

# Advance Ruling & Anti Profiteering Under GST



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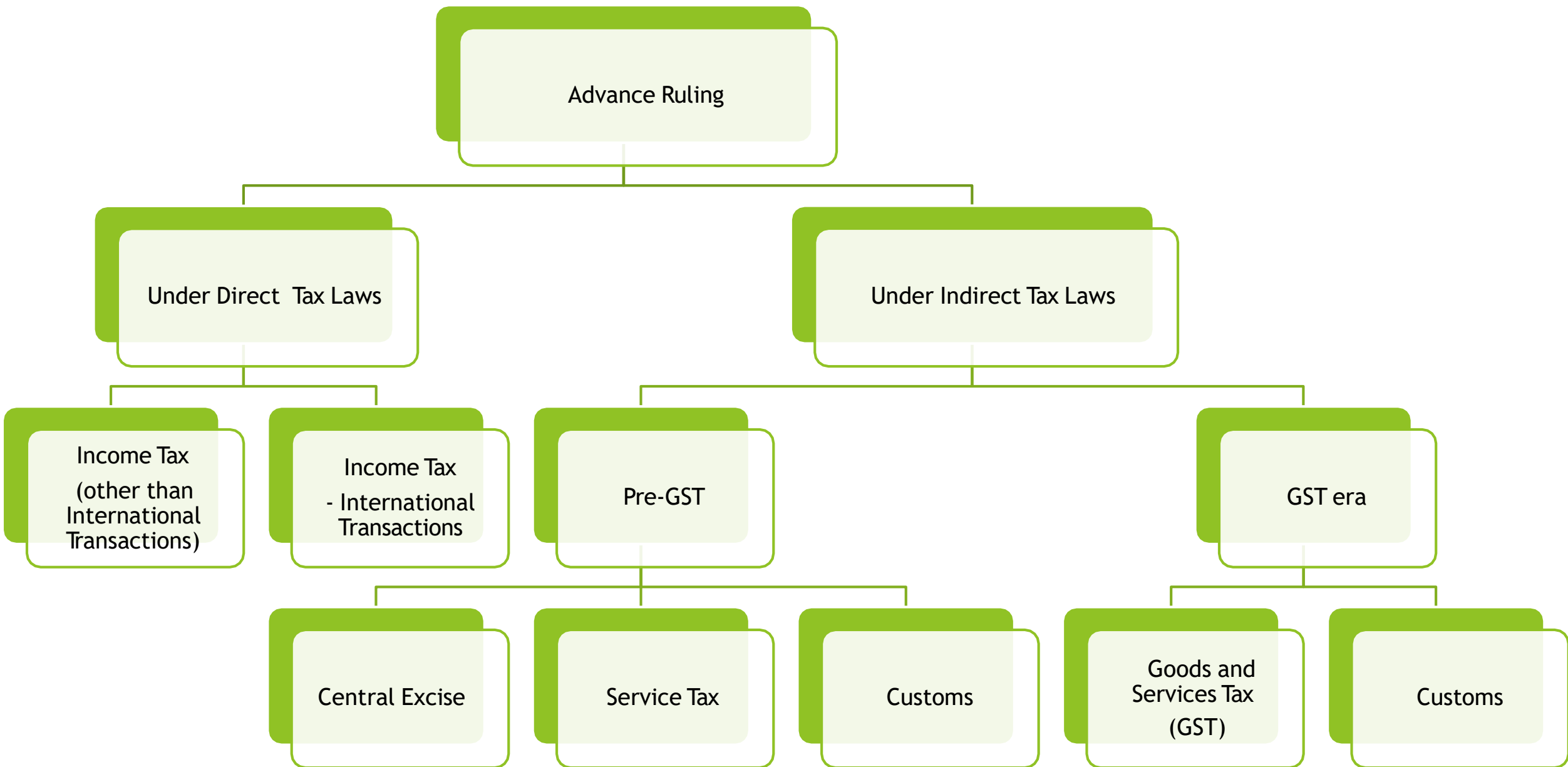
ACA, ACMA, FCS, LLB, DISA (ICAI)

# **Advance Ruling in GST**

## Advance Ruling

- as per OECD Report (2004)

‘ any advice, information or undertaking provided by a tax authority to a specific tax payer or a group of tax payers concerning their tax situation and on which they are entitled to rely’



## Advance Ruling - classification

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graph TD; A[Advance Ruling - classification] --> B[Public Rulings]; A --> C[Private Rulings]; B --> D["- On general or specific tax issues<br>- May be applied without making any application for ruling"]; C --> E["- Statement issued upon request of a (potential) tax payer indicating the tax administration's view of the tax treatment of a particular set of facts and circumstances contemplated, in the process of completion, or completed and not yet assessed"]
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### Public Rulings

- On general or specific tax issues
- May be applied without making any application for ruling

### Private Rulings

- Statement issued upon request of a (potential) tax payer indicating the tax administration's view of the tax treatment of a particular set of facts and circumstances contemplated, in the process of completion, or completed and not yet assessed

# Advance Ruling under GST

Chapter XVII of the CGST / SGST Act, 2017  
[ Sec. 95 to 106]

read with the Chapter XII [ Rules 103 to 107A]  
Of the CGST Rules, 2017

## Sec 95 - Definitions

- (a) 'advance ruling' means a decision provided by the Authority or the Appellate Authority to an applicant on matter or on questions specified in sub-section (2) of Section 97 or sub-section (1) of section 100, *in relation to the supply of goods or services or both* being undertaken or proposed to be undertaken by the applicant.
- (b) 'Appellate Authority' - Appellate Authority for Advance Ruling u/s 99
- (c) 'applicant' means any person registered or desirous of obtaining registration under this Act;
- (d) 'application' means an application made to the Authority under sub-section (1) of Section 97;
- (e) 'Authority' means the Authority for Advance Ruling referred to in Section 96

# Application for Advance ruling - Sec 97

u/s 97(2) Advance Ruling can be sought for the following questions:

- ▶ Classification of goods or services or both;
- ▶ Applicability of a Notification;
- ▶ Determination of time and value of supply of goods or services or both;
- ▶ Admissibility of Input Tax Credit of tax paid or deemed to have been paid ;
- ▶ Determination of tax liability to pay tax on any goods or services or both ;
- ▶ Clarification on registration requirements of the applicant ;
- ▶ Whether any particular thing done by the applicant with respect to any goods or services or both amounts to or results in a supply of goods or services or both, within the meaning of that term.



# Issues related to -Application for Advance ruling - Sec 97

u/s 97(2) Advance Ruling can be sought for the following questions:

- ▶ Classification of goods or services or both :
  - ❖ impact of wrong classification
  - ❖ Pre-GST classification & Post-GST Classification issues
  - ❖ Comparative Analysis
  
- ▶ Applicability of a Notification :
  - ❖ Impact of each Notification
  - ❖ granting exemption from registration
  - ❖ waiver of taxes beyond a prescribed rate
  - ❖ date of applicability of each notification & its effect on compliance - both under GST & Statutory Compliance ( Income Tax, Statutory Audits & Financial Statements)

## Issues related to Application for Advance ruling - Sec 97.. Cont.

u/s 97(2) Advance Ruling can be sought for the following questions:

- ▶ Determination of time and value of supply of goods or services or both :
- ❖ Identifying the time of supply - inherent conflicts in recording of transactions in the books of accounts
- ❖ Identifying the supplies on which tax liability arises under reverse charge u/s 9(3) & 9(4)
- ❖ Determining the nature & contents of supply - 'goods' / services/ composite supply/ mixed supply/ works contract ?
- ❖ Determining the proper classification
- ❖ Evaluating the parties involved - related or unrelated
- ❖ Determining whether price would be the sole consideration for supply
- ❖ Ascertaining its value as per Sec.15

# Issues related to Application for Advance ruling - Sec 97..cont.

u/s 97(2) Advance Ruling can be sought for the following questions:

- ❖ Admissibility of Input Tax Credit of tax paid or deemed to have been paid
- ❖ Identifying eligibility of ITC based on Registration
- ❖ Identifying eligibility of ITC based on Supply
- ❖ Blocked Credit / Proportionate Credit
- ❖ Impact of Notification on ITC eligibility ( say, if outward supplies, which were taxable, is notified to be nil/ exempted, what would be the impact)
- ❖ Correlation with pricing & Anti-Profiteering Issue
  
- ▶ Determination of tax liability to pay tax on any goods or services or both
- ❖ Ascertaining Tax Liability based on Registration,
- ❖ Time of Supply,
- ❖ Consider the eligibility of ITC to be adjusted against tax liability

## Issues related to Application for Advance ruling - Sec 97..cont.

u/s 97(2) Advance Ruling can be sought for the following questions:

- ▶ Clarification on registration requirements of the applicant
- ❖ Registration requirement Sec.22/23/24/25
- ❖ Exemptions from taking registration, which were subsequently notified
- ❖ Issues related to Time period calculation for both Casual Taxable Person / Non-Resident Taxable Person
- ❖ Eligibility of ITC based on Registration
- ❖ Compliance factors based on Registration

## **Procedure on Receipt of Application- Sec 98**

**Appellate Authority for Advance ruling - Sec 99**

**Appeal to Appellate Authority - Sec 100**

**Orders of Appellate Authority - Sec 100**

**Rectification of Advance ruling - Sec 102**

**Applicability of Advance ruling - Sec 103**

**Ruling void *ab initio* - Sec 104**

## Power / Procedure of AAR/ AAAR- Sec 105 and 106

- ▶ Deemed to be civil court;
- ▶ Proceedings treated as judicial proceedings;
- ▶ Power to enforce attendance, examining on oath, issuing commission, compelling production of books / records;
- ▶ Power to regulate its own procedure.

# Anti Profiteering in GST

# Anti Profiteering measure.

## Sec. 171 of the CGST Act, 2017 –

Section 171 of the Central Goods and Services Tax Act, 2017 provides for Anti Profiteering measure. As per Sub Section 1 of Sec 171 of CGST ACT, 2017 , *“Any reduction in rate of tax on any supply of goods or services or the benefit of input tax credit shall be passed on to the recipient by way of commensurate reduction in prices.”*

It makes mandatory for every taxpayer to pass on the benefits arising out of following to the recipient of the goods or services or goods and services.

- Reduction of rate of tax on any supply of goods or services.
- Benefit of input tax credit.



# Pre GST and Post GST

## Factors to be considered while comparing

Major areas of benefit of input tax credit, which was not available under the subsumed tax laws:

1. Central Sales Tax
2. Stock Transfers to Depots.
3. Entry Tax, Octroi, Local Body Tax (LBT) .
4. Savings arising from non payment of Luxury Tax , Entertainment Tax.
5. Non reversal of proportionate Cenvat credit under Rule 6(3) of Cenvat Credit Rules, 2004.
6. Carrying out process which does not amount to manufacture.
7. Input tax credit is available to wholesalers, retailer hotel, restaurants, outdoor caterers etc.
8. Availability of credit on opening stock.
9. Local Body Tax on job work

Continued.....

# Pre GST and Post GST

## Factors to be considered while comparing

9. Purchase Tax/ URD
10. Cenvat Credit on Furniture, Storage racks, Assets used in Office etc capitalized in books of account.
11. Admissibility of input tax credit on inputs (ED as well VAT) used by service providers.
12. Developers, Builders, Construction contractors.
13. Price Reduction on input supplies by vendors.
14. Refund of accumulated credit on account of inverted duty structure.
15. Duty paid on captively consumed goods.
16. Abolition of Cesses.
17. Transitional provisions

# Pre GST and Post GST

## Factors to be considered while comparing

- **Adverse Impact:**
  - ✗ Increase in rate of goods or services where input tax credit is not available.
  - ✗ Impact on working capital due to delay in getting input tax credit.
  - ✗ Pruning of exemption list.
  - ✗ Compliance cost.

# How to determine Impact?

- The impact of the above factors for each organizations will vary.
- If the organization is having multiple units then unit wise impact will vary.
- The impact needs to be worked out considering the provisions of input tax credit under the erstwhile tax laws and provisions under GST.
- A comparison of provision applicable to the respective organization or unit can be prepared.
- The quantum can be worked out on the basis of past two- three years actual and also considering the budgeted product mix, sales mix , purchase mix and interstate stock transfers etc.
- The impact in terms of percentage of turnover will be more appropriate for reducing the price of the goods or services.

# Gist of Anti-Profiteering Rules

## **Duties of the Authority**

- To determine whether any reduction in rate of tax on any supply of goods or services or the benefit of the input tax credit has been passed on to the recipient by way of commensurate reduction in prices.
- To identify the registered person who has not passed on the benefit of reduction in rate of tax on supply of goods or services or the benefit of input tax credit to the recipient by way of commensurate reduction in prices.

Continued.....

# Gist of Anti-Profiteering Rules

- **To order**
  - Reduction in prices.
  - Return to recipient , an amount equivalent to the amount not passed on by way of commensurate reduction in prices alongwith interest at the rate of eighteen percent from the date of collection of higher amount till the date of return of such amount or recovery of the amount not returned in case the eligible person does not claim return of the amount or is no identifiable , and depositing the same in the fund referred in sec 57 of the CGST Act.
  - Imposition of penalty as prescribed under the Act ; and
  - Cancellation of registration under the Act.

# Gist of Anti-Profiteering Rules

## **Order of the Authority.**

- After investigation and hearings, the Authority may order
  - reduction in price
  - return amount to recipient
  - impose penalty
  - cancellation of registration under GST Act - Rule 133(3) of CGST and SGST Rules, 2017
- Rule 135 of CGST and SGST Rules, 2017 provides that if the taxable person does not comply, recovery proceedings can be initiated as per provisions of CGST, SGST and UTGST Act .

# Gist of Anti-Profiteering Rules

## **Penalty.**

- Interestingly, there is no provision for penalty for imposing penalty or recovering excess profit. Even if profiteering is discovered , maximum penalty that can be imposed is residual penalty of Rs.25000/- under Sec 125 of CGST and SGST Act.
- However, Rule 21(c) of CGST and SGST Rules,2017 provides for cancellation of registration for violation of provisions relating to anti profiteering.

## **Sunset Clause :-**

- As per Rule 137 of CGST and SGST Rules, 2017 , Anti profiteering clause has sunset clause of two years.



# Institutional Framework

Institutional Framework to ensure that the benefits of the reduction in GST rates and various benefits arising out of GST implementation are passed on to the ultimate customer by way of reduction in price.

- National Anti Profiteering Authority (NAA) under GST.
- Standing Committee
- Screening Committees in every state .
- Director General of Safeguards in CBE & C.

# Application Form

- Anti Profiteering Application Form (APAF-1) to be filed before Standing Committee / State Level Screening Committees.
- Application can be made by the recipient of goods / services, Commissioner or any other person.
- Comparison of Pre GST Taxes and Post GST Taxes to be given by applicant in the application.
- It is impossible for the applicant to provide information required in the application.

# Thank you

Thanks for your Patience and Time



# Manual > Filing an application (FORM GST ARA-01) for seeking Advance Ruling by Registered Taxpayers/Unregistered Persons and Tracking or Taking Action in the Subsequent Proceedings

## How can Registered Taxpayers/Unregistered Persons file and act on applications related to Advance Ruling on the GST Portal?

A taxpayer can file following types of Applications related to Advance Ruling on the GST Portal:

1. **Application for seeking Advance Ruling from Authority for Advance Ruling (AAR)**
2. **Application for Reply to the issued Notice**
3. **Application of Appeal before the Appellate Authority for Advance Ruling (AAAR), with Application for Condonation of Delay in Filing Appeal if applicable**
4. **Application of Rectification before the AAR or AAAR as per the case**

Based on the Applications that are filed, Advance Ruling Proceedings can be of following types:

- **Advance Ruling:** For Processing Application for seeking Advance Ruling from Authority for Advance Ruling (AAR)
- **Advance Ruling Appeals:** For Processing Application of Appeal before the Appellate Authority for Advance Ruling (AAAR)
- **Advance Ruling Reference:** For Processing Applications referred by AAR
- **Rectification Proceedings:** For Processing Applications for Rectifications of Orders issued by AAR or AAAR
- **Void Proceedings:** For Processing Disposed Applications, where it was found that the Applicant has obtained an Advance Ruling by fraud, or suppression of material facts or misrepresentation of facts.

Applicant, after filing an application, needs to participate in the related proceedings and take necessary actions as intimated by AAR or AAAR.

On the GST Portal, for ease of all Applicants, details of each Application filed by the taxpayer is organized into the following six tabs in the Case Details Screen: APPLICATIONS, NOTICES, REPLIES, ORDERS, RECTIFICATION and ADDITIONAL DOCUMENT. Applicant can easily access these tabs of an Application to track all proceedings related to that particular application and take necessary actions.

To file an application or take necessary actions related to the Proceedings of all Advance Ruling-related Applications, perform following steps:

- A. [Create an Application for seeking Advance Ruling from AAR if you are a Registered/Unregistered Person](#)
- B. [Search for Applications related to Advance Ruling and open the Case Details Screen](#)
- C. [Search and View Cause List of all Advance Ruling-related Applications](#)
- D. Take Action using APPLICATIONS tab: [View Application Details based on which the Case was created](#)
- E. Take Action using NOTICES tab: [View Issued Notices and File Reply](#)
- F. Take Action using REPLIES tab: [View Replies/Counter-replies Filed by Self or Concerned Officer \(CO\)/Jurisdiction Officer \(JO\)](#)
- G. Take Action using ORDERS tab: [View ORDERS and File Appeal/File Rectifications](#)
- H. Take Action using RECTIFICATION tab: [View Rectifications filed for Orders of an ARN](#)
- I. Take Action using ADDITIONAL DOCUMENT tab: [View Additional Documents](#)

**Click each hyperlink above to know more.**

## **A. Advance Ruling by Registered/Unregistered Persons (FORM GST ARA-01)**

To apply for advance ruling, perform the following steps:

1. Access the [www.gst.gov.in](http://www.gst.gov.in) URL. The GST Home page is displayed. Login to the GST Portal with valid credentials i.e. your User Id and Password. Click the **Services > User Services > My Applications** option.



2. **My Applications** page is displayed.

 The screenshot shows the 'My Applications' page. It has a header with 'Dashboard', 'Services', 'User Services', and 'My Applications'. Below the header, there is a section titled 'My Applications'. It contains three input fields: 'Application Type\*' (a dropdown menu with 'Select' as the current value), 'From Date' (a date picker with 'DD/MM/YYYY' as the format), and 'To Date' (a date picker with 'DD/MM/YYYY' as the format). A red asterisk indicates that the 'Application Type' field is mandatory. Below these fields are two buttons: 'SEARCH' and 'NEW APPLICATION'.

3. Select the **Application Type** as Advance Ruling from the drop-down list. Click the **NEW APPLICATION** button.

 The screenshot shows the 'My Applications' page with the 'Application Type' dropdown menu set to 'Advance Ruling'. The 'From Date' and 'To Date' fields remain empty. The 'NEW APPLICATION' button is highlighted with a red box.

4. Select the Act for which Advance Ruling application has to be filed. On selection of respective head, fees amount will accordingly get reflected for making payment.

**Note:**

- If there is not sufficient balance in Electronic Cash Ledger (under Fee head), i.e. "Amount to be paid " is not nil, then click on **DEPOSIT IN CASH LEDGER** button to deposit the required amount in Cash Ledger.
- If sufficient balance is available in Electronic Cash Ledger (under Fee head), i.e. "Amount to be paid" is nil for all the selected acts, then click on **CREATE APPLICATION FOR ADVANCE RULING** button to fill and submit the application.
- Fees for Advance Ruling application under CGST and SGST for Normal taxpayer and for OIDAR taxpayer under IGST is as per prescribed fee under the law. On selection of respective heads, fees amount will accordingly get reflected for making payment.

5(a). In case of Normal taxpayer, fees has to be paid for Advance Ruling Application under CGST and SGST heads.

**Note:** The respective amount, to be paid, will be auto calculated based on selection of SGST/CGST heads, as the case may be.

Dashboard
Services
User Services
My Applications
New Application

Select Act(s) for which Advance Ruling Application has to be filed.

☒ SGST
☒ CGST
☐ IGST

Acts	Fee Applicable (in ₹)	Amount available in Cash Ledger (in ₹)	Amount to be paid (in ₹)
SGST	5000.00	3500.00	1500.00
CGST	5000.00	3000.00	2000.00
IGST	-	1500.00	-
Total (in ₹)	10000.00	8000.00	3500.00

DEPOSIT IN CASH LEDGER
CREATE APPLICATION FOR ADVANCE RULING

Instructions

1. If there is not sufficient balance in Cash Ledger (under Fee head), i.e. "Amount to be paid " is not nil, then click on **Deposit in Cash Ledger** button to deposit the required amount, in Cash Ledger.
2. If sufficient balance is available in Cash Ledger (under Fee head), i.e. "Amount to be paid" is nil for all the selected acts, then click on **Create Application for Advance Ruling** button to fill and submit the application.
3. Presently fees for Advance Ruling Application is ₹5000/- each under CGST & SGST for Normal taxpayer and ₹5000/- for OIDAR taxpayer under IGST. On selection of respective head, fees amount will accordingly get reflected for making payment.

5(b). In case of OIDAR taxpayer, fees has to be paid for Advance Ruling Application under IGST head.

**Note:** For an OIDAR taxpayer, only IGST payment tab would be enabled by default and would be non-editable. The respective amount, to be paid, will be auto calculated based on selection of IGST head.

Dashboard > Services > User Services > My Applications > New Application

Select Act(s) for which Advance Ruling Application has to be filed.

☐ SGST ☐ CGST ☒ **IGST**

Acts	Fee Applicable (in ₹)	Amount available in Cash Ledger (in ₹)	Amount to be paid (in ₹)
SGST	-	3500.00	-
CGST	-	3000.00	-
IGST	5000.00	1500.00	3500.00
<b>Total (in ₹)</b>	<b>5000.00</b>	<b>8000.00</b>	<b>3500.00</b>

**DEPOSIT IN CASH LEDGER** **CREATE APPLICATION FOR ADVANCE RULING**

**Instructions**

1. If there is not sufficient balance in Cash Ledger (under Fee head), i.e. "Amount to be paid" is not nil, then click on **Deposit in Cash Ledger** button to deposit the required amount, in Cash Ledger.
2. If sufficient balance is available in Cash Ledger (under Fee head), i.e. "Amount to be paid" is nil for all the selected acts, then click on **Create Application for Advance Ruling** button to fill and submit the application.
3. Presently fees for Advance Ruling Application is ₹5000/- each under CGST & SGST for Normal taxpayer and ₹5000/- for ODAR taxpayer under IGST. On selection of respective head, fees amount will accordingly get reflected for making payment.

6. The **Create Challan** page is displayed. Select the **Payment Modes** as E-Payment/ Over the Counter/ NEFT/RTGS. Click the **GENERATE CHALLAN** button.

**Note:** In the Tax Liability Details grid, the **Total Challan Amount** field and **Total Challan Amount (In Words)** fields are auto-populated with total amount of payment to be made. You cannot edit the amount.

Dashboard > Payment > Create Challan English

**Tax Liability**

	Tax ( ₹ )	Interest ( ₹ )	Penalty ( ₹ )	Fees ( ₹ )	Other ( ₹ )	Total ( ₹ )
CGST(0005)				2000		2,000
IGST(0008)				0		0
CESS(0009)						0
Delhi SGST(0006)				1500		1,500
<b>Total Challan Amount:</b>	₹ 3,500 /-					
<b>Total Challan Amount (In Words):</b>	Rupees Three Thousand Five hundred Only					

**Payment Modes \***

☐ E-Payment

☐ Over The Counter

☒ **NEFT/RTGS** ✓

**GENERATE CHALLAN**



## 7. The Challan is generated.

Dashboard Payment Generate Challan English

Challan successfully generated

### GST Challan

CPIN 2010070000092	Challan Generation Date 15/10/2020 10:23:35	Challan Expiry Date 30/10/2020
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Mode of Payment :- E-Payment

### Details Of Taxpayer

GSTIN/Other Id 07ALYPD6528P2Z6	Email Address aXXXXXXXX@XXXXXXXXXX.com	Mobile Number 8XXXXXXXX3863
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Name : Gyanendra Prakash Dwivedi  
Address : XXXXXXXXXXXX Delhi, 110005

### Details of Deposit

	Tax (₹)	Interest (₹)	Penalty (₹)	Fees (₹)	Other (₹)	Total (₹)
CGST(0005)	0	0	0	2,000	0	2,000
IGST(0008)	0	0	0	0	0	0
CESS(0009)	0	0	0	0	0	0
Delhi SGST(0006)	0	0	0	1,500	0	1,500
<b>Total Challan Amount:</b>	₹ 3,500 /-					
<b>Total Challan Amount (In Words):</b>	Rupees Three Thousand Five hundred Only					

Select Mode of E-Payment \*

☐ Preferred Banks
 ☐ Net Banking

DOWNLOAD
 MAKE PAYMENT

\* If amount is deducted from bank account and not reflected in electronic cash ledger, you may raise grievance under "Services>Payments>Grievance against payment(GST PMT-07)"  
 \* Awaiting Bank Confirmation: For e-payment mode of payment, if the maker has made a transaction and checker approval is not communicated by bank to GST System.  
 \* Awaiting Bank Clearance: For OTC mode of payment, if bank has acknowledged the challan but remittance confirmation is not communicated by bank to GST System.

**Note:**

**In case of Net Banking:** You will be directed to the Net Banking page of the selected Bank. The payment amount is shown at the Bank's website.

In case of successful payment, you will be re-directed to the GST Portal where the transaction status will be displayed.

**In case of Over the Counter:**

Take a print out of the **Challan** and visit the selected Bank. Pay using **Cash/ Cheque/ Demand Draft** within the Challan's validity period. Status of the payment will be updated on the GST Portal after confirmation from the Bank.

**In case of NEFT/ RTGS:**



Take a print out of the mandate form and visit the selected Bank. Mandate form will be generated simultaneously with generation of challan. Pay using Cheque through your account with the selected Bank/ Branch. You can also pay using the account debit facility. The transaction will be processed by the Bank and RBI shall confirm the same within <2 hours>. Status of the payment will be updated on the GST Portal after confirmation from the RBI i.e. based on CIN received from RBI.

[Click here to refer the FAQs and User Manual on Making Payment.](#)

8. After a successful payment, user will be redirected to Advance Ruling Application page. Click **CREATE APPLICATION FOR ADVANCE RULING** to create application for Advance Ruling.

Dashboard Services User Services My Applications New Application

Select Act(s) for which Advance Ruling Application has to be filed.

☒ SGST ☒ CGST ☐ IGST

Acts	Fee Applicable (in ₹)	Amount available in Cash Ledger (in ₹)	Amount to be paid (in ₹)
SGST	5000.00	5000.00	Nil
CGST	5000.00	5000.00	Nil
IGST	-	1500.00	-
Total (in ₹)	10000.00	11500.00	Nil

**DEPOSIT IN CASH LEDGER** **CREATE APPLICATION FOR ADVANCE RULING**

**Instructions**

1. If there is not sufficient balance in Cash Ledger (under Fee head), i.e. "Amount to be paid" is not nil, then click on **Deposit in Cash Ledger** button to deposit the required amount, in Cash Ledger.
2. If sufficient balance is available in Cash Ledger (under Fee head), i.e. "Amount to be paid" is nil for all the selected acts, then click on **Create Application for Advance Ruling** button to fill and submit the application.
3. Presently fees for Advance Ruling Application is ₹5000/- each under CGST & SGST for Normal taxpayer and ₹5000/- for OIDAR taxpayer under IGST. On selection of respective head, fees amount will accordingly get reflected for making payment.

9. Advance ruling Application page opens. Under **Correspondence Address** section, enter your address details such as Building no./Flat no., Name of the premises/Building, Floor no., Road/Street, City/Town/Locality/Village. Select **State**, **District** from drop down menu and enter the **PIN Code**.

**Note:** If correspondence address is same as Registered Address, select the checkbox. Address details will be auto-populated and the fields will be non-editable in this section.

10. Select the applicable checkbox for Nature of the activity(s) (proposed/present) in respect of which Advance Ruling is being sought.

11. Select the checkbox for Issue/s on which advance ruling required (Tick whichever is applicable).

**Note:** Basis the act selected in previous screen for which Advance Ruling application has to be filed, Act will get auto-populated under "Application Filed For" section.

Dashboard | Services | User Services | My Applications | New Application | Advance Ruling Application

Application Type	GSTIN/UTN/Temporary ID	Legal Name	Status of the Applicant
Advance Ruling Application	07ALYPD6528P226	Gyanendra Prakash Dwivedi	Registered

\* indicates mandatory fields

#### Application Filed For

- **SGST**
- **CGST**

Correspondence Address ( ☒ Same as Registered Address )

Building No./ Flat No.\*

1

Name of the Premises/Building

Floor No.

Road/Street\*

MG

City/Town/Locality/Village\*

ECITY

State\*

Delhi

District\*

Central Delhi

PIN Code\*

110005

#### Nature of the activity(s)(proposed/present)in respect of which Advance Ruling sought\*

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Factory/Manufacturing | <input type="checkbox"/> Bonded Warehouse   | <input type="checkbox"/> Service Recipient              |
| <input checked="" type="checkbox"/> Wholesale Business    | <input type="checkbox"/> Service Provision  | <input type="checkbox"/> EOU/STP/ETHP                   |
| <input type="checkbox"/> Retail Business                  | <input type="checkbox"/> Office/Sale Office | <input type="checkbox"/> Saz                            |
| <input type="checkbox"/> Warehouse/Depot                  | <input type="checkbox"/> Leasing Business   | <input type="checkbox"/> Input Service Distributor(ISD) |
| <input type="checkbox"/> Works Contract                   | <input type="checkbox"/> OEDAR              | <input type="checkbox"/> Others                         |

#### Issue/s on which advance ruling required (Tick whichever is applicable)\*

- ☒ Classification of goods and/or services or both
- ☒ Applicability of a notification issued under the provisions of the Act
- ☐ Determination of time and value of supply of goods or services or both
- ☐ Admissibility of input tax credit of tax paid or deemed to have been paid
- ☐ Determination of the liability to pay tax on any goods or services or both
- ☐ Whether applicant is required to be registered under the Act
- ☐ Whether any particular thing done by the applicant with respect to any goods and/or services or both amounts to or results in a supply of goods and/or services or both, within the meaning of that term

#### Details of Advance Ruling Application

Upload the Filled Template\*

No file chosen

[Download Template](#)

Only PDF file format is allowed.

Maximum file size for upload is 5MB.

**Note:** You can upload only PDF file with maximum file size of 5 MB for upload.

Click here to view the steps for converting the filled application Word template to PDF file format.

12. You need to upload details of Advance Ruling Application in the word template provided on the Portal. To download the template for Advance Ruling Application, Click **Download Template**.

Only PDF file format is allowed.  
Maximum file size for upload is 5MB.

### Details of Advance Ruling Application

Upload the Filled Template\*

Choose File No file chosen

**Download Template**

Only PDF File format is allowed.  
Maximum file size for upload is 5MB.

Click here to view the steps for converting the filled application Word template to PDF file format.

☐ Already decided in any proceedings in the applicant's case under any of the provisions of the Act.

Verification\*

13. **Advance Ruling Template.docx** will be downloaded in Downloads folder. Click **Enable Editing**.

I, \_\_\_\_\_ son/daughter/wife of \_\_\_\_\_ do hereby solemnly declare that to the best of my knowledge and

File Tools View AdvanceRulingTemplate.docx (Protected View) West

PROTECTED VIEW Be careful—files from the Internet can contain viruses. Unless you need to edit, it's safer to stay in Protected View. **Enable Editing**

**Goods and Services Tax**  
Form GST ARA-01  
(See Rule 97)  
Application Form for Advance Ruling

\* indicates mandatory fields

**1. Applicant Information**

Applicant Name	Click on the field to enter text
Applicant Type	Click on the field to enter text
Applicant Address	Click on the field to enter text
Applicant Contact No.	Click on the field to enter text

**2. Registered Address**

Registered Address	Click on the field to enter text
Pin Code	Click on the field to enter text
State	Click on the field to enter text
City	Click on the field to enter text
Post Office	Click on the field to enter text
Landmark	Click on the field to enter text
State	Click on the field to enter text
City	Click on the field to enter text
Post Office	Click on the field to enter text

**3. Correspondence Address (Check if same as Registered Address)**

Correspondence Address	Click on the field to enter text
Pin Code	Click on the field to enter text
State	Click on the field to enter text
City	Click on the field to enter text
Post Office	Click on the field to enter text
Landmark	Click on the field to enter text
State	Click on the field to enter text
City	Click on the field to enter text
Post Office	Click on the field to enter text

**4. Details of Authorized Representative**

First Name	Click on the field to enter text
Last Name	Click on the field to enter text
Mobile Number	Click on the field to enter text
Signature	Click on the field to enter text
Designation	Click on the field to enter text

**5. Nature of activity(s) (proposed/present) in respect of which Advance Ruling sought**

**A. Category**

Business	Click on the field to enter text
Service	Click on the field to enter text
Other	Click on the field to enter text

14(a). Update the template with required information.



# Goods and Services Tax

**Form GST ARA -01**

*[See Rule 98]*

## Application Form for Advance Ruling

\* indicates mandatory fields

*1.GSTIN Number if any/User-id	07ALYPD6528P2Z6
*2.Legal Name of applicant	Gyanendra Prakash Dwivedi
3. Trade Name of applicant	Click or tap here to enter text.
*4.Status of the applicant(registered/un-registered)	registered

\*5. Registered Address

Building No./Flat No.	1
Name of the Premises/Building	Click or tap here to enter text.
Floor No.	Click or tap here to enter text.
Road / Street	MG
Locality / Village	ECITY

14(b). Under **Details of Advance Ruling Application**, upload, click the Choose file button. Navigate and select the Filled template.

**Details of Advance Ruling Application**

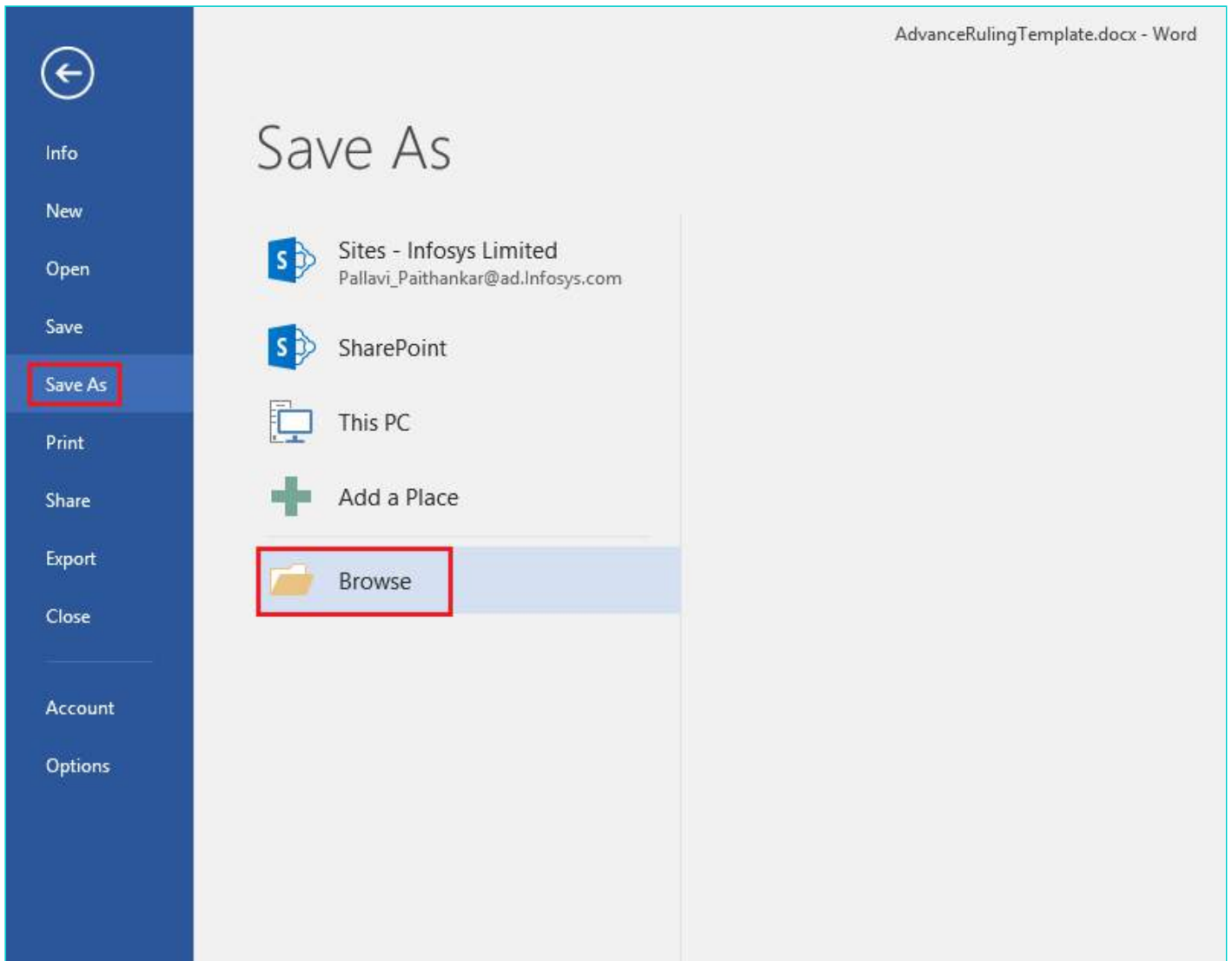
Upload the Filled Template \*

**Choose File** No file chosen

[Download Template](#)

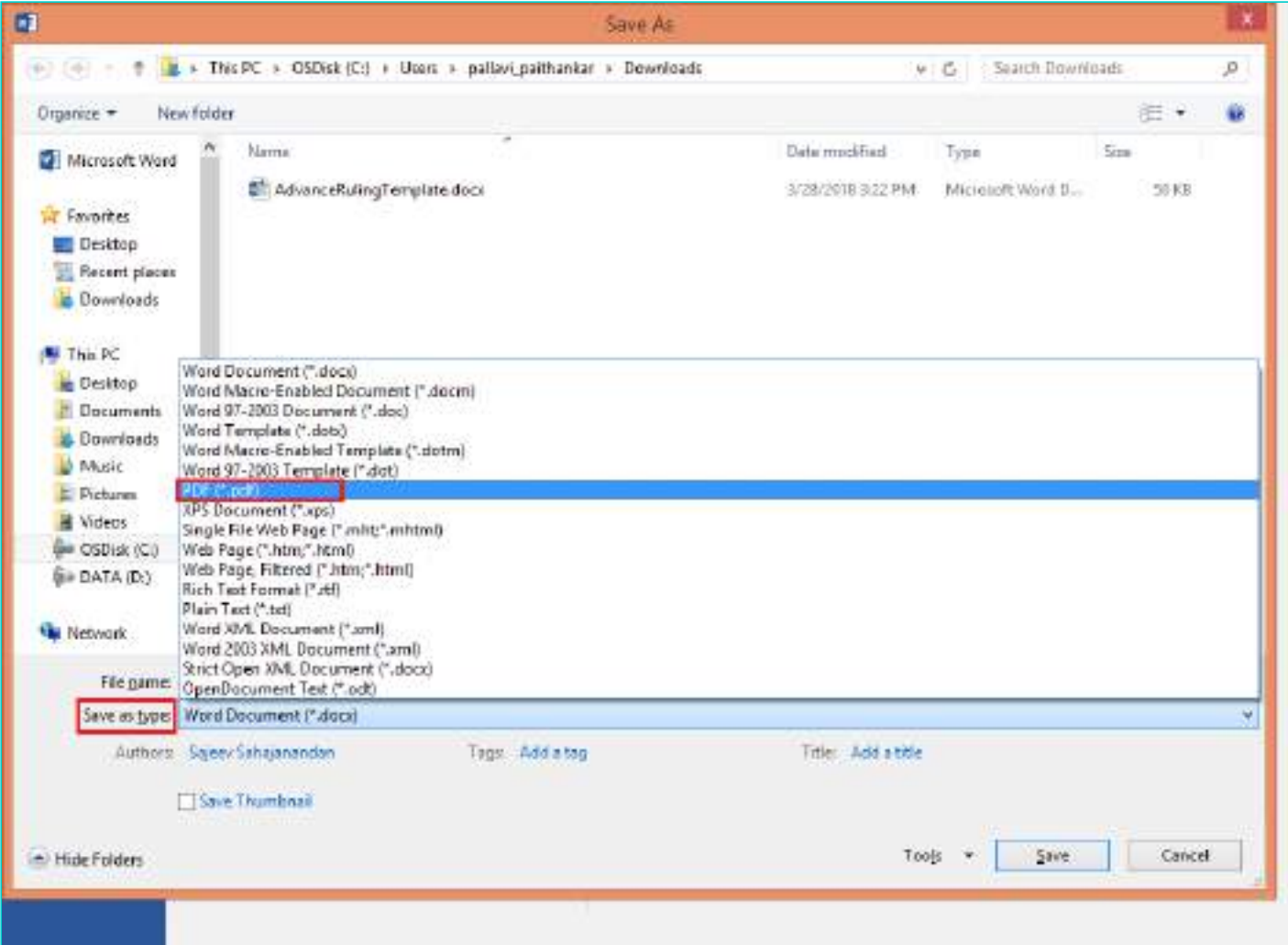
- Only PDF file format is allowed.
- Maximum file size for upload is 5MB.
- Click here to view the steps for converting the filled application Word template to PDF file format.

14(c). Click Save As and Choose the folder to save the Advance Ruling Template in pdf format.

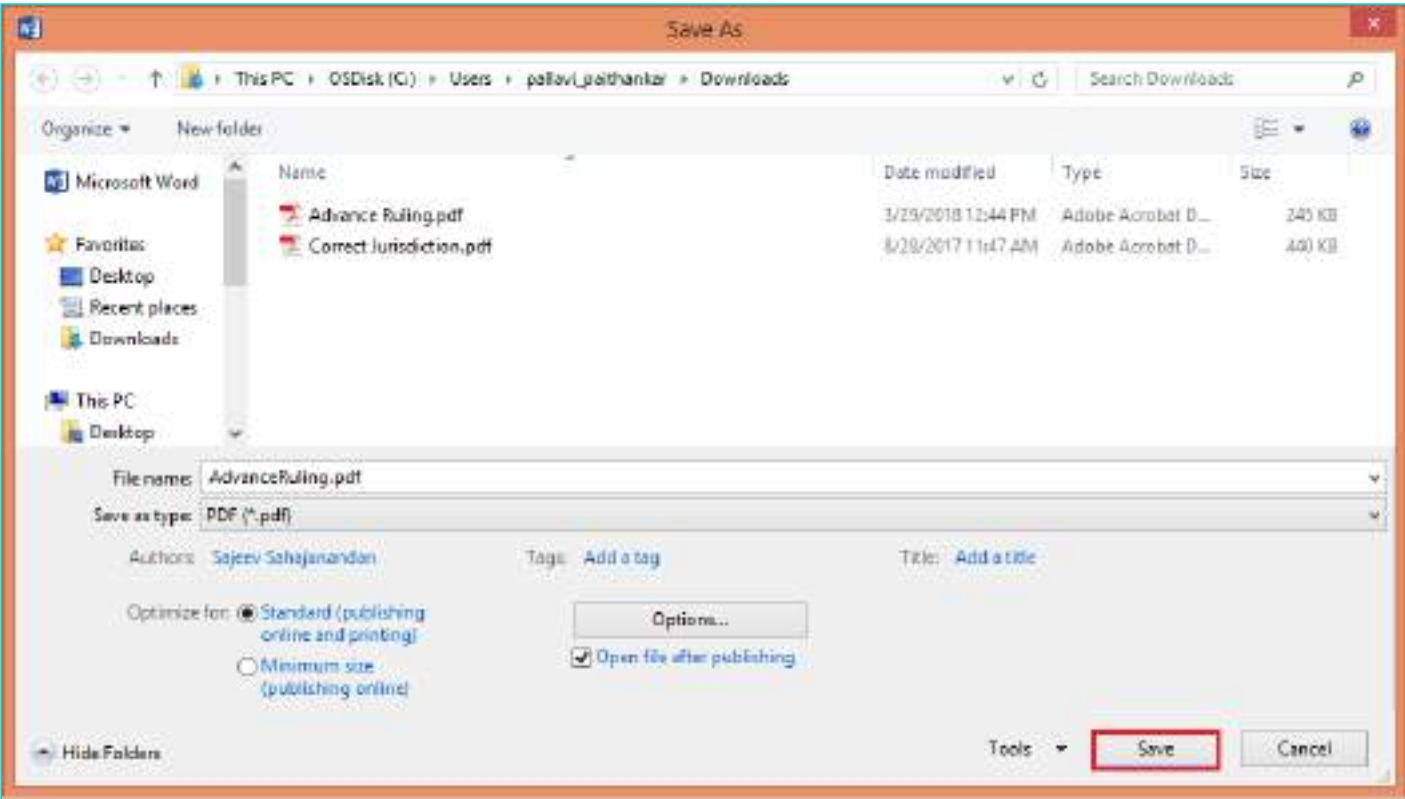


14(d). Select **Save As Type** to PDF (\*.pdf).

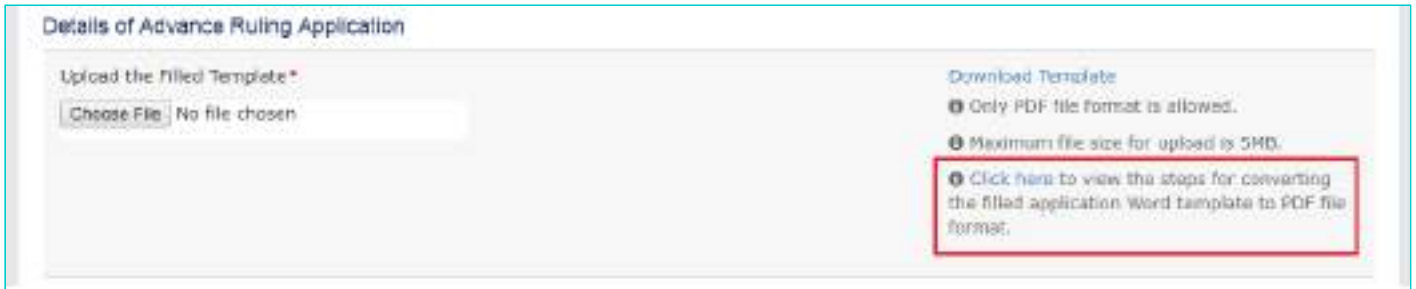




14(e). Click **SAVE**.



14(f). You can click the **click here** link to view the steps for converting the filled application Word template to PDF file format.



**Details of Advance Ruling Application**

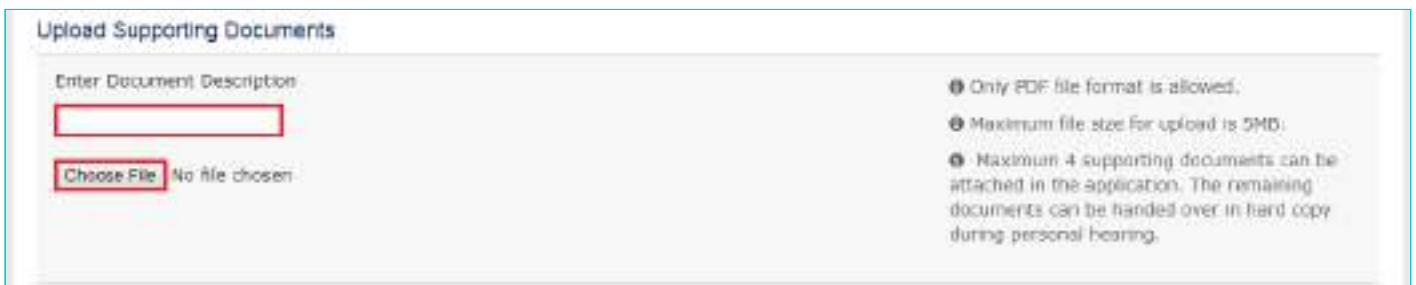
Upload the Filled Template \*

Choose File No file chosen

Download Template

- Only PDF file format is allowed.
- Maximum file size for upload is 5MB.
- Click here to view the steps for converting the filled application Word template to PDF file format.

15. Under **Upload Supporting Documents**, Enter Document Description and click the **Choose File** button. Navigate and select the Supporting Documents to upload.



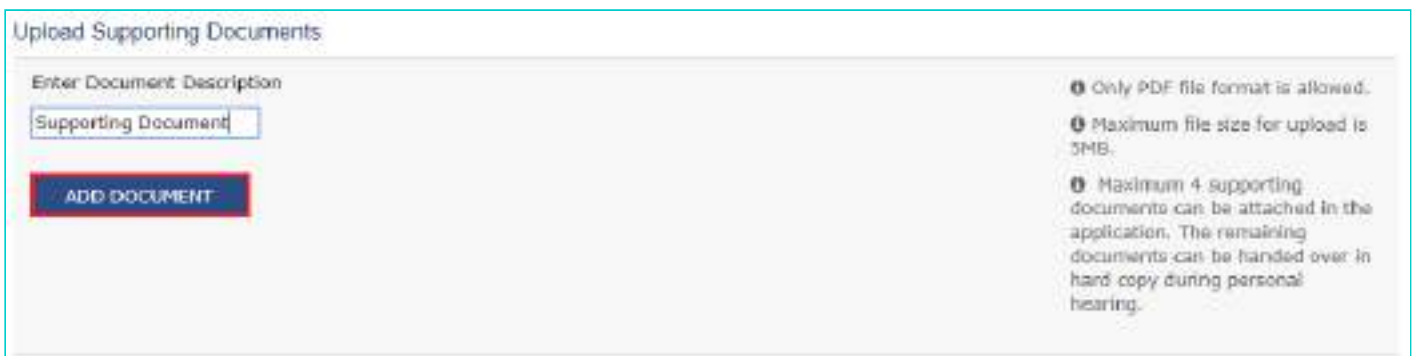
**Upload Supporting Documents**

Enter Document Description

Choose File No file chosen

- Only PDF file format is allowed.
- Maximum file size for upload is 5MB.
- Maximum 4 supporting documents can be attached in the application. The remaining documents can be handed over in hard copy during personal hearing.

16. After the document is uploaded, Click **ADD DOCUMENT** button to add the supporting document.



**Upload Supporting Documents**

Enter Document Description

Supporting Document

ADD DOCUMENT

- Only PDF file format is allowed.
- Maximum file size for upload is 5MB.
- Maximum 4 supporting documents can be attached in the application. The remaining documents can be handed over in hard copy during personal hearing.

17. Supporting Document is uploaded.



**Upload Supporting Documents**

Enter Document Description

Choose File No file chosen

Supporting Document: Supporting Document.pdf

- Only PDF file format is allowed.
- Maximum file size for upload is 5MB.
- Maximum 4 supporting documents can be attached in the application. The remaining documents can be handed over in hard copy during personal hearing.

**Note:**

- You can upload only PDF file with maximum file size for upload of as 5 MB.

- A maximum of 4 supporting documents in PDF format can be attached to the application for upload. The remaining documents, if any, can be handed over in hard copy during personal hearing.

18. Under **Declaration** and **Verification**, select both the checkboxes.

19. In the **Name of Authorized Signatory** drop-down list, select the name of authorized signatory. **Name**, **Son/Daughter/Wife of** and **Designation** fields gets auto-populated.

20. In the **Place** field, enter the place where the form is filed. Once Name of Authorized Signatory and Place is updated, **Designation/Status** and **Date** is auto-populated. Click the **SAVE** button.

**Note:** In case you want to retrieve the saved advance ruling application, you can navigate to **Services > User Services > My Saved Applications**. You can click the **EDIT** button to edit the existing application or click the **DELETE** button to delete the application.

Please note that Saved application will get automatically purged by the system after 15 days of first time save.

Dashboard Services User Services My Saved Applications					
My Saved Applications					
Creation Date	Form No.	Form Description	Expiry Date	Status	Action
10/05/2021	ARA-01	Advance Ruling Application	25/05/2021	Draft 	 



Dashboard Services User Services My Applications New Application Advance Ruling Application

Application Type	GSTIN/UIN/Temporary ID	Legal Name	Status of the Applicant
Advance Ruling Application	07ADYD06528P226	Gyanendra Prakash Dawid	Registered

\* Indicates mandatory fields

**Application Filed For**

- SGST
- CGST

**Correspondence Address** ( ☒ Same as Registered Address )

<b>Building No./ Flat No.*</b> 1	<b>Name of the Premises/Building</b> 	<b>Floor No.</b> 
<b>Road/Street*</b> MG	<b>City/Town/Locality/Village*</b> BCITY	
<b>State*</b> Delhi	<b>District*</b> Central Delhi	<b>PIN Code*</b> 110005

**Nature of the activity(s)(proposed/present)in respect of which Advance Ruling sought\***


<input checked="" type="checkbox"/> Factory/Manufacturing	<input type="checkbox"/> Bonded Warehouse	<input type="checkbox"/> Service Recipient
<input checked="" type="checkbox"/> Wholesale Business	<input type="checkbox"/> Service Provision	<input type="checkbox"/> EDU/STP/EHTP
<input type="checkbox"/> Retail Business	<input type="checkbox"/> Office/Sale Office	<input type="checkbox"/> Sez
<input type="checkbox"/> Warehouse/Depot	<input type="checkbox"/> Leasing Business	<input type="checkbox"/> Input Service Distributor(ISD)
<input type="checkbox"/> Works Contract	<input type="checkbox"/> QEDAR	<input type="checkbox"/> Others

**Issue/s on which advance ruling required (Tick whichever is applicable)\***


<input checked="" type="checkbox"/> Classification of goods and/or services or both
<input checked="" type="checkbox"/> Applicability of a notification issued under the provisions of the Act
<input type="checkbox"/> Determination of time and value of supply of goods or services or both
<input type="checkbox"/> Admissibility of input tax credit of tax paid or deemed to have been paid
<input type="checkbox"/> Determination of the liability to pay tax on any goods or services or both
<input type="checkbox"/> Whether applicant is required to be registered under the Act
<input type="checkbox"/> Whether any particular thing done by the applicant with respect to any goods and/or services or both amounts to or results in a supply of goods and/or services or both, within the meaning of that term

**Details of Advance Ruling Application**

**Upload the Filled Template\***

 Advance Ruling.pdf

**Download Template**

 Only PDF file format is allowed.  
Maximum file size for upload is 5MB.

21. To preview the application before filing, click **PREVIEW**.

Click here to view the steps for converting the filled application Word template to PDF file format.

### Upload Supporting Documents

Enter Document Description

**Choose File** No file chosen



Supporting Document: Supporting Document.pdf

Only PDF file format is allowed.

Maximum file size for upload is 5MB.

Maximum 4 supporting documents can be attached in the application. The remaining documents can be handed over in hard copy during personal hearing.

### Declaration\*

I hereby declare that the question(s) raised in the application is/are not:



Already pending in any proceedings in the applicant's case under any of the provisions of the Act



Already decided in any proceedings in the applicant's case under any of the provisions of the Act

### Verification\*



I, Gyanendra Dwivedi son/daughter/wife of Om Prakash Dwivedi do hereby solemnly declare that to the best of my knowledge and belief what is stated above and in the annexure(s), including the documents are correct. I am making this application in my capacity as Director (designation) and that I am competent to make this application and verify it.

Name of Authorized Signatory\*

Gyanendra Dwivedi

Place\*

Delhi

Designation / Status

Director

Date

15/10/2020

BACK

SAVE

PREVIEW

PROCEED TO FILE

Dashboard Services User Services My Applications New Application Advance Ruling Application

Application Type	GSTIN/UIN/Temporary ID	Legal Name	Status of the Applicant
Advance Ruling Application	07ALYPD6528P2Z6	Gyanendra Prakash Dwivedi	Registered

\* indicates mandatory fields

Application Filed For

- **SGST**
- **CGST**

Correspondence Address: ( ☒ Same as Registered Address )

Building No./ Flat No. \*

1

Name of the Premises/Building

Floor No.

Road/Street \*

MG

City/Town/Locality/Village \*

ECITY

State \*

Delhi

District \*

Central Delhi

PIN Code \*

110005

Nature of the activity(s) (proposed/present) in respect of which Advance Ruling sought \*


<input checked="" type="checkbox"/> Factory/Manufacturing	<input type="checkbox"/> Bonded Warehouse	<input type="checkbox"/> Service Recipient
<input checked="" type="checkbox"/> Wholesale Business	<input type="checkbox"/> Service Provision	<input type="checkbox"/> EOU/STP/HTP
<input type="checkbox"/> Retail Business	<input type="checkbox"/> Office/Sale Office	<input type="checkbox"/> SeZ
<input type="checkbox"/> Warehouse/Depot	<input type="checkbox"/> Leasing Business	<input type="checkbox"/> Input Service Distributor (ISD)
<input type="checkbox"/> Works Contract	<input type="checkbox"/> QIDAR	<input type="checkbox"/> Others

Issue/s on which advance ruling required (Tick whichever is applicable) \*

<input checked="" type="checkbox"/> Classification of goods and/or services or both
<input checked="" type="checkbox"/> Applicability of a notification issued under the provisions of the Act
<input type="checkbox"/> Determination of time and value of supply of goods or services or both
<input type="checkbox"/> Admissibility of input tax credit of tax paid or deemed to have been paid
<input type="checkbox"/> Determination of the liability to pay tax on any goods or services or both
<input type="checkbox"/> Whether applicant is required to be registered under the Act
<input type="checkbox"/> Whether any particular thing done by the applicant with respect to any goods and/or services or both amounts to or results in a supply of goods and/or services or both, within the meaning of that term


Details of Advance Ruling Application

Upload the Filled Template \*



Advance Ruling .pdf

Download Template



① Only PDF file format is allowed.  
 ② Maximum file size for upload is 5MB.

22. **Advance Ruling.pdf** file will be downloaded. Open the pdf file and check if all the details are correctly updated.

[Click here to view the steps for converting the filled application into a PDF file.](#)

### Advance Ruling Application

<b>Application Type</b> Advance Ruling Application	<b>GSTIN/User ID</b> 07ALYPD6528P2Z6
<b>Legal Name</b> Gyanendra Prakash Dwivedi	<b>Status of the Applicant</b> Registered

**Application filed for:**  
SGST, CGST

**Correspondence Address:** ☒ Same as Registered Address

<b>Building No. / Flat No.</b> 1	<b>Name of Premises/Building</b> -	<b>Floor No.</b> -
<b>Road / Street</b> MG	<b>City/Town/Locality/Village</b> ECITY	
<b>State</b> Delhi	<b>District</b> Central Delhi	<b>Pin Code</b> 110005

**Nature of the activity(s)(proposed/present) in respect of which Advance Ruling Sought**

Factory/Manufacturing

Wholesale Business

**Issue/s on which advance ruling required**

Classification of goods and/or services or both

Applicability of a notification issued under the provisions of the Act

**Details of Advance Ruling Application**

Advance Ruling Application

**Supporting Documents**

Supporting Document

**Declaration**

I hereby declare that the question(s) raised in the application is/are not:

☒ Already pending in any proceedings in the applicant's case under any of the provisions of the Act

☒ Already decided in any proceedings in the applicant's case under any of the provisions of the Act

**Verification details :**

☒ I, Gyanendra Dwivedi, son/daughter/wife of Om Prakash Dwivedi do hereby solemnly declare that to the best of my knowledge and belief what is stated above and in the annexure(s), including the documents are correct. I am making this application in my capacity as Director (designation) and that I am competent to make this application and verify it.

<b>Name of Primary/ other Authorized Signatory</b> Gyanendra Dwivedi[ALYPD6528P]	<b>Place</b> Delhi
<b>Designation / Status</b> Director	<b>Date</b> 15/10/2020

SAVE

PREVIEW

PROCEED TO FILE

Only PDF file format is allowed.

Maximum file size for upload is 5MB.

Maximum 4 supporting documents can be attached in the application. The remaining documents can be handed over in hard copy during personal hearing.

23. Click **PROCEED TO FILE**.





Dashboard Services User Services My Applications New Application Advance Ruling Application

Application Type	GSTIN/UTN/Temporary ID	Legal Name	Status of the Applicant
Advance Ruling Application	07AUPD6528P226	Gyanendra Prakash Dwivedi	Registered

\* indicates mandatory fields

#### Application Filed For

- ☒ SGST
- ☒ CGST

Correspondence Address ( ☒ Same as Registered Address )

Building No./ Flat No. *	Name of the Premises/Building	Floor No.
<input type="text" value="1"/>	<input type="text"/>	<input type="text"/>
Road/Street *	City/Town/Locality/Village *	
<input type="text" value="MG"/>	<input type="text" value="ECITY"/>	
State *	District *	PIN Code *
<input type="text" value="Delhi"/>	<input type="text" value="Central Delhi"/>	<input type="text" value="110005"/>

Nature of the activity(s)(proposed/present)in respect of which Advance Ruling sought \*

<input checked="" type="checkbox"/> Factory/Manufacturing	<input type="checkbox"/> Bonded Warehouse	<input type="checkbox"/> Service Recipient
<input checked="" type="checkbox"/> Wholesale Business	<input type="checkbox"/> Service Provision	<input type="checkbox"/> EOU/STP/EHTP
<input type="checkbox"/> Retail Business	<input type="checkbox"/> Office/Sale Office	<input type="checkbox"/> Sez
<input type="checkbox"/> Warehouse/Depot	<input type="checkbox"/> Leasing Business	<input type="checkbox"/> Input Service Distributor(ISO)
<input type="checkbox"/> Works Contract	<input type="checkbox"/> OIAR	<input type="checkbox"/> Others

Issue/s on which advance ruling required (Tick whichever is applicable) \*

<input checked="" type="checkbox"/> Classification of goods and/or services or both
<input checked="" type="checkbox"/> Applicability of a notification issued under the provisions of the Act
<input type="checkbox"/> Determination of time and value of supply of goods or services or both
<input type="checkbox"/> Admissibility of input tax credit of tax paid or deemed to have been paid
<input type="checkbox"/> Determination of the liability to pay tax on any goods or services or both
<input type="checkbox"/> Whether applicant is required to be registered under the Act
<input type="checkbox"/> Whether any particular thing done by the applicant with respect to any goods and/or services or both amounts to or results in a supply of goods and/or services or both, within the meaning of that term

#### Details of Advance Ruling Application


Upload the Filled Template *	Download Template
 <input type="text" value="Advance Ruling.pdf"/>	
	<p>Only PDF file format is allowed.</p> <p>Maximum file size for upload is 5MB.</p>

24. Click **SUBMIT WITH DSC** or **SUBMIT WITH EVC** button.

Click here to view the steps for converting the filled application Word template to PDF file format.

Dashboard Submit Application English

APPLICATION TYPE	LEGAL NAME	GSTIN/UIN/Temporary ID
Advance Ruling Application	Gyanendra Prakash Dwivedi	07ALYFD6528P2Z6



## Warning

Digital signatures are governed by the provisions of Information Technology Act, 2000 ("IT Act") and rules made thereunder. It is a mode of authenticating electronic records [Section 2(p) of IT Act]. Affixing digital signature on any document herein is deemed to be equivalent to affixing hand written signature/mark on such information/document (Section 5 of IT Act). Fraudulently/Dishonestly making use of any other person's digital signature is a punishable offence under IT Act (Section 66 C). Before attaching your digital signature certificate, please be certain that you wish to authenticate this electronic record.

- DSC is compulsory for Companies & LLP
- Facing problem using DSC? Click here for help

[SUBMIT WITH DSC](#)
[SUBMIT WITH EVC](#)

---

Name of Authorized Signatory\*

Place\*

Designation / Status  
Director

Date  
15/10/2020

[BACK](#)
[SAVE](#)
[PREVIEW](#)
[PROCEED TO FILE](#)

25. Once the Verification is completed, fee amount will be auto debited from the cash ledger, ARN will be generated and status will change to "Filed". A message will also pop up as "Application for Advance Ruling is submitted successfully" and an acknowledgement would be generated. The Acknowledgement can be downloaded by clicking the **DOWNLOAD** button.

**Note:** An SMS and e-mail will be sent to the applicant on the successful filing of Advance Ruling Application.

Dashboard > Services > User Services > My Applications > Advance Ruling Acknowledgement

Application for Advance Ruling is submitted successfully!

[Go To My Applications](#)

### Acknowledgement

You have filed the application successfully and the particulars of the application are given as under:

Application Reference No. (ARN)	AD071020000097W
Date of filing	15/10/2020
Time of filing	10:16:45 AM
Goods and Services Tax Identification Number(GSTIN)	07ALYPD6528P226
Legal Name	Gyanendra Prakash Dwivedi
Trade Name(If available)	AutomationsTest
Advance Ruling Authority	Delhi Authority for Advance Ruling
Filed By	Gyanendra Dwivedi
Form No.	GST ARA-01
Form Description	Application for Advance Ruling
Payment Reference Number	IP0710200000028

It is a system generated acknowledgement and does not require any signature.

[DOWNLOAD](#)

## B. Search for Applications related to Advance Ruling and open the Case Details Screen

To search for Applications related to Advance Ruling and open the Case Details Screen, perform following steps:

1. Access the [www.gst.gov.in](http://www.gst.gov.in) URL. The GST Home page is displayed.
2. Login to the portal with valid credentials.
3. Dashboard page is displayed. Click **Dashboard > Services > User Services > My Applications**

Goods and Services Tax

Dashboard Services GST Law Search Taxpayer Help e-Way Bill System

Registration Ledgers Returns Payments **User Services** Refunds

**My Applications**

My Saved Applications View Notices and Orders

View/Download Certificates View My Submissions Contacts

Search HSN / Service Classification Code Holiday List

Feedback Grievance / Complaints

Generate User Id for Advance Ruling Furnish Letter of Undertaking (LUT)

View My Submitted LUTs Locate GST Practitioner (GSTP)

Engage / Disengage GST Practitioner (GSTP) ITC02-Pending for action

View Additional Notices/Orders



4. **My Applications** page is displayed. Select "Advance Ruling" in the Application Type, select submission period in the **From Date** field and **To Date** field and click **SEARCH**.

Dashboard Services User Services **My Applications**

My Applications

Application Type\*

select

Select

Advance Ruling

Intimation of voluntary Payment - DRC-03

Letter of undertaking

Appeal to Appellate Authority

Application for rectification of order

Application for Deferred Payment/Payment in Instalments

Recovery Cases

REFUNDS

From Date

DD/MM/YYYY

To Date

DD/MM/YYYY

SEARCH

NEW APPLICATION

\* Indicates mandatory fields

**Note:** Maximum of 3 months submission period can be entered at a time and minimum one day period. Using the submission period, Taxpayer can search maximum of last 7 Years data.

5. Based on your Search criteria, all types of Advance Ruling related Applications are displayed. Click the ARN hyperlink you want to open.

Dashboard Services User Services **My Applications**

My Applications

Application Type\*

Advance Ruling

From Date

01/06/2018

To Date

09/08/2018

SEARCH

NEW APPLICATION

\* Indicates mandatory fields

ARN/RFN	Form No.	Form Description	Date of Filing	Status
<a href="#">AD240818000009B</a>	GST ARA-01	ADVANCE RULING	09/08/2018	Pending For Order
<a href="#">AD240818000002P</a>	GST ARA-01	ADVANCE RULING	02/08/2018	Rejected
<a href="#">AD240518000019E</a>	GST ARA-01	ADVANCE RULING	14/06/2018	Rectification Submitted
<a href="#">AD240718000023N</a>	GST ARA-01	ADVANCE RULING	12/07/2018	Rectification Submitted
<a href="#">AD240618000013Q</a>	GST ARA-01	ADVANCE RULING	14/06/2018	Rectification Submitted
<a href="#">AD240718000038C</a>	GST ARA-01	ADVANCE RULING	13/07/2018	Rectification Submitted
<a href="#">AD240718000066D</a>	GST ARA-01	ADVANCE RULING	18/07/2018	Rectification Submitted
<a href="#">AD240718000112O</a>	GST ARA-01	ADVANCE RULING	31/07/2018	Pending For Order
<a href="#">AD240718000110S</a>	GST ARA-01	ADVANCE RULING	31/07/2018	Pending For Order
<a href="#">AD240718000100B</a>	GST ARA-01	ADVANCE RULING	31/07/2018	Pending For Order

< 1 2 3 4 5 6 7 8 >

10 25 50 100

ARN/RFN :	Form No. :	Form Description :	Date of Filing :	Status :
AD240718000029B	GST ARA-01	ADVANCE RULING APPEALS	12/07/2018	Rejected
AD240718000031Q	GST ARA-01	ADVANCE RULING APPEALS	12/07/2018	Pending for Order
AD240718000030S	GST ARA-01	ADVANCE RULING APPEALS	12/07/2018	Pending for Order
AD240818000010S	GST ARA-01	Advance Ruling Reference	10/08/2018	Referred by Authority
AD240818000006H	GST ARA-01	Advance Ruling Reference	09/08/2018	Disposed by Appellate Authority
AD240818000005J	GST ARA-01	Advance Ruling Reference	07/08/2018	Referred by Authority
AD240718000108D	GST ARA-01	Advance Ruling Reference	30/07/2018	Referred by Authority
AD240718000098E	GST ARA-01	Advance Ruling Reference	20/07/2018	Referred by Authority
AD2407180000597	GST ARA-01	Advance Ruling Reference	18/07/2018	Rectification Submitted
AD240718000092I	GST ARA-01	Advance Ruling Reference	19/07/2018	Referred by Authority

6. **Case Details** page is displayed. On this page, yellow header provides details of this Application. There are six tabs in the left side of the page: APPLICATIONS, NOTICES, REPLIES, ORDERS, RECTIFICATION and ADDITIONAL DOCUMENT. You can click each tab to view Application details related to the tab. APPLICATIONS tab is by default selected. You can click "View" in the Action column and download the details of the filed application.

Dashboard > Services > User Services > My Applications > **Case Details**

ARN <b>AD240718000112O</b>	GSTIN/UIN/Temporary ID <b>24ABCPME147P126</b>	Date Of Application/Case Creation <b>31/07/2018</b>	Status <b>Pending For Order</b>
-------------------------------	--	--	------------------------------------

**APPLICATIONS**  
NOTICES  
REPLIES  
ORDERS  
RECTIFICATION  
ADDITIONAL DOCUMENT

PRN: IP2407180000063      Date Of Debit: 31/07/2018

Type of Document	Action
Advance Ruling Application	<b>View</b>

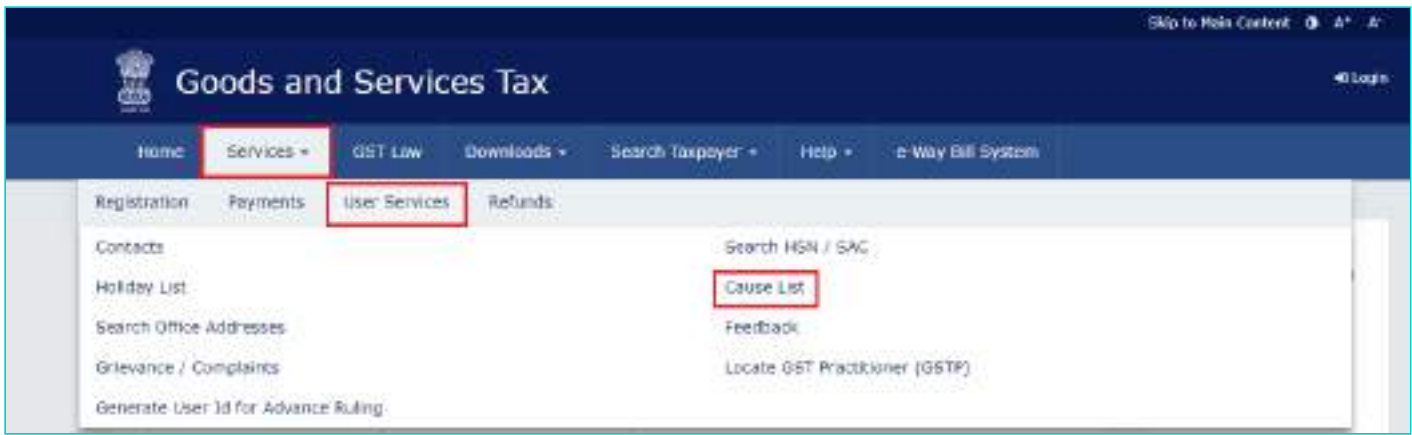
[Go back to the Main Menu](#)

## C. Search and View Cause List of all Advance Ruling-related Applications

To search and view Cause List of all Advance Ruling-related Applications, perform following steps:

1. Access the [www.gst.gov.in](http://www.gst.gov.in) URL. The GST Home page is displayed.
2. Navigate to **Services > User Services > Cause List**.

**Note:** You can access Cause List without logging to the GST Portal with your credentials.



3. **Cause List** Screen is displayed.

The screenshot shows the 'Cause List' form in the GST portal. The form includes fields for Type of Authority, State, Jurisdiction, and Date, with a SEARCH button. A legend indicates that fields marked with an asterisk (\*) are mandatory.

4. From the Type of Authority drop-down list, select **Authority for Advance Ruling (u/s 96)** or **Appellate Authority for Advance Ruling (u/s 99)**.

The screenshot shows the 'Cause List' form with the 'Type of Authority' dropdown menu open. The dropdown menu displays options: 'Select', 'Authority for Advance Ruling (u/s 96)', 'Appellate Authority for Advance Ruling (u/s 99)', and 'Appellate Authority (u/s 107)'. The 'SEARCH' button is visible at the bottom right.

5. From the **State** drop-down list, select **State** in which Application was filed.

6. From the **Jurisdiction** drop-down list, select **Jurisdiction** in which Application was filed. This is not mandatory field.

7. Select **Date**.

8. Click **SEARCH** and Cause List of the day will be displayed. In case of no hearing scheduled for the day, following message will appear "No hearings are scheduled for date".

Dashboard

### Cause List

Indicates mandatory fields

Type of Authority \*  
 Authority for Advance Ruling (u/s 96) ▼

State \*  
 Jharkhand ▼

Jurisdiction  
 Select ▼

Date  
 13/08/2018

SEARCH

No hearings are scheduled for date - 13/08/2018

**Note:** In case you don't select any date, System will search and display the Cause List of the current day.

## D. View Application Details based on which the Case was created

To view Application Details based on which this Case was created, perform following steps:

1. On the **Case Details** page of that particular application, select the **APPLICATIONS** tab, if it is not selected by default. This tab provides you an option to view the filed application in PDF mode. The PRN (Payment Reference Number) along with Date of Debit and Status of Applicant is also displayed here

Dashboard - Services - User Services - My Applications - Case Details

ARN AD2407180001120	GSTIN/UIN/Temporary ID 24ABCPME147P176	Date Of Application/Case Creation 31/07/2018	Status Pending For Order
------------------------	---	---	-----------------------------

**APPLICATIONS**

NOTICES

REPLIES

ORDERS

RECTIFICATION

ADDITIONAL DOCUMENT

PRN: IP2407180000063 Date Of Debit: 31/07/2018

Type of Document	Action
Advance Ruling Application	View

2. Click the **View** link under Action to download and view the application in PDF mode.

[Go back to the Main Menu](#)

## E. View Issued Notices and File Reply

To view issued Notices and File your Reply, perform following steps:

1. On the **Case Details** page of that particular application, select the **NOTICES** tab. This tab displays all the notices (Hearing/Adjournment) issued by AAR or AAAR against this ARN to you.

**Note:** You can click the link under Attachments column to download any attachment, if uploaded.

ARN AD060421000077R	GSTIN/UIN/Temporary ID 06BEFPC0077R4Z8	Date Of Application/Case Creation 15/04/2021	Status Referred by Authority			
APPLICATIONS	Notice No	Subject	Issued On	Issued By	Attachments	Action
NOTICES	ZD0604210004609	Admission of Advance Ruling Application	15/04/2021	Haryana Authority for Advance Ruling	-NA-	Reply
REPLIES						
ORDERS						
RECTIFICATION						
ADDITIONAL DOCUMENT						

10
25
50
100

**Note:**

Following types of Notices can be issued against the filed Applications related to Advance Ruling:

Notices Issued by Authority for Advance Ruling (AAR)	Notices Issued by Appellate Authority for Advance Ruling (AAAR)
<ul style="list-style-type: none"> <li>Notice of Personal Hearing for Admitting or Rejecting Filed Application seeking Advance Ruling</li> <li>Notice of Adjournment</li> <li>Notice of Personal Hearing in respect of rectification application</li> <li>Notice of Personal Hearing in respect of Suo Moto rectification</li> <li>Notice of Personal Hearing in respect of declaring advance ruling order void</li> </ul>	<ul style="list-style-type: none"> <li>Notice of Personal Hearing for Admitting or Rejecting Appeals</li> <li>Notice of Adjournment</li> <li>Notice of Personal Hearing in respect of in respect of reference application</li> <li>Notice of Personal Hearing in respect of rectification application</li> <li>Notice of Personal Hearing in respect of Suo Moto rectification</li> <li>Notice of Personal Hearing in respect of declaring advance ruling order void</li> </ul>

2. Click **Reply** hyperlink in the **Action** column against the Notice for which reply is to be filed.

ARN AD2407180001120	GSTIN/UIN/Temporary ID 24ABCPMB147P126	Date Of Application/Case Creation 31/07/2018	Status Pending For Order		
APPLICATIONS	Notice No	Subject	Issued On	Issued By	Action
NOTICES	ZA2408180000490	Advance ruling order	11/08/2018	Gujarat Authority for Advance Ruling	Reply
REPLIES	ZA2408180000505	Advance Ruling Void	14/08/2018	Gujarat Authority for Advance Ruling	Reply
ORDERS					
RECTIFICATION					
ADDITIONAL DOCUMENT					

10
25
50
100



3. **Reply** application is displayed. Application Details and your details are auto-populated. The remaining details must be filled manually. To go to the previous page, you can click **BACK**.

Dashboard
Services
User Services
My Applications
Case Details

ARN  
AD2407180001120
GSTIN/UIN/Temporary ID  
24ABCPM8147P126
Date Of Application/Case Creation  
31/07/2018
Status  
Pending For Order

APPLICATIONS
NOTICES
REPLIES
ORDERS
RECTIFICATION
ADDITIONAL DOCUMENT

Application Details

\* Indicates mandatory fields

NOCOR No  
ZA2408100000490
Application Type  
Reply

Details of Respondent

Legal Name of the Respondent  
PRAVINBHAI KALIDAS MISTRY
Trade Name of the Respondent  
SUN LIGHT(Pvt)ltd
Status of the Respondent  
Registered

Contact Details of Respondent

Email Id of the respondent  
dhanashree.harddeginfo@sys.com
Mobile Number of the respondent  
9513107112

Details of Reply\*

Upload the filled template
Choose File No file chosen
Download Template
Click here to view the steps for converting the filled application Word template to PDF file format.
Only PDF file format is allowed.
Maximum file size for upload is 5MB.

Upload Supporting Documents

Enter Document Description
Choose File No file chosen
Maximum 4 supporting documents can be attached in the application. The remaining documents can be handed over in hard copy during personal hearing.
Only PDF file format is allowed.
Maximum file size for upload is 5MB.

Verification \*

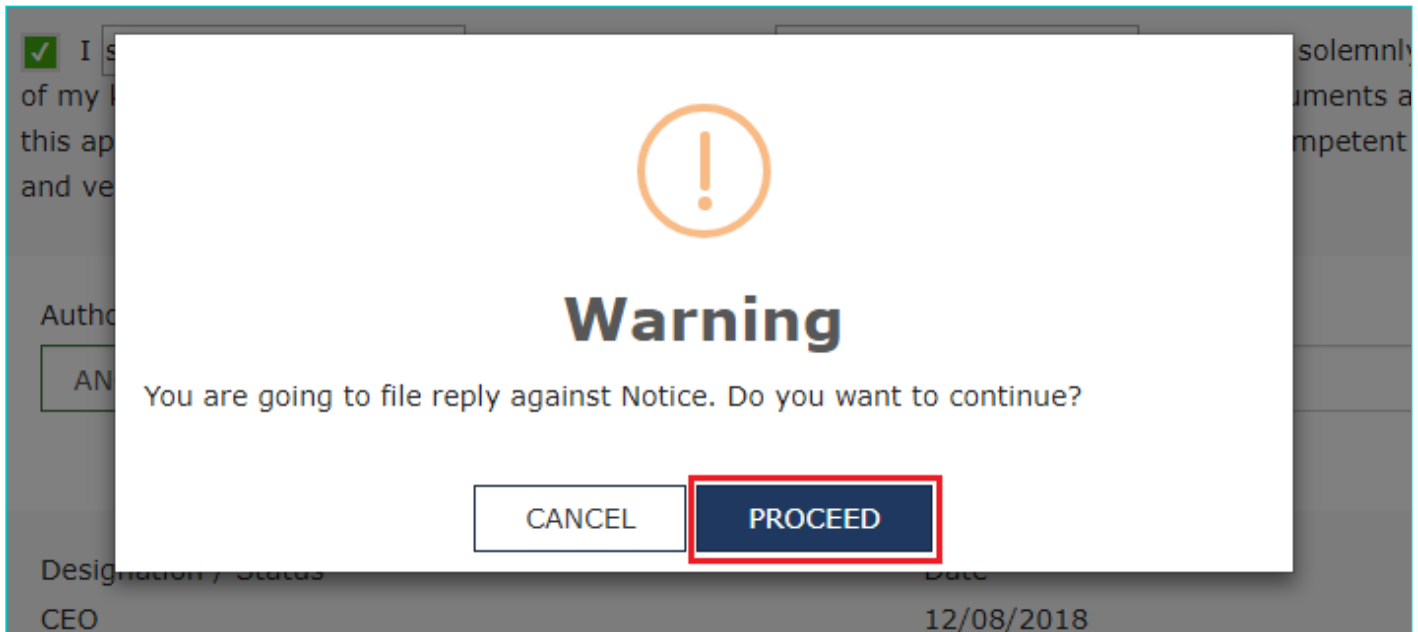
I, [Redacted] son/daughter/wife of [Redacted] do hereby solemnly declare that to the best of my knowledge and belief what is stated above and in the annexure(s), including the documents are correct. I am making this application in my capacity as [Redacted] (designation) and that I am competent to make this application and verify it.

Authorized Signatory\*
Select
Place\*
Enter Place

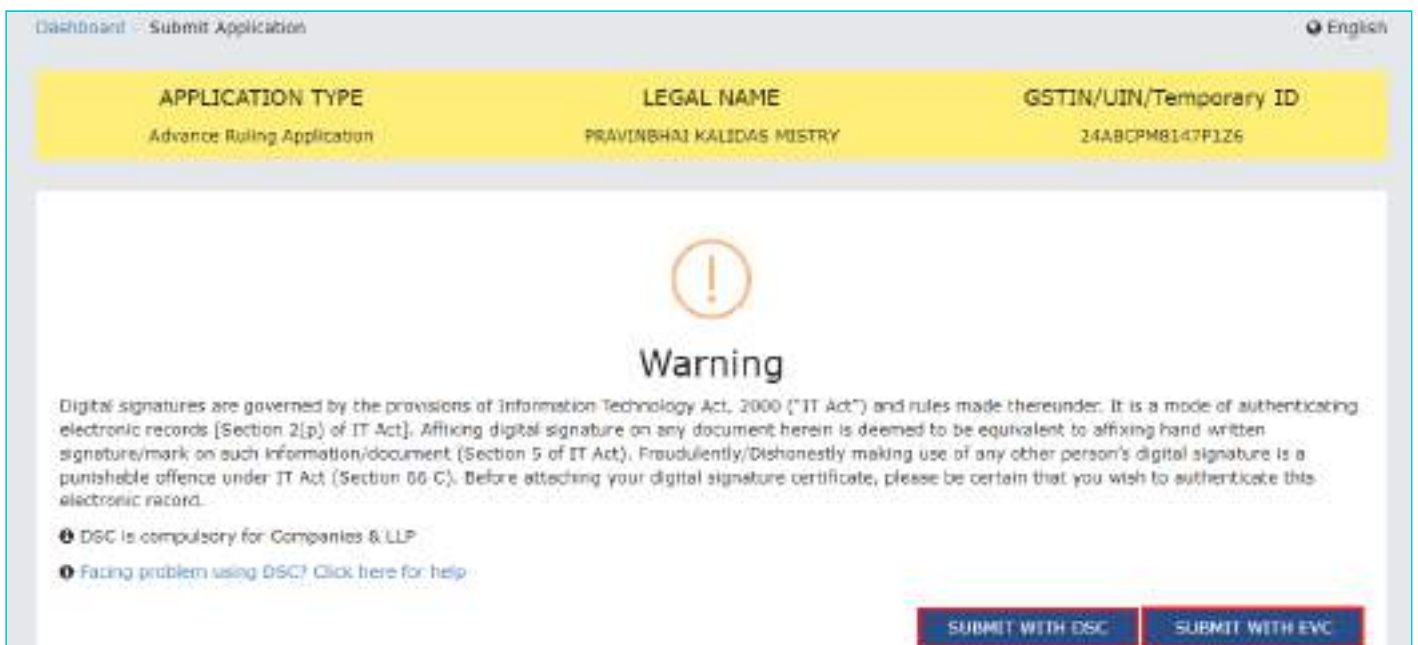
Designation / Status
Date

BACK PREVIEW PROCEED TO FILE

4. Click **Download Template** to download and manually fill details of Reply and then upload the converted PDF using **Choose File** button under **Details of Reply** field.
5. If required, you can also upload supporting documents. This is not a mandatory field. To upload, first fill **Enter Document Description** field and then click **Choose File** to upload them.
6. Enter **Verification** details and click **PREVIEW** to download and review your Reply. Once you are satisfied, click **PROCEED TO FILE**.
7. A Warning message popup is displayed. Click **PROCEED**.



8. **Submit Application** page is displayed. Click **SUBMIT WITH DSC** or **SUBMIT WITH EVC**.



9. **Acknowledgement** page is displayed. Click **OK**.



**Note:** You will also receive an email acknowledging receipt of this Counter reply, along with generated Reply Reference Number.

10. GST System automatically directs you to the REPLIES tab where the reply you just filed will be displayed in a table. Also, system generated email is automatically sent to the JO/CO intimating them about successful submission of the reply and the generated Reply Reference Number.



**Note:** Once the reply is submitted, the Reply link in the NOTICES tab will get disabled. You can submit only one reply per each Notice.



[Go back to the Main Menu](#)

## F. View Replies/Counter-replies Filed by Self or Concerned Officer (CO)/Jurisdiction Officer (JO)



To view Replies/Counter-replies Filed by Self or Concerned Officer (CO)/Jurisdiction Officer (JO), perform following steps:

1. On the **Case Details** page of that particular application, select the **REPLIES** tab. This tab displays the replies filed by either yourself or the counter replies by the CO and/or JO, against the Notice issued by Authority.

Dashboard > Services > User Services > My Applications > Case Details

ARN AD240718000083H	GSTIN/URN/Temporary ID 24ABCPN8147P1Z6	Date Of Application/Case Creation 19/07/2018	Status Rectification Submitted
------------------------	---	---	-----------------------------------

APPLICATIONS

NOTICES

REPLIES

ORDERS

RECTIFICATION

ADDITIONAL DOCUMENT

Reply No.	Notice No.	Filed By	Date of Reply	Supporting Documents
ZA240718000255T	ZA240718000252Z	Jurisdictional Officer/ Concerned Officer	19/07/2018	5120kb (1) (1) (1) (1) (1).pdf Acknowledgement (1)

**Note:** Maximum 3 replies can be submitted against any Notice. 1 reply by Taxpayer, 1 Reply by Jurisdictional Officer and 1 reply by Concerned Officer.

2. Click the **Reply No.** hyperlinks to download the filed Replies. Click **Notice No.** hyperlinks to download the respective notice. You can also click document names in the **Supporting Documents** column to download and view the documents filed along with each reply.

[illegible]

[Go back to the Main Menu](#)

## G (1). View ORDERS and File Appeal

This section of the document discusses the steps to view ORDERS and File Appeal. In case, you want to take other actions (such as, search application, view notices and file replies, view counter replies etc.) related to the Proceedings of all Advance Ruling-related Applications, click here -> [Go back to the Main Menu](#)

To view ORDERS and File Appeal, perform following steps:

1. Login to the GST Portal with valid credentials i.e. your User Id and Password. Click the **Services > User Services > My Applications >** Select "Advance Ruling" in the Application Type > select submission period in the **From Date** field and **To Date** field and click **SEARCH**. Click the ARN hyperlink you want to open.

Dashboard Services User Services My Applications

### My Applications

Application Type\*  \* Indicates mandatory fields

From Date:  To Date:

ARN/RFN	Form No.	Form Description	Date of Filing	Status
AD240818000009B	GST ARA-01	ADVANCE RULING	09/08/2018	Pending For Order
AD240818000002P	GST ARA-01	ADVANCE RULING	02/08/2018	Rejected
AD240518000019E	GST ARA-01	ADVANCE RULING	14/06/2018	Rectification Submitted
AD240718000023N	GST ARA-01	ADVANCE RULING	12/07/2018	Rectification Submitted
AD240618000013Q	GST ARA-01	ADVANCE RULING	14/06/2018	Rectification Submitted
AD240718000038C	GST ARA-01	ADVANCE RULING	13/07/2018	Rectification Submitted
AD240718000066D	GST ARA-01	ADVANCE RULING	18/07/2018	Rectification Submitted
AD2407180000112O	GST ARA-01	ADVANCE RULING	31/07/2018	Pending For Order
AD2407180000110S	GST ARA-01	ADVANCE RULING	31/07/2018	Pending For Order
AD2407180000100B	GST ARA-01	ADVANCE RULING	31/07/2018	Pending For Order

1 2 3 4 5 6 7 8 10 25 50 100

2. On the **Case Details** page of that particular application, select the **ORDERS** tab. This tab displays all the Orders issued by AAR or AAAR against this case. Click **File Appeal** hyperlink to initiate your Appeal Application. You can file an Appeal against only the Advance Ruling Order issued by AAR.

**Note:**

- You can file an Appeal against only the Advance Ruling Order issued by AAR.
- In the column "Linked Rectification Order", Order number of Rectification Order passed against this Order, if any, is displayed. If Rectification application is filed against this Order (Advance Ruling Order, Rectification Order, Void Order, Rejection of Rectification Order, Appeal Order (Confirming Advance Ruling) etc.), but no Rectification Order has yet been issued, then "Order Awaited" status is displayed. If there is no Rectification application filed against this Order, then NA will be displayed. "Linked Rectification Order" column can be any type of Rectification Order i.e. "Rectification Order" or "Rejection of Rectification Application".
- In the column "Linked Appellate Order", Order number passed by the Appellate Authority for Advance Ruling, if any is displayed (if an appeal was filed against Advance Ruling Order). If Appeal is filed against the Advance ruling Order passed by AAR, then any one of the following types of Appellate Orders, will be displayed against this AR Order – Appeal Order (Confirming Advance Ruling) or Appeal Order (Modifying Advance Ruling) or Rejection of Condonation of Delay. If Appeal was filed against this Order, but no Appeal Order has yet been issued, then "Order Awaited" status is displayed. If Appeal has not been filed against this Order and there is no Appeal Order passed against this Advance Ruling Order, then NA will be displayed.
- In the "Linked Void Order" column, Void Order issued by the Authority / Appellate Authority against the Advance Ruling Order, if any, is displayed. If Void Proceedings were initiated, but no Order has yet been issued, then "Order Awaited" status is displayed. If Void Proceedings are not initiated against any Advance Ruling Order, then NA will be displayed. There can be two types of Void Order - "Order Declaring Advance Ruling Void" or "Order Dropping Void Proceedings". Void Order can be issued against - Advance Ruling Order, Rectification Order (when Advance

Ruling order is rectified), Appeal Order (Modifying Advance Ruling), and Appeal Order (Confirming Advance Ruling).

- You can click the Order No. displayed in the respective columns to download the Order as PDF.

Dashboard Services User Services My Applications Case Details

**AAR** GSTIN/UDN/Temporary ID Date Of Application/Case Creation Status  
**AD0708200002620** **07ALYP06528P226** **28/06/2020** **Disposed by Authority**

APPLICATIONS	Order No.	Type of Order	Passed On	Passed By	Uploaded Order Annexure	Linked Rectification Order	Linked Appellate Order	Linked Void Order	Action
NOTICES									
REPLIES	210000992	Advance ruling order	12/02/2021	Gujarat Authority for Advance Ruling	ARN_RECEIPT_GST RFD-01_07ALYP06528P226_EXDCL (10).pdf	NA	Order Awaited	NA	File Appeal
<b>ORDERS</b>									
RECTIFICATION									
ADDITIONAL DOCUMENT									

10 25 50 100

**Note 1:** Here are the types of Orders issued by AAR and AAAR.

Orders Issued by Authority for Advance Ruling (AAR)	Orders Issued by Appellate Authority for Advance Ruling (AAAR)
<ul style="list-style-type: none"> <li>Declaring Advance Ruling Void</li> <li>Dropping Void Proceedings</li> <li>Admission of Advance Ruling Application</li> <li>Rejection of Advance Ruling Application</li> <li>Advance Ruling Order</li> <li>Rectification of Order</li> <li>Rejection of Rectification Application</li> </ul>	<ul style="list-style-type: none"> <li>Declaring Advance Ruling Void</li> <li>Dropping Void Proceedings</li> <li>Acceptance of Condonation of Delay</li> <li>Rejection of Condonation of Delay</li> <li>Appeal Order (Confirming Advance Ruling)</li> <li>Appeal Order (Modifying Advance Ruling)</li> <li>Rectification of Order</li> <li>Rejection of Rectification Application</li> </ul>

**Note 2:** You can file an Appeal against only the Advance Ruling Order issued by AAR, within the specified period from the date of order or within the period as extended by Appellate Authority, as per law.

3. **New Application** page is displayed. Act(s) for which Appeal against the Advance Ruling has to be filed is auto-selected. In case, there is no sufficient balance in Cash Ledger, click **DEPOSIT TO CASH LEDGER** button to deposit the required amount of the displayed **Total Fee Applicable** in Cash Ledger. [Click here to refer the FAQs and User Manual on Making Payment](#). Otherwise, click **CREATE APPLICATION FOR APPEAL**.

**Note:**

- In case of Normal taxpayer, fee has to be paid for filing an appeal against the Advance Ruling order passed by AAR, under CGST and SGST heads.

- In case of OIDAR taxpayer, fee has to be paid for filing an appeal against the Advance Ruling order passed by AAR, under IGST head.
- The respective amount, to be paid, will be auto calculated based on selection of SGST/CGST/IGST heads, as the case may be.

Dashboard Services User Services My Applications **New Application**

Select Act(s) for which Appeal against the Advance Ruling has to be filed

☒ SGST ☒ CGST ☐ IGST Cash Balance as on 15/10/2020

Acts	Fee Applicable (in ₹)	Amount available in Cash Ledger (in ₹)	Amount to be paid (in ₹)
SGST	10000.00	33984.20	Nil
CGST	10000.00	15007.00	Nil
IGST	-	110955.00	-
<b>Total (in ₹)</b>	<b>20000.00</b>	<b>160956.20</b>	<b>Nil</b>

**DEPOSIT TO CASH LEDGER** **CREATE APPLICATION FOR APPEAL**

**Instructions**

1. If there is not sufficient balance in Cash Ledger (under Fee head), i.e. "Amount to be paid" is not nil, then click on **Deposit To Cash Ledger** button to deposit the required amount, in Cash Ledger.
2. If sufficient balance is available in Cash Ledger (under Fee head), i.e. "Amount to be paid" is nil for all the selected acts, then click on **Create Application for Appeal** button to fill and submit the application.
3. Presently fees for Appeal against Advance Ruling Order is ₹ 10000/- each under CGST, SGST and IGST for Normal taxpayer and ₹10000/- for OIDAR taxpayer under IGST. On selection of respective head, fees amount will accordingly get reflected for making payment.

#### 4. Advance Ruling Appeal Application page is displayed.

##### Note:

- System auto-calculates the number of days delay in filing appeal from the date when Advance Ruling Order was passed by the AAR. If the **No. of days delay in filing appeal** field is not 0, you must attach the Details of Condonation of Delay (COD) in the **Upload Supporting Documents** field.
- Basis the act selected in previous screen for which Advance Ruling application has to be filed, Act will get auto-populated under "Application Filed For" section.
- Appeal can be filed even after 30 days and up to 60 days (even without COD) or even after 60 days from the date of communication of the order appeal against. In case of delay, please attach the Application for COD in "Upload Supporting Document" section of the Appeal Application.

5. Enter details in the **Address of Appellant at which notices may be sent** field in case the address for communication of Notice is different than the registered address. If the Address is same as registered address, then select the **Same as Registered Address** check-box and the already registered address will get pre-filled.

6. Select the radio buttons **Yes** or **No**, based on your choice of being heard in person or not.

7. Click **Download Template** to download and manually fill details of Appeal and then upload the converted PDF using **Choose File** button under **Details of Appeal for Advance Ruling Application** field.

8. To upload supporting documents, first fill **Enter Document Description** field and then click **Choose File** to upload them.

**Note:** You must upload the Details of Condonation of Delay (COD) if **No. of days delay in filing appeal** field is not 0.

9. Enter **Verification** details. In the **Name of Authorized Signatory** drop-down list, select the name of authorized signatory. **Name**, **Son/Daughter/Wife of** and **Designation** fields gets auto-populated. Click **PREVIEW** to download and review your Appeal Application.



Dashboard Services User Services My Applications New Application Advance Ruling Appeal Application

Application Type	GSTIN/UIN/Temporary ID	Legal Name
Appeal to the Appellate Authority for Advance Ruling	07ALYFD6528P226	Gyanendra Prakash Dwivedi
Trade Name	Status of the Applicant	
AutomationsTest	Registered	

\* indicates mandatory fields

### Order Details

Advance Ruling Order Number: Z0070820000886F  
Date of Communication of Order: 28/08/2020

### Appeal Details

No. of days delay in filing Appeal: 18

**1** No. of days delay in filing Appeal is calculated after expiry of 30 days, from the date of communication of Advance Ruling order.

**2** In case of delay in filing Appeal, please attach Details for Condonation of Delay (COD) in the supporting document section.

### Application Filed For

- SGST
- CGST


Address of Appellant at which notices may be sent: ( ☒ Same as Registered Address )

Building No./ Flat No.* 1	Name of the Premises/Building 	Floor No. 
Road/Street.* HG	City/Town/Locality/Village.* ECITY	
State.* Delhi	District.* Central Delhi	PIN Code.* 110005

Whether the Appellant wishes to be heard in person? ☒ Yes ☐ No

### Details of Appeal for Advance Ruling Application

Upload the Filled Template\*

 Advance Ruling.pdf


[Download Template](#)

- 1** Only PDF file format is allowed.
- 2** Maximum file size for upload is 5MB.
- 3** Click here to view the steps for converting the filled application Word template to PDF file format.

### Upload Supporting Documents

Enter Document Description

No file chosen

 Details of delay: Details of Delay.pdf

- 1** Only PDF file format is allowed.
- 2** Maximum file size for upload is 5MB.
- 3** Maximum 4 supporting documents can be attached in the application. The remaining documents can be handed over in hard copy during personal hearing.

### Verification\*

10. **Advance Ruling.pdf** file will be downloaded. Open the pdf file and check if all the details are correctly updated.

☒ I, Gyanendra Dwivedi, son/daughter/wife of Om Prakash Dwivedi do hereby solemnly declare that to the best of my knowledge and belief, the information furnished in the application, including the documents are correct. I am making this application in my capacity as Director (designation) and that I am competent to make this application and verify it.

Name of Authorized Signatory\*  
Gyanendra Dwivedi

Place\*  
Delhi

Designation / Status  
Director

Date  
15/10/2020

BACK PREVIEW PROCEED TO FILE



Appeal for Advance Ruling Application		
<b>Application Type</b> Appeal to the Appellate Authority for Advance Ruling	<b>GSTIN/UIN/Temporary ID</b> 07ALYP06528P2Z6	<b>Legal Name</b> Gyanendra Prakash Dwivedi
<b>Trade Name</b> AutomationsTest	<b>Status of the Applicant</b> Registered	
<b>Order Details</b>		
<b>Advance Ruling Order Number</b> ZD070820000886F	<b>Date of Communication of Order</b> 28/08/2020	
<b>Appeal Details</b>		
<b>No. of days delay in filing Appeal</b> 18		
<b>Application filed for</b> SGST, CGST		
<b>Address of Appellant at which notices may be sent:</b> ( <input checked="" type="checkbox"/> Same as Registered Address )		
<b>Building No. / Flat No.</b> 1	<b>Name of Premises/Building</b> -	<b>Floor No.</b> -
<b>Road / Street</b> MG	<b>City/Town/Locality/Village</b> ECITY	
<b>State</b> Delhi	<b>District</b> Central Delhi	<b>Pin Code</b> 110005
<b>Whether the Appellant wishes to be heard in person?</b>		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Details of Appeal for Advance Ruling Application</b>		
Appeal for Advance Ruling Application		
<b>Supporting Documents</b>		
Details of delay		
<b>Verification details :</b>		
<input checked="" type="checkbox"/> I, Gyanendra Dwivedi, son/daughter/wife of Om Prakash Dwivedi do hereby solemnly declare that to the best of my knowledge and belief what is stated above and in the annexure(s), including the documents are correct. I am making this application in my capacity as Director (designation) and that I am competent to make this application and verify it.		
<b>Name of Primary/ other Authorized Signatory</b> Gyanendra Dwivedi[ALYP06528P]	<b>Place</b> Delhi	
<b>Designation / Status</b> Director	<b>Date</b> 15/10/2020	

11. Once you are satisfied, click **PROCEED TO FILE**.



Dashboard &gt; Services &gt; User Services &gt; My Applications &gt; New Application &gt; Advance Ruling Appeal Application

<b>Application Type</b> Appeal to the Appellate Authority for Advance Ruling	<b>GSTIN/UIN/Temporary ID</b> 07ALYPD6325PZZ6	<b>Legal Name</b> Gyrendra Prakash Dwivedi
<b>Trade Name</b> AutomationsTest	<b>Status of the Applicant</b> Registered	

\* indicates mandatory fields

## Order Details

Advance Ruling Order Number:  
**ZD070820000556\***

Date of Communication of Order:  
**26/05/2020**

## Appeal Details

No. of days delay in filing Appeal:  
**18**

① No. of days delay in Filing Appeal is calculated after expiry of 30 days, from the date of communication of Advance Ruling order.

② In case of delay in filing Appeal, please attach Details for Condonation of Delay (COD) in the supporting document section.

## Application Filed For

- SGST
- CGST

Address of Appellant at which notices may be sent ( ☒ Same as Registered Address )

<b>Building No./ Flat No. *</b> 1	<b>Name of the Premises/Building</b> 	<b>Floor No.:</b> 
<b>Road/Street *</b> HG	<b>City/Town/Locality/Village *</b> ECITY	
<b>State *</b> Delhi	<b>District *</b> Central Delhi	<b>PIN Code *</b> 110005

Whether the Appellant wishes to be heard in person? \* ☒ Yes ☐ No

## Details of Appeal for Advance Ruling Application

Upload the Filled Template \*



Advance Ruling.pdf

Download Template

- ① Only PDF file format is allowed.
- ② Maximum file size for upload is 5MB.

③ Click here to view the steps for converting the filled application Word template to PDF file format.

## Upload Supporting Documents

Enter Document Description

No file chosen



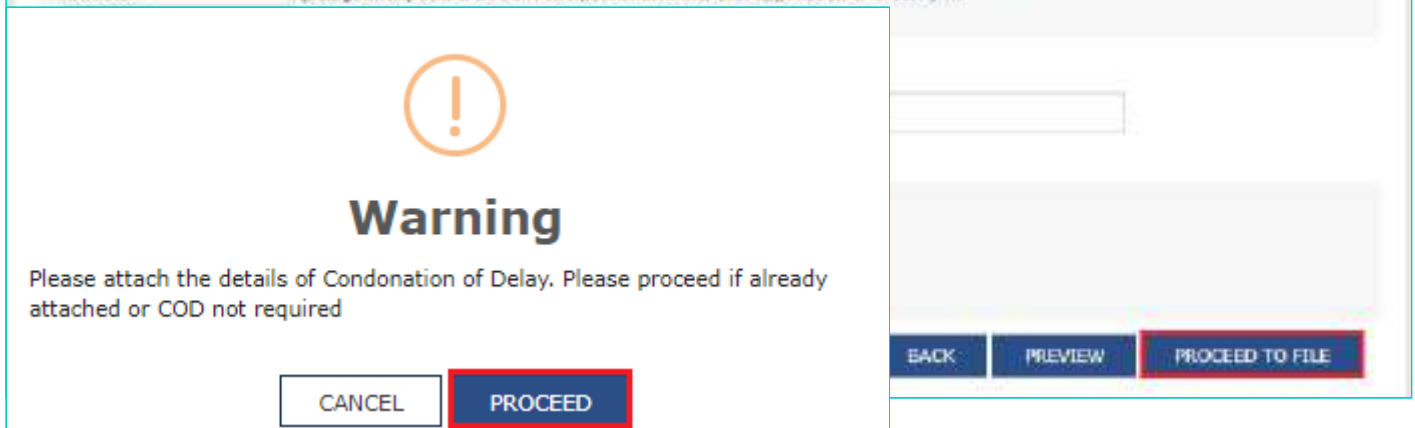
Details of delay: Details of Delay.pdf

- ① Only PDF File format is allowed.
- ② Maximum file size for upload is 5MB.

③ Maximum 4 supporting documents can be attached in the application. The remaining documents can be handed over in hard copy during personal hearing.

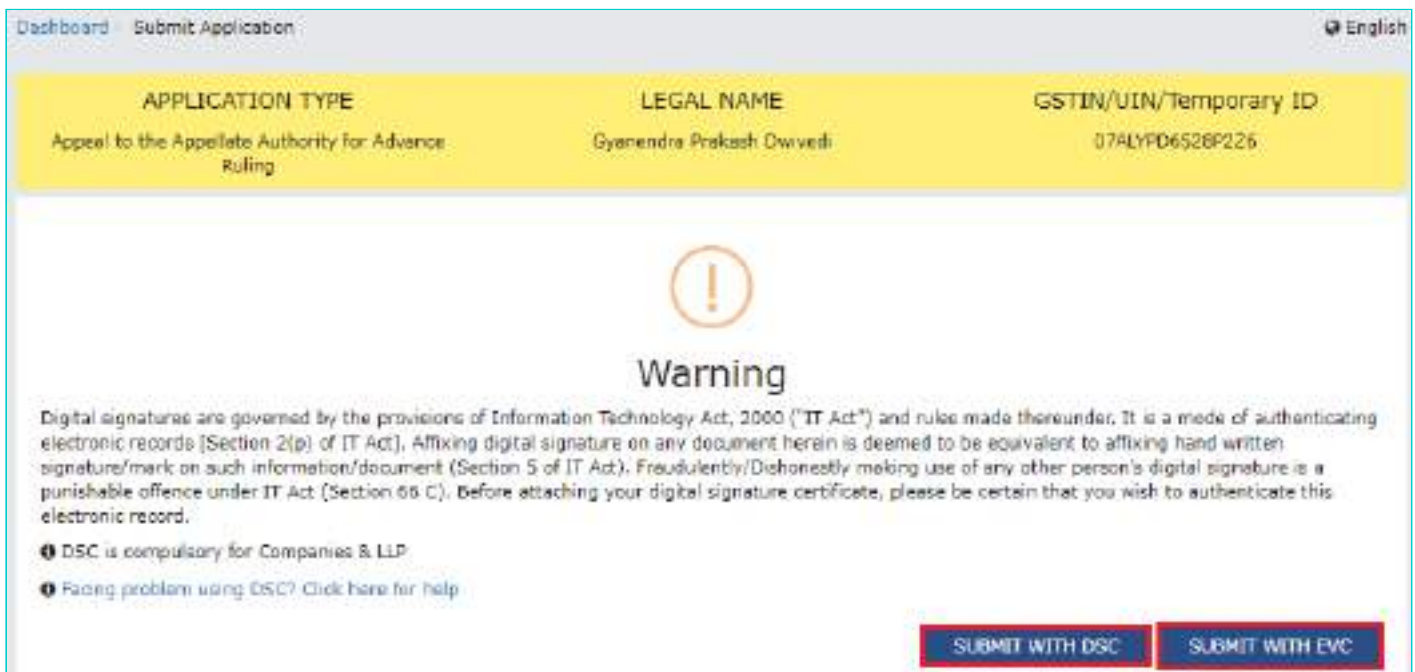
## Verification \*

12. In case, **No. of days delay in filing appeal** field is not 0, a Warning message popup is displayed. Click **PROCEED**.



A warning popup dialog box is displayed over the application form. It features a large orange exclamation mark icon at the top center. Below the icon, the word "Warning" is written in bold black text. The message reads: "Please attach the details of Condonation of Delay. Please proceed if already attached or COD not required". At the bottom of the dialog, there are two buttons: "CANCEL" and "PROCEED". The "PROCEED" button is highlighted with a red border. In the background, the application form is visible, showing a "No. of days delay in filing appeal" field and buttons for "BACK", "PREVIEW", and "PROCEED TO FILE".

13. **Submit Application** page is displayed. Click **SUBMIT WITH DSC** or **SUBMIT WITH EVC**.



The "Submit Application" page is displayed. At the top, there is a navigation bar with "Dashboard" and "Submit Application" links, and a language selector set to "English". Below the navigation bar, a yellow header section contains three columns: "APPLICATION TYPE" (Appeal to the Appellate Authority for Advance Ruling), "LEGAL NAME" (Gyanendra Prakash Dwivedi), and "GSTIN/UIN/Temporary ID" (07ALYPD6528P226). The main content area features a large orange exclamation mark icon and the word "Warning" in bold. Below this, a detailed warning message about digital signatures is provided. At the bottom of the warning section, there are two links: "DSC is compulsory for Companies & LLP" and "Facing problem using DSC? Click here for help". At the bottom right of the page, there are two buttons: "SUBMIT WITH DSC" and "SUBMIT WITH EVC".

14. **Advance Ruling Acknowledgement** page is displayed. In the top section of this page, success message is displayed in green. New generated ARN and its details are displayed in the **Acknowledgement** section. You can click the **DOWNLOAD** button to download the filed Appeal or you can click **GO To My Applications** hyperlink on the top-right side to open this new ARN.

Dashboard > Services > User Services > My Applications > Advance Ruling Acknowledgement

Application for Advance Ruling Appeal is submitted successfully!

[Go To My Applications](#)

### Acknowledgement

You have filed the application successfully and the particulars of the application are given as under:

Application Reference No. (ARN)	AD071020000096U
Date of filing	15/10/2020
Time of filing	10:52:45 AM
Goods and Services Tax Identification Number(GSTIN)	07ALYPD6528P2Z6
Legal Name	Gyanendra Prakash Dwivedi
Trade Name(If available)	AutomationsTest
Advance Ruling Appellate Authority	Delhi Appellate Authority for Advance Ruling
Filed By	Gyanendra Dwivedi
Form No.	GST ARA-02
Form Description	Appeal to the Appellate Authority for Advance Ruling
Payment Reference Number	IP0710200000029

It is a system generated acknowledgement and does not require any signature.

[DOWNLOAD](#)

**Note 1:**

Following actions take place on the GST Portal after Appellant successfully files an Appeal Application against the Advance Ruling Order passed by AAR:

- ARN gets generated along with Acknowledgement and is communicated to the Appellant through an email and SMS.
- An email is sent to the CO and JO informing them about receipt of application along with ARN and application date.
- The application will land in the AAAR's queue under Application inbox and will be available to all tax officials and Appeal Proceedings will follow.

**Note 2:**

Following actions take place on the GST Portal after a CO/JO successfully files an Appeal Application against the Advance Ruling Order passed by AAR:

- ARN gets generated along with Acknowledgement and is communicated to the Appellant through an email and SMS.
- An email is sent to the Appellant informing him/her about filing of an Appeal Application against the Advance Ruling Order passed by AAR along with ARN and application date. He/she can navigate to **Dashboard > Services > User Services > My Applications** and search for the Application and open the Case Details Screen. Status of the ARN will be "Pending for Order".
- The application will land in the AAAR's queue under Application inbox and will be available to all tax officials and Appeal Proceedings will follow.

15. On clicking **GO To My Applications** hyperlink, **My Applications** page is displayed. Once you search with today's date, the new ARN will be displayed with Status as "Pending for Order". Click ARN hyperlink.



Dashboard Services User Services My Applications

### My Applications

Application Type\* \* indicates mandatory fields

From Date To Date

Advance Ruling 14/10/2020 15/10/2020

SEARCH NEW APPLICATION

ARN/RFN :	Form No. :	Form Description :	Date of Filing :	Status :
AD071020000097W	GST ARA-01	ADVANCE RULING	15/10/2020	Pending For Order
AD071020000098U	GST ARA-01	ADVANCE RULING APPEALS	15/10/2020	Pending for Order

10 25 50 100

16. **Case Details** page of your Appeal Application is displayed. You will be able to track all proceedings related to this Appeal Application and take necessary actions from this page using the tabs provided on the left.

Dashboard Services User Services My Applications Case Details

ARN	GSTIN/UIN/Temporary ID	Date Of Application/Case Creation	Status
AD071020000098U	07ALYPD6528P226	15/10/2020	Pending for Order

APPLICATIONS PRN: EP0710200000029 Date Of Debit: 15/10/2020

NOTICES	REPLIES	ORDERS	RECTIFICATION	ADDITIONAL DOCUMENT								
<table border="1"> <thead> <tr> <th>Type of Document</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td>Advance Ruling Appeal Application (ARA-02)</td> <td>View</td> </tr> <tr> <td>Advance Ruling Appeal Application (Auto generated)</td> <td>View</td> </tr> <tr> <td>Details of delay</td> <td>View</td> </tr> </tbody> </table>					Type of Document	Action	Advance Ruling Appeal Application (ARA-02)	View	Advance Ruling Appeal Application (Auto generated)	View	Details of delay	View
Type of Document	Action											
Advance Ruling Appeal Application (ARA-02)	View											
Advance Ruling Appeal Application (Auto generated)	View											
Details of delay	View											

#### Note:

Key-steps of the Proceedings related to an Appeal Application are:

#### If COD is required:

- AAAR reviews the COD Application and issues "Hearing Notice" for Admission/Rejection of Condonation of Delay. Its intimation is sent by a system-generated email to the Appellant and Respondents, with date, place and time of hearing.
- On the date of hearing, parties appear before the authority. AAAR can also issue an Adjournment Notice to the parties with details of new date, new place and new time of hearing.
- After hearing the parties and examining the application and records received during Personal Hearing, if any, AAAR can take following actions:
- Issue "Acceptance of Condonation of Delay" Order if AAAR is satisfied that the Appellant was prevented by sufficient cause to present the appeal within 30 days from the date of the communication of the order of the AAR. In this case, its intimation is sent by a system-generated email to the Appellant and Respondents and the Status of the ARN is changed from "Pending For Order" to "Admitted".

- Issue "Rejection of Condonation of Delay" Order if AAAR is **not** satisfied that the Appellant was prevented by sufficient cause to present the appeal within 30 days from the date of the communication of the order of the AAR. In this case, its intimation is sent by a system-generated email to the Appellant and Respondents and the Status of the ARN is changed from "Pending For Order" to "Rejected".

**If COD is not required or if COD is condoned and Appeal is admitted:**

- AAAR reviews the Appeal and issues "Hearing Notice" for Disposal of Advance Ruling Appeal Application. Its intimation is sent by a system-generated email to the Appellant and Respondents, with date, place and time of hearing.
- If required, Respondents can submit their Counter-replies on the GST Portal. System will send an intimation regarding the submission of counter reply by respondent to the appellant through an email.
- On the date of hearing, parties appear before the authority. AAAR can also issue an Adjournment Notice to the parties. Its intimation is sent by a system-generated email to the Appellant and Respondents, with details of new date, new place and new time of hearing.
- After hearing the parties and examining the application and records received during Personal Hearing, if any, AAAR can take following actions:
- Issue "Appeal Order (Confirming Advance Ruling)". Intimation of the Order is sent by a system-generated email to the Appellant, Respondents and AAAR and the Status of the ARN is changed from "Pending For Order" to "Disposed by Appellate Authority". If there is difference of Opinion among the AAAR Members on any point, AAAR will mention in the order that no advance ruling can be pronounced in respect of such point or points.
- Issue "Appeal Order (Modifying Advance Ruling)". Intimation of the Order is sent by a system-generated email to the Appellant, Respondents and AAAR and the Status of the ARN is changed from "Pending For Order" to "Disposed by Appellate Authority". If there is difference of Opinion among the AAAR Members on any point, AAAR will mention in the order that no advance ruling can be pronounced in respect of such point or points.

[Go back to the Main Menu](#)

## **G. (2) File Rectification**

To file Rectification and view them, perform following steps:

1. Login to the GST Portal with valid credentials i.e. your User Id and Password. Click the **Services > User Services > My Applications >** Select "Advance Ruling" in the Application Type > select submission period in the **From Date** field and **To Date** field and click **SEARCH**. Click the ARN hyperlink you want to open.

Dashboard · Services · User Services · My Applications

### My Applications

Application Type\*  From Date:  To Date:  \* Indicates mandatory fields

[SEARCH](#) [NEW APPLICATION](#)

ARN/RFN	Form No.	Form Description	Date of Filing	Status
AD240818000009B	GST ARA-01	ADVANCE RULING	09/08/2018	Pending For Order
AD240818000002P	GST ARA-01	ADVANCE RULING	02/08/2018	Rejected
AD240518000019E	GST ARA-01	ADVANCE RULING	14/06/2018	Rectification Submitted
AD240718000023N	GST ARA-01	ADVANCE RULING	12/07/2018	Rectification Submitted
AD240618000013Q	GST ARA-01	ADVANCE RULING	14/06/2018	Rectification Submitted
AD240718000038C	GST ARA-01	ADVANCE RULING	13/07/2018	Rectification Submitted
AD240718000066D	GST ARA-01	ADVANCE RULING	18/07/2018	Rectification Submitted
AD2407180000112O	GST ARA-01	ADVANCE RULING	31/07/2018	Pending For Order
AD2407180000110S	GST ARA-01	ADVANCE RULING	31/07/2018	Pending For Order
AD2407180000100B	GST ARA-01	ADVANCE RULING	31/07/2018	Pending For Order

1 2 3 4 5 6 7 8 > 10 25 50 100

2. On the **Case Details** page of that particular application, select the **ORDERS** tab. This tab displays all the Orders issued by AAR or AAAR against this case. Click **File Rectification** hyperlink to initiate your Rectification Application.

Dashboard · Services · User Services · My Applications · **Case Details**

ARN: **AD2407180000112O** GSTIN/UIN/Temporary ID: **24ABCPMB147P126** Date Of Application/Case Creation: **31/07/2018** Status: **Referred by Authority**

APPLICATIONS	Type of Order	Passed On	Passed By	Uploaded Order Annexure	Linked Rectification Order	Linked Appellate Order	Linked Void Order	ACTION
NOTICES								
REPLIES								
<b>ORDERS</b>	02 Advance ruling order	12/02/2021	Gujarat Authority for Advance Ruling	ARN_RECEIPT_GST INFO-01_07ALYPD6528P226_ENSCL (10).pdf	NA	Order Awaited	NA	File Appeal <b>File Rectification</b>
RECTIFICATION								
ADDITIONAL DOCUMENT								

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**Note:** In case the difference between the date of the order and rectification application filed is more than 6 months, the information message will pop up asking for confirmation if you still want to file the Rectification Application as the period exceeds 6 months from the date of the order. In case, you select "YES", System will allow you to proceed with the application. In case, you select "NO", System will bring you back to the earlier screen.

3. **Rectification** application is displayed. Your details, Order Details, Details of JO are auto-populated. The remaining details must be filled manually. To go to the previous page, you can click **BACK**.



Dashboard / Services / User Services / My Applications / Case Details

ARN  
AD2407180001120

GSTIN/UIN/Temporary ID  
24ABCPMB147P126

Date Of Application/Case Creation  
31/07/2018

Status  
Referred by Authority

APPLICATIONS  
NOTICES  
REPLIES  
**ORDERS**  
RECTIFICATION  
ADDITIONAL DOCUMENT

Application Type: Rectification of Order

Applicant Details

Legal Name  
PRAVINBHAI KALIDAS MISTRY

Status of the Applicant  
Registered

Order Details

Order Number  
ZA240818000067Q

Date of Communication of Order  
12/08/2018

Details of Jurisdictional Officer

Application Filed For\*  
GST

Name  
NIKESH DHANUJBHAI KARSHALA

Designation  
Commercial Tax Officer

Email ID  
rohitash\_singh@infosys.com

Address  
NA

Jurisdiction Details  
Ghatak 1 (Ahmedabad), Range - 1, Division - 1, Gujarat

Details for Rectification of Order

Upload the Filled Template\*

Choose File

No file chosen

Download Template

Click here to view the steps for converting the filled application Word template to PDF file format.

Only PDF file format is allowed.

Maximum file size for upload is 5MB.

Upload Supporting Documents

Enter Document Description

Choose File

No file chosen

Maximum 4 supporting documents can be attached in the application. The remaining documents can be handed over in hard copy during personal hearing.

Only PDF file format is allowed.

Maximum file size for upload is 5MB.

Verification\*

☐ I  son/daughter/wife of  do hereby solemnly declare that to the best of my knowledge and belief what is stated above and in the annexure(s), including the documents are correct. I am making this application in my capacity as  (designation) and that I am competent to make this application and verify it.

Name of Authorized Signatory/ Applicant\*

Select

Place\*

Enter Place

Designation / Status

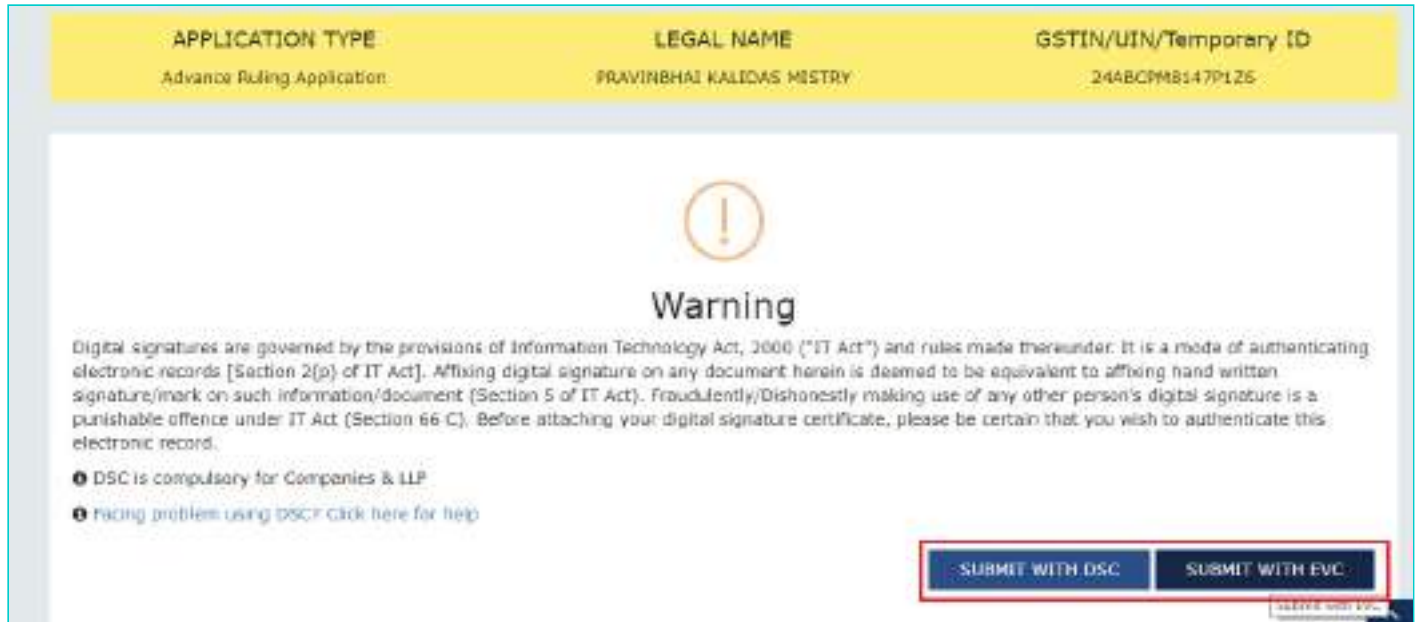
Date

https://tutorial.gst.gov.in/userguide/advanceruling/index.htm#t=Manual\_Advance\_Ruling\_for\_Registered\_Taxpayers.htm

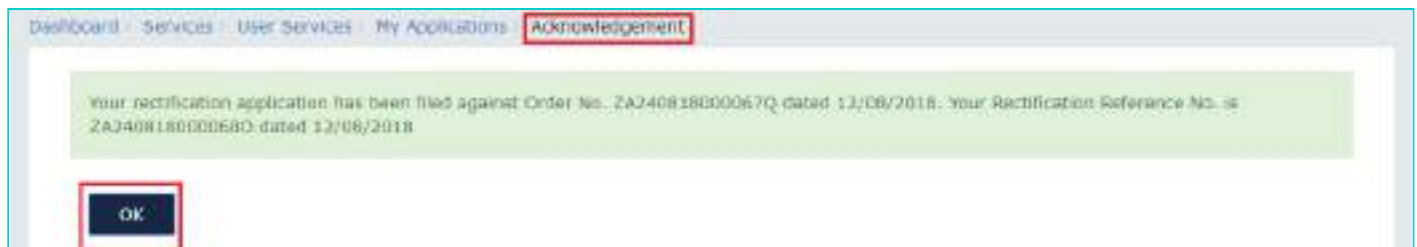
46/50



4. Click **Download Template** to download and manually fill details of Rectification and then upload the converted PDF using **Choose File** button under **Details of Rectification of Order** field.
5. If required, you can also upload supporting documents. This is not a mandatory field. To upload, first fill **Enter Document Description** field and then click **Choose File** to upload them.
6. Enter **Verification** details and click **PREVIEW** to download and review your Reply. Once you are satisfied, click **PROCEED TO FILE**.
7. **Submit Application** page is displayed. Click **SUBMIT WITH DSC** or **SUBMIT WITH EVC**.



8. Acknowledgement page is displayed. Click **OK**.



**Note:** You will also receive an email and SMS confirming successful filing of Rectification, along with generated Rectification Reference Number.

9. GST System automatically directs you to the RECTIFICATIONS tab where the Rectification of Order you just filed will be displayed in a table. You can click hyperlinks in the Rectification No. and Order No. to download their related documents. Also, intimation for submission of rectification application is sent to the JO/CO through an email and alert will go to the AAR/AAAR.

Dashboard Services User Services My Applications Case Details

ARN: AD24081800001120 GSTIN/UDN/Temporary ID: 24ABCPM8147P126 Date Of Application/Case Creation: 31/07/2018 Status: Rectification Submitted

APPLICATIONS NOTICES REPLIES ORDERS **RECTIFICATION** ADDITIONAL DOCUMENT

Rectification No.	Order No.	Filed By	Date of Rectification	Supporting Documents
ZA2408180000660	ZA240818000067Q	PRAVINEHAI KALIDAS MISTRY, 24ABCPM8147P126	12/08/2018	NA

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**Note:** Rectification of Order can also be filed by CO/JO or AAR and AAAR.

[Go back to the Main Menu](#)

## H. View Rectifications filed for Orders of an ARN

To view Rectifications you have filed, perform following steps:

1. On the **Case Details** page of that particular application, select the **RECTIFICATIONS** tab. This tab displays the Rectifications you or CO or JO or AAR or AAR have filed.

Dashboard Services User Services My Applications **Case Details**

ARN: AD2408180000020 GSTIN/UDN/Temporary ID: 24ABCPM8147P126 Date Of Application/Case Creation: 02/08/2018 Status: Rejected

APPLICATIONS NOTICES REPLIES ORDERS **RECTIFICATION** ADDITIONAL DOCUMENT

Rectification No.	Order No.	Filed By	Date of Rectification	Supporting Documents
ZA240818000026W	ZA2408180000216	MUKESH DHANIBHAI KARSHALA	08/08/2018	NA
ZA240818000029Q	ZA2408180000216	Firoz Abdulrazak Bhatkar	09/08/2018	NA

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2. Click hyperlinks in the Rectification No. and Order No. to download their related documents.

**Note:** Once the Rectification Application is filed, following steps occur:

### If Rectification is filed by a Taxpayer or CO/JO:

AAR/AAAR reviews the Application and can take the following actions:

- Issue "Rejection of Rectification Application" Order, with reasons for rejection:** If the AAR/AAAR is satisfied that the rectification is not required or the application is time barred, it will provide an opportunity of being heard and issue "Hearing Notice" for Acceptance/Rejection of Rectification Application to the Applicant and CO and/or JO, with date, place and time of hearing. Based on the hearing, it will pass the Order. Also, Status of the ARN is updated to "Rectification Rejected". The parties (i.e. the applicant and the jurisdictional officer and/or concerned officer) will be informed about such order through email.

**ii. Proceed with Rectification:**

- AAR/AAAR issues "Hearing Notice" for Disposal of Rectification Application. Its intimation is sent by a system-generated email to the Applicant and CO/JO, with date, place and time of hearing. AAAR can also issue an Adjournment Notice to the parties. Its intimation is also sent by a system-generated email to the Applicant and CO/JO, with details of new date, new place and new time of hearing.
- On the date of hearing, parties appear before the AAR/AAAR. AAR/AAAR after giving the persons concerned an opportunity of being heard can rectify the order. Status of the ARN is updated to "Application Disposed ". The parties (i.e. the applicant and the jurisdictional officer and/or concerned officer) will be informed about such order through email.

**If Suo moto Rectification is done by AAR/AAAR:**

**CASE 1** - In case opportunity of being heard is required because the rectification has the effect of enhancing the tax liability or reducing the amount of admissible input tax credit, following steps take place:

1. AAR/AAAR issues "Hearing Notice" along with the grounds of rectification. Its intimation is sent by a system-generated email to the Applicant and CO/JO, with date, place and time of hearing. AAR/AAAR can also issue an Adjournment Notice to the parties. Its intimation is also sent by a system-generated email to the Applicant and CO/JO, with details of new date, new place and new time of hearing.
2. On the date of hearing, parties appear before the AAR/AAAR. AAR/AAAR after giving the persons concerned an opportunity of being heard can rectify the order. Status of the ARN is updated to "Application Disposed". The parties (i.e. the applicant and the jurisdictional officer and/or concerned officer) will be informed about such order through email.

**CASE 2** - In case opportunity of being heard is **not** required, AR/AAAR will rectify the order. Status of the ARN is updated to "Application Disposed". The parties (i.e. the applicant and the jurisdictional officer and/or concerned officer or AAR, if Order is rectified by AAAR) will be informed about such order through email.

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## **H. View Additional Documents**

To view Additional Documents related to a case uploaded by AAR/AAAR, perform following steps:

1. On the **Case Details** page of that particular application, select the **ADDITIONAL DOCUMENT** tab. This tab displays the additional documents submitted physically by any party (i.e. Applicant or Jurisdictional Officer or Concerned Officer) during the hearing.

DashboardServicesUser ServicesMy ApplicationsCase Details

ARN  
AD240818000009B

GSTIN/UIN/Temporary ID  
24ABCPM8147P1Z6

Date Of Application/Case Creation  
09/08/2018

Status  
Referred by Authority

APPLICATIONS

NOTICES

REPLIES

ORDERS

RECTIFICATION

ADDITIONAL DOCUMENT

Date of Hearing	Document Description	Document Submitted By	Download Document
09/08/2018	doc1	docA	01test (3).pdf
09/08/2018	doc1	jim	01test (1).pdf
10/08/2018	doc2	jim	01test (1).pdf

2. Click hyperlinks in the **Download Document** Column to download and view.

[Go back to the Main Menu](#)

# FAQs > Filing an application (FORM GST ARA-01) for seeking Advance Ruling by Registered Taxpayers/Unregistered persons and Tracking or Taking Action in the Subsequent Proceedings

## 1. Who can apply for Advance Ruling?

An application for Advance Ruling can be filed by a registered taxpayers as well as an unregistered persons. However, in case of an unregistered user, the application can be filed after getting a temporary ID for Advance Ruling.

Click [here](#) to know more about how to create a Temporary ID for Advance Ruling.

## 2. On what matters we can file an application for Advance Ruling?

A registered person as well as any other person desirous of obtaining registration can apply for Advance Ruling on the following matters, as prescribed under the act with the prescribed fee.

- a) Classification of any goods or services or both;
- b) Applicability of a notification issued under the provisions of this Act;
- c) Determination of time and value of supply of goods or services or both;
- d) Admissibility of input tax credit of tax paid or deemed to have been paid;
- e) Determination of the liability to pay tax on any goods or services or both;
- f) Whether applicant is required to be registered;
- g) Whether any particular thing done by the applicant with respect to any goods or services or both amounts to or results in a supply of goods or services or both, within the meaning of that term.

## 3. What are the pre-condition for applying the Advance Ruling by a registered taxpayer?

1. Applicant wants to obtain Advance Ruling in respect of any specified matter(s) from the Authority.
2. Registered applicant has obtained registration (GSTIN) on the GST portal.
3. Applicant has deposited fee amount in his Electronic Cash Ledger.

## 4. What is the process to apply for seeking Advance Ruling? OR What steps must be followed to seek hearing for Advance Ruling?

1. Applicant logs in to the GST Portal and navigate to **Services > User Services > My Applications** command..
2. Select the **Application Type** as Advance Ruling from the drop-down list and click the **NEW APPLICATION** button.
3. If there is no sufficient balance in Cash Ledger under Fee head and "Amount to be paid" is not nil, then click **Deposit in Cash Ledger** button to deposit the required amount in Cash Ledger. If taxpayer has sufficient balance in Cash Ledger under Fee head, click **CREATE APPLICATION FOR ADVANCE RULING**.
4. Fill the required details in the application form.
5. Click **Download Template** to download the template for Advance Ruling Application,
6. Update the template with required information.
7. Under **Details of Advance Ruling Application**, upload, click the Choose file button. Navigate and select the Filled template.
8. Under **Upload Supporting Documents**, enter Document Description and click the **Choose File** button. Navigate and select the Supporting Documents.
9. Under **Verification** Tab, enter the details.

10. Click **PREVIEW** to preview the Application before filing,
11. After filling the enrolment application, you need to digitally sign the application using Digital Signature Certificate (DSC)/ E-Signature or EVC.
12. Once the Verification is completed, fee amount will be auto debited from the cash ledger and ARN will be generated and status is changed to Filed.

## 5. Under which acts fee is to be paid for filing Advance Ruling Application by normal and OIDAR taxpayer?

- In case of Normal taxpayer, fees has to be paid for Advance Ruling Application under CGST and SGST heads. On selection of respective heads, fees amount will accordingly get reflected for making payment.
- In case of OIDAR taxpayer, fees has to be paid for Advance Ruling Application under IGST head. On selection of respective heads, fees amount will accordingly get reflected for making payment.

**Note:** The respective amount, to be paid, will be auto calculated based on selection of SGST/CGST/IGST heads, as the case may be.

## 6. On what basis should I select Nature of business activities?

Applicant need to select the nature of business activity(s) in which Advance Ruling is sought. Applicant can also select multiple nature of business activity(s) if required.

## 7. Can I provide the other supporting documents along with the application?

Yes, applicant can upload relevant supporting documents which he is required to submit along with the application form. However, he can upload only 4 documents with the maximum size of 5 MB each, the remaining documents can be handed over in hard copy. In case the Authority requires further documents, Applicant can provide the necessary documents at the time of Personal Hearing.

## 8. Can I track the status of my application for the Advance Ruling?

Yes, after successful submission of application, ARN will get generated along with Acknowledgement. Applicant can view the status from "My Applications" menu under "User Services" tab available on the dashboard, using the ARN and submission period.

Navigate to **Services > Payment > Track Payment Status** command to track the status of application for Advance Ruling.

## 9. How many types of Applications related to Advance Ruling can I file on the GST Portal?

A taxpayer can file following types of Applications related to Advance Ruling on the GST Portal:

- Application for seeking Advance Ruling from Authority for Advance Ruling (AAR).
- Application for Reply to the issued Notice
- Application of Appeal before the Appellate Authority for Advance Ruling (AAAR), with Application for Condonation of Delay in Filing Appeal if applicable
- Application of Rectification before the AAR or AAAR as per the case

## 10. How many types of Advance Ruling Proceedings are conducted by Tax Officials?



Based on the Applications that are filed, Advance Ruling Proceedings can be of following types:

- **Advance Ruling:** For Processing Application for seeking Advance Ruling from Authority for Advance Ruling (AAR)
- **Advance Ruling Appeals:** For Processing Application of Appeal before the Appellate Authority for Advance Ruling (AAAR)
- **Advance Ruling Reference:** For Processing Applications referred by AAR
- **Rectification Proceedings:** For Processing Applications for Rectifications of Orders issued by AAR or AAAR
- **Void Proceedings:** For Processing Disposed Applications, where it was found that the Applicant has obtained an Advance Ruling by fraud, or suppression of material facts or misrepresentation of facts.

## 11. What do I need to do after filing an Advance Ruling Application on the GST Portal?

Applicants, after filing an application, need to participate in the related proceedings and take necessary actions as intimated by AAR or AAAR.

On the GST Portal, for ease of all Applicants, details of each Application filed by the taxpayer is organized into the following six tabs in the Case Details Screen: APPLICATIONS, NOTICES, REPLIES, ORDERS, RECTIFICATION and ADDITIONAL DOCUMENT. Applicant can easily access these tabs of an Application to track all proceedings related to that particular application and take necessary actions.

## 12. What happens after the successful filing of an Application for seeking Advance Ruling?

Following actions take place on the GST Portal after successful filing of an Application for seeking Advance Ruling:

1. ARN gets generated along with Acknowledgement and is communicated to the Applicant through an email and SMS.
2. An email is sent to the Tax Officials—Concerned Officer (CO) and Jurisdictional Officer (JO)—informing them about receipt of application along with ARN and application date.
3. Applicant can navigate to **Dashboard > Services > User Services > My Applications** and search for the Application and open the Case Details Screen. Status of the ARN will be "Pending for Order"
4. The Application will land in the queue of Authority for Advance Ruling (AAR) under Application Inbox and the following Advance Ruling Proceedings will take place.
5. AAR examines the relevant records and information obtained from the CO and/or JO and hears the applicant/the authorized representative of the applicant as well as the CO/JO or his/her authorized representative.
6. AAR reviews the Application and issues "Hearing Notice" for Admission/Rejection of Advance Ruling Application to the Applicant and CO and/or JO, with date, place and time of hearing.
7. Applicant and CO and/or JO can also submit their Replies, if required, on the GST Portal and appear on the date of Hearing.
8. On the date of hearing, parties appear before the AAR. AAR can also issue an Adjournment Notice to the parties with details of new date, new place and new time of hearing.
9. After hearing the parties and examining the application and records received during Personal Hearing, if any, AAR shall issue an order either admitting or rejecting the application.

## 13. What actions take place on the GST Portal if AAR rejects a Submitted Application for seeking Advance Ruling?

If AAR rejects a submitted Application for seeking Advance Ruling, following actions take place on the GST Portal:

- Status of the ARN is changed from "Submitted" to "Rejected"
- Email and SMS is sent to the Applicant, CO and JO intimating them of application rejection

## 14. What actions take place on the GST Portal if AAR admits a Submitted Application for seeking Advance Ruling?

If AAR admits a submitted Application for seeking Advance Ruling, following actions take place on the GST Portal:

- Status of the ARN is changed from "Submitted" to "Admitted"
- Email and SMS is sent to the Applicant, CO and JO intimating them of application admission

## 15. What actions can I take if AAR rejects my Application for seeking Advance Ruling?

Once AAR rejects an Application for seeking Advance Ruling, the Applicant can file an application for Rectification using "File Rectification" link on the ORDERS tab.

## 16. Can I file an Appeal on the GST Portal if AAR rejects my Application for seeking Advance Ruling?

No, you cannot file an appeal on the GST Portal if AAR rejects your Application for seeking Advance Ruling.

## 17. What are the steps involved in Processing of an Admitted Application for seeking Advance Ruling?

Once the AAR issues an order admitting the Application for seeking Advance Ruling, following steps take place:

1. AAR issues "Hearing Notice" for Disposal of Advance Ruling Application to the Applicant and CO and/or JO, with details of date, place and time of hearing. Status of the ARN is changed from "Admitted" to "Pending For Order".
2. Applicant and CO and/or JO can also submit their Replies/Counter-replies, if required, on the GST Portal and appear on the date of Hearing.
3. On the date of hearing, parties appear before the authority. AAR can also issue an Adjournment Notice to the parties with details of new date, new place and new time of hearing.
4. After hearing the parties and examining the application and records received during Personal Hearing, if any, AAR can take following actions
  - a. In case of concurrence, AAR shall issue order disposing the Advance Ruling Application. Status of the ARN is changed from "Pending For Order" to "Disposed by Authority".
  - b. In case of difference of Opinion among the AAR Members, AAR shall refer the case to AAAR. AAR can make partial reference or complete reference. Partial reference is made if there is partial difference of opinion among the AAR Members. In this case, both Order and Reference is made. Order is passed in regards of concurrent points and Reference is made to AAAR on non-concurrent points. In both the cases, Status of the ARN is changed from "Disposed by Authority" to "Referred by Authority".
5. AAAR reviews the Reference made and issues "Hearing Notice" for Disposal of Advance Ruling Application to the Applicant and CO and/or JO, with date, place and time of hearing.
6. Applicant and CO and/or JO can also submit their Replies/Counter-replies, if required, on the GST Portal and appear on the date of Hearing.
7. On the date of hearing, parties appear before the authority. AAAR can also issue an Adjournment Notice to the parties with details of new date, new place and new time of hearing.
8. After hearing the parties and examining the application and records received during Personal Hearing, if any, AAAR can take following actions:
  - **Issue "Appeal Order (Confirming Advance Ruling)":** Intimation of the Order is sent by a system-generated email to the Appellant and Respondents and the Status of the ARN is changed from "Pending For Order" to "Disposed by

Appellate Authority". If there is difference of Opinion among the AAAR Members on any point, AAAR will mention in the order that no advance ruling can be pronounced in respect of such point or points.

- **Issue "Appeal Order (Modifying Advance Ruling)":** Intimation of the Order is sent by a system-generated email to the Appellant and Respondents and the Status of the ARN is changed from "Pending For Order" to "Disposed by Appellate Authority". If there is difference of Opinion among the AAAR Members on any point, AAAR will mention in the order that no advance ruling can be pronounced in respect of such point or points.

## **18. What actions take place on the GST Portal once AAAR disposes my Application (referred by AAR) for seeking Advance Ruling?**

Once AAAR disposes the Application for seeking Advance Ruling, following actions take place on the GST Portal:

- Status of the ARN is changed from "Referred by Authority" to "Disposed by Appellate Authority".
- Email is sent to the Applicant, Concerned Officer (CO) and Jurisdictional Officer (JO) intimating them of application disposal.

## **19. What actions can I take once AAAR disposes my Application (referred by AAR) for seeking Advance Ruling?**

Once AAAR disposes the Application for seeking Advance Ruling, the Applicant can file an application for Rectification (if the nature of order is such that it requires rectification) using "File Rectification" link on the ORDERS tab.

## **20. What is Rectification of an Order?**

Rectification of an Order is correcting mistake(s) in the order passed under Section 98 or 101 respectively by the AAR or AAAR.

- In case the mistake(s) is apparent from the record, the AAR or AAAR can themselves pass a Suo Moto rectification order for rectifying such mistake(s).
- In case, mistake(s) is brought to its notice by the CO/JO/Taxpayer within a period of six months from the date of the order, the AAR or AAAR can pass a rectification order for rectifying such mistake.

**Note:** If the rectification has the effect of enhancing the tax liability or reducing the amount of admissible input tax credit, the AAR/AAAR shall make the rectification only after giving a notice and a reasonable opportunity of being heard to the Applicant.

## **21. From where can I file application for Rectification of an Order?**

Once AAR/AAAR disposes an Application related to Advance Ruling, the Applicant can file an application for Rectification using "File Rectification" link on the ORDERS tab.

## **22. Will the system allow me to file Rectification even after 6 months of the issue of that Order?**

In case the difference between the date of the order and rectification application filed is more than 6 months, the information message will pop up asking for confirmation if you still want to file the Rectification Application as the period exceeds 6 months from the date of the order. In case, you select "YES", System will allow you to proceed with the application. In case, you select "NO", System will bring you back to the earlier screen.

## **23. What actions take place on the GST Portal once I file Rectification of an Order?**

Once you file Rectification of an Order, following actions take place on the GST Portal:

- Status of the ARN is updated to "Rectification Submitted"
- Rectification Reference Number is communicated to the applicant through an email and SMS. Also, intimation for submission of rectification application is sent to the JO/CO through an email and alert will go to the AAR/AAAR.

## 24. What are the steps involved in Processing of an Application for Rectification of Advance Ruling?

Following steps are involved in Processing of an Application for Rectification of Advance Ruling:

### **If Rectification is filed by a Taxpayer or CO/JO:**

AAR/AAAR reviews the Application and can take the following actions:

- i. **Issue "Rejection of Rectification Application" Order, with reasons for rejection:** If the AAR/AAAR is satisfied that the rectification is not required or the application is time barred, it will provide an opportunity of being heard and issue "Hearing Notice" for Acceptance/Rejection of Rectification Application to the Applicant and CO and/or JO, with date, place and time of hearing. Based on the hearing, it will pass the Order. Also, Status of the ARN is updated to "Rectification Rejected". The parties (i.e. the applicant and the jurisdictional officer and/or concerned officer) will be informed about such order through email.
- ii. **Proceed with Rectification:**
  - AAR/AAAR issues "Hearing Notice" for Disposal of Rectification Application. Its intimation is sent by a system-generated email to the Applicant and CO/JO, with date, place and time of hearing. AAAR can also issue an Adjournment Notice to the parties. Its intimation is also sent by a system-generated email to the Applicant and CO/JO, with details of new date, new place and new time of hearing.
  - On the date of hearing, parties appear before the AAR/AAAR. AAR/AAAR after giving the persons concerned an opportunity of being heard can rectify the order. Status of the ARN is updated to "Application Disposed ". The parties (i.e. the applicant and the jurisdictional officer and/or concerned officer) will be informed about such order through email.

### **If Suo moto Rectification is done by AAR/AAAR:**

**CASE 1** - In case opportunity of being heard is required because the rectification has the effect of enhancing the tax liability or reducing the amount of admissible input tax credit, following steps take place:

1. AAR/AAAR issues "Hearing Notice" along with the grounds of rectification. Its intimation is sent by a system-generated email to the Applicant and CO/JO, with date, place and time of hearing. AAR/AAAR can also issue an Adjournment Notice to the parties. Its intimation is also sent by a system-generated email to the Applicant and CO/JO, with details of new date, new place and new time of hearing.
2. On the date of hearing, parties appear before the AAR/AAAR. AAR/AAAR after giving the persons concerned an opportunity of being heard can rectify the order. Status of the ARN is updated to "Application Disposed". The parties (i.e. the applicant and the jurisdictional officer and/or concerned officer) will be informed about such order through email.

**CASE 2** - In case opportunity of being heard is **not** required, AR/AAAR will rectify the order. Status of the ARN is updated to "Application Disposed". The parties (i.e. the applicant and the jurisdictional officer and/or concerned officer or AAR, if Order is rectified by AAAR) will be informed about such order through email.

## 25. Once AAR/AAAR initiates Rectification proceedings or CO/JO files Application for Rectification of Order, will I receive its auto-intimation?

Yes, once AAR/AAAR initiates Rectification proceedings or CO/JO files Application for Rectification of Order, GST portal will automatically send you an email informing about receipt of the application of Rectification of Order or Suo moto initiation of Rectification along with Rectification Reference Number and application date.

## **26. How many Applications of Rectifications of Order can I file?**

Application for rectification of the order can be filed multiple times.

## **27. Once CO/JO files a Counter Reply, will I receive its auto-intimation?**

Yes, once CO/JO files a Counter Reply, GST portal will automatically send you an email informing about receipt of the Counter Reply, along with Reply Reference Number and Reply date.

## **28. Can I submit more than one Reply to a Notice?**

No, you cannot submit more than one Reply to a Notice. Once the reply is submitted, the Reply link in the NOTICES tab will get disabled. In case you want to modify your reply or submit any additional documents, you can do so during Personal Hearing and submit the hardcopy of the documents. These additional documents will be uploaded by the tax official on the GST Portal.

## **29. What actions take place on the GST Portal once I file a Reply?**

Once you file a reply, following actions take place on the GST Portal:

- REPLIES tab is automatically updated with a table containing details of the reply.
- A Reference Number is generated and is sent to you through an email. Also, intimation for submission of the reply is sent to the Jurisdictional Officer / Concerned Officer through an email.

## **30. Is there a limit on Adjournments, during Processing of all Applications related to Advance Ruling?**

There is no limit on Adjournments. Hearing can be adjourned any no. of times.

## **31. Can I file an Appeal against the Advance Ruling Order passed by AAR, in case of Partial reference?**

Yes, in case of Partial reference also, Appeal can be filed against the Advance Ruling Order passed by Authority for Advance Ruling.

## **32. Do I need to deposit any fee to file an Appeal against the Advance Ruling Order passed by AAR?**

Yes, you need to deposit the applicable fee to file an Appeal against the Advance Ruling Order passed by AAR. The applicable fee will be displayed on the New Application page once you initiate filing of Appeal against Advance Ruling. Without depositing the required fee you won't be able to proceed further and file appeal.

## **33. I am filing an Appeal on 01/04/2018 against the Advance Ruling Order passed by AAR on 01/03/2018. Do I need to attach the Details of Condonation of Delay (COD) along with the Appeal Application?**

Yes, you need to attach the Details of Condonation of Delay (COD) along with the Appeal Application. This is because the number of days delay in filing Appeal is calculated after expiry of 30 days and in your case the number of days delay in filing Appeal is '1'. This will be displayed in **No. of days delay in filing appeal** field of the **Advance Ruling Appeal Application** screen when you initiate filing of appeal.

### 34. What are the types of Orders that can be issued against the filed Applications related to Advance Ruling?

Following types of Orders that can be issued against the filed Applications related to Advance Ruling:

#### Orders issued by AAR:

- Declaring Advance Ruling Void
- Dropping Void Proceedings
- Admission of Advance Ruling Application
- Rejection of Advance Ruling Application
- Advance Ruling Order
- Rectification of Order
- Rejection of Rectification Application

#### Orders issued by AAAR:

- Declaring Advance Ruling Void
- Dropping Void Proceedings
- Acceptance of Condonation of Delay
- Rejection of Condonation of Delay
- Appeal Order (Confirming Advance Ruling)
- Appeal Order (Modifying Advance Ruling)
- Rectification of Order
- Rejection of Rectification Application

### 35. Against which all Orders issued by AAR can I file an Appeal?

You can file an Appeal against the Advance Ruling Order and Rectification Order (in case the Advance Ruling Order is rectified) issued by AAR.

### 36. What actions take place once I file an Appeal against the Advance Ruling Order passed by AAR?

Following actions take place on the GST Portal after successful filing of an Appeal Application against the Advance Ruling Order passed by AAR:

1. ARN gets generated along with Acknowledgement and is communicated to the Appellant through an email and SMS.
2. An email is sent to the Concerned officer and Jurisdictional Officer informing them about receipt of application along with ARN and application date.
3. Appellant can navigate to **Dashboard > Services > User Services > My Applications** and search for the Application and open the Case Details Screen. Status of the ARN will be "Pending for Order"
4. The application will land in the AAAR's queue under Application inbox and will be available to Registrar, Authority Members and Steno and Appeal Proceedings will follow.

### 37. What actions take place once Concerned Officer or Jurisdictional Officer files an Appeal against the Advance Ruling Order passed by AAR?

Following actions take place on the GST Portal after successful filing of an Appeal Application against the Advance Ruling Order passed by AAR:

- ARN gets generated along with Acknowledgement and is communicated to the Appellant through an email and SMS.
- An email is sent to the Taxpayer informing him/her about receipt of application along with ARN and application date. He/she can navigate to **Dashboard > Services > User Services > My Applications** and search for the Application and open the Case Details Screen. Status of the ARN will be "Pending for Order".
- The application will land in the AAAR's queue under Application inbox and will be available to all tax officials and Appeal Proceedings will follow.

### **38. Once I file an Appeal against the Advance Ruling Order passed by AAR, to whom all GST Portal will send its auto-intimation?**

Once you file an Appeal against the Advance Ruling Order passed by AAR, GST portal will automatically send an acknowledgement email and SMS to the Appellant and email intimation to the jurisdictional officer and Concerned Officer informing about receipt of appeal application along with ARN and application date.

### **39. Once CO/JO files an Appeal against the Advance Ruling Order passed by AAR, will I receive its auto-intimation?**

Yes, once CO/JO files an Appeal against the Advance Ruling Order passed by AAR, GST portal will automatically send you an email informing about receipt of appeal application along with ARN and application date.

### **40. Can I file an Appeal against the Advance Ruling Order after 60 days without COD?**

Yes, Appeal can be filed even after 30 days and up to 60 days (even without COD) or even after 60 days from the date of communication of the order appeal against. In case of delay, please attach the Application for COD in "Upload Supporting Document" section of the Appeal Application.

### **41. Can I file an Appeal against the Advance Ruling Order which is modified or issued by AAAR (in case of Reference)?**

No, you cannot file an Appeal against the Advance Ruling Order which is modified or issued by AAAR (in case of Reference)

### **42. What are the steps involved in Processing of an Appeal Application against Advance Ruling?**

Following are the key-steps of the Proceedings related to an Appeal Application:

#### **If COD is required:**

- AAAR reviews the COD Application and issues "Hearing Notice" for Admission/Rejection of Condonation of Delay. Its intimation is sent by a system-generated email to the Appellant and Respondents, with date, place and time of hearing.
- On the date of hearing, parties appear before the authority. AAAR can also issue an Adjournment Notice to the parties with details of new date, new place and new time of hearing.
- After hearing the parties and examining the application and records received during Personal Hearing, if any, AAAR can take following actions:



(i) **Issue "Acceptance of Condonation of Delay" Order** if AAAR is satisfied that the Appellant was prevented by sufficient cause to present the appeal within 30 days from the date of the communication of the order of the AAR. Also, he/she may allow appeal for a further period of 30 days and condone the delay upto a period of 30 days. In this case, its intimation is sent by a system-generated email to the Appellant and Respondents and the Status of the ARN is changed from "Pending For Order" to "Admitted".

(ii) **Issue "Rejection of Condonation of Delay" Order** if AAAR is not satisfied that the Appellant was prevented by sufficient cause to present the appeal within 30 days from the date of the communication of the order of the AAR or the delay period is more than 30 days. In this case, its intimation is sent by a system-generated email to the Appellant and Respondents and the Status of the ARN is changed from "Pending For Order" to "Rejected".

**If COD is not required or if COD is condoned and Appeal is admitted:**

- AAAR reviews the Appeal and issues "Hearing Notice" for Disposal of Advance Ruling Appeal Application. Its intimation is sent by a system-generated email to the Appellant and Respondents, with date, place and time of hearing.
- If required, Respondents can submit their Counter-replies on the GST Portal. System will send an intimation regarding the submission of counter reply by respondent to the appellant through an email.
- On the date of hearing, parties appear before the authority. AAAR can also issue an Adjournment Notice to the parties. Its intimation is sent by a system-generated email to the Appellant and Respondents, with details of new date, new place and new time of hearing.
- After hearing the parties and examining the application and records received during Personal Hearing, if any, AAAR can take following actions:
- Issue "Appeal Order (Confirming Advance Ruling)". Intimation of the Order is sent by a system-generated email to the Appellant, Respondents and AAAR and the Status of the ARN is changed from "Pending For Order" to "Disposed by Appellate Authority". If there is difference of Opinion among the AAAR Members on any point, AAAR will mention in the order that no advance ruling can be pronounced in respect of such point or points.
- Issue "Appeal Order (Modifying Advance Ruling)". Intimation of the Order is sent by a system-generated email to the Appellant, Respondents and AAAR and the Status of the ARN is changed from "Pending For Order" to "Disposed by Appellate Authority". If there is difference of Opinion among the AAAR Members on any point, AAAR will mention in the order that no advance ruling can be pronounced in respect of such point or points.

### **43. I have filed an Application related to Advance Ruling. By when can I expect the Order from the concerned Authority?**

AAR or AAAR, as the case may be shall pass the order within <<90>> days from the date of filing of any application related to Advance Ruling.

### **44. What is Void Proceedings?**

Void Proceedings are conducted on Disposed Applications, where it is found that the Applicant has obtained an Advance Ruling by fraud, or suppression of material facts or misrepresentation of facts. In such a case, the AAR/AAAR can declare such ruling to be void *ab initio*. However, before declaring any order to be void the AAR/AAAR shall give an opportunity of being heard to the Applicant.

### **45. Who can initiate Void Proceedings against an Applicant?**

Only AAR/AAAR members can initiate Void Proceedings

### **46. What are the steps involved in Void Proceedings?**

Steps involved in Void Proceedings are

- AAR/AAAR issues "Hearing Notice" for declaring advance ruling order void. Its intimation is sent by a system-generated email to the Applicant and CO/JO, with date, place and time of hearing. AAR/AAAR can also issue an Adjournment Notice to the parties. Its intimation is also sent by a system-generated email to the Applicant and CO/JO, with details of new date, new place and new time of hearing.
- On the date of hearing, parties appear before the AAR/AAAR.
- After hearing the parties and examining the application and records received during Personal Hearing, if any, AAR/AAAR can take following actions:
  - i. Issue "Advance Ruling Declared Void" Order. In this case, it's intimation is sent by a system-generated email to the Applicant and CO/JO and AAR (if Order is passed by AAR) and the Status of the ARN is updated to "Order issued"
  - ii. Issue "Void Proceedings Dropped" Order. In this case, it's intimation is sent by a system-generated email to the Applicant and CO/JO and AAR (if Order is passed by AAR) and the Status of the ARN is updated to "Order issued".

## 47. What are the types of Notices that can be issued against the filed Applications related to Advance Ruling?

Following types of Notices can be issued against the filed Applications related to Advance Ruling:

### Notices issued by AAR:

- Notice of Personal Hearing for Admitting or Rejecting Filed Application seeking Advance Ruling
- Notice of Personal Hearing in respect of rectification application
- Notice of Personal Hearing in respect of Suo Moto rectification
- Notice of Personal Hearing in respect of declaring advance ruling order void
- Notice of Adjournment

### Notices issued by AAAR:

- Notice of Personal Hearing for Admitting or Rejecting Appeals
- Notice of Personal Hearing in respect of in respect of reference application
- Notice of Personal Hearing in respect of rectification application
- Notice of Personal Hearing in respect of Suo Moto rectification
- Notice of Personal Hearing in respect of declaring advance ruling order void
- Notice of Adjournment

## 48. From where can I retrieve the saved advance ruling application?

You can retrieve the saved advance ruling application by navigating to **Services > User Services > My Saved Applications**. Saved application will get automatically purged by the system after 15 days of first time save.

## 49. What details are covered in Orders tab?

**Orders** tab displays all the Orders issued by AAR or AAAR against the case. You can click **File Appeal** hyperlink to initiate your Appeal Application. You can file an Appeal against only the Advance Ruling Order issued by AAR.

- In the column "Linked Rectification Order", Order number of Rectification Order passed against this Order, if any, is displayed. If Rectification application is filed against this Order (Advance Ruling Order, Rectification Order, Void Order, Rejection of Rectification Order, Appeal Order (Confirming Advance Ruling) etc.), but no Rectification Order has yet been issued, then "Order Awaited" status is displayed. If there is no Rectification application filed against this Order, then NA will be displayed. "Linked Rectification Order" column can be any type of Rectification Order i.e. "Rectification Order" or "Rejection of Rectification Application".

- In the column “Linked Appellate Order”, Order number passed by the Appellate Authority for Advance Ruling, if any is displayed (if an appeal was filed against Advance Ruling Order). If Appeal is filed against the Advance ruling Order passed by AAR, then any one of the following types of Appellate Orders, will be displayed against this AR Order – Appeal Order (Confirming Advance Ruling) or Appeal Order (Modifying Advance Ruling) or Rejection of Condonation of Delay. If Appeal was filed against this Order, but no Appeal Order has yet been issued, then "Order Awaited" status is displayed. If Appeal has not been filed against this Order and there is no Appeal Order passed against this Advance Ruling Order, then NA will be displayed.
- In the “Linked Void Order” column, Void Order issued by the Authority / Appellate Authority against the Advance Ruling Order, if any, is displayed. If Void Proceedings were initiated, but no Order has yet been issued, then “Order Awaited” status is displayed. If Void Proceedings are not initiated against any Advance Ruling Order, then NA will be displayed. There can be two types of Void Order - “Order Declaring Advance Ruling Void” or “Order Dropping Void Proceedings”. Void Order can be issued against - Advance Ruling Order, Rectification Order (when Advance Ruling order is rectified), Appeal Order (Modifying Advance Ruling), and Appeal Order (Confirming Advance Ruling).
- You can click the Order No. displayed in the respective columns to download the Order as PDF.

**GUJARAT AUTHORITY FOR ADVANCE RULING  
GOODS AND SERVICES TAX  
D/5, RAJYA KAR BHAVAN, ASHRAM ROAD,  
AHMEDABAD – 380 009.**



ADVANCE RULING NO. GUJ/GAAR/R/2023/14  
(IN APPLICATION NO. Advance Ruling/SGST&CGST/2022/AR/54)  
**Date: - 31.03.2023**

Name and address of the applicant	:	M/s. Cadila Pharmaceuticals Ltd, Plot No. 1389, Trasad Road, Dholka, Ahmedabad, Gujarat - 382225.
GSTIN of the applicant	:	24AAACC6251E1Z5
Date of application	:	15.11.2022
Clause(s) of Section 97(2) of CGST / GGST Act, 2017, under which the question(s) raised.	:	(c)(d)(e)(g)
Date of Personal Hearing	:	09.02.2023
Present for the applicant	:	Mitesh Jain (C.A.), Mihir Patel

**Brief facts:**

M/s. Cadila Pharmaceuticals Ltd, Plot No. 1389, Trasad Road, Dholka, Ahmedabad, Gujarat 382 225 [for short –‘applicant’] is registered under GST and their GSTIN is 24AAACC6251E1Z5.

2. The applicant is engaged in the business of manufacture, supply and distribution of various pharmaceutical products. The applicant has employed around 2745 full time permanent employees in their factory and corporate office. They are also registered under the Factories Act, 1948.

3. The applicant provides canteen facility to its employees at the factory and its corporate office. The reasons provided by the applicant for providing the aforementioned facility is that in terms of section 46 of the Factories Act, 1948, they are mandated to provide and maintain canteen for the use of its employees.

4. Since the factory premises is located far away from the city limits, the applicant provides canteen facility by appointing a canteen service provider [ for short - **CSP**]. The employees are issued an ID card while joining which can be used to avail this canteen facility. They are charged only for the days on which an employee has punched his ID card and a pre-determined percentage is deducted





from the salary payable to the respective employee. The facility is tabulated below for ease of reference:

Sr. No.	Type of employee	Mode of availing facility	Basis of recovery	Mode of recovery	Book treatment	ITC availment	GST payment
1	Full time employees [at factory and corporate office].	ID card or biometric.	Based on consumption	Subsidized value	Amount deducted from employee is credited to canteen expense account.  Amount charged by CSP is booked as an expense in P&L A/c.	No ITC is being availed	GST is paid @ 5% on the basis of no. of punches in the system on the value charged by the CSP.

5. The applicant has further set up the canteen facility in a demarcated area within its factory premises & also at their corporate office. The scope of work agreement [SOW], depicting the responsibilities of the applicant vis-à-vis that of the CSP is as under:

Responsibility of the Applicant	Responsibility of the CSP
1. Provide suitable premises for kitchen to prepare food. 2. Provide utensils and other equipments necessary for preparing food. 3. Make available power, water and infrastructure facility. 4. Provide vehicle for pick up of food & sending empty vessels back to the kitchen. 5. Arrange for pest control on regular basis.	1. Regularly preparing and serving breakfast, lunch and dinner. 2. Fortnightly prepare and fix menu. 3. Maintain food safety, hygiene & cleanliness. 4. Selecting appropriate staff for maintaining the kitchen and providing food. 5. Maintain proper record of receipt, issues, consumption, stock, etc. 6. Follow proper procedure, system, parameter.

6. It is the applicant's contention that since it is practically not possible to enter into a contractual agreement with every employee, the CSP has entered into an agreement with the applicant; that the applicant shall be paying full to the CSP in respect of goods served during the prescribed period on behalf of the employees; that a portion of the said amount is recovered from the employees and the remaining part is borne by the applicant; that the amount so borne by the applicant is treated as *staff welfare expenses* towards subsidized food served to employees.

7. Presently the applicant is liable to pay CSP who raises invoices with GST @ 5%; that the applicant does not avail input tax credit [ITC] on the GST component paid.

8. The appellant has further contended as follows:





### No GST on canteen facility

- the amount recovered from salary of the employees for providing subsidized canteen facility cannot be considered as supply;
- merely setting up a canteen facility for employees and deducting nominal cost would not tantamount to supply u/s 7 of the CGST Act;
- that to levy tax the activity is required to qualify as supply in the first place;
- that the term supply includes all forms of supply of goods & services & includes agreeing to supply when the supply is for a consideration and is in the course or furtherance of business;
- that provision of canteen facility to employees is mandatory in terms of the Factories Act;
- that the applicant merely provides a demarcated space ;
- that the supply is by the CSP to the employees & not from the CSP to the applicant;
- that no GST is to be levied on the third party canteen charges collected by employer from employee;
- that they wish to rely on the below mentioned case laws/rulings

- [a] Amneal Pharmaceuticals P Ltd [TS-569-AAAR (Guj)-2021-GST]
- [b] Troika Pharmaceuticals Ltd [Advance Ruling no. Guj/GAAR/R/22/38]
- [c] Cadila Healthcare [Advance Ruling Guj/GAAR/R/22/19]
- [d] Dishman Carbogen Amcis Ltd [Advance Ruling Guj/GAAR/R/22/2021]
- [e] Dakshina Kannada Coop Milk Producers Union Ltd [2021 (8) TMI 352]
- [f] R J Tolsma vs Inspecteur der Omzetbelasting Leewarden (C-16/93 (judgement of sixth Court, sixth chamber)
- [g] Bai Mumbai Trust [Commercial suit (I) MP/ 236/2017]
- [h] IIT [1976(38) STC 428 (All);
- [i] University of Delhi [AIR 1963 SC 1873]
- [j] Cricket Club of India [AIR 1969 SC 276]
- [k] TATA Motors Ltd [GST-ARA-23/2019-20/B-46]
- [l] TATA Power Company Ltd [GST-ARA-99/2019-20/B-92]
- [m] Posco India Pune Processing Centre P Ltd [GST-ARA 36/18-19/B-110]
- [n] Jotun India P Ltd [2019 (10) TMI 482]
- [o] Troikaa Pharmaceuticals Ltd [Guj/GAAR/R/2022/38]
- [p] Hindustan Coca Cola Beverages P Ltd [2014-TIOL-2460-CESTAT-Mum]

- that there was no intention on the part of the applicant to contract with its employees with respect to the service of food and beverages in its canteen premises; that this basic requirement of qualifying as a supply is not satisfied;
- that there must be a legal intention to enter into a contractual relationship with its recipient which casts roles and responsibility on each of the contractual party to fall within the ambit of supply under GST;
- that in terms of section 7, *ibid*, an activity can be considered as supply only if it is made or agreed to be made for a consideration; that consideration is defined u/s 2(31) *ibid*;
- that supply must involve enforceable reciprocal obligations; that a receipt of payment without an agreement, cannot be linked to a supply for the purpose of levying GST; similarly deduction in employees salary is only a transaction in money between applicant and its employees;
- that the activity of provision of canteen facility, does not fall within the ambit of business; that it is termed as an expense and therefore the activity of setting up canteen facility & subsequent deduction of nominal value would not tantamount to supply u/s 7 *ibid*;
- that there is no independent contract with the employee for setting up canteen facility; that the canteen facility has been set up on account of a legal obligation; that it is only to their employees and in the course of employment relationship; that in terms of Schedule III and press release dated 10.7.2017, supply by employer to employee in terms of contractual agreement entered into between the employer and the employee, is not subject to GST;
- that even in terms of the circular dated 6.7.2022, perquisites provided by employer to employee, as per contractual agreement is not subject to GST;





### **ITC of the GST paid by the applicant to CSP**

- the proviso to section 17(5)(b) *ibid*, ITC in respect of such goods or services or both shall be available where it is obligatory for an employer to provide the same to its employees under any law for the time being in force;
- that in terms of Troikaa Pharmaceuticals Ltd [Guj/GAAR/R/2022/38] and Hindustan Coca Cola Beverages P Ltd [2014-TIOL-2460-CESTAT-Mum] there is no doubt that a taxpayer is allowed to avail ITC on procurement of food & beverages when the same is made under any existing and enforceable law; that the provision of canteen facility is not made out of the free will of the applicant & is provided solely on account of a statutory obligation case on the applicant.

9. The applicant has filed this application for advance ruling to ascertain the GST implication on the existing arrangement of canteen facility being provided to all the employees at the factory and the corporate office of the applicant. Vide the aforesaid application, the applicant has raised the following question for advance ruling *viz*

- (i) Whether the subsidized deduction made by the applicant from the employees who are availing food in the factory/corporate office would be considered as a 'supply' under the provisions of section 7 of the CGST Act, 2017 and the GGST Act, 2017?
- (ii) If yes, whether GST is applicable on the amount deducted from the salaries of its employees?
- (iii) If yes, on what portion GST will be applicable *ie* amount paid by the applicant to the canteen service provider or only on the amount recovered from the employees?
- (iv) Whether ITC of GST charged by the canteen service provider would be eligible for availment to the applicant?

10. Personal hearing was granted on 9.2.2023 wherein Shri Mitesh Jain and Shri Mihir Patel appeared and reiterated the facts as stated in the application. They further stated that they would be providing copies of relevant contracts to substantiate their plea. Thereafter, vide their letter dated 28.2.2023, the applicant has provided copy of contract with CSP and copy of the agreement or policy document for cafeteria/canteen service to employees [only one page].

11. Assistant Commissioner, CGST, Division V, Ahmedabad North, vide their letter dated 6.2.2023, has relying on Sections 7 and 16 of the CGST Act, 2017, stated that the issue raised should be viewed in light of the various ruling & facts & circumstances submitted by the applicant and has requested that it may be decided on merits.

### **Discussion and findings**

12. At the outset, we would like to state that the provisions of both the CGST Act and the GGST Act are the same except for certain provisions. Therefore, unless a mention is specifically made to such dissimilar provisions, a





reference to the CGST Act would also mean a reference to the same provisions under the GGST Act.

13. We have considered the submissions made by the Applicant in their application for advance ruling as well as the submissions made during the course of personal hearing. We have also considered the issue involved, the relevant facts & the applicant's submission/interpretation of law in respect of question on which the advance ruling is sought.

14. Before advertng to the submissions made by the applicant, we would like to reproduce the relevant provisions/circular for ease of reference:

• **Section 7. Scope of supply.-**

(1) *For the purposes of this Act, the expression –*

*"supply" includes-*

(a) *all forms of supply of goods or services or both such as sale, transfer, barter, exchange, licence, rental, lease or disposal made or agreed to be made for a consideration by a person in the course or furtherance of business;*

<sup>1</sup>*[(aa) the activities or transactions, by a person, other than an individual, to its members or constituents or vice-versa, for cash, deferred payment or other valuable consideration.*

**Explanation** *-For the purposes of this clause, it is hereby clarified that, notwithstanding anything contained in any other law for the time being in force or any judgment, decree or order of any Court, tribunal or authority, the person and its members or constituents shall be deemed to be two separate persons and the supply of activities or transactions inter se shall be deemed to take place from one such person to another;]*

(b) *import of services for a consideration whether or not in the course or furtherance of business; <sup>2</sup>[and]*

(c) *the activities specified in Schedule I, made or agreed to be made without a consideration; <sup>3</sup>[\*\*\*\*]*

(d) <sup>4</sup>*[\*\*\*\*].*

<sup>5</sup>*[(1A) where certain activities or transactions constitute a supply in accordance with the provisions of sub-section (1), they shall be treated either as supply of goods or supply of services as referred to in Schedule II.]*

(2) *Notwithstanding anything contained in sub-section (1),-*

(a) *activities or transactions specified in Schedule III; or*

(b) *such activities or transactions undertaken by the Central Government, a State Government or any local authority in which they are engaged as public authorities, as may be notified by the Government on the recommendations of the Council,*

*shall be treated neither as a supply of goods nor a supply of services.*

(3) *Subject to the provisions of<sup>6</sup>[sub-sections (1), (1A) and (2)], the Government may, on the recommendations of the Council, specify, by notification, the transactions that are to be treated as -*

(a) *a supply of goods and not as a supply of services; or*

(b) *a supply of services and not as a supply of goods.*





• **Section 17. Apportionment of credit and blocked credits.- [relevant extracts]**

5) Notwithstanding anything contained in sub-section (1) of section 16 and sub-section (1) of section 18, input tax credit shall not be available in respect of the following, namely:-

<sup>2</sup>[(a) .....;

(aa).....;

(ab) .....;

(b) <sup>3</sup>[the following supply of goods or services or both-

(i) food and beverages, outdoor catering, beauty treatment, health services, cosmetic and plastic surgery, leasing, renting or hiring of motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) except when used for the purposes specified therein, life insurance and health insurance;

**Provided that the input tax credit in respect of such goods or services or both shall be available where an inward supply of such goods or services or both is used by a registered person for making an outward taxable supply of the same category of goods or services or both or as an element of a taxable composite or mixed supply;**

(ii) membership of a club, health and fitness centre; and

(iii) travel benefits extended to employees on vacation such as leave or home travel concession:

**Provided that the input tax credit in respect of such goods or services or both shall be available, where it is obligatory for an employer to provide the same to its employees under any law for the time being in force.]**

• **CBIC's press release dated 10.7.2017**

Another issue is the taxation of perquisites. It is pertinent to point out here that the services by an employee to the employer in the course of or in relation to his employment is outside the scope of GST (neither supply of goods or supply of services). It follows therefrom that supply by the employer to the employee in terms of contractual agreement entered into between the employer and the employee, will not be subjected to GST. Further, the input tax credit (ITC) scheme under GST does not allow ITC of membership of a club, health and fitness centre [section 17 (5) (b) (ii)]. It follows, therefore, that if such services are provided free of charge to all the employees by the employer then the same will not be subjected to GST, provided appropriate GST was paid when procured by the employer. The same would hold true for free housing to the employees, when the same is provided in terms of the contract between the employer and employee and is part and parcel of the cost-to-company (C2C).

• Circular No. 172/04/2022-GST

S. No.	Issue	Clarification
3.	Whether the proviso at the end of clause (b) of sub-section (5) of section 17 of the CGST Act is applicable to the entire clause (b) or the said proviso is applicable only to sub-clause (iii) of	1. Vide the Central Goods and Service Tax (Amendment Act) 2018, clause (b) of sub-section (5) of section 17 of the CGST Act was substituted with effect from 01.02.2019. After the said substitution, the proviso after sub-clause (iii) of clause (b) of sub-section (5) of section 17 of the CGST Act provides as under: "Provided that the input tax credit in respect of





	<p>clause (b)?</p>	<p>such goods or services or both shall be available, where it is obligatory for an employer to provide the same to its employees under any law for the time being in force.”</p> <p>2. The said amendment in sub-section (5) of section 17 of the CGST Act was made based on the recommendations of GST Council in its 28th meeting. The intent of the said amendment in subsection (5) of section 17, as recommended by the GST Council in its 28th meeting, was made known to the trade and industry through the Press Note on Recommendations made during the 28th meeting of the GST Council, dated 21.07.2018. It had been clarified “that scope of input tax credit is being widened, and it would now be made available in respect of Goods or services which are obligatory for an employer to provide to its employees, under any law for the time being in force.”</p> <p>3. Accordingly, it is clarified that the proviso after sub-clause (iii) of clause (b) of sub-section (5) of section 17 of the CGST Act is applicable to the whole of clause (b) of sub-section (5) of section 17 of the CGST Act.</p>
5	<p>Whether various perquisites provided by the employer to its employees in terms of contractual agreement entered into between the employer and the employee are liable for GST?</p>	<p>1. Schedule III to the CGST Act provides that “services by employee to the employer in the course of or in relation to his employment” will not be considered as supply of goods or services and hence GST is not applicable on services rendered by employee to employer provided they are in the course of or in relation to employment.</p> <p>2. Any perquisites provided by the employer to its employees in terms of contractual agreement entered into between the employer and the employee are in lieu of the services provided by employee to the employer in relation to his employment. It follows there from that perquisites provided by the employer to the employee in terms of contractual agreement entered into between the employer and the employee, will not be subjected to GST when the same are provided in terms of the contract between the employer and employee.</p>

### **Factory**

15. The facts having been enumerated *supra* we do not intent to repeat the same for the sake of brevity.



16. The first issue to be decided is whether the subsidized deduction made by the applicant from the employees who are availing food in the factory/corporate office would be considered as a 'supply' under the provisions of section 7 of the CGST Act, 2017. Now, in terms of Section 7 of the CGST Act, 2017, supply means all forms of 'supply' of goods/services or both such as sale, transfer, barter, exchange, licence, rental, lease or disposal made or agreed to be made for a consideration by a person in the course or furtherance of business. The exception being Schedule I, which includes the activities made or agreed to be made without a consideration and Schedule III, which includes activities which shall be treated neither as a supply of goods or services. The applicant's case is that they employ 2745 persons who are full time employees and who have been provided with canteen facility in terms of section 46 of the Factories Act, 1948. We find that the applicant is paying GST @ 5% in terms of the invoices raised by the CSP. The applicants primary role is that he provides a demarcated space and that the amount is paid by him to the CSP [a part of which is collected from the employees] on behalf of the employees for administrative convenience. As is already mentioned, the applicant's contribution is treated as staff welfare expenses in his books of accounts.

17. Now in terms of Circular No. 172/04/2022-GST, it is clarified that perquisites provided by the 'employer' to the 'employee' in terms of contractual agreement entered into between the employer and the employee, will not be subjected to GST when the same are provided in terms of the contract between the employer and employee. We find that factually there is no dispute as far as [a] the canteen facility is provided by the applicant as mandated in Section 46 of the Factories Act, 1948 is concerned; and [b] the applicant has provided [one page] a copy of the agreement for cafeteria /canteen services to employees wherein in terms of Para 14.3, it is stated as follows:

***"Policy***

*In corporate and plant locations, Cadila provides employees multiple options on the variety of food served. There are snacks, mini-meals as well as regular balanced meals that are served. Meals and snacks are provided on a cost sharing basis while business meetings are borne by the Company.*

<b>Type of Food /Drink</b>	<b>Timings</b>		<b>Location</b>
Meals	Breakfast	8.00 am to 9.00 am	Corporate /Plant
	Lunch	12.30 pm to 1.30	





	Evening snacks Dinner	pm 6.30 pm to 7.00 pm 8.00 pm to 9.00 pm	
Business Meeting Refreshments	Tea and Cookies available on request		All meeting rooms

In view of the foregoing, we hold that the subsidized deduction made by the applicant from the employees who are availing food in the factory would not be considered as a 'supply' under the provisions of section 7 of the CGST Act, 2017.

18. Since the answer to the above is not in the affirmative, the ruling sought in respect of the second and the third question is rendered infructuous.

### **Corporate Office**

19. We find that the appellant has sought a ruling for canteen services provided at his Corporate Office also. Before adverting to the contention we would like to reproduce the relevant sections of the Factories Act, 1948 viz

(m) "factory" means any premises including the precincts thereof—

(i) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or

(ii) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on,—

but does not include a mine subject to the operation of 5 [the Mines Act, 1952 (35 of 1952)], or 6 [a mobile mobile unit belonging to the armed forces of the Union, railway running shed or a hotel, restaurant or eating place].

On going through the website of the applicant <https://www.cadilapharma.com>, the Corporate Office of the applicant is situated at Sarkhej-Dholka Road, Bhat, Ahmedabad, India, 382210. The factory of the applicant is located at Ankleshwar, Dholka, Kadi. The corporate office of the applicant is not located within the precincts of the factory. However, the corporate office would fall within the ambit of the term 'establishment' as defined under section 2(c) of the Gujarat Shops and Establishment (Regulation of Employment and Condition of Service) Act, 2019, which states as follows:



(c) "establishment" means an establishment which carries on, any business, trade, manufacture or any journalistic or printing work, or business of banking, insurance, stocks and shares, brokerage or exchange or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession or manufacture; and includes, -

- (i) establishment of any medical practitioner (including hospital, dispensary, clinic, polyclinic, maternity home and such others), architect, engineer, accountant, tax consultant or any other technical or professional consultant;
- (ii) a society registered under the Societies Registration Act, 1860, and a charitable or other trust, whether registered or not, which carries on, whether for purposes of gain or not, any business, trade or profession or work in connection with or incidental or ancillary thereto;
- (iii) shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment; to whom the provisions of the Factories Act, 1948 do not apply ;
- (iv) such other establishment as the State Government may, by notification in the *Official Gazette*, declare to be an establishment for the purposes of this Act;

Further, section 23 of the said Act states as follows:

23. The employer shall provide and maintain in the shop or establishment, wherein not less than one hundred workers are employed or ordinarily employed to maintain a canteen for the use of its workers:

Provided that, if a group of shops or establishments decide to provide a common canteen, then the same shall be permitted by the Inspector by an order, subject to such conditions as may be specified in the order.

On a conjoint reading of the above, it is evident that [a] the canteen facility is provided by the applicant to the full time employees of its corporate office as mandated in Section 23 of the Gujarat Shops and Establishment (Regulation of Employment and Condition of Service) Act, 2019, is concerned; and [b] the applicant has provided [one page] a copy of the agreement for cafeteria /canteen services to employees. Hence, in terms of the clarification issued by the Board vide Circular No. 172/04/2022-GST, at para 5, we hold that the subsidized deduction made by the applicant from the employees who are availing food in the Corporate Office would not be considered as a 'supply' under the provisions of section 7 of the CGST Act, 2017 .





20. Again, since the answer to the above is not in the affirmative, the ruling sought in respect of the second and the third question is rendered infructuous.

### **Input Tax Credit**

21. The next question on which the applicant has sought ruling is whether Input Tax Credit of GST charged by the CSP would be eligible for availment by the applicant. In this connection, before proceeding further, certain factual aspects which we would like to mention, though at the cost of repetition are *viz*

- that they employ 2745 full time employees working on permanent basis at their factory and the corporate office;
- that section 17(5)(b) *ibid*, was amended on 1.2.2019, and is reproduced *supra*;
- that the applicant is mandated vide section 46 of the Factories Act, 1948 to provide canteen facility to its employees within the factory premises and in terms of Section 23 of the Gujarat Shops and Establishment (Regulation of Employment and Condition of Service) Act, 2019 to provide canteen facility to its employees at the Corporate office;
- that circular no. 172/4/2022-GST clearly clarifies that post substitution, effective from 1.2.2019, based on the recommendation of the GST council in its 28<sup>th</sup> meeting, the proviso after sub clause (iii) of clause (b) of Section 17(5) of the CGST Act, 2017 is applicable to the whole of clause 17(5)(b), *ibid*.

22. In view of the foregoing, we hold that Input Tax Credit will be available to the appellant in respect of food and beverages as canteen facility is obligatorily to be provided under the Factories Act, 1948, read with Gujarat Factories Rules, 1963 and Gujarat Shops and Establishment (Regulation of Employment and Condition of Service) Act, 2019 as far as provision of canteen service for full time/direct employees working on permanent basis at the factory/corporate office is concerned. It is further held that the ITC on GST charged by the canteen service provider will be restricted to the extent of cost borne by the appellant only. Our view is substantiated by the Ruling of the Gujarat Appellate Authority for Advance Ruling order No. GUJ/GAAAR/Appeal/2022/23 dated 22.12.2022 in the case of M/s. Tata Motors Ltd, Ahmedabad.

22. In view of the foregoing, we hold that Input Tax Credit will be available to the appellant in respect of food and beverages as canteen facility is





obligatorily to be provided under the Factories Act, 1948, read with Gujarat Factories Rules, 1963 as far as provision of canteen service for full time/direct

23. In the light of the foregoing, we rule as under:

### **RULING**

1. The subsidized deduction made by the applicant from the employees who are availing food in the factory/corporate office would not be considered as a 'supply' under the provisions of section 7 of the CGST Act, 2017 and the GGST Act, 2017.

2 & 3. Since the answer to the above is not in the affirmative, the ruling sought in respect of the second and the third question is rendered infructuous.

4. Input Tax Credit (ITC) will be available to the applicant on GST charged by the service provider in respect of canteen facility provided to its direct employees working in their factory and the corporate office, in view of the provisions of Section 17(5)(b) as amended effective from 1.2.2019 and clarification issued by CBIC vide circular No. 172/04/2022-GST dated 6.7.2022 read with provisions of section 46 of the Factories Act, 1948 and read with provisions of Gujarat Factory Rules, 1963 and Gujarat Shops and Establishment (Regulation of Employment and Condition of Service) Act, 2019. ITC on the above is restricted to the extent of the cost borne by the applicant for providing canteen services to its direct employees, but disallowing proportionate credit to the extent embedded in the cost of goods recovered from such employees.

(MILIND KAVATKAR)  
MEMBER (SGST)

(AMIT KUMAR MISHRA)  
MEMBER (CGST)

Place: Ahmedabad

Date: 31/03/2023





## **TELANGANA STATE AUTHORITY FOR ADVANCE RULING**

**CT Complex, M.J Road, Nampally, Hyderabad-500001.**

**(Constituted under Section 96(1) of TGS Act, 2017)**

**Present:**

**Sri J. Laxminarayana, Additional Commissioner(Grade-I) (State Tax)**

**Sri B. Raghu Kiran, IRS, Joint Commissioner (Central Tax)**

**A.R.Com/23/2018**

**Date.02 -03-2020**

### **TSAAR Order No.03/2020**

(Under Section 100(1) of the CGST/TGST Act, 2017, any person aggrieved by this order can prefer an appeal before the Telangana State Appellate Authority for Advance Ruling, Hyderabad, within 30 days from the date of receipt of this Order)

\*\*\*\*\*

1. M/s. Penna Cement Industries Limited, Lakshmi Nivas 705, Road No. 3, Banjara Hills, Hyderabad- 500 034, Telangana, (GSTIN No. 36AABCP2290D1ZP) have filed an application in **FORM GST ARA-01** under Section 97(1) of TGS Act, 2017 read with Rule 104 of CGST/TGST Rules, seeking Advance Ruling seeking clarification as to what tax should be charged by them on ex-factory inter-State sales made by them.
2. At the outset, it is made clear that the provisions of both the CGST Act and the TGST Act are the same except for certain provisions. Therefore, unless a mention is specifically made to any dissimilar provisions, a reference to the CGST Act would also mean a reference to the same provision under the TGST Act. Further to the earlier, henceforth for the purposes of this Advance Ruling, the expression 'GST Act' would be a common reference to both CGST Act and TGST Act.
3. It is observed that the query raised by the applicant falls within the ambit of Section 97(2)(e) of the GST ACT read with 20(xviii) of the IGS Act, 2017. The Applicant enclosed copies of challans as proof of payment of Rs. 5,000/- for SGST and Rs. 5000/- for CGST towards the fee for Advance Ruling. The Applicant has declared that the questions raised in the application have neither been decided by nor are pending before any authority under any provisions of the GST Act. The application is therefore, admitted.

#### **4. Brief facts:**

The facts, in brief, that were reported by the applicant are as follows:

- a. They are manufacturers of cement having two cement plants in Telangana;

- b. They occasionally make inter-State sale of cement on ex-factory/works basis from their plants in Telangana;
- c. As per Sec. 10(1)(a) of IGST Act, 2017, place of supply shall be where movement of goods terminates; When they make ex-factory sales from their plant, delivery terminates at their factory gate itself and therefore, CGST and SGST should be charged on such type of supplies.
- d. However, in the said section it is also mentioned that the movement of goods can be by supplier or the recipient or any other person and place of supply shall be location of recipient where delivery terminates to recipient. In respect of ex-factory sale, though for them supply terminates at factory gate, yet further movement is carried by the recipient or transporter (other person) of goods up to the billing address state. Thus, the delivery in such cases terminates in another that State and therefore they should charge IGST in respect of such supplies.

## **5. Questions raised:**

With the above background, the applicant raised the following query:

- i) What tax should be charged on ex-factory inter-State supplies made by them?

## **6. Contention of the concerned officer :**

The concerned Officer opined that in the light of the provisions contained under Sec. 10(1)(a), IGST should be charged in respect of the supplies mentioned in the application.

## **7. Personal Hearing:**

Mr. K. Raghava Reddy, DGM & M. Ramakrishna, AGM, authorized representative of M/s. Penna cement Industries Limited, appeared for the personal hearing held on 20.12.2019 and reiterated the facts mentioned above and sought for ruling in respect of the query raised in their application.

## **8. Discussion & Findings:**

- 8.1** We have considered the submissions made by the applicant in their application for advance ruling as well as at the time of personal hearing. The applicant sought for advance ruling on the nature of tax chargeable on ex-factory inter-State supplies. To determine the said point, reference shall be made to the legal provisions concerning levy of IGST and CGST& SGST.
- 8.2** Sec. 9(1) of GST Act provides for levy of CGST and SGST on all intra-State supplies of goods or services or both, except on the supply of alcoholic liquor for human consumption. Further, Sec. 5(1) of the IGST Act, 2017 prescribes the levy of IGST on all inter-State supplies of goods or services or both, except on the supply of alcoholic liquor for human consumption.
- 8.3** 'Inter-State' and 'intra-State' supplies have explicitly been defined in Section 7(1), 7(2) and 8(1), 8(2) of the IGST Act respectively. These provisions in essence lay down that where the 'location of the supplier' and the 'place of supply' are in the same State or Union Territory, the supply shall be considered as intra-State supply and where they are in different States or in different Union Territories or in a State and a Union Territory, the supply shall be classified as inter-State supply. Thus, 'place of supply' and

‘location of supplier’ determine whether a supply can be treated as an intra-State supply or an inter-State supply. In the case on hand, the applicant has no uncertainty as regards to ‘the location of supplier’ and they sought clarity only with regard to the ‘place of supply’. This leads us to refer to Sec. 10(1)(a) of IGST Act, 2017 which contains provisions relating to determination of ‘place of supply’ of goods where the supply involves movement. The same is reproduced below:

*“10. (1) The place of supply of goods, other than supply of goods imported into, or exported from India, shall be as under –  
(a) where the supply involves movement of goods, whether by the supplier or the recipient or by any other person, the place of supply of such goods shall be the location of the goods at the time movement of goods terminates for delivery to the recipient.”*

In terms of the above provision, it is apparent that place of supply in respect of goods (where supply involves movement of goods) shall be the location of goods at the time when movement of goods terminates for delivery to the recipient.

**8.4** As stated by the applicant, there is a scope for inference that in case of ex-factory sales, since the delivery of goods to recipient takes place at factory gate so far as supplier is concerned, location of the supplier’s factory can be reckoned as place of supply. However a careful appraisal of the provisions of Sec. 10(1)(a) does not suppose such inference. We noted that the usage of the words ‘whether by the supplier or by recipient’ after the words ‘where the supply involves movement of goods’ under the said section perceptibly indicates that the movement can be effected by the supplier or by the recipient or by any other person authorized by the recipient. This leads to the conclusion that, in terms of Sec. 10(1)(a), movement of goods in case of ex-factory inter-State sales does not conclude at factory gate but terminates at the place of destination where the goods finally are destined as per the billing address. Accordingly, it can be inferred that the place of supply in respect of goods where the supply involves movement of goods whether by the supplier or by the recipient or by any other person authorized by him has to be determined with reference to the location where the movement of goods ultimately terminated.

**8.5** What we perceive from the statement made by the applicant, is that, in case of ex-factory inter-State sales affected by the applicant, the goods are made available by the supplier to the recipient at the factory gate, but this is not the point where movement terminates since the recipient subsequently assumes the charge for transportation of the goods up to the destination in another state. Thus, termination of the movement of goods evidently takes place at the location (in a different state) to which the goods are consigned/destined and such movement is effected by the recipient or by any other person such as transporter authorized by the recipient. Applying the inference made by us in the preceding para to the facts of the case on hand, the place (in the other state) where the goods are destined turns out to be the ‘place of supply’ in terms of Sec. 10(1)(a) *ibid*. Consequently, the ‘location of supplier’ and the ‘place of supply’ fall under different states and the supply qualifies as inter-State supply. Accordingly, we hold that, the supplier in the stated instance is liable to charge IGST in respect of ex-factory inter-State supplies made by them.

## **Advance Ruling**

9. In view of the observations stated above, the following ruling is issued :

<b>Q1.</b> What tax should be charged on ex-factory inter-State supplies?	<b>Ans:</b> IGST is chargeable on ex-factory inter-State supplies.
---	--

Sd/- J. Laxminarayana  
ADDL. COMMISSIONER (State Tax )

Sd/- B. Raghukiran  
JOINT COMMISSIONER (Central Tax)

To  
M/s. Penna Cement Industries Limited,  
Lakshmi Nivas 705, Road No. 3,  
Banjara Hills, Hyderabad- 500 034.

Copy submitted to :

1. The Commissioner (State Tax) for information

Copy to:

1. The Commissioner (Central Tax), Medchal Commissionerate  
11-4-649/B, 1st, 2nd, 3rd and 4th Floors, Opp. Mehedi Function Palance,  
Lakdikapool, Hyderabad - 500 004.
2. The Joint Commissioner (State Tax), Nalgonda.
3. The Dy. Commissioner (ST) (LTU), Nalgonda.

//t.c.f.b.o//

Additional Commissioner (ST) (Grade-I)



**TELANGANA STATE AUTHORITY FOR ADVANCE RULING**  
**CT Complex, M.J Road, Nampally, Hyderabad-500001.**  
**(Constituted under Section 96(1) of TGST Act, 2017)**

**Present:**

**Sri B. Raghu Kiran, IRS, Additional Commissioner (Central Tax)**

**Sri S.V. Kasi Visweshwar Rao, Additional Commissioner (State Tax)**

**A.R.Com/27/2018**

**Date.06-08-2021**

**TSAAR Order No.06/2021**

**[ORDER UNDER SECTION 98(4) OF THE CENTRAL GOODS AND SERVICES TAX ACT, 2017 AND UNDER SECTION 98(4) OF THE TEALANGANA GOODS AND SERVICES TAX ACT,2017]**

**\*\*\*\*\***

- 1.** M/s. SHV Energy Private Limited, Super Gas House, IV Floor, SDE Serene Chamber, 8-2-334, Road No.7, Banjara Hills, Hyderabad – 500 034,Telangana, (GSTIN No. 36AACCS8676D1Z3) have filed an application in **FORM GST ARA-01** under Section 97(1) of TGST Act, 2017 read with Rule 104 of CGST/TGST Rules,
- 2.** At the outset, it is made clear that the provisions of both the CGST Act and the TGST Act are the same except for certain provisions. Therefore, unless a mention is specifically made to any dissimilar provisions, a reference to the CGST Act would also mean a reference to the same provision under the TGST Act. Further to the earlier, henceforth for the purposes of this Advance Ruling, the expression 'GST Act' would be a common reference to both CGST Act and TGST Act.
- 3.** It is observed that the query raised by the applicant falls within the ambit of Section 97(2)(e) of the GST ACT read with 20(xviii) of the IGST Act, 2017. The Applicant enclosed copies of challans as proof of payment of Rs. 5,000/- for SGST and Rs. 5000/- for CGST towards the fee for Advance Ruling. The Applicant has declared that the questions raised in the application have neither been decided by nor are pending before any authority under any provisions of the GST Act. The application is therefore, admitted.

**4. Facts of the Case:**

M/s. SHV Energy Private Limited are suppliers of LPG to domestic and industrial users. In the application they have submitted that they enter into LPG supply agreement with industrial users for longer period ranging from 5 to 10 years. They setup a structure called manifold at the premises of the recipient for supply of LPG. This manifold consists of LPG cylinders, regulators, primary piping, pressure regulator systems, -- etc., the ownership of the structure lies with the applicant. The purchaser pays rental charges at the rate of Rs.5,000/- per month for this structure.



Since setting up of this system involves substantial investment the customer is obliged to purchase LPG exclusively from the applicant and the conditions of the agreement specify the minimum quantity lifted from SHV. In the event of the purchaser not lifting the minimum quantity such purchaser has to pay commitment charges at the rate of Rs.2,900/- per metric ton of such shortfall in quantity.

## **5. Clarification Sought:**

Based on the facts mentioned hereinafter, the applicant sought Advance Ruling on the following issues:

- a. Whether the impugned supply can be regarded as 'composite supply' and whether the rate of tax of the principal supply could be adopted for the whole of supplies?
- b. The applicant hereby seeks determination in respect of the following specific questions:
  - i. Whether sale of LPG, Collection of Take or Pay Charges for not lifting minimum assured quantity and rental charges for supplier gas system installed at the customer premises to store the LPG which is a condition precedent for supply of LPG be treated as composite supply under section 2(30) of GST Act, 2017?
  - ii. Whether supply/sale of LPG be treated as principal supply for above mentioned transaction?

On Verification of basic information of the applicant, it is observed that the applicant, it is observed that the applicant falls under State Jurisdiction, i.e. Assistant Commissioner(State Tax), Khairatabad Circle,. Accordingly, the application has been forwarded to the jurisdictional officer. and a copy marked to the central tax authorities to offer their remarks as per the Section 98(1) of TSGST Act, 2017.

## **6. Personal Hearing:**

Mr. Rahul Bhavani, CA & B. Rajitha Boorgu, CA, authorized representative of M/s. SHV Energy Private Limited, appeared and Partially heard the case on 20.01.2020 and reiterated the facts mentioned above and sought for ruling in respect of the query raised in their application.

However, The State member was retired from Government Service on Superannuation on 31.01.2021 and hence order were not passed. Government vide GO. Rt. No. 216, Rev(CT-II) Dept, Dt.16.06.2021 have nominated Sri S.V. Kasi Visweshwar Rao as member to The Authority for Advance Ruling and hence the case was posted a fresh on 09.07.2021. Heard the case

The authorized representative Smt. Rajitha Boorugu, CA & AR reiterated their averments in the application submitted and contended as follows:

1. That they are making supply of LPG to their industrial customers and for this purpose they have erected a supplier gas system which is a movable property. That they can supply of LPG only through this structure. That they would like to ascertain if the 'lease rentals' form a component of composite supply, wherein the principal supply is supply of LPG.
2. That they are entering into an agreement with their customers for lifting a specific quantity of LPG. Whenever the customer defaults to lift the minimum quantity they are levying 'Take or Pay charges' on such defaulters. That they would like to ascertain if the 'Take or Pay charges'



form a component of composite supply, wherein the principal supply is supply of LPG.

In the additional grounds submitted at the time of hearing the authorized representative made additional submissions in order to buttress their contentions as follows:

- a. That they primarily supply LPG to industrial consumers and in order to facilitate them SGS supply system is installed in the premises of their consumers.
- b. That LPG is sent to the consumers premises in form of liquid and the apparatus installed by them vaporises it into gaseous form.
- c. That the SGS cannot be installed to any customer standalone. And that the ownership of SGS remains with the applicant and the recipient of supply pays lease rental on the same.
- d. That to ensure minimum quantity of purchase by their customers there is a clause in the agreement which obliges the purchaser to pay 'take or pay' charges at specified rates. Where the recipient is unable to purchase the agreed quantity then he has to pay the said 'take or pay' charges for the deficit quantity not purchased.
- e. For the reason that all the above 3 supplies are made in conjunction with each other i.e., LPG, SGS & 'Take or Pay' Charges, these are naturally bundled supplies amounting to composite supply of which LPG is the principal supply and the rate of tax applicable to LPG apply to other 2 components of bundled supply.
- f. The applicant relied on the following to buttress his arguments
  - i. Diebold Systems (P) Ltd V. CST (2008 (12) STT 346)
  - ii. Kone Elevators India (P) Ltd v. CST, [2009 (20) STT 447]
  - iii. M/s. Kingfisher Training & Aviation Service Ltd Vs CST Mumbai [2016 (46) S.T.R. 254 (Tri. – Mumbai)]
  - iv. NIKHIL COMFORTS 2020(41) G.S.T.L. 417 (App. A.A.R. – GST Mah.)
  - v. Mfar Hotels & Resorts Pvt. Ltd., 2020 (42) G.S.T.L. 470 (A.A.R. – GST-T.N.)
  - vi. Marco Media Digital Imaging Pvt. Ltd., 2020 (42) G.S.T.L. 401 (A.A.R. – GST – T.N.)
  - vii. Ambara 2020 (42) G.S.T.L. 314 (A.A.R. – GST – Kar.)
  - viii. NEC Technologies India Pvt. Ltd., 2020 (38) G.S.T.L. 222 (A.A.R. – GST – Guj.)
  - ix. Doctors Academy of Educational Society 2020 (38) G.S.T.L. 186 ( Appellate Authority – A.P )
  - x. Aquaa Care (Surat) RO Technologies Pvt. Ltd., 2020 (36) G.S.T.L. 115 (A.A.R. – GST – Guj.)
  - xi. Torrent Power Ltd.2020 (34) G.S.T.L. 385 (Guj.)
  - xii. In Re : Nr Energy Solutions India Pvt. Ltd., 2019 (26) G.S.T.L. 280 (A.A.R. – GST)
  - xiii. In re : Khedut Hat 2018 (18) G.S.T.L. 75 ( A.A.R. – GST)
  - xiv. M/s Radhey Krishna Technobuild (P) Ltd 2019-VIL-760-CHESAT-ALH-ST.

## **7. Discussion & Findings:**

We have considered the submissions made by the applicant in their application for advance ruling as well as the additional submissions made

by Smt. Rajitha Boorugu, CA & AR during the personal hearing. We also considered the issues involved on which advance ruling is sought by the applicant and relevant facts. At the outset, we would like to state that the provisions of both the CGST Act and the TGST Act are the same except for certain provisions. Therefore, unless a mention is specifically made to such dissimilar provisions, a reference to the CGST Act would also mean a reference to the same provisions under the TGST Act.

1. The applicant is in the business of sale of LPG to industrial customers.
2. They have installed Supplier Gas System (SGS) consisting of 30 Nos of LPG cylinders, Regulators, Primary pressure regulating systems, Vaporizers etc.
3. As seen from the agreement a minimum quantity of LPG has to be necessarily purchased by the buyer. And if such minimum amount is not purchased they shall pay by way of commitment charges i.e., 'Take or Pay' Charges at the rate of Rs.2900/MT of such shortfall in quantity. This amount shall be paid once in a quarter.
4. As seen from the Section 2(31) of the CGST Act, monetary value of any act or forbearance constitutes consideration of supply. Therefore the above commitment charges are taxable under GST Act.
5. Now the applicant wants a clarification as to whether the sale of LPG, lease of SGS manifold and 'Take or Pay' Charges together form a composite supply and if they form a composite supply whether LPG is the principal supply.
6. Composite supply is defined in the GST Act in Section 2(30) as follows "Composite supply" means a supply made by a taxable person to a recipient consisting of two or more taxable supplies of goods or services or both, or any combination thereof, which are **naturally bundled** and supplied in conjunction with each other in the ordinary course of business, one of which is a principal supply.  
**Illustration:** Where goods are packed and transported with insurance, the supply of goods, packing materials, transport and insurance is a composite supply and supply of goods is a principal supply.
7. As seen from the definition a composite supply is essentially a naturally bundled supply where two or more different supplies invariably exist along with each other.

The Hon'ble High Court of Kerala in the case of Abott Health Care Pvt. Ltd., (2020) 74 GSTR 37 (Kerala) held that a composite supply must take into account supplies as affected at a given point in time on "as is where is" basis.

Therefore a naturally bundled supply should possess the following attributes ( as mentioned in Education Guide on Taxation of Services published by CBE & C on 20.06.2012 at Para 9.2.4 ):

- a. There is a single price or the customer pays the same amount, no matter how much of the package they actually receive or use.
- b. The elements are normally advertised as a package.
- c. The different elements are not available separately
- d. The different elements are integral to one overall supply - if one or more is removed, the nature of supply would be affected.

Further the illustration in the definition clarifies the context of composite supply. As seen from the illustration the supply of service i.e., insurance and goods go alongside each other. The Hon'ble Supreme court of India in a catena of case law has ruled that

illustrations in a statute are part of the statute and help to elucidate the principle of the Section ( Dr. Mahesh Chandra Sharma Vs Smt. Raj Kumari Sharma – AIR 1996 SC 869). Therefore a composite supply should be similar to a supply mentioned in the illustration to the definition in Section 2(30), where two or more taxable goods or services are supplied along with each other to constitute a composite supply.

‘Take or Pay’ contract is a contract which requires the buyer to either purchase and receive a minimum amount of product at a set price(“take”) or pay for this minimum without taking immediate delivery(“pay”). ‘Take or Pay’ clauses in a contract ensure compensation for the seller in the event buyer does not purchase a specified quantity of goods or services in the course of a continuous supply. The Hon’ble Courts of India in a catena of cases held that ‘Take or Pay’ charges are meant to compensate for breach of a contract.

8.In the case of applicant ‘Take or Pay’ Charges are evidently compensation for breach of contract and a penalty stipulated to be paid to the applicant by his buyer for not purchasing the minimum quantity specified in the agreement. Thus these charges come into existence only when there is no supply of LPG. That means supply of LPG and ‘Take or Pay’ Charges are mutually exclusive and can never exist together. The forbearance comes into existence only upon breach and hence the requirements of a composite contract mentioned above are not fulfilled. Further the cases relied by the applicant do not contain a supply in which breach of contract is adjudged.

Hence ‘Take or Pay’ Charges cannot form a part of composite supply along with other components of composite supply.

**Advance Ruling**

8. In view of the observations stated above, the following ruling is issued :

Question Raised	Advance Ruling Issued
1. Whether sale of LPG, Collection of Take or Pay Charges for not lifting minimum assured quantity and rental charges for Supplier Gas System installed at the customer premises to store the LPG which is a condition precedent for supply of LPG be treated as composite supply under section 2(30) of GST Act,2017?	Sale of LPG, Collection of Take or Pay Charges for not lifting minimum assured quantity and rental charges for supplier gas system installed at the customer premises do not form a composite supply.
2. Whether supply/sale of LPG be treated as Principal Supply for above mentioned transaction?	Do not arise in view of the above.

Sd/- S.V. Kasi Visweshwar rao  
ADDL. COMMISSIONER (State Tax )

Sd/- B. Raghu Kiran  
JOINT COMMISSIONER (Central Tax)

[Under Section 100(1) of the CGST/TGST Act, 2017, any person aggrieved by this order can prefer an appeal before the Telangana State Appellate Authority

for Advance Ruling, Hyderabad, within 30 days from the date of receipt of this Order]

To  
M/s. SHV Energy Private Limited,  
Super Gas House, IV Floor,  
SDE Serene Chamber, 8-2-334,  
Road No.7, Banjara Hills,  
Hyderabad – 500 034.

Copy submitted to:

1. The Commissioner (State Tax) for information

Copy to:

1. The Commissioner (Central Tax), Medchal Commissionerate, 11-4-649/B, 1st, 2nd, 3rd and 4th Floors, Opp. Mehedi Function Palace, Lakdikapool, Hyderabad - 500 004.
2. The Joint Commissioner (State Tax), Punjagutta
3. The Assistant Commissioner (ST), Khairatabad Circle.

//t.c.f.b.o//

Superintendent (Grade-I)

**BEFORE THE NATIONAL ANTI-PROFITEERING AUTHORITY**

**UNDER THE CENTRAL GOODS & SERVICES TAX ACT, 2017**

Case No. : 80/2022  
Date of Institution : 31.08.2021  
Date of Order : 30.09.2022

**In the matter of:**

1. Sh. Deepak Garg, on behalf of his mother Mrs. Chetna Garg, resident of B.B. enterprises, D-55, Sector-50, Noida.
2. Director General of Anti-Profitteering, Central Board of Indirect Taxes & Customs, 2nd Floor, Bhai Vir Singh Sahitya Sadan, Bhai Vir Singh Marg, Gole Market, New Delhi-110001.

Applicant

**Versus**

M/s JKG Construction Pvt. Ltd., B-174, 1<sup>st</sup> Floor, Yojna Vihar, New Delhi-110092.

Respondent

**Quorum:-**

1. Sh. Amand Shah, Technical Member & Chairman
2. Sh. Pramod Kumar Singh, Technical Member
3. Sh. Hitesh Shah, Technical Member

**Present :-**

1. None for the Applicant No.1
2. None for the Respondent.

**ORDER**

1. The present Report dated 31.08.2021 had been received from the Applicant No. 2 i.e. the Director General of Anti-profitteering (DGAP) after a detailed investigation under Rule 129(6) of the Central Goods & Services Tax (CGST) Rules, 2017 alleging profiteering by the Respondent in respect of the purchase of shops in the Respondent's project "JKG Palm Court" by not passing on the benefit of Input Tax Credit (ITC) by way of commensurate reduction in prices after implementation of GST w.e.f. 01.07.2017. The Standing



Committee forwarded the copy of the complaint of Applicant No. 1 to the DGAP for detailed investigation.

2. The DGAP vide above said Report dated 31.08.2021 has inter-alia stated that:-

- i) On receipt of the reference from the Standing Committee on Anti-profiteering, a Notice for initiation of investigation under Rule 129 of the Rules was issued by the Director General of Anti-profiteering on 20.11.2020, calling upon the Respondent to reply as to whether he admit that the benefit of ITC had not been passed on to the recipients by way of commensurate reduction in price and if so, to *suo moto* determine the quantum thereof and indicate the same in his reply to the Notice as well as furnish all documents in support of his reply. Further, the Respondent was afforded an opportunity to inspect the non-confidential evidences/information which formed the basis of the said Notice, during the period 03.12.2020 to 04.12.2020. The authorized representative of the Respondent availed of the said opportunity on 04.12.2020.
- ii) Vide e-mail dated 17.08.2021, the Applicant was also given an opportunity during 19.08.2021 & 23.08.2021 to inspect the non-confidential documents/reply furnished by the Respondent. The Applicant availed of the said opportunity on 19.08.2021. The Applicant vide email dated 20.08.2021 submitted his observation on the documents inspected and made his submission.
- iii) The period covered by the current investigation was from 01.07.2017 to 31.10.2020.




- iv) The statutory time limit to complete the investigation was upto 14.04.2021, as per Rule 129(6) of the CGST Rules, but, due to *force majeure* caused in the light of Covid-19 pandemic, the investigation could not be completed on or before the above date. However, in terms of the Notification No. 35/2020-Central Tax dated 03.04.2020, as amended vide Notification No. 55/2020-Central Tax dated 27.06.2020 and 91/2020-Central Tax dated 14.12.2020, issued by the Central Government, wherein the last date for submission of report had been extended upto 31.03.2021. Further, Hon'ble Supreme Court of India passed an Order dated 08.03.2021 in *Suo Moto* Writ Petition (Civil) No. 3 of 2020, wherein it was stated that "in cases where the limitation would have expired during the period between 15.03.2020 till 14.03.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 15.03.2021. In the event the actual balance period of limitation remaining, with effect from 15.03.2021, was greater than 90 days, that longer period shall apply." The above relief had been extended and the period from 14.03.2021 till further orders shall also stand excluded in computing the limitation period as per the Hon'ble Supreme Court's Order dated 27.04.2021 passed in Miscellaneous Application No. 665/2021 in SMW (C) No. 3/2020.
- v) As complete and relevant documents were not submitted by the Respondent even after repeated requests, Summons under Section 70 of the CGST Act, 2017 read with Rule 132 of the Rules was issued on 18.05.2021 to Shri Jai Kumar Goel, Director of the



Respondent to produce the relevant documents. In response to the Summons dated 18.05.2021 and 02.08.2021. The Respondent had submitted complete information/ documents required for investigation on 17.08.2021.

- vi) In response to the Notice dated 20.11.2020 and various reminders and Summons, the Respondent replied vide letters/e mails dated 04.12.2020, 10.12.2020, 24.12.2020, 04.01.2021, 15.02.2021, 24.02.2021, 01.03.2021, 01.06.2021, 24.06.2021, 25.06.2020 and 17.08.2021.
- vii) Vide the above mentioned replies, the Respondent submitted that the Company was a real estate developer, incorporated on May, 2001 with the Registrar of Companies, NCT, New Delhi with the main object of promoting Real Estate Business through developing Residential cum commercial complexes. The Company was engaged in business of construction of Residential cum commercial properties at Greater Noida. The main project carried by the company was JKG Palm Court, which was being constructed in 02 phases.
- viii) The Respondent had claimed that he had already passed on the benefit of Rs. 1,86,112/- to the Applicant and Rs. 6,13,37,994/- to the other customers in terms of Section 171 of the CGST Act, 2017. Thus, the Respondent claimed that he had passed on total benefit of Rs. 6,15,24,106/-.
- ix) Vide the aforementioned letters/e-mails, Respondent submitted the following documents/ information:

- 
- (a) Copies of GSTR-1 returns for the period July, 2017 to October, 2020.
  - (b) Copies of GSTR-3B returns for the period July, 2017 to October, 2020.
  - (c) Copies of Tran-1 return for transitional credit availed by the Noticee.
  - (d) Copies of VAT & ST-3 returns for the period April, 2016 to June, 2017.
  - (e) Electronic Credit Ledger for the period July, 2017 to October, 2020.
  - (f) CENVAT/ITC register for the F.Ys. 2016-17 to 2020-21 (upto October, 2020).
  - (g) Status of project– Architect Certificate as on 30.09.2020 for Phase 1 & 2 tower wise.
  - (h) Copies of all demand letters issued and sale agreement in the name of Mrs. Chetna Garg.
  - (i) Copy of temporary Occupancy Certificate dated 27.06.2019.
  - (j) Details of applicable Tax rates, pre-GST and post-GST.
  - (k) Details of Service Tax, CENVAT credit for the period April, 2016 to June, 2017 and output GST and ITC of GST for the period July, 2017 to October, 2020.
  - (l) Copy of Financial Statements for FY 2016-17 to 2019-20.
  - (m) Copy of project report submitted to RERA.
  - (n) Copy of Agreement between land owners for the project.
  - (o) List of all buyers in the project “JKG Palm Court”.

- x) The Respondent vide email dated 10.12.2020 submitted that all his submission/documents made to department vide email dated 10.12.2020 was confidential. However, the Respondent had not given any non-confidential summary of the same. he had also not given any reason as to why summarization was not possible.
- xi) Para 5 of Schedule-III of the CGST Act, 2017 (Activities or Transactions which shall be treated neither as a supply of goods nor a supply of services) which reads as "Sale of land and, subject to clause (b) of paragraph 5 of Schedule II, sale of building". Further, clause (b) of Paragraph 5 of Schedule II of the CGST Act, 2017 reads as "(b) construction of a complex, building, civil structure or a part thereof, including a complex or building intended for sale to a buyer, wholly or partly, except where the entire consideration had been received after issuance of completion certificate, where required, by the competent authority or after his first occupation, whichever was earlier". Thus, the ITC pertaining to the residential units and commercial shops which was under construction but not sold was provisional ITC which might be required to be reversed by the Respondent, if such units remain unsold at the time of issue of the completion certificate, in terms of Section 17(2) & Section 17(3) of the CGST Act, 2017, which read as under:

*Section 17 (2) "Where the goods or services or both was used by the registered person partly for effecting taxable supplies including zero-rated supplies under this Act or under the Integrated Goods and Services Tax Act and partly for effecting exempted supplies under the said Acts, the amount of credit shall be*



*restricted to so much of the input tax as was attributable to the said taxable supplies including zero-rated supplies”.*

*Section 17 (3) “The value of exempted supply under sub-section (2) shall be such as might be prescribed and shall include supplies on which the recipient was liable to pay tax on reverse charge basis, transactions in securities, sale of land and, subject to clause (b) of paragraph 5 of Schedule II, sale of building”.*

Therefore, the ITC pertaining to the unsold units might not fall within the ambit of this investigation and the Respondent was required to recalibrate the selling price of such units to be sold to the prospective buyers by considering the net benefit of additional ITC available to him post-GST.

- xii) As regards the allegation of profiteering with regard to Project- JKG Palm Court, it was observed that prior to 01.07.2017, i.e., before the GST was introduced, the Respondent were eligible to avail CENVAT credit of Service Tax paid on input services. However, CENVAT credit of Central Excise duty paid on inputs was not admissible, as per the CENVAT Credit Rules, 2004, which was in force at the material time. Moreover, the Respondent were paying VAT under Uttar Pradesh VAT Scheme, wherein he were required to discharge his output VAT liability on deemed value addition on the purchase of the inputs. It was also evident from the submissions made by the Respondent that there was no direct correlation between the turnover for VAT as reported in his VAT returns for the period April, 2016 to June, 2017, filed by the Respondent and the actual demand raised by him from the buyers. Therefore, the ITC of VAT and the VAT turnover had not been considered for

computation of the ratio of ITC to the turnover for the pre-GST period. Further, post-GST, the Respondent could avail ITC of GST paid on all the inputs and the input services. From the information submitted by the Respondent for the period April, 2016 to October, 2020, the details of the ITC availed by them, his turnover from the project "JKG Palm Court" and the ratio of ITC to turnover, during the pre-GST (April, 2016 to June, 2017) and post-GST (July, 2017 to October, 2020) periods, was furnished in table-'A' below:

**Table-'A' (Amount in Rs.)**

S. No.	Particulars	April, 2016 to June, 2017	July, 2017 to October, 2020
1	CENVAT of Service Tax Paid on Input Services as per ST-3 (A)	1,06,74,368	-
2	Input Tax Credit of VAT Paid on Purchase of Inputs as per VAT Returns (B)	-	-
3	Total CENVAT/Input Tax Credit Available (C)= (A+B)	1,06,74,368	-
4	Input Tax Credit of GST Availed as per GST Return (D)	-	8,76,37,853
5	Net Turnover as per Home Buyers List (E)	18,89,09,998	65,75,79,319
6	Total Saleable Area in the project (as per Home BuyersList (Sq ft) (F)	9,41,755	9,41,755
7	Area Sold relevant to turnover as per Home BuyersList (G)	1,33,241	5,49,715
8	Relevant CENVAT/Input Tax Credit (H)= [(C)*(G)/(F)] or [(D)*(G)/(F)]	15,10,227	5,11,55,388
9	Ratio of CENVAT/ ITC to Taxable Turnover [(I)=(H)/(E)]	0.80%	7.78%

xiii) From the Table- 'A' above, it was clear that the ITC as a percentage of the turnover that was available to the Respondent during their GST period (April, 2016 to June, 2017) was 0.80% and during the post- GST period (July, 2017 to October, 2020), it was 7.78%. This clearly confirms that post-GST, the Respondent

had benefited from additional ITC to the tune of 6.98% [7.78% (-) 0.80%] of the turnover. Accordingly, the profiteering had been examined by comparing the applicable tax rate and ITC available in the pre-GST period (April, 2016 to June, 2017) when effective Service Tax @4.50% was payable with the post-GST period (July, 2017 to October, 2020) when the effective GST rate was 12% (GST @18% along with 1/3<sup>rd</sup> abatement for land value) on construction service, vide Notification No.11/2017-Central Tax (Rate), dated 28.06.2017.

- xiv) On the basis of the figures contained in Table-‘A’ above, the comparative figures of the ratio of ITC availed/available to the turnover in the pre-GST and post- GST periods as well as the turnover, the recalibrated base price and the excess realization (profiteering) from the home buyers who booked flats during the pre-GST period, was tabulated in Table-‘B’ below:-

**Table-‘B’** (Amount in Rs.)

S. No.	Particulars	Post- GST
1	Period	01.07.2017 to 31.10.2020
2	Output GST Rate (%)	12.00%
3	Ratio of CENVAT credit/ ITC to Total Turnover as per table - ‘B’ above (%)	7.78%
4	Increase in ITC availed post-GST (%)	D= 7.78% less 0.80%
5	<u>Analysis of Increase in input tax credit:</u>	
6	Base Price raised/collected during July, 2017 to October, 2020 (Rs.)	E
9	GST @ 12% over Base Price	F=E*12%
10	Total amount collected/raised by Noticee	G= E+F
11	Recalibrated Base Price	H= (E)*(1-D) or
12	GST @ 12%	I=H*12%
13	Commensurate demand price	J=H+I
14	Excess Collection of Demand or Profiteering Amount	K=G-J



From Table-'A' and 'B' above, it might be deduced that the additional ITC of 6.98% of the turnover should have resulted in the commensurate reduction in the base price as well as cum-tax price. Therefore, in terms of Section 171 of the CGST Act, 2017, the benefit of such additional ITC was required to be passed on by the Respondent to the respective recipients.

- xv) The Respondent had claimed that he had passed on the benefit of Rs. 6,15,24,106/- to the 386 buyers, (out of total 714 buyers) including Applicant No. 1, reflected in the buyers list. The Respondent had submitted email addresses of 324 buyers, to whom the above mentioned benefit was claimed to be passed on. The Respondent had not submitted any documentary proof to substantiate his claim. Also, the Applicant No.1 vide email dated 20.08.2021 submitted that the claim of the Respondent of passing on of benefit of Rs. 1,86,112/- was false and wrong. The Applicant No. 1 further submitted that the Respondent had raised a demand letter dated 20.12.2019 of Rs. 30,17,729/- and another demand letter dated 23.07.2020 of Rs. 33,88,124/- by adding other charges viz. interest on delayed payment, farmer compensation and delay fit out period, which were not applicable on his demand.
- xvi) Further to verify the claim of the Respondent, with respect to other buyers, the DGAP had sent emails dated 17.08.2021 to 324 buyers (whose email addresses were provided by the Respondent). In

response to these 324 emails, 23 home buyers had denied the receipt of any benefit. One buyer had accepted the receipt of ITC benefit of Rs. 3,10,935/-. However, as per Annex-17 of the Report dated 31.08.2021, it was observed that the Respondent had to pass on benefit of Rs. 2,87,179/-, thus, passed on excess credit of Rs. 23,756/- to this buyer. This credit can't be set off against the benefit which ought to have been passed on to other buyers. Thus, this excess amount was not part of benefit further to be passed on by the Respondent. The emails of home buyers was enclosed as Annex-16 of the Report dated 31.08.2021. Thus, the Respondent claim of extending the benefit to his home buyers, was not acceptable. The summary of category-wise ITC benefit that was required to be passed on and the benefit already passed on by the Respondent was furnished in Table-'C' below.

**Table-'C'**

**(Amount in Rs.)**

Sr. No.	Category of Customers	No. of Units	Saleable Area (in Sqf)	Demand Raised Post GST	Profiteering Amt. as per Annex- 17 of the Report dated 31.08.2021	Benefit claimed to be Passed on by the Respondent	Difference	Remark
A	B	C	D	E	F	G	H=F-G	I
1	Home buyer (Residential)	1	1,185	36,73,500	2,87,179	3,10,935/-	(-) 23,756	Excess Benefit passed on
2	Other Buyers	691	9,10,755	65,39,05,819	5,11,19,741	0	5,11,19,741	Further Benefit to be passed on as per Annex-17 of Report dated 31.08.2021
	<b>Total</b>	<b>692</b>	<b>9,11,940</b>	<b>65,75,79,319</b>	<b>5,14,06,920</b>	<b>3,10,935</b>		

- xvii) From the Table 'B' and Table 'C' above, it was observed that the benefit already passed on by the Respondent was less than what he ought to have passed on by an amount of Rs. 5,11,19,741/- (including Applicant).
- xviii) Thus, on the basis of the aforesaid CENVAT/input tax credit availability pre and post-GST and the details of the amount during the period 01.07.2017 to 31.10.2020, the amount of benefit of ITC that had not been passed on by the Respondent to the recipients comes to Rs.5,11,19,741/- which included GST @12% on the base profiteered amount of Rs.4,56,42,626/-. The home buyer and unit no. wise break-up of this amount was given in Annex-17 of Report dated 31.08.2021. This amount was inclusive of profiteered amount of Rs.1,99,182/- for Applicant mentioned at serial no. 701.
- xix) The Respondent had submitted that he had total of 878 flats and 24 shops in the whole project as on 31.10.2020, out of which 676 flats and 16 shops were booked and 202 flats and 08 shops remained unsold as on 31.10.2020. Accordingly, the buyers' data provided by him was for the live customers as existing on 31.10.2020.
- xx) On the basis of above discussion, it appeared that post-GST, the benefit of additional input tax credit to the tune of 6.98% of the turnover, accrued to the Respondent post-GST and the same was required to be passed on by the Respondent to the Applicant and other recipients for the project "JKG Palm Court". The provisions of Section 171 of the CGST Act, 2017



had been contravened by the Respondent in as much as the additional benefit of ITC @6.98% of the amount collected during the period 01.07.2017 to 31.10.2020 from the buyers, had not been passed on to the 691 recipients including the Applicant. Therefore, the total additional amount of Rs.5,11,19,741/- was required to be returned to the such eligible recipients.

xxi) The Respondent had supplied construction services in the State of Uttar Pradesh.

xxii) As aforementioned, the present investigation computed the profiteering covering the period 01.07.2017 to 31.10.2020. Profiteering, if any, for the period post 31.10.2020 had not been examined as the exact quantum of ITC that would be available to the Respondent in future cannot be determined at this stage, when the Respondent was continuing to avail ITC in respect of the present project.

3. The above Report was carefully considered by the Authority and a Notice dated 04.03.2022 was issued to the Respondent to explain why the Report dated 31.08.2021 furnished by the DGAP should not be accepted and his liability for profiteering in violation of the provisions of Section 171 should not be fixed. The Respondent was directed to file written submissions. The Respondent did not file his written submissions, therefore, the Respondent was again given the opportunity of filing written submissions, if any, vide order sheet dated 29.03.2022. The Respondent requested vide letter dated 11.04.2022 for three weeks' time to file his written submissions. The request of the Respondent was allowed and was again directed to file his

written submissions vide order sheet dated 26.04.2022 and 13.07.2022 but no written submission have been filed by the Respondent.

4. The hearing in the matter was scheduled to be held on 16.08.2022 via video conferencing. No one appeared on behalf of the Respondent and the Applicant. It may be seen from the above that enough opportunities were provided to interested parties to file their submissions and personal hearing, yet, they did not participate in the proceedings. Therefore, the hearing was closed vide order dated 16.08.2022.
5. The Authority has carefully considered the Reports filed by the DGAP, all the submissions and the documents placed on record. It is clear from the plain reading of Section 171(1) that it deals with two situations: - one relating to the passing on the benefit of reduction in the rate of tax and the second pertaining to the passing on the benefit of the ITC. On the issue of reduction in the tax rate, it is apparent from the DGAP's Report that there has been no reduction in the rate of tax in the post-GST period; hence the only issue to be examined is whether there was any net benefit of ITC with the introduction of GST. It is observed from the Report that the ITC, as a percentage of the turnover, that was available to the Respondent during the pre-GST period (April 2016 to June 2017) was 0.80%, whereas, during the GST period (July 2017 to October 2020), it was 7.78% for the project 'JKG Palm Court'. This confirms that during the GST period, the Respondent has benefited from additional ITC to the tune of 6.98% (7.78% - 0.80%) of his turnover for the project 'JKG Palm Court' and the same was required to be passed on to the customers/flat buyers/recipients. The DGAP has calculated the total profiteered amount as Rs. 5,14,06,920/-in respect of the homebuyers/shop buyers/customers/recipients of supply in the impugned Project



including the Applicant No. 1. The Respondent claim of passing on the benefit amounting to Rs. 6,15,24,106/- can not be accepted in absence of any documentary evidence or corroborative documents. This claim of Respondent also need to be rejected in view of the Applicant No. 1 submission that no benefit has been passed on to her by the Respondent.

6. The Authority finds that, neither the Applicant no.1 nor the Respondent has contested the said Report in spite of several opportunities being given to them. They, also, did not attend the personal hearing on the scheduled date. The Authority finds that, the said Report of the DGAP, as reproduced above, has calculated the profiteered amount as per the facts on record and as per the methodology adopted by it in case of other construction projects/ supply of construction services and such methodology has been approved and accepted by this Authority in those cases. The Authority finds no reason to differ from the above-detailed computation of profiteering in the DGAP's Report.
7. The Authority finds that, to verify the claims of the Respondent of having passed on the benefit of ITC to the recipients of supply, the DGAP had sent emails dated 17.08.2021 to only 324 buyers (whose email addresses were provided by the Respondent). In response to these 324 emails, 23 home buyers had denied the receipt of any benefit. Hence, this Authority finds that, such verification is not comprehensive, complete, definite or conclusive and hence cannot be accepted.
8. The Authority finds that the Respondent has profiteered by an amount of Rs. 5,14,06,920/- during the period of investigation i.e. 01.07.2017 to 31.10.2020. The Authority determines an amount of Rs. 5,14,06,920/- (including 12% GST) under section 133(1) as the amount profiteered by the Respondent from his home buyers/shop buyers/customers/recipients of

supply in the impugned Project (as per Annexure-A to this Order), including Applicant No. 1, which shall be refunded by him along with interest @18% thereon, as prescribed, from the date when the above amount was profiteered by him till the date of such payment, as per the provisions of Rule 133 (3) (b) of the GCST Rules 2017. The amount profiteered is **Rs. 1,99,182/-** in respect of Applicant No.1 .

9. This Authority under Rule 133 (3) (a) of the CGST Rules, 2017 orders that the Respondent shall reduce the prices to be realized from the buyers of the flats/shop buyers/customers/recipients of supply commensurate with the benefit of ITC received by him as has been detailed above.
10. The Respondent is also liable to pay interest as applicable on the entire amount profiteered, i.e. Rs. 5,14,06,920/-, for the project 'JKG Palm Court'. Hence the Respondent is directed to also pass on interest @18% to the customers/ flat buyers/ recipients of supply, on the entire amount profiteered, starting from the date from which the above amount was profiteered till the date of passing on/ payment, as per provisions of Rule 133 (3) (b) of the CGST Rules, 2017.
11. The complete list of homebuyers/shop buyers/customers/recipients of supply is attached with this Order, with the details of the amount of benefit of ITC to be passed on along with interest @ 18%, as prescribed, in respect of the project 'JKG Palm Court' of the Respondent as in the said **Annexure-'A'**.
12. This Authority also orders that the profiteered amount of Rs. 5,14,06,920/- for the project 'JKG Palm Court' along with the interest @ 18% from the date of receiving the profiteered amount from the homebuyer/customers/recipients of supply till the date of passing the benefit of ITC shall be paid/passed on by the Respondent within a period of 3 months from the date of



this order failing which it shall be recovered as per the provisions of the CGST Act, 2017.

13. It has also been found that the Respondent has denied the benefit of additional ITC to his customers/buyers/recipients of supply in contravention of the provisions of Section 171(1) of the CGST Act, 2017 and resorted to profiteering and hence, committed an offence under section 171 (3A) of the CGST Act, 2017. As the said provision was inserted only with effect from 1.01.2020, therefore, the Respondent is liable for the imposition of penalty for the period from 01.01.2020 onwards under the provisions of the said Section. Accordingly, a Notice be issued to the Respondent for the said purpose.
14. The concerned jurisdictional CGST/SGST Commissioner is also directed to ensure compliance of this Order. It may be ensured that the benefit of ITC has been passed on to each homebuyer/shop buyer/customer/recipient of supply, as per this Order along with interest @18% as prescribed. In this regard an advertisement of appropriate size to be visible to the public at large may also be published in a minimum of two local newspapers/ vernacular press in Hindi/English/local language with the details i.e., Name of the Builder (Respondent) – **M/s JKG Constructions Pvt. Ltd., B-174, 1st Floor, Yojna Vihar, New Delhi-110092, Project- "JKG Palm Court" (Greater Noida) and amount of profiteering: Rs. 5,14,06,920/-** so that the concerned home buyers/shop buyers/customers/recipients of supply can claim the benefit of ITC if not passed on. Home buyers/shop buyers/customers/recipients of supply may also be informed that the detailed NAA Order is available on Authority's website **www.naa.gov.in** Contact details of concerned Jurisdictional CGST/SGST who are nodal officers for compliance of the NAA's order may also be advertised through the said advertisement.

15. The concerned jurisdictional CGST/SGST Commissioner shall also submit a Report regarding the compliance of this Order to the Authority and the DGAP within a period of 4 months from the date of receipt of this order.
16. Further, the DGAP is also directed to monitor the compliance of the order by the concerned jurisdictional CGST/SGST Commissioner.
17. The present investigation has been conducted up to 31.10.2020 only. However, the Respondent is liable to pass on the benefit of ITC which would become available to him till the date of issue of the Completion Certificate. Accordingly, the concerned jurisdictional Commissioner CGST/SGST is directed to ensure that the Respondent passes on the benefit of ITC to the eligible home buyers/shop buyers/customers as per the methodology approved by this Authority in the present case and submit his report to this Authority through the DGAP. The Applicants or any other interested party/person shall also be at liberty to file a complaint against the Respondent before the State Screening Committee in case the remaining benefit of ITC is not passed on to them.
18. Since the Respondent has profiteered in the instant project, there is every likelihood that he has profiteered in other projects also under the GSTIN. The Authority has reasons to believe that the Respondent may have resorted to profiteering in the other projects also and hence, it directs the DGAP under Rule 133(5) to investigate all the other projects of the Respondent under the same GST registration which have not yet been investigated from the perspective of Section 171 of the CGST Act, 2017 and submit complete investigation report for all the Projects under this single GST Registration.



19. Further, the Hon'ble High Court of Delhi, vide its Order dated 10.02.2020 in the case of Nestle India Ltd. & Anr. Vs. Union of India has held that:-

*"We also observe that prima facie, it appears to us that the limitation of period of six months provided in Rule 133 of the CGST Rules, 2017 within which the authority should make its order from the date of receipt of the report of the Directorate General of Anti Profiteering, appears to be directory in as much as no consequence of non-adherence of the said period of six months is prescribed either in the CGST Act or the rules framed thereunder."*

20. A copy of this order be sent to the Applicant No. 1, the Respondent, jurisdictional Commissioners CGST/SGST Greater Noida, the Principal Secretary (Town and Country Planning), Government of Uttar Pradesh as well as Uttar Pradesh RERA free of cost for necessary action.

Encl : **Annexure – 'A' (Pages 1 to 12)**

-Sd/-  
(Amand Shah)  
Technical Member &  
Chairman

Sd/-  
(Pramod Kumar Singh)  
Technical Member

Sd/-  
(Hitesh Shah)  
Technical Member

Certified Copy

  
(Dinesh Meena)  
Secretary, NAA

File No. 22011/NAA/JKG/68/2022

Dated: 30.09.2022

Copy To:-

1. M/s JKG Constructions Pvt.Ltd., B-174,1st Floor,Yojana Vihar,  
New Delhi-110092



2. Sh. Deepak Garg on behalf of his mother Mrs. Chetna Garg, resident of B.B. Enterprises, D-55, Sector-50, Noida.
3. Chief Commissioner, CGST (Lucknow zone), 7-A, Ashok Marg, Lucknow-226001.
4. Commissioner, Commercial Tax U.P. Commercial Tax Head Office Vibhuti Khand, Gomti Nagar Lucknow – 226010.
5. Principal Secretary, Town And Country Planning Department , Uttar Pradesh, TCG / 1-A-V/5, Vibhuti Khand, Gomti Nagar, Lucknow 226010.
6. Uttar Pradesh Real Estate Regulatory Authority Naveen Bhavan, Rajya Niyojan Sansthan, Kala Kankar House, Old Hyderabad, Lucknow – 226007.
7. Directorate General of Anti-Profitteering, 2nd Floor, Bhai Vir Singh Sahitya Sadan, Bhai Vir Singh Marg, New Delhi-110001.
8. Guard File.

