

 सत्यमेव जयते	 <b>RAJASTHAN AUTHORITY FOR ADVANCE RULING</b> <b>GOODS AND SERVICES TAX</b> <b>KAR BHAWAN, AMBEDKAR CIRCLE, NEAR</b> <b>RAJASTHAN HIGH COURT</b> <b>JAIPUR - 302005 (RAJASTHAN)</b>	 राज्य कर बाजार
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**ADVANCE RULING NO. RAJ/AAR/2019-20/15**

J.P.Meena Additional Commissioner	:	Member (Central Tax)
Hemant Jain Joint Commissioner	:	Member (State Tax)
Name and address of the applicant	:	M/s Indo Autotech Ltd., Plot No. DTA 01/02-03-04, Phase-II, Mahindra World City, Tehsil- Sanganer, Jaipur, Rajasthan 302037
GSTIN of the applicant	:	08AABCI6282N2Z1
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 the act;
Date of Personal Hearing	:	04.07.2019
Present for the applicant	:	Shri Manoj Mohanty and Shri Harish Kumar Dixit (Authorised Representatives)
Date of Ruling	:	08.07.2019

**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 RGST 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 RGST Act. Further to the earlier, henceforth for the purposes of this Advance Ruling, a reference to such a similar provision under the CGST Act / RGST Act would be mentioned as being under the "GST Act".*
  - *The issue raised by M/s Indo Autotech Ltd., Plot No. DTA 01/02-03-04, Phase-II, Mahindra World City, Tehsil- Sanganer, Jaipur, Rajasthan 302037 (hereinafter the applicant) is fit to pronounce advance ruling as it falls under the ambit of the Section 97(2) (b) given as under :*
- b. Applicability of a notification issued under the provisions of the act;
- Further, the applicant being a registered person (GSTIN is 08AABCI6282N2Z1 as per the declaration given by him in Form ARA-01) the issue raised by the applicant is neither pending for proceedings nor proceedings were passed by any authority. Based on the above observations, the applicant is admitted to pronounce advance ruling.

#### **1. SUBMISSION AND INTERPRETATION OF THE APPLICANT:**

The applicant has purchased industrial plots in Mahindra World City located in Tehsil- Sanganer, Jaipur, Rajasthan 302037 on long term lease. The developer i.e. M/s Mahindra World City has charged GST 18% on lease premium value of industrial plots under HSN 997212.



## **2. QUESTIONS ON WHICH THE ADVANCE RULING IS SOUGHT**

Whether M/s Mahindra World City (a developer) who has taken the entire land from state of Rajasthan to further lease out to Industrial units (applicant is one of the industrial unit) is liable to charge GST on the lease amount?



## **3. PERSONAL HEARING**

In the matter personal hearing was granted to the applicant on 04.07.2019 at Room no. 2.29 NCRB, Statue Circle, Jaipur. Shri Manoj Mohanty and Shri Harish Kumar Dixit (Authorised Representatives) of applicant appeared for PH. During the PH, they submitted that they have more clarification regarding issues they raised in the application and therefore requested to withdraw their advance ruling application.

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

The jurisdictional officer (Deputy Commissioner, CGST Division-G, Sector-10, Vidyadhar Nagar, Jaipur, Rajasthan 302005) has submitted his comments vide e-mail dated 31.05.2019 which can be summarized as under:

*In this regard it is stated that Entry No. 41 of Exemption Notification No. 12/2017-CT (rate) as clarified by TRU's letter F. No. 354/27/2019-TRU dated 30.04.2019 provides for exemption from GST to lease money, price/upfront payment (called as premium, salami, cost, price, development charges or by any other name) payable in respect of service by way of granting of long term lease (of thirty or more years) of industrial plots or plots for development of industrial infrastructure for financial business provided by the state government Industrial Development Corporation or Undertaking or by any other entity*

having 50% or more ownership of Central Government, State Government, Union territory to the industrial units or the developers in any industrial or financial business area. In the present case long term lease has been claimed to have been granted by M/s Mahindra World City (Jaipur) Ltd. which is not a state government Industrial Development Corporation or Undertaking or by any other entity having 50% or more ownership of Central Government, State Government, Union territory to the industrial units or the developers in any industrial or financial business area. The fact that RIICO is a shareholder in said leasing company does not equate it with RIICO. Therefore, in the opinion of this office, no exemption from GST is admissible in the present case.


**5. FINDINGS, ANALYSIS & CONCLUSION:**

Shri Manoj Mohanty and Shri Harish Kumar Dixit (Authorised Representatives) of applicant appeared for PH. During the PH, they requested to withdraw their advance ruling application and submitted an application dated 04.07.2019 in this regard.


**6.** In view of the foregoing, we rule as follows:-

**RULING**

Since the applicant has withdrawn the application, therefore no ruling is given.

  
J.P. MEENA 8/7/19  
Member  
(Central Tax)



  
HEMANT JAIN 8/7/19  
Member  
(State Tax)

SPEED POST

✓ M/s Indo Autotech Ltd.,  
Plot No. 332-338,  
Sector-24, Faridabad,  
Haryana 121005



F.No. AAR/Indo-Autotech1/2019-20/108-III Dated: 09/07/2019

Copy to:-

1. Commissioner, SGST & Commercial Taxes, Kar Bhawan, Bhawani Singh Road, Ambedkar Circle, C-Scheme-, Jaipur 302005.
2. Commissioner, CGST and Central Excise Jaipur Commissionerate, NCRB, Statue Circle, Jaipur, Rajasthan 302005.
3. Deputy Commissioner, CGST Division-G, Sector-10, Vidyadhar Nagar, Jaipur, Rajasthan 302005