

GST KEY UPDATES

January, 2023

HRD-008/22-23

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SIGNIFICANT NOTIFICATIONS

Notification No.	Key Update									
01/2023 Central Tax Dt.- 04-01-2023	<p>➤ <u>CBIC makes further amendment to the Notification no. 14/2017-Central Tax , dated 01/07/2017, published in the Gazette of India.</u></p> <ul style="list-style-type: none">• The Central Board of Excise and Customs hereby appoints the officers in the Directorate General of Goods and Services Tax Intelligence, Directorate General of Goods and Services Tax and Directorate General of Audit as specified in column (2) of the Table below, as central tax officers and invests them with all the powers under the Central Goods and Services Tax Act, 2017 and the Integrated Goods and Services Tax Act, 2017 and the rules made there under, throughout the territory of India, as are exercisable by the central tax officers of the corresponding rank as specified in column (3) of the said Table, namely:-• In the Table, after Sl. No. 8 and the entries relating thereto, the following Sl. No. and entries shall be inserted namely:- <table border="1" data-bbox="451 1041 1443 1381"><thead><tr><th data-bbox="451 1041 560 1157">Sl. No.s</th><th data-bbox="560 1041 1073 1157">Officers</th><th data-bbox="1073 1041 1443 1157">Officers whose powers are to be exercised</th></tr><tr><th data-bbox="451 1157 560 1199">(1)</th><th data-bbox="560 1157 1073 1199">(2)</th><th data-bbox="1073 1157 1443 1199">(3)</th></tr></thead><tbody><tr><td data-bbox="451 1199 560 1381">8A</td><td data-bbox="560 1199 1073 1381">Additional Assistant Director, Goods and Services Tax Intelligence or Additional Assistant Director, Goods and Services Tax or Additional Assistant Director, Audit</td><td data-bbox="1073 1199 1443 1381">Superintendent</td></tr></tbody></table>	Sl. No.s	Officers	Officers whose powers are to be exercised	(1)	(2)	(3)	8A	Additional Assistant Director, Goods and Services Tax Intelligence or Additional Assistant Director, Goods and Services Tax or Additional Assistant Director, Audit	Superintendent
Sl. No.s	Officers	Officers whose powers are to be exercised								
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SIGNIFICANT CIRCULARS

Circular No.	Key Update
<p>Circular 189/01/2023 GST Dt. 13-01-2023</p>	<p>➤ <u>Clarification regarding GST rates and classification of certain goods based on the recommendations of the GST Council in its 48th meeting held on 17/12/2022 -reg.</u></p> <ul style="list-style-type: none">• On the recommendations of the GST Council in its 48th Council meeting held on 17/01/2022, clarifications, with reference to GST levy, related to the following are being issued: <p>1. <u>Rab -classifiable under Tariff heading 1702:</u></p> <ul style="list-style-type: none">• As per U.P. Rab (Movement Control Order), 1987, “Rab” means ‘massecuite prepared by concentrating sugarcane juice on open pan furnaces, and includes Rab Galawat and Rab Salawat, but does not include khandsari molasses or lauta gur.’• Rab exists in semi-solid/liquid form, and is thus not covered under heading 1701.• Rab being distinguishable from molasses, is not classifiable under heading 1703. <p>It has been clarified that Rab is appropriately classifiable under heading 1702 attracting GST rate of 18% (No. 11 in Schedule III of notification No. 1/2017-Central Tax (Rate), dated the 28th June, 2017).</p> <p>2. <u>Applicability of GST on by-products of milling of Dal/ Pulses such as Chilka, Khanda and Churi/Chuni:</u></p> <ul style="list-style-type: none">• CBIC has clarified on applicable GST rate on by-products of milling of Dal/ Pulses such as Chilka, Khanda and Churi/Chuni.• GST Council has already recommended exemption of such goods irrespective of its end CBIC use in its 48th meeting on 17.12.2022. <p>Hence, with effect from 1st January,2023, the said goods shall be exempt under GST vide S. No. 102C of schedule of notification No. 2/2017- Central Tax (Rate), dated 28.06.2017.</p>

- Further, as a relief measure, the Council decided to regularise the intervening period starting from the date of issuance of Circular (3.08.2022) in respect of GST on 'husk of pulses including chilka and concentrates including chuni/churi, khanda' on "as is basis" on account of genuine doubts.

3. Clarification regarding 'Carbonated Beverages of Fruit Drink' or 'Carbonated Beverages with Fruit Juice':

The HSN code shall be 220299 with a GST of 28% and a compensation cess of 12% for taxing the carbonated beverages of fruit drinks or fruit juice. These shall apply to all such drinks with description 'Carbonated Beverages of Fruit Drink' or 'Carbonated Beverages with Fruit Juice' containing carbon dioxide. Accordingly, it is excluded from the Schedule II of notification No. 1/2017-Central Tax (Rate) at entry no. 48 by notification in December 2022.

4. Applicability of GST on Snack pellets manufactured through extrusion process (such as 'fryums'):

Snack pellets which are manufactured through the process of extrusion are classified under the HSN 1905 90 30 described as "Extruded or expanded products, savoury or salted". GST at 18% is levied as per the Schedule-III of notification No. 1/2017-Central Tax (Rate) at Sl no. 16.

5. Applicability of Compensation cess on Sports Utility Vehicles (SUVs):

- **The higher rate of compensation cess of 22% is applicable to motor vehicle fulfilling all four conditions, namely:**
 - a. It is popularly known as SUV,
 - b. Has engine capacity exceeding 1500 cc,
 - c. Length exceeding 4000 mm and
 - d. A ground clearance of 170 mm or above
- **In this regard, it is clarified that Compensation Cess at the rate of 22% is applicable on Motor vehicles, falling under heading 8703, which satisfy all four specifications mentioned above.**
- Therefore, after certain conditions are added for more clarity. SUV Cars with engine displacements greater than 1500 cc, overall lengths greater than 4000 mm, and ground clearances greater than 170 mm now have an **effective tax rate of 50%, comprising a GST of 28% and a cess of 22%.**

Hence an SUV satisfying above conditions shall be subject to 22% cess. On the other hand, other MUV (muti utility vehicle) shall be charged at normal 15% cess.

	<p>6. <u>Applicability of IGST rate on goods specified under notification No. 3/2017-Integrated Tax (Rate):</u></p> <ul style="list-style-type: none"> • If the imported goods that are notified in the list of notification no. 3/2017-Integrated Tax (Rate) like Petroleum operations/Coal bed methane operations for 12% levy and is also notified for the levy of a lower GST rate of 5% by Schedule I of notification no. 1/2017-Integrated Tax (Rate) instead of 12%, then such a lower rate would apply i.e. importer can claim the benefit of lower rate.
<p>Circular 190/01/2023 GST Dt. 13-01-2023</p>	<p>➤ <u>Clarifications regarding applicability of GST on certain services-reg.</u></p> <p>1. <u>Applicability of GST on accommodation services supplied by Air Force Mess to its personnel:</u></p> <p>All services supplied by Central Government, State Government, Union Territory or local authority to any person other than business entities (barring a few specified services such as services of postal department, transportation of goods and passengers etc.) are exempt.</p> <p>Wherever the air force mess and other similar messes like Army, Navy, Police force messes or paramilitary mess provide accommodation services to their personnel, not being business entities are covered by Sl no. 6 of notification no. 12/2017-Central Tax (Rate) at subject to a condition that their services must qualify as services provided by the Central Government, State Government, Union Territory or Local Authority.</p> <p>2. <u>Applicability of GST on incentive paid by MeitY to acquiring banks under Incentive scheme for promotion of RuPay Debit Cards and low value BHIM-UPI transactions:</u></p> <ul style="list-style-type: none"> • CBIC has clarified on Applicability of GST on incentive paid by Ministry of Electronics and Information Technology (MeitY) to acquiring banks under Incentive Scheme for promotion of RuPay Debit Cards and low value BHIM-UPI transactions. • Under such scheme, the Government pays the acquiring banks an incentive as a percentage of value of RuPay Debit card transactions and low value BHIM-UPI transactions up to Rs.2000/-. • Under the Payment and Settlements Systems Act, 2007, banks and system providers cannot charge any amount from a person making or receiving a payment through RuPay Debit cards or BHIM-UPI. • The consideration for such services, instead of being paid by the merchant or the user of the card, is paid by the central government in the form of

incentive.

- The incentive is in the nature of a subsidy directly linked to the price of the service and the same does not form part of the taxable value of the transaction in view of the provisions of section 2(31) and section 15 of the CGST Act, 2017.

CBIC has therefore, clarified that incentives paid by MeitY to acquiring banks under the Incentive scheme for promotion of RuPay Debit Cards and low value BHIM-UPI transactions are in the nature of subsidy and thus not taxable.



1. [Determination of whether the food and beverages prepared in the restaurant or readily purchased from the market to its customer qualify as restaurant services is liable to GST @ 5% without ITC.](#)

Applicant	Ridhi Enterprise
Journal of Publication	[2023] 146 taxmann.com 42 (AAR - GUJARAT)
Date of Ruling	December 30, 2022
Ruling Authority	AUTHORITY FOR ADVANCE RULINGS, GUJARAT

FACTS

- M/s Riddhi Enterprise (hereinafter referred to as 'the Applicant') is in the restaurant business which offers a variety of food items including food and beverages prepared at the restaurant as well readily purchased food and beverage sold over the counter.
- The Applicant's view is that the readily available food and beverages (not prepared in the restaurant) sold over the counter by the Applicant to its customer, whether consumed in the restaurant or by way of takeaway, qualifies as 'restaurant services' classifiable under SAC 996331: Services provided by restaurants, cafes and similar eating facilities including take away services, room services and door delivery of food' leviable to GST @ 5% with no input tax credit.
- The applicant is also purchasing the food items from market and supply from the same premises over the counter. These food items are not prepared/cooked in the restaurant but purchased from the local market and directly supply to the customer in same premises. The customer may consume these food items at the restaurant or take away at their place.

ISSUE

- Whether the food and beverages prepared in the restaurant and supplied by the Applicant to its customer qualify as restaurant services irrespective of whether the customer chooses to preparations within the restaurant premises or takes it and accordingly liable to GST @ 5% without ITC.

HELD

- The food and beverages by the applicant to its customers whether consumed in the restaurant or by way of takeaway qualifies as 'restaurant services' and is classifiable under SAC 996331: Services provided by restaurants, cafes and similar eating facilities including takeaway services, room se door delivery of food' Leviable to GST @ 5% with no input tax credit as per Sl no. 7(ii) of Notification No.11/2017 - Central Tax (Rate).
- The readily available food and beverages (not prepared in the restaurant) sold over the counter by the Applicant is supply of goods which is liable to applicable rate of GST Tax and does not qualify as 'restaurant services'.

2. Determination of whether Order Passed by the High Court to Quash Notice under Section 130 is appropriate.

Applicant	M/S Shiv Enterprises
Journal of Publication	[2023] 146 taxmann.com 385 (SC)[16-01-2023]
Date of Ruling	January 16, 2023
Ruling Authority	SUPREME COURT OF INDIA

FACTS

- M/s Shiv Enterprise sold copper scrap to one M/s. Mittal Engineering Industries. While the goods were in transit in vehicle No.PB-11CP/0194 on 30.08.2021, the same were checked.
- Driver of the vehicle produced requisite documents, i.e. invoice and E-way Bill No.311352418264 dated 30.08.2021. Despite the documents being in order, the same were detained on the pretext that the 'genuineness of the tendered documents need verification from regular bills of A/c.
- After detention of the vehicle a Show cause notice was issued to assessee as there was a specific allegation with respect to evasion of Tax, which was yet to be considered by appropriate authority.
- However, in exercise of powers under Article 226 of the Constitution of India, the High Court entertained the writ petition against the show cause notice and set aside the show cause notice under Section 130 of the Act.

ISSUE

- The High Court has passed a premature order on whether there was any evasion of the tax or not. The same was to be considered in an appropriate proceeding for which the notice under Section 130 of the Act was issued.

HELD

- The Supreme Court has set aside the impugned judgment and order passed by the High Court to the extent quashing and setting aside the notice dated 14-9-2021, issued under Section 130 of the CGST Act and remand the matter to the appropriate authority, who issued the notice.
- It will be for the respondent-herein - original writ petitioner to file a reply to the said show cause notice within a period of four weeks from today and there after the appropriate authority to pass an appropriate order in accordance with law and on its own merits.
- However, at the same time, the order passed by the High Court releasing the goods in question is not to be interfered with as it is reported that the goods have been released by the appropriate authority.

3. Determination of Whether the supply of Pencils Sharpener along with Pencils being the Principle Supply will be considered as the "Composite Supply" or "Mixed Supply".

Applicant	Doms Industries Pvt Ltd
Journal of Publication	[2023] 146 taxmann.com 59 (AAR - GUJARAT)[30-12-2022]
Date of Ruling	December 30, 2022
Ruling Authority	AUTHORITY OF ADVANCE RULING, GUJARAT

FACTS

- M/s Doms Industries Pvt. Ltd is manufacturer and suppliers of all kind of the stationary items like wooden pencils, sharpeners, erasers, mathematical & drawing instruments, ball point pens, wax crayons & oil pastels and wide range of student art materials.
- Doms have 2 categories in which the pencil, and eraser are bundled together:
- Doms A1 Pencil: Product contains 10 pieces of pencil along with one sharpener and eraser.
- Doms Smart Kit : This product is a gift pack containing combination of a coloring book, two pack of pencils, one pack of color pencils, one pack of oil pastels, plastic crayons, wax crayons, eraser, scale and a sharpener.
- The applicant has submitted that they used to sell the said kit under HSN code of the Item with the highest value inside the kit, as it also had the maximum GST rate. However, with the change in GST rate of pencil sharpener to 18%, sharpener now has the highest tax rate amongst all the products bundled together.

ISSUE

- Whether the supply of Pencils Sharpener along with Pencils being the Principle Supply will be considered as the "Composite Supply" or "Mixed Supply".
- Whether supply of Sharpener along with the kit having a nominal value will have an impact on rate of tax. If yes, what will be rate of tax and HSN code to be used by Doms?

HELD

- In order to qualify any supply under mixed supply following conditions are to be satisfied :
 1. There should be two or more individual supplies of goods or services or in any combination thereof.
 2. Such supply should be made in conjunction with each other for a single price.

3. Such supply does not constitute a composite supply.

In instant case, supply of different products is in a single box/pack and single price made by applicant satisfies all three conditions of mixed supply therefore, said supply is covered under category of mixed supply under section 2(74) and supply which attracts higher rate of tax among all taxable supplies containing in pack/box shall be applicable rate of tax for said mixed supply.

4. Supplementary refund claim based on unit-wise transactions was not maintainable when refund granted was based on consolidated figures and multiple units were registered under a common GSTIN and considered to be a single registered person

Applicant	Vedanta Limited, Jharsuguda
Journal of Publication	W.P.(C) No. 32166 of 2021
Date of Ruling	January 04, 2023
Ruling Authority	HIGH COURT OF ORISSA

FACTS

- The petitioner, a public limited company engaged in manufacture of aluminium products, having three units claimed to have made exports and supplied output(s) of respective units to unit located in Special Economic Zone within the State of Odisha, which has separate registration GSTIN, being treated to be independent one in terms of Section 25(5) of the GST Act.
- The case of the petitioner-company is that the Jharsuguda unit using inputs like coal, petroleum coke, calcined alumina and coal tar pitch to bring out outputs and also made supplies to persons located in Domestic Tariff Area.
- Upon payment of Compensation Cess on the procurement of coal for use as input, the petitioner sought for refund of unutilized input tax credit on account of zero-rated supplies falling within the ambit of Section 16 of the Integrated Goods and Services Tax Act, 2017 (for brevity, "IGST Act").

ISSUE

- Whether supplementary refund claim based on unit wise transactions was maintainable when refund granted was based on consolidated figures and multiple units were registered under a common GSTIN?

HELD

- In the result, this Court does not find any merit in the nature of challenge made in the writ petitions and declines to read down Rule 89(4) of the Central Goods and Services Tax Rules, 2017/the Odisha Goods and Services Tax Rules, 2017. The writ petitions, therefore, stand dismissed, but, in the circumstances, with no order as to costs.

5. Applicable Rate of GST on afforestation of mangroves to protect environment.

Applicant	Vikas Centre for Development , In re
Journal of Publication	ADVANCE RULING NO. GUJ/GAAR/R/2022/50
Date of Ruling	December 30, 2022
Ruling Authority	AUTHORITY FOR ADVANCE RULINGS, GUJARAT

FACTS

- M/s. Vikas Centre for Development is a charitable trust registered under Section 12AA of the Income Tax Act, 1961 carrying out charitable activities. The applicant has entered into an agreement to carry out a Pilot Project which is designed to explore various plantation densities from 2500 up to 10,000 plants per hectare. The learning from the Pilot project will lead to the development of a socially relevant & environmentally resilient afforestation project along the coast of Gujarat, that takes into account developmental needs & sensibilities of local communities and ensures their sense of ownership & participation to preserve such green cover and prevent any deforestation.

ISSUE

- Whether the activity of Afforestation, which includes the plantation of mangroves is exempted from GST under Sr. No.1 of Notification No.1212017-CT (Rate)?
- Whether the applicant is required to be get registered under GST?

HELD

- The Competent Authority held that:
- The activity of afforestation carried out by the applicant as charitable organization is exempted from GST under Sr. No. 1 of Notification No. 12/2017- CT (Rate) dated 28-6-2017 if organization is registered under (i) Section 12AA of Income Tax Act (ii) Public Charitable Trust under Bombay Public Trusts Act, 1950 (iii) Charity Commissioner :Trust Registration no. E3183, Ahmedabad dated 0410111978. The service of plantation of mangrove is covered under point (iv) of Charitable Activity of clause 2(r) of Notification No. 12/2017- CT (Rate) dated 28-6-2017 as amended and is eligible for exemption of payment of GST.
- The applicant is not required to be get registered under GST if it fulfills all the conditions as mentioned in (1) above of the held. As the service provided by the applicant is not covered under supply as defined under section 7 of CGST Act, 2017 therefore applicant is not liable for registration under the provisions of Section 22(1) of CGST Act, 2017.

6. Manufacturing unit providing canteen facilities to its employees within factory premises.

Applicant	M/s Tata Motors Limited, In re
Journal of Publication	ADVANCE RULING NO. GUJ/GAAR/R/2021/39
Date of Ruling	December 22, 2022
Ruling Authority	APPELLATE AUTHORITY FOR ADVANCE RULINGS, GUJARAT

FACTS

- The applicant is a manufacturing unit and they are maintaining canteen facility for employees at their factory premises to comply with the mandatory requirement of maintaining the canteen as per the Factories Act, 1948. The appellant is recovering nominal amount from employees and expenditure incurred towards canteen facility borne by appellant is part and parcel cost to company.

ISSUE

- Whether input tax credit (ITC) available to applicant on GST charged by service provider on canteen facility provided to employees working in factory?
- Whether it will be restricted to extent cost borne by assessee for providing same?

HELD

- The Competent Authority held that:
- As clarified by CBIC, second proviso to Section 17(5)(b) inserted vide CGST Amendment Act, 2018 effective from 1.2.2019, is applicable to the whole of clause (b) of sub-section (5) of Section 17 of the CGST Act, Input Tax Credit will be available to the appellant in respect of food & beverages as canteen facility, is obligatorily to be provided under the Factories Act, 1948, to its employees working in the factory. Input Tax Credit will be available in respect of such services provided by canteen facility to its direct employees but not in respect of other type of employees including contract employees/workers, visitors etc, read with provisions of Section 46 of the Factories Act, 1948, and read with provisions of the Gujarat Factory Rules, 1963.
- ITC is restricted to the extent of the cost borne by appellant for providing canteen services to its direct employees, but disallowing proportionate credit to the extent embedded in the cost of food recovered from such employees.

7. Services of regular medical monitoring along with other logistic support provided to senior citizens at their doorstep.

Applicant	Snehador Social & Health Care Support LLP, In re
Journal of Publication	275 (AAR-WEST BENGAL)
Date of Ruling	December 22, 2022
Ruling Authority	AUTHORITY FOR ADVANCE RULINGS, WEST BENGAL

FACTS

- Snehador Social & Health Care Support LLP is engaged in providing logistics support to its members for daily living and preliminary health care at home including assistance in medical emergency and hospitalization and nursing support services. In addition to this, the applicant also provides services to its members for delivery of medicines and grocery items at home, helping with bank work, utility bill payment etc.

ISSUE

- Whether the services rendered by the applicant for health care to senior citizens at their door step comes under exemption category?
- If such service is held taxable, then what would be the rate of tax?

HELD

- The Competent Authority held that:
- The aforesaid services may get covered under health care services as defined in Para 2 (zg) of Notification No. 12/2017 Central Tax (Rate) dated 28.06.2017. However, supply by way of health care services qualifies for exemption under serial number 74 of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 if the same is provided by a clinical establishment, an authorized medical practitioner or paramedics. The applicant doesn't fall under any of the aforesaid categories of suppliers and the services provided by the applicant, therefore, fail to qualify as exempted service. Thus, services of regular medical monitoring along with other logistic support as provided by the applicant to senior citizens at their door step does not qualify for exemption.
- The services provided by the applicant can be termed as 'human health and social care services' and is taxable @ 18% vide serial number 31 of Notification No. 11/2017-Central Tax (Rate) dated 28.06.2017 [corresponding West Bengal State Notification No.1135 F.T. dated 28.06.2017] as amended.

8. Determination of whether activity of design and development of patterns/tools used for manufacturing camshaft for overseas customer amounts to composite supply.

Applicant	Precision Camshafts Ltd
Journal of Publication	[2023] 146 taxmann.com 501 (AAAR-MAHARASHTRA)
Date of Ruling	January 20, 2023
Ruling Authority	APPELLATE AUTHORITY FOR ADVANCE RULING, MAHARASHTRA

FACTS
<ul style="list-style-type: none"> • Precision Camshafts Ltd is engaged in the business of manufacturing Camshafts. Camshafts are rotating shaft mounted in a 4 stroke engine. The Applicant themselves undertake the designing and process planning for development for tools which constitutes the majority of supply. • As per purchase order, overseas customer intended to receive manufactured pattern/tools as per their specification from appellant. Appellant undertook in-house drawing, design, modelling, simulation and documentation for manufacture of tools and had hired third party for manufacturing said tools .Third party had delivered tools and had raised invoice on applicant for such manufacturing. Appellant had raised another invoice on overseas client indicating description of goods (tools) with quantity and rate. • The applicant had filed an application with the MAAR to clarify if supply of assistance in design and development of patterns used for manufacture or camshaft" to a customer is a composite supply of services, the principal Supply being supply of service. • The MAAR ruled that the activity of design and development of patterns used for camshafts for a customer is a supply of service in the form of intermediary service. • Therefore aggrieved with the order passed by the MAAR the applicant has filed the appeal with APPELLATE AUTHORITY FOR ADVANCE RULING, MAHARASHTRA.
ISSUE
<ul style="list-style-type: none"> • Whether the supply of "assistance in design and development of patterns used for manufacture or camshaft" to a customer is a composite supply of services, the principal Supply being supply of services?Whether it will be restricted to extent cost borne by assessee for providing same?

HELD

- Tools supplied to such customers are supplied on own account .Appellant had not facilitated supply between overseas customer and third party vendor in order to treat transactions as intermediary.
- Although tools were not exported to customers and have been retained by appellant for manufacturing camshaft, ownership over such tools was transferred to customers - Such transaction amounts to supply of goods and not composite supply.

9. Determine whether car parking space services along with the sale of under constructed apartments shall be treated as composite supply and if such services are provided where apartments are sold after receipt of completion certificate be treated as Non-GST supply?

Applicant	Eden Real Estates (P.) Ltd. In re
Journal of Publication	19/WBAAR/2022-23
Date of Ruling	December 22, 2022
Ruling Authority	AUTHORITY FOR ADVANCE RULINGS ,WEST BENGAL

FACTS
<ul style="list-style-type: none"> • The assessee is developing a residential housing projects and supplying construction services to recipients for possession of dwelling units. • The assessee also provides services towards right to use of car parking space to prospective buyers for which they are additionally charged. • In the present scenario , the applicant is treating the services of right to use of car parking space as a composite supply along with the sale of under construction apartments and discharge GST at the rate of 6% CGST and 6% WBGST. • The applicant further states that when the said units are sold after receipt of the completion certificate from the competent authority along with the right to use of car parking ,does not charge GST on the same as is treated as Non-GST Supply under the provisions of Schedule III of the CGST/WBGST Act,2017.
ISSUE
<ul style="list-style-type: none"> • Whether car parking space services along with the sale of under constructed apartments shall be treated as composite supply and if such services are provided where apartments are sold after receipt of completion certificate be treated as Non-GST supply?
HELD
<ul style="list-style-type: none"> • It was held that supply of services for right to use of car parking space is a separate supply and not to be construed as a composite supply of construction of residential apartment services .In the instant case , supply of services for right to use of car parking space would be taxable @18%. • It was also held that if such apartments are sold after receipt of completion certificate then tax is payable on supply of services for right to use of car parking space.