

1. Wherever bidders are required to supply services at project site Party has to submit GST registration no. of the State in which project site is located along with copy of registration certificate at the time of submission of bid. In case the same is not available at the time of submission of bid, the contractor has to give an undertaking that the same will be arranged before award of work order.
2. HSN code/SAC, rate of tax under GST and applicable GST (IGST, CGST/SGST/UTGST) and GSTIN shall be clearly mentioned by the bidder.
3. GST portion of the **invoice shall be released only upon:-**
 - i. All invoices raised by contractor/vendor must be GST compliant tax invoices as per the GST invoice rules.
 - ii. Contractor declaring such invoices in his GSTR-1, and
 - iii. Receipt of goods/services and tax invoice by BHEL and
 - iv. Confirmation of payment of GST thereon by contractor on GSTN portal
 - v. Contractor has to give an undertaking to BHEL that they have declared invoice in his return and paying GST within timeline prescribed for availing ITC by BHEL.

Payment to contractor for GST portion will be released only after completion of above activity & on availment of ITC by BHEL.

4. In case any tax credit is delayed/denied to BHEL due to **non/delayed receipt of services/goods and/or tax invoice** or expiry of the timeline prescribed in tax law for availing such ITC, or any other reasons not attributed to BHEL, tax amount shall be recoverable from the contractor along with interest levied/leviable on BHEL. Hence payment covering tax portion including interest thereon will be payable only upon completion of these requirements.
5. In case he **delays in declaring such invoices in his return** and tax credit availed by BHEL is denied or reversed subsequently as per tax law, tax amount paid by BHEL towards such ITC reversal as per tax law shall be recoverable from them along with interest levied/leviable from BHEL. Hence payment covering tax portion including interest thereon will be payable only after the last date/chance for availing ITC.

Reverse Charge under GST

- 6.A In respect of goods, reverse charge liability to pay GST shall arise at the earliest of date of receipt of goods or date of payment to supplier or date of immediately following 30 days from the date of issue of invoice by the supplier.
- 6.B In respect of services, reverse charge liability shall arise at the earliest of date of payment to service provider or 60 days from the date of issue of invoice by service provider.
- 6 C. Any GST liability arising on BHEL under reverse charge before actual receipt of goods and/or invoice thereof would be subject to recovery of interest leviable for the period between the date of such liability and actual date of eligibility of ITC based on receipt of goods, receipt of invoices and other condition specified in Tax law.

Anti Profiteering

7. Bidder has to give an undertaking that any reduction in the rate of GST and/or benefits of ITC under the provisions of GST law shall be passed on to BHEL by way commensurate reduction in price of Goods/services.

This may be due to

Any reduction in the rate of GST or the benefits of ITC accrues to vendor/contractor.

Availability of ITC for interstate supplies under GST which was not available in existing law (like CST) or ITC reversal under the existing law for stock transfer or on account of common credit etc.

Any element of taxes like excise, service tax, VAT, CST, Entry tax etc. embedded into price of goods or service under contract/work order/PO placed under the existing law.

The above shall be taken in to account for working out the benefits to be passed on to BHEL.

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A declaration on anti-profiteering shall be submitted by bidder with price impact.

(Signature & Seal of Contractor/bidder)