

online Induction Course for Tax Assistants

**Organised by Zonal Training Institute, NACIN, New Delhi**

Faridabad Campus, Sector 29, Faridabad, Haryana.

**Topic :** Filing of monthly GSTR-7 TDS return under GST Act

**Date – 12 August 2024 ( Timing: 4.00 to 5.15 PM )**



**P. P. SINGH**

**LLM, LLB, FCA, CS, GSTCC, B.Sc. (H)**

**Contact No. +91-9711521060, 9871229590**

**[cappsingh@gmail.com](mailto:cappsingh@gmail.com)**

P. P SINGH.  
**LLM, LLB, FCA, CS, GSTCC, B.Sc. (H)**  
Contact No. +91-9711521060, 9871229590  
[cappsingh@gmail.com](mailto:cappsingh@gmail.com)



- Post-qualification experience of around 24 years in the field of direct & indirect tax particularly income tax, GST , service tax and VAT ,sales tax .
- Experience of handling the litigation matters and advisory matters of Direct taxes particularly income tax and indirect tax like GST, service tax, DVAT, CST, Central Excise and other related matters.
- Authored the book **DNA of GST Audit and Annual return, The *DNA of TDS&TCS* (including withholding tax, advance tax )** ,Background material on GST for empowerment of girl students ICAI, New Delhi
- Guest faculty for certification course on **GST & Certification course on appeal and representation ICAI** , New Delhi;
- Guest faculty for on **GST CLDP Session, NIRC ICSI** , New Delhi;
- Visiting faculty in the **National Academy Of Custom, Indirect Tax And Narcotics** (known as NACIN) Saket, new Delhi.
- Guest Faculty with Indian Institute of Management(IIM) MDP programme
- NIFMS, Faridabad(Institute of Minister Finance),.

# TDS under GST

# TDS return

- Section 51
- Rule 85 of the CGST Rules, 2017.
- Form GSTR-7
- Section 24- mandatory registration for tax deductor

## Who is liable to deduct TDS under GST law?

- A department or an establishment of the Central Government or State Government; or
- Local authority; or
- Governmental agencies; or
- Such persons or category of persons as may be notified by the Government. As per the latest Notification no. **50/2018**-dated 13th September 2018, amended by notification no 57/2018 dated 23-10-2018 & **61/2018 dated 5-11-2018** the following entities also need to deduct TDS.
- An authority or a board or any other body which has been set up by Parliament or a State Legislature or by a government, with 51% equity ( control) owned by the government.
- A society established by the Central or any State Government or a Local Authority and the society is registered under the Societies Registration Act, 1860.
- Public sector undertakings.

**"Provided that with respect to persons specified under clause (a) of sub-section (1) of section 51 of the Act, nothing in this notification shall apply to the authorities under the Ministry of Defence, other than the authorities specified in the Annexure-A and their offices, with effect from the 1st day of October, 2018.**

**No TDS where supply by one a public sector undertaking to another public sector undertaking :** Provided further that nothing in this notification shall apply to the supply of goods or services or both from a public sector undertaking to another public sector undertaking, whether or not a distinct person, with effect from the 1st day of October, 2018." .

**PAYMENT OF TAX DEDUCTED:** The amount deducted as tax under this section shall be paid to the Government by the deductor within 10 days after the end of the month in which such deduction is made, in such manner as may be prescribed.

**CERTIFICATE OF TDS GSTR-7A:** A certificate of tax deduction at source shall be issued in such form and in such manner as may be prescribed. The person deducting tax under GST has to issue the TDS certificate in form GSTR-7A to the concerned person within 5 days of depositing the tax to the government. However, GST portal will automatically make GSTR-7A available to the deductee on the basis of [GSTR-7](#) filed.

**TDS WILL BE REFLECTED IN CASH LEDGER OF DEDUCTEE:** 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.

## When liability to deduct TDS be attracted?

- the deductor“ has to deduct tax @1 % CGST & 1% SGST from the payment made or credited to the supplier (hereafter in this section referred to as "the deductee") of taxable goods or services or both, where the **total value** of such supply, under a contract, exceeds ₹ 2.50 lakh.
- **Provided** that no deduction shall be made if the location of the supplier and the place of supply is in a State or Union territory which is different from the State or as the case may be, Union territory of registration of the recipient.

Note: total value is exclusive of tax. Limit is per contract.

## Value of supply

- Refer invoice issued by the supplier
- Valuation – refer section 15
- Valuation rules 27 to 35 of CGST/SGST.
- If inclusive of tax – refer valuation rule 35. Where the value of supply is inclusive of integrated tax or, as the case may be, Central tax, State tax, Union territory tax, the tax amount shall be determined in the following manner, namely,—
- Tax amount =  $(\text{Value inclusive of taxes} \times \text{tax rate in \% of IGST or, as the case may be, CGST, SGST or UTGST}) \div (100 + \text{sum of tax rates, as applicable, in \%})$

### REFUND OF EXCESS TAX PAID:

The refund to the deductor or the deductee arising on account of excess or erroneous deduction shall be dealt with in accordance with the provisions of section 54.

**Provided** that no refund to the deductor shall be granted, if the amount deducted has been credited to the electronic cash ledger of the deductee. However deductee can claim the excess tax in the cash ledger.

### FAILURE TO PAY AFTER DEDUCTION

If any deductor fails to pay to the Government the amount deducted as tax under sub-section (1), he shall pay interest in accordance with the provisions of sub-section (1) of section 50, in addition to the amount of tax deducted.

The determination of the amount in default under this section shall be made in the manner specified in section 73 or section 74.



**Thank You**

THANK YOU

CA PP SINGH

Contact details 9711521060,9871229590

[cappsingh@gmail.com](mailto:cappsingh@gmail.com)