



केन्द्रीय भण्डारण निगम
(भारत सरकार का उपक्रम)
CENTRAL WAREHOUSING CORPORATION
(A Govt. of India Undertaking)
जन-जनकेलिए भण्डारण/ Warehousing for Everyone



No. CWC/FD-Taxation/GST/2021-22

Date: 2nd March, 2022

CORRIGENDUM NO. 2 TO GST CIRCULAR NO. 9

Sub: Applicability of GST on services availed by CWC from Central/ State Govt, UT or local authority by way of lease of Land

Ref.: i. GST circular no. 09 dated 01.02.2018

ii. Corrigendum to GST circular no. 09 dated 05.03.2018

1. May please refer to above referred circulars whereby it was informed that services of lease of land received by CWC from Central Government, State Government, Union territory or local authority would be subject to GST.
2. Some regional offices have raised concern and are not having clarity on applicability of GST on type of services and applicability of RCM on above (in case not charged by way of Forward charge on lease rent).
3. Following is hereby clarified :
 - a. If services by way of lease of Land are provided by **Central/ State Govt, UT or local authority**, then CWC is required to pay GST under the reverse charge mechanism (RCM). The payment may be in the name of premium, upfront payment of lease rent, lease rent etc.
 - b. In case, such services are provided by any other person, then the GST is required to be charged by the supplier under forward charge. Accordingly, where such services are procured from a private party then the transaction shall fall under forward charge and the supplier shall be responsible for charging the GST on the invoice.

(Amit Puri)
GM (Tax & A/Cs)

Distribution to:

1. All Regional Managers of CWC
2. All DGMs/AGMs/Managers/ (Sr.) Asstt. Managers /Accountants in Finance, Accounts & Internal Audit Wings of all ROs.

Copy for information to:

1. All DGMs/AGMs/Managers/ (Sr.) Asstt. Managers /Accountants in Finance, Accounts & Internal Audit Cadre at CWC, Corporate Office, New Delhi
2. GGM(F&A), CWC, Corporate Office, New Delhi
3. Director Finance, CWC, CO, New Delhi, CWC, CO, New Delhi
4. MD, CWC, CO, New Delhi

5. PPS to GGM (Systems), CWC, CO, New Delhi with the request to place this Circular on CWC's website under GST circulars.
6. Manager (Rajbhasha), CWC, CO, New Delhi with a request to arrange Hindi Version of this circular.



o/c

CENTRAL WAREHOUSING CORPORATION
(A GOVT. OF INDIA UNDERTAKING)



No. CWC/FD- Taxation/GST/2017-18/379B.

Dated: 01st February, 2018

GST CIRCULAR-9

- 1. All the Regional Managers of CWC**
- 2. All the AGMs / Managers / (Sr.) Asstt. Manager(Accts.) In-charge of Finance & Accounts Wings of all Regional Offices**

Sub: Changes in GST law vide various notifications dated 25.01.2018

Following changes are made in the GST law vide various notifications issued by the Government on 25.01.2018

- 1. Fumigation services provided in a warehouse of agricultural produce:** Exemption is granted vide notification no. 2/2018-Central Tax (Rate) dated 25.01.2018 on supply of services by way of fumigation in a warehouse of agricultural produce.
Accordingly, fumigation services provided by CWC for agricultural produce in its warehouses shall be exempt from GST.
- 2. Renting of immovable property:** Vide notification no. 3/2018 Central Tax (Rate) dated 25.01.2018 services by way of renting of immovable property by the Central Government, State Government, Union territory or local authority to a person registered under the Central Goods and Services Tax Act, 2017 is included under Reverse Charge.
Accordingly, CWC is required to deposit GST under RCM on services of renting of immovable property received by it from the Central Government, State Government, Union territory or local authority.
- 3. Services of lease of land:** Services by Central Government, State Government, Union territory or Local Authority to government authority or Government Entity by way of lease of land shall be subject to NIL rate of GST.
Accordingly, services of lease of land received by CWC from Central Government, State Government, Union territory or Local Authority,

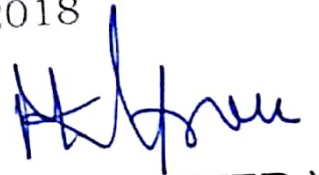
C.O.: 4/1, Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi-110016.
Tele. No. 26515148; Email ID : grover@cewacor.nic.in

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are subject to NIL rate of GST & no GST is required to be paid on same.

“Government Entity” means an authority or board or any other body including a society, trust, corporation, (i) set up by an Act of Parliament or State Legislature; or (ii) established by any Government, with 90 percent. Or more participation by way of equity or control, to carry out a function entrusted by the Central Government, State Government, Union Territory or a local authority.



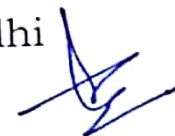
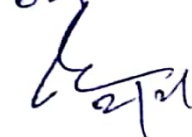
The above said notifications are made effective w.e.f. 25.01.2018



(N.K. GROVER)

Group General Manager(F&A)

Copies for information to:

1. PPS to Managing Director, CWC, CO, New Delhi 
2. PS to Director(MCP), CWC, CO, New Delhi 
3. PS to CVO / PPS to GGM(A/cs), CWC, CO, New Delhi 
4. All HODs at CWC, Corporate Office, New Delhi 
5. All DGMs/AGMs/Managers in Finance, Accounts & Internal Audit Cadre at CWC, Corporate Office, New Delhi
6. PPS to GM(Systems), CWC, CO, New Delhi with a request to place this Circular on CWC's Website
7. Manager (Rajbhasha), CWC, CO, New Delhi with a request to arrange Hindi Version of this Circular.



CENTRAL WAREHOUSING CORPORATION
(A GOVT. OF INDIA UNDERTAKING)



No. CWC/FD- Taxation/GST/2017-18

Dated: 5th March 2018

Corrigendum to GST Circular -9 issued on 01.02.2018

- 1. All the Regional Managers of CWC**
- 2. All the Executive Engineers in-charge of Construction Section of Regional Offices.**
- 3. All the AGMs / Managers / (Sr.) Asstt. Manager(Accts.) In-charge of Finance & Accounts Wings of all Regional Offices.**

Sub:Changes in GST vide various notification dated 25.01.2018

Para no. 3 of GST Circular 9 "**Services of lease of land**" where by it was clarified that Services by Central Government, State Government, Union territory or Local Authority to government authority or Government Entity by way of lease of land shall be subject to NIL rate of GST.

Accordingly, services of lease of land received by CWC from Central Government, State Government, Union territory or Local Authority, are subject to NIL rate of GST.

However, the same is reviewed in Corporate Office and it is clarified that CWC is not falling within the definition of Government Authority reason being equity participation of Government in equity and control of CWC is less than 90%.


Accordingly, services of lease of land received by CWC from Central Government, State Government, Union territory or Local Authority would be subject to GST.

Further, the exemption provided to Government Entity by notification no. 2/2018-Central Tax (Rate) dated 25.01.2018 from payment of GST under RCM on procurement of legal services from arbitral tribunal, partnership firm of advocates or an individual as an advocate and a senior advocate is **not available to CWC. Thus, CWC is liable to deposit GST under RCM on legal services.**

C.O.: 4/1, Siri Institutional Area, August Kranti Marg, Hauz Khas, New Delhi-110016.
Tele. No. 26515148; Email ID : grover@cewacor.nic.in

The above said notifications are made effective w.e.f. 25.01.2018.

This issues with the approval of GGM(F&A).



(Amit Puri)
Deputy General Manager(Tax)

Copies for information to:

1. PPS to Managing Director, CWC, CO, New Delhi
2. AM to Director(Finance) / SAM to Director(Personnel) / PS to Director(MCP), CWC, CO, New Delhi
3. PS to CVO / PPS to GGM(A/cs), CWC, CO, New Delhi
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