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## Chapter 1 – Goods and Service Tax – An Introduction

### Features of Indirect Taxes

i. An Important Source of Revenue	ii. Wider tax base
iii. Tax on commodities and services	iv. Promotes social welfare by taxing harmful products such as alcoholic products, tobacco products etc.
v. Shifting of burden	
vi. No perception of direct pinch	
vii. Inflationary	viii. Regressive in nature

### Goods and Service Tax

- A comprehensive tax structure covering both goods and services viz. Goods and Service Tax (GST)
- There is simultaneous introduction of GST at both Centre and State levels
- It would integrate taxes on goods and services for the purpose of set-off relief and will ensure that both the cascading effects of CENVAT and service tax are removed and a continuous chain of set-off from the original producer's point/ service provider's point upto the retailer's level/consumer's level is established.
- In the GST Regime, the major indirect taxes have been subsumed in the ambit of GST.

### Features of Goods and Service Tax

- Tax on Value Addition
- Continuous chain of Credit
- Burden borne by Final Consumer
- No Cascading effect

### Constitutional Amendment

- The Constitutional provisions had given separate powers for the Centre and the States to impose taxes.
- The Central Government levied excise duty on all goods produced or manufactured in India.
- States levied Value Added Tax once the goods were sold.
- Services were exclusively taxed by the Centre.
- There were State specific levies like entry tax, luxury tax, entertainment tax, lottery and betting tax, local taxes levied by Panchayats etc.
- With respect to goods imported from outside the country into India, Centre levied basic customs duty and additional duties of customs together with applicable cesses, if any.
- Consequently, a Constitutional amendment was needed to enable integration of the central excise duty including additional duties of customs, State VAT, CST and certain State specific taxes and service tax levied by the Centre into a comprehensive goods and service tax. Constitution (101st Amendment) Act, 2016 was enacted on **8th September, 2016**.

### Important Articles to the Constitution of India

Article 246A	Article 269A	Article 270	Article 279A
Power to make laws with respect to GST	Levy and collection of GST on inter-State supply	Distribution of GST between the Centre and the States	GST Council

**Benefits of GST**

<b>Benefits to Economy</b>	<b>Simplified Tax Structure</b>	<b>Easy tax compliance</b>	<b>Advantages for trade and industry</b>
<ul style="list-style-type: none"> <li>• Creation of unified national market</li> <li>• Boost to 'Make in India' initiative</li> <li>• Enhanced investment and employment</li> </ul>	<ul style="list-style-type: none"> <li>• Ease of doing business</li> <li>• Certainty in tax administration</li> </ul>	<ul style="list-style-type: none"> <li>• Automated procedures with greater use of IT</li> <li>• Reduction in compliance costs</li> </ul>	<ul style="list-style-type: none"> <li>• Benefits to agriculture and Industry</li> <li>• Mitigation of ill effects of cascading</li> <li>• Benefits to small traders and entrepreneurs</li> </ul>

<b>Central levies to be subsumed</b>	<b>State levies to be subsumed</b>
<ul style="list-style-type: none"> <li>• Central Excise Duty &amp; Additional Excise Duties</li> <li>• Service Tax</li> <li>• Excise Duty under Medicinal &amp; Toilet Preparation Act</li> <li>• CVD &amp; Special CVD</li> <li>• Central Sales Tax</li> <li>• Surcharges and Cesses in so far as they relate to supply of goods &amp; services</li> </ul>	<ul style="list-style-type: none"> <li>• State surcharges and cesses in so far as they relate to supply of goods &amp; services</li> <li>• Entertainment Tax (except those levied by local bodies)</li> <li>• Tax on lottery, betting and gambling</li> <li>• Entry Tax (All Forms) &amp; Purchase Tax</li> <li>• VAT/Sales tax</li> <li>• Luxury Tax</li> <li>• Taxes on advertisements</li> </ul>

**Dual GST Model**

- India has adopted a dual GST which will be imposed concurrently by the Centre and States, i.e. Centre and States will simultaneously tax goods and services.
- Centre will have the power to tax intra-State sales & States will be empowered to tax services.
- GST will extend to whole of India (GST Provisions are applicable to the State of Jammu and Kashmir)
- GST is a destination based tax applicable on all transactions involving supply of goods and services for a consideration subject to exceptions thereof.

**Applicability**

India is a summation of three categories of territories:

- States:** For every State, there shall be a Legislature
- Union Territories with Legislature:** Union Territories of **Delhi and Puducherry** have been provided with Legislatures with powers and functions as required for their administration.  
**(It will include UT of Jammu and Kashmir)**
- Union Territories without Legislature:** It shall be administered by the President through an 'Administrator' appointed by him. **(It will include UT of Ladakh)**

<p><b>Central Goods and Services Tax Act, 2017</b> Central Goods and Service Tax (CGST) - levied and collected by Central Government.</p>	<p><b>State Goods and Services Tax Act (passed by each State)</b> SGST is levied and collected by State Governments/UTs with State Legislatures.</p>
<p><b>Union Territory Goods and Services Tax Act, 2017</b> Union Territory Goods and Service Tax (UTGST) - levied and collected by Union Territories without State Legislatures, on intra-State supplies of taxable goods and/or services.</p>	<p><b>Integrated Goods and Services Tax Act, 2017</b> Inter-State supplies of taxable goods and/or services will be subject to Integrated Goods and Service Tax (IGST). IGST will approximately be a sum total of CGST and SGST/UTGST and will be levied by Centre on all inter-State supplies.</p>

**Special Provisions for Union Territories**

- UTs without State legislatures (Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli and Daman and Diu, Chandigarh, Ladakh) will be governed by UTGST Act, 2017 for levying UTGST
- Union territories with their own legislatures (Delhi / Puducherry / Jammu and Kashmir) have to enact their own GST legislation for levying SGST.

**Types of Supplies**

Intra State Supplies	Inter State Supplies
Location of the supplier and Place of supply are in	
Same State or UT	(a) 2 Different States or (b) 2 different UTs or (c) a State and a UT
CGST + SGST / UTGST	IGST will be charged (Rate = CGST + SGST / UTGST)

**Compensation Cess**

- A GST Compensation Cess at specified rate has been imposed under the GST (Compensation to States) Cess Act, 2017 on the specified luxury items or demerit goods, like pan masala, tobacco, manufactured tobacco substitutes, aerated waters, motor cars etc., computed on value of taxable supply.
- Compensation Cess is leviable on intra-State supplies and inter-State supplies with a view to provide for compensation to the States for the loss of revenue arising on account of implementation of the GST.

Rules	Regulation
Power to make Rules is with Central Government.	Power to make Regulations is with Board (CBIC)
Every rule, regulation and every notification issued by the Central Government shall be laid, as soon as may be after it is made or issued, before each House of Parliament.	

**Note**

- Notifications are issued by Central Government on recommendations of GST Council whereas Circular and Instructions are issued by CBIC (Central Board of Indirect Taxes and Customs)
- As per section 172 of CGST Act / 25 of IGST Act, if any difficulty arises in giving effect to any provisions of this Act, the Government may, on the recommendations of the Council, by a general or a special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations, as may be necessary or expedient for removing the said difficulty within 5 years from commencement of this Act i.e. **within 5 years** from 1.7.2017 (**w.e.f. 30.6.2020**)

**Section 170: Rounding off of tax, etc.**

Tax, interest, penalty, fine or any other sum payable, and the amount of refund or any other sum due shall be rounded off to the nearest rupee.