भारत सरकार **Government of India**
रेल मंत्रालय **Ministry of Railways**
(रेलवे बोर्ड **Railway Board)**

No. 2018/CE-I/CT/30 **New Delhi, dated 28.06.2023**

To,
As per list attached

Sub: Minimum essential documentations required for supporting the GST claim
Ref: Railway Board's letter No. 2017/AC-II/1/6/GST/Main/Vol.III dated 22.07.2022

Railway Board had instructed CRIS to provide GST module in IRWCMS for the reimbursement/recovery of amount because of change in GST rates, without affecting the Agreement value of Contract. Same has already been provided by CRIS in IR-WCMS.

2. Now, Board has decided the minimum essential documentation, required for supporting the GST claim, as under:-

a. **Supplementary GST invoice/debit note** - Issued by the contractor in respect of the works contract service supplied by him to IR along with screenshot of the supplementary invoice/debit note as appearing in GSTR 1 on the GST Portal.
b. **Original GST Tax Invoice** - Issued by contractor in respect of the works contract services rendered by him to IR along with screenshot of the original invoice as reported in GSTR 1 on the GST Portal at 18% rate *(or prevailing rate)* and a self-declaration that "GST in respect of this GST invoice has been paid to the government and no credit note in respect of this invoice has been issued." In case a credit note has been issued by the contractor, a copy of the original credit note issued along with its screenshot as appearing in GSTR 1 on the GST Portal shall be provided.
c. **Certificate by a practicing Chartered Accountant (CA)/Cost and Management Accountant (CMA) – certifying that:**

"We have examined the reimbursement claim as per GST law and certify that:-
i. The contractor is not required to reduce prices as he/she/they have not received benefit of any additional utilizable ITC after increase in GST rates.
ii. Value of supply declared in the supplementary GST tax invoice/debit note is liable for increased rate of GST."

3. This issues with the concurrence of the Finance Directorate of Ministry of Railways.

DA: As above.

28.06.23
(गौरव)

निदेशक सिविल इंजी.(जी)/रेलवे बोर्ड
[Rly No. 030-47598, MTNL No. 011-23047598]
e-mail address: dceg@rb.railnet.gov.in

No. 2018/CE-I/CT/30 **New Delhi, dated 28.06.2023**

Copy forwarded for information to:
1. The PFAs, All Indian Railways.
2. Dy. Comptroller and Auditor General of India (Railways), Room No. 224, Rail Bhawan, New Delhi

For **Member Finance**

LIST FOR DISTRIBUTION (No. 2018/CE-I/CT/30 New Delhi, dated 28.06.2023)

1. General Managers, All Indian Railways & Production Units
2. General Manager (Con), N.F. Railway, Guwahati
3. General Manager /CORE, Allahabad
4. Chief Administrative Officers (Con), All Indian Railways (Except N.F. Railway)
5. Principal Chief Engineers, All Indian Railways

(A)

1. CAO, COFMOW, Tilak Bridge, New Delhi
2. Principal CAO, Diesel Loco Modernization Works, Patiala (Punjab)
3. CAO (Workshop Projects), Chamber Bhawan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar

(B)

1. Director General, RDSO, Manak Nagar, Lucknow
2. Director General, NAIR, Vadodara
3. Director, IRICEN, Pune – 411 001 (Maharashtra)
4. Director, IRIEEN, PB No.-233, Nasik Road-422101 (Maharashtra)
5. Director, IRISET, Taa Naka Road, Lalla Guda, Secunderabad-500017
6. Director, IRIMEE, Jamalpur Distt-Jamalpur, PIN-811214 (Bihar)
7. Director, IRITM, Sarswati Residential Estate, IRITM Campus, Manak Nagar, Lucknow

(C)

1. MD, CONCOR, Concor Bhawan, C-3, Mathura Road, Opp. Apollo Hospital, New Delhi- 110076
2. IRCON International Limited, C-4, District Centre, Saket, New Delhi- 110017
3. MD, RITES Ltd., RITES Bhawan, Plot No.1, Sector-29, Gurgaon
4. CMD, RVNL, August Kranti Bhawan,Plot No.25, 1st Floor, Bhikaji Cama Place, New Delhi
5. MD, MRVC Ltd., Churchgate Station Bldg, Mumbai- 400020
6. CMD, KONKAN Railway Corporation Ltd, Rail Bhawan, New Delhi-110001
7. MD, DFCCIL, 5th Floor, Pragati Maidan Metro Station Building Complex, New Delhi-110001
8. MD, RLDA, Near Safdarjung Railway Station, Moti Bagh, Phase-I, New Delhi- 110021
9. MD, CRIS, Chanakyapur, New Delhi
10. CMD, RailTel Corporation of India Ltd. Plot No. 143, Institutional Area, Sector-44, Gurgaon – 122003
11. CME, IROAF, 12th Floor, Core-1, Scope Minar, Distt. Centre, Laxmi Nagar, Delhi- 110092
12. Managing Director, IRFC Limited, UG Floor, EastTower, NBCC Place, Bhisham Pitamah Marg, LodhiRoad, Pragati Vihar, New Delhi
13. CMD, IRCTC Ltd., B-148, 11th Floor, Statesman House, Barakhamba Road, New Delhi 110001
14. CMD, Braithwaite & Co. limited, 5 Hide Road Kolkata 700043

Copy to:

(A)

1. General Secretary, IRCA, DRM Office, New Delhi
2. General Secretary, AIRF, Rail Bhawan, New Delhi
3. General Secretary, NFIR, Rail Bhawan, New Delhi
4. General Secretary, IRPOF, Rail Bhawan, New Delhi
5. General Secretary, FROA, Rail Bhawan, New Delhi
6. General Secretary, AIRPA, Rail Bhawan, New Delhi
7. General Secretary, AISC & STREA, Rail Bhawan, New Delhi
8. The Secretary, RBSS, Group (A) Offices Association, Rail Bhawan
9. The Secretary, RBSS, Group (B) Offices Association, Rail Bhawan
10. General Secretary, RBSSS Association, Rail Bhawan
11. The Secretary, RBMSA, Rail Bhawan
12. The Secretary, Railway, Group (D) Employees Association, Rail Bhawan

(B)

1. Concerned PSO for kind information of Chairman cum CEO, M/Infra, M/T&RS M/O&BD, M/Finance, Railway Board
2. Adv./MR, EDPG/MR, OSD/MR, OSR(Co-ord)/MR
3. Chief Vigilance Officers, All Indian Railways
4. DG(RHS), DG(RPF), AM(CE), AM(Works), AM(B), AM(Elec.), AM(RS), AM(ME), AM/Tele, AM/C&IS, AM/Sig., AM(Plg.), PED(B&S), PED(Vigilance), PEDCE(P), PED/Safety, PED/Gati Shakti, EDCE(G), EDTK(M&MC), EDCE(B&S), EDF(X), ED/GS(Civil-I), ED/GS(Civil-II), ED/GS(Elect.), ED/GS(S&T), ED/GS/SD-I, ED/GS/SD-II, EDW(Plg.), ED(L&A), ED(PSU), EDVE, ED(Safety), ED(Sig. Dev.), ED(Tele), EDRS(G), EDEE(G), EDFE, EDE(N), ED(Accounts), ED/T&MPP, EDME(Chg.), EDME(Frt.), ED/Plg., JS(conf), JS(P), JS(G), JS(D), Vigilance-III, Vig(Conf) of Railway Board.

भारतसरकार Government of India
रेलमंत्रालय Ministry of Railways
रेलवेबोर्ड(Railway Board)

आज़ादी का अमृत महोत्सव

RBA No.36/2022
GST Circular No.10/2022

No.2017/AC-II/ 1/6/ GST/ Main/ Vol.III **Dated 22 .7.2022**

General Managers,
All Zonal Railway/Production Units

Sub: - Guidelines in relation to changes in rates of GST and Withdrawal of exemptions

Ref: - RBA No.33/2022 GST Circular No. 08/2022 dated 5th July 2022

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Railway Board vide circular cited under reference circulated the recommendations made by the 47th GST Council Meeting, particularly increase in the GST rates and withdrawal of GST exemptions. These recommendations have been notified vide N. No. 03/2022 Central Tax (Rate) and 04/2022-Central Tax (Rate), both dated 13th of July,2022. Subsequently, a video conference was conducted on July 15, 2022, to apprise Railways about the GST changes, wherein certain queries were raised by the Railways concerning the implementation of these amendments. Pursuant to such queries, amendment-wise detailed guidelines on the practice to be followed by Railways are as under-

I. Applicable GST rate on the existing Work Contract Services

Pursuant to an increase in the GST rates w.e.f. 18th July 2022 e.g., 12% to 18% on supply of works contract services for railways, reference needs to be made to Section 14 of CGST Act. 2017 which deals with the time of supply provisions where there is a change in GST rate for determination of applicable GST rate on such amended GST rate services procured by Railways. Relevant extract of the said section is reproduced hereunder-

"14. Change in rate of tax in respect of supply of goods or services.

... the time of supply, where there is a change in the rate of tax in respect of goods or services or both, shall be determined in the following manner, namely:-

(a) in case the goods or services or both have been supplied before the change in rate of tax,-

(i) where the invoice for the same has been issued and the payment is also received after the change in rate of tax, the time of supply shall be the date of receipt of payment or the date of issue of invoice, whichever is earlier; or

(ii) where the invoice has been issued prior to the change in rate of tax but payment is received after the change in rate of tax, the time of supply shall be the date of issue of invoice; or

(iii) where the payment has been received before the change in rate of tax, but the invoice for the same is issued after the change in rate of tax, the time of supply shall be the date of receipt of payment;

(b) in case the goods or services or both have been supplied after the change in rate of tax,-

(i) where the payment is received after the change in rate of tax but the invoice has been issued prior to the change in rate of tax, the time of supply shall be the date of receipt of payment; or

(ii) where the invoice has been issued and payment is received before the change in rate of tax, the time of supply shall be the date of receipt of payment or date of issue of invoice, whichever is earlier; or

(iii) where the invoice has been issued after the change in rate of tax but the payment is received before the change in rate of tax, the time of supply shall be the date of issue of invoice:

... "

For the sake of brevity, the rate determination mechanism is hereunder explained wherein works contract service has been procured by Railways on which GST rate has been increased to 18% from 12% w.e.f. 18th July 2022-

- case where service has been supplied before change in GST rate (i.e., before 18.07.2022)
  - where invoice has been issued and the payment is also received after the change in GST rate, new rate i.e., 18% in the present example, shall be applicable
  - where either the invoice has been issued or payment has been received before the change in GST rate, old rate i.e., 12% in the present example shall be applicable

- case where service has been supplied after change in GST rate (i.e., on or after 18.07.2022)
  - where invoice has been issued and payment is also received before change in GST rate, old rate i.e., 12% in the present example, shall be applicable
  - where either invoice is issued or payment is received after the change in the GST rate, the new rate i.e., 18% in the present example shall be applicable

Determination of which case out of the above two is to be referred to determine GST rate i.e., whether the case of supply made before or the case of supply made after change in GST rate, shall be supply specific i.e., shall depend upon the agreed terms of provision of supply such as when service provider is obliged to provide service to Railways and receive payment; when is Railways obliged to pay to the service provider. For ready reference on the determination of applicable GST rate, refer to the below table -

Service Supplied before 18th Jul'22	Invoice Issued before 18th Jul'22	Payment Received before 18th Jul'22	Applicable GST Rate
Yes	No	No	18%
Yes	Yes	No	12%
Yes	No	Yes	12%
No	Yes	Yes	12%
No	Yes	No	18%
No	No	Yes	18%

II. **Withdrawal of GST exemption on rail transportation of railway equipment and material (RMC)**

Pursuant to the withdrawal of such GST exemption, now GST shall be applicable on the intra-railways rail transportation of railway equipment and materials. GST implications on such transportation shall be similar to the transportation of other goods by rail i.e., @5%. CRIS shall undertake necessary system modifications to ensure automatic capturing of GST in the railway receipt being issued in respect of such transportation without entailing involvement of Railways in preparation of railway receipt for such supply. Here it is imperative to note that where supply of such transportation service is between same GSTIN i.e., supplier GSTIN is same as that of recipient GSTIN even if such GSTIN falls under two Zonal Railways, no GST shall be applicable on such intra-GSTIN self-supply.

Reporting of RMC transportation service in the GST return shall be done as under:

Outward Supply Reporting/GST Liability: Details of such railway receipts shall be considered by CRIS for reporting in FORM GSTR-1 and FORM GSTR-3B of the supplier Railways GSTIN.

Inward Supply Reporting/ITC: ITC pertaining to all such railway receipts in the hands of the recipient Railway shall, by default, be flagged as 'C2'. A list of such ITC shall be shared with the recipient Railways latest by the 12th of the next tax period giving them an option to review such flag depending upon the end use. If changed within the stipulated timeline, such revised ITC flagging will be taken into consideration by CRIS for ITC availment else ITC will be availed basis the default 'C2' flag, post GSTR-2B reconciliations thereof.

III. **Withdrawal of GST exemption from the supply of retiring room having declared tariff of a unit up to Rs.1000-**

Renting of retiring rooms wherein the value of supply of a unit of accommodation is below or equal to Rs.1000/- per day or equivalent is now liable to GST. However, it is imperative to note that vide S.No. 9 of the Notification No. 12/2017-Central Tax (Rate), any supply of service of Indian Railways, except supply of service by way of transportation of goods or passengers, where consideration for such supply does not exceed Rs. 5,000/-, is exempt from levy of GST.

Tariff slabs for determination of GST rate on retiring room renting w.e.f. 18th Jul'22 are as under-

Tariff – per unit per day or equivalent	GST Rate
Less than or equal to Rs. 7,500/-	12%
Above 7,500/-	18%

Examples to clarify the GST rate applicable on renting of retiring rooms post withdrawal of such Rs.1,000/- per day or equivalent exemption read with the existing threshold of Rs. 5,000/-, are as follows -

Example-1
Tariff - Rs. 900/- per unit per day or equivalent
Duration of Stay - 2 days
Total value of supply - Rs. 1,800/-
GST implications w.e.f 18th Jul 2022 - Exempt, as even if tariff i.e., Rs. 900/- falls under the taxable slab (less than or equal to Rs. 7,500/-), the value of supply i.e., Rs. 1,800/- does not exceed Rs. 5,000/- exemption threshold.

Example-2
Tariff - Rs. 900/- per unit per day or equivalent
Duration of Stay - 6 days
Total value of supply - Rs. 5,400/-

GST implications w.e.f 18th Jul 2022 - Taxable @ 12% as tariff i.e., Rs. 900/- falls under the 12% GST slab (less than or equal to Rs. 7,500/-) and the value of supply i.e., Rs. 5,400/- exceed Rs. 5,000/- exemption threshold.

From the above explanation and examples, it is concluded that no GST shall be applicable on renting of retiring rooms where value of supply does not exceed Rs. 5,000/- irrespective of per unit per day tariff. In case the same exceeds such threshold, GST shall be applicable at the GST rate as per tariff slabs mentioned above.

It is desired that all the Railways and Units must immediately apprise themselves of the aforementioned guidelines and ensure adherence to the same in consultation with their GST consultants.

(Sanjeev Sharma)
OSD/Accounts
Railway Board

Copy to:
1. PFAs All Zonal Railways/Production Units
2. All EDs, ED level empowered Committee in Railway Board
3. All Directors of GST Cell, Railway Board
4. MD, CRIS, Chanakyapuri New Delhi
5. Director/Finance, Director/PS, Director/Operations, CRIS, Chanakyapuri, New Delhi
6. GM/Finance and GSTM, GM/FOIS, GM/PRS, GM/EPS, GM/UTS, GM/Parcel, CRIS, NDLS