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Impact of Goods and Services Tax on the Restaurants and Food Service Businesses in India

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ABSTRACT

Restaurants and Food Service Businesses in India, is the fastest growing business. Therefore due to the changes in tax collection framework the development of the business is being affected. Goods and services Tax introduction has created some perplexity among the restaurant proprietors. The concept of goods and services tax was implemented to abrogate all extra money charging schemes which was before embraced by the retailer in order to make money. This reform will clearly decrease the consistence cost for the tax payer as under this system the operation will change into uniform entity across states and the tax structure will also be harmonize. The restaurant sector was burdened with multiple high costing taxes and changes under previous tax collection framework. Previously consumers use to pay VAT, service tax and additional service charge on every restaurant bill but in GST all the extra and unnecessary charges were eliminated. In the GST taxation system all the slabs were clearly stated but many restaurants still are confused and restaurant owners are applying rates and taxes as they interpret, or according to their own wish. This study analyses impact of GST on Restaurants and Food Service Businesses in India. This will provide insights to see how GST will function in this sector and will enable us to know the benefits and drawbacks of GST in this regards. The study finds that GST has both benefit and drawbacks on restaurants and food service business. GST has also affected the promotional schemes of the different companies with this the companies are now looking for the alternative promotional schemes.

Keywords: Goods and Services Tax, Restaurants and Food Service Business, Indirect Tax, Taxation System, Promotional schemes, Value added Tax, Positive and Negative Impact, Federation of Hotels and Restaurants Association of India, Tax Obligation, Freebie.

1. INTRODUCTION

India is known as a food loving country where each and every area has its own unique cuisine. Over the last few decades the restaurant business in India has been developing at a fast pace or somewhere in the

vicinity and the development story proceeds for the following not so distant. In 2010 the growing rate of food service and restaurant business was 15-20 percent yearly with the worth of ₹43,000 crores. As per Indian Food service Report 2016 it is estimated that the restaurants market industry is to be worth of 3.09 Lakh Crore. In 2016 the report also stated that the food market of the country has directly employed more than 5.8 million. The key contributors of the growth of restaurants and food and service businesses in India are the middle class sector. As the few sections of the society are upgrading like the evolving way of lifestyle, rising agenda of women empowerment, high consumable income and reliable portable system accessibility, these upgrading sections are contributing in the development of most of the businesses in the country. The entry of multinational fast food chain in India has changed the restaurant market. Immense rise of the quick service restaurant (QSR) industry in India gave a clear way to the multinational fast food chains and in the past few years we have seen the establishment of number of multinational fast food chains in different regions of the country, for example, Dominos, Pizza Hut, KFC, and so forth. As the concept of quick service restaurant was booming on the other hand the eating style of consumer was also changing. Eating out was giving consumers immense pleasure and consumers were also ready to spend copious amount of money. As the cuisines of different countries is becoming of more interest and the chase for an uplifted eating knowledge drove them to high - end restaurants. Not just the change in taste or eating habits but in the past few years the restaurants industry has undergone through many changes and among them one change was in the use of technology where the concept of online food ordering services was evolved. This concept gave an opportunity to many entrepreneurs as well as to the restaurant owners of ordering and delivering the food at the doorstep of the consumers and among them Food Panda, TastyKhana, TinyOwl etc are in the list .

After facing numerous challenges like high taxes and food cost inflation, but still restaurants industry in India is a major contributor in the growth of the country's economy where it is contributing significantly to the GDP, paying taxes, and providing employment to millions of people. After demonetization the restaurants industry has regularly been under the scanner. In India this industry is on constant growth and is now impacted with GST- Goods and Services Tax.

Goods and services Tax (GST) is a comprehensive tax levied on producing, sales and utilization of products and services at a national level. GST is a tax on goods and services where the tax burden is not only beard by the consumer but from the point of manufacturing of good or services to the point of delivering it to the ultimate consumer all the manufactures, producers and retailers involved in it will also have to pay the tax. GST is introduced to over 140 countries across the world. It was initially introduced in France in 1954. Several countries have a unified GST system, whereas in our country a dual GST is projected whereby a central product and services tax (CGST) and a state product and services tax (SGST) will be levied in the assessable price of the dealings. Under CGST central excise duty (Cenvat), services tax, extra duties of customs at the Central Level and excise tax will be included, where under SGST central excise, recreation tax, luxury tax, octroi, lottery taxes, electricity duty, state surcharges associated with supply of products and services and get tax at the State level will be included.

In 2000, the Vajpayee Government started discussion on GST by setting an authorized committee headed by Asim Dasgupta (Finance minister, Government of West Bengal). Later it prolonged its discussions and also the proposal of GST was declared by Shri P. Chidambaram (Finance Minister) in the budget speech of 2006-07, that led to formation of authorized committee of State finance ministers that gave the report

and also the model of GST including style, road map for implementation etc. On 10th November, 2009, the authorized committee released its 1st discussion paper on GST in India. It's an indirect consolidated tax, based on a consistent tax rate mounted for both product and services (namely automobile, food product, telecom, insurance etc.) payable at the ultimate point of consumption through a tax credit mechanism. GST subsumes a series of all indirect taxes beneath one domain. The counseled GST bill provides simultaneous powers to each state and also the center to form laws on the taxation of products moreover as services.

GST has a vast impact on all the sectors like Food and Restaurants business, Housing and housing industry, FMCG, Rail Sector, monetary Services, information Technology, MSME. The Restaurant Industry is burdened with lots of taxes at each and every point- starting from the purchase of the raw materials to the sales of finished items. Multiple taxes were charged from the customers at the final bill. In the previous tax collection framework consumers had to pay three taxes: the Service Charge, Service tax and Value Added Tax (VAT). Among these taxes the service charge which was charged was not a tax. The government has not ordered any restaurant to levy service charge and they do it on their own. Usually, this amount is 10% of the price of food products that order. Consumers have to pay two taxes: service tax and Value Added Tax. Under the GST tax system big traders of the organized sector will be at advantageous stage as they will get one market to shop for raw materials from any part of the country because the tax will stay the same everywhere the country. The GST tax framework facilitates restaurants purchase raw materials at a less expensive rate. The final bill for the customers is additionally clutter-free and much easier to know for the end-customers, because it only consists of the GST. Both Service tax and Value Added Tax have now been replaced by GST. Both Central GST and State GST was applied. The same rates will also be applied by the local delivery restaurants. 12% tax is payed if the snacks sold from restaurants are pre-packed and pre-cooked. GST is not levied on any liquor or liquor products. However, liquor products will still work with VAT, as imposed by state. So, if alcoholic beverages and food is ordered, GST on food and VAT on alcoholic beverages will be charged.

Implementation of GST on bill will eliminate the cascading impact of taxes on production or distribution which can reduce the costs of products and services and this may benefit the top users. GST bill can mark a crucial milestone within the field of indirect tax reforms in India. It's doubtless to benefit all stake holders just like the Governments, The Trade and business and therefore the customers at large. It'll harmonize the taxing of consumption of products and services uniformly throughout the country and will pave approach for creation of common market across India.

2. LITERATURE REVIEW

GST regime is a half-hearted commit to rationalize indirect tax (Shefali Dani). As per research worker government of India should study the GST regime started by numerous countries and additionally their fallouts before implementing GST. It's the requirement of hour that, the government should create an effort to insulate the large poor population of India, against the inflation because of implementation of GST. GST are levied on all the products and services except those exempted, dual model of GST are there, which will embody Central GST collected by Center and State GST collected by State (Kumar (May 2014)). The challenges faced for the implementation of GST bill are with respect to tax threshold, nature of taxes, variety of enactments of statutes, rates of taxation and tax management and infrastructure whereas the opportunities are – end to cascading impact, growth of revenue in States and Union, reduces transaction

costs and unnecessary wastages, one point single tax, avoids the multiplicity of taxes, reduces average tax burden and reduces corruption. All sectors of economy ought to bear impact of GST. All sections of economy viz., big, medium, small scale units, intermediaries, importers, exporters, traders, professionals and customers shall be directly affected by GST (Garg (2014). Dr. R. Vasanthagopal (2011) stated on the impact of GST on agriculture, producing business, MSME, employment, factors of production, price level, housing, Exim trade, impoverishment reduction, GDP, government revenue and concluded that switch to seamless GST from current difficult indirect tax system in India will be a positive step in booming Indian economy. Success of GST can cause its acceptance by over 130 countries in world and a new most well-liked type of indirect tax system in Asia also.

The HRAEI is unhappy with the fact that if the GST rates are going to be the speculated rates of 16%-20% and it will be too costly for the Hospitality sector, and will be a bad drive to hotels and restaurants which will suffer badly. The members of the association feel that the rates should be capped at 10% for the hospitality sector, else the turnover will start showing negative results. The Hospitality industry will not gain much advantage from GST as their input credit will be much lower than the tax paid, as majority of the input expense of any hotel is their labour (Poddar, 2015). On the contrary to the above statement (Federation of Hotels and Restaurants Association of India, 2015) stated that an industry that has been facing challenges for the past two years is due to the continued global uncertainties and a domestic decline. The long-term potential of the industry is growing rapidly and the introduction of GST will help this fast growing industry. Conversely, the setting of high tax rates will be burdensome to the consumers. The introduction of the bill is fully supported by Federation of Hotels and Restaurants Association of India (FHRAI) only with a request of capping the composite rate burden at 8%. According to the president of the association this will help the growth of the industry

The new government in India is encouraging towards execution of GST and it will be advantageous to both the central government, state government and as well to the consumers (Pinki, Supriya Kamma and Richa Verma (2014)). Consumer's tax burden can approximately reduce to 25th to 30 minutes once GST is introduced. After introduction of GST concept, Indian manufactured product would become more and more competitive within the domestic and international markets. This taxation system would instantly encourage economic process (Poonam, 2017). Mehta (2015), after the execution of GST there will be increase in the GDP from 1.5% to 2% due to cost reduction and other changes made in tax system, it will also make impossible transactions of the black money as it can only be routed through legal ways. Zhong (2015), the idea of replacing patch work of taxes with one nationwide sales levy, lowering of economic barriers, the government study estimates that broad GST would deliver an instantaneous boost output of 1% to 2% and lasting gains in productivity. It could be a good way to reduce the black money and good effort by the Government of India after the Demonetization of the money in 2016 (A DASH 2015).

3. STATEMENT OF PROBLEM

Goods and Services Tax (GST) has influence the various sector of the economy. Restaurants and Food Service Business is among one of the fastest growing and revenue generating industry in India. Consequently the change in taxation system will have an effect on the development of the industry. This paper concentrates on the differences that will be experienced by restaurants and food service business in accordance with before and after implementation of GST.

4. OBJECTIVE

The present study focuses on the impact of GST on Restaurants and Food Service Businesses in India. This will provide insights to see how GST will function in this sector and will enable us to know the benefits and drawbacks of GST in this regard.

5. RESEARCH METHODOLOGY

The paper explores the subject with the aim to understand the impact of GST on the Restaurants and Food Service Businesses in India. This exploratory study focuses on analysis of the secondary data collected from the newspapers, magazines and from various websites which have published and focused on various aspects of Goods and Service tax and how it affects the restaurant bills and the marketing aspects of these firms/businesses.

6. DISCUSSION AND FINDING

The Indian restaurant business nowadays, is price a staggering INR 247,680 crores and is developing at a yearly rate of 11 November – calculable to hit INR 408,040 crores by 2018. National restaurant Association of India's India Food Service Report 2016 estimates that by 2021 restaurant industry will alone contribute 2.1% to the GDP of India. The total food service market today stands at INR 3.09 lakh crores and has grown at 7.7% since 2013. This is projected to grow to INR 4.98 lakh crores at CAGR of 10% by 2021. This year alone the Indian restaurant sector will create direct employment for 5.8 million people and contribute a whopping INR 22,400 crores by way of taxes to the Indian economy. Post GST, the government is seeing the chance to come up with an extra assortment of INR 17,000 – 26,000 crores through nearer monitoring of tax levy and assortment from the unorganized section. In short, the restaurant business is clearly a hot section, and this needs an in depth insight on the impact of GST on restaurants and also the associated stakeholders – both owners, yet as food-lovers across the nation who step out to dine once in an exceedingly while. GST tax system would affect the restaurants and food service business in many ways such as:

- Before GST implementation the hospitality and restaurant industry was overwhelmed by multiple taxes (Service tax, VAT and luxury tax). In Food and beverages bills, service tax is applied on 40% of the bill or 5.8% apart from VAT. In case of social functions the applicable service tax rate after 30% abatement is 10.15%.
- Under GST, uniformity of tax rates and applicability of single rate is the single largest advantage. GST helps in better utilization of input credit and it also benefits to end user in terms of lower prices. GST helps restaurants industry in attracting more and more customers and also leads to enhanced revenues to the government.
- With the growing organized food services industry and coming up of new food ordering and delivery startups, the market is worth 2.5 Lakh crore and would contribute significantly to the revenues of the country.
- Goods and Services Tax would be collected at every stage of selling and buying of goods or services based on the input tax credit method. This method will allows GST-registered businesses

to claim tax credit to the value of GST they paid on buying of goods or services as part of their normal viable activity.

- Taxable product and services aren't distinguished from each other and are taxed at one rate during a provide chain until the products or services reach the buyer. Administrative responsibility would typically rest with one authority to levy tax on product and services. Exports would be zero-rated and imports would be levied constant taxes as domestic product and services adhering to the destination principle.

The introduction of goods and Services Tax (GST) would be a major step within the reform of indirect taxation in India. Amalgamating many Central and State taxes into one tax would mitigate cascading or double taxation, facilitating a standard national market.

The simplicity of the tax ought to cause easier administration and enforcement. From the buyer point of view, the most important advantage would be in terms of a reduction within the overall tax burden on product, that is presently calculable at 25%-30%, free movement of products from one state to a different without stopping at state borders for hours for payment of state tax or entry tax and reduction in paperwork to an oversized extent.

Pre-GST Mechanism of Restaurants and Food Service Businesses

Before implementation of GST, Value Added Tax (VAT) system was applied in all the sectors of the economy. Value Added Tax (VAT) is levied on things that are sold-out in an improved form, where value is added to an item before it's sold-out to you. One has to pay VAT on product and services at varied stages of their production, distribution and sale. In restaurants, VAT isn't indictable on prepackaged things like drinkable, bottled alcohol and food. However it's applicable on food and drinks prepared within the restaurant kitchens. VAT varies from state to state, and even inside the states, it differs based on the sort of product. It could be anywhere between 5 to 20.

- VAT is leviable @5% on cooked foods and snacks provided by a restaurant.
- VAT is leviable @20% on Cold drinks and @14% on alternative non food items.
- Entry Tax is additionally payable @1% on staple and incidental product utilized in the manufacture of cooked food.
- Luxury Tax is additionally payable by out of doors caterers @10% underneath LEAT Act with the sale price being deducted on that tax is vulnerable to be duly submitted under MPVAT Act here hospitals and academic institutions are exempted.
- Under MP VAT Act tax on sale of alcoholic liquor to customers is levied @ 5%

Service tax is charged 14% and in tandeur with Swachh India cess of 0.5% the amount adds up to 14.5% for us. With addition to Krishi Kalyan Cess of 0.5% from 1 june 2016 to this would create overall 15 % of the service tax. Ideally, service tax ought to be obligatory solely on 400th of the value of the bill that is assumed to be the quality service expense, as opposed to the remaining 60 minutes that's the staple of the food and beverages ordered by the client. This implies that the service tax is indictable solely on 400th of the bill and not on the complete quantity. Thus on the complete bill, the service tax chargeable are 5.8% (6% from June 1).

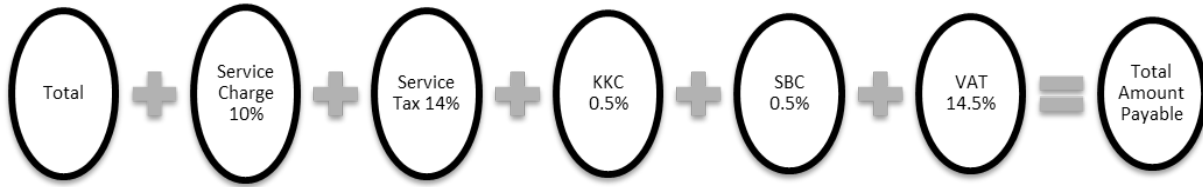


Figure 1

A dealer with turnover upto ₹1 crore per year elect composition scheme under preview of MPVAT and susceptible for payment of composition money @ 3% on cooked food manufactured turnover while not the facility of input tax rebate facility. Composite dealers are not entitled to input tax rebate.

Post-GST Mechanism of Restaurants and Food Service Businesses

This new tax regime divides the product into 5 categories those that are excluded from tax, 5%, 12%, 18% and 28%. Dinning at a restaurant was much simpler prior to GST enrollment. There we've got our food, we have a tendency to pay the bill and we leave. Back then, we had to pay 3 further charges: the service charge, Service tax and value added tax (VAT). However, lack of data regarding GST, given a chance for restaurant owners to dupe any customers by making them pay additional. To lead on smarter front here's what customers ought to understand.

Firstly the charge collected as service charge isn't a tax. The restaurants do not levy service charge by government order, they conduct it on their own. However if customer don't wish to pay, they don't need to. It's utterly customer's decision whether or not they wish to pay the charge or not. If restaurants forcing a customer to pay service charge it is susceptible for being sued under a consumer court.

On the tax front, you've got to pay two taxes: service tax and value added tax. GST has subsumed both of these taxes and replaced them. For eating in Non-AC restaurant, tax of pay 12% is to be paid. This 12% comprises of 6% as Central GST and 6% State GST. Local delivery restaurants are under the same rates. However, if you're in an AC restaurant, irrespective of the fact that alcohol is served or not, a total of 18% of the tax is paid.

GST on Non Ac Restaurants

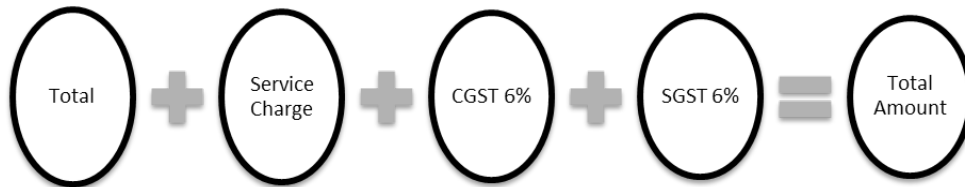


Figure 2

GST on Ac Restaurants

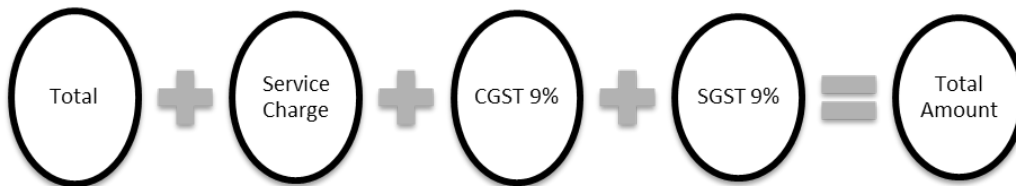


Figure 3

All pre-processed and packaged food/snack sold out from restaurant seek 12% tax from customers. The restaurants having license to serve liquor (with full ITC) can levy a tax of 18 per cent, whereas those not having the facility of air-conditioning or heating system at any time throughout the year and not having license to serve liquor (with full ITC) can levy tax of 12 per cent. The 5-star hotels can come back under the highest slab of 28 per cent GST. The 6% service tax on liquor across segments has been effectively withdrawn.

Under GST, the restaurant business shall be susceptible for tax payment on provides from persons without registration under mechanism (RCM) because the restaurant owners need to create lots of provides from unregistered persons. Under the VAT purchases made of unregistered persons the composite holder aren't susceptible to pay tax. For the real profit, ₹75 lakh for composition is too low. Under VAT with higher limits the restaurants are enjoying lower tax rates. Hoteliers and Restaurant service suppliers are to face a hard time under GST regime as outward supplies suspected to higher burden of taxation. There will even be problems with GST regime regarding compliances, wherever the supplier is expected to maintain accounts and documents systematically to say Input tax credit and conjointly suits the various specification of GST laws.

Changes in Marketing Strategy of Restaurants and Food Service Businesses after Implementation of GST

GST has also affected the popular promotional schemes 'buy one get one free'. The freebies given away by varied prepackaged product firms and food service firms are for boosting sales. Although now with GST rollout from 1 July maximum of offers have been gradually withdrawn. The companies currently ought to explore for totally different strategies like discounts and products giveaways.

Food service giant corporate like Jubilant Food Works that operates Dominos pizza chain and pizza Hut by Yum restaurants have conjointly taken off this freebie schemes of buy one get one free schemes off their promoting lists and continued with discounts schemes (August 01,2017).

Tax specialists said a corporation supplying something free should bear GST on that, and so, the policy might extend to the pharmaceutical sector also.

Under GST laws each time a free of cost thing is sold- out the GST to be paid on the transactional value that has been realized. This implies corporations might favour avoiding pre defined discounts and price reductions to prevent any confusion on GST charges on freebies and the uncertainty on Input credit.

These new tax rules have led to little vendors and restaurants are pulling away from on-line delivery start-ups. Under GST laws, companies must strive for deducting tax collected at supply (TCS) after they build payments made to restaurants or vendors exploitation their platform. This can deter online adaption of smaller restaurants with a lower sale. Vendors, after a TCS of 2% (1% each of Central GST and State GST) will receive their payment which will cause disruption in the supply of working capital.

Under GST, restaurants are going to be ready for input tax credit claim and refund fot TCS by them. However meanwhile the refund arrives, the sum of working capital of restaurants remains blocked. Aggregator models used by online food service companies are best fitted to smaller restaurants, vendors and businesses adding that TCS would hit methods of on boarding more and more restaurant.

Businesses underneath edge limit for GST will be made to register under GST network merely for exploitation e-commerce services. Online delivery usage conjointly by restaurants takes away the composition theme offer GST filling. Restaurants that make less than Rs75 lakh turnover, they're permitted to a simplified kind of composition theme for GST and they won't have to be compelled to do separate invoicing.

Benefits of GST on Restaurants and Food Service Businesses

1. *Administrative Ease:* One Nation, one tax policy can facilitate to bring uniformity within the world league for the GST regime. The introduction of GST will be only charge that hotels must account for with elimination of various taxes and cesses. This implies reducing procedural steps and creates to more opportunities to streamline the process taxation.
2. Reduction of taxes on food bill by approx. 9.5% can play a key role in attracting more customers at the restaurants.
3. Small scale restaurant owners will benefit by minimum block of 5-12% tax or no tax, looking on the yearly turnover.
4. The new GST scheme can facilitate in generating government revenue, cut back corruption and cut back business prices for restaurants.
5. *Time saving and Improved Quality:* The purging of a lot of entries from the accounts book under name of various taxes leads to faster processing of a transaction. This will also help the consumer in availing faster and fresher orders with room reservations made on every breezy process.

Drawbacks of GST on Restaurants and Food Service Businesses

1. *Technological Burden:* Though the bill has been introduced by the government along with embashing a date for rollout, there is a great deal of ambiguity on its implementation. There'll have to be compelled to place systems with clear guidelines on how accounts have to be compelled for maintenance and filling of returns. Service tax had created a lot of confusion as well when it was launched and hopefully the authorizes can take a lesson from there while ensuring the seamless application of GST.
2. The tax bracket for budget and luxury hotels is simply too wide.
3. Medium scale restaurants are going to be unnecessarily force into the tax slab of 28th tax in these budget and luxury hotels.
4. *Possibility of Increased cost:* Most small businesses in India don't use tax professionals, and have historically preferred to pay taxes and file returns on their own to save lots of costs. However, they'll need skilled assistance to become GST compliant as it may be a completely new system. Whereas this will benefit the professionals, the small businesses ought to bear the extra price of hiring specialists. Also, businesses would experience increase in overhead expenses as a proper training of staff is to be given in GST compliance.

5. *Competition from Asian Market:* Currently India is emerging as global competitor in hotel business and tourism. In Asian markets, India is changing into a most popular destination owing to improved services, better opportunities and options and reasonable costs. To own an equal status, India GST rates must challenge its other Asian counterparts however, they seems to be a wide gap as you'll be able to see below:

1. Singapore = 7 %
2. Malaysia = 6 %
3. China = 11%
4. Japan = 8%

The wide difference appears sarcastically at our service providers and gives the competitor an unfair lead to make advantage. This alone is sufficient to make a potential tourist undergo reconsideration of their travel plan.

The answer is not policy execution but rather the correct implementation of policy is solution of all the problems. Certain issues need to be addressed sooner to remove extra hassles that have been created for hotel business, like excluding alcoholic beverages from GST preview.

7. CONCLUSION

The restaurant business is presently burdened with a number of taxes at each and every point- right from the acquisition of the raw materials to the sales of finished items. Multiple taxes, in turn, charged from the customers at the final bill may be a vast turnoff for the customers and plays a significant role in turning them away. Multiple levels of indirect taxes at the Central Level, State Level, and additional Excise and Customs Duties give major barriers in the smooth functioning of the business.

Frequent changes in the law and multiple registrations needed to open a new restaurant business are often impressive, particularly to first –time restaurant owners. the lack of clarity in the law usually results in classification and rate disputes, therefore resulting in confusion. With the emerging changes in tax layout, the GST will impact primarily the promotional strategy of restaurants and food service businesses and will give consumers clear picture of taxes they pay in restaurants. A subsuming single tax slab will create a standardized price and will benefit consumers directly by providing law and easy to read bill whenever they dine out. Reduction in tax will increase consumption which will create more employment opportunities boosting the make in India initiative. Drawback of GST will be on medium scale restaurants as they will be forced into the tax slab of 28th and tax bracket for budget and luxury hotels is simply too wide. Implementation of GST is going to have a ratified impact on the Government's revenues. Under the post GST regime, the output service tax liability of restaurant business owners got to modify with credit of input VAT on product consumed. However, underneath the new regime GST subsumes both these taxes into itself and therefore no matter product and services, adjustment of credit of input is available against output liability. This may optimize further the working capital of those restaurants and customers need not settle for inferior quality of food and services. Therefore restaurants and food service businesses must draw outline of future in view of evaluation of GST and its impact on their businesses and functions mandatorily.

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