



TAX DEDUCTION AT SOURCE UNDER GST

GST Section
Commercial Tax HQ
Lucknow

Presentation Plan

* TDS, Deductor and Deductee, Provisions

Payment of TDS

Registration process

What is GST

Goods and Services Tax (GST) is one indirect tax for whole nation, which will make India one unified market. GST is a single tax on the supply of goods and services, right from the manufacturing to the consumer. Credits of input tax paid at each stage will be available in the subsequent stage of value addition, which makes GST essentially a tax on value addition at each stage.

Under GST there are three major taxes i.e. IGST, CGST & SGST

- Type of taxes
- IGST- charged on inter- state transaction.
- CGST- charged for supply of goods & services within state.

- SGST- charged for supply of goods & services within state.
- IGST= CGST+SGST

Introduction to the concepts of "the deductor" & "the deductee"

* As per section 51, Notwithstanding anything to the contrary contained in this Act, the Govt. may mandate "the deductor" to deduct tax at such rate under certain conditions from the payment made or credited to the "the deductee"

- * Who shall be a"Deductor"?
- (a) A deptt. or estbt. of the Central Govt. or State Govt.; or
- (b) Local authority; or
- (c) Governmental agencies; or
- (d) such persons or category of persons as may be notified by the Govt. on the recommendations of the Council,

- u/s 51 (1) Notwithstanding anything to the contrary contained in this Act, the Govt. may mandate,—
- ➤ (a) a deptt. or estbt. of the Central Govt. or State Govt.; or
- ➤ (b) local authority; or
- > (c) Governmental agencies; or
- > (d) such persons or category of persons as may be notified by the Govt. on the recommendations of the Council.

* "the deductor"

to deduct tax at the rate of



from the payment made or credited to the

* "the deductee" (supplier of taxable goods / services)

Where the total value of such supply

Under a contract

> 2,50,000

Exclusion clause:-

Provided that no deduction shall be made if the location of the supplier and the place of supply is in a State/UT which is different from the State/UT of registration of the recipient.

Determination of the value of Supply for deduction-

For the purpose of deduction of tax specified above, the value of supply shall be taken as the amount excluding the central tax, State tax, Union territory tax, integrated tax and cess indicated in the invoice.

ILLUSTRATION

Selling Price of 10 Computers @ Rs. 30,000.00	Rs. 3,00,000.00
If the rate of tax (CGST) on computers is 9% CGST @ 9%	Rs. 27,000
If the rate of tax (SGST) on computers is 9% SGST @ 9%	Rs. 27,000
Total Invoice value	Rs. 3,54,000

- ▶ In this illustration , for TDS , DDOs will have to deduct CGST @ 1% and SGST @ 1% , in case of Intra-state supply , i.e. Amount of tax to be deducted = CGST 1% on Rs. 3,00,000 = Rs. 3,000.00
 - SGST 1% on Rs. 3,00,000 = Rs. 3,000.00
- ➤ In case of Inter-state supply, amount of tax to be deducted = IGST 2% on Rs. 3,00,000 = Rs. 6,000.00

u/r-66 -Form & Manner of Submission of Return by a person required to deduct Tax at Source

- (1) Every registered person required to deduct tax at source under section 51 shall furnish a return in <u>FORM</u>
 <u>GSTR-7</u> electronically through the Common Portal.
- > (2) The details furnished by the deductor u/s/r-(1) shall be made available electronically to each of the suppliers in *Part C of FORM GSTR-2A & FORM GSTR-4A* on the Common Portal after the due date of filing of **FORM GSTR-7**.
- > (3) The certificate referred to in sub-section (3) of section 51 shall be made available electronically to the deductee on the Common Portal in <u>FORM GSTR-7A</u> on the basis of the return furnished under sub-rule (1).

* TDS to be deposited by 10th of the next month

u/s 51(2) The amount deducted as tax under this section shall be paid to the Government by the deductor within ten days after the end of the month in which such deduction is made, in such manner as may be prescribed.

<u>{GSTR 07}</u>

✓ Note:- If a deductor fails to do so, there are provisions of Late fee, Interest & Penalty.

❖ Levy of Late fee on failing to furnish the reqd detail@ Rs 100 per day

u/s 47(1) If any Regtd. person fails to furnish the details ..or returns required under section 39/45 by the due date shall pay a *late fee* of *Rs 100 for every day* during which such failure continues *subject to a maximum amount of Rs 5000.*

Certificate in form of GSTR 7A to be made available electronically

u/s 51(3) The deductor shall furnish to the deductee a *certificate* mentioning therein the contract value, rate of deduction, amount deducted, amount paid to the Government and such other particulars in such manner as may be prescribed.

❖ Late fee after 5 days@ Rs 100 per day

u/s 51(4) If any deductor fails to furnish to the deductee the certificate, after deducting the tax at source, within 5 days of crediting the amount so deducted to the Govt, the deductor shall pay, by way of a *late fee*, a sum of *Rs 100 per day* from the day after the expiry of such five days period until the failure is rectified, *subject to a maximum amount of Rs 5000*.

(5) The deductee shall claim credit, in his electronic cash ledger, of the tax deducted and reflected in the return of the deductor furnished under sub-section (3) of section 39, in such manner as may be prescribed.

{GSTR 2A, Part C}

(6) If any deductor fails to pay to the Government the amount deducted as tax under sub-section (1), he shall pay <u>interest</u> @ <u>18%</u> in accordance with the provisions of sub-section (1) of section 50, in addition to the amount of tax deducted.

(7) As per Section 122(1)(v)-

If a Deductor fails to deduct the Tax in accordance with the provisions of sec.51(1) or deducts less than the amount required to be deducted under this subsection, or,

Where he fails to pay to the Govt. , the amount deducted as Tax (u/s 51(2))

In such cases, Deductor shall be liable to pay a Penalty of Rs. 10,000.00 or an amount equivalent to the tax evaded or the tax not deducted u/s 51 or short collected or collected but not paid to the Govt, whichever is higher.

- (8) Simultaneously, the determination of the amount in default under this section shall be made in the manner specified in section 73 or section 74.
- (p.s- Penalty u/s 73(9) is 10% of the tax/TDS or 10,000, whichever is higher.)
- (p.s- Penalty u/s 74(9) = 100% of the tax/TDS as the case may be not deposited / short deposited .)

Form GSTR-7

[See rule 66 (1)]

Return for Tax Deducted at Source

Year		
Month		

l.	GSTIN															
2.	(a) Legal name of the Deductor	Auto Populated														
	(b) Trade name, if any	Auto Populated														

3. Details of the tax deducted at source

(Amount in Rs. for all Tables)

GSTIN of	Amount paid to deductee on which tax is deducted	Amount of tax deducted at source				
deductee		Integrated Tax	Central Tax	State/UT Tax		
1	2	3	4	5		

4. Amendments to details of tax deducted at source in respect of any earlier tax period

	Original	details	Revised details						
Month	GSTIN of	Amount paid	GSTIN	Amount paid to	Amoun	Amount of tax deducted at			
	deductee	to deductee on	of	deductee on	source				
		which tax is	deductee	which tax is	Integrated	Central	State/UT		
		deducted		deducted	Tax	Tax	Tax		
1	2	3	4	5	6	7	8		
1									

5. Tax deduction at source and paid

Description	Amount of tax deducted	Amount paid
1	2	3
(a) Integrated		
Tax		
(b) Central Tax		
(c) State/UT		
Tax		

6. Interest, late Fee payable and paid

Description	Amount payable	Amount paid					
1	2	3					
(I) Interest on account of TDS in respect of							
(a) Integrated tax							
(b) Central Tax							

(c) State/UT Tax		
(II) Late fee	•	
(a) Central tax		
(b) State / UT tax		

7. Refund claimed from electronic cash ledger

Description	Tax	Interest	Penalty	Fee	Other	Debit Entry Nos.
1	2	3	4	5	6	7
(a) Integrated Tax						
(b) Central Tax						
(c) State/UT Tax						
Bank Account Details (vn)					

8. Debit entries in electronic cash ledger for TDS/interest payment [to be populated after payment of tax and submissions of return]

Description	Tax paid in cash	Interest	Late fee
1	2	3	4
(a) Integrated Tax			
(b) Central Tax			
(c) State/UT Tax			

Verification

I hereby solemnly affirm and declare that the information given herein above is true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Signature of Authorised Signatory

Place: Name of Authorised Signatory

Date: Designation /Status



Form GSTR 7A

[See rule 66(3)]

Tax Deduction at Source Certificate

- TDS Certificate No. –
- GSTIN of deductor –
- Name of deductor –
- 4. GSTIN of deductee-
- 5. (a) Legal name of the deductee -
 - (b) Trade name, if any -
- Tax period in which tax deducted and accounted for in GSTR-7 –
- Details of supplies Amount of tax deducted –

Value on which tax	Amount of Tax ded	unt of Tax deducted at source (Rs.)						
deducted	Integrated Tax	Central	State /UT					
		Tax	Tax					
1	2	3	4					

Signature

Name

Designation

Office -

GSTR 2A, PART C

PART- C

7. TDS and TCS Credit (including amendments thereof) received

GSTIN of	Amount				Amoun	t
Deductor /	received	Sales	Net Value	Integrated	Central	State Tax /UT
GSTIN of e-	/ Gross	Return		Tax	Tax	Tax
Commerce	Value					
Operator						
1	2	3	4	5	6	7
7A. TDS						
7B. TCS						

GSTR 4A

5. TDS Credit received

GSTIN of deductor	Gross value	Amount of tax			
		Central Tax	State/UT Tax		
1	2	3	4		

u/r 87-Payment of TDS- Electronic Cash Ledger

- > (1) The electronic cash ledger under sub-section (1) of section 49 shall be maintained in <u>FORM GST PMT-05</u> for each person, liable to pay tax, interest, penalty, late fee or any other amount, on the Common Portal for crediting the amount deposited and debiting the payment therefrom towards tax, interest, penalty, fee or any other amount.
- > (2) Any person, or a person on his behalf, shall generate a challan in <u>FORM GST PMT-06</u> on the Common Portal and enter the details of the amount to be deposited by him towards tax, interest, penalty, fees or any other amount.

- > (3) The deposit u/s/r (2) shall be made through any of the following modes:
 - Internet Banking through authorized banks;
 - Credit card or Debit card through the authorised bank;
 - National Electronic Fund Transfer (NeFT) or Real Time Gross Settlement (RTGS) from any bank;
 - Over the Counter payment (OTC) through authorized banks for deposits up to Rs. 10,000.00 per challan per tax period, by cash, cheque or demand draft.
 - Any other mode to be notified.

p.s.Since, DDO's normally don't have any Bank account, so practically they don't have the option of payment by Internet Banking & Credit/Debit cards?!

Form GST PMT -06

[See rule 87(2)] Challan for deposit of goods and services tax

CPIN	<< Auto Generated after submission	Date < <current date="">></current>	Challan Expiry Date	
	of information>>			
		1		
GSTIN	< <filled auto="" in="" populated="">></filled>	Email address	< <auto populated="">></auto>	
Name	< <auto populated="">></auto>	Mobile No.	< <auto populated="">></auto>	
(Legal)				
Addres	s < <auto populated="">></auto>			

Details of Deposit				(All Amount in Rs.)			
Government	Major	Minor Head					
Government of India	Head	Tax	Interest	Penalty	Fee	Others	Total
	Central Tax ()						
	Integrated Tax ()						
	CESS ()						
	Sub-Total						
State (Name)	State Tax ()						
UT (Name)	UT Tax						

Mode of Payment (relevant	part will bec	ome active	when	the particular r	node is selected)
□ e-Payment		Over the Counter (OTC)			
(This will include all modes of e-payment such as CC/DC and net banking. Taxpayer	1 1	Bank (Where cash or instrument is			
will choose one of this)	*	proposed to be deposited)			
		Details of Instrument			
		□ Cash		☐ Cheque	☐ Demand Draft
□ NEFT/RTGS					
Remitting bank					
Beneficiary name	Beneficiary name		GST		
Beneficiary Account Number (CPIN)			<cpin></cpin>		
Name of beneficiary bank			Reserve Bank f India		
Beneficiary Bank's Indian Financia	de (IFSC)	IFSC of RBI			
Amount					
Note: Charges to be separately paid by the person making payment.					
Particulars of depositor					
Name					
Designation/ Status (Manager, partner etc.)					
Signature					
Date					
Paid Challan Information					
GSTIN					

- ➤ Restriction for deposit up to Rs 10,000 per challan in case of an OTC payment shall not apply to deposit to be made by Govt Deptts or any other deposit to be made by persons as may be notified by the Commissioner in this behalf;
- Provided further that the challan in FORM GST PMT-06 generated at the Common Portal shall be valid for a period of fifteen days.
- Explanation. For making payment of any amount indicated in the challan, the commission, if any, payable in respect of such payment shall be borne by the person making such payment.

Registration requirements

Mandatory Registration of Deductor u/s 24(vi) & Rule 12

p.s. as per Sec. 24-

"Notwithstanding anything contained u/s 22(1), the following categories of persons shall be required to be registered under this Act,—

- ✓ (vi) persons who are required to deduct tax under section 51, whether or not separately registered under this Act;
 - To apply online in <u>FORM GST REG-07</u> for grant of registration through the GST Portal (<u>www.gst.gov.in</u>), either directly or from a Facilitation Centre notified by the Commissioner

- ➤ Valid PAN/TAN based Registration
- ➤ Online Registration process
- ➤ Applicant must have a valid E-mail Id and a valid mobile number
- ➤ Registration Application to be signed electronically using Class 2 & above DSC or Aadhar based E-Signature or EVC
- ➤ The proper officer may grant registration after due verification and issue a certificate of registration in *FORM GST REG-06* within three working days from the date of submission of application.

Amendment of Registration

> If there is any change in the particulars furnished in the application of registration (FORM GST REG-07)

DDOs need to submit an online application in FORM GST REG-14 alongwith supporting documents for amendment of registration.

(i.e. change in name and personal informatgion of DDO such as TAN, Address, Mob. No., etc.)

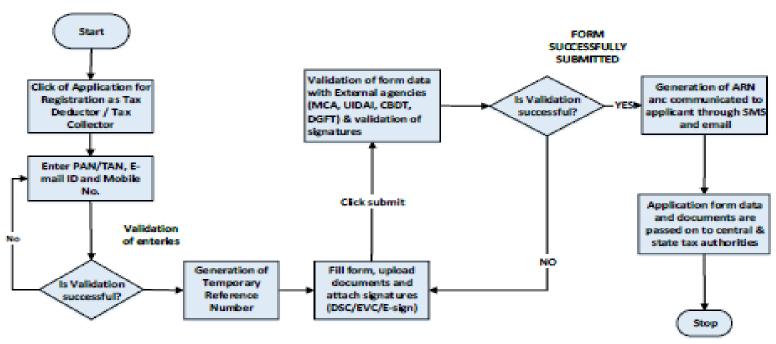
Cancellation of Registration

- If the proper officer is satisfied that the Tax Deductor is no longer liable to deduct tax at source under Section 51, he may cancel the Registration and such cancellation shall be communicated to the said person electronically in FORM GST REG-08.
- Before cancellation of registration, proper officer shall serve a show cause notice requiring him to give reply in seven working.

How to apply as Tax Deductor?

2.1 Applying for Registration as Tax Deductor on the GST Portal

How can I apply for Registration as Tax Deductor?



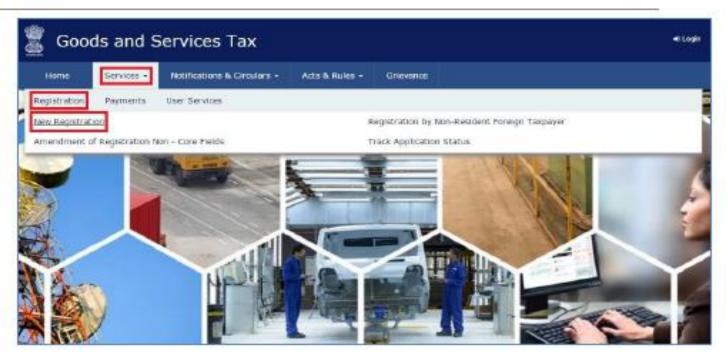
What are the steps involved in applying for Registration as a Tax Deductor on the GST Portal?

For registering yourself as a Tax Deductor on the GST Portal, perform the following steps:

- Access the https://www.gst.gov.in/ URL. The GST Home page is displayed.
- Click the REGISTER NOW link.
 Alternatively, you can also click Services > Registration > New Registration option.



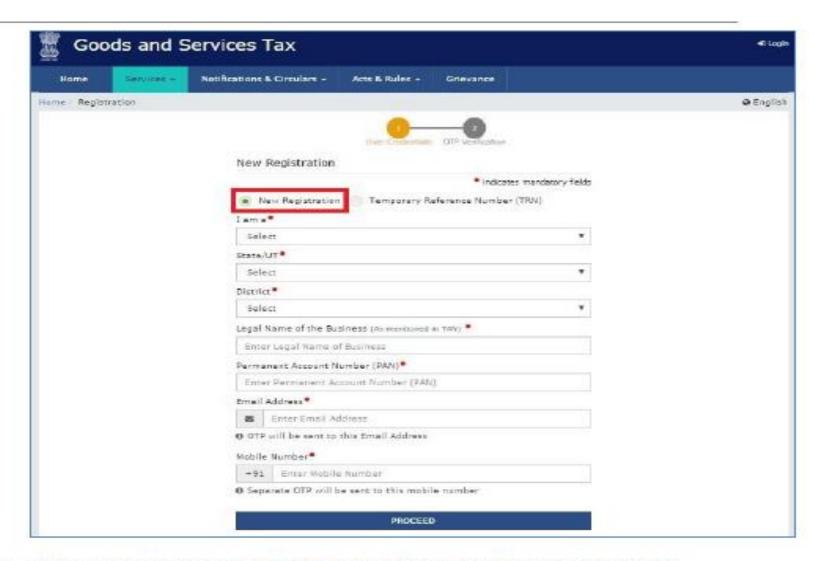




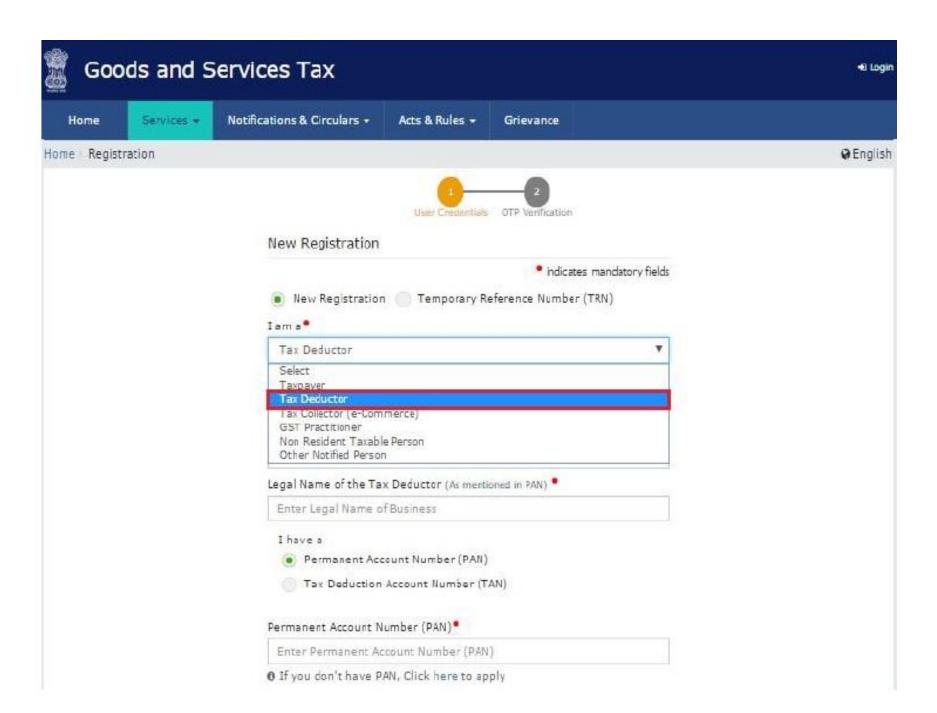
The Application form is divided into two parts as Part A and Part B.

Part A:

3. The New Registration page is displayed. Select the New Registration option.



 In the I am a drop down list, select the Tax Deductor as the type of taxpayer to be registered.





Part A of Registration Form

Form GST REG-07

[See rule 12(1)]

Application for Registration as Tax Deductor at source (u/s 51) or Tax Collector at source (u/s 52)

State /UT-

District -

Part -A

(1)	Legal Name of the Tax Deductor or Tax Collector(As mentioned in Permanent Account Number/ Tax Deduction and Collection Account Number)			
(ii)	Permanent Account Number			
	(Enter Permanent Account Number of the Business; Permanent Account Number of Individual in case of Proprietorship concern)			
(iii)	Tax Deduction and Collection Account Number			
	(Enter Tax Deduction and Collection Account Number, if Permanent Account Number is not available)			
(iv)	Email Address			
(v)	Mobile Number			
Note - Information submitted above is subject to online verification before proceeding to fill up Part-B.				

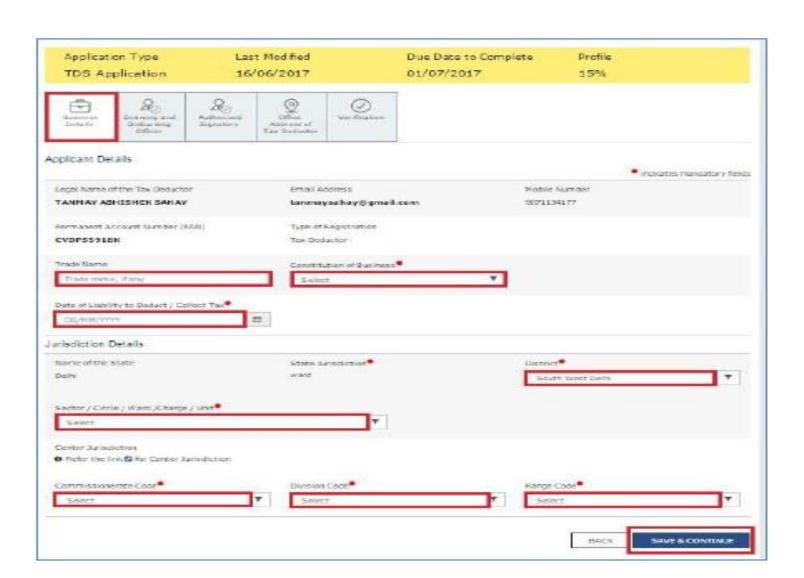
Note:- TRN will be valid for 15 days



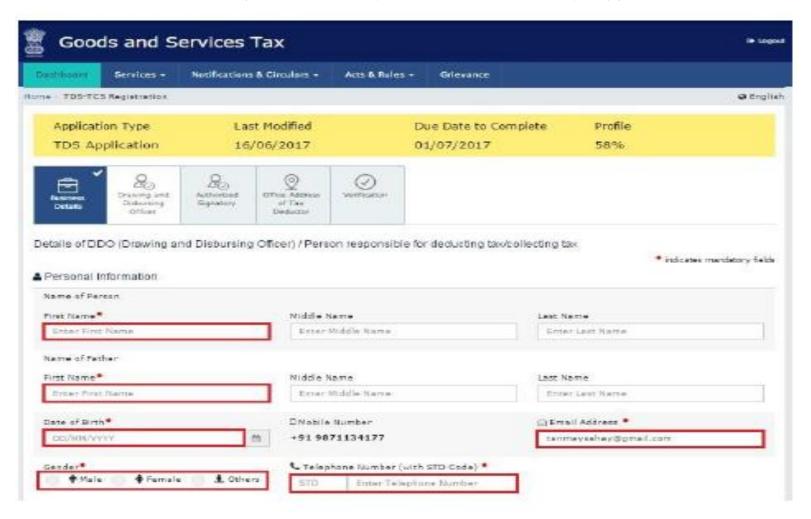


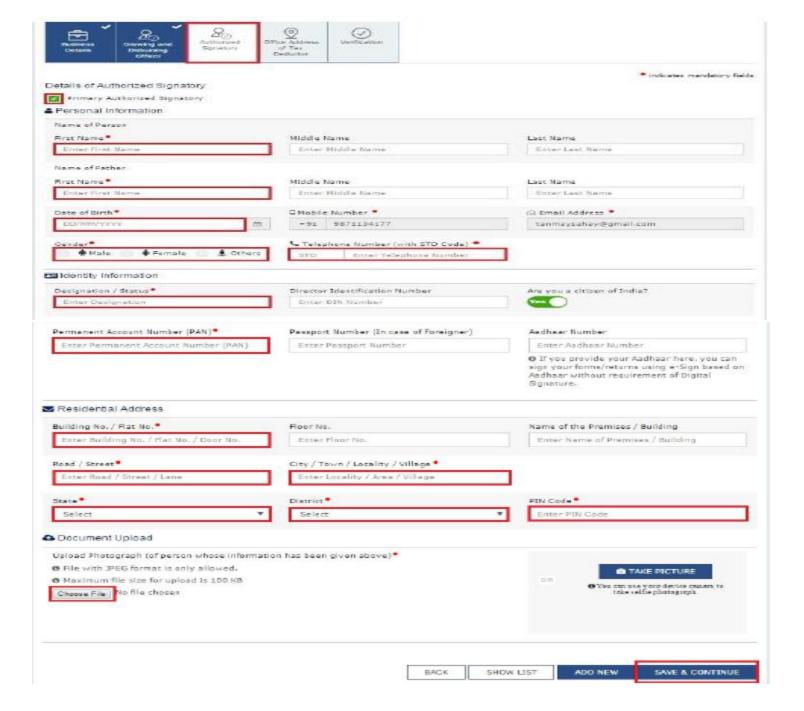
On the top of the page, there are five tabs as-

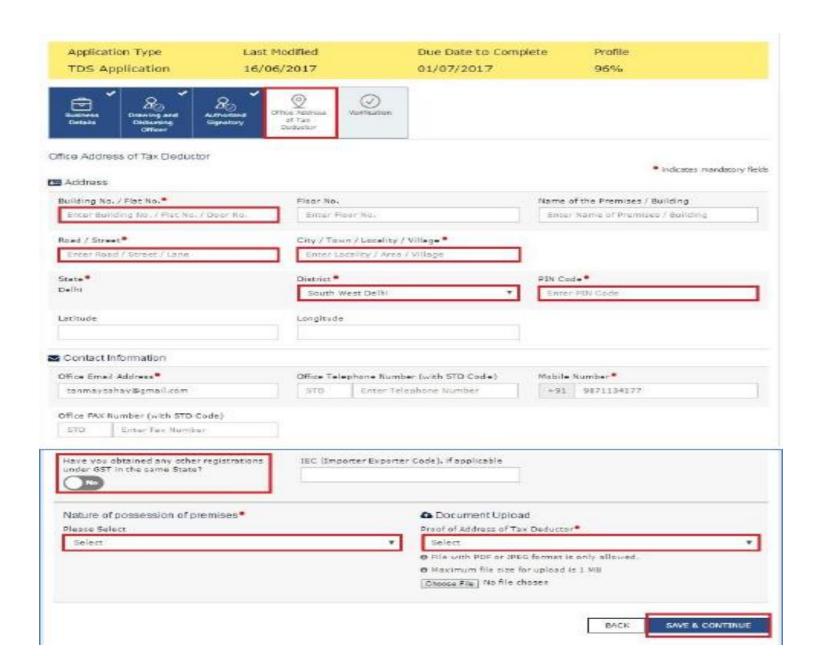
- Business details
- Drawing and Disbursing Officer
- **Authorized Signatory**
- Office Address of Tax Deductor
- **Verification**
- ✓ Click each to enter the details

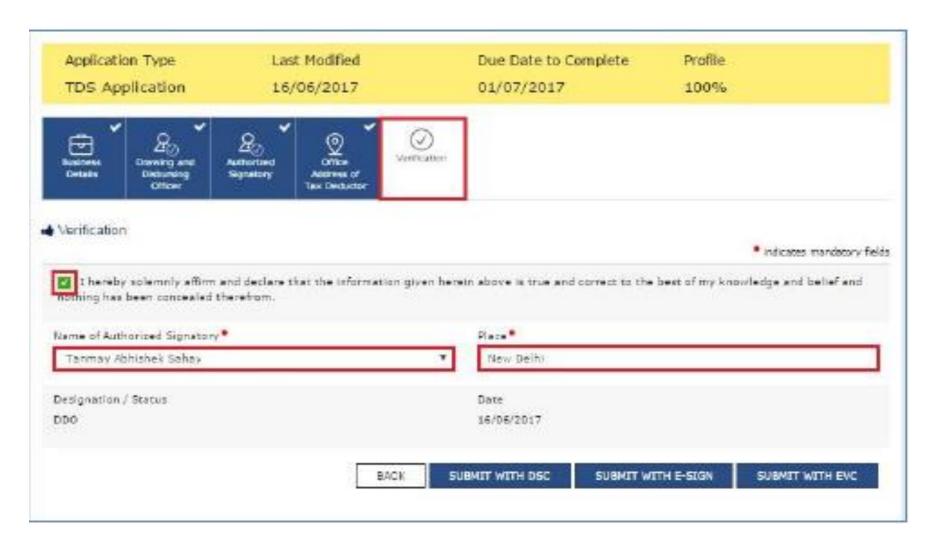


Details of drawing & Disbursing officer









You can track the status of your application using the Services > Registration > Track Application Status command.

* In Case of DSC:

- Click the SUBMIT WITH DSC button.
- Click the PROCEED button.

* Note:

- ➤ Make sure your DSC dongle is inserted in your laptop/ desktop.
- ➤ Make sure emSigner (from eMudra) is running on your laptop/ desktop with administrator permissions.
- * To check if the emSigner is running on your laptop/ desktop, perform the following steps:
- 1. Click the item tray.
- 2. Double click the emSigner icon.
- 3. Click the Hide Service button to minimize the dialog box.

Select the certificate and click the SIGN button.

Note: To view the details of your DSC, click the View Certificate button. You will receive the acknowledgement in next 15 minutes on your registered email address and mobile phone number. Application Reference Number (ARN) receipt is sent on your e-mail address and mobile phone number.

* In Case of E-Signature:

- Click the SUBMIT WITH E-SIGN button.
- ➤ In the Declaration box, click the AGREE button.

Note: OTP will be sent to your e-mail address and mobile phone number registered with Aadhaar.

- ➤ Verify Aadhaar OTP screen is displayed.Enter the OTP received on your email address and mobile phone number registered with Aadhaar.
- Click the CONTINUE button.

* In Case of Electronic Verification Code:

- Click the SUBMIT WITH E-SIGN button.
- ➤ In the Declaration box, click the AGREE button.

Note: OTP will be sent to your e-mail address and mobile phone number registered with Aadhaar.

- ➤ Verify Aadhaar OTP screen is displayed.Enter the OTP received on your email address and mobile phone number registered with Aadhaar.
- Click the CONTINUE button.
- * The success message is displayed. You will receive the acknowledgement in next 15 minutes on your registered e-mail address and mobile phone number. Application Reference Number (ARN) receipt is sent on your e-mail address and mobile phone number.

✓ For further querries and free of cost assistance, one may contact the GST Helpdesk, setup in Commercial Tax Office Building, located near you.

