

HIMACHAL PRADESH PUBLIC WORKS DEPARTMENT

Urgent

e-mail :-pwd-hp-a nic.in

2 0177-2621401

No. PW/CTR. 32-20/-Genl. Inst. GST/2020- 332 - 432. Dated: 12/5/2-20. To

All the Chief Engineers.

In HPPWD.

All the Superintending Engineers,

In HPPWD.

Subject:-

# Regarding implementation of GST in the Public Works Department in the Works Contracts.

This is in continuation to this office letter of even file No. 15556-656 dated 10/08/2018 vide which the decision of the Govt., on implementation of the GST was conveyed and circulated for information and necessary compliance.

Now the Govt., vide Principal Secretary (PW) to the Govt., of H. P letter No. PBW (B) C (17)1/2020 dated 06/05//2020 has amended/superseded only Para (II) of the guidelines issued vide letter dated 07/08/2018 regarding implementation of GST in Public Works Department(copy enclosed) as under:-

"(ii) जिन ठेकेदारों को कार्य 01.07.2017 को व पूर्व आबंटित किये थे, को माल सेवा कर (GST) की प्रतिपूर्ति, सम्बन्धित अधिषासी अभियन्ता को GST Return की मूल प्रति तथा GST भुगतान की पावती सहित दावा प्रस्तुत करने उपरान्त, सड़क निर्माण से सम्बन्धित कार्यो हेतु ग्रामीण विकास मन्त्रालय भारत सरकार के पत्र सं० NRDA-G021(17)/32017-FA/1793 to 1821 दिनांक 06.06.2018 जोकि Annexure-B पर है तथा भवनों/संराचनाओं से सम्बन्धित कार्यो हेतु केन्द्रीय लोक निर्माण विभाग के office Memorandum No. SE/TAS/GST/08 दिनांक 04.12.2017 जोकि Annexure-C पर है, द्वारा जारी दिशा–निर्देशों के आधार पर की जाएगी 1

The other term & condition of the letter dated 07/08/2018 shall remain unchanged.

You are therefore requested to take necessary action in the matter accordingly and also direct all the field offices working under your control(S.E./E.E.) to adhere the instructions and take necessary action as per guidelines issued in letter & sprit to avoid unnecessarily litigation in later stage. Encl. As above.

Copy of above is forwarded to the following for information and necessary action to:-

- 1. The Principal Secretary (PW), to the Govt., of H.P.
- 2. The Principal Secretary (Finance) to the Govt., of H.P.
- 3. The Engineer-in-Chief (Project) HP PWD Shimla.
- 4. The Registrar HPPWD Shimla.
- 5. All the Branch Officers (Internal)
- 5. The Store Purchase Officer in HPPWD, Nigam Vihar Shimla.
- 6. All the Executive Engineers in HPPWD( e-mail) for taking immediately necessary action.
- 7. The Executive Engineer (IT) for information and putting the same to departmental website.

Engineer -- in Chief. HPPWD, Shimla-2.

Engineer -in Chief.

2 From

No. PBW (B) C (17)1/2020 Government of Himachal Pradesh Public Works Department

The Principal Secretary (PW) to the Government of Himachal Pradesh

To

The Engineer-in-Chief, HP.PWD, Nigam Vihar, Shimla-2

Dated: Shimla-171002 the 06.05.2020 Subject: Regarding implementation of GST in the Public Works Department in the works Contracts.

Sir,

I am directed to refer to your letter No. PWE/CTR 32-20/-Enlst. Rules/2019-16887 dated 27/12/2019 on the subject cited above and to say that in order to maintained uniformity in all the road works (PMGSY, NABARD, CRF, World Bank, State Works etc.) and for all buildings & similar works, the Government has decided to amend/supersede only the Para (ii) of the guidelines issued vide this department letter No. PBW(B)C(17)2/2012 dated 07.08.2018 for implementation of GST in the Public Works

Department in the works contracts , which is as under:-

जिन ठेकेदारों को कार्य 01-07-2017 को व पूर्व आबंटित किये थे, को माल सेवा कर (GST) "(ii) की प्रतिपूर्ति, सम्बन्धित अधिषाशी अभियन्ता को GST Return की मूल प्रति तथा GST भुगतान की पावती सहित दावा प्रस्तुत करने उपरान्त, सड़क निर्माण से सम्बन्धित कार्यो हेतु ग्रामीण विकास मन्त्रालय भारत सरकार के पत्र सं0 NRDA-G021(17)/32017-FA/1793 to 1821 दिनांक 06-06-2018 जोकि Annexure-B पर है तथा भवनों/संरचनाओं से सम्बन्धित कार्यों हेतु केन्द्रीय लोक निर्माण विभाग के Office Memorandum No.SE/TAS/GST/08 दिनांक 04-12-2017 जोकि Annexure-C पर है, द्वारा जारी दिशा–निर्देशों के आधार पर की जाएगी।"

accordingly.

You are, therefore, requested to take further necessary action gue dial to all boois select on Yours faithfully,

(Ritu Raj Verma) Deputy Secretary (PW) to the Government of Himachal Pradesh

## Endst. No. As above Dated: Shimla-171002

## 06.05.2020

- 1. The Addl. Chief Secretary (Industries) to the Govt. of HP.
- 2. The Principal Secretary (Finance) to the Govt. of HP
- 3. The Principal Secretary (Excise and Taxation) to the Government of HP.

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- 4. The Secretary (Environment Science & technology) to the Govt. of HP
- 5. The Secretary (Food & Supply) to the Government of HP.
- The Deputy Sectary (GAD) to the Government of Himachal Pradesh w.r.t cabinet item No. 17 dated 03/04/2020.
- 7. The Director Industries, Udyog Bhawan, Bemloe, Shimla-171001
- 8. The Managing Director Civil supplies HP, Shimla-171009.
- 9. G/F

(Ritu Raj Verma) Deputy Secretary (PW) to the

Government of Himachal Pradesh

National Rural Infrastructure Development Agency Ministry of Rural Development, Government of India 15 NBCC Tower, 5<sup>th</sup> Floor, Bhikaji Cama Place, New Delhi-110066

स्पीड पोस्ट दारा मे hnex wit. हर दारा 07/06/

File No. NRRDA-GO21(17)/32017-FA/179377 1821 75

Dated: 06.06.2018

The Principal Secretary/ Secretary of Nodal Departments of PMGSY (State/UT), Empowered Officers/CEOs & Chief Engineers of SRRDAs, General Managers Finance (NEAs). (All State)

Subject: Implementation of Goods and Service tax- Works Contract

#### Sir/Madam,

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Government of India has enacted the Goods and Services Act 2017 throughout India w.e.f. 1.07.2017. The GST has subsumed various indirect Taxes of both the Central & State Government, such as Central Excise Duty, Service Tax, Central Sales Tax (CST/ Works Contract Tax (WCT)/ State Value Added Tax (VAT), Additional Custom Duty (CVD) and special Additional Duty (SAD) apart from Entry Tax and Octroi Charges etc.

2. The Standard Bidding Document (SBD) makes provisions about the taxes which directly related to Contract Value. It incorporates that whenever the tax structure is changed during the ongoing contract and new law comes into force then the contractor has to be refunded the increased amount of taxes, if any and similarly, recovery is to be made from the contractor if the taxes have decreased.

3. On request of various States, seeking clarifications of GST and issuance of guidelines for future references, this office in consultation with Integrated Finance Division (IFD) of Ministry of Rural Development (MoRD) has worked out comprehensive guidelines and categorized all the projects under PMGSY into four different categories of A, B, C and D to enable the States to calculate additional tax burden.

The adoption and the consequent implication of GST under PMGSY will be on the following categories of works -

Works sanctioned, prior to 01.07.2017, under different phases of PMGSY and which are ongoing i.e. subsisting contracts( including the delayed projects, beyond the original intended completion date) under various stages of physical and financial progress -(Category A)

Works sanctioned, after 01.07.2017, under different phases of PMGSY wherein GST has not been accounted for in the original proposal/sanction and wherein Tenders first and have been completed-(Category B)

Works sanctioned after 01.07.2017, under different phases of PMGSY wherein GST has not been accounted for in the original proposal/Sanction and for which tender process has not been initiated - (Category C).

All new works proposed and yet to be proposed i.e. works which are in the pipeline under PMGSY - (Category D).

Following are the Guidelines suggested to be followed by all SRRDAs -

#### Category A

IV.

डिमाबल प्रदेश सरकार

The new Goods and Services Tax (GST) laws require that all invoices should show the value of supply and GST separately, and the value of supply will therefore, include non-GST taxes, which remain embedded in the input prices, such as taxes on petroleum products.

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The Project components under different major heads (like Earth, Sand, Aggregates, Steel, Bitumen etc.) are to be intimated by the Contractor, checked and confirmed by the competent authority.

The major issue under GST regime is to identify the portion of the existing contract that will come under GST. Therefore, there is a need to cull out GST component of the existing contracts (i.e. the value of taxes subsumed under GST).

The benchmark date for this purpose will be 01.07.2017 i.e. GST will be applicable on the portions of the contracts that are being paid from 01.07.2017.

The value of the portion of the work not completed or not paid for as on 01.07.2017 shall be divided into two components.

Value of work including taxes and duties such as Customs Duty, taxes on petroleum products and other non-VAT taxes that have not been subsumed into GST should be worked out. The balance will be the value of taxes subsumed into GST such as Central Excise Duty and VATILE. GST component.

Therefore, the value of subsumed taxes under GST needs to be separated out from the contracted amount to arrive at the value of work.

The key issue is to estimate the value of subsumed tax carefully and as accurately as possible. For this purpose, an indicative Excel format is annexed for guidance. Model calculations are also attached herewith and states may workout similarly for all the ongoing works. Excel sheet indicates various project components which attract various types of taxes including ED, CST, VAT/WCT and other taxes which were already in the contract? price as per the original contract. The same format can be used to compile the information for each ongoing project, taking into consideration the GST input tax credit available for the project. The assessment of subsumed shall be submitted by the contractor along with copies of invoices and statement of input taxes duly certified by a Chartered Accountant. It is responsibility of the contractor to furnish correct details of the subsumed taxes.

Once the value of work sanction and GST taxes are arrived, the employer may enter into supplemental agreement with revised agreement value that will be original contracted value minus the value of subsumed tax arrived as above plus GST of 12%. i.e., the cost of the subsumed taxes factored in the original contract value is required to be deducted from the original contract price to arrive at the actual amount of "cost of the project".

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The GST law allows the ITC (Input Tax Credit) under the pristing Acts (VAT etc) to be carried. forward under their Transitional Provisions. Therefore, Section 140 of the GST law in effect allow credit of all subsumed taxes paid by a taxable person on his inputs, including the Central Excise Duty embedded in the price of inputs.

Thus, the supplier gets ITC into the GST credit ledger through Transitional Provisions finduding both the VAT and Central Excise Duty paid on the inputs).

The contractor while raising their bill and tax invoice post-GST, will now collect GST as indicated above from the employer and will remit the same to the respective Government. The entire GST of the supply will have to be finally borne by the employer.

The contractor will have to pay GST on the value of work, which he will pay to the respective Government, partly using the ITC that represents the taxes that he has already paid through the inputs, and partly using cash collected from the procuring entity concerned.

Through this arrangement, the supplier also cannot claim to have incurred loss on account of embedded taxes that has been paid on the inputs.

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BANGON DER COUChe works sanctioned after 01.07.2017, may be treated upon status of their work, as here under:

> For works, which have been awarded and commenced on the field, action may be initiated as detailed in the Category A above.

> > 2

For works, which have been awarded but not commenced may also be treated as above before commencement of the work.

In cases, where tenders are initiated as per the existing SBD (Standard Bidding Document) norms, there should be no change in the evaluation criteria for selection of the bidders and bids shall be evaluated based on the criteria mentioned in the tender documents. However, after identification of the lowest bidder, it must be ensured that, all taxes subsumed under GST are carefully deducted to arrive at the value of works under the GST law, and the agreements should provide for payment of value of works plus applicable GST.

#### C. Category C

In cases, where the sanctions have been obtained after 01.07.2017 and tenders are yet to be initiated, the rates to be quoted shall be exclusive of GST and GST of 12% will be added to the value offered by the bidder separately.

The SBD may be modified to the above extent.

The Bill of Quantities (BoQ) shall also reflect prices offered by the bidder without GST and applicable GST separately.

The states shall work out the departmental cost of the work without GST for the purpose of evaluation and comparison with rates offered by the bidders.

### D. Category D

in cases of all new works to be proposed under PMGSY, the states shall prepare Schedule of Rate (SoR) after deducting the taxes subsumed under GST.

The Detailed Project Reports shall be prepared based on this revised SoR and the state may add 12% GST to cost of the work to arrive at the overall cost of the work.

In all such cases approval of SoR may be obtained from NRRDA as per existing practice.

#### **Revision of Cost**

The states shall work out the impact of GST for all the works individually for all category of

works indicated above and shall submit detailed proposals based on the same. Any cost excess that may be required shall be borne by MoRD and the state in the existing Fund sharing pattern of PMGSY as may be applicable to the state.

7. These instructions will not apply to cases were the proposals have been made with necessary GST component for which no revision of cost is required or permitted. This has concurrence of IFD, MoRD vide diary dated 28.05.2018. w

Yours sincerely,

Director (F&A)

# विमाचल प्रदेश सरकार Copy to :

2020

(लोक निर्माण)

- 1. JS (RC) & DG, NRIDA, Krishi Bhawan, New Delhi
- 2. All Financial Controllers of Nodal Departments of PMGSY
- 3. Director (Tech.)/ Director (P-III)/Director (P-I, P-II) NRIDA
- Dy. Secretary (RC Division) MoRD, Krishi Bhavan, New Delhi
- Dy. Secretary (IFD), MoRD, Krishi Bhavan, New Delhi.



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# RENTRAL FORLIS WORKS DEPARTMENT

OFFICE MEMORANDUM

No. SE/TAS/GST/08

ISSUED BY AUTHORITY OF DIRECTOR GENERAL, CPWD

NIRMAN BHAVAN, NEW DELHI

DATED: 04.12.2017

# Sub:- Clarification on GST Regarding

Due to imposition of goods and services Tax (GST) with effect from 01.07.2017 and after considering the various representations made by the Builder Associations of different regions with a view to mitigate the problems faced by contractors in the tenders invited, received or agreements drawn before the commencement of GST i.e. before 01.07.2017, it has been decided to adopt the following guidelines:-

C 11-	Work Position	Action to be taken
<b>S. No</b> 1(a)	Works on which both service tax and work contract tax was payable	The agency will submit to Engineer in charge GST compensation statement as per the attached model calculation alongwith necessary authenticated documentary proofs. The G.S.T. compensation statement will be scrutinized by EE for approval of competent authority within 15 working days of receipt of the statement. The Superintending Engineer /Project Manger shall approve the statement within 15 working days of receipt from the Engineer in Charge.
1(b)	Works on which only service tax was payable i.e involving predominantly labour component only.	The GST @ 18%/12% as applicable shall be reimbursed on production of receipt of payment of GST towards work contract.
2	Payment under clause 10 C on account of increase of wages of labour.	GST @ 18%/12% as applicable shall be paid alongwith the payment of 10C.

दिडि शिक्ष निर्माण) उच सचिव (लोक निर्माण) हिमावल प्रदेश सरकार

(1)

Payment of escalation made Clause 10CC Payment of escalation under 10CC in on substitute item for Project works. respect of Substitute Items shall be

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Note:- The detailed illustration for above model calculation sheet is enclosed This issues with the approval of DG, CPWD

Superintending Engineer(TAS)

made as per model calculation attached

for quantities within the Deviation limit

specified in Schedule F of the contract.

No payment shall be made for quantities

beyond the Deviation limit as market

rate is payable in that situation.

No. 158/SE/(TAS)/2017/ 191-E

Dated: 4/12/2012

Copy to:-

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1. All the SDGs, all the ADGs, All the CEs CPWD/ E-in-C (PWD) GNCTD through web site for information please.

उप अधिव (लोक निर्माण) हिमाचना प्रदेश सरकार

Superintending Engineer (TAS)

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e 1	Model Calculation for	Calcul	ulating of co	of Impact of GS commencement	t of GST i cement of	= 9	tender i.e. bef	the tender invited, received ST i.e. before 01.07.2017		or agree	ments dr	awn be	before the	
				•		•		•					2 .4	
Code	Description	1'nit	QIA.	Rate	Amount	Exise Duty in	Sale Tav/ WCT	ED Amount in Rupees	VAT Amount in Rupees	1% 1% education C ess	Other Taxes 1% higher education Cess	Labour Cest	lotal Input Credit	Basic Amount Excluding Laxes
	Truck, work, with common burne of designation 7.5 in toundation and plinit technent mortar 1-4.01 cement, 4 course	plunth in prince such		odular) brick	No.		8							
	(Ref. DAR-2014, Volume-I, Item No. 6.1.1)		behalt of C.	ost for 1.00	1 00 Cum						1			
Code	Description	Unit	Qty.	Rate	Amount									
2602	Common burnt clay F.P.S. (non modular)	1000 Nos.	000'161	4500.00	2223.00	6%9	50%	111.85	105.86				217.71	2005
6.2	Cement mortar 1:4 Rate as per Item Number 3.9 of SH: Mortars	Cum	0.250	4172.04	10.8401								161.50	
2201	Carriage of bricks	1000 Nos.	494,000	283.96	140.28		1					-	0.00	140.28
6666		L.S.	2.730	1.78	4.86								0.00	4.86
0123	LABOUR: Masan (hrick laver) 1 st class	Um	0.260	135 00	122.21									
0124		Day	0.360	399.00	143.64									156.60
0115		Day	1.370	329.00	450.73									143.64
1010	Bhisti	Day	0.200	363.00	72.60									09 62
					4234.72					Tota	al		379.21	1855 51
	Add Water Charges @ 1%				42.35				Add GST (0)	12% by	reverse calculation	ation		542.00
	TOTAL				4277.07					Tota	tal			4397.51
L	Add CPHO @ 15%				641.56				V	Add @ 1% Wa	ater Charges			43.98
\$					4918.63	-				Total				4441.49
Te	Ago Add Service 1a				295.12					Add (a) 15% CP	CP & OH	-		666.22
23 Ha	Child Internal Cost of I				5213.75		-			Total	1			5107.71
REAL C	म् यदेश सरकार 				5/132									5107.71
1 CLU									Z	Net difference i	in Dercentage			

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					*		Cala			0	Other Taxes		-	Dacio
( ode	. Description	Cinit	QIY.	Rate	Amount	Exise Duty in %	Tax/ WCT %a	ED Amount in Rupees	VAT Amount in Rupees	1% education Cess	1 % higher education Cess	1% Labour Cess	Total L	Amount- Fxcluding Laxes
	Cement mortar 1-4+1 cement -4 coarse sand)	(pues :												
	(Ref: DAR-2014, Volume-I, Item No. 3.9)		Details of e	Details of cost for 1 cum	w									
Code	Description	Unit	Quy.	Rate	Amount									
	MATERIALS													
	(0.214 cum of century 0.31 tonne)													3
		R	¥		1),	Free					ļ		1	
0367	( cmcml	lome	0.38	6300.00	whet.	ber Louie	1. 2°	380.00	200-001				646.00	1 18 (0)
6022	Carriage of Cement	tonne	85.0	50 16	10.55	X	•						00.0	21.5
0982		cum	1.07	1200.00	1284.00	-	0						0.00	1284.00
2203	Coarse sand	cum	1.07	106.49	113,94		0						0.00	F6 2 U
	LABOUR													
	For measuring, currying, depositing and mixing-												•	2
0114	Beldar	Day	0.75	329.00	246.75	5					_			246.75
1010	Bhisti	Day	0.07	363.00		-								11:52
6666	Hire and running charges of mechanical mixer	L.S.	26.91	1.78		0								17.90
6666	Sundries	L.S.	13.52	1.78	24.07	7								24.07
	Core of 1 Care				A0 6714	-							144 00	

SELTAS)

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(International Constraints) (I

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Cash