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THE FEDERATION OF TELANGANA CHAMBERS OF COMMERCE & INDUSTRY

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**GOVERNMENT OF INDIA
MINISTRY OF FINANCE
DEPARTMENT OF REVENUE
NEW DELHI**

CIRCULAR NO**167/23/2021 - GST,****Dated: December 17, 2021**

To,

The Principal Chief Commissioners/ Chief Commissioners/ Principal Commissioners/
Commissioner of Central Tax (All)/

The Principal Director Generals/ Director Generals (All)

Sub: GST on service supplied by restaurants through e-commerce operators -reg.

The GST Council in its 45th meeting held on 17th September, 2021 recommended to notify 'Restaurant Service' under section 9(5) of the CGST **Act, 2017**. Accordingly, the tax on supplies of restaurant service supplied through e-commerce operators shall be paid by the e-commerce operator. In this regard notification No. **17/2021** dated 18.11.2021 has been issued.

2. Certain representations have been received requesting for clarification regarding modalities of compliance to the GST laws in respect of supply of restaurant service through e-commerce operators (ECO). Clarifications are as follows:

Sl. No.	Issue	Clarification
1	Would ECOs have to still collect TCS in compliance with section 52 of the CGST Act, 2017?	As 'restaurant service' has been notified under section 9(5) of the CGST Act, 2017, the ECO shall be liable to pay GST on restaurant services provided, with effect from the 1st January, 2022, through ECO. Accordingly, the ECOs will no longer be required to collect TCS and file GSTR 8 in respect of restaurant services on which it pays tax in terms of section 9(5). On other goods or services supplied through ECO, which are not notified u/s 9(5), ECOs will continue to pay TCS in terms of section 52 of CGST Act, 2017 in the same manner at present.
2	Would ECOs have to mandatorily take a separate registration w.r.t supply of restaurant service [notified under 9(5)] through them even though they are registered to pay GST on services on their own account?	As ECOs are already registered in accordance with rule 8(in Form GST-REG 01) of the CGST Rules, 2017 (as a supplier of their own goods or services), there would be no mandatory requirement of taking separate registration by ECOs for payment of tax on restaurant service under section 9(5) of the CGST Act, 2017.

Sl. No.	Issue	Clarification
3	Would the ECOs be liable to pay tax on supply of restaurant service made by unregistered business entities?	Yes. ECOs will be liable to pay GST on any restaurant service supplied through them including by an unregistered person.
4	What would be the aggregate turnover of person supplying 'restaurant service' through ECOs?	It is clarified that the aggregate turnover of person supplying restaurant service through ECOs shall be computed as defined in section 2(6) of the CGST Act, 2017 and shall include the aggregate value of supplies made by the restaurant through ECOs. Accordingly, for threshold consideration or any other purpose in the Act, the person providing restaurant service through ECO shall account such services in his aggregate turnover.
5	Can the supplies of restaurant service made through ECOs be recorded as inward supply of ECOs (liable to reverse charge) in GSTR 3B?	No. ECOs are not the recipient of restaurant service supplied through them. Since these are not input services to ECO, these are not to be reported as inward supply (liable to reverse charge).
6	Would ECOs be liable to reverse proportional input tax credit on his input goods and services for the reason that input tax credit is not admissible on 'restaurant service'?	ECOs provide their own services as an electronic platform and an intermediary for which it would acquire inputs/input service on which ECOs avail input tax credit (ITC). The ECO charges commission/fee etc. for the services it provides. The ITC is utilised by ECO for payment of GST on services provided by ECO on its own account (say, to a restaurant). The situation in this regard remains unchanged even after ECO is made liable to pay tax on restaurant service. ECO would be eligible to ITC as before. Accordingly, it is clarified that ECO shall not be required to reverse ITC on account of restaurant services on which it pays GST in terms of section 9(5) of the Act. It may also be noted that on restaurant service, ECO shall pay the entire GST liability in cash (No ITC could be utilised for payment of GST on restaurant service supplied through ECO)
7	Can ECO utilize its Input Tax Credit to pay tax w.r.t 'restaurant service' supplied through the ECO?	No. As stated above, the liability of payment of tax by ECO as per section 9(5) shall be discharged in cash.
8	Would supply of goods or services other than 'restaurant service' through ECOs be taxed at 5% without ITC?	ECO is required to pay GST on services notified under section 9(5), besides the services/other supplies made on his own account. On any supply that is not notified under section 9(5), that is supplied by a person through ECO, the liability to pay GST continues on such supplier and ECO shall continue to pay TCS on such supplies. Thus, present dispensation continues for ECO, on supplies other than restaurant services. On such supplies (other than restaurant services made through ECO) GST will continue to be billed, collected and deposited in the same manner as is being done at present. ECO will deposit TCS on such supplies.
9	Would 'restaurant service' and goods or services other than restaurant service sold by a restaurant to a customer under the same order be billed differently? Who shall be liable for raising invoices in such cases?	Considering that liability to pay GST on supplies other than 'restaurant service' through the ECO, and other compliances under the Act, including issuance of invoice to customer, continues to lie with the respective suppliers (and ECOs being liable only to collect tax at source (TCS) on such supplies), it is advisable that ECO raises separate bill on restaurant service in such cases where ECO provides other supplies to a customer under the same order.


Sl. No.	Issue	Clarification
10	Who will issue invoice in respect of restaurant service supplied through ECO - whether by the restaurant or by the ECO?	The invoice in respect of restaurant service supplied through ECO under section 9(5) will be issued by ECO.
11	Clarification may be issued as regard reporting of restaurant services, value and tax liability etc in the GST return.	<p>A number of other services are already notified under section 9(5). In respect of such services, ECO operators are presently paying GST by furnishing details in GSTR 3B.</p> <p>The ECO may, on services notified under section 9 (5) of the CGST Act, 2017, including on restaurant service provided through ECO, may continue to pay GST by furnishing the details in GSTR 3B, reporting them as outward taxable supplies for the time being.</p> <p>Besides, ECO may also, for the time being, furnish the details of such supplies of restaurant services under section 9(5) in Table 7A(1) or Table 4A of GSTR-1, as the case maybe, for accounting purpose.</p> <p>Registered persons supplying restaurant services through ECOs under section 9(5) will report such supplies of restaurant services made through ECOs in Table of GSTR-1 and Table 3.1 (c) of GSTR-3B, for the time being.</p>

3. Difficulty, if any, in the implementation of this circular may be brought to the notice of the Board.


[CBIC-190354/207/2021-TRU Section-CBEC]


Anna Sosa Thomas
Technical Officer (TRU)

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The Federation of Telangana Chambers of Commerce and Industry
In association with
LVPEI
L V Prasad Eye Institute






Seminar on Eyes - Your Windows to the World

Date : 30th December, 2021 (Thursday)
Time : 5.00 pm to 6.30 pm
Venue : Patodia Auditorium, GPR Building, L V Prasad Eye Institute, Banjara Hills, Hyderabad



**Padmashree
Dr. Gullapalli Nageswara Rao**
Founder & Chairman | LV Prasad Eye Institute



Dr. Prashant Garg
Executive Chair
L V Prasad Eye Institute

RSVP :
Ms. Vishala | 9121000199
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Guest Speakers

- Introduction - Basic Understanding
- Common Challenges & Remedies
- Prevention, Care, Tips, Vision for Life Time
- Unsolved Challenges & Research For a Better Tomorrow
- Partnership opportunities

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The Federation of Telangana Chambers of Commerce and Industry



Government of Telangana



TSTPC

Certificate Course in GLOBAL LOGISTICS & SUPPLY CHAIN MANAGEMENT

Prepare for future Roles

Commencing from 8th January, 2022 to March, 2022
(Every Saturday) Time : 10.00 AM to 1.00 PM
Venue : FTCCI (Physical & Online)

ABOUT THE COURSE

The Certificate Course aims at providing an in-depth real time knowledge on planning, implementing and controlling the procedure of flow of goods and services from one place to another.

The course will cover various functionalities of logistics and supply chain, Cold Chain, Warehousing & Inventory Management and its Fundamentals; Multimodal Logistics; Air Cargo & Freight Forwarders Operations, Customs Procedures and others.

COURSE MODULE

- Introduction
 - Logistics and its Fundamentals
 - Supply Chain Management and its Fundamentals
- Multimodal Logistics (Including Dryport and ICDs)
- Warehousing and Inventory Management (Including Cold Chains)
- Financing for Logistics and Supply Chain Management
- Digital Technologies in Logistics and Supply Chain Management
- Customs Procedures (EXIM - Process & Documentation)
- Air Cargo and Freight Forwarders Operations
- Port Terminals System- Material Handling Equipment and Maintenance
- ICD, CWC and CONCOR Operations

Field Visits : ICD, Cold Storage, Air Cargo Complex and Warehousing Station

FOR WHOM

- Importers & Exporters
- Manufacturers
- Service Providers
- Entrepreneurs
- Industry Personnel
- Looking for career in Logistics and supply chain management.
- Students

Course Timeline

Qualification: Graduation
Duration: Three months
Date & Time: January 8, 2022
Every Saturday, 10.00 AM to 1.00 PM

Course Fee	For Members	For Non-Members	For Students
Rs. 13500/- (incl. GST)	Rs. 15000/-	Rs. 15000/-	Rs. 12500/-

The Cheque / DD is to be drawn in favour of "FTCCI" payable at Hyderabad.

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The Federation of Telangana Chambers of Commerce and Industry

Workshop on Corporate Insolvency - triggers for Insolvency

8th January, 2022 from 3.00 pm to 6.00 p.m.,
at FTCCI Surana Auditorium, Federation House Hyderabad

[Click here for
Registration](#)

The Insolvency and Bankruptcy Code, 2016 (Code) provides a time-bound market mechanism for reorganization and insolvency resolution of persons (companies, limited liability partnerships, partnership and proprietorship firms and individuals) in distress.

Insolvency and Bankruptcy Code (IBC) is a landmark law that consolidates the laws relating to the Insolvency of companies, partnerships and individuals, presently contained in several legislations, into a single legislation. This code formulates a legal mechanism for the recovery of debts and corporate restructuring.

Since its inception, the IBC has gained significant prominence and importance by streamlining the entire bankruptcy & insolvency process. Therefore, the prime objective of the code 2016 is to consolidate and amend the laws relating to reorganized and insolvency resolution of Corporate Person, Partnership Firms and Individuals in a time-bound manner. Further, the code emphasized to realisation maximum values of assets of such persons and promoted entrepreneurship.

Chief Guest



**Shri Bhaskara Panthula
Mohan Sharma**
Member (J), National Company
Law Tribunal,
Hyderabad Bench

Speakers



Sri VVSN Raju,
Managing Partner, Juris Prime Law Services
**An Overview of IBC along with an
introduction on resolution mechanism
& A 360-degree view with reference to
Financial Creditors**



Ms. M S Mano Ranjani,
Advocate & Insolvency Professional
**A 360 degree view with reference to
operational creditors**



Sri G. Raghu Babu,
*Partner- R & A Associates and Insolvency
Professional*
**An overview of the resolution process
and a wrap-up on complete IBC.**

The Workshop will provide a 360-degree view of insolvency resolution to the business owners and senior management.

After participating in the Workshop, the participants will gain knowledge of

- ▶ Money Recovery mechanism in IBC,
- ▶ Acquisition of assets/business in resolution; and the Resolution Process
- ▶ Precautions to be taken by Personal Guarantors

Who can attend: Corporate, Individuals, partnerships and other entities.

Delegate Fee: (Incl GST)

Members	Rs. 400/-
Non-Members	Rs. 500/-
Students	Rs. 300/-

Scan & Pay



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