

PLACE OF SUPPLY UNDER GST

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TOPICS TO BE COVERED

1

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2

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LEGAL PROVISIONS

IGST ACT



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IGST ACT

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PLACE OF SUPPLY OF GOODS OR SERVICES



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IGST ACT



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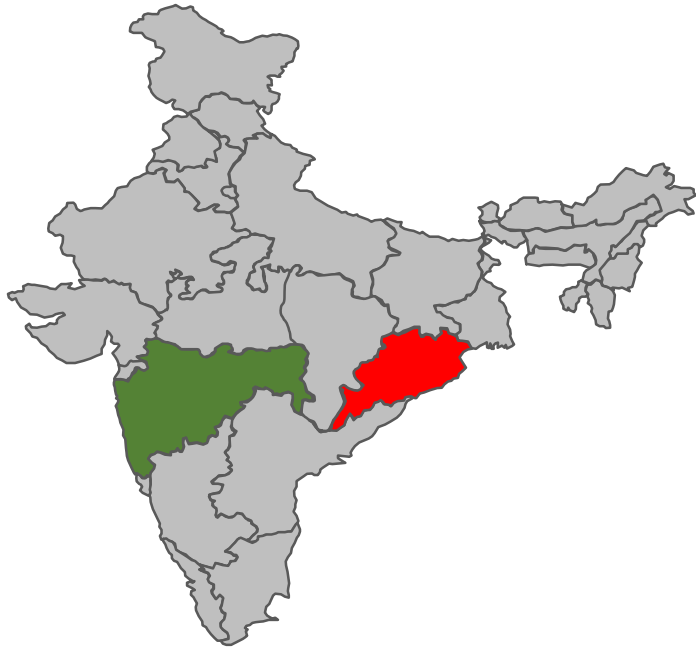
S.22 Power to make rules

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WHY SHIFT FROM ORIGIN BASED TAXATION TO DESTINATION BASED TAXATION?



**Maharashtra-
Consuming
State**



**Orissa-
Producing
State**

**Originating
State-Orissa**



**Destination
State-
Maharashtra**



**In GST Law
Place of supply provisions says so**

CONCEPT OF IGST

IT IS ONLY SPV TO MIGRATE TAXES FROM ONE
STATE TO ANOTHER
CLEARING MECHANISM

**IMPORTANT
DEFINITIONS
(SECTION 2 OF IGST ACT)**

IMPORTANT DEFINITIONS-IGST

S.2(5)

EXPORT OF GOODS

“Export of goods” with its grammatical variations and cognate expressions, means taking goods **out of India to a place outside India**

IMPORTANT DEFINITIONS-IGST

S.2(6)

EXPORT OF SERVICES

“Export of services” means the supply of any service when-

- (i) Supplier of service is located in India,**
- (ii) Recipient of service is located outside India,**
- (iii) Place of supply of service is outside India,**
- (iv) Payment for such service has been received by the supplier of service in convertible foreign exchange, and**
- (v) Supplier of service and the recipient of service are not merely establishments of a distinct person [Expn. S.8]**

IMPORTANT DEFINITIONS-IGST

S.2(6)

EXPORT OF SERVICES

Explanation to S. 8:

For the purposes of this Act, where a person has,—

- i. an establishment in India and any other establishment outside India;**
- ii. an establishment in a State or Union territory and any other establishment outside that State; or**
- iii. an establishment in a State or Union territory and any other establishment being a business vertical registered within that State or Union territory,**

then such establishments shall be treated as establishments of distinct persons.

IMPORTANT DEFINITIONS-IGST

S.2(10)

IMPORT OF GOODS

“Import of goods” with its grammatical variations and cognate expressions, means bringing goods into India from a place outside India;

IMPORTANT DEFINITIONS-IGST

S.2(11)

IMPORT OF SERVICES

“Import of services” means the supply of any service, where-

- (i) the supplier of service is located outside India,**
- (ii) the recipient of service is located in India, and**
- (iii) the place of supply of service is in India**

IMPORTANT DEFINITIONS-IGST

S.2(13)

INTERMEDIARY

“Intermediary” means

- a broker,
- an agent or any other person,
- who arranges or facilitates the supply of goods or services or both, or securities,
- between two or more persons,
- but does not include a person who supplies such goods or services or both or securities on his own account

IMPORTANT DEFINITIONS-CGST

S. 2(5)

AGENT

“agent” means

- a person, including
- a factor,
- broker,
- commission agent,
- arhatia,
- del credere agent,

IMPORTANT DEFINITIONS-CGST

S. 2(5)

AGENT

- an auctioneer, or
- any other mercantile agent, by whatever name called,
- who carries on the business of supply or receipt of goods or services or both on behalf of another

IMPORTANT DEFINITIONS-IGST

S.2(14)

LOCATION OF RECIPIENT OF SERVICES

“location of the recipient of services” means-

- (a) where a supply is received at a place of business for which the registration has been obtained, the location of such place of business,**
- (b) where a supply is received at a place other than the place of business for which registration has been obtained (a fixed establishment elsewhere), the location of such fixed establishment,**

IMPORTANT DEFINITIONS-IGST

S.2(14)

LOCATION OF RECIPIENT OF SERVICES

“location of the recipient of services” means-

- (c) where a supply is received at more than one establishment, whether the place of business or fixed establishment, the location of the establishment most directly concerned with the receipt of the supply, and**
- (d) in absence of such places, the location of the usual place of residence of the recipient**

IMPORTANT DEFINITIONS-IGST

S.2(15)

LOCATION OF SUPPLIER OF SERVICES

“location of the supplier of services” means-

- (a) where a supply is made from a place of business for which the registration has been obtained, the location of such place of business,**
- (b) where a supply is made from a place other than the place of business for which registration has been obtained (a fixed establishment elsewhere), the location of such fixed establishment,**

IMPORTANT DEFINITIONS-IGST

S.2(15)

LOCATION OF SUPPLIER OF SERVICES

“location of the supplier of services” means-

- (c) where a supply is made from more than one establishment, whether the place of business or fixed establishment, the location of the establishment most directly concerned with the provision of the supply, and**
- (d) in absence of such places, the location of the usual place of residence of the supplier**

IMPORTANT DEFINITIONS-IGST

S.2(16)

NON-TAXABLE ONLINE RECIPIENT

“non-taxable online recipient” means-

- **any Government,**
- **local authority,**
- **governmental authority,**
- **an individual or**
- **any other person not registered**
- **and**

IMPORTANT DEFINITIONS-IGST

S.2(16)

NON-TAXABLE ONLINE RECIPIENT

- receiving OIDAR services in relation to any purpose
- other than commerce, industry or any other business or profession,
- located in taxable territory

IMPORTANT DEFINITIONS-IGST

S.2(17)

ONLINE INFORMATION AND DATABASE ACCESS OR RETRIEVAL SERVICES

“OIDAR” 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-**

IMPORTANT DEFINITIONS-IGST

S.2(17)

ONLINE INFORMATION AND DATABASE ACCESS OR RETRIEVAL SERVICES

- 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,**

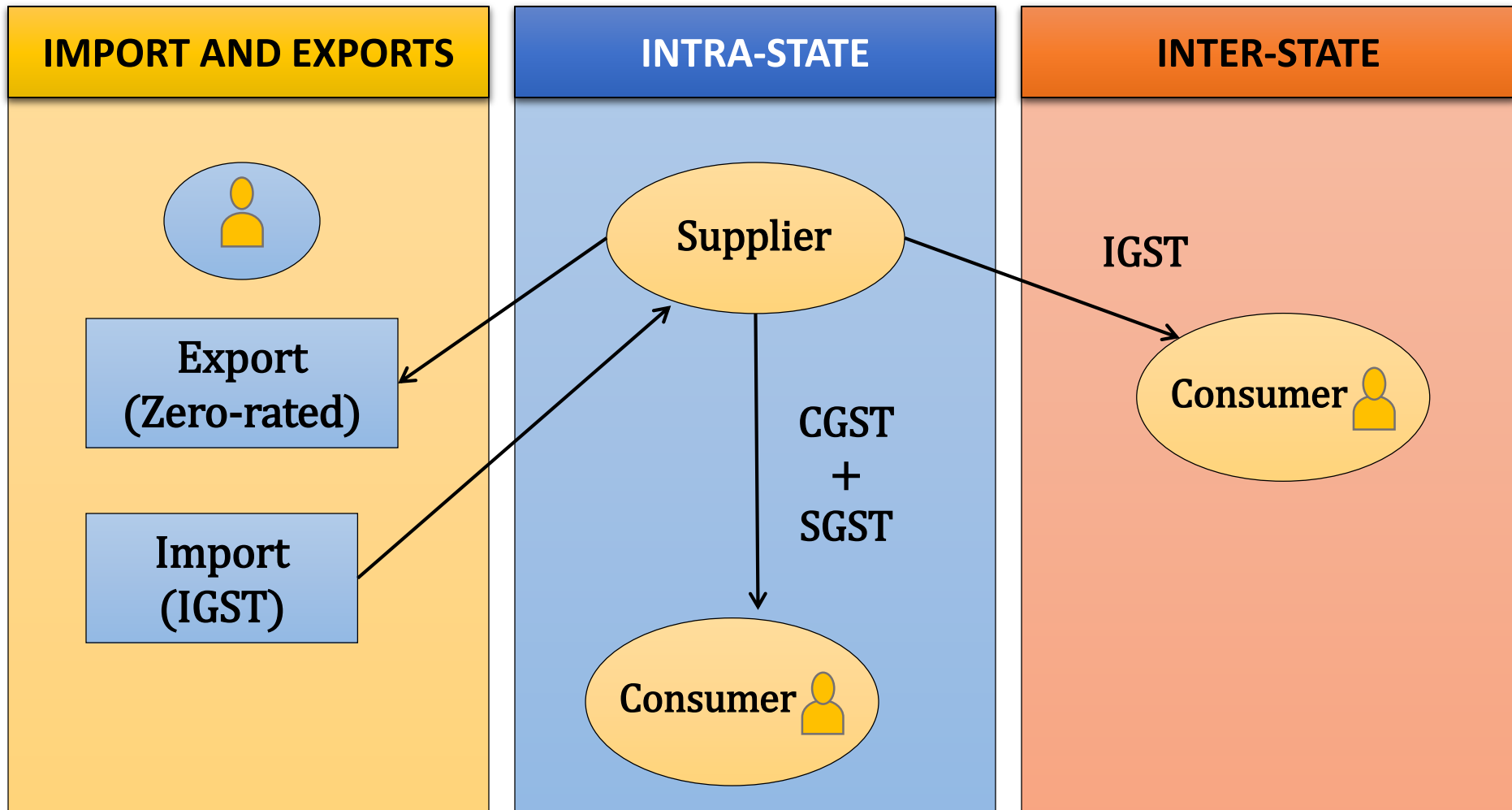
IMPORTANT DEFINITIONS-IGST

S.2(17)

ONLINE INFORMATION AND DATABASE ACCESS OR RETRIEVAL SERVICES

- 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**

PLACE OF SUPPLY - RELEVANCE



Place for Supply Under **GST**



**PLACE OF SUPPLY OF
GOODS OR SERVICES
CHAPTER-V**

CONCEPT OF PLACE OF SUPPLY

Ch. V PLACE OF SUPPLY

- It will determine the kind of tax that is to be applied
- When the location of supplier and the place of supply are in two different States, then it will be inter-State supply and IGST applies
- When they are in the same State, then it will be intra-State supply and CGST/ SGST applies
- Place of supply is not a phrase to be understood in common parlance.

CONCEPT OF PLACE OF SUPPLY

Ch. V PLACE OF SUPPLY

- It is a legal term and meaning assigned to it in law must be followed.
- GST is understood as a destination based consumption tax but there is no provision that declares this fact.
- Such provisions are contained in Chapter-V-IGST
- The end result of these provisions will determine that the consuming State will get taxes in its exchequer

CONCEPT OF PLACE OF SUPPLY

Ch. V PLACE OF SUPPLY

Reasons for determining POS

- **Railway line**
- **National highway**
- **Bridge on a river**
- **Copyright film**
- **Advertisement on TV**
- **Airline-10 Tickets used on any location for 10 journeys**

CONCEPT OF PLACE OF SUPPLY

Ch. V

PLACE OF SUPPLY

Reasons for determining POS

- **Delhi metro-any location**
- **DTH**
- **Online services**
- **Banking**
- **Telecommunication services**



**PLACE OF SUPPLY OF GOODS OTHER THAN
SUPPLY OF GOODS IMPORTED INTO, OR
EXPORTED FROM INDIA**

S.10

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(a) MOVEMENT OF GOODS

“Where the supply involves **movement of goods**, whether by the **supplier or the recipient** or by any other person, the place of supply of such goods shall be the location of the goods at the time at which the **movement of goods terminates** for delivery to the recipient.”

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(a) MOVEMENT OF GOODS

Where supply involves movement of goods, whether by the supplier or the recipient or by any other person

Location at which movement of goods terminates for delivery to recipient



Mr. S
Location of
supplier-DELHI



Place of supply-
HARYANA
IGST TRANSACTION



DELIVERY
TERMINATES to
Recipient-Haryana

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(b) THIRD PERSON INVOLVED

“Where the goods are delivered by the **supplier to a recipient** or any other person on the direction of a **third person**, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to the goods or otherwise, **it shall be deemed that the said third person has received the goods** and the **place of supply** of such goods shall be the **principal place of business** of such person.”

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(b) THIRD PERSON INVOLVED

Goods are delivered by supplier to recipient or any other person on the direction of a third person, before or during movement of goods, either by way of transfer of documents of title to the goods or otherwise

Principal place of business of third person (the place which is mentioned in the registration certificate).

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(b)

THIRD PERSON INVOLVED



D-Delhi

Delivered to H



H-Haryana

**D sold goods to D1
D1 ask D to Deliver
goods to H**



**Mr. D1
Delhi**

**These are two
transactions-**

From D point of view-

LOS-Delhi

POS-Delhi

Tax-CGST/ SGST

From D1 point of view-

LOS-Delhi

POS-Haryana

Tax-IGST

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(b) THIRD PERSON INVOLVED

Transaction 1: Between supplier of goods and third person

Location of supplier	Place of delivery	Principal place of third person	Place of supply for supplier	Tax payable by supplier
Delhi	Gujarat	Punjab	Punjab	IGST-Delhi
Delhi	Punjab	Punjab	Punjab	IGST-Delhi
Delhi	Karnataka	Karnataka	Karnataka	IGST-Delhi
Delhi	Haryana	Rajasthan	Rajasthan	IGST-Delhi

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(b) THIRD PERSON INVOLVED

Transaction 2: Between third person and recipient of goods

Location of supplier	Place of delivery	Principal place of third person	Place of supply for third person	Tax payable by third person
Delhi	Gujarat	Punjab	Gujarat	IGST-Punjab
Delhi	Punjab	Punjab	Punjab	CGST/ SGST-Punjab
Delhi	Karnataka	Karnataka	Karnataka	CGST/ SGST-Karnataka
Delhi	Haryana	Rajasthan	Haryana	IGST-Rajasthan

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(c)

MOVEMENT OF GOODS NOT INVOLVED

“Where the **supply does not involve movement of goods**, whether by the supplier or the recipient, the place of supply shall be the **location of such goods** at the time of the delivery to the recipient.”

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(c)

MOVEMENT OF GOODS NOT INVOLVED

Where supply does not involve movement of goods whether by supplier or recipient

Location of such goods at the time of delivery

Sale of pre-installed DG set

Location of Supplier: Delhi-Landlord

Location of recipient: Haryana-Tenant

Location of goods: Haryana

Place of supply: Haryana

Tax payable in Delhi: IGST

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(c)

MOVEMENT OF GOODS NOT INVOLVED

Items	Location of supplier	Location of recipient	Location of goods	Place of supply	Tax payable
Building material	Delhi	MP	MP	MP	IGST-Delhi
Plant and machinery	Haryana	UP	Haryana	Haryana	CGST/ SGST-Haryana

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(d) ASSEMBLED/ INSTALLED AT SITE

“Where the goods are assembled or **installed at site**, the place of supply shall be the **place of such installation** or assembly.”

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(d) ASSEMBLED/ INSTALLED AT SITE

Where goods are assembled or installed at site

Place of such installation or assembly

Where the goods are assembled or installed at site, the place of supply will be the location of such installation or assembly.

Supply from the place of their origin to the site of installation is subsumed within this provision and merged with the supply to the recipient by virtue of such installation.

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(d) ASSEMBLED/ INSTALLED AT SITE

This provision appoints the place of supply based on the final act of installation.

There is no requirement to vivisection the entire composite supply of goods that is a supply cum installation into a supply plus installation.

if such vivisection work to be done, then in every instance of supply cum installation, the supplier will become a casual taxable person in the State where the installation is required.

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(d) ASSEMBLED/ INSTALLED AT SITE

It is important to note that in the case of installation, it is the supply which is not works contract.

In case it is termed as works contract, it would be out of the purview of this provision.

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(d) ASSEMBLED/ INSTALLED AT SITE

Particulars	Location of supplier	Regd. Office of recipient	Installation Site	Place of supply	Tax payable
Installation of AC	Delhi	MP	MP	MP	IGST-Delhi
Server installed at office	UP	Haryana	UP	UP	CGST/ SGST-UP
installation of work stations	Delhi	Delhi	Haryana	Haryana	IGST-Delhi

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(e) ON BOARD A CONVEYANCE

“Where the goods are **supplied on board** a conveyance, including a vessel, an aircraft, a train or a motor vehicle, the place of supply shall be the **location at which such goods are taken on board**”

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(e) ON BOARD A CONVEYANCE

Where the goods are supplied on board a conveyance, such as a vessel, an aircraft, a train or a motor vehicle.

Location at which such goods are taken on board



PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(e) ON BOARD A CONVEYANCE

Where goods are supplied on board a conveyance, the place of supply will be the location at which the goods are taken on board. Here, there are two supplies-supply of the goods to the operator of the conveyance and **supply by the operator to the passenger during the journey in the conveyance.**

A place of supply is in respect of second limb which is the supply by the operator of the conveyance during its journey to the passenger. Conveyance includes vessel, aircraft, train or motor vehicle.

1

SUPPLY OF FOOD IN TRAIN

M/s. Deepak & Co. [Advance Ruling No. 02/ DAAR/ 2018]

Question

Whether supply of food in train is treated as restaurant services or trading of goods?

1

SUPPLY OF FOOD IN TRAIN

A train is a mode of transport and hence cannot be called as a restaurant, eating joint, mess or canteen etc.

Supply of goods, i.e., food, bottled water etc. on board of train shall be charged to GST on value of goods (excluding service charges) at applicable rates as pure supply of goods, as same has no element of service.

Place of supply as per S. 10(1)(e)

CONTRADICTIONARY RULING FROM ORDER NO.2/2018-GST DATED 31-MAR-18

ORDER NO.2/2018-GST DATED 31-MAR-17

GST ON PROVIDING CATERING SERVICES IN TRAIN

- Different rates are being applied for
- mobile and static catering in Indian Railways
- which is presently leading to a situation whereby the same licensee supplying the same food
- would be subjected to different GST rates,
- as also which variant of mobile catering it is [pre-paid (without option), pre-paid (with option) or post-paid]

ORDER NO.2/2018-GST DATED 31-MAR-17

GST ON PROVIDING CATERING SERVICES IN TRAIN

- **The passenger is not aware as to the GST rate applicable to the food ordered by him/ her.**
- **It is clarified with the approval of GST Implementation Committee, that the GST rate on supply of food and/ or drinks by the Indian Railways or their licensees, whether in trains or at platforms (static units), will be 5% without ITC**

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(1)(e) ON BOARD A CONVEYANCE

The place of supply in respect of second limb of supply shall be determined as illustrated below-

Particulars	Location of supplier	Loading of goods	Passenger boards at	Place of supply	Tax payable
Supply of aerated drink	Punjab	Punjab	Delhi	Punjab	CGST/ SGST- Punjab
Supply of sweets	UP	Haryana	Delhi	Haryana	IGST at UP
Supply of gifts	Delhi	MP	Gujarat	MP	IGST at Delhi

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.10(2)

RESIDUARY PROVISIONS

**In any other case
(not covered above)**

**Determined in such
manner as may be
prescribed**

PLACE OF SUPPLY OF GOODS OTHER THAN SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

ISSUES

Issue 1: Delivery ex-factory

Issue 2: Counter Sale

Issue 3: Law of Contract v. IGST Law

Delivery completes on
acceptance by recipient

Liability arises on
removal of goods

Issue 4: Third person outside India



**PLACE OF SUPPLY OF GOODS IMPORTED INTO,
OR EXPORTED FROM INDIA**

S.11

PLACE OF SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.11

IMPORTS/ EXPORTS OF GOODS

SITUATIONS

Goods imported into India

Goods exported from India

PLACE OF SUPPLY

Location of importer

Location outside India

PLACE OF SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.11

SOME IMPORTANT POINTS

- **In the case of import/ export of goods, payment in convertible foreign exchange is not at all a criterion**
- **Where goods are procured from one country and are directly dispatched to some other country, without entering into India will not be a supply in the “taxable territory”: Sch. III**
- **High sea sales is also a transaction that transpires outside the taxable territory and not attract incidence of GST [Clarified vide Circular No. 33/ 2017-Cus dated 1-Aug-2017]: Sch. III**

PLACE OF SUPPLY OF GOODS IMPORTED INTO, OR EXPORTED FROM INDIA

S.11

SOME IMPORTANT POINTS

- Re-import of exported goods will also be liable to GST
- Imports will be liable to IGST in addition to BCD and exports will be zero-rated with benefit of refund of ITC or rebate of tax paid
- The Taxation Amendment Act, 2017 brought necessary amendments to Customs Tariff Act, 1975 and Central Excise Act, 1944 to enable imposition of BCD plus IGST on import of goods liable to GST

1 HIGH SEA SALES

M/s. Synthite Industries Ltd. [Order No. CT/ 2275/ 18-C3]

QUESTION

- a) Whether goods purchased from China and sold directly to USA without goods being entered in India, is GST payable?
- b) On the sale of goods directly from warehouse in Netherlands after being procured from China to their end customers in and around Netherlands, without entering India, is GST payable by them?

1 HIGH SEA SALES

ANSWER

The goods are liable to IGST when they are imported into India and the IGST is payable at the time of importation of goods into India.

The applicant is neither liable to GST on the sale of goods procured from China and directly supplied to USA nor on the sale of goods stored in the warehouse in Netherlands after being procured from China as the goods are not imported into India.

2

HIGH SEA SALES

BASF India Ltd.

QUESTION

Whether IGST leviable on High Sea Sale effected by applicant to customers who are known to them at the time of placing order on the overseas party?

Answered in Negative

2

HIGH SEA SALES

BASF India Ltd.

QUESTION

Whether ITC is to be reversed to the extent of inputs, input services and common input services used by applicant, in case above transaction is not subjected to levy of IGST by treating the same as exempt supply for purpose of S.17?

Answered in the affirmative.

IMPORT OF GOODS

S.11

EXAMPLES

Location of supplier	Location of goods	Goods supplied to	Location of recipient	Place of supply
UK	UK	Lucknow (UP)	Lucknow (UP)	Lucknow (UP)
Singapore	Singapore	Himachal Pradesh	Rajasthan	Himachal Pradesh
China	China	Mumbai	Mumbai	Mumbai
Delhi	Germany	Korea	Delhi	Not an Import
Australia	Bangalore	Chennai	Chennai	Not an Import

EXPORT OF GOODS

S.11

EXAMPLES

Location of supplier	Location of goods	Goods supplied to	Location of recipient	Place of supply
Lucknow	Lucknow	UK	Lucknow	UK
Haryana	Himachal Pradesh	Singapore	US	Singapore
China	Mumbai	China	China	China
Mumbai	Korea	Germany	Germany	Not an export



**PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF
SUPPLIER AND RECIPIENT IS IN INDIA**

S.12

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(1)

WHEN THIS PROVISION APPLIES

LOCATION OF SUPPLIER

LOCATION OF RECIPIENT

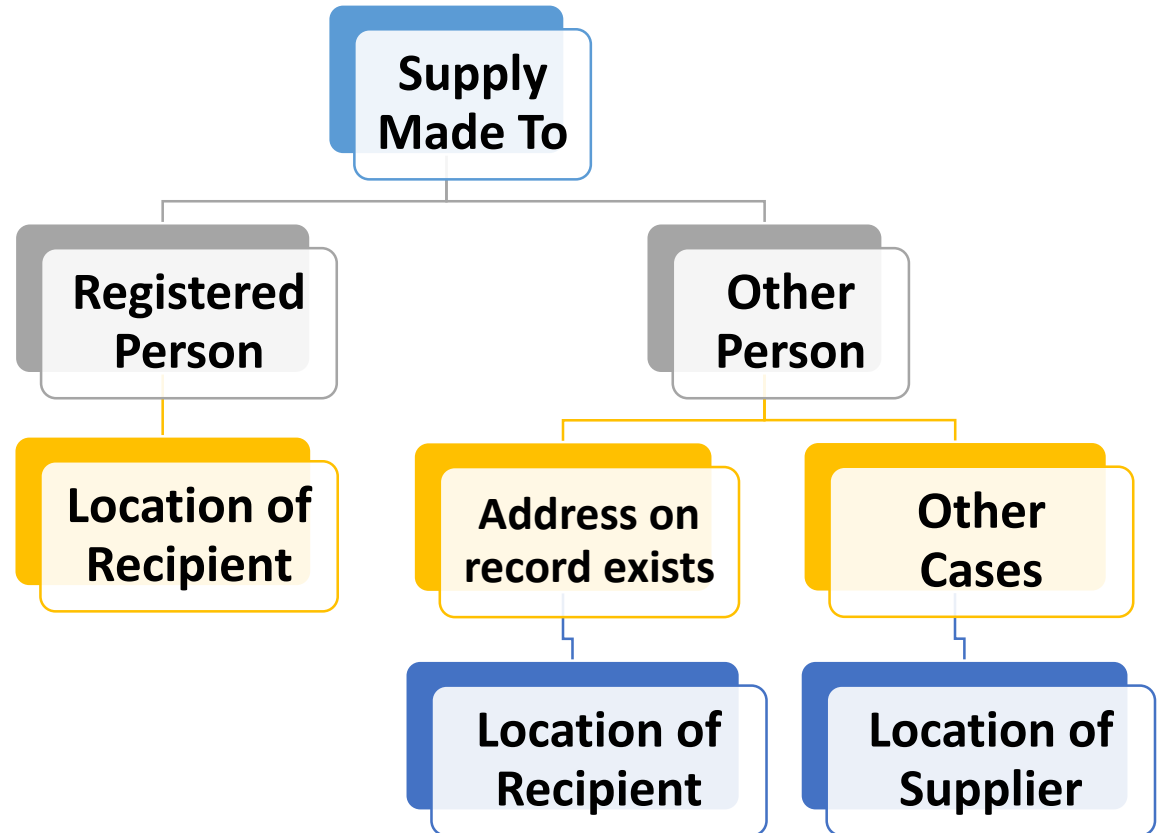
BOTH IN INDIA

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(2)

GENERAL PROVISION

**S.12(2)
SHALL
NOT
APPLY
WHERE
S.12(3)
TO
S.12(14)
APPLIES**



PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(2)

GENERAL PROVISION

- **Application of default provision in case both the supplier and recipient of service are in India**
- **Even if place of supply is outside India, the supplier is liable to pay GST (except in those cases where S.12(3) to S.12(14) applies**

FAQ-CBEC

GENERAL PROVISION

Q 4. What is the need to have separate rules for place of supply in respect of B2B (supplies to registered persons) and B2C (supplies to unregistered persons) transactions?

FAQ-CBEC

GENERAL PROVISION

Ans. In respect of B2B transactions, the taxes paid are taken as credit by the recipient so such transactions are just pass through.

GST collected on B2B supplies effectively create a liability for the government and an asset for the recipient of such supplies in as much as the recipient is entitled to use the input tax credit for payment of future taxes.

FAQ-CBEC

GENERAL PROVISION

For B2B transactions the location of recipient takes care in almost all situations as further credit is to be taken by recipient. The recipient usually further supplies to another customer.

The supply is consumed only when a B2B transaction is further converted into B2C transaction. In respect of B2C transactions, the supply is finally consumed and the taxes paid actually come to the government.

GENERAL PROVISION

Q 8. What is the default presumption for place of supply in respect of B2B supply of services?

Ans. The terms used in the IGST Act are registered taxpayers and non-registered taxpayers. The presumption in case of supplies to registered person is the location of such person. Since the recipient is registered, address of recipient is always there and the same can be taken as proxy for place of supply.

GENERAL PROVISION

Q 9. What is the default presumption for place of supply in respect of unregistered recipients?

Ans. In respect of unregistered recipients, the usual place of supply is location of recipient. However, in many cases, the address of recipient is not available, in such cases, location of the supplier of services is taken as proxy for place of supply.

FAQ-CBEC

GENERAL PROVISION

Q 16. A person in Goa buys shares from a broker in Delhi on NSE (in Mumbai). What will be the place of supply?

Ans. The place of supply shall be the location of the recipient of services on the records of the supplier of services. So Goa shall be the place of supply.

FAQ-CBEC

GENERAL PROVISION

Q 17. A person from Mumbai goes to Kullu-Manali and takes some services from ICICI Bank in Manali. What will be the place of supply?

Ans. If the service is not linked to the account of person, place of supply shall be Kullu i.e. the location of the supplier of services. However, if the service is linked to the account of the person, the place of supply shall be Mumbai, the location of recipient on the records of the supplier.



**PLACE OF SUPPLY OF SERVICES IN CASE OF
IMMOVABLE PROPERTY
S.12(3)**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(3)

IMMOVABLE PROPERTY

(a) Directly related to Immovable property,

Including services provided by- [Inclusive provision]

- **architects,**
- **interior decorators,**
- **surveyors,**
- **engineers and other related experts, or**
- **estate agents,**
- **any service provided by way of grant of rights to use immovable property or**
- **for carrying out or co-ordination of construction work; or**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(3)

IMMOVABLE PROPERTY

(b) Lodging accommodation by a-

- hotel,
- inn,
- guest house,
- home-stay,
- club or campsite, by whatever name called, and including a-
- house boat or
- any other vessel; or

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(3)

IMMOVABLE PROPERTY

- (c) by way of accommodation in any immovable property for organizing any-**
- **marriage or**
 - **reception or matters related thereto,**
 - **official,**
 - **social,**
 - **cultural,**
 - **religious, or**
 - **business function including services provided in relation to such function at such property; or**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(3)

IMMOVABLE PROPERTY

(d) Any services ancillary to the services referred to in clauses (a), (b) and (c),

shall be the location at which the **immovable property or boat or vessel, as the case may be, **is located** or intended to be located:**

Eg: (i) DJ in marriage function

(ii) services of decoration

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(3)

IMMOVABLE PROPERTY

Provided that if the location of the immovable property or boat or vessel is located or intended to be located outside India, **the place of supply shall be the location of the recipient** **[Important]**

Where the immovable property is located in more than one State, place of supply shall be treated in proportion to the value collected from different States or in terms of the contract entered. [Expn. to S.12(3)]

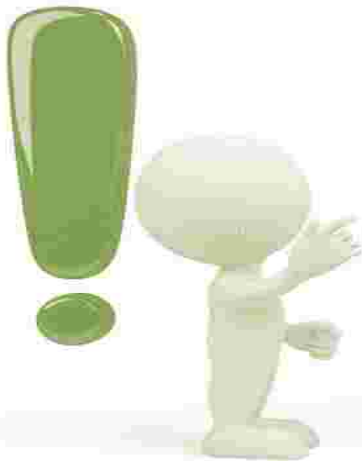
Issue No. 1: Supplies made to SEZ

Question: Whether services of short-term accommodation, conferencing, banqueting etc. provided to SEZ developer or a SEZ unit should be treated as an inter-State supply or an intra-State supply?



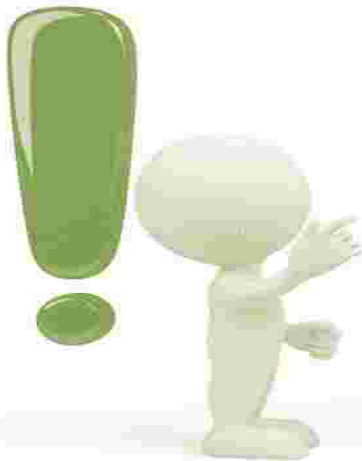
Clarification:

- ✓ S.7(5)(b) of IGST Act-The supply of goods or services or both to a SEZ unit or developer to be treated as supply in course of inter-State trade.
- ✓ S.12(3)(c) of IGST Act-Place of supply of services by way of accommodation in any immovable property for organizing any functions shall be the location at which the immovable property is located. In such case, if the location of the supplier and the place of supply are in the same State, it would be treated as an intra-State supply.



Clarification:

- ✓ As per the principal of interpretation of statutes in case of conflict, specific provision prevails over general provision and in this case S.7(5)(b) of IGST Act, 2017, is a specific provision.
- ✓ Hence, supply of services of short-term accommodation, conferencing, banqueting etc. provided to a SEZ unit or developer shall be treated as an inter-State supply.



FAQ-CBEC

S.12(3)

IMMOVABLE PROPERTY

Q 10. The place of supply in relation to immovable property is the location of immovable property. Suppose a road is constructed from Delhi to Mumbai covering multiple states. What will be the place of supply?

Ans. Where the immovable property is located in more than one State, the supply of service shall be treated as made in each of the States in proportion to the value for services separately collected or determined, in terms of the contract or agreement entered into in this regard or, in the absence of such contract or agreement, on such other reasonable basis as may be prescribed in this behalf. (The Explanation clause to section 12(3) of the IGST Act, for domestic supplies)

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(3)

IMMOVABLE PROPERTY

Notes:

- 1. The location of the supplier or recipient is irrelevant in this case.**
- 2. Now, the question of effective control is no more alive in GST**
- 3. The goods procured for the purposes of construction activity shall be dealt in terms of the general provisions as contained in S.12(2). Example-steel and cement purchase for any specific site.**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(3)

IMMOVABLE PROPERTY

Notes: Services outside the purview of S.12(3)

- 1. The tax consultation services in relation to an immovable property**
- 2. Decorator services given to a retail chain like Reliance Fresh, about a common design of its stores**
- 3. Repair and maintenance of machinery**
- 4. Market survey of the land prices**
- 5. Financial services in relation to loan of an immovable property**



**PLACE OF SUPPLY OF SERVICES IN CASE OF
RESTAURANT SERVICES
S.12(4)**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

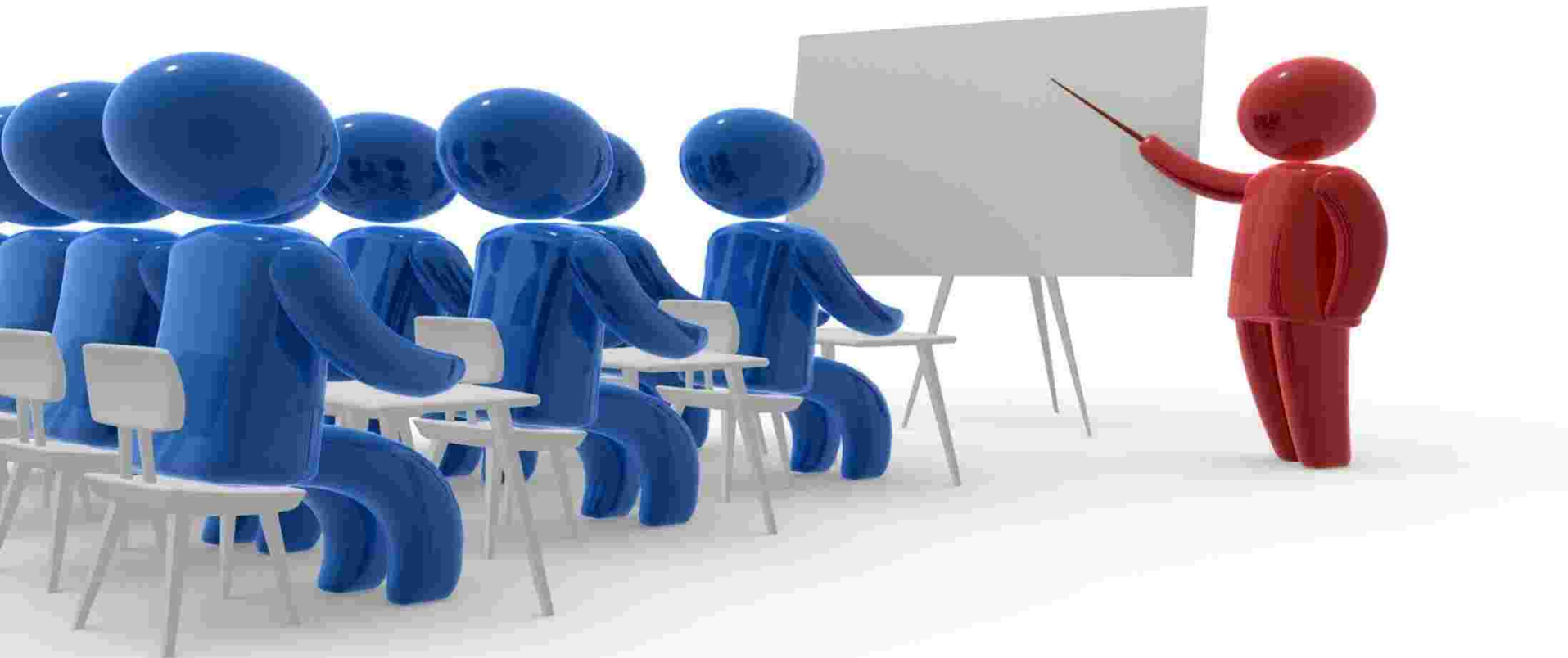
S.12(4)

RESTAURANT SERVICES

The place of supply of-

[Exhaustive Provision]

- Restaurant and catering services,
 - personal grooming,
 - fitness,
 - beauty treatment,
 - health service including cosmetic and plastic surgery
- shall be the location **where the services are actually performed**



**PLACE OF SUPPLY OF SERVICES IN CASE OF
TRAINING AND PERFORMANCE
S.12(5)**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(5)

TRAINING AND PERFORMANCE

The place of supply of services **in relation to** training and performance appraisal to,-

- (a) a registered person, shall be the **location of such person;**
- (b) a person other than a registered person, shall be the **Location where the services are actually performed**

Notes:

- i. The 'trainee' or 'person appraised' may be different than the recipient of services who actually pays the consideration for services received
- ii. The words "in relation to" further expand the scope of this service



**PLACE OF SUPPLY OF SERVICES IN CASE OF
ADMISSION TO AN EVENT
S.12(6)**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(6)

ADMISSION TO AN EVENT

Place of supply of services provided by way of admission to a-

- **cultural,**
- **artistic,**
- **sporting,**
- **scientific,**
- **educational,**
- **entertainment event or**
- **amusement park or**
- **any other place and**
- **services ancillary thereto,**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(6)

ADMISSION TO AN EVENT

shall be the place where the **event is actually held** or where the park or such other place is located

Notes:

- (i) This provision is only in relation to services by way of admission to an event not the services of organization of an event, that will be covered in S.12(7)**
- (ii) Security agency services may be ancillary to admission**
- (iii) Courier services for dispatch of entry tickets may not be ancillary to admission**



**PLACE OF SUPPLY OF SERVICES IN CASE OF
ORGANIZATION OF AN EVENT
S.12(7)**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(7)

ORGANISATION OF AN EVENT

The place of supply of services provided by way of-

(a) organization of a-

- **cultural,**
- **artistic,**
- **sporting,**
- **scientific,**
- **educational or**
- **entertainment event**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(7)

ORGANISATION OF AN EVENT

- including supply of services in relation to a
 - conference,
 - fair,
 - exhibition,
 - celebration or
 - similar events; or

(b) services ancillary to organization of any of the events or services referred to in clause (a), or assigning of sponsorship to such events-

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(7)

ORGANISATION OF AN EVENT

- (i) to a registered person, shall be the **location of such person**;
- (ii) to a person other than a registered person, shall be the place **where the event is actually held** and if the event is held outside India, the place of supply shall be the **location of the recipient**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(7)

ORGANISATION OF AN EVENT

Where the event is held in more than one State, place of supply shall be treated in proportion to the value collected from different States or in terms of the contract entered.

FAQ-CBEC

S.12(7)

ORGANISATION OF AN EVENT

Q 11. What would be the place of supply of services provided for organizing an event, say, IPL cricket series which is held in multiple states?

Ans. In case of an event, if the recipient of service is registered, the place of supply of services for organizing the event shall be the location of such person.

FAQ-CBEC

S.12(7)

ORGANISATION OF AN EVENT

However, if the recipient is not registered, the place of supply shall be the place where event is held. Since the event is being held in multiple States and a consolidated amount is charged for such services, the place of supply shall be taken as being in each State in proportion to the value of services so provided in each State. (The Explanation clause to S. 12(7) of the IGST Act)

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(7)

ORGANISATION OF AN EVENT

Note:

Organization of an event in immovable property, the service of booking the location will be determined in terms of S.12(3) but the organization of the event will fall u/s. 12(7)



**PLACE OF SUPPLY OF SERVICES IN CASE OF
TRANSPORTATION OF GOODS
S.12(8)**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(8)

TRANSPORTATION OF GOODS

The place of supply of services by way of transportation of goods, including by mail or courier to-

- (a) a registered person, shall be the **location of such person**;
- (b) a person other than a registered person, shall be the location at which such **goods are handed over for their transportation**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(8)

TRANSPORTATION OF GOODS

Provided that where the transportation of goods is to a place outside India, the place of supply shall be the place of destination of such goods.

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(8)

TRANSPORTATION OF GOODS

- 1. This provision covers transportation of goods by road, rail, air, ship etc.**

FAQ-CBEC

S.12(8)

TRANSPORTATION OF GOODS

Q 12. What will be the place of supply of goods services by way of transportation of goods, including mail or courier?

Ans. In case of domestic supply: If the recipient is registered, the location of such person shall be the place of supply.

However, if the recipient is not registered, the place of supply shall be the place where the goods are handed over for transportation.



**PLACE OF SUPPLY OF SERVICES IN CASE OF
PASSENGER TRANSPORTATION
S.12(9)**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(9)

PASSENGER TRANSPORTATION

The place of supply of passenger transportation service to-

- (a) a registered person, shall be the **location of such person**;
- (b) a person other than a registered person, shall be the place where the **passenger embarks on the conveyance for a continuous journey**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(9)

PASSENGER TRANSPORTATION

- Provided that where the right to passage is given for future use and the **point of embarkation is not known** at the time of issue of right to passage, the place of supply of such service shall be determined as per **S.12(2)**
- **Return journey** shall be treated as a **separate journey** even if right to passage for onward and return journey is issued at the same time

FAQ-CBEC

S.12(9)

PASSENGER TRANSPORTATION

Q 13. What will be the place of supply of passenger transportation service, if a person travels from Mumbai to Delhi and back to Mumbai?

Ans. If the person is registered, the place of supply shall be the location of recipient. If the person is not registered, the place of supply for the forward journey from Mumbai to Delhi shall be Mumbai, the place where he embarks.

However, for the return journey, the place of supply shall be Delhi as the return journey has to be treated as separate journey. (The Explanation clause to section 12(9) of the IGST Act)

FAQ-CBEC

S.12(9)

PASSENGER TRANSPORTATION

Q 14. Suppose a ticket/ pass for anywhere travel in India is issued by M/s Air India to a person. What will be the place of supply?

Ans. In the above case, the place of embarkation will not be available at the time of issue of invoice as the right to passage is for future use. Accordingly, place of supply cannot be the place of embarkation. In such cases, the default rule shall apply. (The proviso clause to section 12(9) of the IGST Act)



**PLACE OF SUPPLY OF SERVICES PROVIDED
ON BOARD A CONVEYNACE
S.12(10)**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(10)

SERVICES PROVIDED ON BOARD

The place of supply of services on board a conveyance, including a-

- vessel,
- an aircraft,
- a train, or
- a motor vehicle,

shall be the location of the **first scheduled point of departure** of that conveyance for the journey

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(10)

SERVICES PROVIDED ON BOARD

Eg: Services of-

- i. food and beverages,**
- ii. movies,**
- iii. music,**
- iv. video,**
- v. games,**
- vi. beauty treatment etc.**

when provided against a specific charge

(not forming part of fare)



**PLACE OF SUPPLY OF
TELECOMMUNICATION SERVICES
S.12(11)**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(11)

TELECOMMUNICATION SERVICES

The place of supply of telecommunication services including data transfer, broadcasting, cable and direct to home television services to any person shall-

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(11)

TELECOMMUNICATION SERVICES

(a) in case of services by way of-

- **fixed telecommunication line,**
- **leased circuits,**
- **internet leased circuit,**
- **cable, or**
- **dish antenna,**

be the location where the telecommunication line, leased circuit or cable connection or dish antenna **is installed for receipt of services;**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(11)

TELECOMMUNICATION SERVICES

(b) in case of mobile connection for

- **telecommunication and**
- **internet services**
- **provided on post-paid basis,**

be the location of billing address of the recipient of services on the record of the supplier of services;

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(11)

TELECOMMUNICATION SERVICES

- (c) in cases where mobile connection for
- telecommunication,
 - internet service and
 - direct to home television services
 - are provided on **pre-payment** basis
 - through a voucher or any other means-

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(11)

TELECOMMUNICATION SERVICES

- (i) through a **selling agent** or a re-seller or a distributor of subscriber identity module card or re-charge voucher,
- be the **address of the selling agent** or re-seller or distributor as per the record of the supplier at the time of supply; or
- (ii) by any **person to the final subscriber**,
- be the location where such **pre-payment is received** or such vouchers are sold;

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(11)

TELECOMMUNICATION SERVICES

(d) in other cases,

- be the **address of the recipient** as per the records of the supplier of services; and
- where such address is **not available**, the place of supply shall be location of the **supplier of services**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(11)

TELECOMMUNICATION SERVICES

- 1. Where device installed: The location of such device**
- 2. Portable device-postpaid: Billing Address**
- 3. Portable device-prepaid: Location of agent**
- 4. Any other case: Location of supplier**

FAQ-CBEC

S.12(11)

TELECOMMUNICATION SERVICES

**Q 15. What will be the place of supply for mobile connection?
Can it be the location of supplier?**

Ans. For domestic supplies: The location of supplier of mobile services cannot be the place of supply as the mobile companies are providing services in multiple States and many of these services are inter-State. The consumption principle will be broken if the location of supplier is taken as place of supply and all the revenue may go to a few States where the suppliers are located.

FAQ-CBEC

S.12(11)

TELECOMMUNICATION SERVICES

The place of supply for mobile connection would depend on whether the connection is on postpaid or prepaid basis. In case of postpaid connections, the place of supply shall be the location of billing address of the recipient of service.

In case of pre-paid connections, the place of supply shall be the place where payment for such connection is received or such pre-paid vouchers are sold. However, if the recharge is done through internet/e-payment, the location of recipient of service on record shall be taken as the place of service.



PLACE OF SUPPLY OF
BANKING SERVICES
S.12(12)

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(12)

BANKING AND FINANCIAL SERVICES

- The place of supply of banking and other financial services, including stock broking services to any person-
- shall be the **location of the recipient** of services on the records of the supplier of services
- Provided that if the location of recipient of services is **not on the records of the supplier,**
- the place of supply shall be the **location of the supplier** of services

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(12)

BANKING AND FINANCIAL SERVICES

Note: Services provided u/s 12(12) are not services “by” banking and financial institution but it is services “of” banking and financial institution, services to be taken care of, not the service provider

Ex: 1. Renting of premises by a bank will not fall in this category

[S.12(3)]

2. Organizing an event by a bank for business will fall in S.12(7)



**PLACE OF SUPPLY OF
INSURANCE SERVICES
S.12(13)**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(13)

INSURANCE SERVICES

The place of supply of insurance services shall-

- (a) to a registered person, be the **location of such person**;
- (b) to a person other than a registered person, be the **location of the recipient** of services on the records of the supplier of services



PLACE OF SUPPLY OF
ADVERTISEMENT SERVICES
S.12(14)

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(14)

ADVERTISEMENT SERVICES

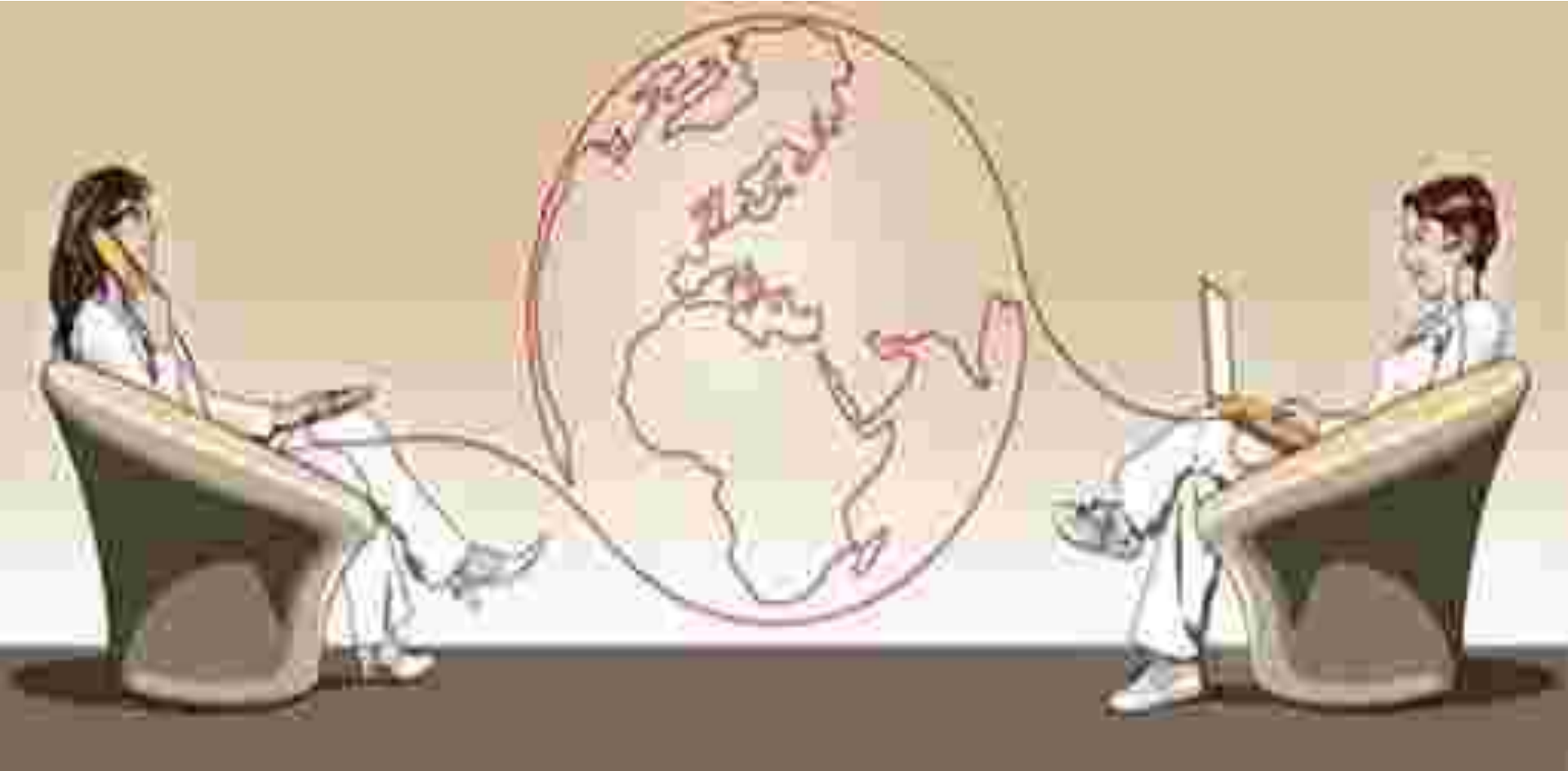
- **The place of supply of advertisement services to**
- **the Central Government,**
- **a State Government,**
- **a statutory body or**
- **a local authority meant for the States or Union territories shall be taken as being in each of such States or Union territories and**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER AND RECIPIENT IS IN INDIA

S.12(14)

ADVERTISEMENT SERVICES

- the value of such supplies shall be in **proportion** to the amount attributable to services provided by way of **dissemination** in the respective States or Union territories as may be determined in terms of the contract entered into
- In absence of contract, value to be determined as per Rule 3 of IGST Act



**PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF
SUPPLIER OR RECIPIENT IS OUTSIDE INDIA**

S.13

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(1)

WHEN THIS PROVISION APPLIES

LOCATION OF SUPPLIER

LOCATION OF RECIPIENT

**ANYONE
OUTSIDE INDIA**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(2)

GENERAL PROVISION [R.3 POPS]

S.13(2)

**SHALL NOT
APPLY
WHERE**

S.13(3)- (13)

APPLIES

Place of supply

**Location of
Recipient**

**Location of
recipient not
available-Location
of supplier**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(3)(a)

SERVICES IN RESPECT OF GOODS SUPPLIED
[R.4(a) POPS]

- **Services supplied in respect of goods which are required to be made physically available**
- **by the recipient of services to the supplier of services, or**
- **to a person acting on behalf of the supplier of services in order to provide the services**

The place of supply shall be the location where the services are actually performed

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(3)(a) SERVICES IN RESPECT OF GOODS SUPPLIED

- **Provided that when such services are provided from a remote location by way of electronic means, [Ex. Team viewer]**
- **the place of supply shall be the location where goods are situated at the time of supply of services**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(3)(a) SERVICES IN RESPECT OF GOODS SUPPLIED

- **Provided further that nothing contained in this clause shall apply,**
- **in the case of services supplied in respect of goods**
- **which are temporarily imported into India for repairs and**
- **are exported after repairs without being put to any other use in India [S.13(2) will apply]**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(3)(b)

SERVICES IN RESPECT OF GOODS SUPPLIED
[R.4(b) POPS]

- Services supplied to an individual, **[Ex. Alia Bhatt]**
- represented either as the recipient of services or
- a person acting on behalf of the recipient,
- **which require the physical presence of the recipient**
- or the person acting on his behalf,
- with the supplier for the supply of services

The place of supply shall be the location where the services are actually performed

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(4)

IMMOVABLE PROPERTY [R.5 POPS]

- Place of supply of services supplied directly in relation to an immovable property, including services supplied in this regard by experts and estate agents, supply of accommodation by a-
 - hotel, inn, guest house, club or campsite, by whatever name called,
 - grant of rights to use immovable property,
 - services for carrying out or co-ordination of construction work, including that of architects or interior decorators,
- shall be the place where the immovable property is located or intended to be located

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(5)

ADMISSION TO AN EVENT [R.6 POPS]

- The place of supply of services supplied by way of **admission to, or organization of**
- a cultural, artistic, sporting, scientific, educational or entertainment event, or a celebration, conference, fair, exhibition or similar events, and
- of services ancillary to such admission or organization,
- shall be the place where the event is actually held.

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(6)

MORE THAN 1 LOCATION [R.7-POPS]

- Where any services referred to in-
 - S.13(3): Services supplied in respect of goods
 - S.13(4): Services in relation to immovable property
 - S.13(5): Services in relation to event
- is supplied at more than one location,
- including a location in the taxable territory,
- its place of supply shall be the location in the taxable territory

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(7)

MORE THAN 1 STATE

- **Where the services referred to in-**
 - **S.13(3): Services supplied in respect of goods**
 - **S.13(4): Services in relation to immovable property**
 - **S.13(5): Services in relation to event**
- **are supplied in more than one State,**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(7)

MORE THAN 1 STATE

- the place of supply of such services shall be taken as
- being in each of the respective States and
- the value of such supplies specific to each State
- shall be in proportion to the value for services separately collected or determined
- in terms of the contract entered

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(8)

LOCATION OF SUPPLIER [R.9 POPS]

- (a) services supplied by a banking company, or a financial institution, or a non-banking financial company, to account holders;**
- (b) intermediary services;**
- (c) services consisting of hiring of means of transport, including yachts but excluding aircrafts and vessels [S.13(2)], up to a period of one month**

The place of supply shall be the location of the supplier of services. In such cases IGST would be chargeable in terms of the provisions of S. 7(5)(c) of IGST Act.

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(9)

TRANSPORTATION OF GOODS [R.10 POPS]

- **The place of supply of services of**
- **transportation of goods,**
- **other than by way of mail or courier, [S.13(2)]**
- **shall be the place of destination of such goods**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(10)

TRANSPORTATION OF PASSENGERS [R.11 POPS]

- The place of supply in respect of passenger transportation services
- shall be the place where the passenger embarks on the conveyance
- for a continuous journey

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(11)

SERVICES PROVIDED ON BOARD A CONVEYANCE **[R.12 POPS]**

- **The place of supply of services provided on board a conveyance**
- **during the course of a passenger transport operation,**
- **including services intended to be wholly or substantially consumed while on board,**
- **shall be the first scheduled point of departure of that conveyance for the journey**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(12)

ONLINE INFORMATION AND DATABASE ACCESS OR RETRIEVAL SERVICES

- **The place of supply of**
- **online information and database access or retrieval services**
- **shall be the location of the recipient of services**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(12)

ONLINE INFORMATION AND DATABASE ACCESS OR RETRIEVAL SERVICES

Recipient shall be deemed to be located in taxable territory, if any of the two non-contradictory conditions satisfied-

- a) Address presented by recipient through internet is in the taxable territory,
- b) Credit card or debit card by which recipient settles payment has been issued in taxable territory,
- c) billing address of recipient of is in taxable territory,

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(12)

ONLINE INFORMATION AND DATABASE ACCESS OR RETRIEVAL SERVICES

- (d) Internet protocol address of device used by recipient is in taxable territory,**
- (e) Bank of recipient in which account used for payment is maintained is in taxable territory,**
- (f) Country code of subscriber identity module card used by recipient is of taxable territory,**
- (g) Location of fixed land line through which service is received is in taxable territory**

PLACE OF SUPPLY OF SERVICES WHERE LOCATION OF SUPPLIER OR RECIPIENT IS OUTSIDE INDIA

S.13(13)

RESIDUARY CLAUSE

[R.13 POPS]

- In order to prevent double taxation, or
- for uniform application of rules,
- Govt. shall have power to notify any description of services or circumstances
- in which place of supply shall be place of effective use and enjoyment of a service



**SPECIAL PROVISION FOR PAYMENT OF TAX BY
SUPPLIER OF ONLINE INFORMATION AND DATABASE
ACCESS OR RETRIEVAL SERVICES**

S.14

SPECIAL PROVISION FOR PAYMENT OF TAX BY SUPPLIER OF OIDAR

S.14(1) OIDAR SERVICES

- On supply of OIDAR services by any person located in a non-taxable territory and
- received by a non-taxable online recipient, **[S.2(16)-IGST]**
- Supplier located in non-taxable territory
- shall be liable for paying IGST

SPECIAL PROVISION FOR PAYMENT OF TAX BY SUPPLIER OF OIDAR

S.14(1) **OIDAR SERVICES**

- Supply of OIDAR services by person located in non-taxable territory and
- received by non-taxable online recipient,
- intermediary located in non-taxable territory, shall be deemed to be recipient from supplier in non-taxable territory except when intermediary satisfies the following conditions-

SPECIAL PROVISION FOR PAYMENT OF TAX BY SUPPLIER OF OIDAR

S.14(1) OIDAR SERVICES

- (a) Invoice issued by intermediary clearly identifies service in question and its supplier in non-taxable territory,**
- (b) Intermediary involved does not authorize the charge to customer which is that intermediary neither collects payment nor is responsible for payment,**
- (c) Intermediary involved does not authorize delivery, and**
- (d) General terms and conditions are not set by the intermediary involved but by supplier of services**

SPECIAL PROVISION FOR PAYMENT OF TAX BY SUPPLIER OF OIDAR

S.14(2) OIDAR SERVICES

- **Supplier shall take a single registration under the Simplified Registration Scheme**
- **Person located in taxable territory representing such supplier in the taxable territory shall get registered and pay IGST**
- **If supplier does not have physical presence or does not have representative in taxable territory, he may appoint a person in taxable territory**

Thanking You



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