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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
FINANCE DEPARTMENT
REVENUE

NOTIFICATION

No. 1393-F.T.

Dated, Howrah, the 23rd day of August, 2022

[Corresponding Central Notification No. 03/2022-Central Tax (Rate)]

In exercise of the powers conferred by sub-section (1), sub-section (3) and sub-section (4) of section 9, sub-section (1) of section 11, sub-section (5) of section 15, sub-section (1) of section 16 and section 148 of the West Bengal Goods and Services Tax Act, 2017 (West Ben. Act XXVIII of 2017), the Governor, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, is pleased hereby to make the following further amendments in this Department notification No. 1135-F.T., dated the 28th June, 2017, published in the Kolkata Gazette, Extraordinary, Part I:—

Amendments

In the said notification,—

(A) in the Table,—

(I) against serial number 3, in column (3),—

(a) items (iii), (iv), (v), (va), (vi) and (ix) and the corresponding entries relating thereto in columns (4) and (5) shall be *omitted*;

(b) against items (vii) and (x), for the entry in column (4), the entry “6” shall be *substituted*;

(c) in item (xii), for the brackets and figures “(iii), (iv), (v), (va), (vi), (vii), (viii), (ix)” the brackets and figures “(vii), (viii),” shall be *substituted*;

(II) against serial number 7, in column (3), in item (i), the words “above one thousand rupees but” shall be *omitted*;

(III) against serial number 8, in column (3),—

- (a) after item (vi) and the corresponding entries relating thereto in columns (4) and (5), the following shall be *inserted*, namely:—

(3)	(4)	(5)
“(via) Transport of passengers, with or without accompanied belongings, by ropeways.	2.5	The credit of input tax charged on goods used in supplying the service has not been taken. [Please refer to <i>Explanation</i> no. (iv)]”;

- (b) for item (vii) and the corresponding entries relating thereto in columns (4) and (5), the following shall be *substituted*, namely:—

(3)	(4)	(5)
“(vii) Passenger transport services other than (i), (ii), (iii), (iv), (iva), (v), (vi) and (via) above.	9	-”;

(IV) against serial number 9, in column (3),—

- (a) for item (iii) and the corresponding entries relating thereto in columns (4) and (5), the following shall be *substituted*, namely:—

(3)	(4)	(5)
“(iii) Services of Goods Transport Agency (GTA) in relation to transportation of goods (including used house hold goods for personal use) supplied by a GTA where,—		
(a) GTA does not exercise the option to itself pay GST on the services supplied by it;	2.5	The credit of input tax charged on goods and services used in supplying the service has not been taken. [Please refer to <i>Explanation</i> no. (iv)]
(b) GTA exercises the option to itself pay GST on services supplied by it.	2.5	(1) In respect of supplies on which GTA pays tax at the rate of 2.5%, GTA shall not take credit of input tax charged on goods and services used in supplying the service. [Please refer to <i>Explanation</i> no. (iv)]
	or	
	6	(2) The option by GTA to itself pay GST on the services supplied by it during a Financial Year shall be exercised by making a declaration in Annexure V on or before the 15th March of the preceding Financial Year: Provided that the option for the Financial Year 2022-2023 shall be exercised on or before the 16th August, 2022: Provided further that invoice for supply of the service charging State tax at the rates as applicable to clause (b) may be issued during the period from the 18th July, 2022 to 16th August, 2022 before exercising the option for the financial year 2022-2023 but in such a case the supplier shall exercise the option to pay GST on its supplies on or before the 16th August, 2022.”;

(b) after item (vi) and the corresponding entries relating thereto in columns (4) and (5), the following shall be *inserted*, namely:—

(3)	(4)	(5)
“(via) Transport of goods by ropeways.	2.5	The credit of input tax charged on goods used in supplying the service has not been taken. [Please refer to <i>Explanation</i> no. (iv)]”;

(c) for item (vii) and the corresponding entries relating thereto in columns (4) and (5), the following shall be *substituted*, namely:—

(3)	(4)	(5)
“(vii) Goods transport services other than (i), (ii), (iii), (iv), (v), (vi) and (via) above.	9	-”;

(V) against serial number 10, in column (3),—

(a) after item (i) and the corresponding entries relating thereto in columns (4) and (5), the following shall be *inserted*, namely:—

(3)	(4)	(5)
“(ia) Renting of goods carriage where the cost of fuel is included in the consideration charged from the service recipient.	6	-”;

(b) in item (iii), after the brackets and figure “(i)”, the brackets and figures “, (ia)” shall be *inserted*;

(VI) against serial number 11, in column (3), for items (i) and (ii) and the corresponding entries relating thereto in columns (4) and (5), the following shall be *substituted*, namely:—

(3)	(4)	(5)
“Supporting services in transport. <i>Explanation:</i> This entry does not include goods transport service involving Goods Transport Agency (GTA) service, which falls under Heading 9965.	6	-”;

(VII) against serial number 15, in column (3),—

(a) item (i) and the corresponding entries relating thereto in columns (4) and (5) shall be *omitted*;

(b) in item (vii), the brackets and figures “(i),” shall be *omitted*;

(VIII) against serial number 26, in column (3), in item (i), sub-items (e), (ea) and (h) shall be *omitted*;

(IX) after serial number 31 and the entries relating thereto, the following serial number and entries shall be *inserted*, namely:—

(1)	(2)	(3)	(4)	(5)
"31A	Heading 9993	Services provided by a clinical establishment by way of providing room [other than Intensive Care Unit (ICU)/Critical Care Unit(CCU)/Intensive Cardiac Care Unit (ICCU)/Neo natal Intensive Care Unit (NICU)] having room charges exceeding Rs. 5000 per day to a person receiving health care services.	2.5	The credit of input tax charged on goods and services used in supplying the service has not been taken [Please refer to Explanation no. (iv)]";

(X) against serial number 32, in column (3),—

(a) after item (i) and the corresponding entries relating thereto in columns (4) and (5), the following shall be *inserted*, namely:—

(3)	(4)	(5)
"(ia) Services by way of treatment or disposal of biomedical waste or the processes incidental thereto by a common bio-medical waste treatment facility to a clinical establishment.	6	-";

(b) in item (ii), after the brackets and figures"(i)", the word, brackets and figure "and (ia)" shall be *inserted*;

(B) in paragraph 4, relating to Explanation, after clause (xxxvi), the following clauses shall be *inserted*, namely:—

"(xxxvii) 'print media' means,—

- (i) 'book' as defined in sub-section (1) of section 1 of the Press and Registration of Books Act, 1867 (25 of 1867), but does not include business directories, yellow pages and trade catalogues which are primarily meant for commercial purposes;
- (ii) 'newspaper' as defined in sub-section (1) of section 1 of the Press and Registration of Books Act, 1867 (25 of 1867);

(xxxviii) 'clinical establishment' means,—

a hospital, nursing home, clinic, sanatorium or any other institution, by whatever name called, that offers services or facilities requiring diagnosis or treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognised system of medicines in India, or a place established as an independent entity or a part of an establishment to carry out diagnostic or investigative services of diseases;

(xxxix) 'health care services' means,—

any service by way of diagnosis or treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognised system of medicines in India and includes services by way of transportation of the patient to and from a clinical establishment, but does not include hair transplant or cosmetic or plastic surgery, except when undertaken to restore or to reconstruct anatomy or functions of body affected due to congenital defects, developmental abnormalities, injury or trauma;

(xxxx) 'goods transport agency' means,—

any person who provides service in relation to transport of goods by road and issues consignment note, by whatever name called.";

(C) After Annexure IV, following annexure shall be *inserted*, namely:—

“Annexure V

FORM

Form for exercising the option by a Goods Transport Agency (GTA) for payment of GST on the GTA services supplied by him under forward charge before the commencement of any financial year to be submitted before the jurisdictional GST Authority.

Reference No.—

Date:—

1. I/We _____ (name of Person), authorised representative oM/s. have taken registration/have applied for registration and do hereby undertake to pay GST on the GTA services in relation to transportation of goods supplied by us during the financial year..... under forward charge in accordance with section 9(1) of the WBGST Act, 2017 and to comply with all the provisions of the WBGST Act, 2017 as they apply to a person liable for paying the tax in relation to supply of any goods or services or both;
2. I understand that this option once exercised shall not be allowed to be changed within a period of one year from the date of exercising the option and will remain valid till the end of the financial year for which it is exercised.

Legal Name:—

GSTIN:—

PAN No.

Signature of Authorised representative:

Name of Authorised Signatory:

Full Address of GTA:

(Dated acknowledgment of jurisdictional GST Authority)

Note: The last date for exercising the above option for any financial year is the 15th March of the preceding financial year. The option for the financial year 2022-2023 can be exercised by 16th August, 2022.”.

2. This notification shall be deemed to have come into force with effect from the 18th July, 2022.

By Order of the Governor,

MALAY GHOSH, IAS

Senior Special Secretary to the Government of West Bengal