

L&S UPDATE

An e-update to clients from Lakshmikumaran & Sridharan

1 JULY 2022

INDIRECT TAX

Online Gaming

47th GST Council Meeting

UPDATE NO. 28 OF 2022



Lakshmikumaran
& Sridharan
attorneys

exceeding expectations
SINCE 1985

- The Council directed that the Group of Ministers ['GoM'] on Casino, Race-Course and Online Gaming shall re-examine the issues in its terms of reference based on further inputs from States and submit its report within a short duration.
- Highlights of press conference by the Hon'ble Finance Minister:
 - GoM report has equated online gaming, race-course and casino to gambling. The GST rate is already 28% on online gaming and GoM was in favour of maintaining the status quo.
 - State of Goa requested to draw an exception for casino. Considering such request and on further deliberations, it was decided to re-examine all three i.e., Online gaming, race-course and casino.
 - The report of GoM will be submitted to council by 15 July 2022 and the next Council meeting will happen in the first week of August 2022 to discuss the same.



L&S Comments:

- The decision to consider all online gaming as gambling can be disputed, particularly in view of recent judgements of a few High Courts. We await clarity in this regard.
 - Representations were also made to prescribe the valuation mechanism of online gaming. The decision of council in this regard is awaited.
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