APPLICABILITY GUIDE

Does OIDAR GST Apply to Your Business?

A self-assessment guide to determine your India OIDAR GST obligations — including whether you may be exempt.

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Six questions to assess applicability

Work through these questions to understand whether OIDAR GST applies to your company — or whether you may be exempt. For a definitive assessment, consult our specialists.

1. Where is your company incorporated?

OIDAR applies to companies incorporated **outside India**. If you are incorporated in India, standard GST rules apply instead — you are exempt from OIDAR specifically.

2. What type of service do you provide?

OIDAR covers **digital services** delivered automatically over the internet — SaaS, streaming, e-learning, gaming, APIs, data. Physical goods and offline services are excluded and exempt.

3. Do you have customers in India?

A customer is in India if any two non-contradictory location indicators (billing address, IP address, card issuance, bank, SIM code, etc.) point to India. No qualifying Indian customers means no current obligation.

4. Who are your Indian customers?

B2C (consumers): you must register and pay 18% IGST. **B2B (GST-registered businesses, verified GSTIN):** tax shifts to them under RCM — you may be exempt from registering on this basis alone. A mix of both means registration is required.

5. Are you already registered?

Foreign OIDAR providers receive a GSTIN starting with '99'. If not registered and OIDAR applies, action is required.

6. Does your service involve online money gaming?

Real-money online gaming was carved out of OIDAR by the Finance Act 2023 into its own regime (Section 14A). If this is your service, standard OIDAR registration and GSTR-5A are the wrong mechanism — a separate registration applies.

> **■ Quick rule of thumb**
> Foreign company + digital service + Indian B2C customers = OIDAR registration is mandatory, with no revenue threshold.

When you may be exempt, or outside OIDAR entirely

Not every foreign digital business is covered. You may be genuinely exempt if:

- You have no customers in India under the place-of-supply test
- Your company is incorporated in India, not abroad
- Your service is physical or offline, not internet-delivered
- All Indian customers are GST-registered businesses with verified GSTINs (reverse charge applies instead)
- Your service is online money gaming (separate Section 14A regime, not OIDAR)

Don't assume either way

The cost of wrongly assuming exemption is retrospective liability and penalties. The cost of wrongly assuming coverage is unnecessary registration and filing burden. Confirm your actual position before acting either way.

What to do next

- If OIDAR applies and you are not registered — register promptly to limit exposure
- If you believe you are exempt — document why, and revisit if your business changes
- If you have received a notice — seek specialist help within 24 hours
- If unsure either way — book a free consultation for a definitive opinion

Get a personalised OIDAR opinion

Book a free 15-minute call and we'll confirm exactly where your business stands — at no cost.

Book a free 15-minute call → oidarindia.com