

NOTE

Subject: GST on Renting of Immovable Property (Commercial & Residential) — Summary of Relevant Notifications and RCM Applicability

This circular consolidates, for ready reference, the Central Tax (Rate) notifications, corrigendum and GST Council clarification that together govern the levy of GST — under forward charge (FCM) as well as reverse charge (RCM) — on renting of commercial and residential immovable property.

Instrument	Date	Effect
Notification No. 11/2017-Central Tax (Rate)	28 June 2017	Prescribes 18% rate for real estate services (Sl. No. 16(iii), Heading 9972) – the forward-charge rate for commercial renting.
Notification No. 12/2017-Central Tax (Rate)	28 June 2017	Entry 12 – exempts renting of residential dwelling for use as residence.
Notification No. 13/2017-Central Tax (Rate)	28 June 2017	Master reverse-charge notification for services; base notification later amended to add Entries 5AA and 5AB.
Notification No. 04/2022-Central Tax (Rate)	13 July 2022 (eff. 18-07-2022)	Restricts Entry 12 exemption – withdraws exemption where the residential dwelling is rented to a registered person.
Notification No. 05/2022-Central Tax (Rate)	13 July 2022 (eff. 18-07-2022)	Inserts Entry 5AA in Notification 13/2017-CT(Rate) – RCM on renting of residential dwelling to a registered person.
48th GST Council Meeting – PIB Press Release	17 December 2022	Administrative clarification: no GST/RCM where a registered person rents a residence purely in personal capacity, not on business account (see §4.3 – Medium confidence, not a gazetted notification).
Notification No. 09/2024-Central Tax (Rate)	8 October 2024 (eff. 10-10-2024)	Inserts Entry 5AB in Notification 13/2017-CT(Rate) – RCM on renting of any immovable property other than residential dwelling, by an unregistered person to a registered person.
Corrigendum to Notification 09/2024-CT(Rate)	22 October 2024	Corrects “any property” to “any immovable property” in Entry 5AB.

This update is for general information and internal circulation only; it summarises the position as on the date above and does not constitute legal or tax advice on any specific transaction. For queries or advice on a particular fact situation, please reach out to our GST advisory team.
For ADA Law Chambers

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