

# CONTENTS

	PAGE
<i>About the Author</i>	<i>1-5</i>
<i>Preface</i>	<i>1-7</i>
<i>Acknowledgement</i>	<i>1-9</i>
<i>Chapter-Heads</i>	<i>1-11</i>

## 1

### BACKGROUND

1.1	Introduction	1
1.2	Anomalous state of financial statements	1
1.3	Facts are inviolable	2
1.4	Legal fiction	3
1.5	Welfare matters' legislations	5
1.6	Private matters' legislations	6
1.7	Golden Rule of interpretation	7
1.8	Judicial notice	8
1.9	Divergence essential	9
1.10	Imputation by Revenue	9
1.11	Both wrong answers	10
1.12	References to legislations	11

## 2

### CONTRACT ACT

2.1	Relevance to GST	12
2.2	Capacity to contract	12
2.2.1	Validity of contract	12
2.2.2	Ostensible competence	13

	PAGE	
2.2.3	Lawful authority	14
2.2.4	Economic substance	14
2.2.5	Legal fiction of distinct person	15
<b>2.3</b>	Formation of contract	16
2.3.1	Existence by formation	16
2.3.2	Counter-offer	17
2.3.3	Manner of formation	17
2.3.4	Implied contract	18
2.3.5	Test of enforceability	19
2.3.6	Form of its formation	20
2.3.7	Unequal bargaining power	21
2.3.8	Statutory Contracts	22
2.3.9	Silence as acceptance	23
2.3.10	Policy or advertisement as Offer	23
2.3.11	Auction	24
2.3.12	Record of contract	25
2.3.13	Title not determinative	25
<b>2.4</b>	Consideration	25
2.4.1	Essential considerations	25
2.4.2	Valuable consideration 1	26
2.4.3	Equitable exchange	27
2.4.4	Absence of consideration	28
2.4.5	Existence of consideration	29
2.4.6	Stranger to contract	29
2.4.7	Effect of non-payment	30
2.4.8	Non-monetary consideration	32
2.4.9	Negative consideration	32
2.4.10	Composite consideration	33
2.4.11	Extraneous consideration	34
2.4.12	Subsidy	36
2.4.13	Profit protection	37
2.4.14	Negative margin	40
2.4.15	Compensation is not consideration	42
2.4.16	Accounting income is not consideration	44

	PAGE	
<b>2.4.17</b>	Flow of consideration undeniable	44
<b>2.4.18</b>	Condition is not consideration	45
<b>2.4.19</b>	Private motivation is not consideration	48
<b>2.4.20</b>	Legal fiction of consideration	50
<b>2.4.21</b>	Bait-and-hook pricing	51
<b>2.4.22</b>	Cross subsidization	52
<b>2.4.23</b>	Late payment charges	53
<b>2.4.24</b>	Non-payment of consideration	54
<b>2.4.25</b>	Sections 63 and 41	54
<b>2.4.26</b>	Bad debts	55
<b>2.4.27</b>	Unilateral write-off	56
<b>2.4.28</b>	Bilateral write-off	56
<b>2.4.29</b>	Pre-sales discount	57
<b>2.4.30</b>	Post-sales discount	59
<b>2.4.31</b>	Special discount	60
<b>2.4.32</b>	Annual discount	61
<b>2.4.33</b>	Discount in exchange for additional obligations	61
<b>2.4.34</b>	Discount without additional obligations	62
<b>2.4.35</b>	Voluntary contribution or largesse	63
<b>2.4.36</b>	Exception to need for consideration	63
<b>2.5</b>	Contract document	64
<b>2.5.1</b>	Documentation of contract	64
<b>2.5.2</b>	Composite document	65
<b>2.5.3</b>	Testing composite documents	66
<b>2.5.4</b>	Purpose of composite document	67
<b>2.6</b>	Object of contract	68
<b>2.6.1</b>	Objective of object	68
<b>2.6.2</b>	Titles and qualifications	69
<b>2.6.3</b>	Alteration of object	70
<b>2.6.4</b>	Variation or substitution	71
<b>2.6.5</b>	Valuable consideration 2	72
<b>2.7</b>	Privity of contract	73
<b>2.7.1</b>	Contractual relations	73
<b>2.7.2</b>	Locus standi	74

	PAGE	
2.7.3	Conjoint Purchasers	74
2.7.4	Privity with Contractor's workmen	78
2.7.5	Locus of distinct persons	79
2.7.6	Locus of overseas branches	81
2.8	Breach of contract	82
2.8.1	Common misunderstanding	82
2.8.2	Contractual damages	83
2.8.3	External damages	84
2.8.4	Types of breach	84
2.8.5	Supplementary negotiation	85
2.8.6	Withholding suit for damages	86
2.8.7	Repudiation and new contract	86
2.8.8	Tortious remedy	87
2.8.9	Election of remedy	87
2.8.10	Specific relief	88
2.9	Indemnity	90
2.9.1	Bipartite covenant	90
2.9.2	Consideration for indemnity	90
2.9.3	Insurance contract	90
2.9.4	Damnation	91
2.10	Guarantee	91
2.10.1	Tripartite contract	91
2.10.2	Agreed-upon-default	92
2.10.3	Secondary default not essential	93
2.10.4	Payment by third-party not Guarantee	93
2.10.5	Non-cash remedy guaranteed	94
2.10.6	Consideration to Guarantor	94
2.10.7	Recoupment by Guarantor	96
2.11	Bailment	96
2.12	Agency	97
2.12.1	Triumvirate relations	97
2.12.2	Bipartite relations	98
2.12.3	Formation	100
2.12.4	Consideration not necessary	101

	PAGE
<b>2.12.5</b> Agency commission	102
<b>2.12.6</b> Section 202	103
<b>2.12.7</b> Actions in excess of authority	103
<b>2.12.8</b> Acting on own account	104
<b>2.12.9</b> Third-Party as Principal	105
<b>2.12.10</b> Sub-agent	106
<b>2.12.11</b> Agent indemnified	106
<b>2.12.12</b> Agencies in GST	106
<b>2.12.13</b> Section 9(5)	107
<b>2.12.14</b> Deemed supplies	107

## 3

### SALE OF GOODS ACT

<b>3.1</b> Relevance to GST	109
<b>3.2</b> Object of sale	110
<b>3.2.1</b> Goods	110
<b>3.2.2</b> Future goods	111
<b>3.2.3</b> Ascertained Goods	111
<b>3.2.4</b> Merchantability	112
<b>3.2.5</b> Condition	113
<b>3.2.6</b> Warranty	114
<b>3.2.7</b> Condition as warranty	114
<b>3.3</b> Conclusion of sale	115
<b>3.3.1</b> Preliminary aspects	115
<b>3.3.2</b> Formation of sale contract	117
<b>3.3.3</b> Adjusted object	119
<b>3.3.4</b> Passing of title	120
<b>3.3.5</b> Cross-cancelling sales and settlement of consideration	121
<b>3.3.6</b> Job-work	122
<b>3.3.7</b> Manufacture	123
<b>3.3.8</b> Goods consumed in service	124
<b>3.3.9</b> Service simplicitor	124
<b>3.3.10</b> Reusable service	125
<b>3.3.11</b> Service to goods	125

	PAGE
<b>3.3.12</b> Goods to be services	126
<b>3.3.13</b> IPR	127
<b>3.4</b> Duty of delivery	127
<b>3.4.1</b> Limited duties of Seller	127
<b>3.4.2</b> Transportation does not transfer title	128
<b>3.4.3</b> Appropriation to contract	128
<b>3.4.4</b> Loss Payee in Insurance	129
<b>3.4.5</b> Sales returns	130
<b>3.4.6</b> Rejection of sale	130
<b>3.5</b> Sale-on-approval	131
<b>3.5.1</b> Principles to guide	131
<b>3.5.2</b> Stock-in-common	132
<b>3.5.3</b> Fulfilment centres	133
<b>3.6</b> Not-a-sale	134
<b>3.6.1</b> Transfer, not sale	134
<b>3.6.2</b> Intention to sell	134
<b>3.6.3</b> Barter, not sale	135
<b>3.6.4</b> Gift, not sale	136
<b>3.6.5</b> Sample units, not sale	136
<b>3.6.6</b> Demonstration or trial units, not for sale	137
<b>3.6.7</b> Defacement, not sale	137
<b>3.6.8</b> Destructive testing, not sale	138
<b>3.6.9</b> Disposal, not sale	139
<b>3.7</b> Deemed sales	140
<b>3.7.1</b> Purpose of legal fiction	140
<b>3.7.2</b> 46th Amendment	141
<b>3.7.3</b> 101st Amendment	143
<b>3.8</b> Price and valuable consideration	144
<b>3.8.1</b> Price	144
<b>3.8.2</b> Section 64A	144
<b>3.8.3</b> Firm price contracts	147
<b>3.8.4</b> GMP contracts	148
<b>3.8.5</b> Open book	148
<b>3.8.6</b> Transportation cost is price	149

	PAGE	
3.8.7	Security deposit	150
3.8.8	Retention money	152
3.8.9	Appropriation of payment	152
3.8.10	Condition and breach	153
3.8.11	Warranty and breach	154
3.8.12	Nemo dat quod non habet	156
3.9	Supply involving services	156
3.9.1	Lease of goods	156
3.9.2	Barter with services	156
3.9.3	Sale of services	157

## 4

### PARTNERSHIP ACT

4.1	Relevance to GST	161
4.2	Peculiarities of Partnership	161
4.2.1	Firm not an Entity	161
4.2.2	Mutuality	162
4.2.3	AOP	162
4.2.4	Pooling of resources 1	163
4.2.5	Remuneration	164
4.2.6	Pooling of resources 2	164
4.2.7	Diversion by overriding charge	165
4.2.8	Conversion	165

## 5

### TRANSFER OF PROPERTY ACT

5.1	Relevance to GST	167
5.2	Immovable property	168
5.2.1	Statutory definitions	168
5.2.2	Affixation	169
5.2.3	Standing timber	170
5.2.4	Growing crop	170
5.2.5	Intangible immovable property	171
5.2.6	Benefits to arise from land	172

	PAGE
5.2.7	Profit-a-prendre 174
5.2.8	Land, a specie 175
5.2.9	Registration 176
5.2.10	Movable property 176
5.2.11	Actionable claim 177
5.3	Transfer 179
5.3.1	Validity 179
5.3.2	Possession 180
5.3.3	Document 181
5.3.4	Non-transferable rights 182
5.3.5	Title, right or interest 183
5.3.6	Consideration 185
5.3.7	Rule against perpetuity 186
5.4	Sale 187
5.4.1	Valid sale 187
5.4.2	Risks and rewards 190
5.5	Mortgage 190
5.5.1	Nature and importance 190
5.5.2	Loss of title by transfer of interest 191
5.5.3	Sale-like mortgage 192
5.5.4	Accounting anomalies 193
5.5.5	Subrogation 194
5.6	Lease 195
5.6.1	Formation 195
5.6.2	Possession 196
5.6.3	License 197
5.6.4	Consideration 199
5.6.5	Non-payment 201
5.6.6	Lease-free usage 202
5.6.7	Sub-lease 202
5.6.8	Sub-lease by assignment of lease 205
5.6.9	Death of Lessee 205
5.6.10	Settlement on determination 206



	PAGE	
5.6.11	Lease- <i>cum</i> -sale	207
5.6.12	Transferable interest	208
5.6.13	Non-transferable interest	211
5.7	Exchange	214
5.7.1	Essentials	214
5.7.2	Money to balance	214
5.8	Gift	215
5.8.1	Nature of transfer	215
5.8.2	Non-monetary consideration	216
5.8.3	Property	217
5.8.4	Title	218
5.8.5	CSR	218
5.8.6	Grant	218
5.9	Assignment	219
5.9.1	Purpose	219
5.9.2	Novation	220
5.9.3	Endorsement	221
5.9.4	Loss Payee	221
5.9.5	Nominee	222
5.9.6	Subrogation	222
5.9.7	Actionable claims	222
5.9.8	Intellectual property	223
5.9.9	Prohibition	223
5.9.10	Consideration	224

## 6

### REGISTRATION ACT

6.1	Relevance to GST	225
6.2	Application points	227
6.2.1	Statutory definition	227
6.2.2	Nature of right	227
6.2.3	Dating back	228
6.2.4	Holding out	228
6.2.5	Evidentiary value	229

**7****EASEMENTS ACT**

<b>7.1</b>	Relevance to GST	231
<b>7.2</b>	Application points	231
<b>7.2.1</b>	Essentials	231
<b>7.2.2</b>	License	232
<b>7.2.3</b>	Sub-license	233
<b>7.2.4</b>	Termination	234

**8****LIMITATION ACT**

<b>8.1</b>	Relevance to GST	235
<b>8.2</b>	Application points	235
<b>8.2.1</b>	Right or remedy	235
<b>8.2.2</b>	Purpose of limitation	236
<b>8.2.3</b>	Mandatory or directory	237
<b>8.2.4</b>	Condonation	238
<b>8.2.5</b>	General or special limitation	239
<b>8.2.6</b>	Amendment of limitation	240
<b>8.2.7</b>	Acquiescence	240
<b>8.2.8</b>	Prescription	241

**9****INCOME-TAX ACT**

<b>9.1</b>	Relevance to GST	243
<b>9.2</b>	Legal fiction	243
<b>9.2.1</b>	Person	243
<b>9.2.2</b>	Liaison office in India	244
<b>9.2.3</b>	Permanent establishment in India	245
<b>9.2.4</b>	Overseas branch office	247
<b>9.2.5</b>	'Vodafone' amendment	251
<b>9.2.6</b>	Section 56	252
<b>9.2.7</b>	Permanent establishment	253

	PAGE
<b>9.3</b> Income	<b>253B</b>
<b>9.3.1</b> Accounting income	<b>253B</b>
<b>9.3.2</b> Taxable income	<b>254</b>
<b>9.3.3</b> Presumptive income	<b>255</b>
<b>9.3.4</b> Income attributed to PE	<b>255</b>
<b>9.3.5</b> ALP	<b>256</b>
<b>9.3.6</b> ICDS	<b>257</b>
<b>9.3.7</b> Non-income	<b>258</b>
<b>9.3.8</b> Exempt income	<b>259</b>
<b>9.3.9</b> Diversion of income by overriding charge	<b>259</b>
<b>9.3.10</b> Section 199	<b>260</b>
<b>9.3.11</b> Foreign tax credit income	<b>261</b>
<b>9.3.12</b> Unexplained credits	<b>262</b>
<b>9.4</b> Expenditure	<b>262</b>
<b>9.4.1</b> Asset	<b>262</b>
<b>9.4.2</b> Sunk cost	<b>264</b>
<b>9.4.3</b> Disallowance	<b>266</b>
<b>9.4.4</b> Deemed income	<b>267</b>
<b>9.4.5</b> TDS	<b>267</b>
<b>9.4.6</b> 194R	<b>267</b>
<b>9.4.7</b> TDS by mistake	<b>269</b>
<b>9.4.8</b> 195	<b>270</b>
<b>9.5</b> Transfer	<b>270</b>
<b>9.5.1</b> Capital asset	<b>270</b>
<b>9.5.2</b> Negative fiction	<b>271</b>
<b>9.6</b> Transfer pricing	<b>272</b>
<b>9.6.1</b> Benchmark	<b>272</b>
<b>9.6.2</b> Adjustment	<b>273</b>
<b>9.6.3</b> CbCR	<b>274</b>
<b>9.6.4</b> Domestic TP	<b>275</b>

**10****CUSTOMS ACT**

<b>10.1</b> Relevance to GST	<b>277</b>
------------------------------	------------

	PAGE
<b>10.2</b> Levy	277
<b>10.2.1</b> Ceding power	277
<b>10.2.2</b> Schedule III	278
<b>10.2.3</b> Harmonizing IGST	278
<b>10.3</b> Valuation	279
<b>10.3.1</b> Buying commission	279
<b>10.3.2</b> Conditional payments	279
<b>10.4</b> Export-Import	280
<b>10.4.1</b> Bonded warehouse	280
<b>10.4.2</b> EOU-FTZ-STP-EHTP	280
<b>10.4.3</b> Non-STP	281
<b>10.4.4</b> INCO Terms	282

## **11 SPECIAL ECONOMIC ZONES ACT**

<b>11.1</b> Relevance to GST	284
<b>11.2</b> Overview	284
<b>11.2.1</b> Developer and Unit	284
<b>11.2.2</b> FTWZ	285
<b>11.3</b> Concessional duties and taxes	285
<b>11.3.1</b> Authorized operations	285
<b>11.3.2</b> Concessions	286
<b>11.3.3</b> Non-processing area	287
<b>11.3.4</b> Supplies to SEZ	287
<b>11.3.5</b> Input tax credit to Units	288
<b>11.3.6</b> Debonding	289

## **12 COMPANIES ACT**

<b>12.1</b> Relevance to GST	290
<b>12.2</b> Corporate action	290
<b>12.2.1</b> Fiduciary duties	290
<b>12.2.2</b> Professional Directors	291
<b>12.2.3</b> Holding out	292

	PAGE
<b>12.2.4</b> Branches	292
<b>12.2.5</b> Overseas PE	293
<b>12.2.6</b> Agency by ratification	294
<b>12.2.7</b> Accounts and consolidation	294
<b>12.3</b> Scheme of arrangement	297
<b>12.3.1</b> Merger	297
<b>12.3.2</b> Liquidation estate	298
<b>12.3.3</b> Recovery action	298
<b>12.3.4</b> Offences by Companies	299
<b>12.4</b> Insolvency	300
<b>12.4.1</b> Contours of IBC	300
<b>12.4.2</b> Swiss Ribbon	300
<b>12.4.3</b> Rainbow Papers	301
<b>12.4.4</b> India Resurgence ARC	303
<b>12.4.5</b> Vidarbha Industries	304
<b>12.4.6</b> Amendment Act 2023	304

## **13 SECURITIES CONTRACTS ACT**

<b>13.1</b> Relevance to GST	306
<b>13.2</b> Securities	306
<b>13.2.1</b> Shares and debentures	306
<b>13.2.2</b> Derivatives	307
<b>13.2.3</b> Options in securities	307
<b>13.2.4</b> ESOP	308
<b>13.2.5</b> Share-based settlement	308
<b>13.2.6</b> ESOP of Parent Co.	309
<b>13.2.7</b> Some important authorities	310

## **14 SOVEREIGN COMMERCE**

<b>14.1</b> Relevance to GST	312
<b>14.2</b> Instrumentalities	313
<b>14.2.1</b> Government	313
<b>14.2.2</b> Statutory body	314

	PAGE
<b>14.3</b> Transactions	315
<b>14.3.1</b> Stock-in-trade	315
<b>14.3.2</b> Consent and permit	315
<b>14.3.3</b> Direct Transfer of Benefits	316
<b>14.3.4</b> Statutory compensation	316
<b>14.4</b> Statutory functions	317
<b>14.4.1</b> No competition from private enterprise	317
<b>14.4.2</b> Fee is condition	317
<b>14.4.3</b> Yield or proportionality	318

## **15 MINERALS LAWS**

<b>15.1</b> Relevance to GST	319
<b>15.2</b> Essentials	320
<b>15.2.1</b> Compulsory exaction	320
<b>15.2.2</b> Regulatory background	321
<b>15.2.3</b> Licenses	322
<b>15.2.4</b> Unauthorized sub-lease	322
<b>15.2.5</b> Welfare contribution	323
<b>15.3</b> Taxation disputes	323
<b>15.3.1</b> Statutory demand of dues	323
<b>15.3.2</b> Recoupment of incidence	325
<b>15.3.3</b> Development of authorities	325
<b>15.3.4</b> Present controversy	326
<b>15.3.5</b> Royalty as a tax or not	327

## **16 LEGAL METROLOGY ACT**

<b>16.1</b> Relevance to GST	328
<b>16.2</b> Standards	328
<b>16.2.1</b> Weight or measure	328
<b>16.2.2</b> Caveat emptor	329
<b>16.2.3</b> Caveat venditor	329

	PAGE
16.2.4	Packed commodities 329
16.2.5	Pre-package 330
16.2.6	Non-standard packing 331
16.2.7	Free units 331
16.2.8	Buy-one-take-two 332
16.2.9	Combo package 333
16.2.10	Label alteration 334
16.3	Food and beverage 335
16.3.1	FSSAI 335
16.3.2	Food business operator 336
16.3.3	Label of claims 336
16.3.4	Licensing of FBO 337
16.3.5	Goods or services 337
16.4	Explosives 339
16.4.1	Statutory terms of contract 339
16.4.2	Stock loss 339
16.4.3	Stock gains 340

## 17

## REAL ESTATE (REGULATION AND DEVELOPMENT) ACT

17.1	Relevance to GST 341
17.2	Essentials 342
17.2.1	Tabulation of expressions 342
17.2.2	Apartment 342
17.2.3	Project 343
17.2.4	Construction 344
17.2.4A	Works Contract 344
17.2.5	Land into plots 345
17.2.6	Commencement 346
17.2.7	Completion 347
17.2.8	Occupation 347
17.2.9	Escrow 347
17.2.10	Standard terms of contract 348
17.2.11	Defects liability 348

	PAGE
<b>17.3</b> Extensions	349
<b>17.3.1</b> RREP	349
<b>17.3.2</b> Illegal construction	349
<b>17.3.3</b> Pseudo completion	350
<b>17.3.4</b> Non-RERA Project	350
<b>17.3.5</b> Self-development	350
<b>17.3.6</b> Industrial units	351
<b>17.3.7</b> Joint development	351
<b>17.3.8</b> Derived Rights	352
<b>17.3.9</b> Redevelopment	353
<b>17.3.10</b> Approved Resolution Plan	353A

## **18** CARRIER LAWS

<b>18.1</b> Relevance to GST	354
<b>18.2</b> Responsibilities	354
<b>18.2.1</b> Agent	354
<b>18.2.2</b> Mode of transport	355
<b>18.2.3</b> Forwarding note	355
<b>18.2.4</b> Reverse charge liability	356
<b>18.3</b> Implications	356
<b>18.3.1</b> Delivery v. transport	356
<b>18.3.2</b> Movement v. journey	357
<b>18.3.3</b> Interception of conveyance	358
<b>18.3.4</b> Complicit in illegal transport	358

## **19** MOTOR VEHICLES ACT

<b>19.1</b> Relevance to GST	359
<b>19.2</b> Essentials	359
<b>19.2.1</b> Motor vehicle	359
<b>19.2.2</b> Two-wheeler	360
<b>19.2.3</b> Body building	360
<b>19.2.4</b> Ambulance	361
<b>19.2.5</b> Refrigerated van	362



	PAGE
<b>19.3</b> Extensions	363
<b>19.3.1</b> Mark of registration	363
<b>19.3.2</b> Section 17(5)	363
<b>19.3.3</b> Pre-owned	363
<b>19.3.4</b> Para 4(b)	364
<b>19.3.5</b> Taxi operator	364
<b>19.3.6</b> Section 9(5)	364

## 20

### COMPETITION ACT

<b>20.1</b> Relevance to GST	366
<b>20.2</b> Essentials	366
<b>20.2.1</b> Purpose	366
<b>20.2.2</b> Consumer	367
<b>20.2.3</b> Price	367
<b>20.2.4</b> Service	368
<b>20.3</b> Investigation	368
<b>20.3.1</b> Scope	368
<b>20.3.2</b> Due process	369

## 21

### INTELLECTUAL PROPERTY LAWS

<b>21.1</b> Relevance to GST	371
<b>21.2</b> Overview	371
<b>21.2.1</b> Copyright	371
<b>21.2.2</b> Trade-mark	372
<b>21.2.3</b> Industrial design	373
<b>21.2.4</b> Patent	373
<b>21.2.5</b> Semiconductor layout	374
<b>21.2.6</b> Geographic indications	374
<b>21.2.7</b> Plant Varieties	374
<b>21.2.8</b> Confidential information	375
<b>21.2.9</b> TRIPs	375
<b>21.3</b> Sectoral insights	376
<b>21.3.1</b> Lyrics	376

	PAGE
<b>21.3.2</b> Music	376
<b>21.3.3</b> Films	376
<b>21.3.4</b> Broadcast rights	376
<b>21.3.5</b> Performer's rights	376
<b>21.3.6</b> Statutes	377
<b>21.3.7</b> Case law	377
<b>21.3.8</b> Assignment	377
<b>21.3.9</b> License	377
<b>21.3.10</b> Copyrighted article	378
<b>21.3.11</b> Copyright Societies	378
<b>21.3.12</b> Creative commons	378
<b>21.3.13</b> Franchise	378
<b>21.3.14</b> Goodwill	379
<b>21.3.15</b> Virtual digital assets	379

**22****MEDICAL LAWS**

<b>22.1</b> Relevance to GST	380
<b>22.2</b> Essentials	380
<b>22.2.1</b> Medicaments	380
<b>22.2.2</b> Recognized medical pharmacopeia	382
<b>22.2.3</b> Medical education	383
<b>22.2.4</b> Exemption	384
<b>22.2.5</b> Authorized medical practitioner	384
<b>22.2.6</b> Para-medic	385
<b>22.2.7</b> Clinical establishment	385
<b>22.3</b> Sectoral insights	387
<b>22.3.1</b> Primary health centre	387
<b>22.3.2</b> Secondary health centre	388
<b>22.3.3</b> Tertiary care	388
<b>22.3.4</b> Quaternary care	389
<b>22.3.5</b> Diagnostic centre	389
<b>22.3.6</b> Clinical trials	390
<b>22.3.7</b> Other care	390

	PAGE
22.3.8	Bone-setters 390
22.3.9	Midwifery 391
22.3.10	Unauthorized treatment 391
22.3.11	Diagnosis 391
22.3.12	Treatment 393
22.3.13	Care 393
22.3.14	Surgery 393
22.3.15	Pregnancy 394
22.3.16	Mental health 394
22.3.17	Organ transplant 395
22.3.18	Vaccination 395
22.3.19	Palliative care 395
22.3.20	Geriatric care 396
22.3.21	Alternate treatment and care 396
22.3.22	Teaching hospitals 396
22.4	Regulatory oversight 397
22.4.1	Non-clinical establishments 397
22.4.2	Medical tourism 397
22.4.3	Practice in incorporeal form 397
22.4.4	Rent-a-hospital 398
22.4.5	Health-tech 398

## 23

### EDUCATION LAWS

23.1	Relevance to GST 400
23.2	Essentials 400
23.2.1	Recognized education 400
23.2.2	Complex exemption construct 401
23.2.3	Recipient v. beneficiary 402
23.2.4	Form of organization 402
23.2.5	Charity v. education 403
23.2.6	University v. institution 404
23.3	Sectoral insights 404
23.3.1	Composite supply 404

	PAGE
23.3.2	Religious education 405
23.3.3	Medical education 405
23.3.4	Two suppliers 405
23.3.5	Home school 406
23.3.6	Value added education 406
23.3.7	Student exchange 407
23.4	Outliers 407
23.4.1	Contract educators 407
23.4.2	Exam prep 407
23.4.3	Integrated education 408
23.4.4	Sports academy 408
23.4.5	Edtech 408

## 24 INTERNET INTERMEDIARIES

24.1	Relevance to GST 410
24.2	Essentials 410
24.2.1	Trade 410
24.2.2	Supplier-Recipient 411
24.2.3	Cash-back 411
24.2.4	Agent-as-Supplier 413
24.2.5	Tax treatment 414
24.3	Sectoral insights 414
24.3.1	Information portals 414
24.3.2	Intermediary-as-Supplier 415
24.3.3	Cash custody 416
24.3.4	Intermediary-of-intermediaries 416
24.3.5	Discounts by Intermediaries 417
24.3.6	Profit protection 417
24.3.7	Free is not free 418

## 25 INSURANCE LAWS

25.1	Relevance to GST 419
------	----------------------

	PAGE
<b>25.2</b> Overview	419
<b>25.2.1</b> Actors	419
<b>25.2.2</b> Privity of contract	420
<b>25.2.3</b> Loss Payee	421
<b>25.2.4</b> IRDA licensee	422
<b>25.3</b> Sectoral insights	423
<b>25.3.1</b> Contract of assurance	423
<b>25.3.2</b> Contract of repair	424
<b>25.3.3</b> Right of subrogation	424
<b>25.3.4</b> Disposal of Wreck	424A
<b>25.3.5</b> Credit shopping	424A

## 26

### BANKING LAWS

<b>26.1</b> Relevance to GST	425
<b>26.2</b> Business of banking	425
<b>26.2.1</b> Bank and bank-like	425
<b>26.2.2</b> Chit fund	426
<b>26.2.3</b> Fintech	427
<b>26.2.4</b> Pre-paid instruments	428
<b>26.2.5</b> White label PPI	429
<b>26.2.6</b> PPI distribution	430
<b>26.3</b> FEMA	431
<b>26.3.1</b> Current account	431
<b>26.3.2</b> Netting off receivables	432
<b>26.3.3</b> Nostro and Vostro	432
<b>26.3.4</b> Guaranteed repatriation	433
<b>26.3.5</b> Softex	433
<b>26.3.6</b> Merchanting trade	434
<b>26.3.7</b> Merchant exports	434
<b>26.3.8</b> Deemed exports	435
<b>26.3.9</b> GR waiver	435
<b>26.3.10</b> Non-exports	435
<b>26.3.11</b> Overseas intermediaries	436
<b>26.3.12</b> FDI	436
<b>26.3.13</b> ODI	437

	PAGE
<b>26.4</b> Sectoral insights	439
<b>26.4.1</b> Non-banking branches	439
<b>26.4.2</b> NPA	439
<b>26.4.3</b> Digital wallet	439
<b>26.4.4</b> Redeemable wallet	440
<b>26.4.5</b> Loyalty points	440
<b>26.4.6</b> Sale of liability	440
<b>26.4.7</b> Redeemable coupons	441
<b>26.4.8</b> Voucher v. money	442

## **27** GAMING

<b>27.1</b> Relevance to GST	444
<b>27.2</b> Background	444
<b>27.2.1</b> Wager	444
<b>27.2.2</b> Privity of contract	445
<b>27.2.3</b> Pool and rake	446
<b>27.2.4</b> Prize obligation	446
<b>27.2.5</b> Game wallet	447
<b>27.2.6</b> Object of contract	447
<b>27.2.7</b> Enforceability	448
<b>27.2.8</b> Customer acquisition	448
<b>27.3</b> Sectoral insights	448
<b>27.3.1</b> Gamified training	448
<b>27.3.2</b> Memory games	449
<b>27.3.3</b> Arcade games	449
<b>27.3.4</b> Console games	450
<b>27.3.5</b> Housie	450
<b>27.3.6</b> Card games	451
<b>27.3.7</b> PvP or PvE	452
<b>27.3.8</b> Fantasy games	453
<b>27.3.9</b> Horse racing	453
<b>27.3.10</b> RMG	454

	PAGE
<b>27.3.11</b> Betting	454
<b>27.3.12</b> Pricing	455
<b>27.4</b> Current dispute	456
<b>27.4.1</b> Skill v. Chance	456
<b>27.4.2</b> Pool v. rake	456
<b>27.4.3</b> Rule 31A	457
<b>27.4.4</b> Some important authorities	458
<b>27.5</b> Technology	459
<b>27.5.1</b> Game development	459
<b>27.5.2</b> Game licensing	460
<b>27.5.3</b> In-game trade	460
<b>27.5.4</b> Cross-border trade	461
<b>27.5.5</b> OIAR 2017 v. 2023	461

## 28

## CRIMINAL LAWS

<b>28.1</b> Relevance to GST	463
<b>28.2</b> Evidence law	463
<b>28.2.1</b> Fact	463
<b>28.2.2</b> Assumption about fact	464
<b>28.2.3</b> Adverse inference	465
<b>28.2.4</b> Undisputed facts	467
<b>28.2.5</b> Presumption of innocence	468
<b>28.2.6</b> Presumption of non-compliance	469
<b>28.2.7</b> Judicial notice	470
<b>28.2.8</b> Burden of proof	471
<b>28.2.9</b> Onus of proof	472
<b>28.2.10</b> Burden of exception	473
<b>28.2.11</b> Special knowledge	474
<b>28.2.12</b> Bona fides of executive action	474
<b>28.2.13</b> Two incorrect interpretation	476
<b>28.2.14</b> Statement before Police Officer	477
<b>28.3</b> Criminal Procedure	478
<b>28.3.1</b> Prosecution	478

	PAGE
28.3.2 Purpose of arrest	478
28.3.3 Purpose of trial	479
28.3.4 Admission of liability, denial of offence	480
28.3.5 Curative power	481
28.3.6 Disclosure of investigative material	482
28.4 Jurisprudence	484
28.4.1 Self-incrimination	484
28.4.2 Death of taxpayer	485
28.4.3 Some authorities	487

**29****GENERAL CLAUSES ACT**

29.1 Relevance to GST	488
29.2 Signification positions	488
29.2.1 Interesting definitions	488
29.2.2 Effective date	489
29.2.3 Repeal and saving	489
29.2.4 Prior publication of law	490
29.2.5 Meaning of 'service'	491