

# **Time of Supply (TOS) under CGST Law**

**and**

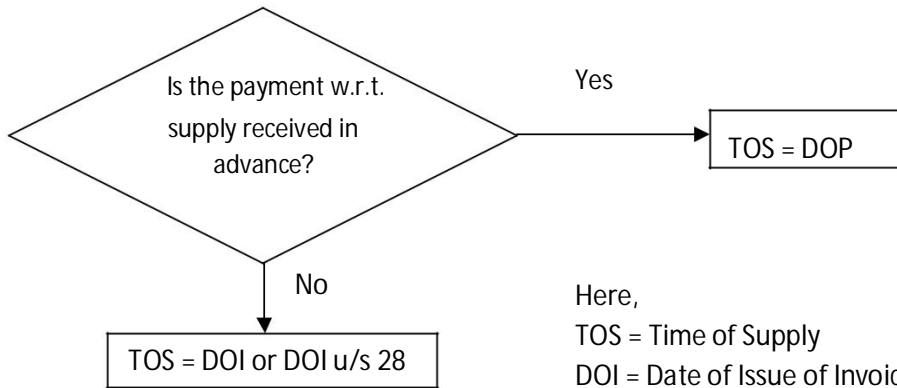
# **Place of Supply (POS) under ICGST Law**

This article is based on the provisions that are specified in the CGST Law and ICGST Law. This article basically deals with following very important areas,

<b>Sr. No.</b>	<b>Particulars</b>	<b>Section No.</b>	<b>Reference</b>	<b>Page No.</b>
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C	Change in rate of Tax	14	CGST Law	6
D	Place of supply of Goods	10 & 11	ICGST Law	7
E	Place of supply of Services	12 & 13	ICGST Law	8-16

**A] Time of Supply of Goods: Sec 12, CGST**

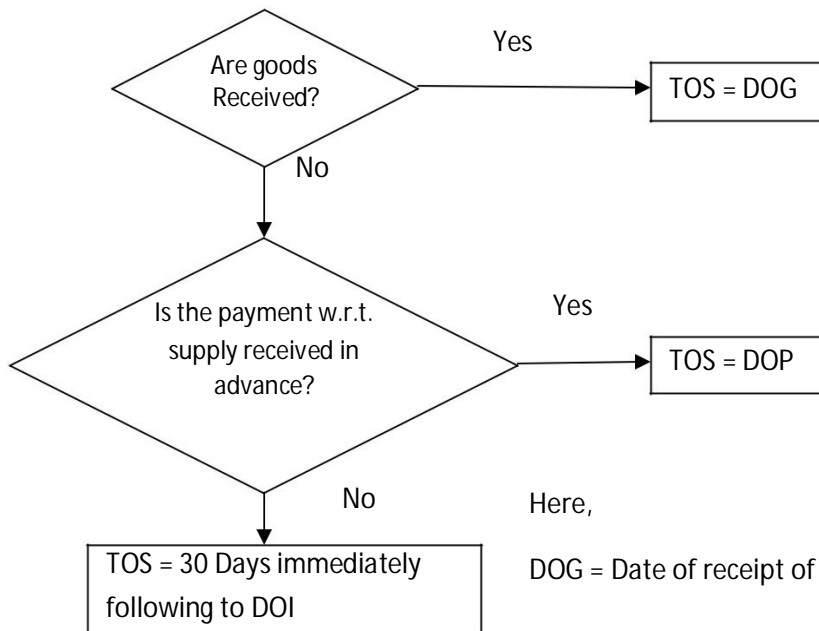
- CCGST/ SCGST is payable only at the time of supply of goods
- [12(1)] Regular Case: Sec 12(2)



Here,  
 TOS = Time of Supply  
 DOI = Date of Issue of Invoice  
 DOP = Date of receipt of payment (earlier of date of entry in books or date of credit in bank)

Provided that where supplier receives up to Rs. 1,000/- in excess of value as per invoice, he has option to take TOS for such excess amount as a DOI.

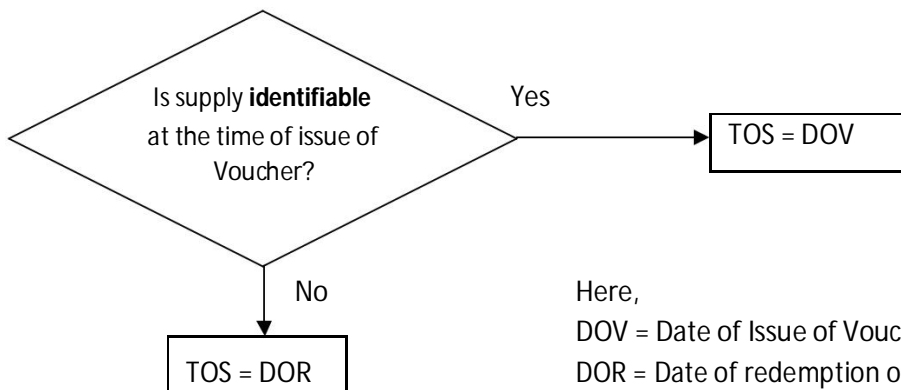
- Reverse Charge Case: Sec 12(3)



Here,  
 DOG = Date of receipt of Goods

PROVIDED that where it is not possible to determine the time of supply under above manner the time of supply shall be the date of entry in the books of account of the recipient of supply.

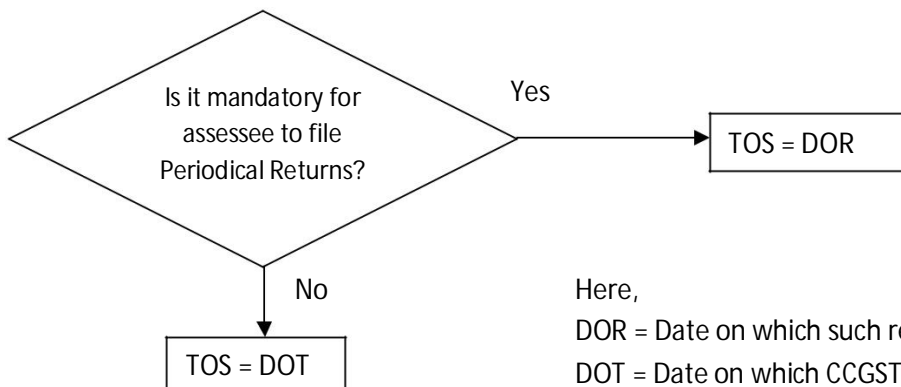
- Supply of Vouchers: Sec 12(4)



Here,  
DOV = Date of Issue of Voucher  
DOR = Date of redemption of voucher

- Others: Sec 12(5)

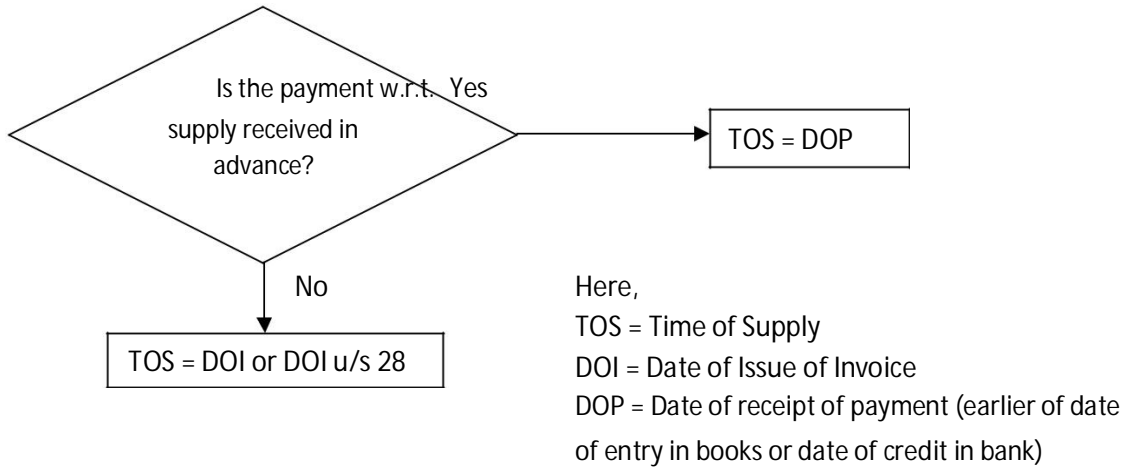
In cases where it is not possible to determine TOS u/s 12(2), 12(3) and 12(4), TOS shall be determined in a following manner,



Here,  
DOR = Date on which such return to be filed  
DOT = Date on which CCGST/SCGST paid

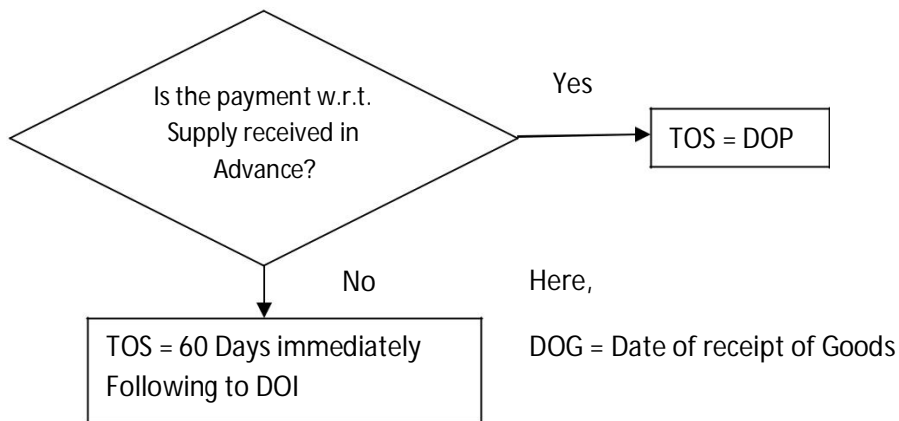
**B] Time of Supply of Services: Sec 13 of revised MCGST**

- CCGST/ SCGST is payable only at the time of supply of services
- [ 13(1)] Regular Case: Sec 13(2)



Provided that where supplier receives up to Rs. 1,000/- in excess of value as per invoice, he has option to take TOS for such excess amount as a DOI.

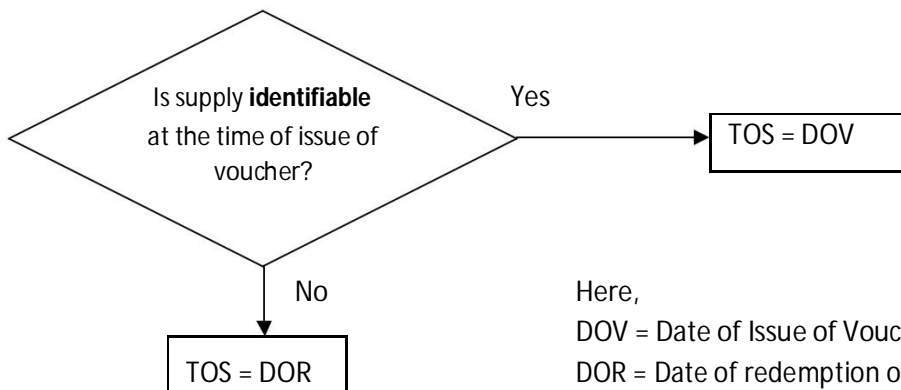
- Reverse Charge Case: Sec 13(3)



PROVIDED that where it is not possible to determine the time of supply under above manner the time of supply shall be the date of entry in the books of account of the recipient of supply.

PROVIDED FURTHER that in case of '**associated enterprises**', where the supplier of service is located **outside India**, the time of supply shall be **the date of entry in the books of account of the recipient of supply or the date of payment, whichever is earlier.**

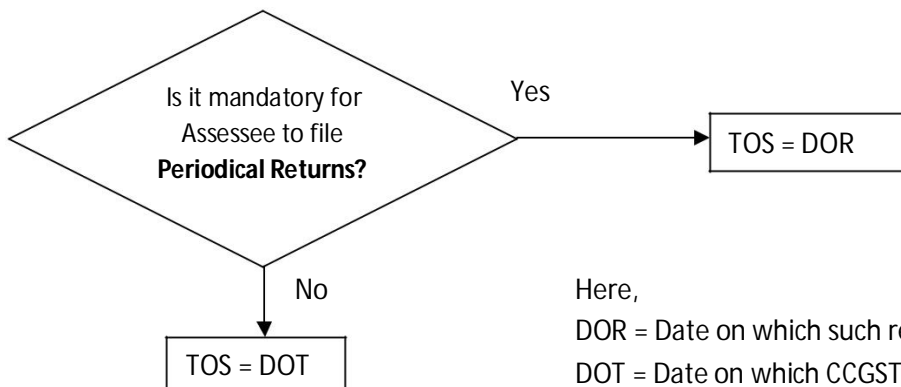
- Supply of Vouchers: Sec 13(4)



Here,  
DOV = Date of Issue of Voucher  
DOR = Date of redemption of voucher

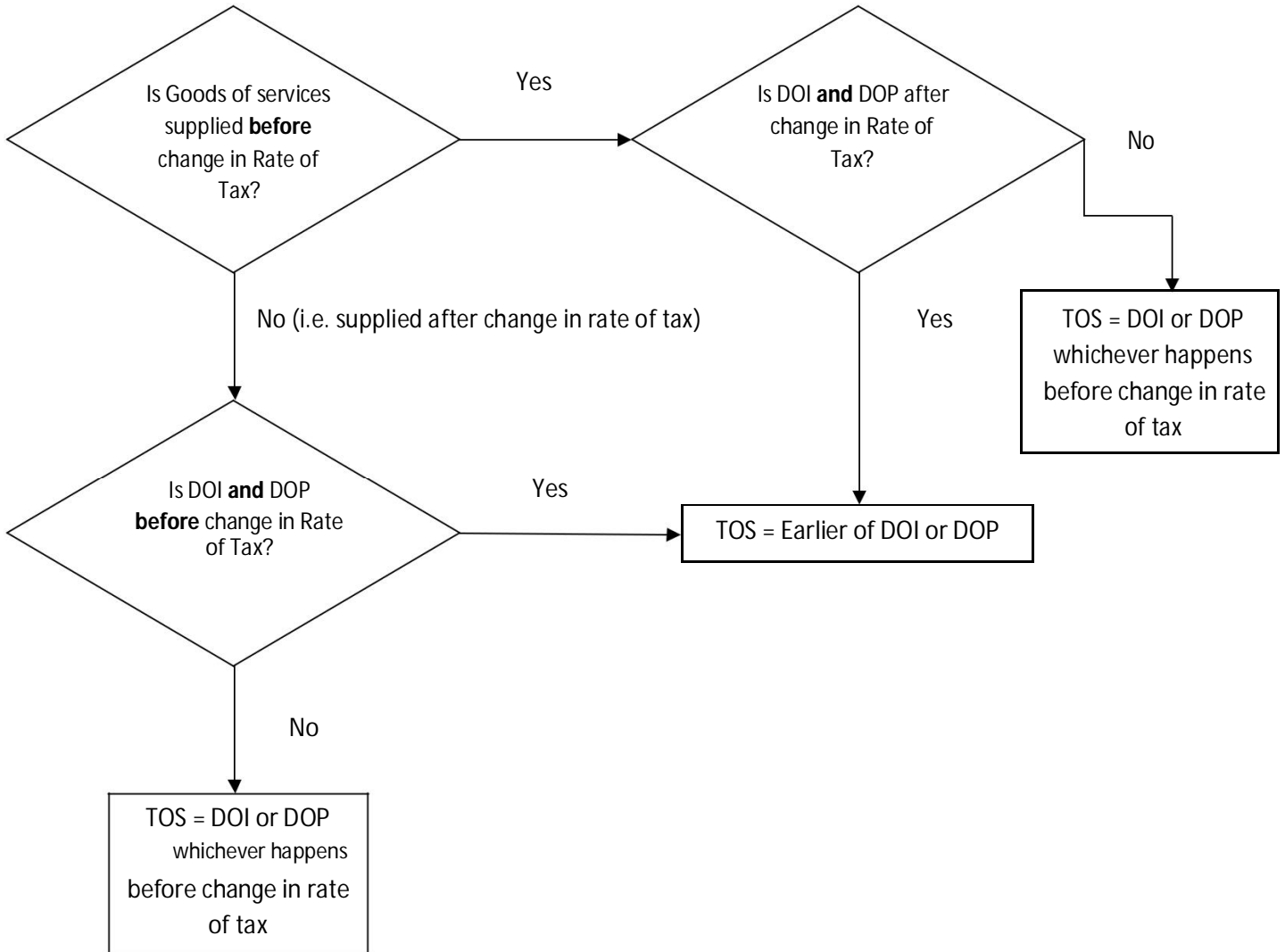
- Others: Sec 13(5)

In cases where it is not possible to determine TOS u/s 13(2), 13(3) and 13(4), TOS shall be determined in a following manner,

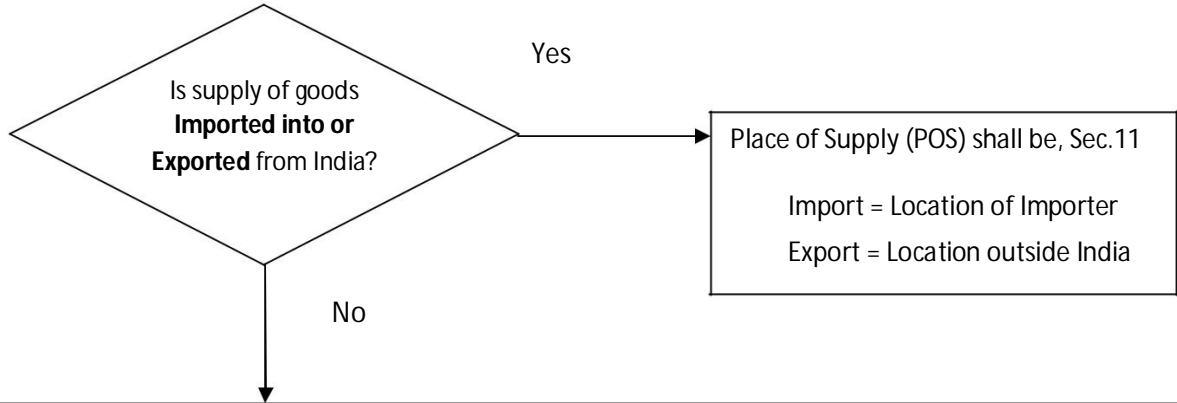


Here,  
DOR = Date on which such return to be filed  
DOT = Date on which CCGST/SCGST paid

**C] Change in rate of Tax: Sec 14 of CCGST**



**D] Place of supply of Goods: Sec. 10 and Sec. 11 of ICGST Law**



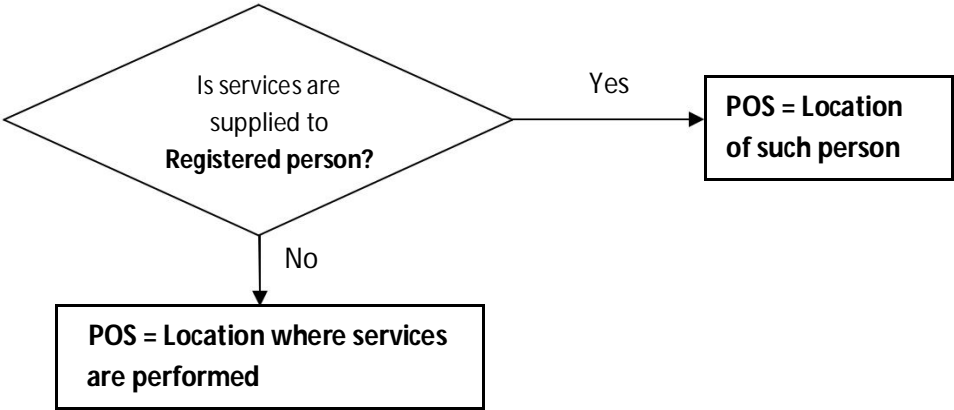
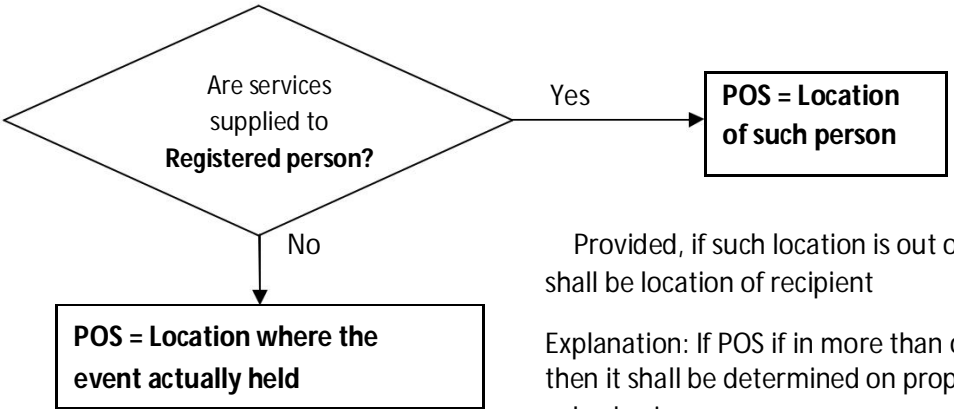
Sec. 10:

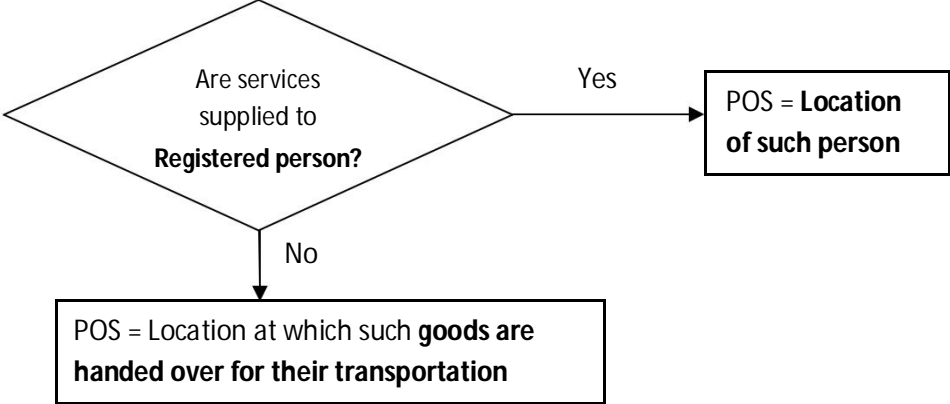
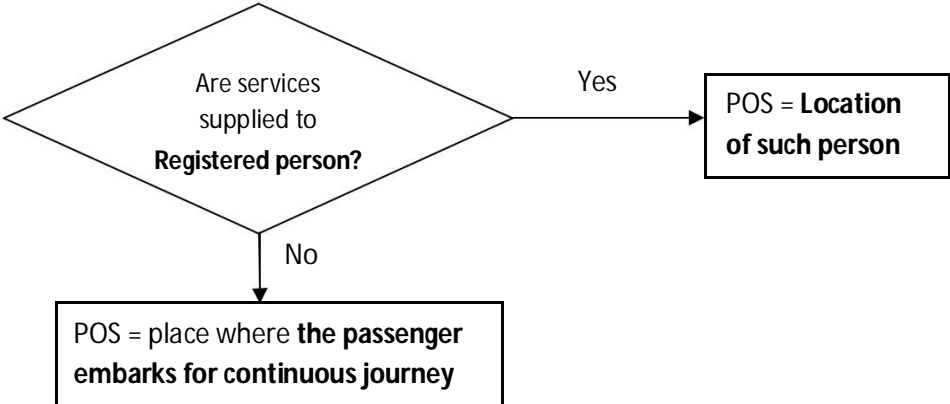
Sr. No.	Particulars	Location
1	Supply involves Movement of goods, Sec. 10(1)(a)	location of the goods at the time at which the <b>movement of goods terminates for delivery to the recipient</b>
2	Bill to Ship to Model Where the goods are delivered by the supplier to a recipient or any other person, <b>on the direction of a third person</b> , Sec. 10(1)(b)	Principal place of business of that <b>Third person who gives the Direction</b>
3	Supply does <b>not involves Movement</b> of goods, Sec. 10(1)(c)	location of such goods <b>at the time of the delivery</b> to the recipient
4	Goods are <b>assembled or installed</b> at site, Sec. 10(1)(d)	Location of such <b>installation or assembly</b>
5	Goods are <b>supplied on board</b> a conveyance, such as a vessel, an aircraft, a train or a motor vehicle , Sec. 10(1)(e)	Location at which such goods are <b>taken on board.</b>
6	<b>Where POS cannot be determined under above five cases</b> , Sec. 10(2)	<b>POS shall be determined in a manner prescribed by the Central Government on the recommendation of the Council</b>

E] Place of Supply of Services supplied, where both supplier and recipient are in India: Section 12 of revised ICGST

Sr. No.	Particulars	Location
1	If services are supplied <b>other than</b> all the cases specified below [ sub-sections 3 to 14 of Section 12]	<pre> graph TD     A{Is services are supplied to registered person?} -- Yes --&gt; B[Sec. 2(a): POS = Location of such Registered person]     A -- No --&gt; C[POS shall be, Sec. 2(b): Location of recipient where address on record of such Person exists, else Location of supplier of services]             </pre>
2	<p>Sec. 3: <b>IMMOVABLE PROPERTY,</b></p> <ol style="list-style-type: none"> <li>1. <b>Directly in relation to an immovable property,</b> including services provided by architects, interior decorators, surveyors, engineers and other related experts or estate agents, any service provided by way of grant of rights to use immovable property or for carrying out or co-ordination of construction work, or</li> <li>2. By way of lodging accommodation by a hotel, inn, guest house, home stay, club or campsite, by whatever name called and including a house boat or any other vessel, or</li> <li>3. By way of accommodation in any immovable property for organizing any marriage or reception or matters related therewith, official, social, cultural, religious or business function including services provided in relation to such function at such property, or</li> <li>4. <b>Any services ancillary to the services referred to in clause 1, 2 and 3</b></li> </ol>	<p>POS shall be <b>the location at which the immovable property or boat or vessel is Located</b> or intended to be located.</p> <p>Provided, if such location is out of India POS shall be location of recipient</p> <p>Explanation: If POS if in more than one state then it shall be determined on proportion of value basis</p>



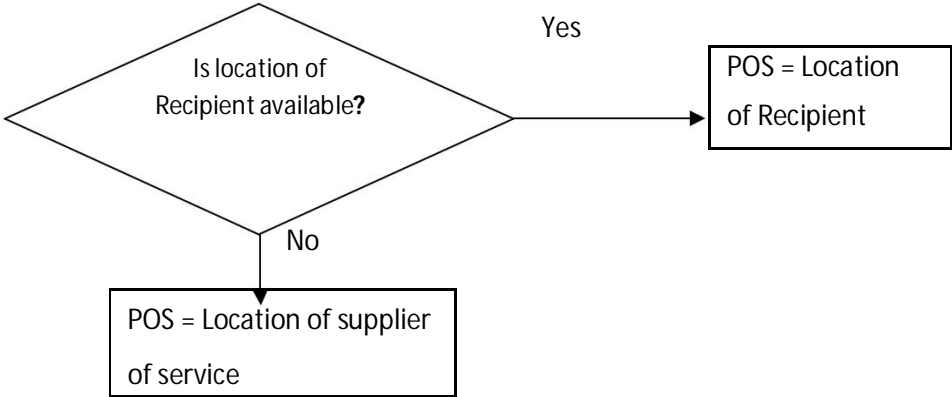
3	Sec. 4: <b>Restaurant and catering services, personal grooming, fitness, beauty treatment, health</b> Where the services are actually performed service including cosmetic and plastic surgery	
4	Sec. 5 : <b>Training and Performance Appraisals</b>	 <pre> graph TD     A{Is services are supplied to Registered person?} -- Yes --&gt; B[POS = Location of such person]     A -- No --&gt; C[POS = Location where services are performed]   </pre>
5	Sec. 6 : Services provided by way of <b>admission to</b> a cultural, artistic, sporting, scientific, educational, or entertainment event or amusement park or any another place and services ancillary thereto	The place where the <b>event is actually held</b> or Where the <b>park or such other place is located.</b>
6	Sec. 7: Services provided by way of— 1. <b>Organization of</b> a cultural, artistic, sporting, scientific, educational or entertainment event including supply of service in relation to a conference, fair, exhibition, celebration or similar events, or 2. Services <b>ancillary to organization</b> of any of the above events or services, or assigning of sponsorship of any of the above events	 <pre> graph TD     A{Are services supplied to Registered person?} -- Yes --&gt; B[POS = Location of such person]     A -- No --&gt; C[POS = Location where the event actually held]   </pre> <p>Provided, if such location is out of India POS shall be location of recipient</p> <p>Explanation: If POS if in more than one state then it shall be determined on proportion of value basis</p>

7	<p>Sec. 8: Services by way of <b>transportation of goods</b>, including by mail or courier to</p>	 <pre> graph TD     Q1{Are services supplied to Registered person?} -- Yes --&gt; A1[POS = Location of such person]     Q1 -- No --&gt; A2[POS = Location at which such goods are handed over for their transportation] </pre>
8	<p>Sec. 9: <b>Passenger transportation</b> service</p> <p>PROVIDED that where the right to passage is given for future use and the point of embarkation is not known at the time of issue of right to passage, the place of supply of such service shall be determined in the manner specified in sub-sections (2) or (3), as the case may be.</p> <p>Explanation: For the purposes of this sub-section, the return journey shall be treated as a separate journey even if the right to passage for onward and return journey is issued at the same time.</p>	 <pre> graph TD     Q2{Are services supplied to Registered person?} -- Yes --&gt; A3[POS = Location of such person]     Q2 -- No --&gt; A4[POS = place where the passenger embarks for continuous journey] </pre>
9	<p>Sec. 10: Supply of <b>services on board</b> a conveyance such as vessel, aircraft, train or motor vehicle</p>	<p>Location of <b>the first scheduled point of departure</b> of that conveyance for the journey.</p>

10	<p>Sec. 11: Supply of <b>telecommunication services</b> including data transfer, broadcasting, cable and direct to home television services to any person,</p> <ol style="list-style-type: none"> <li>1. In case of services by way of <b>fixed telecommunication line</b>, leased circuits, internet leased circuit, cable or <b>dish antenna</b></li> <li>2. In case of mobile connection for telecommunication and internet services provided on <b>post-paid basis</b></li> <li>3. In cases where mobile connection for telecommunication, internet service and direct to home television services are provided on <b>pre- payment through a voucher or any other means</b>, through selling agent or a re-seller or a distributor of SIM card or <b>re-charge voucher</b>  by <b>any person to the final subscriber</b></li> <li>4. <b>In other cases, not covered in 2 and 3 above</b></li> </ol> <p><i>PROVIDED that <b>where address of the recipient</b> as per records of the supplier of service is <b>not available</b>, the place of supply shall be location of the supplier of service</i></p> <p><i>PROVIDED FURTHER that if such pre-paid service is availed or the <b>recharge is made through internet banking</b> or other electronic mode of payment, <b>the location of the recipient of services on record of the supplier</b> of services shall be the place of supply of such service.</i></p>	<ol style="list-style-type: none"> <li>1. Location <b>where the telecommunication line</b>, leased circuit or cable connection or dish antenna is <b>installed for receipt of services</b></li> <li>2. Location of <b>billing address of the recipient</b> of services on record of the supplier of services</li> <li>3.  Location where such <b>prepayment is received or such vouchers are sold</b>  <b>address of the selling agent or re-seller or distributor</b> as per the record of the supplier at the time of supply</li> <li>4. <b>Address of the recipient as per records of the supplier of the service</b></li> </ol> <p>Explanation: Where the leased circuit is installed in more than one State and a consolidated amount is charged for supply of services relating to such circuit, the place of supply of such services shall be taken as being in each of the States in proportion to the value of services so provided in each State as ascertained from the terms of the contract or agreement entered into in this regard or, in absence of such contract or agreement, on such other reasonable basis as may be prescribed in this behalf.</p>
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11	<p>Sec. 12: Supply of <b>banking and other financial services</b> including stock broking services to any person</p>	<p>Location of <b>the recipient of services</b> on the records of the supplier of services</p> <p><i>PROVIDED that if the <b>location of the recipient of services is not on the records of the supplier</b>, the Place of supply shall be <b>location of the supplier of services</b></i></p>
12	<p>Sec. 13: Supply of <b>Insurance Services</b></p>	<pre> graph TD     A{Is services are supplied to Registered person?} -- Yes --&gt; B[POS = Location of such person]     A -- No --&gt; C[POS = location of the recipient of services on the records of the supplier of services]   </pre>
13	<p>Sec. 14. : Supply of <b>advertisement</b> services to the Central Government, a State Government, a statutory body or a local authority meant for identifiable States</p>	<p>Located of each of such States</p> <p>Value of such supplies specific to each State shall be in proportion to amount attributable to service provided by way of dissemination in the respective States as may be determined in terms of the contract or agreement entered into in this regard or, in the absence of such contract or agreement, on such other reasonable basis, as may be prescribed in this behalf</p>

**F] Place of Supply of Services where either of the supplier or recipient is located outside India: Section 13 of revised ICGST**

Sr. No.	Particulars	Location
1	<p>Sec. 2: If services are supplied other than all the cases specified below [ sub sections 3 to 13 of Sec. 10]</p>	 <pre> graph TD     A{Is location of Recipient available?} -- Yes --&gt; B[POS = Location of Recipient]     A -- No --&gt; C[POS = Location of supplier of service]             </pre>
2	<p>Sec. 3:</p> <ol style="list-style-type: none"> <li>Services supplied <b>in respect of goods that are required to be made physically available</b> by the recipient of service <ul style="list-style-type: none"> <li>to the supplier of service or</li> <li>to a person acting on behalf of the supplier of service to provide the service</li> </ul> <p><i>PROVIDED that when such services are provided <b>from a remote location by way of electronic means</b>, the place of supply shall be the location where <b>goods are situated at the time of supply of service</b></i></p> <p><i>PROVIDED FURTHER that this clause <b>shall not apply</b> in the case of a service supplied in respect of <b>goods that are temporarily imported into India for repairs and are exported after repairs without being put to any use in India, other than that which is required for such repairs</b></i></p> </li> <li>Services supplied to an individual, represented either as the recipient of service or a person acting on behalf of the recipient, who <b>require the physical presence of the receiver or the person acting on behalf of the recipient</b>, with the supplier for the supply of the service.</li> </ol>	<p>Location where services are actually performed</p>

3	<p>Sec. 4: Supply of services <b>Directly in relation to an immovable property</b> including</p> <ul style="list-style-type: none"> <li>• Services supplied in this regard <b>by experts and estate agents</b></li> <li>• Supply of hotel accommodation by a hotel, inn, guest house, club or campsite, by whatever name called</li> <li>• Grant of rights to use immovable property</li> <li>• Services for carrying out or coordination of construction work, including architects or interior decorators</li> </ul>	Location where the immovable <b>property is located</b> or intended to be located.
4	<p>Sec. 5 : Services supplied by way of <b>admission to</b> a cultural, artistic, sporting, scientific, educational, or entertainment event or a celebration, conference, fair, exhibition, or similar events, and of services ancillary to such admission</p>	Location where <b>event is actually held</b>
5	<p>Sec. 6 : Where any service referred to in sub-sections 3, 4 or 5 is <b>supplied at more than one location</b>, including a location in the taxable territory</p>	Location in the <b>taxable territory</b> Where the <b>greatest proportion of the service is provided</b>
6	<p>Sec. 7 : Where any service referred to in sub-sections 3, 4 , 5 or 6 is <b>supplied at more than one state</b>,</p>	<p>Location being in <b>each of the States</b> ,</p> <p>In proportion to the value of services so provided in each State as ascertained from the terms of the contract or agreement entered into in this regard or, in absence of such contract or agreement, on such other reasonable basis as may be</p>

7	<p>Sec. 8:</p> <ol style="list-style-type: none"> <li>1. Services supplied <b>by a banking company, or a financial institution</b>, or a nonbanking financial company, <b>to account holders</b></li> <li>2. <b>Intermediary services</b></li> <li>3. Services consisting <b>of hiring of means of transport other than aircrafts and vessels except yachts, up to a period of one month.</b></li> </ol> <p>Explanation. - For the purpose of this section, <b>the expression "goods" shall include 'securities'</b> as defined in sub-section (90) of section 2 of the CCGST Act, 2016.</p>	Location of <b>supplier</b>
8	<p>Sec. 9: <b>Transportation of goods other than by way of mail or courier</b></p>	Place of <b>Destination of goods</b>
9	<p>Sec. 10: <b>Transportation of passengers</b></p>	Place where the <b>passenger embarks on the conveyance for a continuous journey.</b>
10	<p>Sec. 11: Services <b>provided on board</b> a conveyance during the course of a passenger transport operation, Including services <b>intended to be wholly or substantially consumed</b> while on board</p>	First scheduled point of departure of that conveyance for the journey

11	<p>Sec. 12:</p> <p>Supply of the <b>online information and database access or retrieval services</b> For the purposes of this sub-section, person receiving such services shall be deemed to be located in the taxable territory if any two of the following non contradictory conditions are satisfied, namely;</p> <ul style="list-style-type: none"> <li>• the location of address presented by the recipient of service via internet is in taxable territory</li> <li>• the credit card or debit card or store value card or charge card or smart card or any other card by which the recipient of service settles payment has been issued in the taxable territory</li> <li>• the billing address of recipient of service is in the taxable territory</li> <li>• the internet protocol address of the device used by the recipient of service is in the taxable territory</li> <li>• the bank of recipient of service in which the account used for payment is maintained is in the taxable territory</li> <li>• the country code of the subscriber identity module (SIM) card used by the recipient of service is of taxable territory</li> <li>• The location of the fixed land line through which the service is received by the recipient is in taxable territory.</li> </ul>	<p>Location of recipient of service</p>
12	<p><b>Sec. 13:</b></p> <p><b>In order to prevent double taxation or non-taxation of the supply of a service, or for the uniform application of rules, the Central Government shall have the power to notify any description of service or circumstances in which the place of supply shall be the place of effective use and enjoyment of a service.</b></p>	