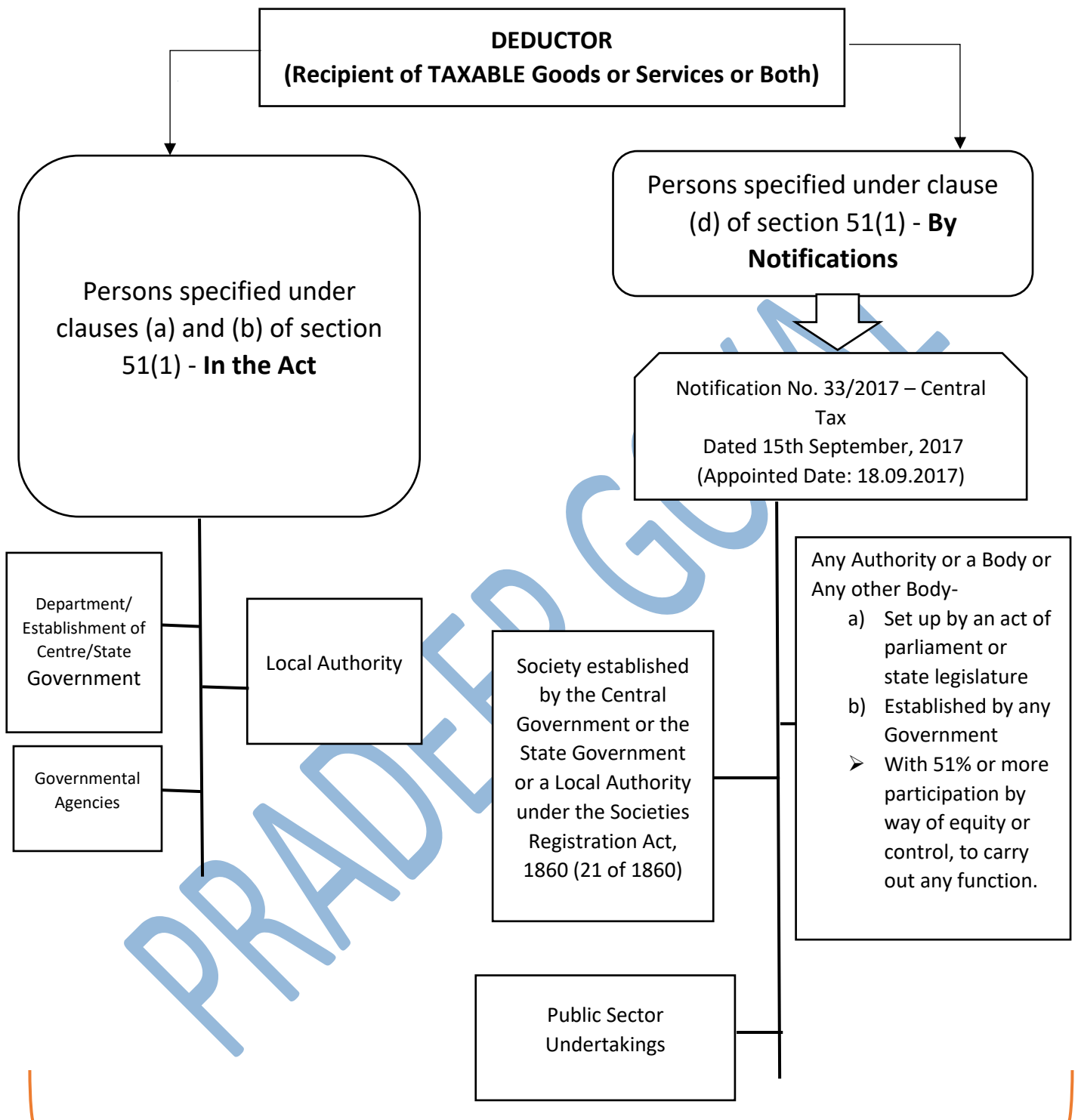
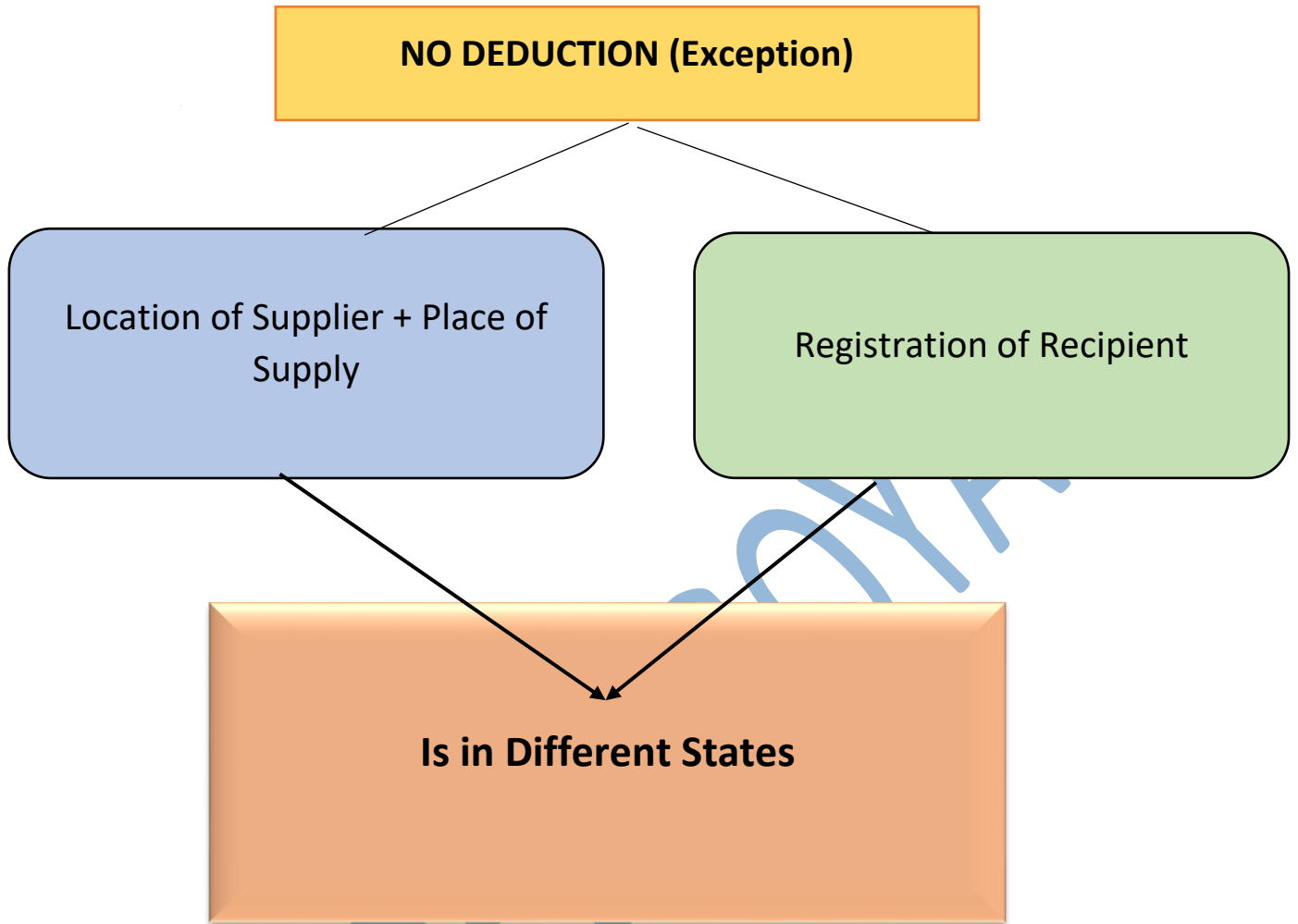


TAX DEDUCTION AT SOURCE IN GST- SECTION 51 OF CGST ACT, 2017



Deduct 1% tax from the payment made or credited to the supplier (hereafter referred to as "The Deductee") of taxable goods or services or both, where the total value of such supply, under a contract, exceeds Rs.250000/-

TAX DEDUCTION AT SOURCE IN GST- SECTION 51 OF CGST ACT, 2017



❖ **Effective date of deduction is yet to be notified by Government- (Updated on basis of Notification 33/2017 Central Tax dated 15.09.2017)**

TAX DEDUCTION AT SOURCE IN GST- SECTION 51 OF CGST ACT, 2017

GST (TDS) DEDUCTION, DEPOSIT AND CREDIT PROCESS



TAX DEDUCTION AT SOURCE IN GST- SECTION 51 OF CGST ACT, 2017

DEFINITIONS

Section 2(53) of CGST Act

Government” means the Central Government.

Section 3(23) of the General Clauses Act, 1897

Government’ includes both the Central Government and any State Government.

Section 3(8) of the General Clauses Act, 1897

Central Government’, in relation to anything done or to be done after the commencement of the Constitution, means the President.

Article 53 of the Constitution

The executive power of the Union shall be vested in the President and shall be exercised by him either directly or indirectly through officers subordinate to him in accordance with the Constitution. Further, in terms of Article 77 of the Constitution, all executive actions of the Government of India shall be expressed to be taken in the name of the President. Therefore, the Central Government means the President and the officers subordinate to him while exercising the executive powers of the Union vested in the President and in the name of the President.

Section 3(6) of the General Clauses Act, 1897

The ‘State Government’, as respects anything done after the commencement of the Constitution, shall be in a State the Governor, and in an Union Territory the Central Government.

Article 154 of the Constitution

The executive power of the State shall be vested in the Governor and shall be exercised by him either directly or indirectly through officers subordinate to him in accordance with the Constitution. Further, as per article 166 of the Constitution, all executive actions of the Government of State shall be expressed to be taken in the name of Governor. Therefore, State Government means the Governor or the officers subordinate to him who exercise the executive powers of the State vested in the Governor and in the name of the Governor.

TAX DEDUCTION AT SOURCE IN GST- SECTION 51 OF CGST ACT, 2017

Section 2(69) of CGST Act

Local authority means:-

- (a) A “Panchayat” as defined in clause (d) of article 243 of the Constitution;
- (b) A “Municipality” as defined in clause (e) of article 243P of the Constitution;
- (c) A Municipal Committee, a Zilla Parishad, a District Board, and any other authority legally entitled to, or entrusted by the Central Government or any State Government with the control or management of a municipal or local fund;
- (d) A Cantonment Board as defined in section 3 of the Cantonments Act, 2006;
- (e) A Regional Council or a District Council constituted under the Sixth Schedule to the Constitution;
- (f) A Development Board constituted under article 371 of the Constitution; or
- (g) A Regional Council constituted under article 371A of the Constitution;

Governmental authority” has the same meaning as assigned to it in the *Explanation* to clause (16) of section 2 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017);- As defined in clause (zf) of serial no. 2 of notification (Exemption Notification) no. 12/2017 CT-R dated 28.06.2017

> **Explanation to clause (16) of section 2 of the Integrated Goods and Services Tax Act, 2017**

Explanation.—For the purposes of this clause, the expression “governmental authority” means an authority or a board or any other body,—

- (i) Set up by an Act of Parliament or a State Legislature; or
- (ii) Established by any Government,

With ninety per cent. or more participation by way of equity or control, to carry out any function entrusted to a municipality under article 243W of the Constitution;

X