01.2025 AND PAY LATE FEE AS UNDER:

**GSTR-9 DUE DATE FOR FY 2021-22**

=31.12.2022

**GSTR-9 IS FILED ON**

=31.01.2023

**LATE FEE FOR LATE FILING OF GSTR-9**

= RS. 100/- CGST & RS 100/- SGST PER DAY  
**RS 3100/- CGST & RS 3100/- SGST.**

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## **IF GENERATION AND QUOTING OF DOCUMENT IDENTIFICATION NUMBER (DIN) IS MANDATORY TO BE MENTIONED ON DOCUMENTS/NOTICES SERVICED BY THE PROPER OFFICERS?**

**CIRCULAR NO. 122/41/2019- GST DATED 05<sup>TH</sup> NOVEMBER 2019 AND 128/47/2019-GST DATED 23.12.2019, WHICH WERE ISSUED REGARDING GENERATION AND QUOTING OF DOCUMENT IDENTIFICATION NUMBER (DIN), INITIALLY ON SPECIFIED DOCUMENTS AND SUBSEQUENTLY EXPANDED TO ALL COMMUNICATIONS (INCLUDING E-MAILS) SENT TO TAXPAYERS AND OTHER CONCERNED PERSONS BY ANY OFFICE OF CBIC MADE IT MANDATORY**

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**ARE THERE ANY DOCUMENTS ISSUED BY PROPER OFFICERS, WHICH DO NOT NEED ANY DIN?**

**YES, DOCUMENTS OR COMMUNICATIONS GENERATED THROUGH THE COMMON PORTAL OF GST, WHICH ALREADY BEAR RFN, RESULTS INTO TWO DIFFERENT ELECTRONICALLY GENERATED VERIFIABLE UNIQUE NUMBERS NAMELY RFN & DIN ON THE SAME COMMUNICATION, WHICH RENDERS QUOTING OF DIN ON SUCH COMMUNICATION UNNECESSARY.**

**SO, ANY DECISION, ORDER, SUMMONS, NOTICE, SUMMARY OF SHOW CAUSE NOTICES IN FORM GST DRC-01 AND SUMMARY OF THE ORDER-IN-ORIGINAL IN FORM GST DRC-07OR OTHER COMMUNICATION SHALL BE SERVED BY MAKING IT AVAILABLE ON THE COMMON PORTAL DO NOT NEED DIN.**

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**WHETHER GST IS APPLICABLE ON DONATIONS OR GIFTS RECEIVED FROM INDIVIDUAL DONORS BY CHARITABLE ORGANISATIONS INVOLVED IN ADVANCEMENT OF RELIGION, SPIRITUALITY OR YOGA WHICH IS ACKNOWLEDGED BY THEM BY PLACING NAME PLATES IN THE NAME OF THE INDIVIDUAL DONOR.**

**THERE IS NO OBLIGATION (QUID PRO QUO) ON PART OF RECIPIENT OF THE DONATION OR GIFT TO DO ANYTHING (SUPPLY A SERVICE).**

**THEREFORE, THERE IS NO GST LIABILITY ON SUCH CONSIDERATION**

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**SOME EXAMPLES OF CASES WHERE THERE WOULD BE NO TAXABLE SUPPLY ARE AS FOLLOWS:-**

**(A) “GOOD WISHES FROM MR. RAJESH” PRINTED UNDERNEATH A DIGITAL BLACKBOARD DONATED BY MR. RAJESH TO A CHARITABLE YOGA INSTITUTION.**

**IT MAY BE NOTICED THAT THERE IS NO REFERENCE OR MENTION OF ANY BUSINESS ACTIVITY OF THE DONOR WHICH OTHERWISE WOULD HAVE GOT ADVERTISED. THUS WHERE ALL THE THREE CONDITIONS ARE SATISFIED NAMELY THE GIFT OR DONATION IS MADE TO A CHARITABLE ORGANIZATION, THE PAYMENT HAS THE CHARACTER OF GIFT OR DONATION AND THE PURPOSE IS PHILANTHROPIC (I.E. IT LEADS TO NO COMMERCIAL GAIN) AND NOT ADVERTISEMENT, GST IS NOT LEVIABLE**

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**SOME EXAMPLES OF CASES WHERE THERE WOULD BE NO TAXABLE SUPPLY ARE AS FOLLOWS:-**

**(B) “DONATED BY SMT. MALATI DEVI IN THE MEMORY OF HER FATHER” WRITTEN ON THE DOOR OR FLOOR OF A ROOM OR ANY PART OF A TEMPLE COMPLEX WHICH WAS CONSTRUCTED FROM SUCH DONATION.**

**IT MAY BE NOTICED THAT THERE IS NO REFERENCE OR MENTION OF ANY BUSINESS ACTIVITY OF THE DONOR WHICH OTHERWISE WOULD HAVE GOT ADVERTISED. THUS WHERE ALL THE THREE CONDITIONS ARE SATISFIED NAMELY THE GIFT OR DONATION IS MADE TO A CHARITABLE ORGANIZATION, THE PAYMENT HAS THE CHARACTER OF GIFT OR DONATION AND THE PURPOSE IS PHILANTHROPIC (I.E. IT LEADS TO NO COMMERCIAL GAIN) AND NOT ADVERTISEMENT, GST IS NOT LEVIABLE**

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