

(vii) पद "प्रमोटर" शब्द का वही अर्थ होगा जो इसके लिए रीयल एस्टेट (रेग्यूलेशन एंड डेवलपमेंट) एक्ट, 2016 (2016 का 12) की धारा 2 की उपवाक्य (यट) में दिया गया हो।

(viii) "प्रोजेक्ट" से अभिप्राय: किसी रीयल एस्टेट प्रोजेक्ट (REP) या रेजीडेंशियल रीयल एस्टेट प्रोजेक्ट (RREP) से है।

(ix) पद "रीयल एस्टेट प्रोजेक्ट (REP)" का वही अभीप्राय: होगा जो इसके लिए रीयल इस्टेट (रेग्यूलेशन एंड डेवलपमेंट) एक्ट, 2016 (2016 का 16) की धारा 2 के उपवाक्य (यट) में दिया गया हो।

(x) पद "रेजीडेंशियल रीयल एस्टेट प्रोजेक्ट (RREP)" का अभिप्राय: उस रीयल एस्टेट प्रोजेक्ट (REP) से होगा जिनमें किसी वाणिज्यिक अपार्टमेंट्स का कारपेट एरिया उस रीयल एस्टेट प्रोजेक्ट (REP) के सभी अपार्टमेंट्स के कुल कारपेट एरिया के 15% से अधिक न हो।

(xi) पद "कालीन क्षेत्र (कार्पेट एरिया)" शब्द का अर्थ वही है जो कि रीयल एस्टेट (विनियमन और विकास) अधिनियम, 2016 में निर्दिष्ट किया गया है।

(xii) "एक अपार्टमेंट जो पूरा होने के प्रमाण पत्र जारी करने की तिथि पर बुक किया गया हो या प्रोजेक्ट के पहले कब्जे" का मतलब होगा एक अपार्टमेंट जो निम्नलिखित सभी तीन शर्तों को पूरा करता हो, यथा-

(क) अपार्टमेंट सेवा के निर्माण की आपूर्ति का हिस्सा उक्त तिथि को या उससे पहले आपूर्ति का समय है; तथा

(ख) उक्त तिथि को या उससे पहले पंजीकृत व्यक्ति के बैंक खाते में कम से कम एक किस्त के बराबर की राशि जमा करवा दी गई हो;

(ग) उक्त तिथि को अथवा उससे पहले आवंटन पत्र या बिक्री समझौते या अपार्टमेंट के किसी अन्य समान दस्तावेज की साक्ष्य बुकिंग जारी कर दी गई हो।

(xiii) "फ्लोर स्पेस इन्डेक्स (एफएसआई)" से अभिप्राय: किसी भवन के कुल फ्लोर एरिया (सम्पूर्ण फ्लोर एरिया) और उस भू-खण्ड के क्षेत्रफल के अनुपात से है जिसपर कि ऐसे भवन का निर्माण हुआ हो।"

2. यह अधिसूचना 1 अप्रैल 2019 से लागू होगी।

[फा. सं. 354/32/2019-टीआरयू]

प्रमोद कुमार, उप सचिव

नोट : प्रधान अधिसूचना सं. 9/2017-एकीकृत कर (दर), दिनांक 28 जून 2017 को सा.का.नि. 684(अ), दिनांक 28 जून 2017 के तहत भारत के राजपत्र, असाधारण में प्रकाशित किया गया था और इसमें अंतिम बार अधिसूचना सं. 2/2019 – एकीकृत कर (दर) दिनांक 4 फरवरी, 2018, सा.का.नि. 86(अ), दिनांक 4 फरवरी, 2018, के तहत, के द्वारा संशोधन किया गया है।

NOTIFICATION

New Delhi, the 29th March, 2019

No. 04/2019-Integrated Tax (Rate)

G.S.R. 257(E).—In exercise of the powers conferred by sub-section (1) of section 6 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), the Central Government, on being satisfied that it is necessary in the public interest so to do, on the recommendations of the Council, hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No.9/2017-Integrated Tax (Rate), dated the 28th June, 2017, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 684 (E), dated the 28th June, 2017, namely:—

In the said notification, -

(i) in the opening paragraph, for the word, brackets and figures “sub-section (1) of section 6” the word, brackets and figures “, sub-section (3) and sub-section (4) of section 5, sub-section (1) of section 6 and clause (xxv) section 20 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), read with sub-section (5) of section 15 and section 148 of the Central Goods and Services Tax Act, 2017 (12 of 2017);

(ii) in the Table, -

(a) after serial number 43 and the entries relating thereto, the following serial numbers and entries shall be inserted, namely: -

(1)	(2)	(3)	(4)	(5)
“43A	Heading 9972	Service by way of transfer of development rights (herein refer TDR) or Floor Space Index (FSI) (including additional FSI) on or after 1 st April, 2019 for construction of residential apartments by a promoter in a project, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. The amount of GST exemption available for construction of residential apartments in the project under this notification shall be calculated as under: [GST payable on TDR or FSI (including additional FSI) or both for construction of the project] x (carpet area of the residential apartments in the project ÷ Total carpet area of the residential and commercial apartments in the project)	Nil	Provided that the promoter shall be liable to pay tax at the applicable rate, on reverse charge basis, on such proportion of value of development rights, or FSI (including additional FSI), or both, as is attributable to the residential apartments, which remain un-booked on the date of issuance of completion certificate, or first occupation of the project, as the case may be, in the following manner - [GST payable on TDR or FSI (including additional FSI) or both for construction of the residential apartments in the project but for the exemption contained herein] x (carpet area of the residential apartments in the project which remain un- booked on the date of issuance of completion certificate or first occupation ÷ Total carpet area of the residential apartments in the project) Provided further that tax payable in terms of the first proviso hereinabove shall not exceed 1 per cent. of the value in case of affordable residential apartments and 5 per cent. of the value in case of residential apartments other than affordable residential apartments remaining un- booked on the date of issuance of completion certificate or first occupation The liability to pay integrated tax on the said portion of the development rights or FSI, or both, calculated as above, shall arise on the date of completion or first occupation of the project, as the case may be, whichever is earlier.
43B	Heading 9972	Upfront amount (called as premium, salami, cost, price, development charges or by any other name) payable in respect of service by way of granting of long term lease of thirty years, or more, on or after 01.04.2019, for construction of residential apartments by a promoter in a project, intended for sale to a buyer, wholly or partly, except where the entire consideration has been received after issuance of	Nil	Provided that the promoter shall be liable to pay tax at the applicable rate, on reverse charge basis, on such proportion of upfront amount (called as premium, salami, cost, price, development charges or by any other name) paid for long term lease of land, as is attributable to the residential apartments, which remain un- booked on the date of issuance of completion certificate, or first occupation of the project, as the case may be, in the following manner - [GST payable on upfront amount (called as premium, salami, cost, price, development charges or by any other name) payable for long term lease of land for construction of the residential apartments in the project but for the

	completion certificate, where required, by the competent authority or after its first occupation, whichever is earlier. The amount of GST exemption available for construction of residential apartments in the project under this notification shall be calculated as under: [GST payable on upfront amount (called as premium, salami, cost, price, development charges or by any other name) payable for long term lease of land for construction of the project] x (carpet area of the residential apartments in the project ÷ Total carpet area of the residential and commercial apartments in the project).	exemption contained herein] x (carpet area of the residential apartments in the project which remain un- booked on the date of issuance of completion certificate or first occupation ÷ Total carpet area of the residential apartments in the project); Provided further that the tax payable in terms of the first proviso shall not exceed 1 per cent. of the value in case of affordable residential apartments and 5 per cent. of the value in case of residential apartments other than affordable residential apartments remaining un- booked on the date of issuance of completion certificate or first occupation. The liability to pay integrated tax on the said proportion of upfront amount (called as premium, salami, cost, price, development charges or by any other name) paid for long term lease of land, calculated as above, shall arise on the date of issue of completion certificate or first occupation of the project, as the case may be.
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(iii) after paragraph 1, the following paragraphs shall be inserted, namely, -

“1A. Value of supply of service by way of transfer of development rights or FSI by a person to the promoter against consideration in the form of residential or commercial apartments shall be deemed to be equal to the value of similar apartments charged by the promoter from the independent buyers nearest to the date on which such development rights or FSI is transferred to the promoter.

1B. Value of portion of residential or commercial apartments remaining un-booked on the date of issuance of completion certificate or first occupation, as the case may be, shall be deemed to be equal to the value of similar apartments charged by the promoter nearest to the date of issuance of completion certificate or first occupation, as the case may be.”

(iv) in paragraph 3 relating to Explanation, after clause (iv), the following clause shall be inserted, namely: -

“(v) The term “apartment” shall have the same meaning as assigned to it in clause (e) under section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2017).

(vi) The term “affordable residential apartment” shall have the same meaning as assigned to it in the notification No. 8/2017-Integrated Tax (Rate), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) dated 28th June, 2017 vide GSR number 683(E) dated 28th June, 2017, as amended.

(vii) The term “promoter” shall have the same meaning as assigned to it in clause (zk) under section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2017).

(viii) The term “project” shall mean a Real Estate Project or a Residential Real Estate Project.

(ix) the term “Real Estate Project (REP)” shall have the same meaning as assigned to it in clause (zn) under section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2017).

(x) The term “Residential Real Estate Project (RREP)” shall mean a REP in which the carpet area of the commercial apartments is not more than 15 per cent. of the total carpet area of all the apartments in the REP;

(xi) The term “carpet area” shall have the same meaning as assigned to it clause (k) under section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2017).

(xii) “an apartment booked on or before the date of issuance of completion certificate or first occupation of the project” shall mean an apartment which meets all the following three conditions, namely-

- (a) part of supply of construction of the apartment service has time of supply on or before the said date; and
- (b) consideration equal to at least one instalment has been credited to the bank account of the registered person on or before the said date; and
- (c) an allotment letter or sale agreement or any other similar document evidencing booking of the apartment has been issued on or before the said date.

(xiii) “floor space index (FSI)” shall mean the ratio of a building’s total floor area (gross floor area) to the size of the piece of land upon which it is built.”.

2. This notification shall come into force with effect from the 1st day of April, 2019.

[F. No.354/32/2019-TRU]

PRAMOD KUMAR, Dy. Secy.

Note : The principal notification No. 9/2017 - Integrated Tax (Rate), dated the 28th June, 2017 was published in the Gazette of India, Extraordinary, vide number G.S.R. 684 (E), dated the 28th June, 2017 and was last amended by notification No. 2/2019 – Integrated Tax (Rate), dated the 4th February, 2019 vide number G.S.R. 86(E), dated the 4th February, 2019.

अधिसूचना

नई दिल्ली, 29 मार्च, 2019

सं. 5/2019-एकीकृत कर (दर)

सा.का.नि. 258(अ).—केंद्रीय सरकार, एकीकृत माल और सेवा कर अधिनियम, 2017 (2017 का 13) की धारा 5 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, परिषद् की सिफारिशों पर, एतद्वारा भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) की अधिसूचना सं. 10/2017-एकीकृत कर (दर) दिनांक 28 जून, 2017, जिसे सा.का.नि. 685(अ) दिनांक 28 जून, 2017 भारत के राजपत्र, असाधारण के भाग II, खंड 3, उप-खंड (i) में प्रकाशित किया गया था, में निम्नलिखित संशोधन करती है, यथा:-

उक्त अधिसूचना में, -

- (i) सारणी में, क्रम संख्या 6क और उससे संबन्धित प्रविष्टियों के पश्चात्, निम्नलिखित क्रम संख्या और प्रविष्टियों को अन्तः स्थापित किया जाएगा, यथा : -

(1)	(2)	(3)	(4)
“6ख	किसी प्रमोटर के द्वारा किसी रीयल इस्टेट प्रोजेक्ट के निर्माण कार्य के लिये किसी व्यक्ति द्वारा ‘डेवलपमेंट राइट’ या फ्लोर स्पेस इन्डेक्स (अतिरिक्त फ्लोर स्पेस इन्डेक्स समेत) के अकन्तर्न के माध्यम से आपूर्ति की गयी सेवाएँ	कोई भी व्यक्ति	प्रमोटर;
6ग	किसी प्रमोटर के द्वारा किए जाने वाले किसी रीयल इस्टेट प्रोजेक्ट के निर्माण कार्य के लिए अप्रकट राशि	कोई भी व्यक्ति	प्रमोटर;