

# ADVANCE RULING IN GST (January 2019 to June 2019)

TEAM TRD

<u>Name of Applicant</u>	<u>Industry</u>	<u>Order No. &amp; Date</u>	<u>Case History</u>
Jaipur Zila Dugdh Utpadak Sahakari Sangh Ltd.	Manufacturing of Mil Proucts <b>(Rajastahn AAR)</b>	RAJ/AAR/2019-20/12 Dtd. 19.06.19	<ul style="list-style-type: none"> <li>The applicant is engaged in manufacturing of Mil Products</li> <li>The applicant procures raw milk from rural areas through its primary milk producer's dairy co-operative societies.</li> <li>Most of the sale of milk is exempted and few sales are taxable. The question raised</li> </ul> <p>1. <i>Applicability of TDS under GST from payment made to vendors for providing taxable goods &amp; services for making its supplies.</i></p> <p><b>Answer</b> -TDS provision is not applicable u/s 51 since the applicant is not registered under societies registration Act 1860 nor it is established by any Government</p>
M/S Vedant Synergy Pvt. Ltd.	Supply of Goods & Services for E-Governance <b>(Rajastahn AAR)</b>	RAJ/AAR/2019-20/11 Dtd. 03.06.19	<ul style="list-style-type: none"> <li>The applicant will supply various Goods &amp; Services for E-Governance , Govt. of Karnataka</li> <li>The applicant has applied for bidding in RPF"RPF for selection of an SI to implement and maintain software VC up to Gram Panachayat Govt. Offices" issued by center for E-Governance, Govt. of Karnataka. The questions raised</li> </ul> <p>1. <i>Classification of any goods or services or both;</i></p> <p><b>Answer</b> -HSN Code 998361 (Information Technology infrastructure and Network Management Services)</p> <p>2. <i>Determination of the liability to pay tax on any goods or services or both;</i></p> <p><b>Answer</b> - GST rate 18%</p>
Greentech Mega Food Park Pvt. Ltd.	Set up of Mega Food Park <b>(Rajastahn AAR)</b>	RAJ/AAR/2019-20/10 Dtd. 28.05.19	<ul style="list-style-type: none"> <li>Ministry of food processing Industries of India has granted approval to the applicant company to set up a Mega Food Park at Rajasthan</li> <li>Beside the setup of Food Park, the applicant company identified certain individual plots on the food park project site and wishes to enter into lease agreement with several lessees for 99 years. The questions raised</li> </ul> <p>1. <i>Whether the Lease Agreement between the Applicant Company i.e. the lessor and the lessee for a period of 99 years is a sale of immovable property and outside GST and is exempt from levy of GST?</i></p> <p>2. <i>If the present transaction of giving land on lease of 99 years is taxable under GST, then at what rate and what SN code is applicable?</i></p> <p><b>Answer</b> -Lease agreement between lessor and lessee for 99 years is lease agreement of immovable property classified under HSN Code 9972 &amp; attracts GST @18%</p>
National Highway Authority of India (Regional Office)	Development , maintenance & management of National Highways <b>(Rajastahn AAR)</b>	RAJ/AAR/2019-20/09 Dtd. 28.05.19	<ul style="list-style-type: none"> <li>National Highway Authority of India is engaged in Development , maintenance &amp; management of National Highways</li> <li>NHAI undertook a project for development of Highways in Rajasthan where the power transmission line of RVPNL are crossing the Highways</li> <li>So these electrical lines have to be shifted. As per policy of RVPNL, NHAI will have to bear all costs relating to shifting of Electrical lines</li> <li>RVPNL shall be charging 5% of total estimated cost as supervision charge , fixed amount of shut</li> </ul>

			<p>down charge &amp; GST on both components</p> <ul style="list-style-type: none"> <li>RVPNL has issued demand imposing 18% GST on total estimated cost stating as asset transfer. The questions raised</li> </ul> <ol style="list-style-type: none"> <li>Whether there is any 'Asset Transfer' involved which is a supply leviable to GST in the work of shifting &amp; raising of transmission lines owned by RVPNL by NHAI in the course of widening, modification &amp; diversification of its highways after completion of this work?</li> <li>Without prejudice to the submissions, if there is an 'Asset Transfer' which is a supply under GST, then who is liable to pay GST?</li> <li>If above GST is to be paid by the Applicant, then the same will be exempt vide Entry 4 of Notification no. 12/2017 CT(R) dated 28.06.2017?</li> </ol> <p><b>Answer</b> – Asset constructed by the applicant does not fall under the category "Goods" . therefore no supply is involved and no GST is applicable.</p>
Vinayak Stone Crusher	Crushing of Boulder <b>(Rajastahn AAR)</b>	RAJ/AAR/ 2019-20/08 Dated 17.05.2019	<ul style="list-style-type: none"> <li>The applicant is engaged in the business of Crushing of Boulder Resulting in to broken or crushed stone , ballast</li> <li>The applicant has been granted mining lease for extracting rough boulder of stone from mining by Rajasthan State Govt.</li> <li>For extracting rough boulder, M/S Kishore &amp; Party collects royalty on behalf of Rajasthan State Govt. The questions raised</li> </ul> <ol style="list-style-type: none"> <li>Classification of Service provided by Rajasthan Govt. to Vinayak Stone Crusher &amp; GST Rate</li> </ol> <p><b>Answer</b> – will be classified under 997337. GST Rate 18%</p> <ol style="list-style-type: none"> <li>Whether service provided by Rajasthan State Govt. covered under Notification No. 13/2017-CT(Rate) dated 28.06.2017 and whether Vinayak Stone Crusher is taxable person to discharge GST under RCM Provision or whether this covered by exclusion clause (1) of entry no. 5 and Rajasthan State Govt. is liable to discharge GST</li> </ol> <p><b>Answer</b> – The applicant is receipt of service. So he is liable to discharge GST under RCM Provision</p> <ol style="list-style-type: none"> <li>As per Notification No. 14/2018C.T (Rate) dated 28.07.2018; the service supplied by Rajasthan State Govt. to excess Royalty Collection Contractor for collection of Royalty became exempt. In this case whether Vinayak Stone Crusher is taxable person to discharge GST under RCM Provision</li> </ol> <p><b>Answer</b> – The applicant is liable to discharge GST under RCM Provision</p>
All Rajasthan Corrugated Board and Box Manufacturers Association	Upliftment & technological advancement of corrugation industry <b>(Rajastahn AAR)</b>	RAJ/AAR/ 2019-20/07 Dated 17.05.2019	<ul style="list-style-type: none"> <li>The applicant is engaged in the business of Upliftment &amp; technological advancement of corrugation industry &amp; to develop strong relationship with stakeholders</li> <li>The applicant will organize and manage the conference and exhibition and it will be attended by delegates, vendors, exhibitors from all states of India. The questions were raised-</li> </ul> <ol style="list-style-type: none"> <li>What shall be the nature of service and classification in accordance with Notification No. 11/2017- CT(R) dated 28.06.17 read with annexure attached to it in relation the following services: <ol style="list-style-type: none"> <li>Service provided by the applicant to the delegates.</li> <li>Service provided by the applicant to the exhibitors.</li> </ol> </li> </ol> <p><b>Answer</b> – The Service provided by the applicant to the delegates and exhibitors is a composite supply and classifiable under Service Code 998596 having Service description "Events, exhibitions, conventions and trade shows organizations and assistance services" as per Annexure: Scheme of Classification of Services to Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017 (as amended from time to time).</p>

			<p><b>2. In relation to the brand promotion packages offered by the applicant in the course of the event,</b></p> <p>a) What shall be the nature of service and classification in accordance with Notification N0.n/2017-CT(R) dated 28.06.17 read with annexure attached to it?</p> <p>b) Whether the applicant is liable to pay tax on services provided to the brand promoters or the liability to pay tax on such services falls on recipient under reverse charge according to Notification No. 13/2017 - Central Tax (Rate)?</p> <p><b>Answer</b> –The service of brand promotion packages offered by the applicant in the course of the event is a composite supply and classifiable under Service Code 998397 having Service description "Sponsorship services and brand promotion services" as per Annexure: Scheme of Classification of Services to Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017 (as amended from time to time).</p> <p>The applicant is liable to pay GST on service of brand promotion and not covered under reverse charge mechanism.</p> <p><b>3. Whether Input Tax Credit is admissible for the applicant in respect of tax paid on the following:</b></p> <p>a) Services provided by the hotel including accommodation, food &amp; beverages.</p> <p>b) Supply of food and beverages by outside caterers</p> <p>c) Services provided by event manager like pickup &amp; drop, exhibition stall setup, tenting, etc.</p> <p><b>Answer</b> – Input Tax Credit is admissible to the applicant in respect of tax paid on the following:-</p> <p>a) Services provided by the hotel including accommodation, food &amp; beverages.</p> <p>b) Supply of food and beverages by outside caterers</p> <p>c) Services provided by event manager like pickup &amp; drop, exhibition stall setup, tenting, etc.</p>
Pacific Quartz Surfaces LLP	Manufacture of Quartz Slabs (Artificial Stone) (Rajastahn AAR)	RAJ/AAR/ 2019-20/06 Dated 30.04.2019	<ul style="list-style-type: none"> <li>The applicant is a registered manufacturer cum supplier under GST engaged in the manufacture of Quartz Slabs (Artificial Stone). The questions were raised-</li> </ul> <p>1. What is the classification of Slabs of Quartz (Artificial Stone)?</p> <p><b>Answer</b> – HSN Code 68101990</p> <p>2. What will be the applicable rate of GST on Quartz Slabs (Artificial Stone)?</p> <p><b>Answer</b> – The applicable rate of GST on Quartz Slabs (Artificial Stone) is 18% (CGST 9% +SGST 9%) (Central Tax)</p>
Rambagh Palace Hotels Pvt Ltd	Hotel Industry (Rajastahn AAR)	RAJ/AAR/ 2019-20/05 Dated 30.04.2019	<ul style="list-style-type: none"> <li>M/s Rambagh Palace Hotels (P.) Ltd. is a five-star deluxe heritage hotel engaged in hospitality business operated under the brand name "Taj Group". Up-keep and maintenance of hotel building, equipments, electrical installation, Furniture and Fixtures and other infrastructures is crucial for continuity of its business.</li> <li>Expenses being routine in nature, the amount spent on the above-mentioned scenarios are charged to revenue as per Accounting Standards. The questions were raised-</li> </ul> <p>1. Whether ITC is available on expense made on:</p> <ul style="list-style-type: none"> <li>✓ Building materials such as cement, concrete, brick etc. meant for repair of building</li> <li>✓ Electrical fittings and sanitary fittings meant for repair of existing electrical and sanitary fittings</li> <li>✓ Repair of existing furniture and fixtures</li> <li>✓ New ready-to-use furniture such as Chairs etc.</li> </ul> <p><b>Answer-</b></p> <ul style="list-style-type: none"> <li>✓ ITC shall not be available to the extent of capitalization of building materials /Electrical / Sanitary</li> </ul>

			<p>fittings</p> <ul style="list-style-type: none"> <li>✓ ITC will be available on the supply of goods for repairing of Furniture / Purchase of New Furniture u/s 16 of CGST Act.</li> </ul> <p><i>Whether ITC is available on labour supplies received for carrying out above services?</i></p> <p><b>Answer-</b></p> <ul style="list-style-type: none"> <li>✓ ITC shall not be available to the extent of capitalization of service of labour supply in relation to building materials /Electrical / Sanitary fittings</li> <li>✓ ITC will be available for service of labour supply in relation to repairing of Furniture u/s 16 of CGST Act.</li> </ul> <p><i>Whether it makes any difference if aforementioned works are carried out in a composite manner?</i></p> <p><b>Answer-</b></p> <ul style="list-style-type: none"> <li>✓ ITC will not be available for works contract service to the extent of capitalization of supply of Goods &amp; Services</li> <li>✓ ITC will be available for GST paid on composite supply of Furniture &amp; Fixtures and Manpower Supply Service u/s 16 of CGST Act.</li> </ul>
Gitwako Farms India Pvt Ltd	Food Processing Industry (Rajastahn AAR)	RAJ/AAR/ 2019-20/04 Dated 18.04.2019	<ul style="list-style-type: none"> <li>• The company is supplying frozen chicken to the Indian Armed and paramilitary forces. The work order awarded to the company clearly provides for supply of a specified amount of weight of chicken dressed chilled / frozen over as specified period of time.</li> <li>• As process of its supply, the bird is slaughtered and its carcass is processed, sealed and delivered in its natural shape.</li> <li>• Each dressed chicken (broiler) carcass subsequent to chilling and before freezing shall be individually packed in to primary package Viz. suitable size oxygen-water impermeable, heat shrink, food grade colourless LDPE bags of minimum 200 gauge/50 micron.</li> <li>• The LDPE bags are then put in to a dust and moisture proof and heat resistant food grade secondary package (HDPE Bag)printing on the packet the product name, firm's name and brand, net weight ,batch number/lot number and instructions for consumptions and preservation of such chicken.</li> <li>• The package is specifically mentioned for Defence Personnel Only. Frozen chicken is then delivered in temperature controlled refrigerated vans with data logger installed for continuous monitoring of frozen chicken.</li> </ul> <p>The questions were raised-</p> <p><i>What is the classification when the Frozen Chicken is sold in packaged form and it's HSN code?</i></p> <p><b>Answer-</b>The Branded Frozen Chicken supplied in a unit container is classifiable under HSN Code 02071200.</p> <p><i>Whether frozen chicken as sold by the company is exempt under Entry No. 9 of Not. No. 02/2017-CT(R)?</i></p> <p><b>Answer-</b>The Frozen Chicken supplied by the applicant is not exempted under Entry No. 9 of Notification No. 02/2017-CT(Rate) dated 28.06.2017(as amended from time to time). It attracts GST @5% (CGST 2.5% + SGST 2.5%).</p>
Laxmi Agrotech Steel	Metal Industry (Rajastahn AAR)	RAJ/AAR/ 2019-20/03 Dated 16.04.2019	<ul style="list-style-type: none"> <li>• The applicant is engaged in the business of manufacturing/ trading of metal parts of sprinkler system used in agriculture irrigation. The parts comprise of Latch Clamp, C-Clamp, Foot Batten, Riser Pipe, Aluminium Rivet and Mini Sprinkler Rod which are exclusively meant for use</li> </ul>

			<p>in various types of Sprinkler/drip irrigation system.</p> <ul style="list-style-type: none"> <li>The Latch Clamp, C-Clamp and Foot Batten are made of Iron Sheets, Riser pipe is made of GI Pipe, Aluminium Rivets are made of aluminium wire and Mini Sprinkler Rod is made of Iron Rod and are designed and shaped that these can be used only in sprinkler/ drip irrigation equipment.</li> <li>The manufactured/Traded goods are sold to entities manufacturing sprinkler systems, Sprinkler Parts, Traders and consumers using sprinkler system as a part to be used in their sprinkler system.</li> </ul> <p>The question was raised-  <i>Whether parts of sprinkler system sold by us like Latch Clamp, C-Clamp, Foot Batten, Riser Pipe, Aluminium Rivet and Mini Sprinkler Rod etc. exclusively meant for use in Sprinklers and drip irrigation system but sold in isolation as parts and not as a complete system under the heading 8424 and the tax rate applicable on such components/parts when sold separately and not as a part of the sprinkler/drip irrigation?</i>  <b>Answer-</b>The metal parts manufactured and supplied by the applicant will not be covered under Entry No. 195B of Schedule II of Notification No.01/2017 dated 28.06.2017. The jurisdiction officer (Assistant Commissioner, Circle-I, SGST and Commercial Taxes, Jaipur) has submitted that items mentioned by the applicant fall under the heading 84249000 as components of Sprinkler/Drip irrigation, and should be taxable at the rate of 12%.</p>
Laxmi Rubber Industries	Manufacturing & Trading of Rubber Parts ( <b>Rajastahn AAR</b> )	RAJ/AAR/ 2019-20/02 Dated 16.04.2019	<ul style="list-style-type: none"> <li>The applicant is engaged in the business of manufacturing/Trading of rubber parts of sprinkler system &amp; drip irrigation system used in agriculture irrigation.</li> <li>The parts comprise of Rubber Ring/Gasket/Seal, Rubber Foot Batten Washer and Rubber Grommets which are exclusively made for use and to fit only in various types of Sprinkler/drip irrigation system and have no other use.</li> <li>These parts are designed and shaped that these can be used only in sprinkler/drip irrigation equipment.</li> <li>The manufactured/Traded goods are sold to entities manufacturing sprinkler systems, Sprinkler Parts, Traders and consumers using sprinkler system as a part to be used in their sprinkler/drip irrigation system.</li> </ul> <p>The question was raised-  <i>Considering Note No. 1, 2, 3 of Section XVI and Note No. 2 of Chapter 84, whether based on rules of interpretation of HS codes, the items made of vulcanized rubber like Rubber Ring/GASKET/Seal, Rubber Foot Batten Washer and Rubber Grommets falling under the heading 4016 are taxable as specific rubber items having a GST rate of 18% or as components of sprinkler/Drip irrigation system having a tax rate of 12% under heading 84249000. It is pertinent to note that these items are designed and shaped that these can be used only in sprinkler/drip irrigation equipment and have no other use.</i>  <b>Answer-</b>The rubber parts supplied by the applicant viz. Rubber Ring/Gasket/Seal, Rubber Foot Batten Washer and Rubber Grommets are classifiable under Chapter Heading 4016 and attract GST @18% (CGST 9% + SGST9%).</p>
Udyog Mandir	Manufacture of Khadi Garments ( <b>Rajastahn AAR</b> )	RAJ/AAR/ 2019-20/01 Dated 16.04.2019	<ul style="list-style-type: none"> <li>The applicant is a manufacturer of Khadi garments who buys Khadi fabrics from the market and get those fabrics stitched and makes own garments. The question was raised-  <i>Will Khadi readymade garments to be included under the</i></li> </ul>

			<p><i>entry of Khadi fabric under chapter 50 to 55 of GST classification?</i></p> <p><b>Answer</b>-Khadi readymade garments are not covered under the entry of 130A, chapter heading 50 to 55 of Notification No. 02/2017-Central Tax (Rate) dated 28.06.2017.</p> <p><i>If not, then what is the correct classification and rate of tax on Khadi readymade garments?</i></p> <p><b>Answer</b>-Khadi readymade garments will be classifiable under Chapter heading/tariff item 62, as per Notification No. 01/2017-Central Tax (Rate) dated 28.06.2017 will attract GST as follows:-</p> <p>If the sale value of a readymade khadi garments manufactured by the applicant is less than Rs. 1000/- will attract GST @ 5% (SGST 2.5% + CGST 2.5%);</p> <p>If the sale value of a readymade khadi garments manufactured by the applicant is more than Rs. 1000/- will attract GST @ 12% (SGST 6% + CGST 6%).</p>
Ramnath Bhimsen Charitable Trust	Charitable Trust <b>(Chhattisgarh AAR)</b>	STC/AAR/11/2018 Dated 02-03-2019	<ul style="list-style-type: none"> <li>The applicant is running girl's hostel as Charitable Trust and charging a lump-sum fee of Rs.6000/- per month per boarder</li> <li>Further, in case, any boarder want to reside in hostel for few days, then the border is supposed to pay Rs. 240/- per day</li> <li>The Word "Hostel" has not been defined either under the Central/State/Integrated/UT Goods and Services Tax Act. The question was raised-</li> </ul> <p><b>1.</b> Whether the activity of providing the hostel on rent to various boarders is exempted? If it is exempted in such case, under which exemption notification the same is exempted?</p> <p><b>2.</b> Whether the activity of providing the hostel on rent to various boarders is taxable? If it is taxable, in such case, under which service access code the same is taxable?</p> <p><b>Answer</b>- The activity of providing accommodation services by the applicant in their hostel for which the applicant is collecting an amount below the threshold limit of Rs. 1000/- per day and no other charges are being collected for providing other allied facilities / services therein viz, canteen food, parking space for vehicles, coaching, library, entertainment etc. merits exemption as stipulated under Notification No. L2/2017-State Tax (Rate) No. F-10-43120t7/CT/V(80), Naya Raipur, Dated 28.06.2017 under Serial No. t4, Chapter 9963. This amount received for such supply by the applicant falling under tariff heading 9963 qualifies being treated as nil rate tax exempted supply.</p>
Shri Nawodit Agarwal	Transport of Cement/Clinkers <b>(Chhattisgarh AAR)</b>	STC/AAR/10/2018 Dated 26-03-2019	<ul style="list-style-type: none"> <li>The Applicant, is engaged in transporting of Cement/Clinkers to Shree Raipur Cement</li> <li>Shree Raipur Cement proposed that while transporting their cement/clinker they will provide the required diesel for transportation of the some and that the applicant need to charge them freight excluding diesel cost and hence GST will also be levied on taxable amount i.e. the amount excluding the diesel cost. The question was raised-</li> </ul> <p><i>Whether such supply of diesel by the recipient is to be added to the freight amount charged by the applicant or not.</i></p> <p><b>Answer</b>-The applicant are required to charge GST upon M/s Shree Raipur Cement, on the total amount including the cost of diesel i.e. on the total freight amount inclusive of the cost of diesel provided M/s Shree Raipur Cement.</p>
NMDC Limited	Mineral Producer <b>(Chhattisgarh AAR)</b>	STC/AAR/09/2018 Dated 22.02.2019	<ul style="list-style-type: none"> <li>The Applicant NMDC Limited is a state-controlled mineral producer of the Government of India. It is owned by the Government of India and is under administrative control of the Ministry of steel. It is India's largest iron ore producer and exporter producing million tons of iron ore from fully</li> </ul>



			<p>mechanized mines in Chhattisgarh.</p> <ul style="list-style-type: none"> <li>NMDC Bachel is required to pay royalty @15%. Further Section 9B and 9C of Mines and Minerals (Development &amp; Regulation) Act, 1957 mandates that NMDC shall contribute 30% of royalty to District Mineral Foundation and 2% of Royalty to National Mineral Exploration Trust. The questions were raised-</li> </ul> <p><b>1. The Applicant seeks clarification as to whether royalty paid in respect of Mining Lease can be classified under "Licensing services for the right to use minerals including its exploration and evaluation" falling under the heading 9973 attracting GST at the same rate of tax as applicable on supply of like goods.</b></p> <p><b>Answer-</b>The royalty paid by M/s NMDC in respect of mining lease is classifiable under sub heading 997337 ; 'Licensing services for the right to use minerals including its exploration and evaluation' (covered under entry no. 17 of Notification No. 1112017(Rate), dated 28.06.2017, attracting GST at the same rate as applicable for the supply of like goods involving transfer of title in goods, under reverse charge basis.</p> <p><b>2. In this regard, the Applicant seeks clarification whether such statutory contributions made amounts to "supply" and whether the same is liable for GST under reverse charge.</b></p> <p><b>Answer-</b> The contributions made to District Mineral Foundation (DMF) and National Mineral Exploration Trust (NMET), by M/s NMDC as per MMDR Act, 1957 are liable to GST, under reverse charge basis</p>
Alcon Resort Holdings Pvt. Ltd.	Health Care Service (Goa AAR)	GOA/GAAR/6/2018-19 Dated 22.01.19	<ul style="list-style-type: none"> <li>The applicant provides health care treatment service to Indian as well as International Patients through Ayurveda, Naturopathy &amp; Yoga. The questions were raised-</li> </ul> <p><i>Whether the service provided by the applicant including all incidental services amounts to a composite service under the classification of health care service exempt under Entry No. 74 of Notification 12/2017-Central Tax</i></p> <p><b>Answer-</b> The applicant qualifies to be a clinical establishment and the services offered provided by the applicant qualify to be Health Care Services. The Intra state supplies of the said services attract NIL rate of Tax as per 74 of Notification 12/2017-Central Tax dated 28th June 2017.</p>
Inox India Product Ltd	Manufacture of transport tank (Gujarat AAR)	GUJ/GAAR/R/2019/4 Dated 28.02.19	<ul style="list-style-type: none"> <li>The applicant M/s. Inox India Pvt. Ltd. is engaged in manufacture of 'transport tank', which are used to transport gas, liquefied gas as well as liquids. The question was raised-</li> </ul> <p><i>Whether supply of transport tank by mounting the same on chassis amount to supply of „tank" classifiable under Heading 7311 or supply of „motor vehicle" classifiable under Heading 8704 in the GST regime?</i></p> <p><b>Answer-</b> The product 'Transport Tank mounted on chassis of customer' being supplied by M/s. Inox India Pvt. Ltd. (GSTIN 24AAACI4416P1ZH) is classifiable under Heading 7311.</p>
Sonal Product	Manufacture of Papad and papad pipes (Gujarat AAR)	GUJ/GAAR/R/2019/3 Dated 22.02.19	<ul style="list-style-type: none"> <li>The applicant M/s. Sonal Product is engaged in manufacture of papad and papad pipes (commonly known as un-fried Fryums) of different shapes, sizes and varieties. The question was raised-</li> </ul> <p><b>1. What is the correct classification of "Papad and papad pipes" of different shapes, sizes and varieties (commonly known as un-fried Fryums) manufactured by the applicant and sold vide Supply Invoice No. 1718/38SP dated 24.09.2017?</b></p> <p><b>Answer-</b> The product „Un-fried Fryums" manufactured and supplied by M/s. Sonal Product is classifiable under Tariff Item 2106 90 99 of the First Schedule to the Customs Tariff</p>

			<p>Act, 1975.</p> <p>2. <i>What is the applicable rate of CGST payable on such "Papad and papad pipes of different shapes, sizes and varieties (commonly known as un-fried Fryums)?"</i></p> <p><b>Answer-</b> Goods and Service Tax rate of 18% (CGST 9% + GGST 9% or IGST 18%) is applicable to the product „Un-fried Fryums“ as per Sl. No. 23 of Schedule III of Notification No. 1/2017-Central Tax (Rate) dated 28.06.2017, as amended, issued under the CGST Act, 2017 and Notification No. 1/2017-State Tax (Rate) dated 30.06.2017, as amended, issued under the GGST Act, 2017 or IGST Act, 2017</p>
National Dairy Development board	Promoting dairy and other agriculture based industries & Financial Service Provider <b>(Gujarat AAR)</b>	GUJ/GAAR/R/2019/1 Dated 20.02.19	<ul style="list-style-type: none"> <li>The objectives of applicant(NDDDB) set up under National Dairy Development Board Act, 1987 is to promote dairy and other agriculture based industries; and the activities undertaken by NDDDB, to fulfill its objectives, not only include technical or administration assistance but also financial assistance.</li> <li>The applicant submitted that the NDDDB Act has specifically authorized NDDDB to undertake the activity of financing, including lending and borrowing money, for diverse purposes. The applicant pointed out following relevant sections of the NDDDB Act. The question was raised <ol style="list-style-type: none"> <li>1. <i>Whether NDDDB can be considered as financial institution for the purpose of availing credit to the extent of 50% of input tax credit, as prescribed in Section 17 of CGST Act, 2017?</i></li> </ol> </li> </ul> <p><b>Answer-</b> M/s National Dairy Development Board (GSTIN 24AADCN2029C1Z5) is to be considered as „Financial Institution“ for the purpose of section 17(4)of the Central Goods and Services Tax Act, 2017 and the Gujarat Goods and Services Tax Act, 2017.</p>
National Dairy Development board	Promoting dairy and other agriculture based industries & Financial Service Provider <b>(Gujarat AAR)</b>	GUJ/GAAR/R/2019/2 Dated 22.02.19	<ul style="list-style-type: none"> <li>The applicant, National Dairy Development Board created a trust as educational institution named by <b>“Anandalaya Educational Society”</b></li> <li>NDDDB allowed that educational institution to occupy and use the building and premise owned by NDDDB within its campus through a lease deed at very nominal amount for enabling the institute to grow and prosper which eventually would encourage the activity of education. The questions were raised- <ol style="list-style-type: none"> <li>1. <i>Whether NDDDB would be qualified as „Governmental Authority“ from GST perspective?</i></li> </ol> </li> </ul> <p><b>Answer-</b>National Dairy Development Board would be qualified as „government authority“ from Goods and Services Tax perspective, if it fulfils the condition namely „with 90% or more participation by way of equity or control to carry out any function entrusted to a municipality under article 243W of the Constitution“</p> <ol style="list-style-type: none"> <li>2. <i>Whether renting of immovable property service provided by NDDDB to an educational institute would be exempted under Sl. No. 4 of Notification No. 12/2017-Central Tax (Rate)?</i></li> </ol> <p><b>Answer-</b> Renting of immovable property service provided by National Dairy Development Board to an educational institute would be exempted under Sr. No. 4 of Notification No. 12/2017-Central Tax (Rate) and corresponding State Tax Notification, if it qualifies as „governmental authority“.</p>
Bhutoria Refrigeration Private Limited	Manufacture & Trading of Buses <b>(Karnataka AAR)</b>	KAR ADRG 12 / 2019 Dated 25.06.19	<ul style="list-style-type: none"> <li>The Applicant is engaged in the business of building and mounting of body on the chassis of different models of buses.</li> <li>The Applicant, for building and mounting of the body, procures various inputs on payment of appropriate GST and claims ITC on the same.</li> <li>They undertake the body building activity and</li> </ul>



			<p>fabrication works using aforesaid inputs and their own machines, manpower and other facilities.</p> <ul style="list-style-type: none"> <li>Sometimes, the applicant receives the chassis of the buses from Retail customers (Sender) on free of cost basis, under the delivery challan and ownership of the chassis always remains with sender .After that the applicant performs various activities and returned the fully built vehicle to the sender under Tax Invoice. The question was raised-</li> </ul> <p>1. Whether the activity of building and mounting of the body on the chassis by the Applicant will result in supply of goods under HSN 8707 or supply of services under HSN 9988?</p> <p><b>Answer-</b>The supply of ready built body and the activity of mere mounting the body on chassis supplied by the owner amounts to supply of goods and it will be classified under HSN Code 8707, GST Rate will be 28%</p> <p>The activity of step by step building of the body on the chassis supplied by the owner using their own inputs &amp; capital goods amounting to supply of service, in terms of Circular dated 09.08.2018 and will be classified under SAC 9988 , GST Rate will be 18%</p>
Sri.Kanyakapara meshwari Oil Mills	Manufacturing and trading of edible oils and non-edible oils (Karnataka AAR)	KAR ADRG 11 / 2019 Dated 25.06.19	<ul style="list-style-type: none"> <li>The applicant is engaged into the business of manufacturing and trading of edible oils and non-edible oils.</li> <li>The applicant wants to sell "<u>Perfume Deepam Oil</u>" (Not for Cooking) , "<u>Deepam Oil</u>" (Not for Cooking) , <u>A Mixture of Gingely Oil, Palmoline Oil, Rice Bran Oil</u>. The question were raised-</li> </ul> <p>1. What is rate of tax for "Perfumed Deepam Oil" which is prepared by mixing Gingely Oil, Palmoline Oil, Rice Bran Oil or any one oil with perfurme or chemical and used for lighting lamp for God (not for cooking) with HSN Code.</p> <p><b>Answer-</b> will be covered under 1518 &amp; is taxable @6% under CGST Act, 6% KGST Act and 12% under IGST Act</p> <p>2. What is rate of tax for "Non-perfumed Deepam Oil" which is prepared by mixing Gingely Oil, Palmoline Oil, Rice Bran Oil or any one oil without perfurme or chemical and used for lighting lamp for God (not for cooking) with HSN Code.</p> <p><b>Answer-</b> will be covered under 1518 &amp; is taxable @6% under CGST Act, 6% KGST Act and 12% under IGST Act</p> <p>3. What is rate of tax for a mixture of Gingely Oil, Palmoline Oil, Rice Bran Oil or any one oil.</p> <p><b>Answer-</b> Each of the oils , namely Palmoline oil will be covered under chapter heading 1511, Gingely Oil &amp; Rice Bran Oil will fall under chapter heading 1515 , &amp; the mixture of the said edible oils will fall under chapter heading 1517 &amp; is taxable @2.5% under CGST Act,2.5% KGST Act and 5% under IGST Act</p>
Xiaomi Technology India Private Limited	Trading of Electrical & Electrical Goods (Karnataka AAR)	KAR ADRG 01 / 2019 Dated -22.01.2019	<ul style="list-style-type: none"> <li>The applicant is engaged in trading of Electrical &amp; Electrical Goods. The question was raised-</li> </ul> <p>1. Whether the "Power Bank", traded by the Applicant, is classifiable under Heading 8504 40 90 as 'Static Converter - Others'?</p> <p><b>Answer-</b> It will be classified under Heading 8507 as Accumulator &amp; not as Static Converter</p>
Sanghi Brothers (Indore) Pvt. Ltd.	Trading of Motor Vehicles (M.P AAR)	NO. 06/19-20 Dated 03.05.19	<ul style="list-style-type: none"> <li>The applicant is engaged in the business of trading of Motor Vehicles and charges 28% GST at the time of trading</li> <li>The applicant has entered into a contract with M/S Arpijay Fabricators Pvt. Ltd. who will works as Job worker on behalf of applicant. The question was raised-</li> </ul> <p>1. Whether the building of body after utilizing and consuming owned materials and providing labour &amp; further amounting the same on chassis of the principal would amount to supply of Services?</p>

			<p>2. Whether it would amount to a composite supply consisting a small part of supply of goods and major part of supply of services. Supply of services being principal supply therefore on the basis of provision of section 8(a) of the CGST Act the same should be classified as supply of service under HSN 9988</p> <p><b>Answer-</b> It will be classified under SAC Code 998881 &amp; will be taxable @18%</p>
E-DP Marketing Pvt. Ltd.	Trading of Edible Oils <b>(M.P AAR)</b>	NO. 05/19-20 Dated 02.05.19	<ul style="list-style-type: none"> <li>The applicant is engaged in the business of trading of Edible Oils</li> <li>The applicant intends to import crude soya oil on CIF basis including ocean freight in the price of imported goods</li> <li>The applicants are required authorized seller located in Non-taxable territory to transport goods from supplier to Indian Customs Territory</li> <li>The ocean freight will be paid by seller located outside India. The question was raised-</li> </ul> <p>1. Whether the applicant is again required to pay IGST on the component of ocean freight under RCM provision on deemed amount which will amount to double taxation of IGST on the deemed component of ocean freight of the imported goods because as per Corrigendum to Notification No. 8/2017 IGST (Rate) dt. 30.06.2017, the importer of goods is required to pay IGST under RCM provision on the deemed ocean freight equal to 10% of the value of imported goods.</p> <p><b>Answer-</b> The applicant is liable to pay IGST on ocean freight paid on imported goods under RCM provision irrespective of ocean freight component having been a part of the CIF value of imported goods</p>
Network For Information & Computer Technology	Commercial Training & Coaching and Business Auxiliary Services <b>(M.P AAR)</b>	NO. 04/19-20 Dated 10.04.19	<ul style="list-style-type: none"> <li>The applicant is engaged in the business of Commercial Training &amp; Coaching and Business Auxiliary Services. The question was raised -</li> </ul> <p>Sr. No. 72 of Not. No. 12/2017 Central Tax(Rate), dated 28-06-17 issued by the Central Government under CGST Act, 2017 and exemption provided under Sr. No. 72 of Not. No. FA-3-42/2017-1-V(53) dated 30-06-2017 issued by the Madhya Pradesh Government under M.P. Goods &amp; Services Act, 2017 is applicable for the applicant?</p> <p><b>Answer-</b> The applicant shall not be entitled to avail benefit of exemption under Sl No. 72 of Notification No. 12/2017 – Central Tax (Rate) dt. 28.06.2017 and Sl. No. 72 of Notification No. FA 3-42/2017/1/V(53) dt. 30.06.2017 in respect of services of training provided to U,P Skill Development Corporation.</p>
Narsingh Transport	GTA Services <b>(M.P AAR)</b>	NO. 02/19-20 Dated 18.02.19	<ul style="list-style-type: none"> <li>The applicant is engaged in GTA services and opted to pay GST @12% and availing ITC on vehicles and their spare parts used for providing GTA service , inward service i.e insurance of Vehicles, repair &amp; maintenance of Vehicles.</li> <li>The applicant has purchased cars with GST and has provided them to various companies on monthly lease agreement. The question was raised –</li> </ul> <p>1. Whether the GST paid on these cars provided to their different customers on lease rent will be available to it as INPUT TAX CREDIT(ITC) in terms of Section 17(5) of Central Goods and Service Tax Act, 2017</p> <p><b>Answer-</b> The applicant is entitled to avail ITC on cars which are supplied to customers on lease agreement subject to condition applicable in Notification No. 11/2017-Central Tax (rate) dt. 28.06.2017</p> <p>The provision of Rule 42 shall also be applicable if required so</p> <p>At the time of termination of lease agreement , if the vehicle is not being further leased to customer , the applicant shall be liable to reverse ITC already availed</p> <p>Such vehicles should be registered for commercial use.</p>

J C Genetic India Private Limited	Healthcare Company (M.P AAR)	NO. 01/19-20 Dated 21.01.2019	<ul style="list-style-type: none"> <li>The applicant is a healthcare company</li> <li>The applicant has collaboration with diagnostic companies, accredited by NABL , and DSIR certified to provide advance genetic tests that help in prevention and management of Cancer &amp; various health &amp; metabolic disorders. . The question was raised –</li> </ul> <p>1. Whether exemption provided under Sr No. 74 of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 is applicable to the applicant?</p> <p>2. Whether applicant qualifies to be a “Clinical Establishment” under clause 2(s) of the said notification?</p> <p><b>Answer-</b> The applicant has failed to prove their legal status as Clinical Establishment and they are merely working as sub-contractors to other accredited companies , and accordingly the applicant are not entitled to avail exemption 12/2017-Central Tax (Rate) &amp; corresponding notification issued under MPGST Act.</p>
Indian Institute of Science Education and Research	Providing Science Education & Research Training (Orissa AAR)	07/Odisha/AAR/18-19 Dated 13.02.2019	<ul style="list-style-type: none"> <li>The applicant is engaged in imparting Science Education Research training to students and has commenced BS-MS (for 5 years) leading to Post-Graduate Degree. It is also conducting PHD program in stream of Sciences from August, 2016 and such education and research provided by it are exempted from levy of GST.</li> <li>It has also developed advanced teaching and research laboratories &amp; for this purpose the Institute has installed/procured with imported equipment's from abroad or from OEM's suppliers of such imported equipment's in India. The question was raised-</li> </ul> <p>1. Applicability of notification issued under the provisions of GST Act, and Determination of the liability to pay tax on any goods or services or both.</p> <p><b>Answer-</b> Notification No-S1/1996-customs, dated 23.07.1996 read with Notification No. 4312017-customs dated 30.06.2017 and Minutes of the 14th GST council is applicable to the Applicant for import of specified Equipments as listed under column (3) of the aforesaid notifications and notifications are not applicable to the OEM suppliers of imported equipment.</p> <p>The scope of issuing a ruling u/s gg of the oGST/CGST Act is limited to the extent prescribed in sub-section (2) of section 97 of the OGST/CGST Act. A ruling on whether the decision of the GST council granting the exemption is binding on the Department in the absence of non-issuance of corresponding Notification by the central/state Government is not within the competence and mandate of the Authority of Advance Ruling constituted u/s 96 of the OGST Act.</p> <p>Concessional rate of GST/IGST at s% vide Notification No-45_CGST (Rate) dt. 14.11.2017 and Notification No-47-IGST (Rate), Dt. 14.11.2017 is applicable goods mentioned at para 6.3.0 as above whether imported or indigenous.</p>
Prabhat Gudakhu Factory	Manufacture & Sale of Tobacco Product (Orissa AAR)	06/Odisha/AAR/18-19 Dated 05.02.2019	<ul style="list-style-type: none"> <li>The applicant is engaged in the business of manufacture &amp; sale of “Gudakhu”, a tobacco product in a paste form which is generally used as a Tooth Paste. The question was raised-</li> </ul> <p>1. Appropriate classification of Gudakhu under GST Tariff Heading</p> <p><b>Answer-</b>24039990</p> <p>2. Determination of liability to pay NCCD(National Calamity Contingency Duty)</p> <p><b>Answer-</b> NCCD is levied under Central Excise Act &amp; not under CGST/OGST/IGST Act. So it is not within scope of OGST/CGST Act.</p>

Innovative Textile ltd	Textile Company (Uttarakhand AAR)	No.20 dated 26.03.2019	<ul style="list-style-type: none"> <li>The applicant is carrying on business of textile yarns, fabrics , garments</li> <li>The applicant sold his running business on slump sale basis with all asset &amp; liabilities. The question was raised-</li> </ul> <p>1. Whether business transfer agreement as a going concern on slump sale basis is exempted from the levy of GST in terms of sl. no. 2 of the notification no.12/2017 central tax (Rate) dated 28-06-2017?</p> <p><b>Answer-</b> Transfer of Business would be treated as Going Concern which is exempted from GST as per on date notification no.12/2017 central tax(Rate) dated 28-06-2017</p>
Opto Electronic Factory	Unit of Ordnance Factory (Uttarakhand AAR)	No.19 dated 07.02.2019	<ul style="list-style-type: none"> <li>The applicant is exclusively engaged in manufacturing and repair of Sight Vision Equipment for Armed Forces for being used in Tanks</li> <li>The applicant classified their goods under HSN Code 8710 &amp; discharged GST @28%</li> <li>Later , GST Rate was reduced to 12% under HSN Code 8710. . The question was raised-</li> </ul> <p>1. Classification and Rate of Applicable GST on various equipment manufactured for being used exclusively in various Tanks.</p> <p><b>Answer-</b> The classification of subjected goods should be under HSN Code 9013 &amp; GST rate will be 18%.</p>
Elefo Biotech Pvt. Ltd.	Sanitary Products (Uttarakhand AAR)	Ruling No.18 dated 07.02.2019	<ul style="list-style-type: none"> <li>The applicant supplies <i>Anaerobic Microbial Inoculums</i> for using in Bio Toilet Technology. The question was raised-</li> </ul> <p>1. Recommendation on the HSN code and applicable tax rate to be used under GST for the AMI (said product)</p> <ul style="list-style-type: none"> <li>3002-HS Code of Antisera and other blood fractions and modified immunological products, whether or not obtained by means of biotechnological process.</li> <li>0511-Animal products not elsewhere specified or included; dead animals of chapter 1 or 3, unfit for human consumption, other than semen including frozen semen.</li> <li>3101-All goods i.e. animal or vegetable fertilisers put up in unit containers and bearing a brand name.</li> </ul> <p><b>Answer-</b> The said product will be classified under sub heading 31010099 and accordingly the GST will be levied 5% on supply of these products</p>
Goodwear fashion Pvt Ltd. SIDCUL Pantnagar.	Garments Business (Uttarakhand AAR)	Ruling No.16 dated 30.01.2019	<ul style="list-style-type: none"> <li>The applicant is engaged in Garments Business. The question was raised-</li> </ul> <p>1. Whether interlining fabrics is Classified under HSN code 5903 or should be Classified as further bland of yarn (In chapter 52-55)?</p> <p><b>Answer-</b> Interlining fabrics i.e polyester viscose fusing interlining Woven fabric , partially covered with plastic which leads to plastic coated pattern that is visible on it's one side does not fall under HSN Code 5903. However it being partially coated or partially covered with plastics &amp; bearings will fall under chapters 50 to 55, 58 or 60 as per the chapter note 2(a)(4) of the chapter 59 of the GST Tariff.</p>
Premier Solar Systems Pvt Ltd. Dehradun.	Power-plant (Uttarakhand AAR)	Ruling No.15 dated 24.01.2019	<ul style="list-style-type: none"> <li>The applicant has supplied solar rooftop power plant with design , erection , commissioning , installation</li> <li>The applicant has also supplied solar irrigation water pumping system with design , erection , commissioning , installation. The question was raised-</li> </ul> <p>1. "Whether the supply of Solar rooftop power plant along with design Erection, Commissioning and Installation is a 'Composite supply' and the applicability of GST rate"?</p> <p>2. "Whether the supply of solar irrigation water pumping</p>

			<p><i>system along with design erection, commissioning and installation is a 'composite supply' and the applicability of GST rate"?</i></p> <p><b>Answer</b>-Supply in question would covered under "Solar Power Generating System" as a whole in terms of serial no. 234 of schedule-I of the Notification No.01/2017-Central Tax(Rate) dated 28.06.2017</p> <p>Supply in question would be treated as "Composite Supply" 70% of the gross value of supply in question shall be the value of supply of said goods falling under chapter 84,85 or 94 of the tariff only would attract 5% GST rate and the remaining portion (30%) of the aggregate value shall be the value of supply of taxable service attracting 18% GST rate in terms of Notification No. 27/2018-Central Tax (Rate) dated 31.12.2018. Other goods used in these plants attract applicable GST rate.</p>
Mahalaxmi Poly Pack Pvt Ltd. Pantnagar Uttarakhand	Manufacturing of Bags (Uttarakhand AAR)	Ruling No.14 dated 07.01.2019	<ul style="list-style-type: none"> <li>The applicant manufactures and supplies Bags. The question was raised- <ol style="list-style-type: none"> <li>1. Identification of correct classification of poly Propylene Leno Bags among heading no. 63053300 and 39232990?</li> <li>2. Identification of rate of Duty applicable as per respective HSN of Poly Propylene Leno Bags?</li> </ol> </li> </ul> <p><b>Answer</b>- Poly Propylene Leno Bags will be classified under HSN Code 3923 of the GST Tariff Act &amp; therefore supply of said product will be chargeable to GST @ 18%.</p>
Time Tech Waste Solutions Pvt Ltd	Waste Management Service (W.B AAR)	14/WBAAR/2019-20 Dated 27.06.2019	<ul style="list-style-type: none"> <li>The applicant is providing conservancy/solid waste management service to the Bally Municipal Corporation.</li> <li>Any "pure service" (excluding works contract service or other composite supplies involving supply of any goods) provided to the Central Government, State Government or Union territory or local authority or a Governmental authority or a Government Entity by way of any activity in relation to any function entrusted to a Panchayat under Article 243G of the Constitution or in relation to any function entrusted to a Municipality under Article 243W of the Constitution is exempted under GST. The question was raised- <ol style="list-style-type: none"> <li>1. Whether notifications relating to TDS apply to supply of waste management service to a municipality and whether the applicant needs to be registered even if he makes exempted supplies only.</li> </ol> </li> </ul> <p><b>Answer</b>- The Applicant's supply to the Bally Municipal Corporation is exempt from the payment of GST as per Notification No. 12/2017 - Central Tax (Rate) dated 28.06.2017. As the Applicant is making an exempt supply, the provisions of section 51 and, for that matter, Notification No.50/2018 - Central Tax dated 13.09.2018 and State Government Order No. 6284 - F(Y) dated 2B/09/2018, to the extent they mandate and deal with the mechanism of TDS, do not apply to his supply.</p> <p>If the Applicant's turnover consists entirely of exempt supplies, he is not liable to registration in terms of section 23(1)(a) of the GST Act.</p>
Borbheta Estate Pvt Ltd	Renting dwelling units (W.B AAR)	13/WBAAR/2019-20 Dated 27.06.2019	<ul style="list-style-type: none"> <li>The applicant is inter alia renting dwelling units</li> <li>The Applicant has executed agreements for leasing/renting of four dwelling units it owns at different locations in Kolkata.</li> <li>According to the agreements, all of these units are to be used for residential purpose. The question was raised- <ol style="list-style-type: none"> <li>1. Whether applicant is liable to pay GST on leasing of a dwelling unit to a company for residential purpose.</li> </ol> </li> </ul> <p><b>Answer</b>- The Applicant's service of renting/leasing out the</p>

			dwelling units for residential purpose, is exempt under SI No. 12 of Notification No. 12/2017-CT (Rate) dated 28/06/2017(corresponding State Notification No. 1136 - FT dated 28/06/2017), The Applicant is, therefore, not liable to pay tax on supply of such service
Dredging & Desiltation Company Pvt Ltd	Drainage Service <b>(W.B AAR)</b>	12/WBAAR/2019-20 Dated 27.06.2019	<ul style="list-style-type: none"> <li>The applicant enters into a contract with Orissa Construction Corporation Limited for sectioning of Makara River &amp; and Garanimumha branch of Makara River in Orissa.</li> <li>The Applicant is executing a works contract, more than 75% of which is earthwork.</li> <li>The recipient is a government entity and the work being executed is part of an irrigation project under the Department of Water Resources, Government of Odisha. The question was raised-</li> </ul> <p>1. What will be the taxability of the service of upgrading navigability of a river-bed when supplied to Orissa Construction Ltd.</p> <p><b>Answer-</b> The recipient, namely Orissa Construction Corporation Ltd, is a government entity in terms of clause 2 (zfa) of Notification No 912017 - Integrated Tax (Rate) dated 2810612017.</p> <p>The Applicant's supply to Orissa Construction Corporation Ltd was taxable @18% under SI No. 3(vii) of Notification No. 8/2017 - Integrated Tax (Rate) dated 28/06/2017 till 12/10/2017.</p> <p>The supply was taxable @ 5% under SI 3(vii) of Notification No. 8/2017 - Integrated Tax (Rate) dated 28/06/2017, as amended by Notification No. 39/2017 - Integrated Tax (Rate) dated 13/10/2017 with effect from 13/10/2017 till 24/01/2018.</p> <p>It has since been exempted under SI No. 3A of Notification No 9/2017 - Integrated Tax (Rate) dated 28/06/2017, as amended by Notification No.2/2018-Integrated Tax (Rate) dated 25/01/2018</p>
Champa Nandi	Leasing Business <b>(W.B AAR)</b>	10/WBAAR/2019-20 Dated 25.06.2019	<ul style="list-style-type: none"> <li>The applicant stated to be leasing out cranes and equipment and locomotives, provides diesel-hydraulic locomotives to several companies for placement/shunting of rakes/wagons/oil tankers from the siding or terminal of the Indian Railways to the factory premises of the company and vice versa. The question was raised-</li> </ul> <p>1. <i>Classification of supply of leasing out cranes, equipments, and locomotives to different companies and applicable rate of tax under Notification No 11/2017 CT (Rate) dated 28/06/2017.</i></p> <p><b>Answer-</b> The Applicant's service to the DVC, is classifiable as railway pushing and towing service'(SAC 996731) and taxable @ 18% under SI No 11(ii) of Notification No. 11-t2017 - Central Tax (Rate) dated 2810612017 (corresponding State Notification No. 1135 - FT dated 28/06/2017), as amended from time to time.</p>
Ashis Ghosh	Installation & earthwork of tank, low etc. <b>(W.B AAR)</b>	9/WBAAR/2019-20 Dated 25.06.2019	<ul style="list-style-type: none"> <li>The applicant has procured two contracts from M/s Mackintosh Burn Ltd for filling in the compound, tank, low land etc. with silver sand and earthwork in layers, including spreading and compacting the same at the district Correction Home, Baruipur.</li> <li>The supplier is providing works contract service to a government entity. More than 75% of the value of the supply constitutes earthwork. The question was raised-</li> </ul> <p>1. <i>Whether filling of land with silver sand and earthwork for preparing the ground for construction is classifiable as supply of sand.</i></p> <p><b>Answer-</b> The Applicant's supply to M/s Mackintosh Burn Ltd, is works</p>



			contract service, classifiable as site preparation service (SAC Group 99543) and taxable @ 18% under Sl No. 3(xii) of Notification No. 11/2017 - Central Tax (Rate) dated 28/06/2017 (corresponding State Notification No. 1 1 35-FT dated 28/06/2017), as amended from time to time. Being a service, the Applicant's supply is not classifiable under HSN 2505.
Mohana Ghosh	Rental CAB Service <b>(W.B AAR)</b>	8/WBAAR/2019-20 Dated 25.06.2019	<ul style="list-style-type: none"> <li>The Applicant, stated to be supplying cabs on a rental basis.</li> <li>The applicant submits that she supplies rent-a-cab service. She refers to section 17(5)(a)(B) of the GST Act that allows credit of input tax paid on the purchase of motor vehicles when used for supplying passenger transportation service.</li> <li>The Applicant submits that people take the car on rent for the transportation of passengers.</li> <li>Rent-a -Cab is, therefore, essentially associated with the transportation of passengers.</li> <li>GST paid on the purchase of motor vehicles for supplying rent-a-cab service should, therefore, be admissible in terms of section 17(5)(a)(B) of the GST Act.</li> <li>She submits photocopies of a few invoices, showing that the invoices are made on the distance travelled. The question was raised-</li> </ul> <p>1. <i>Whether input tax credit is admissible on purchase of motor vehicles for supply of rent-a-cab service</i></p> <p><b>Answer-</b> GST paid on the [inward supply] of motor vehicles for supplying rent-a-cab service is not admissible for credit in terms of section t17(5)(a)l of the GST Act.</p>
Neo-Built Corporation	Re-excavation of river <b>(W.B AAR)</b>	5/WBAAR/2019-20 Dated 10.06.2019	<ul style="list-style-type: none"> <li>The applicant enters into a contract with The Irrigation and waterways Directorate, Govt. of W.B. for the resuscitation by re-excavation of river palaspai from Banskhal to Mahisghata along with raising-and strengthening of embankment on both sides of the river in Block Daspur. The question was raised-</li> </ul> <p>1. <i>Whether exemption under Sl No. 3A of Notification No. 9/2017-CT(Rate) dated 28/06/2017 applies to the activity of upgrading the navigability of a river, the contractee being the Irrigation and Waterways Directorate.</i></p> <p><b>Answer-</b> The Applicant's supply to the Irrigation and Waterways Directorate, Govt. of West Bengal, as mentioned in para 1.1, is exempt from the payment of GST under Sl No.34 of Notification No 9/2017 - Integrated Tax (Rate) dated 28/06/2017 , as amended from time to time.</p>
Senco Gold Ltd	Jewellery Business <b>(W.B AAR)</b>	2/WBAAR/2019-20 Dated 08.05.2019	<ul style="list-style-type: none"> <li>The applicant is engaged in the manufacturing and retailing of jewellery and articles made of gold, silver, platinum, diamonds and other precious stones under the brand name "Senco Gold &amp; Diamonds"</li> <li>Apart from his own retail stores, the Applicant also maintains a network of franchisee-operated stores. He grants such a franchisee the right and license to operate a showroom and to use, in connection therewith, certain Proprietary Marks and System in accordance with a Franchise Agreement</li> <li>The Applicant raises tax invoices on the Franchisee for the supply of jewellery and other articles and also for Franchise Support Services in terms of the Agreement periodically. On its part, the Franchisee also raises tax invoices on the Applicant for the supply of old gold, silver etc., received from the customers. The question was raised-</li> </ul> <p>1. <i>Whether input tax credit is admissible when the applicant</i></p>

			<p><i>settles through book adjustment the debt created on inward supplies</i></p> <p><b>Answer-</b> The Applicant can pay the consideration for inward supplies by way of setting off book debt. The GST Act and rules made there under does not restrict the recipient from claiming the input tax credit when consideration is paid through book adjustment, subject to the conditions and restrictions as may be prescribed and in the manner specified in Sections 16 and 49 of the GST Act.</p>
Bengal Peerless Housing Development Co Ltd	Real Estate Developer <b>(W.B AAR)</b>	1/WBAAR/2019-20 Dated 02.05.2019	<ul style="list-style-type: none"> <li>The Applicant is a joint venture of The West Bengal Housing Board and The Peerless General Finance and Investment Company Limited for developing real estate projects in West Bengal.</li> <li>It is developing a residential housing project named 'Avidipta II' and supplying construction service to the recipients for possession of dwelling units in the year 2023.</li> <li>In addition to the construction service, the Applicant provides services like preferential location service, which includes services of floor rise and directional advantage. The question was raised-</li> </ul> <p>1. <i>Whether supply of construction service bundled with preferential location service is a composite supply with construction service as the principal supply</i></p> <p><b>Answer-</b> The Applicant is providing service of construction of a dwelling unit in a residential complex, bundled with services relating to the preferential location of the unit and right to use car parking space and common areas and facilities.</p> <p>It is a composite supply, construction service being the principal supply. Entire value of the composite supply is, therefore, to be treated, for the purpose of taxation, as supply of construction service, taxable under Sl No. 3(i) read with Paragraph 2 of Notification No 11/2017 - CT (Rate) dated 28/06/2017 (corresponding State Notification No. 1135-FT dated 28/06/2017), as amended from time to time.</p>
Ratan Projects & Engg Co Pvt Ltd	Manufacturer of Electrical Ancillary Parts <b>(W.B AAR)</b>	49/WBAAR/2018-19 Dated 28.03.2019	<ul style="list-style-type: none"> <li>The applicant is manufacturer of cable tray, angel ladder tray etc, which are mainly used for electrical works.</li> <li>The Applicant sends steel structures for galvanising to a job worker along with furnace oil, zinc, nickel that are to be consumed in the galvanising process. The question was raised-</li> </ul> <p>1. <i>Whether the inputs sent to the job-worker and consumed in the process of galvanisation should be treated as supply in terms of section 143(3).</i></p> <p><b>Answer-</b> Return of the galvanised goods to the Applicant satisfies the condition of receiving back the inputs in accordance with section 143(1)(a) of the GST Act. As the goods like furnace oil, zinc etc - consumed in the process of galvanising - are inseparable from the galvanised goods, they should not be treated as supply in terms of section 143(3) of the GST Act, provided they have been entirely used up in the process of galvanising.</p>
The Bengal Rowing Club	Non Profit Making Company <b>(W.B AAR)</b>	48/WBAAR/2018-19 Dated 28.03.2019	<ul style="list-style-type: none"> <li>The Applicant is stated to be a company limited by guarantee and registered with ROC as a nonprofit making company. It is engaged in providing its members privileges and amenities of a club such as swimming facility, gymnasium, indoor games, restaurant service etc. The question was raised-</li> </ul> <p>1. <i>Classification and rates of tax on the services supplied by the club.</i></p> <p><b>Answer-</b> Supply of food, by way of or as part of any service or in any other manner whatsoever, from the Applicant's</p>

			<p>restaurant is classifiable under SAC 9963 and taxable under SI No. 7(i) or 7(iii) of the Notification No. 11/2017-CT (Rate) dated 28/06/2017 (corresponding State Notification No. 1135-FT dated 28/06/2017), depending upon the criteria mentioned therein.</p> <p>If food is supplied by way of or as part of the services associated with organizing social events at the club premises, together with renting of such premises, it will be classifiable under SAC 9963 and taxable under SI No. 7(vii) of the above-mentioned rate notification.</p> <p>All other services offered by the Applicant are classifiable under SAC 9995 and taxable under SI No. 33 of the above rate notification.</p> <p>The Applicant should apply the provisions under section 17(2) &amp; (6) of the GST Act, for reversal of input tax credit, treating supplies, if any, taxable under SI No. 7(i) of the above rate notification, as exempt supplies.</p> <p>Reference to food in this ruling includes the supply of other articles of human consumption and drink (whether or not alcoholic liquor).</p>
Alok Bhanuka	Repairing and servicing of transformers <b>(W.B AAR)</b>	47/WBAAR/2018-19 Dated 26.03.2019	<ul style="list-style-type: none"> <li>The Applicant is stated to be engaged in repairing and servicing of transformers owned by WBSEDCL. The question was raised- 1. <i>Whether repairing of transformers is composite supply and what will be the applicable rate of tax.</i> <b>Answer-</b> Repairing and servicing of transformers owned by another person is not job work as defined under section 2(68) of the GST Act. It is composite supply unless the contract specifies that the goods and services are to be separately charged. The principal supply is the service of repair of transformers classifiable under SAC 998719 and taxable under SI No. 25(ii) of Notification No. 11/2017 – CT (Rate) dated 28/06/2017 (corresponding State Notification No. 1135 FT dated 28/06/2017), as amended from time to time.</li> </ul>
Eskag Pharma Pvt Ltd	Manufacturer of pharmaceuticals <b>(W.B AAR)</b>	46/WBAAR/2018-19 Dated 26.03.2019	<ul style="list-style-type: none"> <li>The Applicant is stated to be a manufacturer of pharmaceuticals, APIs and other medicaments.</li> <li>The Applicant sold some products having therapeutic or prophylactic uses. They are being sold at pharmacies and are not available at any general stores or groceries. They are prescribed by physicians or medical practitioners for treatment of various diseases. The question was raised- 1. <i>Classification of food supplements.</i> <b>Answer-</b> The Application has been admitted for classification of the products mentioned in Table I of the Application that are labelled as dietary/health supplements. Products mentioned under SI Nos. 2 to 13 are classifiable under HSN 2106, and taxable under SI No. 23 of Schedule III of Notification No. 1/2017-CT (Rate) dated 28/06/2017 of the Centre (corresponding State Notification No. 1125-FT dated 28/06/2017), as amended vide Notification No. 41/2017-CT(Rate) dated 14/11/2017 (corresponding State Notification No. 2019-FT dated 14/11/20174).</li> </ul>
Udayan Cinema Pvt Ltd	Film Producing Company <b>(W.B AAR)</b>	45/WBAAR/2018-19 Dated 13.03.2019	<ul style="list-style-type: none"> <li>The Applicant intends to produce a feature film, a portion of which is planned to be shot at locations outside India. For this purpose, he is in the process of appointing CDI Virtual Films Inc. (hereinafter the CDIVF) as a Line Producer in Brazil. The question was raised- 1. <i>Whether the producer of a feature film is liable to pay IGST on reverse charge basis on payment made to a line producer engaged in Brazil. If so, what should be the classification of the service of a line producer and the rate of IGST.</i> <b>Answer-</b> The Line Producer to be engaged for the shooting of a feature film in Brazil is supplying motion picture</li> </ul>

			<p>production service, classifiable under SAC 999612</p> <p>The Applicant is liable to pay IGST on the payments made to the above Line Producer in terms of Sl No. 1 of Notification No. 10/2017 – IGST (Rate) dated 28/06/2017 at 18% rate specified under Sl No. 34(vi) of Notification No. 08/2017 – IT (Rate) dated 28/06/2017, as amended from time to time. No deduction is available in terms of the contract with the Line Producer appended to the Application from the value of the supply of motion picture production service even if payment is made on an actual cost basis. However, if the Applicant modifies the contract so that the Line Producer acts as pure agent for certain services in addition to the main supply of motion picture production service, the related transactions will be import of services from the actual suppliers, and the amount paid on actual cost basis for procuring those services will be subjected to IGST at the applicable IGST rate on such services.</p>
Shiva Writing Co Pvt Ltd	Manufacturing and supplying of ball point pens <b>(W.B AAR)</b>	44/WBAAR/2018-19 Dated 13.03.2019	<ul style="list-style-type: none"> <li>The Applicant is stated to be in the business of manufacturing and supplying of ball point pens, for which pen tips and balls to be used inside the tips are required in order to make the same tips working, and also trades and supplies ball point pen tips and refills to various dealers. The question was raised-</li> </ul> <p>1. <i>Classification of and rate of tax on tips and balls of ball point pens.</i></p> <p><b>Answer-</b> “Tips and Balls” of Ball Point Pens are to be classified under GST Tariff Heading 9608 99 90 and included under Sl No. 453 of Schedule III of Notification No. 01/2017–Central Tax (Rate) dated 28.06.2017 (corresponding State Notification No. 1125-FT dated 28/06/2017).</p>
Nipha Exports Pvt Ltd	Manufacturer of agricultural machinery <b>(W.B AAR)</b>	43/WBAAR/2018-19 Dated 26.02.2019	<ul style="list-style-type: none"> <li>The Applicant, stated to be a manufacturer of agricultural machinery &amp; and has purchased an ambulance for the benefit of the employees, as required under Section 45(4) of the Factories Act, 1948.</li> <li>The Applicant argues that the input tax paid on inward supply of the ambulance is eligible for credit under the Second Proviso to Section 17(5)(b) of the GST Act, as amended w.e.f. 01/02/2019. The question was raised-</li> </ul> <p>1. <i>Whether ITC is admissible on purchase of an ambulance in November 2018 for the benefit of the employees under the legal requirements of the Factories Act, 1948</i></p> <p><b>Answer-</b> Input tax credit is not admissible on the ambulance purchased in November 2018, as Section 17(5) of the GST Act, as it stood in the relevant period, blocks any such enjoyment, even if provisioning of ambulance service to the employees is obligatory under the Factories Act, 1948.</p>
Sarj Educational Centre	Lodging & Fooding Service Provider to an Educational Society <b>(W.B AAR)</b>	42/WBAAR/2018-19 Dated 26.02.2019	<ul style="list-style-type: none"> <li>The Applicant is stated to be the owner of a private boarding house and is providing services of lodging and food exclusively to the students of a secondary school, run by a Charitable Society, namely Sunshine Educational Society</li> <li>The boarding facility shall include lodging, housekeeping, laundry, medical assistance and food. The consideration is a consolidated charge on the individual boarder for the combination of the services. The question was raised-</li> </ul> <p>1. <i>Whether lodging along with food to the students by a private boarding house is a compiste supply and eligible for exemption under Sl No. 14 of Notification No. 12/2017-CT (Rate) dated 28/06/2017.</i></p> <p><b>Answer-</b> The Applicant is offering several individual services in two different combinations to the recipients,</p>

			depending upon their need for lodging facility. None of the combinations of services being offered is a composite supply, as defined under section 2(30) of the GST Act. They are mixed supplies within the meaning of section 2(74) and taxable in accordance with section 8(b) of the GST Act. Being mixed supply, value of the entire combination of services offered is taxable at the applicable rate.
Piyush Polytex Industries Pvt Ltd	Manufacturer of P.P. Nonwoven Fabric ( <b>W.B AAR</b> )	41/WBAAR/2018-19 Dated 26.02.2019	<ul style="list-style-type: none"> <li>The Applicant, stated to be a manufacturer of P.P. Nonwoven Fabric, Laminated Nonwoven Fabric, B.O.P.P. Pasted P.P. Nonwoven Fabric, P.P. Woven Fabric Pasted with Nonwoven Fabric and Nonwoven Bags/Sacks.</li> <li>The Applicant states that nonwoven bags/sacks are made of P.P. Nonwoven Fabric and it falls under Chapter Heading 63 of the GST Tariff. The question was raised- 1. <i>Classification and rate of tax for polypropylene non-woven bags</i> <b>Answer-</b> Bags/Sacks (both with &amp; without Handle) made of Laminated P.P. Nonwoven Fabric is classifiable under Sub-Heading 39232990 Bags/Sacks (both with &amp; without Handle) made of B.O.P.P. Pasted P.P. Nonwoven Fabric is classifiable under Sub-Heading 39232990. Bags/Sacks (both with &amp; without Handle) made of Woven Fabric Pasted with Nonwoven Fabric have to be classified as per the General Rules for the Interpretation of the First Schedule of the Customs Tariff.</li> </ul>
Tewari Warehousing Co Pvt Ltd	Warehousing Services ( <b>W.B AAR</b> )	40/WBAAR/2018-19 Dated 18.02.2019	<ul style="list-style-type: none"> <li>The Applicant, stated to be supplying warehousing services, is constructing a warehouse on leasehold land, using pre-fabricated technology.</li> <li>According to the Applicant, it can be dismantled and reconstructed at a different location. The question was raised- 1. <i>Whether ITC is admissible on construction of a warehouse using pre-fabricated technology</i> <b>Answer-</b> The warehouse being constructed is immovable property. The input tax credit is, therefore, not admissible on the inward supplies for construction of the said warehouse, as the credit of such tax is blocked under section 17(5)(d) of the GST Act.</li> </ul>
Storm Communications Pvt Ltd	Event Management Service Provider ( <b>W.B AAR</b> )	39/WBAAR/2018-19 Dated 28.01.2019	<ul style="list-style-type: none"> <li>The Applicant, stated to be a supplier of Event Management Services in West Bengal</li> <li>The Applicant organises events on behalf of clients and, for this purpose, books conference halls, banquet halls, outdoor caterers etc.</li> <li>The Applicant is registered as a GST assessee in West Bengal, Jharkhand, Odisha, Maharashtra and Delhi.</li> <li>In relation to this Event Management Service, the Applicant has to move to other states, where the Applicant is not registered, to serve clients in those states, and incur miscellaneous expenses for booking hotels, banquet halls and on food</li> <li>On such inward supplies, the Applicant is charged CGST &amp; SGST of that particular state and the invoices are issued as B2B with the Applicant's GSTIN. These invoices are also reflected in the Applicant's GSTR-2A.</li> <li>Such inward supplies are taken to serve the clients and the Applicant desires to know if ITC can be claimed in the GST Returns in West Bengal on the CGST &amp; SGST paid on such invoices in other states. The question was raised- 1. <i>Whether tax paid on intra-state inward supply in one state can be used to pay output tax liability in another state,</i></li> </ul>

			<p><i>especially if the applicant is not registered in the state where he receives the inward supply</i></p> <p><b>Answer-</b> The Applicant is not registered under Section 25(1) of the CGST Act in Tamil Nadu. The SGST and CGST paid on intra-state inward supply in Tamil Nadu are not, therefore, "input tax" to the Applicant. The GST Act does not contain any concept of "input tax" in relation to an unregistered person. No credit of it is, therefore, admissible under the GST Act.</p> <p>So, to answer in the Applicant's language:</p> <p><b>a.</b> A person, registered in WB, cannot claim ITC for CGST &amp; SGST of other states.</p> <p><b>b.</b> He cannot adjust the ITC of one state's CGST for payment of another state's CGST.</p> <p><b>c.</b> He cannot adjust the ITC of Tamil Nadu GST for payment of IGST, whereas he is not registered in Tamil Nadu</p>
Ex-servicemen Resettlement Society	Security Service Provider <b>(W.B AAR)</b>	38/WBAAR/2018-19 Dated 28.01.2019	<ul style="list-style-type: none"> <li>The Applicant, stated to be a registered society providing Security Services and Scavenging Services to various hospitals under the State Government as well as the Central Government</li> <li>The Applicant has stated that under the Exemption Notification, the services provided by them are exempt by way of activity in relation to any function entrusted to a Panchayat under Article 243G of the Constitution or in relation to any function entrusted to a Municipality under Article 243W of the Constitution. The question was raised-</li> </ul> <p>1. <i>Whether security and scavenging services to the Govt is exempt under SL No. 3 or 3A of Notification No. 12/2017-CT(Rate) dated 28/06/2017, as amended from time to time</i></p> <p><b>Answer-</b> Benefit of exemption from the payment of GST is not available to the Applicant under Notification No 12/2017-CT(Rate) dated 28.06.2017 and WB Govt. Gazette Notification-1136- FT dated 28.06.2017, as amended, for the supply of Security Services and the bundle of service that he describes as "Scavenging Services".</p>
NIS Management Ltd	Service Provider <b>(W.B AAR)</b>	37/WBAAR/2018-19 Dated 28.01.2019	<ul style="list-style-type: none"> <li>The Applicant, is a service provider by the deployment of personnel like a plumber, sweeper, security guard, electrician, carpenter etc. to the West Bengal Housing Board.</li> <li>The Applicant was required to charge GST on the entire bill, including sweeping service.</li> <li>The Directorate, however, has since raised an objection on GST being charged on sweeping service, which, in their opinion, is part of sanitation service listed under the Eleventh Schedule of the Constitution and, therefore, eligible for exemption under Sl. No. 3 of the Exemption Notification. The question was raised-</li> </ul> <p>1. <i>Whether sweeping service to the Govt is exempt under SL No. 3 or 3A of Notification No. 12/2017-CT(Rate) dated 28/06/2017, as amended from time to time</i></p> <p><b>Answer-</b> Sweeping Service that the Applicant supplies to the Housing Directorate of the Government of West Bengal, cannot be classified as an activity in relation to any function entrusted to a Panchayat under Article 243G of the Constitution or in relation to any function entrusted to a Municipality under Article 243W of the Constitution. The exemption under Sl No. 3 or 3A, as the case may be, of Notification No 12/2017-CT (Rate) dated 28.06.2017 and WB Govt. Gazette Notification-1136-FT dated 28.06.2017 is not, therefore, applicable to such supplies.</p>
Vedika Exports Tea Pvt Ltd	Packer of tea bags <b>(W.B AAR)</b>	36/WBAAR/2018-19 Dated 28.01.2019	<ul style="list-style-type: none"> <li>The Applicant, stated to be a contract packer of tea bags</li> <li>The process of service undertaken by the Applicant involves assembly of materials on</li> </ul>



			<p>machine, including blended tea leaves and other inputs received from the recipient of the service. The question was raised-</p> <p>1. <i>Classification of the service to Hindustan Unilever Ltd for packing tea into tea bag pouches and its packaging</i>  <b>Answer-</b> The Applicant makes a composite supply to Hindustan Unilever Ltd, where the service of manufacturing tea bags from the physical inputs owned by the latter is the principal supply. It is classifiable under SAC 9988 and taxable at 5% rate under SI No. 26(f) of Notification No. 11/2017 – CT (Rate) dated 28/06/2017, as amended from time to time. Applicability of this Ruling with respect to other recipients is subject to the specific nature of the contracts with them.</p>
Abhishek Tibrewal (HUF) carrying on business under trade name Avantika Industries	Iron & Steel Manufacturer <b>(W.B AAR)</b>	35/WBAAR/2018-19 Dated 28.01.2019	<ul style="list-style-type: none"> <li>The Applicant is a Manufacturer of, inter alia, Springs of Iron and Steel for supply to the Railways. The question was raised-</li> </ul> <p>1. <i>Classification and rate of tax for springs of iron and steel for railways</i>  <b>Answer-</b> Springs of Iron and Steel for Railways are classifiable under HSN Code no. 7320 (taxable @ 18%) under Serial No. 234 of Schedule III of Notification No. 1/2017- CT (Rate) dated 28.06.2017</p>
Dinman Polypacks Pvt Ltd	Manufacturer of Polypropylene Leno Bags <b>(W.B AAR)</b>	34/WBAAR/2018-19 Dated 28.01.2019	<ul style="list-style-type: none"> <li>The Applicant is a manufacturer of Polypropylene Leno Bags which are mainly used for packing of dry vegetables and fruits in bulk and their sale price is far less than Rupees One Thousand per piece. The question was raised-</li> </ul> <p>1. <i>Classification and rate of tax for Polypropylene Leno Bags</i>  <b>Answer-</b> "Poly Propylene Leno Bags" are to be classified as plastic bags under HSN 3923 and would attract 18% GST.</p>
ITD Cementation India Ltd	Works Contract Service <b>(W.B AAR)</b>	33/WBAAR/2018-19 Dated 08.01.2019	<ul style="list-style-type: none"> <li>The Applicant is supplier of works contract service.</li> <li>He has entered into an agreement with Inland Waterways Authority of India for construction of a multi-modal IWT terminal at Haldia on EPC basis.</li> <li>The contractee is a Government Entity, being a statutory body established under the Inland Waterways Authority of India Act, 1985 (hereinafter the IWAI Act, 1985), and functions under the administrative control of the Ministry of Shipping, Government of India. The question was raised-</li> </ul> <p>1. <i>Whether works contract service supplied to Inland Waterways Authority of India is taxable under SI No. 3(vi) of Notification No. 11/2017 -CT(Rate) dated 28/6/2017, as amended from time to time</i>  <b>Answer-</b> Amendments to Serial No. 3(vi) of Notification No. 11/2017–CT (Rate) dated 28/06/2017, brought about by Notification No. 24/2017-CT (Rate) dated 21/09/2017 and 31/2017 – CT (Rate) dated 13/10/2017, are not applicable to the Applicant's supply of works contract service for construction of the Multi-modal IWT Terminal at Haldia. It will attract GST at 18% rate under Serial No. 3(xii) of 11/2017–CT (Rate) dated 28/06/2017.</p>
WEBFIL Ltd	Joint Venture <b>(W.B AAR)</b>	32/WBAAR/2018-19 Dated 08.01.2019	<ul style="list-style-type: none"> <li>The Applicant is a joint venture company formed by West Bengal Industrial Development Corporation, a Govt. of West Bengal undertaking, and the group of companies of Andrew Yule &amp; Co Ltd (a Central Govt. under taking)</li> <li>According to the Application, WBIDC and Andrew Yule &amp; Co and its associates are "Government Companies" and they together hold 62.29% of the subscribed and paid up share capital of the Applicant. The rest is held by the public.</li> <li>The Applicant is a 'deemed Government</li> </ul>

			<p>Company' for the limited purpose of audit by the C&amp;AG.</p> <ul style="list-style-type: none"> <li>• However, he is not a "Government Company", as defined under section 2(45) of the Companies Act, 2013, as neither the Central Government nor the State Government subscribes to the paid up share capital of the Applicant.</li> <li>• He is not a subsidiary of any "Government Company" either, as no "Government Company" separately holds more than 51% of the share capital, or exercises control by having majority in the composition of the Board of Directors.</li> <li>• Moreover, the Registrar of Companies, Kolkata, has incorporated the Applicant as a non-Government company. The question was raised-</li> </ul> <p>1. <i>Whether Notification No. 50/2018-CT dated 13/09/2018 under the CGST Act, 2017 is applicable on a JV of two Govt. companies</i></p> <p><b>Answer-</b> The Applicant, if established by government notification, is liable to deduct tax at source under section 51(1) read with Notification No. 1344-FT dated 13/09/2018, being a company controlled by the Central and the State Governments.</p>
U S Polytech	Manufacturer of Polypropylene Non-Woven Bags ( <b>W.B AAR</b> )	31/WBAAR/2018-19 Dated 08.01.2019	<ul style="list-style-type: none"> <li>• The Applicant is a manufacturer of Polypropylene Non-Woven Bags which are mainly used by big industrial units, retail outlets and textile shops for packing of different goods and have been granted registration by the Office of the Textile Commissioner of Textile based products. The question was raised-</li> </ul> <p>1. <i>Classification and rate of tax for polypropylene non-woven bags</i></p> <p><b>Answer-</b> 'PP Non-woven Bags', specifically made from non-woven Polypropylene fabric are plastic goods to be classified under Sub Heading 3923 29 and taxed at 18 % rate under Serial No. 108 of Schedule III of Notification no. 01/2017-C.T (Rate) dated 28-06-2017 under the CGST Act, 2017 &amp; Notification No. 1125-FT dated 28/06/2017 under the WBGST Act, 2017.</p>
GGL Hotel & Resort Co Ltd	Real Estate & Hospitality Service Provider ( <b>W.B AAR</b> )	30/WBAAR/2018-19 Dated 08.01.2019	<ul style="list-style-type: none"> <li>• The Applicant, stated to be a subsidiary of Ambuja Neotia Holdings Private Limited, is in the hospitality and real estate business since 1997</li> <li>• The Applicant is engaged in the hospitality and real estate business and is contemplating a new project on a leasehold land.</li> <li>• The Lessor, Bengal Housing Infrastructure Development has leased a piece of land in New Town Area for a period of 32 years to the Applicant who is Lessee for a lease premium of Rs. 17 Crores 20 Lakhs only.</li> <li>• As per the Indenture of Lease dated 21.08.2013, the Applicant is liable to pay annual lease rent at the rate of 10% of the aforesaid premium for the first and second year, and the same would be escalated at the rate of 5% per annum, in the subsequent years from the start of the third year over the last annual lease rent p.a.</li> <li>• The project is proposed to be completed within a period of 2 years from the foundation of the project and the lease rent paid during the pre-operative period shall be capitalized in the books of account by the Applicant. The question was raised-</li> </ul> <p>1. <i>Whether ITC is admissible on lease rent paid during pre-operative period for the leasehold land on which a resort is being constructed to be used for furtherance of business</i></p> <p><b>Answer-</b> Input Tax Credit is not available to the Applicant for lease rent paid during pre-operative period for the leasehold land on which the resort is being constructed on his own account to be used for furtherance of business, when the same is being capitalised and treated as capital expenditure.</p>