
 <p>सत्यमेव जयते</p>	<p style="text-align: center;"><b>RAJASTHAN AUTHORITY FOR ADVANCE RULING GOODS AND SERVICES TAX</b></p> <p style="text-align: center;"><b>KAR BHAWAN, AMBEDKAR CIRCLE, NEAR RAJASTHAN HIGH COURT JAIPUR – 302005 (RAJASTHAN)</b></p>	
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**ADVANCE RULING NO. RAJ/AAR/2022-23/05**

Vikas Kumar Jeph Additional Commissioner	:	Member (Central Tax)
M. S. Kavia Additional Commissioner	:	Member (State Tax)
Name and address of the applicant	:	M/s Sai Enterprises, Irish, 113, Manglam Ananda, Rampur Road, Near Sanganer Railway station, Sanganer, Jaipur-302029, Rajasthan
GSTIN of the applicant	:	08ACHFS7005C1ZC
Clause(s) of Section 97(2) of CGST/SGST Act, 2017, under which the question(s) raised	:	(b) applicability of a notification issued under the provisions of this Act; (e) Determination of the liability to pay tax on any goods or services or both.
Date of Personal Hearing	:	28.04.2022
Present for the applicant	:	Rajesh Arora, Authorized Representative
Date of Ruling	:	01.06.2022

**Note:** Under Section 100 of the CGST/SGST Act, 2017, an appeal against this ruling lies before the Appellate Authority for Advance Ruling constituted under section 99 of CGST/SGST Act, 2017, within a period of 30 days from the date of service of this order.

At the outset, we would like to make it clear that the provisions of both the CGST Act and the SGST 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 provision under the SGST Act. Further to the earlier, henceforth for the purposes of this Advance Ruling, a reference to such a similar provision under the CGST Act / SGST Act would be mentioned as being under the "GST Act".

The issue raised by M/s Sai Enterprises, Irish, 113, Manglam Ananda, Rampur Road, Near Sanganer Railway station, Sanganer, Jaipur-302029, Rajasthan - (hereinafter the applicant) is fit to pronounce advance ruling as it falls under the ambit of the Section 97(2) (b)&(e) given as under:

(b) applicability of a notification issued under the provisions of this Act.

(e) Determination of the liability to pay tax on any goods or services or both.

## A. SUBMISSION AND INTERPRETATION OF THE APPLICANT:

### I. Brief facts of the case :

- M/s Sai Enterprises (hereinafter referred to as "SAI ENT." or "the Applicant") is a partnership firm engaged in the business of operation and maintenance of electricity Grid Sub-Stations in respect of work orders awarded by various governmental organisations from time to time.
- M/s Jaipur Vidyut Vitran Nigam Limited (hereinafter referred to as "JVVL" or "Jaipur Discom"), having their registered office at Vidyut Bhawan, Jan Path, Jyoti Nagar, Jaipur is a government of Rajasthan Undertaking and is engaged in distribution and supply of electricity in 12 districts of Rajasthan, namely Jaipur, Dausa, Alwar, Bharatpur, Dholpur, Kota, Bundi, Baran, Jhalawar, Sawai Madhopur, Tonk and Karauli. The Extracts of Annual Return (Mgt-9) from 20<sup>th</sup> Annual Reports filed for financial year 2019-2020 evidencing shareholding pattern of JVVL is attached for reference.
- JVVL has invited tender for the work of operation and maintenance of identified 33/11 KV Grid Sub – Stations against Dausa Lot-V and Bharatpur Lot-II through tender enquiry TN-483. That as per Tender Enquiry TN-483, JVVL intends to enter into a contract with the contractor for operation and maintenance of identified 33/11 KV Grid Sub – Stations at Dausa and Bharatpur districts of Rajasthan. The project would involve operation and maintenance of the identified GSS at defined locations for a period 2 years. Copy of such Tender Enquiry document is attached.
- That the aforementioned work was awarded to M/s Sai Enterprises vide work order no. JPD/SE(TW)/XEN(TW-III)/TN-483/D-5016 dated 31.10.2019. Copy of such work order is attached herewith.
- That the scope and duties of the contractor are detailed under Clause 6 of the Tender document which are reproduced below for ease of reference:

*"Clause 6 – Functions and Duties to be performed by contractor of Work Order, the detailed specifications are as under:*

#### ***(A) Operational function & duties to be performed: -***

- Workmen of contractor shall strictly provide three phases & single phase supply on each 11 KV outgoing feeder 33/11 KV Sub-station as per schedule / block hours and timings as intimated by officers of JVVL from time to time.*
- For making supply off and on, workmen shall operate main 11 KV and outgoing feeders VCB/OCB/KIOS (if available on 11 KV feeders) along with operating GO's and fuses of 11 KV feeders.*
- For providing single-phase supply by removing 33 KV sides and 11 KV side fuses or by other single phasing mechanism as per*

methodology and system instructed/ directed by officers of JVVNL.

- (iv) All operation for providing three phase /single-phase supply on 11 KV feeders should be done carefully with all safety measure as well as guidelines prescribed for operations.
- (v) The contractor will be solely responsible for any damage of equipment or accident of any workman.
- (vi) In case contractor needs shut down at 33 KV/11 KV sub-station to carry out any repair or maintenance work prior permission of shut down shall be obtained from the concerning Assistant Engineer/ Junior Engineer. The material required for such maintenance (excluding T&P) shall be provided by the Assistant Engineer In-charge of the sub-station. Any shut down on any of the 33/11 KV lines at the substation required by Jaipur Discom"s authorized employee(s) shall be given by the contractor or his authorized representative on the requisition of PTW form (Annexure-I).
- (vii) On failure of 33/11 KV line the contractor or his authorized person shall intimate to the concerned Assistant Engineer / Junior Engineer promptly.
- (viii) In case of tripping of supply or blowing of fuse of any feeder the same will be replaced immediately according to capacity by the contractor or his authorized person. The capacity of fuses for each feeder shall be prescribed by Assistant Engineer concerned.

**(B) Maintenance duties to be performed: -**

- (i) The contractor shall check oil level of power Transformers leakage, if any in the power transformer checking air passage are free and also check the colour of the silica-gel. The contractor shall observe earthing of the transformer and he will inspect any crackness of flat of earthing of the dryness. He will intimate the position to JEN/AEN.
- (ii) The contractor shall carry out inspection & maintenance of circuit breaker as under-the contractor shall inspect switchgear premises & circuit breaker. He will clean the circuit breaker. He will inspect oil position of the circuit breaker and if any leakage is found he will intimate to JEN/AEN. Any unusual smell /noise observed in the OCB shall be intimated to JEN/AEN. He will also observe position of auxiliary fuses whether intact or not. The position shall be intimated to JEN/AEN. The contractor shall observe working order of indicating & measuring instrument whether they are in working order or not. The position / condition will be intimated to JEN/AEN. He will also examine position of dirt, top fitting and oxide film on lighting arrester. He will clean with dry cloth and tight bolt if found any looseness. The position will be intimated to JEN/AEN. The contractor shall observe water level of battery if the water level is low he will fill water and position will be intimated to JEN/AEN.
- (iii) The 33/11 KV sub-station area will be maintained clean by cutting grass and shrubs and toilet cleaning etc. by the contractor





at his own cost and material required for this work will be arranged by the contractor himself.

- (iv) The contractor shall be full responsible for watch and ward of the Sub-Station area and equipments.
  - (v) The contractor shall maintain the Jaipur Discom property and equipment safely and any damage caused solely due to lack of contractor or his employee then losses will be recovered from his due payment. If amount of damage/losses are more than due payment, then he will be liable to deposit the balance amount otherwise this will be recoverable as per law.
  - (vi) The contractor shall replace 33 KV and 11 KV GO Blades/Rods. The requisite material shall be provided by Jaipur Discom.
  - (vii) Initially the Nigam shall hand over the sub-station to the contractor with proper lighting arrangements including providing of fixture and bulbs, tube light etc. subsequently; the contractor shall maintain the lighting arrangements at the sub-station.
  - (viii) The contractor or his authorized persons shall pour sufficient quantity of water in earthing pits in 33/11 KV Sub-station premises from time to time.
- That Notification No. 12/2017 of Central Tax (Rate) dated 28th June 2017 was amended vide Notification No. 32/2017 of Central Tax (Rate) dated 13th October 2017 to include clause (zfa) defining the term government entity. The term "Government Entity" was defined to mean an authority or a board or any other body including a society, trust, corporation (i) set up by an Act of Parliament or State Legislature; or (ii) established by any Government, with 90 per cent or more participation by way of equity or control, to carry out a function entrusted by the Central Government, State Government, Union Territory or a local authority.
  - That vide Notification No. 02/2018 of Central Tax (Rate) dated 25<sup>th</sup> January 2018, entry under Serial Number 3 of Notification 12/2017 of Central Tax (Rate) dated 28<sup>th</sup> June 2017 was amended to cover pure services provided to government entity under the ambit of exemption.
  - That in pursuance to the aforementioned changes in law, JVVNL has issued internal Circular No. GST Circular-2019 (2) dated 31<sup>st</sup> January 2019 to their offices notifying that they qualify under the definition of Government Entity under the provisions of GST law and are not liable to pay GST in respect of various services received or provided as mentioned in Notification No. 12/2017. Copy of such Circular is attached.
  - That a letter No. JPD/SE(TW)/XEN TW-III/D/6319 dated 31<sup>st</sup> December 2019 issued by Superintending Engineer (TW), JVVNL Jaipur to Senior AO Jaipur DISCOM mentions that no GSS belongs to Nagar Nigam Area in respect of TN 483 and thus no GST is payable on the same. Copy of such letter is enclosed herewith.

- That in light of the obtaining facts and legal provisions, the applicant wishes to understand whether the pure services provided by them i.e, SAI ENT. to JVVNL are wholly exempt from Tax as provided under Serial number 3 of Notification No. 12/2017 Central Tax – Rate [as amended] read with corresponding Notification issued under SGST Act,2017.
- That in respect of the aforementioned facts, SAI ENT. wishes to make detailed submission herein to demonstrate –
  - a. Its eligibility for exemption under serial number 3 of Notification No.12/2017 [as amended] in respect of services provided to JVVNL under TN -483.
- SAI ENT. requests an advance ruling to be pronounced on the questions raised.

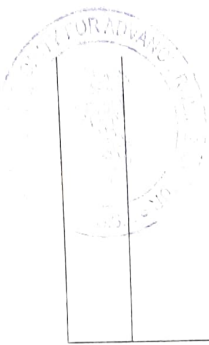
#### INTERPRETATION

### 1. APPLICABILITY OF NOTIFICATION NUMBER 12/2017 OF CENTRAL TAX (RATE) DATED 28TH JUNE 2017.

#### 1.1 Abstract from Notification Number 12/2017 of Central Tax (rate) dated 28<sup>th</sup> June 2017 as amended by 02/2018 of Central Tax (rate) dated 25<sup>th</sup> January 2018 for column (3) of serial number 3 (Pure services).

- 1.1.1 The relevant provision pertaining to Pure services (excluding works contract service or other composite supplies involving supply of any goods) provided to the Central Government, State Government or Union territory or local authority or a Governmental authority or Government Entity by way of any activity in relation to any function entrusted to a Panchayat under article 243G of the Constitution or in relation to any function entrusted to a Municipality under article 243W of the Constitution.is contained under Notification Number 12/2017 of Central Tax (Rate) as amended by 02/2018. The same is reproduced herein below:

<i>Sl. No.</i>	<i>Chapter, Section or Heading</i>	<i>Description of service</i>	<i>Rate (percent)</i>	<i>Condition</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
3	Chapter 99	Pure services (excluding works contract service or other composite supplies involving supply of any goods) provided to the Central Government, State Government or Union territory or local authority or a Governmental authority or Government Entity by way of any activity in relation to any	Nil	Nil



	<i>function entrusted to a Panchayat under article 243G of the Constitution or in relation to any function entrusted to a Municipality under article 243W of the Constitution.</i>	
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1.1.2A perusal of the aforesaid notification would reveal that a registered person (registered under CGST Act) shall be entitled to charge CGST at Nil rate of tax when providing the above said services to Central Government, State Government, Union Territory, a local authority or a governmental authority or government entity by way of pure services (excluding works contract service or other composite supplies involving supply of any goods) as mentioned in the notification.

1.1.3The scope of services provided by M/s Sai Enterprises to Jaipur Vidut Vitran Nigam Limited are in the nature of pure services(excluding works contract service or other composite supplies involving supply of any goods), provided to the Central Government, State Government, Union Territory, a local authority or a governmental authority or government entity, of any activity in relation to any function entrusted to a Panchayat under article 243G of the Constitution or in relation to any function entrusted to a Municipality under article 243W of the Constitution.

## **1.2 Consideration of Jaipur Vidut Vitran Nigam Limited (JVVNL) as Government Entity.**

1.2.1Government Entity has been defined under Notification Number 12/2017 as amended by 32/2017 under clause (zfa) of paragraph 2. The same has been reproduced below –

*(zfa) "Government Entity" means an authority or a board or any other body including a society, trust, corporation,*  
*(i) set up by an Act of Parliament or State Legislature; or*  
*(ii) established by any Government,*  
*with 90per cent. or more participation by way of equity or control,*  
*to carry out a function entrusted by the Central Government, State Government, Union Territory or a local authority."*

*The functions entrusted to a Panchayat under the Eleventh Schedule to Article 243G of the Constitution are as under:*

- (i) Agriculture, including agricultural extension.*
- (ii) Land improvement, implementation of land reforms, land consolidation and soil conservation.*
- (iii) Minor irrigation, water management and watershed development.*
- (iv) Animal husbandry, dairying, and poultry.*
- (v) Fisheries.*
- (vi) Social forestry and farm forestry.*



- (vii) Minor forest produce.
- (viii) Small scale industries, including food processing industries.
- (ix) Khadi, village, and cottage industries.
- (x) Rural housing.
- (xi) Drinking water.
- (xii) Fuel and fodder.
- (xiii) Roads, culverts, bridges, ferries, waterways, and other means of communication.
- (xiv) **Rural electrification, including distribution of electricity.**
- (xv) Non-conventional energy sources.
- (xvi) Poverty alleviation programme.
- (xvii) Education, including primary and secondary schools.
- (xviii) Technical training and vocational education.
- (xix) Adult and non-formal education.
- (xx) Libraries.
- (xxi) Cultural activities.
- (xxii) Markets and fairs.
- (xxiii) Health and sanitation, including hospitals, primary health centres and dispensaries.
- (xxiv) Family welfare.
- (xxv) Women and child development.
- (xxvi) Social welfare, including welfare of the handicapped and mentally retarded.
- (xxvii) Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
- (xxviii) Public distribution system.
- (xxix) Maintenance of community assets.

1.2.2 Jaipur Vidyut Vitran Nigam Limited is a government of Rajasthan Undertaking. Government of Rajasthan has floated Jaipur Vidyut Vitran Nigam Limited for the distribution and supply of electricity in 12 districts of Rajasthan. The company is wholly owned by the state government and is governed by a board of directors and is answerable to Governor of Rajasthan on behalf of State Government and its nominees. The paid-up capital of the company as on 31<sup>st</sup> March 2020 was Rs.10,94,003 lakhs divided into 1,09,400.30 lakhs equity shares of Rs.10/- each. The share holding pattern of Jaipur Vidyut Vitran Nigam Limited, as reported under Form No. Mgt-9 (Extract of Annual Return) filed with the registrar of companies for the financial year ended on 31<sup>st</sup> March 2020 is as under: -

S. No.	Name of Shareholders	Shareholding (No. of Shares)
1	Governor of Rajasthan on behalf of State Government and its nominees	10,94,00,30,000
<b>Total</b>		<b>10,94,00,30,000</b>

1.2.3 As per the applicant's understanding, the functions performed by Jaipur Vidyut Vitran Nigam Limited are covered under Article 243 G of the constitution of India.

1.2.4 Jaipur Vidyut Vitran Nigam Limited satisfies both the conditions required to be classified as government entity:

- a. JVVNL is established by Rajasthan government with 90% or more control on the basis of the shareholding pattern as mentioned above.
- b. JVVNL is performing activities as entrusted under the Article 243 G of the constitution.

### **1.3 Reliance placed on the recent Advance ruling in the case of M/s ARG Electricals Private Limited**

1.3.1 The Applicant relies on the ruling of Hon'ble Advance Ruling Authority of Rajasthan in the case of ARG Electricals Pvt. Ltd. ADVANCE RULING NO. RAJ/AAR/2020-21/04 dated 14.05.2020. Copy of such advance ruling is attached for your ready reference. The same is in context to Ajmer Vidyut Vitran Nigam Limited, company created by the Government of Rajasthan with the principal objective of doing business of distribution and supply of electricity in 12 districts of Rajasthan. The Hon'ble AAR of Rajasthan has held that AVVNL is a government entity as defined in the clause (zfa) of paragraph 2 of notification number 12/2017 as amended by notification number 32/2017. It is established that the company was formed by State government with 90 percent or more participation by way of equity or control and are engaged in carrying out a function entrusted by them through Article 243 G of the constitution of India.

1.3.2 Jaipur Vidyut Vitran Nigam Limited is governed by the board of directors and is answerable to the Governor of Rajasthan on behalf of State Government and its nominees. In case of JVVNL equity and control both are with the State government. That a perusal of the obtaining facts would clear it beyond doubt that the condition of 90% or more participation by way of equity or control with state government is satisfied in the given case and therefore JVVNL qualifies as a Government Entity.

1.3.3 The Applicant further submits that the findings and decisions taken by Hon'ble AAR in the case of ARG Electricals Private Limited, is squarely applicable to the instant case of Jaipur Vidyut Vitran Nigam Limited; that from the above it is understood that Jaipur Vidyut Vitran Nigam Limited, squarely falls under the definitions of "government entity" as defined in the clause (zfa) of paragraph 2 of notification number 12/2017 as amended by notification number 32/2017.

### **1.4 Exemption Notification 12/2017-CT(Rate) applicable to the Applicant:**

1.4.1A perusal of the provisions contained in Notification Number 12/2017 of Central Tax (Rate) would show that the following conditions have been satisfied by the Applicant to charge CGST at NIL rate on the transactions with Jaipur Vidyut Vitran Nigam Limited:

- a. The Applicant is registered under the CGST Act.



- b. The Applicant is providing pure services to Jaipur Vidyut Vitran Nigam Limited (JVVNL) who is a government entity.
- c. The operation and maintenance services of identified 33/11 KV Grid Sub – Stations at defined locations as per work order are covered under pure services as mentioned in column (3) of serial number 3 of notification number 12/2017.
- d. JVVNL is engaged in the services, or the functions entrusted to a Panchayat under the Eleventh Schedule to Article 243G of the Constitution.

1.4.2 Therefore, all the conditions contained in the notification have been complied with by the Applicant for the chargeability of CGST at the NIL rate.

#### **B. QUESTIONS ON WHICH THE ADVANCE RULING IS SOUGHT:-**

1. Whether the service recipient i.e., M/s. Jaipur Vidyut Vitran Nigam Limited is a “Government Entity” as defined under clause (zfa) of para 2 of Notification No. 12/2017 – Central Tax (Rate) dated 28.06.2017 as amended by Notification No. 32/2017 – Central Tax (Rate) dated 13.10.2017.
2. Whether services provided by the Applicant [i.e. SAI ENT.] in respect of work order No. TN-483 for Operation and Maintenance of identified 33/11 KV Grid Sub-Stations to Jaipur Vidyut Vitran Nigam Limited are wholly exempt vide serial number 3 of Notification No. 12/2017 – Central Tax (Rate) dated 28.06.2017 [as amended]?

#### **C. PERSONAL HEARING**

In the matter personal hearing was granted to the applicant on 28.04.2022. Shri Rajesh Arora (Authorised Representative) of applicant appeared for PH. During the PH, he reiterated the submissions already made in the written application. He requested for early disposal of the application.

#### **D. COMMENTS OF THE JURISDICTIONAL OFFICER**

Comments received from the Deputy Commissioner, CGST Division-A, Jaipur vide letter dated 28.01.2022 are as under: -

1. In r/o 1<sup>st</sup> Question that “Whether the service recipient i.e. M/s. Jaipur Vidyut Vitran Nigam Limited (M/s. JVVNL) is a “Govt. Entity” as defined under clause (zfa) of para 2 of Notification No. 12/2017 – Central Tax (Rate) dtd. 28.06.2017 as amended by Notf. No. 32/2017 – Central Tax (Rate) dtd. 13.10.2017”, it is clarified that M/s. JVVNL is considered as a “Govt. Entity”
2. In r/o 2<sup>nd</sup> Question that “Whether services provided by the Applicant (i.e. Sai Ent.) in respect of Work Order No. TN-483 for Operation &

Maintenance of identified 33/11 KV Grid Sub-Stations to M/s. JVVNL, are wholly exempt vide S. No. 3 of Notification No. 12/2017 – Central Tax (Rate) dtd. 28.06.2017, as amended?”, it is observed:

- a. That from the scope & duties of the contractor as detailed under Clause – 6 of the said Work Order, it is noticed that the scope of the work order includes execution of both **Operational** and **Maintenance** services. Further, the scope & duties includes that “the contractor shall be solely responsible for any damage of equipment or accident of any workmen” & that “the contractor shall maintain the Jaipur Discom property & Equipment safely...”, thus, it can be inferred that in case of any damage the liability of equipment & property is on the contractor.
- b. Also, it appears that the services provided by the Applicant in respect of above mentioned Work Order is to be considered as Work Contracts Service in terms of definition of Work Contract under Clause (119) of Section 2 of the CGST Act, 2017.
- c. Thus, the said services provided by the Applicant are not covered under “Pure services” and the same is covered under the exclusion mentioned under S. No. 3 of Notification No. 12/2017 – Central Tax (Rate) dtd. 28.06.2017, hence, services provided by the Applicant are not wholly exempt vide S. No. 3 of Notification No. 12/2017 – Central Tax (Rate) dtd. 28.06.2017, as amended.

#### **E. FINDINGS, ANALYSIS & CONCLUSION:**

1. We have perused the records on file and gone through the facts of the case and the submissions made by the applicant as well as the department. We have also considered the issues involved, on which advance ruling is sought by the applicant, and relevant facts.
2. Based on the written submission made by the applicant i.e. M/s Sai Enterprises, we find that vide Work Order No. JPD/SE(TW) /XEN (TW-III)/TN-483/D/5016 dated 31.10.2019, the applicant was awarded a work related to Operation and Maintenance of identified 33/11 KV Grid Sub Stations (GSS) against Dausa Lot-V and Bharatpur Lot-II through tender enquiry TN-483 by the Superintending Engineer (TW), Jaipur Vidyut Vitran Nigam Limited (JVVNL), Jaipur.
3. In the present case, the applicant wants to understand whether the pure services provided by them (i.e. M/s Sai Enterprises) to JVVNL are wholly exempt from Tax as provided under Serial number 3 of Notification No. 12/2017 Central Tax – Rate [as amended] read with corresponding Notification issued under SGST Act, 2017.

4. We have gone through the Work Order No. JPD/SE(TW)/XEN(TW-III)/TN-483/D/5016 dated 31.10.2019. As per point No. 3 of the said work order dated 31.10.2019, the 'contract period' for operation & maintenance shall be One Year.
5. During the course of Personal Hearing (PH) in the matter, on being asked about the extension of period of said work order, the applicant has sought some time to submit the same. In response, the applicant submitted a copy of letter No. JPD/SE(TW) /XEN TW-III/D/2081 dated 01.10.2020 issued by the Superintending Engineer (TW), Jaipur Vidyut Vitran Nigam Limited, Jaipur. As per this letter dated 01.10.2020, the time period of above said original work order has been extended for further period of six months i.e. from 01.11.2020 to 30.04.2021 on same prices, term & condition of original work order including amendments thereof. No document/letter has been submitted/produced before the Authority for further extension for the period after 30.04.2021 of aforesaid work order No. JPD/SE(TW) /XEN (TW-III)/TN-483/D/5016 dated 31.10.2019 till date by the applicant.
6. It is relevant to mention here that the applicant filed his application for seeking advance ruling on 16.11.2021.
7. Apart from above, now we are discussing the legal position of the case. As per submission made by the applicant, they want to avail exemption from tax as provided in Serial number 3 of Notification No. 12/2017- Central Tax(Rate) dated 28.06.2017 [as amended] on the ground of pure services provided by them i.e. SAI Enterprises to JVVNL. The Serial number 3 of Notification No. 12/2017-Central Tax (Rate) dated 28.06.2017 [as amended vide Notification No. 02/2018-CT (R) dated 25.01.2018] is reproduced as under: -

<i>Sl. No.</i>	<i>Chapter, Section or Heading</i>	<i>Description of service</i>	<i>Rate (percent)</i>	<i>Condition</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
3	Chapter 99	Pure services (excluding works contract service or other composite supplies involving supply of any goods) provided to the Central Government, State Government or Union territory or local authority or a Governmental authority or Government Entity by way of any activity in relation to any function entrusted to a Panchayat under article 243G of the Constitution or in relation to any function entrusted to a Municipality under article 243W of the Constitution.	Nil	Nil



8. Here attention is invited towards the Notification No. 16/2021-Central Tax (Rate) dated 18.11.2021 vide which following amendments have been made in Notification No.12/2017- Central Tax (Rate), dated the 28th June, 2017:

*In the said notification, in the TABLE, -*

*(i) against serial number 3, in column (3), in the heading "Description of Services", the words "or a Governmental authority or a Government Entity" shall be omitted.*

9. Keeping in view the above relevant legal position of the case, it is clear that the words "or a Governmental authority or a Government Entity" has been omitted at serial number 3, in column (3), in the heading "Description of Services" in the said Notification No. 12/2017- Central Tax (Rate), dated the 28th June, 2017 vide aforesaid Notification No. 16/2021-Central Tax (Rate) dated 18.11.2021 which resulted as withdrawn of exemption from tax from 01.01.2022. Thus, as on date there is no exemption is applicable on Pure services (excluding works contract service or other composite supplies involving supply of any goods) provided to the Government Entity by way of any activity in relation to any function entrusted to a Panchayat under article 243G of the Constitution. Hence, applicant is not eligible to avail the said exemption from tax.
10. Moreover, on gone through the facts of the case, we observe that applicant filed their application before the Rajasthan Authority for Advance Ruling (RAAR) on 16.11.2021 i.e. much later from the last date of extension of work order i.e. 30.04.2021. Thus, it finds that applicant filed Advance Ruling application dated 16.11.2021 before the Authority after expiry of a period almost six months from the date of expiry of aforesaid work order.

In view of above, we find that the supplies mentioned in the agreement had been effected up to 30 April, 2021. We also find that the Applicant had applied for the Advance Ruling on 16.11.2021 in respect of availability of benefits of the Notification No. 12/2017-Central Tax (Rate), dated 28.06.2017. Since the Applicant has asked for ruling on the transactions effected prior to the date of filing of the application before the RAAR, we find it appropriate to visit the definition of the 'Advance Ruling' given under Section 95(a) of the CGST Act, 2017 which is reproduced as under: -

*"95. Definitions of Advance Ruling— In this Chapter, unless the context otherwise requires—*

*(a) —advance ruling means a decision provided by the Authority or the Appellate Authority to an applicant on matters or on questions specified in sub-section (2) of section 97 or sub-section (1) of section 100, in relation to the supply of goods or services or both being undertaken or proposed to be undertaken by the applicant;".*


From the above definition, it is very much clear that the scope of the ruling for Authority for Advance Ruling (AAR) is limited to the transactions being undertaken or proposed to be undertaken. In the instant case, as

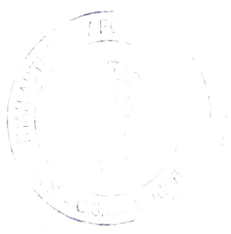
already narrated, the application seeking advance ruling was filed on 16.11.2021 before the RAAR with respect to supplies undertaken for the period from 01.11.2019 to 30.04.2021. Hence, the case is out of the purview of the Advance Ruling.


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

### RULING

As the question posed by the applicant is related to supplies undertaken by them prior to the date of filing of the application for advance ruling before the Authority thus, no ruling is being pronounced on the question under the provisions of the GST Act, 2017.

  
1.6.2022  
(Vikas Kumar Jeph)  
MEMBER  
CENTRAL TAX



  
11/06/2022  
(M. S. Kavia)  
MEMBER  
STATE TAX

### SPEED POST

M/s Sai Enterprises, Irish, 113,  
Manglam Ananda, Rampur Road,  
Near Sanganer Railway station,  
Sanganer, Jaipur-302029, Rajasthan

01C

F.No.AAR/SE/2022-23/ 95-99

Date: 01/06/2022

Copy to:-

1. The Chief Commissioner, CGST and Central Excise, Jaipur Zone, NCRB, Statue Circle, Jaipur-302005 (Raj.).
2. The Chief Commissioner, State Tax, Kar Bhawan, Bhawani Singh Road, Ambedkar Circle, C-Scheme-, Jaipur 302005.
3. The Pr. Commissioner, Central Tax, CGST and Central Excise Commissionerate, NCRB, Jaipur-302005 (Rajasthan).
4. The Dy/Assistant Commissioner, CGST Division-A, Road No. 1D, VKIA, Jaipur (Rajasthan).