

GST payable on Vehicles Registered in Tourist category for carrying Covid-19 patients for Medical Treatment: The AAR, Maharashtra

Fact of the Case

The applicant, Geetee Tours Pvt. Ltd. is engaged in the business of tours and travels and carries on the business as package tour operators, daily passenger service operators, travel agents, etc, and is also engaged in running of buses, conveyances of all kinds and to transport passengers.

Since their vehicles are supplied for transportation of passengers and other allied activities, the applicant feels that the rate of tax applicable on supplies of vehicles for transportation of passengers and other allied activities is 12% as per Notification No. 11/2017-C.T(Rate) dated 28.06.2017, as amended vide Notification No. 20/2017-C.T(Rate) dated 22.08.2017. The applicant has entered into the contract with "MUNICIPAL CORPORATION OF GREATER MUMBAI (MCGM), Worli, Mumbai 400018 to provide AC SUV and Innova equivalent car services for carrying COVID 19 patients for medical treatment.

The applicant has sought the advance ruling on whether Toyota Innova Or Equivalent Vehicles (6 Seater) registered in Tourist category with All India Tourist Permit provided for carrying Covid 19 patients for Medical Treatment would be considered as Taxable Services Or Exempted Services.

Decision of the Case

The Coram observed that even though the applicant has submitted that the subject supplies would fall under entry no. 6 of twelfth schedule article 243W of the constitution i.e. "Public health, no evidence or documents have been submitted to substantiate their claims for exemption. Further, the only SERVICE PURCHASE ORDER', submitted by the applicant mentions the description of service as "Adv for ambulance-like Innova covid 19". The applicant has not submitted that they have provided ambulance service for the covid patients.

Neither have they submitted anything on record to show that the Innova vehicles supplied by them have been converted into ambulances or registered as such nor have they submitted proof of having transported only covid 19 patients for medical treatment. Further, the vehicles are not registered with RTO for use as the Ambulance and they are registered as tourist vehicles.

The Maharashtra Authority of Advance Ruling (AAR) ruled that GST payable on Vehicles registered in the Tourist category for carrying Covid-19 patients for Medical Treatment.