



REGISTRATION UNDER GST

Chapters VI of the CGST Act

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SECTION 22, 23 & 24— PERSONS LIABLE TO GET REGISTERED OR EXEMPT

1. Turnover Criteria – If supplier makes taxable supplies, and his aggregate turnover (all India, incl. exempt) exceeds –

- a) Special Category States – Rs. 10 lakhs [Arunachal Pradesh, Assam, Jammu and Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Himachal Pradesh and Uttarakhand]
- b) All other states/ UTs – Rs. 20 lakhs

Then liable to get registered in every state/ UT from where makes taxable supply.

2. Migration - Every person who is registered or holds a license under an existing tax law as on 30.06.2017, shall be liable to be registered under this Act with effect from 01.07.2017.

3. Compulsory Registration - Following categories of persons shall be required to be compulsorily registered —

a. Inter State Supplier	b. Casual Taxable Person	c. NR Taxable Person	d. Persons liable to pay u/s 9(5)
e. Persons liable to deduct TDS u/s 51	f. Agents	g. Persons liable to pay tax under RCM	h. ISD
i. Persons who supply through e-comm operator u/s 52 (other than those u/s 9(5))	j. All E-Commerce Operators	k. Such other persons, class of persons as may be notified	

- Supplier makes taxable supply
 - Aggregate t/o exceed the limit
-
- Reg in state/ UT from where taxable supply is made

LETS TAKE SOME EXAMPLES

Dealer 1

Chhattisgarh
= 19 lakhs



Karnataka
= 1 lakhs

Dealer 2

Mizoram
= 19 lakhs



Dealer 3

Himachal Pradesh
= 9 lakhs



Karnataka
= 2 lakhs

We had assumed only about taxable supplies



Dealer 4

MP
= 9 lakhs
(Exempt)



Karnataka
= 12 lakhs
(Taxable)



Dealer 5

CG
= 20 lakhs
(Exempt)

CG
= Rs. 1
(Taxable)



Dealer 6

CG
= Rs. 1
(Inter state)



Dealer 7

CG
= Rs. 1 crore
(Exempt)



EXEMPT FROM REGISTRATION (SECTION 23)

The following persons shall not be liable to registration, namely:—

- a. If person engaged exclusively in supplying goods/ services/ both that are - not liable to tax or wholly exempt from tax under CGST/ IGST Act;
- b. An agriculturist, to the extent of supply of produce out of cultivation of land.
- c. Other persons as may be notified by the government (Vide Notfn 32/2017 - Casual taxable persons making taxable supplies of handicraft goods, whose aggregate turnover does not exceed Rs. 20 lakhs/ Rs. 10 lakhs)

SPECIAL CASES

Transfer of Business - Where business of RTP is transferred to another person as a going concern, due to succession or otherwise, transferee/ successor shall be liable to be registered with effect from the date of such transfer/ succession.

Amalgamation/ Demerger - Transferee shall be liable to be registered, with effect from the date on which the Registrar of Companies issues a certificate of incorporation.

PROCEDURE FOR REGISTRATION (SECTION 25)

- Every person who is liable to be registered under section 22/ 24 shall apply for registration in every such State/ UT in which he is so liable within 30 days from the date on which he becomes liable to registration.
- Every person shall have a PAN/ TAN issued under the Income tax Act. (For NR taxable person, other may be prescribed)
- Casual taxable person or a Non-resident taxable person shall apply for registration at least 5 days before starting business.
- Every person who makes a supply from the territorial waters of India shall obtain registration in the coastal State/ UT where the nearest point of the appropriate baseline is located.
- A person may get himself registered voluntarily, even though not liable to be registered under section 22 or section 24, anytime, and all provisions as applicable to a registered person, shall apply.

APPLICATION FOR REGISTRATION (RULE 8)

1.

- Every person, [other than - NR taxable person, TDS deductor u/s 51, TCS collector u/s 52, and person supplying OIDAR services from a place outside India to a NTOR referred to in Sec 14 of the IGST Act] who is liable to be registered or seeking voluntary registration (“the applicant”) shall, before applying for registration, declare his PAN, mobile number, e-mail address, State/ UT in Part A of FORM GST REG-01 on the common portal.

2.

- PAN shall be validated online by the common portal from the database maintained by the CBDT. The mobile number & email id shall be verified through an OTP sent to each of them.

3.

- On successful verification of the PAN, mobile number and email address, a temporary reference number (TRN) shall be generated and communicated to the applicant on the said mobile number and e-mail address.

4.

- Using the TRN, the applicant shall electronically submit an application in Part B of FORM GST REG-01 along with the documents specified in the said Form, duly signed or verified through electronic verification code (EVC), at the common portal.

5.

- On receipt of such application, an acknowledgement shall be issued electronically to the applicant in FORM GST REG-02.

VERIFICATION & APPROVAL (RULE 9)

1. PO shall examine the application and the accompanying documents and if the found to be in order, approve the grant of registration to the applicant within 3 working days from the date of submission of the application.
2. Where application submitted found to be deficient in terms of any information or any document required to be furnished, or where the proper officer requires any clarification with regard to any information provided, he may issue a notice electronically in FORM GST REG-03 within 3 working days from the date of submission of the application and the applicant shall furnish such clarification, information or documents electronically, in FORM GST REG-04, within 7 working days from the date of the receipt of such notice.
3. Where PO is satisfied with the clarification, information or documents furnished by the applicant, he may approve the grant of registration to the applicant within a period of 7 working days from the date of the receipt of such clarification.
4. Where no reply is furnished or where the PO is not satisfied with the clarification, he shall, for reasons to be recorded in writing, reject such application and inform the applicant electronically in FORM GST REG-05.
5. If the proper officer fails to take any action, -
 - within 3 working days from the submission of application; or
 - within 7 working days from receipt of the clarification,the application for grant of registration shall be deemed to have been approved.

Explanation. - For the purposes of this sub-rule, the expression “clarification” includes modification or correction of particulars declared in the application for registration, other than PAN, State, mobile number and e-mail address.

ISSUE OF REGISTRATION CERTIFICATE (RC) (RULE 10)

If registration application approved → a certificate of registration, duly signed or verified through electronic verification code by the proper officer, in FORM GST REG-06 showing - the principal place of business and additional place or places of business, shall be made available to the applicant on the common portal and a Goods and Services Tax Identification Number (GSTIN) shall be assigned. GSTIN shall be in following format –

2 characters	10 characters	2 characters	1 character
State code	PAN/ TAN	Entity code	Checksum

Example of a GSTIN – 22ADFRT8745Q1ZT

- If any registration/ UIN has been granted/ rejected under the SGST/ UTGST Act, then deemed so under this act too.
- If automatic approval → RC made available within a period of three days after the expiry of the time limit of 3/ 7 days.

FORCED (SUO MOTO) REGISTRATION (RULE 16)

Where a person who is liable to be registered fails to obtain registration, PO may proceed to register such person.

- It may have been found out pursuant to any survey, enquiry, inspection, search or any other proceedings under the Act.
- PO shall register the person on a temporary basis and issue an order in Form GST REG-12, effective from date of order.
- Person shall within 90 days apply properly for registration under GST as per normal procedure. (If went to appeal against this suo-moto registration, and lost appeal, then apply for registration within 30 days of order of appeal)
- The registration certificate now issued shall be effective from back date, from date of suo-moto registration order.

EFFECTIVE DATE OF REGISTRATION

If applied within time limit (30 days) → The date on which the person becomes liable to registration

If applied after time limit → The date of the grant of registration.

SINGLE/ MULTIPLE REGISTRATIONS (RULE 11)

- Normally, a person will take 1 registration in one state/ UT.
- Person having multiple business verticals in a State/ UT may take a separate registration for each business vertical.
- Different registrations of same person, within same state/ UT, or in different states/ UTs, shall be treated as distinct persons.
- Person having SEZ Unit/ is a SEZ developer, shall make a separate application for registration as a business vertical distinct from his other units located outside the SEZ.
- ISD shall make a separate application for registration as such ISD.

CONDITIONS FOR MULTIPLE REGISTRATIONS FOR SEPARATE BUSINESS VERTICALS-

1. Have more than one business verticals as per Sec 2(18).

2. All business verticals must be either registered in normal scheme, or in composition scheme, no mix.

3. Supplies between business verticals would also become taxable, and proper tax invoice would be issued.

4. Just Submit separate registration application for vertical, and the normal procedure will be followed.

SPECIAL AGENCIES – UIN

NWA in 25(1), following persons shall be granted a Unique Identity Number (UIN) for purpose of refund of taxes on the notified supplies of goods or services or both received by them etc. -

- a) any specialised agency of the United Nations Organisation (UNO) or any Multilateral Financial Institution (MFI) and Organisation notified under the United Nations (Privileges and Immunities) Act, 1947, Consulate or Embassy of foreign countries; and
- b) any other person or class of persons, as may be notified by the Commissioner,

STEPS -

1. Submit application electronically in FORM GST REG-13
2. The registration or the UIN shall be granted/ rejected after due verification and a certificate of registration in Form GST REG-06 shall be issued; if no deficiency communicated within 3 working days, deemed to have been granted registration.
3. PO may even on his own, or after receiving a recommendation from the Ministry of External Affairs, Government of India, assign UIN and issue certificate of registration.

SPECIAL PROVISIONS FOR CASUAL, NR TAXABLE PERSONS (SECTION 27)

- 1. For Casual Taxable Person** – The process of registration is same as normal, just mention in Part B of Form GST REG-01 that seeking registration as a casual taxable person. Can make supplies only after issuance of Registration Certificate.
- 2. For NR Taxable person** – Apply in Form GST REG-09, along with self-attested copy of passport, at least 5 days prior to commencement of business. If business entity established/ incorporated outside India, then also submit either PAN (if available), or Tax identification Number by which identified by Govt. of its home country. The registration application must be signed/ verified by an authorised signatory, who is resident of India and having PAN. Normal procedure for approval.
- 3. For Both** - They shall be given a TRN by the common portal for making advance deposit of tax in accordance Sec 27. They shall make an advance deposit of tax in an amount equivalent to the estimated tax liability for the period for which the registration is sought, at the time of submission of application for registration. The acknowledgement shall be issued electronically only after the said deposit.
- 4. Validity of registration** - The certificate of registration issued to a casual taxable person or a non-resident taxable person → valid for the **period specified** in the application for registration or 90 days from the effective date of registration, whichever is earlier. PO may extend the said period of 90 days by a further period not exceeding 90 days. They would have to file Form GST REG-11, before the end of validity, and deposit an additional amount of tax equivalent to the estimated tax liability for the extension period.

SPECIAL PROVISIONS FOR PERSONS REQUIRED TO DEDUCT TDS OR COLLECT TCS

- Any persons required to deduct TDS u/s 51, or collect TCS u/s 52, shall apply for registration in Form GST REG-07.
- PO shall within 3 working days verify and approve the application, and issue a certificate in Form GST REG-06.
- Where PO satisfied that the person registered is no longer liable to deduct/ collect tax, PO may cancel the registration and issue a communication in Form GST REG-08. Proper procedure for cancellation shall be followed. (described below)

DISPLAY OF REGISTRATION CERTIFICATE AND GSTIN ON THE NAME BOARD (RULE 18)

1. Display Registration Certificate at a prominent place at the Principal Place of Business and at every additional place.

2. GSTIN should be written in the name board that is exhibited at entry of principal place & every additional place.

PERSON SUPPLYING OIDAR SERVICES FROM A PLACE OUTSIDE INDIA TO A NTOR

Such person shall submit an application in Form GST REG-10, and such person shall be granted registration certificate in Form GST REG-06, subject to such conditions and restrictions as may be prescribed.

AMENDMENT (SECTION 28 & RULE 19)

1. Every RTP/ UIN holder, shall inform the PO of any changes in the information furnished at the time of registration or subsequent thereto, by filing an application for amendment in FORM GST REG-14, along with relevant documents, at the common portal.
2. Two types of amendment –
 - Core fields (Legal Name, Address of Principal Place of business, or additional place of business, addition, deletion or retirement of individuals) &
 - Non-Core fields (All others).

FOR AMENDMENT OF NON-CORE FIELDS

Approval of PO shall not be required.
The registration certificate shall stand amended upon submission of application.

FOR AMENDMENT OF CORE FIELDS

Approval of the proper officer shall be required.

PROCESS FOR AMENDMENT OF CORE FIELDS

1. The PO may approve core field amendments after due verification, within 15 working days of receipt of application, and issue an order in Form GST REG-15, such amendment shall take effect from the date of the occurrence of the event warranting such amendment.

2. Where PO is not satisfied, or thinks that documents are incomplete, he shall, within 15 working days from receipt of application, issue a Show Cause Notice in FORM GST REG-03, asking as to why the application should not be rejected.

3. Assessee may furnish a reply in Form GST REG-04, within 7 working days from service of notice.

4. Where PO not satisfied by reply, or where no reply furnished within the time limit, he shall reject the application, by an order in Form GST REG-05.

5. If PO fails to take any action within 15/ 7 working days from application/ reply respectively, then deemed approved.

Note: Any rejection or approval under SGST/ UTGST Ac shall be deemed to be a rejection or approval under this Act.

CHANGE IN CONSTITUTION

- No amendment can be done. Have to apply for fresh registration in Form GST REG-01.

CHANGE OF EMAIL ID & PHONE NUMBER

- It shall be only made after proper verification using OTP.

CANCELLATION OF REGISTRATION (SECTION 29 & RULE 20, 21, 22)

It can be in 2 ways -	1. On an application filed by assessee (or legal heirs in case of death)	<ul style="list-style-type: none">(i) Business discontinued/ death/ amalgamation/ demerger(ii) Change in constitution of business(iii) Voluntarily registered person, not liable u/s 22 or 24, seeks cancellation (cancellation cannot be made before expiry of 1 year from registration)
	2. PO may cancel in his own motion	<ul style="list-style-type: none">(i) RTP does not conduct any business from the declared place of business(ii) Issues invoices/ bill of supply in contravention of Act or rules(iii) Violates Sec 171 or rules made thereunder (Anti-Profiteering)(iv) Regular/ Composition RTP not furnish return for 6 months/ 3 quarters(v) Voluntarily registered person didn't start business within 6 months(vi) Registration was obtained by any kind of fraud

CANCELLATION OF REGISTRATION (SECTION 29 & RULE 20, 21, 22)

1. **Liability to pay dues** – Cancellation shall not affect liability to pay dues under GST of period prior to cancellation, whether determined before or after such cancellation.
2. **Deeming** – Cancellation under SGST/ UTGST act deemed to be a cancellation under this act.
3. **Payment of ITC** – Every RTP whose registration is cancelled, shall pay an amount = [ITC on stock held as on cancellation date & capital goods (reduced by some %)] or [Output tax on transaction value u/s 15], whichever is higher.

(Refer Chapter of ITC & Video on it for detailed calculation method)

PROCEDURE

FROM SIDE OF DEPARTMENT

1. Where PO thinks registration liable to be cancelled due to any of the reasons mentioned in above table, then shall issue Show Cause Notice (SCN) in Form GST REG-17, requiring assessee to reply within 7 days.

2. After seeing the application from the side of assessee for cancellation (in case of voluntary), or on being unsatisfied from SCN reply, If officer decides eligible/ liable to be cancelled → Order in Form GST REG-19 within 30 days from application/ SCN reply, and cancel registration with an effective date decided by him, and direct the person to pay any liabilities due.

3. In case of SCN, if officer is satisfied from SCN reply → Drop proceedings and issue order in Form GST REG-20.

FROM SIDE OF ASSESSEE

For voluntary cancellation, assessee/ legal heirs shall file application in Form GST REG-16, including in it details of stock & capital goods held as on date from which cancellation is sought, details of any payment made against it, any relevant documents, within 30 days of event.

If assessee has received any SCN for cancellation, then reply in Form GST REG-18 within 7 working days of SCN.

REVOCAATION OF CANCELLATION

1. Any RTP whose registration is cancelled by the PO on his own motion, may submit an application for revocation of cancellation of registration, in FORM GST REG-21 within 30 days from the date of service of the cancellation order.
2. If registration was cancelled due to non-filing of returns, revocation application will not be considered unless such returns filed and tax/ interest/ late fees/ penalty thereon paid.
3. Where PO is satisfied, that there are sufficient grounds for revocation of cancellation of registration, he shall revoke the cancellation of registration for reasons to be recorded in writing, by an order in FORM GST REG-22 within 30 days from the date of the receipt of the application, and communicate the revocation to the applicant.
4. Where PO is not satisfied, shall issue a Show Cause Notice in FORM GST REG-23 asking the applicant as to why the application submitted for revocation should not be rejected.

REVOCAATION OF CANCELLATION

5. Applicant shall furnish reply within 7 working days from the date of the service of the notice in FORM GST REG-24.
6. Upon receipt of reply, may accept or reject the application for revocation of cancellation of registration, within 30 days of receipt of reply.
7. PO may finally reject the application, for reasons to be recorded in writing, by an order in FORM GST REG- 05 and communicate the rejection to the applicant.
8. **Deeming** - Revocation of cancellation under SGST/ UTGST act deemed to be a revocation of cancellation under this Act.

MIGRATION (RULE 24)

1. Every person (other than ISD), having a PAN and registered under existing tax laws, shall enrol on the portal, by validating email ID and mobile number.
2. Upon enrolment, granted a provisional registration certificate in Form GST REG-25, with GSTIN. (Persons having multiple registration in same PAN under existing law will get single provisional registration only)
3. All provisional ID holders shall fill Form GST REG-26 along with required documents, within 3 months (or extended period)
4. If PO finds particulars furnished as correct & complete, shall issue a final registration certificate in Form GST REG-06.
5. If info incorrect/ not furnished, PO shall issue a SCN in Form GST REG-27, assessee may reply, and after considering reply-
 - May withdraw the SCN by an order in Form GST REG-20.
 - May issue an order for cancellation of the provisional ID in Form GST REG-28.
6. Any person who is not required to be registered under GST, can apply for cancellation of provisional ID on or before 30/09/2017, in Form GST REG-29, and PO shall cancel after conducting any enquiry.

PHYSICAL VERIFICATION OF BUSINESS PREMISES (RULE 25)

- Where PO is satisfied that the physical verification of the place of business of a RTP is required after the grant of registration, he may get such verification done and the verification report along with the other documents, including photographs, shall be uploaded in FORM GST REG-30 on the common portal within a period of 15 working days following the date of such verification.

METHOD OF AUTHENTICATION (RULE 26)

- All applications, replies, returns, appeals, etc shall be verified using DSC or E-Signature (Aadhar based OTP) or any other method notified by board. (For Companies, only DSC is allowed). All notices, certificates and orders by PO or any other officer authorised, also shall be issued in same manner of authentication.

WHAT WE LEARNED -

- Section 22, 23 & 24– Persons Liable to get Registered or Exempt
- Procedure for Registration (Section 25)
 - Who/ Time Limit & Location of Application
 - Application for Registration (Rule 8)
 - Verification & Approval (Rule 9)
 - Issue of Registration Certificate (RC) (Rule 10)
 - Effective date of registration
 - Forced (Suo Moto) Registration (Rule 16)
 - Single/ Multiple Registrations (Rule 11)
 - Conditions for Multiple registrations for separate Business Verticals-
 - Special Agencies – UIN
 - Special provisions for Casual, NR Taxable Persons (Section 27)
 - Special provisions for persons required to deduct TDS or collect TCS
 - Person supplying OIDAR Services from a place outside India to a NTOR
 - Display of Registration Certificate and GSTIN on the name board (Rule 18)
- Amendment (Section 28 & Rule 19)
 - For Amendment of Core fields
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 - Change in Constitution
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- Cancellation of Registration (Section 29 & Rule 20, 21, 22)
 - Procedure
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- Physical Verification of Business Premises (Rule 25)
- Method of Authentication (Rule 26)

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