

# SMART NOTES

# GST

[Part -4]  
2021 EXAMS



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**CHAPTER - 10**  
**REGISTRATION****Sec 22 : Persons liable for Registration****Sec 22(1) : Liability for Registration**

- Supplier liable to registered under this Act in State/UT of taxable supply
- **SCS : AT in F/Y > 10 lakhs**
- **Other than SCS : AT in F/Y >20 lakhs**

**Special point :**

- **Govt + request of SCS + ROC + notification : > AT upto 20 lakhs**
- **Govt + request of State + ROC + notification + exclusive supply of goods(ESG) : > AT from 20 lakhs upto 40 lakhs [NN10/2019]**
- **ESG = Supplier engaged in exempt supply of services of extending deposit/ loans/advances for consideration of interest/discount.**

**Special point :****1. SCS for limit of 10 lakhs are**

- Manipur
- Tripura
- Mizoram
- Nagaland

**2. NN. 10/2019 : Person + ESG + Exempted from regn + AT in f/y upto 40 lakh.****Exceptions :**

- a) Compulsory registration u/s 24
- b) supplier of
  - ice cream/edible ice, with/without cocoa
  - Pan masala
  - Tobacco & tobacco substitutes[Chapter 24]
- c) Intra-State supplier of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Puducherry, Sikkim, Telangana, Tripura, Uttarakhand.
- d) opted for voluntary regn or regn person intend to continue with their regn

**Sec 22(2) : Registered under old law**

- Person + day preceding appointed day,
- regn or holds licence under existing law,
- liable to regt
- with effect from appointed day.

**Sec22(3): Transfer of Business**

- Business of regt taxable person + transferred,
- to another person + going concern,
- transferee
- liable to registered wef date of transfer

***Special point :***

(i) AT shall include all supplies of taxable person + own account + behalf of his principals

(ii) Supply of goods by regt job worker after completion of job work : Included in AT of regt principal u/s143

**Sec 23 : Persons not liable for registration****Sec 23(1) : No liability for Registration**

(a) Person + engaged in 100% supply of non taxable supply or wholly exempt under CGST/IGST

(b) Agriculturist + extent of produce out of cultivation of land.

**Sec 23(2): Person exempted by Govt**

Govt + ROC + NIOG + specify category of persons + exempted from regn

***Special point :*****1) NN 5/2017**

Person + **only engaged** + **supplies of taxable goods/services** + Tax on RCM u/s 9(3)

**2) NN 65/2017**

**Persons +supplies of SERVICES through ECO + other than u/s 9(5) + ECO collect TCS u/s 52**

AT + **upto 20 lakhs/10 lakhs** in F/Y,

## **Sec 24 : Compulsory registration**

**Overriding 22(1) + persons compulsory regn**

### **(1) Inter-State + Taxable Supply**

**NN 10/2017**

Person + ISS of SERVICES + AT upto 20 lakh/10 lakhs registered.

**NN 8/2017**

Supplier + ISS of handicraft goods + obtain PAN + Generate E-way Bill

### **(2) taxable supply + on behalf of other taxable person + agent or otherwise;**

### **(3) Persons + Pay tax under RCM**

### **(4) CTP + Taxable supply**

**NN 32/2017**

CTP+ taxable supplies of handicraft goods + obtain PAN + Generate E-way Bill

### **(5) NRTP + Taxable supply**

### **(6) ECO required to pay tax u/s 9(5)**

### **(7) Govt deptt etc required to deduct TDS u/s 51, separately registered or not**

### **(8) ECO required to collect TCS u/s 52**

**(9) Persons supply through ECO required to TCS u/s 52 + other than u/s 9(5)****NN 65/2017**

Supplies of services + through ECO required TCS u/s 52 + other than u/s 9(5) + exempted from registration + AT upto 20 lakh/10 lakhs

**(10) ISD + separately registered or not****(11) Supplying OIDAR services + place outside India + to NTOL****(12) Person/ class of persons + NIOG + ROC****Special point :**

1. **Sec 2(77) : NRTP** means person occasionally undertakes supply as principal/agent/other capacity + no fixed place of business or residence in India.
2. **Sec 2(61) : ISD** means office of supplier +receives tax invoices u/s 31 + receipt of input services + issues prescribed document + distributing credit of GST paid on said services + to supplier of having same PAN as that of office.
3. **Sec 2(20) : CTP** means person occasionally undertakes transactions involving supply in course or furtherance of business as principal/agent/other capacity, in State /UT where he has no fixed place of business.
4. **Sec 2(45) : ECO** means person who owns/operates/manages digital or electronic facility or platform for electronic commerce;

**Sec 25 : Procedure for registration****Sec 25(1) : Time limit**

- Person liable to be registered u/s 22 or 24
- apply for regn in every such State or UT
- within 30 days from
- date on which he becomes liable

**CTP or NRTP** + apply for registration **min 5 days prior** to commencement of business.

**Special point :**

1. Person having unit in SEZ or SEZ developer + apply for separate registration + as distinct from his place of business located outside SEZ in same State or UT
2. **Supply from TW** + obtain registration in coastal State or UT + nearest point of appropriate baseline
3. **Rule 10 : Effective date of registration**
  - Application submitted within 30 days = Date of liability of registration
  - Applicant submitted after 30 days = Date of grant of registration

**Sec 25(2) : Single / Multiple registration**

- Person seeking regn + granted single registration in State/UT
- person having multiple places of business in State/UT + may be granted separate registration for each such place of business,

**Sec 25(3) : Voluntary registration**

- Person not liable u/s 22 or 24
- may get voluntary regn
- all provisions of this Act shall apply to such person.

**Sec 25(4) : Distinct person**

- Person obtained/required to obtain
- **Multiple regn**
- in One State/UT or More than one State
- be treated as **Distinct Persons**
- 

**Sec 25(5) : Establishments of Distinct Persons**

- Person obtained/required to obtain regn
- in State/UT
- has establishment in another State/UT,
- treated as establishments of distinct persons

**Sec 25(6) : Requirement of PAN**

- Person to have PAN in order to eligible for grant of registration
- Person required to TDS u/s 51 in lieu of PAN, TDS/TCS not issued under IT Act to eligible for grant of registration.

**Sec 25(6A) :** Regt person shall undergo authentication, or furnish proof of possession of Aadhaar number, in prescribed form ,manner and time

If Aadhaar number is not assigned , offered alternate & viable means of identification

In case of failure to undergo authentication or furnish proof of Aadhaar number or furnish alternate & viable means of identification, registration allotted deemed to be invalid & other provisions of this Act shall apply as if such person does not have registration.

**Sec 25(6B) :** On and from date of notification, every individual eligible for grant of registration, undergo authentication, or furnish proof of Aadhaar number,

If Aadhaar number is not assigned such individual shall be offered alternate & viable means of identification

**Sec 25(6C) :** From date of notification, every non individual person , eligible for grant of registration, undergo authentication, or furnish proof of Aadhaar number of Karta, MD, WTD, such number of partners, Members of Managing Committee of Association, Board of Trustees, authorised representative, authorised signatory and such other class of persons

Where such person have not been assigned Aadhaar Number, such person/class of persons shall be offered alternate & viable means of identification

**Sec 25(6D) :** Sec 25(6A) or 25(6B) or 25(6C) shall not apply to person/class of persons or State or UT as Government may, on ROC, specify by NIOG

### **Sec 25(8) : Compulsory registration**

- Where a person who is liable to be registered under this Act
- fails to obtain registration,
- the proper officer may,
- without prejudice to any action which may be taken under this Act or under any other law for the time being in force,
- proceed to register such person
- in such manner as may be prescribed.

### **Sec 25 (9) : UN/Diplomats**

- Specialised agency of UNO or
- Multilateral Financial Institution & Organisation notified under UN Act,
- Consulate/ Embassy of foreign countries
- person/class of persons + notified by CIT

granted Unique Identity Number (UIN) for purposes, incl refund of taxes on notified supplies received

### **Sec 25(10) : Granting of registration**

Registration or UIN + granted or rejected + after due verification + period prescribed.

**Sec 25(11) : Certificate of registration**

certificate of regn + shall be issued in prescribed form + with effect from prescribed date

**Sec 25(12) : Deemed registration**

- Registration or UIN
- deemed to granted
- after expiry of prescribed period u/s 25(10),
- if no deficiency communicated to applicant within that period.

**Sec 26 : Deemed registration / Non registration**

(1) Grant of registration or UIN under SGST Act/UTGST Act deemed as grant of registration or UIN under this Act provided application not rejected under Act within time su/s 25(10).

(2) Rejection under SGST/UTGST Tax Act deemed as rejection of application under Act.

**Sec 27 : Regn of CTP & NRTP**

(1) Certificate of registration issued to CTP or NRTP valid for period specified in application or 90 days from effective date of registration, earlier & taxable supplies only after issuance of certificate

PO + on sufficient cause + extend ninety days by further upto 90 days.

(2) CTP or NRTP at time of submission of application u/s 25(1),

to make advance deposit of tax = Estimated tax liability for period of registration sought

If extension of time is sought u/s 27(1), shall deposit additional amount of = estimated tax liability of such for period extension

(3) Amount deposited u/s 27(2) + credited to electronic cash ledger + utilised as per sec 49

**Sec 28 : Amendment of Registration**

(1) Regt person and person to whom UIN assigned + inform PO + changes in info furnished at time of registration or thereafter in prescribed period

(2) PO may, on basis of info furnished u/s 28 (1) or ascertained by him, approve or reject amendments in registration particulars in prescribed manner & period

- ✓ Approval of PO not required for amendment of prescribed particulars
- ✓ PO cannot reject amendment without giving opportunity of being heard.



## **Sec 29 : Cancellation Of registration**

### **Sec 29(1) : Application for cancellation/Suspension**

PO + own motion or application by regt person or legal heirs, *[Form REG -16 .30 days of event\*]* + **cancel registration**,

If

(a) Business discontn, transferred fully incl death of proprietor, amalgamation/demerger/other disposal or

(b) Change in constitution of business or

(c) Taxable person not liable to be regt u/s 22 or u/s 24 or

(d) intends to opt out of registration voluntarily made u/s 25(3).

During pendency of proceedings of cancellation of regn filed by regt person, registration may be suspended for prescribed period

#### **Special point :**

*\* person was voluntarily registered, application can be filed only after 1 year from effective date of registration*

#### **Circular No. 96/15/2019**

**Clarification that transfer/change in ownership of business to include transfer /change in ownership of due to death of sole proprietor**

- ✓ Sec29(1) provides that reason of transfer of business includes death of proprietor
- ✓ For uniformity & for sec 22(3) , clarified that transfer or change in ownership of business will include transfer/change in ownership of business due to death of sole proprietor.

### **Sec 29(2) : Cancellation by PO on contravention**

PO may cancel registration from date, incl retro date, if

(a) Regt person has contravened Act/rules as prescribed or

(b) Person paying tax u/s 10 + not furnished returns for **3 consecutive tax periods** or

(c) Regt person, other than u/s 10 + not furnished returns for continuous period of 6 months or

(d) Person voluntary regn u/s 25(3) + not commenced business within 6 months from date of regn or

(e) Regn has been obtained by means of fraud, wilful misstatement or suppression of facts:

PO shall not cancel registration without giving person opportunity of being heard.

During pendency of proceeding , PO may suspend registration prescribed period & manner

**Sec 29(3) : Cancellation not to effect liability**

- ✓ Cancellation of registration under this section
- ✓ not affect liability to pay tax/other dues/obligation
- ✓ for period prior to date of cancellation

**Sec 29(4) : Cancellation under SGST/UTGST**

Cancellation of regn under SGST Act/UTGST Act deemed as cancellation of regn under this Act.

**Sec 29(5) : Reversal of credit**

- ✓ Regt person + registration cancelled + pay by debit in ECL or ECHL
- ✓ = Credit of input tax of inputs held in stock + in semi-finished/finished stock + capital goods
- ✓ on day preceding date of cancellation or
- ✓ output tax payable on such goods, higher

Capital goods, pay = ITC taken on capital goods less 5% per Qtr/Part or Tax on TV u/s15, higher.

**Sec 30 : Revocation of cancellation of registration****Sec 30(1) : Application for revocation**

Registered person + registration cancelled by PO on his own motion + may apply [Form REG-21] for revocation of cancellation within 30 days from date of service of cancellation order.

On sufficient cause being shown, & for reasons, be extended,—

(a) by AC or JC for upto 30 days;

(b) by Commr, for a further period upto 30 days, beyond period specified in clause (a).

**Sec 30(2) : Order of revocation**

PO may, in prescribed manner & period by order, either revoke cancellation of regn or reject application

Application for revocation of cancellation of regn shall not be rejected unless opportunity of being heard.

**Sec 30(3) : Revocation under SGST/UTGST**

Revocation of cancellation of regn under SGST Act or UTGST Act deemed as revocation of cancellation of regn under this Act.