



HARYANA AUTHORITY FOR ADVANCE RULING,
GOODS AND SERVICES TAX,
HARYANA VANIJYA BHAWAN, PLOT NO 1-3, SECTOR 5,
PANCHKULA-134151 (HARYANA)



ADVANCE RULING NO.HAR/HAAR/R/2019-20/06
(In Application No.: 06/2019-20, dated 18.06.2019)

Name & Address of the Applicant	:	M/s DLF Limited, Shopping Mall, 3 rd Floor, Arjun Marg, Phase-I, DLF City, Gurugram, Haryana.
GSTIN of the Applicant	:	06AAACD3494N1ZC
Date of Application	:	18.06.2019
Clause(s) of Section 97(2) of CGST/HGST Act, 2017, under which the question(s) raised.	:	Nil
Date of Personal Hearing	:	11.09.2019
Present for the Applicant	:	Nil

Memo No.: 1046/ARR
Dated: 28/8/2020

- The application were seeking Advance Ruling was filed on 18.06.2019. The applicant is developer who constructs various residential properties as well as commercial properties. The said properties are sold both before and after issuance of occupation certificate. The developer recovers various charges including Preferential Location Charges (PLC) via the same buyer's agreement. It has sought Advance Ruling on the following issues.
- Whether, preferential location charges ('PLC') collected along with consideration for sale of properties attracts a GST rate of 12% or 18%- where sale/ transfer of constructed property has taken place before issuance of completion/ occupation certificate ('CC/OC')?
- Whether, PLC collected along with consideration for sale of properties attracts a GST rate of 5% or 18% where sale/ transfer of constructed property has taken place before issuance of CC/OC under new projects which commence on or after 1st April, 2019?
- Whether, PLC collected along with consideration for sale of properties is outside the scope of supply where sale/ transfer of constructed property is entered into by the Applicant after issuance of CC/OC?

- If as per above questions, PLC attracts concessional rate of tax/ exemption (whether 12% or 5% or nil as the case maybe,) whether, in the facts and circumstances of the case, Applicant/ or its customers can claim

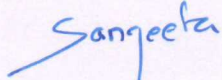


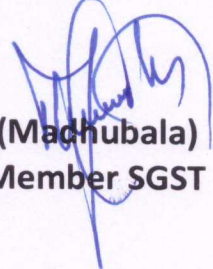
adjustment/ refund of the excess GST amount paid as (18% less 12%) or (18% less 5%) or (18% less Nil), as the case may be, on such charges?

- In case differential prices are charged for sale/ transfer of different properties/ units in a real estate project due to various commercial factors such a location of apartment etc., whether GST can be charged on whole price at the similar rate i.e. 12% (in case of sale before issuance of CC/OC)/ 5% (in case of sale before issuance of CC/OC under new projects which commence on or after 1st April, 2019)/ Nil (in case of sale after issuance of CC/OC)?
- In order to decide the admissibility of the application the applicant was called upon to appear before this Authority on 02.08.2019 vide memo no. 751, dated 24.07.2019, but none appeared behalf of the applicant. Thereafter, notice of appearance was sent for 06.09.2019 vide memo no. 774, dated 21.08.2019. On 27.08.2019 a request was received from the applicant regarding personal hearing after lunch instead of scheduled hearing at 11:00 am. On 06.09.2019 the hearing was postponed for 11.09.2019. The applicant fails to appear on said date also.
- Since, the Authority for Advance Ruling is bound to pronounce ruling within 90 days of the receipt of application as per Section 98(6) of the CGST/HGST Act. The applicant cannot be granted any further opportunity of hearing. Hence, the application of Advance Ruling is rejected under Section 98(2) of the CGST/HGST Act.

Ordered accordingly.
To be communicated.

12.09.2019
Panchkula.


(Sangeeta Karmakar)
Member CGST


(Madhubala)
Member SGST



Regd. AD/Speed Post

**M/s DLF Limited, Shopping Mall,
3rd Floor, Arjun Marg, Phase-I,
DLF City, Gurugram, Haryana.**

Copy to:

1. The Commissioner of Central Goods & Services Tax, Faridabad GST Bhawan,
New C.G.O. Complex, N.H.-4, Faridabad, Haryana.
2. Deputy Excise and Taxation Commissioner (ST), Faridabad (East).

o/c