

EXPORT PROVISIONS

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EXPORT

Sec. 2(5) of IGST Act:

“**Export of goods**” with its grammatical variations and cognate expressions, means taking goods out of India to a place outside India

Sec. 2(6) of IGST Act:

“**Export of services**” means the supply of any service when,—

- I. the supplier of service is located in India;
- II. the recipient of service is located outside India;
- III. the place of supply** of service is outside India;
- IV. the payment for such service has been received by the supplier of service in **convertible foreign exchange**; and
- V. the supplier of service and the recipient of service are not merely establishments of a distinct person in accordance with *Explanation I* in section 8;

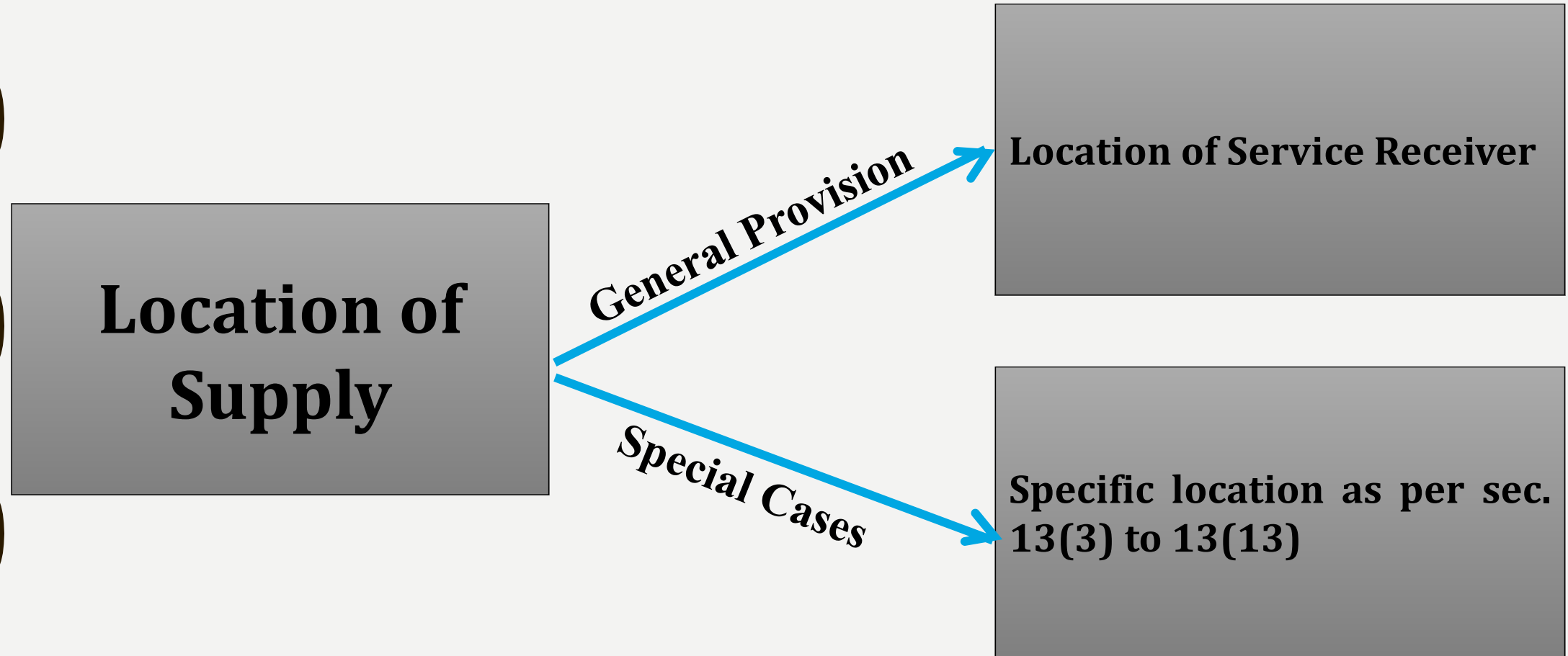
DEEMED EXPORT

- Sec. 147 of CGST Act-
- The Government may, on the recommendations of the Council, notify certain supplies of **goods** as deemed exports, where goods supplied do not leave India, and payment for such supplies is received either in Indian rupees or in convertible foreign exchange, **if such goods are manufactured in India**



PLACE OF SUPPLY CROSS BORDER TRANSACTION

SEC. 13 SUPPLY WITH OUTSIDE INDIA PARTY



If Location of Recipient is not available then location of Supplier

SEC.13 SPECIFIC SERVICE CROSS BORDER..

S. No.	Nature of Service	Condition	Place of Supply
1	Services to Goods or Individual where physically required to available	If partially performed in India-POS would be India	Location where Services Performed
2	Hotel Service, Construction Service, Interior/Architect	If partially performed in India-POS would be India	Location of Immovable Property
3	Admission to-Cultural/ educational/ sport/ entertainment event Amusement Park	If partially performed in India-POS would be India	Location of Performance
4	Banking service Intermediary Service Hiring of Road transport vehicle	NIL	Location of Supplier of Service

SEC.13 SPECIFIC SERVICE CROSS BOARDER..

S. No.	Nature of Service	Condition	Place of Supply
5	Transportation of Goods (exclude mail/courier)	NIL	Place of destination of Goods
6	Transportation of Passenger		Passenger embarks on the conveyance
7	On Board Service	NIL	Place of first schedule departure of conveyance
8	Online Database Service	NIL	Location of Recipient of Service

ZERO RATED SUPPLY

➤ “zero rated supply”-

- ☐ Export of goods or services or both; or
- ☐ Supply to SEZ

➤ Refund u/s 54 of CGST Act

- ☐ Refund of ITC if Supply under LUT/Bond
- ☐ Refund of IGST paid if supply without LUT/Bond
 - ITC may be availed for making zero-rated supplies, notwithstanding that such supply may be an **exempt** supply.

Exempt Supplies	Zero Rated Supplies
<i>exempt supply” means supply of any goods or services or both which attracts nil rate of tax or which may be wholly exempt from tax under section 11 of CGST Act or under section 6 of the IGST Act, and includes non-taxable supply</i>	<i>“zero-rated supply” shall have the meaning assigned to it in section 16</i>
<i>No tax on the outward exempted supplies, however, the input supplies used for making exempt supplies to be taxed</i>	<i>No tax on the outward supplies; Input supplies also to be tax free</i>
<i>Credit of input tax needs to be reversed, if taken; No ITC on the exempted supplies</i>	<i>Credit of input tax may be availed for making zero-rated supplies, even if such supply is an exempt supply ITC allowed on zero rated supplies</i>
<i>Value of exempt supplies, for apportionment of ITC, shall include supplies on which the recipient is liable to pay tax on reverse charge basis, transactions in securities, sale of land and, subject to clause (b) of paragraph 5 of Schedule II, sale of building.</i>	<i>Value of zero rated supplies shall be added along with the taxable supplies for apportionment of ITC</i>
<i>Any person engaged exclusively in the business of supplying goods or services or both that are not liable to tax or wholly exempt from tax under the CGST or IGST Act shall not be liable to registration</i>	<i>A person exclusively making zero rated supplies may have to register as refunds of unutilised ITC or integrated tax paid shall have to be claimed</i>
<i>A registered person supplying exempted goods or services or both shall issue, instead of a tax invoice, a bill of supply</i>	<i>Normal tax invoice shall be issued</i>



EXPORT PROCEDURE

EXPORT-WITH TAX/WITHOUT TAX

- Exports with payment of tax
 - Export of goods with payment of tax
 - Export of services with payment of tax
- Exports without payment of tax – using LUT/Bond
 - Export of goods without payment of tax – using LUT
 - Export of services without payment of tax – using LUT

EXPORT OF GOODS OR SERVICES – WITH PAYMENT OF TAX

- Export by charging IGST
- Pay IGST utilizing credit and balance by cash
- Export/SEZ invoice requirements
 - carry an endorsement **“SUPPLY MEANT FOR EXPORT/SUPPLY TO SEZ UNIT OR SEZ DEVELOPER FOR AUTHORISED OPERATIONS ON PAYMENT OF INTEGRATED TAX”**

EXPORT OF GOODS OR SERVICES – WITHOUT PAYMENT OF TAX I.E. LUT

- File LUT in form GST RFD – 11 (notification 37/2017-Central Tax)
- **Condition of LUT**
 - Goods – not exported within 3 m + 15 days - pay tax + interest u/s 50(1)
 - Services – if CFC not received within 1 year + 15 days - - pay tax + interest u/s 50(1)
- **Export invoice requirements**
 - carry an endorsement “SUPPLY MEANT FOR EXPORT/SUPPLY TO SEZ UNIT OR SEZ DEVELOPER FOR AUTHORISED OPERATIONS UNDER BOND OR LETTER OF UNDERTAKING WITHOUT PAYMENT OF INTEGRATED TAX”



REFUND ON EXPORT

**SEC. 54 READ WITH RULE 89 TO 97A OF
CGST RULES**

REFUND ON EXPORT

Refund includes refund of:

- **tax paid** Export/SEZ
- **inputs or input services** (not capital goods) used in making zero-rated supply
- tax on the supply of goods regarded as **deemed exports**

No refund in following cases

- goods exported out of India are subjected to export duty
- if the supplier of goods or services or both avails of drawback in respect of central tax or claims refund of the integrated tax paid on such supplies.

WHEN TO APPLY FOR REFUND

Time limit:

2 years from the relevant date

Relevant date:

- **Export of Goods** - Date of “LET EXPORT ORDER” :
 - if the goods are exported by sea/ air/road, the date on which leaves India
 - if the goods are exported by post, the date of dispatch of goods by the Post Office concerned to a place outside India
- **Export of service – Date of**
 - receipt of payment in CFE – supply completed prior to receipt of payment
 - Issue of invoice – if advance payment received

DOCUMENTS FOR REFUND ON FILING RFD 01A

Goods – normal exports	Services – normal exports
Statement of no. & date of Shipping Bill or Bill of Export	Statement of Bank Realisation Certificates or Foreign Inward Remittance Certificates
Statement of no. and date of export invoice	Statement of no. & date of export invoice

Goods – SEZ	Services – SEZ
Statement of no. & date of invoice	Statement of no. & date of invoice
Evidence of endorsement by Zonal Officer	Evidence of endorsement by Zonal Officer
Declaration that SEZ has not availed ITC	Details of payment + proof
	Declaration that SEZ has not availed ITC

REFUND PROCESS

Goods		Service	
Tax Paid	LUT	Tax Paid	LUT
• Table 6A	• Table 6A	• Table 6A	• Table 6A
• GSTR 3B (or GSTR 3)	• -----	• GSTR 3B (or GSTR 3)	• -----
Auto refund- Shipping Bill*	• RFD -01A (formula)	• RFD -01A (Full refund)	• RFD – 01A (formula)

* Shipping bill is deemed to be refund application

REFUND FOR NON-LUT CASE (EXPORT OF GOODS/SERVICE WITH PAYMENT OF TAX)

- File Table 6A of GSTR – I
- File GSTR 3B or GSTR 3
- RFD 01A (**for services only**)
- Shipping bill is deemed to be refund application in case of goods (Rule 96).
- the person in charge of the conveyance carrying the export goods duly files an export manifest or an export report covering the number and the date of shipping bills or bills of export; and

Select the Refund type:



• Indicates Mandatory Fields

<input type="radio"/>	Refund of Excess Balance in Electronic Cash Ledger	<button>CREATE</button>
<input type="radio"/>	Refund of ITC on Export of Goods & Services without Payment of Integrated Tax	<button>CREATE</button>
<input type="radio"/>	On account of supplies made to SEZ unit/ SEZ developer (without payment of tax)	<button>CREATE</button>
<input type="radio"/>	Refund on account of ITC accumulated due to Inverted Tax Structure	<button>CREATE</button>
<input type="radio"/>	Recipient of Deemed Exports	<button>CREATE</button>
<input type="radio"/>	Refund on account of Supplies to SEZ unit/ SEZ Developer (with payment of tax)	<button>CREATE</button>
<input type="radio"/>	Export of services with payment of tax	<button>CREATE</button>

Please select Tax period for which the application is to be filed:

Tax Period

i Please select post-registration month from the Month dropdown.

Financial Year •

Month •

2017-18 ▼

Select ▼

REFUND FOR LUT CASE – RULE 89-93

CIRCULAR NO. 17/17 DATED 15-11-2017

- Apply online **Form GST RFD 01A**
- File GSTR 3B
- Take a print of RFD 01A and file with supporting document – i.e. Statement containing number and date shipping bills and export invoice
- **RFD-01B will be valid for manual refund order**
- Acknowledgment by dept in **Form GST RFD -02** within 15 days where application found to be complete
- In case of deficiencies, dept will communicate in **Form GST RFD – 03** to file fresh refund application
- Provisional refund order of 90% in **Form GST RFD -04** (rest 10% after due verifications)
- Payment advice in **Form GST RFD – 05** & credit in bank account
- Electronic credit ledger shall be debited by refund amount
- In case of deficiency, the amount debited from e-credit ledger shall be re-credited by order in **Form GST PMT -03**

FORM GST RFD 01A

Computation of Refund to be claimed (Statement 3A)

	Turnover of zero rated supply of goods and services (1) (₹) •	Net input tax credit (2) (₹) •	Adjusted total turnover (3) (₹) •	Refund amount ((1×2)÷3) (₹)
Integrated Tax	₹0.00	<div>₹0.00</div>	₹0.00	0.00
Central Tax		<div>₹0.00</div>		0.00
State/UT Tax		<div>₹0.00</div>		0.00
CESS		<div>₹0.00</div>		0.00

Amount eligible for Refund (in ₹)

	Values as per Statement 3A (₹)	Balance in Electronic Credit Ledger (₹)	Tax Credit Availed during the period (₹)	Eligible amount (Lowest of all) (₹)
Integrated Tax	0.00	0.00	1,080.00	0.00
Central Tax	0.00	1,952.00	4,000.00	0.00
State/UT Tax	0.00	38,432.00	4,000.00	0.00
CESS	0.00	0.00	0.00	0.00

Note: The balance in the Electronic Credit Ledger is only for 'Matched ITC'.

Refund Claimed (in ₹)

Head	Integrated Tax (₹) •	Central Tax (₹) •	State/UT Tax (₹) •	CESS (₹) •	Total (₹) •
TAX(ITC)	0.00	0.00	0.00	0.00	0.00

Note: The amount claimed is subject to adjustment of the recoverable amount. You are advised to discharge the recoverable liabilities at the earliest.

Bank Account Number

Select Account Number •

Select

Note: In case you want refund in another preferred bank account

MAXIMUM REFUND AMOUNT

Turnover of zero-rated supply of goods and services x Net ITC / Adjusted total turnover

- Turnover of zero-rated supply of goods and services = the value of zero-rated supply of goods and services made during the relevant period without payment of tax under bond or letter of undertaking [same amount throughout column 1 in the table]
- Net ITC = input tax credit availed on inputs and input services during the relevant period other than the input tax credit availed for which refund is claimed under sub-rules (4A) or (4B) or both
(as per Section 16 & 17 of CGST Act i.e. only eligible credits)
 - Credit on exports of exempt supplies are available as refund. Thus that is included in Net ITC.
- Adjusted Total turnover = turnover in a State or a Union territory, as defined under section 2(112), **excluding the value of exempt supplies other than zero-rated supplies**, during the relevant period for which the claim has been filed. [same amount throughout column 3 in the table]

MAXIMUM REFUND AMOUNT - EXAMPLE

	Nil rated	Taxable	Total
Export	70000	30000	1,00,000
Domestic	25,000	75,000	1,00,000

Zero rated : 70k + 30k = 1,00,000; Adjusted total turnover: 70k + 30k + 75k = 1,75,000

	Turnover of zero rated supply of goods	Net ITC	Adjusted turnover	Refund Amount
	(1)	(2)	(3)	1 x 2 / 3
Integrated tax	100000	10000	175000	5714
Central tax	100000	5000	175000	2857
State / UT tax	100000	3000	175000	1714
Cess				

Interest on Refund – Rule 94

- Refund application to be processed within 60 days from the date of application complete in all respects
- For refunds made after 60 days from date of application – interest at 6% through payment advice **Form GST RFD -05**, as may be recommended by the GST Council.



MERCHANT EXPORTER

MERCHANT EXPORTER


- Notification 40/2017 – CGST Rate
- Notification 41/2017 – IGST Rate



DEEMED EXPORTS

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ONLINE INFORMATION & DATABASE ACCESS OR RETRIEVAL SERVICE

OIDAR

- Rule 64 – form and manner of submission of returns -GSTR 5A – monthly (for services to other than registered person)
- Rule 87 (2) Proviso – payment of tax – to be notified
- Rule 87(3) Proviso – can make a payment through international money transfer through Society For World Wide Interbank Financial Telecommunication Payment Network – to be notified

OIDAR MEANS

services whose delivery is mediated by information technology over the internet or an electronic network and the nature of which renders their supply essentially automated and involving minimal human intervention and impossible to ensure in the absence of information technology and includes electronic services such as,—

- advertising on the internet;
- providing cloud services;
- provision of e-books, movie, music, software and other intangibles through telecommunication networks or internet;
- providing data or information, retrievable or otherwise, to any person in electronic form through a computer network;
- online supplies of digital content (movies, television shows, music and the like);
- digital data storage; and
- online gaming

PLACE OF SUPPLY OF OIDAR

Location of the **recipient of services**.

- person receiving such services shall be deemed to be located in the taxable territory, if **any two** are satisfied
 - location of address presented by the recipient through internet is in the taxable territory;
 - credit card or debit card or store value card or charge card or smart card or any other card by which the recipient settles payment has been issued in the taxable territory;
 - billing address of the recipient is in the taxable territory;
 - IP address of the device used by the recipient is in the taxable territory;
 - bank of the recipient in which the account used for payment is maintained is in the taxable territory;
 - country code of the card used by the recipient is of taxable territory;
 - location of the fixed land line through which the service is received by the recipient is in the taxable territory.

SUPPLY TO NON-TAXABLE ONLINE RECIPIENT

- On supply of OIDAR by any person located in a non-taxable territory

and

- received by a non-taxable online recipient
(i.e. Non Registered person for Non Business Use),

then

- the supplier of services located in a non-taxable territory shall be liable for paying IGST

OIDAR TO NON REGISTERED

GoDaddy.com, LLC
14455 N. Hayden Rd.
Suite 219
Scottsdale, AZ 85260
(480) 505-8877
GSTIN #: 9917USA29016OS6

Invoice / Receipt

Date: Nov 2, 2017 3:59 PM

Invoice / Receipt #: 1211690659
Customer #: 112526392

Bill To:

Dhanashree Prabhu

#327/22, Nandadeepa Apts, 6th Main Vivekanandanagar
BSK 3rd Stage
Bangalore, KA 560085
+91.9886610084

Payment Information:

Paid: ₹2,543.14

Items

Basic Managed WordPress Websites Renewal
gulluck101.com

Item Number: 580976

Quantity: 1

Term: 1

List Price: ₹2,694.00

Purchase Price: ₹2,694.00

11/2/2017

[My Account](#) | [Order History](#)

ICANN Fee: ₹0.00

Discount: ₹538.80

Subtotal: ₹2,155.20

IGST: ₹387.94

Total: ₹2,543.14

OIDAR TO REGISTERED ENTITY

GoDaddy.com, LLC
14455 N. Hayden Rd.
Suite 219
Scottsdale, AZ 85260
(480) 505-8877
GSTIN #: 9917USA290160S6

Invoice / Receipt

Date: Dec 9, 2017 4:24 PM

Invoice / Receipt #: 1233395704
Customer #: 112526392

Bill To:
DMRN & Associates Chartered Accountants
Partnership firm
503,JMD Megapolis, Sohna Road, Gurgaon-122002
Gurgaon, HR 122002
+91.9886610084
GSTIN #: 06AAHFR1476J1ZZ

Payment Information:

Paid: ₹1,788.00

Items

Starter Linux Hosting with cPanel
dmrnca.com

Item Number: 294057
Quantity: 1
Term: 1

12/11/2017

[My Account](#) | [Order His](#)

List Price: ₹2,388.00
Purchase Price: ₹1,788.00
ICANN Fee: ₹0.00
Discount: ₹0.00
Subtotal: ₹1,788.00
IGST: ₹0.00
Total: ₹1,788.00



Thank you!