

**GOVERNMENT OF TAMIL NADU
COMMERCIAL TAXES DEPARTMENT**

**OFFICE OF THE COMMISSIONER OF COMMERCIAL TAXES
EZHILAGAM, CHENNAI-600 005**

**PRESENT: DR. T.V. SOMANATHAN, I.A.S.,
COMMISSIONER OF STATE TAX**

Circular No. 85/2019/TNGST
(RC No.26/2019/A1/P&P)

Dated: 05.09.2019

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| Sub: | Issues related to GST on monthly subscription / contribution charged by a Residential Welfare Association from its members - reg. |
| Ref: | Circular No. 109/28/2019-GST, dated 22-07-2019 issued by the Department of Revenue, Ministry of Finance, Government of India, New Delhi. |

A number of issues have been raised regarding the GST payable on the amount charged by a Residential Welfare Association for providing services and goods for the common use of its members in a housing society or a residential complex. The same have been examined and are being clarified below.

| Sl. No | Issue | Clarification |
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| 1. | Are the maintenance charges paid by residents to the Resident Welfare Association (RWA) in a housing society exempt from GST and if yes, is there an upper limit on the amount of such charges for the exemption to be | Supply of service by RWA (unincorporated body or a non-profit entity registered under any law) to its own members by way of reimbursement of charges or share of contribution up to an amount of Rs.7500 per month per member for providing services and goods for the common use of its members in a housing society or a residential complex are exempt from GST. Prior to 25 th January 2018, the exemption |

| | available? | <p>was available if the charges or share of contribution did not exceed Rs 5000/- per month per member. The limit was increased to Rs. 7500/- per month per member with effect from 25th January 2018. [Refer clause (c) of Sl. No. 77 to the notification No. 12/2017- Central Tax (Rate) dated 28.06.2017 as amended vide Notification No.02/2018 Central Tax (Rate), dated 25.01.2018 and Tamil Nadu Notification No. II(2)/CTR/532(d-15)/2017], dated: 29th June 2017 and Notification No. II(2)/CTR/100(b-2)/2018, dated 25.01.2018.</p> | | | | | | | | | | | | | |
|------------------------|--|---|------------------------|----------------------------|-----------------|-----------------------|---------------------|----|--------------------|-----|----------------------|---------------------|-----|--------------------|-----|
| 2. | <p>A RWA has aggregate turnover of Rs.20 lakh or less in a financial year. Is it required to take registration and pay GST on maintenance charges if the amount of such charges is more than Rs.7500/- per month per member?</p> | <p>No. If aggregate turnover of an RWA does not exceed Rs.20 Lakh in a financial year, it shall not be required to take registration and pay GST even if the amount of maintenance charges exceeds Rs.7500/- per month per member.</p> <p>RWA shall be required to pay GST on monthly subscription / contribution charged from its members, only if such subscription is more than Rs. 7500/- per month per member and the annual aggregate turnover of RWA by way of supplying of services and goods is also Rs. 20 lakhs or more.</p> <table border="1" data-bbox="706 1323 1388 1732"> <thead> <tr> <th data-bbox="706 1323 966 1449">Annual turnover of RWA</th> <th data-bbox="966 1323 1193 1449">Monthly maintenance charge</th> <th data-bbox="1193 1323 1388 1449">Whether exempt?</th> </tr> </thead> <tbody> <tr> <td data-bbox="706 1449 966 1596" rowspan="2">More than Rs.20 lakhs</td> <td data-bbox="966 1449 1193 1522">More than Rs.7500/-</td> <td data-bbox="1193 1449 1388 1522">No</td> </tr> <tr> <td data-bbox="966 1522 1193 1596">Rs. 7500/- or less</td> <td data-bbox="1193 1522 1388 1596">Yes</td> </tr> <tr> <td data-bbox="706 1596 966 1732" rowspan="2">Rs. 20 lakhs or less</td> <td data-bbox="966 1596 1193 1669">More than Rs.7500/-</td> <td data-bbox="1193 1596 1388 1669">Yes</td> </tr> <tr> <td data-bbox="966 1669 1193 1732">Rs. 7500/- or less</td> <td data-bbox="1193 1669 1388 1732">Yes</td> </tr> </tbody> </table> | Annual turnover of RWA | Monthly maintenance charge | Whether exempt? | More than Rs.20 lakhs | More than Rs.7500/- | No | Rs. 7500/- or less | Yes | Rs. 20 lakhs or less | More than Rs.7500/- | Yes | Rs. 7500/- or less | Yes |
| Annual turnover of RWA | Monthly maintenance charge | Whether exempt? | | | | | | | | | | | | | |
| More than Rs.20 lakhs | More than Rs.7500/- | No | | | | | | | | | | | | | |
| | Rs. 7500/- or less | Yes | | | | | | | | | | | | | |
| Rs. 20 lakhs or less | More than Rs.7500/- | Yes | | | | | | | | | | | | | |
| | Rs. 7500/- or less | Yes | | | | | | | | | | | | | |

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| 3. | Is the RWA entitled to take input tax credit of GST paid on input and services used by it for making supplies to its members and use such ITC for discharge of GST liability on such supplies where the amount charged for such supplies is more than Rs. 7,500/- per month per member? | RWAs are entitled to take ITC of GST paid by them on capital goods (generators, water pumps, lawn, furniture etc.), goods (taps, pipes, other sanitary/hardware fillings etc.) and input services such as repair and maintenance services. |
| 4. | Where a person owns two or more flats in the housing society or residential complex, whether the ceiling of Rs. 7500/- per month per member on the maintenance for the exemption to be available shall be applied per residential apartment or per person? | <p>As per general business sense, a person who owns two or more residential apartments in a housing society or a residential complex shall normally be a member of the RWA for each residential apartment owned by him separately. The ceiling of Rs. 7500/- per month per member shall be applied separately for each residential apartment owned by him.</p> <p>For example, if a person owns two residential apartments in a residential complex and pays Rs. 15000/- per month as maintenance charges towards maintenance of each apartment to the RWA (Rs. 7500/- per month in respect of each residential apartment), the exemption from GST shall be available to each apartment.</p> |
| 5. | How should the RWA calculate GST payable where the maintenance charges exceed Rs. 7500/- per month per member? Is the GST payable only on the amount | The exemption from GST on maintenance charges charged by a RWA from residents is available only if such charges do not exceed Rs. 7500/- per month per member. In case the charges exceed Rs. 7500/- per month per member, the entire amount is taxable. For example, if the maintenance charges are Rs. 9000/- per month per member, GST @18% shall be payable on the entire amount of Rs. |

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| | exceeding Rs. 7500/- or on the entire amount of maintenance charges? | 9000/- and not on [Rs. 9000 - Rs. 7500] = Rs.1500/- . |
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sd/-T.V.Somanathan,
Commissioner of State Tax
Tamil Nadu

To

All the Joint Commissioners (ST) (Territorial) in the State, including LTU,

Copy to the Principal Secretary to Government/ Commercial Taxes & Registration Department, Chennai- 9.

Copy to all the Additional Commissioners in the O/o the CCT.

Copy to the Joint Commissioner(Computer Systems) to host in the Dept. Website.

Copy to the Director CT Staff Training Institute, Chennai

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//forwarded / by order//


Assistant Commissioner