
 <p>आजादी का अमृत महोत्सव</p>	<p style="text-align: center;"><b>भारत सरकार/ GOVERNMENT OF INDIA</b></p> <p style="text-align: center;"><b>प्रधान आयुक्त का कार्यालय/OFFICE OF THE PRINCIPAL COMMISSIONER</b></p> <p style="text-align: center;"><b>केन्द्रीय वस्तु एवं सेवाकर एवम उत्पाद शुल्क/CGST &amp; CENTRAL EXCISE RANCHI</b></p> <p style="text-align: center;"><b>5ए, केन्द्रीय राजस्व भवन, महात्मा गांधी मार्ग, रांची - 834 001</b></p> <p style="text-align: center;"><b>5A, Central Revenue Building, Mahatma Gandhi Road, Ranchi-834001</b></p> <p style="text-align: center;"><b>दूरभाष/Tel: 0651-2330218; फ़ैक्स/Fax: 0651-2332420:</b></p> <p style="text-align: center;"><b>Email: <a href="mailto:commr-cexranchi1@nic.in">commr-cexranchi1@nic.in</a> / <a href="mailto:comm.ranchi@icegate.gov.in">comm.ranchi@icegate.gov.in</a></b></p>	
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**TRADE NOTICE NO. 04/ 2023-24**

**DATED: 24.07.2023**

**Subject: Clarification on availability of ITC in respect of warranty replacement of parts and repair services during warranty period.**

Kind attention of the Trade & Industries and Departmental Officers is invited to the Circular No. 195/07/2023-GST issued by the Central Board of Indirect Taxes & Customs (hereinafter referred to as 'Board'). The said Circular is available on CBIC website <https://www.cbic.gov.in/> <https://cbic-gst.gov.in>.

2. Various representations have been received from trade and industry that as a common trade practice, the original equipment manufacturers /suppliers offer warranty for the goods / services supplied by them. During the warranty period, replacement goods /services are supplied to customers free of charge and as such no separate consideration is charged and received at the time of replacement. It has been represented that suitable clarification may be issued in the matter as unnecessary litigation is being caused due to contrary interpretations by the investigation wings and field formations in respect of GST liability as well as liability to reverse ITC against such supplies of replacement of parts and repair services during the warranty period without any consideration from the customers.

3. The matter has been examined by the Board. In order to ensure uniformity in the implementation of the provisions of the law across the field formations, the Board, in exercise of its powers conferred under section 168(1) of the Central Goods and Services Tax Act, 2017 (hereinafter referred to as the CGST Act), hereby clarifies as follows:

S.No.	Issue	Clarification
1.	There are cases where the original equipment manufacturer offers warranty for the goods supplied by him to the customer and provides	The value of original supply of goods (provided along with warranty) by the manufacturer to the customer includes the likely

	<p>replacement of parts and/ or repair services to the customer during the warranty period, without separately charging any consideration at the time of such replacement/repair services.</p> <p>Whether GST would be payable on such replacement of parts or supply of repair services, without any consideration from the customer, as part of warranty?</p>	<p>cost of replacement of parts and/ or repair services to be incurred during the warranty period, on which tax would have already been paid at the time of original supply of goods. As such, where the manufacturer provides replacement of parts and/ or repair services to the customer during the warranty period, without separately charging any consideration at the time of such replacement/ repair services, no further GST is chargeable on such replacement of parts and/ or repair service during warranty period.</p> <p>However, if any additional consideration is charged by the manufacturer from the customer, either for replacement of any part or for any service, then GST will be payable on such supply with respect to such additional consideration.</p>
2.	<p>Whether in such cases, the manufacturer is required to reverse the input tax credit in respect of such replacement of parts or supply of repair services as part of warranty, in respect of which no additional consideration is charged from the customer?</p>	<p>In such cases, the value of original supply of goods (provided along with warranty) by the manufacturer to the customer includes the likely cost of replacement of parts and/ or repair services to be incurred during the warranty period.</p> <p>Therefore, these supplies cannot be considered as exempt supply and accordingly, the manufacturer, who provides replacement of parts and/ or repair services to the customer during the warranty period, is not required to reverse the input tax credit in respect of the said replacement parts or on the repair services provided.</p>
3.	<p>Whether GST would be payable on replacement of parts and/ or repair services provided by a</p>	<p>There may be instances where a distributor of a company provides replacement of parts and/ or</p>


	<p>distributor without any consideration from the customer, as part of warranty on behalf of the manufacturer?</p>	<p>repair services to the customer as part of warranty on behalf of the manufacturer and no separate consideration is charged by such distributor in respect of the said replacement and/ or repair services from the customer.</p> <p>In such cases, as no consideration is being charged by the distributor from the customer, no GST would be payable by the distributor on the said activity of providing replacement of parts and/ or repair services to the customer.</p> <p>However, if any additional consideration is charged by the distributor from the customer, either for replacement of any part or for any service, then GST will be payable on such supply with respect to such additional consideration.</p>
<p>4.</p>	<p>In the above scenario where the distributor provides replacement of parts to the customer as part of warranty on behalf of the manufacturer, whether any supply is involved between the distributor and the manufacturer and whether the distributor would be required to reverse the input tax credit in respect of such replacement of parts?</p>	<p>(a) There may be cases where the distributor replaces the part(s) to the customer under warranty either by using his stock or by purchasing from a third party and charges the consideration for the part(s) so replaced from the manufacturer, by issuance of a tax invoice, for the said supply made by him to the manufacturer. In such a case, GST would be payable by the distributor on the said supply by him to the manufacturer and the manufacturer would be entitled to avail the input tax credit of the same, subject to other conditions of CGST Act. In such case, no reversal of input tax credit by the distributor is required in respect of the same.</p> <p>(b) There may be cases where the distributor raises a requisition to the manufacturer for the part(s)</p>

		<p>to be replaced by him under warranty and the manufacturer then provides the said part(s) to the distributor for the purpose of such replacement to the customer as part of warranty.</p> <p>In such a case, where the manufacturer is providing such part(s) to the distributor for replacement to the customer during the warranty period, without separately charging any consideration at the time of such replacement, no GST is payable on such replacement of parts by the manufacturer. Further, no reversal of ITC is required to be made by the manufacturer in respect of the parts so replaced by the distributor under warranty.</p> <p>(c) There may be cases where the distributor replaces the part(s) to the customer under warranty out of the supply already received by him from the manufacturer and the manufacturer issues a credit note in respect of the parts so replaced subject to provisions of sub-section (2) of section 34 of the CGST Act. Accordingly, the tax liability may be adjusted by the manufacturer, subject to the condition that the said distributor has reversed the ITC availed against the parts so replaced.</p>
5.	Where the distributor provides repair service, in addition to replacement of parts or otherwise, to the customer without any consideration, as part of warranty, on behalf of the manufacturer but charges the manufacturer for such repair services either by way of issue of tax invoice or a debit note, whether GST would be payable on such activity by the distributor?	In such scenario, there is a supply of service by the distributor and the manufacturer is the recipient of such supply of repair services in accordance with the provisions of sub-clause (a) of clause (93) to section 2 of the CGST Act, 2017. Hence, GST would be payable on such provision of service by the distributor to the manufacturer

		and the manufacturer would be entitled to avail the input tax credit of the same, subject to other conditions of CGST Act.
6.	Sometimes companies provide offers of Extended warranty to the customers which can be availed at the time of original supply or just before the expiry of the standard warranty period. Whether GST would be payable in both the cases?	(a) If a customer enters in to an agreement of extended warranty with the manufacturer at the time of original supply, then the consideration for such extended warranty becomes part of the value of the composite supply, the principal supply being the supply of goods, and GST would be payable accordingly. (b) However, in case where a consumer enters into an agreement of extended warranty at any time after the original supply, then the same is a separate contract and GST would be payable by the service provider, whether manufacturer or the distributor or any third party, depending on the nature of the contract (i.e. whether the extended warranty is only for goods or for services or for composite supply involving goods and services)

4. All Trade Associations/ Chamber of Commerce, Members of RAC (Organized and SSI) falling within the jurisdiction of Central GST & CX Commissionerate, Ranchi are requested to bring the content of this Trade Notice to the knowledge of their constituent members and other concerns for wider dissemination.

5. Hindi version will follow.

  
(Dr. Balbir Singh)

Principal Commissioner  
CGST & CX, Ranchi.

24/07/23

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2137

C.No.GEXCOM/TECH/MISC/598/2023-TECH/

Date: 26 07.2023

Copy forwarded for information and necessary action to:-

1. Federation of Jharkhand Chamber of Commerce & Industries, Jharkhand Chamber Bhawan, Main Road, Ranchi 834001.
2. Jharkhand Small Industries Association, Udyog Bhawan, Kokar Industrial Area, Kokar, Ranchi-834001
3. The Director General (Systems), Directorate General of Systems & Data Management, 4<sup>th</sup> & 5<sup>th</sup> Floor, Samrat Hotel, Chanakyapuri, New Delhi-110021.
4. The Director General, Directorate General of Tax-Payer Services, C.R. Building, I P Estate, New Delhi-110002.
5. The Chief Commissioner, Central GST & Central Excise, Ranchi Zone, Patna.
6. The Commissioner (Appeal), Central GST & Central Excise, Ranchi for information please.
7. The Commissioner (Appeal), Central GST & Central Excise, Patna for information please.
8. The Commissioner of State Tax, Government of Jharkhand for information please.
9. The Additional Commissioner, Central GST & Central Excise Sub-Commissionerate, Dhanbad.
10. The Deputy/ Assistant Commissioner, Central GST & Central Excise, Bokaro-I Division/ Bokaro-II Division/ Deoghar Division/ Dhanbad North Division/ Dhanbad South Division/ Giridih Division/ Hazaribagh Division/ Ramgarh Division/ Ranchi North Division/ Ranchi South Division for information please.
11. The Deputy /Assistant Commissioner (Systems), Central GST & Central Excise (Hqrs.), Ranchi, with request to arrange the uploading of the notice on the Departmental website.
12. The Administrative Officer, CGST & CX (H), Ranchi with request to arrange the publishing of notice in local news papers.
13. Notice Board.
14. Guard File.

(G Naveen Kumar)

Assistant Commissioner (Tech)  
CGST & CX, Ranchi.