
Updates/GST/Advance Ruling/Legal-11/2022
Dt. 31/08/2022

(Advance Rulings in Gujarat from 1st August to 31st August, 2022)

Advance Ruling Branch
Gujarat State Tax Department



Rulings given by Authority of Advance Rulings (AAR)

M/s. Troikaa Pharmaceuticals Ltd.

Sr. no.	Advance Ruling sought for	Ruling
<p>1.</p> <p>2.</p>	<p>Questions on which Advance Ruling sought:</p> <p>Whether <u>GST shall be applicable</u> on the <u>amount recovered by the company, Troikaa Pharmaceuticals Limited, from employees or contractual workers</u>, when provision of third-party canteen service is obligatory under section 46 of the Factories Act, 1948?</p> <p>Whether <u>input tax credit of GST paid on food bill of the Canteen Service Provider shall be available</u>, since providing this canteen facility is mandatory as per the Section 46 of the Factories Act, 1948?</p>	<p>1. GST, at the hands of M/s Troikaa, is <u>not leviable</u> on the amount representing the <u>employees</u> portion of canteen charges, which is collected by M/s Troikaa and paid to the Canteen service provider.</p> <p>➤ GST, at the hands of M/s Troikaa, is <u>leviable</u> on the amount representing the <u>contractual worker</u> portion of canteen charges, which is collected by M/s Troikaa and paid to the Canteen service provider.</p> <p>2. <u>ITC</u> on GST paid on canteen facility <u>is admissible</u> to M/s Troikaa under Section 17 (5)(b) of CGST Act <u>on the food supplied to employees of the company</u> subject to the condition that <u>burden of GST have not been passed on to the employees</u> of the company.</p> <p>➤ <u>ITC</u> on GST paid on canteen facility is <u>not admissible</u> to M/s Troikaa under Section 17 (5)(b) of CGST Act <u>on the food supplied to contractual worker supplied by labour contractor.</u></p>

M/s. Varun Travels

Sl.	Advance Ruling sought for	Ruling
1	Whether the <u>A.C. car hiring services for Covid-19 third wave</u> , for Emergency and for other important matter received by the Local Authority, Ahmedabad Municipal corporation as stated in the work order No.445/1 dated 01-11-21 <u>falls under Sr. No. 6 (Public Health) of Twelfth schedule of article 243W of the constitution.</u>	➤ Service of Renting of Motor Vehicle to the AMC <u>does not fall under Sr. No. 6 (Public Health) of Twelfth schedule of article 243W</u> of the constitution.
2	Whether <u>Services provided to Ahmedabad Municipal Corporation</u> vide their work order No.445/1 dated 01-11-21 <u>falls under exempted category of services as stated in Sr. No. 3 of Notification No.12/2017</u> (CTR) dated 28.06.2017, chapter 99 “Pure services (excluding works contract service or other composite supplies involving supply of any goods) provided to Government, a local authority or a Governmental authority by way of any activity in relation to any function entrusted to a Panchayat under Article 243G of the Constitution or to any function entrusted to a Municipality under Article 243W of the Constitution is exempted services.”	➤ The service of Renting of Motor Vehicle to the AMC <u>does not cover under entry No. 3 of Not. No. 12/2017-CT (R)</u>
3	What kind of <u>documentary evidences or declarations should be collected</u> other than the work order and tender documents <u>from the service recipient</u> , Ahmedabad Municipal Corporation to ensure that the cars are exclusively used for the public health purpose as stated in Sr. No.6 of Twelfth Schedule of Article 243W of the constitution.	➤ The <u>question is not maintainable</u> as discussed in Para 18.
4	Whether service provider Varun Travels is <u>entitled to claim Input Tax Credit on receipt of the direct services from the same line of business</u> for rendering the Car Hire services to Ahmedabad Municipal Corporation as per work order No.445/1 dated 01-11-21.	➤ The <u>ruling is as per Para No.18.2,18.3, 18.4 and 18.5.</u>
5	Whether <u>Direct input services of the same line of business received by the service provider to render the above services</u> as stated in work order No.445/1 dated 01-11-21 issued by Ahmedabad Municipal Corporation <u>is also exempt.</u>	➤ The <u>question is not maintainable</u> as discussed in Para No. 19.

M/s. Hasmukhlal Jivanlal Patel

Sr. no.	Advance Ruling sought for	Ruling
1.	<p>Questions on which Advance Ruling sought: Whether the <u>activity of fabricating and mounting Tankers, Tippers, etc. on the chassis provided by the owner of such</u> chassis i.e. bus body building would be <u>covered under the category of Supply of Services</u>?</p>	<p>➤ Activity of fabrication and mounting of Tanker and Tripper on the chassis supplied and owned by the principal <u>is supply of Service</u> as discussed in Para 17.1, 17.2 17.3 and 17.4.</p> <p>➤ Supply of Service <u>merits classification 998882 'Other transport equipment manufacturing services'</u> and <u>Tax Rate is 18%</u> in both the cases (i) Chasis supplied by GST Registered person (ii) Chasis supplied by un-registered person i.e. not having GSTIN.</p>
2.	<p>If yes, the <u>applicable accounting code</u> of such services as per the Scheme of Classification of Services and the <u>applicable rate</u> of GST thereon.</p>	

Rulings given by Appellate Authority of Advance
Rulings (AAAR)

M/s. D M Net Technologies

Sr. no.	Appellate Advance Ruling sought for	Ruling
1.	<p>Questions on which Appellate Advance Ruling sought:</p> <p>“Whether the <u>services provided by the applicant in affiliation to/partnered with Gujarat University and providing education for degree courses to students</u> under specific curriculum as approved by the Gujarat University, for which <u>degrees are awarded by the Gujarat University are exempt</u> from GST vide Entry No.66 of the Notification No.12/2017-Central Tax (Rate) dated 28th June 2017?”</p>	<p>➤ In view of the foregoing, the <u>case is remanded back to the Gujarat Authority for Advance Ruling (GAAR)</u> to issue necessary ruling after <u>hearing the appellant afresh.</u></p>

M/s. Gujarat Co-operative Milk Marketing Federation Ltd

Sr. no.	Appellate Advance Ruling sought for	Ruling
1.	<p>Questions on which Appellate Advance Ruling sought:</p> <p><i>“What would be the <u>classification of ‘Flavoured Milk’?</u>”</i></p>	<p>➤ <u>Rejected the appeal</u> filed by appellant M/s. Gujarat Co-operative Milk Marketing Federation Ltd <u>and upheld the Advance Ruling</u> No. GUJ/GAAR/R/04/2021 dated 20.01.2021 of the Gujarat Authority for Advance Ruling. <u>(i.e. ‘Flavoured Milk’ is classifiable under Tariff Item 2202 99 30 of the First Schedule of the Customs Tariff Act, 1975 as a ‘beverage containing milk’.)</u></p>

M/s. Vadilal Industries Ltd

Sr. no.	Appellate Advance Ruling sought for	Ruling
1.	<p>Questions on which Appellate Advance Ruling sought:</p> <p><i>“What would be the <u>classification of ‘Flavoured Milk’ sold under trade name of Power Sip?</u>”</i></p>	<p>➤ <u>Rejected the appeal</u> filed by appellant M/s Vadilal Industries Ltd and <u>upheld the Advance Ruling</u> No. GUJ/GAAR/R/05/2021 dated 20.01.2021 of the Gujarat Authority for Advance Ruling. <i>(i.e. <u>‘Flavoured Milk’ is classifiable under Tariff Item 2202 99 30 of the First Schedule of the Customs Tariff Act, 1975 as a ‘beverage containing milk’.</u>)</i></p>

M/s. Adarsh Plant Protect Ltd.

Sr. no.	Appellate Advance Ruling sought for	Ruling
1.	<p>Questions on which Appellate Advance Ruling sought:</p> <p>What is the <u>HSN and applicable tax on 'Agricultural manually hand operated Seed dressing, Coating and Treating drum'</u>.</p>	<p>➤ <u>Rejected the appeal</u> filed by appellant M/s. Adarsh Plant Protect Ltd and <u>uphold the Advance Ruling</u> No. GUJ/GAAR/R/25/2021 dated 09.07.2021 of the Gujarat Authority for Advance Ruling. <u>(i.e. "Seed dressing, coating and treating drum machine is classified at HSN 84368090 tariff item and liable to GST at 12% [6% CGST + 6%SGST].")</u></p>

Thanks

Note:

- a) The above rulings are available on the department's website for reference.**
- b) Please contact the Advance Ruling Branch in case of any ambiguity in the above rulings.**