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[Updated version of the Notification No. 8/2017-Integrated Tax (Rate)  
dated the 28<sup>th</sup> June, 2017 as amended upto 1<sup>st</sup> April, 2019]

Government of India  
Ministry of Finance  
(Department of Revenue)

**Notification No. 8/2017-Integrated Tax (Rate)**

New Delhi, the 28<sup>th</sup> June, 2017

G.S.R.....(E).- In exercise of the powers conferred by sub-section (1) of section 5, sub-section (1), [sub-section (3) and sub-section (4)]<sup>1</sup> of section 6 and [clauses (iii), (iv) and (xxv)]<sup>2</sup> of section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017) read with sub-section (5) of section 15[,]<sup>3</sup> sub-section (1) of section 16 [and section 148]<sup>4</sup> of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, and on being satisfied that it is necessary in the public interest so to do, hereby notifies that the integrated tax, on the inter-State supply of services of description as specified in column (3) of the Table below, falling under Chapter, Section or Heading of scheme of classification of services as specified in column (2), shall be levied at the rate as specified in the corresponding entry in column (4), subject to the conditions as specified in the corresponding entry in column (5) of the said Table:-

**Table**

Sl No.	Chapter, Section or Heading	Description of Service	Rate (per cent.)	Condition
(1)	(2)	(3)	(4)	(5)
1	<b>Chapter 99</b>	<b>All Services</b>		
2	<b>Section 5</b>	<b>Construction Services</b>		
3	<b>Heading 9954</b> (Construction services)	[(i) Construction of affordable residential apartments by a promoter in a Residential Real Estate Project (herein after referred to as RREP) which commences on or after 1 st April, 2019 or in an ongoing RREP in respect	1.5	Provided that the integrated tax at the rate specified in column (4) shall be paid in

<sup>1</sup> Inserted vide notification No. 03/2019– Integrated Tax (Rate) dt 29.03.2019.

<sup>2</sup> Substituted vide notification No. 03/2019– Integrated Tax (Rate) dt 29.03.2019. Prior to substitution, it read “clause (iii) and clause (iv)”.

<sup>3</sup> Substituted vide notification No. 03/2019– Integrated Tax (Rate) dt 29.03.2019. Prior to substitution, it read “and”.

<sup>4</sup> Inserted vide notification No. 03/2019– Integrated Tax (Rate) dt 29.03.2019.

		<p>of which the promoter has not exercised option to pay integrated tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)</p>		<p>cash, that is, by debiting the electronic cash ledger only; Provided also that credit of input tax charged on goods and services used in supplying the service has not been taken except to the extent as prescribed in</p>
		<p>(ia) Construction of residential apartments other than affordable residential apartments by a promoter in an RREP which commences on or after 1 st April, 2019 or in an ongoing RREP in respect of which the promoter has not exercised option to pay integrated tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)</p>	<p>7.5</p>	<p>Annexure I in the case of REP other than RREP and in Annexure II in the case of RREP; Provided also that the registered person shall pay, by debit in the electronic credit ledger or electronic cash ledger, an amount equivalent to the input tax credit attributable to construction in a</p>
		<p>(ib) Construction of commercial apartments (shops, offices, godowns etc.) by a promoter in an RREP which commences on or after 1 st April, 2019 or in an ongoing RREP in respect of which the promoter has not exercised option to pay integrated tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where</p>	<p>7.5</p>	<p>project, time of supply of which is on or after 1 st April, 2019, which shall be calculated in the manner as prescribed in the Annexure I in the case of REP other than RREP and in Annexure II in the case of RREP;</p>

	<p>required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)</p>		<p>Provided also that where a registered person (landowner-promoter) who transfers development right or FSI (including additional FSI) to a promoter (developer-promoter) against consideration, wholly or partly, in the form of construction of apartments, - (i) the developer-promoter shall pay tax on supply of construction of apartments to the landownerpromoter, and (ii) such landowner – promoter shall be eligible for credit of taxes charged from him by the developer promoter towards the supply of construction of apartments by developer-promoter to him, provided the landownerpromoter further supplies such apartments to his buyers before issuance of completion</p>
	<p>(ic) Construction of affordable residential apartments by a promoter in a Real Estate Project (herein after referred to as REP) other than RREP, which commences on or after 1 st April, 2019 or in an ongoing REP other than RREP in respect of which the promoter has not exercised option to pay integrated tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)</p>	1.5	
	<p>(id) Construction of residential apartments other than affordable residential apartments by a promoter in a REP other than a RREP which commences on or after 1 st April, 2019 or in an ongoing REP other than RREP in respect of which the promoter has not exercised option to pay integrated tax on construction of apartments at the rates as specified for item (ie) or (if) below, as the case may be, in the manner prescribed therein, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)</p>	7.5	

			<p>certificate or first occupation, whichever is earlier, and pays tax on the same which is not less than the amount of tax charged from him on construction of such apartments by the developer promoter.</p> <p>Explanation. - (i) “developer-promoter” is a promoter who constructs or converts a building into apartments or develops a plot for sale, (ii) “landowner-promoter” is a promoter who transfers the land or development rights or FSI to a developer-promoter for construction of apartments and receives constructed apartments against such transferred rights and sells such apartments to his buyers independently. Provided also that eighty percent of</p>
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			<p>value of input and input services, [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], used in supplying the service shall be received from registered supplier only; Provided also that inputs and input services on which tax is paid on reverse charge basis shall be deemed to have been purchased from registered person; Provided also that where value of input and input services received from registered suppliers during the financial year (or part of the financial year till</p>
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			<p>the date of issuance of completion certificate or first occupation of the project, whichever is earlier) falls short of the said threshold of 80 per cent., tax shall be paid by the promoter on value of input and input services comprising such shortfall at the rate of eighteen percent on reverse charge basis and all the provisions of the Integrated Goods and Services Tax Act, 2017 (13 of 2017) shall apply to him as if he is the person liable for paying the tax in relation to the supply of such goods or services or both; Provided also that notwithstanding anything contained herein above, where cement is received from an unregistered person, the promoter shall pay tax on supply</p>
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			<p>of such cement at the applicable rates on reverse charge basis and all the provisions of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), shall apply to him as if he is the person liable for paying the tax in relation to such supply of cement; (Please refer to the illustrations in annexure III)</p> <p>Explanation. - 1. The promoter shall maintain project wise account of inward supplies from registered and unregistered supplier and calculate tax payments on the shortfall at the end of the financial year and shall submit the same in the prescribed form electronically on the common portal by end of the quarter following the financial year. The tax liability on the shortfall of</p>
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				<p>inward supplies from unregistered person so determined shall be added to his output tax liability in the month not later than the month of June following the end of the financial year. 2. Notwithstanding anything contained in Explanation 1 above, tax on cement received from unregistered person shall be paid in the month in which cement is received. 3. Input Tax Credit not availed shall be reported every month by reporting the same as ineligible credit in GSTR-3B [Row No. 4 (D)(2)].</p>
		<p>(ie) Construction of an apartment in an ongoing project under any of the schemes specified in sub-item (b), sub-item (c), subitem (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item (d) and sub-item (da) of item (v); and sub-item (c) of item (vi), against serial number 3 of the Table, in respect of which the promoter has exercised option to pay integrated tax on construction of apartments at the rates as specified for this item.</p>	<p>12</p>	<p>Provided that in case of ongoing project, the registered person shall exercise one time option in the Form at Annexure IV to pay integrated tax on construction of apartments in a</p>

	(Provisions of paragraph 2 of this notification shall apply for valuation of this service)		project at the rates as specified for item (ie) or (if), as the case may be, by the 10th of May, 2019; Provided also that where the option is not exercised in Form at annexure IV by the 10th of May, 2019, option to pay tax at the rates as applicable to item (i) or (ia) or (ib) or (ic) or (id) above, as the case may be, shall be deemed to have been exercised; Provided also that invoices for supply of the service can be issued during the period from 1st April 2019 to 10th May 2019 before exercising the option, but such invoices shall be in accordance with the option to be exercised.] <sup>5</sup>
	(if) Construction of a complex, building, civil structure or a part thereof, including,- (i) commercial apartments (shops, offices, godowns etc.) by a promoter in a REP other than RREP, (ii) residential apartments in an ongoing project, other than affordable residential apartments, in respect of which the promoter has exercised option to pay integrated tax on construction of apartments at the rates as specified for this item in the manner prescribed herein, but excluding supply by way of services specified at items (i), (ia), (ib), (ic), (id) and (ie) above intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. Explanation. -For the removal of doubt, it is hereby clarified that, supply by way of services specified at items (i), (ia), (ib), (ic), (id) and (ie) in column (3) shall attract integrated tax prescribed against them in column (4) subject to conditions specified against them in column (5) and shall not be levied at the rate as specified under this entry. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)	18	

<sup>5</sup> Substituted vide notification No. 03/2019 – Integrated Tax (Rate) dt 29.03.2019. Prior to substitution it read:

(i) Construction of a complex, building, civil structure or a part thereof, including a complex or building intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. (Provisions of paragraph 2 of this notification shall apply for valuation of this service)	18	-
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	<p>[***</p> <p>[(iii) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017, supplied to the [Central Government, State Government, Union territory, a local authority, a Governmental Authority or a Government Entity]<sup>7</sup> by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of, -</p> <p>(a) a historical monument, archaeological site or remains of national importance, archaeological excavation, or antiquity specified under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);</p> <p>(b) canal, dam or other irrigation works;</p> <p>(c) pipeline, conduit or plant for (i) water supply (ii) water treatment, or (iii) sewerage treatment or disposal.</p> <p>[(iv) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017 [other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if)]<sup>10</sup> above, supplied by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of,-</p> <p>(a) a road, bridge, tunnel, or terminal for road transportation for use by general public;</p> <p>(b) a civil structure or any other original works pertaining to a scheme under Jawaharlal Nehru National Urban Renewal Mission or Rajiv Awaas Yojana;</p> <p>[(c) a civil structure or any other original works pertaining to the “In-situ redevelopment of existing slums using land as a resource, under the Housing for All</p>	<p>***</p> <p>12</p> <p>12</p>	<p>***]<sup>6</sup></p> <p>[Provided that where the services are supplied to a Government Entity, they should have been procured by the said entity in relation to a work entrusted to it by the Central Government, State Government, Union territory or local authority, as the case may be]<sup>8]</sup><sup>9</sup></p> <p>-]<sup>15</sup></p>
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<sup>6</sup> Omitted vide notification No. 3/2019-Integrated Tax(Rate) dt. 29.03.2019. The following was omitted:

“(ii) composite supply of works contract as defined in clause 119 of section 2 of Central Goods and Services Tax Act, 2017.	18	-“
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<sup>7</sup> Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “Government, a local authority or a Governmental authority”

<sup>8</sup> Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “\_”.

<sup>9</sup> Inserted vide notification No. 20/2017– Integrated Tax (Rate) dt 22.08.2017

<sup>10</sup> Inserted vide notification No3/2019– Integrated Tax (Rate) dt 29.03.2019

		<p>(Urban) Mission/ Pradhan Mantri Awas Yojana (Urban);]<sup>11</sup></p> <p>(d) a civil structure or any other original works pertaining to the “Beneficiary led individual house construction / enhancement” under the Housing for All (Urban) Mission/Pradhan Mantri Awas Yojana;</p> <p>[(da) a civil structure or any other original works pertaining to the “Economically Weaker Section (EWS) houses” constructed under the Affordable Housing in partnership by State or Union Territory or local authority or urban development authority under the Housing for All (Urban) Mission/ Pradhan Mantri Awas Yojana (Urban);]<sup>12</sup></p> <p>[(db) a civil structure or any other original works pertaining to the “houses constructed or acquired under the Credit Linked Subsidy Scheme for Economically Weaker Section (EWS)/ Lower Income Group (LIG)/ Middle Income Group-1 (MIG-1)/ Middle Income Group-2 (MIG-2)” under the Housing for All (Urban) Mission/ Pradhan Mantri Awas Yojana (Urban);]<sup>13</sup></p> <p>(e) a pollution control or effluent treatment plant, except located as a part of a factory; or</p> <p>(f) a structure meant for funeral, burial or cremation of deceased.</p> <p>[(g) a building owned by an entity registered under section 12AA of the Income Tax Act, 1961 (43 of 1961), which is used for carrying out the activities of providing, centralised cooking or distribution, for mid-day meals under the mid-day meal scheme sponsored by the Central Government, State Government, Union territory or local authorities.]<sup>14</sup></p>		
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<sup>15</sup> Inserted vide notification No. 20/2017– Integrated Tax (Rate) dt 22.08.2017

<sup>11</sup> Substituted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018. Prior to substitution it read “(c) a civil structure or any other original works pertaining to the “In-situ rehabilitation of existing slum dwellers using land as a resource through private participation” under the Housing for All (Urban) Mission/Pradhan Mantri Awas Yojana, only for existing slum dwellers;”

<sup>12</sup> Inserted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018

<sup>13</sup> Inserted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018

<sup>14</sup> Inserted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018

		<p>[(v) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017 [other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above]<sup>16</sup>, supplied by way of construction, erection, commissioning, or installation of original works pertaining to,-</p> <p>(a) railways, [excluding]<sup>17</sup> monorail and metro;</p> <p>(b) a single residential unit otherwise than as a part of a residential complex;</p> <p>(c) low-cost houses up to a carpet area of 60 square metres per house in a housing project approved by competent authority empowered under the 'Scheme of Affordable Housing in Partnership' framed by the Ministry of Housing and Urban Poverty Alleviation, Government of India;</p> <p>(d) low cost houses up to a carpet area of 60 square metres per house in a housing project approved by the competent authority under-</p> <p>(1) the “Affordable Housing in Partnership” component of the Housing for All (Urban) Mission/Pradhan Mantri Awas Yojana; (2) any housing scheme of a State Government;</p> <p>[(da) low-cost houses up to a carpet area of 60 square metres per house in an affordable housing project which has been given infrastructure status vide notification of Government of India, in Ministry of Finance, Department of Economic Affairs vide F. No. 13/6/2009-INF, dated the 30th March, 2017;]<sup>18</sup></p> <p>(e) post-harvest storage infrastructure for agricultural produce including a cold storage for such purposes; or</p> <p>(f) mechanised food grain handling system, machinery or equipment for units processing agricultural produce as food stuff excluding alcoholic beverages.</p>	12	<p>[Provided that where the services are supplied to a Government Entity, they should have been procured by the said entity in relation to a work entrusted to it by the Central Government, State Government, Union territory or local authority, as the case may be;]<sup>19</sup></p>
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<sup>16</sup> Inserted vide notification No3/2019– Integrated Tax (Rate) dt 29.03.2019

<sup>17</sup> Substituted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018. Prior to substitution it read “excluding”

<sup>18</sup> Inserted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018

<sup>19</sup> Inserted vide notification No. 20/2017– Integrated Tax (Rate) dt 22.08.2017

		<p>[(va) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017, other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above, supplied by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of affordable residential apartments covered by sub- clause (a) of clause (xvi) of paragraph 4 below, in a project which commences on or after 1 st April, 2019, or in an ongoing project in respect of which the promoter has not exercised option to pay integrated tax on construction of apartments at the rates as specified for item (ie) or (if), as the case may be, in the manner prescribed therein,</p>	<p>12</p> <p>Provided that carpet area of the affordable residential apartments as specified in the entry in column (3) relating to this item, is not less than 50 per cent. of the total carpet area of all the apartments in the project; Provided also that for the purpose of determining whether the apartments at the time of supply of the service are affordable residential apartments covered by subclause (a) of clause (xvi) of paragraph 4 below or not, value of the apartments shall be the value of similar apartments booked nearest to the date of signing of the contract for supply of the service specified in the entry in column (3) relating to this item; 7 Provided also that in case it finally turns out that the carpet area of the affordable residential apartments booked or sold</p>
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				before or after completion, for which gross amount actually charged was forty five lakhs rupees or less and the actual carpet area was within the limits prescribed in sub- clause (a) of clause (xvi) of paragraph 4 below, was less than 50 per cent. of the total carpet area of all the apartments in the project, the recipient of the service, that is, the promoter shall be liable to pay such amount of tax on reverse charge basis as is equal to the difference between the tax payable on the service at the applicable rate but for the rate prescribed herein and the tax actually paid at the rate prescribed herein.] <sup>20</sup>
		[[vi) [Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017 {other than that covered by items (i), (ia), (ib), (ic), (id), (ie) and (if) above} <sup>21</sup> , provided] <sup>22</sup> to the Central Government, State Government, Union Territory, [a local	12	{Provided that where the services are supplied to a Government Entity, they should have been procured by the

<sup>20</sup> Inserted vide notification No3/2019– Integrated Tax (Rate) dt 29.03.2019

<sup>21</sup> Inserted vide notification No3/2019– Integrated Tax (Rate) dt 29.03.2019

<sup>22</sup> Substituted vide notification No. 48/2017 – Integrated Tax (Rate) dt 14.11.2017. Prior to substitution it read “Services provided”

		<p>authority, a Governmental Authority or a Government Entity]<sup>23</sup> by way of construction, erection, commissioning, installation, completion, fitting out, repair, maintenance, renovation, or alteration of – (a) a civil structure or any other original works meant predominantly for use other than for commerce, industry, or any other business or profession; (b) a structure meant predominantly for use as (i) an educational, (ii) a clinical, or (iii) an art or cultural establishment; or (c) a residential complex predominantly meant for self-use or the use of their employees or other persons specified in paragraph 3 of the Schedule III of the Central Goods and Services Tax Act, 2017.</p> <p>[<i>Explanation.</i>- For the purposes of this item, the term ‘business’ shall not include any activity or transaction undertaken by the Central Government, a State Government or any local authority in which they are engaged as public authorities.]<sup>24</sup></p>		<p>said entity in relation to a work entrusted to it by the Central Government, State Government, Union territory or local authority, as the case may be}<sup>25]</sup><sup>26]</sup><sup>27</sup></p>
		<p>[[vii) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017, involving predominantly earth work (that is, constituting more than 75 per cent. of the value of the works contract) provided to the Central Government, State Government, Union territory, local authority, a Governmental Authority or a Government Entity.</p>	<p>5</p>	<p>Provided that where the services are supplied to a Government Entity, they should have been procured by the said entity in relation to a work entrusted to it by the Central Government, State Government, Union territory or local authority, as</p>

<sup>23</sup> Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “a local authority or a Governmental authority”

<sup>24</sup> Inserted vide notification No. 18/2018 –Integrated Tax (Rate) dt 26.07.2018.

<sup>25</sup> Substituted vide notification No. 39/2017 –Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “\_”.

<sup>26</sup> Substituted vide notification No. 24/2017 – Integrated Tax (Rate) dt 21.09.2017. Prior to substitution it read “Construction services other than (i), (ii), (iii), (iv) and (v) above.”

<sup>27</sup> Inserted “Construction services other than (i), (ii), (iii), (iv) and (v) above.” vide notification No. 20/2017– Integrated Tax (Rate) dt 22.08.2017

			the case may be] <sup>28]</sup> <sup>29</sup>
		[(viii) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017 and associated services, in respect of offshore works contract relating to oil and gas exploration and production (E&P) in the offshore area beyond 12 nautical miles from the nearest point of the appropriate base line.	12 -] <sup>30</sup>
		[[ix) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017 provided by a sub-contractor to the main contractor providing services specified in item (iii) or item (vi) above to the Central Government, State Government, Union territory, a local authority, a Governmental Authority or a Government Entity.	12 Provided that where the services are supplied to a Government Entity, they should have been procured by the said entity in relation to a work entrusted to it by the Central Government, State Government, Union territory or local authority, as the case may be.] <sup>31]</sup> <sup>32</sup>
		[(x) Composite supply of works contract as defined in clause (119) of section 2 of the Central Goods and Services Tax Act, 2017 provided by a sub-contractor to the main contractor providing services specified in item (vii) above to the Central Government, State Government, Union territory, a local authority, a Governmental Authority or a Government Entity.	5 Provided that where the services are supplied to a Government Entity, they should have been procured by the said entity in relation to a work

<sup>28</sup> Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “Construction services other than (i), (ii), (iii), (iv), (v) and (vi) above.”

<sup>29</sup> Inserted “Construction services other than (i), (ii), (iii), (iv), (v) and (vi) above.” vide notification No. 24/2017- Integrated Tax (Rate) dt. 21.09.2017.

<sup>30</sup> Inserted vide notification No. 39/2017– Integrated Tax (Rate) dt 13.10.2017

<sup>31</sup> Substituted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“(ix) Construction services other than (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) above	18	-“
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<sup>32</sup> Inserted

“(ix) Construction services other than (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) above	18	-“
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vide notification No. 39/2017– Integrated Tax (Rate) dt 13.10.2017

				entrusted to it by the Central Government, State Government, Union territory or local authority, as the case may be.] <sup>33</sup>
		[(xi) Services by way of house-keeping, such as plumbing, carpentering, etc. where the person supplying such service through electronic commerce operator is not liable for registration under sub-section (1) of section 22 of the Central Goods and Services Tax Act, 2017.	5	Provided that credit of input tax charged on goods and services has not been taken [Please refer to <i>Explanation</i> no. (iv)]. <sup>34</sup>
		[[xii) Construction services other than (i), (ia), (ib), (ic), (id), (ie), (if), (iii), (iv), (v), (va), (vi), (vii), (viii), (ix), (x) and (xi) above.  Explanation. - For the removal of doubt, it is hereby clarified that, supply by way of services specified at items (i), (ia), (ib), (ic), (id), (ie) and (if) in column (3) shall attract integrated tax prescribed against them in column (4) subject to conditions specified against them in column (5) and shall not be levied at the rate as specified under this entry.] <sup>35</sup>	18	-] <sup>36</sup>
4	<b>Section 6</b>	<b>Distributive Trade Services; Accommodation, Food and Beverage Service; Transport Services; Gas and Electricity Distribution Services</b>		
5	<b>Heading 9961</b>	Services in wholesale trade. Explanation-This service does not include sale or purchase of goods but includes: – Services of commission agents,	18	-

<sup>33</sup> Inserted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018

<sup>34</sup> Inserted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018

<sup>35</sup> Substituted vide notification No. 3/2019 – Integrated Tax (Rate) dt 29.03.2019. Prior to substitution it read: “(xii) Construction services other than (i), (ii), (iii), (iv), (v), (vi), (vii), (viii),(ix), (x)and (xi) above {and serial number 38 below}<sup>A</sup>.”;

A. Inserted vide notification No. 28/2018-Integrated Tax(Rate) dt. 31.12.2018.

<sup>36</sup> Inserted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018

		commodity brokers, and auctioneers and all other traders who negotiate whole sale commercial transactions between buyers and sellers, for a fee or commission’ – Services of electronic whole sale agents and brokers, – Services of whole sale auctioning houses.		
6	<b>Heading 9962</b>	Services in retail trade. <i>Explanation-</i> This service does not include sale or purchase of goods	18	-
7	<b>Heading 9963</b> (Accommodation, food and beverage services)	[[i) Supply, by way of or as part of any service, of goods, being food or any other article for human consumption or any drink, provided by a restaurant, eating joint including mess, canteen, whether for consumption on or away from the premises where such food or any other article for human consumption or drink is supplied, other than those located in the premises of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having declared tariff of any unit of accommodation of seven thousand five hundred rupees and above per unit per day or equivalent.  <i>Explanation 1.-</i> This item includes such supply at a canteen, mess, cafeteria or dining space of an institution such as a [***] <sup>37</sup>	5	Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to Explanation no. (iv)] <sup>38]</sup> <sup>39</sup>

<sup>37</sup> Omitted vide notification No. 28/2018—Integrated Tax(Rate) dt 31.12.2018. The following was omitted:  
“school, college”

<sup>38</sup> Substituted vide notification No. 14/2018 – Integrated Tax (Rate) dt 26.07.2018. Prior to substitution it read:

“(i) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, whether for consumption on or away from the premises where such food or any other article for human consumption or drink is supplied, other than those located in the premises of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having declared tariff of any unit of accommodation of seven thousand five hundred rupees and above per unit per day or equivalent.  <i>Explanation.-</i> “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.	5	Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to Explanation no. (iv)]”
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<sup>39</sup> Substituted vide notification No. 48/2017 – Integrated Tax (Rate) dt 14.11.2017. Prior to substitution it read:

	<p>hospital, industrial unit, office, by such institution or by any other person based on a contractual arrangement with such institution for such supply, provided that such supply is not event based or occasional.</p> <p><i>Explanation 2.-</i> This entry excludes the supplies covered under the item 7 (v).</p> <p><i>Explanation 3.-</i> “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.</p>		
	[(ia) Supply, of goods, being food or any other article for human consumption or any drink, by the Indian Railways or Indian Railways Catering and Tourism Corporation Ltd. or their licensees, whether in trains or at platforms.	5	Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to Explanation no. (iv)] <sup>40</sup>
	(ii) Accommodation in hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having [value of supply] <sup>41</sup> of a unit of accommodation of one thousand rupees and above but less than two thousand five hundred rupees per unit per day or equivalent. [***] <sup>42</sup>	12	-
	[(iii) Supply, by way of or as part of any	18	-] <sup>43</sup>

“(i) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, neither having the facility of air-conditioning or central air-heating in any part of the establishment, at any time during the year nor having licence or permit or by whatever name called to serve alcoholic liquor for human consumption.	12	-”
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<sup>40</sup> Inserted vide notification No. 14/2018 – Integrated Tax (Rate) dt. 26.07.2018

<sup>41</sup> Substituted vide notification No. 14/2018 – Integrated Tax (Rate) dt 26.07.2018. Prior to substitution it read “declared tariff”.

<sup>42</sup> Omitted *Explanation* vide notification No. 14/2018- Integrated Tax(Rate) dt. 26.07.2018. The following was omitted: “*Explanation.-* “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.”

<sup>43</sup> Substituted vide notification No. 48/2017 – Integrated Tax (Rate) dt 14.11.2017. Prior to substitution it read:

	<p>service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, whether for consumption on or away from the premises where such food or any other article for human consumption or drink is supplied, located in the premises of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having declared tariff of any unit of accommodation of seven thousand five hundred rupees and above per unit per day or equivalent.</p> <p><i>Explanation.-</i> “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.</p>		
	[***	***	***] <sup>44</sup>
	[(v) Supply, by way of or as part of any service, of goods, being food or any other article for human consumption or any drink, at Exhibition Halls, Events, Conferences,	18	-] <sup>45</sup>

“(iii) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, having licence or permit or by whatever name called to serve alcoholic liquor for human consumption.	18	-”
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<sup>44</sup> Omitted item (iv) vide notification No. 48/2017-Integrated Tax(Rate) dt. 14.11.2017. The following was omitted:

“(iv) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or any drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, having the facility of air-conditioning or central air-heating in any part of the establishment, at any time during the year.	18	-”
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<sup>45</sup> Substituted vide notification No. 13/2018 – Central Tax (Rate) dt 26.07.2018. Prior to substitution it read:

“(v) Supply, by way of or as part of any service or in any other manner whatsoever in outdoor catering wherein goods, being food or any other article for human consumption or any drink (whether or not alcoholic liquor for human consumption), as a part of such outdoor catering and such supply or service is for cash, deferred payment or other valuable consideration.	18	-”
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	Marriage Halls and other outdoor or indoor functions that are event based and occasional in nature.		
	(vi) Accommodation in hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having [value of supply] <sup>46</sup> of a unit of accommodation of two thousand five hundred rupees and above but less than seven thousand five hundred rupees per unit per day or equivalent. [***] <sup>47</sup>	18	-
	(vii) Supply, by way of or as part of any service or in any other manner whatsoever, of goods, including but not limited to food or any other article for human consumption or any drink (whether or not alcoholic liquor for human consumption), where such supply or service is for cash, deferred payment or other valuable consideration, in a premises (including hotel, convention center, club, pandal, shamiana or any other place, specially arranged for organising a function) together with renting of such premises.	18	-
	(viii) Accommodation in hotels including five star hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having [value of supply] <sup>48</sup> of a unit of accommodation of seven thousand and five hundred rupees and above per unit per day or equivalent. [***] <sup>49</sup>	28	-
	[(ix) Accommodation, food and beverage services other than (ii), (iii), (v), (vi), (vii) and (viii) above.	18	-

<sup>46</sup> Substituted vide notification No. 14/2018 – Integrated Tax (Rate) dt 26.07.2018. Prior to substitution it read “declared tariff”.

<sup>47</sup> Omitted *Explanation* vide notification No. 14/2018- Integrated Tax(Rate) dt. 26.07.2018. The following was omitted: “*Explanation*.- “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.”

<sup>48</sup> Substituted vide notification No. 14/2018 – Integrated Tax (Rate) dt 26.07.2018. Prior to substitution it read “declared tariff”.

<sup>49</sup> Omitted *Explanation* vide notification No. 14/2018- Integrated Tax(Rate) dt. 26.07.2018. The following was omitted: “*Explanation*.- “declared tariff” includes charges for all amenities provided in the unit of accommodation (given on rent for stay) like furniture, air conditioner, refrigerators or any other amenities, but without excluding any discount offered on the published charges for such unit.”

		<i>Explanation.-</i> For the removal of doubt, it is hereby clarified that, supply, by way of or as part of any service or in any other manner whatsoever, of goods, being food or any other article for human consumption or drink, where such supply or service is for cash, deferred payment or other valuable consideration, provided by a restaurant, eating joint including mess, canteen, whether for consumption on or away from the premises where such food or any other article for human consumption or drink is supplied, other than those located in the premises of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes having declared tariff of any unit of accommodation of seven thousand five hundred rupees and above per unit per day or equivalent shall attract integrated tax @ 5% without any input tax credit under item (i) above and shall not be levied at the rate as specified under this entry.] <sup>50</sup>		
8	<b>Heading 9964</b> (Passenger transport services)	(i) Transport of passengers, with or without accompanied belongings, by rail in first class or air conditioned coach.	5	Provided that credit of input tax charged in respect of goods used in supplying the service is not utilised for paying integrated tax, central tax, state tax or union territory tax on the supply of the service
		(ii) Transport of passengers, with or without accompanied belongings by- (a) air conditioned contract carriage other than motorcab; (b) air conditioned stage carriage; (c) radio taxi. <i>Explanation.-</i> (a) “contract carriage” has the meaning assigned to it in clause (7) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988);	5	Provided that credit of input tax charged on goods [and] <sup>51</sup> services used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]

<sup>50</sup> Substituted vide notification No. 48/2017 – Integrated Tax (Rate) dt 14.11.2017. Prior to substitution it read: “(ix) Accommodation, food and beverage services other than (i), (ii), (iii), (iv), (v), (vi), (vii) and (viii) above.”

<sup>51</sup> Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “or”

	(b) “stage carriage” has the meaning assigned to it in clause (40) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988) ; (c) “radio taxi” means a taxi including a radio cab, by whatever name called, which is in two-way radio communication with a central control office and is enabled for tracking using Global Positioning System (GPS) or General Packet Radio Service (GPRS).		
	(iii) Transport of passengers, with or without accompanied belongings, by air in economy class.	5	Provided that credit of input tax charged on goods used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]
	(iv) Transport of passengers, with or without accompanied belongings, by air, embarking from or terminating in a Regional Connectivity Scheme Airport, as notified by the Ministry of Civil Aviation.	5	Provided that credit of input tax charged on goods used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]
	[(iva) Transportation of passengers, with or without accompanied baggage, by air, by non-scheduled air transport service or charter operations, engaged by specified organisations in respect of religious pilgrimage facilitated by the Government of India, under bilateral arrangement.	5	Provided that credit of input tax charged on goods used in supplying the service has not been taken [Please refer to clause (iv) of paragraph 4 relating to <i>Explanation</i> ]] <sup>52</sup>
	(v) Transport of passengers by air, with or without accompanied belongings, in other than economy class.	12	-
	[[vi) Transport of passengers by any motor vehicle designed to carry passengers where the cost of fuel is included in the consideration charged from the service recipient.	5	Provided that credit of input tax charged on goods and services used in supplying the service, other than

<sup>52</sup> Inserted vide notification No. 28/2018-Integrated Tax(Rate) dt. 31.12.2018.

				the input tax credit of input service in the same line of business (i.e. service procured from another service provider of transporting passengers in a motor vehicle or renting of a motor vehicle), has not been taken. [Please refer to Explanation no. (iv)]
				or
			12	-] <sup>53]</sup> <sup>54</sup>
		(vii) Passenger transport services other than (i), (ii), (iii), (iv), [(iva),] <sup>55</sup> (v) and (vi) above.	18	-
9	<b>Heading 9965</b> (Goods transport services)	(i) Transport of goods by rail (other than services specified at item no. (iv)).	5	Provided that credit of input tax charged in respect of goods in supplying the service is not utilised for paying integrated tax, central tax, state tax or union territory tax on the supply of the service
		(ii) Transport of goods in a vessel including services provided or agreed to be provided by a person located in non-taxable territory to a person located in non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India.	5	Provided that credit of input tax charged on goods (other than on ships, vessels including bulk carriers and tankers) used in supplying the

<sup>53</sup> Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read in column (3) “Transport of passengers by motorcab where the cost of fuel is included in the consideration charged from the service recipient.” and in column (5) “Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to Explanation no. (iv)]”

<sup>54</sup> Substituted vide notification No. 20/2017 – Integrated Tax (Rate) dt 22.08.2017. Prior to substitution there was no option to discharge CGST @6% and take full ITC.

<sup>55</sup> Inserted vide notification No. 28/2018-Integrated Tax(Rate) dt. 31.12.2018.

				service has not been taken <i>Explanation:</i> This condition will not apply where the supplier of service is located in non-taxable territory. [Please refer to <i>Explanation</i> no. (iv)]
	[(iii) Services of goods transport agency (GTA) in relation to transportation of goods (including used household goods for personal use). <i>Explanation.</i> - “goods transport agency” means any person who provides service in relation to transport of goods by road and issues consignment note, by whatever name called.	5	Provided that credit of input tax charged on goods and services used in supplying the service has not been taken. [Please refer to <i>Explanation</i> no. (iv)]	
			or	
		12	Provided that the goods transport agency opting to pay integrated tax @ 12% under this entry shall, thenceforth, be liable to pay integrated tax @ 12% on all the services of GTA supplied by it.] <sup>56</sup>	
	(iv) Transport of goods in containers by rail by any person other than Indian Railways.	12	-	
	[(v) Transportation of [natural gas, petroleum crude, motor spirit (commonly known as petrol), high speed diesel or aviation turbine fuel] <sup>57</sup> through pipeline	5	Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to <i>Explanation</i> no.	

<sup>56</sup> Substituted vide notification No. 20/2017 – Integrated Tax (Rate) dt 22.08.2017. Prior to substitution there was no option to discharge CGST@6% and take full ITC subject to condition as mentioned in column (5).

<sup>57</sup> Substituted vide notification No. 1/2017 – Integrated Tax (Rate) dt 25.01.2018. Prior to substitution it read “natural gas”

				(iv)]
				or
			12	-] <sup>58</sup>
		[[vi) Multimodal transportation of goods.  <i>Explanation 1.-</i> (a) “multimodal transportation” means carriage of goods, by at least two different modes of transport from the place of acceptance of goods to the place of delivery of goods by a multimodal transporter; (b) “mode of transport” means carriage of goods by road, air, rail, inland waterways or sea; (c) “multimodal transporter” means a person who,- (A) enters into a contract under which he undertakes to perform multimodal transportation against freight; and (B) acts as principal, and not as an agent either of the consignor, or consignee or of the carrier participating in the multimodal transportation and who assumes responsibility for the performance of the said contract.  <i>[Explanation 2.-</i> Nothing contained in this item shall apply to supply of a service other than by way of transport of goods from a place in India to another place in India.] <sup>59</sup>	12	-] <sup>60</sup> <sup>61</sup>
		[(vi) Goods transport services other than (i), (ii), (iii), (iv) and (v) above	18	-] <sup>62</sup>
10	<b>Heading 9966</b> (Rental services of	[(i) Renting of any motor vehicle designed to carry passengers where the cost of fuel is included in the consideration charged from	5	Provided that credit of input tax charged on goods

<sup>58</sup> Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “Goods transport services other than (i), (ii), (iii) and (iv) above”

<sup>59</sup> Inserted vide notification No. 31/2018 – Integrated Tax (Rate) dt 31.12.2018.

<sup>60</sup> Substituted vide notification No. 14/2018 – Integrated Tax (Rate) dt 26.07.2018. Prior to substitution it read:

“(vi) Goods transport services other than (i), (ii), (iii), (iv) and (v) above.	18	-”
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<sup>61</sup> Inserted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017.

<sup>62</sup> Inserted vide notification No. 14/2018 – Integrated Tax (Rate) dt 26.07.2018.

	transport vehicles)	the service recipient.		and services used in supplying the service, other than the input tax credit of input service in the same line of business (i.e. service procured from another service provider of transporting passengers in a motor vehicle or renting of a motor vehicle) has not been taken., [Please refer to Explanation no. (iv)]
				or
			12	-] <sup>63]</sup> <sup>64</sup>
		[(ii) Time charter of vessels for transport of goods.	5	Provided that credit of input tax charged on goods (other than on ships, vessels including bulk carriers and tankers) has not been taken [Please refer to <i>Explanation</i> no. (iv)]. <sup>65</sup>
		[(iii) Rental services of transport vehicles with or without operators, other than (i) and (ii) above.	18	-] <sup>66</sup>
11	<b>Heading 9967</b> (Supporting	[(i) Services of goods transport agency (GTA) in relation to transportation of goods	5	Provided that credit of input tax

<sup>63</sup> Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read in column (3) “Transport of passengers by motorcab where the cost of fuel is included in the consideration charged from the service recipient.” and in column (5) “Provided that credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to Explanation no. (iv)]”

<sup>64</sup> Substituted vide notification No. 20/2017 – Integrated Tax (Rate) dt 22.08.2017. Prior to substitution there was no option to discharge CGST @6% and take full ITC.

<sup>65</sup> Substituted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“(ii) Rental services of transport vehicles with or without operators, other than (i) above.	18	-”
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<sup>66</sup> Inserted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018.

	services in transport)	(including used household goods for personal use). Explanation.- “goods transport agency” means any person who provides service in relation to transport of goods by road and issues consignment note, by whatever name called.		charged on goods and services used in supplying the service has not been taken. [Please refer to Explanation no. (iv)]
				or
			12	Provided that the goods transport agency opting to pay integrated tax @ 12% under this entry shall, thenceforth, be liable to pay integrated tax @ 12% on all the services of GTA supplied by it.] <sup>67</sup>
		(ii) Supporting services in transport other than (i) above.	18	-
12	<b>Heading 9968</b>	Postal and courier services.	18	-
13	<b>Heading 9969</b>	Electricity, gas, water and other distribution services.	18	-
14	<b>Section 7</b>	<b>Financial and related services; real estate services; and rental and leasing services.</b>		
15	<b>Heading 9971</b> (Financial and related services)	(i) Services provided by a foreman of a chit fund in relation to chit. <i>Explanation.-</i> (a) "chit" means a transaction whether called chit, chit fund, chitty, kuri, or by whatever name by or under which a person enters into an agreement with a specified number of persons that every one of them shall subscribe a certain sum of money (or a certain quantity of grain instead) by way of periodical instalments over a definite period and that each subscriber shall, in his turn, as determined by lot or by auction or by tender or in such other manner as may be specified in the chit agreement, be entitled to a prize amount; (b) “foreman of a chit fund” shall have the	12	Provided that credit of input tax charged on goods used in supplying the service has not been taken [Please refer to <i>Explanation</i> no. (iv)]

<sup>67</sup> Substituted vide notification No. 20/2017 – Integrated Tax (Rate) dt 22.08.2017. Prior to substitution there was no option to discharge CGST@6% and take full ITC subject to condition as mentioned in column (5).

	same meaning as is assigned to the expression “foreman” in clause (j) of section 2 of the Chit Funds Act, 1982 (40 of 1982).		
	(ii) Transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration.	Same rate of integrated tax as on supply of like goods involving transfer of title in goods	-
	(iii) Any transfer of right in goods or of undivided share in goods without the transfer of title thereof.	Same rate of integrated tax as on supply of like goods involving transfer of title in goods	-
	(iv) Leasing of aircrafts by an operator for operating scheduled air transport service or scheduled air cargo service by way of transaction covered by clause (f) paragraph 5 of Schedule II of the Central Goods and Services Act, 2017. <i>Explanation.-</i> (a) “operator” means a person, organisation or enterprise engaged in or offering to engage in aircraft operations; (b) “scheduled air transport service” means an air transport service undertaken between the same two or more places operated according to a published time table or with flights so regular or frequent that they constitute a recognisable systematic series, each flight being open to use by members of the public; (c) “scheduled air cargo service” means air transportation of cargo or mail on a scheduled basis according to a published time table or with flights so regular or frequent that they constitute a recognisably systematic series, not open to use by passengers.	5	Provided that credit of input tax charged on goods used in supplying the service has not been taken <i>Explanation:</i> This condition will not apply where the supplier of the leasing service is located in non-taxable territory. [Please refer to <i>Explanation</i> no. (iv)]

		[(v) Leasing of motor vehicles purchased and leased prior to 1st July 2017;	65 per cent. of the rate of integrated tax as applicable on supply of like goods involving transfer of title in goods. Note:- Nothing contained in this entry shall apply on or after 1st July, 2020.	-] <sup>68</sup>
		[[vi) Service of third party insurance of “goods carriage”	12	-] <sup>69]</sup> <sup>70</sup>
		[(vii) Financial and related services other than (i), (ii), (iii), (iv), (v), and (vi) above.	18	-] <sup>71</sup>
[16	<b>Heading 9972</b>	(i) Services by the Central Government, State Government, Union territory or local authority to governmental authority or government entity, by way of lease of land.	Nil	-
		(ii) Supply of land or undivided share of land by way of lease or sub lease where such supply is a part of composite supply of construction of flats etc. specified in the entry in column (3) against serial number 3, at item [(i) (ia), (ib), (ic), (id), (ie) and (if)] <sup>72</sup> . Provided that nothing contained in this entry shall apply to an amount charged	Nil	-

<sup>68</sup> Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “Financial and related services other than (i), (ii), (iii), and (iv) above.”

<sup>69</sup> Substituted vide notification No. 28/2018 – Integrated Tax (Rate) dt 31.12.2018. Prior to substitution it read:

“(vi) Financial and related services other than (i), (ii), (iii), (iv) and (v) above.	18	-”
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<sup>70</sup> Inserted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017

<sup>71</sup> Inserted vide notification No. 28/2018-Integrated Tax(Rate) dt. 31.12.2018.

<sup>72</sup> Substituted vide notification No. 3/2019-Integrated Tax(Rate) dt 29.03.2019. Prior to substitution it read: “sub-item (b), sub-item (c), sub-item (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item(d) and sub-item (da)of item (v); and sub-item (c) of item (vi)”

		for such lease and sub-lease in excess of one third of the total amount charged for the said composite supply. Total amount shall have the same meaning for the purpose of this proviso as given in paragraph 2 of this notification.		
		(iii) Real estate services other than (i) and (ii) above.	18	-] <sup>73</sup>
17	<b>Heading 9973</b> (Leasing or rental services, with or without operator)	(i) Temporary or permanent transfer or permitting the use or enjoyment of Intellectual Property (IP) right in respect of goods other than Information Technology software.	12	-
		(ii) Temporary or permanent transfer or permitting the use or enjoyment of Intellectual Property (IP) right in respect of Information Technology software. [Please refer to <i>Explanation</i> no. (v)]	18	-
		(iii) Transfer of the right to use any goods for any purpose (whether or not for a specified period) for cash, deferred payment or other valuable consideration.	Same rate of integrated tax as on supply of like goods involving transfer of title in goods	-
		(iv) Any transfer of right in goods or of undivided share in goods without the transfer of title thereof.	Same rate of integrated tax as on supply of like goods involving transfer of title in goods	-
		(v) Leasing of aircrafts by an operator for operating scheduled air transport service or scheduled air cargo service by way of transaction covered by clause (f) paragraph 5 of Schedule II of the Central Goods and Services Act, 2017. <i>Explanation.-</i>	5	Provided that credit of input tax charged on goods used in supplying the service has not been taken <i>Explanation: This</i>

<sup>73</sup> Substituted vide notification No. 1/2018-Integrated Tax (Rate) dt 25.01.2018. Prior to substitution it read:

"16	Heading 9972	Real estate services.	18	-"
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	<p>(a) “operator” means a person, organisation or enterprise engaged in or offering to engage in aircraft operations;</p> <p>(b) “scheduled air transport service” means an air transport service undertaken between the same two or more places operated according to a published time table or with flights so regular or frequent that they constitute a recognisable systematic series, each flight being open to use by members of the public;</p> <p>(c) “scheduled air cargo service” means air transportation of cargo or mail on a scheduled basis according to a published time table or with flights so regular or frequent that they constitute a recognisably systematic series, not open to use by passengers.</p>		<p>condition will not apply where the supplier of the leasing service is located in non-taxable territory. [Please refer to <i>Explanation</i> no. (iv)]</p>
	<p>[(vi) Leasing of motor vehicles purchased and leased prior to 1st July 2017;</p>	<p>65 per cent. of the rate of integrated tax as applicable on supply of like goods involving transfer of title in goods. Note:- Nothing contained in this entry shall apply on or after 1st July, 2020.</p>	<p>-]<sup>74</sup></p>
	<p>[[vii) Time charter of vessels for transport of goods.</p>	<p>5</p>	<p>Provided that credit of input tax charged on goods (other than on ships, vessels including bulk carriers and tankers) has not</p>

<sup>74</sup> Substituted vide notification No. 39/2017 –Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “Leasing or rental services, with or without operator, other than (i), (ii), (iii), (iv) and (v) above.”

				been taken [Please refer to <i>Explanation</i> no. (iv)]. <sup>75]</sup> <sup>76</sup>
		{(viiia) Leasing or renting of goods	Same rate of integrated tax as applicable on supply of like goods involving transfer of title in goods.	-
		[(viii) Leasing or rental services, with or without operator, other than (i), (ii), (iii), (iv), (v), (vi), (vii) and (viiia) above.	18	-] <sup>77}</sup> <sup>78</sup>
18	<b>Section 8</b>	<b>Business and Production Services</b>		
19	<b>Heading 9981</b>	Research and development services.	18	-
20	<b>Heading 9982</b>	Legal and accounting services.	18	-
21	<b>Heading 9983</b> (Other professional, technical and business services)	(i) Selling of space for advertisement in print media. (ii) Other professional, technical and business services other than (i) above [and serial number 38 below] <sup>79</sup> .	5 18	- -
[22	<b>Heading 9984</b> (Telecommunications, broadcasting and information supply services)	(i) Supply consisting only of e-book.  Explanation.- For the purposes of this notification, “e-books” means an electronic version of a printed book (falling under tariff item 4901 in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975)) supplied online which can be read on a	5	-

<sup>75</sup> Substituted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018. prior to substitution it read:

“(vii) Leasing or rental services, with or without operator, other than (i), (ii), (iii), (iv), (v) and (vi) above.	Same rate of integrated tax as applicable on supply of like goods involving transfer of title in goods	-“
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<sup>76</sup> Inserted

“(vii) Leasing or rental services, with or without operator, other than (i), (ii), (iii), (iv), (v) and (vi) above.	Same rate of integrated tax as applicable on supply of like goods involving transfer of title in goods	-“
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vide notification No. 39/2017 –Integrated Tax (Rate) dt 13.10.2017.

<sup>77</sup> Inserted vide notification No. 1/2018- Integrated Tax (Rate) dt 25.01.2018

<sup>78</sup> Substituted vide notification No. 28/2018 – Integrated Tax (Rate) dt 31.12.2018. prior to substitution it read:

“(viii) Leasing or rental services, with or without operator, other than (i), (ii), (iii), (iv), (v), (vi) and (vii) above.	Same rate of central tax as applicable on supply of like goods involving transfer of title in goods	-“
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<sup>79</sup> Inserted vide notification No. 28/2018 – Integrated Tax (Rate) dt 31.12.2018.

		computer or a hand held device.		
		(ii) Telecommunications, broadcasting and information supply services other than (i) above.	18	-] <sup>80</sup>
23	<b>Heading 9985</b> (Support services)	(i) Supply of tour operators services. <i>Explanation.-</i> "tour operator" means any person engaged in the business of planning, scheduling, organizing, arranging tours (which may include arrangements for accommodation, sightseeing or other similar services) by any mode of transport, and includes any person engaged in the business of operating tours.	5	1. Provided that credit of input tax charged on goods and services used in supplying the service[, other than the input tax credit of input service in the same line of business (i.e. tour operator service procured from another tour operator)] <sup>81</sup> has not been taken [Please refer to <i>Explanation</i> no. (iv)] 2. The bill issued for supply of this service indicates that it is inclusive of charges of accommodation and transportation required for such a tour and the amount charged in the bill is the gross amount charged for such a tour including the charges of accommodation and transportation required for such a tour.
		[(ii) Services by way of house-keeping, such as plumbing, carpentering, etc. where the person supplying such service through	5	Provided that credit of input tax charged on goods

<sup>80</sup> Substituted vide notification No. 14/2018- Integrated Tax (Rate) dt 26.07.2018. Prior to substitution it read:

"22	Heading 9984	Telecommunications, broadcasting and information supply services.	18	-"
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<sup>81</sup> Inserted vide notification No. 1/2018- Integrated Tax (Rate) dt 25.01.2018

		electronic commerce operator is not liable for registration under sub-section (1) of section 22 of the Central Goods and Services Tax Act, 2017.		and services has not been taken [Please refer to <i>Explanation</i> no. (iv)]. <sup>82</sup>
		[(iii) Support services other than (i) and (ii) above	18	-] <sup>83</sup>
24	<b>Heading 9986</b>	<p>(i) Support services to agriculture, forestry, fishing, animal husbandry.</p> <p><i>Explanation.</i> - Support services to agriculture, forestry, fishing, animal husbandry mean -</p> <p>(i) Services relating to cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products or agricultural produce by way of—</p> <p>(a) agricultural operations directly related to production of any agricultural produce including cultivation, harvesting, threshing, plant protection or testing;</p> <p>(b) supply of farm labour;</p> <p>(c) processes carried out at an agricultural farm including tending, pruning, cutting, harvesting, drying, cleaning, trimming, sun drying, fumigating, curing, sorting, grading, cooling or bulk packaging and such like operations which do not alter the essential characteristics of agricultural produce but make it only marketable for the primary market;</p> <p>(d) renting or leasing of agro machinery or vacant land with or without a structure incidental to its use;</p> <p>(e) loading, unloading, packing, storage or warehousing of agricultural produce;</p> <p>(f) agricultural extension services;</p> <p>(g) services by any Agricultural Produce Marketing Committee or Board or</p>	Nil	-

<sup>82</sup> Substituted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“(ii) Support services other than (i) above	18	-”
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<sup>83</sup> Inserted vide notification No. 1/2018- Integrated Tax (Rate) dt 25.01.2018

		<p>services provided by a commission agent for sale or purchase of agricultural produce.</p> <p>[(h) services by way of fumigation in a warehouse of agricultural produce.]<sup>84</sup></p> <p>(ii) Services by way of pre-conditioning, pre-cooling, ripening, waxing, retail packing, labelling of fruits and vegetables which do not change or alter the essential characteristics of the said fruits or vegetables.</p> <p>(iii) Carrying out an intermediate production process as job work in relation to cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products or agricultural produce.</p>		
		[(ii) Service of exploration, mining or drilling of petroleum crude or natural gas or both.	12	-] <sup>85</sup>
		[(iii) Support services to mining, electricity, gas and water distribution other than (ii) above.	18	-] <sup>86</sup>
[25	<b>Heading 9987</b>	(i) Services by way of house-keeping, such as plumbing, carpentering, etc. where the person supplying such service through electronic commerce operator is not liable for registration under sub-section (1) of section 22 of the Central Goods and Services Tax Act, 2017	5	Provided that credit of input tax charged on goods and services has not been taken [Please refer to <i>Explanation</i> no. (iv)].
		(ii) Maintenance, repair and installation (except construction) services, other than (i) above [and serial number 38 below] <sup>87</sup> .	18	-] <sup>88</sup>
26	<b>Heading 9988</b> (Manufacturing services on physical inputs	(i) Services by way of job work in relation to- (a) Printing of newspapers; [(b) Textiles and textile products falling under Chapter 50 to 63 in the First	5	-

<sup>84</sup> Inserted vide notification No. 1/2018- Integrated Tax (Rate) dt 25.01.2018

<sup>85</sup> Substituted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“(ii) Support services to mining, electricity, gas and water distribution.	18	-”
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<sup>86</sup> Inserted vide notification No. 1/2018- Integrated Tax (Rate) dt 25.01.2018

<sup>87</sup> Inserted vide notification No. 28/2018 – Integrated Tax (Rate) dt 31.12.2018.

<sup>88</sup> Substituted vide notification No. 1/2018-Integrated Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“25	Heading 9987	Maintenance, repair and installation (except construction) services.	18	-”
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(goods) owned by others)	<p>Schedule to the Customs Tariff Act, 1975 (51of 1975);]<sup>89</sup></p> <p>[(c) all products falling under Chapter 71 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975);]<sup>90</sup></p> <p>(d) Printing of books (including Braille books), journals and periodicals;</p> <p>[(da) printing of all goods falling under Chapter 48 or 49, which attract IGST @ 5 per cent. or Nil;]<sup>91</sup></p> <p>(e) Processing of hides, skins and leather falling under Chapter 41 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975).</p> <p>[(ea) manufacture of leather goods or footwear falling under Chapter 42 or 64 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975) respectively;]<sup>92</sup></p> <p>[(f) all food and food products falling under Chapters 1 to 22 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975);</p> <p>(g) all products falling under Chapter 23 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975), except dog and cat food put up for retail sale falling under tariff item 23091000 of the said chapter;</p> <p>(h) manufacture of clay bricks falling under tariff item 69010010 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975);]<sup>93</sup></p> <p>[(i) manufacture of handicraft goods.</p> <p><i>Explanation.-</i> The expression “handicraft goods” shall have the same meaning as assigned to it in the notification No. 32/2017 -Central Tax, dated the 15th September, 2017 published in the Gazette of India, Extraordinary, Part II,</p>		
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<sup>89</sup> Substituted vide notification No. 20/2017 – Integrated Tax (Rate) dt 22.08.2017. Prior to substitution it read “Textile yarns (other than of man-made fibres) and textile fabrics;”

<sup>90</sup> Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “Cut and polished diamonds; precious and semi-precious stones; or plain and studded jewellery of gold and other precious metals, falling under Chapter 71 in the First Schedule to the Customs Tariff Act, 1975 (51of 1975);”

<sup>91</sup> Inserted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017

<sup>92</sup> Inserted vide notification No. 1/2018- Integrated Tax (Rate) dt 25.01.2018

<sup>93</sup> Inserted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017

		Section 3, Sub-section (i), vide number G.S.R. 1158 (E), dated the 15th September, 2017 as amended from time to time ] <sup>94</sup> [****] <sup>95</sup>		
		[(ia) Services by way of job work in relation to- (a) manufacture of umbrella; (b) printing of all goods falling under Chapter 48 or 49, which attract IGST @ 12 per cent.	12	-] <sup>96</sup>
		[(ii) Services by way of any treatment or process on goods 5 - 6 belonging to another person, in relation to- (a) printing of newspapers; (b) printing of books (including Braille books), journals and periodicals. {(c) printing of all goods falling under Chapter 48 or 49, which attract IGST @ 5 per cent. or Nil. } <sup>97</sup>	5	-] <sup>98</sup>
		[(iia) Services by way of any treatment or process on goods belonging to another person, in relation to printing of all goods falling under Chapter 48 or 49, which attract IGST @ 12 per cent.	12	-] <sup>99</sup>
		[[ (iii) Tailoring services.	5	-] <sup>100</sup> ] <sup>101</sup>
		[(iv) Manufacturing services on physical inputs (goods) owned by others, other than (i), (ia), (ii), (iia) and (iii) above.	18	-] <sup>102</sup>
27	<b>Heading 9989</b>	[[ (i) Services by way of printing of all goods	12	-] <sup>103</sup> ] <sup>104</sup>

<sup>94</sup> Inserted vide notification No. 48/2017—Integrated Tax (Rate) dt 14.11.2017

<sup>95</sup> Omitted *Explanation* vide Notf 20/2017 – Integrated Tax (Rate) dt 22.08.2017. The following was omitted

“Explanation.- “man made fibres” means staple fibres and filaments of organic polymers produced by manufacturing processes either,- (a) by polymerisation of organic monomers to produce polymers such as polyamides, polyesters, polyolefins or polyurethanes, or by chemical modification of polymers produced by this process [for example, poly(vinyl alcohol) prepared by the hydrolysis of poly(vinyl acetate)]; or (b) by dissolution or chemical treatment of natural organic polymers (for example, cellulose) to produce polymers such as cuprammonium rayon (cupro) or viscose rayon, or by chemical modification of natural organic polymers (for example, cellulose, casein and other proteins, or alginic acid), to produce polymers such as cellulose acetate or alginates”

<sup>96</sup> Inserted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017

<sup>97</sup> Inserted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017

<sup>98</sup> Substituted vide notification No. 20/2017 – Integrated Tax (Rate) dt 22.08.2017. Prior to substitution it read in column (3) “Manufacturing services on physical inputs (goods) owned by others, other than (i) above”

<sup>99</sup> Inserted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017

<sup>100</sup> Substituted vide notification No. 1/2018 – Integrated Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“(iii) Manufacturing services on physical inputs (goods) owned by others, other than (i) {, (ia), (ii) and (iia)} <sup>A</sup> above.	18	-”
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A. inserted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “and (ii)”

<sup>101</sup> Inserted vide notification No. 20/2017 – Integrated Tax (Rate) dt 22.08.2017

<sup>102</sup> Inserted vide notification No. 1/2018- Integrated Tax (Rate) dt 25.01.2018

<sup>103</sup> Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “Services by way of printing of newspapers, books (including Braille books), journals and periodicals,

		falling under Chapter 48 or 49 [including newspapers, books (including Braille books), journals and periodicals], which attract IGST @ 12 per cent. or 5 per cent. or Nil, where only content is supplied by the publisher and the physical inputs including paper used for printing belong to the printer.		
		(ii) Other manufacturing services; publishing, printing and reproduction services; materials recovery services, other than (i) above.	18	-] <sup>105</sup>
28	<b>Section 9</b>	<b>Community, Social and Personal Services and other miscellaneous services</b>		
29	<b>Heading 9991</b>	Public administration and other services provided to the community as a whole; compulsory social security services.	18	-
30	<b>Heading 9992</b>	Education services.	18	-
31	<b>Heading 9993</b>	Human health and social care services.	18	-
[32	<b>Heading 9994</b>	(i) Services by way of treatment of effluents by a Common Effluent Treatment Plant.	12	-
		(ii) Sewage and waste collection, treatment and disposal and other environmental protection services other than (i) above.	18	-] <sup>106</sup>
33	<b>Heading 9995</b>	Services of membership organisations.	18	-
34	<b>Heading 9996</b> (Recreational, cultural and sporting services)	(i) Services by way of admission or access to circus, Indian classical dance including folk dance, theatrical performance, drama [or planetarium] <sup>107</sup> .	18	-
		(ii) Services by way of admission exhibition of cinematograph films where price of admission ticket is one hundred rupees or less.	[12] <sup>108</sup>	-
		[(iia) Services by way of admission to exhibition of cinematograph films where price of admission ticket is above one hundred rupees.	18	-] <sup>109</sup>

where only content is supplied by the publisher and the physical inputs including paper used for printing belong to the printer.”

<sup>104</sup> Inserted vide notification No. 20/2017 – Integrated Tax (Rate) dt 22.08. 2017

<sup>105</sup> Substituted vide notification No. 20/2017 – Integrated Tax (Rate) dt 22.08. 2017. Prior to substitution it read “Other manufacturing services; publishing, printing and reproduction services; materials recovery services.”

<sup>106</sup> Substituted vide notification No. 1/2018-Integrated Tax (Rate) dt 25.01.2018. Prior to substitution it read:

“32	Heading 9994	Sewage and waste collection, treatment and disposal and other environmental protection services	18	-“
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<sup>107</sup> Inserted vide notification No. 20/2017 – Integrated Tax (Rate) dt 22.08.2017

<sup>108</sup> Substituted vide notification No. 28/2018 – Integrated Tax (Rate) dt 31.12.2018. Prior to substitution it read “18”

<sup>109</sup> Inserted vide notification No. 28/2018 – Integrated Tax (Rate) dt 31.12.2018

		[(iii) Services by way of admission to amusement parks including theme parks, water parks, joy rides, merry-go rounds, go-carting and ballet.	18	-] <sup>110</sup>
		[(iiia) Services by way of admission to entertainment events or access to amusement facilities including [***] <sup>111</sup> casinos, race club, any sporting event such as Indian Premier League and the like.	28	-] <sup>112</sup>
		(iv) Services provided by a race club by way of totalisator or a license to bookmaker in such club.	28	-
		(v) Gambling.	28	-
		(vi) Recreational, cultural and sporting services other than (i), (ii), [(iia)] <sup>113</sup> (iii), [(iiia),] <sup>114</sup> (iv) and (v) above.	18	-
35	<b>Heading 9997</b>	Other services (washing, cleaning and dyeing services; beauty and physical well-being services; and other miscellaneous services including services nowhere else classified).	18	-
36	<b>Heading 9998</b>	Domestic services.	18	-
37	<b>Heading 9999</b>	Services provided by extraterritorial organisations and bodies.	18	-
[38.	<b>Heading 9954 or 9983 or 9987</b>	Service by way of construction or engineering or installation or other technical services, provided in relation of setting up of following, -  (a) Bio-gas plant (b) Solar power based devices (c) Solar power generating system (d) Wind mills, Wind Operated Electricity Generator (WOGEG) (e) Waste to energy plants / devices (f) Ocean waves/tidal waves energy devices/plants  <i>Explanation:-</i> This entry shall be read in conjunction with serial number 234 of Schedule I of the notification No. 1/2017-Central Tax (Rate), published in the Gazette	9	-] <sup>115</sup>

<sup>110</sup> Inserted vide notification No. 1/2018- Integrated Tax (Rate) dt 25.01.2018

<sup>111</sup> Omitted vide notification No. 28/2018 – Integrated Tax (Rate) dt 31.12.2018. The following was omitted: “exhibition of cinematograph films,”

<sup>112</sup> Inserted vide notification No. 1/2018- Integrated Tax (Rate) dt 25.01.2018

<sup>113</sup> Inserted vide notification No. 28/2018 – Integrated Tax (Rate) dt 31.12.2018.

<sup>114</sup> Inserted vide notification No. 1/2018- Integrated Tax (Rate) dt 25.01.2018

<sup>115</sup> Inserted vide notification No. 28/2018 – Integrated Tax (Rate) dt 31.12.2018.

		of India, Extraordinary, Part II, Section 3, Sub-section (i) dated 28 <sup>th</sup> June, 2017 vide GSR number 673(E) dated 28 <sup>th</sup> June, 2017.		
[39.	Chapter 99	Supply of services other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI) by an unregistered person to a promoter for construction of a project on which tax is payable by the recipient of the services under sub- section 4 of section 5 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), as prescribed in notification No. 07/2019- Integrated Tax (Rate), dated 29th March, 2019, published in Gazette of India vide G.S.R. No. __, dated 29th March, 2019.  Explanation. - This entry is to be taken to apply to all services which satisfy the conditions prescribed herein, even though they may be covered by a more specific chapter, section or heading elsewhere in this notification.	18	-] <sup>116</sup>

[2. In case of supply of service specified in column (3), in item [(i), (ia), (ib), (ic), (id), (ie) and (if)]<sup>117</sup>, against serial number 3 of the Table above, involving transfer of land or undivided share of land, as the case may be, the value of such supply shall be equivalent to the total amount charged for such supply less the value of transfer of land or undivided share of land, as the case may be, and the value of such transfer of land or undivided share of land, as the case may be, in such supply shall be deemed to be one third of the total amount charged for such supply.

*Explanation.* –For the purposes of this paragraph, “total amount” means the sum total of,-

- (a) consideration charged for aforesaid service; and
- (b) amount charged for transfer of land or undivided share of land, as the case may be including by way of lease/sublease.]<sup>118</sup>

<sup>116</sup> Inserted vide notification No. 3/2019- Integrated Tax (Rate) dt 29.03.2019.

<sup>117</sup> Substituted vide notification No. 3/2019- Integrated Tax – (Rate) dt 29.03.2019. Prior to substitution it read: “sub-item (b), sub-item (c), sub-item (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item (d) and sub-item (da) of item (v); and sub-item (c) of item (vi),”

<sup>118</sup> Substituted vide notification No. 1/2018- Integrated Tax- (Rate) dt 25.01.2018. Prior to substitution it read: “2. In case of supply of service specified in column (3) of the entry [at item (i), item (iv) [sub-item (b), sub-item (c) and sub-item (d)], item (v) [sub-item (b), sub-item (c) and sub-item (d)], item (vi) [sub-item (c)]]<sup>A</sup> against serial no. 3 of the Table above, involving transfer of property in land or undivided share of land, as the case may be, the value of supply of service and goods portion in such supply shall be equivalent to the total amount

[2A. Where a registered person transfers development right or FSI (including additional FSI) to a promoter against consideration, wholly or partly, in the form of construction of apartments, the value of construction service in respect of such apartments shall be deemed to be equal to the Total Amount charged for similar apartments in the project from the independent buyers, other than the person transferring the development right or FSI (including additional FSI), nearest to the date on which such development right or FSI (including additional FSI) is transferred to the promoter, less the value of transfer of land, if any, as prescribed in paragraph 2 above.]<sup>119</sup>

3. Value of supply of lottery shall be 100/112 of the face value or the price notified in the Official Gazette by the organising State, whichever is higher, in case of lottery run by State Government and 100/128 of the face value or the price notified in the Official Gazette by the organising State, whichever is higher, in case of lottery authorised by State Government.

4. Where the value of taxable service provided by a person located in non-taxable territory to a person located in non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India is not available with the person liable for paying integrated tax, the same shall be deemed to be 10 % of the CIF value (sum of cost, insurance and freight) of imported goods.

5. *Explanation.*- For the purposes of this notification,-

(i) Goods includes capital goods.

(ii) Reference to “Chapter”, “Section” or “Heading”, wherever they occur, unless the context otherwise requires, shall mean respectively as “Chapter”, “Section” and “Heading” in the scheme of classification of services annexed to notification No. 11/2017-Central Tax (Rate), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) dated 28<sup>th</sup> June, 2017 vide GSR number 690(E) dated 28<sup>th</sup> June, 2017.

(iii) The rules for the interpretation of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), the Section and Chapter Notes and the General Explanatory Notes of the First Schedule shall, so far as may be, apply to the interpretation of heading 9988.

(iv) Wherever a rate has been prescribed in this notification subject to the condition that credit of input tax charged on goods or services used in supplying the service has not been taken, it shall mean that,-

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charged for such supply less the value of land or undivided share of land, as the case may be, and the value of land or undivided share of land, as the case may be, in such supply shall be deemed to be one third of the total amount charged for such supply.

*Explanation* .- For the purposes of paragraph 2, “total amount” means the sum total of,-

(a) consideration charged for aforesaid service; and

(b) amount charged for transfer of land or undivided share of land, as the case may be.”

A. Substituted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017. Prior to substitution it read “at item (i)”.

<sup>119</sup> Inserted vide notification No. 3/2019- Integrated Tax – (Rate) dt 29.03.2019.

- (a) credit of input tax charged on goods or services used exclusively in supplying such service has not been taken; and
- (b) credit of input tax charged on goods or services used partly for supplying such service and partly for effecting other supplies eligible for input tax credits, is reversed as if supply of such service is an exempt supply and attracts provisions of clause (iv) of section 20 of the Integrated Goods and Services Tax Act, 2017 read with sub-section (2) of section 17 of the Central Goods and Services Tax Act, 2017 and the rules made thereunder.
- (v) "information technology software" means any representation of instructions, data, sound or image, including source code and object code, recorded in a machine readable form, and capable of being manipulated or providing interactivity to a user, by means of a computer or an automatic data processing machine or any other device or equipment.
- (vi) "agricultural extension" means application of scientific research and knowledge to agricultural practices through farmer education or training;
- (vii) "agricultural produce" means any produce out of cultivation of plants and rearing of all life forms of animals, except the rearing of horses, for food, fibre, fuel, raw material or other similar products, on which either no further processing is done or such processing is done as is usually done by a cultivator or producer which does not alter its essential characteristics but makes it marketable for primary market;
- (viii) "Agricultural Produce Marketing Committee or Board" means any committee or board constituted under a State law for the time being in force for the purpose of regulating the marketing of agricultural produce;
- [(ix) "Governmental Authority" means an authority or a board or any other body, -
- (i) set up by an Act of Parliament or a State Legislature; or
- (ii) established by any Government,
- with 90 per cent. or more participation by way of equity or control, to carry out any function entrusted to a municipality under article 243 W of the Constitution or to a Panchayat under article 243 G of the Constitution.
- (x) "Government Entity" means an authority or a board or any other body including a society, trust, corporation,-
- (i) set up by an Act of Parliament or State Legislature; or
- (ii) established by any Government,
- with 90 per cent. or more participation by way of equity or control, to carry out a function entrusted by the Central Government, State Government, Union Territory or a local authority.]<sup>120</sup>
- [(xi) "specified organisation" shall mean, -
- (a) Kumaon Mandal Vikas Nigam Limited, a Government of Uttarakhand Undertaking; or
- (b) 'Committee' or 'State Committee' as defined in section 2 of the Haj Committee Act, 2002 (35 of 2002).
- (xii) "goods carriage" has the same meaning as assigned to it in clause (14) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988).]<sup>121</sup>

<sup>120</sup> Inserted vide notification No. 39/2017 – Integrated Tax (Rate) dt 13.10.2017

<sup>121</sup> Inserted vide notification No. 28/2018 – Integrated Tax (Rate) dt 31.12.2018.

[(xiii) an apartment booked on or before the 31<sup>st</sup> March, 2019 shall mean an apartment which meets all the following three conditions, namely- (a) part of supply of construction of which has time of supply on or before the 31<sup>st</sup> March, 2019 and (b) at least one instalment has been credited to the bank account of the registered person on or before the 31<sup>st</sup> March, 2019 and (c) an allotment letter or sale agreement or any other similar document evidencing booking of the apartment has been issued on or before the 31<sup>st</sup> March, 2019;

(xiv) the term “apartment” shall have the same meaning as assigned to it in clause (e) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xv) the term “project” shall mean a Real Estate Project or a Residential Real Estate Project;

(xvi) the term “affordable residential apartment” shall mean, -

(a) a residential apartment in a project which commences on or after 1<sup>st</sup> April, 2019, or in an ongoing project in respect of which the promoter has not exercised option in the prescribed form to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be, having carpet area not exceeding 60 square meter in metropolitan cities or 90 square meter in cities or towns other than metropolitan cities and for which the gross amount charged is not more than forty five lakhs rupees.

For the purpose of this clause, -

(i) Metropolitan cities are Bengaluru, Chennai, Delhi NCR (limited to Delhi, Noida, Greater Noida, Ghaziabad, Gurgaon, Faridabad), Hyderabad, Kolkata and Mumbai (whole of MMR) with their respective geographical limits prescribed by an order issued by the Central or State Government in this regard;

(ii) Gross amount shall be the sum total of; -

- A. Consideration charged for the services specified at item (i) and (ic) in column (3) against sl. No. 3 in the Table;
- B. Amount charged for the transfer of land or undivided share of land, as the case may be including by way of lease or sub lease; and
- C. Any other amount charged by the promoter from the buyer of the apartment including preferential location charges, development charges, parking charges, common facility charges etc.

(b) an apartment being constructed in an ongoing project under any of the schemes specified in sub-item (b), sub-item (c), sub-item (d), sub-item (da) and sub-item (db) of item (iv); sub-item (b), sub-item (c), sub-item (d) and sub-item (da) of item (v); and sub-item (c) of item (vi), against serial number 3 of the Table above, in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be.

(xvii) the term “promoter” shall have the same meaning as assigned to it in in clause (zk) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xviii) the term “Real Estate Project (REP)” shall have the same meaning as assigned to it in in clause (zn) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xix) the term “Residential Real Estate Project (RREP)” shall mean a REP in which the carpet area of the commercial apartments is not more than 15 per cent. of the total carpet area of all the apartments in the REP;

(xx) the term “ongoing project” shall mean a project which meets all the following conditions, namely-

(a) commencement certificate in respect of the project, where required to be issued by the competent authority, has been issued on or before 31<sup>st</sup> March, 2019, and it is certified by any of the following that construction of the project has started on or before 31<sup>st</sup> March, 2019:-

(i) an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972); or

(ii) a chartered engineer registered with the Institution of Engineers (India); or

(iii) a licensed surveyor of the respective local body of the city or town or village or development or planning authority.

(b) where commencement certificate in respect of the project, is not required to be issued by the competent authority, it is certified by any of the authorities specified in sub-clause (a) above that construction of the project has started on or before the 31<sup>st</sup> March, 2019;

(c) completion certificate has not been issued or first occupation of the project has not taken place on or before the 31<sup>st</sup> March, 2019;

(d) apartments being constructed under the project have been, partly or wholly, booked on or before the 31<sup>st</sup> March, 2019.

*Explanation.-* For the purpose of sub-clause (a) and (b) above, construction of a project shall be considered to have started on or before the 31<sup>st</sup> March, 2019, if the earthwork for site preparation for the project has been completed and excavation for foundation has started on or before the 31<sup>st</sup> March, 2019.

(xxi) "commencement certificate" means the commencement certificate or the building permit or the construction permit, by whatever name called issued by the competent authority to allow or permit the promoter to begin development works on an immovable property, as per the sanctioned plan;

(xxii) "development works" means the external development works and internal development works on immovable property;

(xxiii) "external development works" includes roads and road systems landscaping, water supply, sewage and drainage systems, electricity supply transformer, sub-station, solid waste management and disposal or any other work which may have to be executed in the periphery of, or outside, a project for its benefit, as may be provided under the local laws;

(xxiv) "internal development works" means roads, footpaths, water supply, sewers, drains, parks, tree planting, street lighting, provision for community buildings and for treatment and disposal of sewage and sullage water, solid waste management and disposal, water conservation, energy management, fire protection and fire safety requirements, social infrastructure such as educational health and other public amenities or any other work in a project for its benefit, as per sanctioned plans;

(xxv) the term "competent authority" as mentioned in definition of “commencement certificate” and “residential apartment”, means the local authority or any authority created

or established under any law for the time being in force by the Central Government or State Government or Union Territory Government, which exercises authority over land under its jurisdiction, and has powers to give permission for development of such immovable property;

(xxvi) The term “carpet area” shall have the same meaning assigned to it in in clause (k) of section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);

(xxvii) the term “Real Estate Regulatory Authority” shall mean the Authority established under sub- section (1) of section 20 (1) of the Real Estate (Regulation and Development) Act, 2016 (No. 16 of 2016) by the Central Government or State Government;

(xxviii) “project which commences on or after 1<sup>st</sup> April, 2019” shall mean a project other than an ongoing project;

(xxix) “Residential apartment” shall mean an apartment intended for residential use as declared to the Real Estate Regulatory Authority or to competent authority;

(xxx) “Commercial apartment” shall mean an apartment other than a residential apartment;

(xxxi) “floor space index (FSI)” shall mean the ratio of a building’s total floor area (gross floor area) to the size of the piece of land upon which it is built.]<sup>122</sup>

6. This notification shall come into force with effect from 1<sup>st</sup> day of July, 2017.

[F.No. 334/1/2017-TRU]

(Ruchi Bisht)

Under Secretary to the Government of India

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<sup>122</sup> Inserted vide notification No. 3/2019- Integrated Tax (Rate) dated 29.03.2019.

**[ Real estate project (REP) other than Residential Real estate project (RREP)**

Input tax credit attributable to construction of residential portion in a real estate project (REP) other than residential real estate project (RREP), which has time of supply on or after 1<sup>st</sup> April, 2019, shall be calculated project wise for all projects which commence on or after 1<sup>st</sup> April, 2019 or ongoing projects in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be, in the prescribed manner, before the due date for furnishing of the return for the month of September following the end of financial year 2018-19, in the following manner:

**1. Where % completion as on 31<sup>st</sup> March, 2019 is not zero or where there is inventory in stock**

- (a) Input tax credit on inputs and input services attributable to construction of residential portion in a REP, which has time of supply on or after 1<sup>st</sup> April, 2019, may be denoted as Tx. Tx shall be calculated as under:

$$Tx = T - Te$$

Where,

- (i) T is the total ITC availed (utilized or not) on inputs and input services used in construction of the REP from 1<sup>st</sup> July, 2017 to 31<sup>st</sup> March, 2019 including transitional credit taken on 1<sup>st</sup> July, 2017;
- (ii) Te is the eligible ITC attributable to (a) construction of commercial portion and (b) construction of residential portion, in the REP which has time of supply on or before 31<sup>st</sup> March, 2019;
- (b) Te shall be calculated as under:

$$Te = Tc + Tr$$

Where, -

Tc is the ITC attributable to construction of commercial portion in the REP, calculated as under:

$Tc = T * (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP})$  and

Tr is the ITC attributable to construction of residential portion in the REP which has time of supply on or before 31<sup>st</sup> March, 2019 and which shall be calculated as under,

$$Tr = T * F_1 * F_2 * F_3 * F_4$$

Where, -

$$F_1 = \frac{\text{Carpet area of residential apartments in REP}}{\text{Total carpet area of commercial and residential apartments in the REP}}$$

$$F_2 = \frac{\text{Total carpet area of residential apartment booked on or before 31<sup>st</sup> March, 2019}}{\text{Total carpet area of the residential apartment in REP}}$$

$$F_3 = \frac{\text{Such Value of supply of construction of residential apartments booked on or before 31<sup>st</sup> March, 2019 which has time of supply on or before 31<sup>st</sup> March, 2019}}{\text{Total value of supply of construction of residential apartments booked on or before 31<sup>st</sup> March, 2019}}$$

(F3 is to account for percentage invoicing of booked residential apartments)

$$F_4 = \frac{1}{\% \text{ Completion of construction as on 31<sup>st</sup> March, 2019}}$$

Illustration: where one- fifth (twenty percent) of the construction has been completed,  $F_4$  shall be  $100 \div 20 = 5$ .

Explanation: “% Completion of construction as on 31<sup>st</sup> March, 2019” shall be the same as declared to the Real Estate Regulatory Authority in terms of section 4 and section 11 of Real Estate (Regulation and Development) Act, 2016 (16 of 2016) and where the same is not required to be declared to the Real Estate Regulatory Authority, it shall be got determined and certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India).

(c) A registered person shall have the option to calculate ‘Te’ in the manner prescribed below instead of the manner prescribed in (b) above,-

Te shall be calculated as under:

$$Te = Tc + T1 + Tr$$

Where, -

Tc is the ITC attributable to construction of commercial portion in the REP, calculated as under:

$T_c = T_3 * (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP});$

Wherein

$$T_3 = T - (T_1 + T_2)$$

$T_1 = \text{ITC attributable exclusively to construction of commercial portion in the REP}$

$T_2 = \text{ITC attributable exclusively to construction of residential portion in the REP}$

and

$T_r$  is the ITC attributable to construction of residential portion in the REP which has time of supply on or before 31.03.2019 and which shall be calculated as under,

$$T_r = (T_3 + T_2) * F_1 * F_2 * F_3 * F_4$$

or

$$T_r = (T - T_1) * F_1 * F_2 * F_3 * F_4$$

(d) The amounts 'Tx' and 'Te' shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

(e) Where, Tx is positive, i.e.  $T_e < T$ , the registered person shall pay, by debit in the electronic credit ledger or electronic cash ledger, an amount equal to the difference between T and  $T_e$ . Such amount shall form part of the output tax liability of the registered person and the amount shall be furnished in FORM GST ITC- 03.

Explanation: The registered person may file an application in FORM GST DRC- 20, seeking extension of time for the payment of taxes or any amount due or for allowing payment of such taxes or amount in installments in accordance with the provisions of section 80. The commissioner may issue an order in FORM GST DRC- 21 allowing the taxable person further time to make payment and/or to pay the amount in such monthly installments, not exceeding twenty-four, as he may deem fit.

(f) Where Tx is negative, i.e.  $T_e > T$ , the registered person shall be eligible to take ITC on goods and services received on or after 1<sup>st</sup> April, 2019 for construction of residential portion in the REP, for which he shall not otherwise be eligible, to the extent of difference between  $T_e$  and T.

(g) The registered person may calculate  $T_c$  and utilize credit to the extent of  $T_c$  for payment of tax on commercial apartments, till the complete accounting of Tx is carried out and submitted.

(h) Where percentage completion is zero but ITC has been availed on goods and services received for the project on or prior to 31<sup>st</sup> March, 2019, input tax credit attributable to construction of residential portion which has time of supply on or after 1<sup>st</sup> April, 2019, shall be calculated and the amount equal to Tx shall be paid or taken credit of, as the case may be,

as prescribed above, with the modification that percentage completion for calculation of F<sub>4</sub> shall be taken as the percentage completion which, as certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India), can be achieved with the input services received and inputs in stock as on 31<sup>st</sup> March, 2019.

**2. Where % completion as on 31st March, 2019 is zero but invoicing has been done having time of supply before 31st March, 2019, and no input services or inputs have been received as on 31st March, 2019, “Te” shall be calculated as follows: -**

(a) Input tax credit on inputs and input services attributable to construction of residential portion in a REP, which has time of supply on or before 31<sup>st</sup> March, 2019 may be denoted as Te which shall be calculated as under,

$$Te = Tc + Tr$$

Where, -

Tc is the ITC attributable to construction of commercial portion in the REP, calculated as under:

$Tc = Tn * (\text{carpet area of commercial apartments in the REP} / \text{total carpet area of commercial and residential apartments in the REP})$  and

Tr is the ITC attributable to construction of residential portion in the REP which has time of supply on or before 31<sup>st</sup> March, 2019 and which shall be calculated as under,

$$Tr = Tn * F_1 * F_2 * F_3$$

Where, -

Tn= Tax paid on such inputs and input services on which ITC is available under the CGST Act, received in 2019-20 for construction of REP

F<sub>1</sub>, F<sub>2</sub> and F<sub>3</sub> shall be the same as in para 1 above

(b) The registered person shall be eligible to take ITC on goods and services received on or after 1<sup>st</sup> April, 2019 for construction of residential portion in the REP, for which he shall not otherwise be eligible, to the extent of the amount of Te.

(c) The amount ‘Te’ shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

3. Notwithstanding anything contained in paragraph 1 or paragraph 2 above, Te shall be determined in the following situations as under:

(i) where percentage invoicing is more than the percentage completion and the difference between percentage invoicing (per cent. points) and the percentage completion (per cent. points) of construction is more than 25 per cent. points; the

value of percentage invoicing shall be deemed to be percentage completion plus 25 percent. points;

- (ii) where the value of invoices issued on or prior to 31<sup>st</sup> March, 2019 exceeds the consideration actually received on or prior to 31<sup>st</sup> March, 2019 by more than 25 per cent. of consideration actually received; the value of such invoices for the purpose of determination of percentage invoicing shall be deemed to be actual consideration received plus 25 percent. of the actual consideration received; and
- (iii) where, the value of procurement of inputs and input services prior to 1<sup>st</sup> April, 2019 exceeds the value of actual consumption of the inputs and input services used in the percentage of construction completed as on 31<sup>st</sup> March, 2019 by more than 25 percent. of value of actual consumption of inputs and input services, the jurisdictional commissioner or any other officer authorized in this regard may fix the Te based on actual per unit consumption of inputs and input services based on the documents duly certified by a chartered accountant or cost accountant submitted by the promoter in this regard, applying the accepted principles of accounting.

#### Illustration 1:

Sl. No	Details of a REP (Res + Com)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		75	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	5250	sqm
5	value of each residential apartment		0.60	crore
6	Total value of the residential apartments	$C2 * C5$	45.00	crore
7	No. of commercial apartments in the project		25	units
8	Carpet area of the commercial apartment		30	sqm
9	Total carpet area of the commercial apartments	$C7 * C8$	750	sqm
10	Total carpet area of the project (Resi + Com)	$C4 + C9$	6000	sqm
11	Percentage completion as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
12	No of residential apartments booked before transition		40	units
13	Total carpet area of the residential apartments booked before transition	$C12 * C3$	2800	sqm
14	Value of booked residential apartments	$C5 * C12$	24	crore
15	Percentage invoicing of booked residential apartments on or before 31.03.2019		20%	
16	Total value of supply of residential apartments having t.o.s. prior to transition	$C14 * C15$	4.8	crore
17	ITC to be reversed on transition, $T_x = T - T_e$			
18	Eligible ITC (Te)= $T_c + T_r$			
19	T (*see notes below)		1	crore
20	$T_c = T_x$ (carpet area of commercial apartments in the REP/ total carpet area of commercial and residential apartments in the REP)	$C19 * (C9 / C10)$	0.125	crore
21	$T_r = T_x F1 x F2 x F3 x F4$			
22	F1	$C4 / C10$	0.875	
23	F2	$C13 / C4$	0.533	
24	F3	$C16 / C14$	0.200	
25	F4	$1 / C11$	5	
26	$T_r = T_x F1 x F2 x F3 x F4$	$C19 * C22 * C23 * C24 * C25$	0.467	crore
27	Eligible ITC (Te)= $T_c + T_r$	$C26 + C20$	0.592	crore
28	ITC to be reversed on transition, $T_x = T - T_e$	$C19 - C27$	0.408	crore
	* Note:-			
	1. The value of T at C19 has been estimated for illustration based on weighted average tax on inputs.			
	2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.			

Illustration 2:

Sl. No	Details of a REP (Res + Com)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		75	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	5250	sqm
5	value of each residential apartment		0.60	crore
6	Total value of the residential apartments	$C2 * C5$	45.00	crore
7	No. of commercial apartments in the project		25	units
8	Carpet area of the commercial apartment		30	sqm
9	Total carpet area of the commercial apartments	$C7 * C8$	750	sqm
10	Total carpet area of the project (Resi + Com)	$C4 + C9$	6000	sqm
11	Percentage completion (Pc) as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
12	No of residential apartments booked before transition		40	units
13	Total carpet area of the residential apartments booked before transition	$C12 * C3$	2800	sqm
14	Value of booked residential apartments	$C5 * C12$	24	crore
15	Percentage invoicing of booked residential apartments on or before 31.03.2019		60%	
16	Total value of supply of residential apartments having t.o.s. prior to transition	$C14 * C15$	14.4	crore
17	ITC to be reversed on transition, $T_x = T - T_e$			
18	Eligible ITC (Te)= $T_c + T_r$			
19	T (*see notes below)		1	crore
20	$T_c = T \times$ (carpet area of commercial apartments in the REP/ total carpet area of commercial and residential apartments in the REP)	$C19 * (C9/ C10)$	0.125	crore
21	$T_r = T \times F1 \times F2 \times F3 \times F4$			
22	F1	$C4 / C10$	0.875	
23	F2	$C13 / C4$	0.533	
24	F3	$C16 / C14$	0.600	
25	F4	$1/ C11$	5	
26	$T_r = T \times F1 \times F2 \times F3 \times F4$	$C19 * C22 * C23 * C24 * C25$	1.400	crore
27	Eligible ITC (Te)= $T_c + T_r$	$C26 + C20$	1.525	crore
28	ITC to be reversed/ taken on transition, $T_x = T - T_e$	$C19 - C27$	-0.525	crore
29	$T_x$ after application of cap on % invoicing vis-a-vis Pc			
30	% completion		20%	
31	% invoicing		60%	
32	% invoicing after application of cap( $P_c + 25\%$ )	$C11 + 25\%$	45%	
33	Total value of supply of residential apartments having t.o.s. prior to transition	$C14 * C32$	10.80	crore
34	F3 after application of cap	$C33 / C14$	0.45	
35	$T_r = T \times F1 \times F2 \times F3 \times F4$ (after application of cap)	$C19 * C22 * C23 * C34 * C25$	1.05	crore
36	Eligible ITC (Te)= $T_c + T_r$ (after application of cap)	$C20 + C35$	1.18	crore
37	ITC to be reversed / taken on transition, $T_x = T - T_e$ (after application of cap)	$C19 - C36$	-0.18	crore
38	$T_x$ after application of cap on % invoicing vis-a-vis Pc and payment realisation			
39	% invoicing after application of cap( $P_c + 25\%$ )		45%	
40	Total value of supply of residential apartments having t.o.s. prior to transition	C33	10.80	crore
41	Consideration received		8.00	crore
42	Total value of supply of residential apartments having t.o.s. prior to transition after application of cap vis-a-vis consideration received	$8 \text{ cr} + 25\% \text{ of } 8 \text{ Cr}$	10.00	crore
43	F3 after application of both the caps	$C42 / C14$	0.42	
44	$T_r = T \times F1 \times F2 \times F3 \times F4$ (after application of both the caps)	$C19 * C22 * C23 * C43 * C25$	0.97	
45	Eligible ITC (Te)= $T_c + T_r$ (after application of both the caps)	$C20 + C44$	1.10	
46	ITC to be reversed / taken on transition, $T_x = T - T_e$ (after application of both the caps)	$C19 - C45$	-0.10	crore
* Note:-				
1. The value of T at C19 has been estimated for illustration based on weighted average tax on inputs.				
2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.				

[F. No.354/32/2019-TRU]  
(Pramod Kumar)

**Residential Real estate project (RREP)**

Input tax credit attributable to construction of residential and commercial portion in a Residential Real estate project (RREP), which has time of supply on or after 1<sup>st</sup> April, 2019, shall be calculated project wise for all projects which commence on or after 1<sup>st</sup> April, 2019 or ongoing projects in respect of which the promoter has not exercised option to pay central tax on construction of apartments at the rates as specified for item (ie) or (if) against serial number 3, as the case may be, in the prescribed manner, before the due date for furnishing of the return for the month of September following the end of financial year 2018-19, in the following manner:

**1. Where % completion as on 31<sup>st</sup> March, 2019 is not zero or where there is inventory in stock**

(a) Input tax credit on inputs and input services attributable to construction of residential and commercial portion in an RREP, which has time of supply on or after 1<sup>st</sup> April, 2019, may be denoted as Tx. Tx shall be calculated as under:

$$Tx = T - T_e$$

Where,

- (i) T is the total ITC availed (utilized or not) on inputs and input services used in construction of the RREP from 1<sup>st</sup> July, 2017 to 31<sup>st</sup> March, 2019 including transitional credit taken on 1<sup>st</sup> July, 2017;
- (ii) T<sub>e</sub> is the eligible ITC attributable to construction of commercial portion and construction of residential portion, in the RREP which has time of supply on or before 31<sup>st</sup> March, 2019;

(b) T<sub>e</sub> shall be calculated as under:

$$T_e = T * F_1 * F_2 * F_3 * F_4$$

Where, -

$$F_1 = \frac{\text{Carpet area of residential and commercial apartments in the RREP}}{\text{Total carpet area of apartments in the RREP}}$$

(In case of a Residential Real Estate Project, value of "F1" shall be 1.)

$$F_2 = \frac{\text{Total carpet area of residential and commercial apartment booked on or before 31<sup>st</sup> March, 2019}}{\text{Total carpet area of the residential and commercial apartment in the RREP}}$$

Such value of supply of construction of residential and commercial apartments booked on or before 31<sup>st</sup> March, 2019 which has time of supply on or before 31<sup>st</sup> March, 2019

$$F_3 = \frac{\text{Such value of supply of construction of residential and commercial apartments booked on or before 31}^{\text{st}} \text{ March, 2019 which has time of supply on or before 31}^{\text{st}} \text{ March, 2019}}{\text{Total value of supply of construction of residential and commercial apartments booked on or before 31}^{\text{st}} \text{ March, 2019}}$$

(F3 is to account for percentage invoicing of booked residential apartments)

$$F_4 = \frac{1}{\% \text{ Completion of construction as on 31}^{\text{st}} \text{ March, 2019}}$$

Illustration: where one- fifth (twenty percent) of the construction has been completed, F<sub>4</sub> shall be  $100 \div 20 = 5$ .

Explanation: “% Completion of construction as on 31<sup>st</sup> March, 2019” shall be the same as declared to the Real Estate Regulatory Authority in terms of section 4 and section 11 of Real Estate (Regulation and Development) Act, 2016 and where the same is not required to be declared to the Real Estate Regulatory Authority, it shall be got determined and certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India).

(c) The amounts ‘Tx’ and ‘Te’ shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

(d) Where, Tx is positive, i.e. Te < T, the registered person shall pay, by debit in the electronic credit ledger or electronic cash ledger, an amount equal to the difference between T and Te. Such amount shall form part of the output tax liability of the registered person and the amount shall be furnished in FORM GST ITC- 03.

Explanation: The registered person may file an application in FORM GST DRC- 20, seeking extension of time for the payment of taxes or any amount due or for allowing payment of such taxes or amount in installments in accordance with the provisions of section 80. The commissioner may issue an order in FORM GST DRC- 21 allowing the taxable person further time to make payment and/or to pay the amount in such monthly installments, not exceeding twenty-four, as he may deem fit.

(e) Where, Tx is negative, i.e. Te > T, the registered person shall be eligible to take ITC on goods and services received on or after 1<sup>st</sup> April, 2019 for construction of the RREP, for which he shall not otherwise be eligible, to the extent of difference between Te and T.

(f) Where percentage completion is zero but ITC has been availed on goods and services received for the project on or prior to 31<sup>st</sup> March, 2019, input tax credit attributable to construction of residential and commercial portion which has time of supply on or after 1<sup>st</sup> April, 2019, shall be calculated and the amount equal to Tx shall be paid or taken credit of, as

the case may be, as prescribed above, with the modification that percentage completion for calculation of F<sub>4</sub> shall be taken as the percentage completion which, as certified by an architect registered with the Council of Architecture constituted under the Architects Act, 1972 (20 of 1972) or a chartered engineer registered with the Institution of Engineers (India), can be achieved with the input services received and inputs in stock as on 31<sup>st</sup> March, 2019.

**2. Where % completion as on 31st March, 2019 is zero but invoicing has been done having time of supply before 31st March, 2019, and no input services or inputs have been received as on 31st March, 2019, “Te” shall be calculated as follows: -**

(a) Input tax credit on inputs and input services attributable to construction of residential and commercial portion in an RREP, which has time of supply on or before 31<sup>st</sup> March, 2019 may be denoted as Te which shall be calculated as under,

$$Te = T_n * F_1 * F_2 * F_3$$

Where, -

T<sub>n</sub>= Tax paid on such inputs and input services on which ITC is available under the CGST Act, received in 2019-20 for construction of residential and commercial apartments in the RREP.

F<sub>1</sub>, F<sub>2</sub> and F<sub>3</sub> shall be the same as in para 1 above

(b) The registered person shall be eligible to take ITC on goods and services received on or after 1<sup>st</sup> April, 2019 for construction of residential or commercial portion in the RREP, for which he shall not otherwise be eligible, to the extent of the amount of Te.

(c) The amount ‘Te’ shall be computed separately for input tax credit of central tax, State tax, Union territory tax and integrated tax.

3. Notwithstanding anything contained in paragraph 1 or paragraph 2 above, Te shall be determined in the following situations as under:

- (i) where percentage invoicing is more than the percentage completion and the difference between percentage invoicing (per cent. points) and the percentage completion (per cent. points) of construction is more than 25 per cent. points; the value of percentage invoicing shall be deemed to be percentage completion plus 25 percent. points;
- (ii) where the value of invoices issued on or prior to 31<sup>st</sup> March, 2019 exceeds the consideration actually received on or prior to 31<sup>st</sup> March, 2019 by more than 25 per cent. of consideration actually received; the value of such invoices for the purpose of determination of percentage invoicing shall be deemed to be actual consideration received plus 25 per cent. of the actual consideration received; and
- (iii) where, the value of procurement of inputs and input services prior to 1<sup>st</sup> April, 2019 exceeds the value of actual consumption of the inputs and input services used in the

percentage of construction completed as on 31<sup>st</sup> March, 2019 by more than 25 per cent. of value of actual consumption of inputs and input services, the jurisdictional commissioner or any other officer authorized in this regard may fix the Te based on actual per unit consumption of inputs and input services based on the documents duly certified by a chartered accountant or cost accountant submitted by the promoter in this regard, applying the accepted principles of accounting.

Illustration 1:

SI No	Details of a residential real estate project (RREP)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		100	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	7000	sqm
5	value of each residential apartment		0.60	crore
6	Percentage completion as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
7	No of apartments booked before transition		80	units
8	Total carpet area of the residential apartment booked before transition	$C3 * C7$	5600	sqm
9	Value of booked residential apartments	$C5 * C7$	48	crore
10	Percentage invoicing of booked residential apartments on or before 31.03.2019		20%	
11	Total value of supply of residential apartments having t.o.s. prior to transition	$C9 * C10$	9.6	crore
12	ITC to be reversed on transition, $T_x = T - T_e$			
13	Eligible ITC ( $T_e = T \times F1 \times F2 \times F3 \times F4$ )			
14	T (*see notes below)		1	crore
15	F1		1	
16	F2	$C8 / C4$	0.8	
17	F3	$C11 / C9$	0.2	
18	F4	$1 / C6$	5	
19	Eligible ITC ( $T_e = T \times F1 \times F2 \times F3 \times F4$ )	$C14 * C15 * C16 * C17 * C18$	0.8	crore
20	ITC to be reversed on transition, $T_x = T - T_e$	$C14 - C19$	0.2	crore
<p>*Note:-</p> <p>1. The value of T at C14 has been estimated for illustration based on weighted average tax on inputs.</p> <p>2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.</p>				

Illustration 2:

SI No	Details of a residential real estate project (RREP)			
	A	B	C	D
1	No. of apartments in the project		100	units
2	No. of residential apartments in the project		100	units
3	Carpet area of the residential apartment		70	sqm
4	Total carpet area of the residential apartments	$C2 * C3$	7000	sqm
5	value of each residential apartment		0.60	crore
6	Percentage completion as on 31.03.2019 [as declared to RERA or determined by chartered engineer]		20%	
7	No of apartments booked before transition		80	units
8	Total carpet area of the residential apartment booked before transition	$C3 * C7$	5600	sqm
9	Value of booked residential apartments	$C5 * C7$	48	crore
10	Percentage invoicing of booked residential apartments on or before 31.03.2019		60%	
11	Total value of supply of residential apartments having t.o.s. prior to transition	$C9 * C10$	28.8	crore
12	ITC to be reversed on transition, $T_x = T - T_e$			
13	Eligible ITC ( $T_e = T \times F1 \times F2 \times F3 \times F4$ )			
14	T (*see notes below)		1	crore
15	F1		1	
16	F2	$C8 / C4$	0.8	
17	F3	$C11 / C9$	0.6	
18	F4	$1 / C6$	5	
19	Eligible ITC ( $T_e = T \times F1 \times F2 \times F3 \times F4$ )	$C14 * C15 * C16 * C17 * C18$	2.4	crore
20	ITC to be reversed on transition, $T_x = T - T_e$	$C14 - C19$	-1.4	crore
21	$T_x$ after application of cap on % invoicing vis-a-vis $P_c$			
22	% completion		20%	
23	% invoicing		60%	
24	% invoicing after application of cap ( $P_c + 25\%$ )	$C6 + 25\%$	45%	
25	Total value of supply of residential apartments having t.o.s. prior to transition	$C9 * C24$	21.60	crore
26	F3 after application of cap	$C25 / C9$	0.45	
27	$T_e = T \times F1 \times F2 \times F3 \times F4$ (after application of cap)	$C14 * C15 * C16 * C26 * C18$	1.80	crore
28	ITC to be reversed / taken on transition, $T_x = T - T_e$ (after application of cap)	$C14 - C27$	-0.80	crore
29	$T_x$ after application of cap on % invoicing vis-a-vis $P_c$ and payment realisation			
30	% invoicing after application of cap ( $P_c + 25\%$ )		45%	
31	Total value of supply of residential apartments having t.o.s. prior to transition	$C25$	21.60	crore
32	consideration received		16.00	crore
33	Total value of supply of residential apartments having t.o.s. prior to transition after application of cap vis-a-vis consideration received	$16 \text{ cr} + 25\% \text{ of } 16 \text{ Cr}$	20.00	crore
34	F3 after application of both the caps	$C33 / C9$	0.42	
35	$T_e = T \times F1 \times F2 \times F3 \times F4$ (after application of both the caps)	$C14 * C15 * C34 * C26 * C18$	1.67	
36	ITC to be reversed / taken on transition, $T_x = T - T_e$ (after application of both the caps)	$C14 - C35$	-0.67	crore
<p>*Note:-</p> <p>1. The value of T at C14 has been estimated for illustration based on weighted average tax on inputs.</p> <p>2. In actual practice, the registered person shall take 'aggregate of ITC taken as declared in GSTR-3B of tax periods from 1.7.2017 or commencement of project which is later and transitional credit taken under section 140 of CGST Act' as value of T.</p>				

[F. No.354/32/2019-TRU]

(Pramod Kumar)

**Illustration 1:**

A promoter has procured following goods and services [other than capital goods and services by way of grant of development rights, long term lease of land or FSI] for construction of a residential real estate project during a financial year.

Sl. No.	Name of input goods and services	Percentage of input goods and services received during the financial year	Whether inputs received from registered supplier? (Y/ N)
1	Sand	10	Y
2	<b>Cement</b>	<b>15</b>	<b>N</b>
3	Steel	20	Y
4	Bricks	15	Y
5	Flooring tiles	10	Y
6	Paints	5	Y
7	Architect/ designing/ CAD drawing etc.	10	Y
8	Aluminium windows, Ply, commercial wood	15	Y

In this example, the promoter has procured 80 per cent. of goods and services [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], from a GST registered person. However, he has procured cement from an unregistered supplier. Hence at the end of financial year, the promoter has to pay GST on cement at the applicable rates on reverse charge basis.

**Illustration 2:**

A promoter has procured following goods and services [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], for construction of a residential real estate project during a financial year.

Sl. No.	Name of input goods and services	Percentage of input goods and services received during the financial year	Whether inputs received from registered supplier? (Y/ N)
1	Sand	10	Y
2	Cement	15	Y
3	Steel	20	Y
4	Bricks	15	Y
5	Flooring tiles	10	Y
6	<b>Paints</b>	<b>5</b>	<b>N</b>

7	Architect/ designing/ CAD drawing etc.	10	Y
8	<b>Aluminium windows, Ply, commercial wood</b>	<b>15</b>	<b>N</b>

In this example, the promoter has procured 80 per cent. of goods and services including cement from a GST registered person. However, he has procured paints, aluminum windows, ply and commercial wood etc. from an unregistered supplier. Hence at the end of financial year, the promoter is not required to pay GST on inputs on reverse charge basis.

### **Illustration 3:**

A promoter has procured following goods and services [other than services by way of grant of development rights, long term lease of land (against upfront payment in the form of premium, salami, development charges etc.) or FSI (including additional FSI), electricity, high speed diesel, motor spirit, natural gas], for construction of a residential real estate project during a financial year.

Sl. No.	Name of input goods and services	Percentage of input goods and services received during the financial year	Whether inputs procured from registered supplier? (Y/ N)
1	<b>Sand</b>	<b>10</b>	<b>N</b>
2	<b>Cement</b>	<b>15</b>	<b>N</b>
3	Steel	15	Y
4	Bricks	10	Y
5	Flooring tiles	10	Y
6	Paints	5	Y
7	Architect/ designing/ CAD drawing etc.	10	Y
8	<b>Aluminium windows</b>	<b>15</b>	<b>N</b>
9	<b>Ply, commercial wood</b>	<b>10</b>	<b>N</b>

In this example, the promoter has procured 50 per cent. of goods and services from a GST registered person. However, he has procured sand, cement and aluminum windows, ply and commercial wood etc. from an unregistered supplier. Thus, value of goods and services procured from registered suppliers during a financial year falls short of threshold limit of 80 per cent. To fulfill his tax liability on the shortfall of 30 per cent. from mandatory purchase, the promoter has to pay GST on cement at the applicable rate on reverse charge basis. After payment of GST on cement, on the remaining shortfall of 15 per cent., the promoter shall pay tax @ 18 per cent. under RCM.

[F. No.354/32/2019-TRU]

(Pramod Kumar)

**FORM**

(Form for exercising one time option to pay tax on construction of apartments in a project by the promoters at the rate as specified for item (ie) or (if), against serial number 3 in the Table in this notification, as the case may be, by the 10<sup>th</sup> of May, 2019)

Reference No. \_\_\_\_\_

Date \_\_\_\_\_

To \_\_\_\_\_

(To be addressed to the jurisdictional Commissioner)

1. GSTIN:
2. RERA registration Number of the Project:
3. Name of the project, if any:
4. The location details of the project, with clear demarcation of land dedicated for the project along with its boundaries including the longitude and latitude of the end points of the project:
5. The number, type and the carpet area of apartments for booking or sale in the project:
6. Date of receipt of commencement certificate:

**Declaration**

1. I hereby exercise the option to pay tax on construction of apartments in the above mentioned project as under :

I shall pay tax on construction of the apartments: (put (√) in appropriate box)	<b>At the rate as specified for item (ie) or (if), against serial number 3 in the Table in this notification, as the case may be</b>	<b>At the rate as specified for item (i) or (ia) or (ib) or (ic) or (id), against serial number 3 in the Table in this notification, as the case may be</b>

2. I understand that this is a onetime option, which once exercised, shall not be allowed to be changed.
3. I also understand that invoices for supply of the service can be issued during the period from 1<sup>st</sup> April 2019 to 10<sup>th</sup> May 2019 before exercising the option, but such invoices shall be in accordance with the option being exercised herein.

Signature \_\_\_\_\_  
Name \_\_\_\_\_  
Designation \_\_\_\_\_

Place \_\_\_\_\_

Date \_\_\_\_\_ ]<sup>123</sup>

<sup>123</sup> Inserted vide notification No. 3/2019- Integrated Tax (Rate) dated 29.03.2019.