

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



ADVANCE RULING(APPEAL) NO. GUJ/GAAR/APPEAL/2025/09
(IN APPLICATION NO. Advance Ruling/SGST&CGST/2023/AR/05)

Date : 24.02.2025

Name and address of the appellant	:	M/s Divyajivan Healthcare Pvt. Ltd., Plot No. 3A/3B, 401-402, Jay Complex, 4 th Floor, Purvi Society, 120, Hirabaug Circle, Varachha, Surat -395006.
GSTIN of the appellant	:	24AAICD9632J1ZE
Jurisdiction Office	:	Center Commissionerate – Surat Division – I- Surat Range - III
Advance Ruling No. and Date	:	GUJ/GAAR/R/01/2023 dated 07.01.2023
Date of appeal	:	16.02.2023
Date of Personal Hearing	:	21.01.2025
Present for the appellant	:	Shri Anish Goyal (CA)

At the outset we would like to make it clear that the provisions of the Central Goods and Services Tax Act, 2017 and Gujarat Goods and Services Tax Act, 2017 (hereinafter referred to as the 'CGST Act, 2017' and the 'GGST Act, 2017') are *pari materia* and have the same provisions in like matter and differ from each other only on a few specific provisions. Therefore, unless a mention is particularly made to such dissimilar provisions, a reference to the CGST Act, 2017 would also mean reference to the corresponding similar provisions in the GGST Act, 2017.

2. The present appeal is filed under section 100 of the CGST Act, 2017 and the GGST Act, 2017 by M/s. Divyajivan Healthcare Pvt. Ltd. (for short – 'Appellant') against the Advance Ruling No. GUJ/GAAR/R/01/2022 dated 07.01.2023.

3. Briefly, the facts are enumerated below for ease of reference:



4. The appellant has devised a plan, namely "Health Care Service (Diamond Plan)" wherein the appellant shall provide the health care services for next 20 years for which a lump-sum amount, say Rs. 10 lakhs will be charged. Under the plan the services will be provided to the family i.e. Member, Spouse & up to 2 children (age below 21 years). The appellant will also tie-up with other hospitals pan India from where the members can avail health care services.

5. The "Health Care Service (Diamond Plan)" of the applicant shall include the following health care services:

- i. Hospitalization benefits i.e., in-patient service up to INR 10 lakhs in a year;
- ii. Compulsory annual preventive health check-up with 100+ test/investigation/consultations covered which are tabulated as under:

Blood Investigation:	Cardiac Investigation:	Other Investigation:	Specialist Consultants:
Complete Hemograms (28)	ECG	PFT	General Physician
Lipid Profile (8)	2D echo & colour Doppler	Audiometry	Dental Surgeon
Liver Function Test (11)	TMT	Fundoscopy - Eye	General Surgeon
Harmone & Vitamins (4)	Chest X-ray	Refractive Errors	Gynaecologist
Renal Function Test (8)	Sonography Abdomen & Pelvic		
Urine & Stool Examination (18)	BMD		

- iii. Advance health check-up services which are Coronary Angiography, Cancer Markers, Endoscopy, MRI – any one part, Mammography & PAP Smear, Sleep Study, Foot Scan and Naturopathy.
- iv. Special health care treatments which are dental treatment (basic dental care or one implants per year if need arises), skin care treatment (no cosmetic/beautification treatment cover), adult vaccination (with basic vaccine cost).
- v. Privilege card benefits which are home care services, priority OPD appointments in tie-up hospital, tele-medical guidance through application.

6. The appellant further stated that they will digitalize the health records based on the above tests and treatments of the beneficiary members for their easy access and shall also provide regular reminders updates and health education tips.

7. In view of the foregoing facts, the appellant had sought Advance Ruling on the following questions, viz:

“Whether lump-sum amount received for Health care Services to be provided for 20 years by the applicant as “Diamond Plan” is exempted from Goods and Services Tax as per Sr. No. 74 of Notification No. 12/2017- Central Tax.”

8. Consequent to hearing the applicant, the Gujarat Authority for Advance Ruling [GAAR], recorded the following findings viz:

- that the Diamond Plan covered more than 100 types of test, sleep study, foot scan and naturopathy, special health care treatments like dental & skin care treatment, privilege card treatment, priority OPD appointments in tie-up hospital, tele-medical guidance through application;
- that all the services provided to the customers under the Diamond Plan is required to be examined in detail to know the nature and characteristic of the service and to decide the taxability under GST;
- that the applicant has not submitted any documents with regard to Diamond Plan which contained in detail the nature and characteristics of services provided under Diamond Plan;
- that the applicant has stated that they have tie up with other hospital pan India but have not submitted any documents in this regard & therefore it is difficult to know the scope of service, types of services to be provided by such Hospital and terms and conditions of the payment;
- that the applicant failed to submit the documents which contains the details of services to be provided under the ‘Diamond Plan’ to the potential customer;
- that in absence of documents it is not possible to figure out as to whether the services mentioned in the application are covered under the Health Care Service or otherwise.

9. The GAAR, thereafter, vide the impugned ruling dated 18.10.2021, held as follows:

“The application of the applicant is not maintainable.”

10. Aggrieved, the appellant is before us, raising the following contentions, viz

- that the services proposed to be provided by them are health care services and the same are exempted under Sr. No. 74 of the of notification No. 12/2017- Central Tax (Rate) dt. 28.06.2017;
- that they had submitted detailed nature and characteristics of services under Diamond Plan;
- that the person availing “Health Care Service (Diamond Plan)” cannot get treatment or care for illness at a hospital of his/her choice nor can he claim any reimbursement for getting treatment/care for illness at any hospital, other than the hospital of the appellant or the hospital suggested by the appellant.



11. Personal hearing in the matter was held on 21.01.2025 wherein Shri Anish Goyal, CA, appeared and reiterated the submissions made in the appeal.

12. We have carefully gone through and considered the appeal papers, written submissions filed by the appellant, submissions made at the time of personal hearing, the Advance Ruling and other materials available on record.

13. GAAR, vide its impugned ruling dated 7.1.2023, held the application filed by M/s. Divyajivan Healthcare Pvt. Ltd., to be not maintainable based on the below mentioned findings:

"14. We find that Diamond Plan of the applicant covered more than 100 types of test, Sleep Study, Foot Scan and Naturopathy, Special health care treatments like Dental & skin care treatment, Privilege card treatment, Priority OPD appointments in tie-up hospital, tele-medical guidance through application. All types of such service provided to the customer under Diamond Plan are required to be examined in detail to decide the nature and characteristic of the service to decide the taxability under GST. The applicant has not submitted any type of documents with regard to Diamond Plan which contained in detail nature and characteristics of services provided under Diamond Plan.

15. We find that the applicant have also tie up with other hospital in pan India to provide the service mentioned under 'Diamond Plan' but have not submitted any documents in this regard so that we are not in position to know the Scope of Service, types of services to be provided by such Hospital and terms and conditions of the payment. Also the applicant have failed to submit the documents which contains the details of services to be provided under the 'Diamond Plan' to the potential customer. The applicant has not disclosed the correct fact/information in respect of this application therefore, in absence of such documents it is not possible to figure out the services which have mentioned in the application are covered under the Health Care Service or otherwise."

14. We find that appellant has now vide Annexures H and I to the appeal papers, attached only a single sheet of paper listing out the details of Diamond plan and has also submitted a copy of the bill of supply No. 3/2021-22 dated 12.8.2021, issued to one of their customers.

15. We are constrained to state that complete set of documents, as sought for in paragraphs 14 and 15 of the impugned ruling dated 7.1.2023, is not produced before us.

16. Hence, the only option left is to reject the appeal filed by the appellant on the grounds that they have not provided the relevant documents to enable us to decide the matter.

17. In view of the foregoing, we reject the appeal filed by M/s Divyajivan Healthcare Pvt. Ltd against Advance Ruling No. GUJ/GAAR/R/01/2023 dated 07.01.2023 passed by the Gujarat Authority for Advance Ruling.



(Rajeev Topno)
Member (SGST)

Place: Ahmedabad
Date: 28.02.2025



(B V Siva Naga Kumari)
Member (CGST)