

**GOVERNMENT OF WEST BENGAL
DIRECTORATE OF COMMERCIAL TAXES
14, BELIAGHATA ROAD, KOLKATA-700015**

TRADE CIRCULAR No. 41/2019 (*Circular No. 120/39/2019-GST*)

DATED: 17.10.2019

Subject: Clarification on the effective date of explanation inserted in notification No. 1135-F.T. [11/2017- CTR] dated 28.06.2017, S. No. 3(vi).

Representations have been received to amend the effective date of notification No. 1033-F.T. [17/2018-CTR] dated 27.07.2018 whereby explanation was inserted in notification No. 1135-F.T. [11/2017- CTR] dated 28.06.2017, S. No. 3(vi) to the effect that for the purpose of the said entry, the activities or transactions under taken by Government and Local Authority are excluded from the term 'business'.

2. The matter has been examined. Section 11(3) of WBGST Act provides that the Government may insert an explanation in any notification issued under section 11, for the purpose of clarifying its scope or applicability, at any time within one year of issue of the notification and every such explanation shall have effect as if it had always been the part of the first such notification.

3. As recommended by GST Council, the explanation in question was inserted vide notification No. 1033-F.T. [17/2018-CTR] dated 27.07.2018 in exercise of powers under section 11(3) within one year of the insertion of the original entry prescribing concessional rate, so that it would have effect from the date of inception of the entry i.e. 21.09.2017. However, to give effect to other recommendations of the GST Council, the said notification also came into effect from 27.07.2018.

4. It is hereby clarified that the explanation having been inserted under section 11(3) of the WBGST Act, is effective from the inception of the entry at Sl. No. 3(vi) of the notification No. 1135-F.T. [11/2017- CTR] dated 28.06.2017, that is 21.09.2017. The date of the notification No. 1033-F.T. [17/2018-CTR] being 27.07.2018 does not alter the operation of the notification in terms of Section 11(3) as explained in para 3 above.

5. Difficulty, if any, in implementation of this circular may be brought to the notice of the Commissioner.

6. This Trade Circular shall be deemed to have come into force on 11.10.2019.

Sd/-
(Smaraki Mahapatra)
Commissioner, State Tax,
West Bengal

Memo. - 413 CT/PRO
3C/PRO/2019

Date: 17.10. 2019

Copy forwarded to the Additional CST/ISD for information and for uploading it on the official website of the Directorate for information of all concerned.

Sd/-
(Adesh Kumar)
Special CST & PRO