



The Institute of Chartered Accountants of India GST & Indirect Taxes Committee

GOODS & SERVICES TAX UPDATE-208

1. Amendment in CGST Rules

In order to give effect to the recommendations made in the 52nd GST Council Meeting, the following amendment in the CGST Rules have been notified:

a) Amendment in Rule 28 - Value of supply of goods or services or both between distinct or related persons, other than through an agent

Rule 28 has been divided into two sub-rules. The existing rule has been re-numbered as sub-rule (1) and the sub-rule (2) has been inserted to prescribe the manner of calculation of value of supply in case of corporate guarantee. Hence, as per the newly inserted sub-rule (2), the value of supply of services by a supplier to a recipient who is a related person, by way of providing corporate guarantee to any banking company or financial institution on behalf of the said recipient, shall be deemed to be-

- one per cent of the amount of such guarantee offered, or
- the actual consideration,

whichever is higher.

b) Amendment in Rule 142 - Notice and Order for demand of amounts payable under the Act

As per the amended rule 142, where the person chargeable with tax makes payment of tax and interest under section 73(8) or 74(8) or where the person concerned makes payment of the amount referred to in section 129(1), within the time prescribed under the said rule, he shall intimate the proper officer of such payment in FORM GST DRC-03 and the proper officer shall issue an intimation (instead of an order) in FORM GST DRC-05 concluding the proceedings in respect of the said notice.

c) Amendment in Rule 159 – Provisional Attachment of Property

Rule 159(2) has been amended to provide that the Revenue Authority or Transport Authority or any such Authority who has placed encumbrance on the movable or immovable property on the order of the Commissioner, shall remove such

encumbrance on the written instructions from the Commissioner to that effect or on expiry of a period of one year from the date of issuance of order under sub-rule (1), whichever is earlier. Consequent amendment have been made in Form GST DRC-22.

d) Amendment in Form REG-01 – Application for Registration

“One Person Company” has been added in the constitution of business in the Registration application Form REG-01.

e) Substitution of Form REG-08 - Order of Cancellation of Registration as Tax Deductor at source or Tax Collector at source

Form REG-08 has been classified into two categories *viz.*,

- Where the order has been issued on an application by the tax deductor or tax collector, or
- Where the order has been issued by the department after serving of show cause notice to the tax deductor or tax collector

f) Amendments in Form GSTR-8 - Statement for tax collection at source

S. No. 5 asking the details of interest has been omitted.

S. No. 7 asking the details of interest payable and paid has been amended. The amended row asks for interest as well as late fee details.

S. No. 9 has also been amended on similar grounds by including late fee along with interest. The amended entry now asks for Debit entries in cash ledger for TCS, interest and late fee payment (to be populated after filing of statement).

g) Amendment in Form PCT-01 - Application for Enrolment as Goods and Services Tax Practitioner

The eligibility criteria for enrolment as GST Practitioner has been revised as follows:

S. No.	Old Criteria	Revised Criteria
1.	Chartered Accountant holding COP	Chartered Accountant
2.	Company Secretary holding COP	Company Secretary

3.	Cost and Management Accountant holding COP	Cost and Management Accountant
4.	Advocate	Graduate or Postgraduate or its equivalent degree in Law
5.	Graduate or Postgraduate degree in Commerce	Graduate or Postgraduate or its equivalent degree in Commerce
6.	Graduate or Postgraduate degree in Banking	Graduate or Postgraduate or its equivalent degree in Banking including Higher Auditing
7.	Graduate or Postgraduate degree in Business Administration	Graduate or Postgraduate or its equivalent degree in Business Administration
8.	Graduate or Postgraduate degree in Business Management	Graduate or Postgraduate or its equivalent degree in Business Management
9.	Degree examination of any recognized Foreign University	Degree examination of any Foreign University recognized by any Indian University
10.	Retired Government Officials	Retired Government Officials
11.	Sales Tax practitioner under existing law for a period of not less than five years	Sales Tax practitioner under existing law for a period of not less than five years
12.	Tax return preparer under existing law for a period of not less than five years	Tax return preparer under existing law for a period of not less than five years
13.	-	Any other examination notified by

Sr. No. (4) to (8) of the table should be from an Indian University established by any law for the time being in force.

[Notification No. 52/2023-CT dt. 26.10.2023](#)

2. Amendment in Notification No. 01/2023-IT dt. 31.07.2023 - Supplies and class of registered person eligible for refund under IGST Route

As per the amendment in *Notification No. 01/2023-IT dt. 31.07.2023*,

- all classes of goods or services (except goods like pan-masala and tobacco) have been notified as the class of class of goods or services which may be exported on payment of integrated tax and on which the supplier of such goods or services may claim the refund of tax so paid, and
- all suppliers to a Developer or a unit in Special Economic Zone undertaking authorised operations have been notified as the class of persons who may make supply of goods or services (except goods like pan-masala and tobacco) to such Developer or a unit in Special Economic Zone for authorised operations on payment of integrated tax and on which the said suppliers may claim the refund of tax so paid.

Further, as per the explanation provided in the Notification:

- i) the term “authorized operations” shall have the same meaning as defined in clause (c) of Section 2 of the Special Economic Zone Act, 2005 (28 of 2005),
- ii) the term “Developer” shall have the same meaning as defined in clause (g) of Section 2 of the Special Economic Zone Act, 2005 (28 of 2005),
- iii) the term “Special Economic Zone” shall have the same meaning as defined in clause (za) of Section 2 of the Special Economic Zone Act, 2005 (28 of 2005), (iv) the term “unit” shall have the same meaning as defined in clause (zc) of Section 2 of the Special Economic Zone Act, 2005 (28 of 2005)

[Notification No. 05/2023-IT dt. 26.10.2023](#)

3. Goods and Services Tax Appellate Tribunal (Appointment and Conditions of Service of President and Members) Rules, 2023.

The Ministry of Finance through its Department of Revenue has notified the following rules for Appointment and Conditions of Service of President and Members of GSTAT:

- a) Chapter I – Preliminary

- b) Chapter II - Appointment of President and Member
- c) Chapter III – Removal of President or Member
- d) Chapter IV – Salary and Allowances
- e) Chapter V – Pension, Provident Fund, Gratuity and Leave
- f) Chapter VI – Powers of President and Vice-President
- g) Chapter VII – Miscellaneous

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