

Commissionerate of CT and GST, Odisha (At Cuttack)
(Finance Department, Government of Odisha)

No. 13808 /CT
To, POL-41/1/2017-POLICY-CT.

Dated 19/10/2019

Heads of all CT & GST Territorial Ranges
Heads of all CT & GST Enforcement Ranges & Units
Heads of all CT & GST Territorial Circles & AUs

CIRCULAR

Subject: Clarification on the effective date of explanation inserted in notification No. 11/2017- CTR dated 28.06.2017 (matching FD notification No.19869- FIN-CTI-TAX-0022-2017 dated 29.06.2017), Sr. No. 3(vi) – reg.

Madam/Sir,

Representations have been received by CBIC to amend the effective date of notification No. 17/2018-CTR dated 26.07.2018 (matching FD notification No. 24916-FIN-CTI-TAX -0043 /2017 dated 27.07.2018) whereby explanation was inserted in notification No. 11/2017- CTR dated 28.06.2017(matching FD notification No.19869- FIN-CTI-TAX-0022-2017 dated 29.06.2017), Sr. No. 3(vi) to the effect that for the purpose of the said entry, the activities or transactions undertaken by Government and Local Authority are excluded from the term 'business'.

2. The matter has been examined. Section 11(3) of CGST Act provides that the Government may insert an explanation in any notification issued under section 11, for the purpose of clarifying its scope or applicability, at any time within one year of issue of the notification and every such explanation shall have effect as if it had always been the part of the first such notification.

3. As recommended by GST Council, the explanation in question was inserted vide notification No. 17/2018-CTR dated 26.07.2018(matching FD notification No. 24916-FIN-CTI-TAX -0043 /2017 dated 27.07.2018) in exercise of powers under section 11(3) within one year of the insertion of the original entry prescribing concessional rate, so that it would have effect from the date of inception of the entry i.e. 21.09.2017. However, like other notifications issued on 26.07.2018 to give effect to other recommendations of the GST Council, the said notification also contained a line in the last paragraph that the notification shall come into effect from 27.07.2018.

4. It is hereby clarified that the explanation having been inserted under section 11(3) of the CGST Act, is effective from the inception of the entry at Sl. No. 3(vi) of the notification No. 11/2017- CTR dated 28.06.2017 and matching FD notification No. 19869-FIN-CTI-TAX-0022-2017 dated 29.06.2017, that is 21.09. 2017. The line in notification No. 17/2018-CTR dated 26.07.2018 and matching Finance Department notification No. 24916-FIN-CTI-

TAX -0043 /2017 dated 27.07.2018 which states that the notification shall come into effect from 27.07.2017 does not alter the operation of the notification in terms of Section 11(3) as explained in para 3 above.

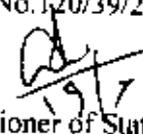
5. Difficulty, if any, in the implementation of this circular may be brought to the notice of the undersigned.


(Sushil Kumar Lohani, I.A.S.)
Commissioner of State Tax
Odisha, Cuttack

Memo No 13809 /C.T

Dated 19 / 10 /2019

Copy to Additional Secretary in charge of CT-1 Branch, Government of Odisha, Finance Department for information with reference to CBIC Circular No.120/39/2019-GST dated 11/10/2019.


Commissioner of State Tax
Odisha, Cuttack