

GOVERNMENT OF ASSAM
OFFICE OF THE COMMISSIONER OF STATE TAX, ASSAM
KAR BHAWAN, DISPUR, GUWAHATI-6
& & &
CIRCULAR No. 9/2017-GST

Dated Dispur, the 20th October, 2017.

Subject: Clarification on issues wherein the goods are moved within the State or from the State of registration to another State for supply on approval basis – Reg.

No. CT/GST-15/2017/39.— Various communications have been received from the suppliers who are registered in other States, but may have to visit the State of Assam (other than their State of registration) and need to carry the goods (such as jewellery etc.) along for approval. In such cases, if the goods are approved by the buyer, then the supplier issues a tax invoice only at the time of supply. Since the suppliers are not able to ascertain their actual supplies beforehand and while ascertainment of tax liability in advance is a mandatory requirement for registration as a casual taxable person, the supplier is not able to register as a casual taxable person. It has also been represented that such goods are also carried within the State of Assam for the purposes of supply. Therefore, in exercise of the powers conferred under section 168 of the Assam Goods and Services Tax Act, 2017 (Assam Act XXVIII of 2017), for the purpose of uniformity in the implementation of the Act, it has been decided to clarify this matter as follows –

- (1) It is seen that clause (c) of sub-rule (1) of rule 55 of the Assam Goods and Services Tax Rules, 2017 (hereafter referred as “the said Rules”) provides that the supplier shall issue a delivery challan for the initial transportation of goods where such transportation is for reasons other than by way of supply. Further, sub-rule (3) of the said rule also provides that the said delivery challan shall be declared as specified in rule 138 of the said Rules. It is also seen that sub-rule (4) of rule 55 of the said Rules provides that “*Where the goods being transported are for the purpose of supply to the recipient but the tax invoice could not be issued at the time of removal of goods for the purpose of supply, the supplier shall issue a tax invoice after delivery of goods*”.
- (2) A combined reading of the above provisions indicates that the goods which are taken for supply on approval basis can be moved from the place of business of the registered supplier to another place within the same State or to a place outside the State on a delivery challan along with the e-way bill wherever applicable and the invoice may be issued at the time of delivery of goods. For this purpose, the person carrying the goods from other State into Assam or within the State of Assam can carry the invoice book with him so that he can issue the invoice once the supply is fructified.
- (3) It is further clarified that all such supplies, where the supplier carries goods from other States to Assam and supplies them within the State of Assam, will be inter-state

supplies and attract integrated tax in terms of Section 5 of the Integrated Goods and Services Tax Act, 2017(13 of 2017).

This Circular is clarificatory in nature and not meant for any interpretation of provisions of the Act and rules.

Sd/- Anurag Goel,
Commissioner of State tax, Assam,
Dispur, Guwahati

Memo No. CT/GST-15/2017/39-A

Dated Dispur the 20th October, 2017.

Copy to :

- 1) The Additional Chief Secretary to the Government of Assam, Finance Department, Dispur, Guwahati-6 for favour of kind information.
- 2) The Principal Secretary to the Government of Assam, Finance Department, Dispur, Guwahati-6 for favour of kind information.
- 3) The Commissioner of Central GST, Guwahati / Dibrugarh Commissionerate for favour of kind information.
- 4) The Additional Commissioner of State tax, Assam (All) / Joint Commissioner of State tax, Assam (All) for information.
- 5) The Deputy Commissioner of State tax (All) for information and necessary action.
- 6) The Assistant Commissioner of State tax (All) / Superintendent of State tax (All) / Inspector of State tax (All) for information and necessary action.
- 7) The Information Technology Officer, Office of the Commissioner of State tax, Assam for uploading it on the website of the Commissionerate for information of all concerned.



Commissioner of State tax, Assam,
Dispur, Guwahati