

How to Register Under GST ?

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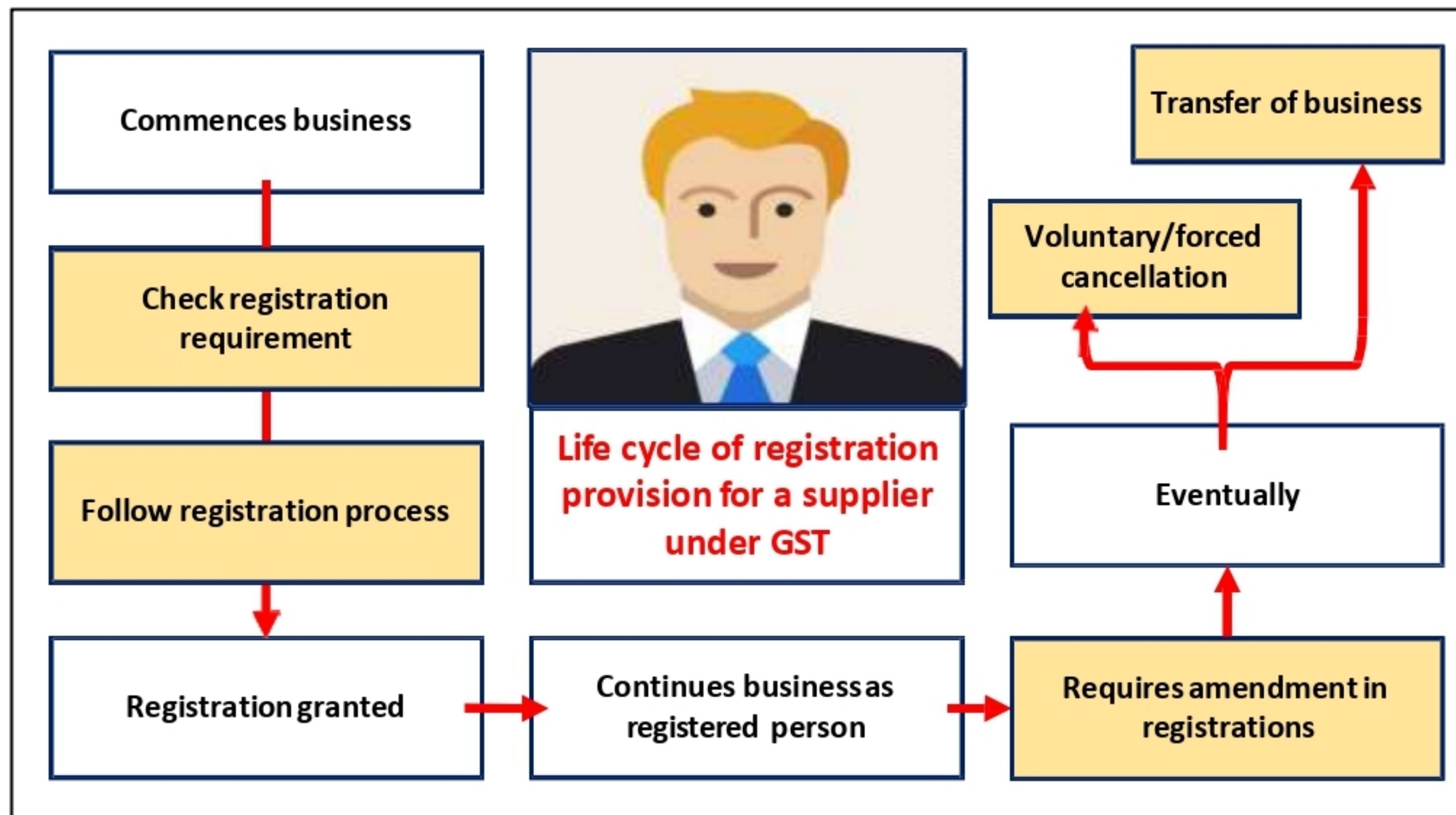


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Agenda for discussion [Sec 22 to 30 Read with Rules 8 to 26]

Part 1 – Who is required to obtain registration under GST?

Part 4 – Amendment in Registration

Part 2 – Consequences of not obtaining registrations

Part 5 – Surrender / Cancellation / Revocation of registration

Part 3 – Registration process

Part 6 – Impact on registrations in case of transfer of business



(107) 'taxable person'

means a person who is

- ❖ registered or
- ❖ liable to be registered under [section 22](#) or [section 24](#);

(94) 'registered person'

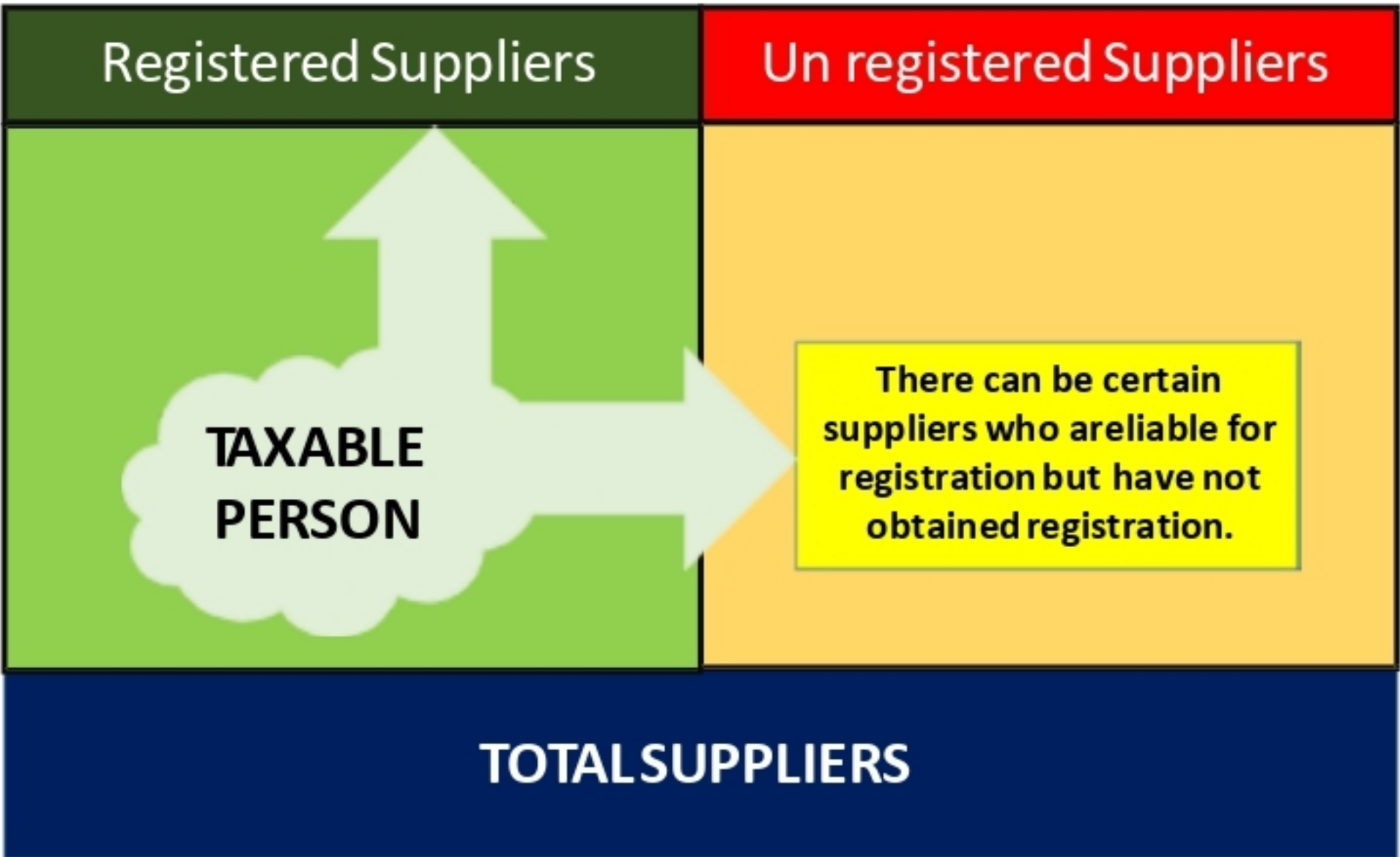
means a person who is

- ❖ registered under [section 25](#)
- ❖ but does not include a person having a Unique Identity Number;

Taxable person

VS

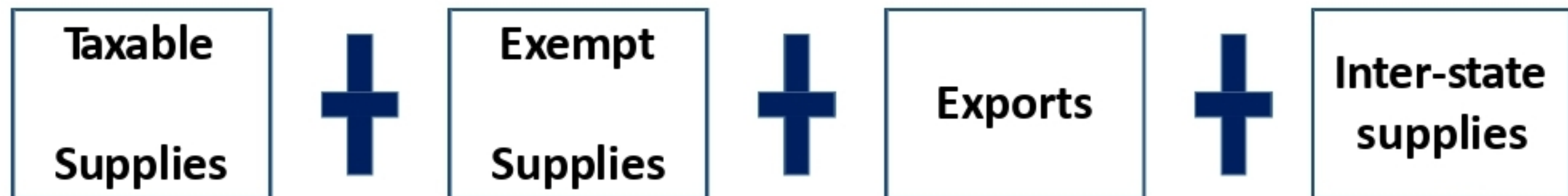
Registered



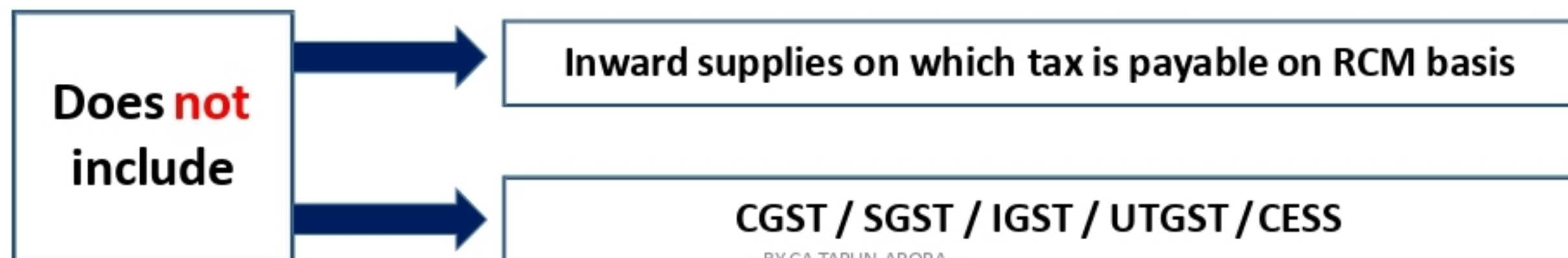
AGGREGATE TURNOVER

Sec 2(6)

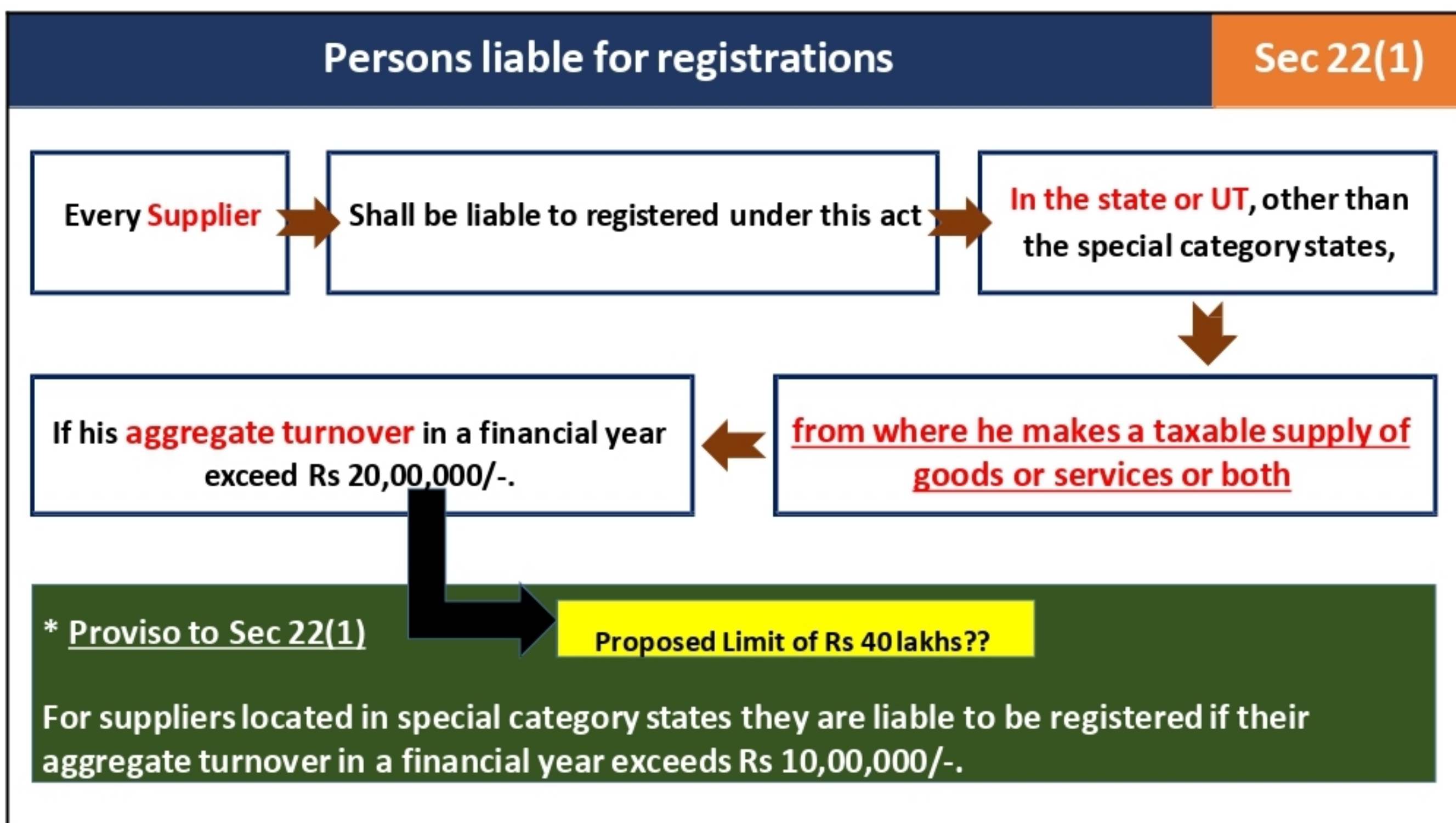
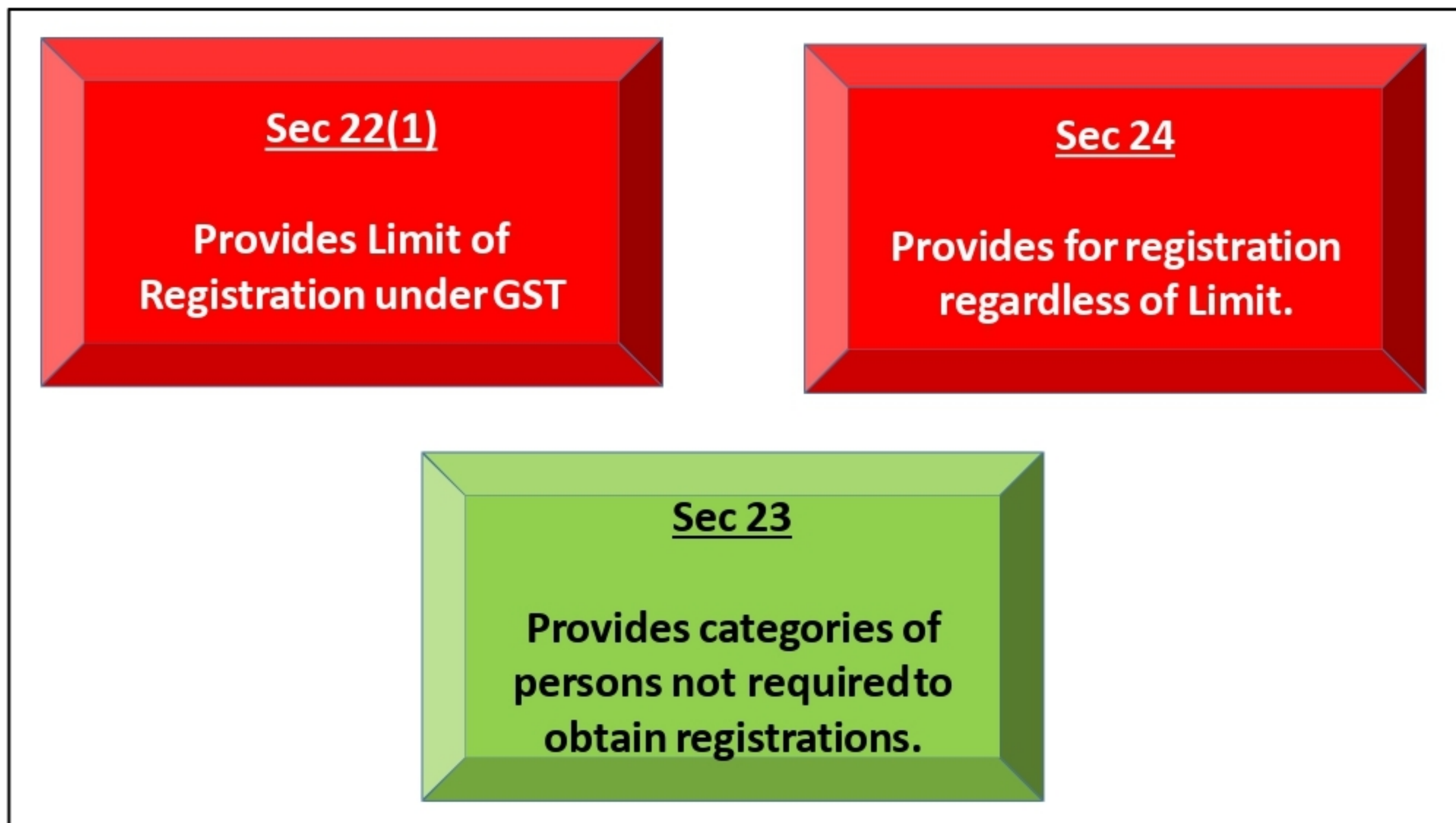
Means the aggregate value of



Of persons having the **same PAN** on **all India** Basis



Part 1 – Who is required to obtain registration under GST?



For the purposes of Sec 22 the following are the Special category states as provided in Article 279A(4)(g) of the Constitution of India:

- | | |
|-------------|--|
| 1. Nagaland | |
| 2. Tripura | |
| 3. Manipur | |
| 4. Mizoram | |

Though as per the Article 279A(4)(g) the State of **Jammu and Kashmir, Arunachal Pradesh, Assam, Himachal Pradesh, Meghalaya, Sikkim and Uttarakhand** are also special category states but the same is excluded from Sec 22 wef from 1st Feb, 2019 i.e. in other words the registration limit for suppliers in these states would be Rs 20,00,000/- and not Rs 10,00,000/-.



Case Study on Registration under GST **Case 1**


Taxable Supplies	Rs 17,00,000/-
Exempt Supplies	Rs 5,00,000/-

Whether registration required?
Yes

Case Study on Registration under GST **Case 2**

Taxable Supplies	Rs 17,00,000/-
Sale of Car	Rs 5,00,000/-

Whether registration required?
Yes



Whether registration of all branches required?

Yes

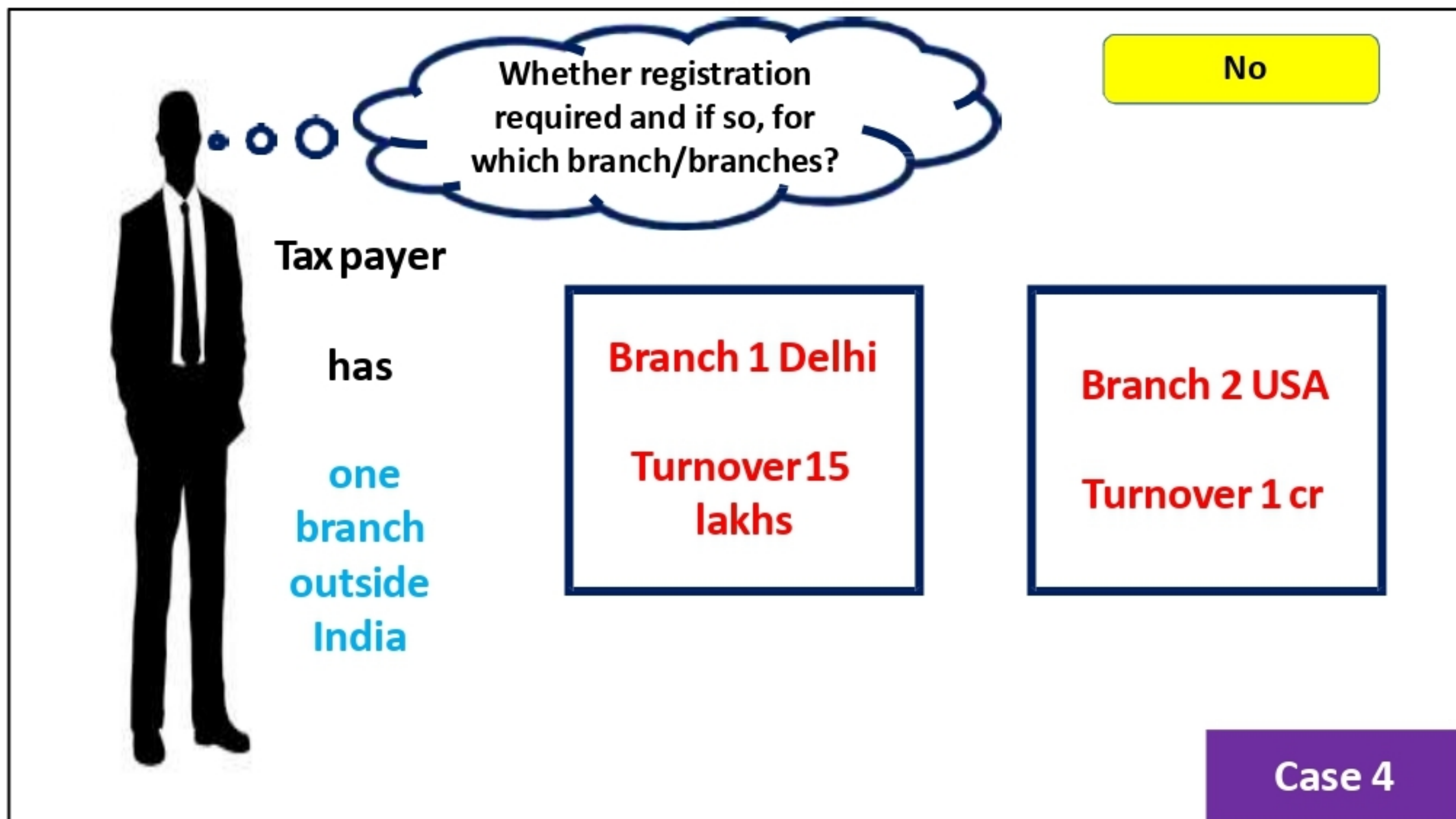
Tax payer has three branches

Branch 1 Delhi
Turnover 8 lakhs

Branch 2 UP
Turnover 8 lakhs

Branch 3 Haryana
Turnover 10 lakhs

Case 3



Explanations	Sec 22
<p>Explanation. "For the purposes of this section,"</p> <p>(i) the expression 'aggregate turnover' shall include all supplies made by the taxable person, whether on his own account or made on behalf of all his principals;</p> <p>(ii) the supply of goods, after completion of job-work, by a registered job worker shall be treated as the supply of goods by the principal referred to in section 143, and the value of such goods shall not be included in the aggregate turnover of the registered job worker;</p>	

Notwithstanding anything contained in sub-section (1) of section 22, the following categories of persons shall be required to be registered under this Act-

Sec 24 Overrides the limits provided in Sec 22(1) i.e. Rs 20 lakhs or Rs 10 lakhs as the case may be.

In other words persons listed in Sec 24 are required to be registered without any threshold limit.

1.
Person making
**inter-state
taxable supplies**

2.
Person who are
required to **pay
tax under reverse
charge**

3.
Person who are
required to **pay
tax under Sec
9(5)**

4.
**Casual taxable
person**

5.
**Non resident
taxable person**

6.
**Input service
distributor**

Compulsory registration in certain cases

Sec 24

7.

Person required to **deduct tax u/s 51.**

8.

Electronics commerce operator

persons who supply goods or services or both, other than supplies specified under sub-section (5) of [section 9](#), **through such electronic commerce operator** who is required to collect tax at source under [section 52](#);

Compulsory registration in certain cases

Sec 24

10.

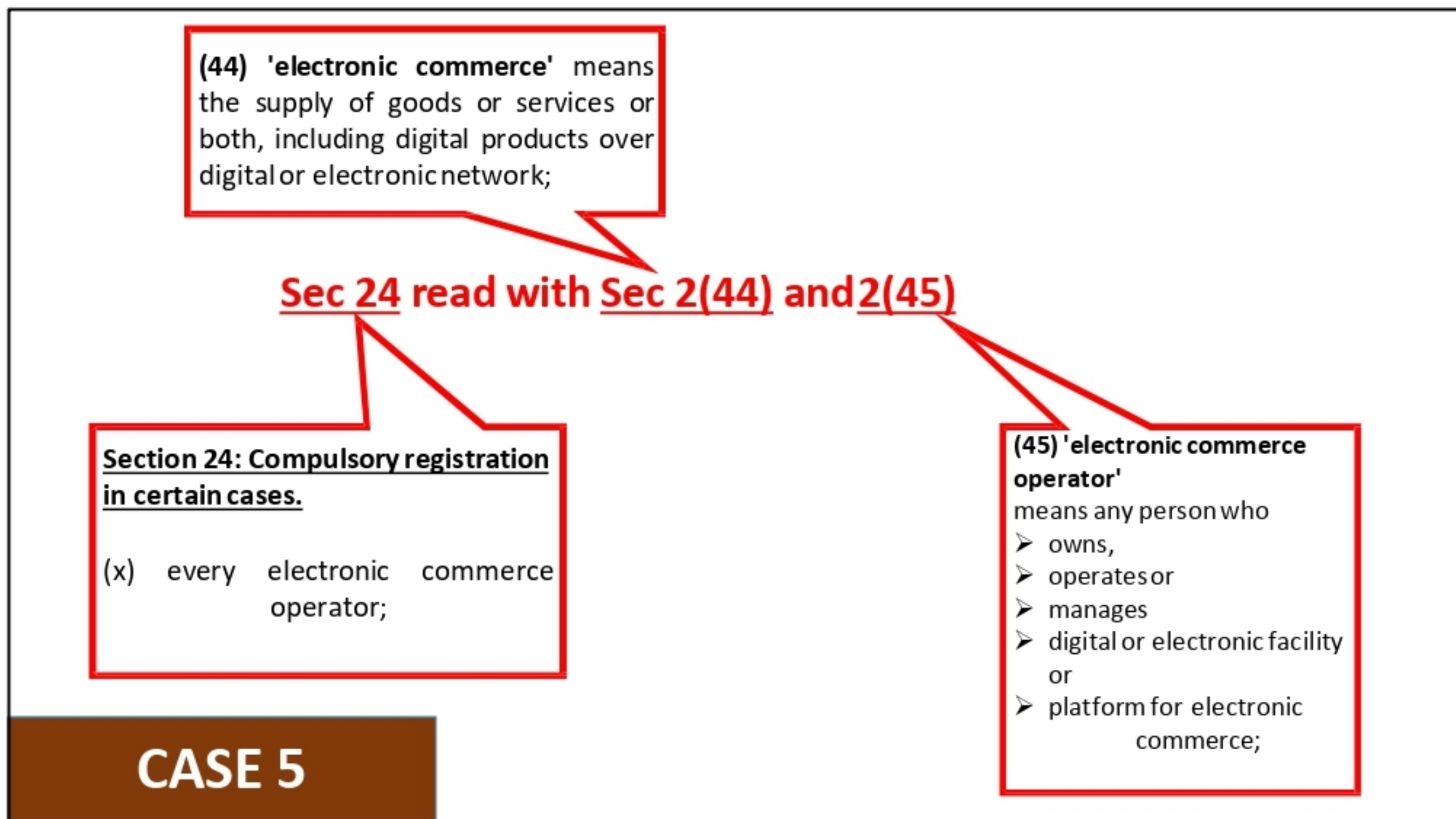
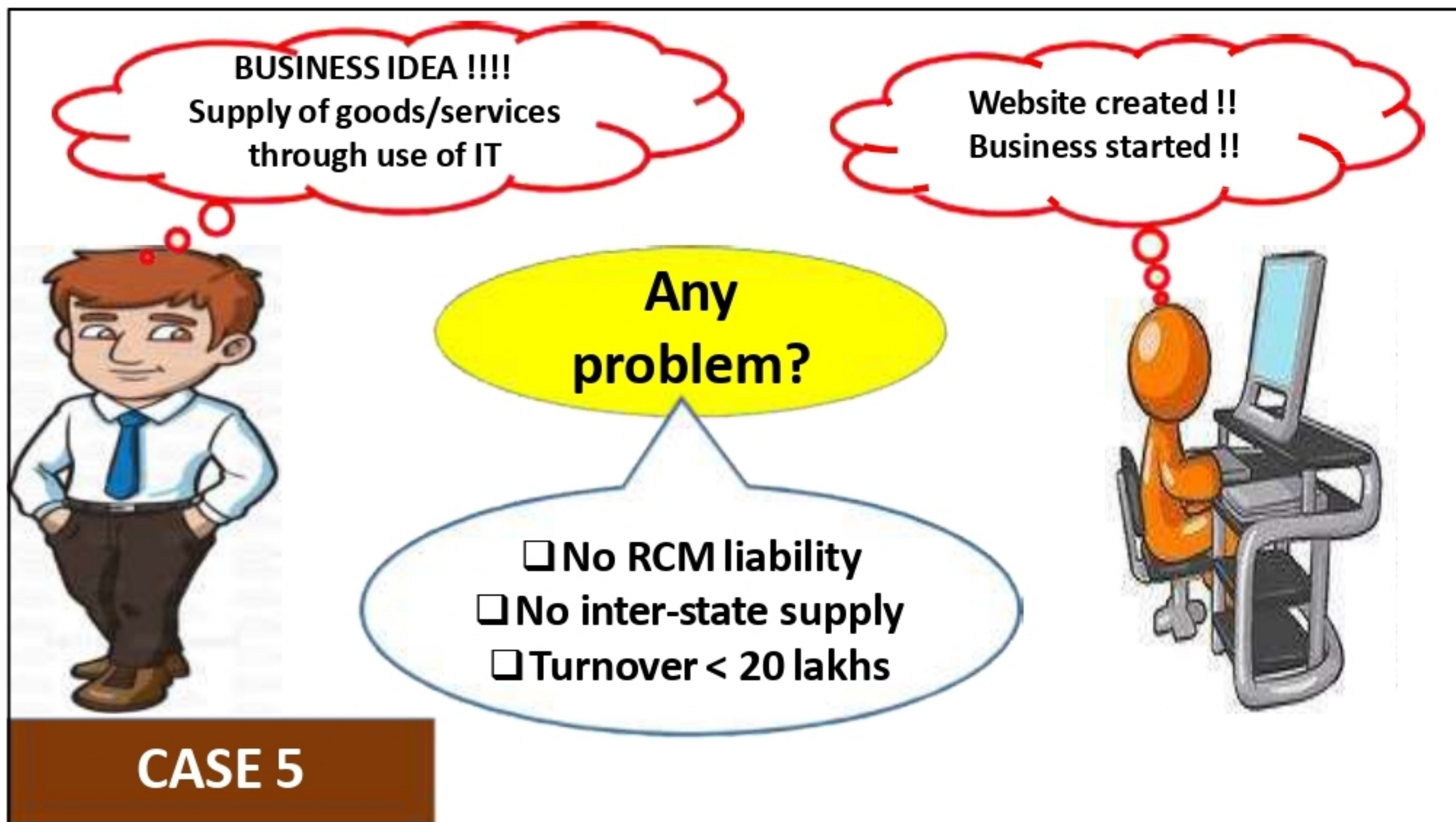
every electronic commerce operator;

11.

every person supplying **online information** and data base access or **retrieval services** from a place outside India to a person in India, other than a registered person;

12.

such other person or **class of persons** as may be **notified by the Government on the** recommendations of the Council



AMENDMENT IN SEC 24 WEF 1ST FEB

The provision has been amended as follows:-

Electronics commerce operator would be limited only to the person who is required to collect TCS u/s 52.

Persons not liable for registrations

Sec 23

(1) The following persons shall not be liable to registration, namely:‘

(a) Any person

- engaged exclusively in the business of supplying
- goods or services or both that are
- not liable to tax or wholly exempt from tax
- under this Act or under the Integrated Goods and Services Tax Act;

(b) an agriculturist, to the extent of supply of produce out of cultivation of land.

(2) The Government may, on the recommendations of the Council, by notification, specify the category of persons who may be exempted from obtaining registration under this Act.

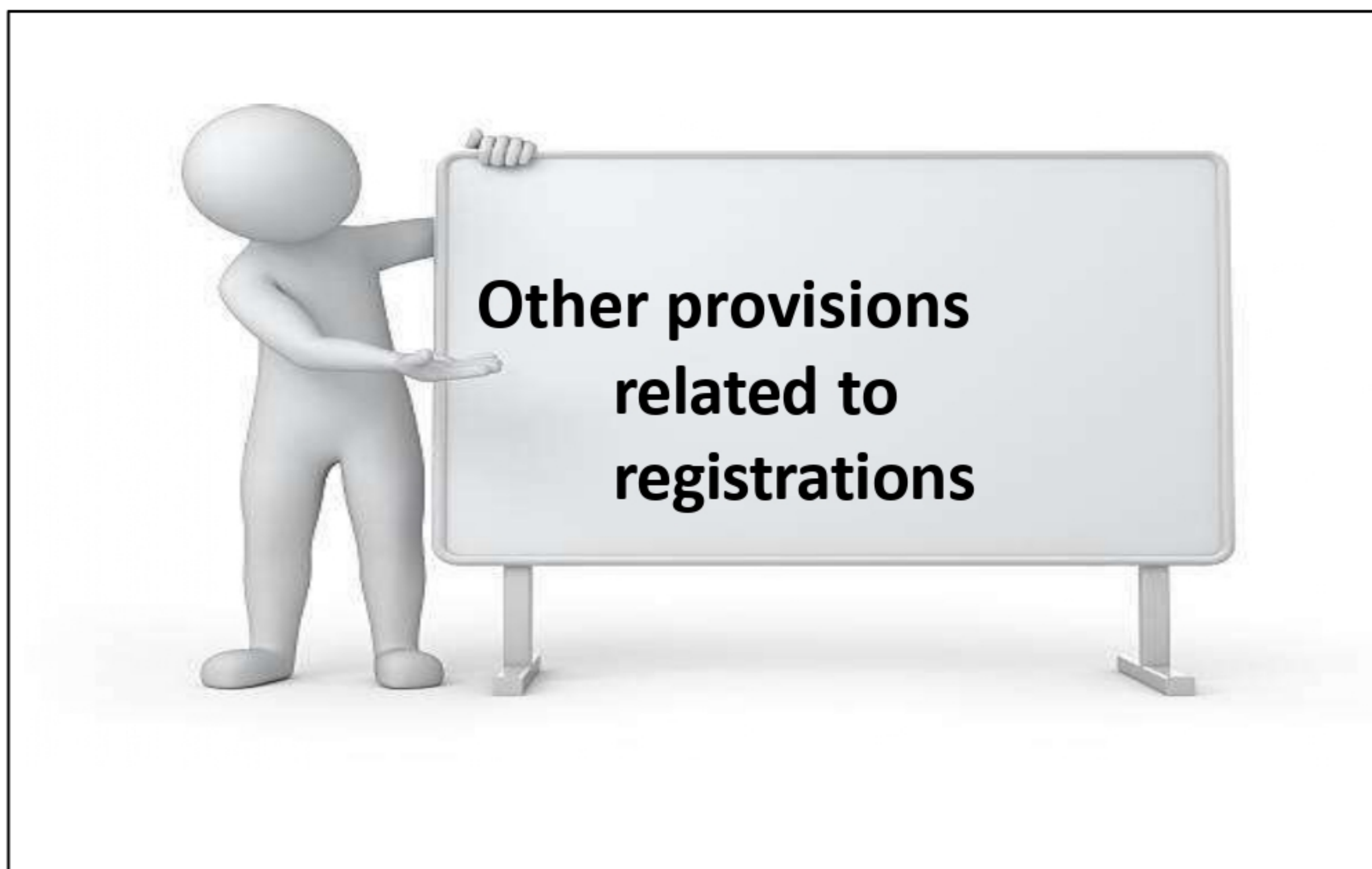
WHAT ABOUT CONTRADICTION BETWEEN SEC 23 AND SEC 24 ??

Notifications issued u/s 23(2) of the CGST Act

Notification Number and date	Category of persons exempted
5/2017 Central Tax Dated 19 th June, 2017	persons who are only engaged in making supplies of taxable goods or services or both, the total tax on which is liable to be paid on reverse charge basis by the recipient of such goods or services or both under sub-section (3) of section 9.
7/2017 Integrated Tax Dated 14 th September, 2017	<p>Job workers engaged in making inter-State supply of services to a registered person:</p> <p>Provided that nothing contained in this notification shall apply to a job-worker-</p> <p>(a) who is liable to be registered under sub-section (1) of section 22 or who opts to take registration voluntarily under sub-section (3) of section 25 of the said Act; or</p> <p>(b) who is involved in making supply of services in relation to the goods mentioned against serial number 151 in the Annexure to rule 138 of the CGST Rules.</p>

Notifications issued u/s 23(2) of the CGST Act

Notification Number and date	Category of persons exempted
3/2018 Integrated Tax Dt 22 nd Oct, 18 & 56/2018 Central Tax Dt 23 rd Oct, 18	Persons making inter-State taxable supplies of specified handicraft goods . (For specified handicraft goods refer notification). The exemption would be available only upto the limit as provided in Sec 22(1).
10/2017 Integrated Tax Dated 13 th Oct, 2017	Persons making inter-State supplies of taxable services and having an aggregate turnover, to be computed on all India basis, not exceeding an amount of twenty lakh rupees/ten lakhs in a financial year as the case may be.
65/2017 Central Tax Dated 15 th Nov, 2017	Persons making supplies of services , other than supplies specified under sub-section (5) of section 9 of the said Act through an electronic commerce operator who is required to collect tax at source under section 52 of the said Act, and having an aggregate turnover not exceeding Rs 20 lakhs or Rs 10 lakhs as the case may be.



Requirement of Pan	<ul style="list-style-type: none">• Every person shall have a PAN under the Income Tax Act in order to be grant of registration. (Non –resident taxable person may use passport for individual and tax identification number for business entity).
Registration by department	<ul style="list-style-type: none">• Where a person liable to registration fails to obtain registration, the proper officer may, without prejudice to any action that is, or may be taken under this Act, or under any other law for the time being in force, proceed to register such person in the manner as may be prescribed. Sec 25(8)
UIN	<ul style="list-style-type: none">• specialized agency of the UNO or any MFI or Embassy of foreign countries or any other person notified shall be granted a Unique Identity Number.• For the purposes to be notified including refunds Sec 25(9).

A person can apply for **voluntary registration** and once registered he will be at par with a registered person.

Sec 25(3)

Display of -
 registration certificate and
 GSTIN
on the name board.

Rule 18

A person who has obtained or is required to obtain more than one registration, whether in one State or Union territory or more than one State or Union territory shall, in respect of each such registration, be treated as **distinct persons** for the purposes of this Act.

Sec 25(4)

Where a person who has obtained or is required to obtain registration in a State or Union territory in respect of an establishment, has an establishment in another State or Union territory, then such establishments shall be treated as establishments of distinct persons for the purposes of this Act.

Sec 25(5).

SEZ unit/developer shall obtain separate registration for its offices inside the SEZ and outside the SEZ.

Rule 8

Sec 25(1) has also been amended to mandate for separate registration wef 1st Feb, 2019.

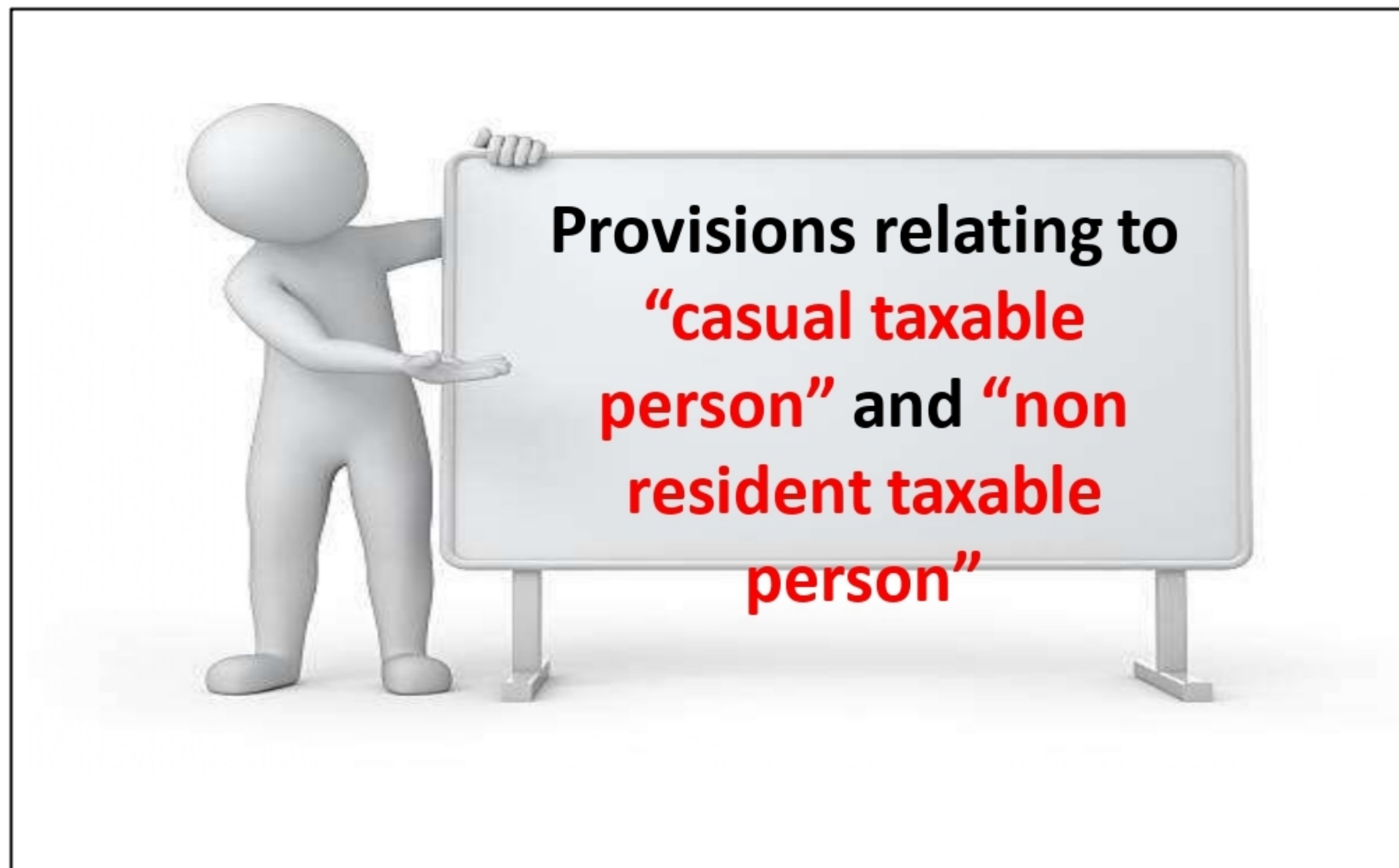
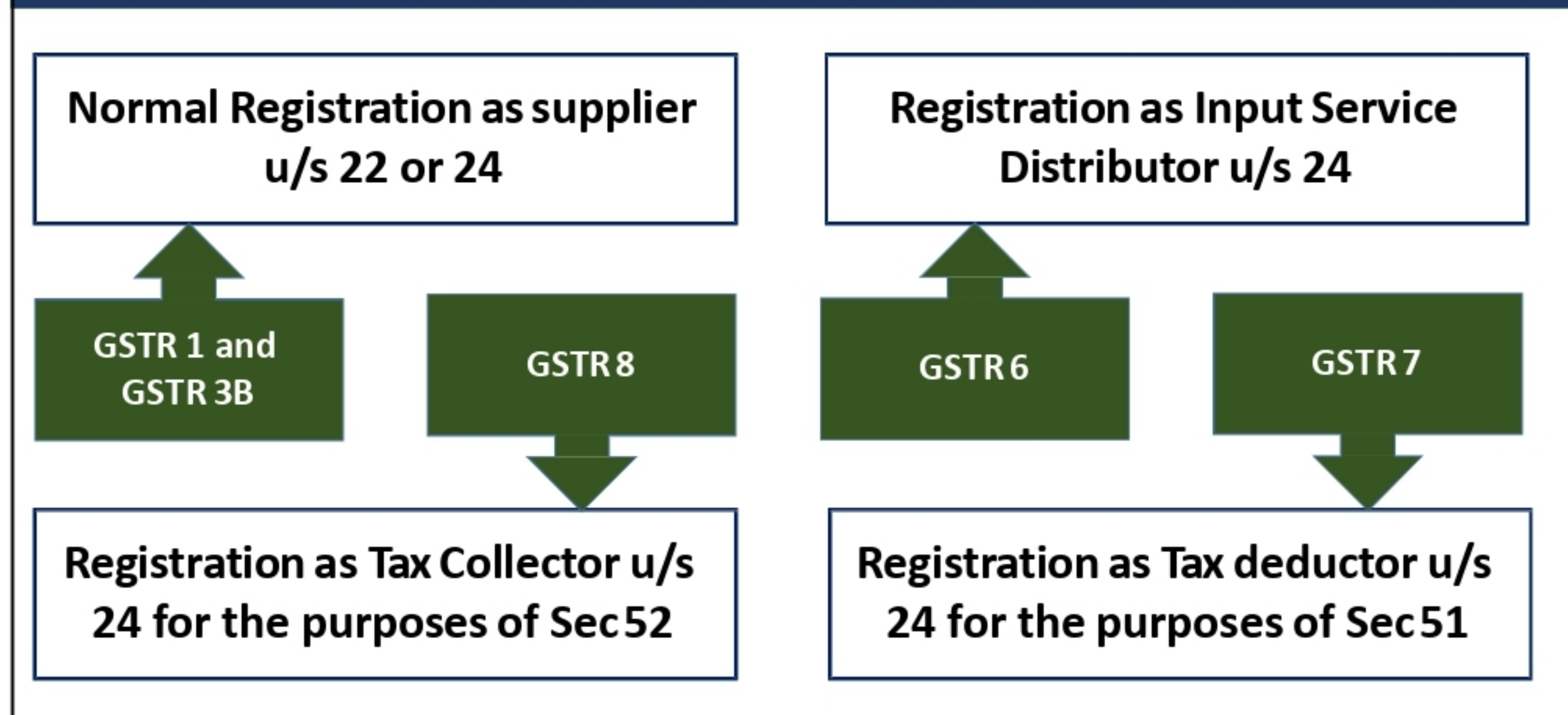
A person having **multiple business verticals in a State** or Union territory may be granted a **separate registration** for each business vertical, subject to such conditions as may be prescribed.

Proviso to Sec 25(2)
Upto 31st Jan, 2019

A person having **multiple place of business** in a state or union territory may be granted a separate registration for each place of business, subject to conditions as may be prescribed.

Proviso to Sec 25(2)
WEF 1st Feb 2019

DIFFERENT TYPES OF REGISTRATION ONE SUPPLIER CAN HAVE IN ONE STATE



Sec 2 (20) 'casual taxable person'

- means **a person**
- who occasionally undertakes
- transactions involving supply of goods or services or both
- in the course or furtherance of business,**
- whether as principal, agent or in any other capacity,
- in a State or a Union territory where he has no fixed place of business;**

Sec2 (77) "non-resident taxable person"

- means **any person**
- who occasionally undertakes
- transactions involving supply of goods or services or both,
- whether as principal or agent or in any other capacity,
- but who has no fixed place of business or residence in India;**

Summarized provision relating to Casual taxable person and Non resident taxable person

Application for registration to be filed

Atleast 5 days prior to commencement of business
[Proviso to Sec 25(1)]

Validity Period of Registration

90 days or lesser period as provided in application
[Sec 27(1)]

Extension in validity of registration

For a further period not exceeding 90 days by filing form REG-11 [Sec 27(1) read with Rule 15]

Payment of taxes

In advance on the basis of TRN generated before approval of registration [Sec 27(2)]

Summarized provision relating to Casual taxable person and Non resident taxable person

Casual Taxable Person

Form - REG 01

Form – GSTR 1 and 3B

Registration Form

Return Form

Non resident taxable person

Form - REG 09

Form – GSTR 5

**Part 2 – Consequences of
not obtaining
registrations**

Section 122: Penalty for certain offences.

(1) Where a **taxable person** who

(xi) is liable to be registered under this Act **but fails to obtain registration;**

(xii) furnishes any false information with regard to registration particulars, either at the time of applying for registration, or subsequently;

(xix) issues any invoice or document by using the registration number of another registered person;

he shall be liable to pay a penalty of ten thousand rupees each under CGST Act and SGST Act.

Consequences for default in registrations

Section 122: Penalty for certain offences.

(3) Any person who'

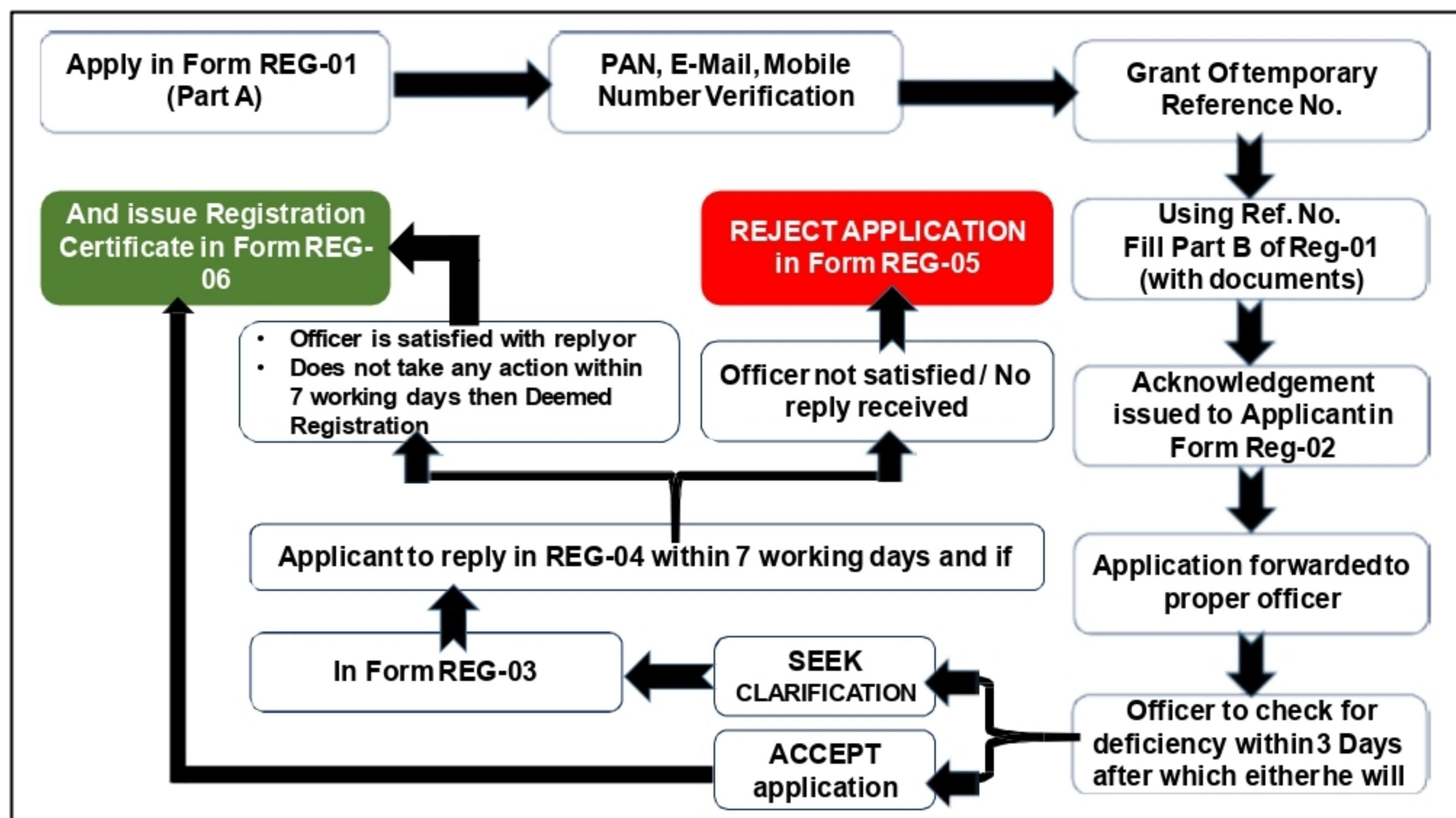
(a) **aids or abets any of the offences** specified in clauses (i) to (xxi) of sub-section (1);

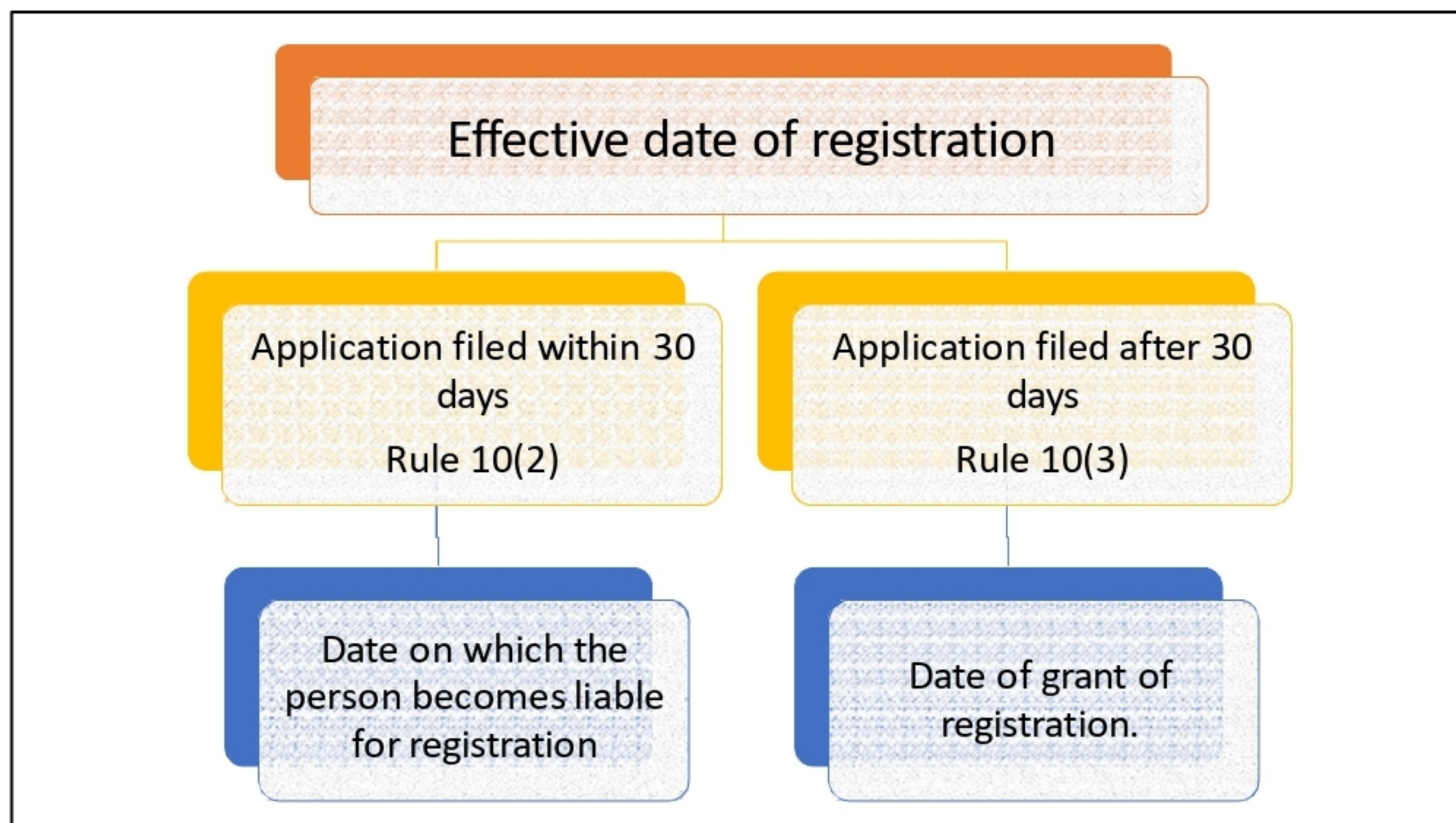
shall be liable to a penalty which may extend to twenty five thousand rupees each under the CGST and SGST Act.

NOT TO FOREGT IMPACT OF -

- 1. SEC 16 AND SEC 17 : INPUT TAX CREDIT ELIGIBILITY**
- 2. SEC 47 : LATE FEE**
- 3. SEC 50 : INTEREST ON DELAYED PAYMENT OF TAXES**

Part 3 – Registration process [Rule 8 – 10]





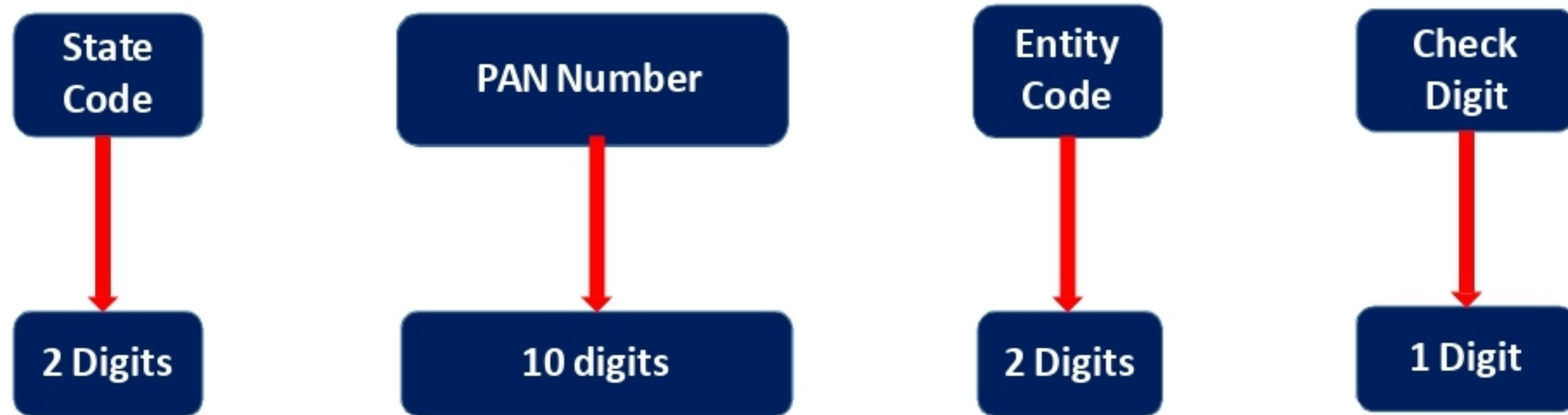
Section 26: Deemed registration

(1) The grant of registration or the Unique Identity Number under the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act shall be deemed to be a grant of registration or the Unique Identity Number under this Act subject to the condition that the application for registration or the Unique Identity Number has not been rejected under this Act within the time specified in sub-section (10) of [section 25](#).

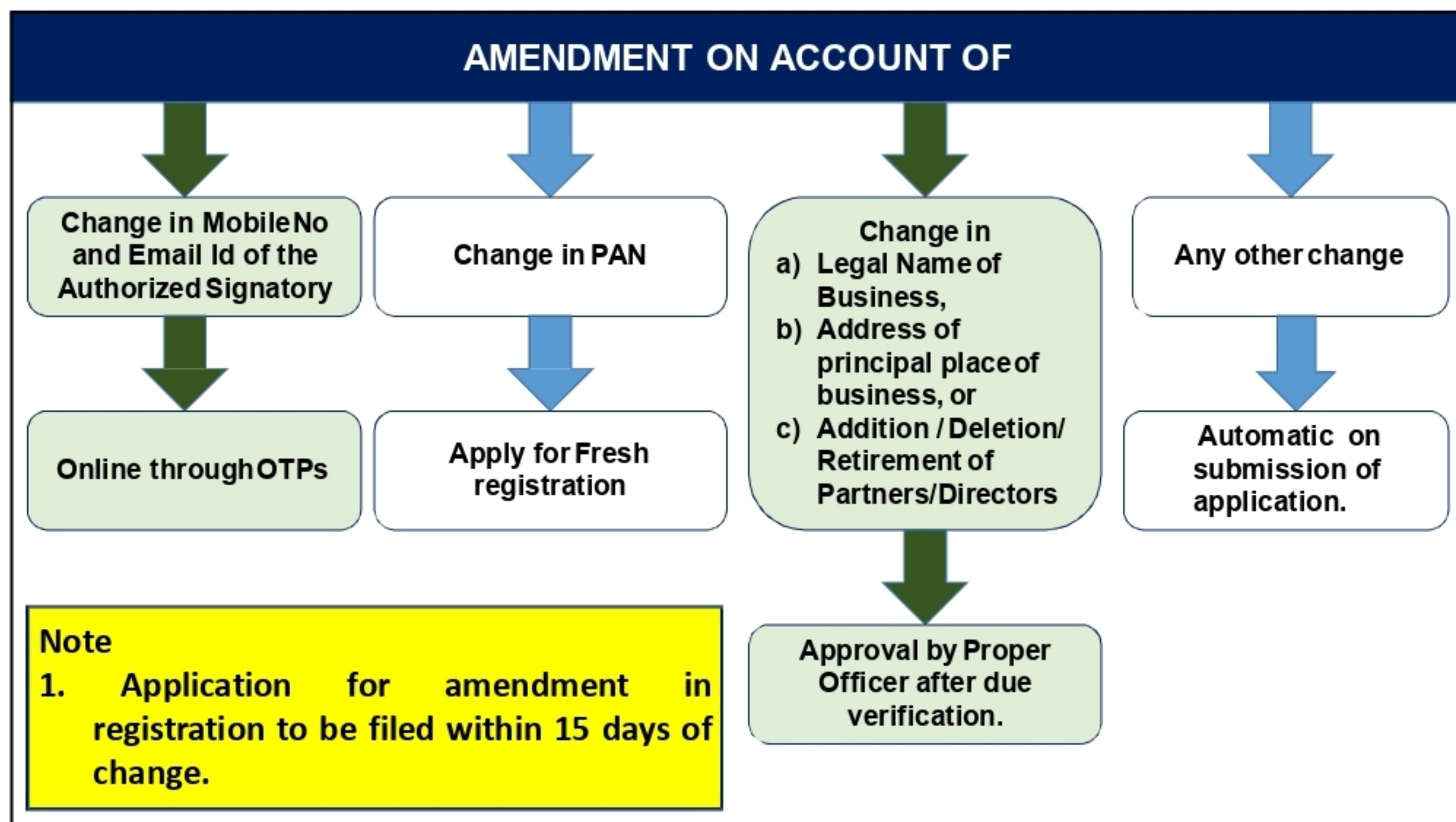
(2) Notwithstanding anything contained in sub-section (10) of [section 25](#), any rejection of application for registration or the Unique Identity Number under the State Goods and Services Tax Act or the Union Territory Goods and Services Tax Act shall be deemed to be a rejection of application for registration under this Act.

Structure of GSTIN

PAN based 15 digit code



**Part 4 – Amendment
in Registration**



Part 5 – Surrender / Cancellation / Revocation of registration

SURRENDER / CANCELLATION OF REGISTRATION

Who can move surrender/cancellation of a registration?

Registered Person
himself

Proper Officer

(a) the **business has been discontinued, transferred** fully for any reason including death of the proprietor, amalgamated with other legal entity, demerged or otherwise disposed of; or

(b) there is **any change in the constitution of the business**; or

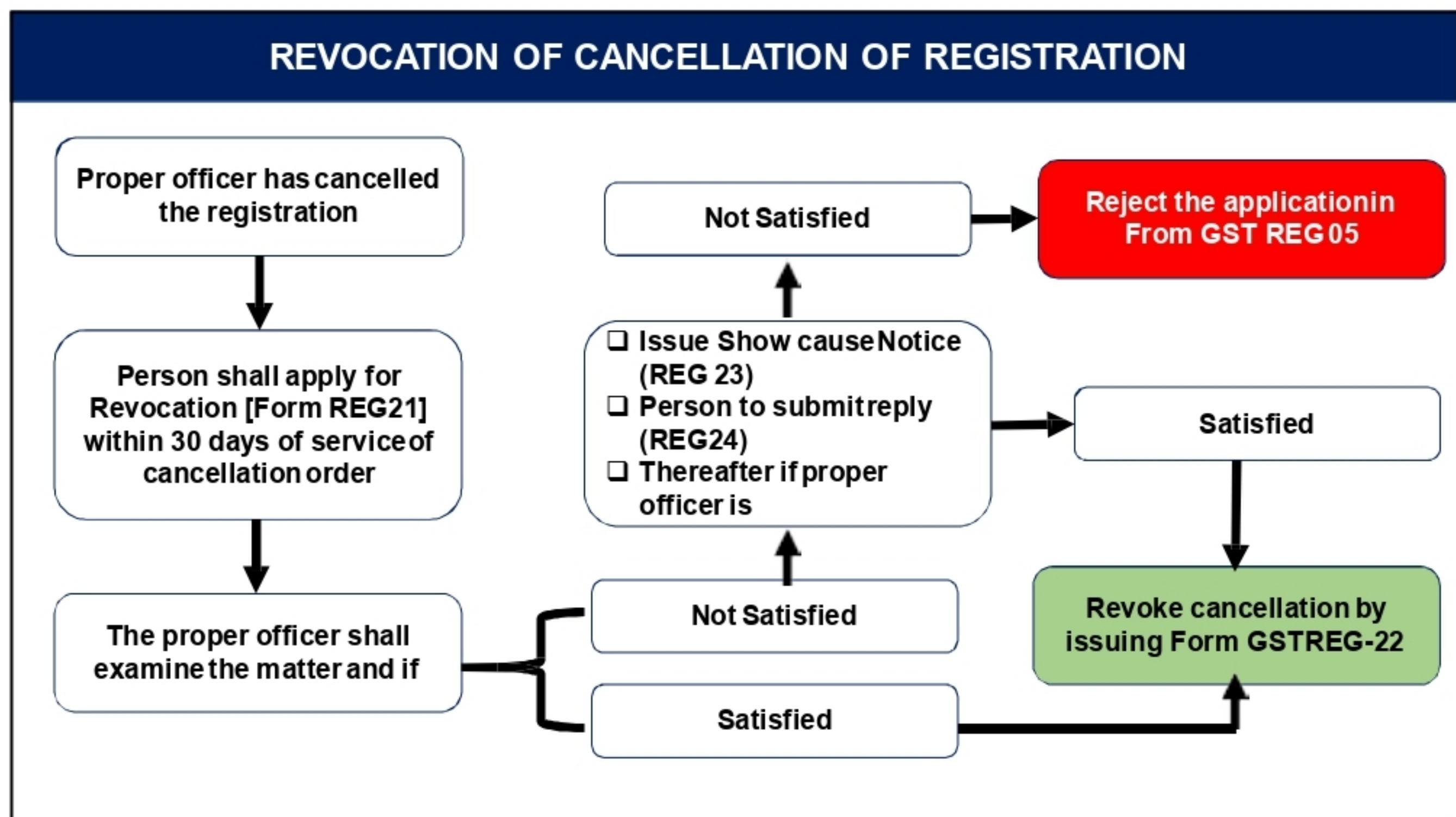
(c) the taxable person, other than the person registered under sub-section (3) of [section 25](#), is **no longer liable to be registered under [section 22](#) or [section 24](#)**.

Note:

1. Application for surrender of registration shall be filed in form **GST REG 16** within **30 days of the occurrence of the event**.

2. Tax shall be payable on inputs held in stock, inputs contained in semi-finished or finished stock and capital goods on which credit has been taken.

- (a) a registered person has contravened such provisions of the Act or the rules made thereunder as may be prescribed; [Rule 21 provides for 3 Instances] or
- (b) a person paying tax under [section 10](#) **has not furnished returns for three consecutive tax periods; or**
- (c) any registered person, other than a person specified in clause (b), **has not furnished returns for a continuous period of six months; or**
- (d) any person who has taken **voluntary registration under sub-section (3) of section 25** **has not commenced business within six months from the date of registration; or**
- (e) registration has been obtained by means of fraud, wilful misstatement or suppression of facts:



Rule 21A. Suspension of registration.-

- (1) Where a **registered person has applied for cancellation of registration** under rule 20, the **registration shall be deemed to be suspended** from the date of submission of the application or the date from which the cancellation is sought, whichever is later, pending the completion of proceedings for cancellation of registration under rule 22.
- (2) Where the proper officer has reasons to believe that the registration of a person is liable to be cancelled under section 29 or under rule 21, he may, after affording the said person a reasonable opportunity of being heard, suspend the registration of such person with effect from a date to be determined by him, pending the completion of the proceedings for cancellation of registration under rule 22.
- (3) **A registered person, whose registration has been suspended under sub-rule (1) or sub-rule (2), shall not make any taxable supply during the period of suspension and shall not be required to furnish any return under section 39.**
- (4) The suspension of registration under sub-rule (1) or sub-rule (2) shall be deemed to be revoked upon completion of the proceedings by the proper officer under rule 22 and such revocation shall be effective from the date on which the suspension had come into effect.



**Part 6 – Impact on
registrations in case of
transfer of business**

Sec 22(3)

- ❖ Where a business carried on by a taxable person registered under this Act
- ❖ is transferred, whether on account of succession or otherwise,
- ❖ to another person as a going concern,
- ❖ **the transferee or the successor, as the case may be, shall be liable to be registered with effect from the date of such transfer or succession.**

Se 22(4)

- ❖ Notwithstanding anything contained in sub-sections (1) and (3),
- ❖ **in a case of transfer pursuant to sanction of a scheme or an arrangement for amalgamation or,**
- ❖ **as the case may be, de-merger of two or more companies pursuant to an order of a High Court, Tribunal or otherwise,**
- ❖ **the transferee shall be liable to be registered, with effect from the date on which the Registrar of Companies issues a certificate of incorporation giving effect to such order of the High Court or Tribunal.**

Q. Whether tax is payable in case of transfer of business as a going concern?

Ans. No. As it is exempted by Notification No 12/2017 Central Tax Rate

Services by way of transfer of a going concern, as a whole or an independent part thereof. [S. No 2 of the Notification].

Q. What will happen to the ITC lying in the credit ledgers of the transferor's entity?

Ans. The transferee entity shall be eligible to carry forward ITC by filing of Form ITC-02.

Reaches us.....

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