



#GSTCASE-97- SUMMARY AND REFERENCES OF RULINGS BY AAR- CHHATTISGARH

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Orders by AAR are coming thick and fast. Although binding precedent of orders is very limited but still these decisions help us in having a broader understanding of law. In the present series we would be giving a birds eye view of the decisions by AAR alongwith the relevant subject and facility to download the detailed order.

AAR	Name of the Ruling	Question under Advance Ruling	Subject-1	Subject-2	Subject-3	Held	Whether decided by AAAR
Chhattisgarh	VNR Seeds (P.) Ltd. For Downloading the Order, Please click on the Link above	The Applicant M/s VNR Seeds Pvt. Ltd. Raipur, GSTIN 22AACCV0174D1ZW has filed the application U/s 97 of the Chhattisgarh Goods & Services Tax Act, 2017 requesting advance ruling to keep Input Tax Credit (ITC) of the packaging material till they are into their stock and regarding ITC while transferring goods between their own branches. This ruling has been sought by the applicant in the light of section 17 of CGGST Act, 2017 stipulating therein non-accumulation of ITC in case of units dealing in non-tax/exempted goods. The aforesaid Advance ruling has also been requested by the applicant as for each such transfer they have to pay GST merely for internal transfer of goods from one branch to another branch for one goods and the same goods in same hands would be liable for multiple tax which will be against the core principles of GST.	Input Tax Credit	-	-	The applicant is not entitled to 1TC on the packing material used for packaging seeds, while making such exempted supply of seeds to their own branches and to other purchasers. They are however, entitled for ITC (of the tax involved in the purchase of such packing material) on the exclusive taxable supply of such packing material made to their own branches in other States, in terms of section 17(2) of Chhattisgarh Goods and Service Tax, Act 2017.	No
Chhattisgarh	Utility Powertech Ltd For Downloading the Order, Please click on the Link above	(a) Whether the applicant is required to charge IGST or CGST and SGST on the manpower supply services provided to M/s NTPC BHEL Power Projects Pvt Ltd. (NBPPL), Mannavaram in Andhra Pradesh. (b) Whether such transaction will be categorized as an intrastate or interstate transaction? (c) If the applicant charge IGST on such transaction considering the transaction as interstate; will the IGST charged, be available as input tax credit to M/s NBPPL against their output tax liability subject to Section 17(5).	Place of Supply	-	-	In view of the above deliberations and discussions, we come to the considered conclusion that the application dated 05.04.2018 filed by M/s Utility Powertech Ltd., NTPC Plant Area, Seepat, Bilaspur C.G., seeking advance ruling on the points mentioned above merits rejection, being out of the purview of matters or questions specified in sub-section (2) of section 97 of CGGST Act, 2017 read with sections 96, 103(1)(a) & 103(1)(b) of CGGST Act, 2017.	No
Chhattisgarh	A2Z Infra Engineering Ltd.,	Applicant has requested advance ruling as regards levy of CGST & SGST @ 6% each instead of 9% each on the composite supply of work contract services provided to Chhattisgarh State Power Distribution Company Ltd. (CSPDCL) by A2Z Infra Engineering Ltd., Raipur.	Tax Rate	Government Entity	HSN-9954	In the light of Notification No. 11/2017-State Tax (Rate), dated 28-6-2017 read with amendment Notification No. 24/2017-State Tax (Rate), dated 23-9-2017 and as the nature of works contract services provided by the Applicant. M/s. A2Z Infra Engineering Ltd., Raipur to Chhattisgarh State Power Distribution Company Ltd. (CSPDCL) being predominantly for commercial use by CSPDCL, the said services provided by the Applicant to CSPDCL, attracts CGST and SGST each @ 9% respectively.	No
Chhattisgarh	G.N. Chemicals For Downloading the Order, Please click on the Link above	Levy of GST Rate applicable in case of "Neem Seed", classified under HSN Code 1211, placed both under 0% GST Rate and 5% CST Rate, on the condition that "All goods of seed quality" are classifiable under 0% GST Rate, whereas "All goods other than Seed quality" shall be classified under 5% GST Rate. The applicant is of the opinion that Neem Seed is classifiable under 0% GST Rate	Tax Rate	HSN-1211	-	(a) Supply of neem seeds in frozen or dried form for the purpose as specified by the applicant and the said seeds being not of seed quality, supplied by the agro-division business of the applicant would merit being taxable at 2.5% SGST and 2.5% CGST. (b) Supply of neem seed powder for the intended purpose as specified by the applicant, supplied by the agro-division business of the applicant would be taxable at 2.5% SGST and 2.5% CGST. As per Agreement No: - AC112017410015 Dated 16.11.2017 with Chhattisgarh State Marketing Co-Operative Federation Limited, the applicant has been allotted the principal job work of Custom Milling of Paddy for manufacturing of rice, along with custom milling they will also get the payment towards the transportation of paddy & Rice, usage of gunny bags for packing of Rice and incentives as an additional charge for custom milling. There being a single contract for all above supplies of goods & services and as the said contract comprises of two or more supplies (i.e. transportation, supply of packing material & incentives) and one of which is principal supply i.e. custom milling of paddy it shall treated as composite supply as per section 2(30) of Chhattisgarh GST Act 2017 and as per the provision of section 8(a) of Chhattisgarh GST Act 2017. Accordingly the tax liability on a composite supply shall be decided as a supply of such principal supply under Notification No. 31/2017-CT(R) Notification No. 11/2017-CT (Rate) dated 28-06-2017 serial No. 26. (c), vide state Notification No. F-10-82/2017/CT/(146) dated 13.10.2017 i.e. 5% (2.5% CGST & 2.5% CGST	No
Chhattisgarh	Taranjeet Singh Tuteja & Brothers For Downloading the Order, Please click on the Link above	Tax liability in the business of job work activity of custom milling of paddy involving milling activity, transportation of rice and usage charges of gunny bags	Job Work	-	-	(a) Supply of neem seeds in frozen or dried form for the purpose as specified by the applicant and the said seeds being not of seed quality, supplied by the agro-division business of the applicant would merit being taxable at 2.5% SGST and 2.5% CGST. (b) Supply of neem seed powder for the intended purpose as specified by the applicant, supplied by the agro-division business of the applicant would be taxable at 2.5% SGST and 2.5% CGST. As per Agreement No: - AC112017410015 Dated 16.11.2017 with Chhattisgarh State Marketing Co-Operative Federation Limited, the applicant has been allotted the principal job work of Custom Milling of Paddy for manufacturing of rice, along with custom milling they will also get the payment towards the transportation of paddy & Rice, usage of gunny bags for packing of Rice and incentives as an additional charge for custom milling. There being a single contract for all above supplies of goods & services and as the said contract comprises of two or more supplies (i.e. transportation, supply of packing material & incentives) and one of which is principal supply i.e. custom milling of paddy it shall treated as composite supply as per section 2(30) of Chhattisgarh GST Act 2017 and as per the provision of section 8(a) of Chhattisgarh GST Act 2017. Accordingly the tax liability on a composite supply shall be decided as a supply of such principal supply under Notification No. 31/2017-CT(R) Notification No. 11/2017-CT (Rate) dated 28-06-2017 serial No. 26. (c), vide state Notification No. F-10-82/2017/CT/(146) dated 13.10.2017 i.e. 5% (2.5% CGST & 2.5% CGST	No

Chhattisgarh	Dhananjay kumar Singh	Applicable GST Rate on "supply of services to Solid waste management, Garbage Collection, Disposal, Water Supply, Cleaning of Colony" classified by the applicant as exempted supply as per Notification No. 12/2017 dated 28th June, 2017 as updated and amended time to time.	Tax Rate	Government Authority	HSN-99-Services to Government	(a) Supply of Services of Colony maintenance work to C.G. Housing Board Colony, Sector 29, Naya Raipur with regard to solid waste management, water supply operation, garbage collection door to door and disposal, cleaning of colony i.e. garden, street and open area, drainage system, sewerage, water tank (All UG Sump & Overhead Tank), cleaning of common area in multistoried building, etc, and all other related work pertaining to operation and maintenance will be treated as exempt supply as per notification No 12/2017-State Tax (Rate) No. F-10-43/2017/CT/V(80), Naya Raipur, Dated 28.06.2017, Serial No. 3, Chapter 99. (b) The aforesaid exemption is not available in case any transfer of property in goods involved therein or if the said service is provided to persons other than State Government, Central Government or a local Authority or a Governmental Authority. Cases Referred-Nursery Men Co-operative Society, Inre 97 taxmann.com 321 (AAR-Kar)	No
Chhattisgarh	Chhattisgarh Text Book Corpn	(a) Whether the books which the CHHATTISGARH TEXT BOOK CORPORATION is supplying as per instruction of School Education Department CG after printing the Syllabus decided by the SCERT would tantamount to supply of goods or supply of Service and fall under HSN Code 4901 zero rated goods (b) Whether the books which the CHHATTISGARH TEXT BOOK CORPORATION is supplying as per instruction of School Education Department after printing the Syllabus decided by the SCERT would tantamount to supply of service and will fall under Services Accounting Code 9989 accordingly amenable to tax @12%? (c) Whether the books which the CHHATTISGARH TEXT BOOK CORPORATION is supplying as per instruction of various agencies of school Education Department CG such as Rajiv Gandhi Siksha Mission/SCERT/ office of District education officer etc. would tantamount to supply of goods and will fall under the zero rated goods. (d) Whether the books which the CHHATTISGARH TEXT BOOK CORPORATION is supplying as per instruction of various agencies of school Education Department CG such as Rajiv Gandhi Siksha Mission/ SCERT/office of District education officer etc. would tantamount to supply of service and will fall under Services Accounting Code 9989 accordingly amenable to tax @12%	Tax Rate	Job Work	-	Supply of specified printed Educational books by CHHATTISGARH TEXT BOOK CORPORATION as per the instructions of School Education Department CG or as per Instruction of various agencies of school Education Department CG such as Rajiv Gandhi Siksha Mission/SCERT/ office of District Education officer etc. consequent to printing of the Syllabus as decided by the SCERT, merits consideration as supply of printed books attracting zero rate, under Notification no. 2/2017-State Tax (Rate) No. F-10-43/2017CT/V/70, Dated 28-06-2017, under HSN Code 4901.	No
Chhattisgarh	NMDC Ltd.	a) Whether royalty paid in respect of mining lease can be classified under "Licensing for the right to use minerals including its exploration and evaluation falling under the heading 9973 attracting GST at the same rate of tax as applicable on supply of like goods involving transfer of title in goods". b) Determination of the liability to pay tax on contributions made to District Mineral Foundation (DMF) and National Mineral Exploration trust (NMET) as per MMDR Act, 1957.	Tax Rate	HSN-9973	Royalty	a) The royalty paid by M/s NMDC in respect of mining lease is classifiable under sub heading 997337 ; 'Licensing services for the right to use minerals including its exploration and evaluation' (covered under entry no. 17 of Notification No. 11/2017(Rate), dated 28.06.2017, attracting GST at the same rate as applicable for the supply of like goods involving transfer of title in goods, under reverse charge basis. b) The contributions made to District Mineral Foundation (DMF) and National Mineral Exploration Trust (NMET), by M/s NMDC as per MMDR Act, 1957 are liable to GST, under reverse charge basis. Cases Referred-Pioneer Partners, In re 97 taxmann.com 511 (AAR - Har.), India Cement Ltd. v. State of Tamil Nadu AIR 1990 SC 85	No
Chhattisgarh	Ramnath Bhimsen Charitable Trust	a) Whether the activity of providing the hostel on rent to various boarder is exempted? If it is exempted in such case, under which exemption notification the same is exempted? b) Whether the activity of providing the hostel on rent to various boarder is taxable? If it is taxable, in such case, under which service access code the same is taxable?	Tax Rate	HSN-9963	-	The activity of providing accommodation services by the applicant in their hostel for which the applicant is collecting an amount below the threshold limit of Rs. 1000/- per day and no other charges are being collected for providing other allied facilities/services therein viz. canteen food, parking space for vehicles, coaching, library, entertainment etc. merits exemption as stipulated under Notification No. 12/2017-State Tax (Rate) No. F-10-43/2017/CT/V(80), Naya Raipur, Dated 28.06.2017 under Serial No. 14, Chapter 9963. This amount received for such supply by the applicant falling under tariff heading 9963 qualifies being treated as nil rate tax exempted supply.	No
Chhattisgarh	Navodit Agarwal	Does the applicant needs to charge GST on Freight amount excluding diesel cost or on total amount which is inclusive of diesel cost?	Composite Supply	Value of Supply	-	In confirmation to the views expressed by the applicant, they (applicant) are required to charge GST upon M/s Shree Raipur Cement, C.G on the total amount including the cost of diesel i.e. on the total freight amount inclusive of the cost of diesel so provided by the service recipient i.e. M/s Shree Raipur Cement.	No