

Office of the
Commissioner of State Tax.
Maharashtra State, 8th Floor,
GST Bhavan, Mazgaon,
Mumbai-400 010.

TRADE CIRCULAR

No. JC (HQ)-1/GST/2019/CBIC Circular(s)/ADM-8 Mumbai dated 1st Jan, 2019

Trade Circular (GST) No. 05 T of 2019.

To,

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Subject : GST on Services of Business Facilitator (BF) or a Business Correspondent (BC) to Banking Company.

Ref. CBIC Circular No.86/05/2019-GST dated 1st January 2019.

Sir/Gentlemen/Madam,

1. Representations have been received in the Board seeking clarification on following two issues:

- (i) What is the value to be adopted for the purpose of computing GST on services provided by BF/BC to a banking company?
- (ii) What is the scope of services provided by BF/BC to a banking company with respect to accounts in its rural area branch that are eligible for existing GST exemption?

2. The matter has been examined by the Board and Circular cited at Ref. above is issued. In view of this Circular, the issues involved are clarified as follows:

- 2.1. **Issue 1: Clarification on value of services by BF/BC to a banking company:** As per RBI's Circular No. DBOD. No. BL.BC. 58/22.01.001/2005-2006 dated 25.01.2006 and subsequent instructions on the issue (referred to as 'guidelines' hereinafter), banks may pay reasonable commission/fee to the BC, the rate

and quantum of which may be reviewed periodically. The agreement of banks with the BC specifically prohibits them from directly charging any fee to the customers for services rendered by them on behalf of the bank. On the other hand banks (and not BCs) are permitted to collect reasonable service charges from the customers for such service in a transparent manner. The arrangements of banks with the Business Correspondents specify the requirement that the transactions are accounted for and reflected in the bank's books by end of the day or the next working day, and all agreements/ contracts with the customer shall clearly specify that the bank is responsible to the customer for acts of omission and commission of the Business Facilitator/Correspondent.

2.2. Hence, banking company is the service provider in the business facilitator model or the business correspondent model operated by a banking company as per RBI guidelines. The banking company is liable to pay GST on the entire value of service charge or fee charged to customers whether or not received via business facilitator or the business correspondent.

3. **Issue 2: Clarification on the scope of services by BF/BC to a banking company with respect to accounts in rural areas:** It has also been requested that the scope of exemption to services provided in relation to “accounts in its rural area branch” vide entry at Sr. No. 39 of Notification No. 12/2017- State Tax (Rate) dated 29th June 2017 be clarified. This clarification has been requested as the exemption from tax on services provided by BF/BC is dependent on the meaning of the expression “accounts in its rural area branch”.

3.1. It is clarified that for the purpose of availing exemption from GST under entry at Sr. No. 39 of said notification, the conditions flowing from the language of the notification should be satisfied. These conditions are that the services provided by a BF/BC to a banking company in their respective individual capacities should fall under the Heading 9971 and that such services

should be with respect to accounts in a branch located in the rural area of the banking company. The procedure for classification of branch of a bank as located in rural area and services which can be given by BF/BC, is governed by the RBI guidelines. Therefore, classification adopted by the bank in terms of RBI guidelines in this regard should be accepted.

4. Difficulty, if any, in implementation of this Circular may be brought to the notice of the office of the Commissioner of State Tax, Maharashtra State.

Yours Faithfully,



(Rajiv Jalota)
Commissioner of State Tax,
(GST) Maharashtra State, Mumbai.

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Copy forwarded to the Joint Commissioner of State Tax (Mahavikas) with a request to upload this Trade Circular on the Departments Web-site.

Copy submitted with compliments to,-

- (a) The Deputy Secretary, Finance Department, Mantralaya, Mumbai-21 for information.
- (b) Accounts Officer, Sales Tax Revenue Audit, Mumbai and Nagpur.



(R. D. Bhagat)
Joint Commissioner of State Tax
(GST), (HQ)-1, Maharashtra State.