



CIRCULAR

No. VNIT/Acct/GST/2021-22/५४०

Date: 1.1.2022

**Sub: Streamlining of procedure for accounting of Testing, consultancy receipts- reg**

1. This refers to Central Board of Indirect Taxes and Customs (CBIC), Ministry of Finance, Govt of India Notification No. 40/2021 – Central Tax dated 29-12-2021, which inter-alia regulates that-

*“(4) No input tax credit shall be availed by a registered person in respect of invoices or debit notes the details of which are required to be furnished under subsection (1) of section 37 unless,-*

*(a) the details of such invoices or debit notes have been furnished by the supplier in the statement of outward supplies in FORM GSTR-1 or using the invoice furnishing facility; and*

*(b) the details of such invoices or debit notes have been communicated to the registered person in FORM GSTR-2B under sub-rule (7) of rule 60.”*

The said provision has been made effective from **01-01-2022**.

2. This makes it clear that GST input tax credit for a particular month will not be available to clients, if the receipts pertaining to Testing/ consultancy etc. are not accounted for in the books of accounts in the same month in which payment is credited in the Institute's bank account.

3. Further, GST credit can also not be availed by the client if correct GST number is not furnished by concerned faculty coordinator in the proforma invoice or the GST number is not at all made available till generation of receipt voucher (RV) in Accounts Section.

4. In order to ensure that above requirements are duly complied with, following instructions are hereby issued, for strict compliance by all concerned:

(i) Proper liasoning will be maintained by concerned faculty coordinators with Testing consultancy clients to ensure that details of payment are made available to Accounts Section as soon as possible, so that **Receipt Voucher is issued in the same month in which payment is credited in the Institute's bank account.**

(ii) Revised format of Proforma Invoice (**Annexure-I**) is to be used by all concerned and use of old format may be discontinued, with immediate effect. It is clearly mentioned in the revised Proforma Invoice format the same should not be construed as Tax Invoice and the Tax Invoice will be issued by Institute after receipt of payment. In cases where client is insisting for Tax Invoice before release of payment, the existing procedure of submission of 'Proforma for issuance of Tax Invoice (in advance) in respect of Testing consultancy services' shall continue to be in force. **Copy of Proforma Invoice may be sent to Accounts Section mail id 'dr\_acct@vnit.ac.in' for information, as soon as the same is issued to client.**

(iii) In cases where the GST No. of client is not available, the said transaction has to be treated as the one with unregistered dealer (URD) and subsequent requests for updation of GST number after generation of Receipt Voucher can not be considered, under any circumstances. Concerned faculty coordinators shall submit undertaking to this effect, in the prescribed format (**Annexure-II**).

(iv) Before issuance of Proforma Invoice, it should be verified from GST portal that the name of client as requested and the legal name as visible on GST portal is identical. The verification should be done online on website **gst.gov.in** using tab- Search Taxpayer—Search by GSTIN/ UIN.

(v) Due date for deposit of GST is **20<sup>th</sup> of the following month**, in which payment is credited in Institute bank account. If the Receipt Voucher is not issued in the same month in which payment is credited in the Institute's bank account due to any reason (like non-submission of payment details, deduction details, proforma invoice, consultancy approval etc.) the same would entail interest liability for delayed deposit of GST in govt. treasury. Present rate of interest for late payment of GST is 18% p.a. The interest so payable shall be adjusted from the testing consultancy revenue at the time of processing distribution bill(s).

5. All concerned are requested to scrupulously follow these guidelines.



(Dr P M Padole)

**DIRECTOR**

निदेशक / Director

वि.स.प्रौ.सं. / V.N.I.T.

नागपुर-10 / Nagpur-10

**To:**

- |    |                                  |   |   |
|----|----------------------------------|---|---|
| 1. | All HoDs / Faculty               | - | For information and circulation among staff under their control |
| 2. | All Deans/ Associate Deans       | - | For information and necessary action, please.                   |
| 3. | Jt Registrar (Accts.)/ Registrar | - | -do-  |
| 4. | PA to Director                   | - | For information and records, please.                            |

**ANNEXURE-I**

**VISVESVARAYA NATIONAL INSTITUTE OF TECHNOLOGY**

Accounts office, Administartion Building, South Ambazari road,  
Nagpur, Maharashtra (India) - 440010  
Contact No: +91 712-.....(of Coordinator) , Email ID: ..... (of Coordinator)  
GSTIN: 27AATV9885C1ZZ PAN No: AAATV9885C



**Proforma Invoice (Not to be treated as Tax Invoice, issued under GST Act 2017)**  
**(Final Tax invoice shall be issued after deposit of Funds and intimation of details thereof)**

Proforma Invoice No:				Proforma Invoice Date:			
Testing Service			Consultancy Service				
S. No.	Service/item Description	SAC/HSN code	Qty	Rate	Amount	Discount	Taxable Value
		998393 (For consultancy)					
		998346 (For Testing)					
		999293 (For Commercial training and coaching services)					
Bank Details			Total Amount before Tax				-
Bank A/C:10259420798			Add: CGST (9%)				-
Bank IFSC: SBIN006702			Add: SGST (9%)				-
Terms and Conditions:			Add: IGST (18%)				-
1. Income of the Institute is exempt under Section 10 (23C) (iiiab) of Income Tax Act, 1961.			Total Tax Amount				-
2. GST TDS not applicable in terms of notification No. 73/2018 dated 31 Dec 2018 since VNIT is also deductor under GST Act.			Total Amount after Tax:				-
3. All disputes are subject to Nagpur Jurisdiction							
<b>Details of Receiver/ Client (Billing Details)</b>				<b>Place of Supply alongwith Complete address where service is received:</b>			
Name:							
Address:							
GSTIN:				State (Place of Supply):			
State:		Code		State Code (Place of Supply):			
Email Id (mandatory):				Contact No (mandatory):			
Note: The details of payment (with deductions if any) may please be informed immediately on above mail id as well as on dr_acct@vnit.ac.in.							

(Name of Signature of Coordinator)

(Name, Seal and Signature of HOD)

**ANNEXURE-II**

**Undertaking for transactions with the unregistered dealer (URD)**

I / We hereby certify that the client to whom instant testing/ consultancy services are rendered, is not registered under GST Act and hence their GST number can not be made available.

I / We understand that the client will not be eligible to claim Input tax credit (ITC) in respect of said transaction and request for updation of GST number after generation of Receipt Voucher shall not be considered, under any circumstances.

(Name of Signature of Coordinator)

(Name, Seal and Signature of HOD)

To:

Jt Registrar (Accounts)

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

**Government of India**  
**Ministry of Finance**  
**(Department of Revenue)**  
**Central Board of Indirect Taxes and Customs**

**Notification No. 40/2021 – Central Tax**

**New Delhi, the 29<sup>th</sup> December, 2021**

G.S.R...(E).- In exercise of the powers conferred by section 164 of the Central Goods and Services Tax Act, 2017 (12 of 2017), the Central Government, on the recommendations of the Council, hereby makes the following rules further to amend the Central Goods and Services Tax Rules, 2017, namely: —

**1. Short title and commencement.** -(1) These rules may be called the Central Goods and Services Tax (Tenth Amendment) Rules, 2021.

(2) Save as otherwise provided in these rules, they shall come into force on the date of their publication in the Official Gazette.

**2.** In the Central Goods and Services Tax Rules, 2017, —

(i) in rule 36, for sub-rule (4), the following sub-rule shall be substituted, with effect from the 1st day of January, 2022, namely: -

“(4) No input tax credit shall be availed by a registered person in respect of invoices or debit notes the details of which are required to be furnished under sub-section (1) of section 37 unless,-

(a) the details of such invoices or debit notes have been furnished by the supplier in the statement of outward supplies in **FORM GSTR-1** or using the invoice furnishing facility; and

(b) the details of such invoices or debit notes have been communicated to the registered person in **FORM GSTR-2B** under sub-rule (7) of rule 60.”;

(ii) in rule 80,—

(a) after sub-rule (1), the following sub-rule shall be inserted, namely:-

“(1A) Notwithstanding anything contained in sub-rule (1), for the financial year 2020-2021 the said annual return shall be furnished on or before the twenty-eighth day of February, 2022.”;

(b) after sub-rule (3), the following sub-rule shall be inserted, namely:-

“(3A) Notwithstanding anything contained in sub-rule (3), for the financial year 2020-2021 the said self-certified reconciliation statement shall be furnished along with the said annual return on or before the twenty-eighth day of February, 2022.”;

(iii) in rule 95, in sub-rule (3), after clause (c), the following proviso shall be inserted and shall be deemed to have been inserted with effect from the 1<sup>st</sup> day of April, 2021, namely:-

“**Provided** that where Unique Identity Number of the applicant is not mentioned in a tax invoice, the refund of tax paid by the applicant on such invoice shall be available only if the copy of the invoice, duly attested by the authorized representative of the applicant, is submitted along with the refund application in **FORM GST RFD-10.**”;

(iv) in rule 142, with effect from the 1<sup>st</sup> day of January, 2022,-

(a) in sub-rule (3), for the words and letters, “fourteen days of detention or seizure of the goods and conveyance”, the words, brackets and figures, “seven days of the notice issued under sub-section (3) of Section 129 but before the issuance of order under the said sub-section (3)” shall be substituted;

(b) in sub-rule (5), for the words, “tax, interest and penalty payable by the person chargeable with tax”, the words, “tax, interest and penalty, as the case may be, payable by the person concerned” shall be substituted;

(v) after rule 144, the following rule shall be inserted with effect from the 1st day of January, 2022, namely:-

“**Recovery of penalty by sale of goods or conveyance detained or seized in transit.- 144A.** (1) Where the person transporting any goods or the owner of such goods fails to pay the amount of penalty under sub-section (1) of section 129 within fifteen days from the date of receipt of the copy of the order passed under sub-section (3) of the said section 129, the proper officer shall proceed for sale or disposal of the goods or conveyance so detained or seized by preparing an inventory and estimating the market value of such goods or conveyance:

**Provided** that where the detained or seized goods are perishable or hazardous in nature or are likely to depreciate in value with passage of time, the said period of fifteen days may be reduced by the proper officer.