

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



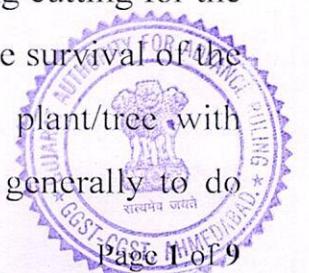
ADVANCE RULING NO. GUJ/GAAR/R/2025/63
(IN APPLICATION NO. Advance Ruling/SGST&CGST/2025/AR/28)
Date: **23** / 12/2025

Name and address of the applicant	:	MANAV SEVA CHERITABLE TRUST PIPALIYA BHAVAN, SATKAR-A COMPLEX, GONDAL ROAD, OPP SWAMINARAYAN GURUKUL, Rajkot, Gujarat, 360002
GSTIN of the applicant	:	242500001284ARO (User-id and Un-registered)
Jurisdiction Office	:	-
Date of application	:	25.07.2025
Clause(s) of Section 97(2) of CGST/GGST Act, 2017, under which the question(s) raised.	:	(a,b,e,g)
Date of Personal Hearing	:	04.12.2025
Present for the applicant	:	Sumit Shingala, Chartered Accountant

Brief facts:

M/s Manav Seva Charitable Trust, Pipaliya Bhavan, Satkar-A Complex, Gondal Road, Opp Swaminarayan Gurukul, Rajkot, Gujarat-360002 [for short – ‘applicant’] is not registered under the GST Act.

2. The applicant is a registered Charitable Trust duly recognised by way of Registration u/s 12AB of Income-tax Act, 1961. They are engaged in Charitable Activities, including preservation of environment by way of Plantation of Trees and Maintenance of trees. The Terms "Tree" / "Trees", referred in the present application, includes "Plants", "Trees", "Shrubs" and/or "Hedges". The activity of Plantation and Maintenance of Trees, inter alia, involves, Avenue Plantation, which further involves, digging of ground and making of basin, weeding, and removal of undesirable vegetation, hoeing, cleaning, levelling, watering of plants, spreading of manure/fertilizer/soil conditioners, filling/re-filling of soil, application of pesticide/insecticide/anti-termite, trimming and/or shaping including cutting for the sake of avoiding damage to hedgers/trees, taking measures to ensure survival of the Plantation, removal and replacement of dead plants, supporting plant/tree with bamboo or arranging other supports including tree guards, and generally to do



anything incidental, ancillary or subservient to the principal object of Plantation of Trees and Post-Plantation Maintenance.

3. The applicant has submitted that their main objects as contained in Trust Deed, contains: "Tree Plantation and Maintenance". Till date, the applicant has, under the common umbrella of "Sadhbhavna NGO", which inter alia includes Sadhbhavna Seva Foundation, planted and/or maintained 70 Lakhs trees. It includes, plantation and maintenance of trees, as part of tenders floated by various Municipal Corporations, and Highway Authorities.

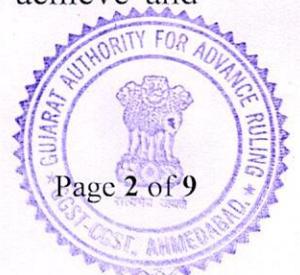
4. The applicant, therefore, wants a ruling on the following questions: -

1. *Whether, in the facts and circumstances of the case, the entry no. 1 of Notification No. 12/2017 (as amended from time to time) applies to the charitable activity of plantation and maintenance of tree (more particularly described in the Statement of Relevant Facts), by the applicant being a Charitable Institution, duly recognized u/s. 12AA of the Income-tax Act, 1961 for Preservation of Environment?*
2. *Whether, in the facts and circumstances of the case, the applicant being a Charitable Institution, duly recognized u/s. 12AA of the Income-tax Act, 1961, is liable to pay tax on charitable activity of plantation and maintenance of tree? If yes, then to what extent and at what rate?*

5. The applicant's submissions and interpretation of law is as under: -

(a) Trees can be best described as lungs of mother nature; and their importance is no shorter than that of lungs in human body. The role that tree plays, and the magnitude with which it plays, is irreplaceable and invaluable. With the constant expansions of urban areas, and shrinking forest area, the planting of more trees is not just the need of the hour, but it would be fatal to the very existence of human beings, if tree cover is not restored on earth.

(b) India has formulated the National Forest Policy, 1988, which was reviewed and continued in 2010. The policy seeks to achieve and intends among other things:

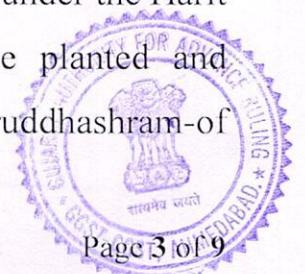


- preservation, expansion and restoration of TREE COVER - by more tree plantation.
- Making it a massive people's movement, for achieving objectives of policy to minimize pressure on existing forests.
- Increasing substantially the forest/tree cover in the country through massive afforestation and social forestry programmes, especially on all denuded, degraded and unproductive lands.

The Policy acknowledges that TREE COVER helps towards achieving environmental stability and maintenance of the ecological balance.

(c) The Forest Policy Division of Ministry of Environment & Forests, on 27/12/2012, issued the Report of the Committee, constituted to study the regulatory regime regarding felling and transit regulations for tree species, grown on private land wherein it was emphasised to expand significantly the community/ social forestry outside traditional forests requires bringing together of all stakeholders foresters, farmers, landowners, wood based industries, scientists, financial institutions and communities; **necessity for encouraging the planting of trees alongside of roads, railway lines, rivers and streams and canals, and on other unutilized lands** under State/Corporate, institutional or private ownership. **Green belts should be raised in urban/industrial** areas as well as in arid tracts **for helping in checking erosion and desertification as well as improve the micro-climate.**"

(d) The Government of Gujarat, for the purpose of Increasing the TREE COVER, has floated *Harit Van Path Yojna* on PPPs basis, whereby Tree Plantation is undertaken on sides of roads. Through an MOU entered into by the Government of Gujarat with Sadbhavna Vruddhashram - a Constituent of the applicant Trust, during Vibrant Gujarat Summit 2024, 40,000 plantations were envisioned from Dwarka to Somnath, on 50:50 PPP Basis - which has been successfully achieved. For the year 2025-26, the Government, has, under the Harit Van Path Yojna, envisioned 7,62,712 Trees to be planted and maintained, and the task is entrusted to Sadbhavna Vruddhashram-of



Manav Seva Charitable Trust, on PPP Basis, with parking of Rs.113.65 Crores, marking it to be a "special case".

(e) The applicant, thus, is doing its best in the line with the objectives of the National Forest Policy, 1988, and attempting to meet the need of the hour to plant and maintain trees in non-forest areas like unutilized barren lands, Road Sides, amidst lane dividers, on private lands, and every available patch on land, in its reach, where TREE can be sustainably planted and preserved.

(f) The Entry no. 1 of Notification No. 12/2017 (as amended from time to time), describes that "*Services by an entity registered under section 12AA or 12AB of the Income-tax Act, 1961 (43 of 1961) by way of charitable activities.*"- shall be taxable at Nil Rate. The term "*Charitable Activities*", as defined in the said notification includes activities relating to preservation of environment including watershed, forests and wildlife.

(g) The applicant is a non-profit organization, having been allotted Registration u/s. Sec. 12AA of Income-tax Act, 1961. Also, the Donations given to applicant are recognized for the purpose of Section 80G.

(h) It is the bona fide belief and contention of the applicant, that its activity of PLANTATION and MAINTANANCE of TREES, including activities incidental, ancillary and subservient to that (which are more particularly described in Statement of Relevant Facts hereinabove), is squarely covered by Entry No. 1 of Notification No. 12/2017 (as amended from time to time), and is accordingly subject to NIL Rate.

(i) The contention of the applicant is further strengthened by the decision of Hon'ble Authority For Advance Ruling, Gujarat in case of Vikas Centre For Development, in Re: [2023] 146 taxmann.com 398 (AAR - GUJARAT) where, the activity of Planting and Maintenance of Tree (Mangroves) is held to be falling within Entry No. 1 of Notification No. 12/2017 (as amended from time to time), and is accordingly subject to NIL Rate.



6. Personal hearing was granted on 04.12.2025 wherein Shri Sumit Shingala, Chartered Accountant appeared on behalf of the applicant and reiterated the facts & grounds as stated in the application.

Discussion and findings

7. 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.

8. We have considered the submissions made by the applicant in their application for advance ruling as well as the submissions made both oral and written 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.

9. We find that the Government of Gujarat has floated "*Harit Van Path Yojna*" on PPP basis for increasing the Tree Cover by undertaking tree plantation on the sides of roads and vacant land. As per the Resolution No. FED/MSM/e-file/6/2025/1152/M Section dtd. 16.07.2025 issued by the Forests and Environment Department, Government of Gujarat, the applicant has been selected to plant 7,62,712 trees on PPP basis at Kutch/ Saurashtra as well as other districts along both sides of the road, coastal highways and other vacant lands. For the said work, the applicant would be paid as under: -

Sl. No.	Year	Scope of work	Amount
1	2025-26	Planting of trees	Rs. 1180 x 762712 = Rs. 90 crores
2	2026-27	1 st year maintenance	Rs. 224 x 762712 = Rs. 17.09 crores
3	2027-28	2 nd year maintenance	Rs. 86 x 762712 = Rs. 6.56 crores
Total amount to be paid in three years			Rs. 113.65 crores

Any expenses incurred apart from the above would have to be borne by the applicant themselves. The other conditions are that the plantation would be under the



- (B) public awareness of preventive health, family planning or prevention of HIV infection;
- (ii) advancement of religion, spirituality or yoga;
- (iii) advancement of educational programmes or skill development relating to,-
- (A) abandoned, orphaned or homeless children;
- (B) physically or mentally abused and traumatized persons;
- (C) prisoners; or
- (D) persons over the age of 65 years residing in a rural area;
- (iv) preservation of environment including watershed, forests and wildlife;

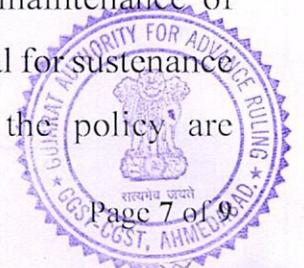
11. Therefore, for being covered under the said entry, the following conditions have to be fulfilled: -

(a) The entity should be registered under Section 12AA or 12AB of the Income Tax Act, 1961.

(b) the services provided should fall under the definition of charitable activities as defined in the notification.

12. We find that the applicant has submitted a copy of the trust deed dtd. 14.03.2014. As per the trust deed, the objectives of the trust are mainly charitable activities extending to social activities, educational activities, health and medical related activities, cultural activities and spiritual activities. One of the activities mentioned under social activities at Sr. No. 11 is tree plantation activities. We also find that the applicant is registered with the Assistant Charity Commissioner, Rajkot having registration number E-9879 Rajkot. We, further, find that though the applicant in their submission has mentioned that they are duly recognized under section 12AA of the Income-tax Act, 1961, but as per Form No.10AC dtd. 24.09.2021 produced by the applicant, they are registered under Section 12 AB of the Income Tax Act, 1961. The said registration is valid for the Assessment Year 2022-23 to 2026-27. Therefore, the first condition stands fulfilled.

13. As per the definition of charitable activities mentioned in Clause 2(r) of the notification No. 12/2017-CT(R) dtd. 28.06.2017, activities related to preservation of environment including watershed, forests and wildlife fall under the ambit of charitable activities. Govt of India formulated 'The National Forest Policy, 1988' with the **principal aim to ensure environmental stability** and maintenance of ecological balance including atmospheric equilibrium, which are vital for sustenance of all lifeforms, human, animal and plant. The objectives of the policy are



maintenance of environmental stability through preservation and restoration of the ecological balance that has been adversely disturbed by serious depletion of the forests of the country; conserving the natural heritage of the country by preserving the remaining natural forests; checking soil erosion and denudation in the catchment areas of rivers, lakes, reservoirs; checking the extension of sand-dunes; **increasing substantially the forest/tree cover in the country through massive afforestation and social forestry programmes**; meeting the requirements of fuel-wood, fodder, minor forest produce and small timber of the rural and tribal populations; increasing the productivity of forests to meet essential national needs; Encouraging efficient utilisation of forest produce and maximising substitution of wood, and creating a massive people's movement. **As per the Policy, one of the strategy for increasing the forest cover is to encourage the planting of trees alongside of roads, railway lines, rivers and streams and canals, and on other unutilised lands under State/corporate, institutional or private ownership, which will check erosion and desertification as well as improve the microclimate** (Para 4.2.2 of the Policy). As part of this initiative, the Gujarat Government had launched the “*Harit Van Path Yojna*” on PPP basis for increasing the tree cover and providing greenery along both sides of the roads in 2025-26. Thus, the objective of the scheme is for the preservation of environment, which, therefore, falls under the definition of charitable activities mentioned in Notification No. 12/2017-CT(R) dtd. 28.06.2017. Therefore, the second condition of the notification stands fulfilled.

14. We also find that this authority had in the case of *Vikas Centre for Development*, in Re: [2023] 146 taxmann.com 398 (AAR - GUJARAT) has held that the activity of Planting and Maintenance of Tree (Mangroves) falls within Entry No. 1 of Notification No. 12/2017 dtd. 28.06.2017, as amended, and is accordingly exempt from GST. Therefore, we are of the opinion that the applicant would be covered under Sl. No. 1 of Notification No. 12/2017-CT(R) dtd. 28.06.2017, as amended and would be eligible for exemption from payment of GST.

15. In view of the foregoing, we rule as under: -

RULING

Ques-1. Whether, in the facts and circumstances of the case, the entry no. 1 of Notification No. 12/2017 (as amended from time to time)





Place: Ahmedabad
Date: 23.12.2025

(Sushma Wora)
Member (SGST)

(Vishal Malani)
Member (CGST)

Ans-2 The applicant would be eligible for exemption from payment of GST under Sl. no. 1 of Notification No. 12/2017 dt. 28.06.2017, as amended.

Ques-2 Whether, in the facts and circumstances of the case, the applicant being a Charitable Institution, duly recognized u/s. 12AA of the Income-tax Act, 1961, is liable to pay tax on charitable activity of plantation and maintenance of tree? If yes, then to what extent and at what rate?

Ans-1 Yes, Sl. no. 1 of Notification No. 12/2017 dt. 28.06.2017, as amended, will apply to the charitable activity of plantation and maintenance of tree by the applicant, being a Charitable Institution, duly recognized u/s. 12AB of the Income-tax Act, 1961, for the preservation of environment.

applies to the charitable activity of plantation and maintenance of tree (more particularly described in the Statement of Relevant Facts), by the applicant being a Charitable Institution, duly recognized u/s. 12AA of the Income-tax Act, 1961 for Preservation of Environment?