

From

Excise & Taxation Commissioner,
Haryana, Panchkula.

To

All the Dy. Excise & Taxation Commissioner (ST),
in the State of Haryana.

Memo No. 3911 /GST-2

Panchkula, date the 10/12/2018

Subject: Corrigendum to Circular regarding Scope of principal and agent relationship under Schedule I of HGST Act, 2017 issued vide Endst. No. 3332 / GST-2, dated 9th October, 2018.

MEMORANDUM

Please find enclosed herewith a copy of circular on the captioned subject.

It is requested to bring this to the knowledge of all the officers working under your control for their information and necessary action.


10.12.18
Superintendent (GST)

for Excise and Taxation Commissioner,
Haryana

Endst. No. 3912 /GST-2, Panchkula, dated the 10/12/2018

A copy of the Circular is forwarded to the following for information and necessary action:-

1. All the Jt. Excise & Taxation Commissioner (Division/Range) in the State of Haryana.
2. All the Jt. Excise & Taxation Commissioner (Appeals) in the State of Haryana.
3. PS/ ACSET.
4. PA/ETC.


10.12.18
Superintendent (GST)

for Excise and Taxation Commissioner,
Haryana

Endst. No. 3913 /GST-2, Panchkula, dated the 10/12/2018

A copy of the Circular is forwarded to the following in the Head Office for information and necessary action:-

1. All the Addl. Excise & Taxation Commissioners.
2. All the Jt. Excise & Taxation Commissioners.
3. The Jt. Director (L) -I and II.
4. The Dy. Excise & Taxation Commissioners.
5. DA-I & II.
6. DDA-I & II.


10.12.18
Superintendent (GST)

for Excise and Taxation Commissioner,
Haryana

**HARYANA GOVERNMENT
EXCISE AND TAXATION DEPARTMENT**

Subject: Corrigendum to Circular regarding Scope of principal and agent relationship under Schedule I of HGST Act, 2017 issued vide Endst. No.3332/GST-2, dated 9th October, 2018.

In para 9 of the Circular issued vide Endst. No.3332/GST-2, dated 09.08.2018.

For

“However, in cases where the supply of agricultural produce is not exempted and liable to tax, such commission agent shall be liable for compulsory registration under sub-section (vii) of section 24 of the HGST Act.”

read,

“Further, according to clause (vii) of section 24 of the HGST Act, a person is liable for mandatory registration if he makes *taxable supply* of goods or services or both on behalf of other *taxable persons*. Accordingly, the requirement of compulsory registration for commission agent, under the said clause shall arise when both the following conditions are satisfied, namely: -

- (a) the principal should be a taxable person; and
- (b) the supplies made by the commission agent should be taxable.

Generally, a commission agent under APMC Act makes supplies on behalf of an agriculturist. Further, as per provisions of clause (b) of sub-section (1) of section 23 of the HGST Act, an agriculturist who supplies produce out of cultivation of land is not liable for registration and therefore does not fall within the ambit of the term “taxable person”. Thus a commission agent who is making supplies on behalf of such an agriculturist, who is not a taxable person, is not liable for compulsory registration under clause (vii) of section 24 of the HGST Act. However, where a commission agent is liable to pay tax under reverse charge, such an agent will be required to get registered compulsorily under section 24 (iii) of the HGST Act.”

2. Difficulty, if any, in implementation of this Circular may please be brought to the notice of the Department.

Dated: 29.11.2018
Panchkula

Amit Kumar Agrawal
Excise & Taxation Commissioner-cum-
Commissioner of State Tax, Haryana