

GUJARAT APPELLATE AUTHORITY FOR ADVANCE RULING GOODS AND SERVICES TAX D/5, RAJYA KAR BHAVAN, ASHRAM ROAD, AHMEDABAD – 380 009.	
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ADVANCE RULING (APPEAL) NO. **GUJ/GAAAR/APPEAL/2026/01**
(IN APPLICATION NO. Advance Ruling/SGST&CGST/2025/AR/01)

Date : **25/02/2026**

Name and address of the appellant	:	<i>M/s Vegan Wood Private Limited,</i> R S No. 161/163 Plot No.3, B/h Rangpar Bus Stop, Kandala Chotila Highway, National Highway 27, At Rangpar PO, Jalida, Wankaner, Morbi, Gujarat-363621.
GSTIN of the appellant	:	24AAYCA9611L1Z2
Jurisdiction Office	:	Office of the Assistant Commissioner of State Tax, Unit-89, Range-22, Division-10, Rajkot.
Advance Ruling No. and Date	:	GUJ/GAAR/R/2025/04, dated 21.03.2025
Date of appeal	:	15.04.2025
Date of Personal Hearing	:	21.01.2026
Present for the appellant	:	Shri Atul Chande (Advocate)

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. Vegan Wood Private Limited (for short – 'Appellant') against the Advance Ruling No. GUJ/GAAR/R/2025/04, dated 21.03.2025.

3. Briefly, the facts are that the appellant is engaged in the manufacture of '**Natural Fibre Composite Board**' [NFC] also commonly referred to as Rice Husk Boards, at their manufacturing facility.



4. The appellant further stated that the product is manufactured using agro-waste like rice husk powder, combined with calcium carbonate, PVC resin, recycling waste, and processing aids such as thermos-coupling agents etc. and lubricants. PVC is used solely as a binding agent, and the board simulates characteristics similar to wood-based particle boards. The appellant is further of the view that the product is classifiable under CTH 441193.

5. In view of the foregoing facts, the appellant sought Advance Ruling on the following questions, *viz.*

"Whether the rice husk board manufactured by us comprising of natural fibre [rice husk powder], calcium carbonate, recycling waste & other processing aid as well as PVC resin, wherein PVC acts only as a bonding agent would remain classified as wood and articles of wood under chapter 44 & attract 12% rate of GST?"

6. Consequent to hearing the applicant, the Gujarat Authority for Advance Ruling, recorded the following findings *viz.*

- (a). that Indian Plywood Industries Research Institute (IPIRI), Bangalore, had undertaken research work in 1977 to develop particle board using ligno cellulosic agricultural residue such as rice husk, groundnut shell etc;
- (b). that the research work involved development of suitable resin for binding the particle and development/identification of machinery for the manufacture; laboratory work was completed in 1982 and it was also established that rice husk is a good alternative material for use in the manufacture of particle board;
- (c). that as far as the materials involved in the particle board are concerned, the three BIS standards, which cover the particle boards based on their density are as under: -
 - (i) BIS 3478: 1966 which deals with high density particle board where in any suitable species of timber may be used;
 - (ii) BIS 3087: 2005, which covers medium density particle boards wherein any species of wood and/or other lignocellulosic materials may be used in the manufacture of particle board; for ECO-Mark, only species from sources other than natural forests such as wood from rubber, cashew, industrial and social forestry plantations, etc, and shade trees



from tea and coffee estates, wood residues or agricultural/forest residues shall be used for the manufacture of particle boards.;

(iii) BIS 3129 : 1985, which covers the low-density particle boards wherein timber and other ligno-cellulosic material like bagasse, solapith, jute sticks, rice husk, pea-nut shells, etc, may be used for the manufacture of these boards; these shall be lightweight materials of bulk density preferably not exceeding 400 kg/m³ and shall be free from extraneous matter and dust.;

(d). that the applicant has provided a copy of the test report dated 23.12.2024, which confirms the contents of the rice husk board; however, the contents of the product etc. exactly resemble those in the Ruling no. 54/ARA/2019 dated 23.12.2019, in the case of M/s. Papaka Herbs & Spices Ltd., and it is difficult to believe that this is a coincidence.

(e). that the test report provided by the applicant contains a remark: "All above parameters are not covered/not accredited under NABL Scope of Accreditation";

(f). that the test parameters nowhere state that the BIS is followed for arriving at the test result and the applicant should have provided the test report from a government recognised laboratory, as listed in the annexure to CBIC circular No. 43/2017-Customs dated 16.11.2017;

(g). that the applicant has not provided copies of either the brochure, copies of purchase invoice of inputs, copies of sales invoices, etc.

7. The Advance Ruling Authority, thereafter, vide the impugned ruling, dated 21.03.2025, held as follows:

"We hold the application to be non maintainable in view of our findings mentioned supra."

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

(a). that the use of the previous similar case of *M/s. Papaka Herbs & Spices Ltd* should not be grounds to discredit the application;

(b). that reliance on a customs circular No. 43/2017-Customs to determine GST classification is legally untenable.;



(c). that the authority never informed the appellant that the test report submitted by them would not be considered;

9. Personal hearing in the matter was held on 21.01.2026 wherein Shri Atul Chande (Advocate) appeared and reiterated the submissions made in the appeal.

FINDINGS: -

10. 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 impugned Advance Ruling and other materials available on record.

11. The appellant's primary contention is that their product falls under HSN 441193 as Natural Fibre Composite Boards/Sheets (NFC) particularly Rice Husk Board & Rice Husk Profile attracting 12% GST.

12. The Advance Ruling Authority, vide their impugned ruling, in paragraph 14 has observed that the appellant failed to provide any details of purchase invoices of inputs, copies of sales invoices, brochure etc. On account of lack of adequate details, the advance ruling authority, vide it's impugned ruling, held that the appellant's application is non maintainable.

13. The appellant, in their application made before the advance ruling authority, had not submitted the details of purchase invoice of inputs, copies of sales invoices, brochure of the product. However, in the appeal papers they have submitted the copies of purchase invoices of Raw Materials and sales invoices of Rice Husk Board and Rice Husk Profile. Further, during the course of hearing, the representative of the appellant has stated that they are now in a position to provide the details/documents which they did not submit before the advance ruling authority.

14. The advance ruling authority, while passing their ruling, did not have the benefit of going through these materials and, therefore, the authority has not given any ruling on the question raised before it.



15. Section 101 of the CGST Act, 2017, states as under: -

Section 101: Order of the Appellate Authority

(1) The Appellate Authority may, [after giving the parties] to the appeal or reference an opportunity of being heard, pass such order as it thinks fit, **confirming or modifying** the ruling appealed against or referred to.

[emphasis supplied]

16. A plain reading of the subsection (1) of the section 101, *ibid*, depicts that the appellate authority may pass such order as it thinks fit, by either confirming or modifying the ruling pronounced by the advance ruling authority.

17. The advance ruling authority, as is already mentioned, has not given any ruling in the matter. Therefore, there is nothing before this appellate authority to decide on the merits of the case. We also note that the appellants have now submitted the copies of purchase invoices of Raw Materials and sales invoices of Rice Husk Board and Rice Husk Profile. Further, during the course of hearing, the representative of the appellant has stated that they are now in a position to provide the details/documents which they did not submit before the advance ruling authority.

The material produced for the first time needs to be verified for its factual accuracy and relevance to the issue in question.

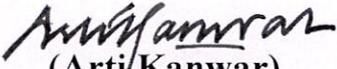
Hence, we deem it appropriate that the case is remanded back to the Advance Ruling Authority to examine the issue afresh in the light of the materials and records now available.

18. We also rely on the below mentioned rulings issued by various Appellate Authorities for Advance Ruling wherein matters have been remanded to the Authority for Advance Ruling *viz.*

- *Myntra Designs Pvt Ltd - Karnataka AAAR Order No. KAR/AAAR/06/2022 dated 21.11.2022.*
- *D.M Net Technologies - Gujarat AAAR Order No. GUJ/GAAAR/APPEAL/2022/16 dated 22-08-2022,*
- *D K V Enterprises Pvt Ltd - Andhra Pradesh AAAR order No. AAAR/AP/02(GST)/2020 dated 31-08-2020.*



19. In view of the above discussion, the impugned ruling, dated 21.03.2025 is set aside and the matter is remanded back to the Authority for Advance Ruling for fresh decision. The Authority for Advance Ruling will take into consideration all aspects of the matter and all fresh records submitted to it or called for by it and decide the case afresh after affording adequate opportunity of hearing to the appellant.


(Arti/Kanwar)
Member (SGST)




(Sunil Kumar Mall)
Member (CGST)

Place: Ahmedabad

Date :25/02/2026