

GOA AUTHORITY FOR ADVANCE RULING.

(Constituted under section 96 of the Goa Goods and Services Tax Act, 2017 (Goa Act 4 of 2017) read with Rule 103 of the Goa Goods and Services Tax Rules, 2017)

BEFORE THE BENCH OF

- (1) Shri. Ashok V. Rane, Addl Commissioner of State Tax  
(2) Shri. S. K. Sinha, Addl Commissioner of Central Tax

Advance Ruling No. GOA/GAAR/1 of 2018-19/2018-19/ 2 2 6 8

Name of the Applicant	M/s Venkatesh Automobiles
Address	Shop No. 1, Govind Poy House Rua Padre Miranda, Margao Goa
GSTIN	301800000012ARI
Date of Application	04/05/2018
Under Section 97(2) of the CGST/GGST Act, 2017 under which question raised	Determination of liability to pay tax on any goods or services or both
Date of Hearing	30/05/2018
Persons Present for Hearing	Shri Krishna D Kamat, Manager Accounts alongwith Shri Nagraj Shanbhag, Accounts Officer



PROCEEDING

(Under Section 98 of the Goa Goods and Services Tax, Act 2017)

The present application has been filed under section 97 of the Goa Good and Services Tax Act, 2017 and the Central Goods and Services Tax, Act 2017 (hereinafter referred to as the SGST Act and CGST Act) by M/s Venkatesh Automobiles, Shop No. 1, Govind Poy House Rua Padre Miranda, Margao Goa seeking an Advance Ruling in respect of the following question: "Whether the service provided for issuing Pollution Under Control Certificate for Vehicles on behalf of State Government is exempted from the GST or not".

The appellant is the Authorised Service Centre appointed by Government of Goa, Directorate of Transport to carry out the services of Pollution Testing of Commercial and Non Commercial Vehicles. The appellant carry out the Pollution testing and issue Pollution Under Control Certificate on payment of prescribed fees fixed by the Government.

The Pollution Under Control Certificate is mandatory certificate as per section 190(2) of the Motor Vehicle Act and issued only if the vehicles emission is in alignments with standard pollution norms and are not harmful to the environment.

The applicant purchases blank leaflets books from Directorate of Transport on payment of prescribed rate per leaf and issues same leaflets to the customers after testing Pollution Control Test at higher rate which is also prescribed by Directorate of Transport. The applicant procures one non




commercial leaflet on payment of ₹ 20/- and is issuing the same to the vehicles owners for ₹ 100/- after verifying pollution level likewise he procures commercial leaflets for ₹ 70/- and the same leaflet is issued to the vehicle owners after verifying pollution level on payment of ₹ 150/-. It means the difference between the cost of procurement of the leaflets and issuing the same to the vehicle owners is the consideration charged for services rendered by him in issuing Pollution Control Certificate to the Vehicle Owners.

The services rendered by the applicant is not covered under Schedule III appended to the Central Goods and Service Tax Act, 2017 as well as Goa Goods and Service Tax Act, 2017. Moreover, the applicant claims that the services rendered by him are covered under SAC 9991. The Services provided by the applicant is also not fully covered under SAC 9991. As SAC 9991 covers services provided by the Central Government, State Government, Union Territory or Local Authorities directly. It is not a pure service provided by the Central Government, State Government, Union Territory or Local Authorities or by a Government Authority by way of any activity in relation to any function entrusted to a Panchayat under article 243G of the Constitution or relation to any function entrusted to the Municipality under the Article 243W of the Constitution. The Government has authorised the applicant to issue Pollution Control Certificate on payments. It is the service provided by the applicant to the customers on payment of service charges. Since the services of testing of Pollution are provided on payment of service charge, GST is payable at applicable rate.

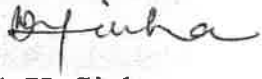


ADVANCE RULING UNDER SECTION 98 OF THE CGST/GGST  
ACT, 2017

The Activity of issuance of Pollution Under Control Certificate for vehicles issued by the applicant is not covered under SAC 9991 and is covered under Residual Entry and hence, should be taxed @ 18% GST.

  
(Ashok V. Rane)  
Member



  
(S. K. Sinha)  
Member

Dated: -20/09/2018

Place: - Panaji – Goa

To,

M/s Venkatesh Automobiles,

Shop No. 1, Govind Poy House,

Rua Padre Miranda, Margao Goa.

Copy to

1. The Commercial Tax Officer, Margao Ward, Margao – Goa;
2. The Dy. Commissioner of State Tax, Margao Ward, Margao;
3. The Commissioner of State GST, Panaji – Goa;
- ✓ 4. The Commissioner of Central GST, Panaji – Goa;
5. Office file;
6. Guard file.

