



GST ki गणित

Case Laws on Section 17(5) of CGST Act, 2017

Welcome, folks! As you're about to enter the business world, it's important to understand how the Goods and Services Tax (GST) works. One of the key features of GST is Input Tax Credit (ITC), which can help reduce the tax burden on businesses. Let's dive in and explore how it works.





Query

Whether ITC on works contract service received from sub-contractor for construction of immovable property is available or not?



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Case Law

SR Constructions v/s Union of India
(W.P. (C) No. 399 of 2022, decided
on 4-4-2023) Tripura HC



Conclusion

The conditions of work contracts
were fulfilled. Petitioner can claim
ITC on construction material and
services availed.



Facts

SR Constructions claimed ITC on
sub-contract services availed for
hotel construction.

Department denied the ITC of such
services stating that the same is
utilised for immovable property





Query

Whether ITC on invisible loss of input during manufacturing process is available or not?



Case Law

RK Ganapathy Chettiar v/s Assistant Commissioner (ST), Kangeyam (W.P. Nos. 14166.... 15051 of 2021, decided on 11-8-2021) Madras HC



Facts

RK Ganapathy Chettiar claimed ITC on inherent loss of inputs during Ghee manufacturing.
Department denied such ITC stating that the same is a loss of input.



Conclusion

The loss of inputs, that is inherent in the manufacturing process, is not covered under Section 17(5)(h) CGST Act, 2017, and ITC on such inputs can be claimed.

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