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RESULTS & DISCUSSION

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RECOMMENDATIONS/SUGGESTIONS

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- Bowersox, Donald J., Closs, David J., (1996), "Logistical Management." Tata McGraw, Hill, New Delhi.
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REVERSE CHARGE UNDER GST IN INDIA AND ITS IMPACT ON SMALL BUSINESS ENTITIES

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ABSTRACT

Normally supply of goods & services both are liable to tax under Goods & Service tax law and normally supplier of goods collect tax from receipt of goods/ services and then paid to government. But in some cases supplier cannot collect tax from receipt, receipt directly pay tax to government, these circumstances/cases called reverse charge initially this concept is applicable in service tax only therefore the concept is only applicable to services but after implementation of GST it is applicable on both goods as well as services also. under GST law there are two situations where RCM will applicable first one when goods or services or both are supplied from unregistered dealer to registered dealer and second one when goods or services or both notified by Government.

KEYWORDS

(GST) goods & service tax, reverse charge, small business entities.

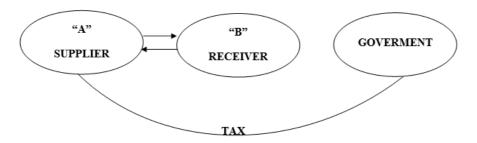
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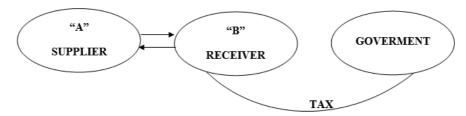
1. INTRODUCTION

Indirect Taxation is a system whereby supplier of goods or services collects tax from his buyer and then, supplier pays the same to the government. But, in certain cases, system of collection of tax by the government is just reversed i.e. instead of being payable by supplier to the government, tax is directly paid by the recipient to the government, which is called Reverse Charge Mechanism (RCM). In such case the supplier of goods or services issues the invoice only in respect of value of gods or a services supplied by him and does not charge tax on the invoice and collect only the value of goods / services without tax from the recipient. And, the recipient, on the other hand will have to compulsorily pay the amount of tax to government directly. Before implementation of GST law there is only concept of Reverse charge under Service Tax Law i.e. the concept of Reverse charge is only applicable under Service tax law other Indirect tax like state VAT Laws, Central Sales Tax Law, Excise Law Etc. had no any provision of Reverse charge. After implementation of GST reverse charge concept comes into fully existence.

Forward Charge: When Supplier is liable to pay tax to Government.



Reverse Charge: When Recipient is liable to pay tax to Government.



Small Business Entities: Business Concerns whose turnover is Up to Rs. 500 Lakes during current or last financial year.

2. REVIEW OF LITERATURE

A. 'Reverse Charge Mechanism under GST for Goods and Services in India, (Tharani S and Saleem Ahmed, 2017) "Reverse Charge Mechanism may be applicable in case of supply of notified goods or services or both and Reverse Charge Mechanism levy on account of purchase from unregistered dealer, where such supply is taxable goods or services i.e. exempt supply from an unregistered person not covered under reverse charge mechanism.".

- B. All about Reverse Charge Mechanism (RCM) under GST, (Nitesh Bind, 2018) "GST is normally charged by Supplier of Goods/Services. But there are some cases where the Recipient will be liable to pay GST instead of Supplier. This structure of charging GST is called Reverse Charge Mechanism (RCM). RCM will applicable on following transactions
 - Supply from unregistered dealer to registered dealer.
 - Services through an e-commerce operator.
 - Notified goods and services by Central Board of Indirect Tax and Customs (CBIT).".
- C. Indirect Tax Laws, (CA. Yashvant Mangal, 2019) "Reverse Charge is a concept which applicable when registered person receives goods or services or both from unregistered person and goods and services notified by government. Receipt of goods or services or both firstly deposit tax on URD supplies or on notified transaction to government and their after he is eligible for Input Tax Credit on deposited tax under RCM transactions.".
- D. GST Reverse Charge: What & When Explained with Examples, (Clear tax, 2019) "Normally, the supplier of goods or services pays the tax on supply. In the case of Reverse Charge, the receiver becomes liable to pay the tax, i.e., the chargeability gets reversed. Reverse Charge will be applicable on following transactions.
 - Supply from an unregistered dealer to registered dealer.
 - Services through an e-commerce operator.
 - Supply of certain goods and services specified by Central Board of Excise and Customs (CBEC).

3. OBJECTIVE OF STUDY

To analyzing the provision of GST on Reverse Charge and Finding their Impact on Small Business Entities.

4. PROVISION OF REVERSE CHARGE UNDER GST LAW

Normally the supplier of goods/services is liable to pay tax to the government but in case of Reverse charge concept the receiver of goods/services is liable to pay tax to the government.

As per goods and service tax law in India under following circumstances receiver of goods/services is liable to pay tax i.e. under following cases Reverse Charge will apply. [Section 9(3) & (4) of CGST Act] [Section 5(3) & (4) OF IGST Act]

- 1) When Supplier of Goods/Services is not registered under GST Law.
- 2) When Services provided by E-commerce Operator (ECO).

Person liable to pay tax when services supplied through ECO-

1	If ECO is located in Taxable Territory	→	Person liable to pay tax is the ECO.
2	If the ECO does not have physical presence in the Taxable Territory	→	Person liable to pay tax is the person representing the ECO.
3	If the ECO has neither the physical presence nor any representative in		Person liable to pay tax is the person appointed by the ECO
	the taxable territory in the Taxable Territory	→	for the purpose of paying the tax.

S) Supply of Goods & Services Notified by CBIC.

S.No.	Supplier	Recipient	Category of Supply
1	Goods Transport Agency (GTA)	1) Factory Registered under Factory Act, 1948; or 2) Any Society registered under the society act, 1860 or under any other law for the time being in force in any part of India; or 3) Any Co-operative Society established by or under any law; or 4) Any person registered under CGST act or SGST Act or IGST act or the UTGST act; or 5) Anybody corporate established by or under any law; or 6) Any partnership firm whether registered or not under any law including association of person; or 7) Any casual taxable person located in the tayable taxistery.	Supply of services by Goods Transport Agency (GTA), who has not paid GST at the rate of 12%, in respect of transportation of goods by road to recipient-
2	An individual advocate including a senior advocate or firm of advocates.	cated in the taxable territory. Any business entity located in the taxable territory.	Services provided by an individual advocate including a senior advocate or firm of advocated by way of legal services, directly or indirectly.
3	An arbitral tribunal	Any business entity located in the taxable territory.	Services supplied by an arbitral tribunal to a business entity.
4	Any person	Anybody corporate or partnership firm located in the taxable territory.	Services provided by way of Sponsorship to anybody corporate or partnership firm.
5	Central government, State government or Union Territory or Local Authority	Any business entity located in the taxable territory.	Services supplied by Central government, State government or Union Territory or Local Authority to a business entity excluding: 1) Renting of immovable property, and 2) Services specified below- i) Services by the department of post by way of speed post, express parcel post, life insurance, and agency services provided to an person other than Central government, State government or Union Territory or Local Authority ii) Services in relation to an aircraft or a vessel, inside or outside the precincts of port or an airport; iii) Transport of goods or passenger.
5A	Central government, State govern- ment or Union Territory or Local Authority	Any person registered under the Central Goods and Service Tax Act, 2017.	Services supplied by Central government, State government or Union Territory or Local Authority by way of renting of immovable property to a person registered under the Central Goods and Service Tax Act, 2017.
6	A director of a company or a body corporate	The company or body corporate located in the taxable territory.	Services supplied by a director of a company or a body corporate to the said company or a body corporate.
7	An insurance Agent	Any person carrying an insurance business, located in the taxable territory.	Services supplied by An insurance Agent any person carrying on insurance business.
8	A recovery agent	A banking company or financial institution or non- banking financial company, located in taxable territory.	Services supplied by a recovery Agent to banking company or financial institute or non- banking financial company.
9	Author, music composer, photographer, artist, or like.	Publisher, music company, producer or the like, located in the taxable territory.	Services supplied by Author, music composer, photographer, artist, or like byway of transfer or permitting the use or enjoyment of copyright act, 1957 relating to original literary, dramatic, musical or artistic works to a publisher, music company, producer or the like.
10	Member of Overseeing Committee constituted by the RBI.	Reserve Bank of India (RBI)	Services supplied by the Member of Overseeing Committee to RBI.
11	Individual Direct Selling Agent other than a body corporate, partnership firm or limited liability partnership firm.	A banking company or a non-banking financial company, located in taxable territory.	Services supplied by Individual Direct Selling Agent other than a body corporate, partnership firm or limited liability partnership firm to banking company or a non-banking financial company.

Additional services taxable under IGST Act.

S.No.	Supplier	Recipient	Category of Supply
1	Any person located in	Any person located in taxable territory,	Any services supplied by Any person located in non taxable territory to Any per-
	non taxable territory	other than non taxable online recipient.	son located in taxable territory, other than non taxable online recipient.
2	Any person located in	Importer	Services supplied by Any person located in non taxable territory by way of trans-
	non taxable territory		portation of goods by vessel from a place outside India up to the customs station
			of clearance in India.

^{*}Presently, applicability of concept of Reverse Charge is postponed till 30/09/2019.

5. FINDINGS

i) Every purchases from unregistered person will be taxable in hand of purchaser i.e. purchaser will liable to pay/deposit tax to government. e.g.



In above case as per provision of reverse charge Vraddhi Trading Co. will liable to deposit tax on above transition as per applicable tax rate.

ii) Any business entity located in taxable territory and receiving legal services or arbitral services from any advocate/advocate firm or arbitral tribunal than that business entity is liable to deposit tax to government under reverse charge.

e.g. M/s Vraddhi ltd. takes legal advisory services from Mr. Jethmalini a senior advocate he charges rs. 2,00,000. Now m/s Vraddhi ltd will liable to pay tax on sum of Rs. 2,00,000 to government as per reverse charge provision.

iii) Mr. Ram Registered under Central Goods & Services Tax act, 2017 and he take a shop on rent from Nagar Parishad, Rajsamand at Rs. 10,000 per month. Now Mr. Ram will liable to pay tax on Rent amount of Rs. 10,000 per month to government due to provision of reverse charge.

iv) Mr. Mukesh Ambani Providing director services to Reliance India Limited and company paying him Rs. 8,00,000 per annum for his service. Now company will liable to pay tax to government on above Rs. 8,00,000 director's fees.

v) Mr. Rakesh in an agent of Life Insurance Corporation limited (LIC) and providing insurance agent services during the year of 2018-19 he receives form LIC Rs. 6,25,320 as his insurance agent services remuneration. Now LIC will liable to pay tax on Rs. 6,25,320 as per reverse charge provision.

vi) Mr. Abhay Jaroli has very good knowledge of Goods & Service Tax and he writes a book on Goods & Service Tax Law and publish that through a reputed book publisher xyz publication, xyz publication paying to Mr. Jaroli Rs. 2,00,000 per annum for printing and selling right. Now as per provision of reverse charge on Rs. 2,00,000 XYZ Publication is liable to pay tax.

6. CONCLUSION

As per my study I can say that it is improved version of RCM, which includes services as well as goods also. RCM on supply from unregistered supplier will bring many persons under the tax net. Compliance burden will be increased on registered persons. They will try to purchase from registered persons only. And it is recommended to obtain registration, without taking care of threshold limit, by a person who supply to registered persons. Otherwise they may lose business also.

7. RECOMMENDATIONS

- 1. GST council should set a monetary limit for Reverse charge, which would allow Small Business Entities not to be affect by this complicated compliance part and allow to do business burden free.
- 2. GST council should simplify the system for tax payer.
- Law part should be more clear.
- 4. Council should interact with tax payer for better implementation and maintenance.
- 5. Scheme like Reverse Charge should be for business entities whose turnover more than 500 lakes rupees.

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