

## Law and Provisions under IGST

### Chapter 5 – PLACE OF SUPPLY OF GOODS OR SERVICES OR BOTH

#### 5.1 Place of supply of goods other than supply of goods imported into, or exported from India [Section 10]

<b>10(1)</b>	01.07.2017 to 30.09.2023	The place of supply of goods, other than supply of goods imported into, or exported from India, shall be as under,—									
		<table border="1" style="width: 100%;"> <tr> <td style="width: 5%; vertical-align: top;">(a)</td> <td>where the supply involves movement of goods, whether by the supplier or the recipient or by any other person, the place of supply of such goods shall be the location of the goods at the time at which the movement of goods terminates for delivery to the recipient;</td> </tr> <tr> <td style="vertical-align: top;">(b)</td> <td>where the goods are delivered by the supplier to a recipient or any other person on the direction of a third person, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to the goods or otherwise, it shall be deemed that the said third person has received the goods and the place of supply of such goods shall be the principal place of business of such person;</td> </tr> <tr> <td style="vertical-align: top;">(c)</td> <td>where the supply does not involve movement of goods, whether by the supplier or the recipient, the place of supply shall be the location of such goods at the time of the delivery to the recipient;</td> </tr> <tr> <td style="vertical-align: top;">(d)</td> <td>where the goods are assembled or installed at site, the place of supply shall be the place of such installation or assembly;</td> </tr> <tr> <td style="vertical-align: top;">(e)</td> <td>where the goods are supplied on board a conveyance, including a vessel, an aircraft, a train or a motor vehicle, the place of supply shall be the location at which such goods are taken on board.</td> </tr> </table>	(a)	where the supply involves movement of goods, whether by the supplier or the recipient or by any other person, the place of supply of such goods shall be the location of the goods at the time at which the movement of goods terminates for delivery to the recipient;	(b)	where the goods are delivered by the supplier to a recipient or any other person on the direction of a third person, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to the goods or otherwise, it shall be deemed that the said third person has received the goods and the place of supply of such goods shall be the principal place of business of such person;	(c)	where the supply does not involve movement of goods, whether by the supplier or the recipient, the place of supply shall be the location of such goods at the time of the delivery to the recipient;	(d)	where the goods are assembled or installed at site, the place of supply shall be the place of such installation or assembly;	(e)
(a)	where the supply involves movement of goods, whether by the supplier or the recipient or by any other person, the place of supply of such goods shall be the location of the goods at the time at which the movement of goods terminates for delivery to the recipient;										
(b)	where the goods are delivered by the supplier to a recipient or any other person on the direction of a third person, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to the goods or otherwise, it shall be deemed that the said third person has received the goods and the place of supply of such goods shall be the principal place of business of such person;										
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(d)	where the goods are assembled or installed at site, the place of supply shall be the place of such installation or assembly;										
(e)	where the goods are supplied on board a conveyance, including a vessel, an aircraft, a train or a motor vehicle, the place of supply shall be the location at which such goods are taken on board.										
	01.10.2023 to till date	The place of supply of goods, other than supply of goods imported into, or exported from India, shall be as under,—									
		<table border="1" style="width: 100%;"> <tr> <td style="width: 5%; vertical-align: top;">(a)</td> <td>where the supply involves movement of goods, whether by the supplier or the recipient or by any other person, the place of supply of such goods shall be the location of the goods at the time at which the movement of goods terminates for delivery to the recipient;</td> </tr> <tr> <td style="vertical-align: top;">(b)</td> <td>where the goods are delivered by the supplier to a recipient or any other person on the direction of a third person, whether acting as an agent or otherwise, before or during movement of goods,</td> </tr> </table>	(a)	where the supply involves movement of goods, whether by the supplier or the recipient or by any other person, the place of supply of such goods shall be the location of the goods at the time at which the movement of goods terminates for delivery to the recipient;	(b)	where the goods are delivered by the supplier to a recipient or any other person on the direction of a third person, whether acting as an agent or otherwise, before or during movement of goods,					
(a)	where the supply involves movement of goods, whether by the supplier or the recipient or by any other person, the place of supply of such goods shall be the location of the goods at the time at which the movement of goods terminates for delivery to the recipient;										
(b)	where the goods are delivered by the supplier to a recipient or any other person on the direction of a third person, whether acting as an agent or otherwise, before or during movement of goods,										

		<p>either by way of transfer of documents of title to the goods or otherwise, it shall be deemed that the said third person has received the goods and the place of supply of such goods shall be the principal place of business of such person;</p>
		<p>(c) where the supply does not involve movement of goods, whether by the supplier or the recipient, the place of supply shall be the location of such goods at the time of the delivery to the recipient;</p>
		<p><sup>1</sup>[(ca) where the supply of goods is made to a person other than a registered person, the place of supply shall, notwithstanding anything contrary contained in clause (a) or clause (c), be the location as per the address of the said person recorded in the invoice issued in respect of the said supply and the location of the supplier where the address of the said person is not recorded in the invoice. <b>Explanation.</b>—For the purposes of this clause, recording of the name of the State of the said person in the invoice shall be deemed to be the recording of the address of the said person;]</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>1. Inserted vide Section 4 of the <a href="#">Integrated Goods and Services Tax (Amendment) Act, 2023</a> which has come into force w.e.f. 01.10.2023 as the Central Government has appointed the 1st day of October, 2023, as the date on which the provisions of the said Act, have come into force vide <a href="#">Notification No. 02/2023 – Integrated Tax dated 29.09.2023</a>.</p> </div>
		<p>(d) where the goods are assembled or installed at site, the place of supply shall be the place of such installation or assembly;</p>
		<p>(e) where the goods are supplied on board a conveyance, including a vessel, an aircraft, a train or a motor vehicle, the place of supply shall be the location at which such goods are taken on board.</p>
<b>10(2)</b>	01.07.2017 to till date	Where the place of supply of goods cannot be determined, the place of supply shall be determined in such manner as may be prescribed.

## 5.2 Place of supply of goods imported into, or exported from India [Section 11]

<b>11</b>	01.07.2017 to till date	The place of supply of goods,—	
		(a)	imported into India shall be the location of the importer;
		(b)	exported from India shall be the location outside India.

### 5.3 Place of supply of services where location of supplier and recipient is in India [Section 12]

<b>12(1)</b>	01.07.2017 to till date	The provisions of this section shall apply to determine the place of supply of services where the location of supplier of services and the location of the recipient of services is in India.								
<b>12(2)</b>	01.07.2017 to till date	<p>The place of supply of services, except the services specified in sub-sections (3) to (14),—</p> <table border="1"> <tr> <td>(a)</td> <td>made to a registered person shall be the location of such person;</td> </tr> <tr> <td>(b)</td> <td>made to any person other than a registered person shall be,—</td> </tr> <tr> <td>(i)</td> <td>the location of the recipient where the address on record exists; and</td> </tr> <tr> <td>(ii)</td> <td>the location of the supplier of services in other cases.</td> </tr> </table>	(a)	made to a registered person shall be the location of such person;	(b)	made to any person other than a registered person shall be,—	(i)	the location of the recipient where the address on record exists; and	(ii)	the location of the supplier of services in other cases.
(a)	made to a registered person shall be the location of such person;									
(b)	made to any person other than a registered person shall be,—									
(i)	the location of the recipient where the address on record exists; and									
(ii)	the location of the supplier of services in other cases.									
<b>12(3)</b>	01.07.2017 to till date	<p>The place of supply of services,—</p> <table border="1"> <tr> <td>(a)</td> <td>directly in relation to an immovable property, including services provided by architects, interior decorators, surveyors, engineers and other related experts or estate agents, any service provided by way of grant of rights to use immovable property or for carrying out or co-ordination of construction work; or</td> </tr> <tr> <td>(b)</td> <td>by way of lodging accommodation by a hotel, inn, guest house, home stay, club or campsite, by whatever name called, and including a house boat or any other vessel; or</td> </tr> <tr> <td>(c)</td> <td>by way of accommodation in any immovable property for organising any marriage or reception or matters related thereto, official, social, cultural, religious or business function including services provided in relation to such function at such property; or</td> </tr> <tr> <td>(d)</td> <td>any services ancillary to the services referred to in clauses (a), (b) and (c),</td> </tr> </table> <p>shall be the location at which the immovable property or boat or vessel, as the case may be, is located or intended to be located:</p>	(a)	directly in relation to an immovable property, including services provided by architects, interior decorators, surveyors, engineers and other related experts or estate agents, any service provided by way of grant of rights to use immovable property or for carrying out or co-ordination of construction work; or	(b)	by way of lodging accommodation by a hotel, inn, guest house, home stay, club or campsite, by whatever name called, and including a house boat or any other vessel; or	(c)	by way of accommodation in any immovable property for organising any marriage or reception or matters related thereto, official, social, cultural, religious or business function including services provided in relation to such function at such property; or	(d)	any services ancillary to the services referred to in clauses (a), (b) and (c),
(a)	directly in relation to an immovable property, including services provided by architects, interior decorators, surveyors, engineers and other related experts or estate agents, any service provided by way of grant of rights to use immovable property or for carrying out or co-ordination of construction work; or									
(b)	by way of lodging accommodation by a hotel, inn, guest house, home stay, club or campsite, by whatever name called, and including a house boat or any other vessel; or									
(c)	by way of accommodation in any immovable property for organising any marriage or reception or matters related thereto, official, social, cultural, religious or business function including services provided in relation to such function at such property; or									
(d)	any services ancillary to the services referred to in clauses (a), (b) and (c),									
<b>Proviso</b>	01.07.2017 to till date	<b>Provided that</b> if the location of the immovable property or boat or vessel is located or intended to be located outside India, the place of supply shall be the location of the recipient.								
<b>Explanation</b>	01.07.2017 to till date	Where the immovable property or boat or vessel is located in more than one State or Union territory, the supply of services shall be treated as made in each of the respective States or Union territories, in proportion to the value for services separately collected or determined in terms of the contract or agreement entered into in this regard or, in the absence of								

		such contract or agreement, on such other basis as may be prescribed.								
<b>12(4)</b>	01.07.2017 to till date	The place of supply of restaurant and catering services, personal grooming, fitness, beauty treatment, health service including cosmetic and plastic surgery shall be the location where the services are actually performed.								
<b>12(5)</b>	01.07.2017 to till date	The place of supply of services in relation to training and performance appraisal to,— <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">(a)</td> <td>a registered person, shall be the location of such person;</td> </tr> <tr> <td style="text-align: center;">(b)</td> <td>a person other than a registered person, shall be the location where the services are actually performed.</td> </tr> </table>	(a)	a registered person, shall be the location of such person;	(b)	a person other than a registered person, shall be the location where the services are actually performed.				
(a)	a registered person, shall be the location of such person;									
(b)	a person other than a registered person, shall be the location where the services are actually performed.									
<b>12(6)</b>	01.07.2017 to till date	The place of supply of services provided by way of admission to a cultural, artistic, sporting, scientific, educational, entertainment event or amusement park or any other place and services ancillary thereto, shall be the place where the event is actually held or where the park or such other place is located.								
<b>12(7)</b>	01.07.2017 to till date	The place of supply of services provided by way of,— <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">(a)</td> <td>organisation of a cultural, artistic, sporting, scientific, educational or entertainment event including supply of services in relation to a conference, fair, exhibition, celebration or similar events; or</td> </tr> <tr> <td style="text-align: center;">(b)</td> <td>services ancillary to organisation of any of the events or services referred to in clause (a), or assigning of sponsorship to such events,—  <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">(i)</td> <td>to a registered person, shall be the location of such person;</td> </tr> <tr> <td style="text-align: center;">(ii)</td> <td>to a person other than a registered person, shall be the place where the event is actually held and if the event is held outside India, the place of supply shall be the location of the recipient.</td> </tr> </table> </td> </tr> </table> <p><b>Explanation.</b>—Where the event is held in more than one State or Union territory and a consolidated amount is charged for supply of services relating to such event, the place of supply of such services shall be taken as being in each of the respective States or Union territories in proportion to the value for services separately collected or determined in terms of the contract or agreement entered into in this regard or, in the absence of such contract or agreement, on such other basis as may be prescribed.</p>	(a)	organisation of a cultural, artistic, sporting, scientific, educational or entertainment event including supply of services in relation to a conference, fair, exhibition, celebration or similar events; or	(b)	services ancillary to organisation of any of the events or services referred to in clause (a), or assigning of sponsorship to such events,— <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">(i)</td> <td>to a registered person, shall be the location of such person;</td> </tr> <tr> <td style="text-align: center;">(ii)</td> <td>to a person other than a registered person, shall be the place where the event is actually held and if the event is held outside India, the place of supply shall be the location of the recipient.</td> </tr> </table>	(i)	to a registered person, shall be the location of such person;	(ii)	to a person other than a registered person, shall be the place where the event is actually held and if the event is held outside India, the place of supply shall be the location of the recipient.
(a)	organisation of a cultural, artistic, sporting, scientific, educational or entertainment event including supply of services in relation to a conference, fair, exhibition, celebration or similar events; or									
(b)	services ancillary to organisation of any of the events or services referred to in clause (a), or assigning of sponsorship to such events,— <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center;">(i)</td> <td>to a registered person, shall be the location of such person;</td> </tr> <tr> <td style="text-align: center;">(ii)</td> <td>to a person other than a registered person, shall be the place where the event is actually held and if the event is held outside India, the place of supply shall be the location of the recipient.</td> </tr> </table>	(i)	to a registered person, shall be the location of such person;	(ii)	to a person other than a registered person, shall be the place where the event is actually held and if the event is held outside India, the place of supply shall be the location of the recipient.					
(i)	to a registered person, shall be the location of such person;									
(ii)	to a person other than a registered person, shall be the place where the event is actually held and if the event is held outside India, the place of supply shall be the location of the recipient.									

12(8)	01.07.2017 to till date	<p>The place of supply of services by way of transportation of goods, including by mail or courier to,—</p> <table border="1" data-bbox="603 315 1385 488"> <tr> <td data-bbox="603 315 667 383">(a)</td> <td data-bbox="667 315 1385 383">a registered person, shall be the location of such person;</td> </tr> <tr> <td data-bbox="603 383 667 488">(b)</td> <td data-bbox="667 383 1385 488">a person other than a registered person, shall be the location at which such goods are handed over for their transportation.</td> </tr> </table>	(a)	a registered person, shall be the location of such person;	(b)	a person other than a registered person, shall be the location at which such goods are handed over for their transportation.
(a)	a registered person, shall be the location of such person;					
(b)	a person other than a registered person, shall be the location at which such goods are handed over for their transportation.					
Proviso	01.02.2019 to till date	<p><sup>1</sup>[<b>Provided</b> that where the transportation of goods is to a place outside India, the place of supply shall be the place of destination of such goods.]</p> <table border="1" data-bbox="683 622 1385 797"> <tr> <td data-bbox="683 622 1385 797">1. Inserted w.e.f. 01.02.2019 vide section 5 of the Integrated Goods and Services Tax (Amendment) Act, 2018 and has come into force vide <a href="#">Notification No. 01/2019 – Integrated Tax, Dated 29th January, 2019.</a></td> </tr> </table>	1. Inserted w.e.f. 01.02.2019 vide section 5 of the Integrated Goods and Services Tax (Amendment) Act, 2018 and has come into force vide <a href="#">Notification No. 01/2019 – Integrated Tax, Dated 29th January, 2019.</a>			
1. Inserted w.e.f. 01.02.2019 vide section 5 of the Integrated Goods and Services Tax (Amendment) Act, 2018 and has come into force vide <a href="#">Notification No. 01/2019 – Integrated Tax, Dated 29th January, 2019.</a>						
	01.10.2023 to till next amendment	<p><sup>1</sup>[*****]</p> <table border="1" data-bbox="683 869 1385 1122"> <tr> <td data-bbox="683 869 1385 1122">1. The proviso to be omitted vide Section 161 of the Finance Act 2023 and shall come into force w.e.f. 01.10.2023 as the Central Government has appointed the 1st day of October, 2023, as the date on which the provisions shall come into force vide <a href="#">Notification No. 28/2023–Central Tax dated 31.07.2023.</a></td> </tr> </table>	1. The proviso to be omitted vide Section 161 of the Finance Act 2023 and shall come into force w.e.f. 01.10.2023 as the Central Government has appointed the 1st day of October, 2023, as the date on which the provisions shall come into force vide <a href="#">Notification No. 28/2023–Central Tax dated 31.07.2023.</a>			
1. The proviso to be omitted vide Section 161 of the Finance Act 2023 and shall come into force w.e.f. 01.10.2023 as the Central Government has appointed the 1st day of October, 2023, as the date on which the provisions shall come into force vide <a href="#">Notification No. 28/2023–Central Tax dated 31.07.2023.</a>						
12(9)	01.07.2017 to till date	<p>The place of supply of passenger transportation service to,—</p> <table border="1" data-bbox="603 1189 1385 1361"> <tr> <td data-bbox="603 1189 667 1256">(a)</td> <td data-bbox="667 1189 1385 1256">a registered person, shall be the location of such person;</td> </tr> <tr> <td data-bbox="603 1256 667 1361">(b)</td> <td data-bbox="667 1256 1385 1361">a person other than a registered person, shall be the place where the passenger embarks on the conveyance for a continuous journey:</td> </tr> </table>	(a)	a registered person, shall be the location of such person;	(b)	a person other than a registered person, shall be the place where the passenger embarks on the conveyance for a continuous journey:
(a)	a registered person, shall be the location of such person;					
(b)	a person other than a registered person, shall be the place where the passenger embarks on the conveyance for a continuous journey:					
Proviso	01.07.2017 to till date	<p><b>Provided that</b> where the right to passage is given for future use and the point of embarkation is not known at the time of issue of right to passage, the place of supply of such service shall be determined in accordance with the provisions of sub-section (2).</p>				
Explanation	01.07.2017 to till date	<p>For the purposes of this sub-section, the return journey shall be treated as a separate journey, even if the right to passage for onward and return journey is issued at the same time.</p>				
12(10)	01.07.2017 to till date	<p>The place of supply of services on board a conveyance, including a vessel, an aircraft, a train or a motor vehicle, shall be the location of the first scheduled point of departure of that conveyance for the journey.</p>				
12(11)	01.07.2017 to till date	<p>The place of supply of telecommunication services including data transfer, broadcasting, cable and direct to home television services to any person shall,—</p> <table border="1" data-bbox="603 1939 1385 2038"> <tr> <td data-bbox="603 1939 667 2038">(a)</td> <td data-bbox="667 1939 1385 2038">in case of services by way of fixed telecommunication line, leased circuits, internet leased circuit, cable or dish antenna, be the location where the</td> </tr> </table>	(a)	in case of services by way of fixed telecommunication line, leased circuits, internet leased circuit, cable or dish antenna, be the location where the		
(a)	in case of services by way of fixed telecommunication line, leased circuits, internet leased circuit, cable or dish antenna, be the location where the					

		<p>telecommunication line, leased circuit or cable connection or dish antenna is installed for receipt of services;</p> <p>(b) in case of mobile connection for telecommunication and internet services provided on post-paid basis, be the location of billing address of the recipient of services on the record of the supplier of services;</p> <p>(c) in cases where mobile connection for telecommunication, internet service and direct to home television services are provided on pre-payment basis through a voucher or any other means,—</p> <table border="1" style="margin-left: 20px;"> <tr> <td>(i)</td> <td>through a selling agent or a re-seller or a distributor of subscriber identity module card or re-charge voucher, be the address of the selling agent or re-seller or distributor as per the record of the supplier at the time of supply; or</td> </tr> <tr> <td>(ii)</td> <td>by any person to the final subscriber, be the location where such prepayment is received or such vouchers are sold;</td> </tr> </table> <p>(d) in other cases, be the address of the recipient as per the records of the supplier of services and where such address is not available, the place of supply shall be location of the supplier of services:</p>	(i)	through a selling agent or a re-seller or a distributor of subscriber identity module card or re-charge voucher, be the address of the selling agent or re-seller or distributor as per the record of the supplier at the time of supply; or	(ii)	by any person to the final subscriber, be the location where such prepayment is received or such vouchers are sold;
(i)	through a selling agent or a re-seller or a distributor of subscriber identity module card or re-charge voucher, be the address of the selling agent or re-seller or distributor as per the record of the supplier at the time of supply; or					
(ii)	by any person to the final subscriber, be the location where such prepayment is received or such vouchers are sold;					
<b>Proviso</b>	01.07.2017 to till date	<b>Provided that</b> where the address of the recipient as per the records of the supplier of services is not available, the place of supply shall be location of the supplier of services:				
<b>Proviso</b>	01.07.2017 to till date	<b>Provided further</b> that if such pre-paid service is availed or the recharge is made through internet banking or other electronic mode of payment, the location of the recipient of services on the record of the supplier of services shall be the place of supply of such services.				
<b>Explanation</b>	01.07.2017 to till date	Where the leased circuit is installed in more than one State or Union territory and a consolidated amount is charged for supply of services relating to such circuit, the place of supply of such services shall be taken as being in each of the respective States or Union territories in proportion to the value for services separately collected or determined in terms of the contract or agreement entered into in this regard or, in the absence of such contract or agreement, on such other basis as may be prescribed.				
<b>12(12)</b>	01.07.2017 to till date	The place of supply of banking and other financial services, including stock broking services to any person shall be the location of the recipient of services on the records of the supplier of services:				

<b>Proviso</b>	01.07.2017 to till date	<b>Provided that</b> if the location of recipient of services is not on the records of the supplier, the place of supply shall be the location of the supplier of services.				
<b>12(13)</b>	01.07.2017 to till date	<p>The place of supply of insurance services shall,—</p> <table border="1"> <tr> <td>(a)</td> <td>to a registered person, be the location of such person;</td> </tr> <tr> <td>(b)</td> <td>to a person other than a registered person, be the location of the recipient of services on the records of the supplier of services.</td> </tr> </table>	(a)	to a registered person, be the location of such person;	(b)	to a person other than a registered person, be the location of the recipient of services on the records of the supplier of services.
(a)	to a registered person, be the location of such person;					
(b)	to a person other than a registered person, be the location of the recipient of services on the records of the supplier of services.					
<b>12(14)</b>	01.07.2017 to till date	The place of supply of advertisement services to the Central Government, a State Government, a statutory body or a local authority meant for the States or Union territories identified in the contract or agreement shall be taken as being in each of such States or Union territories and the value of such supplies specific to each State or Union territory shall be in proportion to the amount attributable to services provided by way of dissemination in the respective States or Union territories as may be determined in terms of the contract or agreement entered into in this regard or, in the absence of such contract or agreement, on such other basis as may be prescribed.				

**5.3.1.1 Departmental Notifications — Insertion of Rule 3 - The proportion of value attributable in the case of supply of advertisement services under sub section (14) of section 12 of the Integrated Goods and Services Tax Act, 2017.**

<sup>1</sup>**[Rule 3.** The proportion of value attributable to different States or Union territories, in the case of supply of advertisement services to the Central Government, a State Government, a statutory body or a local authority, under sub section (14) of section 12 of the Integrated Goods and Services Tax Act, 2017, in the absence of any contract between the supplier of service and recipient of services, shall be determined in the following manner namely:-

- (a) In the case of newspapers and publications, the amount payable for publishing an advertisement in all the editions of a newspaper or publication, which are published in a State or Union territory, as the case may be, is the value of advertisement service attributable to the dissemination in such State or Union territory.

**Illustration:** ABC is a government agency which deals with the all the advertisement and publicity of the Government. It has various wings dealing with various types of publicity. In furtherance thereof, it issues release orders to various agencies and entities. These agencies and entities thereafter provide the service and then issue



invoices to ABC indicating the amount to be paid by them. ABC issues a release order to a newspaper for an advertisement on 'Beti bachao beti padhao', to be published in the newspaper DEF (whose head office is in Delhi) for the editions of Delhi, Pune, Mumbai, Lucknow and Jaipur. The release order will have details of the newspaper like the periodicity, language, size of the advertisement and the amount to be paid to such a newspaper. The place of supply of this service shall be in the Union territory of Delhi, and the States of Maharashtra, Uttar Pradesh and Rajasthan. The amounts payable to the Pune and Mumbai editions would constitute the proportion of value for the state of Maharashtra which is attributable to the dissemination in Maharashtra. Likewise the amount payable to the Delhi, Lucknow and Jaipur editions would constitute the proportion of value attributable to the dissemination in the Union territory of Delhi and States of Uttar Pradesh and Rajasthan respectively. DEF should issue separate State wise and Union territory wise invoices based on the editions.

- (b) in the case of printed material like pamphlets, leaflets, diaries, calendars, T shirts etc, the amount payable for the distribution of a specific number of such material in a particular State or Union territory is the value of advertisement service attributable to the dissemination in such State or Union territory, as the case may be.

**Illustration:** As a part of the campaign 'Swachh Bharat', ABC has engaged a company GH for printing of one lakh pamphlets (at a total cost of one lakh rupees) to be distributed in the states of Haryana, Uttar Pradesh and Rajasthan. In such a case, ABC should ascertain the breakup of the pamphlets to be distributed in each of the three States i.e. Haryana, Uttar Pradesh and Rajasthan, from the Ministry or department concerned at the time of giving the print order. Let us assume that this breakup is twenty thousand, fifty thousand and thirty thousand respectively. This breakup should be indicated in the print order. The place of supply of this service is in Haryana, Uttar Pradesh and Rajasthan. The ratio of this breakup i.e 2:5:3 will form the basis of value attributable to the dissemination in each of the three States. Separate invoices will have to be issued State wise by GH to ABC indicating the value pertaining to that State i.e twenty thousand rupees- Haryana, fifty thousand rupees- Uttar Pradesh and thirty thousand rupees- Rajasthan.

- (c) (i) in the case of hoardings other than those on trains , the amount payable for the hoardings located in each State or Union territory, as the case may be, is the value of advertisement service attributable to the dissemination in each such State or Union territory, as the case may be.



**Illustration:** ABC as part of the campaign 'Saakshar Bharat' has engaged a firm IJ for putting up hoardings near the Airports in the four metros i.e. Delhi, Mumbai, Chennai and Kolkata . The release order issued by ABC to IJ will have the citywise, locationwise breakup of the amount payable for such hoardings. The place of supply of this service is in the Union territory of Delhi and the States of Maharashtra, Tamil Nadu and West Bengal. In such a case, the amount actually paid to IJ for the hoardings in each of the four metros will constitute the value attributable to the dissemination in the Union territory of Delhi and the States of Maharashtra, Tamil Nadu and West Bengal respectively. Separate invoices will have to be issued State wise and Union territory wise by IJ to ABC indicating the value pertaining to that State or Union territory.

(ii) in the case of advertisements placed on trains, the breakup, calculated on the basis of the ratio of the length of the railway track in each State for that train, of the amount payable for such advertisements is the value of advertisement service attributable to the dissemination in such State or Union territory, as the case may be.

**Illustration:** ABC places an order on KL for advertisements to be placed on a train with regard to the "Janani Suraksha Yojana". The length of a track in a state will vary from train to train. Thus for advertisements to be placed on the Hazrat Nizamuddin Vasco Da Gama Goa Express which runs through Delhi, Haryana, Uttar Pradesh, Madhya Pradesh, Maharashtra, Karnataka and Goa, KL may ascertain the total length of the track from Hazrat Nizamuddin to Vasco Da Gama as well as the length of the track in each of these States and Union territory from the website [www.indianrail.gov.in](http://www.indianrail.gov.in). The place of supply of this service is in the Union territory of Delhi and States of Haryana, Uttar Pradesh, Madhya Pradesh, Maharashtra, Karnataka and Goa. The value of the supply in each of these States and Union territory attributable to the dissemination in these States will be in the ratio of the length of the track in each of these States and Union territory. If this ratio works out to say 0.5:0.5:2:2 :3:3:1 , and the amount to be paid to KL is one lakh twenty thousand rupees, then KL will have to calculate the Statewise and Union territory wise breakup of the value of the service, which will be in the ratio of the length of the track in each State and Union territory. In the given example the Statewise and Union territory wise breakup works out to Delhi (five thousand rupees), Haryana(five thousand rupees), Uttar Pradesh (twenty thousand rupees), Madhya Pradesh (twenty thousand rupees), Maharashtra (thirty thousand rupees), Karnataka (thirty thousand rupees) and Goa (ten thousand rupees). Separate invoices will have to be issued State wise and Union

territory wise by KL to ABC indicating the value pertaining to that State or Union territory.

- (d) (i) in the case of advertisements on the back of utility bills of oil and gas companies etc, the amount payable for the advertisements on bills pertaining to consumers having billing addresses in such States or Union territory as the case may be, is the value of advertisement service attributable to dissemination in such State or Union territory.
- (ii) in the case of advertisements on railway tickets, the breakup, calculated on the basis of the ratio of the number of Railway Stations in each State or Union territory, when applied to the amount payable for such advertisements, shall constitute the value of advertisement service attributable to the dissemination in such State or Union territory, as the case may be.

**Illustration:** ABC has issued a release order to MN for display of advertisements relating to the “Ujjwala” scheme on the railway tickets that are sold from all the Stations in the States of Madhya Pradesh and Chattisgarh. The place of supply of this service is in Madhya Pradesh and Chattisgarh. The value of advertisement service attributable to these two States will be in the ratio of the number of railway stations in each State as ascertained from the Railways or from the website [www.indianrail.gov.in](http://www.indianrail.gov.in). Let us assume that this ratio is 713:251 and the total bill is rupees nine thousand six hundred and forty. The breakup of the amount between Madhya Pradesh and Chattisgarh in this ratio of 713:251 works out to seven thousand one hundred and thirty rupees and two thousand five hundred and ten rupees respectively. Separate invoices will have to be issued State wise by MN to ABC indicating the value pertaining to that State .

- (e) in the case of advertisements over radio stations the amount payable to such radio station, which by virtue of its name is part of a State or Union territory, as the case may be, is the value of advertisement service attributable to dissemination in such State or Union territory, as the case may be.

**Illustration:** For an advertisement on ‘Pradhan Mantri Ujjwala Yojana’, to be broadcast on a FM radio station OP, for the radio stations of OP Kolkata, OP Bhubaneswar, OP Patna, OP Ranchi and OP Delhi, the release order issued by ABC will show the breakup of the amount which is to be paid to each of these radio stations. The place of supply of this service is in West Bengal, Odisha, Bihar, Jharkhand and Delhi. The place of supply of OP Delhi is in Delhi even though the studio may be physically located in another state. Separate invoices will have to be issued State wise and Union territory wise by MN to ABC based on the value pertaining to each State or Union territory.

- (f) in the case of advertisement on television channels, the amount attributable to the value of advertisement service disseminated in a State shall be calculated on the basis of the viewership of such channel in such State, which in turn, shall be calculated in the following manner, namely: -
- (i) the channel viewership figures for that channel for a State or Union territory shall be taken from the figures published in this regard by the Broadcast Audience Research Council;
  - (ii) the figures published for the last week of a given quarter shall be used for calculating viewership for the succeeding quarter and at the beginning, the figures for the quarter 1st July, 2017 to 30th September, 2017 shall be used for the succeeding quarter 1st October, 2017 to 31st December, 2017;
  - (iii) where such channel viewership figures relate to a region comprising of more than one State or Union territory, the viewership figures for a State or Union territory of that region, shall be calculated by applying the ratio of the populations of that State or Union territory, as determined in the latest Census, to such viewership figures;
  - (iv) the ratio of the viewership figures for each State or Union territory as so calculated, when applied to the amount payable for that service, shall represent the portion of the value attributable to the dissemination in that State or Union territory.

**Illustration:** ABC issues a release order with QR channel for telecasting an advertisement relating to the “Pradhan Mantri Kaushal Vikas Yojana” in the month of November, 2017. In the first phase, this will be telecast in the Union territory of Delhi, States of Uttar Pradesh, Uttarakhand, Bihar and Jharkhand. The place of supply of this service is in Delhi, Uttar Pradesh, Uttarakhand, Bihar and Jharkhand. In order to calculate the value of supply attributable to Delhi , Uttar Pradesh, Uttarakhand, Bihar and Jharkhand, QR has to proceed as under—

- I. QR will ascertain the viewership figures for their channel in the last week of September 2017 from the Broadcast Audience Research Council. Let us assume it is one lakh for Delhi and two lakhs for the region comprising of Uttar Pradesh and Uttarakhand and one lakh for the region comprising of Bihar and Jharkhand;

- II. since the Broadcast Audience Research Council clubs Uttar Pradesh and Uttarakhand into one region and Bihar and Jharkhand into another region, QR will ascertain the population figures for Uttar Pradesh , Uttarakhand , Bihar and Jharkhand from the latest census;
  - III. by applying the ratio of the populations of Uttar Pradesh and Uttarakhand, as so ascertained, to the Broadcast Audience Research Council viewership figures for their channel for this region, the viewership figures for Uttar Pradesh and Uttarakhand and consequently the ratio of these viewership figures can be calculated. Let us assume that the ratio of the populations of Uttar Pradesh and Uttarakhand works out to 9: 1. When this ratio is applied to the viewership figures of two lakhs for this region, the viewership figures for Uttar Pradesh and Uttarakhand work out to one lakh eighty thousand and twenty thousand respectively;
  - IV. in a similar manner the breakup of the viewership figures for Bihar and Jharkhand can be calculated. Let us assume that the ratio of populations is 4:1 and when this is applied to the viewership figure of one lakh for this region, the viewership figure for Bihar and Jharkhand works out to eighty thousand and twenty thousand respectively;
  - V. the viewership figure for each State works out to Delhi (one lakh), Uttar Pradesh (one lakh eighty thousand), Uttarakhand (twenty thousand), Bihar (eighty thousand) and Jharkhand (twenty thousand). The ratio is thus 10:18:2:8:2 or 5:9:1:4:1(simplification).
  - VI. this ratio has to be applied when indicating the breakup of the amount pertaining to each State. Thus if the total amount payable to QR by ABC is twenty lakh rupees, the State wise breakup is five lakh rupees(Delhi), nine lakh rupees (Uttar Pradesh) one lakh rupees (Uttarakhand), four lakh rupees (Bihar) and one lakh rupees ( Jharkhand). Separate invoices will have to be issued State wise and Union territory wise by QR to ABC indicating the value pertaining to that State or Union territory.
- (g) in the case of advertisements at cinema halls the amount payable to a cinema hall or screens in a multiplex, in a State or Union territory, as the case may be, is the value of advertisement service attributable to dissemination in such State or Union territory, as the case may be.

**Illustration:** ABC commissions ST for an advertisement on 'Pradhan Mantri Awas Yojana' to be displayed in the cinema halls in Chennai and Hyderabad. The place of supply of this service is in the states of Tamil Nadu and Telangana. The amount actually paid to the cinema hall or screens in a multiplex, in Tamil Nadu and Telangana as the case may be, is the value of advertisement service in Tamil Nadu and Telangana respectively. Separate invoices will have to be issued State wise and Union territory wise by ST to ABC indicating the value pertaining to that State.

- (h) in the case of advertisements over internet, <sup>2</sup>[the service shall be deemed to have been provided all over India and] the amount attributable to the value of advertisement service disseminated in a State or Union territory shall be calculated on the basis of the internet subscribers in such State or Union territory, which in turn, shall be calculated in the following manner, namely:-
- (i) the internet subscriber figures for a State shall be taken from the figures published in this regard by the Telecom Regulatory Authority of India ;
  - (ii) the figures published for the last quarter of a given financial year shall be used for calculating the number of internet subscribers for the succeeding financial year and at the beginning, the figures for the last quarter of financial year 2016-2017 shall be used for the succeeding financial year 2017-2018;
  - (iii) where such internet subscriber figures relate to a region comprising of more than one State or Union territory, the subscriber figures for a State or Union territory of that region, shall be calculated by applying the ratio of the populations of that State or Union territory , as determined in the latest census, to such subscriber figures;
  - (iv) the ratio of the subscriber figures for each State or Union territory as so calculated, when applied to the amount payable for this service, shall represent the portion of the value attributable to the dissemination in that State or Union territory.

**Illustration:** ABC issues a release order to WX for a campaign over internet regarding linking Aadhaar with one's bank account and mobile number. WX runs this campaign over certain websites. In order to ascertain the statewise breakup of the value of this service which is to be reflected in the invoice issued by WX to ABC, WX has to first refer to the Telecom Regulatory Authority of India figures for quarter ending March, 2017, as indicated on their website [www.trai.gov.in](http://www.trai.gov.in). These figures show the service area wise internet subscribers. There are twenty two service areas. Some relate to

individual States some to two or more States and some to part of one State and another complete State. Some of these areas are metropolitan areas. In order to calculate the State wise breakup, first the State wise breakup of the number of internet subscribers is arrived at. (In case figures of internet subscribers of one or more States are clubbed, the subscribers in each State is to be arrived at by applying the ratio of the respective populations of these States as per the latest census.). Once the actual number of subscribers for each State has been determined, the second step for WX involves calculating the State wise ratio of internet subscribers. Let us assume that this works out to 8: 1 : 2... and so on for Andhra Pradesh, Arunachal Pradesh, Assam..... and so on. The third step for WX will be to apply these ratios to the total amount payable to WX so as to arrive at the value attributable to each State. Separate invoices will have to be issued State wise and Union territory wise by WX to ABC indicating the value pertaining to that State or Union territory.

- (i) in the case of advertisements through short messaging service the amount attributable to the value of advertisement service disseminated in a State or Union territory shall be calculated on the basis of the telecommunication (herein after referred to as telecom) subscribers in such State or Union territory, which in turn, shall be calculated in the following manner, namely:-
- (a) the number of telecom subscribers in a telecom circle shall be ascertained from the figures published by the Telecom Regulatory Authority of India on its website [www.trai.gov.in](http://www.trai.gov.in) ;
  - (b) the figures published for a given quarter, shall be used for calculating subscribers for the succeeding quarter and at the beginning , the figures for the quarter 1st July, 2017 to 30th September, 2017 shall be used for the succeeding quarter 1st October, 2017 to 31st December, 2017;
  - (c) where such figures relate to a telecom circle comprising of more than one State, or Union territory, the subscriber figures for that State or Union territory shall be calculated by applying the ratio of the populations of that State or Union territory, as determined in the latest census, to such subscriber figures.

**Illustration-1:** In the case of the telecom circle of Assam, the amount attributed to the telecom circle of Assam is the value of advertisement service in Assam.

**Illustration-2:** The telecom circle of North East covers the States of Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Manipur and Tripura. The ratio of populations of each of these States in the latest census will have to be



determined and this ratio applied to the total number of subscribers for this telecom circle so as to arrive at the State wise figures of telecom subscribers. Separate invoices will have to be issued State wise by the service provider to ABC indicating the value pertaining to that State.

**Illustration-3:** ABC commissions UV to send short messaging service to voters asking them to exercise their franchise in elections to be held in Maharashtra and Goa. The place of supply of this service is in Maharashtra and Goa. The telecom circle of Maharashtra consists of the area of the State of Maharashtra (excluding the areas covered by Mumbai which forms another circle) and the State of Goa. When calculating the number of subscribers pertaining to Maharashtra and Goa, UV has to –

- I. obtain the subscriber figures for Maharashtra circle and Mumbai circle and add them to obtain a combined figure of subscribers;
- II. obtain the figures of the population of Maharashtra and Goa from the latest census and derive the ratio of these two populations;
- III. this ratio will then have to be applied to the combined figure of subscribers so as to arrive at the separate figures of subscribers pertaining to Maharashtra and Goa;
- IV. the ratio of these subscribers when applied to the amount payable for the short messaging service in Maharashtra circle and Mumbai circle, will give breakup of the amount pertaining to Maharashtra and Goa. Separate invoices will have to be issued State wise by UV to ABC indicating the value pertaining to that State.

**Illustration-4:** The telecom circle of Andhra Pradesh consists of the areas of the States of Andhra Pradesh, Telangana and Yanam, an area of the Union territory of Puducherry. The subscribers attributable to Telangana and Yanam will have to be excluded when calculating the subscribers pertaining to Andhra Pradesh.

- (d) the ratio of the subscriber figures for each State or Union territory as so calculated, when applied to the amount payable for that service, shall represent the portion of the value attributable to the dissemination in that State or Union territory.]

1. Rule 3 inserted vide [Notification No. 12/2017-Integrated Tax Dated 15th November 2017](#) and shall be deemed to have come into force w.e.f. 01.07.2017.
2. Inserted w.e.f. 01.01.2019 vide [Notification No.04 /2018 – Integrated Tax dated 31st December, 2018](#).

**5.3.1.2 Departmental Notifications — Insertion of Rules 4-6 - The proportion of value attributable in the case of supply of advertisement services.**

- <sup>1</sup>[Rule 4.** The supply of services attributable to different States or Union territories, under sub section (3) of section 12 of the Integrated Goods and Services Tax Act, 2017 (hereinafter in these rules referred to as the said Act), in the case of-
- (a) services directly in relation to immovable property, including services provided by architects, interior decorators, surveyors, engineers and other related experts or estate agents, any service provided by way of grant of rights to use immovable property or for carrying out or co-ordination of construction work; or
  - (b) lodging accommodation by a hotel, inn, guest house, homestay, club or campsite, by whatever name called, and including a houseboat or any other vessel ; or
  - (c) accommodation in any immovable property for organising any marriage or reception or matters related thereto, official, social, cultural, religious or business function including services provided in relation to such function at such property; or
  - (d) any services ancillary to the services referred to in clauses (a), (b) and (c),
- where such immovable property or boat or vessel is located in more than one State or Union territory, shall be taken as being in each of the respective States or Union territories, and in the absence of any contract or agreement between the supplier of service and recipient of services for separately collecting or determining the value of the services in each such State or Union territory, as the case maybe, shall be determined in the following manner namely:-
- (i) in case of services provided by way of lodging accommodation by a hotel, inn, guest house, club or campsite, by whatever name called (except cases where such property is a single

- property located in two or more contiguous States or Union territories or both) and services ancillary to such services, the supply of services shall be treated as made in each of the respective States or Union territories, in proportion to the number of nights stayed in such property;
- (ii) in case of all other services in relation to immovable property including services by way of accommodation in any immovable property for organising any marriage or reception etc., and in cases of supply of accommodation by a hotel, inn, guest house, club or campsite, by whatever name called where such property is a single property located in two or more contiguous States or Union territories or both, and services ancillary to such services, the supply of services shall be treated as made in each of the respective States or Union territories, in proportion to the area of the immovable property lying in each State or Union territory;
  - (iii) in case of services provided by way of lodging accommodation by a house boat or any other vessel and services ancillary to such services, the supply of services shall be treated as made in each of the respective States or Union territories, in proportion to the time spent by the boat or vessel in each such State or Union territory, which shall be determined on the basis of a declaration made to the effect by the service provider.

**Illustration 1:** A hotel chain X charges a consolidated sum of Rs.30,000/- for stay in its two establishments in Delhi and Agra, where the stay in Delhi is for 2 nights and the stay in Agra is for 1 night. The place of supply in this case is both in the Union territory of Delhi and in the State of Uttar Pradesh and the service shall be deemed to have been provided in the Union territory of Delhi and in the State of Uttar Pradesh in the ratio 2:1 respectively. The value of services provided will thus be apportioned as Rs.20,000/- in the Union territory of Delhi and Rs.10,000/- in the State of Uttar Pradesh .

**Illustration 2:** There is a piece of land of area 20,000 square feet which is partly in State S1 say 12,000 square feet and partly in State S2, say 8000 square feet. Site preparation work has been entrusted to T. The ratio of land in the two states works out

to 12:8 or 3:2 (simplified). The place of supply is in both S1 and S2. The service shall be deemed to have been provided in the ratio of 12:8 or 3:2 (simplified) in the States S1 and S2 respectively. The value of the service shall be accordingly apportioned between the States.

**Illustration 3:** A company C provides the service of 24 hours accommodation in a houseboat, which is situated both in Kerala and Karnataka inasmuch as the guests board the house boat in Kerala and stay there for 22 hours but it also moves into Karnataka for 2 hours (as declared by the service provider). The place of supply of this service is in the States of Kerala and Karnataka. The service shall be deemed to have been provided in the ratio of 22:2 or 11:1 (simplified) in the states of Kerala and Karnataka, respectively. The value of the service shall be accordingly apportioned between the States.]

**Notes**

1. Inserted w.e.f. 01.01.2019 vide [Notification No.04 /2018 – Integrated Tax dated 31st December, 2018.](#)

- <sup>1</sup>**[Rule 5.** The supply of services attributable to different States or Union territories, under subsection (7) of section 12 of the said Act, in the case of-
- (a) services provided by way of organisation of a cultural, artistic, sporting, scientific, educational or entertainment event , including supply of services in relation to a conference, fair exhibition, celebration or similar events; or
  - (b) services ancillary to the organisation of any such events or assigning of sponsorship to such events ,  
where the services are supplied to a person other than a registered person, the event is held in India in more than one State or Union territory and a consolidated amount is charged for supply of such services, shall be taken as being in each of the respective States or Union territories, and in the absence of any contract or agreement between the supplier of service and recipient of services for separately collecting or determining the value of the services in each such State or

Union territory, as the case maybe, shall be determined by application of the generally accepted accounting principles.

**Illustration:** An event management company E has to organise some promotional events in States S1 and S2 for a recipient R. 3 events are to be organised in S1 and 2 in S2. They charge a consolidated amount of Rs.10,00,000 from R. The place of supply of this service is in both the States S1 and S2. Say the proportion arrived at by the application of generally accepted accounting principles is 3:2. The service shall be deemed to have been provided in the ratio 3:2 in S1 and S2 respectively. The value of services provided will thus be apportioned as Rs. 6,00,000/- in S1 and Rs. 4,00,000/- in S2.]

**Notes**

1. Inserted w.e.f. 01.01.2019 vide [Notification No.04 /2018 – Integrated Tax dated 31st December, 2018.](#)

**1[Rule 6.** The supply of services attributable to different States or Union territories, under sub section (11) of section 12 of the said Act, in the case of supply of services relating to a leased circuit where the leased circuit is installed in more than one State or Union territory and a consolidated amount is charged for supply of such services, shall be taken as being in each of the respective States or Union territories, and in the absence of any contract or agreement between the supplier of service and recipient of services for separately collecting or determining the value of the services in each such State or Union territory, as the case maybe, shall be determined in the following manner, namely:-

- (a) The number of points in a circuit shall be determined in the following manner:
  - (i) in the case of a circuit between two points or places, the starting point or place of the circuit and the end point or place of the circuit will invariably constitute two points;
  - (ii) any intermediate point or place in the circuit will also constitute a point provided that the benefit of the leased circuit is also available at that intermediate point;
- (b) the supply of services shall be treated as made in each of the respective States or Union territories, in proportion to the number of points lying in the State or Union territory.

**Illustration 1:** A company T installs a leased circuit between the Delhi and Mumbai offices of a company C. The starting point of this circuit is in Delhi and the end point

of the circuit is in Mumbai. Hence one point of this circuit is in Delhi and another in Maharashtra. The place of supply of this service is in the Union territory of Delhi and the State of Maharashtra. The service shall be deemed to have been provided in the ratio of 1:1 in the Union territory of Delhi and the State of Maharashtra, respectively.

**Illustration 2:** A company T installs a leased circuit between the Chennai, Bengaluru and Mysuru offices of a company C. The starting point of this circuit is in Chennai and the end point of the circuit is in Mysuru. The circuit also connects Bengaluru. Hence one point of this circuit is in Tamil Nadu and two points in Karnataka. The place of supply of this service is in the States of Tamil Nadu and Karnataka. The service shall be deemed to have been provided in the ratio of 1:2 in the States of Tamil Nadu and Karnataka, respectively.

**Illustration 3:** A company T installs a leased circuit between the Kolkata, Patna and Guwahati offices of a company C. There are 3 points in this circuit in Kolkata, Patna and Guwahati. One point each of this circuit is, therefore, in West Bengal, Bihar and Assam. The place of supply of this service is in the States of West Bengal, Bihar and Assam. The service shall be deemed to have been provided in the ratio of 1:1:1 in the States of West Bengal, Bihar and Assam, respectively.]

**Notes**

1. Inserted w.e.f. 01.01.2019 vide [Notification No.04/2018 – Integrated Tax dated 31st December, 2018.](#)

**5.4 Place of supply of services where location of supplier or location of recipient is outside India [Section 13]**

<b>13(1)</b>	01.07.2017 to till date	The provisions of this section shall apply to determine the place of supply of services where the location of the supplier of services or the location of the recipient of services is outside India.
<b>13(2)</b>	01.07.2017 to till date	The place of supply of services except the services specified in sub-sections (3) to (13) shall be the location of the recipient of services:
<b>Proviso</b>	01.07.2017 to till date	<b>Provided that</b> where the location of the recipient of services is not available in the ordinary course of business, the place of supply shall be the location of the supplier of services.



<p><b>13(3)</b></p>	<p>01.07.2017 to 31.01.2019</p>	<p>The place of supply of the following services shall be the location where the services are actually performed, namely:—</p> <table border="1" data-bbox="603 353 1385 1025"> <tr> <td data-bbox="603 353 670 857"> <p>(a)</p> </td> <td data-bbox="670 353 1385 857"> <p>services supplied in respect of goods which are required to be made physically available by the recipient of services to the supplier of services, or to a person acting on behalf of the supplier of services in order to provide the services:  <b>Provided that</b> when such services are provided from a remote location by way of electronic means, the place of supply shall be the location where goods are situated at the time of supply of services:  <b>Provided further</b> that nothing contained in this clause shall apply in the case of services supplied in respect of goods which are temporarily imported into India for repairs and are exported after repairs without being put to any other use in India, than that which is required for such repairs;</p> </td> </tr> <tr> <td data-bbox="603 857 670 1025"> <p>(b)</p> </td> <td data-bbox="670 857 1385 1025"> <p>services supplied to an individual, represented either as the recipient of services or a person acting on behalf of the recipient, which require the physical presence of the recipient or the person acting on his behalf, with the supplier for the supply of services.</p> </td> </tr> </table>	<p>(a)</p>	<p>services supplied in respect of goods which are required to be made physically available by the recipient of services to the supplier of services, or to a person acting on behalf of the supplier of services in order to provide the services:  <b>Provided that</b> when such services are provided from a remote location by way of electronic means, the place of supply shall be the location where goods are situated at the time of supply of services:  <b>Provided further</b> that nothing contained in this clause shall apply in the case of services supplied in respect of goods which are temporarily imported into India for repairs and are exported after repairs without being put to any other use in India, than that which is required for such repairs;</p>	<p>(b)</p>	<p>services supplied to an individual, represented either as the recipient of services or a person acting on behalf of the recipient, which require the physical presence of the recipient or the person acting on his behalf, with the supplier for the supply of services.</p>	
<p>(a)</p>	<p>services supplied in respect of goods which are required to be made physically available by the recipient of services to the supplier of services, or to a person acting on behalf of the supplier of services in order to provide the services:  <b>Provided that</b> when such services are provided from a remote location by way of electronic means, the place of supply shall be the location where goods are situated at the time of supply of services:  <b>Provided further</b> that nothing contained in this clause shall apply in the case of services supplied in respect of goods which are temporarily imported into India for repairs and are exported after repairs without being put to any other use in India, than that which is required for such repairs;</p>						
<p>(b)</p>	<p>services supplied to an individual, represented either as the recipient of services or a person acting on behalf of the recipient, which require the physical presence of the recipient or the person acting on his behalf, with the supplier for the supply of services.</p>						
	<p>01.02.2019 to till date</p>	<p>The place of supply of the following services shall be the location where the services are actually performed, namely:—</p> <table border="1" data-bbox="603 1164 1385 1982"> <tr> <td data-bbox="603 1164 670 1774"> <p>(a)</p> </td> <td data-bbox="670 1164 1385 1774"> <p>services supplied in respect of goods which are required to be made physically available by the recipient of services to the supplier of services, or to a person acting on behalf of the supplier of services in order to provide the services:  <b>Provided that</b> when such services are provided from a remote location by way of electronic means, the place of supply shall be the location where goods are situated at the time of supply of services:  <sup>1</sup><b>Provided further</b> that nothing contained in this clause shall apply in the case of services supplied in respect of goods which are temporarily imported into India for repairs or for any other treatment or process and are exported after such repairs or treatment or process without being put to any use in India, other than that which is required for such repairs or treatment or process;]</p> </td> </tr> <tr> <td colspan="2" data-bbox="766 1774 1385 1982"> <table border="1"> <tr> <td data-bbox="766 1774 1385 1982"> <p>1. Substituted the proviso w.e.f. 01.02.2019 vide section 6 of the Integrated Goods and Services Tax (Amendment) Act, 2018 and has come into force vide <a href="#">Notification No. 01/2019 – Integrated Tax, Dated 29th January, 2019.</a></p> </td> </tr> </table> </td> </tr> </table>	<p>(a)</p>	<p>services supplied in respect of goods which are required to be made physically available by the recipient of services to the supplier of services, or to a person acting on behalf of the supplier of services in order to provide the services:  <b>Provided that</b> when such services are provided from a remote location by way of electronic means, the place of supply shall be the location where goods are situated at the time of supply of services:  <sup>1</sup><b>Provided further</b> that nothing contained in this clause shall apply in the case of services supplied in respect of goods which are temporarily imported into India for repairs or for any other treatment or process and are exported after such repairs or treatment or process without being put to any use in India, other than that which is required for such repairs or treatment or process;]</p>	<table border="1"> <tr> <td data-bbox="766 1774 1385 1982"> <p>1. Substituted the proviso w.e.f. 01.02.2019 vide section 6 of the Integrated Goods and Services Tax (Amendment) Act, 2018 and has come into force vide <a href="#">Notification No. 01/2019 – Integrated Tax, Dated 29th January, 2019.</a></p> </td> </tr> </table>		<p>1. Substituted the proviso w.e.f. 01.02.2019 vide section 6 of the Integrated Goods and Services Tax (Amendment) Act, 2018 and has come into force vide <a href="#">Notification No. 01/2019 – Integrated Tax, Dated 29th January, 2019.</a></p>
<p>(a)</p>	<p>services supplied in respect of goods which are required to be made physically available by the recipient of services to the supplier of services, or to a person acting on behalf of the supplier of services in order to provide the services:  <b>Provided that</b> when such services are provided from a remote location by way of electronic means, the place of supply shall be the location where goods are situated at the time of supply of services:  <sup>1</sup><b>Provided further</b> that nothing contained in this clause shall apply in the case of services supplied in respect of goods which are temporarily imported into India for repairs or for any other treatment or process and are exported after such repairs or treatment or process without being put to any use in India, other than that which is required for such repairs or treatment or process;]</p>						
<table border="1"> <tr> <td data-bbox="766 1774 1385 1982"> <p>1. Substituted the proviso w.e.f. 01.02.2019 vide section 6 of the Integrated Goods and Services Tax (Amendment) Act, 2018 and has come into force vide <a href="#">Notification No. 01/2019 – Integrated Tax, Dated 29th January, 2019.</a></p> </td> </tr> </table>		<p>1. Substituted the proviso w.e.f. 01.02.2019 vide section 6 of the Integrated Goods and Services Tax (Amendment) Act, 2018 and has come into force vide <a href="#">Notification No. 01/2019 – Integrated Tax, Dated 29th January, 2019.</a></p>					
<p>1. Substituted the proviso w.e.f. 01.02.2019 vide section 6 of the Integrated Goods and Services Tax (Amendment) Act, 2018 and has come into force vide <a href="#">Notification No. 01/2019 – Integrated Tax, Dated 29th January, 2019.</a></p>							

		(b) services supplied to an individual, represented either as the recipient of services or a person acting on behalf of the recipient, which require the physical presence of the recipient or the person acting on his behalf, with the supplier for the supply of services.						
<b>13(4)</b>	01.07.2017 to till date	The place of supply of services supplied directly in relation to an immovable property, including services supplied in this regard by experts and estate agents, supply of accommodation by a hotel, inn, guest house, club or campsite, by whatever name called, grant of rights to use immovable property, services for carrying out or co-ordination of construction work, including that of architects or interior decorators, shall be the place where the immovable property is located or intended to be located.						
<b>13(5)</b>	01.07.2017 to till date	The place of supply of services supplied by way of admission to, or organisation of a cultural, artistic, sporting, scientific, educational or entertainment event, or a celebration, conference, fair, exhibition or similar events, and of services ancillary to such admission or organisation, shall be the place where the event is actually held.						
<b>13(6)</b>	01.07.2017 to till date	Where any services referred to in sub-section (3) or sub-section (4) or sub-section (5) is supplied at more than one location, including a location in the taxable territory, its place of supply shall be the location in the taxable territory.						
<b>13(7)</b>	01.07.2017 to till date	Where the services referred to in sub-section (3) or sub-section (4) or sub-section (5) are supplied in more than one State or Union territory, the place of supply of such services shall be taken as being in each of the respective States or Union territories and the value of such supplies specific to each State or Union territory shall be in proportion to the value for services separately collected or determined in terms of the contract or agreement entered into in this regard or, in the absence of such contract or agreement, on such other basis as may be prescribed.						
<b>13(8)</b>	01.07.2017 to till date	<p>The place of supply of the following services shall be the location of the supplier of services, namely:—</p> <table border="1"> <tr> <td>(a)</td> <td>services supplied by a banking company, or a financial institution, or a non-banking financial company, to account holders;</td> </tr> <tr> <td>(b)</td> <td>intermediary services;</td> </tr> <tr> <td>(c)</td> <td>services consisting of hiring of means of transport, including yachts but excluding aircrafts and vessels, up to a period of one month.</td> </tr> </table> <p><b>Explanation.</b>—For the purposes of this sub-section, the expression,—</p>	(a)	services supplied by a banking company, or a financial institution, or a non-banking financial company, to account holders;	(b)	intermediary services;	(c)	services consisting of hiring of means of transport, including yachts but excluding aircrafts and vessels, up to a period of one month.
(a)	services supplied by a banking company, or a financial institution, or a non-banking financial company, to account holders;							
(b)	intermediary services;							
(c)	services consisting of hiring of means of transport, including yachts but excluding aircrafts and vessels, up to a period of one month.							

			<p>(a) "account" means an account bearing interest to the depositor, and includes a non-resident external account and a non-resident ordinary account;</p> <p>(b) "banking company" shall have the same meaning as assigned to it under clause (a) of section 45A of the Reserve Bank of India Act, 1934;</p> <p>(c) "financial institution" shall have the same meaning as assigned to it in clause (c) of section 45-I of the Reserve Bank of India Act, 1934;</p> <p>(d) "non-banking financial company" means,—  <i>(i)</i> a financial institution which is a company;  <i>(ii)</i> a non-banking institution which is a company and which has as its principal business the receiving of deposits, under any scheme or arrangement or in any other manner, or lending in any manner; or  <i>(iii)</i> such other non-banking institution or class of such institutions, as the Reserve Bank of India may, with the previous approval of the Central Government and by notification in the Official Gazette, specify.</p>
<b>13(9)</b>	01.07.2017 to till date	The place of supply of services of transportation of goods, other than by way of mail or courier, shall be the place of destination of such goods.	
	01.10.2023 to till next amendment	1[*****]	<p>1. To be omitted vide section 162 of the Finance Act and shall come into force w.e.f. 01.10.2023 as the Central Government has appointed the 1st day of October, 2023, as the date on which the provisions shall come into force vide <a href="#">Notification No. 28/2023–Central Tax dated 31.07.2023</a>.</p>
<b>13(10)</b>	01.07.2017 to till date	The place of supply in respect of passenger transportation services shall be the place where the passenger embarks on the conveyance for a continuous journey.	
<b>13(11)</b>	01.07.2017 to till date	The place of supply of services provided on board a conveyance during the course of a passenger transport operation, including services intended to be wholly or substantially consumed while on board, shall be the first scheduled point of departure of that conveyance for the journey.	
<b>13(12)</b>	01.07.2017 to till date	The place of supply of online information and database access or retrieval services shall be the location of the recipient of services.	

		<p><b>Explanation.</b>—For the purposes of this sub-section, person receiving such services shall be deemed to be located in the taxable territory, if any two of the following noncontradictory conditions are satisfied, namely:—</p> <table border="1"> <tr> <td>(a)</td> <td>the location of address presented by the recipient of services through internet is in the taxable territory;</td> </tr> <tr> <td>(b)</td> <td>the credit card or debit card or store value card or charge card or smart card or any other card by which the recipient of services settles payment has been issued in the taxable territory;</td> </tr> <tr> <td>(c)</td> <td>the billing address of the recipient of services is in the taxable territory;</td> </tr> <tr> <td>(d)</td> <td>the internet protocol address of the device used by the recipient of services is in the taxable territory;</td> </tr> <tr> <td>(e)</td> <td>the bank of the recipient of services in which the account used for payment is maintained is in the taxable territory;</td> </tr> <tr> <td>(f)</td> <td>the country code of the subscriber identity module card used by the recipient of services is of taxable territory;</td> </tr> <tr> <td>(g)</td> <td>the location of the fixed land line through which the service is received by the recipient is in the taxable territory.</td> </tr> </table>	(a)	the location of address presented by the recipient of services through internet is in the taxable territory;	(b)	the credit card or debit card or store value card or charge card or smart card or any other card by which the recipient of services settles payment has been issued in the taxable territory;	(c)	the billing address of the recipient of services is in the taxable territory;	(d)	the internet protocol address of the device used by the recipient of services is in the taxable territory;	(e)	the bank of the recipient of services in which the account used for payment is maintained is in the taxable territory;	(f)	the country code of the subscriber identity module card used by the recipient of services is of taxable territory;	(g)	the location of the fixed land line through which the service is received by the recipient is in the taxable territory.
(a)	the location of address presented by the recipient of services through internet is in the taxable territory;															
(b)	the credit card or debit card or store value card or charge card or smart card or any other card by which the recipient of services settles payment has been issued in the taxable territory;															
(c)	the billing address of the recipient of services is in the taxable territory;															
(d)	the internet protocol address of the device used by the recipient of services is in the taxable territory;															
(e)	the bank of the recipient of services in which the account used for payment is maintained is in the taxable territory;															
(f)	the country code of the subscriber identity module card used by the recipient of services is of taxable territory;															
(g)	the location of the fixed land line through which the service is received by the recipient is in the taxable territory.															
<b>13(13)</b>	01.07.2017 to till date	In order to prevent double taxation or non-taxation of the supply of a service, or for the uniform application of rules, the Government shall have the power to notify any description of services or circumstances in which the place of supply shall be the place of effective use and enjoyment of a service.														

**5.4.1.1 Departmental Notifications — Insertion of Rules 7-9 - The proportion of value attributable in the case of supply of services.**

**<sup>1</sup>[Rule 7.** The supply of services attributable to different States or Union territories, under subsection (7) of section 13 of the said Act, in the case of services supplied in respect of goods which are required to be made physically available by the recipient of services to the supplier of services, or to a person acting on behalf of the supplier of services, or in the case of services supplied to an individual, represented either as the recipient of services or a person acting on behalf of the recipient, which require the physical presence of the recipient or the person acting on his behalf, where the location of the supplier of services or the location of the recipient of services is outside India, and where such services are supplied in more than one State or Union territory, shall be taken as being in each of the respective States or Union territories, and the proportion of value

attributable to each such State and Union territory in the absence of any contract or agreement between the supplier of service and recipient of services for separately collecting or determining the value of the services in each such State or Union territory, as the case maybe, shall be determined in the following manner, namely:-

- (i) in the case of services supplied on the same goods, by equally dividing the value of the service in each of the States and Union territories where the service is performed;
- (ii) in the case of services supplied on different goods, by taking the ratio of the invoice value of goods in each of the States and Union territories, on which service is performed, as the ratio of the value of the service performed in each State or Union territory;
- (iii) in the case of services supplied to individuals, by applying the generally accepted accounting principles.

**Illustration-1:** A company C which is located in Kolkata is providing the services of testing of a dredging machine and the testing service on the machine is carried out in Orissa and Andhra Pradesh. The place of supply is in Orissa and Andhra Pradesh and the value of the service in Orissa and Andhra Pradesh will be ascertained by dividing the value of the service equally between these two States.

**Illustration-2:** A company C which is located in Delhi is providing the service of servicing of two cars belonging to Mr. X. One car is of manufacturer J and is located in Delhi and is serviced by its Delhi workshop. The other car is of manufacturer A and is located in Gurugram and is serviced by its Gurugram workshop . The value of service attributable to the Union Territory of Delhi and the State of Haryana respectively shall be calculated by applying the ratio of the invoice value of car J and the invoice value of car A, to the total value of the service.

**Illustration-3:** A makeup artist M has to provide make up services to an actor A. A is shooting some scenes in Mumbai and some scenes in Goa. M provides the makeup services in Mumbai and Goa. The services are provided in Maharashtra and Goa and the value of the service in Maharashtra and Goa will be ascertained by applying the generally accepted accounting principles.]

**Notes**

1. Inserted w.e.f. 01.01.2019 vide [Notification No.04 /2018 – Integrated Tax dated 31st December, 2018.](#)

**<sup>1</sup>[Rule 8.** The proportion of value attributable to different States or Union territories, under subsection (7) of section 13 of the said Act, in the case of supply of services directly in relation to an immovable property, including services supplied in this regard by experts and estate agents, supply of accommodation by a hotel, inn, guest house, club or campsite, by whatever name called, grant of rights to use immovable property, services for carrying out or co-ordination of construction work, including that of architects or interior decorators, where the location of the supplier of services or the location of the recipient of services is outside India, and where such services are supplied in more than one State or Union territory, in the absence of any contract or agreement between the supplier of service and recipient of services for separately collecting or determining the value of the services in each such State or Union territory, as the case maybe, shall be determined by applying the provisions of rule 4, mutatis mutandis.]

**Notes**

1. Inserted w.e.f. 01.01.2019 vide [Notification No.04 /2018 – Integrated Tax dated 31st December, 2018.](#)

**<sup>1</sup>[Rule 9.** The proportion of value attributable to different States or Union territories, under subsection (7) of section 13 of the said Act, in the case of supply of services by way of admission to, or organisation of a cultural, artistic, sporting, scientific, educational or entertainment event, or a celebration, conference, fair, exhibition or similar events, and of services ancillary to such admission or organisation, where the location of the supplier of services or the location of the recipient of services is outside India, and where such services are provided in more than one State or Union territory, in the absence of any contract or agreement between the supplier of service and recipient of services for separately collecting or determining the value of the services in each such State or Union territory, as the case maybe, shall be determined by applying the provisions of rule 5, mutatis mutandis.]

**Notes**

1. Inserted w.e.f. 01.01.2019 vide [Notification No.04 /2018 – Integrated Tax dated 31st December, 2018.](#)



**5.4.1.2 Departmental Notifications —The place of supply of R&D services related to pharmaceutical sector**

[Notification No. 04/2019- Integrated Tax dated 30th September, 2019](#) effective from 1st day of October, 2019- The Central Government, on being satisfied that it is necessary in order to prevent double taxation or non-taxation of the supply of a service, or for the uniform application of rules, on the recommendations of the Council, has notified following description of services or circumstances as specified in Column (2) of the Table A, in which the place of supply shall be the place of effective use and enjoyment of a service as specified in the corresponding entry in Column (3), namely:-

**Table A**

<b>Sl. No.</b>	<b>Description of services or circumstances</b>	<b>Place of Supply</b>
1.	Supply of research and development services related to pharmaceutical sector as specified in Column (2) and (3) from Sl. No. 1 to 10 in the <b>Table B</b> by a person located in taxable territory to a person located in the non-taxable territory.	The place of supply of services shall be the location of the recipient of services subject to fulfillment of the following conditions:- (i) Supply of services from the taxable territory are provided as per a contract between the service provider located in taxable territory and service recipient located in non-taxable territory. (ii) Such supply of services fulfills all other conditions in the definition of export of services, except sub- clause (iii) provided at clause (6) of Section 2 of Integrated Goods and Services Tax Act, 2017 (13 of 2017).

**Table B**

<b>Sl. No.</b>	<b>Nature of Supply</b>	<b>General Description of Supply</b>
1.	Integrated discovery and development	This process involves discovery and development of molecules by

2.	Evaluation of the efficacy of new chemical/ biological entities in animal models of disease	pharmaceutical sector for medicinal use. The steps include designing of compound, evaluation of the drug metabolism, biological activity, manufacture of target compounds, stability study and long-term toxicology impact.
3.	Evaluation of the efficacy of new chemical/ biological entities in animal models of disease	This is in vivo research (i.e. within the animal) and involves development of customized animal model diseases and administration of novel chemical in doses to animals to evaluate the gene and protein expression in response to disease. In nutshell, this process tries to discover if a novel chemical entity that can reduce or modify the severity of diseases. The novel chemical is supplied by the service recipient located in non-taxable territory
4.	Evaluation of biological activity of novel chemical/ biological entities in in-vitro assays	This is in vitro research (i.e. outside the animal). An assay is first developed and then the novel chemical is supplied by the service recipient located in non-taxable territory and is evaluated in the assay under optimized conditions.
5.	Drug metabolism and pharmacokinetics of new chemical entities	This process involves investigation whether a new compound synthesized by supplier can be developed as new drug to treat human diseases in respect of solubility, stability in body fluids, stability in liver tissue and its toxic effect on body tissues. Promising compounds are further evaluated in animal experiments using rat and mice.
6.	Safety Assessment/ Toxicology	Safety assessment involves evaluation of new chemical entities in laboratory research animal models to support filing of investigational new drug and new drug

		application. Toxicology team analyses the potential toxicity of a drug to enable fast and effective drug development.
7.	Stability Studies	Stability studies are conducted to support formulation, development, safety and efficacy of a new drug. It is also done to ascertain the quality and shelf life of the drug in their intended packaging configuration.
8.	Bio-equivalence and Bioavailability Studies	Bio-equivalence is a term in pharmacokinetics used to assess the expected in vivo biological equivalence of two proprietary preparations of a drug. If two products are said to be bioequivalent it means that they would be expected to be, for all intents and purposes, the same. Bioavailability is a measurement of the rate and extent to which a therapeutically active chemical is absorbed from a drug product into the systemic circulation and becomes available at the site of action.
9.	Clinical trials	The drugs that are developed for human consumption would undergo human testing to confirm its utility and safety before being registered for marketing. The clinical trials help in collection of information related to drugs profile in human body such as absorption, distribution, metabolism, excretion and interaction. It allows choice of safe dosage.
10.	Bio analytical studies	Bio analysis is a sub-discipline of analytical chemistry covering the quantitative measurement of drugs and their metabolites, and biological molecules in unnatural locations or concentrations and macromolecules, proteins, DNA, large

		molecule drugs and metabolites in biological systems.
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Further, [Notification No. 02/2020- Integrated Tax dated 26th March, 2020](#) effective from 1st day of April, 2020 - The Central Government has made the following amendments in the [Notification No. 04/2019- Integrated Tax dated 30th September, 2019](#), namely:-

In the said notification, in Table A, after serial number (1) and the entries relating thereto, the following serial number and entry shall be inserted, namely: -

(1)	(2)	(3)
2.	Supply of maintenance, repair or overhaul service in respect of aircrafts, aircraft engines and other aircraft components or parts supplied to a person for use in the course or furtherance of business.	The place of supply of services shall be the location of the recipient of service.

Further, [Notification No. 03/2021- Integrated Tax dated 2nd June, 2021](#) effective from 2nd day of June, 2021 - The Central Government has made the following amendments in the [Notification No. 04/2019- Integrated Tax dated 30th September, 2019](#), namely:-

In the said notification, in Table A, after serial number (2) and the entries relating thereto, the following serial number and entry shall be inserted, namely: -

(1)	(2)	(3)
3.	Supply of maintenance, repair or overhaul service in respect of ships and other vessels, their engines and other components or parts supplied to a person for use in the course or furtherance of business	The place of supply of services shall be the location of the recipient of service.

**5.4.2.1 Departmental Clarifications — Clarification on supply of satellite launch services by ANTRIX Corporation Ltd**

[Circular No. 2/1/2017-IGST dated 27th September 2017](#) - Request has been received regarding taxability of satellite launch services provided to both international and domestic

customers by ANTRIX Corporation Limited which is a wholly owned Government of India Company under the administrative control of Department of Space (DOS).

In the above context, the legal provisions in GST laws are as under:

- a) Export of services is defined in IGST Act in Section 2(6) where the following 5 conditions have been prescribed as necessary for a supply to qualify as export of service:
- (i) the supplier of service is located in India;
  - (ii) the recipient of service is located outside India;
  - (iii) the place of supply of service is outside India;
  - (iv) the payment for such service has been received by the supplier of service in convertible foreign exchange; and
  - (v) the supplier of service and the recipient of service are not merely establishments of a distinct person in accordance with Explanation 1 in section 8;
- One of the five conditions for a supply of service to be considered as “export of service” is that the place of supply of service is outside India.
- (b) Section 13(9) of the IGST Act provides that where location of supplier of services or location of recipient of services is outside India, the place of supply of services of transportation of goods, other than by way of mail or courier, shall be the place of destination of such goods. However, where location of supplier and recipient of services is in India, then the place of supply is governed by section 12 (8) of the IGST Act, which stipulates that place of supply will be the location of the recipient of services provided he is registered; if not registered, then the place of supply will be the place where goods are handed over for their transportation.

In view of the above, place of supply of satellite launch services supplied by ANTRIX Corporation Limited to international customers would be outside India in terms of section 13(9) of IGST Act, 2017 and such supply which meets the requirements of section 2(6) of IGST Act, thus constitutes export of service and shall be zero rated in accordance with section 16 of the IGST Act. Where satellite launch service is provided by ANTRIX Corporation Limited to a person located in India, the place of supply of satellite launch service would be governed by section 12 (8) of the IGST Act and would be taxable under CGST Act, UTGST Act or IGST Act, as the case may be.

## **5.5 Special provision for payment of tax by a supplier of online information and database access or retrieval services [Section 14]**

<b>14(1)</b>	22.06.2017 to till date	On supply of online information and database access or retrieval services by any person located in a non-taxable territory and received by a non-taxable online recipient, the supplier of services located in a non-taxable territory shall be the person liable for paying integrated tax on such supply of services:								
<b>Proviso</b>	22.06.2017 to till date	<p><b>Provided that</b> in the case of supply of online information and database access or retrieval services by any person located in a non-taxable territory and received by a non-taxable online recipient, an intermediary located in the non-taxable territory, who arranges or facilitates the supply of such services, shall be deemed to be the recipient of such services from the supplier of services in non-taxable territory and supplying such services to the non-taxable online recipient except when such intermediary satisfies the following conditions, namely:–</p> <table border="1" data-bbox="595 824 1390 1339"> <tr> <td data-bbox="595 824 660 958">(a)</td> <td data-bbox="660 824 1390 958">the invoice or customer's bill or receipt issued or made available by such intermediary taking part in the supply clearly identifies the service in question and its supplier in non-taxable territory;</td> </tr> <tr> <td data-bbox="595 958 660 1167">(b)</td> <td data-bbox="660 958 1390 1167">the intermediary involved in the supply does not authorise the charge to the customer or take part in its charge which is that the intermediary neither collects or processes payment in any manner nor is responsible for the payment between the non-taxable online recipient and the supplier of such services;</td> </tr> <tr> <td data-bbox="595 1167 660 1234">(c)</td> <td data-bbox="660 1167 1390 1234">the intermediary involved in the supply does not authorise delivery; and</td> </tr> <tr> <td data-bbox="595 1234 660 1339">(d)</td> <td data-bbox="660 1234 1390 1339">the general terms and conditions of the supply are not set by the intermediary involved in the supply but by the supplier of services.</td> </tr> </table>	(a)	the invoice or customer's bill or receipt issued or made available by such intermediary taking part in the supply clearly identifies the service in question and its supplier in non-taxable territory;	(b)	the intermediary involved in the supply does not authorise the charge to the customer or take part in its charge which is that the intermediary neither collects or processes payment in any manner nor is responsible for the payment between the non-taxable online recipient and the supplier of such services;	(c)	the intermediary involved in the supply does not authorise delivery; and	(d)	the general terms and conditions of the supply are not set by the intermediary involved in the supply but by the supplier of services.
(a)	the invoice or customer's bill or receipt issued or made available by such intermediary taking part in the supply clearly identifies the service in question and its supplier in non-taxable territory;									
(b)	the intermediary involved in the supply does not authorise the charge to the customer or take part in its charge which is that the intermediary neither collects or processes payment in any manner nor is responsible for the payment between the non-taxable online recipient and the supplier of such services;									
(c)	the intermediary involved in the supply does not authorise delivery; and									
(d)	the general terms and conditions of the supply are not set by the intermediary involved in the supply but by the supplier of services.									
<b>14(2)</b>	22.06.2017 to till date	The supplier of online information and database access or retrieval services referred to in sub-section (1) shall, for payment of integrated tax, take a single registration under the Simplified Registration Scheme to be notified by the Government:								
<b>Proviso</b>	22.06.2017 to till date	<b>Provided that</b> any person located in the taxable territory representing such supplier for any purpose in the taxable territory shall get registered and pay integrated tax on behalf of the supplier:								
<b>Proviso</b>	22.06.2017 to till date	<b>Provided further</b> that if such supplier does not have a physical presence or does not have a representative for any purpose in the taxable territory, he may appoint a person in the taxable territory for the purpose of paying integrated tax and such person shall be liable for payment of such tax.								

**5.5.1.1 Departmental Notifications —Empowerment to the Principal Commissioner of Central Tax, Bengaluru West to grant registration in case of online information and database access or retrieval services provided or agreed to be provided by a person located in non-taxable territory and received by a non-taxable online recipient.**

**[Notification No. 2/2017 – Integrated Tax dated 19th June, 2017](#) effective from 22nd day of June, 2017 -** The Central Government has notified the Principal Commissioner of Central Tax, Bengaluru West and all the officers subordinate to him as the officers empowered to grant registration in case of online information and database access or retrieval services provided or agreed to be provided by a person located in non-taxable territory and received by a non-taxable online recipient.

Explanation.- For the purposes of this notification,-

(a) “online information and database access or retrieval services” has the same meaning as assigned to it in sub-section (17) of section 2 of the said Act;

(b) “non-taxable online recipient” has the same meaning as assigned to it in sub-section (16) of section 2 of the said Act.

**5.6 Special provision for specified actionable claims supplied by a person located outside taxable territory <sup>1</sup>[Section 14A]**

<b>Notes</b>	
1.	Inserted vide Section 5 of the <a href="#">Integrated Goods and Services Tax (Amendment) Act, 2023</a> which has come into force w.e.f. 01.10.2023 as the Central Government has appointed the 1st day of October, 2023, as the date on which the provisions of the said Act, have come into force vide <a href="#">Notification No. 02/2023 – Integrated Tax dated 29.09.2023</a> .

<b>14A(1)</b>	01.10.2023 to till date	A supplier of online money gaming as defined in clause (80B) of section 2 of the Central Goods and Services Tax Act, 2017, not located in the taxable territory, shall in respect of the supply of online money gaming by him to a person in the taxable territory, be liable to pay integrated tax on such supply.
<b>14A(2)</b>	01.10.2023 to till date	For the purposes of complying with provisions of sub-section (1), the supplier of online money gaming shall obtain a single registration under the Simplified Registration Scheme referred to in sub-section (2) of section 14 of this Act:
<b>Proviso</b>	01.10.2023 to till date	<b>Provided</b> that any person located in the taxable territory representing such supplier for any purpose in the taxable territory shall get registered and pay the integrated tax on behalf of the supplier:



<b>Proviso</b>	01.10.2023 to till date	<b>Provided further</b> that if such supplier does not have a physical presence or does not have a representative for any purpose in the taxable territory, he shall appoint a person in the taxable territory for the purpose of paying integrated tax and such person shall be liable for payment of such tax.
<b>14A(3)</b>	01.10.2023 to till date	In case of failure to comply with provisions of sub-section (1) or sub-section (2) by the supplier of the online money gaming or a person appointed by such supplier or both, notwithstanding anything contained in section 69A of the Information Technology Act, 2000, any information generated, transmitted, received or hosted in any computer resource used for supply of online money gaming by such supplier shall be liable to be blocked for access by the public in such manner as specified in the said Act.]